

28TH ANNUAL BUSINESS & INDUSTRY'S

Sustainability & Environmental, Health and Safety

S Y M P O S I U M

Tuesday & Wednesday, March 26-27, 2019 • Sharonville Convention Center, Cincinnati, Ohio

Workshop HH

**New & Emerging Water Management
Issues ... An Exciting, Interactive
Panel on Insights on Major Water
Issues and Trends in Ohio,
Kentucky & Indiana**

**Wednesday, March 27, 2019
11:15 a.m. to 12:30 p.m.**

Biographical Information

William J. Bruscano, P.E., Principal Consultant, Trinity Consultants
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Mr. Bruscano manages air quality permitting and compliance services for industries such as refining, chemical manufacturing upstream and midstream oil and gas, and general manufacturing. His experience includes Title V and PSD permitting in EPA Regions IV, V, and VI as well as compliance assessments and implementation projects. Mr. Bruscano has also assisted multiple facilities in establishing Title V and minor source air compliance programs including environmental management information system (EMIS) implementations. More specifically, he has audited and developed regulatory compliance programs for facilities operating a few emergency engines to corporate entities managing hundreds of engines. Mr. Bruscano currently manages Trinity's Columbus, Ohio office and is a member of the Air & Waste Management Association. He received a Bachelor's degree in chemical engineering from the University of Cincinnati and holds a Professional Engineering license in the State of Ohio.

Tony Hatton, Commissioner
Kentucky Department for Environmental Protection
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Tony Hatton is the Commissioner of Kentucky's Department for Environmental Protection. He has been an employee of the Kentucky Energy and Environment Cabinet since 1999. Prior to becoming an employee of the Commonwealth, he worked as a consulting geologist, based out of Columbia, South Carolina, for 11 years. During his time in consulting he worked on projects for the Department of Defense and did remediation work at a number of Air Force and Army facilities, on issues related to both conventional and chemical weapons. He also worked as a consultant on several larger projects at the U.S. DOE Savannah River Site. In between times, he consulted on cleanups at NPL sites and numerous large hazardous waste and Superfund sites and landfill siting and permitting.

In 1999, Tony worked as a staff geologist in the Kentucky Division of Waste Management's hazardous waste program. Over the course of his career Tony has served as the Assistant Director and then the Director of the Division of Waste Management beginning in 2008 and in 2016, respectively. Tony was recently appointed to the post of Commissioner of the Department for Environmental Protection.

Tony holds a Master of Science degree in geology from Eastern Kentucky University and is a registered professional geologist.

Bruno L. Pigott, Commissioner
Indiana Department of Environmental Management
100 N. Senate Ave. IGCN 1301, Indianapolis, IN 46204
317-232-8611 bpigott@idem.in.gov

Bruno Pigott is the Commissioner of IDEM. He has worked at the Agency since 2000. Over the past year, he served as Chief of Staff. From April, 2005 through August, 2015, Mr. Pigott worked as the Assistant Commissioner in the Office of Water Quality. Prior to 2005, Mr. Pigott served in a number of different positions in the Office of Water Quality, including chief of the Permits Branch, the Compliance Branch, and the State Revolving Fund Section. He received his Master's Degree from Indiana University's School of Public and Environmental Affairs and his Bachelor's degree from Michigan State University.

Biographical Information

Tiffani Kavalec, Chief, Division of Surface Water
Ohio EPA, PO Box 1049, Columbus, OH 43216-1049
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Tiffani Kavalec assumed the position of Ohio EPA's Division of Surface Water (DSW) Chief in August, 2015. She has been with Ohio EPA since 1995 where she started as an Environmental Specialist in the Division of Environmental Response & Revitalization's (DERR) enforcement program negotiating state and federal superfund actions. In early 2002, Tiffani became the manager of the Site Assessment and Brownfield Revitalization (SABR) Program which included working with the Ohio Department of Development to set environmental policy and outreach to local governments for Clean Ohio Funding of brownfield cleanups in Ohio. In 2009, she became the manager of DERR's Assessment, Cleanup and Reuse (ACRE) section, where her duties included oversight of Ohio's Voluntary Action, Federal Facilities, Remedial Response, Site Assessment, and Natural Resource Damages' Programs. In February of 2014, Tiffani was asked to become the Assistant Chief of DERR. However, a mere five months later in August 2014, it was determined that Ohio EPA could use her skills as an Assistant Chief in DSW to directly oversee NPDES, PTI, Storm Water, 401, Isolated Wetlands, Enforcement & Compliance, and 319 grants. Tiffani received a bachelor's degree in environmental science from Indiana University and completed more than three years of post-graduate work through the University of Findlay's Environmental Management Program.

Paul Higginbotham, Deputy Assistant Commissioner, Office of Water Quality
Indiana Department of Environmental Management
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Paul Higginbotham is the Deputy Assistant Commissioner, Office of Water Quality within the Indiana Department of Environmental Management (IDEM). He has been with IDEM since 1992, serving as Chief of the Permits Branch in the Office of Water Quality for nine years and also served as the Solid Waste-Underground Storage Tank Enforcement Section Chief. Paul has a Bachelor of Arts (B.A.) in Biology from Anderson University.

Carey Johnson, Assistant Director, Kentucky Division of Water
300 Sower Boulevard, Frankfort, KY 40601
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Carey Johnson is the Assistant Director of the Kentucky Division of Water. His primary responsibilities include assisting the Director in accomplishing Division goals and priorities and managing water resources-related activities across the Division. His efforts have resulted in flood hazard map updates for all counties in Kentucky and statewide LiDAR terrain data. Carey serves on the Technical Mapping Advisory Council (TMAC), is the Division's proxy on the National Dam Safety Review Board (NDSRB), and is the co-chair of the Association of State Floodplain Managers CTP subcommittee. He chairs a Waters of the US (WOTUS) workgroup for the Kentucky Energy and Environment Cabinet (EEC) and also serves on the KY State Hazard Mitigation Council, the KY statewide LIDAR/orthoimagery advisory committee, and is the state lead for the Kentucky Silver Jackets. Carey is a founding member and current chairperson of the Kentucky Association of Mitigation Managers (KAMM).



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Workshop HH - New & Emerging Water Management Issues -
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Workshop HH Overview

- **Format**

- ❖ Short introduction to each topic
- ❖ Questions and answers

- **Planned Topics**

- ❖ Waters of the United States (WOTUS)
- ❖ Permit Program Structure & Status
- ❖ Priority Pollutants of Concern
- ❖ Cooperative Federalism
- ❖ National Compliance Initiatives
- ❖ State Specific Topics

Waters of the United States

- **CWA prohibits discharges to WOTUS without a permit**
- **2015 WOTUS Rule applied an expansive meaning to this term**
 - ❖ October 2015 – 6th Circuit delayed the effective date
 - ❖ January 2018 – Supreme Court lifts stay of WOTUS Rule
- **Suspension Rule**
 - ❖ February 2018 – 2 year delay of effective date to replace definition

Waters of the United States

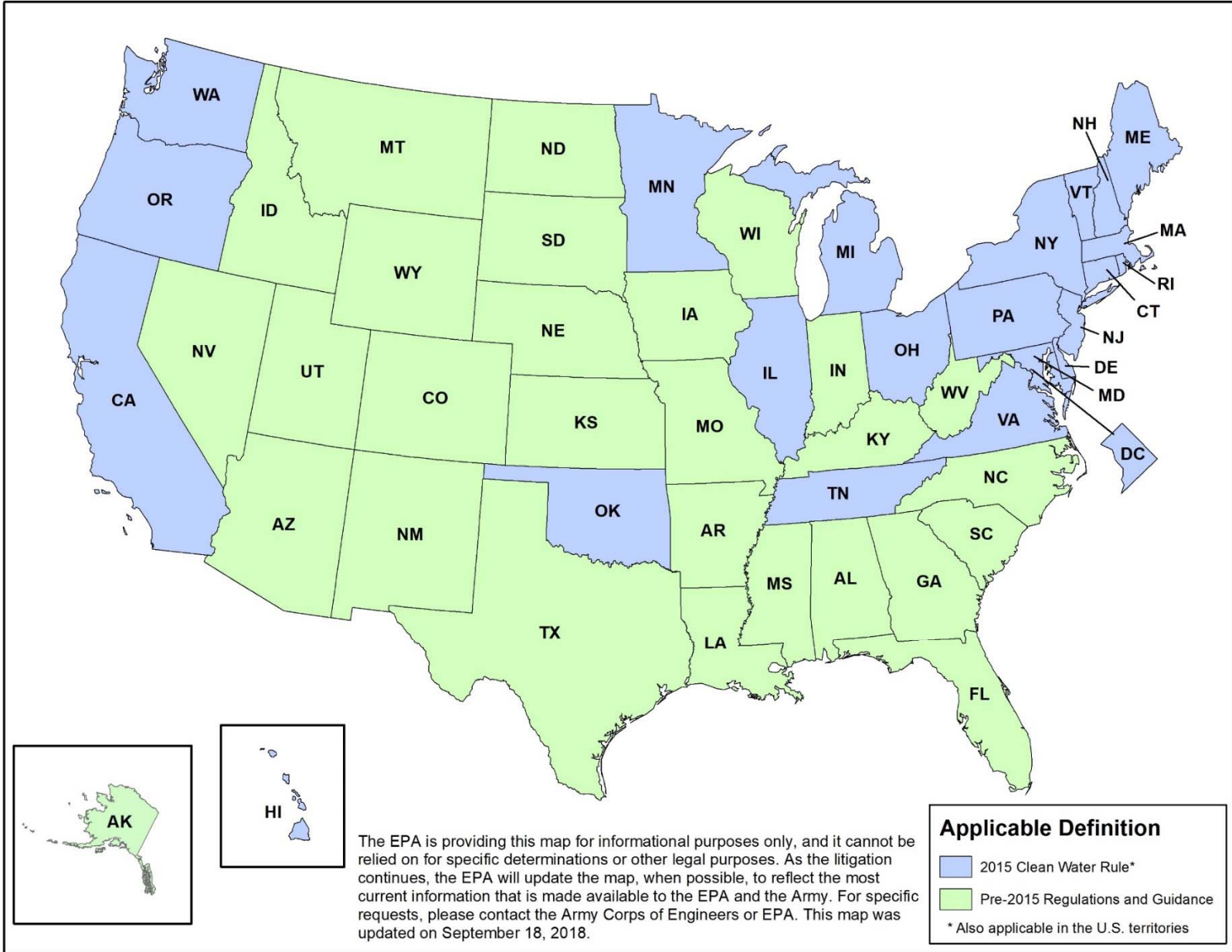
■ Recent Court Decisions

- ❖ Georgia/North Dakota federal courts prohibited implementation of WOTUS Rule
- ❖ South Carolina federal court overturned Suspension Rule
- ❖ 2015 Rule effective in 26 states
- ❖ Pre-2015 rule effective in other 24 states

■ WOTUS Proposed Changes

- ❖ Restricts scope of definition and returns more authority to states
- ❖ Comment period closes April 15, 2019

Waters of the United States



Cooperative Federalism

- **Ex-EPA Administrator Pruitt February Address to EPA Employees**

“I seek to ensure that we engender the trust of those at the state level, that those at the state level see us as partners and not as adversaries.”

“I believe that we as a nation can be both pro-energy and jobs, and pro-environment.”

- **Listed Priorities:**

- ❖ Enhance shared accountability between EPA and state, tribal and federal partners through joint governance and compliance assistance.
- ❖ Increase transparency and collaboration by listening and working with impacted stakeholders and providing effective platforms for public participation and meaningful engagement.

Surface Water Permit Programs

- Individual Permit
- Indirect Discharge Permit
- General Permits
 - ❖ Industrial SW Multi-Sector General Permit
 - ❖ Construction SW General Permit

Permit	Ohio	Kentucky	Indiana
Industrial SW MSGP	5/31/2022	7/31/2023	PBR
Construction SW GP	4/22/2023	11/30/2019	PBR

Priority Pollutants

- “Ohio Republican Governor Asks For \$1B To Protect The Great Lakes”
- “Multi-state panel might scrap its water-quality standards for Ohio River”
- “Pollution Controls Along the Ohio River Will Stay Put — For Now”
- “Kentuckians Defend Ohio River Quality Standards”
- “Indiana Has "A Lot To Lose" With Poor Ohio River Quality”
- “Municipal utilities need to be concerned with PFAS”
- “EPA plan seeks cuts in phosphorus pollution that causes algae masses in Lake Erie”
- “Why the EPA won’t get the lead out of our water”
- “Traces of Lead Found in _____ Water Samples”

Insert City Here 

National Compliance Initiatives

- **NCI's for FY2020-23 Proposed 2/8/19**
- **8 Initiatives Included in Proposal**
 - ❖ Reducing Air Pollution from the Largest Sources
 - ❖ Cutting Hazardous Air Pollutants
 - ❖ Ensuring Energy Extraction Activities Comply with Environmental Laws
 - ❖ Reducing Risks of Accidental Releases at Industrial and Chemical Facilities
 - ❖ Reducing Hazardous Air Emissions from Hazardous Waste Facilities
 - ❖ Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters
 - ❖ Preventing Animal Waste from Contaminating Surface and Ground Water
 - ❖ Keeping Industrial Pollutants Out of the Nation's Waters

National Compliance Initiatives

- **Keeping Industrial Pollutants Out of the Nation's Waters**
 - ❖ Focus on Significant Non-Compliance (SNC) Reduction under the NPDES program
 - ❖ By the end of FY2022 reduce rate of SNC by 50%
 - ◆ Broad focus on reducing overall noncompliance but using SNC percentage as metric
 - ◆ EPA seeking comments on how to best pursue and achieve this goal

Individual State Topics

- **Kentucky**
- **Indiana**
- **Ohio**



Thanks!

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