

Executive

As Reported by House Finance and Appropriations

1 EPA - 6 Scrap Tire Fund Transfer

R.C. 1502.12, 3734.82

Eliminates the \$750,000 cap on the Scrap Tire Management Fund that may be used for the administration of the Scrap Tire Program.

Alters the purposes for which money in the Scrap Tire Management Fund (Fund 4R50) can be used by authorizing up to \$500,000 in each fiscal year to be transferred to the Scrap Tire Grant Fund (Fund 5860) in the Department of Natural Resources for scrap tire amnesty and clean up events, in addition to the \$1 million transferred under current law in each fiscal year for scrap tire and synthetic rubber from tire manufacturers and recycling processes.

Fiscal effect: Results in more money that could be used for scrap tire amnesty and clean up events.

R.C. 1502.12, 3734.82

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

2 EPA - 5 E-Check Extension; Fee on Tire Sales for Auto Emissions Testing

R.C. 3704.14, 3737.901

Abolishes the Motor Vehicle Inspection and Maintenance Fund (Fund 6020) and replaces it with the Auto Emissions Test Fund (Fund 5BY0) in permanent law.

Establishes a \$2.30 fee on the sale of each new tire and requires the proceeds of the fee to be deposited into the Auto Emission Test Fund (Fund 5BY0).

Authorizes the Director of Administrative Services, upon the request of the Director of Environmental Protection, to extend the existing E-Check contract, which expires on

R.C. 3704.14, 3734.901, 3734.9010, Section 277.10

Same as the Executive.

No provision.

Same as the Executive.

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June 30, 2009, for up to six months. Allows the Director of Administrative Services, upon the request of the Director of Environmental Protection, to enter into a new E-Check contract through a competitive selection process, beginning upon the termination of the six-month contract extension through June 30, 2011, and authorizes an additional one-year extension of the contract through June 30, 2012.

Requires the Director of Budget and Management to transfer up to \$1.5 million in cash from the Central Support Indirect Fund (Fund 2190) to the Auto Emissions Test Fund (Fund 5BY0) for the operation and oversight of the auto emissions testing program. Requires that Fund 2190 be reimbursed once Fund 5BY0 has accrued sufficient cash to maintain the program.

Requires the Director of Budget and Management, on September 30, 2009, or as soon as possible thereafter, to transfer cash balance in the Motor Vehicle Inspection and Maintenance Fund (Fund 6020), abolished in the bill, to Fund 5BY0.

Fiscal effect: Authorizes the extension of the E-Check program until June 30, 2011. Funds the program with the proceeds from an increase in the fee on the sale of new tires. Generates an estimated additional \$15 million in each fiscal year for the operation of the Auto Emissions Testing Program

Replaces the Executive provision with a provision requiring that the Director of Budget and Management transfer \$14.4 million in FY 2010 and \$14.8 million in FY 2011 from the GRF to Fund 5BY0 for the operation and oversight of the auto emissions testing program.

Same as the Executive.

Fiscal effect: Authorizes the extension of the E-Check program until June 20, 2011, removes the tire fee and instead makes GRF transfers in each fiscal year the funding source for the program.

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3 EPA - 17 Clean Diesel School Bus Fund

No provision.

R.C. 3704.144

Authorizes the Director of Environmental Protection to make grants from the Clean Diesel School Bus Fund to county boards of mental retardation and developmental disabilities rather than only to school districts as authorized in current law.

4 EPA - 22 Construction and Demolition Debris Disposal Fees

Increases the construction and demolition debris disposal fee that is deposited into SSR Fund 5BV0, the Soil and Water Conservation District Assistance Fund, which is used by the Department of Natural Resources, from \$0.125 per cubic yard and \$0.25 per ton to \$1.25 per cubic yard or \$2.50 per ton, as applicable.

Establishes a new construction and demolition debris disposal fee of \$0.225 per cubic yard or \$0.45 per ton, as applicable, to be credited to SSR Fund 5BC0, the Environmental Protection Fund, which is used by the Environmental Protection Agency. Requires that these fees take effect on July 1, 2009.

No provision.

R.C. 3714.073, 3745.015, 1515.14

Same as the Executive.

No provision.

Specifies that fees on the disposal of construction and demolition debris apply to the disposal of asbestos and asbestos-containing materials and products.

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Fiscal effect: Increases revenue to the Department of Natural Resources Division of Soil and Water through new and increased fees to SSR Fund 5BV0, the Soil and Water Conservation Fund, and increases revenue to the Environmental Protection Agency through new and increased fee to SSR Fund 5BC0, the Environmental Protection Fund. Offsets an estimated \$11,930,000 in DNR GRF Funding for Soil and Water Conservation Projects.

Fiscal effect: Same as the Executive, but decreases revenues to Fund 5BC0, the Environmental Protection Fund, due to the removal of new construction and demolition debris fees deposited into that fund. However, including asbestos as a material to which the disposal fee applies could increase revenues to each applicable fund.

5 EPA - 20 Hazardous Waste Facility Permit Modifications

No provision.

R.C. 3734.05

Declares that the transfer of a hazardous waste facility installation and operation permit for a facility that is not an off-site facility is a Class 1 modification rather than a Class 3 modification as in current law, and specifically declares that the transfer of a hazardous waste facility installation and operation permit for an off-site facility is a Class 3 modification.

No provision.

Eliminates provisions of law concerning the modification of a hazardous waste facility involving permit transfers that require the Director of Environmental Protection to make certain determinations regarding the background of the transferee if the transferee has been involved in any prior activity involving hazardous waste.

Fiscal effect: Because Class 1 permits generally involve minor changes to a facility and usually take less time to be processed, this provision could reduce the amount of time it takes EPA to process these permit modifications.

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6 EPA - 4 Natural Resource Damages Fund

R.C. 3734.28, 3734.281, 3734.282

Creates the Natural Resource Damages Fund (Fund 3C50), which consists of federal money distributed to the state for natural resource damages, and repeals current law provisions that the Hazardous Waste Clean-Up Fund (Fund 5050) and Environmental Protection Remediation Fund (Fund 5BC0) consist of, in part, natural resource damages collected by the state under federal law. Repeals a current law provision under which money in Fund 5050 may be used only through October 15, 2005, to fund certain emergency and remedial actions and the Voluntary Action Program, thus allowing money in the Fund to be used for those purposes permanently

Authorizes the Director of Environmental Protection to enter into contracts and grant agreements with federal, state, or local government agencies for the purposes of carrying out the responsibilities for which monies can be expended from the Natural Resource Damages Fund (Fund 3C50), Hazardous Waste Clean-up Fund (Fund 5050), and the Environmental Protection Remediation Fund (Fund 5BC0).

Fiscal effect: No direct fiscal impact, but directs federal moneys for natural resource damages collected under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) to Fund 3C50.

R.C. 3734.28, 3734.281, 3734.282

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

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7 EPA - 21 Solid Waste Management District Rules

No provision.

R.C. 3734.53, Section 343.01

Provides that rules of a solid waste management district governing out-of-district waste apply only to county and district solid waste facilities unless the board of county commissioners or board of directors of the district submits an application to the Director of Environmental Protection that demonstrates insufficient disposal capacity in the district and the Director approves the application.

8 EPA - 2 Electronic Payment of Construction and Demolition Debris and Solid Waste Disposal Fees

R.C. 3714.07

Authorizes owners or operators of construction and demolition debris facilities to submit monthly construction and demolition debris disposal fee returns electronically rather than by mail as in current law.

Authorizes owners or operators of solid waste transfer facilities and disposal facilities to submit solid waste disposal fee returns electronically rather than by mail as in current law.

Fiscal effect: Reduces some administrative costs for EPA for receiving and processing these fees.

R.C. 3734.57, 3714.07

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

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9 EPA - 10 State Solid Waste Disposal and Generation Fees

R.C. 3734.57

Extends from June 30, 2010, to June 30, 2012, the expiration date of the state fees on the disposal of solid waste, the proceeds of which are used to fund solid, infectious, and hazardous waste and construction and demolition debris management programs and to pay EPA's costs associated with administering and enforcing environmental protection programs.

Increases the solid waste disposal fee that is deposited into Fund 5BC0, the Environmental Protection Fund, which is used by the Environmental Protection Agency, from \$1.50 per ton to \$2.50 per ton and establishes a new solid waste disposal fee of \$0.25 per ton to be deposited into Fund 5BV0, the Soil and Water Conservation District Assistance Fund. Requires that the increased fee and the new fee be levied from July 1, 2009, through June 30, 2012, and extends all of the existing state solid waste disposal fees through June 30, 2012.

No provision.

R.C. 3734.57, 3734.573

Same as the Executive, but also permits solid waste disposal fees to be paid by a customer or political subdivision to a transporter of solid waste rather than only to the owner or operator of a solid waste transfer or disposal facility.

Same as the Executive, but delays the implementation of these new and increased fees from July 1, 2009 to August 1, 2009.

Specifies that the existing solid waste generation fees do not apply to solid waste delivered to a solid waste composting facility for processing rather than specifying that it does not apply to yard waste, as well as to materials removed from the solid waste stream for recycling. Declares that unprocessed solid waste or compost products transported off the premises of a composting facility for disposal at a landfill are subject to solid waste disposal fees.

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Fiscal effect: Continues this revenue stream for funds that collect solid waste disposal fee revenues, and therefore has no new fiscal effect. Increases revenue to the Environmental Protection Agency through new and increased fees to SSR Fund 5BC0, the Environmental Protection Fund, and to the Department of Natural Resources Soil and Water Conservation Fund (Fund 5BV0).

Fiscal effect: Same as the Executive.

10 EPA - 11 Synthetic Minor Facility Emission Fees, Water Pollution Control Fees, and Safe Drinking Water Fees

R.C. 3745.11, 6109.21

Extends for two years the authority to levy higher fees for the following: applications for plan approvals of wastewater treatment works and public water systems, certification of laboratories and laboratory personnel, applications and examinations for certification as operators of water supply or wastewater systems, and applications for permits, variances, and plan approvals.

Extends for two years the sunset on annual emissions fees for minor synthetic facilities (air permits).

Extends for two years the sunset on the following EPA fees related to the Water Pollution Control Law or Safe Drinking Water Law: annual discharge fees for holders of NPDES permits, and annual license fees for public water system licenses.

Fiscal effect: Continues this revenue stream for funds that collect minor facility emission fees, water pollution control fees, and safe drinking water fee revenues, and therefore has no new fiscal effect.

R.C. 3745.11, 6109.21

Same as the Executive but also extends for two years the following two fees: (1) \$100 application fee for a permit, variance, or plan approval under the Safe Drinking Water Law or the Water Pollution Control Law and (2) \$200 application fee for a National Pollutant Discharge Elimination System permit.

Same as the Executive.

Same as the Executive.

Fiscal effect: The fee extensions added in this version were inadvertently omitted from the Executive version.

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11 EPA - 8 Areawide Planning Agencies

Section: 277.10

Requires the Director of Environmental Protection Agency to award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the Federal Clean Water Act, 33 U.S.C. 1288.

Section: 277.10

Same as the executive.

12 EPA - 9 Corrective Cash Transfer for the Copperweld Settlement

Section: 277.10

Requires the Director of Budget and Management to transfer \$1,323,933.19 in cash, which the Agency received from the Copperweld bankruptcy settlement, that was mistakenly deposited in the Hazardous Waste Cleanup Fund (Fund 5050) to the Environmental Protection Remediation Fund (Fund 5410).

Section: 277.10

Same as the Executive.

13 EPA - 19 Environmental Review Appeals Commission Funding

No provision.

Sections: 277.10, 279.10

Removes the current GRF funding source for the Environmental Review Appeals Commission and instead requires the EPA to fund the Commission from appropriation item 715690, Environmental Review Appeals, within the Environmental Protection Fund (Fund 5BC0).

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No provision.

Requires that a portion of the appropriation be used to hire two staff attorneys.

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14 PUC - 1 Utility Radiological Safety Board Assessments

Section: 506.10

Specifies the maximum amounts that may be assessed against nuclear electric utilities under R.C.4937.05 on behalf of four state agencies and that may be deposited into the specified funds as follows:

- (1) \$134,631 in each fiscal year to the Utility Radiological Safety Fund (fund 4E40), which is used by the Department of Agriculture;
- (2) \$887,445 in FY 2010 and \$920,372 in FY 2011 to the Radiation Emergency Response Fund (Fund 6100), which is used by the Department of Health;
- (3) \$286,114 in each fiscal year to the ER Radiological Safety Fund (Fund 6440), which is used by the Environmental Protection Agency; and
- (4) \$1,413,889 in FY 2010 and \$1,415,945 FY 2011 to the Emergency Response Plan Fund (Fund 6570), which is used by the Department of Public Safety.

Fiscal effect: Less than \$5.5 million will be assessed against nuclear utilities and spent by state agencies over the biennium.

Section: 506.10

Same as the Executive.

Fiscal effect: Same as the Executive.