



# Surface Water Update

David Emerman,  
Assistant Chief



- Compliance – Significant non-Compliance
- Stormwater – New Industrial Stormwater General Permit
- Wetlands – Nationwide Permits and New Rules
- Maumee Watershed Nutrient TMDL
- Permits to Install – Process Improvements

# U.S. EPA's National Compliance Initiative



U.S. EPA's (2018-2022) Strategic Plan identified a new priority: increasing compliance with environmental laws

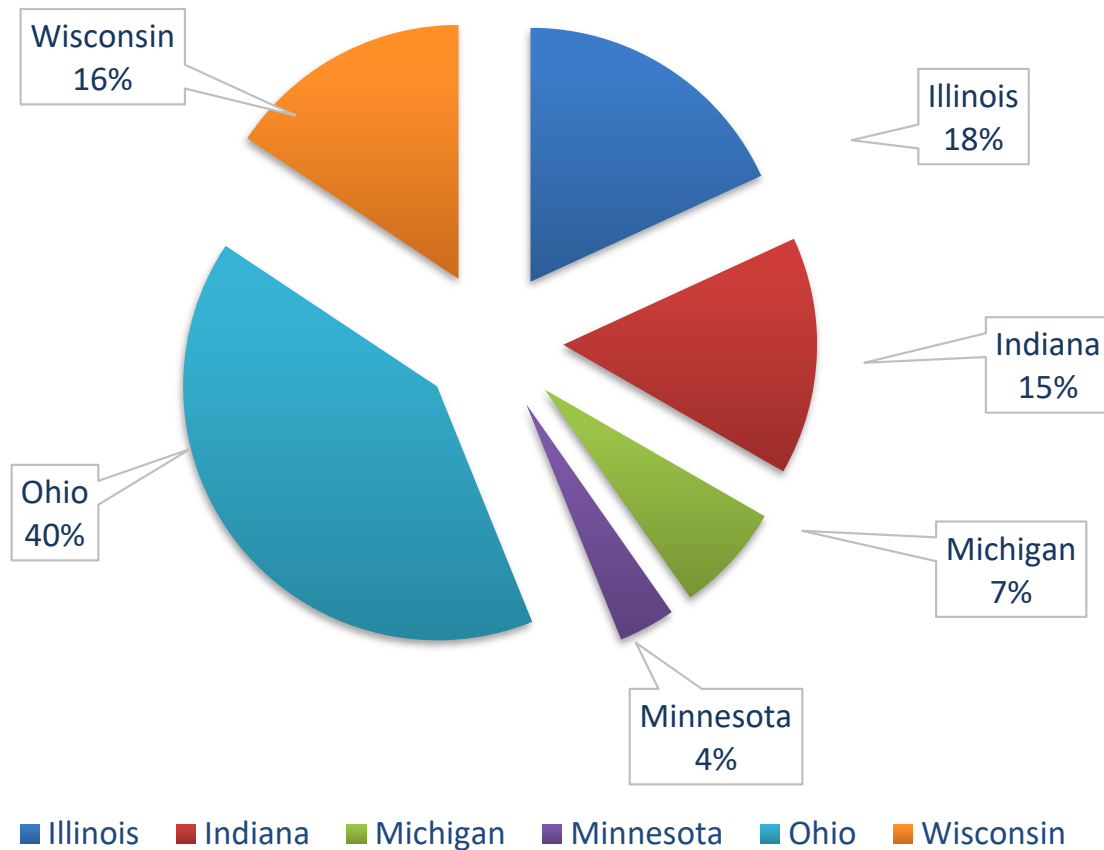


Maximize compliance over the next five years by focusing on areas with significant noncompliance (SNC) issues



U.S. EPA selected the Clean Water Act (CWA), NPDES program as its first focus

# Region 5 Individual Permits



State	Permits	% of Universe
Illinois	1,453	18.1%
Indiana	1,214	15.2%
Michigan	558	6.9%
Minnesota	289	3.6%
Ohio	3,238	40.4%
Wisconsin	1,254	15.7%
Region 5 Total	8,006	100.0%

# What is Significant Noncompliance?

- Failure to submit a discharge monitoring report
- Failure to meet a permit compliance schedule milestone
- Violations of formal enforcement actions
- Significant permit effluent violations

# What is Significant Noncompliance?

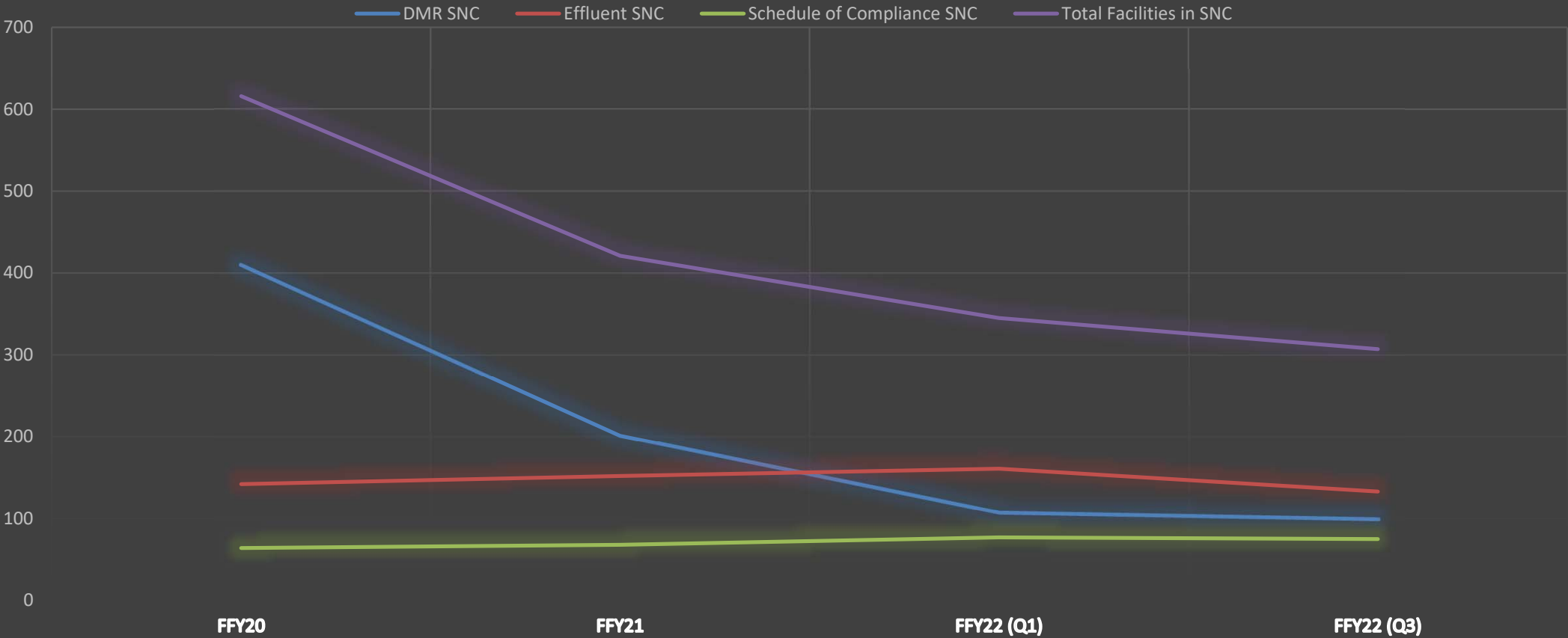
## Permit effluent limit violations

- Violations Exceeding Technical Review Criteria
  - 40% exceedance for conventional pollutants (e.g. BOD, TSS, ammonia, oil and grease)
  - 20% exceedance for toxic pollutants (e.g. copper, cyanide, chlorine)

*Trigger — Two or more months in a six-month period*
- Chronic violations: any monthly effluent limit by any amount.

*Trigger — Four or more months in a six-month period*

# Ohio Yearly Average SNC Trends

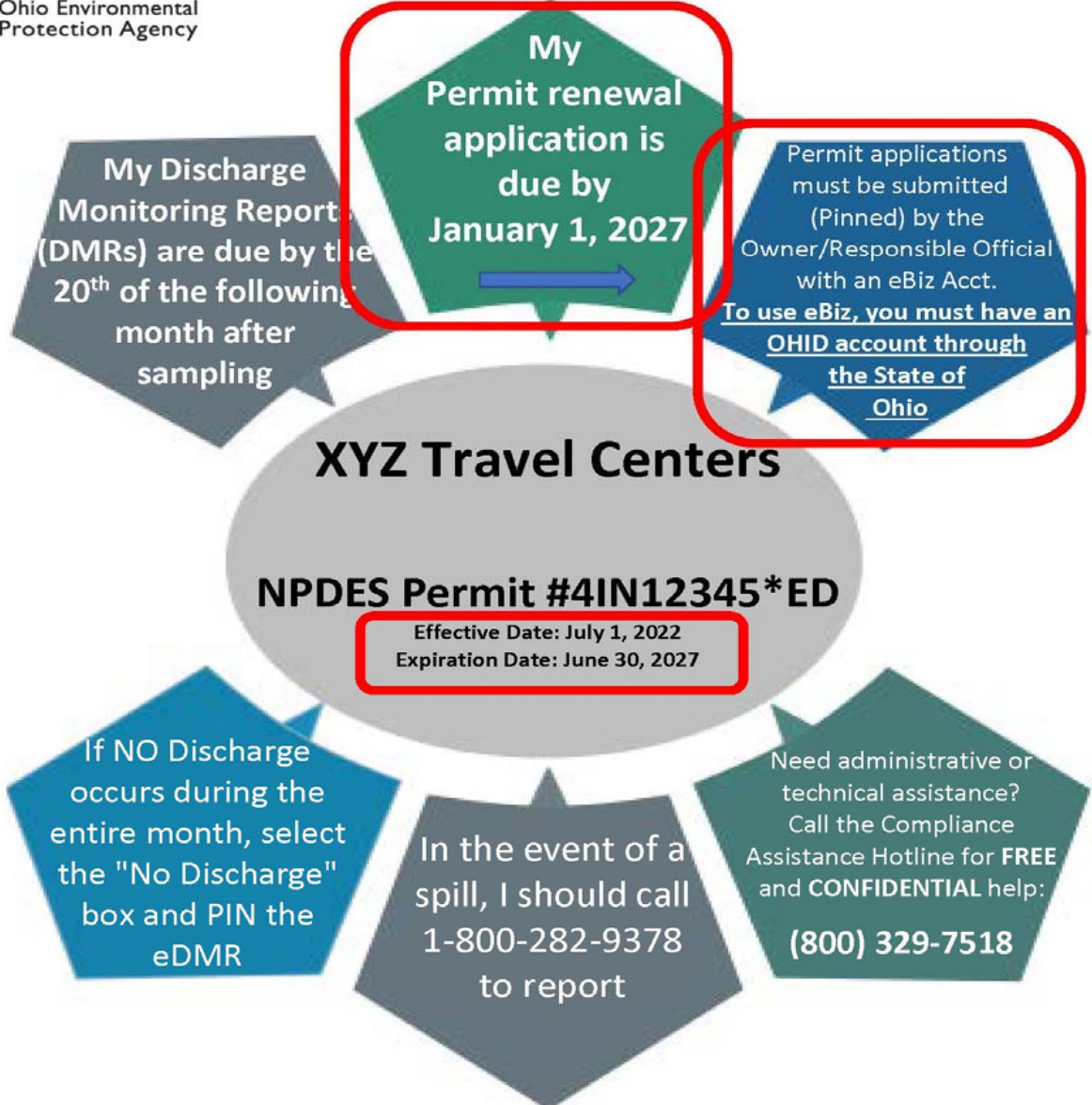


Federal Fiscal Year (FFY)	DMR SNC	% DMR SNC	Effluent SNC	% Effluent SNC	Sched SNC	% SoC SNC	Total Facilities in SNC	% Total SNC
Current (Q3)	98	3.1%	143	4.4%	81	2.5%	333	10.1%
FY22 (Q1)	107	3.3%	161	5.0%	77	2.4%	345	10.8%
FY21	201	6.3%	152	4.8%	68	2.1%	421	13.1%
FY20	410	12.8%	142	4.4%	64	2.0%	616	19.2%

\*Percentage based off total Ohio Individual NPDES permit universe

**UPDATED Keys to Compliance (K2C) Sheet**

- **QUICK PERMIT RESOURCE GUIDE**
- **Provides Permit Information** (Permit Number, Effective Date, Expiration Date)
- **Provides Application Due Date** (at least 180 days prior to expiration date)
- **Provides basic reporting and permit renewal information and requirements**
- **Provides Ohio EPA contact information**



Use the eBusiness Center (eBiz) to manage my facility and data: <https://ebiz.epa.ohio.gov>  
Need eBiz Help? Email us at [DSW.ebizhelp@epa.ohio.gov](mailto:DSW.ebizhelp@epa.ohio.gov) or contact our eBiz Administrator at (614) 644-2135

**DON'T HESITATE TO COMMUNICATE!**  
Your **Ohio EPA Inspector, Carla Whisner**, is there to help!  
Contact Carla at 614-728-3854 or at [carla.whisner@epa.ohio.gov](mailto:carla.whisner@epa.ohio.gov)



# Industrial Multi-Sector General Stormwater Permit

## Three major changes

- **Timing of Benchmark Monitoring:** Previous: 4 seasonal benchmark samples taken during the first 3-years. New: 4 seasonal benchmark samples taken within the first 2-years.
- **Monitoring after a corrective action:** facilities that exceed a benchmark must take corrective action and take an additional 4 seasonal benchmark samples during the next two years
- **Additional question in the Annual Report:** “Yes or No. Identify whether your facility used coal-tar sealcoat to seal paved surfaces where industrial activities are located during this reporting year?”

# 401s for Nationwide Permits

- On January 13, 2021, the U.S. Army Corps of Engineers finalized an early renewal of the 2017 Nationwide Permits in the Federal Register.
- A March 2021 renewal only issued Nationwide Permits for 16 activities instead of the originally proposed 56 activities - Corps contends that Ohio waived our 401 certification for these 16 activities.
- The Remaining 41 nationwide permits became effective Feb 25, 2022 – Corps accepted Ohio's 401 certification to these 41 NWP's on Feb 17<sup>th</sup>.



1. Aids to navigation
2. Structures in artificial canals
3. Maintenance
4. Fish and wildlife harvesting, enhancement and attraction devices and activities
5. Scientific measurement devices
6. Survey activities
7. Outfall structures and associated intake structures
8. Oil and gas structures on the outer continental shelf
9. Structures in fleeting and anchorage areas
10. Mooring buoys
11. Temporary recreational structures
12. Oil or Natural Gas Pipeline Activities
13. Bank stabilization
14. Linear transportation projects
15. U.S. Coast Guard-approved bridges
16. Return water from upland contained disposal areas
17. Hydropower projects
18. Minor discharges
19. Minor dredging
20. Response operations for oil or hazardous substances
21. Surface coal-mining activities
22. Removal of vessels
23. Approved categorical exclusions
24. Indian tribe or state-administered Section 404 programs
25. Structural discharges
26. [Reserved]
27. Aquatic habitat restoration, establishment and enhancement activities
28. Modifications of existing marinas
29. Residential developments
30. Moist soil management for wildlife
31. Maintenance of existing flood control facilities
32. Completed enforcement actions
33. Temporary construction, access and dewatering
34. Cranberry-production activities
35. Maintenance dredging of existing basins
36. Boat ramps
37. Emergency watershed protection and rehabilitation
38. Cleanup of hazardous and toxic waste
39. Commercial and institutional developments
40. Agricultural activities
41. Reshaping existing drainage ditches
42. Recreational facilities
43. Storm water management facilities
44. Mining activities
45. Repair of uplands damaged by discrete events
46. Discharges in ditches
47. [Reserved]
48. Commercial shellfish aquaculture activities
49. Coal re-mining activities
50. Underground coal mining activities
51. Land-based renewable energy generation facilities
52. Water-based renewable energy generation pilot projects
53. Removal of low-head dams
54. Living shorelines
55. (A) Seaweed and Mariculture Activities
56. (B) Finfish Mariculture Activities
57. (C) Electric Utility Lines and Telecommunication Activities
58. (D) Utility Line Activities for Water and Other Substances
59. Water Reclamation and Reuse Facilities

# HB 175 Key Features

- **Bill becomes effective July 21, 2022**
- "Waters of the state" does not include an ephemeral feature for which the United States army corps of engineers lacks the authority to issue a permit under 33 U.S.C. 1344. (i.e Fill in Ephemeral streams are only regulated by the state under Section 401 of the Clean Water Act).
- Section 6111.313 and 6111.314 includes several, specific options for ephemeral stream mitigation as well as monitoring criteria
- Within two years of the effective date of the bill (by July 21, 2024) The director of environmental protection shall review and adopt all substantive wetland, stream, or lake mitigation standards, guidance, criteria, scientific methods, processes, or other procedures or policies that are currently used by the interagency review team or in the evaluation of 401 water quality certifications

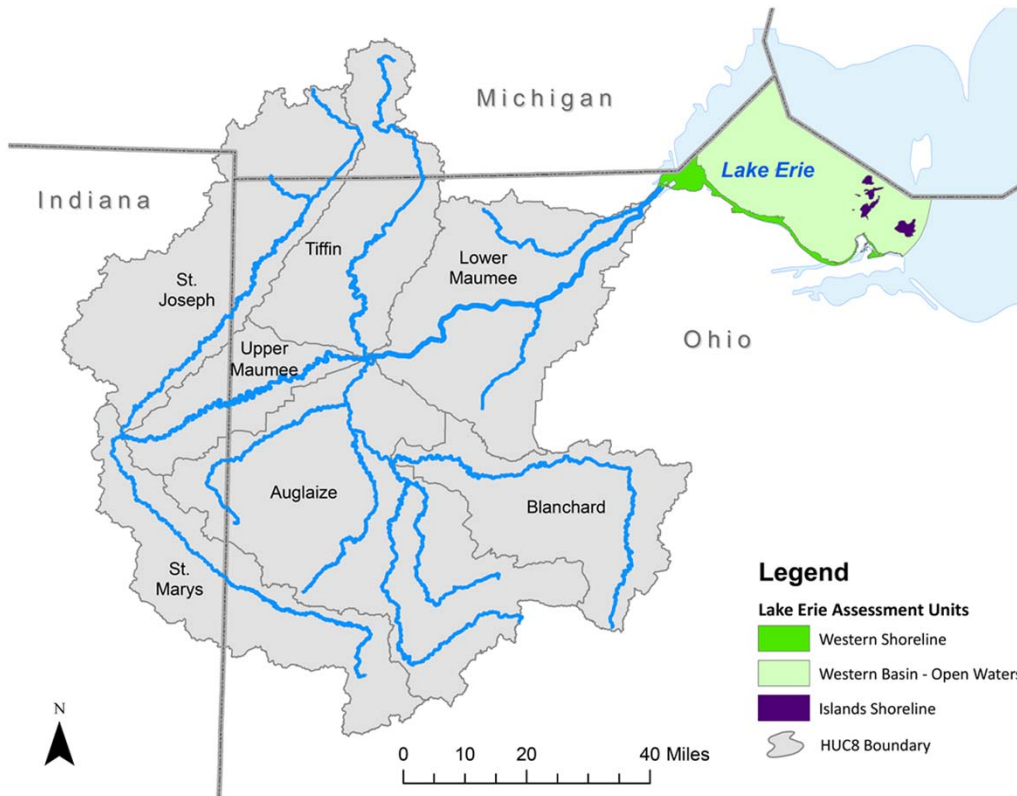
# HB 175 Plan for Implementation

- July 21, 2022
  - Recruit contractor to assist with administrative objectives
- June – Sept. 20, 2022
  - Conduct Pre-Early Stakeholder Outreach
- September 30, 2022
  - Public Notice on Intent to Develop Rules
- October 2022-March 2023
  - Conduct Early Stakeholder Outreach
- January 2023 – August 2023
  - Draft Rules
- Sept. 30, 2023
  - Public Notice Draft Rules/Interested Party Review

# HB 175 Plan for Implementation Cont'd

- December 31, 2023
  - Common-Sense Initiative Office
- April 1, 2024
  - Joint Committee on Agency Rules and Reference (JCARR)
- May 2, 2024 (approximate)
  - Public Hearing
- May 21, 2024
  - JCARR has Public Hearing
- **July 21, 2024 – Deadline pursuant to HB 175**

# Maumee Watershed Nutrient TMDL



- Impairments in Lake Erie
  - Western Basin Open Waters
  - Western Basin Shoreline
  - Islands Shoreline
- Phosphorus allocations for the Maumee watershed

STUDY PLAN

BIOLOGICAL AND WATER QUALITY REPORT

LOADING ANALYSIS PLAN

PRELIMINARY MODELING RESULTS

OFFICIAL DRAFT TMDL

A grid of 20 circles arranged in 5 rows and 4 columns. The first four rows are fully filled with green circles. The fifth row has the first three circles filled with green and the fourth circle empty, indicating that 19 out of 20 items are complete.

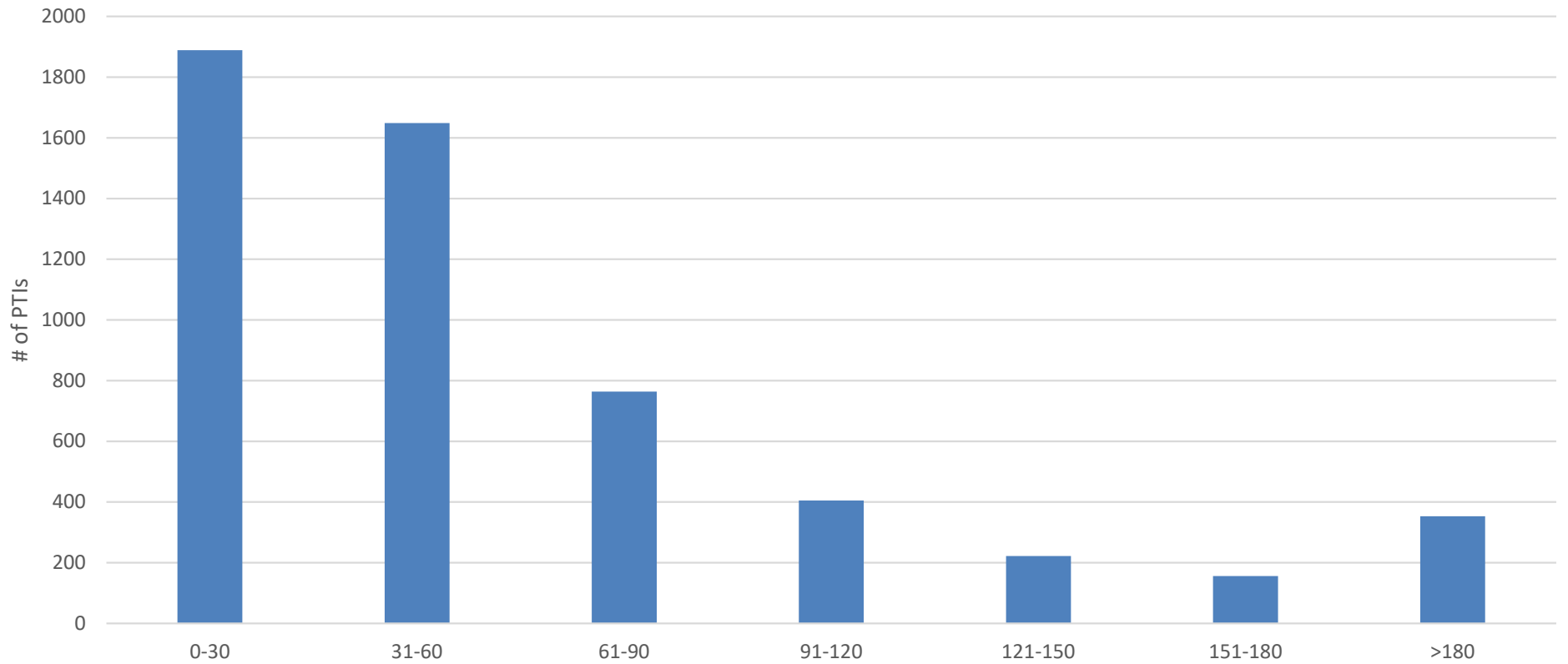
# Maumee Watershed Nutrient TMDL

- Ohio follows a 5-step TMDL process on June 30<sup>th</sup> the draft Preliminary Modeling Results report was published for comment (Step 4)
- Outreach webinars and project documents are posted on our website:  
<https://epa.ohio.gov/divisions-and-offices/surface-water/reports-data/maumee-river-watershed>
- Questions or comments can be submitted to the project team at [epatmdl@epa.ohio.gov](mailto:epatmdl@epa.ohio.gov)

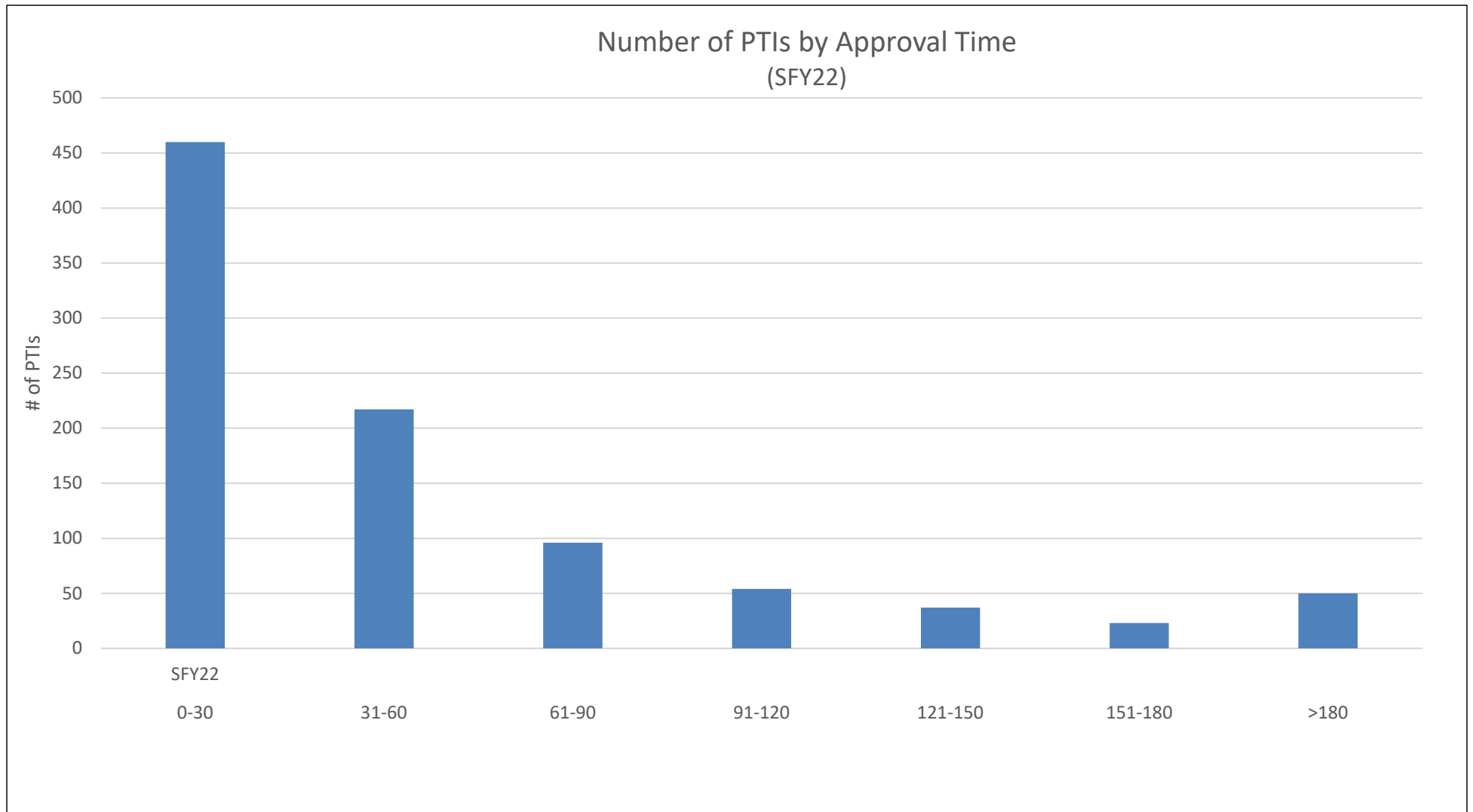


# Permit to Install: Process Improvements

Number of PTIs by Approval Time  
(SFY17-SFY22)

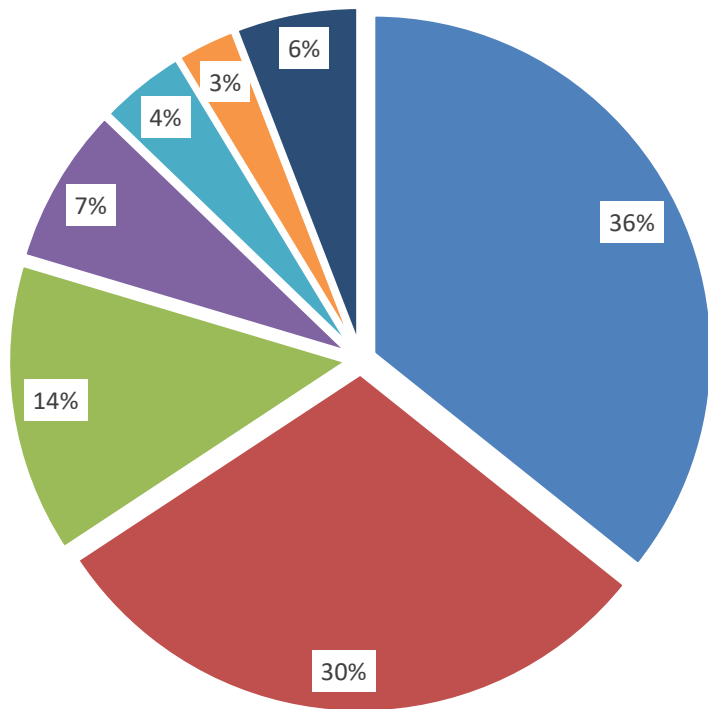


# Permit to Install: Process Improvements

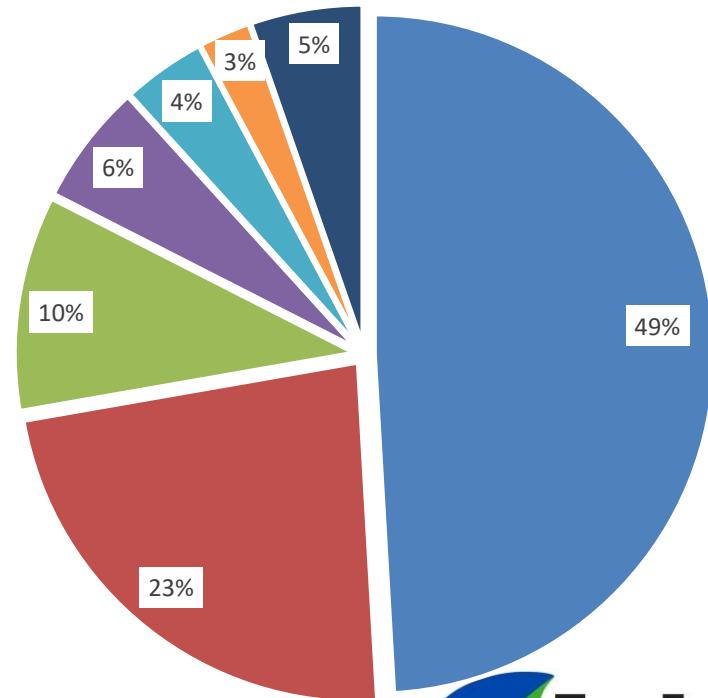


# Permit to Install: Process Improvements

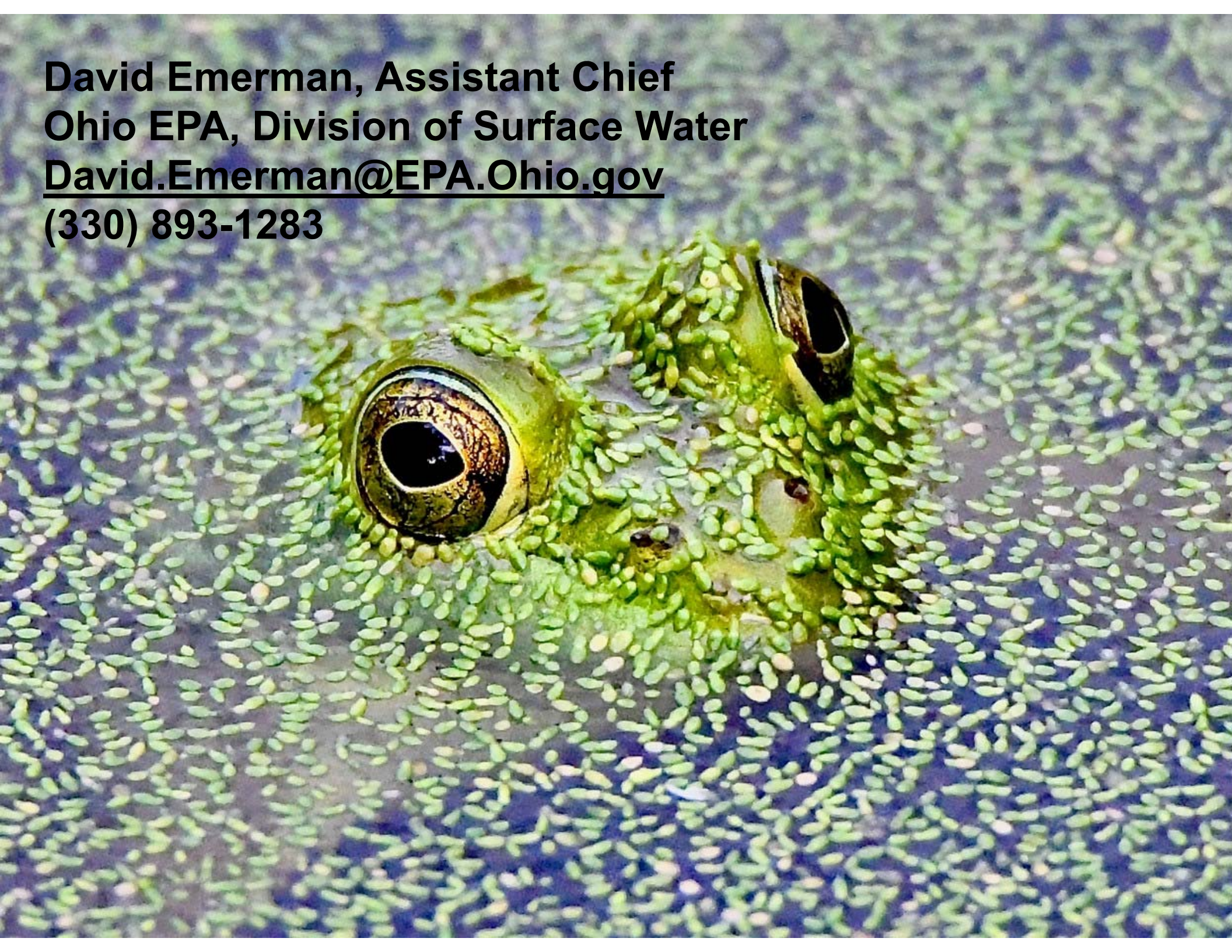
FY18-22



FY 22



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# Emerging Trends

A Look at National Issues in Water Law

Cheri A. Budzynski

# Overview of Presentation

- The Biden Administration' Current Water Regulations
- Legal Update on Waters of the United States (AGAIN!)
- ORSANCO Update

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# The Biden Administration

Review of Current Administration Rulemaking

# Final and Proposed Regulations

- Review of National Primary Drinking Water Regulation: Lead and Copper Revision Rule
- Revised definition of Waters of the United States
- Clean Water Act 401 WQC Rule\*
- Clean Water Act Hazardous Substance Worst Case Discharge Planning Regulations\*
- PFAs regulations\*
- Environmental justice\*



# Final and Proposed Regulations

- Review of National Primary Drinking Water Regulation: Lead and Copper Revision Rule; Final Rule (1/15/2021)
  - Require water systems to take actions at lower lead tap water levels than previously required.
  - Improve tap sampling by improving the tap sampling protocol, taking samples that are more representative of the highest levels of lead in drinking water taps and better targeting higher risk sites for lead contamination, *i.e.*, sites with LSLs or lead containing plumbing materials.
  - New lead “trigger level” of 10 µg/L in addition to the 15 µg/L lead action level.
    - Requirement to take a progressive set of actions to reduce lead levels at the tap.
    - Enhancing water quality parameter (WQP) monitoring.
    - Establish a “find-and-fix” process to evaluate and remediate elevated lead at a site where the individual tap sample exceeds 15 µg/L.
    - Require water systems to create an Lead Service Lines inventory to identify the full extent of LSLs in the system.
  - Public Education (PE) and Consumer Confidence Report (CCR) will improve communication with consumers. In addition, this final rule includes requirements for Community Water Systems to conduct lead in drinking water testing and PE in schools and child care facilities.

# Final and Proposed Regulations

- Revised Definition of “Waters of the United States”; Proposed Rule (12/07/2021)
  - Traditional navigable waters, interstate waters, and territorial seas, as well as adjacent wetlands.
  - Most impoundments of “waters of the U.S.”
  - Tributaries to traditional navigable waters, interstate waters, the territorial seas, and impoundments that meet either the “relatively permanent” standard or the “significant nexus” standard.
  - Wetlands that are adjacent to impoundments and tributaries and meet either the “relatively permanent” standard or the “significant nexus” standard.
  - “Other waters” that meet either the “relatively permanent” standard or the “significant nexus” standard.

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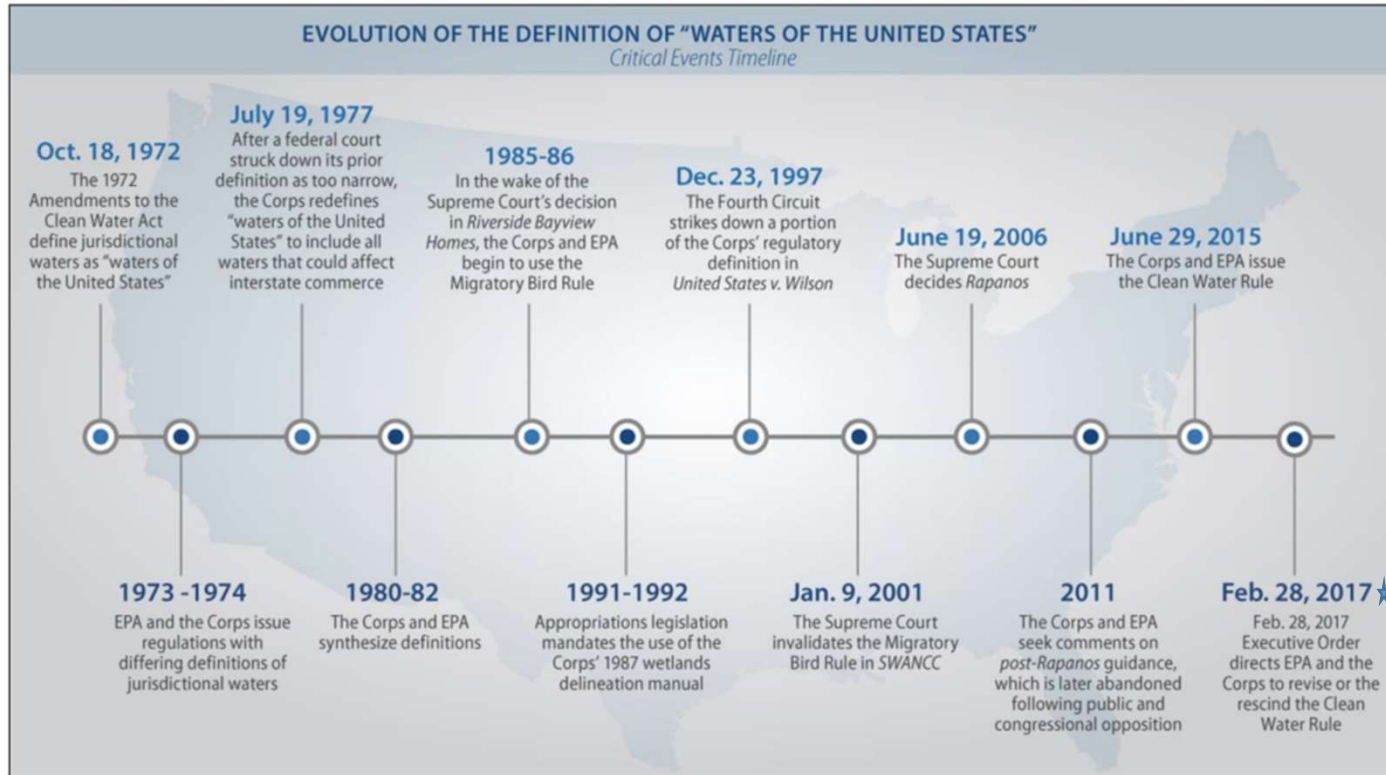
# Waters of the United States

A Tug of War

# Definition Tug of War



**Figure I. Major Events in the Evolution of “Waters of the United States”**



**Source:** Congressional Research Service, based on the sources cited in this report.

★ Since that time the Trump Administration repealed the 2015 Rule, Enacted the 2019 Rule, and the Biden Administration Has Proposed a new rule.

# Waters of the United States

- The Clean Water Act prohibits discharge of any pollutant into “navigable waters” without a permit
- Application of Clean Water Act only applies to “waters of the United States”
  - All waters currently used, or used in the past, or susceptible to use in interstate or foreign commerce, including all waters subject to ebb and flow of tide
  - All interstate waters, including interstate wetlands
  - All other waters, which use, degradation or destruction could affect interstate commerce
  - Territorial seas

# WOTUS Case and Policy History

- *United States v. Riverside Bayview Homes* (1985)
  - Rule: Wetlands adjacent to traditional navigable waters are covered by the CWA; wetland need not be navigable to be regulated; coverage of isolated wetlands
- *Migratory Bird Rule* (1986-2000)
  - Corps determined in 1986 that federal jurisdiction extended to isolated wetlands visited by migratory birds
- *Solid Waste Agency of Northern Cook County (SWANCC) v. Corps of Engineers* (2001)
  - SWANCC court rolled back part of Bayview, demanding there be some nexus to navigable waters
  - For federal jurisdiction to extend to isolated, intrastate wetlands, SWANCC court demanded wetland be “adjacent to” some navigable water

# WOTUS Case and Policy History

- *Rapanos v. US* (2006)
  - Issue = whether CWA covers wetlands that do not contain, and are not adjacent to, waters that are not navigable in fact
  - Supreme Court split 4-1-4
  - Justices issued five separate opinions (with no one opinion being a majority) – 126 S. Ct. 2208 (2006)
  - Judgment vacated and case remanded



# WOTUS Case and Policy History

- Plurality Opinion (Scalia)
  - “Navigable waters” means “relatively permanent bodies of water”
    - “... at a bare minimum, [wetlands require] the ordinary presence of water”
  - Scalia two-part test
    - “... relatively permanent standing or flowing body of water connected to traditional interstate navigable waters” – excludes ephemeral streams
    - “... continuous surface connection to bodies that are ‘waters of the United States’ in their own right” – making it difficult to determine where “water” ends and “wetland” begins
- Significant Nexus Opinion (Kennedy)
  - “Nexus” exists “if the wetlands ... significantly affect the chemical, physical and biological integrity of other covered waters more readily understood as ‘navigable’”

# WOTUS Case and Policy History

- Courts split on what interpretation applied
- Despite EPA/Corps attempts to clarify the definition and interpretation through guidance under the plurality and significant nexus opinions
  - Guidance: Non-binding and not subject to notice and comment rulemaking
- Determining jurisdiction: Time and resource intensive

# 2015 WOTUS Rulemaking (Obama)

- Waters of the United States: In addition to the jurisdictional categories of waters, the definition includes:
  - All impoundments of “traditional” navigable waters
  - All tributaries of “traditional” navigable waters and impoundments
  - All waters, including wetlands, adjacent to waters identified in categories one through five
  - On a case-specific basis, other waters, including wetlands, provided that those waters alone, or in combination with other similarly situated waters, including wetlands, located in the same region, have a significant nexus to a traditional navigable water

# Challenges to the 2015 WOTUS Rule

- *Nat'l Ass'n of Mfrs. v. Dep't of Def.*, 138 S. Ct. 617 (2018): Supreme Court, in a unanimous opinion, held that rules defining the scope of “waters of the United States” are subject to direct review in the district courts..
  - Resulted in the litigation of the definition in multiple districts
  - Definition is still being litigated
- 2016: The Trump Administration stayed the 2015 definition until 2020 and indicated that he was going to revise the rule to be consistent with Scalia’s opinion
- In 2019, the rule was finalized – reflects Scalia’s definition in *Rapanos*
  - Also resulted in litigation
  - The Biden Administration issued proposed rule in 2021 (previous slide)

# WOTUS Challenges

- *Pasqua Yagui Tribe v. EPA*: Petition for Review to vacate the Trump Era definition of WOTUS. An Arizona federal judge vacated the rule in August 2021. Industry groups appealed the decision in October 2021. In January 2022, the Industry groups filed a motion for voluntary dismissal and the case was dismissed in February 2022.
- *Navajo Nation v. Regan*, No. 2:20-cv-00602 (D.N.M. Sept. 27, 2021): U.S. District Court for the District of New Mexico issued an order vacating and remanding the NWPR.
  - Six courts also remanded the NWPR without vacatur or without addressing vacatur.
- Fourteen cases are pending challenging the agencies' rules defining “waters of the United States,” including the 2015 Clean Water Rule, 2019 Repeal Rule, and the NWPR.

# WOTUS Challenges

- *State of Ohio v. ACOE*: U.S. District Court of Southern Ohio. On March 10<sup>th</sup>, Ohio and Tennessee asked the Court to block implementation of the 2015 Obama Era rule. Dismissed as moot on March 23, 2022. Appealed to the Sixth Circuit Court of Appeals on April 7, 2022.
- *Sackett v. EPA*: U.S. Supreme Court granted cert. in January 2022 to hear petition on the question of “Should *Rapanos* be revisited to adopt the plurality’s test for wetlands jurisdiction under the Clean Water Act.” Petitioner’s brief submitted on April 11, 2022 and Respondent’s brief submitted June 10, 2022.

# ORSANCO Update



- Ohio River Valley Water Sanitation Commission
  - Federal Commissioners
  - Illinois
  - Indiana
  - Kentucky
  - New York
  - Ohio
  - Pennsylvania
  - Virginia
  - West Virginia



MEMBER STATES

# ORSANCO Update



## Technical Committee

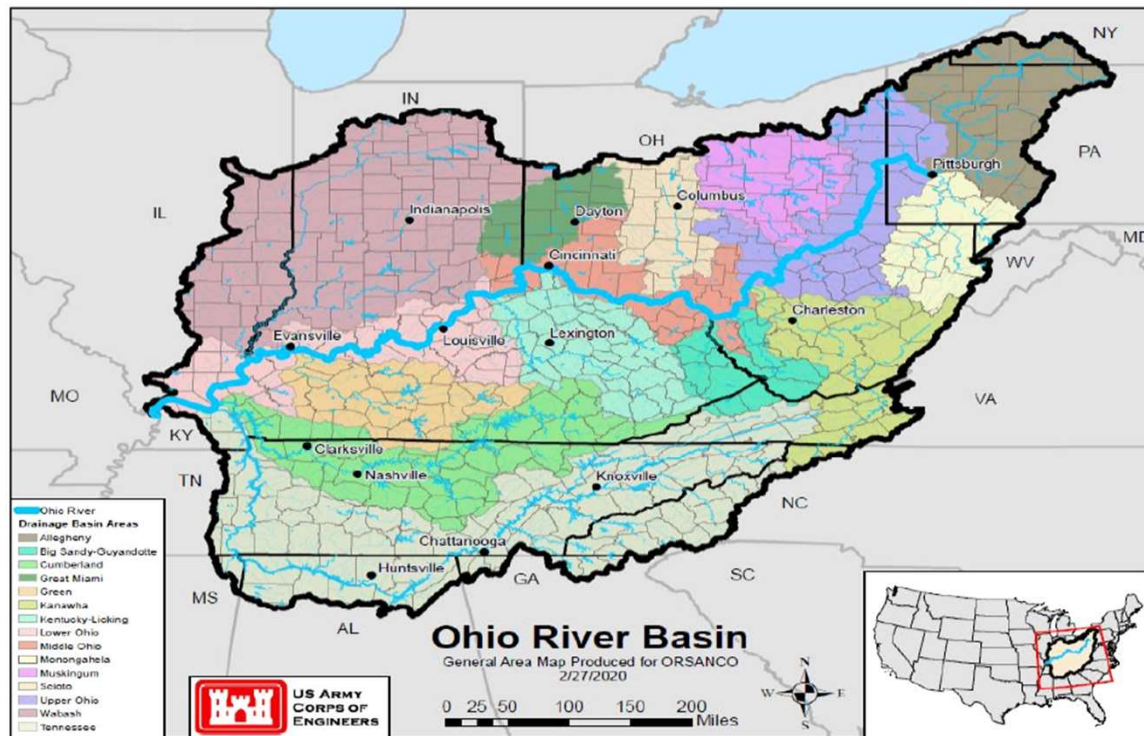
- Biological Water Quality
- Stream Quality Criteria
- Monitoring Strategy
- NPDES: Reviews all NPDES permits for facilities on the Ohio River

## Advisory Committees

- Water Users
- Special Interest
  - Chemical Industry
  - Power Industry
  - Watershed Organizations
- Public Information
- Publicly Owned Wastewater Treatment Works



# ORSANCO Update



# ORSANCO Update



- Five-year strategic plan approved June 16, 2022.
- Ohio River Sweep: 125 clean-up events planned.
- Eight NPDES permit reviews.
- Addressed 36 spill reports that could impact the Ohio River.
- Approved PFAs baseline monitoring at 22 sites in the Ohio River.
- Next Meeting: October 11-13, 2022 at the Sheraton Hotel, Pittsburgh, Pennsylvania.
- Environmental Justice Ad Hoc Committee.

# Ohio River Basin Alliance

- **Ohio River Basin Alliance** - ORBA is an outcome of the October 2009 Ohio River Basin summit that was co-led by the US Environmental Protection Agency, the US Army Corps of Engineers, and ORSANCO and the former Ohio River Basin Water Resources Association. ORBA is an informal collaboration that has included more than 200 representatives from over 80 state, local and federal agencies, and industry, academia, and not-for-profit organizations. ORBA has held nine regional conferences in six basin states (2010 - 2016) providing a forum to discuss the state of natural and man-made resources and the issues facing the basin in today's changing environment.

# ORBA



- Ohio River Basin Alliance: Appropriations to major water basins
  - Great Lakes: \$320 M
  - Chesapeake Bay: \$85 M
  - Puget Sound: \$33 M
  - Long Island Sound: \$21 M
  - Gulf of Mexico: \$17.55 M
  - Lake Champlain: \$1.39 M
  - Southern New England Estuaries: \$5.4 M
  - San Francisco Bay: \$5.019 M
  - South Florida: \$3.504 M
  - Columbia River Basin: \$1.1 M
  - Ohio River: \$0

# ORBA Goals



- **Abundant Clean Water:** Ensure the quality and quantity of water in the Ohio River Basin is adequate to support the economic, social, and environmental functions.
- **Healthy and Productive Ecosystems:** Conserve, enhance, and restore ecosystems within the Ohio River Basin.
- **Knowledge and Education to Inform Decisions:** Ensure that research and education adequately inform Ohio River Basin-wide economic, social, and environmental decisions.
- **Nation's Most Valuable River Transportation and Commerce Corridor:** Provide for safe, efficient, and dependable commercial navigation within the Ohio River Basin to ensure a competitive advantage for our goods in global and regional markets.
- **Reliable Flood Risk Management:** Provide reliable flood risk management through well-managed and maintained infrastructure.
- **World-class Nature-based Recreation Opportunities:** Enrich the quality of life for people and recreation-based economies by maintaining and enhancing riverine, lake, and wetland-associated recreation within the Basin.

# Questions?

Cheri Budzynski

Shumaker, Loop & Kendrick LLP

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# Environmental

Clean Water Panel

## 31<sup>st</sup> Annual Conference on Air, RCRA & Water Permits

Dan Havallo, P.E.

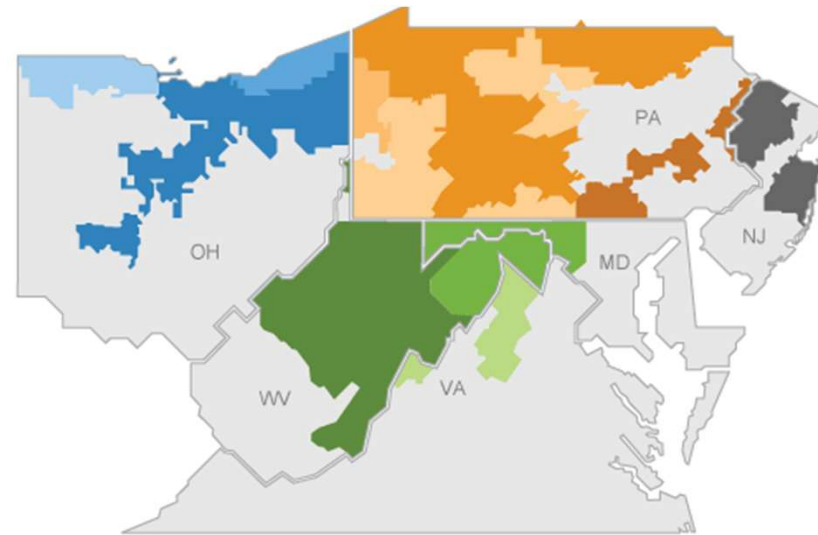
Supervisor – Water, SPCC, & Environmental Services

July 20, 2022

**FirstEnergy**<sup>®</sup>

# Who is FirstEnergy

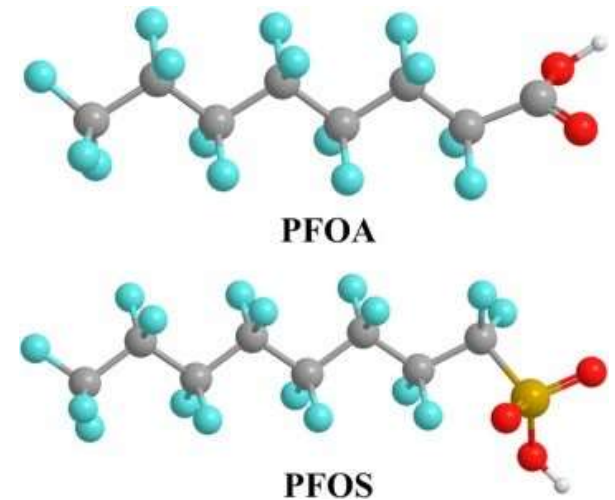
- A transmission, distribution, and generation electric utility serving over 6 million customers in the Mid-Atlantic and Midwest
  - 10 electric distribution utilities
  - 24,000 miles of transmission circuits
  - 3,500 megawatts of generation
- Headquartered in Akron, Ohio
- Provide service to over 2 million Ohio customers across almost 11,000 square miles
- Hundreds of facilities within Ohio
- Many active and legacy sites
- Air, water, and waste considerations





# Per- and Polyfluoroalkyl Substances (PFAS)

- 2022 EPA memorandum on PFAS in EPA-issued permits
- Analytical methods in development
  - Method 1621
  - Method 1633
- Proposed water quality standards for PFOA and PFOS
  - Based on fish tissue and water column values
- Proposed, revised drinking water health advisories for PFOA, PFOS, GenX, and PFBS
  - The proposed advisories are as low as 4 ppq for PFOA and as high as 2 ppb for PFBS
  - Replaces the 2016 health advisory of 70 ppt for PFOA and PFOS
- ORSANCO PFAS study published in June
  - Looked at 28 different PFAS compounds
  - Measured ambient concentrations in the Ohio River



## Nationwide Permits

- 57 General Permits issued by the Corps under §404 of the CWA
- In January 2021, 16 of the NWP's were reissued or added
- In December 2021, the remaining 41 were reissued or added
- There are 5 new NWP's
  - NWP 55 – Seaweed Mariculture Activities
  - NWP 56 – Finfish Mariculture Activities
  - NWP 57 – Electric Utility Line and Telecommunications Activities
  - NWP 58 – Utility Line Activities for Other Substances
  - NWP 59 – Water Reclamation and Reuse Facilities
- Corps undergoing a review of NWP 12
- CBD v. Spellmon litigation (NWP 12) in the D. Mont.



# Hazardous Substance Discharge Planning

- March 10, 2022 – EPA proposed regulations that require owners to prepare FRPs when chemicals (beyond oil) exceed certain limitations
- Proposed in accordance with a consent decree deadline
- Comment period open until July 26, 2022
- Similar framework to the oil FRP regulations that have existed since the 1990s
- The consent decree requires a final rule by September 2024



# CWA 401 Certifications

- Originally revised by the Trump Administration in 2020
- Numerous entities engaged in litigation, SCOTUS also issued a stay of a decision in the case
- The Biden Administration proposed revised rules to the 401 Certifications on June 9, 2022



# Ohio Ephemeral Streams

- House Bill 175 signed by the Governor on April 21
- Removed ephemeral streams from the Waters of the State definition
  - As long as the feature is not a jurisdiction feature regulated by the Corps
- Does not include wetland features



# The Big Picture

- Regulatory certainty and stability within the CWA landscape
- The changing landscape within many industries
- The litigation wildcard
  - Numerous possibilities for litigation
  - The possible outcomes of litigation
- The role of environmental justice and various stakeholders within regulations and permitting



Environmental

Thank You

QA

## Cheri A. Budzynski

Partner, Diversity and Inclusion Committee Co-Chair



### CONTACT

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Toledo, OH

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### EDUCATION

J.D., *magna cum laude*, Order of the Coif, The University of Toledo, 2007

Ph.D., Experimental Psychology, Bowling Green State University, 2001

M.A., Experimental Psychology, Bowling Green State University, 1998

B.A., *summa cum laude*, Lourdes College, 1995

### SERVICE LINES

Environmental and Energy

Environmental

### BUSINESS SECTORS

Construction

Environmental

Manufacturing

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A management-side attorney for more than 10 years, Cheri counsels clients on day-to-day environmental compliance and other administrative issues at their facilities. Clients draw on the fact she frequently works with Ohio EPA, U.S. EPA, and the Ohio River Valley Water Sanitation Commission regarding environmental regulations, thus, allowing her to effectively and efficiently, advise clients on regulations on both the state and federal level and seek changes to regulations that impact their business by providing input to the regulatory agencies and, if necessary, appealing the regulations.

Cheri serves as national discovery counsel for asbestos litigation, concentrating on all aspects of discovery. Hardworking and organized, she has significant experience managing a large document repository, developing discovery responses, assisting with corporate product witness deposition preparation, and helping counsel around the country with defense strategy.

Colleagues and clients alike also look to Cheri for her ability to successfully handle sophisticated permit issues, including permits under the Title V and New Source Review Provisions of the Clean Air Act, the NPDES program under the Clean Water Act, and construction and operation permits.

Outside her environmental practice, Cheri also advises clients on contractual agreements related to equine law.

Furthermore, Cheri enjoys spending time cooking and riding horses.





#### **BAR AND COURT ADMISSIONS**

- Florida, 2008
- Ohio, 2007
- United States Court of Appeals, District of Columbia
- United States Court of Appeals, Sixth Circuit
- United States District Court, Northern and Southern Districts of Ohio
- United States Supreme Court

#### **PROFESSIONAL AND COMMUNITY AFFILIATIONS**

- Toledo Bar Association
- Toledo Women's Bar Association
- Ohio Bar Association
- President, Toledo Women's Bar Association
- Past Social Media Vice Chair, American Bar Association Section of Environment, Energy, and Resources Air Quality Committee

#### **HONORS**

- Best Lawyers in America, Environmental Law, 2021
- Ohio Rising Star by *Super Lawyers* magazine, 2014 - 2017
- *Toledo Business Journal*, "Who's Who in Toledo Area Law"

## Biographical Information

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Dan Havallo is the Supervisor of Water, SPCC, and Environmental Services at FirstEnergy. Dan's team has responsibilities for water, SPCC, tanks, and due diligence issues across FirstEnergy's footprint. In addition, he is the co-chair of the Utility Water Act Group's Effluent Guidelines committee and the Electric Power Research Institute's water quality and effluent guidelines program. A native of Ohio, Dan graduated from Ohio State with a Bachelors in Environmental Engineering and a Master's in Business Administration from Youngstown State. He has spent his career in steel and utilities working within environmental operations, permitting, and compliance across multiple medias. He lives in the Youngstown region with his wife and 2 children.

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David Emerman is the Assistant Chief of the Division of Surface Water at Ohio EPA. He oversees the Division's Permit to Install, Wetlands, Enforcement, and Compliance sections. David is a graduate of Miami University and Cleveland Marshall College of Law. His previous work has included, serving as General Counsel of the Ohio Lake Erie Commission, an Assistant Attorney General at the Ohio Attorney General's Office, and an Environmental Technologist in Lincoln Electric's EHS department.