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## ENVIRONMENTAL PROTECTION AGENCY (EPA)

- Increases from \$750,000 to \$1.5 million the cap on the amount of money credited to the Air Pollution Control Administration Fund that the Director of Environmental Protection may spend in any fiscal year for the administration and enforcement of the Air Pollution Control Law.
- Authorizes the extension of the motor vehicle inspection and maintenance program through June 30, 2017, and provides authority for the implementation of a decentralized program rather than a centralized program as in law revised by the act.
- Authorizes the Director to exempt a person generating, collecting, storing, treating, disposing of, or transporting infectious wastes from requirements of the Solid, Hazardous, and Infectious Wastes Law under specified circumstances.
- Extends the time period for conducting a public meeting regarding an application for a permit for a new or modified solid waste facility from 35 to 45 days after the submission of the application.
- Revises the license fee schedule for solid waste compost facilities by establishing additional fee categories based on authorized maximum annual daily waste receipts.
- Eliminates the requirement that hazardous waste disposal and treatment fees be deposited into minority banks as defined in state law.
- Authorizes the use of money in the Hazardous Waste Facility Management Fund specifically for the investigation and cleanup of contaminated properties by the Director of Environmental Protection and for grants for the cleanup of such properties.
- Requires natural resource damage assessment costs recovered by the state under federal law to be credited to the continuing Hazardous Waste Clean-Up Fund, thus distinguishing the assessment costs from other money collected for natural resources damages that must be credited to the continuing Natural Resource Damages Fund.
- Extends from June 30, 2012, to June 30, 2014, the expiration date of the following fees on the transfer or disposal of solid wastes:

--\$1 per ton the proceeds of which must be divided equally between the Hazardous Waste Facility Management Fund and the Hazardous Waste Clean-



Up Fund, which are used for purposes of Ohio's hazardous waste management program;

--\$1 per ton the proceeds of which must be credited to the Solid Waste Fund, which is used for the solid and infectious waste and construction and demolition debris management programs; and

--\$2.50 per ton the proceeds of which must be credited to the Environmental Protection Fund, which is used for administering and enforcing environmental protection programs.

- Extends from June 30, 2012, to June 30, 2013, the expiration date of the 25¢ per-ton fee on the transfer or disposal of solid wastes the proceeds of which must be credited to the Soil and Water Conservation District Assistance Fund.
- Exempts from state and local solid waste disposal fees coal combustion wastes regardless of whether the disposal facility is located on the premises where the wastes were generated rather than specifying as in prior law that the wastes had to be disposed of at facilities that exclusively dispose of coal combustion wastes and that were owned by the generator.
- Prohibits a solid waste management district from exempting a public sector commercial licensed hauler from a fee that is charged to private sector commercial licensed haulers by the district.
- Eliminates the requirement that the Director contract only with owners or operators of scrap tire storage, monocell, monofill, or recovery facilities for the storage, disposal, or processing of scrap tires removed through removal operations.
- Eliminates the requirement that the Director give preference to owners or operators of scrap tire recovery facilities when entering into such contracts.
- Extends for two years the sunset of the 50¢ per-tire fee on the sale of tires the proceeds of which are used to fund the scrap tire management program.
- Extends for two years the sunset of an additional 50¢ per-tire fee on the sale of tires, and requires all money from the fee to continue to be credited to the Soil and Water Conservation District Assistance Fund.
- Extends all of the following for two years:

--The sunset of the annual emissions fees for synthetic minor facilities;



--The levying of higher fees, and the decrease of those fees at the end of the two years, for applications for plan approvals for wastewater treatment works under the Water Pollution Control Law;

--The sunset of the annual discharge fees for holders of national pollutant discharge elimination system (NPDES) permits issued under the Water Pollution Control Law;

--The sunset of license fees for public water system licenses issued under the Safe Drinking Water Law;

--A higher cap on the total fee due for plan approval for a public water supply system under the Safe Drinking Water Law and the decrease of that cap at the end of the two years;

--The levying of higher fees, and the decrease of those fees at the end of the two years, for state certification of laboratories and laboratory personnel for purposes of the Safe Drinking Water Law;

--The levying of higher fees, and the decrease of those fees at the end of the two years, for applications and examinations for certification as operators of water supply systems or wastewater systems under the Safe Drinking Water Law or the Water Pollution Control Law, as applicable; and

--The levying of higher fees, and the decrease of those fees at the end of the two years, for applications for permits, variances, and plan approvals under the Water Pollution Control Law and the Safe Drinking Water Law.

- Revises the definition of "population served" for purposes of license fees for public water systems that are not community water systems and that serve nontransient populations to mean the total number of individuals having access to, rather than receiving water from, the water supply during a 24-hour period for at least 60 days during a calendar year.
- Provides that license fees for public water systems that are not community water systems and that serve transient populations are based on the number of wells or sources, other than surface water, supplying such a system rather than just wells.
- Establishes a \$200 application fee for coverage under an NPDES general permit for a household sewage treatment system that discharges off the site where the system is located and a \$100 fee for a renewal of permit coverage.

- Authorizes voluntary actions with respect to class C releases from underground storage tank systems to be conducted under the Voluntary Action Program Law.
- Defines "class C release" to mean a release of petroleum from an underground storage tank system for which the responsible person for the release is specifically determined by the Fire Marshal not to be a viable person capable of undertaking or completing corrective actions for the release and to include any release so designated in rules by the Fire Marshal.
- Creates the Federally Supported Cleanup and Response Fund to support the investigation and remediation of contaminated property, and requires the EPA to use money in the Fund for those purposes.
- Allows money in the Surface Water Protection Fund to be used to meet state matching requirements that are necessary to obtain federal grants by removing a statutory prohibition against that use.
- Transfers the authority to administer diesel emissions reduction grant and loan programs to the Director of Environmental Protection from the Department of Development.

### **Air Pollution Control Administration Fund**

(R.C. 3704.06)

The act increases from \$750,000 to \$1.5 million the cap on the amount of money credited to the Air Pollution Control Administration Fund that the Director of Environmental Protection may spend in any fiscal year for the administration and enforcement of the Air Pollution Control Law. Continuing law requires 50% of the money collected as civil penalties for violations of certain provisions of that Law to be credited to the Fund. The Director must use the money in the Fund for the administration and enforcement of that Law.

### **Extension of E-Check**

(R.C. 3704.14)

The act authorizes the extension of the motor vehicle inspection and maintenance program (E-Check) through June 30, 2017, in Ohio counties in which a program is federally mandated. Under the act, the Director of Environmental Protection may request the Director of Administrative Services to extend the contract in existence on June 30, 2011, to conduct a centralized E-Check program with the contractor that



operates the program under that contract. That program is operated in seven counties in the Cleveland-Akron area. Upon receiving the request, the Director of Administrative Services must extend the contract for the centralized program for a period not to exceed 12 months beginning on July 1, 2011. A centralized program generally refers to a program in which the contractor operates inspection stations that are used exclusively for motor vehicle emissions inspections.

Under the act, the Director of Environmental Protection, prior to the expiration of the contract extension, must request the Director of Administrative Services to enter into a contract with a vendor to operate a decentralized E-Check program in each county where it is federally mandated through June 30, 2015, with an option for the state to renew the contract through June 30, 2017. A decentralized program generally refers to a program in which motor vehicle inspections are conducted at auto repair facilities, other multi-use facilities, contractor-operated facilities, or a combination of those facilities. The act retains a requirement under which the Director of Administrative Services must use a competitive selection process when entering into a new contract with a vendor.

The act also alters the required elements of the E-Check program. The act provides that for purposes of expanding the number of testing locations for consumer convenience, the program must include a requirement that the vendor utilize established local businesses, auto repair facilities, or leased properties to operate state-approved inspection and maintenance testing facilities. Further, the act provides that the program must include a requirement that the vendor comply with testing methodology and supply the required equipment approved by the Director of Environmental Protection as specified in the competitive selection process in compliance with state contracting requirements. The act also requires the program operating under the new contract to achieve at least the same emission reductions as achieved by the program operated under the extended contract rather than the same ozone precursor reductions as in prior law. The act eliminates provisions specifying that a motor vehicle inspection and maintenance program could not be implemented in any county in which it was not otherwise authorized or in any county beyond June 30, 2012, without the approval of the General Assembly.

Prior law provided authority for the E-Check contract under which the program was operating until June 30, 2011, with an option for Ohio to extend the contract through June 30, 2012.

## Exemptions from infectious waste requirements

(R.C. 3734.02)

The act authorizes the Director of Environmental Protection to exempt any person generating, collecting, storing, treating, disposing of, or transporting infectious waste from any requirement to obtain a registration certificate, permit, or license or comply with other requirements of the Solid, Hazardous, and Infectious Wastes Law. The Director must determine that the exemption is unlikely to adversely affect the public health or safety or the environment. Under continuing law, the Director has the authority to provide such an exemption to persons generating, collecting, storing, treating, disposing of, or transporting solid or hazardous waste.

## Time period for solid waste facility permit application meeting

(R.C. 3734.05)

The act extends the time period for conducting a public meeting regarding an application for a permit for a new or modified solid waste facility. Under the act, an applicant must conduct the public meeting not later than 45 days after submitting the application. Prior law required the public meeting to take place not later than 35 days after submission of the application.

## Solid waste compost facility license fee

(R.C. 3734.06; R.C. 3734.05 for cross-reference purposes)

The act revises the fee schedule for solid waste compost facility licenses as follows:

Authorized maximum annual daily waste receipt in tons (prior law)	Annual license fee (prior law)	Authorized maximum annual daily waste receipt in tons (the act)	Annual license fee (the act)
12 or less	\$300	12 or less	\$300
13 to 25	\$600	13 to 25	\$600
26 to 50	\$1,200	26 to 50	\$1,200
51 to 75	\$1,800	51 to 75	\$1,800
76 to 100	\$2,500	76 to 100	\$2,500
101 to 200	\$6,250	101 to 150	\$3,750
201 to 500	\$15,000	151 to 200	\$5,000
501 or more	\$30,000	201 to 250	\$6,250



Authorized maximum annual daily waste receipt in tons (prior law)	Annual license fee (prior law)	Authorized maximum annual daily waste receipt in tons (the act)	Annual license fee (the act)
		251 to 300	\$7,500
		301 to 400	\$10,000
		401 to 500	\$12,500
		501 or more	\$30,000

## Hazardous Waste Facility Management Fund

(R.C. 3734.18, 3734.19, 3734.20, 3734.21, 3734.22, 3734.23, 3734.24, 3734.25, 3734.26, and 3734.27)

### Deposit of fees into minority banks

Continuing law generally requires the Director of Environmental Protection to deposit hazardous waste disposal and treatment fees to the credit of the Hazardous Waste Facility Management Fund. The act eliminates the requirement that the fees be deposited into one or more minority banks to the credit of the Fund. A minority bank is a bank that is owned or controlled by one or more socially or economically disadvantaged persons, which include, but are not limited to, Afro-Americans, Puerto Ricans, Spanish-speaking Americans, and American Indians.

### Uses of money

The act authorizes the Environmental Protection Agency (EPA) to use money in the Fund specifically for all of the following:

- (1) Conducting investigations at locations or facilities that are potentially contaminated with hazardous waste;
- (2) Abating or preventing air or water pollution or soil contamination at facilities or locations where hazardous waste was treated, stored, or disposed of;
- (3) Closure of hazardous waste facilities or solid waste facilities containing significant quantities of hazardous waste, construction of suitable hazardous waste facilities that are needed as a result of closure, and related abatement of air or water pollution or soil contamination, and protection of public health or safety;
- (4) Acquiring facilities that threaten public health or safety or result in air or water pollution or soil contamination because of the presence of significant quantities of hazardous waste; and



(5) Making grants to political subdivisions, and to owners of facilities who are not responsible for the contamination at the facilities, for closure of facilities or abatement of pollution. Before making grants, the Director must consider each project application submitted and establish priorities for awarding the grants. The priorities must be based on the feasibility, cost, and public benefits of restoring the particular land and the availability of federal or other financial assistance for restoration.

Continuing law authorizes the EPA to use money in the Hazardous Waste Facility Management Fund for the administration of the hazardous waste program. In addition, under continuing law, expenditures from the Fund are subject to Controlling Board approval. Under the act, the EPA may request that approval on an annual basis.

### **Reimbursements, payments, and sales**

The act requires the following to be credited to the Fund: (1) money from the reimbursement of the costs of cleanup of contaminated land to the state, (2) recovery of costs of investigations and measures performed, and (3) money recovered from liens enforced.

### **Natural resource damage assessment costs**

(R.C. 3734.28 and 3734.282)

The act distinguishes natural resource damage assessment costs recovered by the state under federal law from other money collected by the state under federal law for natural resources damages. The act accomplishes that by requiring recovered natural resource damage assessment costs to be credited to the continuing Hazardous Waste Clean-Up Fund. In addition, the act specifies that natural resource damage assessment costs may be recovered under any of the following: (1) the Comprehensive Environmental Response, Compensation, and Liability Act, (2) the Oil Pollution Act, (3) the Federal Water Pollution Control Act, and (4) any other applicable federal or state law. All other money collected by the state for natural resources damages under those federal acts or any other applicable federal or state law must be credited to the continuing Natural Resource Damages Fund.

Prior law did not make a distinction regarding the money collected for natural resources damages by the state under federal law. Instead, prior law required all money that was collected by the state for natural resources damages under the above specified federal acts or any other applicable federal or state law to be credited to the Natural Resource Damages Fund.

## **Extension of solid waste transfer and disposal fees**

(R.C. 3734.57; cross reference changes to R.C. 1515.14 and 3745.015)

The act extends, from June 30, 2012, to June 30, 2014, the expiration date of three fees levied on the transfer or disposal of solid wastes that are used to fund programs administered by the EPA. The first fee is a \$1 per-ton fee, of which one-half of the proceeds must be credited to the Hazardous Waste Facility Management Fund and one-half to the Hazardous Waste Clean-up Fund. Those funds are used for purposes of the hazardous waste management program. The second fee is another \$1 per-ton fee that is credited to the Solid Waste Fund and used to fund the EPA's solid and infectious waste and construction and demolition debris management programs. The third fee is an additional \$2.50 per-ton fee the proceeds of which must be credited to the Environmental Protection Fund, which is used to pay the EPA's costs associated with administering and enforcing environmental protection programs. The solid waste transfer and disposal fees are collected by the owners and operators of solid waste disposal and transfer facilities as trustees for the state.

The act also extends from June 30, 2012, to June 30, 2013, the expiration date of a fourth 25¢ per-ton fee on the transfer or disposal of solid wastes the proceeds of which must be credited to the Soil and Water Conservation District Assistance Fund.

## **Exemption from solid waste fees for coal wastes**

(R.C. 3734.57)

The act alters an exemption from state and local solid waste disposal fees that is applicable to certain wastes derived from coal combustion. The primary change made by the act allows the wastes to be disposed of at any solid waste disposal facility rather than only at premises owned by the generator of the wastes.

The specific language of the act provides that solid wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, are exempt from all state and local solid waste disposal fees. The exemption applies regardless of whether the disposal facility is located on the premises where the wastes are generated.

Under prior law, the exemption applied to solid wastes that were disposed of at facilities that exclusively disposed of wastes that were generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that was not combined in any way with garbage at one or more premises owned by the generator.



## **Solid waste management districts and waste haulers**

(R.C. 3734.577)

The act prohibits a solid waste management district from exempting a public sector commercial licensed hauler from a fee that is charged to a private sector commercial licensed hauler by the district notwithstanding any section of the Revised Code to the contrary. Under continuing law, a solid waste management district may levy fees on the disposal and generation of solid wastes in the district. Money from the fees must be used for specified purposes.

## **Contracts for storage, disposal, or processing of certain scrap tires**

(R.C. 3734.85)

The act removes restrictions governing with whom the Director of Environmental Protection may enter into contracts for the storage, disposal, or processing of scrap tires removed through removal operations. It does so by eliminating the former requirement that the contracts be entered into with owners or operators of scrap tire storage, monocell, monofill, or recovery facilities. It also removes the former requirement that the Director give preference to owners or operators of scrap tire recovery facilities when entering into such contracts.

## **Fees on sale of tires**

(R.C. 3734.901)

The act extends until June 30, 2013, the sunset of the 50¢ per-tire fee on the sale of tires the proceeds of which are used to fund the scrap tire management program. Prior law provided authority for the fee through June 30, 2011.

The act extends until June 30, 2013, the sunset of an additional 50¢ per-tire fee on the sale of tires. The money from the additional fee must continue to be credited to the Soil and Water Conservation District Assistance Fund, which is used to provide money to soil and water conservation districts. Prior law required the additional fee to be collected and so credited until June 30, 2011.



## **Extension of various air and water fees and related provisions**

### **Synthetic minor facility emissions fees**

(R.C. 3745.11(D))

Under continuing law, each person who owns or operates a synthetic minor facility must pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with a fee schedule. A synthetic minor facility is a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under continuing law. Prior law required the fee to be paid through June 30, 2012. The act extends the fee through June 30, 2014.

### **Water pollution control fees and safe drinking water fees**

(R.C. 3745.11(L), (M), and (N) and 6109.21)

Under law revised in part by the act, a person applying for a plan approval for a wastewater treatment works is required to pay a fee of \$100 plus 0.65 of 1% of the estimated project cost, up to a maximum of \$15,000, when submitting an application through June 30, 2012, and a fee of \$100 plus 0.2 of 1% of the estimated project cost, up to a maximum of \$5,000, on and after July 1, 2012. Under the act, the first tier fee is extended through June 30, 2014, and the second tier applies to applications submitted on or after July 1, 2014.

Continuing law establishes two schedules for annual discharge fees to be paid by holders of national pollutant discharge elimination system (NPDES) permits with an average daily discharge flow of 5,000 or more gallons per day. Under each of the schedules, one of which is for public dischargers and one of which is for industrial dischargers, the fees are based on the average daily discharge flow and increase as the flow increases. Under prior law, the fees were due by January 30, 2010, and January 30, 2011. The act extends payment of the fees and the fee schedules to January 30, 2012, and January 30, 2013.

In addition to the fee schedules described above, continuing law imposes a \$7,500 surcharge to the annual discharge fee applicable to major industrial dischargers. Under prior law, the surcharge was required to be paid by January 30, 2010, and January 30, 2011. The act continues the surcharge and requires it to be paid annually by January 30, 2012, and January 30, 2013.



Under continuing law, one category of public discharger and eight categories of industrial dischargers that are NPDES permit holders are exempt from the annual discharge fees that are based on average daily discharge flow. Instead, they are required to pay an annual discharge fee of \$180. Under prior law, the fee was due annually not later than January 30, 2010, and January 30, 2011. The act continues the fee and requires it to be paid annually by January 30, 2012, and January 30, 2013.

The Safe Drinking Water Law prohibits anyone from operating or maintaining a public water system without an annual license from the Director of Environmental Protection. Applications for initial licenses or license renewals must be accompanied by a fee, which is calculated using schedules for the three basic categories of public water systems established in continuing law. Under prior law, the fee for initial licenses and license renewals was required in statute through June 30, 2012, and had to be paid annually prior to January 31, 2012. The act extends the initial license and license renewal fee through June 30, 2014, and requires the fee to be paid annually prior to January 31, 2014.

Under continuing law, the fee schedule for licenses of public water systems that are not community water systems and that serve nontransient populations is based on population served. The act revises the definition of "population served" to mean the total number of individuals having access to, rather than receiving water from, the water supply during a 24-hour period for at least 60 days during any calendar year.

Similarly, the fee schedule for licenses of public water systems that are not community water systems and that serve transient populations was based on the number of wells supplying the system. The act revises the basis of the fee schedule so that it is instead based on the number of wells or sources, other than surface water, supplying the system. In addition, the act makes necessary conforming changes.

The Safe Drinking Water Law also requires anyone who intends to construct, install, or modify a public water supply system to obtain approval of the plans from the Director. Ongoing law establishes a fee for such plan approval of \$150 plus 0.35 of 1% of the estimated project cost. Under law retained in part by the act, the fee cannot exceed \$20,000 through June 30, 2012, and \$15,000 on and after July 1, 2012. The act specifies that the \$20,000 limit applies to persons applying for plan approval through June 30, 2014, and the \$15,000 limit applies to persons applying for plan approval on and after July 1, 2014.

Continuing law establishes two schedules of fees that the EPA charges for evaluating laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established under the Safe Drinking Water Law. Under law retained in part by the act, a schedule with higher fees is applicable through



June 30, 2012, and a schedule with lower fees is applicable on and after July 1, 2012. The act continues the higher fee schedule through June 30, 2014, and applies the lower fee schedule to evaluations conducted on or after July 1, 2014. The act also continues through June 30, 2014, a provision stating that an individual laboratory cannot be assessed a fee more than once in a three-year period unless the person requests the addition of analytical methods or analysts, in which case the person must pay \$1,800 for each additional survey requested.

### **Certification of operators of water supply systems or wastewater systems**

(R.C. 3745.11(O))

Law retained in part by the act establishes a \$45 application fee to take the examination for certification as an operator of a water supply system or a wastewater system through November 30, 2012, and a \$25 application fee on and after December 1, 2012. The act continues the higher application fee through November 30, 2014, and applies the lower fee on and after December 1, 2014. Under continuing law, upon approval from the Director that an applicant is eligible to take the examination, the applicant must pay a fee in accordance with a statutory schedule. Under law retained in part by the act, a higher schedule is established through November 30, 2012, and a lower schedule applies on and after December 1, 2012. The act extends the higher fee schedule through November 30, 2014, and applies the lower fee schedule beginning December 1, 2014.

### **Application fees under Water Pollution Control Law and Safe Drinking Water Law**

(R.C. 3745.11(S))

Law retained in part by the act requires any person applying for a permit, other than an NPDES permit, a variance, or plan approval under the Safe Drinking Water Law or the Water Pollution Control Law to pay a nonrefundable fee of \$100 at the time the application is submitted through June 30, 2012, and a nonrefundable fee of \$15 if the application is submitted on or after July 1, 2012. The act extends the \$100 fee through June 30, 2014, and applies the \$15 fee on and after July 1, 2014.

Similarly, under law retained in part by the act, a person applying for an NPDES permit through June 30, 2012, must pay a nonrefundable fee of \$200 at the time of application. On and after July 1, 2012, the nonrefundable application fee is \$15. The act extends the \$200 fee through June 30, 2014, and applies the \$15 fee on and after July 1, 2014.



## **Fee for household sewage treatment system general NPDES permit**

(R.C. 3745.11(S))

The act establishes the following fees applicable to a person applying for coverage under an NPDES general permit for a household sewage treatment system that discharges off the site where the system is located:

(1) A nonrefundable fee of \$200 at the time of application for initial permit coverage; and

(2) A nonrefundable fee of \$100 at the time of application for a renewal of permit coverage.

The EPA issues general NPDES permits and administers the NPDES program. Most household sewage treatment systems do not discharge pollutants into a river or stream and, thus, do not require an individual NPDES permit or coverage under a general NPDES permit. However, certain household sewage treatment systems, known as off-lot systems, do discharge. Off-lot systems are often required when a household sewage treatment system is not capable of effectively dispersing and treating wastewater at the site where the system is located. Off-lot systems are not only required to be covered by a general NPDES permit issued by EPA, but also must be in compliance with all applicable requirements of the Household and Small Flow On-Site Sewage Treatment Systems Law. That Law is administered by the Department of Health and local health departments.

## **Class C underground storage tank releases and voluntary actions**

(R.C. 3737.87, 3737.88, and 3746.02)

The act generally authorizes a voluntary action to be conducted with respect to class C releases from underground storage tanks. Law revised in part by the act precludes voluntary actions regarding releases of petroleum from underground storage tanks, which are regulated by the state Fire Marshal. The act creates an exception to that preclusion by authorizing a person who is not responsible for a class C release to conduct a voluntary action under the Voluntary Action Program Law. The Director of Environmental Protection may issue a covenant not to sue to any person who properly completes a voluntary action with respect to a class C release under that Law and rules adopted under it. In order to allow for the voluntary actions, the act excepts class C releases from the Fire Marshal's exclusive jurisdiction to regulate corrective actions undertaken in response to releases of petroleum from underground storage tank systems.



Under the act, a class C release is a release of petroleum from an underground storage tank system for which the responsible person for the release is specifically determined by the Fire Marshal not to be a viable person capable of undertaking or completing corrective actions for the release, including any release so designated in rules by the Fire Marshal.

The voluntary action program, which is administered by the Environmental Protection Agency, provides a mechanism by which a person may investigate possible environmental contamination, clean it up if necessary, and receive a promise from the state that no more cleanup is needed. The promise is referred to in law as a covenant not to sue. That covenant generally protects the person from possible legal action by Ohio after a voluntary action is completed.

### **Additional language changes**

The act makes additional changes to the law governing underground storage tanks. The act refers to releases of petroleum from underground storage tanks. Prior law referred to releases from underground petroleum storage tanks. The act refers to releases of petroleum from underground storage tank systems. Prior law referred only to releases of petroleum.

### **Federally Supported Cleanup and Response Fund**

(R.C. 3745.016)

The act creates the Federally Supported Cleanup and Response Fund consisting of money credited to the Fund from federal grants, gifts, and contributions to support the investigation and remediation of contaminated property. The EPA must use money in the Fund for those purposes.

### **Surface Water Protection Fund**

(R.C. 6111.038)

The act allows money in the Surface Water Protection Fund to be used to meet state matching requirements that are necessary to obtain federal grants by removing a statutory prohibition against that use. Law unchanged by the act requires the Director to use money in the Fund solely for the administration and implementation of surface water protection programs.

## **Diesel emissions reduction grant and loan programs**

(R.C. 122.861)

The act transfers the authority to administer diesel emissions reduction grant and loan programs to the Director of Environmental Protection from the Department of Development. Continuing law requires those programs to be operated for purposes of reducing diesel engine emissions in Ohio.

