

Executive

EPACD3 Use of Money by Boards of Health to Clean Up Certain Accumulations of Construction and Demolition Debris

R.C. 3714.074, 3714.07

(1) Allows a board of health to use money in its construction and demolition debris fund (under current law it is used for administration and enforcement) to abate accumulations of construction and demolition debris as discussed below if it is the end of the board's fiscal year and the money is not needed for administration and enforcement for the following fiscal year.

(2) Authorizes a board to use such excess money to abate accumulations of construction and demolition debris at a location for which a license has not been issued under the Construction and Demolition Debris Law if certain conditions are met, including that the owner of the property on which the accumulations are located did not: (a) participate in or consent to the placement of the construction and demolition debris on the property, and (b) receive any financial benefit from that placement or from having the construction and demolition debris on the property.

Fiscal effect: Under certain conditions, the provision may: (1) allow a board of health to fund the abatement of accumulations of construction and demolition debris more quickly than under current law and practice, and (2) save money that might otherwise have been expended from another available revenue stream to fund such an abatement.

EPACD7 Recovery of Costs Incurred to Abate or Prevent Pollution Caused by Hazardous Waste

R.C. 3734.20

(1) Adds that an action by the Director of Environmental Protection regarding pollution or threats to public health or safety caused by hazardous waste may include the issuance of an order to a violator, and states that the order may include an agreement by the person to pay the costs incurred by the Environmental Protection Agency (EPA) as a result of the violation.

(2) Specifies that if the Director performs abatement or prevention investigations or measures, the Director's itemized record of the cost of those investigations and measures must include costs incurred by the EPA for labor, materials, and any contract services required rather than just costs for labor, materials, and any contract services required.

(3) Clarifies that all of the provisions of the statute governing recovery of costs apply to locations where the Director has reason to believe hazardous waste was treated, stored, or disposed of as well as to hazardous and solid waste facilities as in continuing law and to investigations as well as to abatement or prevention measures as in continuing law.

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Fiscal effect: Codifies current Ohio EPA practice and will continue to generate \$1.0 million annually for the Hazardous Waste Clean-up Fund (Fund 5050).

EPACD6 Use of Hazardous Waste Clean-Up Fund

R.C. 3734.28

Adds administrative expenses of any hazardous waste closure or corrective action program to the purposes for which the existing Hazardous Waste Clean-up Fund (Fund 5050) is used.

Fiscal effect: Minimal annual increase in expenditures from the Hazardous Waste Clean-up Fund (Fund 5050) for administrative expenses associated with hazardous waste closure or corrective action programs. A potential savings effect is presumably created as such expenses would otherwise have been charged against other available funding streams.

EPACD2 Solid Waste Transfer and Disposal Fees

R.C. 3734.57

Extends, from June 30, 2014 to June 30, 2016, the expiration date of the following fees on the transfer or disposal of solid wastes:

(1) \$1.00 per ton the proceeds of which are credited to the Solid Waste Fund (Fund 4K30), which is used for the solid and infectious waste and construction and demolition debris management programs.

(2) \$2.50 per ton the proceeds of which are credited to the Environmental Protection Fund (Fund 5BC0), which is used for administering and enforcing environmental protection programs.

Extends, from June 30, 2013 to June 30, 2016, the expiration of 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), which is used to assist soil and water conservation districts.

Extends, from June 30, 2014 to June 30, 2016, the expiration of \$1 per-ton fee on the transfer or disposal of solid waste the proceeds of which are credited to two funds that are used for purposes of Ohio's hazardous waste management program, and revises the distribution to allocate 30% to the Hazardous Waste Facility Management Fund (Fund 5030) and 70% to the Hazardous Waste Clean-Up Fund (Fund 5050) rather than 50% to each fund as in current law.

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Fiscal effect: The fee extensions preserve annual revenues totaling: \$14.0 million for the Solid Waste Fund (Fund 4K30), \$35.0 million for the Environmental Protection Fund (Fund 5BC0), and \$3.5 million for the Soil and Water Conservation District Assistance Fund (Fund 5BV0). Adjusting the distribution of revenue for the Hazardous Waste Facility Management Fund (Fund 5030) and the Hazardous Waste Cleanup Fund (Fund 5050) results in Fund 5030 collecting \$4.2 million and Fund 5050 collecting \$9.8 million annually (under current law, each fund would have collected \$7.0 million annually.)

EPACD1 Sale of Tires Fees

R.C. *3734.901*

Extends, from June 30, 2013, to June 30, 2016, the expiration of the following fees:

- (1) \$0.50 per-tire fee on the sale of tires the proceeds of which are deposited into the Scrap Tire Management Fund (Fund 4R50).
- (2) Additional \$0.50 per-tire fee on the sale of tires the proceeds of which are deposited into the Soil and Water Conservation District Assistance Fund (Fund 5BV0).

Fiscal effect: The fee extensions preserve annual revenues totaling \$3.5 million for the Scrap Tire Management Fund (Fund 4R50) and \$3.5 million for the Soil and Water Conservation District Assistance Fund (Fund 5BV0).

EPACD8 Extension of Synthetic Minor Facility Emissions Fees, Water Pollution Control Fees, and Safe Drinking Water Fees

R.C. *3745.11, 6109.21*

Extends for two years, from June 30, 2014 to June 30, 2016, the sunset on the following fees:

- (1) Annual emissions fees for synthetic minor facilities.
- (2) Annual discharge fees for holders of NPDES permits issued under the Water Pollution Control Law.
- (3) Annual license fees for public water system licenses issued under the Safe Drinking Water Law, and relocates to the statute establishing those fees the provision authorizing a prorated fee for an initial license for a new system.

Extends for two years, from June 30, 2014 to June 30, 2016, the levying of higher fees and the decrease of those fees at the end of the two years for the following:

- (1) Applications for plan approvals for wastewater treatment works under the Water Pollution Control Law.

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- (2) Plan approvals for public water supply systems under the Safe Drinking Water Law.
- (3) State certification of laboratories and laboratory personnel for purposes of the Safe Drinking Water Law.
- (4) 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.
- (5) 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 continue annual revenues totaling \$370,000 for the Clean Air - Non Title V Fund (Fund 4K20), \$7.2 million for the Surface Water Protection Fund (Fund 4K40), and \$6.0 million for the Drinking Water Protection Fund (Fund 4K50).

EPACD4 Crediting of Application Fees for State Isolated Wetlands Permits

R.C. 3745.113, 1509.02, Repealed: 6111.029

- (1) Requires application fees for state isolated wetlands permits to be credited to the Surface Water Protection Fund (Fund 4K40), which is used for the administration of surface water protection programs, rather than to the Dredge and Fill Fund (Fund 5N20) as in current law.
- (2) Abolishes Fund 5N20 which is currently used for the administration of the isolated wetlands permit program.

Fiscal effect: Transfers revenue of approximately \$40,000 annually from the Dredge and Fill Fund (Fund 5N20) to the Surface Water Protection Fund (Fund 4K40).

EPACD5 Federal Grants for Nonpoint Source Pollution Management

R.C. 6111.037

- (1) Requires federal grant money for nonpoint source pollution management received by the Director of Environmental Protection to be credited to the existing Water Quality Protection Fund (Fund 3BU0) rather than the Nonpoint Source Pollution Management Fund (Fund 3F50) as in current law and abolishes Fund 3F50.
- (2) Requires the grant money to be used to provide financial assistance, in part, to implement ground and surface water quality protection activities and water quality assessments rather than only ground water quality protection activities and assessments as in current law.

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Fiscal effect: Transfers revenue of approximately \$5 million annually from the Nonpoint Source Pollution Management Fund (Fund 3F50) to the Water Quality Protection Fund (Fund 3BU0).

EPACD9 Administration of Federal Section 404 Permitting Program for Discharge of Dredged or Fill Material

R.C. 6111.32

(1) Authorizes the Director of Environmental Protection, on behalf of the state, to apply for approval from the U.S. Environmental Protection Agency (USEPA) for the state to assume responsibility for administering the federal section 404 permitting program for the discharge of dredged or fill material into navigable waters.

(2) Requires the Director, upon approval by USEPA, to administer the program consistent with and in the manner required by the Federal Water Pollution Control Act.

(3) Authorizes the Director to adopt rules that are necessary to obtain approval to administer the program and to administer it after receiving approval, and specifies the topics to be addressed by the rules, including issuance of permits, notification of the receipt of a permit application, public hearings, authorization for another state with waters that may be affected by the issuance of a permit to submit written recommendations, and enforcement.

Fiscal effect: Once fully operational, the Ohio EPA expects this program to cost up to \$3.0 million annually to administer.

EPACD10 Areawide Planning Agencies

Section: 275.10

Permits the Director of Environmental Protection to award grants from SSR Fund 5BC0 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.

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EPACD11

Cash Transfers

Section: 275.10

(1) Permits the Director of Budget and Management, on July 1, 2013 or as soon as possible thereafter, to transfer up to \$11,400,000 from the Hazardous Waste Management Fund (Fund 5030) to the Hazardous Waste Cleanup Fund (Fund 5050) to support the closure and corrective action programs that were transferred to the Division of Environmental Response and Revitalization.

(2) Requires the Director of the Environmental Protection, on July 1, 2013 or as soon as possible thereafter, to certify to the Director of Budget and Management the cash balance in the Dredge and Fill Fund (Fund 5N20). Requires the Director of Budget and Management to transfer the certified amount from Fund 5N20 to the Surface Water Protection Fund (Fund 4K40). Cancels any existing encumbrances against SSR Fund 5N20 appropriation item 715613, Dredge and Fill and reestablishes those cancelled encumbrances against SSR Fund 4K40 appropriation item 715650, Surface Water Protection. Appropriates the reestablished encumbrance amounts, and abolishes Fund 5N20.

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DNRCD31 Disposal of Technologically Enhanced Naturally Occurring Radioactive Material and Other Material from Horizontal Wells

**R.C. 1509.074, 3734.01, 3734.02, 3734.125,
3748.01, 3748.04**

Does the following with regard to material that is used in the construction, operation, or plugging of a horizontal well:

- (1) Requires the owner or the owners' authorized agent (hereafter owner) to determine, with exceptions discussed in items (2), (4), (5), and (6) below, specified concentrations of radium in the material if the material is technologically enhanced naturally occurring radioactive material (TENORM) and provide for the collection and analysis of representative samples in accordance with requirements approved by the Director of Health. Prohibits, generally, the removal of the material from its location until the analysis is complete and the results are available.
- (2) Specifies that determining the concentration of radium in TENORM is not required if the TENORM is reused in a horizontal well.
- (3) Requires the transport and disposal of TENORM to follow all applicable laws.
- (4) Requires that if the material is not TENORM and the material has come in contact with a refined oil-based substance, and is removed from the location associated with the production operation of the well, the owner must either dispose of the material at an authorized solid waste facility or beneficially use the material in accordance with rules adopted by the Director of Environmental Protection.
- (5) Requires the owner that if the material is not TENORM and the material has come in contact with a refined oil-based substance, to take one of three specified actions regarding the material depending on whether the material is removed from the location associated with the well's production operation.
- (6) Allows any non-TENORM material that has not come in contact with a refined oil-based substance to remain at the location associated with the production operation of the horizontal well, and authorizes the owner to utilize the material at the site of the horizontal well.

Does the following with regard to the owner or operator of a solid waste facility:

- (1) Prohibits the acceptance for transfer or disposal of TENORM if that material contains or is contaminated with radium-226, radium-228, or both (hereafter contaminated TENORM) at specified concentrations above natural background. States that "natural background" is two picocuries per gram or the actual number of picocuries per gram as measured at an individual solid waste facility, subject to verification by the Director of Health.

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(2) Authorizes the receipt and processing of contaminated TENORM at specified concentrations for purposes other than transfer or disposal, provided that the owner or operator has obtained and maintains all other necessary authorizations.

(3) Prohibits the receipt, acceptance, processing, handling, managing, or disposing of TENORM associated with drilling operations without first obtaining representative analytical results to determine compliance with the bill and rules adopted by the Director of Environmental Protection under it.

Provides for the following rules:

(1) Authorizes the Director of Environmental Protection to adopt rules regarding the receipt, acceptance, processing, handling, management, and disposal by solid waste facilities of material that contains or is contaminated with radioactive material including contaminated TENORM at specified concentrations.

(2) Authorizes the above rules to include requirements in accordance with which a solid waste facility must monitor leachate and ground water for radionuclides, develop procedures to ensure that TENORM accepted at the facility is not contaminated at specified concentrations, and dispose of radioactive material, including contaminated TENORM at specified concentrations, only in a specially permitted monocell or monofill.

(3) Authorizes the Director of Environmental Protection to adopt rules establishing requirements governing the beneficial use of material from a horizontal well that has come in contact with a refined oil-based substance and that is not TENORM.

(4) Requires the Director of Health to adopt rules establishing requirements governing TENORM, and states that the rules must not apply to naturally occurring radioactive material (NORM).

Fiscal effect: Minimal annual increase to the Department of Natural Resources, the Ohio Environmental Protection Agency, and the Department of Health for administrative costs associated with rule-making and enforcement. The impact on the annual disposal fee revenues and expenditures of solid waste districts (SWDs) will vary considerably by district. For some of these SWDs, an additional unknown amount of fee revenue may be generated annually, but the degree to which it will offset any related operating costs is uncertain. For other SWDs, there may be no readily discernible ongoing annual effect on revenues and expenditures.