

To: OMA Environment Committee
From: Kevin Schmidt, OMA Staff
Re: Environment Update
Date: 11/10/2011

1. Storm Water Permit Changes

Ohio EPA is moving towards a massive expansion of the Industrial Storm Water Permit. This is being done under the assumption that business should be happy more industries will have a general permit.

Of the more problematic issues with the new permit are requirements for quarterly visual inspections and an annual sampling and analysis. Additionally, the new general permit will contain “unenforceable” thresholds for different substances. The stated purpose for this is to provide businesses with a number that they can use to determine if their procedures and facilities are successful.

OMA environmental counsel Frank Merrill has prepared a summary of the OMA and business coalitions improvements to the proposed general permit.

At this time the business community is opposed to the new permit entirely as no clearly articulated reason for the modification has been communicated.

2. Fracking Moratorium Imposed

State representatives Denise Driehaus (D-Cincinnati) and Tracy Heard (D-Columbus) have introduced legislation (H.B. 345) that would place a moratorium on horizontal until ODNR completes a report analyzing how Ohio rules address issues raised by U.S. EPA.

Chairman Dave Hall (R-Millersburg) of the Agriculture and Natural Resources Committee has stated that the legislation is not a priority of the committee and is unlikely to move.

3. The Regulatory Train Wreck – Environmental Justice

U.S. EPA has proposed Plan EJ 2014 whereby U.S. EPA is proposing to advance its environmental justice agenda. The basis for this movement is a 15 year old executive order from the Clinton administration.

Environmental justice is the philosophy that if minority or low-income populations live by a facility regulated by U.S. EPA then extra regulatory requirements may be necessary in the name of justice. The OMA supports scientifically based standards that are protective of human health. Inserting demographic considerations into a scientific evaluation should be avoided.

In August of this year, 14 federal agencies signed a memorandum of understanding regarding environmental justice and formally agreed to certain environmental justice commitments including the development of an environmental justice strategy, meaningful opportunity for public input, and an annual implementation progress report.

Plan EJ 2014 - <http://www.epa.gov/compliance/environmentaljustice/plan-ej/index.html>

U.S. EPA Environmental Justice Webpage - <http://epa.gov/environmentaljustice/>

4. One Regulatory Train Wreck Averted – Ozone

President Obama directed U.S. EPA to reconsider its proposal for tighter ozone standards. In a [letter](#) to the agency, the president told U.S. EPA that "he does not support finalizing the rule at this time."

Since the proposal was first announced the OMA has repeatedly [communicated](#) the rule's punitive effect on Ohio to policymakers. The president's letter is a welcome, if overdue, development.