



Ohio Legislative Service Commission

Bill Analysis

Amy J. Rinehart

H.B. 72

129th General Assembly
(As Introduced)

Reps. Damschroder, Carey, Boose, Hackett, Wachtmann, Thompson, Blessing, Kozlowski, Stebelton, Derickson, Balderson, Goodwin, Patmon, Young, Burke

BILL SUMMARY

- Requires the Director of Environmental Protection to consider ten factors before: (1) issuing National Pollutant Discharge Elimination System permits for sewerage systems, (2) requiring and approving long-term control plans for wet weather discharges from sewerage systems, and (3) enforcing the application of the federal Water Pollution Control Act to sewerage systems.
- Establishes the ten factors that the Director must consider, to the extent allowable under the federal Water Pollution Control Act, prior to taking the above actions.

CONTENT AND OPERATION

Considerations before taking sewerage system actions

The bill requires the Director of Environmental Protection to consider ten factors before: (1) issuing a National Pollutant Discharge Elimination System (NPDES) permit for discharges from a sewerage system (see "**Background**," below), (2) requiring and approving a long-term control plan for wet weather discharges from a sewerage system, or (3) enforcing the federal Water Pollution Control Act¹ as applied to sewerage systems.² To the extent allowable under that Act, and notwithstanding any provisions to the contrary in the state's Water Pollution Control Law,³ the Director must consider all of the following factors, as applicable:

¹ 33 United States Code (U.S.C.) 1251 *et seq.*

² Revised Code (R.C.) 6111.60.

³ R.C. Chapter 6111.

- (1) Limitations on the ability of a permit applicant or a permittee to pay for or to secure funding for a required project;
- (2) An evaluation of the effectiveness and cost of a long-term control plan;
- (3) An evaluation of the effectiveness and cost of specific wet weather flow control technologies;
- (4) An evaluation of the impact of a long-term control plan on the environment as a whole and of the promotion of alternative control options that will minimize the impact on the environment;
- (5) Reducing the economic impacts on a permit applicant or a permittee, other state and local government entities, and Ohio residents;
- (6) Allowing for reasonable flexibility in the implementation of a long-term control plan when the plan would impose a disproportionate financial hardship compared to its environmental benefits;
- (7) Giving preference, when proposed by a permit applicant or a permittee, to control options that comply with the presumption approach performance criteria established in the federal combined sewer overflow control policy and that demonstrate significant pollution reduction rather than mandating specific designs;
- (8) Allowing adequate time and flexibility for implementation of the schedule specified in the long-term control plan;
- (9) Factors specified in the federal combined sewer overflow control policy that may ease the financial burdens of implementing a long-term control plan, including at least small sewerage system considerations, the attainability of water quality standards, and the development of wet weather standards; and
- (10) All other requirements imposed on a permit applicant or a permittee to undertake capital improvements under the federal Water Pollution Control Act, the federal Safe Drinking Water Act,⁴ the state Water Pollution Control Law, the state Safe Drinking Water Law,⁵ or rules adopted under either of those laws.⁶

⁴ 42 U.S.C. 300f *et seq.*

⁵ R.C. Chapter 6109.

⁶ R.C. 6111.60.

Background – NPDES permits

The federal Water Pollution Control Act establishes an NPDES permit program for the purpose of governing the discharge of sewage, industrial waste, or other wastes into the waters of the state. An NPDES permit usually is issued in Ohio by the Director of Environmental Protection.⁷

HISTORY

ACTION	DATE
Introduced	02-01-11

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⁷ R.C. 6111.03(J), not in the bill.

