

Executive

As Passed by the House

As Reported by Senate Finance

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

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,  
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 (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  
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(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.

(1) Same as the Executive.

(1) Same as the Executive.

(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.

(2) Same as the Executive.

(2) Same as the Executive.

(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

(3) Same as the Executive.

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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.

(4) Same as the Executive.

(4) Same as the Executive.

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

(5) Same as the Executive.

(5) Same as the Executive.

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

(6) Same as the Executive.

(6) Same as the Executive.

**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.**

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

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

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

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

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

R.C. 3704.035, 3706.19, 3734.05, 3734.79, 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.

(1) Same as the Executive.

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(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.

(2) Same as the Executive.

(2) Same as the Executive.

(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.

(3) Same as the Executive.

(3) Same as the Executive.

(4) Requires money in the Title V Clean Air Fund generally to be used to administer and enforce the Title V permit program.

(4) Same as the Executive.

(4) Same as the Executive.

(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.

(5) Same as the Executive.

(5) Same as the Executive.

(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.

(6) Same as the Executive.

(6) Same as the Executive.

(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.

(7) Same as the Executive.

(7) Same as the Executive.

(8) Makes technical changes, including the repeal of statutory authority for certain fees that have expired.

(8) Same as the Executive.

(8) Same as the Executive.

**Fiscal effect: None.**

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

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

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**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.**

**R.C. 3745.01**

Same as the Executive.

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

**R.C. 3745.01**

Same as the Executive.

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

**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.

**R.C. 3745.11, 6109.21**

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

**R.C. 3745.11, 6109.21**

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

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

(5) Same as the Executive.

(5) Same as the Executive.

**Fiscal effect: None.**

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

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

**EPACD3 Water Supply System and Wastewater System Operator Certification Fees**

**R.C. 3745.11**

**R.C. 3745.11**

**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.

(1) Same as the Executive.

(1) Same as the Executive.

(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.

(2) Same as the Executive.

(2) Same as the Executive.

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

(3) Same as the Executive.

(3) Same as the Executive.

(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.

(4) Same as the Executive.

(4) Same as the Executive.

**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.**

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

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

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EPACD4 Automobile Emissions Testing Program Operation and Oversight

Section: **601.40**  
*Amends Section 279.10 of H.B. 153*

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*Amends Section 279.10 of H.B. 153*

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."

Same as the Executive.

Same as the Executive.

**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.**

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

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

EPACD9 Solid Waste Management Districts – Source Separated Recyclable Material

(1) No provision.

(1) No provision.

Section: **737.81**

(1) Defines "source separated recyclable material" to include any material such as paper, cardboard, metal, glass, plastic, or similar material that is segregated by the producer or generator of the material in order to reuse or recycle the material.

(2) No provision.

(2) No provision.

(2) Requires, on and after the effective date of the amendment through December 31, 2013, the board of county commissioners or board of directors of a solid waste management district proposing to construct a new recycling processing facility on land owned by the district or operate a new recycling processing facility to do so only through a competitive selection process, including competitive bidding or competitive proposals.

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(3) No provision.

(3) No provision.

(3) Prohibits, on and after the effective date of the amendment through December 31, 2013, the board of county commissioners or board of directors of a solid waste management district from: (a) designating any new facilities or activities for the collection or processing of source separated recyclable material, (b) exercising rulemaking authority to require source separated recyclable material to be delivered to one or more specified facilities, or (c) entering into any new contract for the collection of source separated recyclable material that requires those materials to be delivered to one or more specified facilities.

**Fiscal effect: The potential fiscal effects of this temporary moratorium on solid waste management districts that were planning to undertake certain recycling activities are uncertain.**

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DNRCD6 Healthy Lake Erie Fund

**Section: 601.40**  
***Amends Section 343.40 of H.B. 153***

**Section: 601.40**  
***Amends Section 343.40 of H.B. 153***

No provision.

Establishes GRF appropriation item 725505, Healthy Lake Erie Fund, with an appropriation of \$3,000,000 and requires that it be used by the Director of Natural Resources, in consultation with the Director of Agriculture and the Director of Environmental Protection, to implement nonstatutory recommendations of the Agriculture Nutrients and Water Quality Working Group, with priority given to recommendations that encourage farmers to adopt 4R nutrient stewardship practices. Permits the funding to be used for enhanced soil testing in the Western Lake Erie Basin, monitoring the quality of Lake Erie and its tributaries, and establishing pilot projects that have the goal of reducing algae blooms in Lake Erie.

Same as the House, but increases the appropriation to \$3,350,000 and requires up to \$3,000,000, rather than requiring the entire appropriation, to be used for the implementation of the Agriculture Nutrients and Water Quality Working Group's recommendations and for the purposes of the line item related to Lake Erie. Adds conducting research toward the goal of reducing algae blooms in Lake Erie to the allowable uses of the line item.

No provision.

No provision.

Permits up to \$350,000 to be used by the Director of Natural Resources to monitor inland lakes and stream water quality.