

Air Quality Development Authority

House Agriculture and Development Subcommittee

*Isabel Louis, Economist
Legislative Service Commission*

March 22, 2007

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LSC Redbook
for the
Air Quality Development Authority

House Agriculture and Development Subcommittee

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March 22, 2007

Air Quality Development Authority

- A new program series, Governor's Energy Advisor is added; this advisor is to coordinate state energy programs and play a leadership role in energy efficiency and conservation

OVERVIEW

The Ohio Air Quality Development Authority (OAQDA) is a nonregulatory state government agency that was established in 1970 in response to environmental mandates handed down by the federal government in the first Clean Air Act. A seven-member board governs the Authority. The Governor appoints five of the members and the remaining two members are the directors of the Ohio Department of Health and the Ohio Environmental Protection Agency. Currently, the Authority has seven full-time employees. The Authority assists Ohio businesses, government agencies, and not-for-profit agencies and individuals in complying with air quality regulations by providing technical and financial assistance. Since July 2003 the OAQDA is also the home agency for the Ohio Coal Development Office (OCDO), which provides grants to support research and development of clean coal technology.

Recommended funding for FY 2008 is \$18,723,325. This is a 15.5% decrease from the estimated spending level for FY 2007. Recommended funding for FY 2009 is \$19,741,569. This is a 5.4% increase over the recommended funding for FY 2008.

Financing Assistance

The OAQDA assists Ohio businesses, government agencies, and not-for-profit agencies in complying with environmental standards by financing the purchase, construction, or installation of air pollution control equipment. In addition, the Authority provides financial assistance for energy efficiency and conservation and for ethanol and other biofuel production facilities.

The OAQDA has also recently developed a new financing instrument that enables small companies to attain the benefits of OAQDA financing without incurring the costs that are usually associated with bond financing. This allows the OAQDA financing to be accessible for projects that are below \$20,000. Before development of this tool, projects needed to be in the \$2-3 million range to be viable candidates for OAQDA financing. The bonds issued by OAQDA are air quality revenue bonds on either a tax-exempt or taxable basis. The repayment stream and funding for the Authority come from rentals and lease payments paid by the business, agency, or utility for which the bonds were issued. Because state revenues are not used, these bonds do not contribute to overall state debt.

Clean Air Resource Center

Officially entitled the "Office of Ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program," the Clean Air Resource Center assists small businesses as they face the challenges of new and sometimes stringent air regulations. The Authority

operates the Ohio Clean Air Ombudsman for Small Business program and the Small Business Assistance program.

The Ohio Clean Air Ombudsman for Small Business serves not only as a repository of complaints, but also as a source of education and assistance. The ombudsman educates small businesses about the requirements of clean air regulations at the state and federal levels; provides access to expert technical advice on rules, regulations, and compliance options; and provides financing advice and assistance to small businesses. This program is funded by revenue generated by permit fees collected pursuant to Title V of the Clean Air Amendments of 1990.

The Small Business Assistance program enables small businesses with 100 or fewer employees to attain the benefits of OAQDA financing without incurring all the costs normally associated with bond finance. The initial focus for this financial assistance program was the development of an assistance mechanism that would provide assistance to the most businesses possible using limited resources. A careful consideration of options led to the adoption of a small grant program that helps small businesses meet the initial costs of clean air compliance financing. Projects as small as \$25,000 have been approved under this program.

Customer Education

The Authority reaches out to its clients, through both the Clean Air Resource Center and traditional OAQDA financing programs, using three major vehicles: close cooperation with other state agencies, cooperative efforts with trade associations, and independent outreach programs.

Cooperation with other state agencies enables the OAQDA to leverage its resources to assist its clients. The Clean Air Resource Center relies on the Ohio EPA Small Business Assistance program for technical information about state interpretation and implementation of air quality regulations. The Center has also worked with the Ohio EPA's Office of Pollution Prevention to provide technical and financial information to businesses. The Authority works with the Department of Development on a project basis. The Ohio Air Quality Development Authority has been involved in an energy conservation program with the Department of Administrative Services, helping to reduce the cost to the state of such investments.

The Authority works with various state agencies and statewide trade associations to provide information to Ohio businesses. Examples include committee briefings, membership mailings, and training efforts. A significant project was with the printing industry of Ohio. This sector, composed of mostly small businesses, faced a significant regulatory burden under the Clean Air Act. The Authority was actively involved in the project Enviroprint Ohio. Other associations that the Authority worked with include the Ohio Cast Metals Association, Ohio Chemical Council, Ohio Small Business Council, and the National Federation of Independent Businesses-Ohio.

The Authority reaches out to its clients independently by attending various conferences, making presentations and speeches, distributing literature, and by responding to inquiries. Although resource limitations have led to less reliance on this method of outreach, OAQDA plans to give more emphasis to this method in the future.

Ohio Coal Development Office

Within the Ohio Air Quality Development Authority, the Ohio Coal Development Office co-funds the development and implementation of technologies that can use Ohio's vast reserves of high sulfur coal in an economical and environmentally sound manner. This is important as numerous energy forecasts project coal to fuel at least half of the nation's electric power production through 2015 and

probably beyond. This program is critical for Ohio, which generates nearly 90% of its electricity from coal. Further, Ohio is the third largest consumer of coal and the fourth largest consumer of electricity in the U.S. While alternative energy technologies are under development and transition, coal is expected to remain the backbone of this state's and this nation's energy supply for some time to come.

Projects supported by the OCDO are sought through public solicitations and requests for proposals (RFPs). While OCDO can support projects ranging from applied research through commercial demonstration, it is this latter category that is of particular interest. Types of projects and funding levels are defined within the RFPs. Proposals are reviewed by independent technical reviewers, then submitted to the Office's statutorily created Technical Advisory Committee (TAC), a 15-member group comprised of public and private members having an interest in coal, power production, and the environment. Projects favorably recommended by the TAC are submitted to the OAQDA for final approval, and then grant negotiations commence.

Late in 2004 a third-party review of OCDO was commissioned by the OAQDA, "to assess OCDO's historical performance and to use the information gathered to determine and implement future program direction." The committee submitted its final report in July 2005. Among its many recommendations, the committee has said that the OCDO should develop a bi-annual strategic plan with quantified goals and timelines. The OAQDA is to assist in the preparation of this plan and approve it and return the OCDO to compliance with statutory requirement (Ohio Revised Code 1551.34). In September 2006, OAQDA has issued new guidelines for submittal of research project proposals jointly funded by other public agencies focused on developing clean coal technologies.

Coordination of State Agency Energy Programs

This program is under the new program series, Governor's Energy Advisor. The advisor is to work with delegated personnel from each state agency to identify, categorize, and coordinate all programs that have an impact on state energy policy

Energy Leadership by Example

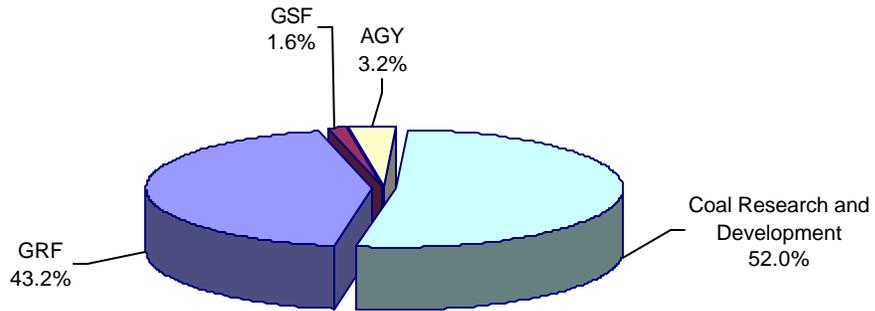
In this second program under the new series, the energy advisor is to work with delegated personnel from state agencies to achieve targeted reductions in energy consumption and to develop a parallel program in state institutions of higher education.

Staffing Levels

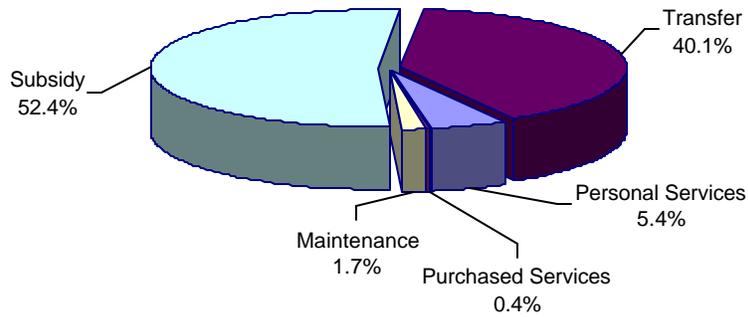
Pursuant to collective bargaining contracts, state employees will receive a 3.5% raise on July 1, 2007. Paired with an increase in benefit costs, staffing costs will increase for the FY 2008-2009 biennium. The following table provides the number of filled positions by program since 2004. The increase from nine to fourteen employees for FY 2004 and beyond coincides with the transfer of the Ohio Coal Development Office from the Department of Development to the Ohio Air Quality Development Authority.

Ohio Air Quality Development Authority Staffing Levels						
Program Series/Division	2004	2005	2006	2007	Estimated	
					2008	2009
OAQDA	9	14	14	14	14	14
Totals	9	14	14	14	14	14

Total Budget by Fund Group - FYs 2008-2009



Total Budget by Object Code - FYs 2008-2009



ANALYSIS OF EXECUTIVE PROPOSAL

Program Series

1: Air Quality Development Authority

Purpose: All Ohio Air Quality Development Authority funds and activities are in two program series: Program Series 1, Air Quality Development Authority, and a newly created program in the current budget proposal, Program Series 2, Governor's Energy Advisor. There are three components to Program Series 1: namely, 1.01 Project Development and Financing, 1.02 Clean Air Resource Center, and 1.03 Ohio Coal Development Office (OCDO). There are two components to Program Series 2: namely, 2.01 Coordination of State Agency Energy Programs, and 2.02 Energy Leadership by Example.

The following table shows the line items that are used to fund this agency, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
General Revenue Fund				
GRF	898-401	FutureGen Assistance	\$0	\$0
GRF	898-402	Coal Development Office	\$570,692	\$612,692
GRF	898-901	Coal R&D General Obligation Debt Service	\$7,232,400	\$8,192,500
General Revenue Fund Subtotal			\$7,803,092	\$8,805,192
Agency Fund Group				
570	898-601	Operating Expenses	\$255,000	\$264,000
4Z9	898-602	Small Business Ombudsman	\$287,146	\$294,290
5A0	898-603	Small Business Assistance	\$71,087	\$71,087
Agency Fund Group Subtotal			\$613,233	\$629,377
Coal Research & Development Fund				
46	898-604	Coal Research & Development	\$10,000,000	\$10,000,000
Coal Research & Development Fund Subtotal			\$10,000,000	\$10,000,000
Total Funding: Air Quality Development Authority			\$18,416,325	\$19,434,569

This analysis focuses on the following specific programs within the agency:

- **Program 1.01: Project Development and Financing**
- **Program 1.02: Clean Air Resource Center**
- **Program 1.03: Ohio Coal Development Office**

Project Development and Financing

Program Description: Project Development and Financing supports the primary activities of the OAQDA. The primary focus is providing financing assistance through the issuance of bonds for investment in: air pollution control, air pollution prevention, energy efficiency and conservation, and ethanol and other biofuel production projects. OAQDA oversees administration of those bond issues and educates various constituencies on air quality issues.

Funding Source: Administrative fees generated from the issuance of bonds

Line Items: 898-601

Implication of Executive Recommendation: The executive recommendation will provide enough funding to support the Project Development and Financing program's primary activities.

Temporary and Permanent Law Provisions

None

Clean Air Resource Center

Program Description: The Clean Air Resource Center fulfills the federal requirement to provide specific assistance to small businesses that must comply with the Clean Air Act of 1990. The program provides information to small businesses and helps them determine if they must comply with Clean Air Act requirements, and what they must do to be in compliance. The program also assists in determining how to finance any changes that must be made in order to comply with regulations.

Funding Source: Transfers of Title V permit fees from the Ohio Environmental Protection Agency (OEPA)

Line Items: 898-602, 898-603

Implication of Executive Recommendation: The executive recommendation provides adequate funding to support the activities of the Clean Air Resource Center. If additional funding is needed for the Small Business Assistance Program it may be requested through the Controlling Board.

Temporary and Permanent Law Provisions

None

Ohio Coal Development Office

Program Description: The Ohio Coal Development Office co-funds the development and implementation of technologies that can use Ohio's high-sulfur coal reserves in an economical and environmentally sound manner. The Office oversees ongoing grants providing technical, administrative, and management assistance. The Office monitors the progress of these projects to ensure that funding is being properly used and substantial progress is being made. The Office also supports the Ohio Coal Research Consortium, a network of Ohio universities conducting research in the clean coal technologies.

Funding Source: General Revenue Fund and Ohio Coal Research and Development GO bonds

Line Items: 898-402, 898-604, 898-901

Implication of Executive Recommendation: The executive recommendation will allow the Ohio Coal Development Office to fund the activities of the Coal Research and Development program.

Temporary and Permanent Law Provisions

Temporary law grants the Ohio Public Facilities Commission authorization to issue and sell bonds and other obligations of the state to provide moneys to the credit of the Coal Research and Development Fund.

Program Series

2: Governor's Energy Advisor

Purpose: To create a coordinated and comprehensive state energy strategy

The following table shows the line items that are used to fund the Governor's Energy Advisor, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
General Services Fund				
GSF	5EG	Energy Strategy Development	\$307,000	\$307,000
General Services Fund Subtotal			\$307,000	\$307,000
Total Funding: Governor's Energy Advisor			\$307,000	\$307,000

This analysis focuses on the following specific programs within the Governor's Energy Advisor program series:

- **Program 2.01: Coordination of State Agency Energy Programs**
- **Program 2.02: Energy Leadership by Example**

Coordination of State Agency Energy Programs

Program Description: The program is to work with delegated personnel from each state agency to identify, categorize, and coordinate all programs that have an impact on state energy policy.

Funding Source: General Services Fund Group

Line Items: 898-608

Implication of Executive Recommendation: The executive recommendation will provide funding to identify programs with an impact on energy issues, to develop a state energy strategy, and to work with stakeholders across the state to guarantee that interests are understood and considered.

Temporary and Permanent Law Provisions

None

Energy Leadership by Example

Program Description: The program is to work with delegated personnel from each state agency to achieve targeted reductions in energy consumption and to develop a parallel program in state institutions of higher education.

Funding Source: General Services Fund Group

Line Items: 898-608

Implication of Executive Recommendation: The executive recommendation will lead to developing a common measurement tool to ensure that state agencies compute and track energy consumption in a consistent manner. Further, the recommendation should enable the OAQDA to:

(1) guide agencies in the use of that tool to develop plans to reduce energy consumption by 5% in the first year of the biennium and by a total of 15% within four state fiscal years, (2) develop and achieve numerical goals for alternative fuel vehicles in the state fleet, and (3) work with colleges and universities to design and implement the Governor's Higher Education Energy Challenge to design innovative strategies for campus energy efficiency and conservation.

Temporary and Permanent Law Provisions

None

REQUESTS NOT FUNDED

The following table contains line items in which the executive recommendation for funding is below the requested level for FY 2008 and FY 2009.

Coal R & D General Obligation Debt Service						
Fund Line Item	FY 2008 Requested	FY 2008 Recommended	Difference	FY 2009 Requested	FY 2009 Recommended	Difference
898-901	\$9,250,224	\$7,232,400	(\$2,017,824)	\$9,250,224	\$8,192,500	(\$1,057,724)

The above line item reduction for the Coal R & D General Obligation Debt Service will reduce the amount available for debt service on bonds issued to provide funds for research and development of clean coal technology.

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General Revenue Fund

GRF 898-401 Future Gen Assistance

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
\$0	\$0	\$0	\$2,000,000	\$0	\$0

Source: GRF

Legal Basis: H.B. 440 of 126th General Assembly

Purpose: This line item will be used to make grants for the drilling of a test well (Project name: The Ohio Stratigraphic Borehole) to assist the state's efforts to secure the United States Department of Energy FutureGen Initiative Program in future.

GRF 898-402 Coal Development Office

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
\$507,573	\$470,758	\$560,030	\$573,814	\$570,692	\$612,692
	-7.3%	19.0%	2.5%	-0.5%	7.4%

Source: GRF

Legal Basis: ORC 1551.11 through 1551.35, 1555.02 through 1555.17; Section 203.27 of Am. Sub. H. B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 291 of the 115th G.A.)

Purpose: These funds will pay for the administrative costs of evaluating and processing research proposals and grant administration, which contribute to the development of clean coal technology as a major energy resource.

GRF 898-901 Coal R & D General Obligation Debt Service

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
\$7,192,980	\$9,046,075	\$7,035,492	\$8,980,800	\$7,232,400	\$8,192,500
	25.8%	-22.2%	27.6%	-19.5%	13.3%

Source: GRF

Legal Basis: ORC 1551.03; Section 203.27 of Am. Sub. H. B. 66 of the 126th G.A. (originally established in ORC 151.07 and Section 15 of Article VIII of the Ohio Constitution, approved by voters on November 5, 1985)

Purpose: This line item will pay for debt service on bonds issued to provide funds for financial assistance for research and development of clean coal technology that will encourage the use of Ohio coal. Not more than \$100 million in bonds may be outstanding in any single calendar year. Prior to FY 2002, this item was paid from the budget of the Commissioners of the Sinking Fund.

General Services Fund Group

5EG 898-608 Energy Strategy Development

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
\$0	\$0	\$0	\$0	\$307,000	\$307,000
				-100.0%	0.0%

Source: GSF: General Services Fund

Legal Basis: H.B. 119 of 127th General Assembly, Section 217.10

Purpose: This new program Series has two programs:
 1) Coordination of State Agency Energy Programs, and
 2) Energy Leadership by Example. Using these funds, OAQDA will coordinate with other state agencies on energy issues, and set and monitor goals for energy efficiency and conservation standards among state agencies.

Agency Fund Group

4Z9 898-602 Small Business Ombudsman

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
\$194,006	\$188,144	\$200,216	\$264,196	\$287,146	\$294,290
	-3.0%	6.4%	32.0%	8.7%	2.5%

Source: AGY: Title V permit fees

Legal Basis: ORC 3706.19 (mandated by Federal Clean Air Act Amendments of 1990)

Purpose: The Clean Air Ombudsman for Small Business educates small businesses about requirements of Clean Air regulations at the state and federal levels; provides access to expert technical advice on rules, regulations, and compliance options; and provides financing advice and assistance to small businesses.

570 898-601 Operating Expenses

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
\$222,816	\$214,851	\$231,145	\$263,693	\$255,000	\$264,000
	-3.6%	7.6%	14.1%	-3.3%	3.5%

Source: AGY: Fees and charges paid by firms for which the OAQDA issues tax-exempt or taxable bonds

Legal Basis: ORC 3706

Purpose: This line item contains funds for personal services for the OAQDA. These funds are used to compensate the authority's board members and employees. Funds are transferred from the authority's general trust fund to this line item solely to cover payroll costs through the state personnel system.

5A0 898-603 Small Business Assistance

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
\$28,495	\$47,459	\$12,568	\$71,087	\$71,087	\$71,087
	66.6%	-73.5%	465.6%	0.0%	0.0%

Source: AGY: Title V permit fees

Legal Basis: ORC 3706.19(E)

Purpose: This line item provides funds which are used to enable small businesses to attain the benefits of OAQDA financing without incurring all the costs normally associated with bond finance.

Coal Research/Development Fund

046 898-604 Coal Research and Development Fund

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
\$8,520,120	\$4,072,448	\$4,182,174	\$10,000,000	\$10,000,000	\$10,000,000
	-52.2%	2.7%	139.1%	0.0%	0.0%

Source: 046: Coal bond proceeds

Legal Basis: ORC 1551.03; Section 203.27 of Am. Sub. H. B. 66 of the 126th G.A. (originally established in ORC 151.07 and Section 15 of Article VIII of the Ohio Constitution, approved by voters on November 5, 1985, and by Am. Sub. H.B. 750 of the 116th G.A.)

Purpose: The funds will be directed toward programs that seek to find ways to burn clean Ohio coal with fewer emissions in a manner that meets federal clean air standards.

LSC Budget Spreadsheet by Line Item, FY 2008 - FY 2009

Fund	ALI	ALI Title	2006	Estimated 2007	Executive 2008	% Change 2007 to 2008	Executive 2009	% Change 2008 to 2009
AIR Air Quality Development Authority								
GRF	898-401	Future Gen Assistance	----	\$2,000,000	\$ 0	-100.0%	\$ 0	N/A
GRF	898-402	Coal Development Office	\$ 560,030	\$573,814	\$ 570,692	-0.5%	\$ 612,692	7.4%
GRF	898-901	Coal R & D General Obligation Debt Service	\$ 7,035,492	\$8,980,800	\$ 7,232,400	-19.5%	\$ 8,192,500	13.3%
General Revenue Fund Total			\$ 7,595,522	\$ 11,554,614	\$ 7,803,092	-32.5%	\$ 8,805,192	12.8%
5EG	898-608	Energy Strategy Development	----		\$ 307,000	N/A	\$ 307,000	0.0%
General Services Fund Group Total			----	----	\$ 307,000	N/A	\$ 307,000	0.0%
4Z9	898-602	Small Business Ombudsman	\$ 200,216	\$264,196	\$ 287,146	8.7%	\$ 294,290	2.5%
570	898-601	Operating Expenses	\$ 231,145	\$263,693	\$ 255,000	-3.3%	\$ 264,000	3.5%
5A0	898-603	Small Business Assistance	\$ 12,568	\$71,087	\$ 71,087	0.0%	\$ 71,087	0.0%
Agency Fund Group Total			\$ 443,928	\$ 598,976	\$ 613,233	2.4%	\$ 629,377	2.6%
046	898-604	Coal Research and Development Fund	\$ 4,182,174	\$10,000,000	\$ 10,000,000	0.0%	\$ 10,000,000	0.0%
Coal Research/Development Fund Total			\$ 4,182,174	\$ 10,000,000	\$ 10,000,000	0.0%	\$ 10,000,000	0.0%
Total All Budget Fund Groups			\$ 12,221,624	\$ 22,153,590	\$ 18,723,325	-15.5%	\$ 19,741,569	5.4%