

## Environment Management

### U.S. EPA Advances “Environmental Justice” Agenda

In a press release this week the U.S. EPA announced a comprehensive plan (entitled **Plan EJ 2014**) to advance "environmental justice" in nine areas including rulemaking, permitting, enforcement, and science. The plan is U.S. EPA's new strategy to meet a 15 year old Executive Order (**EO 12898**) put in place by President Clinton.

In the name of "environmental justice," if minority or low-income populations are located near a facility regulated by U.S. EPA that facility must meet extra regulatory scrutiny. To learn more about U.S. EPA's environmental justice agenda click [here](#).

09/16/2011

### White House to U.S. EPA: Reconsider Ozone Regulations

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.

09/02/2011

### Ohio EPA Drafts General Permit for Shale Gas Production Sites

With natural gas production from Ohio's shale deposits projected to increase, Ohio EPA has **drafted** a new general permit "to make sure the air around production sites is safe, while providing business with the most efficient option to get operations up and running."

"A general permit for shale gas production will streamline the process, giving producers the tools they need to comply with Ohio's air pollution regulations," said Ohio EPA Director Scott Nally.

Director Nally has brought a welcome focus on efficiency of permitting, together with significant experience in environmental protection. These new general permits will simplify the permitting process for business, while providing citizens with clear standards for environmental protection.

08/26/2011

### Deep Online Resources on Shale Play at ODNR

The Division of Geologic Survey at the Ohio Department of Natural Resources has developed **deep resources** for those interested in the Marcellus and Utica shale plays in Ohio.

Here's how the division set up the website:

"Resource estimates indicate the Devonian-age Marcellus Shale is the largest exploration play in the eastern United States. Recently, the application of horizontal drilling combined with multistaged hydraulic fracturing to create permeable flow paths from wellbores into shale units has resulted in a drilling boom for the Marcellus in the Appalachian Basin states of Pennsylvania, West Virginia, southern New York, and eastern Ohio.

This proven technology also may have application in other shale units, such as the Ordovician-age Utica Shale, which extends across much of the Appalachian Basin region. While limited production has occurred in the Utica up to this point, thickness and widespread geographical extent indicate it may also have great oil-and-gas potential."

08/26/2011

### Ohio House and Senate Send Letter to Governor on Great Lakes Compact

Ohio House Speaker Bill Batchelder and Ohio Senate President Tom Niehaus co-authored a **letter** to Governor Kasich regarding the Great Lakes Compact implementation legislation that the Governor vetoed earlier this year.

The Governor's veto came as a surprise to the legislature and the respective leaders. In the letter President Niehaus and Speaker Batchelder note the legislation (**House Bill 231**) "meets all necessary provisions in the Compact and does so in a way that works well for Ohio's citizens and businesses." The leaders went on to note they look forward to reviewing the Governor's specific concerns and working collaboratively to finalize implementation of the Compact.

08/19/2011

### Ohio EPA to hold Compliance Assistance Conference

On November 7-8, Ohio EPA is hosting its sixth annual Compliance Assistance Conference in Columbus. While a large part of the conference is targeted to businesses that need to learn the basics about environmental compliance, based on attendee feedback, the agenda will also include advanced topics, such as New Source Review (NSR) and Title V permitting and reporting. Agency staff will be available at an "Ask the Experts" session during the conference.

View the complete conference **agenda**.

08/19/2011

### Business Coalition Runs Anti- EPA Regs TV Ads

While President Obama toured the Midwest this week, a coalition of industry groups including the U.S. Chamber of Commerce, the National Association of Manufacturers and the American Petroleum Institute, launched an **advertising campaign** blasting the U.S. EPA's upcoming ozone regulations as a major burden on the economy. See story published in **The Hill**.

08/19/2011

### U.S. EPA Delays Ozone Rule in Face of Opposition

On Monday, U.S. Senator Rob Portman joined 33 other senators in a **letter** asking U.S. EPA to reconsider its review and potential tightening of ozone standards. On Tuesday, Governor Kasich **joined** a growing chorus of governors making the same request. Late in the day on Tuesday, U.S. EPA **delayed the rule**.

07/29/2011

### Great Lakes Compact Takes a Dive

House Bill 231 (**HB 231**), the legislation that would have implemented the **Great Lakes Compact**, took a dive last week when Governor Kasich vetoed it. The Governor's stated in his veto **message**, "While most of HB 231 fulfills Ohio's obligations without concern and helps meet the needs of Ohio's industrial, energy and agricultural water users, portions of it must be improved."

The Governor specifically pointed to the water withdrawal limits and conservation standards as points of issue. It is expected that new legislation will be introduced to address the Governor's concerns.

07/22/2011

### OMA Environment Committee Hears Pressing Federal and State Issues

The OMA Environment Committee this week heard presentations from Ohio EPA Air Division Chief Bob Hodanbosi and the National Association of Manufacturers (NAM).

Hodanbosi noted U.S. EPA's **proposed ozone standard** will result in more regulations for manufacturers across Ohio. Chip Yost, Vice President of Energy and Resources Policy for NAM, noted that U.S. EPA is moving toward promulgating regulations through "guidance," rather than official rule as a way to speed implementation.

Full committee materials can be found **here**.

07/15/2011

### **OMA Asks U.S. EPA for Flexibility on Cooling Water Regs**

The OMA sent a **letter** to U.S. EPA asking for state-level flexibility in the implementation of proposed cooling water regulations for electric utilities. This proposal could require billions of dollars of capital improvements at Ohio's power plants, costs that would be passed on dollar-for-dollar to manufacturers and other customers.

Regarding the potential costs of the proposal, the OMA noted, "This negative effect can be alleviated without a decrease in environmental protection simply by granting states authority to tailor solutions to their specific needs."

Ohio EPA delivered similar **comments** to the feds this week as well.

07/15/2011

### **OMA Environment Committee Materials - 07/14/2011**

These are the **materials** that support the July 14, 2011 OMA Environment Committee meeting, and they have utility to the environment management community of practice among Ohio manufacturers as well.

07/13/2011

### **U.S. EPA Adds Another Car to the Train Wreck**

U.S. EPA released the Cross-State Air Pollution Rule (**CSAPR**) this week, aimed at cutting sulfur dioxide and nitrogen oxide emissions. The rule, together with other regulations proposed, such as the Utility Maximum Achievable Control Technology (**Utility MACT**), would result in dramatic increases on electricity costs in Ohio.

A recent study by **ACCE** shows **job losses** in Ohio attributed to these rules could reach 50,000. In response to these regulatory proposals, AEP announced the planned closure of nearly 6,000 megawatts of affordable, coal-fired electricity. At the time of the

**announcement**, AEP predicted the costs associated with U.S. EPA's actions could increase rates by 10-35% in Ohio, on top of already scheduled rate increases for fuel and other costs.

Next Thursday, July 14, the OMA will be hosting regulatory experts from the National Association of Manufacturers to discuss the regulatory morass. Register for the meeting **here**.

07/08/2011

### **Senate Successfully Navigates Water Legislation**

In the face of intense pressure by environmental activists, the Ohio Senate passed **House Bill 231**, which will provide a reasonable regulatory scheme to protect the utilization of Great Lake waters. The legislation passed mostly on party lines with Senators **Eric Kearny** (D-Cincinnati) and **Jason Wilson** (D-Columbiana) breaking rank to vote with Republicans. The bill now goes to the Governor for his signature.

The OMA sent a **letter** to the Senate this week urging support for the measure that protects Ohio's natural resources without being overly burdensome to business. **Here** is a memo from bill sponsor, Representative **Lynn Wachtmann** (R-Napoleon).

07/01/2011