

Executive

In House Finance and Appropriations

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.

R.C. 3704.06

Same as the Executive.

Fiscal effect: Same as the Executive.

EPACD5 Automobile Emissions Testing Program (E-Check)

R.C. 3704.14, 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.

R.C. 3704.14, Section 279.10

(1) Replaces the Executive provision with a provision that permits the Director of Environmental Protection to extend the existing contract for a centralized program for up to 12 months beginning on July 1, 2011, authorizes the Director, subsequent to the expiration of the contract to operate the centralized program, to enter into a contract with a vendor to implement a decentralized program through June 30, 2017, and changes some of the requirements applicable to the contract to operate a decentralized program.

(2) Same as the Executive.

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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.

Fiscal effect: It is unclear as to whether the Ohio EPA's costs for the operation and oversight of a decentralized program will be more or less than those associated with the existing centralized program.

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.

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.

R.C. 3734.02

Same as the Executive.

Fiscal effect: Same as the Executive.

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.

R.C. 3734.05

Same as the Executive.

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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.

Fiscal effect: Same as the Executive.

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.

R.C. 3734.06, 3734.05

Same as the Executive.

Fiscal effect: Same as the Executive.

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.

(2) Eliminates the requirement for the Ohio EPA to seek approval of the Controlling Board to make expenditures from the Hazardous Waste Facility Management Fund (Fund 5030) that are not for repayment of and interest on any loan made by the Ohio Water Development Authority.

**R.C. 3734.18, 3734.19, 3734.20, 3734.21, 3734.22,
3734.23,3734.24,3734.25,3734.26, 3734.27**

(1) Same as the Executive.

(2) No provision.

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(3) Eliminates the requirement for the Ohio EPA to seek approval of the Controlling Board to make expenditures from Fund 5030 that are for the administration of the hazardous waste program on annual basis.

(3) No provision.

(4) Allows the Ohio EPA to make expenditures, without Controlling Board's approval, from Fund 5030 for additional specific uses established in the bill.

(4) Replaces the Executive provision with a provision that subjects these additional specific uses of Fund 5030 to Controlling Board's approval.

(5) Authorizes the Director of Environmental Protection to use money in Fund 5030 specifically for the investigation and cleanup of contaminated properties and for grants for the cleanup of such properties.

(5) Same as the Executive.

(6) Requires the Director, in making grants from Fund 5030, 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.

(6) Same as the Executive.

Fiscal effect: None, as these provisions 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.

Fiscal effect: Same as the Executive.

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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).

R.C. *3734.28, 3734.282*

Same as the Executive.

Fiscal effect: Same as the Executive.

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

R.C. *3734.57, 1515.14, 3745.015*

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

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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.
No provision.

(3) Same as the Executive.

Extends for one year, through June 30, 2013, the \$0.25 per-ton fee on the transfer or disposal of solid wastes, the proceeds of which are credited to the Soil and Water Conservation District Assistance Fund (Fund 5BV0).

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 Executive budget allows the \$0.25 per-ton fee on the transfer or disposal of solid wastes, the proceeds of which are credited to the Soil and Water Conservation District Assistance Fund (Fund 5BV0), to expire effective June 30, 2012 as under current law. This provision will result in a loss of \$3.1 million annually for Fund 5BV0 beginning in FY 2013.

Fiscal effect: Same as the Executive, except the one-year extension of the \$0.25 per ton fee deposited to the credit of Fund 5BV0 will preserve annual revenues totaling \$3.1 million.

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.

R.C. 3734.57

Same as the Executive.

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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.

Fiscal effect: Same as the Executive.

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.

R.C. **3734.85**

(1) Same as the Executive.

(2) Same as the Executive.

Fiscal effect: Same as the Executive.

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

R.C. **3734.901**

(1) Same as the Executive.

(2) Same as the Executive.

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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.

Fiscal effect: Same as the Executive.

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.

R.C. 3737.87, 3737.88, 3746.02

(1) Same as the Executive.

(2) Same as the Executive.

Fiscal effect: Same as the Executive.

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EPACD16 Federally Supported Cleanup and Response Fund

R.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.

R.C. *3745.016, Section 521.30.20*

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

Fiscal effect: Same as the Executive.

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EPACD18 Fee for Household Sewage Treatment System General NPDES Permit

R.C. 3745.11

Establishes a \$200 application fee for coverage under a 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.

R.C. 3745.11

Same as the Executive.

Fiscal effect: Same as the Executive.

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).

R.C. 3745.11

Same as the Executive.

Fiscal effect: Same as the Executive.

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EPACD21 Water Pollution Control Fees

R.C. 3745.11

(1) 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.

(2) 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.

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

R.C. 3745.11

(1) Same as the Executive.

(2) Same as the Executive.

Fiscal effect: Same as the Executive.

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 applications for permits, variances, and plan approvals under the Safe Drinking Water Law.

R.C. 3745.11, 6109.21

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

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(4) 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) Same as the Executive.

(5) 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 system during a 24-hour period for at least 60 days during a calendar year.

(5) Same as the Executive.

(6) 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.

(6) Same as the Executive.

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

Fiscal effect: Same as the Executive.

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.

R.C. 3745.11

Same as the Executive.

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

Fiscal effect: Same as the Executive.

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.

R.C. 6111.038

Same as the 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.

Fiscal effect: Same as the Executive.

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.

Section: 279.10

Same as the Executive.

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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).

Section: 279.10

(1) Same as the Executive.

(2) Same as the Executive.

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DEVCD48 Diesel Emissions Reduction Grant Program

Section: 512.90

No provision.

Requires the Director of Development to administer the Diesel Emissions Reduction Grant Program, which is established in the Highway Operating Fund (Fund 7002), and to solicit, evaluate, score, and select projects submitted by public and private entities for the federal Congestion Mitigation and Air Quality (CMAQ) Program, and requires the Director of Transportation to process Federal Highway Administration-approved projects as recommended by the Director of Development.

No provision.

Requires the directors of Development, Transportation, and Environmental Protection to develop guidance for funding projects under the program.

No provision.

Allows Diesel Emissions Reduction Grant Program funds to be used to purchase hybrid and alternative fuel vehicles under CMAQ Program guidance.

No provision.

Requires public entities to be reimbursed for eligible costs from the Department of Transportation and requires private entities to be reimbursed for eligible costs from cash transferred from the Department of Transportation to the Diesel Emissions Reduction Grant Fund (Fund 3BD0) used by the Department of Development.

No provision.

Establishes Fund 3BD0 appropriation item 195697, Diesel Emissions Reduction Grants, with an appropriation of \$10,000,000 in each fiscal year. Specifies that any unencumbered and unexpended balance remaining at the end of FY 2012 is appropriated for the same purpose in FY 2013.