

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



Environment Committee

June 21, 2017

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2017 Environment Committee meetings

Wednesday, June 21
Thursday, October 26 (Note Cleveland location)

OMA Environment Committee Meeting Sponsor:





OMA Environment Committee

June 21, 2017

Agenda

| | |
|---|---|
| Welcome & Roll Call | Chairman Julianne Kurdila, ArcelorMittal |
| Materials Marketplace Presentation | Joseph Klatt and Pejmaan Fallah, Ohio EPA |
| Member Presentation | Stewart Fletcher, Heritage Thermal Services |
| Guest Speaker | Bob Hodanbosi, Chief of the Division of Air Pollution Control, Ohio EPA |
| Counsel's Report | Frank Merrill, Bricker & Eckler |
| Public Policy Report | Rob Brundrett, OMA Staff |
| Lunch | |

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

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

OMA Environment Committee Meeting Sponsor:



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.

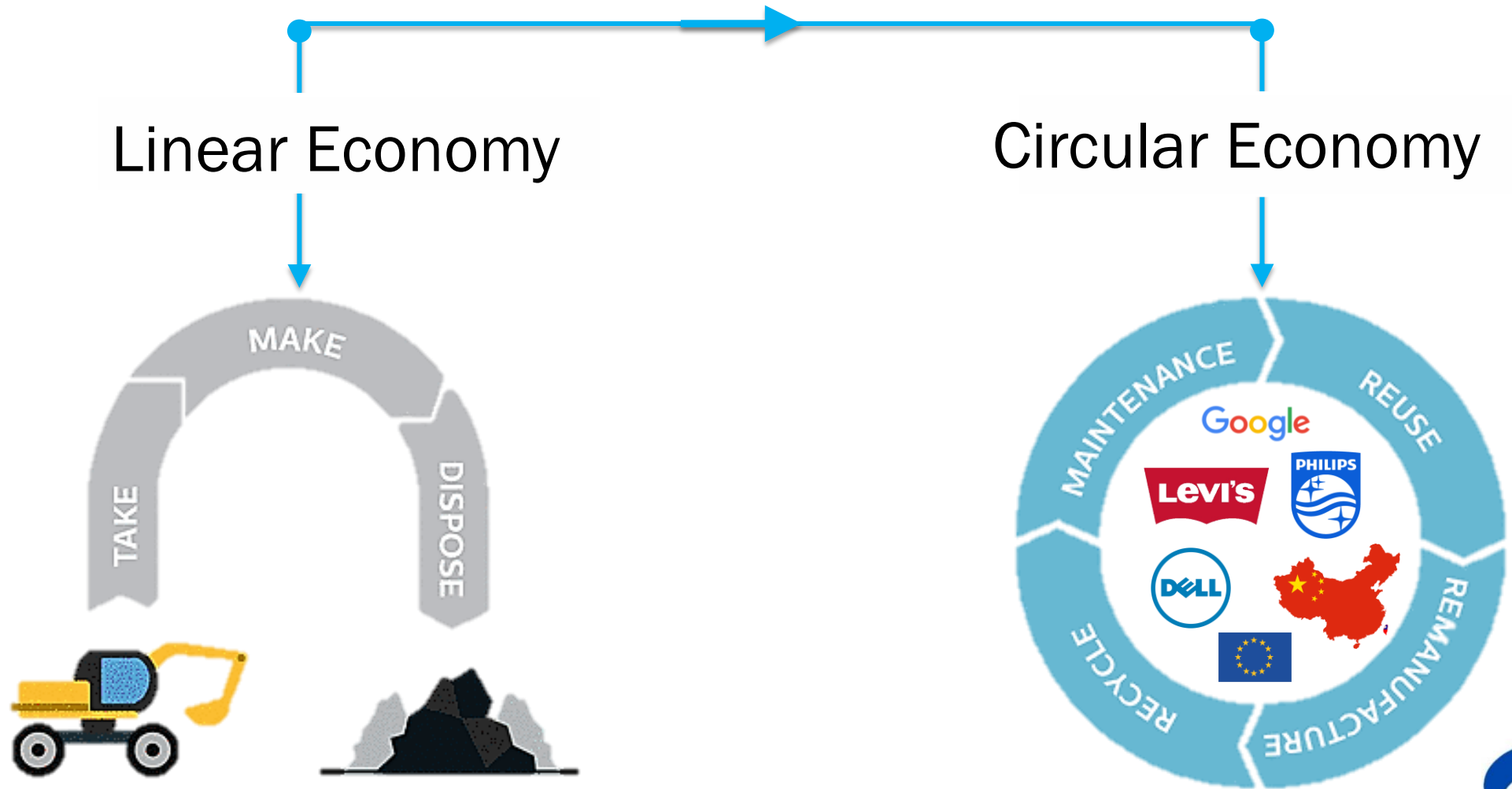
Ohio Materials Marketplace





WASTE AS A RESOURCE

Transition to the Circular Economy



“A *free* online platform allowing businesses to connect and find *recycling* and *reuse* solutions for their waste and by-product challenges”.

| Two Reasons We Launched the Program

Create Economic
Opportunities



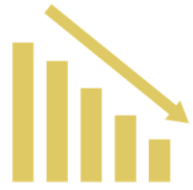
Extend the life of
Ohio's Landfills



| Why The Marketplace is Unique

1. From *Passive* to *Active*
2. USBC SD Marketplace Software
3. Member based program
4. Involvement of Partners

Benefits



Cost Reduction



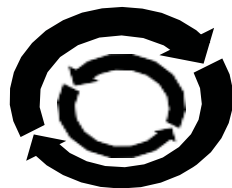
Revenue Generation



Landfill Diversion



Job Creation and Retention



Lead in the Circular Economy

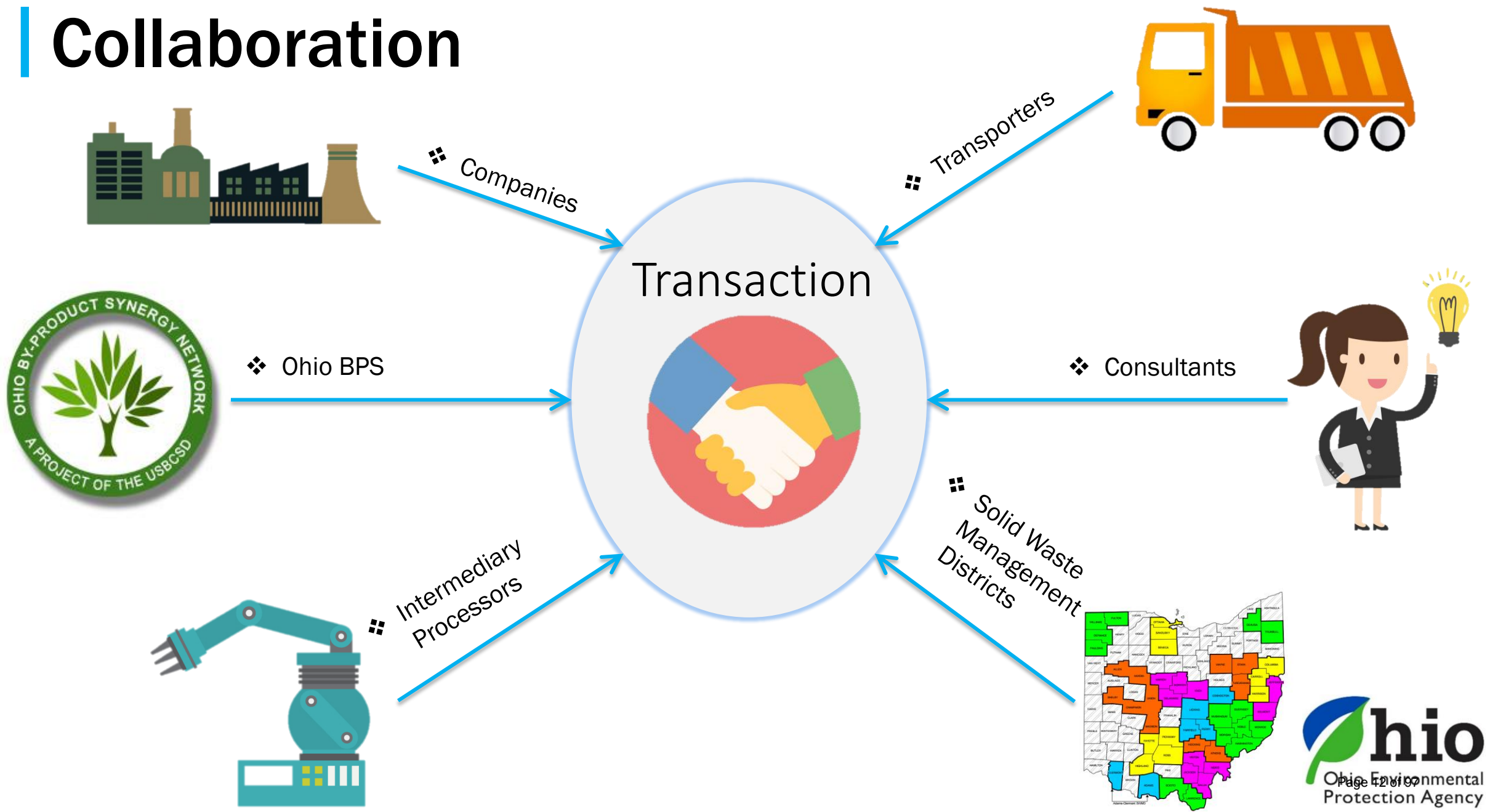


How to Join The Marketplace

1. Provide Company Information
2. Criteria for Participation
 - a) Must have Operations in Ohio
 - b) Material Posted Must Be Located in Ohio
 - c) List Wanted or Available Materials Within Thirty Days
3. Read Information Disclosure
4. Read Liability Section
5. Agree to terms



Collaboration



Software Walk Through

Join the Circular Economy

THE OHIO MATERIALS MARKETPLACE IS AN ONLINE PLATFORM DESIGNED TO FACILITATE CROSS-INDUSTRY MATERIALS REUSE AMONG OHIO COMPANIES AND ORGANIZATIONS

[GET INVOLVED](#)

Login

The Materials Marketplace project is hosted on the cloud-based Materials Marketplace software (or Marketplace). This award-winning online tool enables participating companies and project staff to easily post materials available or desired, identify reuse opportunities, exchange underutilized materials and convening discussion groups on certain topics or materials. Let's get started by logging into your account!

Log in to your account

joseph.klatt

.....

Log in

Remember me [Did you forget your password?](#)

Browsing Materials

Try to search the material name, zip code, city name, company name...

Grid view
 List view
 Map view

Available Materials

Wanted Materials



Cement Kiln Dust
 Available
 Columbus, Ohio, 43215

[Ash and Slag](#)

[Slag](#)

Quantity 5 Ton (t)

Recommend Material



Spent foundry Sand
 Available
 Minster, Ohio, 45885

[Ash and Slag](#)

[Slag](#)

Quantity 20 Ton (t)

Recommend Material



Caustic Water
 Available
 Canton, Ohio, 44707

[Water](#)

Recommend Material



Spent Hydro treating Catalyst
 Available
 Canton, Ohio, 44707

[Catalyst](#)

Quantity 500

Recommend Material



SCR Brick
 Available
 Byesville, Ohio, 43723

[Mixed and undifferentiated materials](#)

Recommend Material



Plastic Bottle Caps
 Available
 Columbus, Ohio, 43205

[Plastics](#)

[Plastics - Rigid](#)

Quantity 6380 Pound (lb)

Recommend Material



Adhesives - free
 Available
 Findlay, Ohio, 45840

[Solvents](#)

Quantity 430 Gallon (gal)



Aluminum Oxide
 Available
 Moraine, Ohio, 45439

[Metals and Metal Sludge](#)

[Mixed](#)

Quantity 80000 Pound (lb)

Recommend Material

Try to search the material name, zip code, city name, company name...



Grid view

List view

Map view

Material Category

- Electronics
- Business Furniture, Fixture and Equipment
- Filter Cake and Sludge
- Metals and Metal Sludge
- Paper and Cardboard
- Plastics
- Inorganic Chemicals
- Ash and Slag
- Oils and Waxes
- Organic Residual
- Textiles and Leather

Location

- Columbus, Ohio
- Cleveland, Ohio
- Napoleon, Ohio
- Minster, Ohio
- Canton, Ohio
- Byesville, Ohio
- Findlay, Ohio
- Moraine, Ohio
- Cincinnati, Ohio
- Bowling Green, Ohio
- Fremont, Ohio
- Gibsonburg, Ohio
- Zanesville, Ohio
- Grove City, Ohio
- Free
- \$0 - \$100

Material Category ↑↓ ⇅

Name ↑↓ ⇅

Address ↑↓ ⇅

| | | | |
|--|----------------------------|----|---------|
| Electronics/Electronics (functional) | Monitors | 3 | 500 |
| Business Furniture, Fixture and Equipment/Business Furniture | Office desks | 4 | 100 |
| Filter Cake and Sludge/Sludge | Bauxite residual (red mud) | 5 | 1000000 |
| Paper and Cardboard/ | Waste paper | 7 | 20000 |
| Plastics/ | PET water bottles | 8 | 5000 |
| Inorganic Chemicals/ | Spent Caustic | 9 | 500 |
| Filter Cake and Sludge/Sludge | Deinking sludge | 10 | 2000 |
| Ash and Slag/Coal Ash | Fly Ash | 12 | 1000 |
| Organic Residual/ | Food Scrap | 14 | 1 |
| Textiles and Leather/ | Used bed sheets | 15 | 4 |
| Ash and Slag/Slag | Steel Slag | 16 | 1000000 |
| Business Furniture, Fixture and Equipment/Office Appliances | 2012 MacBook Pro | 17 | 1 |
| Ash and Slag/Slag | Steel Slag | 18 | 1000000 |
| / | Suni Deri | 19 | 100 |

Try to search the material name, zip code, city name, company name...



Grid view

List view

Map view

Material Category

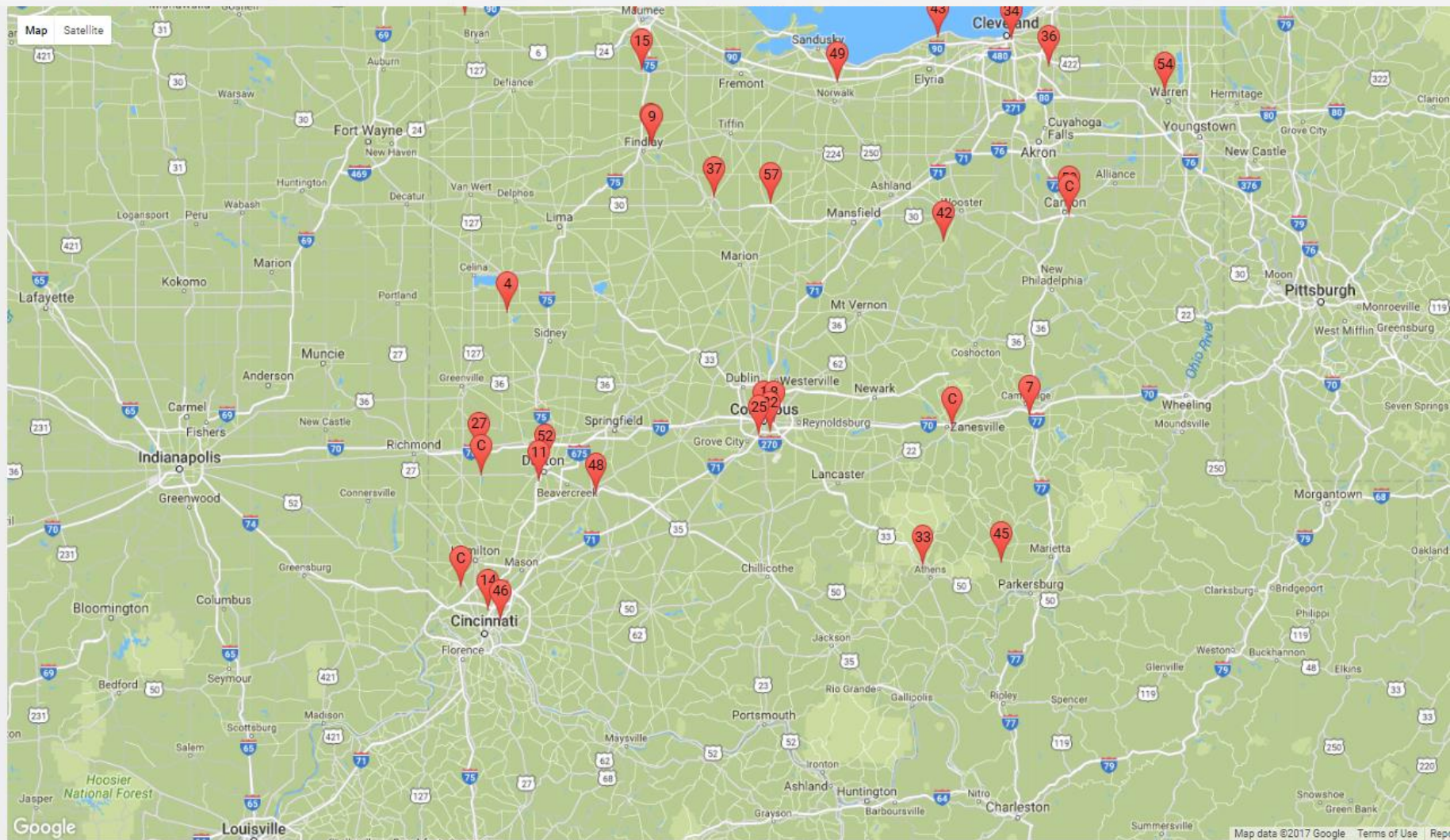
- Ash and Slag
- Catalyst
- Organic Residual
- Water
- Mixed and undifferentiated materials
- Plastics
- Solvents
- Metals and Metal Sludge
- Packaging
- Wood
- Construction and Demolition
- Inorganic Chemicals
- Rubber
- Minerals (non-metallic)
- Paints and Coatings
- Organic Chemicals
- Glass and Ceramics
- Paper and Cardboard
- Electronics

Material Classification

- excessraw
- nonhazardous
- unwanted
- byproduct
- uncertain
- hazardous

Location

- Columbus, Ohio
- Cleveland, Ohio
- Napoleon, Ohio
- Minster, Ohio
- Canton, Ohio
- Byesville, Ohio





Cement Kiln Dust

Price: USD 40 / Ton (t)

Qty: 5 Ton (t)

Ash and Slag

Slag

Company

Ohio EPA

Location

50 West Town Street, Columbus, Ohio, 43215

Description of the Resource:

Cement kiln dust (CKD) TEST

Cement kiln dust (CKD) is the fine-grained, solid, highly alkaline waste removed from cement kiln exhaust gas by air pollution control devices. Because much of the CKD is actually unreacted raw materials, large amounts of it can and are, recycled back into the production process. Some CKD is reused directly, while some requires treatment prior to reuse.

Frequency

Weekly

Size Description

Two Large Piles

Components Description

80% Calcium Carbonate 20% Silicon Dioxide

Disposal Method

Landfill

Conditions Info

Attachments

Files:

[REP-529.pdf](#)

[← Back](#)

[Add to watchlist](#)

[Contact](#)

[Expert Menu](#)

Recommending Materials



Cement Kiln Dust

Price: USD 40 / Ton (t)

Qty: 5 Ton (t)

Ash and Slag

Slag

Company

Ohio EPA

Location

50 West Town Street, Columbus, Ohio, 43215

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[← Back](#)

[Add to watchlist](#)

[Contact](#)

[Expert Menu](#)

Expert Menu

Selected Materials:

| Material Category | Name | Address | Quantity |
|-------------------|------------------|--|----------|
| Ash and Slag/Slag | Cement Kiln Dust | 50 West Town Street, Columbus, Ohio, 43215 | 5 |

Recommend Materials to:

None Selected

- ReWorks Summit/Akron Solid Waste Management Authority (ReWorks)
- Cuyahoga County SWMD Cuyahoga County Solid Waste District
- Team Green Recycling Team Green Recycling LLC
- Luke ENG & MFG Company Luke ENG & MFG Company
- English Bay Batter - Columbus English Bay Batter
- Nidec Minster Foundry - Minster Nidec Minster Foundry
- Americraft Manufacturing Company - Cincinnati Americraft Manufacturing Company
- Enviroserve-Cleveland Enviroserve
- Nexeo Solutions -Dublin Nexeo Solutions
- Land-Grant Brewing -Columbus Land-Grant Brewing Co.
- Hydrodec of North America -Canton Hydrodec of North America
- Innovative Organics Recycling -Athens Innovative Organics Recycling
- Detroit Reman East -Byesville Detroit Reman East
- Forum Manufacturing Inc -Milford Center Forum Manufacturing Inc
- Nissin Brake Ohio Inc. -Findlay Nissin Brake Ohio Inc.

Transaction



Cement Kiln Dust

Price: USD 40 / Ton (t)

Qty: 5 Ton (t)

Ash and Slag

Slag

Company

Ohio EPA

Location

50 West Town Street, Columbus, Ohio, 43215

Description of the Resource:

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Files:

[REP-529.pdf](#)

[← Back](#)

[Add to watchlist](#)

[Contact](#)

[Expert Menu](#)

Conversation

Conversation

I want to start the conversation because

I am interested in this material and I need to consult more people

My current role is

buyer

Start Cancel

Material



Steel Slag

Price: \$14 / ton (t)

Qty: 1000000

Conversation

Conversation

+Invite



Rui HE

2016-11-21T21:44:03.000Z

Hello, Campbell. I would like to reuse some of your steel slag in my cement production process. Could you please give me more details on your material? Thanks!



Rui HE (buyer)
(you)



Campbell McNeill
(owner)

2016-11-25T03:48:01.000Z

Campbell McNeill



Ok, we generate 1 million tons of these slag material at our plant in Texas. We know they make perfect cement clinker. You can crush them into finer sizes if you like.

Enter message text

Send

Material



Steel Slag

Price: \$14 / ton (t)

Qty: 1000000

Transactions

Quantity

500000 / 1000000

Pending

Cancel the transaction


Conversation

Conversation

type user email address


expert

Send Cancel



Rui HE 2016-11-21T21:44:03.000Z

Hello, Campbell. I would like to reuse some of your steel slag in my cement production process. Could you please give me more details on your material? Thanks!




Rui HE (buyer) (you)

2016-11-25T03:48:01.000Z

Campbell McNeill

Ok, we generate 1 million tons of these slag material at our plant in Texas. We know they make perfect cement clinker. You can crush them into finer sizes if you like.




Campbell McNeill (owner)

Enter message text

Send

Material



Steel Slag

Price: \$14 / ton (t)

Qty: 1000000

Transactions

Why do you cancel this transaction?

- Not match my expectation
- Some legal problems
- Others


Not match my expectation

Back
Submit


Conversation


Conversation

Send Cancel

 **Rui HE** 2016-11-21T21:44:03.000Z


Hello, Campbell. I would like to reuse some of your steel slag in my cement production process. Could you please give me more details on your material? Thanks!

 Rui HE (buyer) (you)

 Campbell McNeill (owner)

2016-11-25T03:48:01.000Z **Campbell McNeill**

Ok, we generate 1 million tons of these slag material at our plant in Texas. We know they make perfect cement clinker. You can crush them into finer sizes if you like.



Enter message text

Send

Material



Steel Slag

Price: \$14 / ton (t)

Qty: 1000000

Estimated Benefits

Economic:

Revenue Generated: / year

Environmental:

Gas Reduction: Metric tons of CO2 equivalent (MtCO2e)

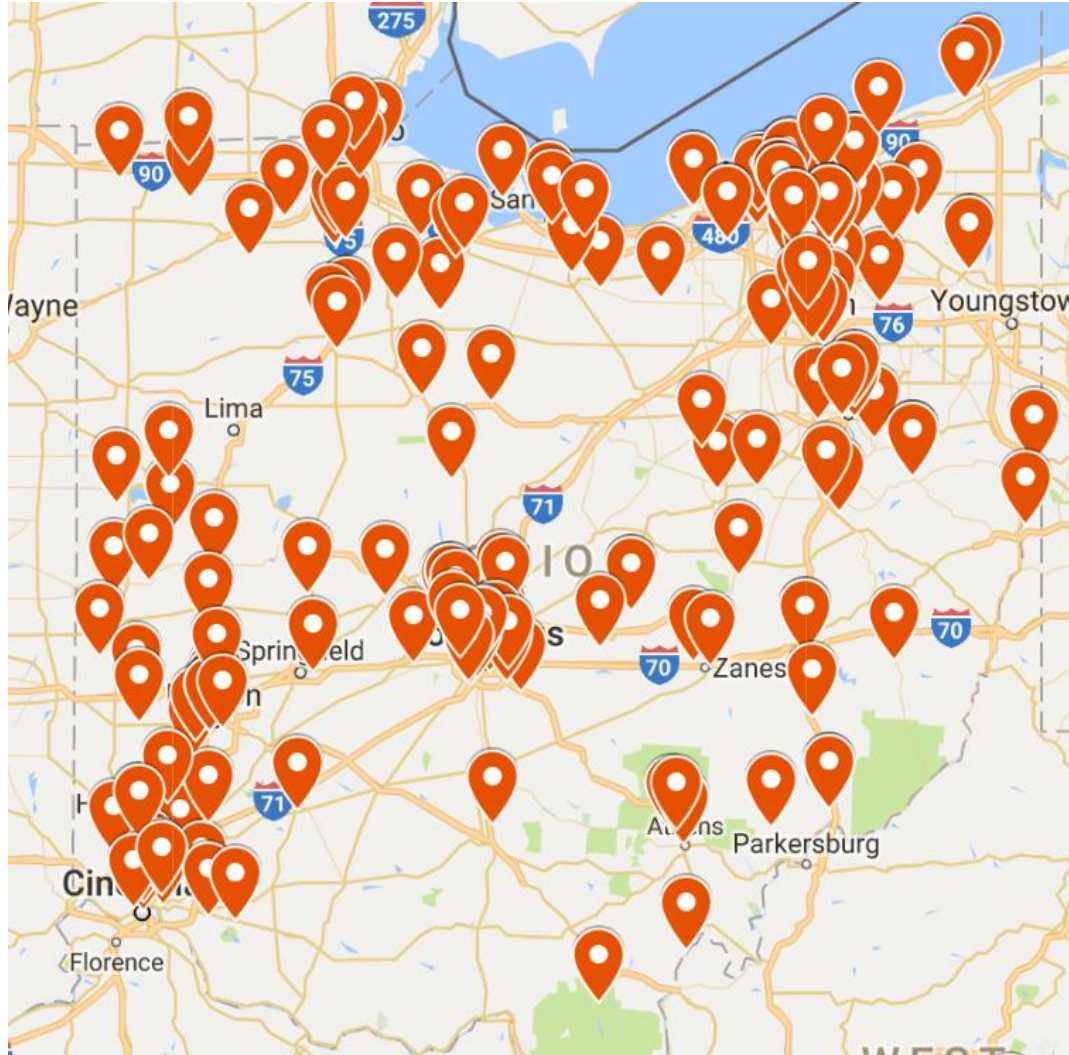
Other:

Societal:

Jobs Created:

Confirm Benefits

Demand is Clear

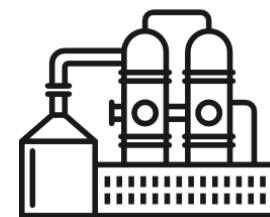
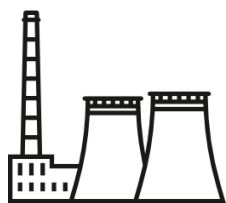
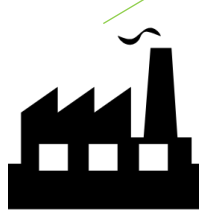


240 Companies
Participating

315 Users

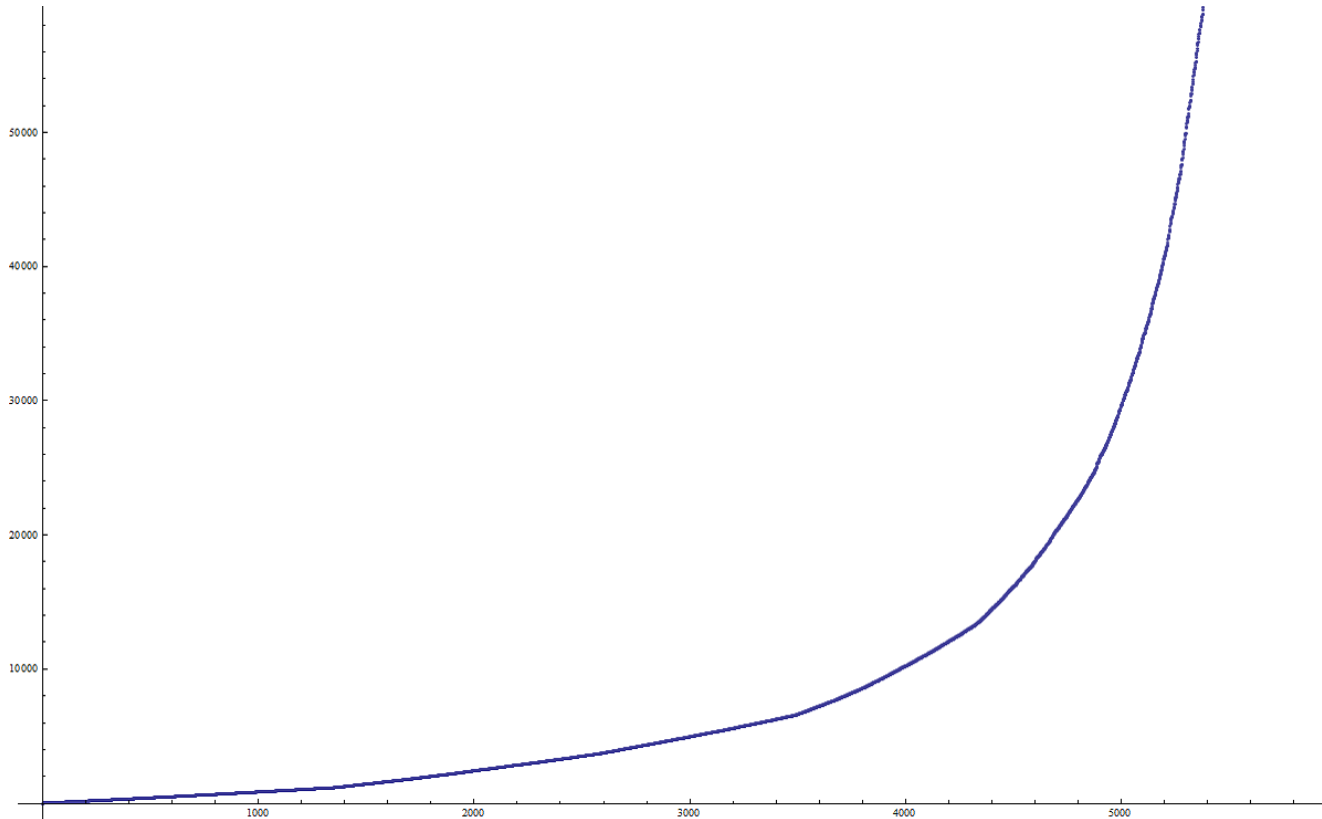
80 Materials Posted

Outreach Model



Value of the Network Increases as Participation Grows

Number of Transactions



Number of Participants

Thank you

Joseph Klatt
Sustainability Unit, Ohio EPA

joseph.klatt@epa.ohio.gov
614-705-1147





Clearing the air: MACT compliance

June 21, 2017



Stewart Fletcher

- Heritage - Vice president & general manager of operations – 2012
- Reichhold - Plant manager; other managerial positions – 12 years
- BASF – Plant safety engineer – Three years

- MBA – Operations & logistics – North Carolina State University
- B.S. – Chemical engineering – University of Windsor, Ontario

- Lifelong fan of the Detroit Red Wings





Heritage Thermal Services

- HTS is the hazardous-waste incineration facility of Indianapolis-based Heritage Environmental Services, LLC.
- Heritage Environmental Services provides incineration, fuel blending, landfill, wastewater treatment, recycling, transportation and data tracking for companies and organizations nationwide.

About HTS

- Guiding principles: Safety – Compliance – Relationships – Financial Stability
- RCRA-permitted rotary-kiln incinerator with advanced emission controls
- Treat, store and dispose of hazardous and non-hazardous wastes
- Operations began in November 1992
- Situated on 21 acres in East Liverpool, Ohio
- Excellent access via highway and rail network
- 60,000 tons per year capacity
- 174 employees
- 24/7 operations except for planned maintenance
- Accept and process shipments of:
 - ✓ Bulk-solid waste, e.g., soil, debris, filter cake
 - ✓ Bulk-liquid waste, e.g., organic, aqueous, sludge, Hi Btu
 - ✓ Direct-to-kiln bulk liquid tankers and containers
 - ✓ Containerized solid, liquid and sludge mixtures
 - ✓ Palletized boxes and cubic-yard containers
 - ✓ DEA-controlled substances
 - ✓ Consumer commodities



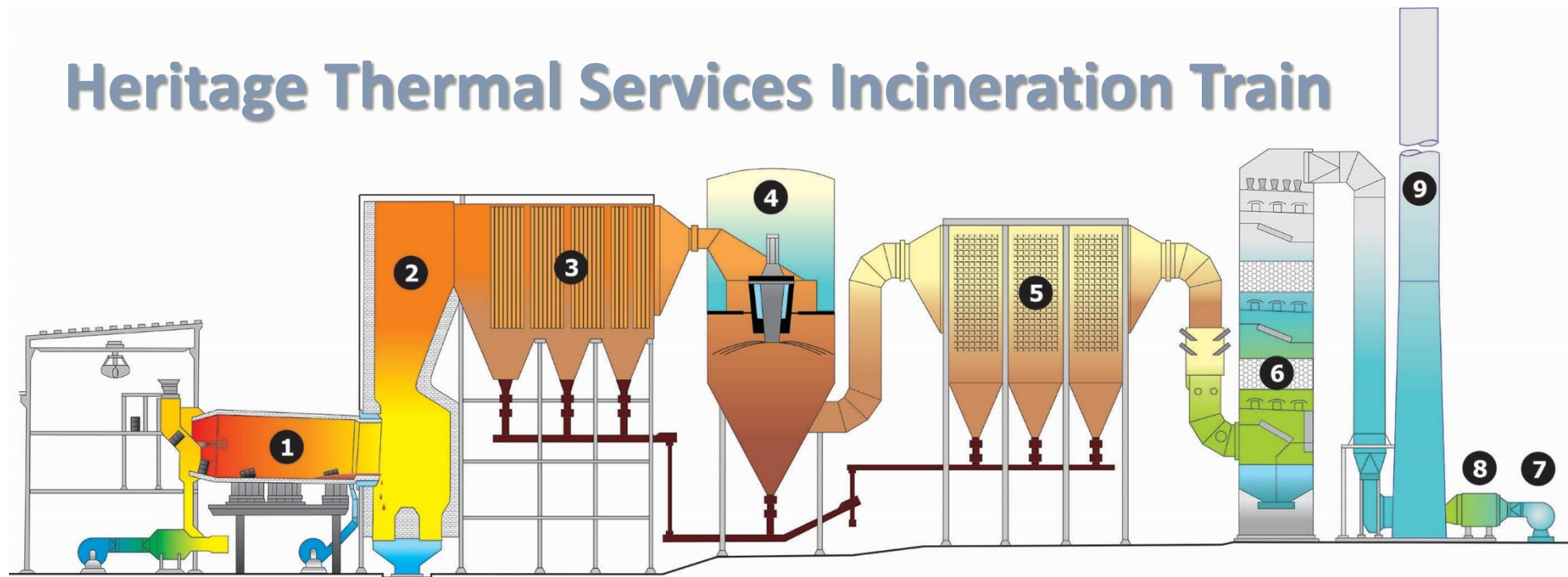
About HTS

TYPICAL WASTE STREAMS

- Corrosive liquids and solids
- Explosives (1.3, 1.4, 1.5, 1.6 on a case-by-case basis)
- Reactives
- Flammable liquids and solids
- Organic peroxides and oxidizers (liquids and solids)
- Pesticides, herbicides, and insecticides
- Aerosols and fuels
- Lab packs and loose packs
- Miscellaneous hazardous and non-hazardous waste
- Mixed infectious hazardous waste
- Consumer commodities and product recalls



Heritage Thermal Services Incineration Train



1. Rotary kiln – The kiln is a refractory brick-lined steel cylinder, measuring about 43 feet in length and 16.5 feet in diameter. Pumpable waste is fed into the kiln through pipes, called lances. Drums and containers are fed through a double-door entry that leads to a chute. Loose bulk solids are fed into a double-door hopper, which also leads to the feed chute. Same-sized containers, such as packaged consumer commodities, are fed through the same double-door hopper. It is in the kiln's interior where the three Ts – TIME, TEMPERATURE and TURBULENCE – combine to incinerate hazardous organic compounds. Temperatures range between 1,800 and 2,200 degrees Fahrenheit as waste moves through the rotating kiln.

2. Secondary combustion chamber – The exhaust from incinerated waste flows in this chamber for further combustion, which is enhanced by the controlled injection of oxygen. Slag from combustion collects at the bottom of the chamber, where it's removed via a conveyor for shipment to an authorized hazardous waste landfill.

3. Boiler – Combustion gas moves upward through the secondary combustion chamber into the boiler, where it passes through an array of tubes containing water for generating steam. The steam is used in several of the facility's processes, including heat for the buildings. Blowers that emit high-pressure compressed air prevent the buildup of ash on the tubes.

4. Spray dryer – The gas streams into this unit, where it is cooled with sprays of water. This cooling process generates salt, which collects at the bottom of the cone and, like the slag, it is sent off-site to an authorized hazardous waste landfill for disposal. In addition to cooling the gas, the spray dryer completely evaporates water from the wet scrubber [6]. Without the spray dryer, scrubber water would have to be collected and shipped off-site for treatment and disposal.

5. Electrostatic precipitator – This component features three rows of electrically charged fences. As combustion gas moves through them, particulate material adheres to the metal bars. Electronically timed hammers on top of the unit knock the particles downward into the hopper, where they are collected with salt from the spray dryer for transport to an authorized hazardous waste landfill.

6. Four-stage wet scrubber – Acid gases and submicron-sized particles are removed in this unit, which is made up of packed scrubbing beds and spray jets. Water used in this process is recycled to spray dryer, where it is evaporated.

7. Induced-draft fan - This fan maintains negative air pressure throughout the entire system, ensuring that air is always drawn inward at all times.

8. Re-heater – Before the cleaned and scrubbed gas is emitted, it passes through this unit where its temperature is raised to about 190 degrees Fahrenheit. Doing so improves the elevation of the plume and the effectiveness of the in-stack monitors.

9. Stack – The gas is emitted through a single stack.

Applicable Permits and Regulations

- Title V Permit

- Issued by Ohio (2008)
- Facility emissions limits
 - Stack pollutants

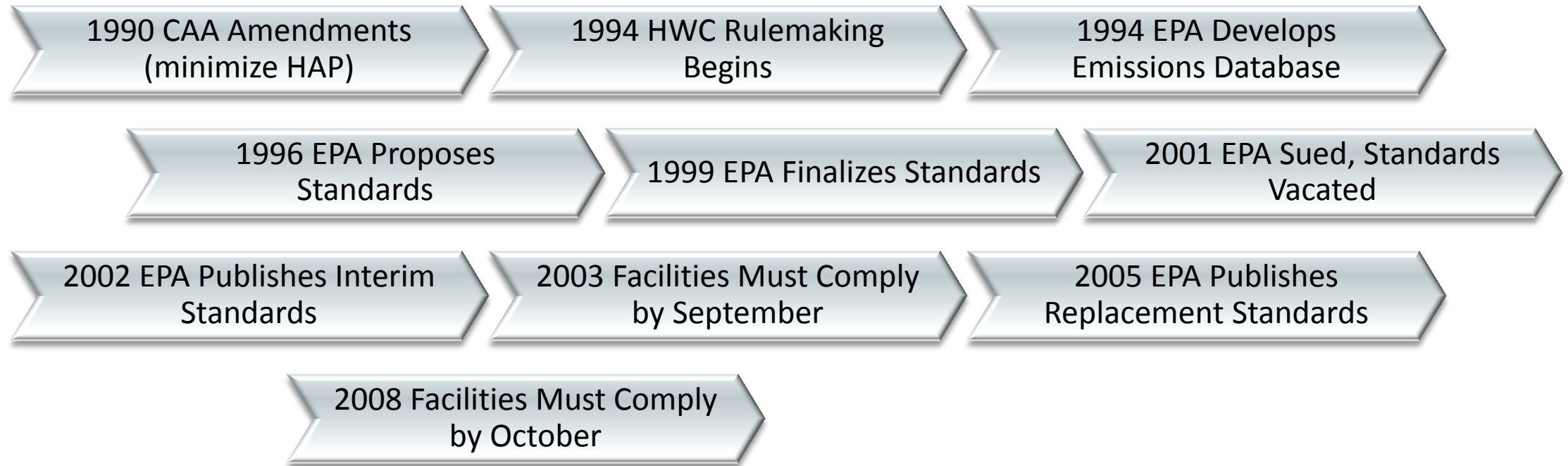
| | | | | | |
|-----|-----|-----|----|-----|--------|
| SOx | NOx | THC | PM | HCL | Metals |
|-----|-----|-----|----|-----|--------|

- Hazardous Waste Combustor MACT

- 40 CFR Part 63, Subpart EEE
 - Emission standards

| | | | | | | |
|----------------|--------|----|-----|-----|----|-----|
| Dioxins/Furans | THC/CO | PM | LVM | SVM | Hg | HCL |
|----------------|--------|----|-----|-----|----|-----|

HWC MACT History



RCRA & CAA Title V permits under MACT

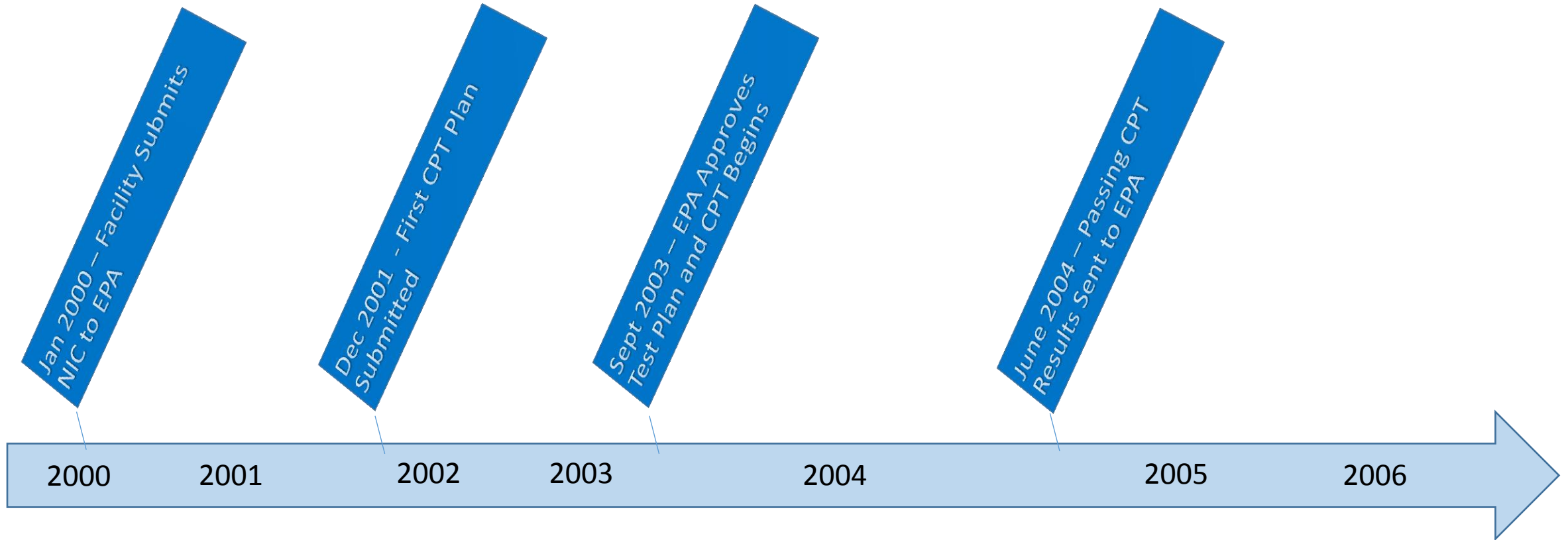
A CAA permit includes:

- Feed rate
- Operating conditions
- Emission standards

A RCRA permit includes:

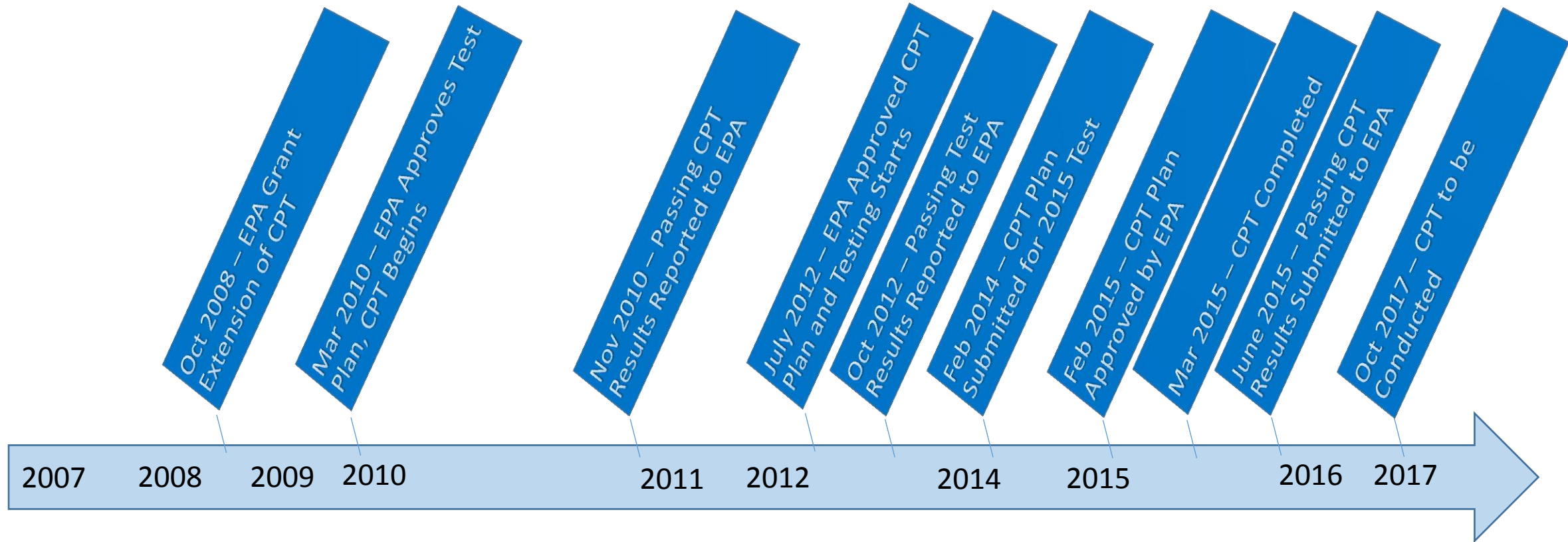
- General facility standards
- Corrective action
- Combustor-specific concerns, such as materials handling
- Risk-based emissions limits (based on site-specific risk assessment) and operating requirements

Facility MACT History



First commercial facility in the industry to seek and demonstrate compliance with MACT.
Did not request an extension to comply, which was an option under the regulation.

Facility MACT History



Comprehensive Performance Test (CPT)

➤ CPT Requirements

- Submit test plan 12 months prior to testing
 - Describe incineration system and APCDs
 - Describe waste feeds (feed-stream analysis plan)
 - Present test protocol and operating conditions
 - Describe analysis procedures and QA/QC
 - Evaluate the continuous monitoring systems
- Provide public notice 60 days prior to test

➤ Set Operating Parameter Limits (OPLs)

➤ Demonstrate and document compliance

Operating Parameter Limits

Parameters in place during performance testing

- Represent operating conditions under which emissions standards are demonstrated
- Linked to Automatic Waste Feed Cutoffs (AWFCO)
 - Unique to hazardous waste industry
 - Specific to the operation
 - 27 parameters (temperatures, pressures, flowrates, feed rates)
 - Hourly and annual limits

Demonstrated performance

| MACT Emission Parameter | Units | 2015 CPT Result | MACT Limit | % of Limit |
|----------------------------------|-------------------|-----------------|------------|------------|
| PCDDs/PCDFs (dioxin/furan) | ng/m ³ | 0.0065 | 0.2 | 3.3% |
| Mercury | ng/m ³ | 57.7 | 130 | 44.4% |
| Semi volatile Metals (Cd, Pb) | ng/m ³ | 8.7 | 230 | 3.8% |
| Low Volatile Metals (As, Cr, Be) | ng/m ³ | 6.6 | 92 | 7.2% |
| Total hydrocarbons | ppm | 0.3 | 10 | 3.0% |
| Hydrogen Chloride/Chlorine | ppm | 1.19 | 32 | 3.7% |
| Particulate Matter | gr/ds cf | 0.0005 | 0.013 | 3.85% |
| Destruction/Removal Efficiency | % | 99.9999 | 99.99 | NA |

Confirmatory performance test

- ✓ Demonstrate compliance with dioxin/furan emission standards
- ✓ Performance evaluation of dioxin/furan CMS
- ✓ Completed midway between CPTs
(every 31 months after commencing CPT)

Demonstrated performance and reliability

- On-line time 92% of the year.
- Annual outage \$4MM for incinerator upkeep.
 - Rotary Kiln refractory
 - Boiler
 - Spray Dryer
 - Dry ESP
 - Four-stage wet acid-gas scrubber
- Capital (re)investment

Additional HWC MACT requirements

- Combustion Zone Leaks
 - Maintain negative pressure
 - Proprietary system for preventing leaks
- Required Plans
 - FSAP – Feedstream Analysis Plan
 - SSMP – Startup, Shutdown and Malfunction Plan,
 - CMS Plan – Continuous Monitoring System Plan
 - CEMS Plan - Continuous Emissions Monitoring System Plan
 - O&M Plan – Operations and Maintenance Plan
- Operator Training

Takeaways

- HWC MACT CPT costs \$250k per test
- Negotiation process with state and federal regulators
- Entry into hazardous waste combustion industry is very costly
 - Initial investment in physical plant and permitting
 - Market demand
 - NIMBY powerful external impediment
 - Political and community support important

Find out more about us

www.heritage-enviro.com/services/incineration/

www.facebook.com/HeritageThermal



Ohio Manufacturers' Association

Ohio EPA, Division of Air Pollution Control

June 21, 2017

Robert Hodanbosi

Topics

- Startup, Shutdown & Malfunction SIP Call
- Ozone Update
- Interstate Transport

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 Ohio Scheduled Maintenance Rule as also one of the objectionable rules

Startup, Shutdown and Malfunction SIP Call – State Rule Revision Process

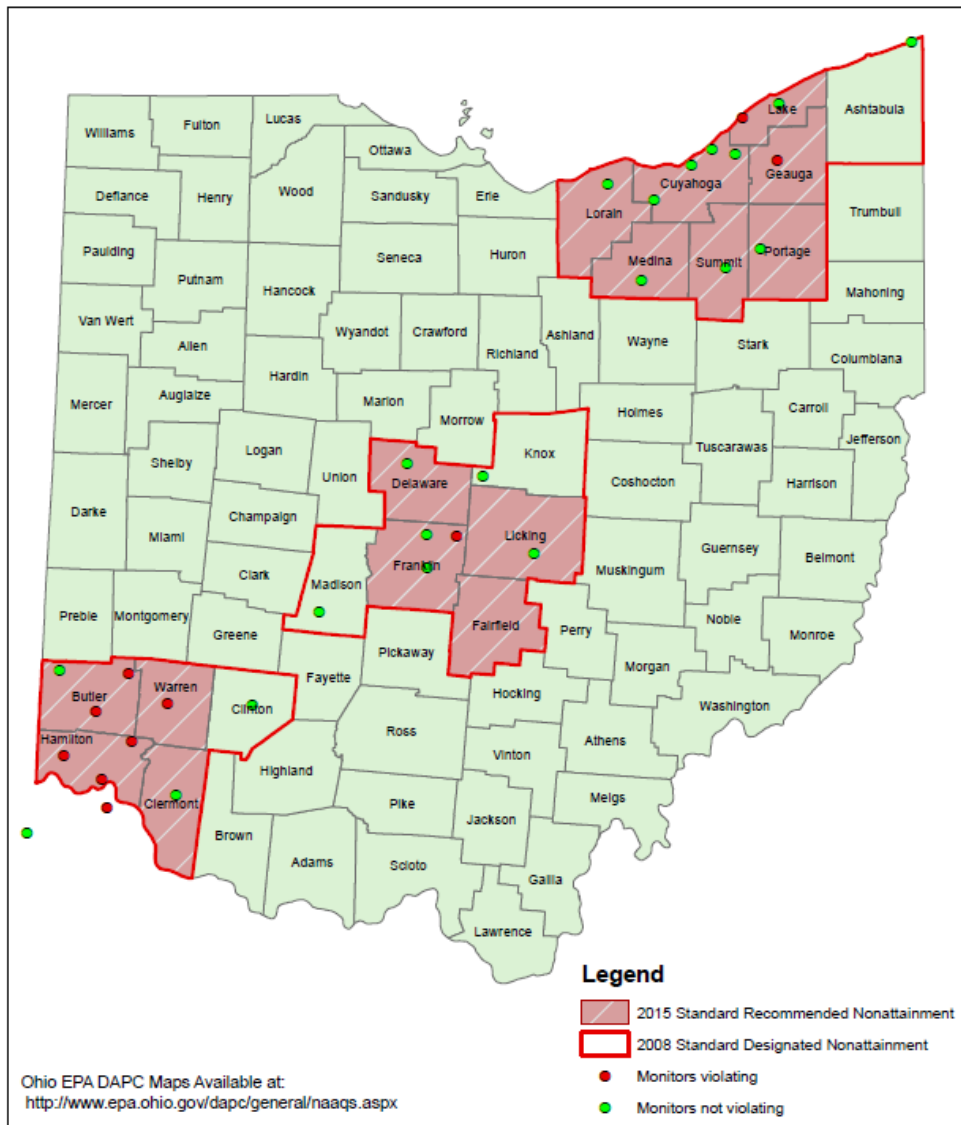
- Ohio EPA began the process to change affected rules
- Several draft of rules sent to stakeholders
- Wide range of comments
- Received comments on “Early Stakeholder Outreach” solicitation.
- Issued “Interested Party” packages
- Received detailed comments
- Reviewing/responding to comments

Startup, Shutdown and Malfunction SIP Call – Next Steps

- Once Response to Comments prepared, being sent to Common Sense Initiative (CSI) Office
- Waiting on litigation at D.C. Court of Appeals – DOJ asked/received “hold” from court
- Will prepare draft proposal – then evaluate overall status

OZONE

2015 Eight-Hour Ozone (0.070 ppm)
Ohio Recommended Nonattainment Areas
DRAFT 07/28/2016



| 2015 Ozone Standard | | | | |
|---------------------|-------------------------|-------------------------|-------------------------|--|
| City | 2011-2013 Data (ppb) | 2012-2014 Data (ppb) | 2013-2015 Data (ppb) | 2014-2016 Preliminary Data (ppb) |
| Cleveland | 80 | 78 | 73 | 75 |
| Columbus | 80 | 75 | 71 | 71 |
| Cincinnati | 81 | 75 | 71* | 72 |

*monitor in Northern Kentucky measures 71 ppb

Ozone Exceedances by Year (through June 18, 2017)

| 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 | None | 11 | 69 |
| 2015 | None | 1 | 16 | 91 |
| 2016 | None | None | 42 | 168 |
| 2017 | None | None | 15 | 47 |

Ozone

- Designations due October 2017
- EPA announced delay in designation process - while standard is being reviewed?
- Attainment dates – October 2020?
- EPA staff says Infrastructure SIPs still due – October 2018 – including Interstate Transport

Interstate Transport

- U.S. EPA has issued various rules to address interstate transport
- NOX SIP Call
- Clean Air Interstate Rule (CAIR)
- Cross State Air Pollution Rule (CSAPR)

Interstate Transport

- These rules focus on utilities – NOx SIP Call included large industrial boilers
- Rules have required substantial reductions in NOx and SO2 emissions
- Latest version of CSAPR was finalized September 1, 2016
- Utilities must comply summer of 2017

Interstate Transport

- These rules have been litigated in various forums
- Overall, U.S. EPA rules have been upheld
- U.S. EPA has set the threshold of significant to 1% - very stringent standard of 0.75 ppb ozone impact defines “significant” for 2008 ozone standard
- Will move down to 0.70 ppb ozone with 2015 standard
- U.S. EPA does not plan to update CSAPR rules on their own – huge burden on states to develop individual rules

Interstate Transport

- The NE states filed a petition for Midwest and southern states be included in the Ozone Transport Region (OTR) in December 2013
- States petitioned to be included: Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, West Virginia and the portion of Virginia not in the OTR
- Being part of OTR would be very costly. Vehicle Inspection Maintenance in all Ohio urban areas alone would cost tens of millions of dollars per year

Interstate Transport

- If included, the NE states would have a majority of voting members and could dictate control strategies for Midwestern states.
- The petition from NE states was based on old data going back to 2005
- U.S. EPA proposed to disapprove petition – comment period ended through May 15, 2017

Interstate Transport

- Ohio EPA agrees with the U.S. EPA proposal to disapprove petition to be placed into OTR
- U.S. EPA bases proposed disapproval on actions taken by U.S. EPA to reduce transport/emissions – not flaws in petition
- Ohio Comments - NE States petition is technically flawed and out of date (based on 2005 data).

- Questions?



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COUNSEL'S REPORT

Frank L. Merrill & Christine Rideout Schirra,
Bricker & Eckler LLP, Counsel to the OMA
June 21, 2017

ENVIRONMENTAL DEVELOPMENTS

A. Ohio EPA Activities of Note

1. Beneficial Use Rules

On March 31, 2017, Ohio EPA's new Beneficial Use Program rules became effective. The new rules pertain to five categories of wastes: (1) foundry sands; (2) drinking water treatment residuals; (3) waste materials burned for energy recovery; (4) dredge material from federal navigational channels in Lake Erie; and (5) sewage sludge (biosolids) incinerator ash.

The rules provide for authorization of beneficial use of a waste material in several ways. When used in accordance with specified conditions, some beneficial use byproducts may be used as an ingredient in certain construction materials such as cement or asphalt concrete or as a fuel or ingredient in a combustion unit with no input or authorization required by the Ohio EPA Division of Materials and Waste Management. General permit coverage will be available for specific categories of beneficial use byproducts and beneficial uses, such as beneficially using certain foundry sands in soil mixes and bioretention practices, and as fill material. Individual permits will also be available for wastes not included in a general permit. Authorization for types of beneficial use already approved by Ohio EPA (such as paper sludge or baghouse dust) will continue to be handled through existing mechanisms such as land application management plans and integrated alternative waste management plans.

2. Ohio EPA General Industrial Storm Water Permit

On May 8, 2017, Ohio EPA issued as final its new Multi-Sector General Permit for Industrial Stormwater Discharges. The permit has an effective date of June 1, 2017, and expires on May 31, 2022. Facilities under the prior general permit can expect to receive a letter from Ohio EPA with instructions to reapply within 90 days, and stormwater pollution prevention plans for currently covered facilities must be updated in accordance with the new permit within 180 days of the permit issuance date.

3. Definition of Solid Waste Rules

Ohio EPA noticed for early stakeholder outreach proposed amendments to the definition of solid waste rules, in order to adopt federal rule changes into Ohio's hazardous waste management rules. Under current hazardous waste rules, many hazardous wastes (such as spent solvents and listed hazardous wastes) that are

destined for reclamation are subject to the hazardous waste requirements for storage, transportation and recordkeeping. Under the proposed revisions, hazardous wastes that are recycled by reclamation could be excluded from the definition of a waste (and thereby not a hazardous waste) when reclaimed under certain relationships and conditions. In addition, U.S. EPA also revised the criteria that define when the recycling of hazardous waste is a legitimate operation (known as the legitimacy criteria). The legitimacy criteria are applicable to all forms of recycling activities (i.e., use, reuse and reclamation) and consist of the following: (1) the material must provide a useful contribution to the process or product; (2) the resulting product must be of value and wanted for use in commerce; (3) the material is managed as a valued commodity; and (4) the presence of toxic constituents contained in the recycled product is comparable to an analogous product made from virgin inputs, or it can be demonstrated that the product poses low risk to human health and the environment. Ohio EPA has estimated that in Ohio, approximately 300 large quantity generators and 34 permitted treatment, storage and disposal facilities will be eligible to use the new exclusions. Ohio EPA is accepting comments on the proposed rules through July 7, 2017.

4. Asbestos Program Transfer from Ohio Department of Health to Ohio EPA

Ohio EPA is requesting stakeholder input on potential amendments to Ohio EPA's Asbestos Emission Control program rules, which, if enacted, would transfer the Ohio Department of Health Asbestos program to the Ohio EPA. The transfer would allow the Director of Ohio EPA to adopt rules governing asbestos hazard abatement contractors, specialists, project designers, workers, training courses, and other professionals currently existing and regulated by the Ohio Department of Health. The transfer may also affect Ohio's asbestos emission control rules.

5. House Bill 49 – Total Maximum Daily Loads

On February 10, 2017, House Bill 49 was introduced into the Ohio House of Representatives. H.B. 49 includes provisions for the addition of Ohio Revised Code 6111.561, in response to the March 24, 2015 Ohio Supreme Court decision in *Fairfield Cty. Bd. of Commrs. v. Nally*, 143 Ohio St.3d 93, 2015-Ohio-991. In the *Fairfield County* decision, the Supreme Court ruled that the Ohio EPA must adhere to Ohio's statutory rulemaking procedure prior to establishing pollutant limits for a body of water. The OMA has been actively engaged in discussions with Ohio EPA and stakeholders over the draft rule language. On June 14, 2017, following a public comment period and several meetings with stakeholders in which The OMA took part, Ohio EPA submitted final revised bill language to Senator Troy Balderson, requesting that the language be included in the H.B. 49 Omnibus Amendment.

The draft rule provides that TMDLs are not subject to rule adoption, amendment, or rescission procedures pursuant to R.C. Chapters 106, 111, 199, and 121. Furthermore, the establishment of a final TMDL by the director is not a final action of the director and does not have the force and effect of law, but may be challenged in accordance with the provisions of R.C. 6111.564. R.C. 6111.562 obligates the director to provide notice and opportunity for input at various enumerated stages of development of those TMDLs established after March 24, 2015. R.C. 6111.563 requires Ohio EPA to provide public notice of the official draft TMDL to all individual NPDES permit holders that discharge into the water of the state to which the official draft TMDL relates, all significant industrial users listed in the permit holders' annual report, and any other stakeholder that has provided input, and to allow for public comment prior to issuance of a final TMDL.

The rule allows for appeals to ERAC of any permit containing limits based on a TMDL, and specifies that indirect dischargers as well as direct dischargers must be joined and may appeal. The

draft rule does not require that each and every TMDL go through formal rulemaking pursuant to R.C. Chapter 119, but provides for due process considerations in a similar manner as the R.C. Chapter 119 process while conserving the considerable amount of agency resources that would otherwise be spent on taking each TMDL through the formal R.C. Chapter 119 process.

B. U.S. EPA Activities of Note

1. Risk Management Program Rule Amendments

On April 3, 2017, US EPA published a proposed rule to delay the effective date of recent Risk Management Program (RMP) rule amendments, until February 19, 2019. In the final days of the Obama administration, on January 13, 2017, US EPA published final amendments to its Risk Management Program regulations, which apply to any facility holding more than a threshold quantity of a “regulated substance” as identified in 40 C.F.R. Part 68, which includes facilities in the chemical manufacturing, agricultural, petroleum manufacturing, general manufacturing, and food and beverage sectors. These amendments address accident prevention, emergency response, and data availability, and came in response to Executive Order 13650, which ordered federal agencies to take actions to improve chemical facility safety and security. Following the Trump administration’s taking of office, and in response to petitions for reconsideration filed by industry groups and states, US EPA twice delayed the effective date of the amendments (currently to June 19, 2017). Both houses of Congress have filed resolutions seeking to repeal the RMP amendments under the Congressional Review Act.

2. 2017 US Army Corps of Engineers Clean Water Act Nationwide Permits

On March 19, 2017, new nationwide permits (NWP) issued by the U.S. Army Corps of Engineers went into effect. The 2017 NWPs replace the Corps’ previous 2012 NWPs and will be in effect for the next 5 years, providing a streamlined general permitting process for discharges of dredged or fill material into jurisdictional “waters of the United States,” including wetlands, for covered activities. The 2017 NWPs, 52 in total, include two entirely new permits for living shorelines and removal of low-head dams, and make significant changes to a number of preexisting permits and the General Conditions applicable to all NWPs. The modifications include: modifications to pre-construction notification requirements; modifications to General Conditions regarding endangered species, migratory birds, mitigation, and pre-construction notification; and modifications to decision-making directions to Corps district engineers. Environmental non-governmental organizations are likely to challenge many of the 2017 NWPs, as they (unsuccessfully) challenged the Corps’ 2012 NWPs and submitted extensive adverse comments on the proposed 2017 NWPs.

C. Legislative

On March 28, 2017, President Trump signed the Executive Order on Promoting Energy Independence and Economic Growth (EO), directing the roll back of the Clean Power Plan and having broad implications for how the executive branch will regulate emissions contributing to climate change. The EO revokes a number of executive orders issued by the Obama administration and climate change guidance documents. The EO directs the EPA to immediately review and, if appropriate, take steps to suspend, revise, or rescind the Clean Power Plan. It also disbands the Interagency Working Group on Social Cost of Greenhouse Gases and withdraws its guidance documents; directs the Secretary of the Interior to lift the Obama Administration’s moratorium on coal leasing on federal lands; and directs the Administrator of the EPA and the Secretary of the

Interior to review other rules relating to the oil and gas sector, including rules relating to hydraulic fracturing on federal and tribal lands.

The Clean Power Plan has been challenged by multiple states and industry groups, and on February 9, 2016, the Supreme Court stayed the rule until various legal challenges are resolved. As a result of the stay, EPA Administrator Scott Pruitt has stated that states and other interested parties are neither required nor expected to continue to work towards meeting the compliance dates set forth in the Clean Power Plan. While the future of the Clean Power Plan is unclear, it is likely that the EPA will attempt to either rescind the Clean Power Plan entirely, or propose regulations far less stringent so as to no longer impose emissions limits that are difficult for coal-fired power plants to meet.

Most elements of the EO will require notice-and-comment rulemaking prior to implementation, and will then most certainly prompt follow-up litigation, ensuring a period of regulatory uncertainty.

D. Judicial

On April 3, 2017, the US Supreme Court declined the acting US Solicitor General's request to pause an appeal of the Sixth Circuit's decision that it has jurisdiction to hear challenges to the US EPA's Waters of the United States Rule (WOTUS Rule). The case is currently being briefed and the US Supreme Court will decide the question of whether the Sixth Circuit properly asserted exclusive jurisdiction over the challenges to the WOTUS Rule. While the US Supreme Court will determine the jurisdiction for hearing future challenges, thus clarifying the path for future litigation, the substance of the WOTUS Rule is expected to change, per the direction of President Trump's Executive Order directing US EPA to revise the rule.

Appellate-level challenges to the rule were consolidated at the Sixth Circuit, which said in a 2-1 ruling that district courts don't have jurisdiction to hear challenges to the WOTUS rule. The Supreme Court took the case in January on the issue of whether the federal district courts should be allowed to decide the matter. The US EPA and the US Army Corps of Engineers had previously urged the Supreme Court to leave the matter at the appellate court.

TO: OMA Environment Committee
FROM: Rob Brundrett
RE: Environment Public Policy Report
DATE: June 21, 2017

Overview

Ohio EPA remains active on a variety of regulatory fronts. They continue to push for Senate Bill 2, the agency's priority. Most of their budget request is noncontroversial. A new proposal responding to an Ohio Supreme Court decision regarding TMDLs had been somewhat contentious but the agency and interested parties had settled on new amendment language in the Senate.

General Assembly News and Legislation

Senate Bill 2 – Ohio EPA Water Bill

Senator Cliff Hite (R-Findley) introduced Senate Bill 2. The bill was formerly the Ohio EPA Water MBR bill in the 131st General Assembly. That bill ran into some last minute controversy and was not passed during lame duck in 2016. Among the provisions is language that would exempt slag from Ohio's water statutes. The OMA and some OMA members have provided proponent testimony. The bill is waiting for a House floor vote that could happen as soon as this week.

House Bill 49 – State Budget Bill

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

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

Other changes include expansion of the local air agency statute, the authority to waive or reduce late payment penalties and fees, and to authorize explosive landfill gas monitoring. A recent amendment in the Senate would remove the fees associated with Alternative Daily Cover at landfills. OMA has advocated for this change over the past two years. The bill must be signed by the Governor prior to July. The Senate will move the bill this week. Conference committee will then decide the differences between the two chambers.

Regulations

Industrial Storm Water Permits

In January the OMA submitted comments to Ohio EPA about its proposed renewal of its National Pollution Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activity.

The OMA commented about sampling, benchmark feasibility, alternative benchmarks and non-industrial pollutants, among other items. The OMA also led a business group coalition in providing additional comments to Ohio EPA. The OMA had a follow up call with the agency to discuss any questions the agency may have had regarding OMA comments.

Ohio EPA will review and respond to comments provided. The agency plans to finalize the permit this spring.

The permit was finalized in May and went into effect June 1.

Universal Waste

The OMA-led initiative to expand Ohio EPA's definition of universal waste to include more items, among them, paint and paint-related wastes, took another step forward in December. The OMA working group submitted comments in reaction to Ohio EPA's universal waste proposal.

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

The OMA commented on a variety of issues from storage to transportation to management standards. Ohio EPA has prepared responses to comments and final rule that is waiting on agency approval. Once the response to comments is approved by CSI the agency will file at JCARR.

Thank you to the members who participated in drafting comments.

Hazardous Waste Management-Federal Definition of Solid Waste

Ohio EPA initiated an ESO for Hazardous Waste Management-Federal Definition of Solid Waste rule changes. OMA submitted comments to Ohio EPA. The comments were supportive of Ohio's proposal that the 2015 federal DoSW changes be adopted into Ohio's hazardous waste management rules. The OMA believes the continuity of this approach will allow for streamlined industry adoption of the new policies.

Ohio EPA Agency News

Ohio Materials Marketplace

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

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

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

Ohio EPA Scores Another Legal Victory over Army Corps

Last month a federal judge ruled the U.S. Army Corps of Engineers must pay the past costs of disposing dredged material from the Cuyahoga River into contaminant areas around Lake Erie.

The court also said that the Army Corps was wrong to delay dredging of the river while it argued with the state regarding the disposal of the dredged material.

Ohio EPA and the Army Corps have been arguing over whether sediment dredged from the Cuyahoga River is clean enough for open lake dumping. The Army Corps insists it can be safely

dumped into Lake Erie. Ohio EPA contends the material is full of polychlorinated biphenyls (PCBs) and therefore should not be dumped into Lake Erie.

Manufacturers who depend on the dredging to clear transportation channels have been held hostage while the parties argue through the courts about disposing of the material. Hopefully last month's ruling brings parties closer to a final solution.

Chairman of the Board
WILLIAM E. SOPKO
President, William Sopko & Sons Co., Inc.



President
ERIC L. BURKLAND

May 2, 2017

The Honorable Al Landis
Chairman, Energy and Natural Resources Committee
Ohio House of Representatives
77 S. High St., 11th Floor
Columbus, OH 43215

RE: Senate Bill 2 – Written Proponent Testimony

Dear Chairman Landis:

The Ohio Manufacturers' Association (OMA) appreciates the opportunity to provide written proponent testimony to Senate Bill 2. As Ohio EPA Director Butler pointed out in his testimony, the bill "continues to build on the Governor's commitment to protect Lake Erie while also addressing critical concerns in surface and drinking water and solid waste." It is important that Ohio remains committed to protecting its precious water resources including everything from navigable shipping channels to clean drinking water.

In particular, there is a provision in the bill that OMA has long advocated: common sense regulation of slag. The bill recognizes that slag is a valuable product and not a waste under Ohio's water laws. Senate Bill 2 exempts slag from excessive regulation while at the same time requiring that slag be used in a manner that conforms with appropriate water quality standards (primary or secondary containment levels for ground water). Also, slag will not be permitted in any discharge prohibited by federal environmental law, or treated in a manner that is a threat to public health, safety, or the environment. Note that slag has been exempt from the definition of "solid waste" under Ohio's waste laws for decades.

The bill nicely balances environmental protection with economics by allowing for the responsible use of slag in the market, but maintains common sense regulations that hold entities accountable for misuse.

The OMA appreciates the time and effort that Senator Hite and Ohio EPA have invested in crafting this legislation and we encourage a swift, affirmative vote of the esteemed committee.

Sincerely,

Robert Brundrett
Director, Public Policy Services
The Ohio Manufacturers' Association



MEMORANDUM

TO: The Ohio Manufacturers Association

FROM: Frank Merrill, Bricker & Eckler LLP

DATE: June 15, 2017 (Revised)

RE: Proposed Total Maximum Daily Loads (TMDL) Law

On February 10, 2017, House Bill 49 was introduced into the Ohio House of Representatives. H.B. 49 included provisions for the revision of R.C. 6111.03 and addition of Ohio Revised Code 6111.561, in response to the March 24, 2015 Ohio Supreme Court decision in *Fairfield Cty. Bd. of Commrs. v. Nally*, 143 Ohio St.3d 93, 2015-Ohio-991. (These provisions can be found in H.B. 49 at pages 2972 through 2976). In the *Fairfield County* decision, the Supreme Court ruled that the Ohio EPA must adhere to Ohio's statutory rulemaking procedure prior to establishing pollutant limits for a body of water.

Since releasing H.B. 49, Ohio EPA has released several modified versions of the bill. On June 14, 2017, following a public comment period and several meetings with stakeholders in which The OMA took part, Ohio EPA submitted final revised bill language to Senator Troy Balderson, requesting that the language be included in the H.B. 49 Omnibus Amendment.

The Ohio Supreme Court Decision in *Fairfield Cty. Bd. of Commrs. v. Nally*:

The *Fairfield County* case stemmed from the Ohio EPA's issuance of a 2006 wastewater discharge renewal permit for the Tussing Road Water Reclamation Facility ("Tussing plant"), owned by Fairfield County, Ohio. Because the wastewater treatment plant discharges pollutants into nearby Blacklick Creek, part of the Big Walnut Creek watershed, the plant is required to obtain a National Pollutant Discharge Elimination System ("NPDES") permit from the Ohio EPA, pursuant to the federal Clean Water Act and state law. The Clean Water Act also requires each state to establish a total maximum daily load ("TMDL") for certain bodies of water. The TMDL establishes the maximum amount of a pollutant that may be discharged without causing the receiving body of water to violate water-quality standards.

Based upon Ohio EPA's TMDL for the Big Walnut Creek watershed, the renewal permit for the Tussing plant included a new condition limiting the discharge of phosphorus. The Ohio EPA imposed this new limit based on a survey in which the Ohio EPA collected biological and

chemical data for the area. Its survey suggested that the Tussing plant was contributing to a negative environmental situation in Blacklick Creek. Fairfield County appealed Ohio EPA's imposition of the new phosphorus limit in its NPDES permit to the Ohio Environmental Review Appeals Commission, and subsequent appeals were made to the Tenth District Court of Appeals and eventually the Ohio Supreme Court.

In the opinion, written by Justice Judith Ann Lanzinger, the Court held that a TMDL established by the Ohio EPA, pursuant to the Clean Water Act, is a "rule". Therefore, the Ohio EPA must abide by the procedures outlined in Ohio Revised Code ("R.C.") Chapter 119, which provide for, among other procedures, public notice, comments and a public hearing prior to a rule being adopted.

Justice Lanzinger explained that a TMDL is a "rule" as defined in R.C. 119.01 because it is a "standard" that has "a general and uniform operation" and creates new legal obligations. Although the TMDL was specific to the Tussing plant, the Court provided that "[t]he TMDL applies to all current and future discharges in the Big Walnut Creek watershed." The opinion further explains that "[r]equiring Ohio EPA to undertake rulemaking procedures before applying the new standards set forth in the TMDL ensures that all stakeholders in the watershed have an opportunity to express their views on the wisdom of the proposal and to contest its legality if they so desire." As a result, the phosphorus limit cannot be included as part of the Tussing plant's NPDES permit because it did not undergo the R.C. Chapter 119 administrative rulemaking process. Because the phosphorus TMDL was part of impermissible rulemaking, the standard for the Tussing plant was vacated, and the case was remanded to the Ohio EPA.

In his concurring opinion, Justice Terrence O'Donnell provided that the "decision is far-reaching in that Ohio EPA has issued 1,761 TMDLs for watercourses throughout Ohio, including 132 TMDLs for phosphorus alone", none of which have been promulgated through the R.C. 119 administrative process. "[T]hus the majority's decision invalidates all of them, leaving the enforceability of numerous permits in question."

Final Proposed TMDL Bill Language

The bill outlines the scope of the Director of Ohio EPA's authority in establishing TMDLs for pollutants for each impaired water of the state or segment thereof as identified and listed in the Clean Water Act section 1313(d). It includes revisions to R.C. 3745.03 to require the environmental review appeals commission to adopt or amend regulations governing procedure to be followed to govern expedited hearings, expedited decisions, and stays. It also includes the addition of Revised Code Sections 6111.561 through 6111.564.

The proposed additions in R.C. 6111.561 clarify that the development, establishment, or modification of a TMDL is not subject to rule adoption, amendment, or rescission procedures pursuant to R.C. Chapters 106, 111, 199, and 121. Rather, the Director is to develop plans or actions necessary for implementing a TMDL in accordance with R.C. Chapter 6111. R.C. 6111.561 further sets forth that the establishment of a final TMDL by the director is not a final

action of the director and does not have the force and effect of law, but may be challenged in accordance with the provisions of R.C. 6111.564.

R.C. 6111.562 and 6111.563 contain provisions governing notice and opportunity for comment. R.C. 6111.562 obligates the director to provide notice and opportunity for input from potentially affected dischargers, county soil and water conservation districts, and other stakeholders at various enumerated stages of development of those TMDLs established after March 24, 2015, and that not less than 30 days shall be allowed for such input at each stage. Further, the director is to make available to stakeholders documentation that he relied upon during each stage of development of a TMDL. R.C. 6111.562 also sets forth the factors the director shall consider and evaluate when determining wasteload and load allocations, pollution control measures to achieve pollutant load reductions, and implementation plans and schedules for each TMDL.

R.C. 6111.563 obligates the director to prepare an official draft TMDL prior to establishing a final TMDL and plans and actions necessary for TMDL implementation. At a minimum, public notice of the official draft TMDL is to be provided to all individual NPDES permit holders that discharge into the water of the state to which the official draft TMDL relates, all significant industrial users listed in the permit holders' annual report, and any other stakeholder that has provided input in accordance with R.C. 6111.562. The time period for comment is to be not less than 60 days, and the director is to provide the opportunity for a public hearing on the official draft TMDL if there is significant public interest. Any modifications to a TMDL are subject to the same notice, comment, and public hearing requirements that apply to official draft TMDLs established after March 24, 2015.

R.C. 6111.563 further clarifies that any TMDL that is successfully challenged pursuant to R.C. 6111.564 is to be modified to conform to the final appeal decision of the highest tribunal of competent jurisdiction and resubmitted to US EPA for approval. The director is to consider the likelihood of a legal challenge based on comments received during the development of the TMDL and public comment period when establishing a compliance schedule in an NPDES permit to meet an effluent limit that is based on a TMDL. Finally, R.C. 6111.563 requires the Director to adopt rules by no later than December 31, 2018, to address the procedures for providing notice to stakeholders and criteria for determining significant public interest in TMDL development.

Lastly, R.C. 6111.564 addresses challenges to appeals of final TMDLs. A final TMDL may be challenged during the appeal of an NPDES permit containing TMDL-based effluent limits, pretreatment limits derived therefrom, or other terms and conditions before the environmental review appeals commission. If a publicly owned treatment works appeals a TMDL-based permit, R.C. 6111.564 directs the environmental review appeals commission to join as parties to the appeal (subject to the right of voluntary dismissal) all significant industrial users listed in those NPDES permit holders' annual pretreatment program reports who are known to discharge a significant amount of a pollutant limited by the TMDL into the publicly owned treatment works. Moreover, the director is to notify the NPDES permit holder and all significant industrial users of an NPDES permit issued in draft or final form to a publicly owned treatment

works that contains TMDL-based effluent limits, pretreatment limits derived therefrom, or other terms and conditions based on that TMDL.

In sum, the bill does not require that each and every TMDL go through formal rulemaking pursuant to R.C. Chapter 119. However, each TMDL, including modified TMDLs, must go through the public notice, public comment, and public hearing process. While the rule specifies that TMDLs are not final actions of the director, and therefore not independently appealable to ERAC, the rule allows for appeals to ERAC of any permit containing limits based on a TMDL, and specifies that indirect dischargers as well as direct dischargers may appeal. The rule therefore provides for due process considerations in a similar manner as the R.C. Chapter 119 process, while conserving the considerable amount of agency resources that would otherwise be spent on taking each and every TMDL through the formal R.C. Chapter 119 process.

Ohio Environmental Protection Agency

Fact Sheet for

National Pollutant Discharge Elimination System (NPDES)

General Permit for Storm Water Discharges Associated with Industrial Activity

“Multi-Sector General Permit”

I. Background

In 1972, the Federal Water Pollution Control Act [(also referred to as the Clean Water Act (CWA)] was enacted. It provides that the discharge of pollutants to waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The 1987 amendments to the CWA added section 402(p) which establishes a framework for regulating municipal and industrial storm water discharges under the NPDES program. On Nov. 16, 1990 and on Dec. 8, 1999, U.S. EPA published final regulations that establish requirements as to which storm water dischargers are required to obtain NPDES permits. Ohio, being a delegated NPDES State, is required to administer the storm water regulations.

Ohio EPA initially issued a general permit for storm water discharges associated with industrial activity (referred to as the industrial general permit) on Oct. 26, 1992. That general permit expired on April 26, 1994. This fact sheet addresses the sixth generation of the industrial storm water general permit (Permit No. OHR000006).

II. Description of General Permit Coverage and Type of Discharges

This general permit covers new and existing point source discharges of storm water associated with industrial activity to surface waters of the State. Unlike OHR000005, this permit will allow coverage for storm water discharges from marinas (SIC code 4493). This permit does not cover the following:

- Storm water discharges currently addressed by an individual NPDES permit.
- Storm water discharges associated with construction activity. Ohio EPA has specific general permits for this type of discharge.
- Storm water discharges that the Director of Ohio EPA has determined to be contributing to a violation of a water quality standard.
- Storm water discharges from petroleum bulk stations and terminals (SIC code 5171). Ohio EPA has a specific general permit for this type of discharge.
- Active landfills.
- Metal mining (SIC code 10xx).
- Coal surface mining (SIC code 1221). Ohio EPA has a specific general permit for this type of discharge.
- Phosphatic fertilizer manufacturers (SIC code 2874).

- The following storm water discharges subject to effluent limitation guidelines under 40 CFR, Subchapter N are not eligible for coverage and shall obtain authorization under an individual NPDES permit:
 - Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874) (40 CFR Section – Part 418, Subpart A).
 - Runoff from hazardous waste and non-hazardous waste landfills (40 CFR Section – Part 445, Subparts A and B).
 - Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures (40 CFR Section – Part 449).

Discharges to the surface water categories Superior High Quality Waters, Outstanding State Waters, and Outstanding National Resource Waters, excluding Lake Erie, must have had continuous general permit coverage for storm water associated with industrial activity since Feb. 10, 1996 in order to be eligible for coverage under OHR000006. These restrictions are the result of Ohio Administrative Code 3745-1-05, Antidegradation Rule.

Facilities with industrial storm water discharges not eligible for coverage under this renewal permit will have to apply for an individual NPDES permit or seek coverage under an alternative NPDES general permit that does apply.

III. **Application and Termination Procedures**

Notice of Intent: To obtain industrial general permit coverage, each discharger submits a Notice of Intent (NOI) application. A discharge covered by a general permit does not need to be authorized by an individual NPDES permit. The NOI requirements of the general permit are intended to establish a mechanism that provides a clear accounting of the number of entities covered by the permit, the nature of operations at the facility generating the discharge, and their identities and locations.

Dischargers in Ohio that are required by federal regulations to obtain a permit for storm water associated with industrial activity, unless exempted from eligibility, can be regulated by the industrial general permit. To obtain or continue coverage, a discharger needs to complete and submit the Notice of Intent (NOI) application using the NOI electronic application form available through the Ohio EPA eBusiness Center at: ***<https://ebiz.epa.ohio.gov/>***.

Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the NOI. Existing eBusiness Center account holders can access the NOI form through their existing account and submit using their existing PIN. Please see the following link for guidance: ***[http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide\(Dashboard\).pdf](http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide(Dashboard).pdf)***

Coverage will commence when written approval of coverage is received from the Director authorizing the discharge in accordance with the requirements of OHR000006.

Entities that had coverage under general permit number OHR000005 and intend to continue coverage for a storm water discharge associated with industrial activity under the renewed general permit, shall submit a new NOI application through the Ohio EPA eBusiness Center within 90 days of the date of Ohio EPA's written instructions to re-notify. New facilities that plan to initiate a storm water discharge are required to submit an NOI application through the Ohio EPA eBusiness Center within 180 days prior to commencing discharge.

Industrial storm water dischargers required to obtain permit authorization to discharge who fail to obtain coverage under this general permit, or are not otherwise covered by an NPDES permit for storm water discharges associated with industrial activity, will be in violation of ORC Chapter 6111.

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

Notice of Termination: Each individual site covered under the general permit must submit a Notice of Termination (NOT) to terminate coverage under this permit. Once storm water discharges associated with regulated industrial activity covered by this permit are eliminated, the permittee must submit an NOT. Failure to submit an NOT constitutes a violation of the permit. To terminate coverage, a discharger needs to complete and submit the NOT application using the NOT electronic application form available through the Ohio EPA eBusiness Center at: <https://ebiz.epa.ohio.gov/>. Please see the following link for guidance:

[http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide\(Dashboard\).pdf](http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide(Dashboard).pdf)

IV. Description of Permit Conditions

The general permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The purpose of implementing an SWPPP is to minimize or eliminate the potential for contamination of storm water by industrial activities. The MSGP's framework consists of general requirements and SWPPP conditions applicable to all regulated facilities (Parts 1-5 of permit) and, in addition, sector specific requirements depending on the type of industry (Part 8 of permit). Part 6 of the permit includes monitoring procedures for facilities subject to quarterly benchmark and/or annual effluent limitation guideline monitoring requirements. Part 7 is applicable to all facilities and includes the Reporting and Recordkeeping requirements.

Facilities should look at Appendix D of the general permit to determine which sector(s) requirements (Part 8) apply to their operations. Appendix D identifies the sectors of industrial activity, by Standard Industrial Classification (SIC) Codes and Industrial Activity Codes, to determine a facility's sector. A complete list of SIC Codes [(and conversions from the newer North American Industry Classification System (NAICS)] can be obtained from the Internet at www.census.gov/epcd/www/naics.html.

U.S. EPA's MSGP guidance is relevant to this general permit renewal. For additional guidance and templates, interested parties should review the following U.S. EPA federal MSGP documents:

- Federal MSGP Fact Sheet
- Industrial Sector Fact Sheets

- Industrial SWP3 Guidance
- Sample SWP3 Template
- Sample Recordkeeping Templates
- Industrial Storm Water Monitoring and Sampling Guide

The above documents can be viewed on the Internet at

<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#factsheets>

In comparison to the previous general permit (OHR000005), OHR000006 contains the following noteworthy changes (identified by permit part):

1. Part 1.1.3. More specific language has been added for conditions when pavement wash waters and routine external building washdown are an allowable non-storm water discharge authorized by the permit. This language is consistent with U.S. EPA's current 2015 MSGP.
2. Part 1.1.4.4. There is no change to this part of the permit; however, language was added which clearly lists the storm water discharges subject to effluent limitation guidelines under 40 CFR, Subchapter N that are not eligible for coverage under this general permit and would require authorization to discharge under an individual NPDES permit. OHR000005 did not specifically list these discharges and U.S. EPA requested that Ohio EPA clearly list these discharges as not eligible for coverage with this permit renewal.
3. Part 1.3.1, Part 1.4.1 and Part 1.5. This general permit renewal will require Notice of Intent (NOI), Notice of Termination (NOT) and No Exposure Certifications to be submitted electronically using Ohio EPA's electronic application forms which are available through the Ohio EPA eBusiness Center at **<https://ebiz.epa.ohio.gov/>**.

Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the applications. Existing eBusiness Center account holders can access the applications through their existing account and submit using their existing PIN. Please see the following link for guidance:

[http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide\(Dashboard\).pdf](http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide(Dashboard).pdf)

The general permit does provide that an entity which is unable to access the forms through the agency eBusiness Center; due to a demonstrated hardship, may submit the applications via paper applications provided by Ohio EPA.

4. Part 4.1.3 and Part 4.2.3. Language has been added which allows the reduction of the required frequency for routine facility inspections and quarterly visual assessments for facilities that are recognized under the Gold and Platinum levels by Ohio EPA's Encouraging Environmental Excellence (E3) Program. For additional information on Ohio EPA's E3 Program, please see the following link: **<http://epa.ohio.gov/ocapp/ohioe3.aspx>**.
5. Part 4.3. U.S. EPA's 2015 federal MSGP consolidated the comprehensive site inspection and routine facility inspection procedures into one set of procedures to eliminate redundancies and reduce burden. This general permit has mirrored this

approach and Part 4.3 (Comprehensive Site Inspections) has been removed from the general permit.

6. Part 5.1.5.1. Any documents which the SWPPP references for incorporation into the SWPPP must be available on site. This could be in either hard copy format or electronically. Language was added to Part 5.1.5.1 to clarify that an electronic version is acceptable.
7. Part 5.3. Language has been added requiring permittees to make available to the public their SWPPP when requested, excluding any confidential business information (CBI) or restricted information.
8. Part 6.1.1. Language was added to clarify that for monitoring purposes, an outfall can include a discrete conveyance (i.e., pipe, ditch, channel, tunnel or conduit) or a location where sheet flow leaves a facility's property.
9. Part 6.2.1.2. The general permit provides permittees the first 3 years of their permit coverage under the general permit to complete the benchmark monitoring requirements which is consistent with OHR000005. Language has been added to clarify that permittees obtaining coverage in years 4 and 5 of the general permit must complete benchmark monitoring requirements to the extent of remaining monitoring periods available before the general permit expires.
10. Part 6.2.1.2. Language was added to provide permittees that may be exceeding a benchmark; due to, a neighboring facility's storm water run-on a procedure to document and account for this situation. Such sampling results are to be documented within eDMR's comment section.
11. Part 6.2.1.2. Language was added to allow a facility to default to a different benchmark value if a parameter's water quality standard is less restrictive than the permit's benchmark value.
12. Part 6.2.1.2. Language was added that, in accordance with Part 2, determined pollutant concentrations from your facility's structures (roofs, walls, fencing, etc.) may be considered to determine if it is technologically available and economically practical and achievable in light of best industry practice to implement additional control measures or not, when a benchmark has been exceeded.
13. Part 7.2 and Appendix I. The annual report has been modified to be consistent with U.S. EPA's current federal MSGP Annual Report. Consistent with OHR000005, the annual report is to be completed on an annual basis and maintained with the permittee's SWPPP.
14. Part 8.C.2.1. Language was added to more clearly identify that the discharge of leachate, as defined by Ohio Administrative Code (OAC) 3745-27-01(L)(1), is not authorized by this general permit.
15. Table 8.C-1 and Appendix D, Sector C. Compost facilities (SIC 2875) were originally located in Subsector C1. Compost facilities have been removed from Subsector C1 and located in a newly created Subsector C6 which provides more appropriate benchmark monitoring parameters for this industry. As such, Table 8.C-1 and

Appendix D, Sector C has been revised to specify that SIC 2875 (non-composting) will be subject to Subsector C1 and SIC 2875 (composting) will be subject to Subsector C6.

16. Part 8.N.3.1.7. Language was added to clarify that secondary containment under this permit part is referencing stationary outdoor equipment and not mobile equipment (i.e., loaders).
17. Part 8, Subpart Q – Sector Q – Water Transportation. Marinas have been added to Sector Q of the general permit. Currently, Ohio EPA has a specific general permit for marinas (OHRM00002) which expires on January 21, 2018. Ohio EPA will not be renewing the Marina Storm Water general permit when it expires. Marinas with coverage under OHRM00002 will remain covered under that general permit until it expires. Once the Marina Storm Water general permit expires on January 21, 2018, these currently permitted marinas will be instructed to renew their coverage under this general permit and be subject to this general permit's conditions at that time.

The current Marina Storm Water general permit authorizes the discharge of boat wash water if no detergents or other chemical cleaning agents are used. This general permit does not authorize boat wash water. Such discharges would require proper collection and disposal (i.e., sanitary sewer) or be permitted by a separate NPDES permit.

18. Appendix B. Standard Permit Conditions. Appendix B has been updated to reflect the "Standard Permit Conditions" language found within Ohio EPA general permits. OHR000005's "Standard Permit Conditions" language was from U.S. EPA's federal MSGP and required updating to be consistent with Ohio's other NPDES general permits.

The final general permit and associated documents can be viewed on the Internet at:
http://epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx

V. Additional Information

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

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Michael.Joseph@epa.ohio.gov

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May 19, 2017

Karen Hale
Ohio Environmental Protection Agency, DERR
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049
Karen.Hale@epa.ohio.gov

**Re: Early Stakeholder Outreach – Hazardous Waste Management-Federal
Definition of Solid Waste (“DoSW” rules)**

Dear Ms. Hale,

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

The OMA respectfully submits the following comments in response to the Ohio Environmental Protection Agency’s (“Ohio EPA”) Early Stakeholder Outreach regarding proposed amendments to Ohio Administrative Code Chapters 3745-50 and 3745-51.

The OMA supports Ohio’ EPA’s proposal that the 2015 federal DoSW changes be adopted into Ohio’s hazardous waste management rules. The OMA believes the continuity of this approach will allow for streamlined industry adoption of the new policies. Additionally, the proposals allow manufacturers greater flexibility and choice in recycling these useful and cost-effective materials which would have otherwise been managed (for an intervening period of time) as a hazardous waste. The OMA is particularly interested in the draft rule’s adoption of the proposed “Remanufacturing Exclusion” involving inter-company transfer for off-site reclamation of certain materials. The ability to transfer such materials between manufacturers for reclamation would assist the industry in expedient reuse of these often-valuable substances. The OMA also supports the self-implementing nature of the “Remanufacturing Exclusion.”

The OMA looks forward to Ohio EPA’s submission of the draft rule for comment and appreciates the opportunity to participate in this process.

Sincerely,



Rob Brundrett
Director, Public Policy Services

cc: Frank L. Merrill, Esq.
Julianne Kurdila

Environment

[TMDL Rule Included in Budget Bill](#)

June 16, 2017

This week, following several meetings with stakeholders in which the OMA took part, Ohio EPA submitted final revised language to be included in HB 49, the state budget bill, that would describe Ohio's statutory rulemaking procedure prior to establishing pollutant limits for a body of water.

The bill outlines the scope of the Ohio EPA director's authority in establishing Total Maximum Daily Loads (TMDLs) for pollutants for each impaired water of the state or segment thereof.

Here is a [memo from OMA environmental counsel](#) Frank Merrill, of Bricker & Eckler, that describes what the regulated community can expect under the new language, including: "... each TMDL, including modified TMDLs, must go through the public notice, public comment, and public hearing process. ... the rule allows for appeals to Ohio Environmental Review Appeals Commission (ERAC) of any permit containing limits based on a TMDL, and specifies that indirect dischargers as well as direct dischargers may appeal. The rule therefore provides for due process considerations ..." 6/15/2017

[Jones Day Summarizes U.S. Withdrawal from Paris Agreement](#)

June 9, 2017

OMA Connections Partner, Jones Day, has summarized the U.S. withdrawal from the Paris Climate Agreement this way:

The Situation: In a multinational effort to address climate change, nearly 200 countries adopted the Paris Climate Accord in late 2015. But in June 2017, President Donald Trump announced that the United States will cease implementing the provisions of the Paris Accord.

The Result: The United States will no longer observe emissions reductions pledges, and the Paris Accord's emissions reductions targets will likely not be used by the federal government to determine greenhouse gas policies.

Looking Ahead: Formal U.S. withdrawal will take approximately four years. Also, a coalition of states is

considering climate change actions independent of federal regulations."

Read [more from Jones Day](#) about the impacts of this action. 6/7/2017

Ohio EPA Continues to Push on TMDL Budget Fix May 26, 2017

Reacting to the input of interested parties, Ohio EPA made several changes to its introduced Total Maximum Daily Load (TMDL) **language** included in the state budget.

However, several items remain unresolved including automatic stays. Under the bill, Ohio EPA is required to allow public comment when a TMDL is established, and such decisions would be appealable to the Environmental Review Appeals Commission. The bill also allows for appeals of existing National Pollutant Discharge Elimination System (NPDES).

OMA environmental counsel Frank Merrill, Bricker & Eckler, **provided an updated memo** about the latest bill language. 5/25/2017

Ohio EPA Drafting Rules for Alternative Fuel Conversion Grant Program May 26, 2017

Ohio EPA is developing a set of rules to implement a new grant program for converting or replacing diesel- and gasoline-powered large vehicles to run on alternative fuels. The agency is seeking public comment on the draft rules.

Legislation passed by the Ohio General Assembly in 2016 authorizes Ohio EPA to create an alternative fuel vehicle (AFV) conversion grant program. A total of \$5 million is available for grants to encourage the purchase of new large trucks and other vehicles with a gross vehicle rating of at least 26,000 pounds, that run on compressed natural gas, liquid natural gas, or liquid petroleum gas, including bi-fueled or dual-fueled trucks that can run on both an alternative fuel and on gasoline or diesel fuel. Grants can also cover the cost of converting one or more eligible traditional fuel vehicles into alternative fuel vehicles.

The Office of Environmental Education is seeking input on **these draft rules** by 5:00 p.m. on Wednesday June 21, 2017. Contact **Carolyn Watkins** at (614) 644-2873. 5/23/2017

Ohio EPA Releases New Storm Water Permit
May 19, 2017

This week Ohio EPA officially posted to its website the new **Industrial Storm Water General Permit**, which takes effect June 1. Among the posted resources are a fact sheet and responses to comments made by the OMA and other interested parties. The new permit will expire May 31, 2022.

OMA staff and members worked with Ohio EPA over the past year to ensure that the new permit did not become more stringent than the previous iteration. *5/18/2017*

OMA Continues Push for Slag Regulation Reform
May 12, 2017

OMA **presented testimony** this week to the House Energy and Natural Resources Committee in support of **Senate Bill 2**, a water quality bill which contains slag regulation reform supported by OMA.

The OMA remains committed to the common sense regulation of slag. In written testimony before the committee, OMA's Rob Brundrett said: "The bill recognizes that slag is a valuable product and not a waste under Ohio's water laws. Senate Bill 2 exempts slag from excessive regulation while at the same time requiring that slag be used in a manner that conforms with appropriate water quality standards ..."

OMA member **McWane-Ductile** also presented **proponent testimony**. The bill is expected to move from committee soon. *5/11/2017*

Ohio EPA Scores Another Legal Victory over Army Corps
May 12, 2017

Last week a federal judge ruled the U.S. Army Corps of Engineers must pay the past costs of disposing dredged material from the Cuyahoga River into contaminant areas around Lake Erie.

The court also said that the Army Corps was wrong to delay dredging of the river while it argued with the state regarding the disposal of the dredged material.

Ohio EPA and the Army Corps have been arguing over whether sediment dredged from the Cuyahoga River is clean enough for open lake dumping. The Army Corps insists it can be safely dumped into Lake Erie. Ohio EPA contends the material is full of polychlorinated biphenyls (PCBs) and therefore should not be dumped into Lake Erie.

Manufacturers who depend on the dredging to clear transportation channels have been held hostage while the parties argue through the courts about disposing

of the material. Hopefully last week's hearing brings parties closer to a final solution. *5/11/2017*

Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements
May 12, 2017

If you store oil or oil products, you could be subject to the Spill Prevention Control and Countermeasure (SPCC) regulations. These federal regulations (40 CFR Part 112) require that certain procedures, methods and equipment be used to prevent and contain discharges of oil or petroleum products. This includes the development of a spill prevention and response plan.

The SPCC regulations apply to non-transportation-related facilities that store oil or petroleum products in greater than threshold quantities and, due to facility location, a discharge could reasonably be expected to reach a waterway (including sewer pathways).

Here's a good **fact sheet from Ohio EPA** on the subject. *5/10/2017*

Pollution Prevention for Metal Finishing: Save Money, Reduce Waste
May 5, 2017

High disposal fees and raw material costs can be a financial drain on your metal finishing operation. To remain competitive and go beyond compliance, pollution prevention (P2) can be the easiest and best management choice for reducing these costs and waste issues. **Read more** from Ohio EPA. *5/4/2017*

Industrial Storm Water Permitting – No Exposure Certification Can Save Money
May 5, 2017

Regulated businesses must either apply for an industrial storm water discharge permit or submit a no-exposure certification (NOEC). This Ohio EPA **article will help you understand** the NOEC and changes you can make that may make you eligible for the NOEC. *5/4/2017*

Financial Assistance for Air Quality Improvements
May 5, 2017

The Ohio Air Quality Development Authority (OAQDA) is a non-regulatory agency created by the Ohio General Assembly in 1970 to provide for the conservation of air as a natural resource of the state by preventing or abating air pollution. It accomplishes this by helping businesses finance air quality facilities.

OAQDA is committed to helping businesses obtain the most productive equipment in the most cost-

effective ways possible to improve air quality and energy efficiency. Many companies realize both tax savings and lower utility bills through their energy efficiency projects.

And within the OAQDA, the Clean Air Resource Center (CARC) helps small businesses (100 employees or less) find the most cost-effective ways to meet the requirements of the Clean Air Act.

Read [more about OAQDA services here](#). 5/4/2017

Slag Reform Vehicle Gets House Hearing **April 28, 2017**

After breezing through the Senate 33-0, **Senate Bill 2** had its first hearing in the House. Members heard **sponsor testimony** from the bill sponsor **Senator Cliff Hite** (R-Findlay) and also heard **testimony** from Ohio EPA Director **Craig Butler**.

The bill focuses on a variety of Ohio water issues ranging from public water systems to Lake Erie dredging. The bill also includes a provision the OMA has strongly advocated which would recognize slag as a marketable product and not a waste under Ohio's water laws. Specifically the bill exempts slag from excessive regulation, while at the same time requiring that it be used in a manner that conforms with appropriate water quality standards. A second hearing is expected next week. 4/27/2017

Ohio's Online Materials Marketplace Formally Launched **April 7, 2017**

Ohio EPA Director Craig W. Butler was in Sandusky this week to announce the launch of the new online platform whereby Ohio businesses can advertise and acquire scrap and by-product materials that might otherwise be destined for disposal in landfills. The new **Ohio Materials Marketplace** is a free online platform allowing these organizations to connect and find solutions to material reuse and recycling needs, thereby, facilitating the shift towards a circular, closed-loop economy.

Examples of materials posted on the marketplace (and their potential re-uses) include common items such as bulk wooden pallets (mulch base) or used bricks (building materials). Other items reflect materials from industrial processes such spent foundry sand (to be mixed with potting soil), and specialized items such as spent hydro-treating catalyst (metals recovery).

Along with browsing for materials, users of the marketplace can post "wanted" items, thereby, seeking items that may serve as substitutes for raw

materials or other items they currently purchase. Examples of such requests that have been posted thus far include bulk alumina oxide (for metals harvesting/recovery) and bulk food waste in packaging (to be used for aerobic digestion/energy recovery).

In the circular economy, products and by-products recirculate productively through reuse, remanufacturing, recycling and maintenance. Users of the **Ohio Materials Marketplace** can make or save money by finding a market for their unwanted materials and avoiding landfill tipping fees; buyers save money by having access to sellers' discounted (or free) materials; Ohio's environment benefits by having more material removed from the waste stream.

Ohio is the first state in the U.S. to adopt a circular economy program of this scope and scale.

An informational Ohio EPA webinar will be held on April 19, 2017. **Register here**. Or contact **Joseph Klatt** at (614) 644-2798. 4/5/2017

Training Resources on New Ohio EPA Storm Water Permit **April 7, 2017**

Last month, Ohio EPA hosted a webinar on its new industrial storm water general permit. The permit is now expected to be renewed in May 2017. Ohio EPA continues to compile responses to the comments provide by stakeholders.

Ohio EPA posted a link to the recorded webinar and a copy of the PowerPoint slides **in its training catalog here**. You can also view the entire webinar on **Ohio EPA's YouTube channel here**.

You can also watch a recording on how to **submit an electronic storm water permit here**. 4/6/2017

Environment Legislation
Prepared by: The Ohio Manufacturers' Association
Report created on June 19, 2017

- HB29** **MUNICIPAL WATER RESERVOIR BUFFERS** (LELAND D, BOGGS K) To eliminate law authorizing the maintenance of buffers around municipal water reservoirs by contiguous property owners.
Current Status: 4/25/2017 - House Energy and Natural Resources, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-29>
- HB62** **WATER QUALITY IMPROVEMENT** (PATTERSON J, SHEEHY M) To require the Director of Agriculture to adopt rules establishing the Ohio Water Quality Improvement Program, to exempt land enrolled in the Program from taxation, and to reimburse local taxing units for revenue lost due to that exemption.
Current Status: 5/10/2017 - House Agriculture and Rural Development, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-62>
- HB85** **ENTER HEALTH CARE COMPACT** (RETFERFORD W) To enter into the Health Care Compact.
Current Status: 3/7/2017 - House Federalism and Interstate Relations, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-85>
- HB225** **ABANDONED WELL REGULATION** (THOMPSON A) To allow a landowner to report an idle and orphaned well or abandoned well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well.
Current Status: 6/20/2017 - House Energy and Natural Resources, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-225>
- HCR4** **ELIMINATE E-CHECK REQUIREMENT** (YOUNG R) To urge Congress to amend the Federal Clean Air Act to eliminate the requirement to implement the E-Check Program, to urge the Administrator of USEPA to alleviate burdensome requirements of the E-Check Program and the Clean Air Act if Congress fails to act, and to encourage OEPA to explore alternatives to E-Check.
Current Status: 5/9/2017 - House Federalism and Interstate Relations, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HCR-4>
- SB2** **ENVIRONMENTAL PROTECTIONS LAWS** (HITE C) To revise specified laws relating to environmental protection.
Current Status: 5/23/2017 - **REPORTED OUT**, House Energy and Natural Resources, (Fourth Hearing)

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

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

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

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

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

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

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

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

Current Status: 3/7/2017 - Referred to Committee Senate Finance

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