



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

Senate Agriculture Committee
Testimony of Director Craig Butler on SB 1
February 10, 2015

Good morning Chairman Hite, Vice Chair Uecker, Ranking Minority Member Gentile, and Members of the Senate Agriculture Committee. I am Craig Butler, Director of the Ohio Environmental Protection Agency and I am pleased to provide testimony for Senate Bill 1, specific to the provisions related to Ohio EPA. As Senator Gardner testified during his sponsor testimony, much of this bill contains provisions very important to Governor Kasich and previously included in House Bill 490 from the 130th General Assembly. I would like to echo my fellow Directors' comments that we are also appreciative of the Senate emphasizing this as a top priority for the state of Ohio.

Lake Erie has clearly been negatively impacted by nutrients from many sources and other threats. Governor Kasich has made water quality and Lake Erie a top priority and there are many important provisions in the upcoming budget that address this issue. I am pleased to offer additional information on the administration's initiatives and those which are contained in Senate Bill 1.

I will briefly discuss the provisions that are in both the Governor's budget and Senate Bill 1:

- **Lead Content in Piping** – This language is a federally required revision to the definition of “Lead Free”. We must be consistent with the federal “Reduction of Lead in Drinking Water Act of 2011” which amended a portion of the Safe Drinking Water Act. It reduces the allowable lead content of plumbing and fixtures from 8% to 0.25%. The new federal standard became effective in January 2014 and is already being implemented through the Department of Commerce and building codes statewide. Ohio EPA's only authority in this matter is through specifications to address construction of drinking water treatment plants and piping systems.
- **Phosphorus Monitoring & Optimization Study** - This provision will require certain Publicly Owned Wastewater Treatment Works (POTWs) to monitor their discharge for phosphorus and require plants that don't have current phosphorus limits to conduct a study to determine the feasibility of such a limit on their systems. Given the issues with nutrient and phosphorus loading in Ohio's waters, including inland lakes and Lake Erie, it is important to have accurate data on the amount of phosphorus discharged into our waters. This amendment will provide a framework for future targeted efforts and be very valuable when determining how to allocate resources to best address this problem.

- Open Lake Disposal - While dredging our harbors is vital to Ohio's economy, adding more dredged material to Lake Erie doesn't help solve any environmental problems. It is simply not beneficial to place this material back in Lake Erie. We are concerned about the potential impact on water quality of continuing this practice. There are ways to beneficially reuse this material so that it can be a marketable commodity, not a liability. This amendment will limit the practice of open lake disposal by 2020 and incentivize other options for the dredge materials. There is language that will allow, under certain circumstances, director's discretion regarding open lake disposal if no viable options exist. This will ensure continued open harbors for commerce.

This bill also contains a requirement for Ohio EPA to conduct a study of nutrient contributions from both point and non-point sources to determine the contributions of nutrients on a state-wide scale. We have asked for slight modifications to that language to enable us to access available data and address both the Lake Erie and Ohio River watersheds. We understand that an amendment has been submitted to address those changes.

In addition, there is a new provision in Senate Bill 1 that establishes an Office of Harmful Algae Management and Response within Ohio EPA. While we are still evaluating this new language, let me explain the actions we have already taken to meet many of the goals of this proposed office. Our agency, in conjunction with our state partners, specifically the Ohio Department of Natural Resources, Ohio Department of Agriculture and the Ohio Department of Health, have implemented and currently conduct many of the functions outlined in this section. We have developed protocols, in conjunction with our public water systems, to streamline monitoring, testing and response functions. We are working with various drinking and waste water systems to insure they have the necessary testing and treatment equipment and financial support needed to be ready for this spring and warmer weather. We have made over \$150 million dollars, via a combination of grants and low or no-interest loans, to systems for these purposes. The Governor's budget also includes a provision requiring that public water systems conduct a basic asset management exercise and develop a plan to insure the safety and viability of this precious resource.

In order to not create an additional layer of regulatory bureaucracy, I would recommend minor changes to this section that will allow Ohio EPA the ability to coordinate nutrient activity across our divisions and districts. This will not replace our ongoing and positive working relationship with ODNR, ODA and other agencies to continue our statewide nutrient management activities. I look forward to working with the bill's sponsors in the next few days to address those changes.

Thank you Chairman Hite and members of the committee for your time. I am glad to answer any questions you may have on the Governor's budget initiatives related to water quality and those included in Senate Bill 1.