

Executive

EPACD6 Transfer of Functions and Responsibilities of Division of Recycling and Litter Prevention to Environmental Protection Agency; Scrap Tire Grant Fund

R.C. *121.04, 125.082, 125.14, 1501.04, 1502.01
(3736.01), 1502.02 (3736.03), 1502.03
(3736.02), 1502.04 (3736.04), 1502.05
(3736.05), 1502.06 (3736.06), 1502.07
(3736.07), 1502.12 (3734.822), 1502.99
(3736.99), 3714.073, 3734.51, 3734.55,
3734.82, 5733.064, Sections 601.40, 737.20,
737.30
Amends Sections 279.10 and 343.10 of H.B.
153*

(1) Abolishes the Division of Recycling and Litter Prevention in the Department of Natural Resources, transfers its functions and responsibilities to the Environmental Protection Agency, and transfers applicable appropriations from the Division of Recycling and Litter Prevention to the Environmental Protection Agency.

(2) Generally prohibits information that is submitted to, acquired by, or exchanged with employees of the Environmental Protection Agency in order to obtain a grant from the continuing Recycling and Litter Prevention Fund (Fund 5320) from being used in any manner for the purpose of enforcement of any requirement established in an environmental law or used as evidence in any judicial or administrative enforcement proceeding.

(3) States that the above provision does not confer immunity on persons from enforcement that is based on information that is obtained by the Director of Environmental Protection or the Director's authorized representatives who are not employees of the Agency who administer or provide services under the grant program.

(4) Transfers the authority to make grants from the Scrap Tire Grant Fund (Fund 4R50) from the Chief of the Division of Recycling and Litter Prevention with the approval of the Director of Natural Resources to the Director of Environmental Protection.

(5) Removes the chairperson of the Recycling and Litter Prevention Advisory Council from the Recreation and Resources Commission in the Department of Natural Resources.

(6) Removes the Director of Natural Resources from the Solid Waste Management Advisory Council in the Environmental Protection Agency.

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Fiscal effect: These provisions will transfer recycling and litter prevention duties and responsibilities including six full-time employees and \$6.5 million in FY 2013 appropriations to the Ohio Environmental Protection Agency from the Department of Natural Resources.

EPACD1 Separate Title V Clean Air Fund and Non-Title V Clean Air Fund

R.C. *3704.035, 3706.19, 3734.05, 3734.79,
3737.14, 3745.11, 3745.111, 3745.112,
5709.212, 6109.07, 6109.21, 6111.01,
6111.04, 6111.14*

- (1) Eliminates the Clean Air Fund, which is used by the Environmental Protection Agency to administer Title V and non-Title V air pollution control programs, and replaces it with the Title V Clean Air Fund and the Non-Title V Clean Air Fund.
- (2) Retains the existing fee structure that provides money to the Clean Air Fund, but distributes the proceeds of those fees to either the new Title V Clean Air Fund or the new Non-Title V Clean Air Fund.
- (3) Requires fees related to emissions from a Title V air contaminant source to be credited to the Title V Clean Air Fund and certain fees related to non-Title V air contaminant sources to be credited to the Non-Title V Clean Air Fund.
- (4) Requires money in the Title V Clean Air Fund generally to be used to administer and enforce the Title V permit program.
- (5) Requires money in the Non-Title V Clean Air Fund generally to be used to administer and enforce laws pertaining to the prevention, control, and abatement of air pollution other than the Title V program and, as in current law, other than motor vehicle inspection and maintenance programs.
- (6) Specifies that an existing transfer from the Clean Air Fund to the Small Business Assistance Fund be transferred instead from the Title V Clean Air Fund and that it be transferred via an interstate transfer voucher.
- (7) Requires that, annually, money in the Title V Clean Air Fund be transferred to the Small Business Ombudsperson Fund in an amount that is necessary for the operation of the Office of Ombudsperson.
- (8) Makes technical changes, including the repeal of statutory authority for certain fees that have expired.

Fiscal effect: None.

Executive**EPACD5 Consensual Administrative Order Agreements****R.C. 3745.01**

Authorizes the Director of Environmental Protection to: (1) enter into consensual administrative order agreements in furtherance of the purposes of the state's environmental laws, and (2) advise, consult, cooperate, and enter into contracts or agreements with persons, in addition to governmental entities, affected groups, and industries as in current law, in furtherance of those purposes.

Fiscal effect: None.

EPACD2 Public Water System Licenses**R.C. 3745.11, 6109.21**

(1) Requires the Director of Environmental Protection to adopt rules governing the issuance, conditioning, and denial of public water system licenses and license renewals in addition to rules governing the suspension and revocation of licenses as in current law.

(2) Allows the Director to add conditions to a license or license renewal in addition to suspending or revoking a license or license renewal as in current law.

(3) Clarifies that the Director has the authority to issue, issue with terms and conditions, or deny the license.

(4) Requires applications for initial licenses to be submitted at least 45 days prior to the commencement of the operation of a public water system.

(5) Makes additional organizational and technical changes to the law governing public water system licenses and license renewals.

Fiscal effect: None.

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EPACD3 Water Supply System and Wastewater System Operator Certification Fees

R.C. 3745.11

(1) Establishes a new fee schedule for certification of operators of water supply and wastewater systems by consolidating the current application fee of \$45 with the current fee schedule for examinations administered by the Director of Environmental Protection for each class of operator of a water supply system or a wastewater system.

(2) Establishes a \$45 fee for certification as an operator of a water supply system or wastewater system for a person who has passed an examination administered by an approved examination provider.

(3) Establishes a \$500 fee for an application to be a water supply system or wastewater system operator examination provider.

(4) Establishes an annual fee for water supply system or wastewater system operator examination providers of 10% of the fees annually assessed and collected for providing examinations to persons seeking certification.

Fiscal effect: These changes are expected to reduce fee revenue to the Drinking Water Protection Fund (Fund 4K50) by \$50,000 to \$75,000 annually.

EPACD4 Automobile Emissions Testing Program Operation and Oversight

Section: 601.40

Amends Section 279.10 of H.B. 153

Reduces the cash transfer from the General Revenue Fund to the Auto Emissions Test Fund (SSR Fund 5BY0) for FY 2013 by \$2 million, from "up to \$13,242,762" to "up to \$11,242,762."

Fiscal effect: This reduced cash transfer reflects an expectation that the EPA's costs of running what is known as the E-Check program will be less than originally budgeted.
