

10:00 a.m. (EST)
1-866-362-9768
552-970-8972#



Environment Committee

March 22, 2018

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**2018 Environment Committee
Calendar**
Meetings will begin at 10:00 a.m.

Thursday, March 22
Thursday, May 31
Tuesday, December 11

OMA Environment Committee Meeting Sponsor:





OMA Environment Committee
March 22, 2018

Agenda

Welcome & Roll Call	Chairman Julianne Kurdila, ArcelorMittal
Solid Waste Fee Increase	Member Discussion
Ohio EPA Phosphorus Proposal	Member Discussion
Ohio EPA/Industry Permit Processing Efficiency Presentation	Tim Ling, Plaskolite Chris Jones, Calfee, Halter & Griswold LLP Mike Hopkins, Ohio EPA
Counsel's Report	Frank Merrill, Bricker & Eckler
Public Policy Report	Rob Brundrett, OMA Staff
Guest Speaker	Laura Factor, Assistant Director, Ohio EPA Michael Guastella, Chief of Legislative Affairs, Ohio EPA
Public Policy Report	Rob Brundrett, OMA Staff
Lunch	

Please RSVP to attend this meeting (indicate if you are attending in-person or by teleconference) by contacting Denise: dlocke@ohiomfg.com or (614) 224-5111 or toll free at (800) 662-4463.

Additional committee meetings or teleconferences, if needed, will be scheduled at the call of the Chair.

OMA Environment Committee Meeting Sponsor:



Laura Factor, Assistant Director Ohio Environmental Protection Agency

Laura Factor was first appointed assistant director in January 2005. Factor assists the director in overseeing key program activities and establishing agency priorities to protect Ohio's air, land and water resources. Factor also oversees the Agency's legislative efforts and policy/rule development. Factor came to Ohio EPA in August 1991 as a legislative liaison, became chief of Ohio EPA's Office of Legislative Affairs in 1999, and Deputy Director for Policy and Legislation in 2001.

Prior to joining Ohio EPA, Factor was a legislative aide to Senator Gary Suhadolnik, then Chair of the Senate Energy, Natural Resources and Environment Committee. While there, the Senate Committee passed several major pieces of legislation including House Bill 592, the first significant solid waste management statute in Ohio. A graduate of Duke University, Factor majored in public policy studies.

Michael Guastella, Chief of Legislative Affairs

Michael Guastella coordinates the legislative affairs for the agency, and serves as a liaison to the legislature and the Governor's office on environmental issues. Guastella represents the Agency before the Legislature and responds to questions and concerns from legislators.

Biographical Sketch

Timothy W. Ling, P.E.
Environmental Director
Plaskolite, LLC.

P.O. Box 1497, Columbus, OH 43216-1497
(614) 294-3281, tim.ling@plaskolite.com

Mr. Ling is the Environmental Director for Plaskolite LLC., a 68-year old, Columbus-based manufacturer of continuously processed acrylic sheet. Mr. Ling is responsible for Plaskolite's environmental compliance at its 7 manufacturing facilities in Ohio, California, Tennessee, Texas, Mississippi, and Mexico. He has over 27 years of experience in environmental engineering, both as a consultant to businesses, and now as in-house environmental manager. He has spoken and written on a wide range of environmental topics. Mr. Ling was a participant in the Ohio EPA/Industry Permit Process Efficiency Committee (PPEC) in 2001, and served on PPEC's Workload Reduction Subcommittee.



Mr. Ling graduated at the top of his class with a Bachelor of Science degree in Civil Engineering from the Florida Institute of Technology (1989), and a Master of Science degree in Civil Engineering from the University of Notre Dame (1991). He is a Registered Professional Engineer in the states of Ohio and Florida.

Michael E. Hopkins

Michael Hopkins has been with the Ohio EPA since 1980. He is currently the Assistant Chief, Permitting of the Ohio EPA. His duties include the review and final approval for all air pollution permit-to-install, permit-to-install and operate, and Title V permitting in the State, the development of technical support for air pollution control regulations, litigation support, MACT program support, Tax Program support and general air pollution planning activities. He has been in this position since April 2003. Before this assignment, he was in charge of the Air Quality Modeling and Planning Section with similar duties as above from August 1993 through April 2003. Prior to that assignment, he was in charge of the engineering section of the Ohio EPA Central District Office air program. The engineering section is responsible for reviewing air pollution permit-to-install and permit-to-operate applications for compliance with air pollution regulations, facility inspections, complaint investigations, enforcement case development, policy and rule development, the Emissions Inventory Program, and other related duties in the central Ohio area.



Mr. Hopkins earned his Bachelor's degree in environmental engineering from the Pennsylvania State University. He is a licensed Professional Engineer in the State of Ohio. He is a member of the Air and Waste Management Association, the National Society of Professional Engineers and the Ohio Society of Professional Engineers.

Michael E. Hopkins, P.E.
Assistant Chief, Permitting
Ohio EPA
P.O. Box 1049
Columbus, OH 43216-0149
(614) 644-2270
(614) 644-3681 (FAX)
mike.hopkins@epa.ohio.gov

Christopher Jones

614.621.7004

cjones@calfee.com

CHRIS is a Senior Counsel in the Columbus office of Calfee, Halter & Griswold LLP. He has more than 25 years of experience in the environmental field including six years as Director of the Ohio Environmental Protection Agency and four years as chief of the Ohio Attorney General's Environmental Enforcement Section. While Director of Ohio EPA, Chris was a two-term elected president of the Environmental Council of the States (ECOS), a national organization of all of the directors of state environmental agencies. In this role, he served as the primary liaison between the states and the U.S. EPA.



Chris is currently a member of the Board of the Greater Ohio Policy Center and is the former chair of the board of trustees of the Nature Conservancy, Ohio Chapter. He is also a senior member of the board of directors of the Environmental Research Institute of the States (ERIS). Chris was an original member of the Clean Ohio Council. He has an AV Preeminent Rating from *Martindale-Hubbell*. Chris is also a member of the Ohio and Columbus Bar Associations. Chris is routinely recognized as one of "America's Leading Lawyers" by *Chambers USA*, most recently in 2017 in the area of Natural Resources & Environment. He also is selected for inclusion in *The Best Lawyers in America*© (2012-2018) in the areas of Environmental Law.

**Principal Practices**

- > Environmental
- > Government Relations and Legislation
- > White Collar Defense and Investigations
- > Energy Industry Team
- > Energy and Natural Resources
- > Compliance Services
- > Aviation Law

Education

- > Georgetown University Law Center, J.D., 1990
- > Ohio Wesleyan University, B.A., 1979

Admissions

- > State of Ohio
- > U.S. District Courts (Northern and Southern Districts of Ohio)
- > U.S. Court of Appeals for the Sixth Circuit



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Amanda George

H.B. 463

132nd General Assembly
(As Introduced)

Rep. LaTourette

BILL SUMMARY

- Increases, from 25¢ to 50¢ per ton, one of the state fees levied on the transfer or disposal of solid waste in Ohio, the proceeds of which are deposited in the existing Soil and Water Conservation District Assistance Fund.
-

CONTENT AND OPERATION

Solid waste transfer or disposal fees

The bill increases, from 25¢ per ton to 50¢ per ton, one of the state fees that is levied on the transfer or disposal of solid wastes in Ohio. Under current law, the proceeds of that fee are deposited into the existing Soil and Water Conservation District Assistance Fund.¹ That Fund is used by the Department of Agriculture to provide money to soil and water conservation districts.²

In addition to the fee to aid soil and water conservation districts, the following fees are levied on the transfer or disposal of solid wastes in Ohio under current law:³

¹ R.C. 3734.57(A)(4). The fee is effective through June 30, 2020.

² R.C. 940.15, not in the bill.

³ R.C. 3734.57(A).

Fee	Fund into which fee is deposited
90¢ per ton	20¢ per ton into the Hazardous Waste Facility Management Fund ⁴ 70¢ per ton into the Hazardous Waste Clean-up Fund ⁵
75¢ per ton	Waste Management Fund ⁶
\$2.85 per ton	Environmental Protection Fund ⁷

All of the fees described above are levied on solid waste transfer or disposal through June 30, 2020.⁸

HISTORY

ACTION	DATE
Introduced	01-16-18

H0463-I-132.docx/ts

⁴ R.C. 3734.18, not in the bill.

⁵ R.C. 3734.28, not in the bill.

⁶ R.C. 3734.061, not in the bill.

⁷ R.C. 3734.015, not in the bill.

⁸ R.C. 3734.57(A).





September 25, 2017

VIA Electronic Mail (dap@lakeerie.ohio.gov)

Ohio Lake Erie Commission
P.O. Box 1049
Columbus, Ohio 43216

Re: Ohio Manufacturers Association Comments on the Ohio Lake Erie Commission's
Draft *Domestic Action Plan 2018*

Dear Commissioners,

Pursuant to the September 1, 2017, public notice published by the Ohio Lake Erie Commission (OLEC), The Ohio Manufacturers' Association (OMA) hereby submits written comments on the draft Ohio Domestic Action Plan (Action Plan).

The OMA represents over 1,400 manufacturers in every industry throughout Ohio. For more than 100 years, the OMA has supported reasonable, necessary and transparent environmental regulations that promote the health and well-being of Ohio's citizens. Many of OMA's members will be adversely impacted by the new standards and requirements set forth in the draft Action Plan. While OMA strongly supports the efforts of OLEC and its coordinating agencies, we have significant concerns regarding certain components of draft Action Plan, which concerns are outlined in these comments.

General Statement

OMA supports the hard work and study that OLEC has performed in preparation of the draft Action Plan and we expect, upon full review of the Plan, to support many of the components of the draft Action Plan. While we generally support OLEC's efforts, OMA has identified several critical concerns related to the draft Action Plan. Each of these concerns is outlined in detail in the following sections, and briefly summarized as follows:

- A. We have grave concern regarding the draft Action Plan's call for a legislative mandate of a 1.0 mg/L monthly average phosphorus limit for all treatment works in Ohio. As detailed in Section 1 below, this radical and unjustifiable shift in NPDES permitting in Ohio is completely unfounded, arbitrary, contrary to current statutory programs in Ohio, and not scientifically defensible. It would impose unnecessary and extensive costs on regulated parties without measurable decrease in Lake Erie phosphorus loads. The draft Action Plan adequately addresses point source discharges through other permitting components, such as facility-specific assessment of need, and this legislative mandate only

undermines that methodical and defensible approach to permitted dischargers. For the Action Plan to meet due process and other legal requirements and to align with the Action Plan's broader adaptive management protocols, the legislative mandate must be removed from the draft Action Plan.

- B. OMA is concerned about the very general reference in the draft Action Plan to development of a recreational use standard related to microcystin for the open water of Lake Erie (Item 9, page 16). To the extent OEPA proceeds with development of a standard or a protocol for microcystin, OEPA and OLEC should evaluate and take into consideration the many serious concerns raised by the scientific and regulated community in response to USEPA's December 2016 proposed "Draft Human Health Recreational Ambient Water Quality Criteria and/or Swimming Advisories for Microcystins and Cylindrospermopsin" (Docket ID No. EPA-HQ-OW-2016-0751, www.regulations.gov).
- C. The Action Plan comprises dozens of regulatory and other controls and standards new to the Lake Erie basin that will impact businesses, local governments, and residents in a variety of ways for decades to come. As detailed in Section 3 below, it is unreasonable, arbitrary, and contrary to both the letter and the spirit of Ohio's administrative laws to provide a mere 24-day public review period for such an important agency action. We believe that under Ohio law, OLEC is required to provide additional time for thoughtful review by the public to ensure the Action Plan is ultimately viable and defensible. We reserve the right to supplement these comments upon completion of a full review the draft Action Plan and supporting documentation.

The following sections address each of these concerns in detail.

1. **The proposed blanket phosphorus limit for NPDES dischargers is arbitrary and not scientifically principled, and, for the Action Plan to be lawful, it must rely on the facility-specific permitting provisions and not this unfounded mandate.**

While OMA understands and supports the need for action items to address phosphorus loads from both point and non-point sources to achieve the Lake Erie phosphorus reduction goals, the proposal to establish a legislative mandate for 1.0 mg/L phosphorus limits in all NPDES permits is arbitrary and unfounded. This proposal, first presented on page 16 (item 7) of the draft, contravenes the legal requirements for establishing permit limits and departs sharply from the goals of the Action Plan and the directives in the Great Lakes Water Quality Agreement and the Western Basin of Lake Erie Collaborative Framework, which focus on adaptive management protocols to achieve the most reduction in the most efficient and reasonable manner. The proposed blanket, arbitrary concentration limit would, in many cases, impose unnecessary, unreasonable and expensive controls without creating any meaningful progress towards the targets of

the Action Plan. Each of these general objections is discussed in more detail in the following subsections.

A. The 1.0 mg/L limit will in many cases be arbitrary and unnecessary, with no measurable benefit to Lake Erie but implemented at great cost to the discharger, and this mandate is not necessary or appropriate to achieve the targets of the Domestic Action Plan.

As documented in the Figure on page 5 of the draft Plan, point source dischargers, in total, comprise only 9% of the total phosphorus load in the priority Maumee Watershed and comprise a similar amount in other watersheds. Furthermore, of that already small contribution, large, heavily regulated POTWs contribute the majority of the load, leaving the load from small phosphorus sources as a generally negligible source to Lake Erie. In fact, many of the facilities that would face this new limit are far upstream and are outside of the priority basins. Imposing a 1.0 mg/L limit on these small sources will essentially have no measurable impact on the load to the Lake Erie basin, but will impose an enormous cost on these dischargers, many of whom do not have, and are not required to have, the technology in place to remove phosphorus (including most impacted industrial facilities). Additionally, a 1.0 mg/L phosphorus limit would impose far more stringent reductions on certain dischargers than the 40% load reduction set forth in the Great Lakes Agreement and thus goes well beyond the legal framework of the Action Plan. Finally, for these facilities, it is likely that mandating phosphorus limits and compelling the implementation of treatment will cause more environmental harm than is justified by the small load reductions. In sum, there is no scientific or regulatory basis for these limits, and the attempt to impose this kind of blanket limit is unreasonable and indefensible.

Additionally, to the extent OEPA needs to limit phosphorus from a point source discharger in order to reasonably and prudently achieve the Action Plan targets, other provisions of the draft Action Plan already cover this need. Phosphorus limits can (and should) be determined in accordance with Item 1 on page 15 of the Plan, whereby OEPA commits to imposing appropriate phosphorus limits as necessary on a facility-specific basis. Thus, where a 1.0 mg/L limit is necessary based on sound science and reasonable and fair planning, the Action Plan already accounts for this process. Because it is both arbitrary and unnecessary, the reference to a 1.0 mg/L mandated limit must be removed from the draft Action Plan.

B. The proposed statutory mandate would violate the due process rights of certain NPDES dischargers by establishing arbitrary and unnecessary limits without the right of appeal.

The draft Action Plan provides no scientific support for a blanket 1.0 mg/L phosphorus discharge limit. In many cases, as noted above, the blanket standard would be imposed on dischargers where achieving the 1.0 mg/L limit would not result in a measurable

reduction in phosphorus at the Lake. Additionally, the reduction to 1.0 mg/L will in some cases require as much as 80 to 90% reductions, as some dischargers have very low load but a concentration much higher than 1.0 mg/L – and all of this reduction would come at significant cost. However, while these limits would be arbitrary and unnecessary, the discharger would have limited right to appeal its permit given the statutory basis for the limit. It is arbitrary to impose a statutory mandate that creates an unnecessary and burdensome limit but implicitly strips the discharger of its due process rights to challenge such a limit.

C. The proposal to mandate a stringent phosphorus limit in all circumstances contradicts the Adaptive Management process that underlies the Western Lake Erie Basin Collaborative Implementation Framework (WEBCF) and OEPA’s articulated process for addressing nutrients.

In addition to risking the imposition of arbitrary and unnecessary limits on certain facilities, the proposed mandate also contradicts the core principle of the Domestic Action Plan and the WEBCF. In its opening section, the draft Action Plan provides that “[c]entral to the implementation of the Domestic Action Plan is the adaptive management process.” (Plan at page 3) Similarly, the WEBCF contains an identical directive and supports the concept of evaluating loads and directing reductions through a methodical approach that secures the most benefit in the most efficient manner possible. (WEBCF at 3). The adaptive management approach recognizes that, in order to avoid unnecessary and often costly reductions, priority actions should be implemented and measured in steps or phases, with successive steps being informed by the success and outcomes of the previous work.

Contrary to this core principle of the Action Plan, the proposed 1.0 mg/L blanket phosphorus permit limit for “all treatment works” defies adaptive management. It would require all dischargers, irrespective of contribution, location, and cost and without any adaptive management protocols, to meet this restrictive standard in the first instance. This is particularly important where (a) some of the targeted sources are small or de minimis contributors to the phosphorus load, (b) a 1.0 mg/L constitutes far more than a 40% reduction, and (c) the costs to meet a 1.0 mg/L limit are often high, especially where phosphorus treatment is not a technically feasible option. To reiterate, some small dischargers would see load reduction requirements far in excess of 40% if subject to this unreasonable limit.

Unlike the blanket limit, Item 1 on page 15 of the draft Action Plan sets forth a reasonable and prudent adaptive management approach to phosphorus permitting, and one that fits squarely within the action plan established in the WEBCF. This provision, and not an arbitrary mandate, should control the NPDES permitting process for the Lake Erie Basin.

As an additional matter, OEPA is implementing adaptive management measures through both SB-1 and through the development of the Stream Nutrient Assessment process. Both of these important programs look to adaptive management protocols, based on sound science and technology, to evaluate the necessary controls for facilities. A blanket 1.0 mg/L mandate would fundamentally undermine and contravene these programs, notwithstanding the fact that OEPA relies on the SB-1 program as an action item in the draft Action Plan.

D. The proposed mandate fails to comply with Ohio law requiring OEPA to perform a technical feasibility and economic reasonableness analysis on any proposed permit limits.

OEPA must perform a technical feasibility and economic reasonableness analysis on any proposed permit limits. R.C 6111.03(J)(3). If this legislative mandate proceeds, it would contravene this existing legislative requirement and strip dischargers of these important statutory protections. Even if an overall target of 1.0 mg/L from a permitted point source could be scientifically justified, the Action Plan as drafted would exclude more reasonable and economically-justifiable site-specific approaches that would allow offsets from facilities that are capable of achieving higher reductions at lower costs (or other adaptive management tools).

E. The proposed phosphorus creates secondary concerns as well.

In addition to the key legal and technical concerns outlined above, the proposal suffers additional drawbacks. First, while no blanket limit is appropriate, the reliance on a concentration limit is particularly unreasonable. The Great Lakes Agreement is premised on the phosphorus load, and a concentration limit of 1.0 mg/L bears little relationship to the load itself and is the wrong value to assess.

Second, and only as a point of clarification, the OLEC is not authorized to, and, we expect, did not intend to, impose standards or expectations outside of the Lake Erie watershed. This limitation should be clarified throughout the draft Action Plan, as certain statements appear to be applied statewide when such an action would be well outside of OLEC's statutory authorization. R.C. 1506.21.

2. OEPA should engage a stakeholder process and consider the serious concerns of the scientific and regulated community if it proceeds with development of a recreational use standard and advisory protocol for microcystin.

OMA is concerned about the very general reference in the draft Action Plan to development of a recreational use standard related to microcystin for the open water of Lake Erie (Item 9, page 16). To the extent OEPA proceeds with development of a standard or a protocol for microcystin, OEPA and OLEC should evaluate and take into

consideration the many serious concerns raised by the scientific and regulated community in response to USEPA's December 2016 proposed "Draft Human Health Recreational Ambient Water Quality Criteria and/or Swimming Advisories for Microcystins and Cylindrospermopsin"(Docket ID No. EPA-HQ-OW-2016-0751, www.regulations.gov). Additionally, given the complexity and wide-ranging implications of such a standard or protocol, OEPA should engage a technical advisory group comprised of a variety of stakeholders to support and inform the development process.

3. Because the Action Plan will impose new standards and requirements with broad impact across Ohio, more time for review of the Plan is required by interested parties.

By its own statements, the draft Action Plan establishes the standards, including key regulatory action items by a number of administrative agencies that will ultimately govern the nutrient load entering Lake Erie. The draft Action Plan includes standards established by OEPA and other agencies that would impose significant costs on a variety of stakeholders – farmers, agribusiness, municipalities, industrial facilities, and residents of and visitors to Ohio – and that will govern these stakeholders for decades into the future. Each of these groups and individuals has a strong stake in this Action Plan – both in its burdens and, more importantly, in its success.

As an initial matter, OLEC's Plan states that it was developed "with input through meetings and conversations with various stakeholder groups..." Action Plan at 2. The core stakeholder group did not include representatives of industrial dischargers (or, for that matter, any municipal wastewater groups). Critically-affected entities were not involved in the development of this important Plan.

With this background, a robust public notice and public review and comment period becomes all the more critical. It is impossible to evaluate the impacts of such an important set of standards and mandates, which will control operations in Ohio for decades to come, in the timeframe initially proposed by Ohio EPA for review and comment. While we appreciate the fact that comments after the deadline will be given thoughtful consideration, OMA remains concerned that interested manufacturing parties will not be able to provide comments in a timely fashion.

Conclusion

The OMA appreciates the opportunity to comment on the draft Action Plan. As outlined above, while OMA and its members support the hard work of OLEC and OEPA in the Lake Erie basin, we have serious concerns about certain components of the draft Action Plan. We look forward to working with OLEC and OEPA to ensure a scientifically-sound approach to phosphorus regulations for point source dischargers in the Lake Erie Basin that does not impose unreasonable, unnecessary and arbitrary controls on individual municipal and industrial dischargers.

OMA Comments
OLEC Draft Action Plan
September 25, 2017
Page 7

If OLEC has any questions regarding the foregoing, please do not hesitate to contact me or OMA's environmental counsel, Frank Merrill at Bricker & Eckler LLP (614-227-8871).

Sincerely,



Rob Brundrett
Director, Public Policy Services

cc: Mr. Karl Gebhardt, OEPA
William Fischbein, Esq., OEPA
Frank Merrill, Esq.

The PPEC Legacy



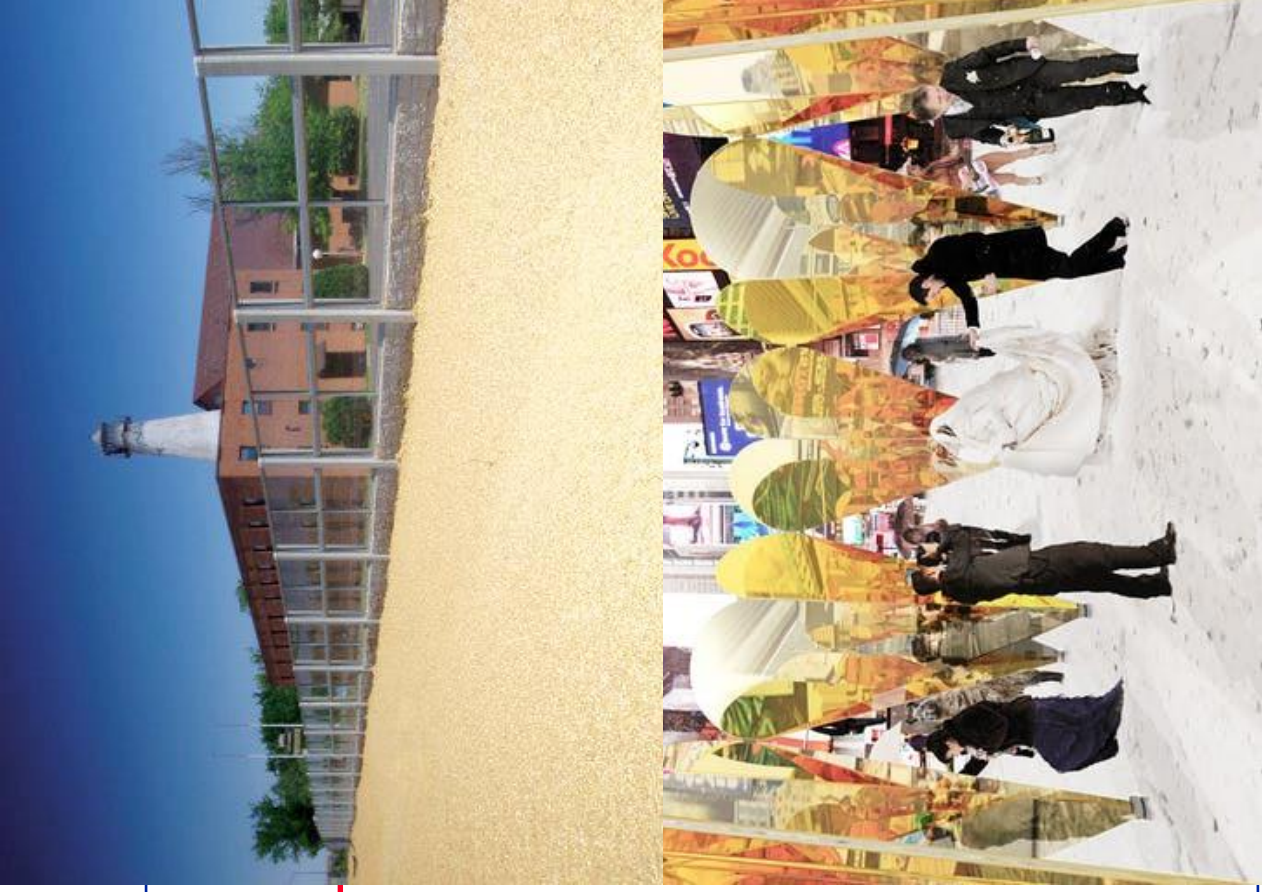
*Timothy W. Ling, P.E.
Environmental Director
Plaskolite, LLC.*

*Christopher Jones
Attorney at Law
Calfee, Halter & Griswold LLP*

*Michael E. Hopkins, P.E.
Assistant Chief, Permitting
Division of Air Pollution Control
Ohio EPA*

Plaskolite, LLC

- 68 years old
- Plastic sheet & pellet
- 7+ plants



Pre-PPEC (Prior to 2002)



- **“All-Drama, All-The-Time”**
- **Permit process broken**
 - **PTI, PTO, Title V, SMPTI, FESOP**
 - **HUGE** permit backlog
 - **LONG** processing times (>180d)



Pre-PPEC (Prior to 2002)

- Air permitting very stressful
- Major & minor = **same pain**
- Outcome & timing uncertain
- Inconsistent interpretations
- BAT study...or not?
- Air toxics study...or not?



PPEC

(www.epa.state.oh.us/dapc/ppec/index.aspx)

- **Initiated by OMA & Ohio EPA**
- **Met throughout 2001, with final report on 1/22/2002**
(<http://www.epa.state.oh.us/portals/27/ppec/ppecfinal.pdf>)
- **Follow-up workgroups 2002 - 2003**
- **Implementation 8/2004 – 8/2006**

PPEC – The Director’s View

Christopher Jones
Calfee, Halter & Griswold LLP
614-621-7004
cjones@calfee.com

Background

- > Everybody wanted a PTI immediately
- > With a PTI, the applicant could build
- > The PTI let you operate without the need for a PTO
- > There was a 10-year backlog of PTO's
- > DAPC staff was shrinking due to the budget situation

What was the climate?

- > Audit Privilege and Immunity Statute was passed in 1997
- > Environmental groups petition USEPA in 1999 to revoke delegation of CAA, CWA, and RCRA authority from Ohio EPA
- > George W. Bush elected in 2000
- > Term Limits impact General Assembly

- > Met with OMA, Chamber, Chemistry and Technology Council, Petroleum Council to discuss air permitting backlog and set up committee to discuss improvements
- > Decide to initiate PPEC process
- > Invite various business organizations to participate in process
- > Invite various environmental groups to participate in process – they don't
- > Business leaders strongly support effort

Setting Expectations

- > The process had to have a time limit
- > Topics for review were selected
- > USEPA was invited, and agreed to participate
- > Joe Secret was named Co-Chair
- > Al Franks was assigned to oversee the process from Ohio EPA
- > Consensus was the goal for recommendations

Setting Expectations

- > Subcommittees would meet on a monthly basis
- > Recommendations needed to be realistic, implementable, and measurable
- > Any rule changes still had to go through the rulemaking process

- > Not every issue went smoothly
- > Some issues did not reach a consensus
- > Everybody kept working to accomplish the goals
- > USEPA was a relatively helpful participant
- > At the end of the process the environmental groups complained that they weren't invited to participate, lobbyists paid off ... Somebody?

Results

- > The process worked
- > The air permitting program works better
- > Permits are more timely
- > There is always room for improvement.

> Questions?

Office Locations

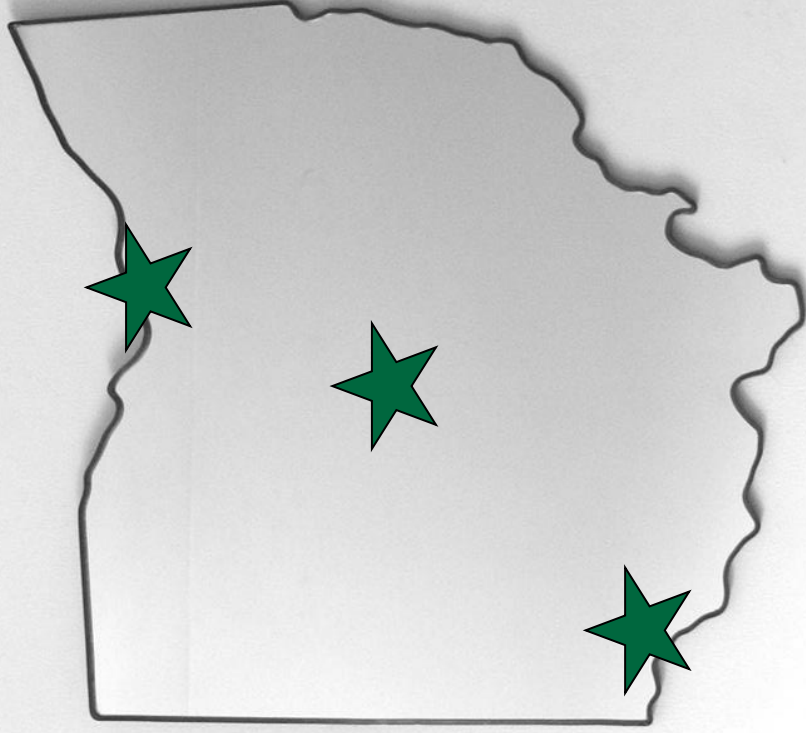
CALFEE

Cleveland

Columbus

Cincinnati

Washington, D.C.



The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114
216.622.8200

1200 Huntington Center
41 South High Street
Columbus, Ohio 43215
614.621.1500

2800 First Financial Center
255 East Fifth Street
Cincinnati, Ohio 43202
513.693.4880

1627 I Street NW
Suite 1120
Washington, D.C. 20006
202.672.1010

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16th Anniversary of PPEC

DAPC Update

March 22, 2018



Michael E. Hopkins, P.E.
Assistant Chief, Permitting
Ohio Environmental Protection Agency
Division of Air Pollution Control
50 West Town Street, Suite 700
Columbus, OH 43216-1049
614-644-2270

Topics

- Status of PPEC Recommendations
- PPEC Workload Reduction Implementation
- The impact on processing efficiency
- Where we are today
- What new GPs, PBRs, and exemptions we are planning?

INITIAL PPEC RECOMMENDATIONS



Status of PPEC Recommendations

Recommendation	Current Status
Implement application completeness review program	COMPLETED - Fully implemented and integrated into Stars2
Issue permits w/in 180 days	COMPLETED - Currently issuing 93% w/in 180 days
Make issuance information available on the web.	COMPLETED - All issued permits are available on the web. Includes issuance date and PDF of the permit. Statistics are available upon request.
Track processing time by source category	COMPLETED - Stars2 system has the capacity to generate reports by category
Work w U.S. EPA to develop new PTI exemption threshold	COMPLETED – Revised to add 19 new exemptions.

Status of PPEC Recommendations

Recommendation	Current Status
Expand PBR	COMPLETED – 12 new PBRs promulgated.
Develop General Permit Program	COMPLETED – 70 GPs have been developed.
Develop facility-wide cap program	COMPLETED – PAL program is integrated into rules.
Develop internal Basic NSR training	COMPLETED – The training was developed and given to all permit staff. Additional training was developed at the DO/Laa level.
Develop internal Major NSR training	COMPLETED - The training was developed and given to all permit staff. Training is periodically given during annual DAPC training program.

Status of PPEC Recommendations

Recommendation	Current Status
Develop external Basic NSR Training	COMPLETED – Training is given at each Compliance Assistance Conference.
Develop external Major NSR Training	COMPLETED – Training is given at each Compliance Assistance Conference.
Complete DAPC Reorganization	COMPLETED – DAPC has undertaken several reorganizations due to efficiency improvements, staffing turnover, and staffing shrinkage

WORKLOAD REDUCTION EFFORTS



Workload Reduction Subcommittee

- Overall goal is to reduce the number of permits applications needing action
 - Develop new PTI exemption threshold
 - Expand Permit-by-Rules (PBRs)
 - Expand General Permits (GPs)
 - Develop facility-wide cap system
- PTIO Program

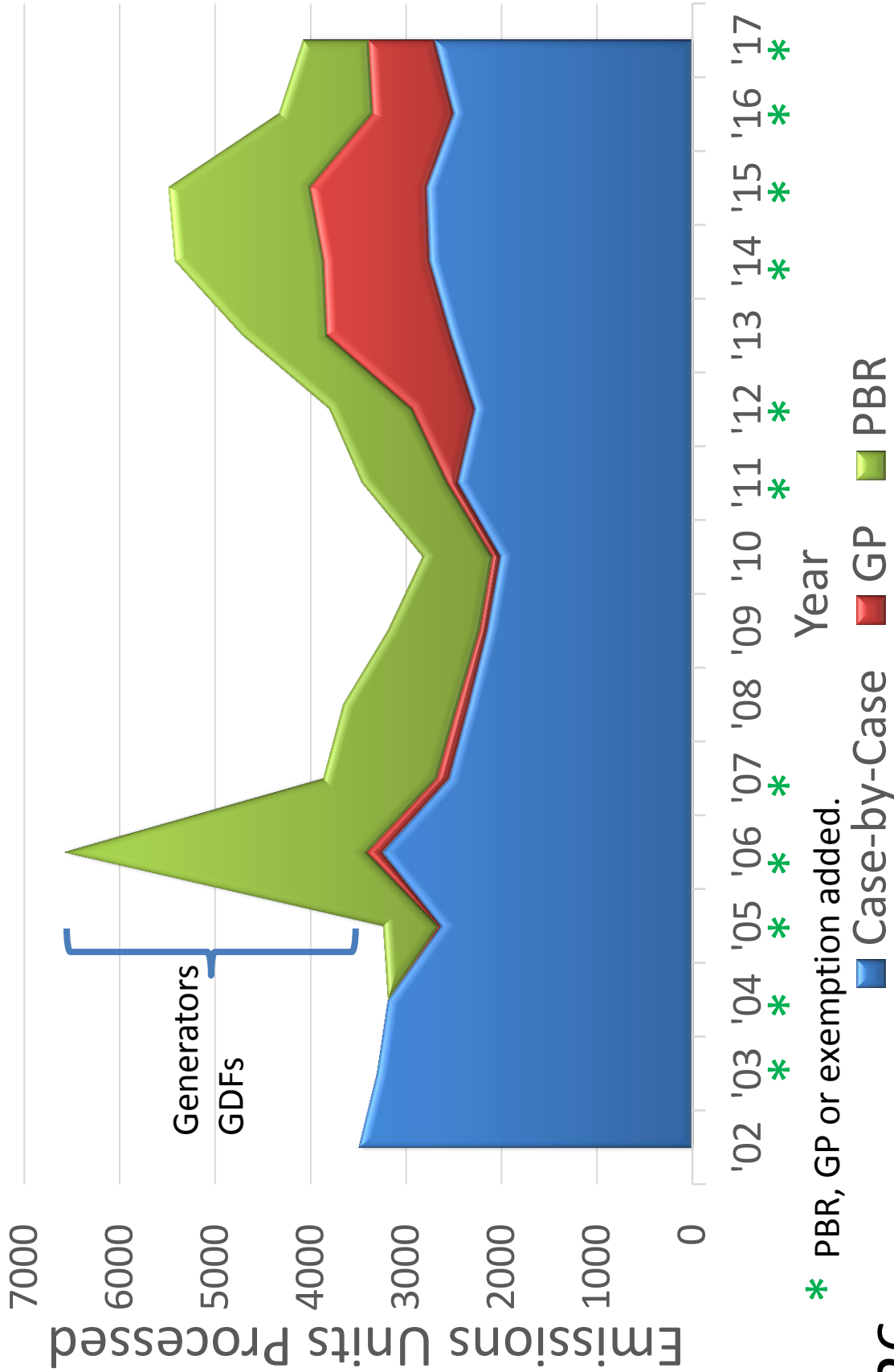
PBRs, GPs and Exemptions Added

Year	Description
2003	4 PBRs: Injection Compression Molding, Crushing and Screening, Soil-vapor extraction and soil-liquid extraction
2004	14 GPs: Natural Gas Boilers
2005	6 PBRs: Autobody refinishing, 2 GDF, 100 mmBtu NG boilers/heaters, small printing, mid-sized printing
2006	Exemptions: Locomotive engines, dynamometers, mobile vacuum trucks. GP: 2 ready mix concrete
2007	GPs: 2 drycleaner
2011	GPs: 2 aggregate processing, 12 diesel engines, 1 mineral extractions, 2 well site.

PBRs, GPs and Exemptions Added

Year	Description
2012	3 Digester operations
2014	2 GPs: 2 well site operations (updates)
2015	5 GPs: 2 roadways and parking area, 3 storage pile, 1 tub grinder
2016	16 Exemptions: POTW tanks, powder coating lines, outside stripping/coating, construction activities, building demolition, athletic/racetrack grading, traffic marking, masonry waterproofing/sealing, diesel storage/dispersing, shooting range, annealing, <500 Btu used oil heaters, compost piles, beauty salons, roadway/parking
2017	GPs: 22 Mid-stream compressor equipment

Installation Permit Type Trends



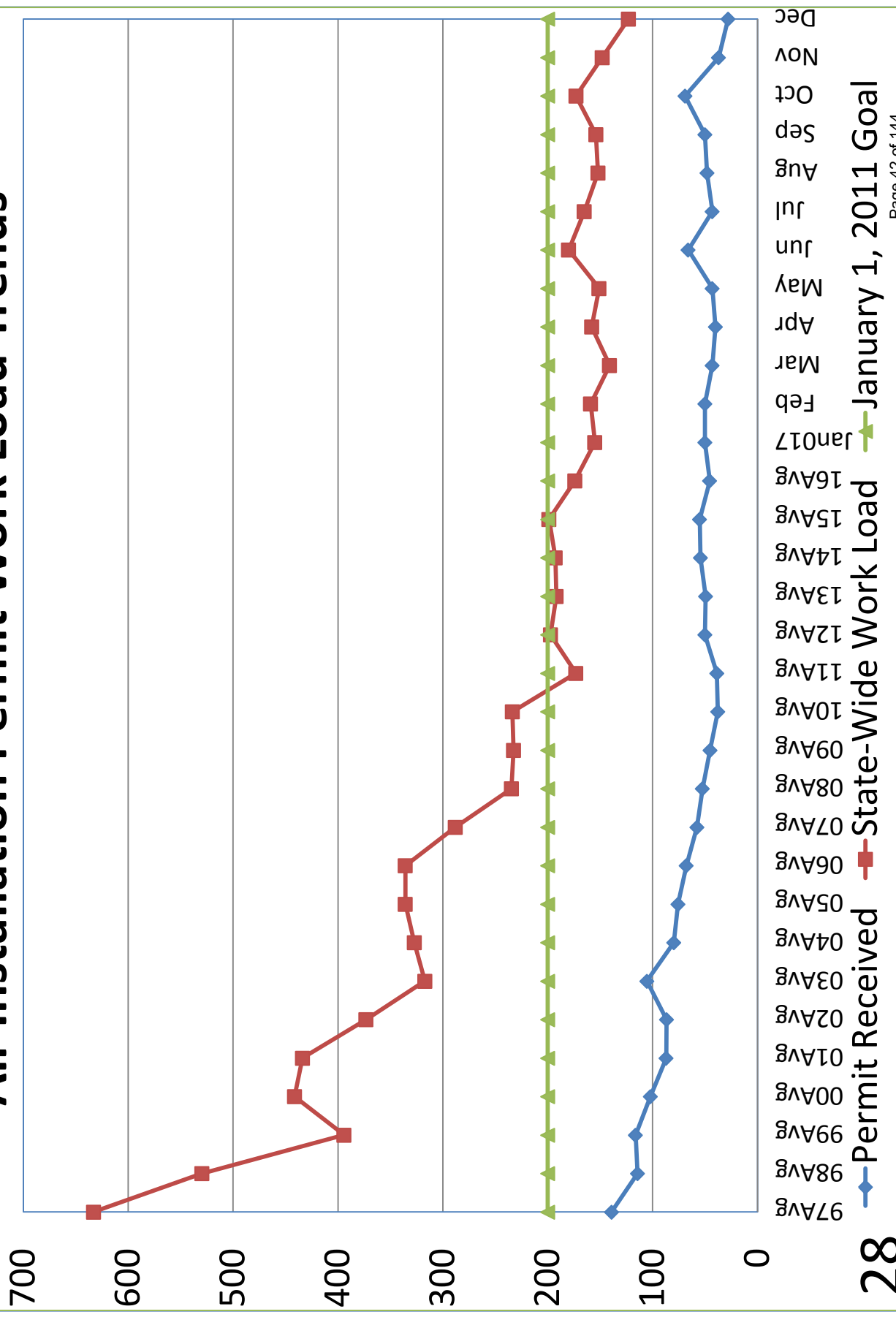
* PBR, GP or exemption added.

■ Case-by-Case ■ GP ■ PBR

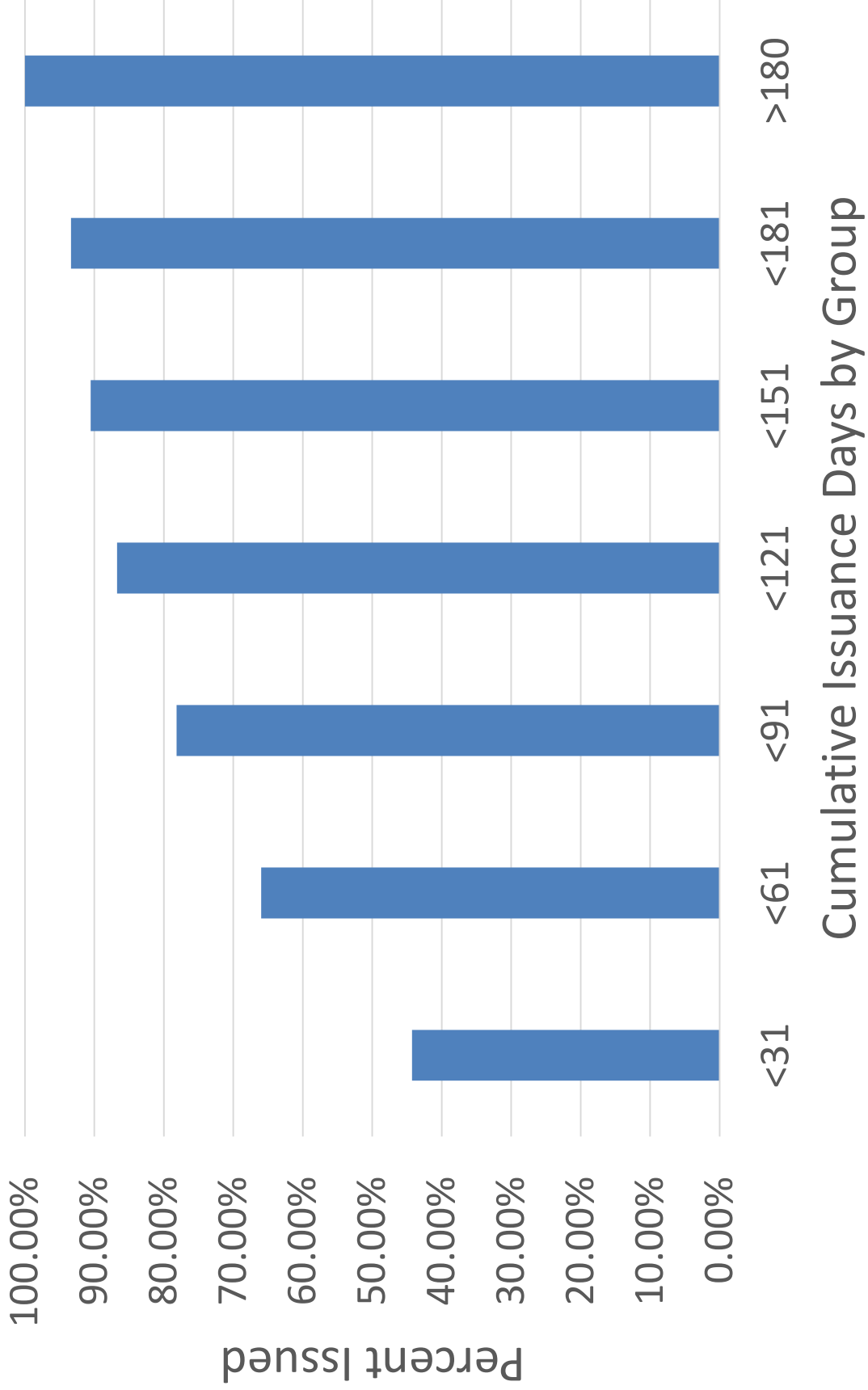
Work Saved Since 2002

- 6,500 emissions units for GPs issued
- 15,000 emissions units for PBRs issued
- $6,500 + 15,000 = 21,500$ EU
- @3 EU per case-by-case permit = 7,100 permits
- Assume 7 hour/case-by-case permit
- ~50,000 man-hour; 24 FTE

Air Installation Permit Work Load Trends



2017 Installation Permit Processing Results



*Case-by-case, GP but not PBR.

Personnel Trends

- 2003 - 2017 data
- 220 FTE to 190 FTE – 16% reduction in staffing
- More reductions expected
 - TV fee reductions
 - Possible grant reductions

Customer Feedback

- Final install permit – can do optional feedback survey
- 2017 - 85 customers responded
- 95% agreed or strongly agreed that staff were courteous and helpful
- 95% agreed or strongly agreed that their overall experience was positive

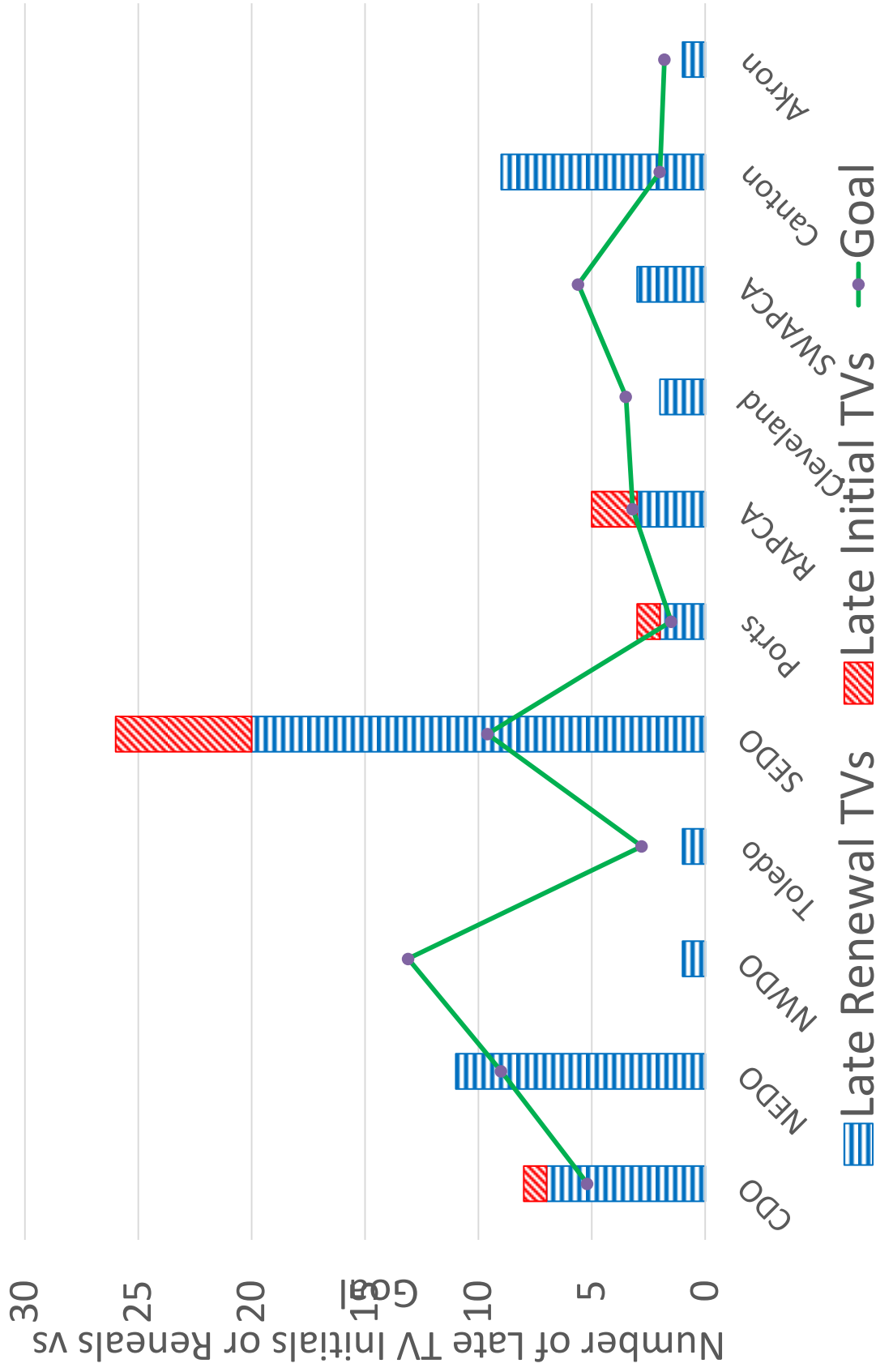
Customer Feedback

- 91% agreed or strongly agreed that they receive their permit in a timely manner
- 83% agreed or strongly agreed that the procedures need to obtain a permit were easy to understand
- 91% agreed or strongly agreed that the terms and conditions are easy to understand

Current Issues

- Installation permits mostly caught up
 - Few stragglers
- Still have late TV renewals but close to caught up

Title V Renewal/Initial Backlogs



What is Next?

- Continuous improvement
- Working on crematory GP
- Need to update other GPs w new BAT/rules
- <10 ton BAT SIP
- Revise well-site GPs w OOOOa?
- Add new exemptions

Possible New Exemptions

- Issued a bunch of new exemptions in 2016
- Beginning work on new group now
- Just starting rule process – pre-interested party completed
- Draft rules for comment next – summer?

Possible New Exemptions

- Natural gas transmission valve sites, and metering and regulating sites.
- Portable flares for burning natural gas from maintenance activities at natural gas facilities
- Restaurant grills and ovens used for food preparation
- Portable turbine for power

Possible New Exemptions

- Small cooling towers
- Temporary fuel burning equipment
- Small woodworking operations
- Battery charging operations
- Also – updating Permit-by-rules

Wrap-up

- PPEC implement major program change
- Significant workload reduction
- Long-lasting impact
- Continuous improvement
- Questions???


Great
Job! 😊

Now & Future...

- **Make permit process more efficient**
 - **Simplify GP applications**
 - **GPs for processes < 10 TPY (e.g., general coating)**
 - **GPs don't expire after 10 years, but subject to reopening**
 - **10 TPY permit exemption**
 - **Broader adoption of PALs**

Now & Future...

- **THEN: “All-Drama, All-The-Time”**

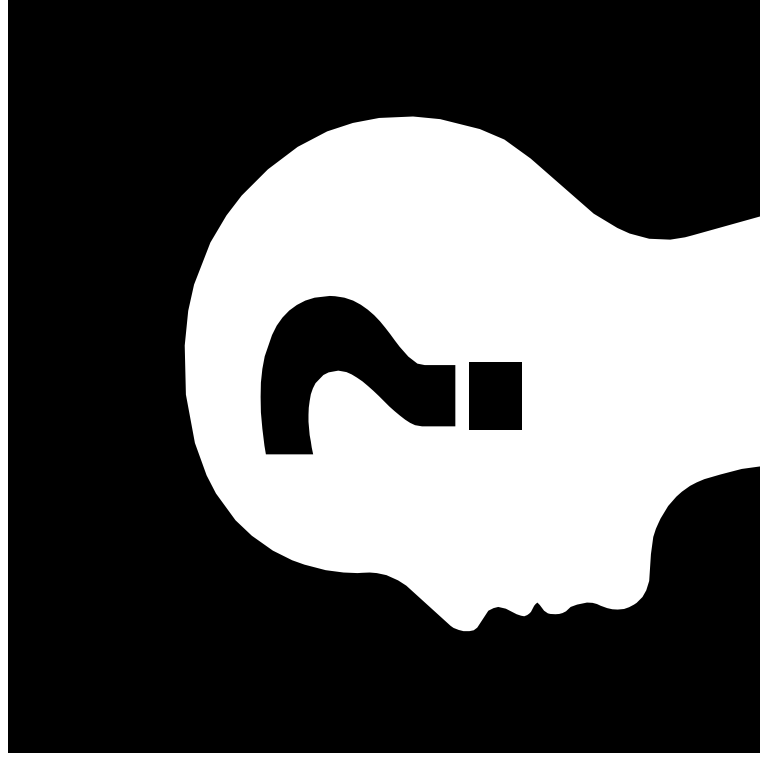


- **NOW: “Low/No-Drama”**



- **Danger of “Sue & Settle” for GPs**

Questions



PLASKOLITE

OHIO EPA/INDUSTRY PERMIT PROCESSING EFFICIENCY COMMITTEE

FINAL REPORT
JANUARY 22, 2002

STATEMENT OF AGREEMENT

STATEMENT OF AGREEMENT

The following report describes the collaborative process between Ohio EPA and members of the Ohio Chamber of Commerce, Ohio Chemistry Technology Council, Ohio Manufacturers' Association, Ohio Petroleum Council, and National Federation of Independent Business - Ohio Chapter. This six-plus month process involved a detailed review of air permitting efficiency in Ohio, as well as discussion and development of achievable and measurable recommendations to improve permitting efficiency.

These recommendations vary in the level of effort needed to complete, the complexity involved to implement, and the number of external participants (e.g., USEPA, other business organizations and associations) that will need to be involved to move forward. Regardless, Ohio EPA and other Committee organizations and participants are committed to build upon this Committee's efforts to implement these recommendations.

As members of this Committee, and by the fact that all decisions were made by consensus, the Committee believes that each of the recommendations will have a positive impact in both overall environmental protection, as well as helping the industry/business community to remain competitive by creating additional efficiencies in the air permitting process. If at anytime during the planned discussions in 2002 and beyond, any participant organization believes that one or more of the recommendations cannot be implemented, the issue and the reasons for this belief will be discussed with the Committee with all efforts to achieve resolution.



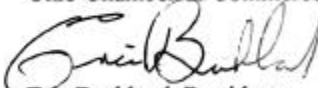
Christopher Jones, Director and Committee co-chair
Ohio Environmental Protection Agency



Joe Secrest, Manager State Government Relations and Committee co-chair
Ashland, Inc.



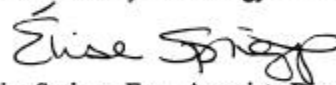
Andrew E. Doehrel, President
Ohio Chamber of Commerce



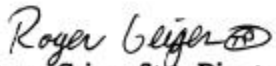
Eric Burkland, President
Ohio Manufacturers' Association



Jack Pounds, President
Ohio Chemistry Technology Council



Elise Spriggs, Esq., Associate Director
Ohio Petroleum Council



Roger Geiger, State Director
National Federation of Independent Business -
Ohio Chapter

ACKNOWLEDGMENTS

There are many people that contributed to the success of this project, however, a few deserve special mention. Committee co-leaders Joe Secret and Christopher Jones showed support and leadership during Committee meetings, as well as worked tirelessly behind the scenes to keep this process moving in a positive direction.

Dee Hammel of the Ohio Department of Natural Resources, who acted as a volunteer facilitator, was a valued resource during the initial planning stages of this process. Her efforts to help frame the discussions and keep Committee members on track is much appreciated.

In addition, the important role of all Committee, subcommittee members, trade association members, and Ohio EPA staff should be noted. Without the commitment and continued involvement in this process, this project would not have been a success. Finally, special thanks to the Ohio Manufacturers' Association for taking a leadership role in establishing this Committee and helping coordinate Committee meetings.

THE JOINT INDUSTRY/OHIO EPA PERMIT PROCESSING EFFICIENCY COMMITTEE

EXECUTIVE SUMMARY

This report describes the collaborative process between Ohio EPA and members of the Ohio Chamber of Commerce, Ohio Chemistry Technology Council, Ohio Manufacturers' Association, Ohio Petroleum Council, and National Federation of Independent Business - Ohio Chapter. This six-plus month process involved a detailed review of air permitting efficiency in Ohio, as well as discussion and development of achievable and measurable recommendations to improve permitting efficiency.

These recommendations/outcomes vary in the level of effort needed to complete, the complexity involved to implement, and the number of external participants (e.g., USEPA, other business organizations and associations) that will need to be involved to move forward. Regardless, Ohio EPA and other Committee organizations and participants are committed to build upon this Committee's efforts to implement these recommendations.

RECOMMENDATIONS/OUTCOMES

- Effective October 14, 2001, Ohio EPA will conduct a completeness review, and notify applicants in writing of the determination, within 14 days of receipt of all permit to install applications.
- The Ohio EPA will review and either issue the permit or issue a proposal to deny the permit within 180 days after the date of the application is determined complete, starting January 1, 2002.
- The Ohio EPA will collect information on the above recommendations and make this information available monthly via the agency web site (<http://www.epa.state.oh.us>).
- The Ohio EPA will develop the capability that will enable the Ohio EPA to track PTI processing time by source category.
- Work with USEPA to develop a new emissions based PTI exemption threshold while taking into consideration the environmental impact.
- Identify areas where an expanded use of permits-by-rule (PBR) would be effective and work with appropriate stakeholders to develop PBR language.
- Identify where the use of a general permit within DAPC would be effective and develop general permit language for appropriate types of permit categories.
- Develop, in consultation with USEPA, a permitting process that would allow flexible permitting through the use of a facility-wide emissions cap permit system.
- Develop an internal EPA training (Basic New Source Review) Class.
- Develop an internal EPA training (Advanced New Source Review) Class.
- Develop an external EPA training (Basic New Source Review) Class.
- Develop an external EPA training (Advanced New Source Review) Class - This was discussed as a potential future need, but no goals have been established.
- The Reorganization subcommittee supports the DAPC Central Office reorganization as presented to the subcommittee. Final reorganization will be presented to the Committee.
- The Reorganization subcommittee will continue to track the Division of Air Pollution Control's reorganization in the following areas:
 - ① **Permitting** - The subcommittee encourages any changes to improve communication between DO/LAA and Central Office to get permits issued efficiently.
 - Permitting Goal** - The subcommittee supports additional changes to the organization or allocation of resources to either issue the permit or issue a proposal to deny the permit within 180 days after the date of the application is determined complete, starting January 1, 2002.
 - After six months the subcommittee will meet to evaluate the effectiveness of the new organization, recognize successes, and identify possible solutions to any problems identified.

MOVING FORWARD

At the December 4, 2001 Committee meeting all of the subcommittees presented their final recommendations for the Committee's approval. The Committee accepted these recommendations and with the finalization of this report, this phase of the Committee process will be completed. To ensure that, where appropriate, subcommittee recommendations are implemented, the Committee will establish a schedule for 2002 whereby the Committee will meet at least quarterly to discuss the progress and/or limitations with implementing these recommendations. If at anytime during the planned discussions in 2002 and beyond, any participant organization believes that one or more of the recommendations cannot be implemented, the issue and the reasons for this belief will be discussed with the Committee with all efforts to achieve resolution.

INTRODUCTION

Historically, industry and the Ohio EPA have discussed the efficiency of the air permitting efforts and the changes made in the process on an ad hoc basis. In early 2001, several industry groups¹ and the Ohio Environmental Protection Agency (Ohio EPA) agreed that a joint committee should be formed to have a comprehensive discussion on improving the efficiency and effectiveness of the air permitting process in Ohio.

Initial planning for the committee by Ohio EPA and the Ohio Manufacturers' Association (OMA) identified three goals that the committee would use to guide its discussions. These included:

1. Build upon the existing relationships between Ohio EPA and industry;
2. Have industry understand the changes that the Division of Air Pollution Control (DAPC) is undertaking to improve overall operations and permit issuance timeliness; and
3. Have Ohio EPA understand the changes that industry wants DAPC to make to improve the permitting process.
4. Include other individuals, groups, and organizations on the Committee.

The committee concept was further strengthened by the clear commitment from Ohio EPA Director Christopher Jones and industry leaders to this process. Both the agency and industry leaders strongly supported the committee as a way to work cooperatively and make important changes to the air permitting system. Agency and industry leaders also recognized that improvements in permitting efficiency would help Ohio's regulated community be more competitive in national and global markets, as well as strengthen overall environmental protection in Ohio.

With this solid foundation, the Permit Process Efficiency Committee (PPEC or Committee) was formed. This report provides a brief description of the process that the Committee developed, and more importantly, the recommendations that the Committee developed to improve the efficiency and effectiveness of the permitting process. The report also describes when and how these recommendations will be implemented and measured to ensure that improvements are being made and maintained.

One final issue to address is that throughout this report, the name of the "Committee" or "PPEC" is used. This reflects a recent change in the name from the Industry/Ohio EPA Joint Permit Improvement Group. This name may be seen in the subcommittee reports and is synonymous with the PPEC.

¹ Ohio Chamber of Commerce, Ohio Chemistry and Technology Council, Ohio Manufacturers' Association, Ohio Petroleum Council, and later in the process the National Federation of Independent Business - Ohio Chapter.

COMMITTEE DYNAMICS AND ORGANIZATION

The first meeting of the Committee was held on July 10, 2001. Additional meetings were held roughly on a monthly basis. Initial meetings were dedicated to reviewing the goals of the Committee, selecting Committee leadership, developing the ground rules for Committee operations, and discussing the “mission” of the Committee. Subsequent meetings were dedicated to understanding permitting issues and developing air permit process efficiency improvements.

COMMITTEE LEADERSHIP AND OPERATIONS

Ohio EPA Director Christopher Jones (Al Franks, Chief Strategic Management, was chosen to represent Director Jones if he was unable to attend) and OMA President, Eric Burkland were initially selected as co-Committee leaders. At the July 23, 2001, meeting, Mr. Burkland nominated Joe Secrest from Ashland, Inc. to replace him as co-Committee leader; Mr. Secrest accepted this nomination and Committee members agreed with this change in leadership.

With Committee leadership established, Dee Hammel from the Ohio Department of Natural Resources (ODNR) worked as the Committee’s volunteer facilitator to ensure that the Committee got off to a productive start. Dee specifically helped the Committee develop ground rules and define how Committee decisions would be made to ensure smooth operation. This allowed Committee members to focus on the goals of the Committee.

The Committee also agreed that decisions would be made by consensus. Consensus did not mean 100% agreement. However, it did mean 100% support. In sentence form, consensus meant that “I understand your point of view and you understand mine, and I may not prefer this option, but I will support this idea and work to accomplish its implementation because it was reached fairly and openly.”

One final “housekeeping” decision by the Committee was to establish an end date of December 31, 2001. The Committee believed that selecting a date to complete its work would provide the incentive needed for continued progress. This was in response to a clear message from Committee members¹ that this Committee needed to be a Committee of action and that these actions needed to be readied and implemented quickly.

COMMITTEE MISSION STATEMENT

The Committee decided in its first meetings that it needed to develop a “mission statement.” Committee members thought it important to identify a clear mission - one that embodied the spirit of the goals, as well as clearly defined the intent of the Committee. After extensive discussions, the Committee agreed to the following mission at the August 28, 2001 meeting: *To work cooperatively to identify, develop, and implement efficiency improvements to Ohio EPA’s air permitting process while meeting regulatory requirements.*

¹ Appendix A contains a list of Committee participants.

COMMITTEE DISCUSSION OF PERMITTING AND INDUSTRY ISSUES

To clearly understand permitting issues, the Committee heard from both Ohio EPA and industry representatives about the current permitting process and where changes are or should be made. Below is a summary of these discussions.

OHIO EPA PERMITTING EFFICIENCY REPORT SUMMARY

Prior to the formation of the Committee, the Ohio EPA completed two separate reports on permitting efficiency. Both reports contained recommendations for improvements. These recommendations (and in many cases, how they are being implemented) were discussed. There is also a large internal effort to improve the STARS/STARSHIP computer system. Prior to developing new computer systems, DAPC tasked six internal process teams to make recommendations/changes to the permit system. This will ensure that these changes are incorporated in to the new computer system. The outcomes of these teams will also impact overall DAPC and permitting efficiency. Below is an overview of the recommendations outlined in these reports.

KEY POINTS/RECOMMENDATIONS:

1. Division Reorganization - a comprehensive look at DAPC staff and functions.
2. Hire and replace additional staff promptly for permitting reviews.
3. Hire additional primary permit coordinator in DAPC Engineering Section.
4. Conduct in-house training for permit writers on permit construction and review.
5. Develop a PTI permit backlog contingency plan for Local Air Agencies.
6. Enhance Internet/electronic access for PTI tracking.
7. Review resource and organizational allocation within the permit program.
8. Develop additional technical guidance documents to assist staff and industry with permitting.
9. Investigate ways to reduce permit review workload.
10. Investigate the internal permit process and develop more efficient ways of processing permits.

INDUSTRY PERMITTING PRIORITIES

After hearing the Agency's current efforts, the industrial members reported to the Committee on where they felt this Committee should direct its efforts to improve overall permitting efficiency. Below is a list of the four main areas that were identified by the group:

1. Establish refined air permit issuance goals and metrics and on-going tracking and reporting.
2. Develop or enhance "workload reduction" tools to focus Ohio EPA resources on permits with significant environmental issues.
3. Developing internal/external training that involves industry participation and improves Ohio EPA permit review efficiency.
4. Educate industry about the current or additional DAPC reorganization efforts and monitor the effectiveness of the changes.

OVERVIEW OF SUBCOMMITTEES AND RECOMMENDATIONS

Following these discussions, the Committee decided that four subcommittees would be formed and charged with developing recommendations. Based on interests, Committee members volunteered to participate on these subcommittees. Subcommittees included members from the business community and Ohio EPA.

Each subcommittee selected leaders and established work plans. Appendices B through E represent the detailed final recommendations of each subcommittee. Below is a summary of the recommendations that were developed and accepted by the Committee at the December 4, 2001 meeting. One important point to note is that, where appropriate, and at the direction of the Committee co-leaders, each recommendation also carries with it a discussion on how it should be implemented, as well as a suggested measurement method. This attention to not only the development of recommendations, but how they will be implemented is consistent with the focus of the Committee and its co-leaders on making positive improvements to the permitting system.

PERMIT ISSUANCE GOALS AND METRICS SUBCOMMITTEE

PURPOSE

This subcommittee was tasked with developing goals and metrics for the issuance of the many types of permits that Ohio EPA issues.

RECOMMENDATIONS/OUTCOMES

The subcommittee worked with DAPC to develop the following recommendations:

1. Effective October 14, 2001, Ohio EPA will conduct a completeness review, and notify applicants in writing of the determination, within 14 days of receipt of all permit to install applications.
2. The Ohio EPA will review and either issue the permit or issue a proposal to deny the permit within 180 days after the date of the application is determined complete, starting January 1, 2002.
3. The Ohio EPA will collect information on the above recommendations and make this information available monthly via the agency web site (<http://www.epa.state.oh.us>).
4. The Ohio EPA will develop the capability that will enable the Ohio EPA to track PTI processing time by source category.

WORKLOAD REDUCTION SUBCOMMITTEE

PURPOSE

The Workload Reduction Subcommittee (WRS) reviewed and discussed various options to reduce the permitting workload at Ohio EPA.

RECOMMENDATIONS/OUTCOMES

It was quickly identified that one direct way to improve overall agency air permitting efficiency is to decrease the number of permit applications needing action. As such, this workgroup researched the options and developed the following recommendations:

1. Work with USEPA to develop a new emissions based PTI exemption threshold while taking into consideration the environmental impact.
2. Identify areas where an expanded use of permits-by-rule (PBR) would be effective and work with appropriate stakeholders to develop PBR language.
3. Identify where the use of a general permit within DAPC would be effective and develop general permit language for appropriate types of permit categories.
4. Develop, in consultation with USEPA, a permitting process that would allow flexible permitting through the use of a facility-wide emissions cap permit system.

INDUSTRY ROLE IN DEVELOPING INTERNAL/EXTERNAL TRAINING SUBCOMMITTEE

PURPOSE

This subcommittee identified and worked on the following projects: 1) integrate businesses/industry perspectives into internal Ohio New Source Review (NSR) basic and advanced training and, 2) develop and hold both basic and advanced NSR training for business/industry.

RECOMMENDATIONS/OUTCOMES

1. **INTERNAL EPA TRAINING - BASIC NSR CLASS** - Course content has been developed which includes a segment on industry issues and perspectives. Industry speakers have been identified to participate in the industry segment of the training. Training will be scheduled and conducted by Ohio EPA during the first quarter of 2002. Ohio EPA will contact Susan Montgomery, Ohio Chamber of Commerce, to notify and schedule industry speakers. The metric for this goal will be the number of permit-writers trained initially and the percent of new permit writers trained within the first six months on the job. DAPC will maintain records of employees who have completed this internal Basic NSR training class.
2. **INTERNAL EPA TRAINING - ADVANCED NSR CLASS** - The Ohio EPA will develop and begin presenting an Advanced NSR Class by Spring 2003. At this time, industry representatives will be invited to review and contribute ideas to the course content and to develop an industry segment as in the Basic NSR Class. The metric for this goal will be the number of permit writers trained and that the course be offered once a year. DAPC will maintain records of employees who have completed this internal Advanced EPA training.
3. **EXTERNAL TRAINING – BASIC NSR CLASS** – By October 2002, the subcommittee will develop the Basic NSR Class for industry designed to reduce the errors that applicants make in simple NSR permit applications. The Committee will be responsible for developing the content, determining the target audiences and the methods of delivery (e.g. video tapes, audio cassette, Internet downloads, classroom, printed material) and pursuing grant funding through the Ohio Air Quality Development Authority to help defray development and distribution costs. The Ohio EPA will assist in the development and will have final sign off on the final training program. The metric for this goal will be the percent of applications determined to be complete during the 14 day completeness review. DAPC will maintain the records. (The aim is to fulfill obligations put in place in 1993 in Ohio Revised Code 3704.038©.)

4. **EXTERNAL TRAINING - ADVANCED NSR CLASS** - This was discussed as a potential future need, but no goals have been established.

DIVISION OF AIR POLLUTION CONTROL REORGANIZATION SUBCOMMITTEE

PURPOSE

The Committee formed the Reorganization subcommittee to examine the current structure of DAPC, and ensure that the structure of DAPC supports the permit processing improvements which were being developed by the other workgroups. The workgroup was aware that DAPC was currently examining its organization and the workgroup chose to review the work already underway by DAPC, rather than repeat DAPC's effort.

RECOMMENDATIONS/OUTCOMES

1. The subcommittee supports the DAPC Central Office reorganization as presented to the subcommittee. Final reorganization will be presented to the Committee.
2. The subcommittee will continue to track the reorganization in the following areas:
 - A. **PERMITTING** - The workgroup encourages any changes to improve communication between DO/LAA and Central Office to get permits issued efficiently.

MEASURE – Conduct an industry survey after reorganization. DAPC will track the number of permit recommendations returned to DO/LAA by Central Office.
 - B. **PERMITTING GOAL** - The subcommittee supports additional changes to the organization or allocation of resources to either issue the permit or issue a proposal to deny the permit within 180 days after the date of the application is determined complete, starting January 1, 2002.

MEASURE - Subcommittee will meet six months after implementation of the reorganization to review monthly PTI permit processing statistics and meet quarterly thereafter.
3. After six months the subcommittee will meet to evaluate the effectiveness of the new organization, recognize successes, and identify possible solutions to any problems identified.

IMPLEMENTATION PLAN - MOVING FORWARD IN 2002

At the December 4, 2001 Committee meeting all of the subcommittees discussed their final recommendations for the Committee's approval. The Committee accepted these recommendations and with the finalization of this report, this phase of the Committee process will be completed. To ensure that the appropriate subcommittee recommendations are implemented, the Committee will establish a schedule for 2002 whereby the Committee will meet at least quarterly to discuss the progress and/or limitations with implementing these recommendations.

With the exception of the Workload Reduction subcommittee, the other three subcommittees will remain intact and continue to meet on a regular basis and focus on implementing their respective recommendations. Because of the size and complexity of the recommendations from the Workload Reduction subcommittee, four separate subcommittees will be formed to develop implementation plans and move forward.

All of these subcommittees will report to and gain concurrence from the larger Committee at the quarterly meetings. Appendix F is a graphical representation of how Ohio EPA and the major and affiliated trade associations will interact to implement the Committee's recommendations. Through this process, the Committee will be able to include many organizations, companies and associations that were not directly involved in developing the recommendations. Overall the Committee believes this structure will allow for maximum participation by all interested parties.

APPENDIX A

Industry / Ohio EPA Permit Processing Efficiency Committee

FIRST	LAST	TITLE	COMPANY	ADDRESS	CITY	St.	ZIP	WORK PHONE	FAX	E-mail
Andrew	Bergman	Counsel	Porter, Wright, Morris & Arthur	41 S High St	Columbus	OH	43215-6194	(614) 227-2052	(614) 227-2100	abergman@porterwright.com
Ted	Boggs	Attorney	Vovs, Sater, Seymour and Pease, LLP	PO Box 1008	Columbus	OH	43216-1008	(614) 464-8319	(614) 464-6430	taboggs@vssp.com
Michael	Born	Partner	Shumaker, Loop & Kendrick, LLP	41 South High Street	Columbus	OH	43215	(614) 463-9441	(614) 463-1108	mborn@slk-law.com
Betsy	Bowe	Manager, Government Relations	SRW Environmental Services Inc.	55 W Teche Center Dr Ste C	Milford	OH	45150-8902	(614) 460-3553	(614) 464-1466	bbowe@2edg.com
Robert	Brubaker	Partner	Porter, Wright, Morris & Arthur	41 S High St	Columbus	OH	43215-6194	(614) 227-2033	(614) 227-2100	rbrubaker@porterwright.com
William	Burkhart	Manager Environmental Government Affairs	The Procter & Gamble Co.	11310 Cornell Park Dr.	Cincinnati	OH	45242	(513) 626-4411	(513) 626-1678	burkhart.wt@pg.com
Eric	Burkland	President	Ohio Manufacturers' Association	33 North High Street	Columbus	OH	43215	(614) 224-5111	(614) 224-1012	eburkland@ohiomfg.com
Craig	Butler		Ohio EPA	122 South Front Street	Columbus	OH	43215	(614) 644-2825	(614) 644-3184	craig.butler@epa.state.oh.us
Gary	Daugherty		Scotts Co.	41 South High Street	Columbus	OH	43215	(614) 719-5500	(614) 719-5750	gary.daugherty@scottscsco.com
Willa	Ebersole	Vice President	Tom Pappas & Associates	66 East Lynn Street Suite 2000	Columbus	OH	43215	(614) 621-2000	(614) 621-0000	willa@tompappas.com
William	Fladung	Director, Environmental, Health, and Safety	The Timken Co.	PO Box 6928	Canton	OH	44706-0928	(330) 471-3334	(330) 471-3541	fladungw@timken.com

FIRST	LAST	TITLE	COMPANY	ADDRESS	CITY	St.	ZIP	WORK PHONE	FAX	E-mail
Al	Franks		Ohio EPA	122 South Front Street	Columbus	OH	43215	(614) 644-2782	(614) 644-3184	al.franks@epa.state.oh.us
Garry	Griffith	Regional Mgr. Environmental Field Svcs.	Georgia-Pacific Corporation	951 County St.	Milian	MI	48160	(734)439-1205	(734)439-2454	gtriffi@gapac.com
Dee	Hammel		Ohio Department of Natural Resources	1889 Fountain Square Lane, Floor 1	Columbus	OH	43224	(614) 265-6377	(614) 267-3096	dee.hammel@dnr.state.oh.us
Karen	Heyob		Honda of America	19900 State Rout 739	Marysville	OH	43040	(937) 645-8461	(937) 645-8267	karen_heyob@ham.honda.com
Bob	Hodanbosi		Ohio EPA	122 South Front Street	Columbus	OH	43215	(614) 644-2270	(614) 644-3681	bob.hodanbosi@epa.state.oh.us
John	Hollback	Environmental Affairs Manager, Ohio	American Electric Power	88 E. Broad St., Ste. 800	Columbus	OH	43215-3550	(614) 629-5024	(614) 629-5030	jehollback@aep.com
Mike	Hopkins		Ohio EPA	122 South Front Street	Columbus	OH	43215	(614) 644-3611	(614) 644-3681	mike.hopkins@epa.state.oh.us
Thomas	Howard	NE Regional Mgr., Government Affairs	Georgia Pacific Corp.	96 State St.	Augusta	ME	04330-5610	(207) 623-2772	(207) 622-1427	tshoward@gapac.com
John	Jensen		Belden Brick	PO Box 430	Sugarcreek	OH	44081	(330) 852-2424	(330) 852-2424	John.Jensen@BeldenBrick.com
Paul	Jesse	Attorney	Benesch, Friedlander	88 East Broad Street, Suite 900	Columbus	OH	43215	(614) 223-9374	(614) 223-9330	pjesse@bfca.com
Kevin	Kilroy	Safety & Environmental Manager	Smithers-Oasis USA	919 Marvin Ave	Kent	OH	44240	(330) 673-5831		KKilroy@SMITHERSOASIS.COM

FIRST	LAST	TITLE	COMPANY	ADDRESS	CITY	St.	ZIP	WORK PHONE	FAX	E-mail
Chris	Korleski	Senior Assistant Counsel	Honda of America	24000 Honda Pkwy	Marysville	OH	43040-8612	(937) 644-6630	(937) 644-6583	chris_korleski@ham.honda.com
Vaughn	Laughlin	Attorney	The Scotts Co.	1582 Grayling Ct.	Columbus	OH	43235	(614) 889-4859	(614) 889-5214	laughlinlink@aol.com
Timothy	Ling	Environmental Engineer	Plaskolite, Inc.	1770 Joyce Ave	Columbus	OH	43216-1497	(614) 294-3281	(614) 297-7282	twill@infinet.com
Tim	McDaniel		International Truck	6125 Urbana Road	Springfield	OH	45502	(937) 390-4014	(937) 390-4501	tim.mcdaniel@nar-international.com
Nancy	McDonnell		Appleton Paper	1030 West Alex Bell Road	West Carrollton	OH	45449	(937) 859-8261	(937) 859-9208	nmcdonnell@appletonpapers.com
Frank	Merrill	Attorney	Bricker, Eckler	100 South Third Streer	Columbus	OH	43215	(614) 227-8871	(614) 227-2390	fmerrill@bricker.com
David	Newsad		GT Environmental	635 Park Meadow Road, Suite 108	Westerville	OH		(614) 794-3570	(614) 899-9255	dnewsad@gtenvironmental.com
Tony	Owens	Environmental Mgr., OH Operations, Paper Div.	The Mead Corp.	401 S. Paint St.	Chillicothe	OH	45601	(740) 772-3475	(740) 772-3456	tdo@mead.com
Donald	Perander	Senior Staff Engineer	AK Steel Corp.	703 Curtis St	Middletown	OH	45043-0001	(513) 425-5329	(513) 425-2635	don.perander@aksteel.com
Ken	Perica		Ashland Inc.	PO Box 2219	Columbus	OH	43216-2219	(614) 790-4573	(614) 790-4268	
Jack	Pounds	President	Ohio Chemistry Technology Council	17 S High St Ste 410	Columbus	OH	43215-3413	(614) 224-1730	(614) 224-5168	jpoundsoccc@voyager.net

FIRST	LAST	TITLE	COMPANY	ADDRESS	CITY	St.	ZIP	WORK PHONE	FAX	E-mail
Isaac	Robinson		Ohio EPA	3232 Alum Creek Drive	Columbus	OH	43207	(614) 728-3802	(614) 728-3898	isaac.robinson@epa.state.oh.us
Monica	Satrape	Manager, Environmental Action	The Hoover Co.	101 E Maple St	North Canton	OH	44720-2597	(330) 499-9200	(330) 497-5846	msatrape@hoover.com
Joseph	Secrest	Manager, State Government Relations	Ashland Inc.	PO Box 2219	Columbus	OH	43216-2219	(614) 790-4573	(614) 790-4268	ajsecrest@ashland.com
Martin	Seltzer	Partner	Porter, Wright, Morris & Arthur	41 S High St	Columbus	OH	43215-6194	(614) 227-2050	(614) 227-2100	mseltzer@porterwright.com
Elizabeth	Shaw	Director, Permitting & Compliance	FirstEnergy Corp.	76 S Main St	Akron	OH	44308-1890	(330) 761-4481	(330) 384-5433	ejshaw@firstenergycorp.com
Keith	Shoemaker		McGough & Associates Inc.	100 S. Third St.	Columbus	OH	43215	(614) 221-5771	(614) 221-2865	kshoemaker@mcgough-inc.com
Elizabeth	Smith	Manager, State Government Affairs	Marathon Ashland Petroleum LLC	539 S. Main St. #8210	Findlay	OH	45840-3295	(419) 421-2368	(419) 421-4255	ebsmith@MAPLLC.com
Elise	Spriggs	Associate Director	Ohio Petroleum Council	88 E Broad St Ste 1460	Columbus	OH	43215-3525	(614) 221-5439	(614) 221-1914	spriggse@api.org
Daniel	Steen	Manager, Environmental	FirstEnergy Corp.	76 S Main St	Akron	OH	44308-1890	(330) 384-3704	(330) 384-5433	steend@firstenergycorp.com
Chuck	Taylor		GT Environmental	635 Park Meadow Road, Suite 108	Westerville	OH		(614) 794-3570	(614) 899-9255	ctaylor@gtenvironmental.com
Greg	Vergamini	Director, Public Policy Services	Ohio Manufacturers' Association	33 North High Street	Columbus	OH	43215	(614) 224-5111	(614) 224-1012	gvergamini@ohiomfg.com

FIRST	LAST	TITLE	COMPANY	ADDRESS	CITY	St.	ZIP	WORK PHONE	FAX	E-mail
Patricia	Towers	Food and Beverage HSE	Procter & Gamble	6071 Center Hill Avenue	Cincinnati	OH	45224	(513) 634-2838	(513) 634-0165	towers.ps@pg.com
Joanna	Bambeck	Engineering Coordinator	Honda of America	24000 Honda Pkwy	Marysville	OH	43040-9251	(937) 644-7824	(937) 645-6839	joanna_bambeck@ham.honda.com
Chuck	Cooper	Staff Engineer	Ashland Inc.	5200 Blazer Parkway / P.O. Box 2219 Columbus Ohio 43216	Dublin	OH	43017	(614) 790-1588	(614) 790-6080	ccooper@ashland.com
Mike	Snyder	Attorney	Shumaker, Loop & Kendrick, LLP	41 South High Street	Columbus	OH	43215	(614) 463-9441	(614) 463-1108	msnyder@slk-law.com
Rick	Rupert		Pro-Tec Coating Company	5000 County Road 5	Leipsic	OH	45856	(419) 943-1287		RupertRK@proteccoating.com
Paul	Guevin, Jr.	Coating Consultant	P.R. Guevin Associates	P.O. Box 811	Westerville	OH	43086	(614) 899-1809		
Misty	Parsons		Ohio EPA	122 South Front Street	Columbus	OH	43215			

APPENDIX B

PERMIT TO INSTALL PROCESSING GOALS

GOALS

Effective October 1, 2001, Ohio EPA will conduct a completeness review, within 14 days, of all PTI applications received after this date. For each application, Ohio EPA will send a letter that either acknowledges that the application is complete or identifies the deficiencies along with the application. If after 14 days, Ohio EPA has not determined the completeness of the application and notified the applicant, that application will be considered complete for purpose of tracking processing time to completion of the permit review. The 180 day permit processing time will not start until an application has been determined to be complete. Ohio EPA will continue to place a higher priority on PTI applications that have not commenced construction on the source.

Ohio EPA will review and either issue or propose to deny within 180 days after the date that the application for the permit or modification was determined to be complete per OAC rule 3745-31-09, all PTIs received after January 1, 2002. Once this goal has been achieved, Ohio EPA will develop additional guidelines for reviewing PTIs that consider: the needs of the applicants, the citizens where the sources are built, the air quality impacts of the sources, the public notice provisions of Ohio law, and, consistent with the other priorities of the DAPC, such as issuance of Title V permits, state permits to operate, and air quality monitoring activities.

METRICS

The Ohio EPA shall maintain information on the date of receipt and date the completeness review was performed and whether the application was returned. The data on completeness reviews shall be produced on a monthly basis, identify the percentage of completeness reviews finished within 14 days, by field office. This summary information will be available within 15 days after the end of the month.

The Ohio EPA shall maintain information on the review time for PTIs. The information shall include the amount of time for a final permit to be issued from the date a completeness determination is made. Permits shall be distinguished between permits that are issued as draft and permits that are issued as direct finals. The reports shall also be available by district office and local air agency. This summary information will be available within 15 days after the end of the month.

Ohio EPA will review this information and determine whether additional measures/resources are necessary to consistently meet the goals identified above.

TRACKING

The DAPC will maintain records on the metrics associated with permit processing. On a monthly basis, DAPC will post the permit processing times on the DAPC web site. The posting shall be completed within 20 days after the end of the month. As part of the STARS rebuild, Ohio EPA will include a capability that will enable Ohio EPA to track PTI processing time by source categories.

APPENDIX C

Final Workload Reduction Subcommittee (WRS) Recommendations (12/04/01)

Recommended Reduction	What is it?	Benefits	Timeline	Comments
New PTI emissions threshold exemption	Increased emissions threshold	-Reduces number of permitted EUs -Applies across all industry sectors -Reduces PTIs in system-Reduces application development costs for industry -Allows Ohio EPA to focus on more substantial EUs/complex PTIs	90 - 120 days for initial study 6 - 16 months for implementation	-Provides for widest benefit across industry sectors -May require substantial technical justification to US EPA -10 ton per year maximum w/analysis of lower thresholds
Permits by Rule (PBR)	Regulatory requirements for specific operations w/o written permit		(Varies with type of operation)	
Gasoline Dispensing Facilities (GDF)		-Takes 150+ PTIs & 3,000 out of system per year and 3000+ PTOs out of system -Frees up Ohio EPA resources for more complex permits	90 - 180 days to produce package for public comment	-Largest single permit reduction in Ohio EPA's system -Substantial savings to petroleum industry
Process equipment vented inside w/dust collector		-Takes 30 permits out of system -Corrects potential non-compliance EUs -Takes PTOs out of system	180 - 240 days to produce package for public comment	Indoor air quality legal/technical issues could complicate this exemption
Liquid storage tanks		-Takes 50 permits out of system -Takes 100's of PTOs out of system	90 - 270 days to produce package for public comment (depends on Ohio EPA negotiations)	Need to negotiate thresholds/technical justification with Ohio EPA
General Permits	Boilerplate streamlined permit for specific operations	-Guaranteed permit processing time -Construction/business planning easier -Consistency in statewide regulation	Minimum 18 months to establish general permit system (rulemaking)	-Requires new system for Ohio EPA to implement (e.g. stormwater permits) -More legal issues at outset -Vocal Ohio EPA support
Drycleaning operations		-Streamlining 80 PTIs per year -Reduces processing time -Takes 100's of PTOs out of system	180 days after general permit system (rules) in place	Need to consult industry association
Industrial painting		-Streamlining 100 PTIs per year -Reduces processing time - Takes 100's of PTOs out of system	6 - 12 months after general permit system (rules) in place	-Multi-sector benefits -Need to focus scope based on industry input
Emissions Caps (Implementation Group and Concept Paper)	Regulates all emissions with a facility-wide emissions cap	-Reduces the number of PTIs -Substantially increase operating flexibility -Reduces operational/manufacturing costs -Increases certainty in business planning	2 - 4 years	-MOU, or similar cooperative agreement, needed between USEPA, OEPA and Industry -Widespread industry support -Requires legislation -Most difficult with highest development costs
Memorandum Of Understanding between Industry and OEPA	Signed document	Clarify and document expectations	Prior to implementation (i.e. commitment of resources) of any WRC recommendations	-in addition to MOU, or other similar agreement, between USEPA, OEPA and Industry on Emissions Cap program

WORKLOAD REDUCTION SUBCOMMITTEE

RECOMMENDATION FOR FURTHER STUDY OF A FACILITY-WIDE EMISSIONS CAP PERMIT PROGRAM IN OHIO

INTRODUCTION

The Workload Reduction Subcommittee (WRS), a part of the Joint Industry/Ohio EPA Permit Improvement Steering Committee, has discussed various options to reduce the permitting workload at Ohio EPA. One of the options recommended for further consideration is the development and implementation of a facility-wide emissions cap permit program in Ohio.

This type of permit would list and describe all emission units at the facility, list any emission limits and other regulatory requirements for each emission unit, and describe the facility-wide emission limits by air pollutant. Most importantly, this permitting option would allow most equipment changes be made without triggering the need for a new permit as long as a facility could maintain emissions below the permitted emissions caps. This option of using emissions caps has already been successfully employed to some degree in several other states on a case-by-case basis. Through various proposed changes to federal air permit regulations, U.S. EPA has endorsed the use of emission caps in state air programs.

The WRS concluded that a considerable level of effort would be required to develop and implement an emissions cap program in Ohio. Preliminary analysis indicates that the development and implementation of this type of program may require revisions to current Ohio air pollution control laws (under ORC 3704) as well as federal approval as a revision to the State Implementation Plan (SIP). It is anticipated by the WRS that the entire effort to develop and implement a program would take in the range of two to four years once work begins, and would require hundreds or thousands of hours of time on behalf of both industry and Ohio EPA staff.

RECOMMENDATIONS

The WRS generally supports the concept of facility-wide emission caps for use in Ohio, but believes that this issue demands more research and work by a separate, more focused group of interested parties prior to committing relatively large resources to develop and implement a program. The WRS therefore recommends that an Emissions Cap Implementation Group be formed to lead this effort under the on-going oversight of the Joint Industry/Ohio EPA Permit Improvement Steering Committee.

EMISSIONS CAP IMPLEMENTATION GROUP

The review and analyses of the WRS included soliciting input from numerous facilities and trade groups in Ohio. Interest was variable and widespread among those entities contacted. Based upon this finding, the WRS recommends the Emissions Cap Implementation Group include representatives from the chemical and petrochemical industries, the automotive industry, other industries or specific companies, attorneys or consultants expressing an interest to contribute, and the Ohio EPA. The WRS believes that for successful implementation of the program, each representative will need to make significant commitments of time and may incur expenses to meet the implementation group's objectives.

The WRS concluded the implementation group's efforts should be multi-phased. The goal of the first phase would be to develop a concept paper for use by the Director of Ohio EPA during preliminary discussions with the U.S. EPA Region V administrator. The concept paper could include a proposed Memorandum of Understanding (MOU) between U.S. EPA, Ohio EPA, and industry outlining the key components of a mutually acceptable emissions cap permit program in Ohio, and would, at a minimum, include the items listed below. If agreement on a MOU is not feasible within a short time frame, Ohio EPA and industry would try to reach another type of cooperative agreement with Region V.

PROPOSED SCOPE OF CONCEPT PAPER

1. Identify which emission cap concepts should be included in Ohio EPA's program, including whether the program would be used for minor facilities, major facilities, or both, and whether to include a percent reduction on emissions per year or per permit term.
2. Identify conceptually how facilities would switch between the existing emission unit-specific permit program and a new emissions cap permit program.
3. Identify conceptually how the new program would be used for projects that are accompanied by emission increases.
4. Identify conceptually the issues that participating facilities may have in demonstrating compliance with federal, state, and local regulations while being allowed to make equipment modifications or installations (e.g., determining the impact on ambient air quality).
5. Identify the key issues that Ohio EPA and industry have regarding industry's need for operational flexibility under a successful emissions cap permit program.
6. Identify roadblocks or other potential conflicts that U.S. EPA Region V may have in approving this type of permit program in Ohio as a SIP revision.
7. Identify Ohio EPA regulatory and organizational changes that may need to be made in order to implement this type of permit program.
8. Review emissions cap permit programs in other states or promoted by the U.S. EPA that are similar to this proposal (e.g. PALs).
9. Develop a Phase 2 implementation task list, deliverable list, and implementation schedule.
10. Summarize any changes to laws and rules that may be required to implement an emissions cap permit program in Ohio.
11. Consider developing a MOU or some other type of cooperative agreement with U.S. EPA Region V.

RECOMMENDED SCHEDULE

The WRS recommends that Phase 1 be completed within 120 days of formation of the Emissions Cap Implementation Group and include a draft concept paper for review and comment by the Joint Industry/Ohio EPA Permit Improvement Steering Committee. Once comments are received, a final concept paper will be provided to the Director of Ohio EPA for use in discussing the proposed emissions cap permit program with U.S. EPA Region V. The WRS feels that the Ohio EPA should discuss the proposed emissions cap permit program with U.S. EPA Region V early in the process in order to identify issues that need to be addressed and to assess whether the U.S. EPA would approve such a program in Ohio.

The WRS recommends that Phase 2 implement the task list developed during Phase 1, which could take a period of two to four years. However, the WRS recognizes that due to the complexity of the project, Phase 2 could be further split into multiple phases depending on the conclusions of Phase 1.

The WRS feels that the Ohio EPA should discuss the proposed emissions cap permit program with U.S. EPA Region V early in the process in order to identify issues that need to be addressed and to assess whether the U.S. EPA would approve such a program in Ohio.

Workload Reduction Subcommittee Top 10 Priorities Weighting Factors (9/12/01)

<u>Item</u>	<u>Total Score</u>	<u>Short Term Goals (<18 months to implement)</u>	<u>Long Term Goal (>18 months to implement)</u>	<u>Relative "Degree of" Difficulty</u>	<u>Comments</u>
Exemption-New PTI Emissions Thresholds	77	Short		Moderate	Relative level of effort for justification is projected as high, important across industry sectors
PBR-Gasoline Dispensing Operations	55	Short		Easy	Important to Ohio retail petroleum marketers
PBR-Indoor PM Equipment w/ Baghouse	37	Short		Moderate	Level of justification is a function of exemption scope
PBR-Liquid Storage Tanks	36	Short		Moderate	Difficulty level is a function of the scope of the exemption
PBR-Paved and Unpaved	32	Short		Moderate	Questionable level of significant benefit for workload reduction, maybe important across industrial sectors
PBR-Storage Silos w/pneumatic conveying w/ baghouse	28	Short		Easy	May want to pursue as categorical exemption
PBR-Drycleaners	24	Short		Easy	Relatively large number of facilities across industrial sectors covered
PBR-Material Storage	17	Short		Easy	
PBR-concrete Plant	10	Short		Moderate	Questionable level of significant benefit for workload reduction, maybe important to cement/aggregates industry
Exemption- Acid Storage Tanks	8	Short		Easy	
Exemption-Small Radionuclide Emissions	5	Short		Moderate	Questionable level of significant benefit for workload reduction
Exemption- Internal Combustion engines	4	Short		Moderate	Needs to be defined better
Exemption-Oil/Water Separators	3	Short		Easy	
PBR-Autobody Shops	2	Short		Easy	Questionable level of significant benefit for workload reduction
Exemption-Acid Storage Tanks	2	Short		Easy	
PBR-portable rock crushers	1	Short		Moderate	Questionable level of significant benefit for workload reduction, maybe important to aggregates industry
Exemption-Blow Molding Operations	1	Short		Difficult	Probably require a lot of technical data being developed to justify
Natural Minor Emissions Caps	33		Long	Difficult	May require legislation; easiest of emission cap options
GP-Industrial Painting Operations	32		Long	Difficult	Process as GP or PBR; Will require administrative rulemaking in addition to general permit development
All Facilities Emissions Caps	30		Long	Very Difficult	May require legislation; difficult technically and legislatively
GP- Maintenance Paint Booth	27		Long	Moderate	Questionable level of significant benefit for workload reduction
GP- Gasoline Dispensing Operations	26		Long	Easy	Will require administrative rulemaking in addition to general permit development
GP-Liquid Storage Tanks	14		Long	Moderate	Will require administrative rulemaking in addition to general permit development
GP-Soil Screening Plants	13		Long	Moderate	Will require administrative rulemaking in addition to general permit development
Major/Synthetic Minor Emissions caps	11		Long	Very Difficult	May require legislation, will require USEPA approval possible on a case-by-case basis and substantial technical justification for rulemaking
GP-Gas/#2 oil boilers	10		Long	Moderate	Will require administrative rulemaking in addition to general permit development
GP-Drycleaners	8		Long	Easy	Will require administrative rulemaking in addition to general permit development
GP-Paved and Unpaved	6		Long	Moderate	Questionable level of significant benefit for workload reduction
GP-storage silos w/pneumatic conveying w/baghouse	6		Long	Easy	Will require administrative rulemaking in addition to general permit development
GP-gasoline/diesel loading racks	5		Long	Moderate	Will require administrative rulemaking in addition to general permit development; important to petroleum industry
GP-Humane Society	3		Long	Moderate	Will require administrative rulemaking in addition to general permit development, questionable level of workload reduction

Score- Highest points have highest priority

Item **A** **B** **C** **D** **E** **F** **G** **H** **I** **J** **K** **Total Score**

Exemption-New PTI Emissions Thresholds	10		9	10	3	10	7		10	8	10	77
PBR-Gasoline Dispensing Operations	9	2			10			9	8		7	45
PBR-Indoor PM Equipment w/ Baghouse	7	8		7						6	9	37
Natural Minor Emissions Caps	1			9	6		8		9			33
PBR-Liquid Storage Tanks	4	4		8	9				1	2	5	33
PBR-Paved and Unpaved	8					9	6			9		32
GP-Industrial Painting Operations	6							6	7	10	3	32
All Facilities Emissions Caps			10	2			10				8	30
PBR-Storage Silos w/pneumatic conveying w/ baghouse	2	10		6	1			2		7		28
GP- Maintenance Paint Booth		7				7		5		4	4	27
GP- Gasoline Dispensing Operations					8	8		10				26
PBR-Drycleaners	3					2		7	6		6	24
PBR- Material Storage	5					6		4		5		20
GP-Liquid Storage Tanks				4	7	3						14
GP-Soil Screening Plants		9				4						13
Major/Synthetic Minor Emissions caps				1			9			1		11
PBR-concrete Plant						5			5			10
GP-Gas/#2 oil boilers				5	4						1	10
GP-Drycleaners								8				8
Exemption- Acid Storage Tanks		6									2	8
GP-Paved and Unpaved	1						5					6
GP-storage silos w/pneumatic conveying w/baghouse								3				6
Exemption-Small Radionuclide Emissions		5										5
GO-gasoline/diesel loading racks					5							5
Exemption- Internal Combustion engines									4			4
GP-Humane Society												3
Exemption-Oil/Water Separators		3								3		3
PBR-Autobody Shops									2			2
Exemption-Acid Storage Tanks					2							2
PBR-portable rock crushers						1						1
Exemption-Blow Molding Operations											1	1

Other "write-in" suggestions provided to consider:

- Exemption-Storage silos w/pneumatic conveying & baghouses
- Exemption-Indoor PM equipment w/baghouse (2)
- GP-Maintenance Booth combine with Industrial Painting
- GP-Autobody shops combine w/ industrial painting
- GP-Gas/Diesel loading racks/combine w/ gasoline dispensing
- GP-Indoor PM equipment w/ baghouse

WORKLOAD REDUCTION SUBCOMMITTEE PRIORITIES SELECTION LIST
 (Select and number (i.e. #1, #2, #3, etc.) items with your highest priority)

New Air Permit Exemptions

New Permits By Rule

New General Permits

Emissions Caps

Priority	Item	Priority	Item	Priority	Item	Priority	Item
	New PTI Emissions Thresholds		Paved and Unpaved roadways/parking areas		Industrial Painting Operations		Natural Minor Facilities
	Paint Burn-Off Ovens		Material Storage Piles		<u>Paved and Unpaved roadways/parking areas</u>		Major /synthetic Minor Facilities
	Rented Equip to buy		Crematoriums		Maintenance Painting Booths		All Facilities
	Acid Storage Tanks		Autobody Shops		Concrete batch Plants		
	Blow Molding Operations		Drycleaners		Grain Elevators		
	Oil-Water Separators		Gasoline Dispensing Operations		Landfills		
	Small Radionuclide Sources		Liquid Storage Tanks		Crematoriums		
	Temporary Portable Electric Generators		Internal Combustion Included in 3745-31-03(A)(1)(c)		Autobody Shops		
			Indoor PM equipment w/ baghouse		Drycleaners		
			Non-Emergency Gas Engines		Gasoline Dispensing Operations		
			Portable Rock Crushers		Liquid Storage Tanks		
			Storage Silos w/pneumatic conveying w/ baghouse		Small Sawmill Facilities		
					Humane Society Incinerators		
					Gas/Diesel Fuel Loading Racks		
					Sandblasting bridges/buildings		
					Gas#2 oil boilers		
					Soil Screening Plants		
					Storage Silos w/pneumatic conveying w/ baghouse		

Recommendations to Joint Industry/Ohio EPA Permit Improvement Steering Committee

**Workload Reduction Subcommittee
(WRS)
December 4, 2001**

WORKLOAD REDUCTION SUBCOMMITTEE RECOMMENDATIONS

**New PTI Emissions Threshold Exemption (not ‘de minimis’)
Additional Permits by Rule [OAC 3745-31-03 (A)(4)]**

- gasoline dispensing
- process equipment vented inside with dust collector
- liquid storage tanks (beyond existing exemptions)

General Permits (new rule, existing law)

- dry-cleaning operations
- industrial painting

Facility-Wide Emission Caps

- longer term, no existing law/regulatory structure

OEPA/Industry MOU - get ‘commitment’, support

WRS RECOMMENDATION: Facility-Wide Emission Caps

Facility-Wide Emission Cap Concept

- **New air permitting option**
 - list and describe all emission units
 - describe facility-wide emission limits by pollutant
 - allow equipment changes without PTI, remain within caps, comply
- **EPA-endorsed concept, successful in MN (Region V), NY, AZ**
- **Reg. V/OEPA/Industry MOU or other cooperative agreement**
- **Emission Cap Implementation Group (trades, law, consultants)**
 - Phase 1: Concept Paper in 4 months, cap types to consider, changes to allow, issues with rule compliance, other states, tasks and schedule
 - decision whether to proceed
 - Phase 2: Implementation in 2 to 4 years
 - possible dual track: synthetic minors vs. majors

IMPLEMENTATION PROCESS

FUTURE PLANS

- **Develop estimated overall time for each project**
- **All considerable amount of effort**
- **Need steering committee review**
- **Need Ohio EPA prioritization**
- **Develop rough implementation plan**
- **New project groups must be formed**

**Ohio EPA
Division of Air Pollution Control**

Task Listing for the Raise Exemption Threshold Project	
Est. Task Effort ¹	Task Description ²
Short	Analyze current Chapter 31 to determine if it needs to be reorganized to allow for all future rules changes (permit-by-rule, general permits, threshold exemptions, etc.).
Short	Review current fee statute. Will we need to change the statute to allow for increased fees in non newly exempt areas?
Short	Continue to research and review exemption “thresholds” that other states employ and that U.S. EPA has approved. Decide on a proposed new threshold limit for Ohio.
Short	Discuss this potential limit with U.S. EPA and ask for guidance and information on what would be needed to justify this limit to U.S. EPA.
Short	Based on feedback from U.S. EPA, reset the proposed threshold limit for Ohio.
Medium	Obtain permit information and the number and type of emissions units that would be impacted in Ohio by this new exemption. Determine the types and sizes of each emissions unit that would be affected by the new exemption. Determine how many emissions units would be newly exempt for each type and size of emissions unit. Determine what percent of emissions units per category obtain permits. Determine what percent of permitted and non permitted emissions units comply with any associated rules.
Short	Based on the number of impacted emissions units, determine the amount of emissions increase/decrease that would be associated with the new exemption.
Short	Complete a review of how this new exemption would impact fees. If the fees collected are reduced, then determine sources of “make-up” funding.
Short	Complete a review of how the new exemption will affect any other agency processes including permit review processes and the needs of other divisions.
Short	Get feedback from U.S. EPA on the acceptability of this new limit.
Short	Reevaluate exemption level based on U.S. EPA comments.
Short	If the new exemption results in significantly increased state-wide emissions, determine if additional control/regulation is required from other air pollution sources (typically by asking U.S. EPA).
Medium	Draft language for the Rule. Draft language for any additional rules for additional make-up emissions.
Short	Draft rule support package (Emissions Inventory Information, units impacted, etc.).
Short	Evaluate what other rule changes would be needed.
Long	Process rule package (Send out rule package for interested party review, revise, public hearing, JCARR review, etc.).

¹ The Estimated Effort column is intended to give the reader a sense for how much work is involved to get each task done. These are very rough estimates and represent only the amount of labor involved. Short means zero to 159 labor-hours, medium means 160 to 279 labor-hours and Long means 280 to 400 labor hours. Please also note that no attempt has been made to determine a work schedule because priorities have not been developed for all projects desired by the workgroup.

² Although some effort was made to put the tasks in sequential order, they do not necessarily need to be done sequentially. Further effort will be needed to properly define dependent tasks in order to determine sequential order.

Task Listing for the Permit-by-Rule Expansion Project

Est. Task Effort ¹	Task Description ²
Short	Continue to research and review permit-by-rule exemptions and that U.S. EPA has approved. Decide on proposed new permit-by-rule exemptions for Ohio.
Short	Discuss new permit-by-rule exemptions with U.S. EPA and ask for guidance and information on what would be needed to justify new permit-by-rule exemptions to U.S. EPA.
Short	Based on feedback from U.S. EPA, reset the proposed new permit-by-rule exemptions for Ohio.
Medium	Obtain permit information and the number and type of emissions units that would be impacted in Ohio by the new exemptions. Determine the types and sizes of each emissions unit that would be affected by the new exemptions. Determine how many emissions units would be newly exempt for each type and size of emissions unit. Determine what percent of emissions units per category obtain permits. Determine what percent of permitted and non permitted emissions units comply with any associated rules.
Short	Based on the number of impacted emissions units, determine the amount of emissions increase/decrease that would be associated with the new exemptions.
Short	Complete a review of how this new exemptions would impact fees. If the fees collected are reduced, then determine sources of "make-up" funding.
Short	Complete a review of how the new exemptions will affect any other agency processes including permit review processes and the needs of other divisions.
Short	Get feedback from U.S. EPA on the acceptability of new permit-by-rule exemptions.
Short	Reevaluate new permit-by-rule exemptions based on U.S. EPA comments.
Short	If the new permit-by-rule exemptions results in significantly increased state-wide emissions, determine if additional control/regulation is required from other air pollution sources (typically by asking U.S. EPA).
Medium	Draft language for the Rule. Draft language for any additional rules for additional make-up emissions.
Short	Draft rule support package (Emissions Inventory Information, units impacted, etc.).
Short	Evaluate what other rule changes would be needed.
Long	Process rule package (Send out rule package for interested party review, revise, public hearing, JCARR review, etc.).

¹ The Estimated Effort column is intended to give the reader a sense for how much work is involved to get each task done. These are very rough estimates and represent only the amount of labor involved. Short means zero to 159 labor-hours, medium means 160 to 279 labor-hours and Long means 280 to 400 labor hours. Please also note that no attempt has been made to determine a work schedule because priorities have not been developed for all projects desired by the workgroup.

² Although some effort was made to put the tasks in sequential order, they do not necessarily need to be done sequentially. Further effort will be needed to properly define dependent tasks in order to determine sequential order.

Task Listing for the General Permit Project	
Est. Task Effort ¹	Task Description ²
Short	Examine current statute to see if this is sufficient or if it needs to be modified.
Short	Work to draft an overall outline of the general permit program/process. Use other states, Ohio EPA programs, as a template or resource. Outline should describe the process by which applicants apply for the general permit, the Ohio EPA review process to approve the general permit and the process for issuance of an approval or permit.
Short	Review Ohio EPA internal processes to determine if any changes will need to be made to accommodate general permit issuance.
Short	Define universe of potential sources that would be eligible for a general permit - list possible industry sectors.
Short	Review general permit impact on agency fee collection. Determine if new rules are needed to appropriately charge fees. Determine process needed to charge fees and process fees.
Short	Select "test sector" to develop specific rules and have this work concurrently with overall general permit process issues.
Medium	Draft language for the Rule.
Short	Draft rule support package (summary of rule, description of process, etc.).
Long	Process rule package (Send out rule package for interested party review, revise, public hearing, JCARR review, etc.).

¹ The Estimated Effort column is intended to give the reader a sense for how much work is involved to get each task done. These are very rough estimates and represent only the amount of labor involved. Short means zero to 159 labor-hours, medium means 160 to 279 labor-hours and Long means 280 to 400 labor hours. Please also note that no attempt has been made to determine a work schedule because priorities have not been developed for all projects desired by the workgroup.

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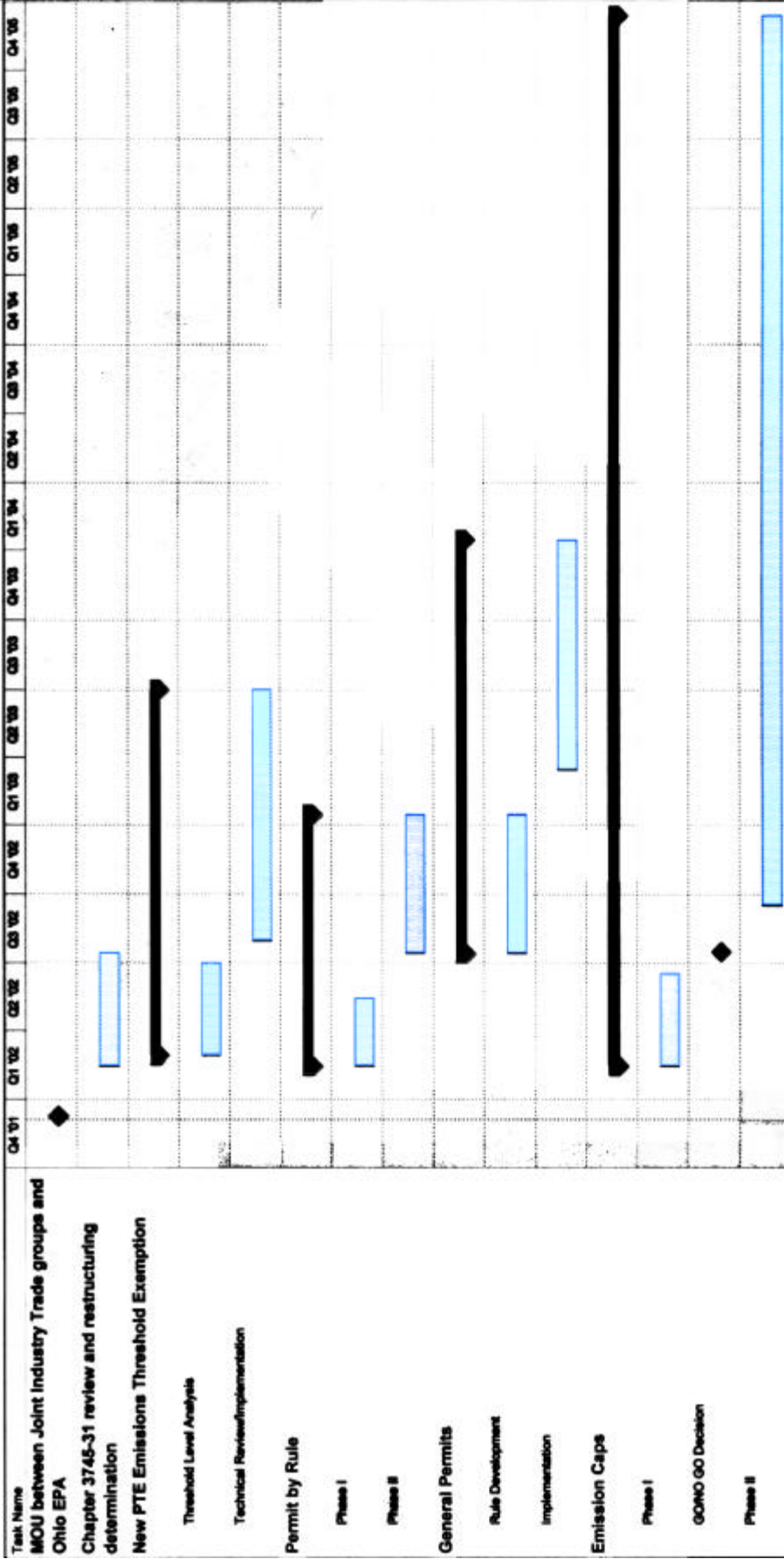
Task Listing for the Emissions Cap Project

Est. Task Effort* (Weeks)	Task Description
Short	Continue to research and review emissions caps programs that other states employ and that U.S. EPA has approved. Decide on a proposed emissions caps program format for Ohio.
Short	Develop a detailed outline and position paper on the proposed emissions caps program and on how it would be integrated into Ohio's existing program.
Short	Schedule and hold a meeting with U.S. EPA Region V to discuss the proposed program and to obtain their support for the program. Discuss this potential limit with U.S. EPA and ask for guidance and information on what would be needed to justify this limit to U.S. EPA.
Medium	Draft proposed law changes and needed legislation.
Medium	Obtain permit information and the number and type of emissions units that would be impacted in Ohio by this new program. Determine the types and sizes of each emissions unit that would be affected. Determine the effect, if any, on the expected emissions from these facilities.
Short	Complete a review of how this new program would impact fees. If the fees collected are reduced, then determine sources of "make-up" funding.
Short	Complete a review of how the new program will affect any other agency processes including permit review processes and the needs of other divisions.
Short	Send out proposed law changes, proposed legislation and supporting information to participants, citizens and other interested parties to gather comments.
Short	Based on feedback from interested parties, revise proposed law changes and legislation.
Medium	Obtain sponsor for legislation. Propose legislation. Monitor and revise legislation as it moves through the legislation process.
Medium	Draft language for the Rule(s).
Short	Draft rule support package (Emissions Inventory Information, units impacted, etc.).
Long	Process rule package (Send out rule package for interested party review, revise, public hearing, JCARR review, etc.).

¹ The Estimated Effort column is intended to give the reader a sense for how much work is involved to get each task done. These are very rough estimates and represent only the amount of labor involved. Short means zero to 159 labor-hours, medium means 160 to 279 labor-hours and Long means 280 to 400 labor hours. Please also note that no attempt has been made to determine a work schedule because priorities have not been developed for all projects desired by the workgroup.

² Although some effort was made to put the tasks in sequential order, they do not necessarily need to be done sequentially. Further effort will be needed to properly define dependent tasks in order to determine sequential order.

**Workload Reduction Subcommittee (WRS)
Recommended Implementation Plan
12/04/01 Draft for Discussion**



Task		Milestone		Pushed Up Task		Pushed Up Progress	
Split		Summary		Pushed Up Split		External Tasks	
Progress		Project Summary		Pushed Up Milestone		External Milestone	

Note: Starting date and timelines are subject to completed final report and steering group decisions on priorities.

APPENDIX D

OHIO EPA DIVISION OF AIR POLLUTION CONTROL

PERMIT TO INSTALL INTERNAL/EXTERNAL TRAINING WORKGROUP GOALS DECEMBER 4, 2001

1. **INTERNAL EPA TRAINING - BASIC NSR CLASS** – Course content has been developed which includes a segment on industry issues and perspectives. Industry speakers have been identified to participate in the industry segment of the training. Training will be scheduled and conducted by Ohio EPA during the first quarter of 2002. Ohio EPA will contact Ohio Chamber staff, Susan Montgomery to notify and schedule industry speakers. The metric for this goal will be the number of permit-writers trained initially and the percent of new permit writers trained within the first six months on the job. DAPC will maintain records of employees who have completed this internal Basic NSR training class.
2. **INTERNAL EPA TRAINING - ADVANCED NSR CLASS** – The Ohio EPA will develop and begin presenting an Advanced NSR Class by Spring 2003. At this time, industry representatives will be invited to review and contribute ideas to the course content and to develop an industry segment as in the Basic NSR Class. The metric for this goal will be the number of permit-writers trained and that the course be offered once a year. DAPC will maintain records of employees who have completed this internal Advanced EPA training.
3. **EXTERNAL TRAINING - BASIC NSR CLASS** – By October 2002 the Joint Permit Improvement Group will develop the Basic NSR Class for industry designed to reduce the errors that applicants make in simple NSR permit applications. The Group will be responsible for developing the content, determine the target audiences and the methods of delivery (e.g. video tapes, audio cassette, internet downloads, classroom, printed material) and pursue grant funding through the Ohio Air Quality Development Authority to help defray development and distribution costs. The Ohio EPA will assist in the development and will have final sign off on the final training program. The metric for this goal will be the percent of applications determined to be complete during the 14 day completeness review. DAPC will maintain the records. (The aim is to fulfill obligations put in place in 1993 in Ohio Revised Code 3704.038(C).)
4. **EXTERNAL TRAINING – ADVANCED NSR CLASS** – This was discussed as a potential future need but no goals have been established.

APPENDIX E

REORGANIZATION SUBCOMMITTEE

Members: Jack Pounds, Isaac Robinson, Mike Snyder, Cindy DeWulf, Karen Heyob, Mike Hopkins, Bill Burkhart and Al Franks

OVERVIEW OF WORK

The Joint Permit Improvement Group formed the Reorganization Subcommittee to examine the current structure of DAPC, and ensure that the structure of DAPC supports the permit processing improvements which were being developed by the other subcommittees. The subcommittee was aware that DAPC was currently examining its organization and the subcommittee chose to review the work already underway by DAPC, rather than repeat DAPC's effort.

DAPC launched an organizational efficiency workgroup in May 2000. The project team recognized that DAPC had evolved and had been shaped around individuals' capabilities rather than the logical or equitable distribution of work. New programs had been added to existing sections, and some activities, such as enforcement, have been conducted by multiple sections. The organizational efficiency workgroup was formed to examine the efficiency of the structure of DAPC Central Office, and evaluate whether or not it would be beneficial to modify the current structure.

The Joint Permit Improvement Group's Reorganization Subcommittee reviewed the work conducted by the DAPC organizational efficiency workgroup to date. DAPC staff outlined the proposed changes to DAPC's table of organization. Attachment 1 identifies the current distribution of work in DAPC by Section, and Attachment 2 identifies the draft future structure of DAPC. The DAPC workgroup should finalize its recommendations in February 2002. The recommendations will be forwarded to this subcommittee for review. The Joint Permit Improvement Group's Reorganization Subcommittee agreed to continue to monitor the DAPC reorganization, and review the effect of the reorganization on permitting efficiency.

SUBCOMMITTEE RECOMMENDATIONS

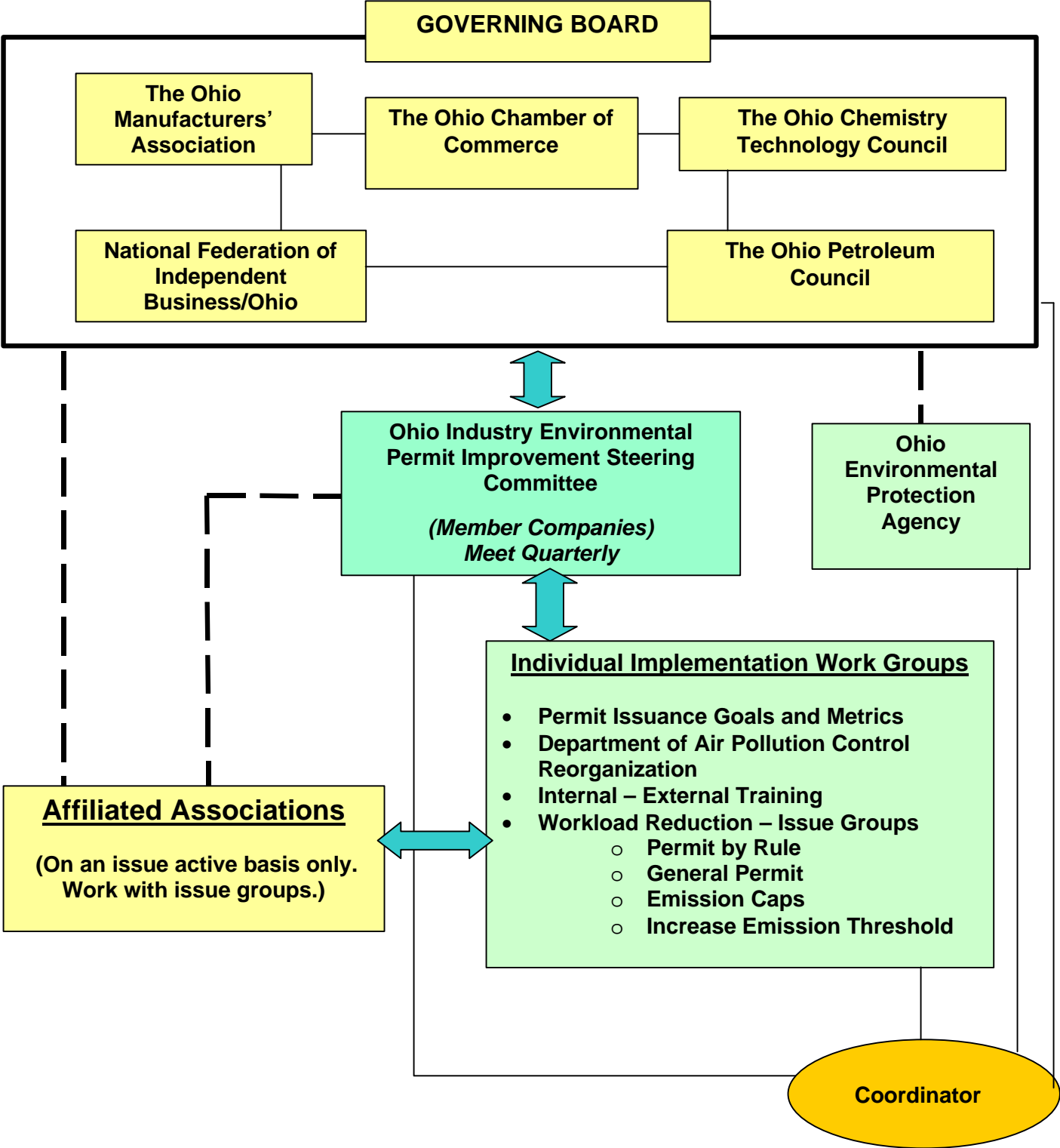
1. The subcommittee supports the DAPC Central Office reorganization as presented to the subcommittee. *final reorganization will be presented to the subcommittee
2. The subcommittee will continue to track the reorganization in the following areas:
 - A. Permitting - The subcommittee encourages any changes to improve communication between DO/LAA and Central Office to get permits issued efficiently.

Measure – Industry survey after reorganization. DAPC will track the number of permit recommendations returned to DO/LAA by Central Office.
 - B. Permitting Goal - The subcommittee supports additional changes to the organization or allocation of resources to make final decisions on 100% of PTI applications within 180 days.

Measure - The subcommittee will meet six months after implementation of the reorganization to revise monthly PTI permit processing statistics and meet quarterly thereafter.
3. After six months the subcommittee will meet to evaluate the effectiveness of the new organization, recognize successes, and identify possible solutions to any problems identified.

APPENDIX F

IMPLEMENTATION PROCESS FOR THE RECOMMENDATIONS OF THE INDUSTRY/OHIO EPA PERMIT PROCESSING EFFICIENCY COMMITTEE



COUNSEL'S REPORT

Frank L. Merrill & Christine Rideout Schirra,
Bricker & Eckler LLP, Counsel to the OMA
March 22, 2018

COLUMBUS | CLEVELAND
CINCINNATI | DAYTON
MARIETTA

BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
MAIN: 614.227.2300
FAX: 614.227.2390

www.bricker.com
info@bricker.com

Frank L. Merrill
614.227.8871
fmerrill@bricker.com

Christine Rideout Schirra
614.227.8810
cschirra@bricker.com

ENVIRONMENTAL DEVELOPMENTS

A. Ohio EPA Activities of Note

1. Plan to Reduce Nutrients in Lake Erie Basin

In late 2017, the Ohio EPA submitted a Domestic Action Plan (DAP) to the U.S. Environmental Protection Agency (U.S. EPA) for its review. The primary goal of the DAP is to reduce the amount of total and dissolved reactive phosphorous entering Lake Erie each year, culminating in a 40 percent total spring load reduction in phosphorous levels by 2025. Heightened phosphorous levels have contributed to an increasing number of algal blooms since the mid-1990s, leading to detrimental effects on the Lake Erie watershed and surrounding areas. As noted by Ohio EPA itself, such a limit on direct discharges, however, would not provide any real environmental benefits to Lake Erie because of the small amount of phosphorous that originates from direct discharges, compared to indirect agricultural discharges.

One of the ways in which the Ohio EPA plans to lower phosphorous levels entering the Lake Erie watershed is to strictly regulate wastewater treatment plants (WWTPs) discharging phosphorous throughout Ohio. Currently, Ohio does not have any existing laws regulating WWTP phosphorous levels. However, the Ohio EPA has stated in its DAP that it “will evaluate possible legislation that will limit all treatment works discharging wastewater containing phosphorous to achieve at least a monthly average affluent concentration of 1 mg/L phosphorous unless alternative limits or conditions are deemed appropriate by the Director.”

The Ohio EPA expects the U.S. EPA to respond to the DAP within the next few months. (A response was originally expected in February 2018.) It is important to note that the U.S. EPA will not be “approving” the DAP *per se* but will just be offering comments. Each state has a DAP, and the U.S. EPA is preparing a nationwide DAP for the entire country. The U.S. EPA will be interested in how Ohio shows progress in meeting its 40 percent phosphorus reduction goal, either through actual monitoring or modeling. However, nothing is currently set in stone; the DAP is admittedly a work in process and will be tweaked along the way. In fact, the process has been described as “building the airplane while it is going down the runway.”

OMA will continue to be proactive in the development of the plan so as to protect manufacturers from unnecessary regulations and oversight.

2. Universal Waste Rules

On December 8, 2017, Ohio EPA issued final revised Ohio-specific Universal Waste rules. Ohio's universal waste rules, found in Ohio Administrative Code Chapter 3745-273, apply to handlers, transporters, and destination facilities for specific categories of hazardous waste streams, including lamps, pesticides, mercury-containing equipment and discarded batteries. The new revised universal waste rules add hazardous non-empty aerosol cans, hazardous antifreeze, and hazardous paint and paint-related wastes to the definition of universal waste, as proposed in significant part by the OMA and some of its members. The new rules became effective on December 21, 2017.

3. Exclusion for Hazardous Textile Articles

On January 10, 2018, Ohio EPA issued a proposed amendment to its hazardous waste rules covering "hazardous waste textiles." Ohio's current hazardous waste rules provide a conditional exclusion that allows "solvent contaminated wipes" to be laundered without the need for the generator of the contaminated wipes to manage them as "hazardous waste." The current rule also excludes the laundry or cleaning facility from the requirement of obtaining a hazardous waste storage permit from Ohio EPA. Currently, the definition of "solvent contaminated wipes" does not include other types of hazardous waste textiles within its definition.

The proposed revisions add an exclusion to some of the hazardous waste rules for "hazardous waste textiles," which include rags, gloves, uniforms, linens, smocks, coveralls and mops made of woven or unwoven natural or synthetic fibers.

Unlike the solvent-contaminated wipe rule, the proposed hazardous waste textile rule does not exempt the laundered items from regulation. The proposed hazardous waste textile rule only provides for some relaxation of the hazardous waste requirements if certain other conditions are followed. These include providing written notice to the launderer of the hazards contained within the textiles and the hazardous constituents of the hazardous waste contained within the textiles. The proposed rule treats the laundry process as "recycling" but still labels the materials as "waste" even though they are never discarded.

The OMA provided comments to Ohio EPA on February 13, 2018 regarding these proposed rules.

4. Clean Air Act 110(l) Demonstration

The Ohio EPA Division of Air Pollution Control has public noticed its request to U.S. EPA to review and approve Ohio's Clean Air Act Section 110(l) demonstration, in which Ohio EPA seeks to show that removal of Best Available Technology (BAT) requirements for air emitting sources with less than 10-tons per year of emissions will not interfere with the

attainment of the National Ambient Air Quality Standards or violate the requirements of Section 110(l) of the Clean Air Act. The Ohio EPA conducted several qualitative and quantitative studies in support of its argument that removal to BAT requirements for the less than 10-ton per year sources would have minimal or no impact on emissions of air contaminants in Ohio. Ohio EPA is accepting written comments on its 110(l) demonstration and analysis, and/or requests for a public hearing, through April 19, 2018.

5. Industrial Solid Waste and Residual Solid Waste Landfill Rules

On February 7, 2018, the Ohio EPA Division of Materials and Waste Management (DMWM) issued for early stakeholder input proposed changes to the rules that cover disposal of industrial solid waste and residual solid waste into solid waste landfills. Proposed changes include amendments to rules pertaining to: disposal of secondary aluminum waste or municipal solid waste that has been commingled with secondary aluminum waste; acceptance of technologically enhanced naturally occurring radioactive material (TENORM); and solid waste approved as alternative daily cover.

6. Draft NPDES Construction Storm Water General Permit

On February 9, 2018, the Ohio EPA issued a public notice of its draft general NPDES permit for the statewide regulation of storm water associated with construction activities. The permit would authorize storm water discharges from construction activity disturbing one or more acres and be applicable statewide. Current permittees with existing coverage under previous iterations of the general permit would have continuing coverage under the new permit upon the submittal of a timely renewal application submitted within 90 days from the effective date of the new general permit.

The permit would additionally authorize some discharges that are not entirely considered construction storm water, such as trench dewatering, as well as storm water discharges associated with on-site concrete and asphalt batch plants. Moreover, the current NPDES construction storm water general permits for the Big Darby Creek Watershed and for Portions of Olentangy River Watershed are proposed to be combined into the statewide permit, so that in total there would be only one general permit.

Additional changes include:

- Changes to the definitions of operator, general contractor and subcontractor. With these changes Ohio EPA will require property owners to be party to the general permit even if another entity (i.e. subcontractor) has day-to-day control over the property during construction activities;
- Post construction best management practices (BMPs) are required to provide perpetual management of runoff quantity and quality;
- Changes to storm water volume calculations for both pre-construction and post-construction site conditions;
- Alternative post-construction BMPs must be approved by the agency prior to Notice of Intent.

Ohio EPA has scheduled a public hearing to accept comments on the draft general permit to be held March 28, 2018 at 2:30 pm. Interested persons may submit written comments to Ohio EPA on the draft general permit by no later than 5 pm on April 4, 2018.

B. U.S. EPA Activities of Note

1. U.S. EPA Withdraws “Once in, Always in” Policy

On January 25, 2018, the U.S. Environmental Protection Agency (EPA) issued a guidance memorandum withdrawing the “once in always in” policy for the classification of major sources of hazardous air pollutants under section 112 of the Clean Air Act. With the new guidance, sources of hazardous air pollutants previously classified as “major sources” may be reclassified as “area” sources when the facility limits its potential to emit below major source thresholds.

The “once in always in” policy has been a longstanding disincentive for sources to implement voluntary pollution abatement and prevention efforts, or to pursue technological innovations that would reduce hazardous air pollution emissions.

C. Judicial

1. *Hawaii Wildlife Fund v. County of Maui*, (9th Circuit 2018)

On February 1, 2018, the Ninth Circuit Court of Appeals issued a decision involving the discharge to groundwater that could have far reaching effects. The court held that an NPDES permit is required for the discharge of pollutants to groundwater that indirectly reach navigable waters, in this case the Pacific Ocean. The case involved the discharge of treated municipal wastewater to injection wells that were already regulated under Safe Drinking Water Act permits. The pollutants in the wastewater traveled through groundwater to reach the Pacific Ocean. The court found that such “indirect” discharge to a navigable water requires an NPDES permit.

It should be noted that under Ohio law, the definition of “waters of the state” includes groundwater. Ohio EPA has taken the position that impacts to groundwater are subject to regulation under Ohio Rev. Code Chapter 6111.

2. *Village of Albany, Ohio v. Butler*, (Franklin County Court of Appeals, February 22, 2018)

In affirming a previous ruling from the Ohio Environmental Review Appeals Commission (ERAC), the court found that the Village lacked standing to appeal a permit-to-install (PTI) for an on-site sewage treatment system for the local school district. The Village alleged that the PTI was in violation of its local ordinance prohibiting a private sewage disposal system if public sanitary sewer is available. The school district originally applied to connect to

the Village's sewage system, but the Village required annexation for such services. The school district did not want to be annexed to the Village and instead applied for a PTI to install its own on-site sewage treatment system. The court found that the Village lacked standing to appeal the school district's PTI even though it was arguably in violation of local law because the Village had an adequate remedy at law to enforce its ordinance against the school district. Therefore, the Village could not show that it was "injured or adversely affected" by the permit decision and accordingly lacked standing to appeal the PTI.

TO: OMA Environment Committee
FROM: Rob Brundrett
RE: Environment Public Policy Report
DATE: March 22, 2018

Overview

Ohio EPA Director Craig Butler has been making the rounds on the speaking circuit and is promoting a proposed piece of EPA legislation focusing on Lake Erie and the algal bloom. The bill would be a follow up to Senate Bill 2 which was passed last summer. While no details have been officially released, Ohio EPA has confirmed that it will be looking to put a minimum phosphorus discharge standard into legislation. This was previously outlined in the Ohio Lake Erie Commission Draft Action Plan. The OMA has a working group of concerned members working on the issue. Ohio EPA continues to work aggressively on its rule reviews and also has been promoting its Encouraging Environmental Excellence program.

General Assembly News and Legislation

Senate Bill 2 – Ohio EPA Water Bill

Senator Cliff Hite (R-Findley) introduced Senate Bill 2. The bill was formerly the Ohio EPA Water MBR bill in the 131st General Assembly. That bill ran into some last minute controversy and was not passed during lame duck in 2016. Among the provisions is language that would exempt slag from Ohio's water statutes. The OMA and some OMA members provided proponent testimony. The bill was passed by both chambers of the legislature and signed into law by the Governor last July.

House Bill 49 – State Budget Bill

The Governor's budget bill had countless hearings in both chambers. Ohio EPA proposed several law changes in the bill. Among items of interest includes language that responds to the Ohio Supreme Court's decision requiring all TMDLs go through the ORC 119 rule making process.

Each TMDL, including modified TMDLs, must go through the public notice, public comment, and public hearing process. The compromise allows for appeals to Ohio Environmental Review Appeals Commission (ERAC) of any permit containing limits based on a TMDL, and specifies that indirect dischargers as well as direct dischargers may appeal. The rule therefore provides for due process considerations for all parties involved.

Other changes include expansion of the local air agency statute, the authority to waive or reduce late payment penalties and fees, and to authorize explosive landfill gas monitoring. A late amendment in the Senate removed the fees associated with Alternative Daily Cover at landfills. OMA advocated heavily for this change.

House Bill 225 – Abandoned Well Regulation

The bill would allow a landowner to report an idle and orphaned well or abandoned well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well. The bill was passed out the House in January. It has had three hearings in the Senate.

Senate Bill 228 and House Bill 463 – Solid Waste Disposal Fee Increase

These companion bills would increase one of the state fees levied on the transfer or disposal of solid waste in Ohio. The proceeds of this increase will be deposited into the Soil and Water Conservation District Assistance Fund. The House has had one hearing on the bill. The OMA is working with allies to oppose the legislation.

Regulations

Ohio EPA Looking for Comments on Construction NPDES

Last month Ohio EPA provided notice that it will be issuing a draft general National Pollutant Discharge Elimination System (NPDES) permit for the statewide regulation of storm water associated with industrial activities.

The NPDES Statewide Construction Storm Water General Permit (Permit No. OHC000005) is the fifth generation of this general permit. The permit would authorize storm water discharges from construction activity disturbing one or more acres. Also, the permit would authorize some discharges that are not entirely storm water (such as trench dewatering), as well as storm water discharges from on-site concrete and asphalt batch plants.

This permit identifies who can apply to be covered, how an entity obtains coverage and how a permittee terminates coverage. The permit contains requirements for permittees to prepare, submit and implement a storm water pollution prevention plan (SWP3).

Interested persons are invited to submit written comments on this draft general permit. Comments should be submitted in person or by mail no later than 5:00 p.m. on April 4, 2018. An Ohio EPA public hearing to accept comments on the draft general permit has been scheduled for March 28, 2018 at 2:30 p.m. in the 6th floor Conference Room A at the Ohio EPA Lazarus Government Center, 50 West Town Street, Columbus, OH 43215.

OMA Submits Comments on Proposed Textile Exclusion Rule

Last month the OMA submitted comments to Ohio EPA on its Proposed Draft Hazardous Waste Laundered Textile Exclusion Rule 3745-51-06. In its comments OMA suggested that instead of creating and implementing an entirely new regulatory scheme for textile exclusion, Ohio EPA should adopt the approach taken by Indiana, which has proven to be highly successful, straightforward in implementation and environmentally-friendly.

The Indiana Department of Environmental Management (IDEM) does not regulate “contaminated” (i.e., soiled) clothing sent for cleaning and reuse as a “solid waste,” therefore, laundered and reused clothing is not subject to certain regulation.

If Ohio EPA proceeds with the proposed rule, OMA will argue to minimize the conditions placed on the generators of such textiles. The current rule draft is too burdensome for many of the intended beneficiaries to take advantage of the intended exclusion.

Ohio EPA Revising NPDES Program Rules

Ohio was authorized by U.S. EPA to implement the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act (CWA) (Section 402(b) and 40 C.F.R. Part 123) on March 11, 1974.

Authorized states assume permitting authority and are required to administer the program in a manner no less stringent than the CWA and regulations adopted or subsequently amended by EPA.

By law Ohio EPA must review these rules every five years. Pursuant to the five year rule review, the agency is soliciting initial input on draft rule revisions for nine of the ten rules in the chapter.

The agency is considering minor revisions and updates to style and references to all of the rules in this chapter.

ORSANCO Pollution Control Standards

In response to the Ohio River Valley Water Sanitation Commission's (ORSANCO) recent public notice of its Pollution Control Standards (PCS) triennial review, the OMA provided written comments regarding potential revisions to the PCS.

OMA wrote: "The water quality goals of the Compact are being effectively addressed by the Clean Water Act and the PCS no longer provide the value and impact they once did. Today, the difference between the PCS and Clean Water Act standards can and do lead to confusion for the manufacturing community, and can create complications in the permitting process, where there is often no effective way to question or challenge the appropriateness or applicability of the underlying PCS in specific permitting situations. The more valuable role for ORSANCO today is to concentrate on its scientific and technical information gathering and research. This would allow ORSANCO to provide valuable information to the states in carrying out their obligations to preserve and protect water quality under the Clean Water Act. It would also help promote and coordinate consistency among the states in the Ohio River basin."

Universal Waste

The OMA-led initiative to expand Ohio EPA's definition of universal waste to include more items, among them, paint and paint-related wastes continues to march forward at a deliberate pace.

The OMA has been working closely with Ohio EPA over the past few years to expand Ohio's universal waste program to include items now considered hazardous wastes, thus providing waste management relief for Ohio manufacturers.

The OMA commented on a variety of issues from storage to transportation to management standards. Ohio EPA prepared responses to comments and final rule was approved by the agency. Ohio EPA filed the rules with JCARR only to pull the rules to be refiled again in two weeks. The agency had its hearing at JCARR with zero opposition. The final step is final filing the rules which we expect in early December.

Thank you to the members who participated in drafting comments.

OMA Secures Changes to Draft Action Plan re. Phosphorous Limits

Just prior to the Thanksgiving holiday, the Ohio Lake Erie Commission announced it had completed its revision of the Ohio Domestic Action Plan (DAP) 1.0 to reduce phosphorus entering Lake Erie under the binational Great Lakes Water Quality Agreement with a goal of reducing phosphorus loading to Lake Erie by 40% by 2025.

That version of the Ohio DAP was submitted to U.S. EPA for review and comment and to serve as Ohio's part of the U.S. Domestic Action Plan, the final version of which is due in Feb. 2018.

The OMA had met with top leaders of Ohio EPA to oppose the agency's decision to confine – through legislative mandate – all permitted water dischargers to a 1.0 mg/L monthly average phosphorus limit.

In the revised DAP 1.0 the language has been changed to “Ohio EPA will evaluate possible legislation that will limit all treatment works discharging waste water containing phosphorus to achieve at least a monthly average effluent concentration of 1 mg/L phosphorus unless alternative limits or conditions are deemed appropriate by the Director.”

While not eliminating the possibility of legislative action, the change in tone is good news for manufacturers that would be impacted either directly or indirectly through new regulation.

Ohio EPA Agency News

Ohio EPA Region 5 has New Administrator

According to a December 19, 2017 press release from the U.S. Environmental Protection Agency (EPA), Administrator Scott Pruitt announced the appointment of Cathy Stepp to become regional administrator for Region 5, which includes Indiana, Illinois, Michigan, Minnesota, Ohio and Wisconsin.

“Cathy Stepp currently serves as a principal deputy regional administrator for Region 7 and will return to the Midwest region where she previously served as the secretary of the Wisconsin Department of Natural Resources from 2011 to 2017. While serving as a state cabinet secretary, Cathy lead the third largest agency in the state with about 4,000 employees and was responsible for state enforcement and protection of: wildlife, fisheries, state parks, trails, forests, and environmental permitting,” per the release.

Also according to the release, Ohio EPA Director Craig Butler said: “I am very pleased that Cathy Stepp will be the USEPA region 5 administrator. She is a strong leader with proven state experience. She knows how to get things done and I look forward to working closely with her.”

Ohio Materials Marketplace

The Ohio EPA continues to invite OMA members to participate in its newly launched Ohio Materials Marketplace with the objective to advance Ohio towards a circular material economy.

The free online platform enables Ohio businesses to list by-product and waste materials, as well as post requests for desired materials. The Materials Marketplace aims to assist manufacturers and other businesses in advancing their zero-landfill goals, decreasing greenhouse gas emissions, and reducing material and waste management costs.

Raw materials, by-products, and massive volumes are welcomed. Materials can range from computer monitors to waste paper to clay.

Ohio Manufacturers to Meet with U.S. EPA Region V

The OMA with several other business organizations has partnered with the law firm Steptoe and Johnson to set up a manufacturers’ meeting with U.S. EPA Region V and Ohio EPA senior management.

Representatives of U.S. EPA and Ohio EPA will provide updates on recent developments in all major program areas; this will be followed by a Q & A session for the benefit of the manufacturing companies in attendance.

Several other states in Region V have found these meetings useful in learning more about Region V policies and practices.

The meeting will take place on Tuesday, April 17 from 9:00 a.m. to noon (central time) at the U.S. EPA offices, 77 W Jackson Blvd, Chicago, IL 60604. While all OMA members are welcome, due to limited seating and security, please contact OMA's Rob Brundrett to RSVP. Only those who RSVP can be admitted.

National Pollutant Discharge Elimination System (NPDES) Program

**PUBLIC NOTICE
OF DRAFT GENERAL NPDES PERMIT
FOR STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY**

Public Notice No.: 18-02-029

Date of Issue of Public Notice: February 9, 2018

On the basis of staff review and application of standards and regulations, the Director of the Ohio Environmental Protection Agency will issue a draft general National Pollutant Discharge Elimination System (NPDES) permit for the statewide regulation of storm water associated with industrial activities. The draft permit will be issued as a final action unless the Director revises the draft after consideration of the record of a public hearing or written comments, or upon disapproval by the Administrator of the U.S. Environmental Protection Agency. Any person may submit comments on the draft permit and administrative record.

The NPDES Statewide Construction Storm Water General Permit (Permit No. OHC000005) is the fifth generation of this general permit. This permit would be applicable statewide including the Big Darby Creek watershed and portions of the Olentangy River watershed which are currently regulated by alternative general permits. This permit would authorize storm water discharges from construction activity disturbing one or more acres. Also, the permit would authorize some discharges that are not entirely storm water (such as trench dewatering), as well as storm water discharges from on-site concrete and asphalt batch plants. This permit identifies who can apply to be covered, how an entity obtains coverage and how a permittee terminates coverage. The permit contains requirements for permittees to prepare, submit and implement a storm water pollution prevention plans (SWP3s). The SWP3 is the permittee's plan to minimize contamination of storm water that will be discharged to surface waters from the site.

The public notice, associated fact sheet and general permit may be viewed over the internet at epa.ohio.gov/dsw/permits/GP_ConstructionSiteStormWater.aspx. Copies are also available for inspection at the Ohio Environmental Protection Agency-Central Office, Division of Surface Water, 50 West Town Street, Suite 700, Columbus, Ohio between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. Copies may also be obtained by contacting Michael Joseph at 614-752-0782 or via email at Michael.Joseph@epa.ohio.gov.

The processing of this general permit and associated Notices of Intent for coverage is and will be done, respectively, in accordance with Ohio's antidegradation rule, Ohio Administrative Code (OAC) 3745-1-05, and NPDES general permit rules, OAC 3745-38.

An Ohio EPA public hearing to accept comments on the draft general permit has been scheduled for March 28, 2018 at 2:30 pm in the 6th Floor Conference Room A at the Ohio EPA Lazarus Government Center, 50 West Town Street, Columbus, OH 43215. The public hearing will end when everyone in attendance has had an opportunity to provide comments related to the draft general permit. In lieu of attending the public hearing, written comments may be submitted as outlined in the following paragraph.

Interested persons are invited to submit written comments on this draft general permit. Comments should be submitted in person or by mail no later than 5 pm on April 4, 2018. Comments received after this date may not be considered as part of the official record of this hearing. Deliver or mail all comments to:

Ohio Environmental Protection Agency
Division of Surface Water - Permits Processing Unit
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

The OEPA permit number (OHC000005) should appear next to the above address on the envelope and on each page of any submitted comments.

Ohio Environmental Protection Agency

Fact Sheet for

National Pollutant Discharge Elimination System (NPDES)

General Permit Renewal for Discharges of Storm Water Associated with
Construction Activity (OHC000005)**I. Background**

Several pollutants are associated with discharges from construction sites, including: sediment, solid and sanitary wastes, fertilizer, pesticides, oil and grease, concrete truck washout, construction chemicals, and debris. Sediment is the greatest pollutant of concern amongst these. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several years. The resulting siltation, and the contribution of other pollutants from construction sites and the new land uses, can cause physical, chemical and biological harm to surface waters. For example, excessive sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitat.

The federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]), which was enacted in 1972, provides that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The Clean Water Act amendments of 1987 (referred to as the Water Quality Act of 1987) explicitly required the U.S. Environmental Protection Agency (EPA) to adopt regulations to require NPDES permits of storm water dischargers associated with construction activities. Construction sites disturbing one or more acres of land have been required to obtain NPDES permit coverage since March 10, 2003.

This fact sheet addresses the fifth generation of the Construction Storm Water general permit (Permit No. OHC000005).

II. Description of General Permit Coverage and Type of Discharges

The permit would authorize storm water discharges from construction activity disturbing one or more acres and be applicable statewide. Also, the permit would authorize some discharges that are not entirely considered construction storm water (such as trench dewatering), as well as storm water discharges associated with on-site concrete and asphalt batch plants.

Ohio EPA currently has three NPDES construction storm water general permits (CGPs):

General Permit	General Permit Number	Effective Date	Expiration Date
Statewide CGP	OHC000004	April 21, 2013	April 20, 2018
Big Darby Creek Watershed CGP	OHCD00002	October 1, 2012	September 30, 2017
Portions of Olentangy River Watershed CGP	OHCO00002	June 2, 2014	May 31, 2019

OHC000005 would include the specific conditions currently applicable to the Big Darby Creek watershed and Portions of the Olentangy River watershed as Appendices. Therefore, Ohio EPA is proposing to combine all three general permits into one general permit.

III. Application and Termination Procedures

New Dischargers: To obtain initial coverage, a discharger needs to submit a complete Notice of Intent (NOI) form, storm water pollution prevention plan (SWP3) and appropriate application fee prior to the commencement of construction activity. These shall occur at least 45 days prior for sites within the Big Darby Creek and portions of the Olentangy River watersheds; and at least 21 days elsewhere.

Existing Dischargers: Existing permittees having coverage under previous generations of this general permit, Big Darby Creek Watershed general permit and Portions of the Olentangy River Watershed general permit shall have continuing coverage under OHC000005 with the submittal of a timely renewal application. Within 90 days from the effective date of this permit, existing permittees shall submit a completed renewal application expressing their intent for continued coverage if needed. In accordance with Ohio Administrative Code (OAC) 3745-38-02(E)(2)(a)(i), a renewal application fee will only apply to existing permittees having general permit coverage for 5 or more years as of the effective date of this general permit. Existing permit coverage will be terminated if Ohio EPA does not receive the renewal application within this 90-day period.

Permit Expiration: The general permit renewal will expire five years after the effective date.

Notice of Termination: Permittees must submit a Notice of Termination (NOT) form within 45 days of completing all permit requirements in accordance with Part IV of this draft general permit renewal. To terminate coverage, a discharger needs to complete and submit the NOT application using the NOT electronic application form available through the Ohio EPA eBusiness Center at ebiz.epa.ohio.gov. For guidance, please see the following epa.ohio.gov/dsw/eps.aspx#170645012-streams-applications.

IV. Description of Permit Conditions

In comparison to the current NPDES statewide construction storm water general permit (OHC000004), this draft general permit renewal (OHC000005) contains the following noteworthy changes:

1. Permit Area (Part I.A). Incorporates the Big Darby Creek watershed CGP and Portions of the Olentangy River watershed CGP requirements as appendices. These two watersheds' current conditions, that exceed the statewide CGP, have been included as appendices. This will combine all three general permits into one with this general permit renewal.
2. Electronic Submittal of Applications and SWP3 (Part I.E.1 and Part I.F). OHC000005 would require Notice of Intent (NOI), Notice of Termination (NOT), Individual Lot NOI/NOT and Co-Permittee NOI/NOT applications to be submitted electronically using Ohio EPA's electronic application forms which are available through the Ohio EPA eBusiness Center at ebiz.epa.ohio.gov.

Submission through the Ohio EPA eBusiness Center requires establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the applications. Existing eBusiness Center account holders can access the applications through their existing account and submit using their existing PIN. Ohio EPA has developed specific guidance for setting up an account, obtaining a PIN and

submitting each type of application. For guidance, please see the following epa.ohio.gov/dsw/ebs.aspx#170645012-streams-applications.

In addition, OHC000005 would require that the SWP3 be submitted with the NOI application. The electronic NOI application allows for the attachment of the SWP3.

3. Sediment Basin and Sediment Barriers (Part III.G.2.d). Language has been removed to clarify that sediment basins are appropriate for sites less than 10 acres and that all sediment basins have a minimum drain time of 48 hours. The term “sediment barrier” has replaced the terms silt fence in some instances. And it is specified that a standard silt fence may be substituted with a 12-inch diameter sediment barrier.
4. Post-Construction Requirements (Part III.G.2.e). After evaluation of current post-construction requirements found that the application of current methodology is not expected to capture average annual runoff and 80% total suspended solids (TSS), the following changes to post-construction requirements have been made to improve expected performance to this level:
 - Increase precipitation depth from 0.75 to 0.9 inches.
 - Alter the volumetric runoff coefficient (weighted calculation) method
 - From $C = 0.858i^3 - 0.78i^2 + 0.774i + 0.04$ to $Rv = 0.05 + 0.9i$
 - Require the capture of the WQv with an acceptable post-construction practice for all sites disturbing over 1 acre.
 - Revise and increase the of acceptable post-construction practices. Extended detention practices have been separated from infiltrating practices and each provided appropriate drain times and notes critical to design and performance.
 - Clarify that use of regional storm water best management practices is acceptable if it meets permit design requirements and a legal agreement is provided for this service.
 - Calculation of the water quality volume or practices for previously developed sites:
 - Previously developed sites that utilize extended detention must provide an increased percentage (40%) of the WQv while green infrastructure practices must capture only 20% of the WQv.
 - Post-construction practices shall be located to treat areas generating higher loads of pollutants rather than cleaner areas.
 - A list is provided of runoff reducing practices (green infrastructure) that may be utilized to reduce the required WQv.
 - Alternative post-construction practices must be certified using a defined particle size distribution and meet certification requirements of either New Jersey DEP or Washington State TAPE Programs.
 - Practices utilizing a water quality flow (instead of a volume) must be designed to treat 90 percent of the average annual runoff volume. A method is provided.

5. Inspections (Part III.G.2.i). Allows the next inspection after a rainfall to occur on the next work day and requires that reduced inspection frequency be documented in the SWP3.
6. Big Darby Creek Watershed Appendix (Appendix A). Adds the current watershed specific conditions that exceed the statewide CGP for the Big Darby Creek watershed including: sediment basin sizing and monitoring requirements; riparian setback/mitigation requirements; and groundwater recharge/mitigation requirements. Pertaining to groundwater recharge, an option has been added of calculating a recharge value for utilizing infiltrating green infrastructure practices on-site.
7. Portions of the Olentangy River Watershed Appendix (Appendix B). Adds the current watershed specific conditions that exceed the statewide CGP for portions of this watershed, specifically pertaining to riparian setback and mitigation requirements.
8. Definitions (Part VII). The definition of "Operator" has been clarified and definitions have been added for "General Contractor" and "Subcontractor."

V. Procedures for the Formulation of Final Determinations

This general permit shall be issued as a final action unless the director revises the draft after consideration of the record of a public hearing or written comments, or upon disapproval by the Administrator of the U.S. Environmental Protection Agency.

Interested persons are invited to submit written comments upon the general permit. Comments should be submitted in person or by mail no later than April 4, 2018. Deliver or mail all comments to the following address:

Ohio Environmental Protection Agency
Division of Surface Water - Permits Processing Unit
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

The NPDES permit number (OHC000005) should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than April 4, 2018 will be considered.

VI. Additional Information

For additional information regarding this draft general permit renewal, please contact one of the following:

Michael Joseph
(614) 752-0782
Michael.Joseph@epa.ohio.gov

Jason Fyffe
(614) 728-1793
Jason.Fyffe@epa.ohio.gov



February 13, 2018

Mr. Jeffrey Mayhugh
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
Columbus, OH 4321

Re: Ohio's Draft Hazardous Waste Laundered Textile Exclusion

Dear Mr. Mayhugh:

Pursuant to Ohio EPA's Public Notice, issued on January 11, 2018, The Ohio Manufacturers' Association (OMA) is hereby providing Ohio EPA with written comments to Ohio's Proposed Draft Hazardous Waste Laundered Textile Exclusion Rule 3745-51-06.

The OMA is dedicated to protecting and growing manufacturing in Ohio. The OMA represents over 1,400 manufacturers in every industry throughout Ohio. For more than 100 years, the OMA has supported reasonable, necessary and transparent environmental regulations that promote the health and well-being of Ohio's citizens.

The OMA would like to thank Ohio EPA for the opportunity to comment on the proposed draft rules for the regulatory exclusion for hazardous waste textiles. We certainly appreciate the effort that went into drafting these rules. It is important for Ohio manufacturers, many who operate in a variety of states to be able to follow similar policies and regulations in the different states. Placing more stringent requirements in Ohio versus neighboring states that already operate textile exclusions policies has the potential of placing Ohio manufacturers at a competitive disadvantage or creating a system that does not conform with generally accepted environmentally safe practices.

Instead of creating and implementing an entirely novel regulatory scheme for textile exclusion, OMA recommends that Ohio EPA consider and adopt the approach taken by Indiana, which has proven to be highly successful, straightforward in implementation, and environmentally-friendly. The Indiana Department of Environmental Management (IDEM) does not regulate "contaminated" (i.e., soiled) clothing sent for cleaning and reuse as a "solid waste," therefore, laundered and reused clothing is not subject to regulation under RCRA in Indiana. IDEM addresses the issue of laundered textiles in its guidance document "Management of Contaminated Wipes and Reusable Cloth Items."¹

¹ https://www.in.gov/idem/landquality/files/hw_info_contaminated_wipes.pdf

Unlike Ohio EPA's proposed regulation, IDEM's regulatory scheme does not consider contaminated clothing that is sent to laundries and subsequently reused as being "discarded" and, therefore, contaminated clothing is not subject to regulation under RCRA. IDEM requires that certain conditions be met in order to use the exclusion, such as accumulating contaminated clothing to be laundered in containers that are in good condition and the discharging laundry wastewater to a CWA permitted industrial POTW or through a CWA permitted industrial point source.

OMA believes IDEM's reasoning for not classifying soiled or incidentally-contaminated cloth or textiles as solid wastes is appropriate and should serve as a model for Ohio for the following reasons:

- Soiled textiles, such as gloves, uniforms and aprons, are not discarded prior to laundering onsite or off. They are not abandoned, placed on the land or inherently waste-like.
- Soiled textiles such as gloves, uniforms and aprons are not spent within the historic application of the term within RCRA. Such textiles are laundered for appearance and/or hygienic reasons, not because they are unable to continue to function as designed or intended.

If Ohio EPA decides to move forward with a rulemaking to regulate certain textiles intended to be laundered, OMA strongly urges Ohio EPA to minimize the conditions placed on the generators of such textiles. A good example of this is found in Michigan, where the Michigan Department of Environmental Quality excludes laundered textiles from regulation as a recyclable material without imposing unnecessary conditions. Michigan's exclusion – like Ohio EPA's proposed rule – requires no free liquids be present when sending contaminated textiles to be laundered, but Michigan's rules do not require the listing of every hazardous constituent found within the textile (as required by (e)(ix) of Ohio's proposed rule).² See MAC R 299.9206(3)(g).

The current draft regulation, as proposed by Ohio EPA, is too burdensome for many of the intended beneficiaries to take advantage of the intended exclusion. Such examples of these burdens include providing the launderer written notice of the hazards of hazardous waste textiles and another notice of the hazardous constituents of the hazardous waste textiles. Since the discharge from these facilities is regulated under the Clean Water Act, this requirement is burdensome and repetitive without providing any additional environmental benefit. Simply stated, referring to these textiles as "Hazardous Waste Textiles" is counterproductive since most of these textiles have been laundered in the ordinary course of business for more than 50 years.

OMA believes it is important for Ohio EPA to recognize laundered textiles should be excluded from conventional hazardous waste laws and there are better ways to provide an exclusion than what has been proposed. The ten conditions proposed by Ohio EPA each erect unnecessary barriers and, as outlined above, the burdensome notice requirements may deter many companies from participating in a regulatory regime that is intended to be beneficial to them, but, in practice, will do nothing more than levy additional cumbersome, needless regulation.

² https://www.michigan.gov/documents/deq/deq-whm-hwp-Part111Rules_248146_7.pdf

We again thank the agency for the opportunity to provide comments. We look forward to working with the agency in an interested-party meeting as the draft and these comments are taken under consideration.

Sincerely,

A handwritten signature in blue ink that reads "Robert A. Brundrett". The signature is written in a cursive style with a large initial "R".

Rob Brundrett
Director, Public Policy Services

cc: Julianne Kurdila, Committee Chair
Frank L. Merrill, Esq.



Proposed Rules — Ohio NPDES Permits (OAC Chapter 3745-33)

What does OAC Chapter 3745-33 cover?

Chapter 3745-33 of the Ohio Administrative Code (OAC) contains the administrative and technical requirements for writing and obtaining individual wastewater discharge permits under the National Pollutant Discharge Elimination System (NPDES) permit program. The NPDES program was created in 1972 by the Clean Water Act (CWA) to help address water pollution. NPDES permits authorize the discharge of pollutants at levels that ensure water quality standards are being met. The NPDES program regulates any facility that discharges pollutants to waters of the state, including publicly owned treatment works (POTWs), businesses and industries.

Ohio was authorized by U.S. EPA to implement the NPDES Program under the CWA Section 402(b) and 40 C.F.R. Part 123 on March 11, 1974. Authorized states assume permitting authority and are required to administer the program in a manner no less stringent than the CWA and regulations adopted or subsequently amended by U.S. EPA.

Which rules are under review at this time?

The following rules are being reviewed in this five-year rule review:

Rule Number	Title
3745-33-01	Definitions.
3745-33-02	Ohio NPDES permit required.
3745-33-03	Applications.
3745-33-04	Permit actions.
3745-33-05	Authorized discharge levels.
3745-33-06	Treatment and disposal standards and permit limits.
3745-33-07	Establishing water quality-based permit conditions.
3745-33-09	Best management practices.
3745-33-10	Applicability of rules of procedure.

What changes are being proposed?

The rules under OAC Chapter 3745-33 have been reviewed and amended pursuant to section 106.03 of the ORC. Ohio EPA is required to review its rules every five years to determine if the rules need to be revisited. The Agency has reviewed nine of the ten rules in the NPDES Chapter of the Administrative Code, and has identified needed changes. The following changes are being proposed:

3745-33-01:

- Addition, deletion and clarification of definitions.

3745-33-02:

- No major revisions are being proposed at this time.

3745-33-03:

- Formalizing a long-standing treatment additive policy by incorporating the policy into rules 3745-33-03 and 3745-33-07. The Agency has created an application form, which will be public noticed with the rule package, for facilities to use when applying to use a treatment additive. This will make it easier for facilities to submit all of the information needed for the Agency to technically evaluate the request.
- A comment listing common deficiencies associated with NPDES applications has been added to help facilities avoid common mistakes.
- A requirement has been added that all quantitative data must be collected in accordance with sufficiently sensitive analytical methods approved under 40 C.F.R. 136 or required under 40 C.F.R. Chapter I, subchapter N or O.

3745-33-04:

- Inclusion of monitoring and limits based on treatment additive approval as a minor modification.
- Added as a minor modification option: incorporation of newly discovered storm water outfalls at an existing facility. This change was NOT in the Interested Party draft rules or due to Interested Party Comments.

Proposed Rules — NPDES Permit Program

3745-33-05:

- The table that lists pollutants that are not subject to five-year maximum compliance schedules was originally in a different rule. DSW is proposing to incorporate it into rule 3745-33-05 for ease of reference.
- The movement of mercury fish tissue language to rule 3745-33-07.
- Clarification on how to calculate loading and concentration limits.

3745-33-06:

- No major revisions are being proposed at this time.

3745-33-07:

- Including that limits shall be required for pollutants that the Director determines are necessary due to an antidegradation review and for pollutants that are determined to have the reasonable potential to cause or contribute to an exceedance of water quality standards.
- Clarifying that when the Director uses his discretion to include monitoring instead of limits for group five parameters, they shall be subject to the requirements of group four parameters.
- Formalizing a long-standing treatment additive policy by incorporating it into rules 3745-33-03 and 3745-33-07.
- Adding that limits for acute toxicity may be modified if a facility demonstrates attainment by studies that indicate that the area where acute toxicity is expected to be present is too small to be habitable by aquatic life and is not rapidly lethal to organisms that go through this area.
- The movement of variance language to OAC Chapter 3745-1.
- Incorporating the LC50 (concentration expected to be lethal to fifty percent of a group of organisms) into the reasonable potential analysis for whole effluent toxicity for parameters that do not have numeric criteria.

3745-33-09:

- Addition of the option for the director to allow the implementation of a toxic organic management plan instead of monitoring that for NPDES permits that contain limits for total toxic organics. This change implements current policy and federal regulations.

3745-33-10:

- No major revisions are being proposed at this time.

Please note that all rules under review will receive updates to reference citations and rule formatting to conform to the Legislative Service Commission style requirements.

Are there changes from the August 2017 draft rule revisions?

Yes, The Agency made a number of changes to the draft language in response to comments received during Interested Party Review. The Agency has changed the definitions for “pollutant” back to the currently effective definition, and revised the definitions for “process wastewater” and “reasonable potential”. The Agency also replaced “chemical substances” with “treatment additives proposed” in rule 3745-3-03 (C)(2) and clarified that treatment additive applications are not required if a treatment additive has been approved via NPDES permit, added a comment that Ohio EPA recommends submittal of treatment additive applications 45 days prior to use, and added a list of common treatment additives that are exempt from the approval requirement. Incorporation of newly discovered storm water outfalls at existing facilities is now an option for a minor modification to a permit. Lastly, the Agency reinstated the word “significant” in 3745-33-06 (C)(2), and incorporated the average of the geometric means of various fish species into the methylmercury fish tissue language in rule 3745-33-07.

Who will be regulated by these rules?

Anyone who applies for or already has an NPDES permit, or otherwise propose to impact waters of the state via a point source.

What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders (public, local officials, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by these rule revisions and additions. General comments and specific factual information are welcome.

How are the amendments formatted in the proposed rules?

Proposed Rules — NPDES Permit Program

Text proposed for deletion is struck through; new text is underlined. Some of these rules are being rescinded and filed as new due to more than fifty percent of the text changing. These rules have all text underlined.

What is the rulemaking schedule?

A public hearing on the proposed rule will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at the **Ohio EPA Conference Center, Room A, 50 West Town Street, Suite 700, in Columbus, Ohio at 10:30 a.m. on March 28, 2018**. The purpose of the public hearing is to give interested persons the opportunity to present oral or written comments on the proposed rules.

At the close of the public comment period, the Agency will review the comments, make any necessary changes to the rules, and then adopt the rules. This is roughly a two-month process from the close of the comment period. A responsiveness summary will be prepared and sent to everyone who comments on the proposed rules. Final rules could be adopted in late spring 2018.

How can I comment on the proposed rules?

Please submit your comments in one of the following ways:

- By email: dsw_rulecomments@epa.ohio.gov
- By fax: (614) 644-2745
- By postal mail:

Rule Coordinator
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

Comments on the proposed rules must be received no later than 5:00 p.m. on March 28, 2018.

How can I get more information?

- Copies of this fact sheet and proposed rules are on the Division of Surface Water website at: www.epa.ohio.gov/dsw/dswrules.aspx.

For more information about these proposed rules, please contact Ashley Ward at (614) 644-4852 or Ashley.Ward@epa.ohio.gov.



Via email PCS@orsanco.org
ORSANCO
5735 Kellogg Avenue
Cincinnati, OH 45230

Re: OMA Comments on ORSANCO's Pollution Control Standards – triennial review

Dear Sir or Madam:

Pursuant to ORSANCO's recent public notice, The Ohio Manufacturers' Association (OMA) is hereby providing the Ohio River Valley Water Sanitation Commission (ORSANCO) with written comments in response to potential revisions to its Pollution Control Standards (PCS).

The OMA is dedicated to protecting and growing manufacturing in Ohio. The OMA represents more than 1,400 manufacturers in every industry throughout Ohio. For more than 100 years, the OMA has supported reasonable, necessary and transparent environmental regulations that protect Ohio's citizens and resources.

The OMA would like to thank ORSANCO for the opportunity to comment as the Commission continues its review and evaluation of potential alternatives and revisions to the ORSANCO Pollution Control Standards – 2015 Revision (PCS). The OMA appreciates the role ORSANCO plays in helping protect and preserve water quality in the Ohio River and collecting and providing data and information for the river's many stakeholders. This comment period offers an important opportunity to review the role of ORSANCO in light of both regulatory developments and improvements in water quality in the Ohio River since ORSANCO's inception in 1948.

Summary of Comments

OMA has reviewed the five alternatives identified by the Commission and supports the adoption of Alternative 2 Expanded. We view this as the most sensible and cost-effective approach to achieve the goals of the ORSANCO Compact. Alternative 2 Expanded is appropriate and consistent with the mandates of the ORSANCO Compact.

When ORSANCO was created in 1948 the need for water quality improvements in the Ohio River was clear and prior to ORSANCO there was no effective regulatory framework to address this critical need. Since the creation of ORSANCO, there have been numerous changes to the regulatory system most notably the passage and enactment of the Clean Water Act and a comprehensive system of federal and state water quality programs and standards developed and implemented in all of the ORSANCO Compact states. As a result of these changes, there has been a dramatic improvement in the quality of the Ohio River, as well as its tributaries and other feeder streams.

Today all of the Compact States implement a federally-enforceable water quality program approved by the U.S. EPA. These programs have been effective in addressing each state's streams as aquatic habitats, as well as supporting their uses for recreation and drinking water.

The water quality goals of the Compact are being effectively addressed by the Clean Water Act and the PCS no longer provide the value and impact they once did. Today, the difference between the PCS and Clean Water Act standards can and do lead to confusion for the manufacturing community, and can create complications in the permitting process, where there is often no effective way to question or challenge the appropriateness or applicability of the underlying PCS in specific permitting situations. The more valuable role for ORSANCO today is to concentrate on its scientific and technical information gathering and research. This would allow ORSANCO to provide valuable information to the states in carrying out their obligations to preserve and protect water quality under the Clean Water Act. It would also help promote and coordinate consistency among the states in the Ohio River basin.

OMA believes that Alternative 2 Expanded is the best alternative outlined by the Commission. Alternative 2 Expanded maintains the beneficial uses of the Ohio River consistent with the mandates of the ORSANCO Compact, while at the same time removing the duplicative and resource intensive aspects of the PCS. Alternative 2 Expanded also allows ORSANCO to concentrate its resources on those tasks that it can best perform to help promote and preserve water quality in the Ohio River.

While the OMA appreciates the time and effort the Commission took in compiling these alternatives, the OMA cannot support Alternatives 3 or 4. Both of these options would consume significant amounts of time and resources, while creating duplicity and inconsistency, without likely achieving any real environmental benefit. Creating a more cumbersome regulatory regime for ORSANCO on top of the already stringent requirements of the Clean Water Act is inadvisable.

Alternative 5 which requires ORSANCO to maintain and update the PCS, but makes the standards essentially “voluntary” is an option the OMA cannot support. There is no justification for the expenses of maintaining the PCS if there is no overarching legal authority and no practical impact on water quality.

We again want to thank the Commission for the opportunity to provide comments. We look forward to working with the Commission throughout this review process, and appreciate the opportunity to convey our support for Alternative 2 Expanded. We look forward in participating in any future meetings or comment periods regarding the PCS as the Commission further evaluates the program.

Sincerely,



Rob Brundrett
Director, Public Policy Services



Ohio Specific Universal Waste

THIS POLICY DOES NOT HAVE THE FORCE OF LAW

Hazardous Waste Program

*Ohio EPA has added three new types of Universal Waste (UW) to our existing **UW Rules**. They are Paint and Paint-Related Waste, Antifreeze and Non-Empty Aerosol Containers. According to Ohio Administrative Code (OAC) rule **3745-51-09**, UW are not fully regulated as hazardous waste. See OAC rule **3745-273-89** to learn which wastes are eligible to be managed as a universal waste under Chapter **3745-273**.*

These three waste streams may be managed as a universal waste within the state of Ohio. However, other states may not have designated these wastes as a UW. If you send an Ohio-specific universal waste to or through another state, you must comply with that state's requirements for the transportation and management of the waste.

What are the New Categories of Universal Waste?

Paint and Paint-Related Waste

This category includes hazardous waste paints that meet the definition in OAC rule **3745-273-09**. "Paint" is defined as a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid resulting from commercial, industrial, mining, agricultural, and post-consumer activities that upon drying forms an adhering coating on the surface that the paint is applied. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film using heat.

"Paint-related waste" means a material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities, or a material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal according to rules **3745-51-02** and **3745-266-20** of the Administrative Code. The waste codes typically associated with this waste stream could include; ignitability, heavy metals, characteristic and listed solvents.

Antifreeze

This category includes propylene glycol or ethylene glycol, including aggregated batches of propylene glycol or ethylene glycol, used as a heat transfer medium in an internal combustion engine; heating, ventilating, and air conditioning units; and electronics cooling applications; or used for winterizing equipment. In the past we have observed these waste codes due to cross contamination; benzene, heavy metals, characteristic and listed solvents.

Aerosol Containers

"Aerosol container" means a non-opening, non-refillable container that holds a substance under pressure and that can release the substance as a spray, gel, or foam by means of a propellant gas. The waste codes typically associated with this waste would be ignitable and numerous listed commercial chemical products depending on the product in the container.

Universal Waste

Universal Waste Entities

Handler:

UW handlers include persons who generate UW and persons who receive, and store UW generated by another UW handler. There are two classes of handlers. A Small Quantity Handler of Universal Waste (SQHUW) may store less than 5000 kg of UW at any time and a Large Quantity Handler of Universal Waste (LQHUW) may store 5000 kg or more of UW. The handler's management activities are limited to those specified in OAC rule [3745-273-13](#) for SQHUW and OAC rule [3745-273-33](#) for LQHUW.

Note: Universal Waste Handler status of a Small or Large Quantity Handler should not be confused with the hazardous waste generator status, which includes conditionally exempt small quantity generators (CESQGs), small quantity generators (SQGs) and large quantity generators (LQGs).

Transporter:

This person engages in the off-site transfer of UW by air, rail, highway or water and must comply with all applicable **DOT** regulations. UW transporters may transport UW from one UW handler to another, to UW destination facilities or to foreign destinations. A person can be both a UW handler and a transporter.

Destination Facility:

A destination facility is defined in OAC rule [3745-273-09\(B\)](#) as a facility that treats, disposes or recycles the UW outside of those management activities described in paragraphs (A), (C), (E), (F), and (G) of rule 3745-273-13 of the Administrative Code and in paragraphs (A), (C), (E), (F), and (G) of rule 3745-273-33 of the Administrative Code. The owner or operator of a destination facility receives UW from UW transporters and UW handlers.

Note: Ohio EPA maintains a list of [recyclers](#) on our website. The link to the Web page displays a drop-down list.

A destination facility that stores UW prior to treatment, disposal or recycling activities in a manner not specified in OAC 3745-273-13 or 3745-273-33 is fully regulated (including permitting, reporting and management requirements) under the hazardous waste rules and the UW received by this destination facility also becomes fully regulated. The destination facility will have to ensure that the waste is properly characterized before conducting treatment or disposal activities to be able to comply with LDR requirements. If the destination facility conducts recycling, in a manner not specified in OAC 3745-273-13 or 3745-273-33, without storage, it must comply with the requirements for recyclable materials found in OAC rule [3745-51-06\(C\)\(2\)](#). A destination facility may manage the waste as UW handler, transporter, or a recycler.

A permitted hazardous waste facility could be a handler of any category of UW provided that they are only conducting any of the following management activities with respect to that UW. If the facility is generating a UW, accumulating UW, conducting UW activities describe above in 273-13 and 273-33, and sending the UW to another handler or destination facility, then they are a handler of UW with respects to that category of UW with respect to that category of UW.

Common Elements of all Universal Waste

A generator has the option of complying with either the UW rules or the hazardous waste generator rules. For more information on common UW management standards, please refer to Ohio EPA's Guidance Document titled [Universal Waste](#). The columns below list some of the common advantages and requirements of the UW rules.

Universal Waste

ADVANTAGES

- UWs do not count toward generator's status
- Waste evaluation of UW is not required
- Recycling encouraged (but not required)
- No hazardous waste manifesting required
- One-year accumulation time limit
- Handlers may collect and store from other handlers
- A hazardous waste transporter is not required

REQUIREMENTS

- Container compatible, closed and labeled
- Training requirement (Basic UW training)
- Spill cleanup requirement
- Notification by LQHUW
- Tracking require for LQHUWs/destination fac.
- Transportation per DOT
- Transporter may store UW \leq 10 days

Common Management requirements for Ohio-specific Universal Waste

Both small and large quantity handlers of UW shall manage the UW in a way that prevents releases of any UW to the environment using containers or tanks that are structurally sound and compatible with the UW. A container that does not comply shall be overpacked or taken out of service. Handlers must stop, contain, clean up and properly manage any release of UW.

The handlers shall keep the container closed except when adding or removing UW. Each container shall be labeled with words that identify the contents of the container, however, there is no specific wording required for these three wastes.

Specific Management requirements for Ohio-specific Universal Waste for Small and Large Handlers

Paint and Paint-Related Waste

Both small and large quantity handlers of UW shall manage the wastes using containers or tanks. The tanks for SQHUW must comply with the requirements found in paragraphs (B) to (H) of rule 3745-66-101. Tanks for LQHUW need to comply with the large quantity generator requirements rules 3745-66-90 to 3745-66-99 except paragraph (C) of rule 3745-66-97 of the Administrative Code.

Any UW handler may reclaim UW paint, but UW paint-related waste may only be reclaimed by the generator of the waste or the destination facility (aka a permitted Hazardous Waste facility). Handlers may puncture, shred or crush paint containers of 5-gallons or less using commercially available equipment, or equipment specifically custom designed or retrofitted to reclaim the UW paint or paint-related waste. The reclamation equipment must have sufficient processing capacity to reclaim the quantity of UW paint received or generated by the handler within one year. The handler shall train each operator of the reclamation equipment regarding the proper operation and maintenance of the reclamation equipment. The collected paint can still be classified as UW and may be stored in containers or tanks. However, any waste generated from the reclamation is a newly generated waste and needs to be *evaluated* to determine if it is hazardous. If a listed solvent is used in paint cleaning the waste generated from the distillation of the waste will carry the *listing*.

Note: The formula to convert gallons of liquid paint to pounds:
Gallons x Specific Gravity x 8.345
= Amounts in pounds. To estimate the threshold for a Large Quantity Handler of UW, 5000 Kg is approximately 1100 lbs.

Antifreeze

Both small and large quantity handlers shall manage the UW antifreeze using containers or tanks. Handlers must comply with tank standards found in paragraphs (B) to (H) of rule 3745-66-101. A handler shall not commingle or contaminate antifreeze subsequent to its removal from the equipment in which it was used. The handler shall develop and maintain at the facility a procedure that describes how antifreeze will be prevented from being commingled and use dedicated collection and storage containers and tanks. Antifreeze mixed with used oil after generation does not qualify as a UW. The mixture is regulated as a used oil. A handler or destination facility that processes this used oil must notify Ohio EPA and comply with the used oil processor regulations.

Universal Waste

A handler of UW may reclaim antifreeze provided they use commercially available equipment, or equipment specifically custom designed or retrofitted to reclaim the antifreeze and the handler's reclamation equipment has sufficient processing capacity to reclaim the quantity of antifreeze received or generated by the handler within one year. The handler shall train each operator of the reclamation equipment regarding the proper operation and maintenance of the reclamation equipment. Any waste generated from the reclamation of the antifreeze is a newly generated waste and the handler must evaluate this waste to determine if it is hazardous. Spills of UW antifreeze that are recovered may be managed as UW antifreeze.

Aerosol Containers

Both small and large quantity handlers of UW waste shall manage the UW aerosol containers using containers, a cabinet, or other unit in which the aerosol containers are accumulated. A handler shall immediately empty a leaking aerosol container of the container's contents or shall individually overpack the leaking aerosol container in a container having enough absorbent material to absorb the leaking contents of the aerosol container. A handler of UW may puncture or crush an aerosol container to remove and collect the contents of the aerosol container rendering the container empty. A handler who generates the UW aerosol containers can collect these containers at a universal waste satellite accumulation area consisting of a container or unit having a capacity not to exceed fifty-five gallons, or a cabinet. The aerosol containers must be moved to the main UW storage or puncturing area when it is full, where it may be accumulated for up to one year. This is the only type of universal waste where a satellite accumulation container may be used.

A handler may puncture, or crush aerosol containers provided they use appropriately designed equipment with sufficient processing capacity. In addition, the puncturing of aerosol containers must be done in a ventilated area and protected from an ignition source. The collected material is not classified as a universal waste and will need to be **evaluated** to determine if it is hazardous waste. An exception is paint removed from an aerosol container (not comingled with other waste) may be managed as a UW paint.

Manifesting

Universal waste handlers and transporters are not required to use a hazardous waste manifest when the universal waste is being transported in Ohio. Transportation of these universal wastes in Ohio must be done in accordance with applicable DOT regulations. When these Ohio specific universal wastes are transported and managed outside of the state of Ohio they must be managed under that state's regulations which may mean that they must be transported using a hazardous waste manifest. Ohio EPA suggests that Ohio handlers complete a hazardous waste manifest for shipment of these Ohio specific universal wastes shipped outside of the state and include a statement on line 14 of the manifest that the wastes are universal wastes in Ohio.

Shipments by a generator in a state outside of Ohio which does not regulate these wastes as a UW may send it to an Ohio handler or destination facility. This waste must be moved initially by a hazardous waste transporter on a hazardous waste manifest while in the generator's state, or if passing through other states which do not regulate the waste as a UW, until it reaches Ohio. When in Ohio a hazardous waste manifest is not required, however, Ohio EPA suggests that the generator include a statement on line 14 of the hazardous waste manifest that the wastes are regulated as a universal waste in Ohio.

Contact

For more information, contact the Hazardous Waste Compliance and Inspection Support Unit of the ***Division of Environmental Response and Revitalization*** at 614-644-2924.

EPA Announces Appointment of Cathy Stepp to Region 5 Administrator

12/19/2017

Contact Information:

(press@epa.gov)

WASHINGTON – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Cathy Stepp to become regional administrator for Region 5. Ms. Stepp will oversee environmental protection efforts in: Indiana, Illinois, Michigan, Minnesota, Ohio, and Wisconsin.

Cathy Stepp currently serves as a principal deputy regional administrator for Region 7 and will return to the Midwest region where she previously served as the secretary of the Wisconsin Department of Natural Resources from 2011 to 2017. While serving as a state cabinet secretary, Cathy led the third largest agency in the state with about 4,000 employees and was responsible for state enforcement and protection of: wildlife, fisheries, state parks, trails, forests, and environmental permitting.

Ms. Stepp also previously served as a Wisconsin state senator from 2003 to 2007, where she represented nearly 160,000 constituents and authored and advanced legislation on regulatory reform, job creation, and other issues. Prior to entering public service, Ms. Stepp owned a small business, a home building company.

“Cathy Stepp’s experience working as a statewide cabinet official, elected official, and small business owner will bring a fresh perspective to EPA as we look to implement President Trump’s agenda.” **said EPA Administrator Scott Pruitt.**

Her nomination is receiving high accolades from across the region:

Wisconsin Governor Scott Walker: “Cathy is a strong, trusted reformer who will continue to serve the country well as an EPA regional administrator. As Wisconsin’s DNR secretary, she led an outstanding workforce committed to preserving and promoting our natural resources while placing a strong focus on customer service and common sense. We wish her all the best in her new role.”

Ohio EPA Director Craig Butler: “I am very pleased that Cathy Stepp will be the USEPA region 5 administrator. She is a strong leader with proven state experience. She knows how to get things done and I look forward to working closely with her.”

Commissioner of the Minnesota Pollution Control Agency John Linc Stine: “I’m really looking forward to working with Cathy Stepp as she takes on this new role. I’ve collaborated with Cathy before on our shared waters (Lake Superior and the Mississippi River) in her role as the Wisconsin DNR Commissioner and in her work with the Environmental Council of States (ECOS). I’m confident she understands the key environmental protection issues facing the Midwestern and Great Lakes states in EPA Region 5.”

Wisconsin Manufacturers & Commerce President & CEO Kurt Bauer: “Wisconsin and the other states in EPA’s Region 5 will be well-served by Cathy Stepp. As Secretary of the Wisconsin DNR, she routinely balanced the needs of a growing economy with the importance of protecting our natural resources. As Region 5 Administrator, I have no doubt that she will take a common-sense approach to environmental oversight, just as she did for nearly seven years in Wisconsin.”

Wisconsin Realtors Association Senior Vice President of Legal and Public Affairs Thomas D.

Larson: “No problem is too big for Cathy Stepp. Her enthusiastic, can-do attitude, combined with her tireless energy and superb problem-solving skills make her the perfect choice to serve as the Regional Administrator for EPA’s Region 5.”



OMA PUBLIC POLICY
FRAMEWORK FOR ACTION
The Ohio Manufacturers' Association



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Public Policy Framework for Action

Manufacturing is responsible for 17% - \$99 billion - of Ohio's Gross Domestic Product; this is greater than the contribution of any other Ohio industry sector. Manufacturing is the engine that drives Ohio's economy.

In the competitive domestic and global economies, every public policy decision that affects Ohio's business climate affects Ohio's manufacturing competitiveness. In turn, Ohio's manufacturing competitiveness determines the ability of the state to grow its economy and create jobs.

Ohio manufacturers require public policies that attract investment and protect the state's manufacturing legacy and advantage. These policies apply to a wide variety of issues that shape the business environment within which manufacturers operate.

MAJOR POLICY GOALS INCLUDE THE FOLLOWING:

- **An Efficient, Competitive Tax System**
- **A Lean, Productive Workers' Compensation System**
- **Access to Reliable, Economical, Diverse Energy Resources**
- **A Fair, Stable, Predictable Civil Justice System**
- **Science-based, Technologically Achievable, and Economically Reasonable Environmental Regulations**
- **A Modern, Job-Supporting Infrastructure**
- **An Educated, Highly Skilled Workforce**

PolicyGoal:

An Efficient, Competitive Ohio Tax System

For Ohio to be successful in a global economy, the state's tax system must encourage investment and growth. It must be competitive nationally and internationally. A globally competitive tax system is characterized by (a) certainty, (b) equity, (c) simplicity and (d) transparency. Economy of collections and convenience of payment also are important attributes.

Generally, manufacturers support efforts to broaden the tax base, which enables lower rates. To preserve the integrity of the broad tax base and ensure fairness, credits and exemptions should be reduced and discouraged. Where needed, government incentives are best structured as grants rather than as tax credits. And, in general, earmarking and dedicating tax revenues should be discouraged.

Good tax policy also generates necessary revenues to support the essential functions of government. Good budgeting and spending restraint at all levels of government are vital to a competitive tax environment.

Major tax reforms approved by the Ohio General Assembly in 2005 and additional reforms in 2011 through 2015 have led to significant improvements to a tax system that was for many years widely regarded as uncompetitive and obsolete. These reforms reduced overall tax rates, eliminated tax on investment, and broadened the tax base, all of which provide more stable and predictable revenues, and simplify compliance.

The elimination of the tangible personal property tax, the corporate franchise tax, and the estate tax has strengthened the competitiveness of Ohio's tax system. So has the reduction of the personal income tax rate, as well as the creation of a broad-based, low-rate commercial activity tax.

Going forward, these tax policy gains must be protected. Tax bases should be protected against erosion caused by granting credits and carve-outs to narrow special interests, in order to protect the productivity of the taxes. Where possible and reasonable, tax bases should be expanded, and tax rates reduced.

In addition, the state should continue work with Ohio municipalities to continue to streamline the collection of municipal income taxes making it administratively simpler and less costly to conduct business in Ohio.

The state's tax system would also benefit from a reduction of the number and type of taxing jurisdictions. Because of its complex layering of local and state taxes, Ohio's tax system is at a competitive disadvantage compared to other states.

PolicyGoal:

A Lean, Productive Workers' Compensation System

An efficient and effective workers' compensation system benefits workers, employers, and the economy of the state and is built on the following principles:

- Injured workers receive prompt benefits that are adequate for returning to work quickly and safely.
- Rates are established by sound actuarial principles, so that employers pay workers' compensation rates commensurate with the risk they bring to the system.
- The system is financed with well-functioning insurance mechanisms, including reserving and investment practices that assure fund solvency and stability.
- The benefit delivery system deploys best-in-class disability management practices that drive down costs for employers and improve service and outcomes for injured parties.
- The system consistently roots out fraud, whether by employers, workers or providers.

Fundamental priorities for future action are three:

The Bureau of Workers' Compensation (BWC) should continue to reform its medical management system to lower cost and improve medical quality through better coordination of care and development of a payment system that creates incentives for best clinical practices. In doing this, the BWC should build on emerging best practices in the private sector health care system.

The Ohio General Assembly should enact statutory reforms of benefit definitions, so that the claims adjudication process is more predictable, less susceptible to fraud and manipulation, and less costly, both for workers and employers.

The Industrial Commission should record hearings, so that the hearing process is more transparent and any appeals have a record on which to build.



PolicyGoal:

Access to Reliable, Economical, Diverse Energy Resources

Energy policy can enhance—or hinder—Ohio’s ability to attract business investment, stimulate economic growth and spur job creation, especially in manufacturing. State and federal energy policies must (a) ensure access to reliable, economical sources of energy, (b) support the development of a diverse energy resource mix, and (c) conserve energy to preserve our natural resources, while lowering cost.

The Ohio Manufacturers’ Association’s energy policy advocacy efforts are guided by these principles:

- Energy markets free from market manipulation allow consumers to access the cost and innovation benefits of competition.
- Ohio’s traditional industrial capabilities enable global leadership in energy product innovation and manufacturing.
- Sustainable energy systems support the long-term viability of Ohio manufacturing.
- Effective government regulation recognizes technical and economic realities.

Shaping energy policy in Ohio that aligns with these principles will support manufacturing competitiveness, stimulate economic expansion and job creation, and foster environmental stewardship.

Energy policy priorities are:

Assure an open and fair electricity generation marketplace, in which competition enables consumer choice, which in turn drives innovation.

Design an economically sound policy framework for discounted rates for energy-intensive manufacturers that makes Ohio competitive with other states.

Protect energy consumers from above-market generation charges.

Support deployment of customer-sited generation technologies, such as cogeneration, energy efficiency and demand-side management, in order to achieve least-cost and sustainable energy resources.

PolicyGoal:

A Fair, Stable, Predictable Civil Justice System

For manufacturers to invest and grow in Ohio, and to compete globally, Ohio's civil justice system must be rational, fair and predictable. Manufacturers must be free to innovate and pursue market opportunities without fear of unreasonable exposure to costly lawsuits, while injured parties must have full recourse to appropriate measures of justice.

The Ohio Manufacturers' Association supports policy reforms that protect consumers without overly burdening businesses, while also positioning Ohio advantageously relative to other states. The association encourages policymakers to evaluate all proposed civil justice reforms by considering these questions:

- Will the policy fairly and appropriately protect and compensate injured parties without creating a "lottery mentality"?
- Will the policy increase—or decrease—litigation burdens and costs?
- Will the policy promote—or reduce—innovation?
- Will the policy attract—or discourage—investment?
- Will the policy stimulate—or stifle—growth and job creation?

Ohio has made great strides in reforming its civil justice system over the past decade, and longer. The primary aim of the state should be to preserve those tort reform gains, in areas such as punitive damages, successor liability, collateral sources and statute of repose, which are protecting consumers without unduly burdening businesses, while positioning Ohio as an attractive state for business investment.



PolicyGoal:

Science-based, Technologically Achievable, and Economically Reasonable Environmental Regulations

Effective environmental standards and regulations:

- Provide clarity, predictability and consistency
- Are based on scientific consensus
- Provide for common sense enforcement
- Incorporate careful cost-benefit analysis as part of the policymaking process

Manufacturers urge policymakers to exercise restraint in establishing state environmental regulations that exceed federal standards, and to avoid doing so altogether without clear and convincing evidence that more stringent regulations are necessary. At the same time, manufacturers understand that fair and reasonable regulations must be balanced with responsible stewardship of our natural resources.

Manufacturing leads the way in innovation in solid waste reduction and recycling. Industry is an enormous consumer of recycled materials, such as metals, glass, paper and plastics; manufacturers thus are strong advocates for improving recycling systems in Ohio and the nation.

The state should expand opportunities for industry to reuse non-harmful waste streams. Beneficial reuse policies can result in less waste and more recycling of industrial byproducts. Likewise, Ohio should continue to expand recycling programs that provide feedstock for the state's industrial processes.

The Ohio Environment Protection Agency, in designing state implementation plans for new federal regulations (such as Clean Power Plan, Ozone regulation and Waters of the U.S.), should use a transparent process of stakeholder involvement, supplemented by investment in independent research to determine least cost, scientifically sound and technologically feasible implementation plans.

Policy Goal:

A Modern, Job-Supporting Infrastructure

Modern infrastructure is critical for today's advanced manufacturing economy. To remain competitive and maximize the economic benefits of Ohio's manufacturing strength, the state must invest in updating and expanding Ohio's multi-modal transportation infrastructure, including roads, bridges, rails and ports. Continued investment in these resources is critical to providing Ohio manufacturers with flexible, efficient, cost-effective shipping options.

The state also must support the development of a pipeline infrastructure that delivers the abundant energy resources from the Utica and Marcellus shale formations to Ohio manufacturers in all parts of the state. This infrastructure produces a job-creating competitive advantage for Ohio.

Infrastructure policy priorities include the following:

Modify Ohio's rules and regulations to allow greater flexibility and efficiency in the truck permitting process and to ensure Ohio's truck permitting standards and processes are competitive with other states with regard to requirements, fees and responsiveness.

Enhance shipping flexibility by supporting the federal Safe and Efficient Transportation Act. This legislation would allow states to tailor regulations to meet state-level transportation needs linked to a state's particular economic assets and strengths.

Ensure Ohio's freshwater ports remain competitive and state of the art in functionality. Advocate for appropriate facility maintenance including dredging to ensure navigability.

Preserve access to and provide responsible management of Ohio's sources of water.

Protect cyber infrastructure to safeguard data used by manufacturers and their customers and suppliers.



PolicyGoal:

An Educated, Highly Skilled Workforce

A robust economy requires a reliable supply of workers who have the technical knowledge and skills required to meet global standards for quality and productivity, and who are able to think critically and work collaboratively. Sustained growth in manufacturing productivity will require not only a new generation of globally competent workers, but also workers willing to embrace lifelong learning to keep pace with technological advancements and global competition.

Workforce development policy priorities include the following:

Expand the use of the National Association of Manufacturers' "Manufacturing Skills Certification System." This system of nationally portable, industry recognized, "stackable" credentials is applicable to all sectors in the manufacturing industry. The credentials validate foundational skills and competencies needed to be productive and successful in entry-level positions in any manufacturing environment. Credentials can be earned from both secondary and postsecondary educational programs.

Expand the use of cooperative education, internships and apprenticeships. These experiential learning programs enhance talent recruitment and retention because participating students are exposed to company-specific, real-world job expectations and experiences. Students develop strong leadership and management skills by working closely with company staff who serve as their mentors/supervisors, and participating companies benefit from reduced recruitment and training costs.

Continue the work of the Governor's Office of Workforce Transformation in reforming the workforce development system. The system has been fragmented (over multiple programs and agencies) and misaligned with employer knowledge and skill needs. Common goals, measures, and talent pipeline development through industry workforce alliances will benefit both job-seekers and talent seeking businesses.

The mission of
The Ohio Manufacturers' Association
is to protect and grow
Ohio manufacturing

For more information about the services and activities of the OMA, contact us at (800) 662-4463 or oma@ohiomfg.com or visit ohiomfg.com.



The Ohio Manufacturers' Association
33 N. High Street, 6th floor
Columbus, Ohio 43215-3005

(800) 662-4463
oma@ohiomfg.com
ohiomfg.com

 [@ohiomfg](https://twitter.com/ohiomfg)

PUBLIC POLICY GOALS:

KEY MANUFACTURING TALKING POINTS

An Efficient, Competitive Ohio Tax System

Ohio's tax system must encourage investment and growth and be competitive nationally and internationally. A competitive tax system is characterized by (a) certainty, (b) equity, (c) simplicity, (d) transparency, as well as (e) economy of collections and convenience of payment.

A Lean, Productive Workers' Compensation System

An efficient and effective workers' compensation system benefits workers, employers, and the state's economy and is built on these principles: (a) injured workers receive prompt benefits that are adequate for returning to work quickly and safely, (b) rates are established on actuarial principles without political influences, (c) the system has with well-functioning insurance mechanisms, including reserving and investment practices that assure fund solvency and stability, (d) the disability management practices are best-in-class and improve service and outcomes for injured workers while lowering employer costs, and (e) the system roots out fraud, whether by employers, workers or providers.

Access to Reliable, Economical, Diverse Energy Resources

Energy policy can enhance—or hinder—Ohio's ability to attract business investment, stimulate economic growth and spur job creation, especially in manufacturing. State and federal energy policies must (a) ensure access to reliable, economical sources of energy, (b) support the development of a diverse energy resource mix, and (c) conserve energy to preserve our natural resources, while lowering cost. Policies should assure well-functioning markets that stimulate innovation and reduce costs.

A Fair, Stable, Predictable Civil Justice System

A state's legal climate can be a major inducement or deterrent to business investment, growth and job creation. Ohio's civil justice system must be rational, fair and predictable. Manufacturers must be free to innovate and pursue market opportunities without fear of unreasonable exposure to costly lawsuits, while injured parties must have full recourse to appropriate measures of justice.

A Modern Infrastructure

Investments in modern infrastructure secure jobs for the near and long term. Ohio's multi-modal transportation infrastructure, including roads, bridges, rails and ports—as well as broadband—needs to be state of the art to support our manufacturing economy. Preserving access to and responsibly managing Ohio's water sources are fundamental. And, the state must support a pipeline infrastructure that delivers abundant energy resources from Utica and Marcellus shale plays to Ohio manufacturers and other markets.

Science-based, Technologically Achievable, and Economically Reasonable Environmental Regulations

Effective environmental regulations: (a) provide clarity, predictability and consistency, (b) are based on scientific consensus, (c) provide for common sense enforcement, and (d) incorporate careful cost-benefit analysis as part of the policymaking process. Policymakers should exercise restraint in establishing state environmental regulations that exceed federal standards. And, manufacturers understand that fair and reasonable regulations must be balanced with responsible stewardship of our natural resources.

An Adequate & Skilled Workforce

Sustained growth in manufacturing requires a sufficient population of workers who have appropriate hard and soft skills. Among initiatives that will foster talent development: (a) state policy and budgeting that supports manufacturing workforce development, (b) a system of cataloging Ohio's workforce development assets, accessible to both employers and workers, (c) adoption of industry recognized credentials, and (d) expansion of cooperative education, internships and apprenticeships.

LEARN MORE at ohiomfg.com



33 N. High St., 6th floor
Columbus Ohio 43215

(800) 662-4463 • oma@ohiomfg.com

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Environment

Ohio Manufacturers to Meet with U.S. EPA Region V **March 9, 2018**

The OMA with several other business organizations has partnered with the law firm **Steptoe and Johnson** to set up a manufacturers' meeting with U.S. EPA Region V and Ohio EPA senior management. Representatives of U.S. EPA and Ohio EPA will provide updates on recent developments in all major program areas; this will be followed by a Q & A session for the benefit of the manufacturing companies in attendance.

Several other states in Region V have found these meetings useful in learning more about Region V policies and practices.

The meeting will take place on Tuesday, April 17 from 9:00 a.m. to noon (central time) at the U.S. EPA offices, 77 W Jackson Blvd, Chicago, IL 60604. While all OMA members are welcome, due to limited seating and security, please contact OMA's **Rob Brundrett** to RSVP. Only those who RSVP can be admitted. 3/7/2018

OMA Comments on ORSANCO Pollution Control Standards **February 26, 2018**

In response to the Ohio River Valley Water Sanitation Commission's (ORSANCO) recent public notice of its Pollution Control Standards (PCS) triennial review, the **OMA provided written comments** regarding potential revisions to the PCS.

OMA wrote: "The water quality goals of the Compact are being effectively addressed by the Clean Water Act and the PCS no longer provide the value and impact they once did. Today, the difference between the PCS and Clean Water Act standards can and do lead to confusion for the manufacturing community, and can create complications in the permitting process, where there is often no effective way to question or challenge the appropriateness or applicability of the underlying PCS in specific permitting situations. The more valuable role for ORSANCO today is to concentrate on its scientific and technical information gathering and research. This would allow ORSANCO to provide valuable information to the states in

carrying out their obligations to preserve and protect water quality under the Clean Water Act. It would also help promote and coordinate consistency among the states in the Ohio River basin." 2/22/2018

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Ohio EPA Revising NPDES Program Rules **February 26, 2018**

Ohio was authorized by U.S. EPA to implement the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act (CWA) (Section 402(b) and 40 C.F.R. Part 123) on March 11, 1974.

Authorized states assume permitting authority and are required to administer the program in a manner no less stringent than the CWA and regulations adopted or subsequently amended by EPA.

By law Ohio EPA must review these rules every five years. Pursuant to the five year rule review, the agency is soliciting initial input on **draft rule revisions** for nine of the ten rules in the chapter. The agency is considering minor revisions and updates to style and references to all of the rules in this chapter. Please see the **fact sheet** for specific details. The agency is also requesting feedback on two draft additive forms (**here** and **here**). The OMA's contact is **Rob Brundrett**. 2/22/2018

Ohio EPA Looking for Comments on Construction NPDES **February 26, 2018**

Earlier this month Ohio EPA **provided notice** that it will be issuing a draft general National Pollutant Discharge Elimination System (NPDES) permit for the statewide regulation of storm water associated with industrial activities. The NPDES Statewide Construction Storm Water General Permit (**Permit No. OHC000005**) is the fifth generation of this general permit. The **permit would** authorize storm water discharges from construction activity disturbing one or more acres. Also, the permit would authorize some discharges that are not entirely storm water (such as trench dewatering), as well as storm water discharges from on-site concrete and asphalt batch plants. This permit identifies who can apply to be covered, how an entity obtains coverage and how a permittee terminates coverage. The permit contains requirements for permittees to prepare, submit and implement a storm water pollution prevention plan (SWP3).

Interested persons are invited to submit written comments on this draft general permit. Comments should be submitted in person or by mail no later than 5:00 p.m. on April 4, 2018. An Ohio EPA public hearing to accept comments on the draft general permit has been scheduled for March 28, 2018 at 2:30 p.m. in the 6th floor Conference Room A at the Ohio EPA Lazarus Government Center, 50 West Town Street, Columbus, OH 43215. If you have questions or comments please contact OMA's **Rob Brundrett**. 2/22/2018

OMA Submits Comments on Proposed Textile Exclusion Rule **February 16, 2018**

This week the OMA **submitted comments** to Ohio EPA on its **Proposed Draft Hazardous Waste Laundered Textile Exclusion Rule** 3745-51-06. In its comments OMA suggested that instead of creating and implementing an entirely new regulatory scheme for textile exclusion, Ohio EPA should adopt the approach taken by Indiana, which has proven to be highly successful, straightforward in implementation and environmentally-friendly. The Indiana Department of Environmental Management (IDEM) does not regulate "contaminated" (i.e., soiled) clothing sent for cleaning and reuse as a "solid waste," therefore, laundered and reused clothing is not subject to certain regulation.

If Ohio EPA proceeds with the proposed rule, OMA will argue to minimize the conditions placed on the generators of such textiles. The current rule draft is too burdensome for many of the intended beneficiaries to take advantage of the intended exclusion. 2/15/2018

Solid Waste Fee Increase? **February 9, 2018**

Two bills currently pending in the General Assembly **would double** the municipal solid waste fee from \$0.25 per ton to \$0.50 per ton. Proceeds from this fee increase would fund the local Solid and Water Conservation Districts (SWCDs) in each of Ohio's 88 counties. There was an attempt to include the bills, **Senate Bill 228** and **House Bill 463**, as an amendment in last year's state budget bill. They were rejected at that time due to strong opposition. Now the bills have been introduced in standalone fashion. House Bill 463 had **sponsor testimony** late last month. SWCDs are independent political subdivisions of state government organized along county boundaries providing technical assistance to urban and rural land users. An elected board of local citizens provides SWCD leadership. Local offices provide education and programs at the local level. Most programs are designed for agricultural and nonpoint sources. Therefore, these bills appear to be a fee increase for almost no new benefit for manufacturers. The OMA is working with allies to oppose these new potential fee increases. 2/8/2018

Ohio EPA has New Fact Sheet on Universal Waste
February 2, 2018

Ohio EPA developed a **new fact sheet** for the updated Universal Waste (UW) rules. Three new types of UW have been added to the list: paint and paint-related waste, antifreeze, and non-empty aerosol containers. Per the Ohio Administrative Code, UW are not fully regulated as hazardous waste. These waste streams may be managed as universal waste within the state of Ohio. However, other states may not have designated these wastes as a UW. Therefore, if you send an Ohio-specific universal waste to or through another state, you must comply with that state's requirements for the transportation and management of the waste. *2/1/2018*

About Your Dirty Laundry ...
January 26, 2018

Earlier this month Ohio EPA proposed to amend its rules regarding the identification and listing of hazardous wastes under the Ohio Administrative Code. The proposed rule seeks to regulate, and provide a conditional exclusion for "hazardous waste textiles."

The proposed rules define "hazardous waste textiles" to include any material that comes into contact with a hazardous waste as defined by Ohio law; Ohio EPA's examples of "hazardous waste textiles" include rags, gloves, uniforms, linens, smocks, coveralls and mops, among other materials.

Under the proposed rules, the 10-step procedure for an entity to follow in order to have a contaminated textile excluded from regulation is clear, but the rule is very strict to meet, which raises some concern regarding the regulatory burden and compliance costs that will be associated with this new rule.

OMA environment counsel **Frank Merrill** of Bricker & Eckler **drafted this memo** detailing the changes and procedures. If you have any questions regarding the proposed exclusion, how to meet the exclusion, or what impact the proposed rules will have if enacted, contact OMA's **Rob Brundrett** . *1/25/2018*

Is it Trash or Treasure?
January 12, 2018

What do 100 55-gallon clean, metal drums in good condition and two bottom-dump rail cars of unused Nugent W-3 raw sand have in common?

They are just two of the products looking for new homes via Ohio EPA's online Materials Marketplace.

The Materials Marketplace matches donors with seekers of recyclable materials, thus building Ohio's circular economy. More than 465 companies joined the platform last year and led to 64,000 pounds of material being diverted from the landfill. **Learn more here.** *1/10/2018*

Universal Waste Ohio Rules Change
January 5, 2018

OMA Connections Partner, Safex, has **published this tech bulletin** about Ohio's new universal waste rule that adds three items to the state's universal waste list: non-empty aerosol cans, hazardous paint and paint related wastes, and hazardous anti-freeze. The rule went into effect on December 21, 2017. Safex wrote: "... Allowing these items to be classified as universal wastes should simplify the management of hazardous waste for your company."

Safex is offering a free one-hour webinar – Waste Ohio Rules Change – on Tuesday, January 9 @ 1:00 p.m. **Register here.** *1/4/2018*

Ohio EPA Region 5 has New Administrator
January 5, 2018

According to a December 19, 2017 **press release** from the U.S. Environmental Protection Agency (EPA), Administrator Scott Pruitt announced the appointment of Cathy Stepp to become regional administrator for Region 5, which includes Indiana, Illinois, Michigan, Minnesota, Ohio and Wisconsin. "Cathy Stepp currently serves as a principal deputy regional administrator for Region 7 and will return to the Midwest region where she previously served as the secretary of the Wisconsin Department of Natural Resources from 2011 to 2017. While serving as a state cabinet secretary, Cathy lead the third largest agency in the state with about 4,000 employees and was responsible for state enforcement and protection of: wildlife, fisheries, state parks, trails, forests, and environmental permitting," per the release.

Also according to the release, Ohio EPA Director Craig Butler said: "I am very pleased that Cathy Stepp will be the USEPA region 5 administrator. She is a strong leader with proven state experience. She knows how to get things done and I look forward to working closely with her." 1/4/2018

Ohio EPA webinar: Getting Started with the 2017 Biennial Hazardous Waste Report January 5, 2018

This presentation on Wednesday, January 17, 2018 at 10:00 a.m. will cover how to electronically file the Hazardous Waste Report for the State of Ohio using Ohio EPA's eBusiness Center through the eDRUMS service. There will be a second presentation to follow that will go over the specifics of filing the report. **Register here.** 1/2/2018

Ohio EPA Webinar: Environmental Compliance Assistance Services January 5, 2018

The Office of Compliance Assistance and Pollution Prevention (OCAPP) of the Ohio EPA provides free and confidential assistance to help Ohio businesses comply with Ohio's environmental requirements, such as completing permit applications and recordkeeping forms.

The office offers assistance with pollution prevention, sustainable materials management, zero waste initiatives and many other sustainability efforts designed to help customers increase profits and efficiency while reducing waste. **Learn more at this webinar** on Thursday, February 8, 2018 at 10:00 a.m. 1/2/2018

Ohio EPA Explains Life Cycle Assessment December 21, 2017

According to Ohio EPA: "Life Cycle Assessment (LCA) is a tool to assign a value to the environmental impact of a product, process or activity through its entire life cycle. Organizations can use it to help label their products or services and educate consumers about their environmental impacts. LCA can also help organizations strategically plan and design products with less environmental impact.

"LCA analyzes the impact of the product from cradle to grave or until it becomes a feedstock for another product. It reviews a product or service, including the energy and material inputs and outputs, accounting for material wastes, recycling and reuse. Even completing a partial LCA can provide a company insight on opportunities to improve a product or service."

Read **more here.** 12/18/2017

New Universal Waste Rules Effective Dec. 21 December 15, 2017

On December, 8, 2017 Ohio EPA adopted Ohio-specific universal waste rules allowing hazardous non-empty aerosol containers, hazardous antifreeze, hazardous paint and hazardous paint-related wastes to be classified and managed as universal waste.

The OMA successfully led the effort for this major change. The rules become effective on December 21, 2017. A final copy of the rules are posted on the **Division of Environmental Response and Revitalization website.**

The new Ohio-specific universal wastes will be subject to provisions that are tailored to address the risks the wastes may pose. The requirements include: labeling, tank and container standards, limited treatment provisions, accumulation time limits, employee training, emergency response and transportation according to U.S. Department of Transportation rules.

Also, universal wastes do not count towards a generator's monthly hazardous waste accumulation rate and they are not required to be manifested as a hazardous waste in Ohio or reported on the generator's hazardous waste biennial report.

Congratulations to the OMA members who led this successful effort! 12/14/2017

OMA Secures Changes to Draft Action Plan re. Phosphorous Limits December 1, 2017

Just prior to the Thanksgiving holiday, the **Ohio Lake Erie Commission announced** it had completed its revision of the **Ohio Domestic Action Plan (DAP) 1.0** to reduce phosphorus entering Lake Erie under the binational Great Lakes Water Quality Agreement with a goal of

reducing phosphorus loading to Lake Erie by 40% by 2025.

This version of the Ohio DAP will be submitted to U.S. EPA for review and comment and to serve as Ohio's part of the U.S. Domestic Action Plan, the final version of which is due in Feb. 2018.

The OMA had met with top leaders of Ohio EPA to oppose the agency's decision to confine – through legislative mandate – all permitted water dischargers to a 1.0 mg/L monthly average phosphorus limit.

In the revised DAP 1.0 the language has been changed to “Ohio EPA will evaluate possible legislation that will limit all treatment works discharging waste water containing phosphorus to achieve at least a monthly average effluent concentration of 1 mg/L phosphorus unless alternative limits or conditions are deemed appropriate by the Director.”

While not totally eliminating the possibility of legislative action, the change in tone is good news for manufacturers that would be impacted either directly or indirectly through new regulation. 11/30/2017

Silica Permissible Exposure Limit Scheduled to Take Effect in June 2018
December 1, 2017

According to Donald Elswick, CIH, CSP, CHMM, CET, an Ohio safety professional who consults to manufacturers: “The new U.S. OSHA Final Rule on Respirable Crystalline Silica sets a lower permissible exposure level (PEL) of 50 µg/m³ for all industries covered by the rule, adopts the more conservative ISO/CEN criteria of a 4-µm cut-point for respirable dust samplers, and allows any sampler conforming to ISO 7708/CEN criteria to be used.”

In this **short whitepaper**, Elswick discusses the utility of Parallel Particle Impactor (PPI) respirable dust samplers in providing objective data to measure the new action level of 25 µg/m³, calculated as an 8-hour total weight average (TWA).

Exposures at or above the action level will trigger requirements for exposure assessment, should the rule take effect as scheduled on June 23, 2018. 11/30/2017

Environment Legislation
Prepared by: The Ohio Manufacturers' Association
Report created on March 20, 2018

- HB29** **MUNICIPAL WATER RESERVOIR BUFFERS** (LELAND D, BOGGS K) To eliminate law authorizing the maintenance of buffers around municipal water reservoirs by contiguous property owners.
Current Status: 4/25/2017 - House Energy and Natural Resources, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-29>
- HB62** **WATER QUALITY IMPROVEMENT** (PATTERSON J, SHEEHY M) To require the Director of Agriculture to adopt rules establishing the Ohio Water Quality Improvement Program, to exempt land enrolled in the Program from taxation, and to reimburse local taxing units for revenue lost due to that exemption.
Current Status: 5/10/2017 - House Agriculture and Rural Development, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-62>
- HB85** **ENTER HEALTH CARE COMPACT** (RETFERFORD W) To enter into the Health Care Compact.
Current Status: 3/7/2017 - House Federalism and Interstate Relations, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-85>
- HB225** **ABANDONED WELL REGULATION** (THOMPSON A) To allow a landowner to report an idle and orphaned well or abandoned well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well.
Current Status: 3/21/2018 - Senate Energy and Natural Resources, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-225>
- HB393** **OIL AND GAS BRINE SALES** (DEVITIS A, O'BRIEN M) To authorize a person to sell brine derived from an oil and gas operation that is processed as a commodity for use in surface application in deicing, dust suppression, and other applications.
Current Status: 1/30/2018 - House Energy and Natural Resources, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-393>
- HB463** **SOLID WASTE DISPOSAL FEE INCREASE** (LATOURETTE S) To increase one of the state fees levied on the transfer or disposal of solid waste in Ohio, the proceeds of which are deposited into the Soil and Water Conservation District Assistance Fund, and to make an appropriation.
Current Status: 1/30/2018 - House Energy and Natural Resources, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-463>

HCR4 ELIMINATE E-CHECK REQUIREMENT (YOUNG R) To urge Congress to amend the Federal Clean Air Act to eliminate the requirement to implement the E-Check Program, to urge the Administrator of USEPA to alleviate burdensome requirements of the E-Check Program and the Clean Air Act if Congress fails to act, and to encourage OEPA to explore alternatives to E-Check.

Current Status: 5/9/2017 - House Federalism and Interstate Relations, (Third Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HCR-4>

SB2 ENVIRONMENTAL PROTECTIONS LAWS (HITE C) To revise specified laws relating to environmental protection.

Current Status: 7/7/2017 - **SIGNED BY GOVERNOR**; eff. 10/6/2017

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-2>

SB50 WELL INJECTION-PROHIBITION (SKINDELL M) To prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law.

Current Status: 2/22/2017 - Senate Energy and Natural Resources, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-50>

SB53 NATURAL GAS RESTRICTION (SKINDELL M) To ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

Current Status: 2/22/2017 - Senate Energy and Natural Resources, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-53>

SJR4 CAPITAL IMPROVEMENTS FUNDING (SCHIAVONI J) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to fund sewer and water capital improvements.

Current Status: 9/6/2017 - Senate Finance, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SJR-4>