
Executive**EPACD4 Air Pollution Control Administration Fund****R.C. 3704.06**

Increases from \$750,000 to \$1.5 million the cap on the amount of money credited to the Air Pollution Control Administration Fund (Fund 6960) that the Director of Environmental Protection may spend in any fiscal year for the administration and enforcement of the Air Pollution Control Law.

Fiscal effect: None, as current law permits the Director, with Controlling Board approval, to expend money in excess of the cap.

EPACD5 Automobile Emissions Testing Program (E-Check)**R.C. 3734.02, Section 279.10**

(1) Authorizes the extension of the motor vehicle inspection and maintenance program (E-Check), which is operated in the Cleveland-Akron area, through June 30, 2014.

(2) Permits the Director of Budget and Management to transfer up to \$13,029,952 in FY 2012 and up to \$13,242,762 in cash from the GRF to the Auto Emissions Test Fund (Fund 5BY0) for the operation and oversight of the auto emissions testing program.

Fiscal effect: This program is a requirement that was developed as part of the federally approved State Implementation Plan (SIP) and compliance with the federal Clean Air Act so as to avoid the loss of federal grant money and possible sanctions. These sanctions include requiring offsets from facilities building in nonattainment areas and the loss of federal highway funds.

EPACD6 Exemptions from Infectious Waste Requirements**R.C. 3734.02**

Authorizes the Director of Environmental Protection 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.

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Fiscal effect: This provision expands the authority of the Director to allow a quicker response to an emergency situation (public health emergency, weather events, or disaster-related event). Under current law, the Director already has this expanded authority for solid and hazardous waste.

EPACD7 Time Period for Solid Waste Facility Permit Application Meeting

R.C. *3734.05*

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.

Fiscal effect: This provision gives the Ohio EPA an additional 10 days to advise and assist the applicant in complying with applicable public notice requirements.

EPACD8 Solid Waste Compost Facility License Fee

R.C. *3734.06, 3734.05*

Amends the license fee schedule for solid waste compost facilities by establishing additional fee categories based on authorized maximum annual daily waste receipts.

Fiscal effect: Based on their volume of daily waste received, the annual license fee paid by three of 35 licensed compost facilities is likely to decrease. The resulting loss in licensing fees will total up to \$26,250 annually, of which \$7,500 would have been retained by local boards of health and \$18,750 would have been forwarded to the state treasury for deposit in the GRF.

EPACD9 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, 3734.27*

(1) Eliminates the requirement that the Director of Environmental Protection deposit hazardous waste disposal and treatment fees into minority banks as defined in state law.

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(2) Authorizes the Ohio EPA to make expenditures from the Hazardous Waste Facility Management Fund (Fund 5030) without Controlling Board approval.

(3) Authorizes the use of money in Fund 5030 specifically for the investigation and cleanup of contaminated properties by the Director and for grants for the cleanup of such properties.

(4) Requires the Director, in making grants from the fund, to consider each application and establish priorities for awarding grants from the fund, which must be based on the feasibility, cost, and public benefits of restoring the land and the availability of other financial assistance for the restoration.

Fiscal effect: None, as provisions (2), (3), and (4) largely clarify the purposes for which money in the fund may be used. With regard to provision (1), the Director does not have the authority to select banks for the deposit of state money. That authority lies with the Board of Deposit under R.C. Chapter 135.

EPACD10 Natural Resource Damage Assessment Costs**R.C. 3734.28, 3734.282**

Requires natural resource damage assessment costs recovered by the state under federal law to be credited to the existing Hazardous Waste Clean-Up Fund (Fund 5050), thus distinguishing the assessment costs from other money collected for natural resources damages that must be credited to the Natural Resource Damages Fund (Fund 3CS0).

Fiscal effect: None, as the provision simply requires certain natural resource damage assessment costs to be credited to the Hazardous Waste Clean-up Fund (Fund 5050) rather than the Natural Resource Damages Fund (Fund 3CS0).

EPACD11 Extension of Solid Waste Transfer and Disposal Fee**R.C. 3734.57, 1515.14, 3745.015**

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) \$1 per ton the proceeds of which must be divided equally between the Hazardous Waste Facility Management Fund (Fund 5030) and the Hazardous Waste Clean-Up Fund (Fund 5050), which are used for purposes of Ohio's hazardous waste management program;

(2) \$1 per ton the proceeds of which must be credited to the Solid Waste Fund (Fund 4K30), which is used for the solid and infectious waste and construction and demolition debris management programs; and

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(3) \$2.50 per ton the proceeds of which must be credited to the Environmental Protection Fund (Fund 5BC0), which is used for administering and enforcing environmental protection programs.

(4) Allows the \$0.25 per-ton fee on the transfer or disposal of solid, the proceeds of which are credited to the Soil and Water Conservation District Assistance Fund (Fund 5BV0), to expire effective June 30, 2012.

Fiscal effect: The fee extensions preserve annual revenues totaling: \$6.3 million for Fund 5030, \$6.3 million for Fund 5050, \$12.7 million for Fund 4K30, and \$31.7 million for Fund 5BC0. The fee expiration noted in (4) will result in a loss of \$3.1 million annually for Fund 5BV0.

EPACD12 Exemption from Solid Waste Fees for Coal Wastes**R.C. 3734.57**

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 current law that the wastes must be disposed of at facilities that exclusively dispose of coal combustion wastes and that are owned by the generator.

Fiscal effect: None, as coal combustion wastes disposed of onsite are exempt from state and local solid waste disposal fees. Presumably, absent this exemption, if such wastes were to be disposed of at an off-site, third-party landfill, these disposal fees would be applicable.

EPACD13 Contracts for Storage, Disposal, or Processing of Certain Scrap Tires**R.C. 3734.85**

(1) Eliminates the requirement that the Director of Environmental Protection 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.

(2) Eliminates the requirement that the Director give preference to owners or operators of scrap tire recovery facilities when entering into such contracts.

Fiscal effect: These changes create a more competitive contracting environment that could reduce the costs of such contracts.

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EPACD14 Sale of Tire Fees

R.C. 3734.901

(1) Extends for two years the sunset of the 50¢ per-tire fee on the sale of tires the proceeds of which are deposited to the credit of the Scrap Tire Management Fund (Fund 4R50), which is used by the Ohio EPA to fund its scrap tire management program.

(2) 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 (Fund 5BV0), which is used by the Department of Natural Resources to distribute money to each of the state's 88 soil and water conservation districts.

Fiscal effect: The fee extensions preserve annual revenues totaling \$3.5 million for Fund 4R50 and \$3.5 million for Fund 5BV0.

EPACD15 Class C Underground Storage Tank Releases and Voluntary Actions

R.C. 3737.87, 3737.88, 3746.02

(1) Authorizes voluntary actions with respect to class C releases from underground storage tank systems to be conducted under the Voluntary Action Program Law.

(2) 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.

Fiscal effect: This provision is cost neutral for the Ohio EPA. While it is likely that additional sites will be cleaned up under its Voluntary Action Program (VAP), the additional cost to Ohio EPA will be offset by additional VAP fee revenue and/or cost recovery.

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EPACD16 Federally Supported Cleanup and Response FundR.C. *3745.016, Section 521.30.20*

(1) Creates the Federally Supported Cleanup and Response Fund (Fund 3F30) to support the investigation and remediation of contaminated property, and requires the Ohio EPA to use money in the fund for those purposes.

(2) Requires the Director of Budget and Management to transfer the certified cash balance in the DOE Monitoring and Oversight Fund (Fund 3N40) to Fund 3F30, to cancel existing encumbrances against Fund 3N40's appropriation item (715657), and to reestablish them against Fund 3F30's appropriation item (715632).

(3) Requires the Director of Budget and Management to transfer the certified cash balance in the DOD Monitoring and Oversight Fund (Fund 3K40) to Fund 3F30, to cancel existing encumbrances against Fund 3K40's appropriation item (715634), and to reestablish them against Fund 3F30's appropriation item (715632).

(4) Abolishes Fund 3N40 and Fund 3K40 subsequent to the transfer of their respective certified cash balances to Fund 3F30.

Fiscal effect: The practical effect is to merge two existing federal funds for similar monitoring and oversight purposes into newly created Fund 3F30, and by doing so, allow the Ohio EPA to better manage its cash and spending authority.

EPACD18 Fee for Household Sewage Treatment System General NPDES Permit

R.C. *3745.11*

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.

Fiscal effect: Permits are renewed every five years and include a \$200 fee that is deposited to the credit of the Surface Water Protection Fund (Fund 4K40). By reducing the cost of the renewal fee to \$100, Fund 4K40 will lose up to \$300,000 or more every five years.

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EPACD20 Synthetic Minor Facility Emissions Fees

R.C. 3745.11

Extends for two years, from June 30, 2012 to June 30, 2014, the sunset of the annual emissions fees for synthetic minor facilities.

Fiscal effect: The fee extension will preserve revenues totaling \$370,000 for the Clean Air - Non Title V Fund (Fund 4K20).

EPACD21 Water Pollution Control Fees

R.C. 3745.11

Extends for two years: (1) 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 and (2) the sunset of the annual discharge fees for holders of NPDES permits issued under the Water Pollution Control Law.

Fiscal effect: The fee extension will preserve annual revenues totaling \$8.1 million for the Surface Water Protection Fund (Fund 4K40).

EPACD22 Safe Drinking Water Fees

R.C. 3745.11, 6109.21

(1) Extends for two years the sunset of annual fees for public water system licenses issued under the Safe Drinking Water Law.

(2) Extends for two years a higher cap on the 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.

(3) Extends for 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.

(4) 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.

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(5) 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, and revises the defined term "number of wells supplying system" and its definition to reflect that change.

Fiscal effect: The fee extensions will preserve annual revenues totaling \$5.9 million for the Drinking Water Protection Fund (Fund 4K50).

EPACD23 Certification of Operators of Water Supply Systems or Wastewater Systems**R.C. 3745.11**

Extends for two years 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.

Fiscal effect: The fee extension will preserve annual revenues totaling \$410,000 for the Drinking Water Protection Fund (Fund 4K50).

EPACD24 Application Fees under Water Pollution Control Law and Safe Drinking Water Law**R.C. 3745.11**

Extends for two years 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.

Fiscal effect: The fee extension will preserve annual revenues deposited to the credit of the Surface Water Protection Fund (Fund 4K40) and the Drinking Water Protection Fund (Fund 4K50).

EPACD17 Surface Water Protection Fund**R.C. 6111.038**

Allows money in the Surface Water Protection Fund (Fund 4K40) to be used to meet state matching requirements that are necessary to obtain federal grants by removing a statutory prohibition against that use.

Executive

Fiscal effect: By removing an existing statutory prohibition against using money in the fund to meet federal matching requirements, the Ohio EPA is given greater flexibility in the use and management of the various revenue streams that support its surface water protection activities and services.

EPACD2 Areawide Planning Agencies

Section: 279.10

Permits the Director of Environmental Protection to award grants from SSR appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with the nonpoint source pollution control provisions of the federal Clean Water Act.

EPACD3 Corrective Cash Transfers

Section: 279.10

(1) Requires the Director of Budget and Management to transfer \$376,891.85 in cash that was mistakenly deposited in the Clean Air Non-Title V Fund (Fund 4K20) to the Clean Air Title V Permit Fund (Fund 4T30).

(2) Requires the Director of Budget and Management to transfer \$133,026.63 in cash that was mistakenly deposited in the Scrap Tire Management Fund (Fund 4R50) to the Site Specific Cleanup Fund (Fund 5410).
