

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



# **Environment Committee**

**June 1, 2016**

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**2016 Environment  
Committee Calendar**

**Wednesday, June 1**  
**Wednesday, October 19**

**OMA Environment Committee Meeting Sponsor:**





## OMA Environment Committee

June 1, 2016

### Agenda

<b>Welcome &amp; Roll Call</b>	Chairman Julianne Kurdila, ArcelorMittal
<b>Guest Presentation</b>	Jeff Erwin, ConAgra Foods
<b>Guest Speaker</b>	Bob Hodanbosi, Chief of the Division of Air Pollution Control, Ohio Environmental Protection Agency
<b>Counsel's Report</b>	Frank Merrill, Bricker & Eckler
<b>Public Policy Report</b>	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](mailto: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.

**Thanks To Today's Meeting Sponsor:**



## **PROFESSIONAL BACKGROUND**

Bob Hodanbosi became chief of the Division of Air Pollution Control (DAPC), Ohio Environmental Protection Agency (Ohio EPA) in September 1992. His current duties include being responsible for the air pollution control program for the state of Ohio and development of the programs needed to comply with the Clean Air Act Amendments. Prior to that time, Mr. Hodanbosi held various positions in the Division of Air Pollution Control.

## **PROFESSIONAL ASSOCIATIONS**

Mr. Hodanbosi is a member of the American Institute of Chemical Engineers and Air & Waste Management Association, and is registered as a Professional Engineer in the State of Ohio.

## **EDUCATIONAL BACKGROUND**

Mr. Hodanbosi received his Master's of Science degree in Chemical Engineering at the Cleveland State University in 1977, and his Bachelor of Chemical Engineering at the Cleveland State University in 1973. In addition, he completed post-graduate courses in fluid mechanics and turbulence at the Ohio State University, from 1978 to 1982.

# Troy, Ohio Plant

June 1, 2016



Ohio EPA's E3 Award  
Encouraging Environmental Excellence

# Ohio EPA's E3 Award

## Encouraging Environmental Excellence

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1. Management Commitment
2. Employee Involvement
3. Continuous Improvement
4. Environmental Management System
5. Promotion and Dissemination
6. Innovation
7. Impact to the Environment
8. Life Cycle Analysis
9. Pollution
10. Energy Efficiency
11. Renewable Energy
12. Renewable, recovered or recycled
13. Green Building
14. Stormwater Best Management Practices
15. Environmentally Preferable Purchasing
16. Recycling Programs
17. Organics Diversion
18. Economic Benefits
19. Environmental Management Accounting

# Troy Plant



Jeffrey Erwin – Started 2007  
Grocery / Snacks Platform  
801 Dye Mill Rd.  
Troy, OH 45373



- Year built: 1949, 4 major expansions
- Size of property: 38 acres
- Total square feet: 303M
- Products: “The Max” pizza & dough-based SKU’s  
Gilardi “Next Gen” Pizza and dough products  
Slim Jim: Monster, Giant, Small Stick  
Dough-based items for Banquet, KC
- #SKU’s: 102: 54 FS, 40 SJ,  
8 transfer items-206K cases
- FY16 Actual Bakery: 2,037M cases
- FY16 Actual Slim Jim: 5,905M cases
- FY17 Plan Bakery: 2,000M cases
- FY17 Plan Slim Jim: 5,900M cases
- Net Sales: SJ=\$328MM  
Bakery=\$91MM
- Hourly employees: 680
- Temp-to-Hire Employees: 62
- Salaried employees: 51

# CPS - Our Foundation



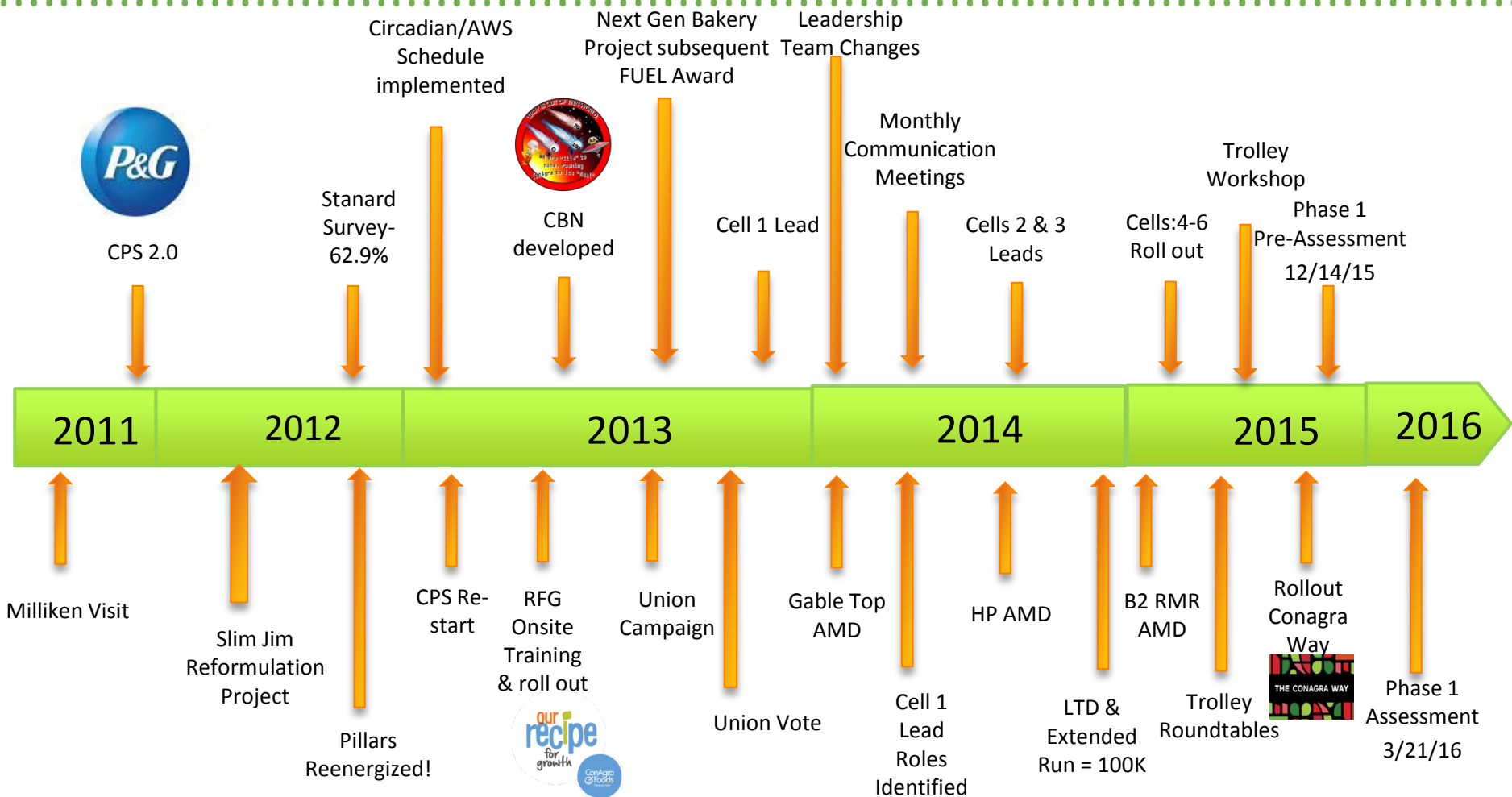
# Plant Philosophy

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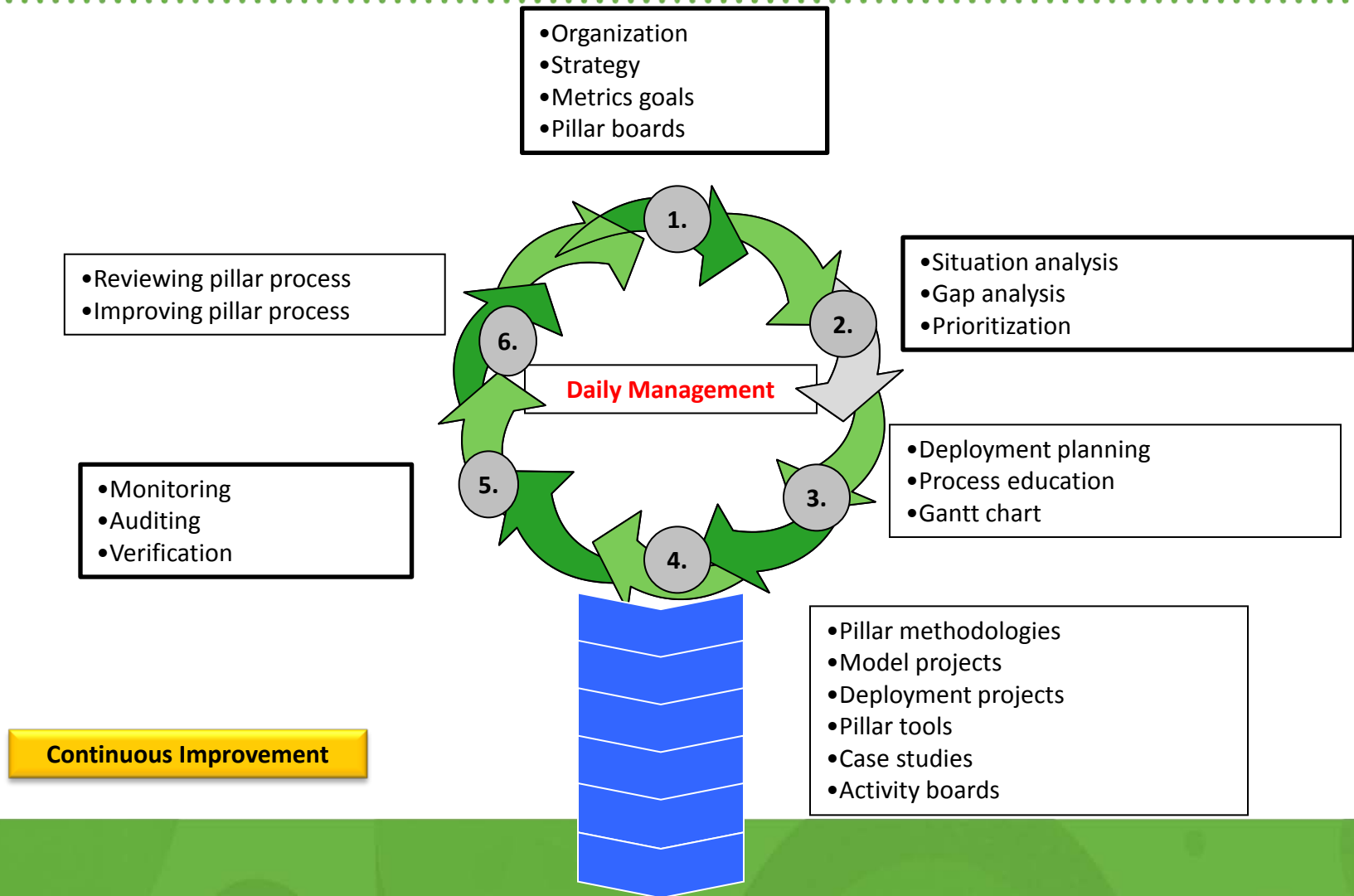
- Strategic Focus (focus on the big rocks)
- Operational Discipline (see around the corner)
- Ownership Mentality
- Collaborative & Inclusive
- Decisiveness
- Multiplier Effect
- Character
- RTL (Refuse To Lose)



# Troy Culture Journey

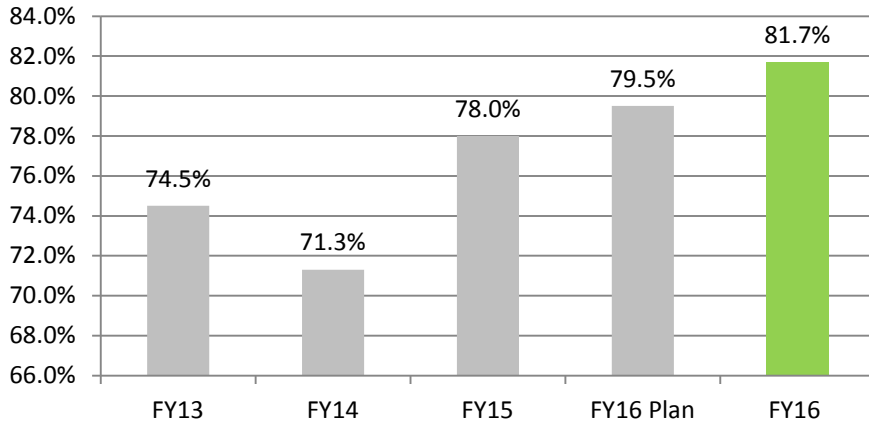


# Troy Improvement Philosophy



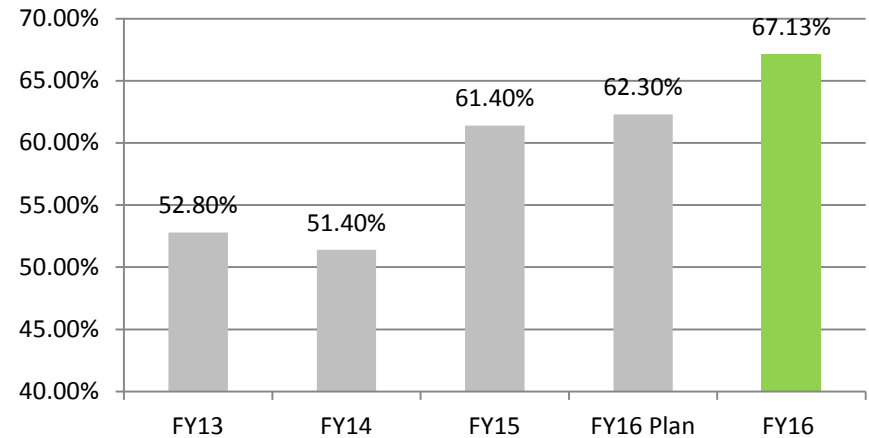
# Troy Performance

## Efficiency % vs. Fiscal Years



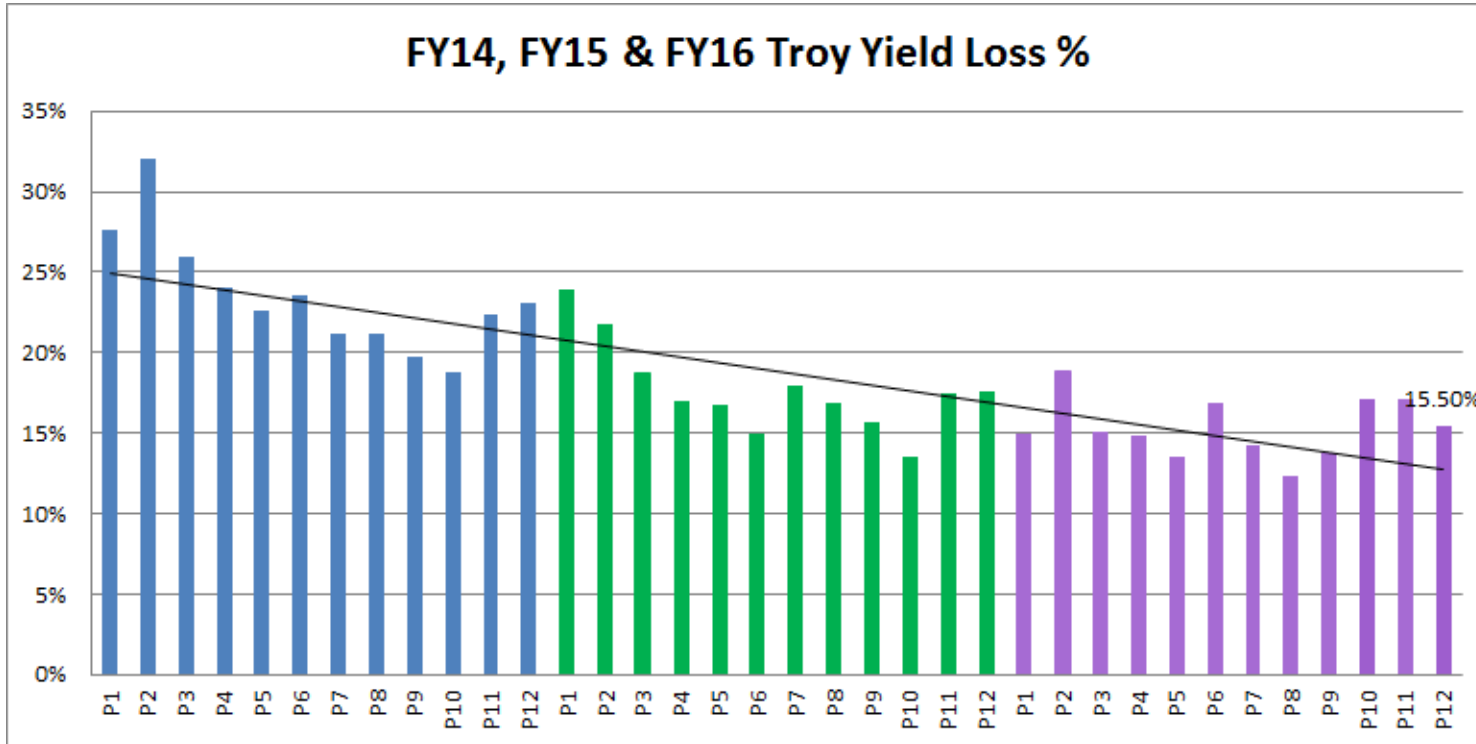
- Performance Improvements
- Extended Run
- Less Than Daily
- GT Bucket Filler

## OEE % vs. Fiscal Years



# Troy Yield

FY14, FY15 & FY16 Troy Yield Loss %



Troy Yield Information

FY11 = 24.54%

FY12 = 21.82%

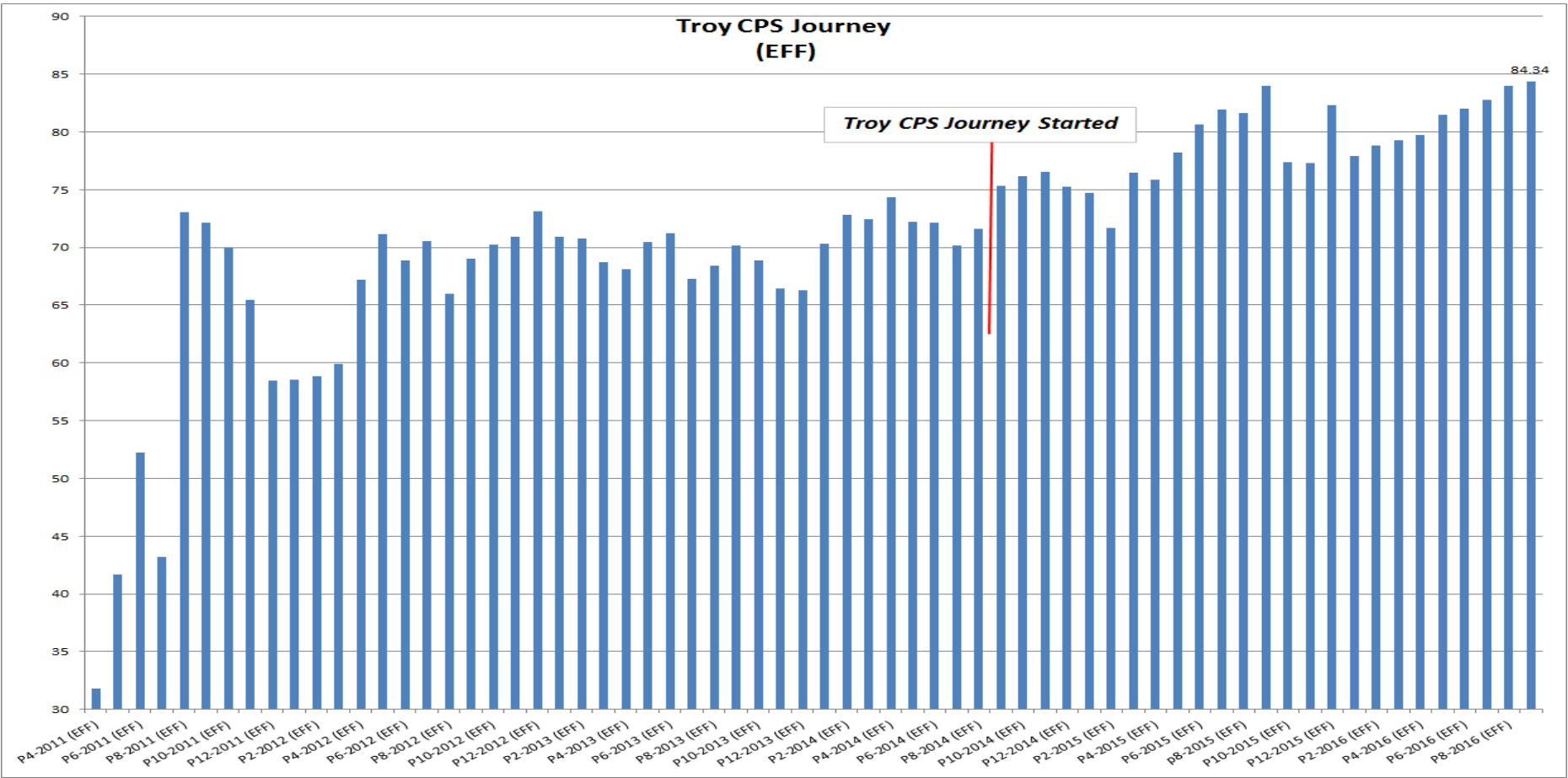
FY13 = 22.89%

FY14 = 23.51%

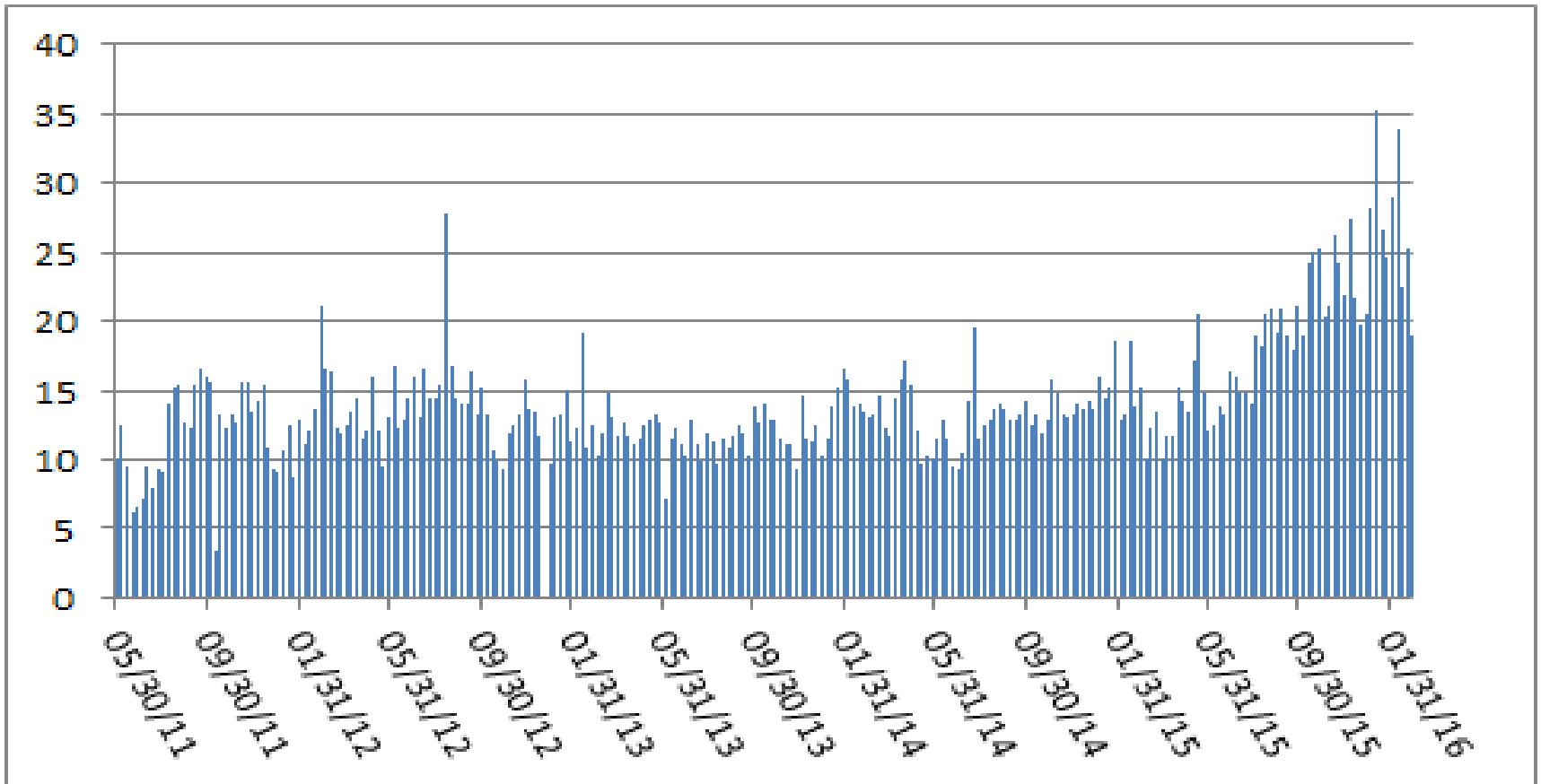
FY15 = 17.23%

FY16 Plan = 13.5%

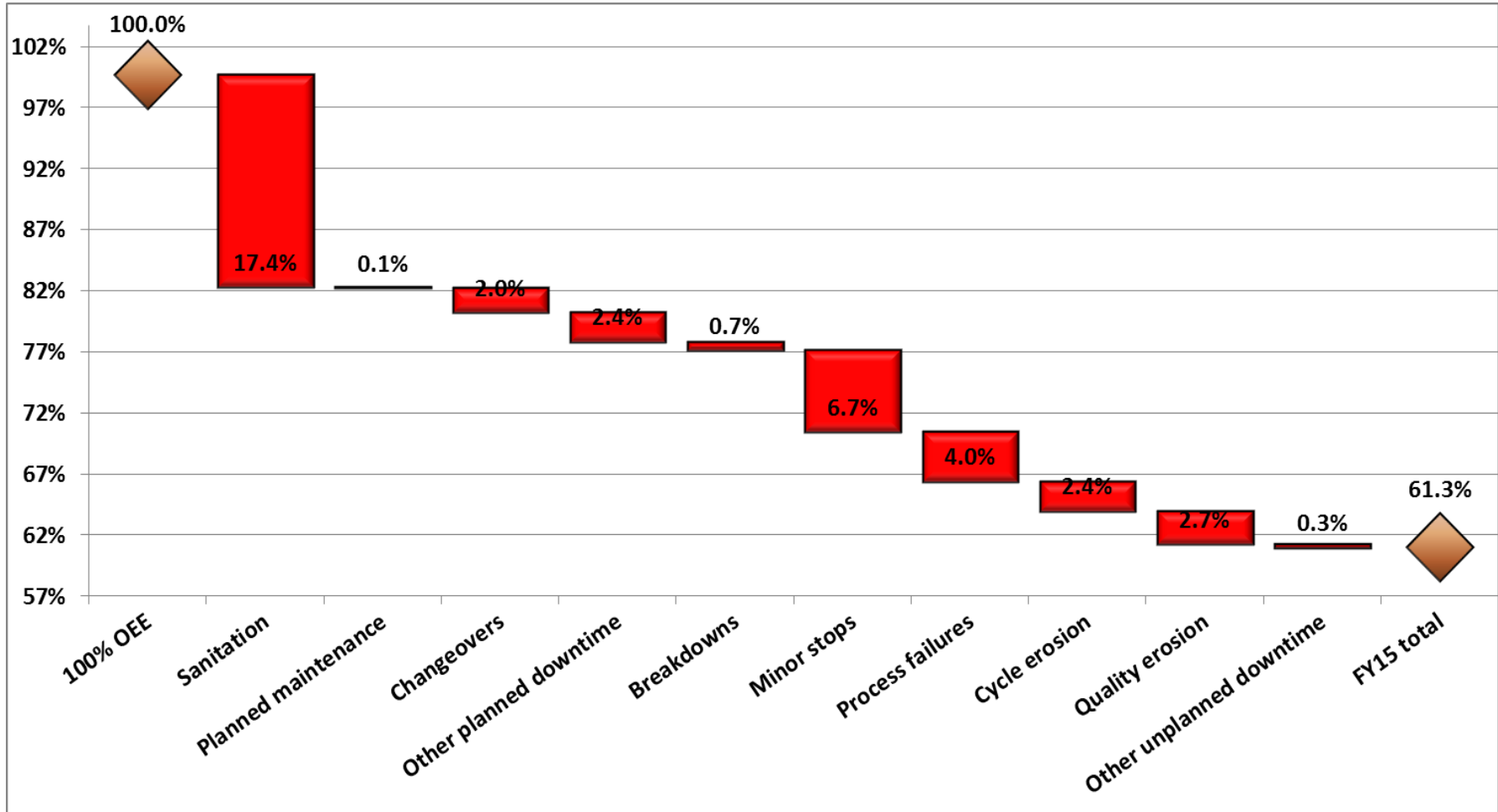
# Troy Efficiency Journey



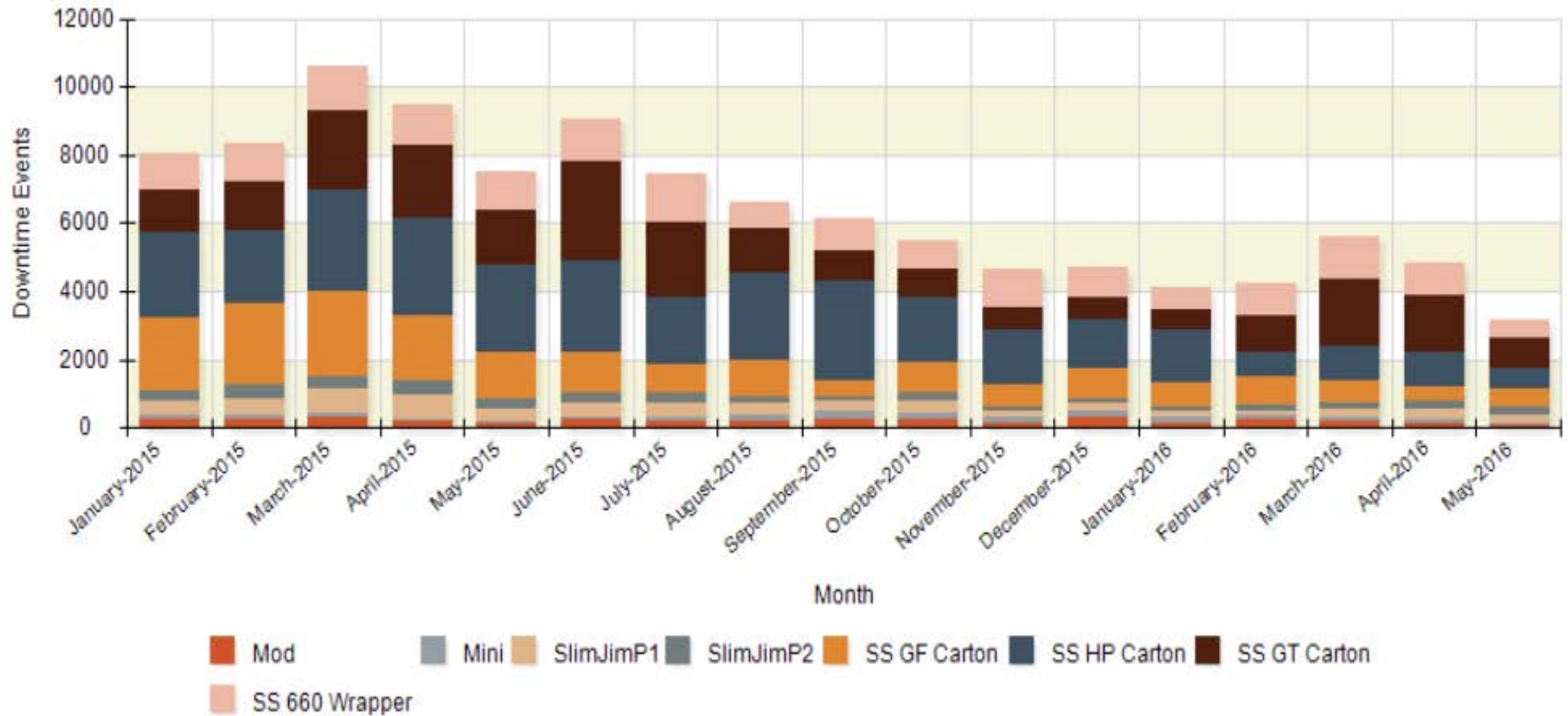
# Troy MTBF



# Loss Focus Areas

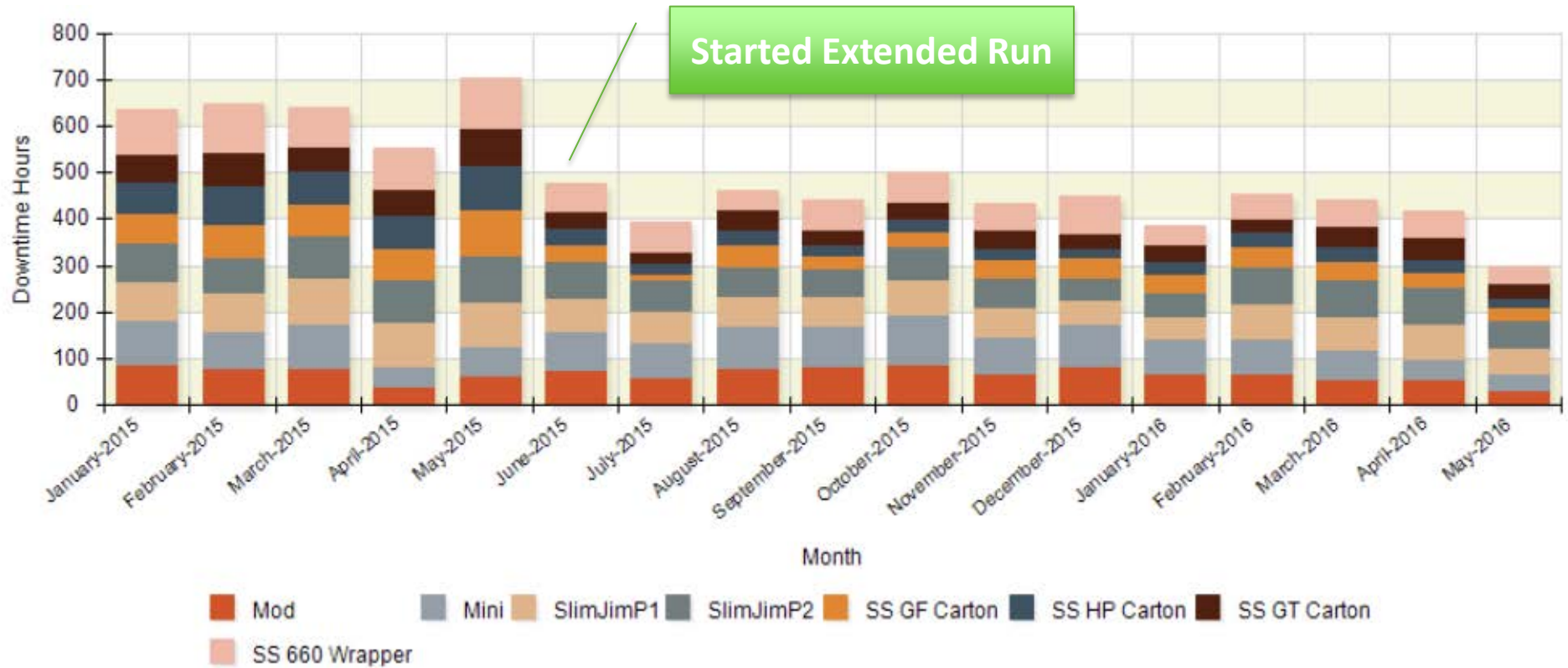


# SJ Unplanned Stops By Line





# SJ Sanitation Hours By Line



# Pillar Team Communications



# EH&S Pillar Teams

**EHS Pillar**





**EHS Pillar Team**



**Troy Safety Pillar Charter**

Our Pillar's Vision: To ensure that all employees, contractors, and visitors are safe and healthy at all times.

Our Pillar's Mission: To provide a safe and healthy work environment for all employees, contractors, and visitors.

Our Pillar's Values: Safety, Health, Environment, and Sustainability.

**Troy-CP5 Pillar Plan Environment/Sustainability**

Area	2018 FY Budget	2019 FY Budget	2020 FY Budget
Energy	1,200,000	1,200,000	1,200,000
Water	500,000	500,000	500,000
Waste	300,000	300,000	300,000
Greenhouse Gas	1,000,000	1,000,000	1,000,000

Area	2018 FY Budget	2019 FY Budget	2020 FY Budget
Energy	1,200,000	1,200,000	1,200,000
Water	500,000	500,000	500,000
Waste	300,000	300,000	300,000
Greenhouse Gas	1,000,000	1,000,000	1,000,000

**(C) CHECK WORK STREAM #3**

Current Safety Commitments

Item	Start Date	End Date	Status
1	1/1/2020	3/31/2020	Completed
2	4/1/2020	6/30/2020	In Progress
3	7/1/2020	9/30/2020	Not Started

**(A) Analyze Priority Based on Losses**



**(P) PLAN ACTION PLAN**



**(D) DO RESULTS**

Item	Start Date	End Date	Status
1	1/1/2020	3/31/2020	Completed
2	4/1/2020	6/30/2020	In Progress
3	7/1/2020	9/30/2020	Not Started

**(C) CHECK WORK STREAM #1**

Investigate a new Hazard Assessment Safety Team to analyze current incidents reported to the OIR database.

- Identify the root cause of safety incidents.
- Conduct investigations on accidents.
- Control the situation to prevent the same incident from recurring.
- Ensure that the team is trained and equipped to handle the situation.
- Provide the team with the necessary resources to handle the situation.

**(A) Analyze Priority Based on Losses**



**(P) PLAN ACTION PLAN**

Date	Case No.	Type	Sub-Part	Equipment	Case	Investigation Date	Incident Date	Action Plan
1/1/2020	10001	Slip	Hand	Hand	Hand	1/1/2020	1/1/2020	Hand
1/1/2020	10002	Slip	Hand	Hand	Hand	1/1/2020	1/1/2020	Hand
1/1/2020	10003	Slip	Hand	Hand	Hand	1/1/2020	1/1/2020	Hand

**(D) DO RESULTS**

FY 18	Incidents Investigated	Incidents Closed	Percentage
Period 11	15	0	0%

**(C) CHECK WORK STREAM #2**

Safety Audit Scope

- Review all activities.
- Identify the root cause of safety incidents.
- Conduct investigations on accidents.
- Control the situation to prevent the same incident from recurring.
- Ensure that the team is trained and equipped to handle the situation.
- Provide the team with the necessary resources to handle the situation.

**(A) Analyze Priority Based on Losses**

**Level of Assessment Findings**

Level of Priority - High Probability of Serious Incident: 17 Findings

Level of Priority - Low Probability of Serious Incident: 82 Findings

Level of Priority - Low Probability of a Minor Incident: 82 Findings

**(P) PLAN ACTION PLAN**



**(D) DO RESULTS**




# Troy Sustainable Development

## Continuous Improvement:

The Environmental successes achieved by the team are communicated through the plant and the organization in many ways. In the facility, posters and signs are placed in display cases for the associates to see. Audio/video presentations are displayed in the break rooms, as well as town hall meetings attended by all team members. Weekly environmental calls with the ConAgra Corporate Environmental director, other plants and facilities are held weekly to provide information, training and best practices to be reapplied. Annually ConAgra has a sustainable development contest that promotes environmental awareness and gives the best projects a cash award that goes to an environmental project in the community. The Troy facility has won the award previously and donated \$5,000 cash award to the City of Troy for the Treasure Island project. Projects from the Troy facility have been submitted annually for the last 12 years. We have a system in place to ensure all employees have a voice in improving our process. We use a process called I-Tag and F-Tag to have ideas presented to Cell teams for consideration. I-Tag is an improvement idea and F-Tag is a defect that needs repaired. Our team has written 5,500 tags over the last 14 months.

<b>Troy CPS</b>		<b>I Tag # 00076</b>						
	Cell #	1	2	3	4	5	6	7
	Shift	1	2	3				
	Originator:							
	Date:							
	Equipment #:							
<b>Improvement Tag</b>								
<b>Description &amp; Location</b>								
Date Completed:								
Originator Sign off:								
<b>Place in Drop Box</b>								

		<b>F Tag # 01236</b>							
		Cell #	1	2	3	4	5	6	7
		<b>Criticality:</b>							
		1	Next Planning Cycle						
		2	Less than 30 Days						
3	31 to 60 Days								
4	More than 60 Day								
Shift	1	2	3						
<b>Abnormality F Tag</b>									
Equipment #									
Found By:				Date:					
Description & Location:									
Notification #									
Work Order #									
Work Order Completed By:									
Originator:									
<b>Place in Drop Box</b>									

# ConAgra Sustainable Development

ConAgra Foods has set a goal to decrease greenhouse gas emissions and water usage by 20% per pound of production by 2020.



Metric	UOM	Metric Owner	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Cardboard	Tons (US)		29.93	30.59	29.26	16.69	20.23	16.67	40.83	42.12	106.29	100.23	133.93	89.13	879.91
Food / Animal Feed	Tons (US)		254.29	267.89	259.04	472.62	29.045	481.09	829.74	1,218.28	643.51	421.52	1,420.73	855.74	8,728.65
Food - Composting	Tons (US)		0.00	0.00	0.00	0.00	0.00	34.00	41.34	77.49	128.30	77.23	0.00	0.00	378.33
Food - Donation	Tons (US)		134.268	95.434	98.306	75.11	109.59	48.78	85.07	126.34	115.962	121.69	130.09	68.875	1,329.518
Landfill	Tons (US)		484.30	129.97	43.70	76.89	14.88	131.92	123.98	121.29	102.46	100.30	74.84	78.29	1,884.24
Landfill Disposal Cost	Dollars		29,132.45	23,631.31	32,911.00	10,474.00	33,962.54	24,262.16	22,897.50	32,099.95	21,280.93	21,749.12	16,235.85	17,263.04	306,033.17
Landfill Diversion Rate	Percentage		0.835	0.646	0.804	0.694	0.896	0.896	0.939	0.912	0.896	0.963	0.934	0.934	10,845
Mixed Material	Tons (US)		0.00	0.00	1.53	0.00	0.00	4.28	9.73	2.34	0.00	7.05	3.73	0.00	34.70
Mixed Material	Tons (US)		0.00	1.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.38	7.11	0.00	14.44
Total Landfill Diversion	Tons (US)		799,458	747,196	596,316	449,32	248,305	1,048,46	1,083,79	1,040,54	1,040,743	800,74	1,058,47	1,109,179	11,908,062
Total Recycling Revenue	Dollars		13,442.40	13,120.77	1,861.20	12,375.00	12,628.00	19,145.00	17,385.50	31,141.50	21,830.50	13,809.56	40,079.13	23,694.25	336,735.41
Wastewater Sludge	Tons (US)		35.46	50.04	37.99	37.54	39.79	32.50	15.00	50.04	35.43	39.20	30.02	29.70	452.73
Wood (Pallets)	Tons (US)		25.48	37.94	44.17	44.17	39.63	30.84	42.46	48.78	31.73	33.84	33.53	33.60	476.37

# ConAgra Sustainable Development

File Edit View Favorites Tools Help

## Electricity and Purchased Steam

Metric	UOM	Metric Owner	P1 (Jun15)	P2 (Jul15)	P3 (Aug15)	P4 (Sep15)	P5 (Oct15)	P6 (Nov15)	P7 (Dec15)	P8 (Jan16)	P9 (Feb16)	P10 (Mar16)	P11 (Apr16)	P12 (May16)
Electricity Total Cost	Dollars		160,240.94	160,196.14	162,684.44	164,256.15	158,708.96	130,155.02	146,995.14	138,477.69	135,389.22	140,412.40		
Electricity Use	Kilowatt hour (kWh)		2,190,092	2,190,442.001	2,229,513.986	2,255,773.029	2,187,749.023	1,730,424.02	2,009,668.016	2,068,514.008	2,006,327.016	2,056,518.023		
Electricity use per pound	kWh per pound of production		0.37	0.494	0.264	0.332	0.306	0.259	0.361	0.325	0.227	0.403	0.00	0.00
Purchased Steam	Pounds (lbs)													

## Greenhouse Gas Emissions (Scope 1 & 2)

Metric	UOM	Metric Owner	P1 (Jun15)	P2 (Jul15)	P3 (Aug15)	P4 (Sep15)	P5 (Oct15)	P6 (Nov15)	P7 (Dec15)	P8 (Jan16)	P9 (Feb16)	P10 (Mar16)	P11 (Apr16)	P12 (May16)
GHG - Biogas	Metric tons (tonne)													
GHG - Biogas to Boiler	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - Biogas to flare	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - Coal	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - Diesel Fuel Use	Metric tons (tonne)		0.00	25.92	27.34	54.008	51.954	31.619	32.829	31.862	46.543	32.773	0.00	0.00
GHG - Distillate Fuel Oil No. 2	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - Electricity Use	Metric tons (tonne)		1,377.176	1,377.396	1,401.965	1,418.477	1,375.702	1,088.127	1,263.721	1,300.725	1,261.62	1,293.181	0.00	0.00
GHG - Heavy Fuel Oil No. 6 Use	Metric tons (tonne)		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GHG - Natural Gas Use	Metric tons (tonne)		610.183	598.763	606.837	641.999	745.201	682.26	673.124	823.917	837.833	775.205	0.00	0.00
GHG - Propane Use	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - Purchased Steam	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - R-12	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - R-134a	Metric tons (tonne)		0.648	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - R-22	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - R-404a	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - R-407c	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - R-410a	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - R-418a	Metric tons (tonne)		0	0	0	0	0	0	0	0	0	0	0	0
GHG - R-438a	Metric tons (tonne)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GHG - R-507a	Metric tons (tonne)		0	0	0	0	0	0	0	0	0	0	0	0

## Natural Gas

Metric	UOM	Metric Owner	P1 (Jun15)	P2 (Jul15)	P3 (Aug15)	P4 (Sep15)	P5 (Oct15)	P6 (Nov15)	P7 (Dec15)	P8 (Jan16)	P9 (Feb16)	P10 (Mar16)	P11 (Apr16)	P12 (May16)
Natural Gas Total Cost	Dollars		46,079.58	44,905.08	46,508.32	46,470.31	52,418.87	41,438.01	43,378.68	55,247.52	52,625.92	41,941.09		
Natural Gas Use	Decatherm		11,488	11,273	11,425	12,087	14,030	12,845	12,673	15,512	15,774	14,594.89		
Natural gas use per ton	Dekatherm per ton of production		3.884	5.089	2.703	3.553	3.921	3.843	4.548	4.874	3.57	5.724	0.00	0.00

## Other Fuels

Metric	UOM	Metric Owner	P1 (Jun15)	P2 (Jul15)	P3 (Aug15)	P4 (Sep15)	P5 (Oct15)	P6 (Nov15)	P7 (Dec15)	P8 (Jan16)	P9 (Feb16)	P10 (Mar16)	P11 (Apr16)	P12 (May16)
Diesel Fuel Use	Gallons		2,530.90	2,669.50	5,273.40	5,072.90	3,087.30	3,205.46	3,111.11	4,544.59	3,200.00			

# Troy Sustainable Development

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## **Innovation:**

The plant is currently working on resource conservation in many areas. Concentrating on a reduction in landfill diversion, water use and recycling. There are several Innovative projects that have been implemented in 2015, as well as a continuation of others, that show a commitment to continual improvement, creativity and prevention of pollution, this will ensure that we will meet our environmental objectives and targets.

# Sustainable Development Projects

- **Glycol Cooling:** The plant replaced the water cooling system on the Vemag Stuffer with a Glycol loop, utilizing a system that was already in place. This resulted in a reduction in plant water consumption by 2MM gallons per year. Cost savings based on \$0.046 per pound water savings which equates to \$92K per year.
- **Aluminum can and plastic bottle recycling:** The plant implemented a recycling program for the aluminum cans and plastic bottles this has resulted in 6,280 pounds of materials diverted from the landfill and recycled.
- **Animal feed:** The scrap dough and food waste is diverted from land fill and utilized as animal feed. The plant has worked with third party support to process more than 4,201 tons of products into animal feed in FY16.
- **Composting:** Food waste that was not suitable for animal feed is utilized by a third party to be processed in composting material that is then land applied. More than 370 tons of waste was recycled in FY16.
- **Cardboard recycling:** The facility has found an outlet to receive “contaminated” cardboard. This has significantly reduced the amount of cardboard that was previously going to landfill. The estimate is that more than 60 tons of previously trash cardboard a month will be recycled. More than 987 tons of cardboard was recycled in FY16.



# Troy Sustainable Development

**GRAINGER**

FOR THE ONES WHO GET IT DONE



Data Point	Jan-Dec 2013	Jan-Dec 2014	Jan-Sep 2015
<b>Total Sales</b>	Total Item Purchases \$0	Total Item Purchases \$0	Total Item Purchases \$391,382
	Grainger.com Purchases \$0	Grainger.com Purchases \$0	Grainger.com Purchases \$0
	EDI/ePro Purchases \$0	EDI/ePro Purchases \$0	EDI/ePro Purchases \$367,965
<b>Items Purchase Overview</b> <small>For more information on Green products, visit <a href="http://www.grainger.com/green">www.grainger.com/green</a></small>	# Unique Items Purchased 0	# Unique Items Purchased 0	# Unique Items Purchased 1,249
	# GREEN Items Purchased 0	# GREEN Items Purchased 0	# GREEN Items Purchased 54
	% Items Purchased 1 or 2 Times 0%	% Items Purchased 1 or 2 Times 0%	% Items Purchased 1 or 2 Times 67%
<b>Item Purchase Frequency</b>	# Items Purchased 1 or 2 Times 0	# Items Purchased 1 or 2 Times 0	# Items Purchased 1 or 2 Times 843
	% of Spend on Items Purchased 1 or 2 Times 0%	% of Spend on Items Purchased 1 or 2 Times 0%	% of Spend on Items Purchased 1 or 2 Times 22%
<b>Item Purchase Spend</b>	Total Spend on Items Purchased 1 or 2 Times \$0	Total Spend on Items Purchased 1 or 2 Times \$0	Total Spend on Items Purchased 1 or 2 Times \$87,512
	% Items Purchased in 2012 0%	% Items Purchased in 2013 0%	% Items Purchased in 2014 0%
<b>Repeat Item Overview</b>	# Items Purchased in Both Years 0	# Items Purchased in Both Years 0	# Items Purchased in Both Years 0



# Troy Sustainable Development

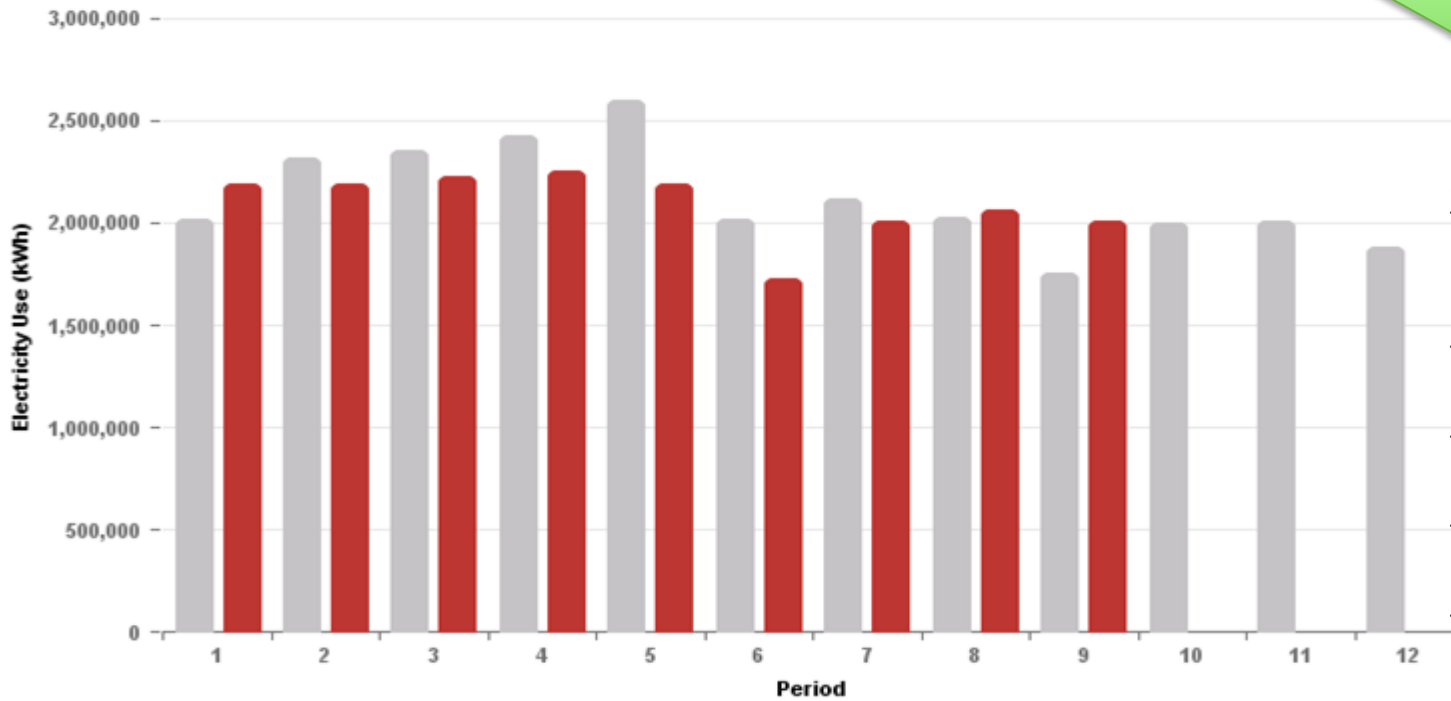
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**Impact to the Environment:** The Troy plant is making good progress year-over-year with water, gas emissions and electricity. The results of these improvements are making a positive impact to the environment:



# Sustainable Development

## Electricity



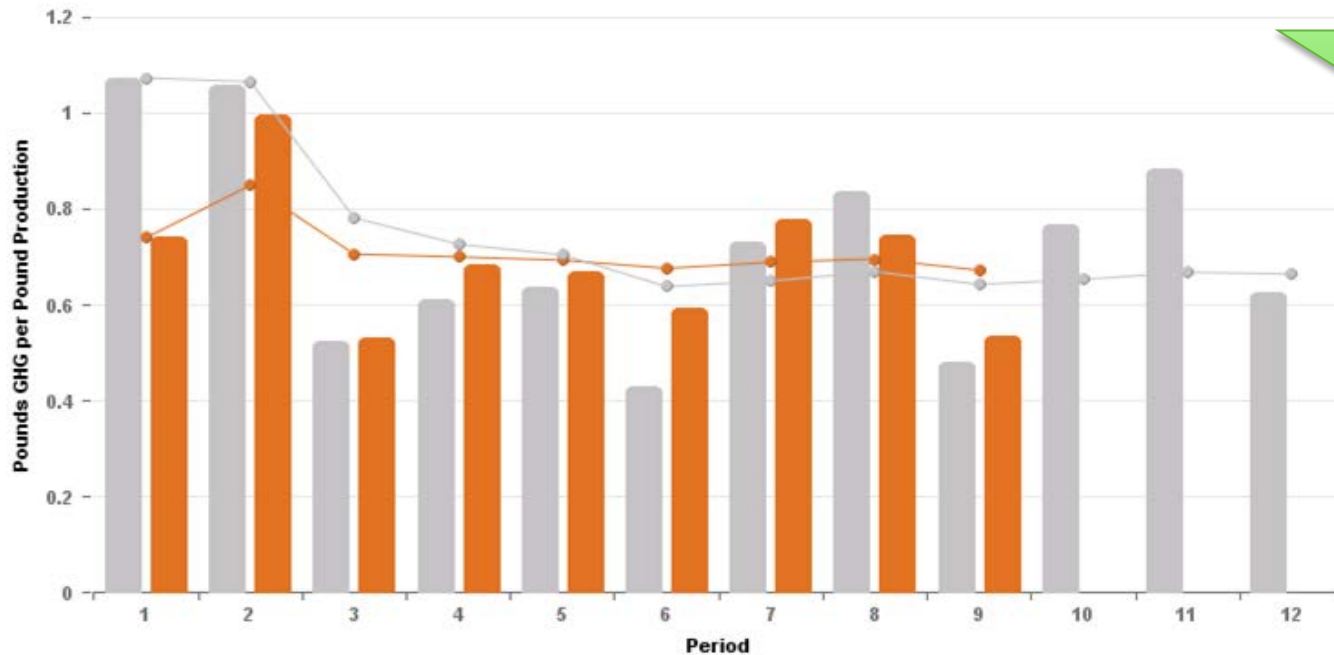
10.29%

- Turn Off Lights/ and Equipment
- Motion Sensors
- Machine Performance
- Lighting Upgrades
- Thermostat Adjustments during the year
- More Efficient A/C



# Sustainable Development

## Gas Emissions

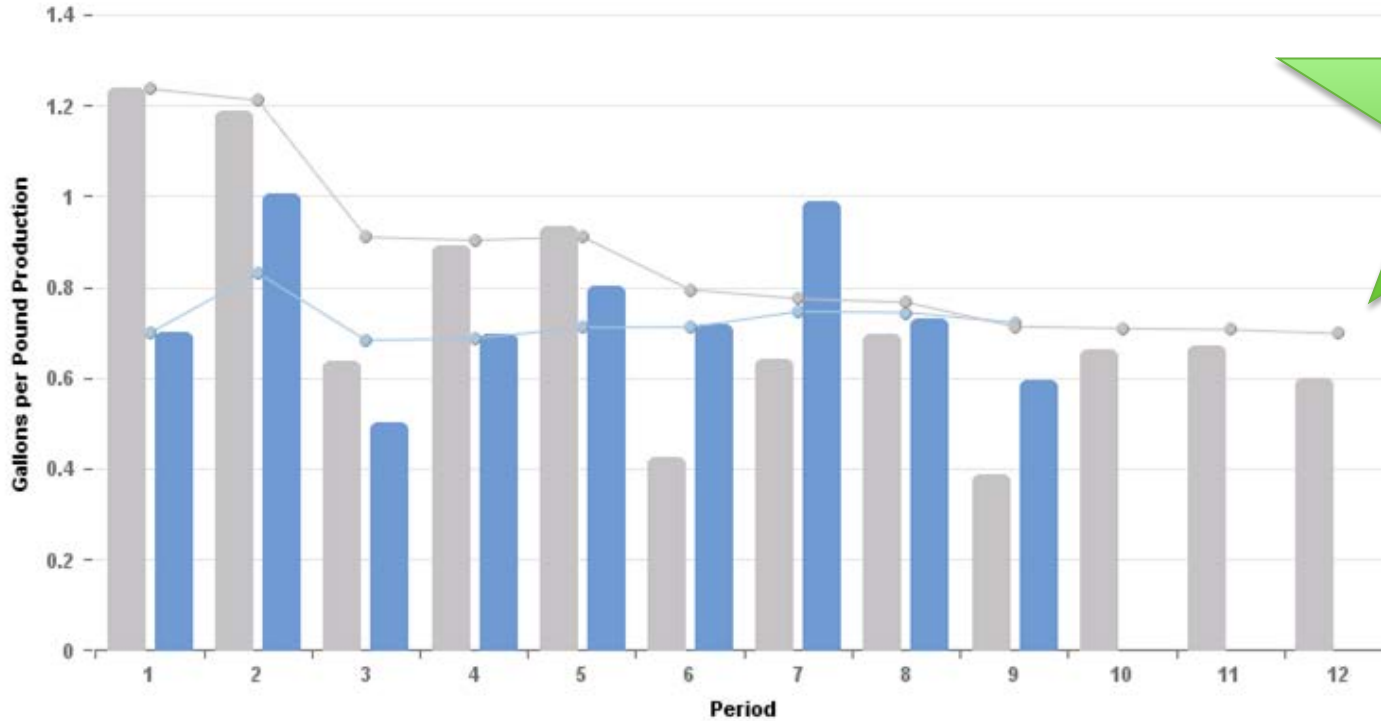


- Turn Off Ovens
- Thermostat Adjustments during the year
- Reduce Cook Cycle Time in 26 Smokehouses
- Balanced Boilers (6)



# Sustainable Development

## Water



- Sanitation Review
- Drip Spotter Team
- Glycol Cooling

60MM+ gallons usage annually



# Sustainable Development

## Total Diversion

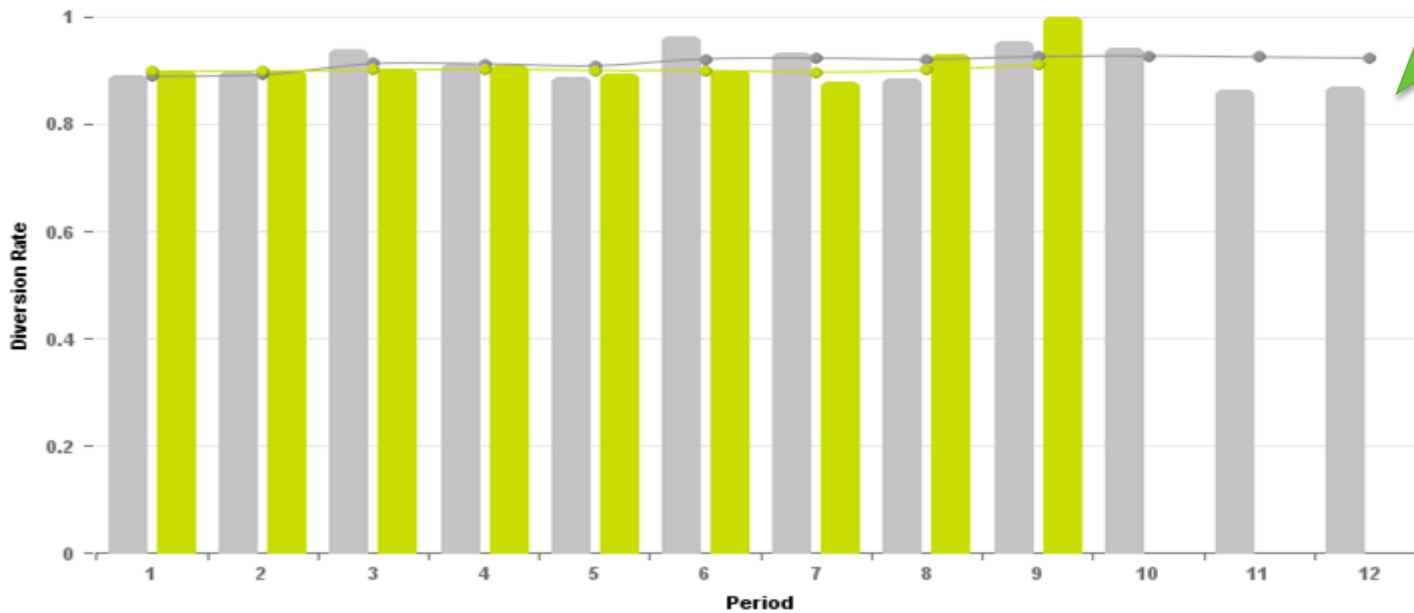
Troy FY16 vs FY15 Landfill Avoidance (P1-P9)

### Period Results

<b>Diversion Rate</b>	<b>100.00%</b>
<i>Total Diverted</i>	<i>663.56</i>
<i>Total Landfill</i>	

### FY16 YTD Results

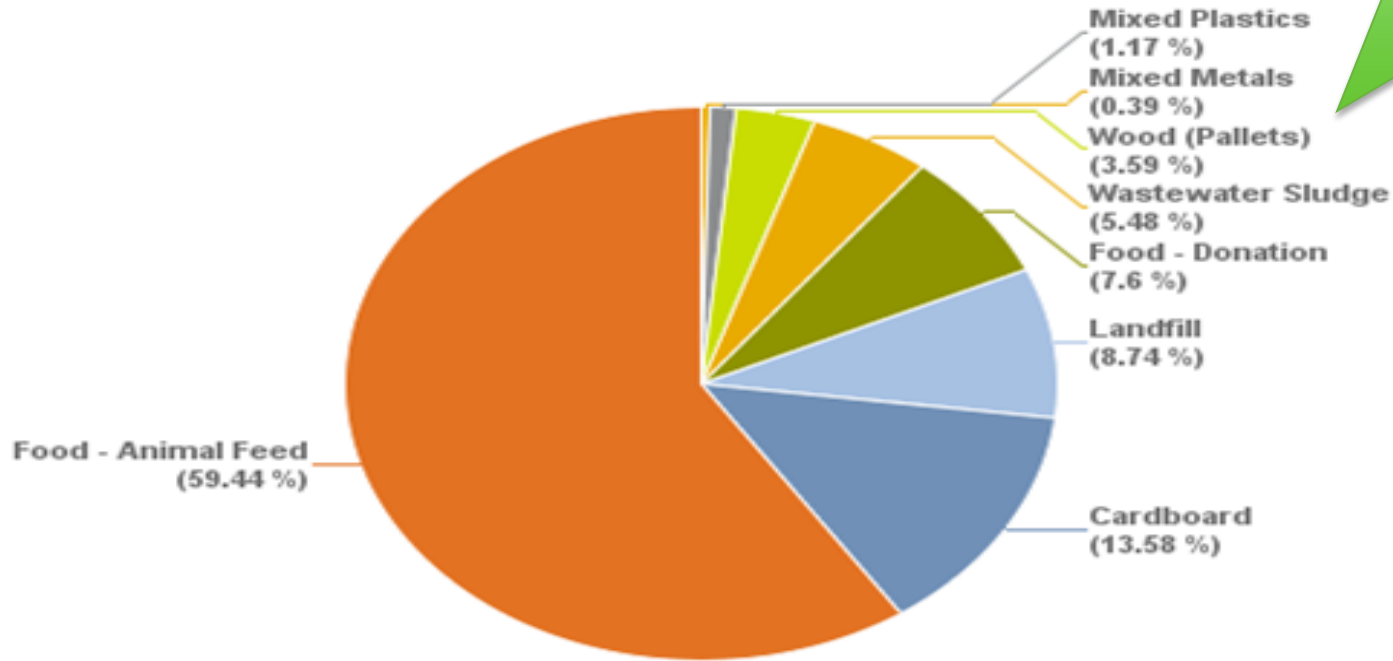
<b>Diversion Rate</b>	<b>91.26%</b>
<i>Total Diverted</i>	<i>5421.088</i>
<i>Total Landfill</i>	<i>518.97</i>



# Sustainable Development

## Total Diversion

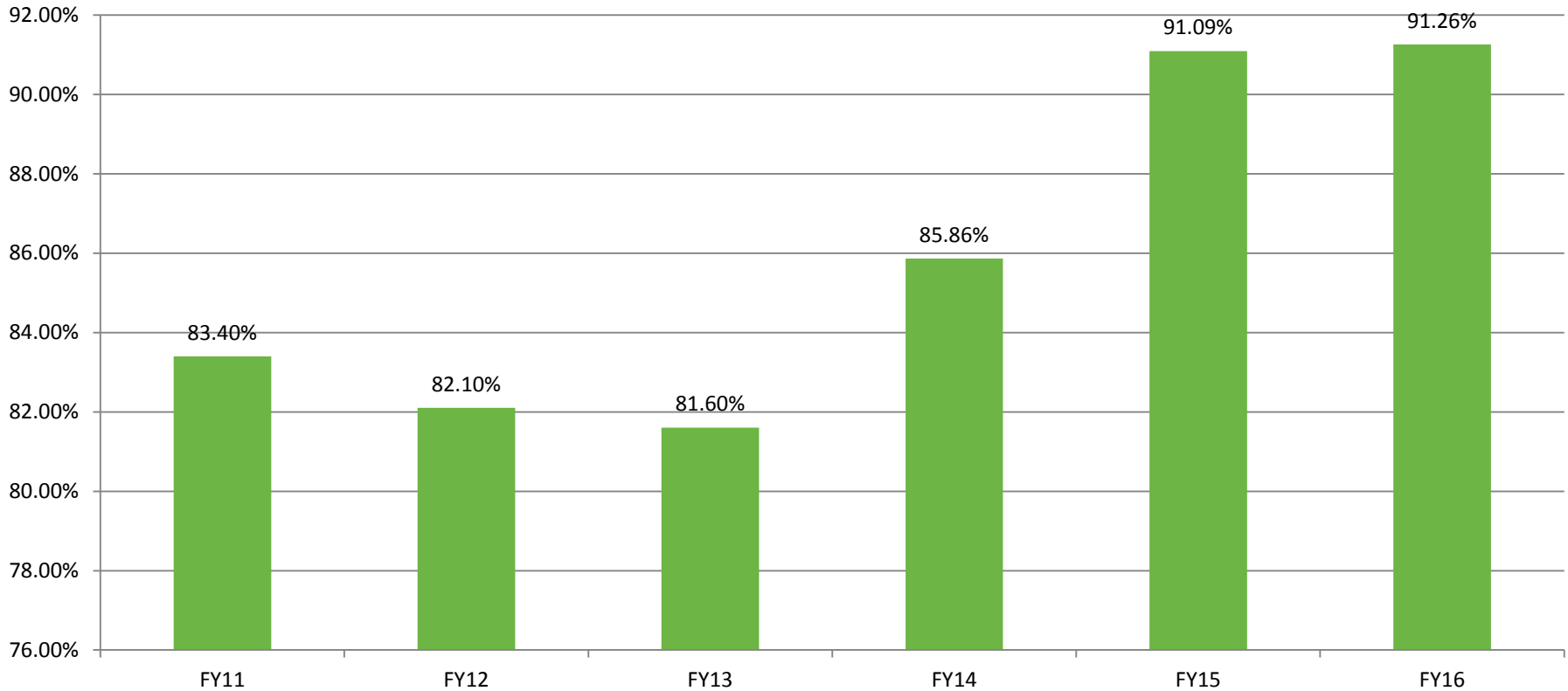
Troy YTD Waste Characterization by Material Type



# Sustainable Development

## Total Diversion

Diversion Rate





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**Questions?**

A decorative border at the top and bottom of the slide consists of various colorful geometric shapes, including rectangles, circles, and triangles, in shades of red, green, and orange. The shapes are arranged in a pattern that is roughly symmetrical across the horizontal axis.

# THE CONAGRA WAY

# Ohio Manufacturers' Association

June 1, 2016

# Topics

- ▶ Clean Power Plan
- ▶ Ozone NAAQS
- ▶ Startup, Shutdown & Malfunction SIP Call

# Clean Power Plan

# U.S. EPA Carbon Regulation of Power Sector

## Two actions designed to significantly reduce carbon emissions from the power sector

- Carbon Pollution Standards -new, modified and reconstructed sources
- Clean Power Plan (CPP) -existing sources
  - Federal Plan proposal and model rule
- ▶ **U.S. EPA's stated CPP goals are to**
  - Achieve significant carbon emission reductions in 2030
  - Deliver an approach that gives states and utilities time to preserve ample, reliable and affordable power
  - Spur increased investment in non-carbon based renewables

# U.S. EPA's Clean Power Plan

*Final Rule - October 23, 2015*

- ▶ U.S. EPA rule requires a 32% reduction in emissions of CO<sub>2</sub> across the country.
- ▶ Establish carbon dioxide emissions rates for coal and gas power plants that reflect “best system of emission reduction” (BSER)
- ▶ In the final rule, U.S. EPA identified three “Building Blocks” and calculated performance rates using these assumptions
  - Block 1: Improve heat rate efficiency at individual units
  - Block 2: Increase existing NGCC generation
  - Block 3: Increase non-carbon based generation

*Block 4: Energy Efficiency has been removed from consideration as BSER in the final CPP.*

# Ohio's CPP Goals

Each state is tasked with developing a plan to reach their respective target.

	Rate Based <u>(lbs CO<sub>2</sub>/MWh)</u>	Mass Based <u>(tons CO<sub>2</sub>)</u>
▶ 2012 Baseline	1,900	102,239,220
▶ Proposed CPP	1,338	-
▶ Interim Period 2022-2029	1,383	82,526,513
▶ Final Goal 2030+	1,190	73,769,806

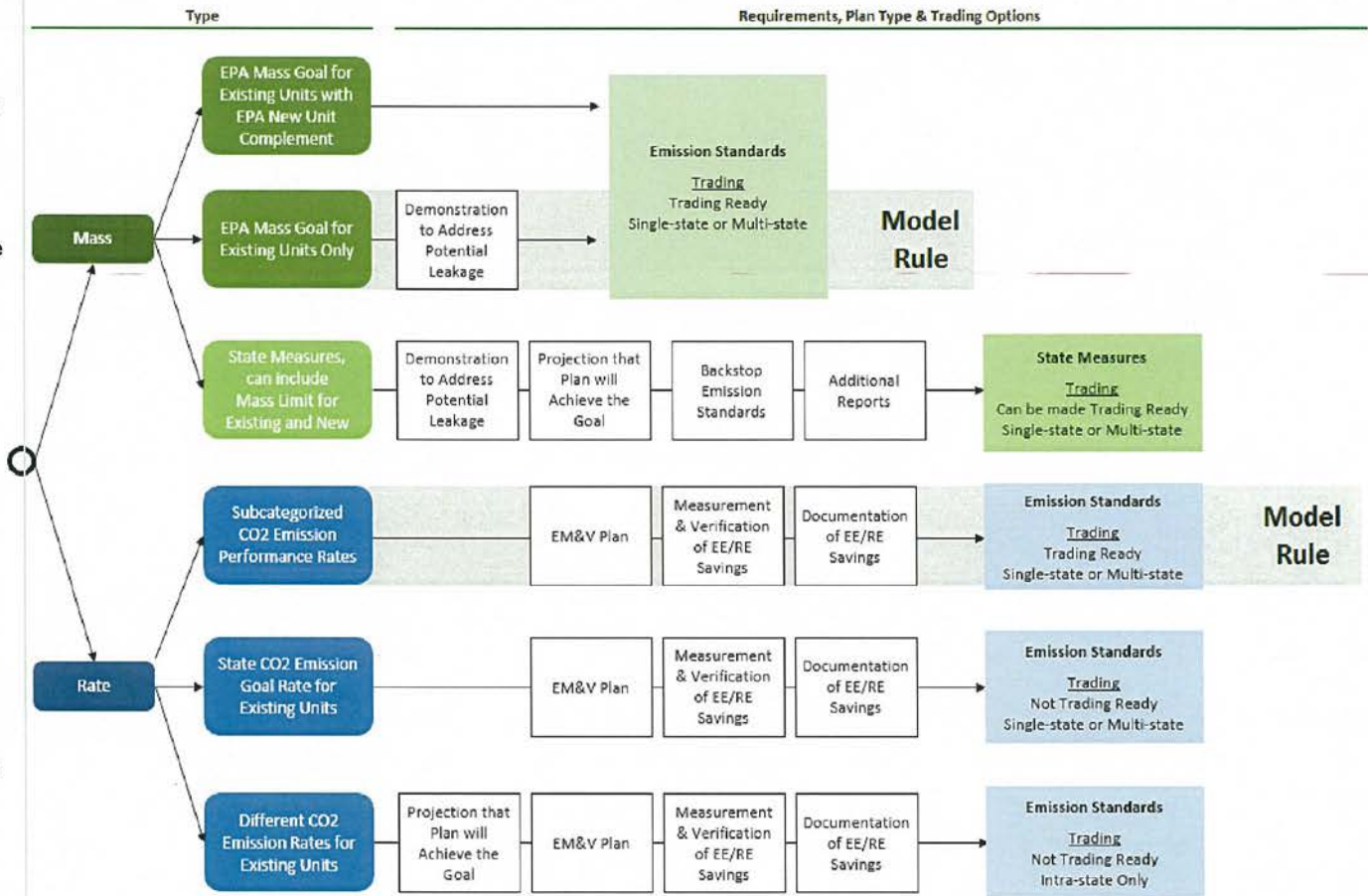
*Between 2005 and 2014 Ohio has already experienced a reduction in CO<sub>2</sub> emissions of 30% as a result of market forces and federal regulations including the Mercury and Air Toxics Standard (MATS).*





# More State Options, Lower Costs

- This chart shows some of the compliance pathways available to states under the final Clean Power Plan. Ultimately, it is up to the states to choose how they will meet the requirements of the rule
- EPA's illustrative analysis shows that nationwide, in 2030, a **mass-based approach is less-expensive** than a rate-based approach (\$5.1 billion versus \$8.4 billion)
- Under a mass-based plan, states that anticipate continuing or expanding investments in energy efficiency have unlimited flexibility to leverage those investments to meet their CPP targets. EE programs and projects do not need to be approved as part of a mass-based state plan, and EM&V will not be required
- For states currently implementing mass-based trading programs, the "state measures" approach offers a ready path forward
- Demand-side energy efficiency is an important, proven strategy that states are already widely using and that can substantially and cost-effectively lower CO<sub>2</sub> emissions from the power sector



# What are we doing/not doing?

- ▶ Continue to assess landscape after U.S. Supreme Court stay
- ▶ Not going forward with listening sessions/not developing compliance plans/not working on extension request
- ▶ Returned borrowed staff back to other assignments
- ▶ Assist AG's office with litigation

# OZONE



# 2008 Ozone Standard

- ▶ U. S. EPA adopted a standard of 0.075 ppm for ozone in 2008
- ▶ As of summer 2015, Cleveland, Columbus and Cincinnati areas meet standard
- ▶ Working on redesignation packages
- ▶ However, before we can have areas redesignated, U.S. EPA adopts more stringent standard of 0.070 ppm

# 2015 Ozone Standard Implementation Timeline

- ▶ October 1, 2015 - U.S. adopts new standards - 0.070 ppm
- ▶ October 1, 2016 - States submit recommendations for nonattainment areas
- ▶ October 1, 2017 - U.S. EPA finalizes nonattainment areas
  - Effective date “usually” 60 days later ...~December 1, 2017
- ▶ October 1, 2018 - Infrastructure SIPs due

# 2015 Ozone Standard Implementation Timeline

- ▶ ~December 1, 2019 and 2020 - Attainment demonstrations due for marginal and moderate nonattainment areas.
  - Two years from effective date of designations
  - Based on previous classifications and ambient air quality data, all Ohio areas should be marginal nonattainment
  
- ▶ ~December 1, 2020 and 2023 - Attainment date for marginal and moderate nonattainment areas.
  - Three and six years from effective date of designations

## Ozone Exceedances by Year (through May 31, 2016)

Year	0.125 ppm 1-Hour	0.084 ppm 8-Hour	0.075 ppm 8-Hour	0.070 ppm 8-Hour
2005	5	192	688	1193
2006	None	39	236	505
2007	None	110	541	1037
2008	None	32	171	419
2009	None	4	31	138
2010	None	20	162	387
2011	None	38	215	434
2012	None	96	329	701
2013	None	2	14	65
2014	None	0	11	69
2015	None	1	16	91
2016	None	0	16	59

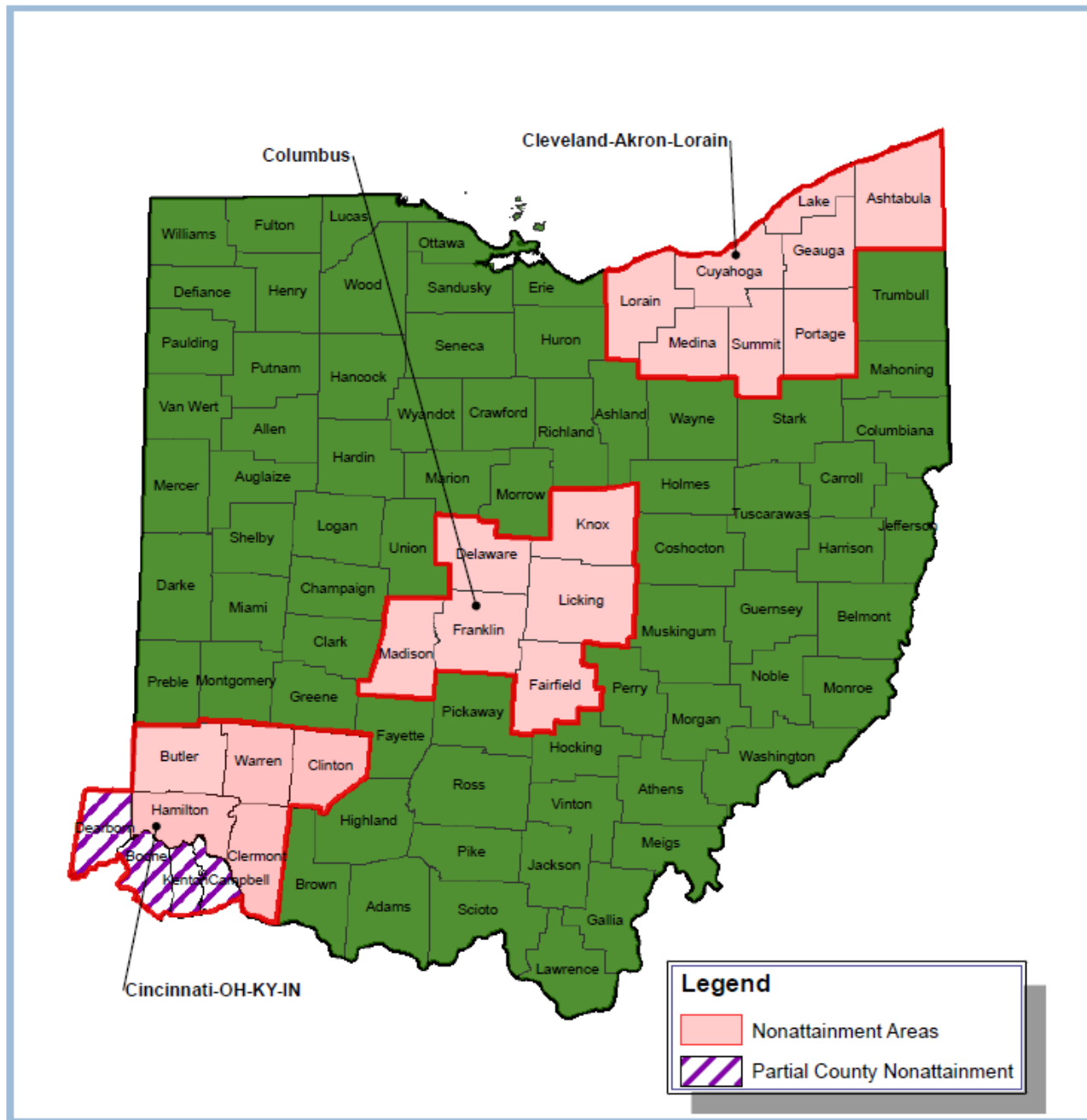
## Revised Ozone Standard

				% above standard (2013-2015)
City	2011-2013 Data (ppb)	2012-2014 Data (ppb)	2013-2015 Data (ppb)	at 70 ppb
Canton	76	70	69	
Cleveland	80	78	73	4.2%
Columbus	80	75	71	1.4%
Cincinnati	81	75	71*	1.4%
Dayton	76	72	69	
Lima	73	71	66	
Toledo	74	71	65	
Youngstown- Warren	76	72	67	

\*monitor in Northern  
Kentucky measures 71 ppb



# Projected Nonattainment 0.070 PPM Standard (2013-2015)



# Startup, Shutdown & Malfunction SIP Call

# Startup, Shutdown & Malfunction SIP Call

- ▶ U. S. EPA settled a lawsuit with the Sierra Club that addresses rules associated with startup, shutdown and malfunctions in 36 states
- ▶ U.S. EPA proposed a “SIP Call” in 36 states (including Ohio) that require that states modify their rules because these rules contain language “inconsistent with the Clean Air Act”
- ▶ These states rules were previously approved by U.S. EPA - but are now objectionable
- ▶ State rule allow “Director’s discretion”
- ▶ U.S. EPA claims citizens suits are prevented

# Startup, Shutdown & Malfunction SIP Call

- ▶ U. S. EPA went further in Ohio.....
- ▶ Even though not part of the lawsuit, U.S. EPA identified the Scheduled Maintenance Rule as also one of the objectionable rules
- ▶ U.S. EPA did not ask questions on how Ohio rules operate
- ▶ U.S. EPA did not consult with Ohio EPA prior to lawsuit settlement
- ▶ U.S. EPA made incorrect errors and assumptions

# Startup, Shutdown & Malfunction SIP Call

- ▶ Objectionable Rule 1: OAC 3745-15-06(C) - Malfunction of equipment
  - The Director retains the responsibility to evaluate any report submitted pursuant to this rule. The Director shall take appropriate action upon a determination that the reporting requirements of this rule have not been satisfied, that the equipment was not properly operated and maintained prior to breakdown, that shutdown of the source or operation during the period of maintenance or breakdown was or has become practicable, that the shutdown or breakdown was or has become avoidable, or was induced or prolonged in bad faith, or that the emissions endanger or tend to endanger the health or safety of the public.
- ▶ Where is Director's discretion" "Director shall take appropriate action..."
- ▶ U.S. Southern District of Ohio found that the Ohio rule contains objective standards and are enforceable.

# Startup, Shutdown and Malfunction SIP Call

- ▶ Objectionable Rule 2: OAC rules 3745-17-07(A)(3)(c) and 3745-17-07(B)(11)(f) - Visible Emission Rules
  - The malfunction of any air contaminant source or the malfunction/shutdown of air pollution control equipment associated with any air contaminant source, if the owner or operator of said air contaminant source or air pollution control equipment complies with the requirements of rule 3745-15-06 of the Administrative Code and none of the conditions listed in paragraph (C) of rule 3745-15-06 of the Administrative Code exists.
  - The malfunction of any air contaminant source or the malfunction/shutdown of air pollution control equipment associated with any air contaminant source, if the owner or operator of said air contaminant source or air pollution control equipment complies with the requirements of rule 3745-15-06 of the Administrative Code and none of the conditions listed in paragraph (C) of rule 3745-15-06 of the Administrative Code exists.

# Startup, Shutdown and Malfunction SIP Call

- ▶ These rules exempt visible emission requirements during malfunctions - does not exempt the malfunction or the underlying emission violation
- ▶ Visible emission standard is not directly related to ambient air quality standard
- ▶ Sources must still meet conditions in OAC 3745-15-06(C)

# Startup, Shutdown and Malfunction SIP Call

- ▶ Objectionable Rule 3: OAC 3745-15-06(A)(3): Scheduled maintenance
- ▶ Ohio EPA issues Director's Letter that allows the shutdown of air pollution control equipment under certain conditions;
  - "In cases where a complete source shutdown may result in damage to the air pollution sources or is otherwise impossible or impractical, the owner or operator may request authorization to continue operating the sources during the scheduled maintenance of air pollution control equipment."
- ▶ U. S. EPA says we cannot allow this. Source should shutdown
- ▶ Not realistic - many examples of impracticality - glass furnaces, coke ovens, etc...



# Startup, Shutdown and Malfunction SIP Call

- ▶ Does not “exempt” emission exceedances - still must be reported as a deviation for Title V purposes
- ▶ Ohio EPA processes about 2 - 3 requests each week

# Startup, Shutdown and Malfunction SIP Call

- ▶ Objectionable Rule 4: - OAC 3745-14-11(D) - NOx from Cement Plants
  - The requirements of this rule shall not apply to the following periods of operation:
    - (1) Start-up and shutdown periods and periods of malfunction, not to exceed thirty-six consecutive hours; and
    - (2) Regularly scheduled maintenance activities
- ▶ Not our language - U.S. EPA suggested we add this during the rulemaking process
- ▶ The revised NSPS for cement plants allows for an “affirmative defense” argument. Thrown out by D.C. Court of Appeals

# Startup, Shutdown and Malfunction SIP Call

- ▶ U.S. EPA has not shown that Ohio's rules cause air quality violations
- ▶ Clean Air Act puts responsibility on states to meet air quality standards
- ▶ Clean Air Act also gives primary authority to enforce rules to states, not U.S. EPA - states should be able to interpret/apply their own rules

# Startup, Shutdown and Malfunction SIP Call

- ▶ Ohio EPA provided detailed response to U.S. EPA on the proposal
- ▶ Requested that the Ohio Attorney General appeal SIP Call

# Startup, Shutdown and Malfunction SIP Call - State Rule Revision Process

- ▶ Internal draft of state rule changes completed
- ▶ Distributed draft to interested stakeholders for comment
- ▶ Wide range of comments
- ▶ Send out another draft for comments

# Questions?

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## COUNSEL'S REPORT

Frank L. Merrill, Bricker & Eckler LLP, Counsel to the OMA  
June 1, 2016

### A. ADMINISTRATIVE

#### 1. Ohio EPA Activities of Note

##### a. Water Well Standards and Well Plan Approvals

Ohio EPA DDAGW is proposing revised rules in OAC Chapters 3745-9 and 3745-91 governing water well standards (including non-potable well requirements; PWS well variances; disinfection of a dry hole prior to sealing; and requiring use of alternate cement types) and well plan approvals (including adding plan approval exemptions for hauled water systems and small ground water systems; installing ion exchange water softeners and cartridge filters). A public hearing will be conducted on April 29, 2015, beginning at 10:30 a.m. in Conference Room A at Ohio EPA, and written comments will be accepted until April 29, 2015.

##### b. Monitoring and Reporting of HABS and Laboratory Certification Rules

Ohio EPA DDAGW has adopted amendments to OAC Chapter 3745-89 and new rules in 3745-90 to establish monitoring and reporting of harmful algal blooms (HABs) in public water systems and amendments to laboratory certification rules. Ohio is one of the first states in the country to enact such guidelines, which are specific to HABs and related toxins and apply to systems that pull their drinking water from affected surface water sources, such as Lake Erie. These proposed new rules and amendments will establish action levels for microcystins; cyanobacteria screening and microcystin monitoring and reporting requirements for surface water public water systems; increased monitoring requirements based on detections of microcystins greater than 5 µg/L in the raw water or exceedances of action levels in drinking water; provide for written cyanotoxin treatment optimization protocols and/or a cyanotoxin general plan; public notification requirements; requirements for laboratory certification, analytical techniques, and reporting deadlines. The new rules will go effective June 1, 2016.

##### c. Lead in Drinking Water

Recent legislation, already approved by the House and Senate, includes provisions to strengthen prevention measures against unsafe levels of lead in drinking water (HB 512). The legislation was prompted by a controversy over lead contamination in the drinking water of some Village of Sebring

homes, which resulted in the firing of two OEPA employees and the demotion of another. Included are proposals to:

- Require water systems to provide homeowners with water test results within two business days, rather than the current 30 days.
- Grant OEPA the authority to impose administrative penalties on a noncompliant water system.
- Tighten the timeframe by which a community may conduct a public education campaign
- Create funding sources to public schools to identify sources of lead in drinking water from outdated, lead-based fixtures.
- Reduce the use of lead in new construction.
- Tighten community water testing requirements.

d. Ohio EPA DSW General Industrial Storm Water Permit

Ohio EPA's Industrial Storm Water General Permit will expire on December 31, 2016. Ohio EPA expects to public notice the draft general permit renewal for public comment in summer 2016. Issues expected to arise include: wholesale adoption of the US EPA multi-sector storm water general permit; failure to take into account "non-natural background" levels; frequency of benchmark sampling; lowering of current benchmarks; and tightening of best management practices, resulting in less flexibility for manufacturers.

e. Lake Erie and Beneficial Reuse

The 2016 Mid-Biennium Review includes changes to further the goal of reducing phosphorus in Lake Erie Western Basin by 40% by the year 2025 and to support programs for the beneficial use of dredged materials. Specifically, RC 6111.33 creates additional regulation for use, management, and placement of dredged material, and RC 6111.34 allows for development of rules governing beneficial use of dredged material, to include criteria for determining when dredged material does not constitute solid wastes or other wastes.

f. Implementation of Water Quality Standards

Ohio EPA DSW is seeking stakeholder input on OAC Chapter 3745-2, the rule that pertains to implementation of water quality standards into watershed allocations that can be used as limits in NPDES permits. The revisions include the following:

- Updates to reference citations, rule format, and definitions;
- New rule language at OAC 3745-2-05(A)(3) to provide for the use of alternate statistical techniques to determine background water quality ;
- Reviewing the intake credit provisions in OAC 3745-2-06(C) for relevancy;
- Clarifying dissolved oxygen modeling in OAC Rule 3745-2-11 to take into considerations capabilities of current models;



- Update of OAC 3745-2-12 regarding requirements for non-conservative parameters.

The rulemaking does not include revisions to stream nutrient criteria, which are anticipated for summer 2016, nor does it address revisions to requirements for TMDLs in response to the *Fairfield County Board of Commissioners v. Nally* Ohio Supreme Court decision. Ohio EPA will accept written comments until June 27, 2016.

g. Draft Renewal of General NPDES Permit for Discharges of Petroleum Related Corrective Actions

On May 5, 2016, Ohio EPA DSW issued a draft renewal of the general NPDES permit for discharges of petroleum related corrective actions. Applicants for this permit would include facilities discharging wastewater from petroleum-related corrective actions to a receiving stream. Petroleum-related corrective actions are defined to include ground and/or surface water from remediation systems; surface and/or ground water accumulating as a result of excavation activity; surface water and ground water contaminated by spills; or ground water resulting from pumping and/or monitoring aquifers. New dischargers covered by the permit would be considered degradations under Ohio's Antidegradation Rule (OAC 3745-1-05), as they permit discharges of pollutants that may not currently reach surface waters. A public hearing is scheduled for June 14, 2016 at 3:00 pm, and public comments will be submitted until June 21, 2016.

h. Division of Air Pollution Control Rule for Emissions of VOCs

Effective April 8, 2016, Ohio EPA DAPC adopted amended OAC Rule 3745-21-07 (Control of emissions of organic materials from stationary sources). The rule sets limits as well as monitoring and reporting requirements for emissions of volatile organic compounds (VOCs) from manufacturing processes (except for those processes specifically covered by other rules).

i. Proposed General Permit for Natural Gas Compressor Stations

On April 7, 2016, Ohio EPA DAPC issued draft proposed general permits for multiple types of equipment typically found at natural gas compressor stations. These would include natural gas fired spark ignition compressor engines; diesel engines; dehydrators; flares; compressors; equipment that has the potential to leak; liquid storage tanks; truck loading operations, and pigging operations. Comments were due to Ohio EPA DAPC by May 18, 2016.

j. Redesignation of Cleveland-Akron-Lorain and Columbus as in Attainment for the 2008 Ozone NAAQS

Ohio EPA DAPC has provided a draft redesignation request and maintenance plans for the Cleveland-Akron-Lorain 8-hour ozone nonattainment area. Air quality monitoring data collected between 2013 and 2015 demonstrated attainment of the NAAQS. DAPC will be

asking USEPA to redesignate the Cleveland-Akron-Lorain area as attainment for the 2008 ozone NAAQS and approve Ohio's maintenance plan. Ohio EPA will hold a public hearing June 27, 2016 at 3 pm at Ohio EPA NEDO in Twinsburg, with comments due that same day on Ohio's draft proposal.

Similarly, Ohio EPA DAPC has provided a draft redesignation request and maintenance plans for the Columbus 8-hour ozone nonattainment area. Air quality monitoring data collected between 2012 and 2014 demonstrated attainment of the NAAQS. DAPC will be asking USEPA to redesignate the Columbus area as attainment for the 2008 ozone NAAQS and approve Ohio's maintenance plan. Ohio EPA will hold a public hearing June 2, 2016 at 3 pm at Ohio EPA and requests comments by that same day on Ohio's draft proposal.

k. Amended NOx and VOC Emission Rules

Ohio EPA DAPC has proposed amended rules in OAC Chapter 3745-24, NOx and VOC Emission Statements. These rules contain the requirements for annual emission reporting of total nitrogen oxides and VOC emissions if they are greater than 25 tons per year by all facilities. The comment period closed on May 20, 2016.

l. Amended Rules for OAC Chapter 3745-72

Ohio EPA DAPC has refiled amended rules with JCARR for OAC Chapter 3745-72, which contains the requirements of Ohio's low Reid vapor pressure program. The program was initiated as a replacement for the E-Check program in the Cincinnati and Dayton metropolitan areas, and now serves as part of Ohio's attainment and maintenance program for the NAAQS for ozone. The rules affected include OAC 3745-72-01 and OAC 3745-72-02.

m. Division of Materials and Waste Management C&DD Rules

Ohio EPA DMWM has proposed five amended rules to JCARR addressing construction and demolition debris regulations. The rules affected include:

- 3745-400-01 Definitions
- 3745-400-06 Prohibited locations for construction and demolition debris facilities
- 3745-400-10 Ground water monitoring
- 3745-400-11 Operation of facilities
- 3745-400-21 Construction and demolition debris facility – leachate sampling and ground water monitoring parameter list

Ohio EPA's comment period closed on April 14, 2016.

## **2. US EPA Activities of Note**

### **a. CERCLA and RCRA Exemptions Proposed to be Removed from Site Remediation NESHAP**

On May 13, 2016, US EPA published proposed rule amendments that would subject site remediation activities performed under CERCLA and RCRA to National Emission Standards for Hazardous Air Pollutants (NESHAP). US EPA is also proposing to remove the applicability requirement that a remediation site must be co-located with a facility that is regulated by other NESHAPs in order to be subject to the site remediation rule. A number of existing facilities that are currently exempt from NESHAP may be subject to NESHAP rules by these potential changes. US EPA predicts that 69 major source facilities performing remediation under CERCLA or RCRA may become subject to the Site Remediation Rule as a result of these proposed rule changes. According to US EPA, the types of facilities most likely to be affected by the rule changes include, but are not limited to, organic liquid storage terminals, petroleum refineries, chemical manufacturing facilities, government facilities such as military operations, and manufacturing facilities using organic materials. US EPA is accepting comments on these potential changes until June 27, 2016.

### **b. Flint Water Advisory Task Force Issues Final Report on Flint Water Crisis**

The Flint Water Advisory Task Force issued a Final Report regarding the Flint water crisis on March 21, 2016. The Task Force is comprised of five members appointed by Michigan Governor Rick Snyder charged with conducting an independent review of the contamination of Flint's water supply. The Task Force, in the Final Report, laid much blame on the Michigan Department of Environmental Quality (MDEQ) as well as on the state-appointed emergency manager who had replaced local representative decision-making in Flint and made the decision to switch Flint's water supply to the Flint River. The Final Report concluded that "the causes of the crisis lie primarily at the feet of the state by virtue of its agencies' failures and its appointed emergency managers' misjudgments."

## **B. JUDICIAL**

### **1. Supreme Court Denial of a Stay of the US EPA Mercury and Air Toxics Standards**

On March 3, 2016, the US Supreme Court denied an application by Michigan and several other states for a stay of US EPA's Mercury and Air Toxics Standards (MATS), which is designed to reduce emissions of toxic air pollutants from existing and new coal and oil-fired power plants. At issue is whether the MATS should be vacated due to US EPA's failure to take costs into consideration when deciding whether regulating power plants' emissions was "appropriate and necessary" under Section 112 of the Clean Air Act. The MATS stay denial is a meaningful victory for US EPA, as it is the first Supreme Court legal win for the US EPA

following Scalia's passing and is a marked contrast to the Court's grant of a stay of the Clean Power Plan on February 9, 2016.

## **2. Supreme Court Stay of the Clean Power Plan: Update**

On February 9, 2016, the U.S. Supreme Court in a 5-4 decision issued a stay of the implementation of the Clean Power Plan, pending ongoing related litigation in the U.S. Court of Appeals, D.C. Circuit. The stay will remain effective until the D.C. Circuit resolves the merits of the case and the Supreme Court resolves any appeals of the D.C. Circuit decision.

The D.C. Circuit was expected to hear the case in June 2016, with a decision on the merits anticipated in the fall of 2016. The DC Circuit Court of Appeals announced on May 16, 2016 that it will hear oral arguments before the en banc court on September 27, 2016. This signals that the DC Circuit thinks this is an important case that merits the attention of the full panel. This will also place the court's decision to come after the November election, rather than before it, which will impact any appeal to the Supreme Court.

**TO: OMA Environment Committee**  
**FROM: Rob Brundrett**  
**RE: Environment Public Policy Report**  
**DATE: June 1, 2016**

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### **Overview**

The General Assembly finished up its legislative work for the first half of 2016 last Wednesday. Among the many pieces of legislations being debated, two Ohio EPA Mid-Biennium Review bills were working their way through the legislative process.

The General Assembly is out until after the November elections. However Ohio EPA and its regulatory arm can still be influenced over the summer months, through the extensive rules process.

### **General Assembly News and Legislation**

#### **Senate Bill 51 - Multiple Chemical Sensitivity Month**

Senator Skindell (D-Lakewood) introduced SB 51, which would designate May as “Multiple Chemical Sensitivity Month.”

Senator Skindell justified the bill citing research in 2003 indicating that more than 12% of the U.S. population was affected with severe multiple chemical sensitivity.

Manufacturers interested in this legislation are encouraged to participate in the OMA Environment Committee.

#### **Senate Bill 269 – Public Water System Lead Contamination**

Senate Minority Leader Schiavoni introduced SB 269 in response to the Sebring water crisis. The bill would require a public water system to provide notice of lead contamination not later than thirty days after becoming aware that lead contamination may effect the system's drinking water, requires the Director of Environmental Protection to provide the notice if the public water system fails to provide it, requires employees of the Environmental Protection Agency to provide continuing assistance to a public water system that fails to provide the required notice of lead contamination, and requires the Director to adopt rules that increase the monitoring frequency for lead and copper under specified circumstances. The bill had its first hearing in mid-April.

#### **Senate Bill 333 – Water MBR II**

Senator Hite (R-Findlay) introduced the second Ohio EPA MBR late in May. The bill has not been referred to a committee. The agency wanted to get the bill introduced before the legislature left for the summer and campaign season. The bill builds on House Bill 512 and the state’s combatting of lead and other water issues.

#### **House Bill 349 – State Emissions Plan**

Representatives R. Smith (R-Bidwell) and Ginter (R-Salem) introduced HB 349 which requires the Environmental Protection Agency to submit a state plan governing carbon dioxide emissions to the General Assembly prior to submitting it to the United States Environmental Protection Agency, and to declare an emergency. There is a concern if this bill gets enacted that the General Assembly may not approve the agency’s plan. If that happens there is a real chance Ohio would be forced to comply with the federal plan. The bill had a third hearing in December. It did not receive any attention during the first half of 2016.

### House bill 512 – Water MBR I

Representative Tim Ginter (R-Columbiana County) introduced HB 512 which established requirements governing lead and copper testing for community and nontransient noncommunity water systems, revised the law governing lead contamination from plumbing fixtures, made appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and revised the laws governing the Water Pollution Control Loan and Drinking Water Assistance Funds. The bill which is considered Ohio EPA MBR I was heavily focused on combating the increased levels of lead in Ohio's drinking water. The bill was passed last week and is awaiting Governor Kasich's signature.

### House Bill 541 – Clean Power Plan Implementation

Representative Landis (R-Dover) introduced HB 541. The bill would prohibit any state agency from implementing the federal "Clean Power Plan." This is a model bill that is being introduced around the country to prevent any state from implementing the federal CPP. While the bill has not had any hearings, it is mostly seen as a symbolic gesture. Currently the plan has been stayed by the Supreme Court until litigation is settled.

### Regulations

#### Ozone – U.S. EPA

Last fall the Obama administration and U.S. EPA announced the final ozone rule which established a new ground-level ozone standard for the country. The rule tightened the already stringent standard of 75 parts per billion (ppb) down to 70 ppb.

The National Association of Manufacturers has sued U.S. EPA over the regulations.

#### U.S. EPA 111(d)

Last August the U.S. EPA proposed its final rules for carbon emissions from the nation's power plants. The rules were proposed under section 111(d) of the Clean Air Act.

The rule proposes a national reduction in power plant carbon emissions by 2030, from a base year of 2012. This means a 37% reduction for Ohio.

EPA revised the building block model in response to legal uncertainties. The new "building blocks" are: reducing the carbon intensity of electricity generation by improving the heat rate of existing coal-fired power plants; substituting increased electricity generation from lower-emitting existing natural gas plants for reduced generation from higher-emitting coal-fired plants; and substituting increased electricity generation from renewable energy sources.

The original timetable for implementing these vast rules was aggressive: States will be required to submit a final plan, or an initial submittal with an extension request, by September 6, 2016. Ohio EPA has indicated it will be seeking an extension from the federal government, which would set Ohio's rulemaking a year behind the federal schedule as currently published.

The Supreme Court of the United States granted a stay of the Obama administration's Clean Power Plan (CPP) regulation of greenhouse gas (GHG) emissions from the electric utility sector. That decision delays the implementation of the rule until the courts have the opportunity to determine the plan's legality.

The OMA joined more than 160 business groups throughout the country in filing an amicus brief in the U.S. Court of Appeals for the D.C. Circuit in support of a lawsuit by states and industry to overturn U.S. EPA's "Clean Power Plan."

In an unusual and surprising move, the D.C. Circuit Court of Appeals last week decided to bypass oral arguments scheduled on the case for June 2nd and instead hear the case before the full court (as opposed to a three person panel) on September 27th. It should be a relatively quiet summer regarding the CPP.

The court is likely to issue a decision later this year. From there, the challenge is expected to make its way to the U.S. Supreme Court, which previously issued a stay to halt all implementation and enforcement actions on the rule until it has the opportunity to hear the case.

Due to the stay Ohio EPA has decided against holding its regional meetings in 2016 as it initially had planned.

#### Waters of the U.S. Stay

A divided Sixth Circuit issued a nationwide stay against the enforcement the so-called “waters of the United States” regulation. The regulation was issued by the U.S. EPA and the U.S. Army Corps of Engineers. The regulations defined the scope of “waters of the U.S.” to be subject to federal regulatory jurisdiction under the Clean Water Act.

#### Industrial Storm Water Permits

In response to the last OMA environment committee presentation and meetings with the agency, the OMA sent a letter to Ohio EPA's Division of Surface Water Chief, Tiffani Kavalec, outlining manufacturers' priority issues for the agency's consideration as it undertakes a review of the general industrial storm water permit. The current permit expires this year.

The letter focused on regulatory expansion, background, sampling, benchmarks, and best management practices.

Regarding EPA's regulation of “best management practices,” Rob Brundrett wrote: “(O)verly or highly prescriptive best management practices eliminate the flexibility manufacturers need to comply with rules and operate efficiently. A too prescriptive practice certainly does not work the same way for all manufacturers. Flexibility is key in responding to permits and protecting the environment.”

#### Universal Waste

At the end of 2012 Ohio EPA solicited comments through the early stakeholder outreach program on the expansion of universal waste in Ohio. The agency wanted to examine whether additional hazardous wastes should be designated as universal wastes and specifically if hazardous waste aerosol cans and spent antifreeze should be designated universal wastes. The OMA submitted initial comments on this topic requesting certain paint and paint related wastes.

The OMA was approached by Ohio EPA to see what sort of backing the expansion of universal waste would have among members. Last year the OMA put together a working group to work with Ohio EPA on this topic.

Most recently the group sent clarifying information to the agency describing the different types of wastes that are expected to be covered under the rule change.

Director Butler told the OMA Board in March that he remains fully committed to getting the universal waste rules completed in 2016. The latest update from EPA indicates stakeholder meetings as early as July.

National Pollutant Discharge Elimination System (NPDES) permit program

Ohio EPA has announced its Early Stakeholder Outreach (ESO) process for Chapter 3745-33 of the Ohio Administrative Code which contains the administrative and technical requirements for writing and obtaining wastewater discharge permits under the National Pollutant Discharge Elimination System (NPDES) permit program.

Ohio EPA will begin drafting rules in the near future.

**Other Notes**

Ohio EPA Open Houses

Ohio EPA announced they will begin holding open houses in each of the district offices. These meetings will be led by Director Butler. The first meeting was held at the central district office in March. It was well received and had great attendance from manufacturers. The future events have not been scheduled but the OMA was told the agency remains committed to holding them.



**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 51**

**Senator Skindell**

**Cosponsors: Senators Tavares, Schiavoni, Thomas**

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**A BILL**

To enact section 5.2298 of the Revised Code to 1  
designate the month of May as "Multiple Chemical 2  
Sensitivity Awareness Month." 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 5.2298 of the Revised Code be 4  
enacted to read as follows: 5

**Sec. 5.2298.** In order to increase the awareness of and to 6  
encourage helpful responses to multiple chemical sensitivity in 7  
the state, the month of May is designated as "Multiple Chemical 8  
Sensitivity Awareness Month." 9



## TRANSFORMING OHIO FOR JOBS + GROWTH

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### 2016 MID-BIENNIUM REVIEW

#### **IMPROVING WATER QUALITY IN OHIO**

##### ***Protecting Lake Erie and All Our Drinking Water Sources, Providing Community and Business Assistance and Streamlining Government***

Under the Kasich Administration, Ohio has invested more than \$3.5 billion to tackle key infrastructure issues in order to improve water quality statewide. Protecting Lake Erie and Ohio's other drinking water sources continues to be a priority. Provisions in Governor Kasich's 2016 Mid-Biennium Review will strengthen that commitment.

**Strengthening Efforts to Protect Lake Erie:** The Lake Erie Commission can be an effective catalyst in helping Ohio meet its commitments under the binational Great Lakes Water Quality Agreement to reduce phosphorus in Lake Erie's Western Basin 40 percent by 2025 and in efforts to identify and support programs to enable the beneficial use of dredged materials. MBR provisions update the Lake Erie Commission's existing statutes to achieve these goals, while refocusing the commission's efforts on its Lake Erie Protection and Restoration Strategy.

**Encouraging Better Use of Dredge Materials:** The MBR provides a straightforward regulatory framework for the safe and beneficial reuse of material dredged from federal navigation channels. Potential users and marketers of dredged material will have defined criteria for classifying this material.

**Requiring Financial Assurance for Privately Owned Water Systems:** When the owner of a private water system shows an unwillingness or inability to make repairs to ensure safe drinking water, the Ohio EPA will be provided tools to fix the problem, while requiring financial assurance from new or modified private water systems that ensures they have the ability to make needed repairs.

**Strengthening Ohio's Certified Water Quality Professional Program:** Based on consultation with stakeholders, the MBR will further strengthen the new Certified Water Quality Professional provisions that were established in last year's operating budget.

**Giving the Ohio EPA Director Authority to Address Water Quality Certification:** The MBR clarifies the Ohio EPA director's authority to waive, transfer, revoke or – at the request of the permit holder – to modify a 401 water quality certification. Currently, state statute allows only for approval and denial.

**Aligning State and Federal Laws for Approval of Certain Pretreatment Permits:** To make Ohio statutes consistent with federal law, MBR language will allow the state EPA director, in lieu of the U.S. EPA, to issue a permit to an entity discharging into a privately owned treatment works.

**Requiring Ongoing Asset Management Efforts by Public Water Systems:** The MBR addresses recurring asset management problems seen at some public water systems, including deferred maintenance, lack of management oversight and inadequate historical records of water lines or maps of service areas. These issues too often result in extended periods of water-use restrictions or having no water at all available for system users. MBR language requires public water systems to demonstrate ongoing technical, financial and managerial capability by implementing an asset management program. This is a priority to ensure safe and reliable drinking water for Ohio citizens.

## **PROTECTING OHIO'S ENVIRONMENT**

**Ensuring Responsible Disposal of Construction and Demolition Debris:** Over the past several years, a large number of illegal construction and demolition debris (C&DD) disposal sites have begun operating under the premise of “processing” C&DD materials to then be resold, an activity that is currently unregulated in Ohio. However, many times in these instances the material is being collected and then abandoned, leaving local communities and the state to bear the cost of cleanup and mitigation of potential hazards. Provisions in this MBR legislation will establish regulatory oversight of C&DD processing facilities to ensure these materials are properly managed and disposed of in an environmentally responsible manner.

**Strengthening the State's Ability to Clean Up Abandoned Landfills:** To strengthen the Ohio EPA's ability to evaluate and clean up abandoned landfills, this MBR language will clarify the agency's authority to – among other things – gain site access, conduct investigations, and take samples at these sites.

**BOTTOM LINE:** Government regulations should first protect Ohioans from acute threats to water quality, such as lead in drinking water supplies or private water system owners who do not provide a dependable or safe water supply. At the same time, a common sense approach is needed to provide balance between helping communities and businesses address water quality issues and streamlining burdensome rules while protecting public health and the environment.





## TRANSFORMING OHIO FOR JOBS + GROWTH

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### 2016 MID-BIENNIUM REVIEW

#### **PROTECTING OHIOANS FROM LEAD IN DRINKING WATER**

##### ***Proposals Include Tighter Deadlines for Public Water Systems to Inform and Educate Homeowners about High Lead Levels and New Funding Help for Communities to Replace Lead Service Lines and Fixtures***

The federal framework that guides states in protecting the public against exposure to lead in their drinking water is flawed and the Kasich Administration is working with Ohio's congressional delegation to seek changes. Here at home, the governor's Mid-Biennium Review proposes new state standards to protect public health – backed by tighter deadlines and administrative fines to make public water systems notify and educate the public in a much timelier manner. The MBR also provides new funding mechanisms to help communities replace lead service lines and help schools identify and replace outdated, lead-based water-service fixtures. Among these reforms:

**Expediting Public Notice of Lead Contamination in Drinking Water:** When test results show unacceptable levels of lead, current federal requirements allow water systems 30 days to alert those homeowners whose water supplies were tested and 60 days to complete a system-wide educational program for all customers. Those turnaround timeframes are clearly too long. The governor's Mid-Biennium Review takes important steps to ensure that homeowners get the timely public notice they deserve whenever high levels of lead are found in drinking water. These changes will expedite public notice and education to consumers, while empowering Ohio EPA to take on that role quickly if the water system fails to meet the new deadlines.

- **Ensuring that Communities Get Information When There May Be Lead in Their Water:**
  - **Getting Households Their Test Results:** Public water systems often partner with homeowners who volunteer to have their water sampled as part of that community's periodic water-quality testing. Ohio will now require water systems to provide homeowners their test results within two business days, instead of the current 30 days. If the water system fails to meet the tighter timelines, Ohio EPA will intervene to notify homeowners itself and will have the authority to impose an administrative penalty on the noncompliant system.
  - **Jumpstarting Public Education When Lead Is Found in a Water Supply:** Under existing law, when a community exceeds the federal threshold for lead, the required system-wide public education comes far too late. With the MBR proposals, Ohio will significantly tighten the timeframe allowed for a community to conduct a public education campaign by requiring system-wide notification within two business days – and then cutting in half the current 60-day deadline to 30 days for completing the more in-depth public education.

**Providing Financial Assistance to Communities and Schools to Fight Lead:** To strengthen local lead prevention efforts, Ohio intends to leverage a number of state grant and loan programs that help communities and schools address their infrastructure needs:

- **Helping Communities Address Lead:** Today, through its drinking water revolving loan fund programs, Ohio EPA is making low-interest loans available to eligible public water systems to conduct corrosion control

studies, optimize treatment technologies, identify lead service lines and design/engineer additional capital improvements to their treatment plants. Ohio EPA also will work with eligible communities to help fund longer-range activities, including infrastructure improvements, upgrades to their public drinking water plants and replacement of lead service lines that pose a risk to water quality.

- **Identifying and Replacing Outdated Water-Service Fixtures in Ohio Schools:** The Ohio Water Development Authority, in partnership with Ohio EPA, will make funding available to help Ohio's public schools identify sources of lead in drinking water from outdated, lead-based fixtures. The Ohio Facilities Construction Commission will provide funding to identify sources of lead in private schools and to replace fixtures not covered by a recall in public and private schools.
- **Helping Communities Replace Lead Service Lines:** In 2014, Governor Kasich helped champion State Issue #1, which significantly increased Ohio's public works program to help communities address their infrastructure needs. Communities can seek grant and loan assistance from the Ohio Public Works Commission, through their district Public Works Integrating Committees, to replace lead service lines that pose a risk to water quality.

**Reducing Lead in New Construction:** The governor's MBR lowers the "lead free" definition of how much lead can be in plumbing – from 8 percent to 0.25 percent – which will conform to federal law.

**Tightening Community Water Testing Requirements:** The MBR will give the Ohio EPA director authority to set water testing requirements for a system based on the age of its water infrastructure and whether or not the system has an active corrosion control program that reduces lead from seeping into old, lead-based household lines and fixtures.

**Requiring Corrosion Control Studies and Plans in Certain Situations:** Ohio will require a corrosion control study whenever a water system changes its water source, makes substantial renovations, repairs its system or water treatment plant, or experiences any other event that potentially impacts the quality or corrosiveness of water in the system.

**Extending Loan Terms to Provide Flexibility to Communities:** Through changes proposed in the MBR, Ohio EPA would be able to extend wastewater loan terms from 20 to 30 years. Additionally, extended-term loan financing up to 45 years would be available to larger communities for particularly expensive wastewater and drinking water capital projects with a very long (i.e., 50+ years) design life. Finally, by allowing structured payments for wastewater and drinking water loans, communities may structure repayments to the Water Pollution Control Loan Fund as needed to keep their customer's user charges affordable while easing any cash flow concerns.

**BOTTOM LINE:** Ohio has first-hand experience with shortcomings of the federal Safe Drinking Water Act. By pursuing improvements at the federal level while at the same time strengthening standards for state action, we can better help our communities safeguard their drinking water from lead.



**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. B. No. 541**

**Representative Landis**

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**A BILL**

To enact section 3745.25 of the Revised Code to 1  
prohibit any state agency from implementing the 2  
federal "Clean Power Plan." 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3745.25 of the Revised Code be 4  
enacted to read as follows: 5

Sec. 3745.25. (A) No state agency shall take any action to 6  
implement 80 F.R. 64661 (2015), also known as the federal "Clean 7  
Power Plan." 8

(B) As used in this section, "state agency" has the same 9  
meaning as in section 1.60 of the Revised Code. 10



May 2, 2016

Ms. Tiffani Kavalec  
Ohio Environmental Protection Agency  
50 West Town Street, Suite 700  
Columbus, OH 4321

**Re: Ohio's General Industrial Storm Water Permit Review**

Dear Ms. Kavalec:

The Ohio Manufacturers' Association (OMA) would like to thank you and your team for recently meeting to discuss the timeline, process, and early thoughts Ohio EPA has regarding the renewal of Ohio's general industrial storm water permit later this year. At that meeting you indicated Ohio EPA would appreciate any feedback, comments, and concerns OMA and its members might have at this early juncture. We appreciate this opportunity to share some early thoughts regarding the permit.

#### Regulatory Expansion

The OMA opposes Ohio adopting the U.S. EPA multi-sector storm water general permit (MSGP) as-is. Using the federal permit as a starting point could start a precedent of adopting the federal permit for each iteration of the state renewal. The conversation at our recent meeting seemed to indicate that while Ohio EPA would be reviewing the newest iteration of the federal permit, it would not wholly adopt the U.S. EPA MSGP but rather use it as guide. There is concern about regulatory 'creep' in which each iteration of the permit would continue to add new requirements and tighten limits regardless of scientific proof or proven necessity to protect the environment.

#### Background

Currently the Ohio permit only allows "natural background" to be considered. This natural background can be loosely defined as substances that are naturally occurring in soils or groundwater (and do not include legacy pollutants or pollutants in run-on from neighboring sources which are not naturally occurring). Please consider taking into account "non-natural background." This is background associated with items that are not industrial activity but are simply in building materials or run-on from neighbors.

#### Sampling

Consider limiting benchmark sampling to four quarterly samples for the term of the permit. The current permit allows for an entity to choose four quarterly samples in the first three years of the permit, while U.S. EPA MSGP requires quarterly benchmark sampling for the first four quarters. In the federal scenario, if the averages are below the benchmark, the benchmark portion of the permit is fulfilled. If not, a regulated entity must review the control measures and make modifications and then perform four more quarters; this could go on for the entire five years of

the permit. Clarity needs to be provided in how to fulfill and exit the benchmark monitoring requirements as quickly as possible.

In regards to the timing of the sampling, we would suggest that the storm water sampling strategy transition away from “first flush” to “event duration.” Low benchmark levels are more in line with the average storm water quality over the course of a storm event, rather than the high spike at the start of a storm. Other states (e.g. California, Oregon, and Washington) with such benchmarks allow for sampling periods up to twelve hours after the start of the storm event. We would also suggest that this be daytime grab sampling which is a safety improvement issue for manufacturers.

#### Benchmarks

The OMA would strongly urge Ohio EPA to not lower the current benchmarks. We would appreciate a chance to review the data sets which were discussed at our above-referenced meeting to determine the appropriateness of the current benchmark standards.

#### Best Management Practices

The OMA suggests that overly or highly prescriptive best management practices eliminate the flexibility manufacturers need to comply with rules and operate efficiently. A too prescriptive practice certainly does not work the same way for all manufacturers. Flexibility is key in responding to permits and protecting the environment.

In closing, again, thank you for considering our input. As Ohio EPA develops these rules or convenes work groups or interested-party meetings, please include Ohio’s manufacturers in these opportunities, including me and OMA environmental counsel Frank L. Merrill of Bricker & Eckler. We look forward to working with you and Ohio EPA on this issue.

Sincerely,



Rob Brundrett  
Director, Public Policy Services

cc: Frank L. Merrill, Esq.



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# Policy Goal:

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

Effective 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 (and other) 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.

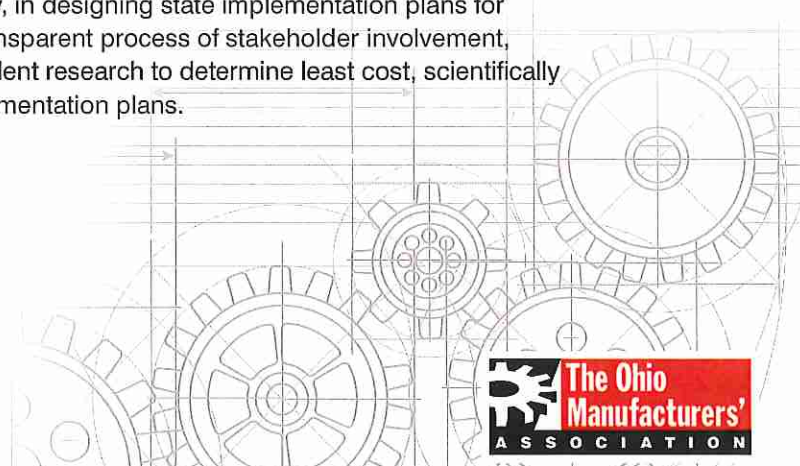
Industry leads the way in solid waste reduction and recycling. Reduction and recycling include source reduction activities, reuse, recycling, composting and incineration. Industry is an enormous consumer of recycled materials, such as metals, glass, paper and plastics; manufacturers thus are strong advocates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

In addition, industry works hard to ensure safe and healthy manufacturing environments, as well as to inform consumers through appropriate product labeling.

Looking forward, the state should resist calls for state level efforts that deviate from federal regulations, such as product composition mandates, extended producer liability policies, or product labeling mandates. Such requirements are best addressed at the federal level rather than through a patchwork of differing state-level requirements.

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, 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.



# Midwest Environmental Compliance Conference

CHICAGO MARRIOTT O'HARE

November 2-3, 2016

## CHICAGO – November 2-3, 2016

You won't want to miss the 2nd Annual Midwest Environmental Compliance Conference, November 2-3, 2016 at the Chicago Marriott O'Hare, Chicago, Illinois.

*This conference, will provide a regional perspective on the RCRA, Air and Wastewater compliance issues you care about every day, including enforcement and policy/regulation changes.*

## Environment

### [New Ohio Rules for Portable Air Contaminant Source Relocation](#)

May 27, 2016

New revised rules pertaining to portable air contaminant source relocation in Ohio were effective May 1. The full text of the rules are located in [Ohio Administrative Code](#) rule 3745-31-03(B)(1)(p), and can be viewed on [Ohio EPA's web page](#).

Key changes to this rule include:

- One-time relocation approvals are effective for one relocation up to 365 days after approval.
- Relocation site pre-approvals expire three years after the date of approval. Reduction in the required lead time for one-time relocation requests from 30 days to 21 days.
- Elimination of the requirement for advance notice when relocating to a pre-approved location.
- Permit-by-rule sources that are portable are subject to portable relocation approval requirements.
- Addition of the requirement to notify Ohio EPA within 21 days of any relocation.
- Consolidation of rule language in one location (from OAC rule 3745-31-03(A)(1)(p) and 31-05(H) to 31-03(B)(1)(p)).

If you have any questions regarding these rule changes, please contact your [District Office or local air agency](#).

### [Ohio EPA Revising Water Quality Rules](#)

May 27, 2016

Ohio EPA is [reviewing the rules](#) regarding the implementation of water quality standards. This review addresses the technical procedures used by the agency to convert water quality standards into watershed allocations that can be used as limits in National Pollutant Discharge Elimination System (NPDES) permits. The review also contains dissolved oxygen modeling and Total Maximum Daily Load (TMDL) procedures.

The following revisions are being considered at this time:

- Consideration of new rule language to provide for the use of alternate statistical techniques to determine background water quality if appropriate.
- Reviewing the intake credit provisions for relevancy.
- Clarifying dissolved oxygen modeling to take into consideration capabilities of current models.
- Update requirements for non-conservative parameters.

Comments are due June 27, 2016. Contact OMA's [Rob Brundrett](#) for more information.

### [Ohio EPA Hosts Compliance Conference August 30-31](#)

May 20, 2016

To help Ohio businesses achieve compliance, on August 30-31, 2016, Ohio EPA will host its 9th Compliance Assistance Conference in Columbus, featuring an improved and expanded agenda.

A large part of the conference is targeted to businesses that need to know the basics about environmental requirements. However, the expanded agenda includes advanced topics including major source/Title V permitting requirements and hazardous waste compliance.

There will be a multi-session course on Spill Prevention, Control and Countermeasure (SPCC) presented by a national technical expert from U.S. EPA and a hands-on session for completing minor source air permit applications.

[See the full schedule and register here.](#)

### [OMA Gives Input to EPA on Storm Water Regs](#)

May 13, 2016

Last week the OMA sent [a letter](#) to Ohio EPA's Division of Surface Water Chief, Tiffani Kavalec, outlining manufacturers' priority issues for the agency's consideration as it undertakes a review of

the general industrial storm water permit. The current permit expires this year.

The letter focused on regulatory expansion, background, sampling, benchmarks, and best management practices.

Regarding EPA's regulation of "best management practices," Rob Brundrett wrote: "(O)verly or highly prescriptive best management practices eliminate the flexibility manufacturers need to comply with rules and operate efficiently. A too prescriptive practice certainly does not work the same way for all manufacturers. Flexibility is key in responding to permits and protecting the environment."

If you are interested in this issue, please contact [Rob Brundrett](#) at the OMA. [Subscribe here to OMA's Environment Community](#) to receive ongoing environmental updates.

### [Bill Would Require Legislative Involvement in CPP](#)

May 6, 2016

This week Rep. [Al Landis](#) (R-Dover) introduced [House Bill 541](#) to prohibit any state agency from implementing the federal "Clean Power Plan (CPP)."

Earlier this year the U.S. Supreme Court stayed the implementation of the CPP pending the resolution of legal challenges.

The bill would require legislative involvement in the design of Ohio compliance implementation.

### [Cash for Recycling Projects](#)

May 6, 2016

Ohio EPA has awarded \$1.35 million in [recycling market development grants](#) to eight projects. As a result of the projects, more material will be diverted from regional waste streams, and more recycled materials will be available for manufacturers.

Businesses are eligible for funding, but must be sponsored by a public entity, such as a municipality, county, township or solid waste

management district. Here's a good example: Kitchen Aid, in partnership with the Darke County Solid Waste District, used a \$44,433 grant to purchase eight vertical balers that will allow the company to convert waste material into usable feedstock for their production system.

### [New Opportunities for Lake Erie Dredged Material](#)

April 29, 2016

Each year, 1.5 million cubic yards of material is dredged from the federal navigation channels along Ohio's Lake Erie shoreline. Historically, most of the material dredged from Lake Erie has been placed back into the open waters of the lake. Thanks to the enactment of Senate Bill 1, open-lake disposal will no longer be an option as of July 1, 2020.

It's time to stop wasting dredged material and start using it to help Ohio. Ohio EPA is interested in helping find ways to use dredged material in agriculture, construction and engineering, new products, environmental enhancement, and more.

Here's a [good little video](#) about the opportunity.

Join the [Ohio EPA at the Dredged Material Workshop](#) on May 11 at Lorain County Community College. Register by May 3.

### [OMA Pushes for Congressional Action on Ozone Rule](#)

April 29, 2016

The OMA joined forces with 214 other national, state, and local organizations in [sending a letter](#) to encourage Congress to pass H.R. 4775, the "Ozone Standards Implementation Act of 2016."

The legislation provides a common-sense approach for implementing national ambient air quality standards, recognizes ongoing state efforts to improve air quality through a reasonable implementation schedule for the 2015 ozone standards, streamlines the air permitting process for businesses to expand operations and create jobs, and includes other

reforms that bring more regulatory certainty to federal air quality standards.

### [Increased Chemical Regulation Sought](#)

April 22, 2016

Supporters of [Senate Bill 51](#) are calling for [increased regulation](#) on the chemical industry and a reduction of toxic chemicals in the environment. The bill would designate May as “Multiple Chemical Sensitivity Month.”

[Senator Mike Skindell](#) (D–Lakewood), sponsor, [justified the bill](#) citing research in 2003 indicating that more than 12% of the U.S. population was affected with severe multiple chemical sensitivity.

Manufacturers interested in this legislation are encouraged to participate in the OMA Environment Committee ([sign up here for the OMA Environment Community](#)) and to contact OMA’s [Rob Brundrett](#).

### [Ohio EPA Offering Encouraging Environmental Excellence \(E3\) Webinar](#)

April 15, 2016

On April 20, Ohio EPA will be offering a webinar entitled, [“Encouraging Environmental Excellence \(E3\), How to Gain Recognition for Your Organization’s Efforts.”](#)

Ohio EPA’s Encouraging Environmental Excellence (E3) Program recognizes an organization’s exceptional achievements in environmental stewardship. Any business, industry, trade association, professional organization or local government of Ohio can be recognized for its commitment to environmental excellence.

### [U.S. EPA and the Clean Power Plan Compliance Mess](#)

April 15, 2016

From OMA Connections Partner Jones Day: “The U.S. Supreme Court’s recent stay of the EPA’s Clean Power Plan prevents the Agency from enforcing the Plan’s provisions until

certain legal challenges are ruled on by federal courts. Oral arguments before the D.C. Circuit are scheduled for early June 2016, after which a Supreme Court appeal of that decision is almost certain. All of this combines to make delaying the Clean Power Plan’s implementation almost inevitable, but the Agency has yet to explicitly acknowledge that state compliance deadlines will be postponed.”

Read more about this EPA mess [here](#).

### [Governor Introduces Proposal to Combat Lead in Drinking Water](#)

April 1, 2016

To combat lead in Ohioans’ drinking water, this week the governor’s office announced a package of reforms that will be introduced next week in the General Assembly.

The environmental mid-biennium review (MBR) bill will require water systems to provide homeowners with water quality test results within two business days, a much faster turnaround than the current 30 day requirement.

The bill will also require communities to enact a public education campaign within 30 days if a community exceeds the federal lead threshold.

Finally, the bill will give Ohio EPA flexibility in tightening water testing requirements and extending term loan financing for communities that are attempting to upgrade older systems. [You can read the proposed provisions here](#).

### [Ohio EPA Holds Central Ohio Open House](#)

March 25, 2016



Ohio EPA Director Craig Butler held an [open house](#) this week to help the Central Ohio regulated community learn about the agency's compliance assistance services. We'll keep you posted on any future regional learning opportunities.

*Pictured: OMA member Tim Ling, Environmental Engineer, Plaskolite Inc., and Ohio EPA Director, Craig Butler*

**[OMA Environment Committee Names New Chair](#)**

March 11, 2016



This week long-time OMA Environment Committee Chairman Joe Bulzan, Environmental Manager, WestRock, Coshocton, passed the gavel to Julianne Kurdila, Lead Specialist, Environmental Compliance & Policy, for ArcelorMittal in Richfield.

Bulzan earned the OMA staff's Babington Award for his outstanding volunteer service.

In her capacity at ArcelorMittal, Julianne works with trade organizations, consultants, law firms and other interested parties to assess proposed environmental regulations, develop comments and support ArcelorMittal's interests in environmental sustainability in a competitive global market. ArcelorMittal is the largest steel company in the world, and its U.S. operations encompass more than 20 facilities in 10 states.

The OMA Environment Committee meets next on [Wednesday, June 1](#). To be sure you receive your invitation, [sign up for the Environment Community here](#).

**[Annual Emissions Report Due April 15](#)**

March 11, 2016

Ohio EPA reminds regulated entities that the 1990 federal Clean Air Act Amendments established new permitting and reporting requirements for air polluting facilities.

Under Title V of the amendments, facilities that have the potential to emit certain amounts of air pollution are required to apply for and obtain a state-federal operating permit and pay emission fees.

In Ohio, facilities are categorized into three types for purposes of deciding which reports are required to be filed on April 15 each year. A site is either Title V or Non-Title V. Your facility type in turn determines the level of detail, the reporting mechanism for reporting facility-wide emissions, pollutants included, and the amount of fees that are charged. It also determines whether or not an Emissions Inventory and/or an Emissions Statement is required to be filed simultaneously. See more at the [Ohio EPA website](#).

**Environment Legislation**  
Prepared by: The Ohio Manufacturers' Association  
Report created on May 26, 2016

- HB61**      **LAKE ERIE FERTILIZER-DREDGING** (BUCHY J, HALL D) To generally prohibit the application of fertilizer or manure in Lake Erie's western basin on frozen ground or saturated soil and during certain weather conditions, and to prohibit a person, beginning July 1, 2020, from depositing dredged material in Ohio's portion of Lake Erie and its direct tributaries.  
*Current Status:* 3/17/2015 - Referred to Committee Senate Agriculture  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-61>
- HB64**      **OPERATING BUDGET** (SMITH R) To make operating appropriations for the biennium beginning July 1, 2015, and ending June 30, 2017, and to provide authorization and conditions for the operation of state programs.  
*Current Status:* 6/30/2015 - **SIGNED BY GOVERNOR**; eff. 6/30/15; certain provisions effective 9/29/2015, other dates  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-64>
- HB101**     **HAB MITIGATION** (HALL D) To establish requirements governing the training of employees of publicly owned treatment works and public water systems to monitor and test for harmful algae, the development of emergency plans by certain public water systems to respond to harmful algal blooms, and the development of an early warning system for harmful algal blooms.  
*Current Status:* 3/24/2015 - House Agriculture and Rural Development, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-101>
- HB214**     **PUBLIC IMPROVEMENT-PIPING MATERIAL** (THOMPSON A) To restrict when a public authority may preference a particular type of piping material for certain public improvements.  
*Current Status:* 5/24/2016 - House Energy and Natural Resources, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-214>
- HB349**     **STATE EMISSIONS PLAN** (SMITH R, GINTER T) To require the Environmental Protection Agency to submit a state plan governing carbon dioxide emissions to the General Assembly prior to submitting it to the United States Environmental Protection Agency, and to declare an emergency.  
*Current Status:* 12/8/2015 - House Energy and Natural Resources, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-349>
- HB377**     **PRIVATE EMPLOYEES-REQUIRED DUES** (BRINKMAN T) To prohibit any requirement that employees of private employers join or pay dues to any employee organization and to establish civil and criminal penalties against employers who violate that prohibition.  
*Current Status:* 12/1/2015 - House Commerce and Labor, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation->

[summary?id=GA131-HB-377](#)

- HB512**      **MBR-WATER SYSTEM TESTING** (GINTER T) To establish requirements governing lead and copper testing for community and nontransient noncommunity water systems.  
*Current Status:* 5/25/2016 - **PASSED BY SENATE**; Vote 32-0  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-512>
- HB522**      **INJECTION WELLS** (PHILLIPS D) To prohibit injection of brine and other waste substances except in class I injection wells, to prohibit the conversion of oil and gas wells, to require municipal or township approval prior to the issuance of an oil or gas well permit, and to levy a fee on the injection of brine and other waste substances into a class I injection well.  
*Current Status:* 4/26/2016 - Referred to Committee House Energy and Natural Resources  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-522>
- HB541**      **STATE AGENCY-CLEAN POWER PLAN** (LANDIS A) To prohibit any state agency from implementing the federal "Clean Power Plan."  
*Current Status:* 5/4/2016 - Referred to Committee House Energy and Natural Resources  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-541>
- HB551**      **SANITARIANS-FOOD INSPECTIONS** (HILL B) To require the Director of Agriculture and the Director of Health to adopt rules governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food establishments and food service operations.  
*Current Status:* 5/17/2016 - Referred to Committee House State Government  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-551>
- HCR11**      **GOVERNOR-WATER QUALITY EFFORTS** (HALL D) To commend Governor John Kasich on his efforts to improve the water quality of Lake Erie and to affirm the Governor's ability to form an interstate compact with other states in furtherance of this objective.  
*Current Status:* 1/26/2016 - Senate Agriculture, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HCR-11>
- HCR27**      **WATER QUALITY IMPROVEMENT** (PATTERSON J, HILL B) To commend Ohio's agriculture community, educational institutions, and environmental advocacy organizations on their efforts to improve the water quality of Lake Erie and its tributaries and to encourage them as well as state, county, and municipal leaders to continue to work towards continued water quality improvement.  
*Current Status:* 9/30/2015 - Referred to Committee House Agriculture and Rural Development  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HCR-27>
- SB1**      **GREAT LAKES-HARMFUL ALGAE** (GARDNER R, PETERSON B) To transfer the administration and enforcement of the Agricultural Pollution Abatement Program from the



Department of Natural Resources to the Department of Agriculture.

**Current Status:** 4/2/2015 - **SIGNED BY GOVERNOR**; eff. 7/3/2015

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SB-1>

- SB16**      **WATERSHEDS-FERTILIZER APPLICATION** (BROWN E) To require applicators of fertilizer or manure to comply with specified requirements and to authorize the Director of Environmental Protection to study and calculate nutrient loading to Ohio watersheds from point and nonpoint sources.  
**Current Status:** 2/10/2015 - Senate Agriculture, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SB-16>
- SB46**      **LAKE ERIE DRILLING BAN** (SKINDELL M) To ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.  
**Current Status:** 5/11/2016 - Senate Energy and Natural Resources, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SB-46>
- SB47**      **DEEP WELL BRINE 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:** 5/11/2016 - Senate Energy and Natural Resources, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SB-47>
- SB114**      **MICROCYSTIN LEVELS-PUBLIC WATER** (SKINDELL M) To establish requirements and procedures pertaining to levels of microcystin in public water systems.  
**Current Status:** 4/13/2016 - Senate Health and Human Services, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SB-114>
- SB150**      **MOTOR FUEL DISPOSAL** (HITE C) To create a qualified immunity for the dispensing of incompatible motor fuel.  
**Current Status:** 6/24/2015 - Senate Civil Justice, (Second Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SB-150>
- SB269**      **PUBLIC WATER SYSTEM-LEAD CONTAMINATION** (SCHIAVONI J) To require a public water system to provide notice of lead contamination not later than thirty days after becoming aware that lead contamination may effect the system's drinking water.  
**Current Status:** 4/12/2016 - Senate Energy and Natural Resources, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SB-269>
- SB293**      **MBR-NATURAL RESOURCES** (BALDERSON T) To revise specified laws relating to natural resources.  
**Current Status:** 5/25/2016 - **PASSED BY HOUSE**; Vote 86-0  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation->

[summary?id=GA131-SB-293](#)

**SCR18**      **U.S. EPA-RACE COMPETITION VEHICLES** (LAROSE F) To urge the Administrator of the United States Environmental Protection Agency to retract proposed regulations concerning competitive race vehicles that are used solely for competition.

**Current Status:** 4/12/2016 - Referred to Committee Senate Energy and Natural Resources

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SCR-18>