

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
Counties and Municipal Health Departments, Courts			
Revenues	Potential gain in court fees, not likely to exceed minimal	Potential gain in court fees, not likely to exceed minimal	Potential gain in court fees, not likely to exceed minimal
Expenditures	Minimal increase in health department workload for inspection and enforcement	Minimal increase in health department workload for inspection and enforcement	Minimal increase in health department workload for inspection and enforcement

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Persons violating the bill's provisions regarding disposal of lead-acid batteries are subject to a civil penalty of up to \$25 for each day of a violation. Retailers are subject to civil penalties up to \$10,000 for each day of a violation. At any rate, this revenue would be directed to the state Hazardous Waste Clean-Up Fund (Fund 505). As the number of violations is expected to be small, any additional court fees paid to county and municipal courts will be negligible.
- According to the Ohio EPA, health departments in certain counties and cities will be responsible for inspecting and enforcing the disposal ban of lead-acid batteries. Of the 65 county and 18 city health departments currently authorized to regulate solid waste disposal, this new responsibility would be added to regularly scheduled landfill inspections. This would create, at most, minimal increase in workload for counties and municipalities.

Detailed Fiscal Analysis

Regarding fiscal impact on state and local governments, the bill most notably:

- Imposes new Environmental Protection Agency (EPA) enforcement requirements, to be carried out by the Division of Hazardous Waste Management, the Division of Solid Waste and Infectious Waste Management, and certain county and city health departments.
- Establishes civil penalties for the new violations of the bill, which could possibly lead to some small amount of new fine and court fee revenue.

On both the state and local levels, the bill is likely to impose some minimal new costs for landfill oversight. These are described below.

Retailers of lead-acid batteries

The bill requires a retailer that displays for sale, and sells lead-acid batteries to discard a used lead-acid battery by delivering it to a retailer or other qualifying facility, as specified in the bill. The retailer is required to (1) accept used lead-acid batteries, and (2) discard of the used lead-acid batteries by delivering them to a collection facility or recycling entity. Additionally, the retailer is required to post a sign, the content of which is prescribed by the bill. Wholesalers of lead-acid batteries in Ohio are required to accept from the purchaser or retailer used batteries of the same type and in a quantity equal to the number sold to the purchaser or retailer.

According to national figures provided by the Battery Council International in its May 16, 2007 testimony, over 100 million car batteries and 7 million boat batteries are sold or shipped every year. According to U.S. EPA data,¹ nearly 90% of these batteries are already recycled. This means that there are about 10.7 million batteries that are not recycled nationally. According to Ohio EPA, although much of the lead found in landfills comes from lead-acid batteries, there is no information available on the number of such batteries disposed of at these sites.

EPA enforcement

Enforcement would be carried out by the Division of Hazardous Waste Management and the Division of Solid Waste and Infectious Waste Management. Enforcement would be incorporated into existing site visits. EPA employs approximately 25 staff to inspect the 41 operating landfills that could potentially receive lead-acid batteries. Inspectors are required to inspect landfills at least four times a year, and conduct site visits by monitoring for banned items on a checklist.

¹ <http://www.epa.gov/msw/battery.htm>, viewed June 13, 2007. The data was last updated May 9, 2006.

County and city health departments

According to the Ohio EPA, health departments in certain counties and cities will be responsible for inspecting and enforcing the disposal ban of lead-acid batteries. There are 65 county health departments and 18 city health departments that are approved to administer the solid waste program, although not all of these have a landfill within their jurisdiction. Of the counties and cities that currently regulate solid waste disposal, inspection for lead-acid batteries will be absorbed into regularly scheduled inspections. This would create, at most, a minimal increase in workload for counties and municipalities.

Prohibitions

Violation of the bill's provisions could result in civil penalties to both individuals and retailers. If a person does not comply with the bill's requirements, he or she could be subject to a civil penalty of up to \$25 a day penalty for each day of a violation. Retailers and wholesalers that violate the bill's provisions are subject to the general civil penalty established in existing law, which is up to \$10,000 for each day of each violation. As the number of violators is not expected to be significant, any fines and court fees collected by county courts should not exceed minimal. Any civil penalties collected due to violations of the bill would be deposited in Hazardous Waste Clean-Up Fund (Fund 505).

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