

Executive

As Passed by the House

As Passed by the Senate

EPACD25 Source separated recyclable materials

(1) No provision.

(1) No provision.

**R.C. 343.01**

(1) Authorizes source separated recyclable materials, defined to mean material separated from other solid wastes at the location where the materials are generated for the purpose of recycling at a legitimate recycling facility, to be taken to any legitimate recycling facility rather than to a facility designated in the initial or amended plan of a solid waste management district or otherwise designated by a district.

(2) No provision.

(2) No provision.

(2) Defines "legitimate recycling facility," by reference to an existing rule, to mean an engineered facility or site where recycling of material other than scrap tires is the primary objective of the facility.

**Fiscal effect: Uncertain.**

EPACD4 Air Pollution Control Law technical correction

**R.C. 3704.04**

Corrects an erroneous cross-reference.

**Fiscal effect: None.**

**R.C. 3704.04**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**R.C. 3704.04**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Passed by the Senate

EPACD10 E-Check program extension

R.C. 3704.14

Authorizes the extension of the motor vehicle inspection and maintenance program (E-Check) through June 30, 2021, in Ohio counties in which a program is federally mandated by doing both of the following:

(1) Authorizing the Director of Environmental Protection to request the Director of Administrative Services to extend the contract in existence on June 30, 2015, for a period of up to 24 months through June 30, 2017.

(2) Requires the Director of Environmental Protection, prior to the expiration of the contract extension, to request the Director of Administrative Services to enter into a new contract with a vendor to operate a program in Ohio counties in which a program is federally mandated through June 30, 2019, with an option for the state to renew the contract for a period of up to 24 months through June 30, 2021.

**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.**

R.C. 3704.14

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

**Fiscal effect: Same as the Executive.**

R.C. 3704.14

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Passed by the Senate

EPACD6 Waste Management Fund

R.C. 3714.051, 3714.07, 3714.08, 3714.09, 3734.02, 3734.021, 3734.061, 3734.07, 3734.551, 3734.57, Section 512.60

R.C. 3714.051, 3714.07, 3714.08, 3714.09, 3734.02, 3734.021, 3734.061, 3734.07, 3734.551, 3734.57, Section 512.60

R.C. 3714.051, 3714.07, 3714.08, 3714.09, 3734.02, 3734.021, 3734.061, 3734.07, 3734.551, 3734.57, Section 512.60

(1) Renames the Solid Waste Fund (Fund 4K30) in the Solid, Hazardous, and Infectious Wastes Law the Waste Management Fund, eliminates its use for providing compliance assistance to small businesses and paying a share of the administrative costs of the Environmental Protection Agency, and adds that it must be used to address violations of the Air and Water Pollution Control Laws at facilities regulated under the Solid, Hazardous, and Infectious Wastes Law.

(1) Same as the Executive.

(1) Same as the Executive.

(2) Eliminates the Construction and Demolition Debris Facility Oversight Fund (4U70), and credits the money that currently is credited to that fund to the Waste Management Fund (Fund 4K30), and retains use of that money exclusively for the administration and enforcement of the Construction and Demolition Debris Law.

(2) Same as the Executive.

(2) Same as the Executive.

(3) Eliminates the Infectious Waste Management Fund (Fund 6600), credits the money that currently is credited to that fund to the Waste Management Fund (Fund 4K30), and requires, rather than authorizes as in current law, the Director of Environmental Protection to use that money exclusively for the administration and enforcement of the infectious waste provisions in the Solid, Hazardous, and Infectious Wastes Law.

(3) Same as the Executive.

(3) Same as the Executive.

(4) Requires the Director of Budget and Management (OBM), on July 1, 2015, or as soon as possible thereafter, to transfer the cash balances in Fund 4U70 and Fund 6600 to

(4) Same as the Executive.

(4) Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

Fund 4K30. Abolishes Fund 4U70 and Fund 6600 upon completion of the transfer of their respective cash balances. Requires the OBM Director to cancel any existing encumbrances against DPF Fund 4U70 appropriation item 715660, Construction and Demolition Debris, and DPF Fund 6600 appropriation item 715629, Infectious Waste Management, and reestablish them against DPF Fund 4K30 appropriation item 715649, Solid Waste. Authorizes the OBM Director, if any other existing encumbrances must be cancelled and reestablished to properly close out Fund 4U70 and Fund 6600, to carry out the necessary transactions. Appropriates the reestablished encumbrance amounts.

**Fiscal effect: Potential savings effect, as consolidating these revenue streams and their purposes will make budgeting/fiscal management easier for the Division of Materials and Waste Management.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

EPACD24 Solid, Infectious, and Hazardous Waste Law and shale and clay products

R.C. 3734.01

No provision.

Excludes nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural shale and clay products from the definition of "solid wastes" in the Solid, Infectious, and Hazardous Waste Law.

**Fiscal effect: Uncertain**

R.C. 3734.01

Same as the House.

**Fiscal effect: Same as the House.**

Executive

As Passed by the House

As Passed by the Senate

EPACD7 Materials Management Advisory Council

R.C. 3734.49, 3734.50, 3734.51 (Repealed), 3734.822, 3736.03, 3736.04 (Repealed), 3736.05, 3736.06, Section 515.10

R.C. 3734.49, 3734.50, 3734.51 (Repealed), 3734.822, 3736.03, 3736.04 (Repealed), 3736.05, 3736.06, Section 515.10

R.C. 3734.49, 3734.50, 3734.51 (Repealed), 3734.822, 3736.03, 3736.04 (Repealed), 3736.05, 3736.06, Section 515.10

(1) Merges the Solid Waste Advisory Council with the Recycling and Litter Prevention Advisory Council, and renames the merged Council the Materials Management Advisory Council.

(1) Same as the Executive.

(1) Same as the Executive.

(2) Transfers generally the duties and responsibilities of the two Councils to the new Council.

(2) Same as the Executive.

(2) Same as the Executive.

(3) Establishes additional Council duties and responsibilities: (a) to triennially advise the Director of Environmental Protection in conducting a review of the achievements made under the state solid waste management plan, (b) to prepare and submit an annual report to the General Assembly on the state's solid waste management plan and its achievements, (c) to research and respond to questions posed by the Director, and (d) to establish and develop partnerships that foster a productive marketplace for the collection and use of recycled materials.

(3) Same as the Executive.

(3) Same as the Executive.

(4) Requires the Governor to appoint the members of the new Council who must represent specified interests.

(4) Same as the Executive.

(4) Same as the Executive, but: (a) increases the total number of members by two, from 11 to 13, and (b) increases by two, from 4 to 6, the number of members who must have knowledge of or experience in waste management, recycling, or litter prevention programs, and specifies that all 6 of those members must be from private industry.

Executive

As Passed by the House

As Passed by the Senate

(5) Requires the Director to appoint the chairperson of the Council.

(5) Same as the Executive.

(5) Same as the Executive.

(6) Requires the Council to meet twice a year.

(6) Same as the Executive.

(6) Same as the Executive.

**Fiscal effect: Potential savings effect, as combining the two Councils will reduce the time and effort that staff currently devote to both Councils, including eliminating some redundancies and duplication of efforts.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

EPACD12      Solid waste transfer and disposal fees

R.C.      3734.57, 3745.015

R.C.      3734.57, 3745.015

R.C.      3734.57, 3745.015

Extends the expiration of four state fees levied on the transfer and disposal of solid waste from June 30, 2016, to June 30, 2018, retains the aggregate amount of those fees at \$4.75, but reallocates the individual fees and their uses as follows:

Same as the Executive.

Same as the Executive.

(1) Decreases from \$1.00 to \$0.90 the per-ton fee the proceeds of which are credited to the Hazardous Waste Facility Management Fund (Fund 5030) and the Hazardous Waste Clean-up Fund (Fund 5050), and allocates \$0.20, rather than 30% as in current law, of the fee to Fund 5030 and \$0.70, rather than 70% as in current law, to Fund 5050.

(1) Same as the Executive.

(1) Same as the Executive.

(2) Decreases from \$1.00 to \$0.75 the per-ton fee the proceeds of which are credited to the Solid Waste Fund (Fund 4K30), renamed the Waste Management Fund by the bill.

(2) Same as the Executive.

(2) Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

(3) Increases from \$2.50 to \$2.85 the per-ton fee the proceeds of which are credited to the Environmental Protection Fund (5BC0), and additionally requires the fund be used to pay the costs of providing compliance assistance to small businesses.

(3) Same as the Executive.

(3) Same as the Executive.

(4) Retains the \$0.25 per-ton fee the proceeds of which are credited to the Soil and Water Conservation District Assistance Fund (Fund 5BV0) used the Department of Natural Resources.

(4) Same as the Executive.

(4) Same as the Executive.

**Fiscal effect: The fee extensions preserve annual revenues totaling approximately \$61.3 million. Adjusting the formula for distributing that total results in: (1) a \$3.2 million decrease in the amount credited to the Solid Waste Fund (Fund 4K30) annually from \$12.9 million to \$9.7 million, (2) a \$1.3 million decrease in the amount credited to the Hazardous Waste Facility Management Fund (Fund 5030) annually from \$3.9 million to \$2.6 million, and (3) a \$4.5 million increase in the amount credited to the Environmental Protection Fund (Fund 5BC0) from \$32.3 million to \$36.8 million. The amounts credited to the Soil and Water Conservation District Assistance Fund (Fund 5BV0), around \$3.2 million, and the Hazardous Waste Clean-Up Fund (Fund 5050), around \$9.0 million, are unchanged.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

EPACD20 Sale of tire fees

R.C. 3734.901

Extends from June 30, 2016, to June 30, 2018, the expiration of both of the following:

R.C. 3734.901

Same as the Executive.

R.C. 3734.901

Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

(1) \$0.50 per-tire fee on the sale of tires credited to the Scrap Tire Management Fund (Fund 4R50).

(1) Same as the Executive.

(1) Same as the Executive.

(2) \$0.50 per-tire fee credited to the Soil and Water Conservation District Assurance Fund (Fund 5BV0) used by the Department of Natural Resources.

(2) Same as the Executive.

(2) Same as the Executive.

**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).**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

EPACD16 Extension of various air and water fees

R.C. 3745.11

R.C. 3745.11

R.C. 3745.11

Extends all of the following for two years:

Same as the Executive.

Same as the Executive.

(1) The sunset of the annual emissions fees for synthetic minor facilities.

(1) Same as the Executive.

(1) Same as the Executive.

(2) 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.

(2) Same as the Executive.

(2) Same as the Executive.

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

(3) Same as the Executive.

(3) Same as the Executive.

(4) The sunset of license fees for public water system licenses issued under the Safe Drinking Water Law.

(4) Same as the Executive.

(4) Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

(5) 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.

(5) Same as the Executive.

(5) Same as the Executive.

(6) 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.

(6) Same as the Executive.

(6) Same as the Executive.

(7) The levying of higher fees, and the decrease of those fees at the end of two years, for applications to take 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.

(7) Same as the Executive.

(7) Same as the Executive.

(8) 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.

(8) Same as the Executive.

(8) Same as the Executive.

**Fiscal effect: The fee extensions will continue annual revenues totaling \$365,000 for the Clean Air - Non Title V Fund (Fund 4K20), \$6.8 million for the Surface Water Protection Fund (Fund 4K40), and \$6.0 million for the Drinking Water Protection Fund (Fund 4K50).**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Passed by the Senate

EPACD5 Escrow requirement for community water systems

R.C. 6109.08

(1) Expands the requirement that the owner or operator of a community water system deposit a specified amount in escrow when planning to construct, install, or make a substantial modification to the system by removing the exemption for a system supplying water only to premises owned by the water supplier, but retains other exemptions in current law.

(1) No provision.

(1) No provision.

(2) Increases the maximum amount that the owner must deposit in escrow from \$50,000 to \$250,000.

(2) No provision.

(2) No provision.

(3) Specifies that the Director of Environmental Protection may issue a notice of a failure to correct a significant deficiency in accordance with a schedule accepted by the Director.

(3) No provision.

(3) No provision.

(4) Requires the owner of a system that is subject to the escrow requirement, within five days of receiving a notice, or if funds in an escrow account are not adequate to correct the significant deficiency, to deposit all rents and fees in escrow until the Director determines that the significant deficiency has been corrected.

(4) No provision.

(4) No provision.

(5) Allows the Director to authorize the use of the funds in the escrow for a contractor or receiver to correct the significant deficiency or connect to another public water system approved by the Director.

(5) No provision.

(5) No provision.

**Fiscal effect: Certain community water systems will incur additional costs to comply with the increased escrow requirement.**

Executive

As Passed by the House

As Passed by the Senate

EPACD1            Lead contamination of drinking water from plumbing

R.C.            6109.10

(1) Prohibits using certain plumbing supplies and materials that are not lead free in the installation or repair of a public water system or any plumbing in a facility providing water for human consumption rather than requiring certain plumbing supplies and materials that are used in a public water system or in plumbing for facilities connected to a public water system to be lead free as in current law.

(1) No provision.

(1) No provision.

(2) Expands the list of plumbing supplies and materials to which the above prohibition applies to include plumbing fittings and plumbing fixtures.

(2) No provision.

(2) No provision.

(3) Prohibits, subject to certain exemptions, a person from taking certain actions using plumbing supplies and materials that are not lead free, including introducing into commerce any pipe, pipe fitting, or plumbing fitting or fixture that is not lead free.

(3) No provision.

(3) No provision.

(4) Revises the definition of "lead free" by specifying that it means, in part, containing not more than a weighted average of 0.25% lead when used with respect to wetted surfaces of pipes, pipe fittings, or plumbing fittings or fixtures rather than not more than 8% lead when used with respect to pipes or pipe fittings as in current law.

(4) No provision.

(4) No provision.

(5) Establishes a formula for calculating the weighted average lead content of a pipe, pipe fitting, or plumbing fitting or fixture.

(5) No provision.

(5) No provision.

Executive

As Passed by the House

As Passed by the Senate

**Fiscal effect: If Ohio fails to enact the bill's revisions to the statute governing the prevention of lead contamination of drinking water, it becomes ineligible to receive certain federal grant program funds amounting to roughly \$24 million a year, of which over 89%, or \$21.4 million, is distributed to local governments in the form of loans and grants. In addition, local governments would no longer be eligible to apply directly to the U.S. Environmental Protection Agency for infrastructure grants that run in the millions of dollars annually.**

EPACD13      Public water system capability

R.C.      6109.24

(1) Requires all public water systems, rather than only specified types of public water systems, to demonstrate the technical, managerial, and financial capability to comply with the Safe Drinking Water Law.

(1) No provision.

(1) No provision.

(2) Requires a public water system, prior to October 1, 2018, to submit an asset management plan that is acceptable to the Director in accordance with a schedule established by the Director of Environmental Protection and, after October 1, 2018, to submit such a plan within 30 days after receiving a request to do so from the Director.

(2) No provision.

(2) No provision.

(3) Requires a public water system to demonstrate capability by implementing a written asset management plan not later than October 1, 2018, unless required earlier by the Director or by a date specified by the Director if the Director has requested a system to submit a plan.

(3) No provision.

(3) No provision.

Executive

As Passed by the House

As Passed by the Senate

(4) Requires a public water system to include in the plan specified information, including an inventory and evaluation of all assets and a long-term funding strategy to support asset management plan implementation.

(4) No provision.

(4) No provision.

(5) Authorizes the Director to take regulatory actions to improve and ensure the capability of a public water system that has failed to make the required demonstration, including denying a plan for the construction or installation of or substantial change in a public water system.

(5) No provision.

(5) No provision.

**Fiscal effect: These provisions conform state law to requirements of the federal Safe Drinking Water Act. Public water systems will incur onetime costs to develop and implement the required asset management plan. Certain public water systems may subsequently incur costs to undertake required capital improvements.**

EPACD3 Drinking Water Protection Fund

R.C. 6109.30

Eliminates the prohibition in current law against the use of moneys in the Drinking Water Protection Fund (Fund 4K50) to meet any state matching requirements that are necessary to obtain federal grants.

R.C. 6109.30

Same as the Executive.

R.C. 6109.30

Same as the Executive.

**Fiscal effect: This provision gives the Ohio EPA greater flexibility in meeting state match requirements that are necessary to obtain federal grants that support the agency's drinking water program.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Passed by the Senate

EPACD8 Emergency actions and confidentiality under Water Pollution Control and Safe Drinking Water Laws

R.C. 6109.34, 6111.05

(1) Requires a person that discharges material into the environment, if an emergency exists, to disclose information to the Director of Environmental Protection or the Director's authorized representative necessary for response or investigatory purposes under the Water Pollution Control Law.

(1) No provision.

R.C. 6109.34, 6111.05

(1) Same as the Executive.

(2) Requires the person, if the person claims that the information contains trade secret information, to submit both a complete and a redacted version.

(2) No provision.

(2) Same as the Executive.

(3) Allows the Director, during an emergency, to share the complete version with public and private water systems, provided that the water systems maintain the confidentiality of the information and use the information for specified purposes.

(3) No provision.

(3) Same as the Executive.

(4) Requires the Director, if the Director shares the complete information, to so notify the person that designates the information as a trade secret as soon as practicable.

(4) No provision.

(4) Same as the Executive.

(5) Stipulates that the sharing of complete information does not affect the designation of a trade secret pursuant to the bill and does not subject the information to public disclosure and that nothing precludes a person that has designated a trade secret and has provided that information to the Director from requesting a confidentiality agreement with a recipient of the information.

(5) No provision.

(5) Same as the Executive.

(6) Authorizes the Director to disclose to a person that seeks to obtain information containing trade secret information the identity of the person that has designated the information as

(6) No provision.

(6) Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

containing trade secrets.

(7) Establishes similar provisions in the Safe Drinking Water Law.

(7) No provision.

(7) Same as the Executive.

**Fiscal effect: If the provisions will make a person with trade secret information less reluctant to share or release information that could result in a more prompt and effective emergency action to protect public health or safety or the environment, a savings effect potentially could occur.**

**Fiscal effect: Same as the Executive.**

EPACD21 Water Pollution Control Law and slag

R.C. 6111.01

No provision.

Excludes slag from the definition of "industrial waste" in the Water Pollution Control Law, applies the exclusion regardless of whether the slag is placed on the ground or below grade or is used in products that come into contact with the ground or are placed below grade, and defines "slag" to mean the nonmetallic product resulting from melting or smelting operations for iron or steel.

R.C. 6111.01

Same as the House.

**Fiscal effect: Uncertain**

**Fiscal effect: Same as the House.**

Executive

As Passed by the House

As Passed by the Senate

EPACD23 Water Pollution Control Law and shale and clay products

R.C. 6111.01

R.C. 6111.01

No provision.

Excludes shale and clay products from the definition of "industrial waste" in the Water Pollution Control Law, applies the exclusion regardless of whether the shale and clay products are placed on the ground or below grade or are used in products that come into contact with the ground or are placed below grade, and defines "shale and clay products" to mean nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural shale and clay products.

Same as the House

Fiscal effect: Uncertain

Fiscal effect: Same as the House

EPACD22 Isolated wetlands permits; Section 401 water quality certifications

R.C. 6111.02, 6111.027, 6111.30

R.C. 6111.02, 6111.027, 6111.30

(1) No provision.

(1) Revises the definition of "preservation" as used in the provisions of the Water Pollution Control Law governing permits for impacts to isolated wetlands to mean the "long-term" protection of ecologically important wetlands, rather than protection "in perpetuity," through the implementation of appropriate legal mechanisms to prevent harm to the wetlands.

(1) Same as the House.

(2) No provision.

(2) Requires an applicant for coverage under an individual or general state isolated wetland permit to demonstrate that the mitigation site will be protected "long term" rather than "in perpetuity."

(2) Same as the House.

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As Passed by the House

As Passed by the Senate

(3) No provision.

(3) Retains existing law requiring an applicant for a Section 401 water quality certification to include in the application a specific and detailed mitigation proposal, but requires the proposal to include the proposed real estate instrument or other available mechanism for protecting the property "long term" rather than the legal mechanism for protecting the property " in perpetuity."

(3) Same as the House.

**Fiscal effect: Uncertain**

**Fiscal effect: Same as the House.**

EPACD9 Phosphorous monitoring for a publicly owned treatment works

R.C. 6111.03

(1) Requires specified publicly owned treatment works, including those with a design flow of one million gallons per day or more, to begin monthly monitoring of total and dissolved phosphorous by December 1, 2016.

(1) No provision.

(1) No provision.

(2) Requires publicly owned treatment works that are not subject to specified phosphorous effluent limit to complete and submit an optimization study, not later than December 1, 2017, that evaluates their ability to reduce phosphorous to that limit.

(2) No provision.

(2) No provision.

**Fiscal effect: The cost for approximately 210 publicly owned treatment works to begin required monthly monitoring will be around \$75,600 per year. Publicly owned water treatment systems not subject to this monthly monitoring requirement are required to complete and submit a study evaluating their ability to meet that standard. The fiscal effects of the second provision are uncertain.**

Executive

As Passed by the House

As Passed by the Senate

EPACD26      Transfer of Storm Water Management Program from Department of Natural Resources to the Ohio Environmental Protection Agency

R.C.      *6111.03, 1511.02, 3734.57, Section 737.40*

(1) No provision.

(1) No provision.

(1) Transfers, effective January 1, 2016, the administration of the Storm Water Management Program from the Division of Soil and Water Resources in the Department of Natural Resources to the Ohio Environmental Protection Agency (Ohio EPA).

(2) No provision.

(2) No provision.

(2) Permits the Director of Natural Resources to enter into a memorandum of understanding with the Director of Environmental Protection regarding the transfer of the Program

(3) No provision.

(3) No provision.

(3) Requires the Director of Natural Resources to rescind rules in accordance with R.C. Chapter 119. regarding the Program that were in effect immediately preceding the effective date of the section of the bill authorizing the Program's transfer.

(4) No provision.

(4) No provision.

(4) Requires any business commenced but not completed by the Chief of the Division of Soil and Water Resources relating to the Program on the effective date of the amendment of the statutes governing the Program by the bill be completed by the Director of Environmental Protection.

(5) No provision.

(5) No provision.

(5) States that any validation, cure, right, privilege, remedy, obligation, or liability is not lost or impaired solely by reason of the transfer and shall be administered by the Director in accordance with the bill.

(6) No provision.

(6) No provision.

(6) Requires all of the orders and determinations of the Chief of the Division of Soil and Water Resources relating to the Program continue in effect as orders and determinations of the Director of Environmental Protection until modified or

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As Passed by the House

As Passed by the Senate

(7) No provision.

(7) No provision.

rescinded by the Director.

(7) Transfers, subject to the layoff provisions of R.C. 124.321 to 124.328 or the applicable collective bargaining agreement, all of the employees of the Division of Soil and Water Resources in the Department of Natural Resources relating to the Program to the Ohio EPA, with those employees retaining their same positions and all benefits accruing thereto.

(8) No provision.

(8) No provision.

(8) Transfers all equipment and assets relating to the Program from the Division of Soil and Water Resources to the Ohio EPA.

(9) No provision.

(9) No provision.

(9) Specifies that whenever the Division of Soil and Water Resources or the Chief of the Division of Soil and Water Resources, in relation to the Program, is referred to in any law, contract, or other document, the reference is deemed to refer to the Ohio EPA or to the Director of Environmental Protection, whichever is appropriate in context.

(10) No provision.

(10) No provision.

(10) Specifies that any action or proceeding pending on the effective date of the amendment of the statutes governing the Program by the bill is not affected by the transfer. Requires any such action or proceeding be prosecuted or defended in the name of the Ohio EPA. Requires in all such actions and proceedings the Ohio EPA, upon application to the court, be substituted as a party.

**Fiscal effect: Increases, for purposes of funding certain water pollution control duties and responsibilities being transferred from the Department of Natural Resources to the Ohio Environmental Protection Agency, DPF Fund 4K40 appropriation item 715650, Surface Water Protection, by \$181,300 in FY 2016 and \$372,600 in FY 2017.**

Executive

As Passed by the House

As Passed by the Senate

EPACD27 Study of nutrient loading to Ohio watersheds

(1) No provision.

(1) No provision.

R.C. 6111.03

(1) Permits the Director of Environmental Protection to study, examine, and calculate nutrient loading to watersheds in the Lake Erie basin and the Ohio River basin from point and nonpoint sources.

(2) No provision.

(2) No provision.

(2) Requires the Director or the Director's designee, in order to evaluate nutrient loading contributions, to use available data, including data on water quality and stream flow and point source discharges into those watersheds.

(3) No provision.

(3) No provision.

(3) Requires the Director or the Director's designee to report and update the study's results to coincide with the release of the Ohio Integrated Water Quality Monitoring and Assessment Report.

**Fiscal effect: The study's cost over a 2-year period is estimated at \$200,000, with required subsequent updates costing \$30,000 annually thereafter.**

EPACD2 Water Pollution Control Loan Fund

R.C. 6111.036

(1) Expands the uses of the existing Water Pollution Control Loan Fund by adding eight categories of projects and activities that may receive assistance from the fund.

(1) No provision.

(1) No provision.

(2) Adds state agencies to the types of entities that may receive money from the fund under continuing law for the construction of publicly owned wastewater treatment works.

(2) No provision.

(2) No provision.

Executive

As Passed by the House

As Passed by the Senate

(3) Revises the use of the fund to pay the reasonable costs of administering the fund by operating under the governing statute rather than the administrative statute and alters the structure by which administrative costs can be assessed against capitalization grants

(3) No provision.

(3) No provision.

(4) Requires all loans made from the fund to be amortized not later than 30 years after project completion rather than 20 years.

(4) No provision.

(4) No provision.

(5) Allows money credited to the Fund to be used for the awarding of principal forgiveness assistance under the Federal Water Pollution Control Act.

(5) No provision.

(5) No provision.

(6) Removes the requirement that the Director of Environmental Protection must first determine that sewerage systems tributary to a publicly owned treatment works are not subject to excessive infiltration and inflow before providing financial assistance from the fund for a treatment works project.

(6) No provision.

(6) No provision.

(7) Revises the requirement that, before providing financial assistance, the Director must first determine that the applicant will implement a user charge system to pay the operation, maintenance, and replacement expenses of the project by eliminating the stipulation that the user charge system be a proportional system.

(7) No provision.

(7) No provision.

(8) Expands, for purposes of the statute governing the fund, the definition of "Federal Water Pollution Control Act" to include applicable portions of the American Recovery and Reinvestment Act of 2009 and the Water Resources Reform and Development Act of 2014.

(8) No provision.

(8) No provision.

Executive

As Passed by the House

As Passed by the Senate

**Fiscal effect: These provisions conform state law to requirements of the federal Clean Water Act. The administrative changes may result in certain loan recipients receiving more favorable financing terms and conditions than might otherwise have been the case under current law and practice.**

EPACD14 Section 401 water quality certification; certified water quality professionals

R.C. 6111.30

R.C. 6111.30

R.C. 6111.30

(1) Requires data sufficient to determine existing aquatic life use, rather than a use attainability analysis, to accompany an application for a section 401 water quality certification if the project involves a stream for which a specific aquatic life use designation has not been made.

(1) Same as the Executive.

(1) Same as the Executive.

(2) Authorizes the Director of Environmental Protection to establish a program and adopt rules to certify water quality professionals to assess streams to determine exiting aquatic life use and to categorize wetlands in support of applications for section 401 water quality certification

(2) Same as the Executive.

(2) Same as the Executive.

(3) Requires the Director to use information submitted by certified water quality professionals in reviewing such applications.

(3) Same as the Executive.

(3) Same as the Executive.

(4) Requires the Director's rules to address specified topics to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations.

(4) Same as the Executive.

(4) Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

**Fiscal effect: Potential savings effect, as these provisions give the Ohio EPA more flexibility in performing certain water quality certification duties and responsibilities.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

EPACD11 Dredged material in Lake Erie and tributaries

R.C. 6111.32

(1) Prohibits, beginning July 1, 2020, a person from depositing dredged material in Ohio's portion of Lake Erie and direct tributaries that resulted from harbor or navigation maintenance activities unless authorized by the Director of Environmental Protection.

(1) No provision.

(1) No provision.

(2) Authorizes the Director of Environmental Protection, in consultation with the Director of Natural Resources, to determine that factors exist that result in the inability to comply with the above prohibition and, after making that determination, to allow open lake placement of dredged material from specified bodies of water through the issuance of a section 401 water quality certification.

(2) No provision.

(2) No provision.

(3) Allows the Director of Environmental Protection to authorize the deposit of dredged material from harbor or navigation maintenance activities for specified facilities and projects, including beach nourishment and habitat restoration.

(3) No provision.

(3) No provision.

(4) Authorizes the Director of Environmental Protection to consult with the Director of Natural Resources for the above purpose, but specifies that the Director of Environmental Protection has exclusive authority to approve the location in which dredged material is proposed to be deposited.

(4) No provision.

(4) No provision.

Executive

As Passed by the House

As Passed by the Senate

(5) Requires the Director of Environmental Protection to endeavor to work with the U.S. Army Corps of Engineers on a dredging plan that focuses on long-term planning for the disposition of dredged material consistent with the above requirements.

(5) No provision.

(5) No provision.

**Fiscal effect: None.**

**EPACD15 Water Pollution Control Law enforcement**

**R.C. 6111.99**

(1) Increases criminal penalties for certain violations of the Water Pollution Control Law, and establishes culpable mental states regarding certain violations.

**R.C. 6111.99**

(1) Same as the Executive.

**R.C. 6111.99**

(1) Same as the Executive.

(2) Provides that if a person is convicted of or pleads guilty to a violation of any provision of that Law, the sentencing court may order the person to reimburse the state agency or political subdivision for any actual response costs.

(2) Same as the Executive.

(2) Same as the Executive.

**Fiscal effect: These changes are not likely to have any discernible effect on the annual operating expenses of the common pleas, municipal, or county courts with jurisdiction over violations of the Water Pollution Control Law, but may generate a minimal annual incarceration cost increase if additional violators are sentenced to a local jail or state prison, or sentenced to a longer stay in such a facility than might have been the case under current law. Counties may gain additional fine moneys, and the state and/or its political subdivisions may collect court-ordered response cost recoveries.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Passed by the Senate

**EPACD18      Areawide planning agencies**

**Section: 275.10**

Permits the Director of Environmental Protection to award grants from DPF 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.

**Section: 275.10**

Same as the Executive.

**Section: 275.10**

Same as the Executive.

**EPACD19      Water Pollution Control Administration Fund**

**Section: 275.10**

Permits the Director of Environmental Protection, notwithstanding R.C. 6111.09, to expend not more than \$800,000 of the moneys credited to the Water Pollution Control Administration Fund (Fund 6990) in either of FYs 2016 and 2017 for certain specified purposes.

**Section: 275.10**

Same as the Executive.

**Section: 275.10**

Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

**AIRCD1 Energy Strategy Development Program**

**Section: 213.20**

Requires OAQDA to establish the Energy Strategy Development Program to develop energy initiatives, projects, and policy that align with the energy policy for the state. Creates the Energy Strategy Development Fund (Fund 5EG0) consisting of money credited to it and money obtained for advanced energy projects from federal or private grants, loans, or other sources. Specifies that interest earned on money in Fund 5EG0 be credited to the GRF.

Permits the Director of Budget and Management to make the following cash transfers up to the amounts specified to Fund 5EG0 on July 1 or as soon as possible thereafter each fiscal year:

(1) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the State Agency Construction Project Service Fund (Fund 1310) used by the Ohio Facilities Construction Commission;

(2) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Indirect Cost Fund (Fund 5GH0) used by the Department of Agriculture;

(3) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Supportive Services Fund (Fund 1350) used by the Development Services Agency;

(4) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Indirect Cost Fund (Fund 2190) used by the Environmental Protection Agency;

**Section: 213.20**

Same as the Executive.

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

**Section: 213.20**

Same as the Executive.

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

(5) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Chargeback Fund (Fund 1570) used by the Department of Natural Resources; and

(5) Same as the Executive.

(5) Same as the Executive.

(6) Up to \$39,150 in FY 2016 and up to \$39,199 in FY 2017 from the Highway Operating Fund (Fund 7002) used by the Department of Transportation.

(6) Same as the Executive.

(6) Same as the Executive.

Allows the Director of Budget and Management to transfer any remaining cash in Fund 5EG0 at the end of FY 2017 to the GRF. Abolishes Fund 5EG0 upon completion of the transfer.

Same as the Executive.

Same as the Executive.

**Fiscal effect: Generates up to \$176,175 in FY 2016 and up to \$176,394 in FY 2017 for oversight of energy initiatives, projects, and strategies that align with the state's energy policy.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Passed by the Senate

**LECCD1 Cash transfers to the Lake Erie Resources Fund**

**Section: 313.10**

(1) Permits the Director of Budget and Management, on July 1 of each fiscal year, or as soon as possible thereafter, to transfer up to \$44,000 from each of the following funds to the Lake Erie Resources Fund (Fund 5D80):

(a) Environmental Protection Fund (Fund 5BC0) used by the Ohio Environmental Protection Agency.

(b) Pesticide, Fertilizer and Lime Fund (Fund 6690) used by the Department of Agriculture.

(c) General Operations Fund (Fund 4700) used by the Department of Health.

(d) Central Support Indirect Fund (Fund 1570) used by the Department of Natural Resources.

(2) Permits the Director of Budget and Management, on July 1 of each fiscal year, or as soon as possible thereafter, to transfer \$44,000 from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 5D80.

(3) Permits Fund 5D80 to accept contributions and transfers made to the fund.

**Section: 313.10**

(1) Same as the Executive.

(a) Same as the Executive.

(b) Same as the Executive.

(c) Same as the Executive.

(d) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

**Section: 313.10**

(1) Same as the Executive.

(a) Same as the Executive.

(b) Same as the Executive.

(c) Same as the Executive.

(d) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

## Executive

## As Passed by the House

## As Passed by the Senate

## PUCCD1 Utility Radiological Safety Board assessments

## Section: 506.10

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

- (1) \$125,000 in each fiscal year to the Utility Radiological Safety Fund (Fund 4E40) used by the Department of Agriculture;
- (2) \$1,086,098 in each fiscal year to the Radiation Emergency Response Fund (Fund 6100) used by the Department of Health;
- (3) \$298,304 in FY 2016 and \$303,174 in FY 2017 to the ER Radiological Safety Fund (Fund 6440) used by the Environmental Protection Agency; and
- (4) \$1,200,000 in each fiscal year to the Emergency Response Plan Fund (Fund 6570) used by the Department of Public Safety.

**Fiscal effect: Up to \$2.8 million in each fiscal year may be assessed against nuclear electric utilities and made available to the four state agencies for their statutory purposes.**

## Section: 506.10

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## Section: 506.10

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Passed by the Senate

**DOTCD32 Diesel Emissions Reduction Grant Program**

**Section: 512.50**

**Section: 512.50**

**Section: 512.50**

(1) Establishes a Diesel Emissions Reduction Grant Program in the Highway Operating Fund (Fund 7002) and requires the Ohio Environmental Protection Agency (EPA) to administer the program and solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. Requires ODOT to process Federal Highway Administration (FHWA) projects as recommended by EPA.

(1) Same as the Executive.

(1) Same as the Executive.

(2) Specifies that in addition to the expenditures allowed pursuant to section 122.861 of the Revised Code, program funds also may be used to assist projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under CMAQ guidance developed by FHWA.

(2) Same as the Executive.

(2) Same as the Executive.

(3) Requires public entities eligible to receive program funds to be reimbursed from moneys in Fund 7002. Requires private entities eligible to receive funds to be reimbursed at the discretion of the local public sector agency and upon approval by ODOT, through direct payments to the vendor in the prorated share of federal/state participation. Specifies that the reimbursements shall be made from moneys in Fund 7002.

(3) Same as the Executive.

(3) Same as the Executive.

(4) Prohibits new appropriations from Fund 7002 in FY 2016 for the program, and limits new appropriations from Fund 7002 to up to \$5.0 million in FY 2017 for the program.

(4) Same as the Executive.

(4) Same as the Executive.

(5) Specifies that any allocations under this section of the bill represent CMAQ program moneys within ODOT for program use by EPA, and that such allocations shall not reduce the

(5) Same as the Executive.

(5) Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

amount of moneys designated for metropolitan planning organizations.

(6) Requires EPA, in consultation with the Development Services Agency and ODOT, to develop guidance for the distribution of funds and for the administration of the program. Requires the guidance to include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

(6) Same as the Executive.

(6) Same as the Executive.

**Fiscal effect: The Diesel Emissions Reduction Grant Program was created in uncodified law in Am. Sub. H.B. 59 of the 130th General Assembly for the FY 2014-FY 2015 biennium, with similar program guidelines and funding streams. Up to \$5.0 million in additional Highway Operating Fund moneys may be appropriated for the program in the FY 2016-FY 2017 biennium, complementing the federal CMAQ funding.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**