



Environment Committee

May 19, 2021

Table of Contents

| | |
|---|-----------|
| AGENDA | 2 |
| Committee Attendee Roster | 3 |
| Bios | |
| • Bob Hodanbosi, Chief, Division of Air Pollution Control, Ohio EPA | 5 |
| • Ross Eisenberg, Vice President of Federal Affairs, American Chemistry Council | 6 |
| Ohio COVID-19 Update | 7 |
| OMA Motion to Intervene | 8 |
| U.S. EPA Environmental Justice | 23 |
| OMA Counsel's Report | 25 |
| Public Policy Report | 29 |
| • Budget Comp Document | 33 |
| • OMA Greater Miami River Comments | 44 |
| • OMA US EPA State SIP Comments | 52 |
| OMA Environment Articles | 53 |
| OMA Environment Bill Tracker | 56 |

**2021 Environment Committee
Calendar**
Meetings begin at 10 a.m.

Wednesday, September 29

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Environment Committee Agenda

May 19, 2021

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| Welcome & Roll Call | Chairman Julianne Kurdila, Cleveland-Cliffs Inc. |
| COVID-19 Update | Rob Brundrett, OMA Staff |
| Guest Speaker | Ross Eisenberg, American Chemistry Council |
| Discussion Issues | Member Discussion |
| <ul style="list-style-type: none">• Release Risk Management• OMA 6th Circuit Appeal | |
| OMA Counsel's Report | Christy Schirra, Bricker & Eckler LLP |
| Guest Presentation | Bob Hodanbosi, Ohio EPA |
| Public Policy Report | Rob Brundrett, OMA Staff |

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OMA Environment Committee - May 2021

| Name | Company | Location |
|----------------------------------|---|----------------------------------|
| Rees Alexander | Squire Patton Boggs | Columbus, OH United States |
| John Allen | Eagle Elastomer Inc | Cuyahoga Falls, OH United States |
| Wray Blattner | Thompson Hine LLP | Dayton, OH United States |
| Michael E. Born | Shumaker, Loop & Kendrick, LLP | Toledo, OH United States |
| Lorie Brengelman | Sugar Creek Packing Company | Cincinnati, OH United States |
| Kyle Brun, Intern | The Ohio Manufacturers' Association | Columbus, OH United States |
| Rob Brundrett | The Ohio Manufacturers' Association | Columbus, OH United States |
| Angela Buchowski | Pierre's Ice Cream Company | Cleveland, OH United States |
| Tammy Bukach | M T D Products Inc | Valley City, OH United States |
| Songjiun Chong | Plaskolite | Columbus, OH United States |
| Mike Coonfare | Civil & Environmental Consultants, Inc. | Worthington, OH United States |
| Mickey Croxton | Plaskolite | Columbus, OH United States |
| Marcos Cuevas | Warren Equipment Company | Katy, TX United States |
| Donald Lee Desender, Jr, ALCM | White Castle System, Inc. | Columbus, OH United States |
| Ryan Dominak | H C Starck, Inc. | Euclid, OH United States |
| Joseph F. Dutt | Summitville Laboratories | Minerva, OH United States |
| Ania Ediger | Cleveland-Cliffs Cleveland Works LLC | Cleveland, OH United States |
| Shane A. Farolino | Roetzel & Andress | Akron, OH United States |
| Adam Fitch | MAI-GLA | East Liberty, OH United States |
| Stephen Fogle | Honda of America Manufacturing, Inc. | Marysville, OH United States |
| Cory Gonya | Nutrien | Lima, OH United States |
| Jason Gonzalez | DuPont | Cleveland, OH United States |
| David Grim | PPG | Pittsburgh, PA United States |
| Sandy L. Harper | ROKI AMERICA Co., Ltd. | Findlay, OH United States |
| Hayley Heath | Magna International | Troy, MI United States |
| Matthew F. Johnston | Worthington Industries, Inc. | Columbus, OH United States |
| Jamie Karl | The Ohio Manufacturers' Association | Columbus, OH United States |
| Stacey King | PRO-TEC Coating Company | Leipsic, OH United States |
| Andrew L. Kolesar | Thompson Hine LLP | Cincinnati, OH United States |
| Julianne Kurdila | Cleveland-Cliffs, Inc. | Richfield, OH United States |
| Amanda LaCombe | Sur-Seal Inc. | Cincinnati, OH United States |
| Jay Lawniczak | Charter Steel | Cleveland, OH United States |
| Timothy Ling | Plaskolite | Columbus, OH United States |
| Michael Lowe | Venture Products, Inc. | Orrville, OH United States |
| Andrew G. McCorkle, C.P.G., P.G. | Civil & Environmental Consultants, Inc. | Worthington, OH United States |
| Tim W. McDaniel, CIH | Navistar, Inc. | Springfield, OH United States |
| Regan McHale | Eagle Elastomer Inc | Cuyahoga Falls, OH United States |
| Dustin McMillan | McMillanCo LLC | Columbus, OH United States |
| John Meyer | Smithfield Foods | Cincinnati, OH United States |
| Erik Mikkelson | Covestro C/o Hicks Partners, LLC | Columbus, OH United States |
| Alyssa Miller | Sugar Creek Packing Company | Cincinnati, OH United States |
| Christine M. Morgan | Jones Day | Atlanta, GA United States |
| Beth Mullen | McWane Ductile-Ohio, A Division Of McWane, Inc. | Coshocton, OH United States |
| Dave Mustafaga | Hull & Associates LLC | Dublin, OH United States |
| Tom R. Nelson | Yoder Lumber Company, Inc. | Millersburg, OH United States |
| Cory Novak | Roetzel & Andress | Akron, OH United States |
| John L. Obery | Cenovus | Dublin, OH United States |
| Diane M. Palmer | General Motors Corporation | Parma, OH United States |
| Rebecca Payne | Stellantis | Auburn Hills, MI United States |
| Edward J. Pfau | Hull & Associates LLC | Dublin, OH United States |
| Tom Plute | Retriev Technologies Inc. | Lancaster, OH United States |
| John Rego | Benesch, Friedlander, Coplan & Aronoff LLP | Cleveland, OH United States |
| Christy Rideout Schirra | Bricker & Eckler LLP | Columbus, OH United States |
| Rick Rose | Retriev Technologies Inc. | Lancaster, OH United States |
| Kevin Rossman | Universal Metal Products | Wickliffe, OH United States |
| Brian M. Sernulka | O-I Glass, Inc. | Perrysburg, OH United States |
| Jack Shaner | EnviroScience Inc. | Stow, OH United States |
| Kris Singleton | SunCoke Energy, Inc. | Lisle, IL United States |

OMA Environment Committee - May 2021

| Name | Company | Location |
|-----------------------|-------------------------------|----------------------------------|
| Christopher N. Slagle | Bricker & Eckler LLP | Columbus, OH United States |
| Duane Steelman | Zaclon, LLC | Cleveland, OH United States |
| John J. Streb, Jr | The Belden Brick Company | Canton, OH United States |
| Samantha Summers | Whirlpool Corporation | Washington, DC United States |
| Zachary Sutliff | Eagle Elastomer, Inc. | Cuyahoga Falls, OH United States |
| Julie Tapp | Pyrotek, Inc. | Aurora, OH United States |
| George Terry | Mid West Fabricating Company | Amanda, OH United States |
| Ann Tumolo | PPG | Pittsburgh, PA United States |
| Steve Walker | The J.M. Smucker Company | Orrville, OH United States |
| Thomas Walsh | Veolia | North Bend, OH United States |
| Christopher Ward | Calfee, Halter & Griswold LLP | Columbus, OH United States |
| Raymond Wayne | Heritage Thermal Services | East Liverpool, OH United States |
| Allison Williams | McMillanCo LLC | Columbus, OH United States |
| Lauren Winegardner | American Trim, LLC | Sidney, OH United States |
| Karen Ann Winters | Squire Patton Boggs | Columbus, OH United States |
| Kristin Zander | ArtiFlex Manufacturing LLC | Wooster, OH United States |
| Sherri Zeller | General Motors Corporation | Toledo, OH United States |

Total Participants 75

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.



Ross Eisenberg is Vice President of Federal Affairs for the American Chemistry Council, the association representing the \$565 billion industry engaged in the business of chemistry. Ross leads the ACC's federal advocacy and is responsible for developing and maintaining strong relationships with elected officials and their staffs in the House and Senate, White House and Executive Branch. A member of the ACC senior leadership team, Ross provides regular strategic advice and counsel to the ACC's members to help them navigate Washington and understand how policies affect their companies. He is also Chairman of the Board of the AmeriChem PAC political action committee.

Over the course of two decades in Washington, Ross has spent time as Vice President of Energy and Resources Policy at the National Association of Manufacturers, Policy Counsel at the U.S. Chamber of Commerce and an environmental litigator at the law firm Greenberg Traurig LLP. Ross has testified before Congress more than a dozen times and regularly appears in all forms of media, including television, radio and print. He has also developed a long list of successful issue advocacy campaigns, including multi-million dollar integrated media and government relations efforts on ozone, sustainability, climate change and infrastructure.

Ross has a B.A. in English and Political Science from Emory University and a J.D. from Washington and Lee University School of Law. He is a member of the Bar of the District of Columbia.





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TO: The Ohio Manufacturers' Association

FROM: Bricker & Eckler

DATE: May 13, 2021

RE: Governor DeWine Announces End of Health Director's COVID-19 Orders

During a statewide address on Wednesday, May 12, 2021, Ohio Governor Mike DeWine, citing dropping case rates and the widespread availability of the COVID-19 vaccine, announced that Ohio Department of Health Director Stephanie McCloud will rescind the vast majority of the Director's Orders on June 2, 2021, except Orders pertaining to nursing homes, assisted living facilities, and data collection. Therefore, on June 2, the mandates and requirements for Ohio's manufacturers under the [Director's Order for Social Distancing, Facial Coverings, and Non-Congregating](#) end, including requirements for masks, social distancing, increased sanitation, signage, and more.

Governor DeWine also revealed two incentives for Ohioans to get vaccinated. Five Ohioans age 12-17, who receive the vaccine, can win a full four-year scholarship to any state college or university. Five vaccinated adult Ohioans can win \$1 million. The five drawings, run by the Ohio Lottery Commission, begin May 26 and run on consecutive Wednesdays through June 23.

The state maintains a [vaccine appointment portal](#) to help Ohioans find a provider and sign up for a vaccination. All Ohioans age 12 and up are eligible for a vaccine.

While the Ohio Department of Health statewide mandates on manufacturers for masks, social distancing, increased sanitation, and ventilation end after the Director's Order is rescinded, counsel strongly advises manufacturers monitor and coordinate with local authorities as needed. Local health departments or governments may still enforce local orders and ordinances.

Additionally, manufacturers and employers may continue requiring workplace policies for health and safety that require facial coverings/masks, increased sanitation, social distancing, etc., even after the rescission of the Director's Order and in ongoing compliance with local health department requirements and national CDC guidelines.

Additional information is available at <https://coronavirus.ohio.gov>.

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

SIERRA CLUB, et al.,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Respondents.

Case No. 21-3057

MOTION TO INTERVENE

Pursuant to Federal Rule of Appellate Procedure 15(d), The Ohio Manufacturers' Association, the Ohio Chamber of Commerce, and the Ohio Chemistry Technology Council, (collectively, "Movants") respectfully move for leave to intervene, as parties respondent, in support of the United States Environmental Protection Agency ("EPA") technical correction of Ohio's Clean Air Act State Implementation Plan that is the subject of the above-captioned proceeding. Final Rule, *Air Plan Approval; Ohio; Technical Amendment*, 85 Fed. Reg. 73,636 (Nov. 19, 2020) ("Technical Amendment"). For the reasons stated below, Movants have a compelling interest in the Technical Amendment.

The federal respondents, through counsel, indicated that they take no position on this motion to intervene. The petitioners, through their attorneys, similarly declined to take a position on this motion to intervene at this time.

BACKGROUND

1. Under the Clean Air Act (“CAA”), states submit, for EPA approval, State Implementation Plans (“SIPs”) for the attainment and maintenance of the national ambient air quality standards (“NAAQS”) for six “criteria” air pollutants. 42 U.S.C. § 7410. Ohio’s SIP included the State’s air pollution nuisance rule, OAC 3745-15-07, which is not related to the attainment and maintenance of the NAAQS. In the early scramble to implement the ambitious tasks and deadlines in the CAA after it was enacted in 1970, states sometimes included state and local agency regulations in their SIPs that were not related to attainment and maintenance of the NAAQS and, due to resource constraints, EPA approved the submissions with minimal review for consistency with 42 U.S.C. § 7410. *See Technical Amendment*, 85 Fed. Reg. at 73,636-637. Since then, EPA has exercised its authority to correct SIPs by removing provisions from SIPs that are not related to the attainment and maintenance of the NAAQS, including a number of state nuisance provisions like Ohio’s. *Id.* at 73,638 (citing examples).

2. Section 110(k)(6) of the CAA was added in the 1990 Amendments to the CAA to authorize EPA to correct, without any further submission from the state, prior approval of a SIP provision EPA determines to have been approved in error. 42 U.S.C. § 7410(k)(6). EPA exercised this authority to remove the Ohio air pollution nuisance rule from Ohio’s SIP as having been approved in error, based on

its determination that the nuisance rule is not related to the implementation, maintenance, and enforcement of the NAAQS. 85 Fed. Reg. at 76,638. The Ohio Environmental Protection Agency (“Ohio EPA”) confirmed that Ohio did not rely or intend to rely on the nuisance rule for those purposes. *Id.*

3. The Technical Amendment does not remove the nuisance rule from the Ohio Administrative Code. Therefore, the Ohio nuisance rule remains enforceable as state law. *Id.* at 76,639. The removal of the nuisance rule from the SIP simply means that it is only Ohio law, and not elevated to the status of federal law by being an approved part of Ohio’s SIP to attain and maintain compliance with the NAAQS.

4. The Movants are Ohio trade associations whose members are subject to regulation under the CAA and the Ohio Air Pollution Control Act, Chapter 3704 of the Ohio Revised Code. The Ohio Manufacturers’ Association represents the interests of approximately 1,300 manufacturers in Ohio and its mission is to protect and grow Ohio manufacturing. The Ohio Chemistry Technology Council represents the interests of over 80 chemistry industry-related companies doing business in Ohio. The Ohio Chamber of Commerce represents the interests of over 8,000 member companies, including manufacturers, utilities, and small businesses, in addition to hosting the Ohio Small Business Council. The Movants, among other things, participate on behalf of their members in administrative proceedings under various environmental laws, including the CAA, and in litigation arising from those

proceedings that affect Ohio businesses. Accordingly, the Movants submitted comments in support of the proposed rule. Docket ID EPA-R05-OAR-2020-0055-0217.¹ The Movants' members have a direct and substantial interest in the EPA action in this appeal.

5. The Movants' members are directly affected by EPA's Technical Amendment removing Ohio's air pollution nuisance rule from the Ohio SIP. Under the CAA, private parties may sue in *federal* court to enforce state laws that are incorporated into an EPA-approved SIP. *See* 42 U.S.C. § 7604(f)(4); *Ammex, Inc. v. Wenk*, 936 F.3d 355, 357 (6th Cir. 2019). Thus, if this Court reverses EPA's Technical Amendment, Movants' members could be the targets of CAA citizen suit claims (*see* 42 U.S.C. § 7604(a)(1)) to enforce a provision of the Ohio SIP that is wholly unrelated to the statutory scope and purpose of a SIP—the implementation, maintenance, and enforcement of the NAAQS.

6. Pursuant to section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1), Sierra Club, Ohio Environmental Council, Donna Ballinger, and Marilyn Wall (collectively, "Petitioners") filed a petition for review of EPA's final rule, which the Court docketed in this case on January 19, 2021. ECF 1-1. Because the Movants support EPA's decision to remove the Ohio nuisance rule from the Ohio SIP, and

¹ The parties that signed onto the comment letter include: the Ohio Chamber of Commerce, the Ohio Chemistry Technology Council, The Ohio Manufacturers' Association, API Ohio, and the Ohio Oil and Gas Association.

because the existing parties will not adequately represent the Movants' and their members' material interests related to this case, the Movants timely file this motion under Rule 15(d) of the Federal Rules of Appellate Procedure to intervene in support of EPA.

7. On January 18, 2021 the Petitioners filed with EPA a "Petition for Reconsideration of Final Rule entitled *Air Plan Approval; Ohio; Technical Amendment*, 85 Fed. Reg. 73,636 (Nov. 19, 2020)." On February 2, 2021, the Respondents filed an Unopposed Motion for Abeyance, ECF 13, requesting the Court to hold this case in abeyance for ninety days while EPA conducts its review under President Biden's Executive Order on "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," published at 86 Fed. Reg. 7,037 (Jan. 25, 2021). These developments further threaten the vital interests of Movants in the outcome of this appeal and could make the Movants' interests even less adequately represented by any other party.

LEGAL STANDARD

Federal Rule of Appellate Procedure 15(d) guides this Court's review of a motion to intervene in proceedings to review agency action, requiring that such a motion be filed within 30 days after the petition for review is filed and include "a concise statement of interest of the moving party and the grounds for intervention." *See, e.g., Yakima Valley Cablevision, Inc. v. FCC*, 794 F.2d 737, 744–45 (D.C. Cir.

1986).² Because Rule 15(d) does not provide specific criteria to determine when intervention is warranted, federal appellate courts have looked to the standard set forth in Fed. R. Civ. P. 24. *Int'l Union, United Auto., Aerospace and Agric. Implement Workers of Am., AFL-CIO, Local 283 v. Scofield*, 382 U.S. 205, 216–17 n.10 (1965); *Bldg. & Const. Trades Dep't, AFL-CIO v. Reich*, 40 F.3d 1275, 1282 (D.C. Cir. 1994) (citing *Int'l Union*, 382 U.S. at 217 n.10); *Grutter v. Bollinger*, 188 F.3d 394, 397–98 (6th Cir.1999).

Under Rule 24(a), intervention as of right is appropriate when: (1) the motion for intervention is timely; (2) applicants have a substantial legal interest in the case; (3) applicants' interest may not be adequately represented by any other party; and (4) applicants' interest is impaired or impeded as a practical matter absent intervention. *Coal. to Defend Affirmative Action v. Granholm*, 501 F.3d 775, 779 (6th Cir. 2007) (citing *Grutter*, 188 F.3d at 397–98); *Stupak-Thrall v. Glickman*, 226 F.3d 467, 471 (6th Cir. 2000) (same); *see also Int'l Union*, 382 U.S. at 217 n.10 (“The Federal Rules of Civil Procedure, of course, apply only in the federal district courts. Still, the policies underlying intervention may be applicable in appellate courts.”). The factual circumstances considered under Rule 24(a) should be “broadly construed in favor of potential intervenors.” *Purnell v. City of Akron*, 925 F.2d 941,

² In this case, the Clean Air Act does not otherwise prescribe a time limit for intervention. *See* 42 U.S.C. § 7607.

950 (6th Cir. 1991) (citations omitted). Here, the Movants clearly satisfy these requirements. Indeed, this Court has routinely granted intervention requests from trade associations whose members are directly affected by challenged agency actions. *See, e.g.*, Order, *Sierra Club v. EPA*, No. 12-3182 (6th Cir. filed July 13, 2012).

Alternatively, the Court should allow the Movants to intervene permissively because they have a defense that “shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1). “In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3). Here, there will be no such delay or prejudice.

ARGUMENT

I. The Movants satisfy all the elements to intervene as a matter of right.

A. The Movants’ motion for intervention is timely.

A party to an agency proceeding may intervene in a review of that proceeding by filing a notice of intervention within 30 days after the petition for review is filed. Fed. R. App. P. 15(d). The Court received Petitioners’ petition for review on January 18, 2021, and the Court docketed it on January 19, 2021. ECF Nos. 1-1, 1-2. The Movants are timely filing this motion for leave to intervene on February 18, 2021.

B. The Movants have a direct and substantial interest in the subject of the action.

The Movants have a direct and substantial interest in the subject of this action. At issue in this case are the contents of the Ohio SIP, which Ohio was obligated to develop and submit in order to attain and maintain the NAAQS within the state. 42 U.S.C. § 7407(a). Pursuant to the CAA, private parties can bring suit in federal court to enforce federal “emissions standard[s] or limitation[s],” which include state laws incorporated into an EPA-approved SIP. 42 U.S.C. § 7604(a)(1), (f)(4); *Ammex*, 936 F.3d at 357.

If the Ohio air pollution nuisance rule is included in the Ohio SIP, private parties—like the Petitioners—could attempt to bring *federal* lawsuits against Ohio businesses—like any of the Movants’ members—for alleged violations of a *state* law that has no connection to the purposes for which the Ohio SIP was developed and approved: attainment and maintenance of the NAAQS. Inclusion of the nuisance rule in the Ohio SIP was an error and enforcement of the nuisance rule in federal court is improper. Although the nuisance rule has been removed from the Ohio SIP, it is still enforceable under state law in any and all manners prescribed by Ohio law. But the purpose of a SIP is not to allow private parties to bring CAA citizen suits in federal court to enforce state laws that are not related to the purposes of a SIP. Because the outcome of this case will affect whether the Ohio nuisance rule is included in the Ohio SIP, it also will affect the ability of private parties to initiate

CAA citizen suit actions against Movants for violations of state law that are wholly unrelated to the NAAQS. The Movants have a direct and substantial interest in protecting their members from improper federal lawsuits based on Ohio law.

C. EPA is not an adequate representative of the Movants' interests.

Under Rule 24(a)(2), the burden of showing inadequate representation in a motion for intervention is “minimal.” *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972); *Mich. State AFL-CIO v. Miller*, 103 F.3d 1240, 1247 (6th Cir. 1997); *Georgia v. U.S. Army Corps of Eng'rs.*, 302 F.3d 1242, 1255 (11th Cir. 2002). A proposed intervenor is “not required to show that the representation will in fact be inadequate.” *Mich. State AFL-CIO*, 103 F.3d at 1247. Instead, the proposed intervenor must merely show that there is a “*potential* for inadequate representation.” *Grutter*, 188 F.3d at 400 (emphasis in original).

EPA cannot adequately defend the Movants' interests. In the context of a private challenge to an agency action, the government's interests in defending that action are broader and more procedurally focused than those of the private entity also seeking to defend such agency action. *See, e.g., Nat. Res. Def. Council v. Costle*, 561 F.2d 904, 912-13 (D.C. Cir. 1977) (granting rubber and chemical companies' motion to intervene in support of EPA because their interest “is more narrow and focused than EPA's” and their “participation in defense of EPA decisions that accord with their interest may also be likely to serve as a vigorous and helpful supplement

to EPA's defense"). The courts have "look[ed] skeptically on government entities serving as adequate advocates for private parties," *Crossroads Grassroots Policy Strategies v. Fed. Election Comm'n*, 788 F.3d 312, 321 (D.C. Cir. 2015), while recognizing that there are a number of ways in which the government's interests in defending an agency action may diverge from those of the private beneficiary of that action, *Sierra Club, Inc. v. EPA*, 358 F.3d 516, 518 (7th Cir. 2004). Particularly in cases in which the petitioners and potential intervenors have opposing views of and interests in an agency action, intervention serves to "place[] the private adversaries on equal terms." *Sierra Club*, 358 F.3d at 518.

This factor clearly favors the Movants' intervention, as EPA—a government entity—will not serve as an adequate advocate for the Movants' members, who are private regulated entities. The courts have acknowledged that adequate representation "can be presumed when the party on whose behalf the applicant seeks intervention is a governmental body or officer *charged by law with representing the interests of the proposed intervenor.*" *Keith v. Daley*, 764 F.2d 1265, 1270 (7th Cir. 1985) (emphasis added). Here, EPA is not charged by law with representing the interests of the Movants or their members. EPA is charged with representing the interests of the public at large. Although EPA and the Movants agree that removal of the Ohio air pollution nuisance rule is required in order to correct an error in Ohio's SIP, the narrow interest of the Movants in protecting their members from

improper federal litigation brought under the Ohio nuisance rule is much “narrower” than the EPA’s public-interest mission. *See Dimond v. Dist. of Columbia*, 792 F.2d 179, 192-193 (D.C. Cir. 1986) (“A government entity . . . is charged by law with representing the public interest of its citizens. . . The District [of Columbia] would be shirking its duty were it to advance th[e] narrower interest [of a business concern] at the expense of its representation of the general public interest.”). The fact that the Petitioners have filed a petition for reconsideration of the EPA action they challenge in this appeal, and that EPA is conducting a review of its action under Executive Order 13990 published at 86 Fed. Reg. 7,037 (Jan. 25, 2021), further highlights the inadequacy of the representation of the Movants’ interests in this case. As a result, the existing parties do not and cannot adequately represent the Movants’ interests in this case.

D. The Movants’ interest is impaired as a practical matter absent intervention.

The Movant’s interests are directly implicated by this suit: this case will determine the legality of the correction that EPA made to the Ohio SIP, and the Movants benefit from and support that correction. If the Movants are not allowed to intervene, their ability to protect their interests discussed above will be impaired. That is especially so because, as described above, EPA cannot adequately defend the Movants’ interests.

This factor examines whether the potential intervenor is “so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest.” Fed. R. Civ. P. 24(a)(2). If this Court rules in favor of the Petitioners, that resolution of this action would, as a practical matter, impair the Movants’ ability to protect the interests of their members against improper federal litigation involving a state law.

II. The Movants also satisfy the requirements for permissive intervention.

If the Movants were not entitled to intervene as of right, permissive intervention still would be appropriate here. A party seeking permissive intervention under Rule 24(b) must demonstrate that it “has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1). A court should also consider whether intervention would delay or prejudice the adjudication of the other parties’ rights. Fed. R. Civ. P. 24(b)(3).

The Movants have a “defense that shares with the main action a common question of law”: whether EPA’s removal of the Ohio air pollution nuisance rule from the Ohio SIP is lawful. Fed. R. Civ. P. 24(b)(1). Allowing the Movants to intervene will not delay the adjudication of the other parties’ rights. *See* Fed. R. Civ. P. 24(b)(3). The Movants are moving to intervene before any of Petitioners’ initial filings are due, before the Court has set a briefing schedule, and within the 30-day timeframe provided by Rule 24(a). Nor will the Movants’ participation prejudice the

adjudication of the other parties' rights. Rather, the Movants' participation will ensure that all information and considerations relevant to EPA's decision are submitted to this Court for consideration. The Movants represent interests that are distinct from those of EPA and Petitioners. Granting intervention will ensure that the record and arguments developed before this Court are complete.

CONCLUSION

For the reasons stated above, the Movants respectfully request that this Court grant its motion to intervene in this proceeding.

Dated: February 18, 2021

Respectfully submitted,

/s/ Christine Rideout Schirra

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Counsel for Intervenor-Respondents

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing filing complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because it contains 2,911 words, excluding the parts of the filing exempted by Fed. R. App. P. 32(f). The filing complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) and (6) because it was prepared using Times New Roman fourteen-point font.

Dated: February 18, 2021

/s/ Christine Rideout Schirra

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2021, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

Dated: February 18, 2021

/s/ Christine Rideout Schirra

Find out more about what our regional offices are doing for environmental justice in your community!

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Phone: 312-353-2000

Region 6 (AR, LA, NM, OK, TX)
1445 Ross Ave, Suite 1200
Dallas, TX 75202-2733
Phone: 214-665-2200

Region 7 (IA, KS, MO, NE)
11201 Renner Blvd.
Kansas City, KS 66219
Phone: 913-551-7003

Region 8 (CO, MT, ND, SD, UT, WY)
1595 Wynkoop Street
Denver, CO 80202-1129
Phone: 303-312-6312

Region 9 (CA, AZ, HI, NV, Pacific Islands)
75 Hawthorne Street
San Francisco, CA 94105
Phone: 415-947-8000

Region 10 (AK, ID, OR, WA)
1200 Sixth Ave (MD-142)
Seattle, WA 98101
Phone: 206-553-1200

Tools and Products for Environmental Justice Action

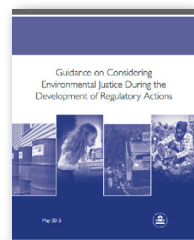
OEJ programs have established the following tools and resources to facilitate and support the incorporation of environmental justice considerations into agency actions. These cross-cutting efforts aim to create consistency and clarity around how EPA identifies and addresses environmental justice concerns.

EJSCREEN

To better meet the Agency's responsibilities related to the protection of public health and the environment, EPA has developed an environmental justice mapping and screening tool. EJSCREEN provides users with a nationally consistent dataset and approach for combining environmental and demographic indicators. EPA made this tool publicly available online to be more transparent about how we consider environmental justice in our work, assist our stakeholders in making informed decisions, and create a common starting point for dialogue with partners and the public. It can be found at: <https://www.epa.gov/ejscreen>.

Policy

EPA released two documents related to the consideration of environmental justice during rulemaking processes. The first of these, *Guidance on Considering Environmental Justice During the Development of an Action*, fosters an understanding and ensures consistency by EPA staff as they consider environmental justice during rulemaking actions. The second document, *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis*, provides the technical underpinnings to fully consider environmental justice during rulemakings. Both documents can be found on <https://www.epa.gov/environmentaljustice>.

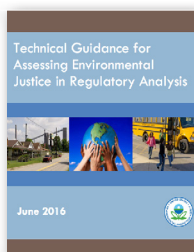


Training and Workshops

OEJ provides training and coordinates workshops for internal and external stakeholders on a broad range of issues relating to environmental justice and equitable development. OEJ ensures that Agency staff are trained on the most current data and resources available for the successful integration of environmental justice principles in their work. OEJ continually engages the public and other governmental partners to enhance the tools, methods, and practices for full integration and consideration of environmental justice concerns.

Science

Science plays an important role in providing a strong basis for action to protect the health and environment of populations that may be especially vulnerable to environmental hazards. EPA's new technical guidance for assessing environmental justice in regulatory actions was developed with participation from the public. OEJ is working with the Office of Research and Development to implement a new Environmental Justice Research Roadmap, which integrates environmental justice-related research across six National Research Programs. To read about these scientific developments, visit: <https://www.epa.gov/environmentaljustice/ej-2020-resources#documents>



Environmental Justice Legal Tools

The Legal Tools Development document, developed by EPA's Office of General Counsel, provides an overview of several discretionary legal authorities that EPA may consider using to more fully ensure that its programs, policies, and activities fully protect human health and the environment in minority and low-income communities. Some of the tools identified are already in use today; others have not yet been applied in an environmental justice setting. EJ Legal Tools is not a document prescribing when and how the Agency should undertake specific actions.



Office of Environmental Justice in Action

www.epa.gov/environmentaljustice



About the Office of Environmental Justice

For over 25 years, OEJ has worked to address the disproportionately adverse human health and environmental impacts in overburdened communities by integrating environmental justice considerations throughout the Agency.

Created in 1992, the Office of Environmental Justice (OEJ) coordinates Agency efforts to address the needs of vulnerable populations by decreasing environmental burdens, increasing environmental benefits, and working collaboratively to build healthy, sustainable communities. OEJ provides financial and technical assistance to communities working constructively and collaboratively to address environmental justice issues. The Office also works with local, state, and federal governments; tribal governments; community organizations; business and industry; and academia, to establish partnerships seeking to achieve protection from environmental and health hazards for all people regardless of race, color, national origin, or income.

To accomplish this mission, OEJ has created the following programs, policies, and activities to assist communities in building their capacity; to better engage federal agencies to help them understand environmental justice issues; to incorporate the voices of communities into agency decisions; and to provide tools and resources for promoting the principles of environmental justice.

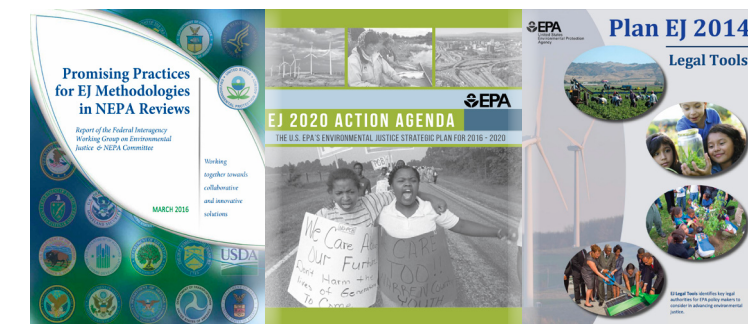


Strategic Opportunities for Advancing Environmental Justice

An integral part of the Agency's mission is to focus our attention on the environmental and public health challenges that face our nation's minority, low-income, tribal, and indigenous populations. Our approach is both collaborative and strategic – working with partners to create holistic solutions that make a difference in communities through better policies, tools, and application of resources. These approaches have been captured through successive EJ strategic plans for the Agency.

The first of these plans largely focused on the creation of better tools, policies, and guidance to fill important gaps. Currently we are focused on three main strategic areas.

- We strive to strengthen and expand our governmental partnerships, particularly focused on the proactive efforts of state, tribal, and local governments to advance environmental justice.
- We are also focused on the implementation and use of the tools and guidance created previously in a way that is measurable and significant.
- We endeavor to demonstrate measurable progress on significant issues, including reducing disparities in childhood blood lead levels and working to ensure that all people served by small community and tribal water systems have drinking water that meets applicable health-based standards.



For More Information

To find out more about the Office of Environmental Justice, please call 202-564-2515, or visit: www.epa.gov/environmentaljustice

Call the EJ Hotline for a direct way to provide feedback and ask questions related to environmental justice. Call the Hotline at 1-800-962-6215 or email ejhotline@epa.gov.

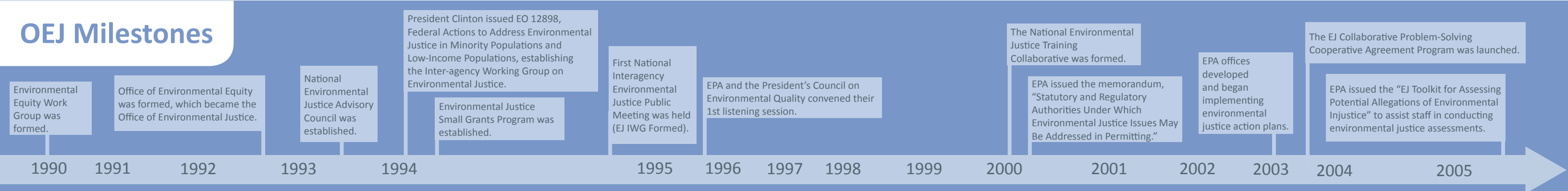
Pub Number
Date

Did You Know?

November 2, 2017 marks the 25th anniversary of the creation of the EPA's Office of Environmental Justice.



OEJ Milestones



Environmental Justice Integration

The EPA actively seeks to incorporate the principles of environmental justice at all levels of the Agency. In addition to developing a strategic plan that directly support the integration of environmental justice considerations internally and with other federal officials, the Agency partners with federal, state, local, and tribal departments, as well as with other stakeholders in communities, business and industry, academia, etc., to assist in the consideration and incorporation of environmental justice into their practices and processes.

The Federal Interagency Working Group on Environmental Justice (EJ IWG)

The EJ IWG works to integrate the principles of environmental justice through the collaboration of 17 federal agencies and White House offices. Through the EJ IWG, the federal government assists overburdened and under-served communities in the implementation of comprehensive solutions to local environmental and human health challenges. The EJ IWG strives to ensure the federal government is: accessible to communities and other stakeholders working to address environmental justice concerns; aware of the environmental justice issues confronting communities to facilitate coordinated and collaborative federal assistance; and accountable to explain federal efforts to achieve environmental justice.

International Human Rights & Rights of Indigenous Peoples

EPA collaborates with the U.S. State Department and other federal agencies to engage other countries in sharing best practices and approaches to provide environmental and public health protection to vulnerable populations. EPA conducts this work to help fulfill the U.S. international human rights treaty obligations.

National Environmental Policy Act (NEPA)

NEPA provides a framework to foster effective, efficient, and consistent consideration of environmental justice for decision-making on federal actions that affect the environment and human health. The Promising Practices for Environmental Justice Methodologies in NEPA Reviews, a compilation of approaches gleaned from a 4-year review of agency practices by more than 200 federal NEPA practitioners, consists of nine sections that provide guiding principles and specific steps to consider during the NEPA process. Federal agencies are implementing the Promising Practices through a variety of mechanisms, including cross-department briefings and trainings, publications (e.g. articles, FAQs), and stakeholder engagement.

Title VI of the Civil Rights Act of 1964

In accordance with Title VI of the Civil Rights Act of 1964, each federal agency is required to ensure that all programs or activities receiving federal financial assistance do not discriminate against recipients in any way based on race, color, or national origin. OEJ works closely with the EPA's External Civil Rights Compliance Office to share best practices, lessons learned, approaches, and tools to help prevent or resolve potential civil rights complaints.

Direct Support

The EPA provides direct support through financial and technical assistance to vulnerable, low-income, minority, and tribal communities seeking to understand and develop holistic solutions to their environmental and public health challenges. These resources are allocated to improve the quality of the air, land, and water so that communities may live, work, play, pray, and go to school in healthier, more sustainable environments.

Financial Resources for Creating Healthy, Sustainable & Equitable Communities

OEJ works directly with communities to implement solutions that address local environmental and health concerns. The Office provides financial assistance through two opportunities:

- the Environmental Justice Small Grants Program, which supports small projects that assist communities as they develop their visions for revitalization.
- the Collaborative Problem-Solving Cooperative Agreement Program, which supports implementation level projects as communities seek to apply holistic solutions to their most pressing challenges.

These competitive grant opportunities support overburdened and underserved populations and create self-sustaining, community-based partnerships to improve local environments and public health. As of 2016, since its inception, the Office has awarded more than \$36 million in financial assistance to nearly 1500 community-based organizations.

To find out more about either of the financial assistance programs or the impact made by funded projects please visit: <https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>

Technical Assistance Services for Communities (TASC) Program

Through the EPA's national Technical Assistance Services for Communities (TASC) program, communities enhance their ability to be meaningfully involved in the decision making process by learning how to better understand the science, regulations, and policies of environmental issues and EPA actions. The TASC program benefits communities by explaining technical findings and answering community questions, helping them understand complex environmental issues, and supporting their active roles in protecting healthy communities and advancing environmental protection. The TASC program can also provide opportunities for environmental education, bring diverse groups together, and strengthen community engagement.

TASC services can include: information assistance and expertise, community education, information assistance needs evaluation, and plan development other assistance to help community members work together to participate effectively in environmental decision-making.

Partnerships and Engagement

The EPA recognizes the necessity of meaningfully engaging stakeholders, such as through public participation, in an effort to sustain partnerships and involve those who are affected in the decision-making process so that future decisions may best serve the interests of our most vulnerable communities. The Agency continues to encourage public stakeholder engagement as a critical component of community revitalization.

National Environmental Justice Advisory Council (NEJAC)

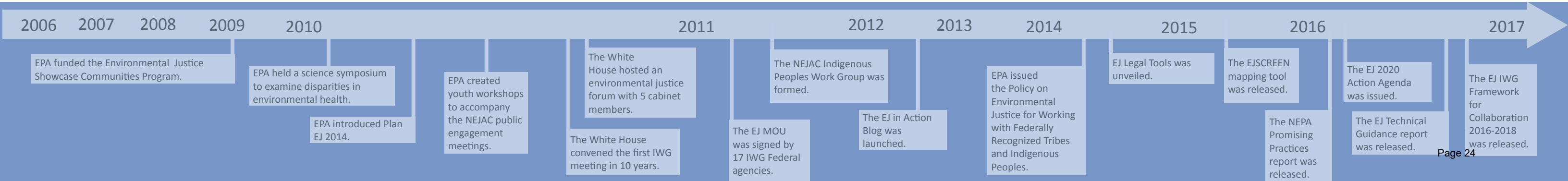
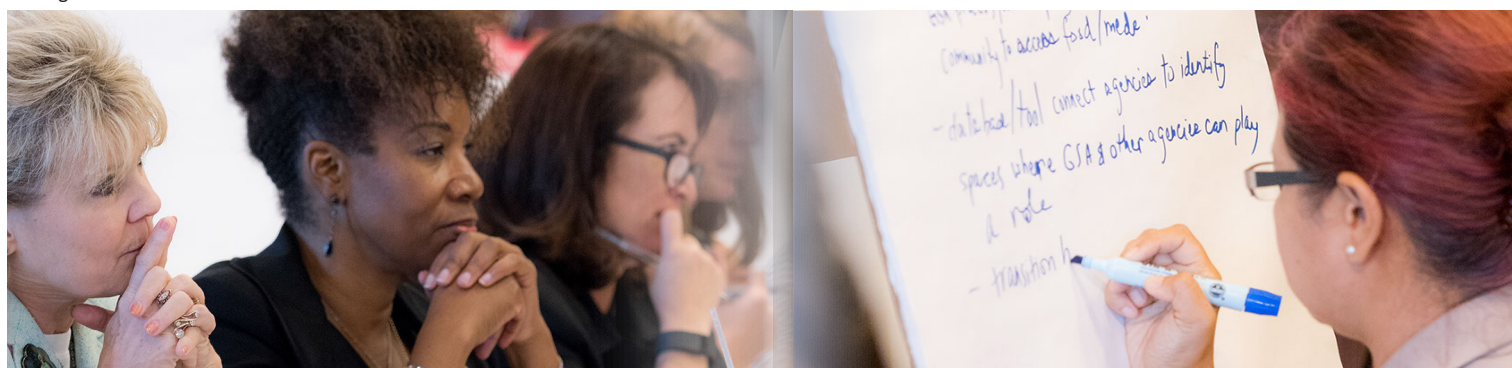
The mission of NEJAC is to provide independent advice and recommendations to the EPA Administrator about broad, crosscutting issues related to environmental justice. NEJAC also holds public meetings to receive comments, questions, and recommendations regarding environmental justice issues. Since 1993, NEJAC has developed dozens of recommendation reports and advice letters to help the agency better address the needs of disadvantaged and underserved communities.

To read NEJAC's reports or the twenty-year retrospective of its activities and impact, visit: <https://www.epa.gov/environmentaljustice/nejac>

Tribal Consultation & Indigenous People's Engagement

To engage more effectively with federally-recognized tribes and all other indigenous peoples on their priority environmental and public health concerns, the Agency is working to implement the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples. Under the leadership of OEJ, EPA is implementing this Policy in coordination and collaboration with tribes, other federal agencies, states, indigenous organizations, and all other interested stakeholders, as well as addressing issues raised within the context of international human rights treaty obligations.

To learn more about OEJ's efforts on addressing tribal and indigenous environmental and public health issues, visit: <https://www.epa.gov/environmentaljustice/environmental-justice-tribes-and-indigenous-peoples>.



COUNSEL'S REPORT

Frank Merrill & Christine Rideout Schirra, Bricker & Eckler LLP
Counsel to the OMA
May 19, 2021

A. Ohio EPA Activities of Note

1. Ohio EPA Waiver of 401 Water Quality Certification for Nationwide Permits

The U.S. Army Corps of Engineers (“Army Corps”) issued its final rule on January 13, 2021, modifying and reissuing 12 existing nationwide permits (“NWP”) and issuing four entirely new NWPs, which went into effect on March 15, 2021 (the “2021 NWPs”). In its public notice for the 2021 NWPs issued on March 15, 2021, the Army Corps announced that Ohio’s 401 WQC had been waived for the 2021 NWPs.

NWPs are not valid until the appropriate state agency issues a 401 water quality certification (“WQC”) for the activities authorized by the NWPs, certifying that the discharge of dredged or fill material into waters of the U.S. as authorized by the NWPs does not violate state water quality standards, or unless the state waives certification pursuant to 40 CFR § 121.9. Ohio EPA announced on March 4, 2021, that it had finalized its 401 water quality certifications for the 2021 NWPs. However, the Army Corps previously set a deadline of December 12, 2020, for Ohio EPA to finalize its 401 water quality certification for the 2021 NWPs. Ohio EPA requested extensions of this deadline from the Army Corps in order to allow for its state-specific public involvement process to proceed, consistent with the agencies’ historic approach. The Army Corps declined Ohio EPA’s requests for extension, and therefore deemed Ohio’s 401 WQC to have been waived for the 2021 NWPs.

In light of the Army Corps’ determination that Ohio waived its certification for the 2021 NWPs, there is no corresponding 401 WQC permitting obligation for the 16 newly issued 2021 NWPs. However, the 40 remaining, existing NWPs that the Army Corps did not reissue or modify with its January 13, 2021 final rule remain in effect until they expire on March 18, 2022, or until the Army Corps otherwise issues a final rule modifying or reissuing them. The obligation to obtain a 401 WQC from Ohio EPA for impacts associated with these 40 NWPs remains.

2. Regional Haze State Implementation Plan

Ohio EPA has provided notice of submittal of its draft Regional Haze State Implementation Plan (“SIP”) for the second implementation period to U.S. EPA, in accordance with U.S. EPA’s Regional Haze Rule requirements. The Regional Haze Rule’s purpose is to restore national parks and wilderness areas (“Class I areas”) to the natural visibility condition of atmospheric clarity that would prevail in the absence of human impacts by the year 2064. It requires states determine if their emissions may impact other states’ Class I areas, and if they may, to work cooperatively to develop a long-term strategy for achieving the goal. Ohio’s second implementation period SIP is due to U.S. EPA on July 31, 2021.

Ohio's SIP submittal for the second implementation period discusses Ohio's impact on neighboring Class I areas and Ohio's long-term strategy. After conducting its analysis of facilities and sources, Ohio EPA determined that potential additional controls in Ohio would not be cost-effective or affordable, and would provide minimal estimated visibility benefit. Consequently, Ohio EPA concluded that existing controls are more than sufficient to achieve reasonable progress goals, and that no additional measures are necessary to make reasonable progress in the second implementation period. Ohio EPA is accepting written comments on its draft submittal to U.S. EPA through June 14, 2021.

3. Early Stakeholder Outreach – Air Pollution Control Fees Rules

Ohio EPA is seeking early stakeholder input on OAC Chapter 3745-78, which requires owners or operators of certain air permits to submit air pollution emissions data to the director so that emissions fees can be calculated. Title V facilities are required to submit actual emissions data on an annual basis. Non-Title V facilities are required to submit actual emissions data on a bi-annual basis. The rules also require that the owner or operator of these facilities pay fees, per R.C. 3745.11(C). Ohio EPA has stated that it is not aware at this time of any major changes necessary to these rules.

4. Accidental Release Prevention Program Rules

Ohio EPA has provided notice of proposed amendments to its Accidental Release Prevention Program/Risk Management Program rules, which are found in OAC Chapter 3745-104. Many of Ohio EPA's proposed changes are in response to U.S. EPA changes, and include requirements for areas such as agency coordination, recordkeeping, and notifications to the public following an offsite release. Ohio EPA held its virtual public hearing on the proposed rules on May 18, 2021.

B. U.S. EPA Activities of Note

1. Expansion of TRI Reporting Requirements

On April 29, 2021, U.S. EPA announced planned updates to its Toxics Release Inventory ("TRI"), which are aimed at advancing environmental justice, improving transparency, and increasing access to environmental information. The updates include broadening TRI reporting for: (i) ethylene oxide ("EtO") releases to include contract sterilization facilities; (ii) natural gas processing facilities; (iii) new per- and polyfluoroalkyl substances ("PFAS"), in addition to the three PFAS added in reporting year 2021; and (iv) substances designated as high-priority substances under the Toxic Substances Control Act. U.S. EPA also announced changes intended to make TRI data more accessible to the public. In announcing these planned updates, U.S. EPA Administrator Michael S. Regan stated: "By requiring new and more data on chemical releases from facilities, EPA and its partners will be better equipped to protect the health of every individual, including people of color and low-income communities that are often located near these facilities but have been left out of the conversation for too long."

2. Draft Rule to Reduce Production and Use of Hydrofluorocarbons

On May 3, 2021, U.S. EPA released in pre-publication form a draft rule aimed at limiting the production, consumption and import of hydrofluorocarbons (“HFCs”). The proposed HFC rule will establish baseline production and consumption levels for HFCs, and create an allowance allocation and trading program to reduce HFC production and importation. The draft HFC rule is EPA’s first rulemaking under the American Innovation and Manufacturing Act of 2020, which directs U.S. EPA to phase down production and consumption of HFCs in the U.S. by 85% over the next 15 years. The reductions contemplated by the rule are further intended to fulfill U.S. responsibilities under the Montreal Protocol, a 2016 international agreement that sought to limit HFC production and use.

The draft HFC rule will potentially have broad implications for manufacturers and retailers of products that contain HFCs, manufacturers and importers of HFCs, and entities that use HFCs in their equipment or processes. HFCs are commonly used in air-conditioning, refrigeration, fire suppression systems, foam-blowing agents, and cleaning solvents, among other uses. In announcing the draft HFC rule, U.S. EPA specifically requested comment on environmental justice implications of the proposal. Once the rule is published in the Federal Register, a 45-day comment period will commence.

3. U.S. EPA Memorandum on Environmental Justice Enforcement Priorities

On April 30, 2021, U.S. EPA’s Acting Assistant Administrator for the Office of Enforcement and Compliance, Lawrence Starfield, issued a memorandum outlining the agency’s enforcement priorities for communities facing environmental justice concerns. The memo identifies U.S. EPA’s civil enforcement priorities aimed at increasing identification of noncompliance in environmental justice communities and resolving noncompliance in ways that address past harms to those communities.

The memorandum outlines several primary goals in order to advance the federal government’s goals for environmental justice. First, it calls for increased facility inspections to be performed in overburdened communities. Second, the memo calls for strengthened enforcement in overburdened communities by resolving environmental noncompliance through remedies with tangible benefits to the community. Such remedies are to include monetary penalties, early and innovative relief, supplemental environmental projects, and seeking restitution for victims of environmental crimes. Third, the memo announces U.S. EPA’s goal of increasing community engagement efforts on enforcement cases that most directly impact those communities. Fourth, the memo calls for U.S. EPA to lead enforcement initiatives in instances where the state government not taking timely or appropriate action. And lastly, it establishes an enforcement steering committee to organize U.S. EPA’s environmental justice efforts. The memo signals an overall increase in federal environmental enforcement, and particularly in environmental justice communities.

C. Judicial

Air Pollution Nuisance Rule 6th Circuit Appeal

On January 19, 2021, Sierra Club, Ohio Environmental Council, and two individual citizens filed a petition for review of U.S. EPA's final rule removing the air pollution nuisance rule from Ohio's State Implementation Plan ("SIP") with the Sixth Circuit Court of Appeals. In its final rule, U.S. EPA determined that Ohio did not rely upon the rule to demonstrate attainment or maintenance of any National Ambient Air Quality Standards ("NAAQS"). The removal of the air pollution nuisance rule from Ohio's SIP allowed Ohio EPA to discontinue its practice of including a nuisance provision as a standard term and condition within each air permit that it issues, which in practice opened up the opportunity for the filing of a citizen suit alleging that a facility is in violation of the nuisance provision, even in instances where Ohio EPA states the facility does not operate as a nuisance.

The State of Ohio moved to intervene in the appeal on February 9, 2021, on behalf of Ohio EPA. On February 18, 2021, The OMA, the Ohio Chamber of Commerce, and the Ohio Chemistry Technology Council also filed a motion to intervene in the appeal. However, on February 12, 2021, U.S. EPA filed a motion to hold the appeal in abeyance for ninety days, in order to allow U.S. EPA time to conduct a review of the rulemaking under President Biden's Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (issued January 25, 2021). The Sixth Circuit granted U.S. EPA's motion for abeyance on April 14, 2021, requiring U.S. EPA to file status updates with the court every 30 days until such time as the 90-day abeyance period concludes.

TO: OMA Environment Committee
FROM: Rob Brundrett
RE: Environment Public Policy Report
DATE: May 19, 2021

Overview

Ohio EPA continues to remain relatively silent on major policy pushes at the statehouse. The DeWine administration remains focused on H2Ohio as its major environmental priority.

State agency staff is expected to return to the office now that state health orders are being revised and eliminated. With the return to work it is expected to see an increase in onsite state environmental audits.

Ohio EPA has not asked for any major changes in the state budget nor is any expected. Both Cleveland and Cincinnati are in nonattainment for the 2015 ozone standard. Ohio EPA is working and reviewing regulations for the escalated restrictions that come with the designation.

General Assembly News and Legislation

Senate Bill 9 – Regulatory Reform

SB 9 is the regulatory reform bill. Portions of the bill were passed in the 133rd GA's operating budget bill. The current bill requires an inventory of all regulatory restrictions from agencies in Ohio. The agencies then must reduce these rules by 30% by 2025. The OMA continues to try and work with the bill sponsors on an amendment that would make federal program requirements exempt from the rule inventory. The concern is if Ohio eliminates the program requirements, Ohio manufacturers would then be regulated by the federal agencies as opposed to the local Ohio agencies. The bill is up for its first hearing in the House this week.

Senate Bill 84 – Clean Ohio Revitalization Program

SB 84 expands the list of applicants eligible to apply for Clean Ohio Revitalization Fund grants to include a county land reutilization corporation. It also directs deferred payments the state receives from JobsOhio to the Clean Ohio Revitalization Fund. The bill has gotten some press in the past week and has had two hearings in the Senate.

House Bill 110 - State Operating Budget

Much of the legislative bandwidth is consumed by the state operating budget. One of the major goals outlined by the DeWine administration in the bill's introduction was a continuation of the H2Ohio program. The Governor's team set aside \$240 million in HB 110 for the program. This was a \$60 million increase over the previous budget.

The House supported the majority the administration's request for the EPA budget. The House did require controlling board approval for H2Ohio spending and they kept the requirement that Ohio EPA fees need to be reauthorized every couple of years.

Amendments in the Senate supported by the OMA include potentially extending the auxiliary container preemption date from HB 242 to forever.

The Senate is currently hearing the state budget bill. No major EPA issues or changes are expected.

House Bill 143 – Clean Ohio Program

HB 143 is the companion bill to SB 84. It has not had any hearings yet in the House.

Senate Bill 143 – Adopt Aluminum MCL

SB 143 would require Ohio EPA to adopt a maximum contaminant level (MCL) for aluminum in drinking water of 0.2 milligrams per liter. The agency would need to consider factors such as other state MCLs and studies. The bill's first hearing was on Tuesday in the Senate.

House Bill 155 – Land Reutilization Nuisance Abatement Program

HB 155 creates the Land Reutilization Nuisance Abatement Program to fund the abatement of nuisance structures on blighted property. It provides \$100 million over the biennium. The bill is not expected to move out of committee.

House Bill 158 – Prohibit Use of Certain Firefighting Foam

SB 158 supported by the chemical industry would prohibit the use of Class B firefighting foam containing intentionally added PFAS chemicals for testing purposes (unless certain measures are implemented) or for training purposes. Ohio has seen a surge in PFAS interest including a statewide drinking water assessment. This bill is one way help alleviate the release of PFAS chemicals, when they are not needed. The bill was voted out of House Committee earlier this month.

House Bill 175 – Deregulate Certain Ephemeral Water Features

HB 175 is set for its third hearing this week. The bill excludes ephemeral features from water pollution control programs, including the section 401 water quality certification program. It also specifies that an ephemeral feature is a surface water flowing or pooling only in direct response to precipitation, such as rain or snow. Finally, the bill eliminates the section 401 water quality certification review fee that applies to ephemeral streams (currently \$5 per linear foot of stream to be impacted, or \$200, whichever is greater). These types of water issues continue to spring up in the General Assembly and are garnering more national attention.

Senate Joint Resolution 2 – Clean Water Bonds

SJR2 proposes to submit to the Ohio voters for approval at the November general election, a constitutional amendment authorizing the state to issue up to \$1 billion in general obligation bonds for clean water improvements; up to \$100 million in bonds may be issued per year, in addition to amounts previously authorized but unissued. It has had no hearings.

Regulations

Cincinnati and Cleveland in Non- Attainment for Ozone and Ohio EPA Looks to Make Changes to Nitrogen Oxide Emission Rules as a Result

As expected, the Cincinnati and Cleveland non-attainment areas did not meet the ozone standard by the end of the 2020 ozone season. In addition, neither area qualified for the one-year extension. In anticipation of a “bump-up” to moderate non-attainment, Ohio EPA has issued an “Early Stakeholder Outreach” regarding emissions of nitrogen oxides.

The Cleveland and Cincinnati areas are currently classified as marginal non-attainment areas under the 2015 ozone standard. The areas are required to meet the ozone standard by Aug. 3, 2021 based on monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to Oct. 31 each year. Based on ozone monitoring data through Oct. 31, 2020, Ohio EPA anticipates that the Cleveland and Cincinnati areas will fail to meet the ozone standard by Aug. 3, 2021, as required.

OMA to California Environmental Office: No to Prop 65 Amendments

The OMA joined organizations across the country this week in writing the state of California to ask for the withdrawal of proposed amendments to labeling requirements under Prop. 65.

The letter said: “To ... ensure that the supply chain is not disrupted at this critical time, the Office of Environmental Health Hazard Assessment should withdraw the misguided proposal to amend Proposition 65 short-form warning requirements.”

OMA Submits Comments on Great Miami River Loading Analysis Plan

The OMA submitted comments on Ohio EPA’s Draft Loading Analysis Plan – Lower Great Miami River and Selected Tributaries Watershed. The draft plan presents the proposed approach of Ohio EPA for the Lower Great Miami River Total Maximum Daily Load (TMDL). The OMA focused its comments on the adaptive management approach and a tailored scope for future TMDLs.

Ohio EPA / U.S. EPA Agency News

Ohio EPA Completes PFAS Testing and New Federal Actions

At the end of last year Ohio EPA announced it had received the final test results for the presence of certain per- and polyfluoroalkyl substances (PFAS) in drinking water from public water systems, bringing to a close the agency’s statewide sampling initiative under Ohio’s PFAS Action Plan.

Ohio EPA Director Laurie Stevenson noted that roughly 94% of the nearly 1,550 public drinking water systems tested “revealed no detection of PFAS compounds,” while “low levels of PFAS compounds, well below the health advisory level, were detected in 6% of systems.” The testing found only two public water systems exceeding the state’s action level; those systems are being remedied by Ohio EPA.

At the federal level the outgoing Trump administration announced new steps to address per- and polyfluoroalkyl substances (PFAS). The agency released a final regulatory determination finding that the two best-studied chemicals in the family, PFOA and PFOS, should be regulated in drinking water, launching the years-long process of developing a Safe Drinking Water Act limit.

The EPA also proposed requiring drinking water utilities to test for 29 types of PFAS as part of the next round of mandatory, nationwide sampling that will occur between 2023 and 2025.

The U.S. EPA also recommended requiring many manufacturing sites, wastewater plants, and other facilities to monitor wastewater for PFAS, used by various industrial sectors to manufacture numerous products.

Last General Assembly Ohio saw a proposed bill establishing an MCL for certain PFAS chemicals in drinking water. That bill did not move, but new legislation and regulation is expected.

The OMA has created a working group to address PFAS-related issues and possible impacts to manufacturers. If you would like to learn more or participate, contact the OMA’s Rob Brundrett.

State AGs Sue Biden Administration Over ‘Social Costs’ of Greenhouse Gases

A dozen attorneys general — including Ohio AG Dave Yost — are suing the Biden administration for increasing the cost of greenhouse gas emissions. The group says only

Congress has authority to boost the price tag, which has been raised from \$7 per metric ton to the Obama-era level of \$50 until the administration figures out what it considers the “social costs” of carbon dioxide, methane, and nitrous oxide emissions, according to TheHill.com.

The administration’s working group has established preliminary cost figures at about \$9.5 trillion a year. The lawsuit says the higher costs will cause serious harm to U.S. industry.

OMA Intervenes in Appeal of U.S. EPA’s Removal of Air Nuisance Rule

On Jan. 19, 2021, the Sierra Club, the Ohio Environmental Council, and two individuals filed a petition for review with the Sixth Circuit Court of Appeals, seeking review of U.S. EPA’s final rule removing the air pollution nuisance rule from Ohio’s State Implementation Plan (SIP).

The removal of the air pollution nuisance rule from Ohio’s SIP allows Ohio EPA to discontinue its practice of including a nuisance provision as a standard term and condition within each air permit it issues. In practice, the inclusion of the nuisance provision within Ohio EPA’s air permits allows for the filing of a citizen suit alleging that a facility is in violation of the nuisance provision, even if Ohio EPA determines the facility does not operate as a nuisance.

On Feb. 18, the OMA moved to intervene in the Sixth Circuit appeal in support of the EPA’s removal of the nuisance rule from Ohio’s SIP. The State of Ohio has also moved to intervene in support of the agency’s action.

Biden Administration Reverts to Obama-era Rules on Quantifying Impact of GHG Emissions

The White House Council on Environmental Quality has published a Federal Register Notice rescinding the Trump administration’s June 2019 “Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions.” As explained by the National Association of Manufacturers, this action reinstates the Obama-era guidance directing federal agencies on how to measure greenhouse gas (GHG) emissions under the National Environmental Policy Act.

“As a result, substantial changes in how federal agencies weigh the impacts of GHG emissions and effects of climate change when issuing project approvals and making other major decisions are on the horizon,” wrote one law firm.

Executive

As Passed By House

EPACD4 Environmental protection fees - removal of sunset

R.C. 3734.57, 3745.11, 3734.901

Makes certain fees permanent which are currently set to expire on specified dates in 2022. Impacts the following fees:

- (1) The annual emissions fees for synthetic minor facilities;
- (2) The annual discharge fees for holders of NPDES permits issued under the Water Pollution Control Law;
- (3) The application fees for plan approvals for wastewater treatment works under the Water Pollution Control Law;
- (4) The initial and renewal license fees for public water system licenses issued under the Safe Drinking Water Law;
- (5) The fee for plan approvals for public water supply systems under the Safe Drinking Water Law;
- (6) The fees for state certification of laboratories and laboratory personnel for purposes of the Safe Drinking Water Law;
- (7) The fees for applications and examinations for certification as operators of water supply systems or wastewater systems under the Safe Drinking Water Law and the Water Pollution Control Law;
- (8) The application fees for permits, variances, and plan approvals under the Water Pollution Control Law and the Safe Drinking Water Law;
- (9) Fees applicable to the transfer or disposal of solid waste; and

R.C. 3734.57, 3734.901, 3745.11

Same as the Executive, but removes the provisions that would have made permanent all of the fees enumerated in (1) through (10) and, instead, extends the current sunset of those fees by two years.

- (1) Same as the Executive.
- (2) Same as the Executive.
- (3) Same as the Executive.
- (4) Same as the Executive.
- (5) Same as the Executive.
- (6) Same as the Executive.
- (7) Same as the Executive.
- (8) Same as the Executive.
- (9) Same as the Executive.

Executive

As Passed By House

(10) The 50¢ per tire fee on the sale of tires, deposited in the Scrap Tire Management Fund, and the 50¢ per tire fee deposited in the Soil and Water Conservation District Assistance Fund.

(10) Same as the Executive.

Fiscal effect: Removal of the sunset provision will make the above listed fees permanent (in contrast to prior budgets which have extended this provision every two years), thus preserving existing revenue streams. Impacted funds include the Hazardous Waste Cleanup (Fund 5050), Hazardous Waste Facility Management (Fund 5030), Solid Waste (Fund 4K30), Environmental Protection Fund (5BC0), Soil and Water Conversation District Fund (Fund 5BVO within the Department of Agriculture), Surface Water Protection Fund (Fund 4K40), Drinking Water Protection Fund (Fund 4K50), and the Clean Air - Non Title V Fund (Fund 4K20), and Scrap Tire Management Fund (Fund 4R50).

Fiscal effect: Extends the annual revenue streams for the affected state funds until they are subject to sunset on June 30, 2024.

EPACD11 Scrap tire abatement

R.C. 3734.85

R.C. 3734.85

Increases, from 5,000 to 10,000, the number of scrap tires that can be removed from a person's property by EPA at no cost to the property owner if certain conditions apply (i.e. placement of scrap tires was not the fault of the property owner) and allows the EPA Director to increase the 10,000 scrap tire threshold.

Same as the Executive.

Fiscal effect: There may be a reduction in revenue from the issuance of liens on property for potential cleanup costs. However, certain conditions still must be met by the property owner. Any impact is likely to be minimal.

Fiscal effect: Same as the Executive.

Executive

As Passed By House

EPACD5 Fee elimination

R.C. 3745.11

Eliminates the \$15 application fee for the following: (1) a registration certificate necessary for certain scrap tire collection facilities and (2) a permit, or variance, or plan approval under the Solid and Hazardous Waste Law.

Eliminates a non-Title V air contaminant source fee schedule that only applied from January 1, 1994, to December 31, 2003.

Fiscal effect: Total revenue since 2009 from the \$15 fees has been under \$500, but internal processing costs have exceeded \$3,000. The net effect of this provision will be to save an indeterminate annual amount in administrative costs to the EPA.

R.C. 3745.11

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

EPACD7 Certified and accredited laboratories under the VAP

**R.C. 3746.01, 3746.04, 122.65, 3746.071 (3746.07), 3746.09, 3746.10, 3746.11, 3746.12, 3746.13, 3746.17, 3746.18, 3746.19, 3746.20, 3746.21, 3746.31, and 3746.35
Repealed: 3746.07**

Eliminates the EPA Director's authority to certify laboratories for purposes of performing analyses under the Voluntary Action Program (VAP) and instead specifies that a laboratory must hold a valid accreditation from a specified outside accreditation body to perform analyses under the VAP.

Requires, generally, a person participating in the VAP to use the services of an accredited laboratory to perform analyses.

Specifies that a certified professional may use data analyzed by a certified laboratory before the bill's effective date.

Prohibits the Director from contracting with an accredited laboratory to perform an audit if the laboratory performed any

**R.C. 3746.01, 3746.04, 122.65, 3746.071 (3746.07), 3746.09, 3746.10, 3746.11, 3746.12, 3746.13, 3746.17, 3746.18, 3746.19, 3746.20, 3746.21, 3746.31, and 3746.35
Repealed: 3746.07**

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

As Passed By House

analyses that formed the basis for the issuance of a no further action letter in connection with the audit.

Eliminates outdated provisions governing the VAP.

Same as the Executive.

Fiscal effect: As a result of eliminating certain certification fees, the Voluntary Action Fund (Fund 4R90) may experience a loss in annual revenue. However, by leveraging the accreditation process of outside accreditation bodies, administrative efficiencies may be created, offsetting, either in whole or in part, any loss in fee revenue.

Fiscal effect: Same as the Executive.

EPACD8 Lead free definition

R.C. 6109.10

Replaces the current definition of "lead free" that establishes the maximum permissible percentage of lead that certain plumbing fixtures may contain, with a requirement that the EPA Director adopt rules establishing the definition.

No provision.

Requires the EPA Director, when establishing the definition, to use standards that are not less stringent than those established under the federal Safe Drinking Water Act.

No provision.

Fiscal effect: The EPA may experience an administrative cost increase to develop and adopt rules to align with recent federal rule changes.

Executive

As Passed By House

EPACD10 Lead and copper notification rules: community and nontransient noncommunity water systems

R.C. 6109.121

Eliminates a requirement that the EPA Director adopt rules setting specific administrative penalties that apply to community or nontransient noncommunity water systems for violations of notice requirements regarding lead and copper laboratory results, and instead authorizes the Director to assess the administrative penalties under existing guidelines that apply to other violations of the Safe Drinking Water Law.

Shifts reporting and other requirements regarding lead and copper contamination from statute to a rules-based system administered by the Director.

Increases the timeframe (from two business days to not more than 30 business days after the receipt of laboratory results) within which the owner or operator of a community and/or nontransient noncommunity water system must notify residents when a tap sample does not exceed the applicable lead threshold.

Requires the owner or operator of those systems to update and resubmit maps according to a schedule determined by the Director but no less frequently than required under the Safe Drinking Water Act, rather than every five years as in current law.

Eliminates a requirement that the Director provide financial assistance from the Drinking Water Assistance Fund to community and nontransient noncommunity water systems for the purpose of fulfilling the notice and mapping requirements.

R.C. 6109.121

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

As Passed By House

Fiscal effect: These changes are expected to result in indeterminate cost savings to EPA and locally operated water systems. The provision will align the R.C. with recent federal rule changes, potentially preventing costly and duplicative efforts that exceed current notification requirements concerning water systems.

Fiscal effect: Same as the Executive.

EPACD6 Isolated wetland mitigation ratio table reference

R.C. 6111.027

Corrects an incorrect division reference to the Ohio Administrative Code.

R.C. 6111.027

Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

EPACD9 Practical qualification level (PQL) - water pollution control

R.C. 6111.13

Specifies that, for purposes of determining compliance with a pollutant discharge limit set below the practical quantification level (PQL), any reported value below (instead of "at or below" as in current law) the PQL constitutes compliance. (A PQL is the minimum concentration of an analyte (substance whose chemical constituents are being measured) that can be measured with a high degree of confidence that the analyte is present at the reported concentration. (Corrects a conflict between the R.C. and the O.A.C.).

R.C. 6111.13

Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

EPACD13 Recycling Projects

No provision.

Section: 277.20

Requires GRF appropriation item 715404, Recycling Projects, to be distributed to the Geauga-Trumbull Solid Waste Management District for recycling expanded polystyrene.

Executive

As Passed By House

EPACD1 Cash transfer to the Auto Emissions Test Fund

Section: 277.20

Permits the OBM Director, at the request of the EPA Director, to transfer \$1,500,000 in each fiscal year from the Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test Fund (Fund 5BY0).

Section: 277.20

Same as the Executive, but requires Controlling Board approval.

EPACD2 Areawide planning agencies

Section: 277.20

Permits the EPA Director to award grants from DPF Fund 5BC0 appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with the nonpoint source pollution control provisions of the federal Clean Water Act.

Section: 277.20

Same as the Executive.

EPACD3 H2Ohio Fund

Section: 277.20

Permits the EPA Director to certify to the OBM Director an amount up to the unexpended, unencumbered balance of DPF Fund 6H20 appropriation item 715695, H2Ohio, at the end of fiscal year 2022, and reappropriates that amount for FY 2023.

Section: 277.20

Same as the Executive, but requires Controlling Board approval.

Executive

As Passed By House

OBMCD9 OBM oversight over certain fund allocations

R.C. 121.08, 121.084, 169.05, 901.91, 1121.30, 1181.06, 1321.21, 1707.37, 1733.321, 3701.831, 3737.71, 3745.014, 4735.211, 4763.15

Eliminates the Director of Budget and Management's oversight regarding internal agency fund assessments and allocations for the following funds: Division of Administration Fund, Unclaimed Funds Trust Fund, Division of Securities Fund, Industrial Compliance Operating Fund, Division of Real Estate Operating Fund, Real Estate Appraiser Operating Fund, State Fire Marshal's Fund, Banks Fund, Consumer Finance Fund, Credit Unions Fund, and Financial Institutions Fund (all administered by the Department of Commerce); the Department of Agriculture's operating funds; the Department of Health's operating funds; and the Environmental Protection Agency's Central Support Indirect Fund.

Fiscal effect: None.

R.C. 121.08, 121.084, 169.05, 901.91, 1121.30, 1181.06, 1321.21, 1707.37, 1733.321, 3701.831, 3737.71, 3745.014, 4735.211, 4763.15

Same as the Executive.

Fiscal effect: Same as the Executive.

OBMCD40 Utility Radiological Safety Board assessments

Section: 514.10

Specifies the maximum amounts, unless the agency and nuclear electric utility mutually agree to a higher amount by contract, that may be assessed against nuclear electric utilities under RC 4937.05 (B) (2) and deposited into the following funds:

\$101,130 in each of FY 2022 and FY 2023 to the Utility Radiological Safety Fund (Fund 4E40) used by the Department of Agriculture;

\$1,300,000 in each of FY 2022 and FY 2023 to the Radiation Emergency Response Fund (Fund 6100) used by the Department of Health;

Section: 514.10

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

As Passed By House

\$325,370 in FY 2022 and \$332,287 in FY 2023 to the ER Radiological Safety Fund (Fund 6440) used by the Environmental Protection Agency; and

Same as the Executive.

\$1,368,624 in FY 2022 and \$1,378,304 in FY 2023 to the Emergency Response Plan Fund (Fund 6570) used by the Department of Public Safety.

Same as the Executive.

Executive

As Passed By House

DOTCD37 Diesel Emissions Reduction Grant Program

Section: 755.10

Establishes the Diesel Emissions Grant Reduction Program, administered by the Director of Environmental Protection and funded by Highway Operating Fund (Fund 7002) appropriations under the budget of the Department of Transportation. Requires the EPA Director to solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for funding under the federal Congestion Mitigation and Air Quality (CMAQ) Program.

Specifies that in addition to the expenditures allowed under RC 122.861, program funds also may be used for projects proposing to buy or use hybrid and alternative fuel vehicles as allowed under CMAQ guidelines provided by the Federal Highway Administration (FHWA).

Specifies that public entities eligible to receive funds under RC 122.861 and CMAQ shall be reimbursed from money in Fund 7002 that is set aside for the Diesel Emissions Reduction Grant Program. Specifies that private entities are to be reimbursed, at the direction of the local public agency sponsor and upon approval of ODOT, through direct payments. Limits the amount of funding available for the Diesel Emissions Reduction Grant Program to \$10,000,000 in each fiscal year of the FY 2022-FY 2023 biennium.

Specifies that the funding for CMAQ under this section does not reduce the amount of CMAQ funding designated for metropolitan planning organizations.

Requires the EPA Director, in consultation with the ODOT Director, to develop guidance for funding and administering the Diesel Emissions Reduction Grant Program, including a method

Section: 755.10

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

As Passed By House

for prioritizing projects, acceptable technologies, and procedures
for awarding grants.



March 22, 2021

Submitted Via Electronic Mail (EPATMDL@epa.ohio.gov)

TMDL Program
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

Re: Comments on the *Draft Loading Analysis Plan – Lower Great Miami River and Selected Tributaries Watershed*

Dear Sir or Madam,

On February 19, 2021, the Ohio Environmental Protection Agency (Ohio EPA) published the *Draft Loading Analysis Plan – Lower Great Miami River and Selected Tributaries Watershed* (Draft Plan) and opened a public comment period on the Draft Plan through March 22, 2021. The Draft Plan presents the proposed approach of Ohio EPA for the Lower Great Miami River (Lower GMR) Total Maximum Daily Load (TMDL). The Ohio Manufacturers' Association (OMA) appreciates the opportunity to submit these comments regarding the Draft Plan.

The OMA represents more than 1,300 members throughout Ohio. For more than 100 years, the OMA has supported reasonable, necessary, and transparent regulation that promotes the health and well-being of Ohio's citizens and the environment. Manufacturers across the state are actively engaged in protecting and improving the health of Ohio's important water resources, including lakes and reservoirs throughout the state, while supporting a vibrant and healthy economy. As detailed in these comments, a number of OMA members have a vital interest in, and the potential to have their operations impacted by, the Draft Plan, either directly through operations in the watershed or indirectly by the precedents potentially established by the Draft Plan.

1. Adaptive Management Approach

OMA supports the adaptive management approach to the Lower GMR that provides a methodical process for monitoring the improvements that result from the ongoing phosphorus load reductions by the two large publicly-owned treatment works (Dayton and Montgomery County) (POTWs). Once the POTWs complete the ongoing upgrades (expected to be summer 2022), the adaptive management approach must allow time for the river to experience the full benefits of this reduced nutrient enrichment before Ohio EPA performs further monitoring for purposes of evaluating attainment of water quality standards.

On this point, while we agree with Ohio EPA's general approach, we believe the LAP should be revised to clarify that these river improvements will likely continue for many years beyond the completion of the POTW upgrades in 2022 – and that follow-up sampling should not occur until a reasonable window has been afforded for improvements in the receiving water. As drafted, the

LAP appears to suggest that the benefits will be measurable in 2021 (which we gather is an error because it falls before the upgrades are even completed). In summary, we request that the LAP be updated to reflect that reassessment of the Lower GMR for aquatic life use will not occur until after the river has had sufficient time (in years) to allow the full benefits of the POTW load reductions to be reflected in the river conditions. (See LAP at 11.) As noted in the LAP, a TMDL will only be developed if necessary after this period of improvement and the new round of sampling and after development of a new LAP for the Lower GMR.

2. Tailored Scope of any Future TMDL

If, after adequate time for recovery, the Lower GMR still has segments exhibiting impairments, any future TMDL must be narrowly and carefully tailored as necessary to address only those specific impairments. The Lower GMR is a very large watershed that includes many segments that are already in full attainment of water quality standards, especially in the downstream reaches, and furthermore these reaches show signs of continued improvement in water quality. It would be arbitrary and unnecessary for any future TMDL to impose load reductions or other restrictions on dischargers to waters in the Lower GMR that are attaining the applicable water quality standards. Furthermore, any TMDL requirements in impaired segments must address the primary cause of the impairment before imposing load reductions on the small dischargers.

We appreciate that Ohio EPA will develop a new LAP in the future if impairments remain after the POTW upgrades are complete and the river has time to recover. We look forward to the opportunity to review and comment on future drafts of the LAP for the Lower GMR and reserve all rights to provide further comment at that time.

We very much appreciate the opportunity to comment on the Draft Plan. Please contact me at (614) 629-6814 or rbrundrett@ohiomfg.com should you have any questions regarding the OMA's comments.

Sincerely,



Rob Brundrett
Managing Director, Public Policy Services

cc: Julianne Kurdila, Chair, OMA Environment Committee
Christine Schirra, Esq., Bricker & Eckler LLP

March 27, 2021

Ms. Monet Vela
Office of Environmental Health Hazard Assessment
1001 I Street, 23rd Floor
Sacramento, CA 95812-4010

Dear Ms. Vela:

As leaders, innovators and manufacturers in America, we are committed to protecting human health and the environment, social well-being and the economic performance of the employees, communities, customers and consumers we serve. Every member of the value chain is committed to ensuring that chemicals and other products are developed, manufactured, distributed and used safely. To accomplish these goals and ensure that the supply chain is not disrupted at this critical time, the Office of Environmental Health Hazard Assessment should withdraw the misguided proposal to amend Proposition 65 short-form warning requirements.

Environmental laws and regulations should be designed with utmost care to ensure that they are effective and lift up communities. The proposed amendments would do the opposite, causing public confusion, harming innovation and competitiveness in a global market. At a time when the distribution of goods and lifesaving supplies is more important than ever before, we cannot afford to jeopardize interstate commerce, disrupt manufacturing and irrevocably impact the supply chain nationwide.

To avoid a state by state “patchwork” approach to labeling, we need a coordinated effort to establish consistent national standards that enhance protection of the public and the environment, promote investment and innovation, avoid duplication, public confusion and unnecessary negative economic impacts. Unfortunately, the proposal does the opposite.

When it comes to our workforce and the people we serve, no goal is more important than safety. We remain dedicated to protecting the people and the planet because communities thrive when they are connected to each other and can build a bright future together. To accomplish these goals and ensure that the supply chain is not disrupted at this critical time, the proposed rulemaking amending the short-form warning requirements under Proposition 65 should be withdrawn.

Sincerely,

The Adhesive and Sealant Council
AICC, The Independent Packaging Association
Air-Conditioning, Heating & Refrigeration Institute (AHRI)
Albaugh, LLC
Alfa Tools
The Aluminum Association
American Apparel & Footwear Association
American Coatings Association
American Forest & Paper Association
American Frozen Food Institute
American Home Furnishings Alliance

American Mold Builders Association
American Pet Products Association
American Sportfishing Association
American Wire Producers Association
American Wood Council
Appalachian Hardwood Manufacturers, Inc.
Arkansas State Chamber/Associated Industries of Arkansas
The Association for Hose and Accessories Distribution (NAHAD)
Associated Industries of Missouri
Associated Pacific Machine Corp.
Association of Equipment Manufacturers
Association of Home Appliance Manufacturers
Auto Care Association
Banner Engineering
Bergstrom Inc.
Birmingham Fastener
Bobrick Washroom Equipment, Inc.
Brick Industry Association
Brunswick Corporation
Brush Research Manufacturing Company Inc
The Business Council of New York State, Inc.
Business & Industry Association of New Hampshire
Business + Institutional Furniture Manufacturers Association
California Automatic Vending Association
California Manufacturers & Technology Association
California Pool & Spa Association
Can Manufacturers Institute
Continental Refrigerator
Core Molding Technologies
Coturnix, LLC
Council of Industry of Southeastern New York
Dyna-Mix Inc.
Ecological Fibers Inc.
Electronic Components Industry Association (ECIA)
Electronic Theatre Controls, Inc.
Fabricators and Manufacturers Association, International
Fender Musical Instruments Corporation
Ferro Industries, Inc.
Flexible Packaging Association
Formula Boats
Frozen Potato Products Institute
GE Appliances, a Haier company
Georgia Association of Manufacturers

Gerdau
The Gill Corporation
Gilster-Mary Lee Corp.
Global Metal Finishing, Inc.
Goizper Spraying NA, Inc.
Gordon Brush Mfg. Co. Inc.
Hearth, Patio & Barbecue Association
Hilti, Inc.
The Household & Commercial Products Association (HCPA)
Illinois Manufacturers' Association
INDA, The Association of the Nonwoven Fabrics Industry
Independent Lubricant Manufacturers Association
The Industrial Brush Company Inc.
Industrial Fasteners Institute
Industrial Minerals Association - North America
International Association of Plastics Distribution
International Sleep Products Association
International Wood Products Association
Iowa Association of Business and Industry
Irrigation Association
ISSA - The Worldwide Cleaning Industry Association
Jaz Brush USA, Inc.
JAZ USA Inc.
Kansas Chamber
KD Manufacturing, Inc.
Kelly-Moore Paint Co., Inc.
KEMET Electronics Corporation
Kentucky Association Of Manufacturers
Kitchen Cabinet Manufacturers Association
Koki Holdings America
Komatsu America Corp.
LBS
Leviton Manufacturing Co., Inc.
Loos & Co
Maine State Chamber of Commerce
Makita U.S.A., Inc.
The Malish Corporation
Manufacturers Alliance for Productivity and Innovation (MAPI)
Maryland Chamber of Commerce
Maverick Abrasives
McNaughton & Gunn, Inc.
Metabo Corporation
Metal Powder Industries Federation

MGK
Michigan Manufacturers Association
Mohawk Industries, Inc.
Monahan Partners, Inc.
Montana Chamber of Commerce
Motor & Equipment Manufacturers Association
National Association of Chemical Distributors
National Association of Manufacturers
National Association of Printing Ink Manufacturers (NAPIM)
National Automatic Merchandising Association
National Electrical Manufacturers Association (NEMA)
National Fastener Distributors Association
National Marine Manufacturers Association
National Oilseed Processors Association
National Shooting Sports Foundation
National Stone Sand and Gravel Association
National Tooling & Machining Association
National Waste & Recycling Association
Nevada Manufacturers Association
New Jersey Business and Industry Association
New Mexico Business Coalition
Next Generation Manufacturing
Non-Ferrous Founders' Society
North American Association of Food Equipment Manufacturers
(NAFEM)
North American Die Casting Association
North American Meat Institute
North American Millers' Association
Northeast Pennsylvania Manufacturers & Employers Association
Ohio Manufacturers' Association
Osborn
Otis Technology
Outdoor Power Equipment Institute
Pennsylvania Manufacturers' Association
PFERD Inc.
Phoenix Closures
Pioneer Packaging Inc.
Plastic Pipe and Fittings Association
Plastics Industry Association
Plumbing Manufacturers International
Plymouth Products Acquisition, Inc.
Pool & Hot Tub Alliance
Power Tool Institute

Precision Machined Products Association
Precision Metalforming Association
PRINTING United Alliance
Resilient Floor Covering Institute
Rhode Island Manufacturers Association
Rinnai America Corporation
Robert Bosch Tool Corporation
RV Industry Association
San Antonio Manufacturers Association
Shark Industries Ltd.
The Shyft Group USA, Inc.
SigmaTron International, Inc.
SNAC International
Society of Glass and Ceramic Decorated Products
Specialty Equipment Market Association
Specialty Tools & Fasteners Distributors Association (STAFDA)
Spiral Brushes Inc.
Spring Manufacturers Institute
Stanley Black & Decker
Starcke Abrasives USA, Inc.
Steel Manufacturers Association
Stockmeier Urethanes USA, Inc.
Stromberg Allen and Company
Strongwell
Sugar Creek Packing Co.
The Sulphur Institute
Sullair, LLC
Systems Technology, Inc.
TANIS Incorporated
The Technology and Manufacturing Association
Techtronic Industries Power Equipment
Texas Association of Manufacturers
Thermo Fisher Scientific
TRSA, the Association for Linen, Uniform and Facility Services
Unicorr Packaging Group
United Veterinary Services Association
Utah Manufacturers Association
Valley Industrial Association
Valvoline
Vinyl Institute
Virginia Manufacturers Association
Weiler Abrasives
Wisconsin Manufacturers & Commerce

The Wooster Brush Company
Zero Zone Inc.



March 15, 2021

VIA Electronic Mail (damico.genevieve@epa.gov)

United States Environmental Protection Agency, Region 5
Air Programs Branch (AR-18)
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: Docket ID No. EPA-R05-OAR-2020-0559; Comments on EPA's Proposed Approval of Revision to Ohio's State Implementation Plan (SIP)

Dear Sir/Madam:

Pursuant to the Environmental Protection Agency's (EPA) notice issued on February 11, 2021 (86 FR 9039), The Ohio Manufacturers' Association (OMA) is hereby providing EPA with written comments to EPA's proposed rule to approve paragraph (F)(2)(b)(iv) of Ohio Revised Code (ORC) 3704.03 into Ohio's State Implementation Plan ("SIP") under the Clean Air Act.

The OMA is dedicated to protecting and growing manufacturing in Ohio. The OMA represents over 1,300 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 appreciates the opportunity to comment on EPA's proposed rule.

The OMA's members are routinely impacted by Ohio EPA's air pollution control laws and rules, including the provisions governing air pollution control permits to install, and ORC 3704.03(F)(2)(b)(iv) in particular. The OMA fully supports EPA's proposal to approve paragraph (F)(2)(b)(iv) of ORC 3704.03 into Ohio's SIP.

The OMA appreciates the opportunity to comment, and thanks EPA for its consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Rob Brundrett".

Rob Brundrett
Managing Director, Public Policy Services

cc: Julianne Kurdila, Committee Chair
Christine Rideout Schirra, Esq.

Environment

ODNR Announces Funding for 150 New H2Ohio Projects

May 14, 2021

The Ohio Department of Natural Resources (ODNR) is awarding more than \$5 million to 150 new projects as part of Gov. Mike DeWine's H2Ohio water quality initiative. Read the department's [press release](#). 5/12/2021

Report: Environmentalists Divided on How Far To Push Climate Change Agenda

May 14, 2021

According to a report by *Politico*, environmental groups "are torn on how far their climate plans should go, with some progressive groups dismissing Democrats' clean energy proposals to woefully insufficient." The story notes that a number of far left groups want a mandate that calls for **100% renewable energy by 2030**. 5/13/2021

Report: China's GHG Emissions Exceed Those of All Developed Countries Combined

May 7, 2021

A new report shows China's greenhouse gas emissions in 2019 exceeded those of the U.S. and other developed nations — combined. According to research published by the Rhodium Group, China is now responsible **for more than 27%** of total global emissions, compared to 11% for the U.S., the world's second highest emitter. 5/6/2021

May 20 Webinar: New PFAS Reporting Requirements

April 30, 2021

On May 20, the OMA will host a webinar to help companies better understand and prepare for the U.S. EPA's new July 2021 reporting requirement on per- and polyfluoroalkyl substances (PFAS). Free for OMA members, this webinar will be presented by subject-matter experts from OMA Connections Partner Vorys. [Learn more and register](#). 4/28/2021

An Update on Section 401 Permits

April 30, 2021

Section 401 of the federal Clean Water Act gives states an important role to play in ensuring water quality standards are not impaired by federally permitted projects. The OMA's general counsel Bricker & Eckler has published this update on the **Ohio EPA's waiver** of Section 401 water quality certification for 2021 nationwide permits (NPWs). The update provides a link to a full listing of the 16 NPWs issued in 2021 and the remaining 40 NWP's still in effect from their 2017 issuance. 4/29/2021

Biden Pledges to Cut Greenhouse Gas Emissions by up to 52% by 2030

April 23, 2021

President Joe Biden this week announced the U.S. will aim to reduce greenhouse gas emissions **by up to 52%** below 2005 levels by 2030. The new target is roughly twice as ambitious as the Obama-era target. Predictably, some environmental groups say the U.S. target is not ambitious enough.

Axios **reports** that meeting the target will require "sweeping changes across the U.S. economy" with some experts saying that 75% of all emissions reductions may come from the electricity and transportation sectors. Ohio's electric generating plants have already reduced CO2 emissions for all fuel types **by 47%** since 2005, according to available data. 4/22/2021

Taking Stock of Ohio Manufacturing's Environmental Progress

April 23, 2021

Since Earth Day was this week, it seems like the right time to take stock of the environmental progress achieved by Ohio manufacturers. In its **Manufacturing Counts** publication, the OMA demonstrates how manufacturers in the Buckeye State have led the way in this important area. For example:

- Industry leads statewide reduction/recycling of Ohio-generated waste (page 22).

- Ohio manufacturers have invested billions of dollars in environmental control technologies and more efficient processes, which has significantly reduced emissions (page 23).
- Ohio manufacturers have contributed significantly to reducing toxic releases to the environment (page 24).

It should also be noted that over the past 40 years, Ohio's industrial CO2 emissions have been **reduced by more than 50%**, according to the Energy Information Administration. All this time, Ohio has maintained its position as a manufacturing leader. *4/22/2021*

Notice for Small Quantity Hazardous Waste Generators

April 23, 2021

If your business is a Small Quantity Generator (SQG) of hazardous waste, OMA Connections Partner Safex says you may be required to update your Resource Conservation and Recovery Act (RCRA) Subtitle C Site Identification information by Sept. 1. **Get the details.** *4/19/2021*

Ohio EPA Stakeholder Opportunities Next Week

April 16, 2021

The Ohio EPA has several upcoming comment deadlines and engagement opportunities for stakeholders. They include:

- April 21 — Comments due for review, **Draft Hazardous Waste Management Rules: Set Review 2020**, Division of Environmental Response and Revitalization.
- April 22 — Comments due and virtual public hearing, **Total**

Reduced Sulfur Rules, Division of Air Pollution Control.

- April 23 — Comments due and virtual public hearing, **State Emergency Response Commission.**

Contact the OMA's **Rob Brundrett** with questions. *4/15/2021*

Be Recognized for Your Environmental Stewardship

April 9, 2021

The Ohio EPA's Encouraging Environmental Excellence (E3) Stewardship Awards program honors businesses for environmentally beneficial activities. The E3 programs have traditionally followed strict application deadlines, but Ohio EPA has pulled those requirements due to the pandemic. OMA members can **learn more here.** *4/8/2020*

Workshop to Address Wasted Food Strategies for Food Manufacturers

April 9, 2021

Ohio EPA reports that on April 21, from 2 to 3:30 p.m., the Center for EcoTechnology (CET) will host a **free virtual workshop** for food manufacturers on how to implement a wasted food prevention, donation, and diversion program. All attendees will have access to free, one-on-one technical assistance from CET. *4/6/2021*

Webinar: Keep Your Wastewater Treatment Compliant

April 9, 2021

At 9 a.m. on Thursday, April 15, the Ohio EPA will host a **free webinar** to offer assistance in keeping wastewater treatment facilities in compliance with the federal National Pollutant Discharge Elimination System (NPDES). **Register here.** *4/8/2021*

OMA to California Environmental Office: No to Prop 65 Amendments

April 2, 2021

The OMA joined organizations across the country this week **in writing the state of**

California to ask for the withdrawal of proposed amendments to labeling requirements under Prop. 65.

The letter said: “To ... ensure that the supply chain is not disrupted at this critical time, the Office of Environmental Health Hazard Assessment should withdraw the misguided proposal to amend Proposition 65 short-form warning requirements.” *3/30/2021*

OMA Submits Comments on Great Miami River Loading Analysis Plan

March 26, 2021

This week, the OMA **submitted comments** on Ohio EPA’s Draft Loading Analysis Plan – Lower Great Miami River and Selected Tributaries Watershed. The draft plan presents the proposed approach of Ohio EPA for the Lower Great Miami River Total Maximum Daily Load (TMDL). The OMA focused its comments on the adaptive management approach and a tailored scope for future TMDLs. *3/25/2021*

Ohio EPA’s Introduction to Air Quality Regulations

March 26, 2021

Want to know more about how Ohio EPA monitors and regulates air pollution? On Tuesday, March 30, at 6:30 p.m., experts from Ohio EPA’s Division of Air Pollution Control will host a free webinar to discuss the basics of air quality in Ohio. **Register here.** *3/25/2021*

CO2 Infrastructure Bill Introduced on Capitol Hill

March 19, 2021

A bipartisan group of lawmakers in the U.S. House and Senate have introduced a **carbon capture and storage bill** that would invest billions of dollars and create a low-interest loan program to encourage CO2 transport projects to connect emitters and storage sites. The stored carbon could be either sequestered or used in manufacturing, **according** to Politico. *3/17/2021*

State AGs Sue Biden Administration Over ‘Social Costs’ of Greenhouse Gases

March 12, 2021

A dozen attorneys general — **including** Ohio AG Dave Yost — are suing the Biden administration for increasing the cost of greenhouse gas emissions. The group says only Congress has authority to boost the price tag, which has been raised from \$7 per metric ton to the Obama-era level of \$50 until the administration figures out what it considers the “social costs” of carbon dioxide, methane, and nitrous oxide emissions, according to **TheHill.com**.

The administration’s working group has established preliminary cost figures at about **\$9.5 trillion** a year. The **lawsuit** says the higher costs will cause serious harm to U.S. industry. *3/9/2021*

U.S. EPA Reaffirms Commitment to Environmental Self-Disclosure Audit Policy

March 5, 2021

Last month, the U.S. EPA released an updated FAQs guidance document regarding its incentives for self-policing. OMA Connections Partner Thompson Hine has published **this summary** of the document, saying that it reaffirms the EPA’s nearly 30-year policy of encouraging voluntary environmental compliance audits and prompt disclosure and correction of violations. The firm adds: “While not breaking much new substantive ground, the 2021 FAQ supersedes previous EPA guidance on the audit policies ... and should be considered as part of an entity’s environmental management or compliance system.” *3/3/2021*

Analysis: Expect State Attorney General Action in Response to Federal Environmental Policy Change

March 5, 2021

With a new federal administration committed to **expansive environmental policy change**, a wave of state attorney general environmental action is likely also on the horizon. OMA Connections Partner Jones Day, **in this new analysis**, writes that state attorneys general have broad power to influence and enforce environmental policy, and that companies should be attentive to environmental compliance. *3/4/2021*

Environment Legislation
Prepared by: The Ohio Manufacturers' Association
Report created on May 18, 2021

- HB143** **REGARDS THE CLEAN OHIO PROGRAM (HILLYER B)** Relating to the Clean Ohio Program and to make an appropriation.
Current Status: 2/24/2021 - Referred to Committee House Finance
All Bill Status: 2/23/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-143>
- HB152** **REVISE LAW GOVERNING UNIT OPERATION (STEWART B, GINTER T)** To revise the law governing unit operation.
Current Status: 4/15/2021 - House Energy and Natural Resources, (Second Hearing)
All Bill Status: 3/24/2021 - House Energy and Natural Resources, (First Hearing)
2/24/2021 - Referred to Committee House Energy and Natural Resources
2/23/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-152>
- HB155** **LAND REUTILIZATION NUISANCE ABATEMENT PROGRAM (UPCHURCH T, SMITH M)** To create the Land Reutilization Nuisance Abatement Program and to make an appropriation.
Current Status: 4/21/2021 - House Economic and Workforce Development, (Second Hearing)
All Bill Status: 3/10/2021 - House Economic and Workforce Development, (First Hearing)
3/3/2021 - Referred to Committee House Economic and Workforce Development
2/25/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-155>
- HB158** **PROHIBIT USE OF CERTAIN FIREFIGHTING FOAM FOR TESTING/TRAINING (BALDRIDGE B)** To prohibit the use of class B firefighting foam containing intentionally added PFAS chemicals for testing and training purposes.
Current Status: 5/5/2021 - **REPORTED OUT**, House Commerce and Labor, (Third Hearing)
All Bill Status: 4/21/2021 - House Commerce and Labor, (Second Hearing)
3/24/2021 - House Commerce and Labor, (First Hearing)
3/3/2021 - Referred to Committee House Commerce and Labor
3/2/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-158>
- HB175** **DEREGULATE CERTAIN EPHEMERAL WATER FEATURES (HILLYER B)** To deregulate certain ephemeral water features under various water pollution control laws.
Current Status: 5/19/2021 - House Agriculture and Conservation, (Third Hearing)

All Bill Status: 5/4/2021 - House Agriculture and Conservation, (Second Hearing)
3/23/2021 - House Agriculture and Conservation, (First Hearing)
3/4/2021 - Referred to Committee House Agriculture and Conservation
3/3/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-175>

HB251 **CREATE INDOOR MOLD PROGRAM** (MILLER J, RUSSO A) To require the Director of Health to establish an indoor mold program.

Current Status: 4/14/2021 - Referred to Committee House Health
All Bill Status: 4/12/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-251>

HR56 **URGE CONGRESS TO ELIMINATE E-CHECK PROGRAM** (PAVLIGA G, GRENDALL D) To respectfully urge the United States Congress and the president to amend the federal Clean Air Act to eliminate the requirement to implement the e-check program and direct the administrator of USEPA to begin new rule-making procedures under the administrative procedure act to repeal and replace the 2015 National Ambient Air Quality Standards; to respectfully urge the United States Congress and the president to pass legislation to achieve improvements in air quality more efficiently while allowing companies to innovate and help the economy grow; to urge the administrator of USEPA to alleviate burdensome requirements of the e-check program and the Clean Air Act if the United States Congress and the president fail to act; and to encourage OEPA to explore alternatives to e-check in Ohio.

Current Status: 5/20/2021 - House Energy and Natural Resources, (First Hearing)
All Bill Status: 5/4/2021 - Referred to Committee House Energy and Natural Resources
5/4/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HR-56>

SB83 **BROWNFIELDS** (WILLIAMS S, RULLI M) To require the Ohio Environmental Protection Agency to conduct a study to determine where brownfield sites are located in this state and to make an appropriation.

Current Status: 5/18/2021 - Senate Agriculture and Natural Resources, (Fourth Hearing)
All Bill Status: 5/11/2021 - Senate Agriculture and Natural Resources, (Third Hearing)
3/23/2021 - Senate Agriculture and Natural Resources, (Second Hearing)
3/16/2021 - Senate Agriculture and Natural Resources, (First Hearing)
2/24/2021 - Referred to Committee Senate Agriculture and Natural Resources
2/23/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-83>

- SB84** **CLEAN OHIO REVITALIZATION FUND** (WILLIAMS S, RULLI M) To make changes to the law relating to the Clean Ohio Revitalization Fund.
Current Status: 3/23/2021 - Senate Agriculture and Natural Resources, (Second Hearing)
All Bill Status: 3/16/2021 - Senate Agriculture and Natural Resources, (First Hearing)
2/24/2021 - Referred to Committee Senate Agriculture and Natural Resources
2/23/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-84>
- SB143** **ADOPT MAXIMUM CONTAMINANT LEVEL-ALUMINUM** (O'BRIEN S) To require the Director of Environmental Protection to adopt a maximum contaminant level for aluminum in drinking water.
Current Status: 5/18/2021 - Senate Agriculture and Natural Resources, (First Hearing)
All Bill Status: 3/24/2021 - Referred to Committee Senate Agriculture and Natural Resources
3/23/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-143>
- SB171** **REGULATE SALE OF BRINE FROM OIL/GAS OPERATIONS** (HOAGLAND F, RULLI M) To establish conditions and requirements for the sale of brine from oil or gas operations as a commodity and to exempt that commodity from requirements otherwise applicable to brine.
Current Status: 5/18/2021 - Senate Agriculture and Natural Resources, (First Hearing)
All Bill Status: 4/28/2021 - Referred to Committee Senate Agriculture and Natural Resources
4/27/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-171>
- SJR2** **PERMIT BONDS-CLEAN WATER IMPROVEMENTS** (GAVARONE T, YUKO K) 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 clean water improvements.
Current Status: 4/21/2021 - Referred to Committee Senate Finance
All Bill Status: 3/30/2021 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SJR-2>