



Advocating for Ohio agribusinesses by creating both a sustainable business climate and added member value through collaborative policy leadership, continuous education and effective communication.

**Ohio Environmental Protection Agency
Attention: Division of Surface Water
Permits and Compliance Section
P.O. Box 1049
Columbus, Ohio 43216-1049**

Re: Comments of the Ohio AgriBusiness Association to NPDES Permit No. OHD000001

The Ohio AgriBusiness Association (OABA) appreciates the opportunity to comment on the Ohio Environmental Protection Agency's proposal to authorize data centers under a general National Pollutant Discharge Elimination System (NPDES) permit.

OABA represents agribusinesses across Ohio, including agricultural retailers, fertilizer and crop protection suppliers, grain handlers, seed companies, and service providers that operate at the intersection of agriculture, water quality, and regulatory compliance. Our members depend on clean and reliable water resources and are directly affected by permitting decisions that influence watershed conditions, regulatory consistency, and public trust.

Ohio's agribusiness community has spent more than a decade working collaboratively with state agencies, farmers, and researchers to reduce nutrient losses and improve water quality, particularly in the western Lake Erie Basin. OABA members have invested significantly in:

- Implementation of the 4R Nutrient Stewardship Certification Program for agricultural retailers (right source, right rate, right time, right place of nutrient use);
- Expanded use of precision agriculture technologies;
- Employee training, certification, and continuing education focused on nutrient management and environmental protection;
- Voluntary conservation programs and partnerships like H2Ohio aimed at reducing phosphorus and nitrogen loading.

The draft general permit states that *"It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio"*. This statement seems to be in direct conflict with the substantial time, resources, and regulatory compliance spent by agribusinesses and farmers alike to improve all water bodies in Ohio.

Ohio agribusiness facilities are routinely required to obtain individual NPDES permits that reflect site-specific conditions, discharge characteristics, and local water quality concerns. Allowing data centers to proceed under a generalized permitting framework creates regulatory inconsistency and raises concerns about equitable treatment across regulated industries.





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Many proposed data centers are in rural or agricultural watersheds where surface water and groundwater are already heavily relied upon for crop production, livestock, agribusiness operations, and rural drinking water systems. Individual NPDES permits allow Ohio EPA to evaluate receiving stream conditions, impaired waters, low-flow scenarios, and cumulative impacts, factors that are critically important to agricultural users downstream.

A general permit reduces Ohio EPA's ability to address these local considerations and increases the risk that discharges could negatively affect working lands and water-dependent agribusiness operations.

Ohio's agribusiness community is accustomed to operating under permitting frameworks that include robust public notice and opportunities for local engagement. Individual NPDES permits provide transparency and allow affected landowners, local governments, and downstream users to understand and comment on proposed discharges. By contrast, general permit coverage often occurs with limited or no site-specific public notice. Given the size, water use, and potential impacts of data centers, affected communities deserve the same level of transparency that is expected of other regulated facilities.

For these reasons, the OABA urges Ohio EPA to withdraw its proposal to authorize data centers under a general NPDES permit and instead require individual NPDES permits for these facilities. This approach ensures regulatory consistency, preserves public transparency, protects agricultural water users, and aligns with Ohio's ongoing nutrient reduction and water quality goals.

OABA appreciates the opportunity to provide these comments and looks forward to continued collaboration with Ohio EPA to protect Ohio's water resources while supporting responsible economic growth.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "A. Heilers", is placed above the printed name.

Aaron Heilers
Ohio AgriBusiness Association
Director of Nutrient Management and Agricultural Policy

