Environmental Protection Agency

House Agriculture and Development Subcommittee

Deborah Hoffman, Budget Analyst
Legislative Service Commission

April 10, 2007

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for the

Environmental Protection Agency

House Agriculture and Development Subcommittee

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Environmental Protection Agency

- Environmental Protection Fee has entirely replaced GRF funding for Ohio EPA
- Due to the increased solid waste disposal fee revenue increased to $48.3 million in FY 2006, up from $24.5 million in FY 2001
- Additional funding in the divisions of Air Pollution Control and Environmental Laboratory Services are required for complying with ongoing standards

OVERVIEW

The mission of the Ohio Environmental Protection Agency (Ohio EPA) is to protect human health and the environment by establishing and enforcing standards for air quality, water, wastewater treatment, and solid and hazardous waste disposal and by providing comprehensive environmental education. This mission is carried out by means of the following activities: inspections and sampling; permitting; environmental education and technical assistance provided to industry, community, and the general public; assistance in compliance and pollution prevention; and enforcement actions against violators. Loan assistance is also provided for environmental infrastructure, such as sewage treatment plants.

Ohio EPA is a regulatory agency of approximately 1,379 funded positions. The Director is appointed by the Governor and serves on the Governor's cabinet. The agency's current annual operating budget is approximately $203 million. Ohio EPA is organized into several program series designed to develop and implement distinct environmental programs. Staff are located in five district offices throughout the state, and in the central office located in Columbus. Generally, district staff is responsible for writing initial permits, conducting on-site inspections, monitoring, collecting samples, enforcing compliance with permit provisions, and other direct contact with the regulated community.

The overriding goal of Ohio EPA is to protect the environment and public health by ensuring compliance with environmental laws and demonstrating leadership in environmental stewardship. Specific goals include:

- Ensuring clean air, water, and land resources;
- Attaining and maintaining National Ambient Air Quality Standards;
- Reducing the emission of air toxins;
- Characterizing and protecting ground water, and evaluating potential threats to source waters for all of Ohio's public water systems;
- Protecting, enhancing, and restoring surface waters of the state;
- Increasing the number of streams achieving swimmable and fishable standards;
- Preventing, responding to, removing, and cleaning up hazardous waste releases, hazardous substances, and pollutants;
- Investigating and providing remediation to federal cleanup sites;

- Ensuring that major facilities have developed and implemented pollution prevention plans and that enforcement settlements contain pollution prevention supplemental environmental projects;
- Encouraging waste reduction and recycling statewide;
- Ensuring permitted and licensed facilities are in substantial compliance;
- Providing access to technical and financial assistance for implementable solutions to environmental needs; and
- Providing sound science, effective management, and comprehensive environmental education and working to enhance public awareness and understanding of issues affecting environmental quality.

Executive Funding Recommendation

The executive funding recommendation for the upcoming biennium is $202,554,045 in FY 2008, a 0.3% decrease from the FY 2007 estimated expenditures, and $207,689,173 in FY 2009, 2.5% above recommended FY 2008 appropriations. With the exception of the division of Air Pollution Control, the executive recommendation is essentially a continuation budget, although the division of Environmental Laboratory Services is also requesting additional spending authority.

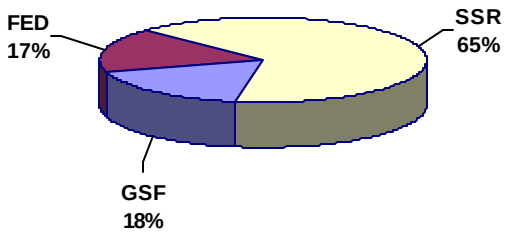
In July 2005, Ohio EPA began collecting an Environmental Protection Fee which is an additional $1.50 per ton, for a total of $3.50 per ton on solid waste disposal. Much of the Environmental Protection Fee revenue will be used to continue environmental programs at current service levels. Some of the revenue will provide additional funding for initiatives within the Division of Air Pollution Control to comply with federal Clean Air Act requirements. The following table shows funding recommendations by program series and fiscal year.

Proposed FYs 2008-2009 Budget by Program Series

Program Series	FY 2008	% of Total Budget	FY 2009	% of Total Budget	Biennium Total
Air Pollution Control	$54,076,440	26.7	$54,554,799	26.3	$108,631,239
Emergency Response and Remedial Response	$20,328,518	10.0	$21,238,651	10.2	$41,567,170
Hazardous Waste Management	$16,165,939	7.9	$16,654,706	8.0	$32,820,645
Solid and Infectious Waste	$21,135,133	10.4	$21,593,406	10.4	$42,728,539
Drinking and Groundwater Protection	$21,770,311	10.8	$22,813,971	10.9	$44,584,282
Surface Water Programs	$33,615,415	16.6	$34,515,413	16.6	71,957,300
Environmental Education	$2,100,000	1.0	$2,100,000	1.0	$4,200,000
Compliance Assistance and Pollution Prevention	$1,419,188	0.7	$1,451,375	0.7	$2,870,563
Environmental and Financial Assistance	$5,528,161	2.7	$5,740,225	2.3	$11,268,386
Special Investigations	$1,634,028	0.8	$1,634,028	0.8	$3,268,056
Environmental Laboratory Services	$4,436,905	2.2	$4,521,907	2.2	$8,958,812
Program Management	$20,344,007	10.0	$20,870,693	10.1	$41,214,700
TOTAL	**$202,554,045**	10	**$207,689,173**	100	**$410,243,218**

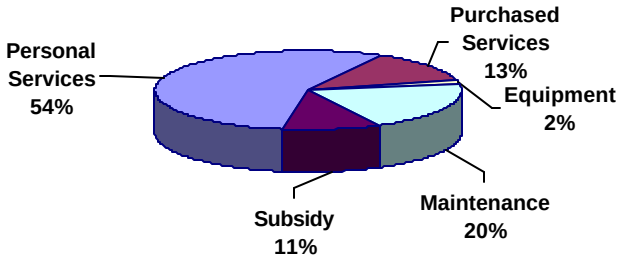
In the executive recommendation, State Special Revenue Fund (SSR) funding continues to make up the largest portion of the budget, at a total of $269 million over the biennium. The General Services Fund Group (GSF) funding makes up the next largest portion at 18%, or $72.4 million over the biennium.

Total FYs 2008-2009 Recommended Budget by Fund Group



Personnel expenses make up the largest portion of expenditures in the proposed budget at 54%, or $223 million over the biennium. Maintenance costs account for 20% of the total recommended budget, while funding that Ohio EPA provides to other entities (included in the "subsidy" category), such as local governments, makes up the fourth largest portion of the proposed budget at 11%, or $42.9 million over the biennium. The accompanying charts depict the total recommended budget by funding source and object of expense.

Total FYs 2008-2009 Recommended Budget by Object of Expenditure



FYs 2008-2009 Budget Focus and Challenges

Water Quality Protection (Fund 3BU)

To enable Ohio EPA to better manage spending authority resources while still accurately tracking the individual cash balance of each grant, the Governor's recommendations would consolidate seven federal special revenue funds and their cash balances would be merged into the newly created line item 715-684, Water Quality Protection (Fund 3BU). The following appropriation items would be replaced by the Water Quality Protection line items: 715-611, Wastewater Pollution; 715-620, Urban Stormwater; 715-628, Clean Water Act 106; 715-633, Water Quality Management; 715-639, Remedial Action Plan; 715-625, 205-J Federal Planning; and 715-615, Maumee River. The single fund that will support actions

to prevent or abate water pollution, fund the statewide water quality management program, implement source and nonpoint source stormwater permitting, carry out federal Clean Water Act requirements, and coordinate water quality efforts for Lake Erie and its surrounding watersheds. The total estimated level of spending in these seven funds for FY 2007 is $5,890,101, compared to the total recommended funding for Water Quality Protection of $6,515,000 in FY 2008 and $6,310,000 in FY 2009.

The Environmental Protection Fund (Fund 5BC)

Throughout the last biennium, all GRF funding for Ohio EPA was phased out. It has been entirely replaced by a new fee on the disposal of solid waste, referred to as the Environmental Protection Fee. The fee is in addition to the $2.00 per ton fee that is deposited into Ohio EPA's Solid Waste Fund (Fund 4K3), Hazardous Waste Facility Management Fund (Fund 503), and Hazardous Waste Cleanup Fund (Fund 505). The Environmental Protection Fee is an additional $1.50 per ton on solid waste disposed in Ohio's landfills. This fee is deposited into the Environmental Protection Fund (Fund 5BC) and used to fund Ohio EPA operations, providing additional funding for the Division of Air Pollution Control's initiatives aimed at meeting new federal Clean Air Act requirements.

The Surface Water Protection Fee

In the last biennium, Chapter 6111. of the Revised Code, as amended to raise fees for the 401 water quality certifications for any dredging or filling of waters in this state. The fee is waived for state agencies; capped at $5,000 for townships, cities, and counties; and capped at $25,000 for other applicants. The fees do not apply to projects authorized by general or nationwide permits issued by the U.S. Army Corps of Engineers. As a result of the fee increase revenues grew from $5,000 in FY 2005 to $362,000 in FY 2006. Revenues are estimated at $500,000 in FY 2007, the first full year of collections, and are expected to remain at that level. The total cost of the 401 wetlands program is about $1.7 million per year.

E-check

The E-check contract expired December 31, 2005. Due to the Cleveland/Akron area's federal designation of "moderate non-attainment" in meeting federal ozone standards, Ohio EPA is federally mandated to continue the program in that area. Ohio EPA has been approved to extend the contract in the seven-county Cleveland/Akron area through December 31, 2007, utilizing tobacco moneys in place of a test fee. The executive recommendation proposes continuation of the program, and funding it via a transfer of $14,817,105 in FY 2008 and $15,057,814 in FY 2009 from the Highway Operating Fund (Fund 002) to the line item 715-681, Auto Emissions Test (Fund 5BY). Please see the Mobile Sources Control (Program 1.05) section in the Analysis of Executive Proposal for further detail.

Recent Accomplishments and Initiatives

***Cost Savings*.** In its discussions with LSC, the agency mentioned plans to eliminate 32 full-time positions from FY 2007 to FY 2009, with projected savings of about $2.3 million a year. Beginning in FY 2006, public noticing for Voluntary Action Program certified professionals was moved to the Ohio EPA web site, saving an estimated $475,000 in advertising costs last fiscal year. Finally, in December of 2005, the Central District Office's 88 employees were relocated to the Lazarus building, which will save the agency approximately $380,000 per year.

Staffing Levels

The following table shows staffing levels (total FTEs) for Ohio EPA from FYs 2004-2007, with estimates based on the executive budget for FYs 2008-2009. Totals include full-time, part-time, and intern FTEs.

Ohio Environmental Protection Agency Staffing Levels, by Fiscal Year						
					Estimated	
Program Series/Division	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**
Air Pollution Control	202.5	202.5	211.5	211.5	207.4	207.4
Emergency Response and Remedial Response	195.1	191.1	180.8	174.8	162.8	162.8
Hazardous Waste Management	158.8	158.8	158	155.8	145	145
Solid and Infectious Waste	123.5	121.5	118.5	118.5	119.5	121.5
Drinking and Groundwater Protection	183	182	182	181	183	183
Surface Water Program	232.2	242.2	248.3	254.3	251	244.5
Old Environmental Services	36.1	36.1				
Environmental Education	4	4	4	4	4	4
Compliance Assistance and Pollution Prevention	5	5	11.5	11.5	11.5	11.5
Environmental and Financial Assistance	47	47	47	47	47	47
Special Investigations*			10.25	10.25	10.25	10.25
Environmental Laboratory Services			36.1	35.67	35.71	35.72
Program Management	177.3	173.8	173.8	174.8	174.5	174.5
Totals	**1364.5**	**1364.5**	**1381.75**	**1379.12**	**1351.66**	**1347.17**

* In this next biennium, the Office of Special Investigations will separate from Emergency Response and Remedial Response, resulting in a shift in staffing, although the number of FTEs will remain the same.

MASTER TABLE: EXECUTIVE'S RECOMMENDATIONS FOR FY 2008 AND FY 2009

The following table provides a comprehensive presentation of the executive's recommendations for each of the agency's line items and the programs each line item supports. Please note that some line items may provide funding for multiple program series and/or programs. See the Analysis of Executive Proposal section for more information on specific program funding.

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	**ALI**	**Title**	**FY 2008**	**FY 2009**
General Services Fund Group				
199	**715-602**	**Laboratory Services**	**$1,158,574**	**$1,173,574**
		Program Series 11: Environmental Laboratory Services	$1,158,574	$1,173,574
		Program 11.01: Analytical Laboratory Services	$442,646	$435,526
		Program 11.02: Laboratory Certification and Assistance	$715,928	$738,048
219	**715-604**	**Central Support Indirect**	**$16,474,276**	**$17,000,962**
		Program Series 12: Program Management	$16,474,276	$17,000,962
		Program 12.01: Program Management	$16,474,276	$17,000,962
4A1	**715-640**	**Operating Expenses**	**$3,369,731**	**$3,369,731**
		Program Series 12: Program Management	$3,369,731	$3,369,731
		Program 12.01: Program Management	$3,369,731	$3,369,731
		General Services Fund Subtotal	**$21,002,581**	**$21,544,267**
Federal Special Revenue Fund Group				
3BU	**715-684**	**Water Quality Protection**	**$6,515,000**	**$6,310,000**
		Program Series 5: Drinking and Groundwater Protection	$650,000	$650,000
		Program 5.05: Groundwater Characterization and Protection	$650,000	$650,000
		Program Series 6: Surface Water Programs	$5,865,000	$5,660,000
		Program 6.01: Water Quality	$2,220,000	$2,240,000
		Program 6.03: Storm Water Pollution Prevention	$405,000	$410,000
		Program 6.04: National Pollutant Discharges Elimination System (NPDES)	$2,075,000	$2,070,000
		Program 6.05: Section 401 Certification/Wetlands Permitting	$590,000	$640,000
		Program 6.06: Lake Erie Restoration and Resources Management	$575,000	$300,000
3F2	**715-630**	**Revolving Loan Fund-Operating**	**$563,536**	**$775,600**
		Program Series 9: Environmental and Financial Assistance	$563,536	$775,600
		Program 9.01: Water Pollution Control Loans Fund	$563,536	$775,600

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	**ALI**	**Title**	**FY 2008**	**FY 2009**
3F3	**715-632**	**Federally Supported Cleanup and Response**	**$2,550,000**	**$2,550,000**
		Program Series 2: Emergency Response and Remedial Response	$2,255,000	$2,255,000
		Program 2.02: Voluntary Action	$280,614	$280,614
		Program 2.04: Remedial Response	$659,150	$659,150
		Program 2.06: Brownfield and Site Assessment	$1,315,236	$1,315,236
		Program Series 10: Special Investigations	$295,000	$295,000
		Program 10.01: Special Investigations	$295,000	$295,000
3F5	**715-641**	**Nonpoint Source Pollution Management**	**$7,550,000**	**$7,595,000**
		Program Series 6: Surface Water Programs	$7,550,000	$7,595,000
		Program 6.01: Water Quality	$1,890,000	$1,745,000
		Program 6.02: Nonpoint Source Pollution Control	$5,660,000	$5,850,000
3K4	**715-634**	**DOD Monitoring and Oversight**	**$858,250**	**$898,825**
		Program Series 2: Emergency Response and Remedial Response	$858,250	$898,825
		Program 2.05: Federal Facilities Oversight	$858,250	$898,825
3N4	**715-657**	**DOE Monitoring and Oversight**	**$1,071,678**	**$1,110,270**
		Program Series 2: Emergency Response and Remedial Response	$1,071,678	$1,110,270
		Program 2.05: Federal Facilities Oversight	$1,071,678	$1,110,270
3T3	**715-669**	**Drinking Water SRF**	**$2,843,923**	**$2,977,998**
		Program Series 5: Drinking and Groundwater Protection	$2,843,923	$2,977,998
		Program 5.07: Drinking Water Source Protection	$1,381,718	$1,451,373
		Program 5.08: Drinking Water Assistance Fund	$1,462,205	$1,526,625
3V7	**715-606**	**Agency-wide Grants**	**$500,000**	**$500,000**
		Program Series 12: Program Management	$500,000	$500,000
		Program 12.01: Program Management	$500,000	$500,000
353	**715-612**	**Public Water Supply**	**$3,388,619**	**$3,388,618**
		Program Series 5: Drinking and Groundwater Protection	$3,388,619	$3,388,618
		Program 5.01: Public Drinking Water Supply Supervision	$2,659,379	$2,652,505
		Program 5.03: Drinking and Wastewater Operator Certification	$729,240	$736,113
354	**715-614**	**Hazardous Waste Management-Federal**	**$4,203,891**	**$4,203,891**
		Program Series 3: Hazardous Waste Management	$4,203,891	$4,203,891
		Program 3.01: Hazardous Waste Management	$4,203,891	$4,203,891

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	**ALI**	**Title**	**FY 2008**	**FY 2009**
357	**715-619**	**Air Pollution Control-Federal**	**$6,823,949**	**$6,823,950**
		Program Series 1: Air Pollution Control	$6,823,949	$6,823,950
		Program 1.01: National Ambient Air Quality Standards	$2,593,101	$2,593,102
		Program 1.02: Air Emission Authorization and Evaluation	$3,753,172	$3,753,171
		Program 1.04: Air Toxics	$477,676	$477,677
362	**715-605**	**Underground Injection Control-Federal**	**$111,874**	**$111,874**
		Program Series 5: Drinking and Groundwater Protection	$111,874	$111,874
		Program 5.06: Underground Injection Control	$111,874	$111,874
		Federal Special Revenue Fund Subtotal	**$36,980,720**	**$37,246,026**
State Special Revenue Fund Group				
4J0	**715-638**	**Underground Injection Control**	**$458,418**	**$458,418**
		Program Series 5: Drinking and Groundwater Protection	$458,418	$458,418
		Program 5.06: Underground Injection Control	$458,418	$458,418
4K2	**715-648**	**Clean Air - Non Title V**	**$3,690,821**	**$4,066,558**
		Program Series 1: Air Pollution Control	$3,690,821	$4,066,558
		Program 1.01: National Ambient Air Quality Standards	$326,627	$470,421
		Program 1.02: Air Emission Authorization and Evaluation	$2,997,674	$3,208,172
		Program 1.04: Air Toxics	$366,520	$387,965
4K3	**715-649**	**Solid Waste**	**$13,932,845**	**$14,282,845**
		Program Series 4: Solid and Infectious Waste	$13,582,012	$13,918,578
		Program 4.01: Solid Waste Management	$13,128,900	$13,457,587
		Program 4.02: Infectious Waste Management	$453,112	$460,991
		Program Series 8: Compliance Assistance and Pollution Prevention	$350,833	$364,267
		Program 8.01: Compliance Assistance and Pollution Prevention	$350,833	$364,267
4K4	**715-650**	**Surface Water Protection**	**$12,685,000**	**$13,815,000**
		Program Series 6: Surface Water Programs	$10,623,002	$11,683,000
		Program 6.01: Water Quality	$720,000	$720,000
		Program 6.02: Nonpoint Source Pollution Control	$135,000	$135,000
		Program 6.03: Storm Water Pollution Prevention	$950,000	$950,000
		Program 6.04: National Pollutant Discharges Elimination System (NPDES)	$5,818,000	$6,483,000
		Program 6.05: Section 401 Certification/Wetlands Permitting	$545,002	$545,000
		Program 6.06: Lake Erie Restoration and Resource Management	$55,000	$55,000
		Program 6.07: Wastewater Construction Plan Approvals	$2,400,000	$2,795,000

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	**ALI**	**Title**	**FY 2008**	**FY 2009**
		Program Series 11: Environmental Laboratory Services	$2,061,998	$2,132,000
		Program 11.01: Analytical Laboratory Services	$2,061,998	$2,132,000
4K5	**715-651**	**Drinking Water Protection**	**$8,169,553**	**$8,867,732**
		Program Series 5: Drinking and Groundwater Protection	$8,169,553	$8,867,732
		Program 5.01: Public Drinking Water Supply Supervision	$5,304,383	$5,719,151
		Program 5.02: Public Drinking Water Systems Plan Review	$1,650,684	$1,871,910
		Program 5.03: Drinking and Wastewater Operator Certification	$403,876	$431,920
		Program 5.04: Public Drinking Water Laboratory Certification	$645,333	$670,617
		Program 5.07: Drinking Water Source Protection	$165,277	$174,134
4P5	**715-654**	**Cozart Landfill**	**$149,728**	**$149,728**
		Program Series 3: Hazardous Waste Management	$149,728	$149,728
		Program 3.01: Hazardous Waste Management	$149,728	$149,728
4R5	**715-656**	**Scrap Tire Management**	**$6,000,000**	**$6,000,000**
		Program Series 4: Solid and Infectious Waste	$6,000,000	$6,000,000
		Program 4.04: Scrap Tire Management	$6,000,000	$6,000,000
4R9	**715-658**	**Voluntary Action Program**	**$1,032,098**	**$1,032,098**
		Program Series 2: Emergency Response and Remedial Response	$1,032,098	$1,032,098
		Program 2.02: Voluntary Action	$1,032,098	$1,032,098
4T3	**715-659**	**Clean Air - Title V Permit Program**	**$18,924,098**	**$18,833,584**
		Program Series 1: Air Pollution Control	$18,616,045	$18,506,778
		Program 1.01: National Ambient Air Quality Standards	$4,064,028	$4,167,407
		Program 1.02: Air Emission Authorization and Evaluation	$13,315,137	$13,071,028
		Program 1.04: Air Toxics	$1,236,880	$1,268,343
		Program Series 8: Compliance Assistance and Pollution Prevention	$308,053	$326,806
		Program 8.01: Compliance Assistance and Pollution Prevention	$308,053	$326,806
4U7	**715-660**	**Construction and Demolition Debris**	**$881,561**	**$881,561**
		Program Series 4: Solid and Infectious Waste	$881,561	$881,561
		Program 4.03: Construction and Demolition Debris Management	$881,561	$881,561
5BC	**715-617**	**Clean Ohio**	**$741,646**	**$741,646**
		Program Series 2: Emergency Response and Remedial Response	$741,646	$741,646
		Program 2.03: Clean Ohio	$741,646	$741,646

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	**ALI**	**Title**	**FY 2008**	**FY 2009**
	715-622	**Local Air Pollution Control**	**$1,026,369**	**$1,026,369**
		Program Series 1: Air Pollution Control	$1,026,369	$1,026,369
		Program 1.01: National Ambient Air Quality Standards	$246,329	$246,329
		Program 1.02: Air Emission Authorization and Evaluation	$697,930	$697,930
		Program 1.04: Air Toxics	$82,110	$82,110
	715-624	**Surface Water**	**$8,797,413**	**$8,797,413**
		Program Series 6: Surface Water Programs	$8,797,413	$8,797,413
		Program 6.01: Water Quality	$2,409,800	$2,688,000
		Program 6.02: Nonpoint Source Pollution Control	$662,950	$533,300
		Program 6.03: Storm Water Pollution Prevention	$502,600	$590,600
		Program 6.04: National Pollutant Discharge Elimination System	$1,793,963	$1,588,713
		Program 6.05: Section 401 Certification/Wetlands Permitting	$569,800	$626,600
		Program 6.06: Lake Erie Restoration and Resource Management	$66,400	$245,700
		Program 6.07: Wastewater Construction Plan Approvals	$2,791,900	$2,524,500
	715-667	**Groundwater**	**$1,093,741**	**$1,093,741**
		Program Series 5: Drinking and Groundwater Protection	$1,093,741	$1,093,741
		Program 5.05: Groundwater Characterization and Protec tion	$1,059,989	$1,059,989
		Program 5.06: Underground Injection Control	$33,752	$33,752
	715-672	**Air Pollution Control**	**$5,199,290**	**$5,199,290**
		Program Series 1: Air Pollution Control	$5,199,290	$5,199,290
		Program 1.01: National Ambient Air Quality Standards	$1,143,843	$1,143,844
		Program 1.02: Air Emission Authorization and Evaluation	$3,327,546	$3,327,545
		Program 1.03: Right to Know	$415,943	$415,943
		Program 1.04: Air Toxics	$311,958	$311,958
	715-673	**Drinking Water**	**$2,550,250**	**$2,550,250**
		Program Series 5: Drinking and Groundwater Protection	$2,550,250	$2,550,250
		Program 5.01: Public Drinking Water Supply Supervision	$2,225,841	$2,225,841
		Program 5.02: Public Drinking Water System Plan Review	$160,006	$160,006
		Program 5.03: Drinking and Wastewater Operator Certification	$39,900	$39,900
		Program 5.04: Public Drinking Water Laboratory Certification	$124,503	$124,503
	715-675	**Hazardous Waste**	**$100,847**	**$100,847**
		Program Series 3: Hazardous Waste Management	$100,847	$100,847
		Program 3.02: Cessation of Regulated Operations	$100,847	$100,847

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	**ALI**	**Title**	**FY 2008**	**FY 2009**
	715-676	**Assistance and Prevention**	**$700,302**	**$700,302**
		Program Series 8: Pollution Prevention and Compliance Assistance	$700,302	$700,302
		Program 8.01: Compliance Assistance and Pollution Prevention	$700,302	$700,302
	715-677	**Laboratory**	**$1,216,333**	**$1,216,333**
		Program Series 11: Environmental Laboratory Services	$1,216,333	$1,216,333
		Program 11.01: Analytical Laboratory Services	$1,039,429	$1,040,293
		Program 11.02: Laboratory Certification and Assistance	$176,904	$176,040
	715-678	**Corrective Action**	**$1,179,775**	**$1,179,775**
		Program Series 2: Emergency Response and Remedial Response	$1,179,775	$1,179,775
		Program 2.01: Emergency Response (ER)	$327,675	$327,675
		Program 2.02: Voluntary Action	$852,100	$852,100
5BT	**715-679**	**C&DD Groundwater Monitoring**	**$571,560**	**$693,267**
		Program Series 4: Solid and Infectious Waste	$571,560	$693,267
		Program 4.03: Construction and Demolition Debris Management	$571,560	$693,267
5BY	**715-681**	**Auto Emissions Test**	**$14,817,105**	**$15,057,814**
		Program Series 1: Air Pollution Control	$14,817,105	$15,057,814
		Program 1.05: Mobile Sources Control	$14,817,105	$15,057,814
5CD	**715-682**	**Clean Diesel School Buses**	**$600,000**	**$600,000**
		Program Series 7: Environmental Education	$600,000	$600,000
		Program 7.02: Clean Diesel School Bus Grants	$600,000	$600,000
5DW	**715-683**	**Automotive Mercury Switch Program**	**$60,000**	**$60,000**
		Program Series 8: Pollution Prevention and Compliance Assistance	$60,000	$60,000
		Program 8.01: Compliance Assistance and Pollution Prevention	$60,000	$60,000
5H4	**715-664**	**Groundwater Support**	**$2,503,933**	**$2,715,340**
		Program Series 5: Drinking and Groundwater Protection	$2,503,933	$2,715,340
		Program 5.05: Groundwater Characterization and Protection	$2,503,933	$2,715,340
5N2	**715-613**	**Dredge and Fill**	**$30,000**	**$30,000**
		Program Series 6: Surface Water Programs	$30,000	$30,000
		Program 6.05: Section 401 Certification/Wetlands Permitting	$30,000	$30,000

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	**ALI**	**Title**	**FY 2008**	**FY 2009**
500	**715-608**	**Immediate Removal Special Account**	**$557,257**	**$573,903**
		Program Series 2: Emergency Response and Remedial Response	$557,257	$573,903
		Program 2.01: Emergency Response (ER)	$557,257	$573,903
503	**715-621**	**Hazardous Waste Facility Management**	**$11,711,473**	**$12,200,240**
		Program Series 3: Hazardous Waste Management	$11,711,473	$12,200,240
		Program 3.01: Hazardous Waste Management	$11,711,473	$12,200,240
505	**715-623**	**Hazardous Waste Clean-up**	**$13,333,179**	**$14,147,498**
		Program Series 2: Emergency Response and Remedial Response	$11,994,151	$12,808,470
		Program 2.01: Emergency Response (ER)	$2,582,506	$2,719,587
		Program 2.02: Voluntary Action	$269,445	$315,425
		Program 2.04: Remedial Response	$9,142,200	$9,773,458
		Program Series 10: Special Investigations	$1,339,028	$1,339,028
		Program 10.01: Special Investigations	$1,339,028	$1,339,028
	715-674	**Clean Ohio Environmental Review**	**$109,725**	**$109,725**
		Program Series 2: Emergency Response and Remedial Response	$109,725	$109,725
		Program 2.03: Clean Ohio	$109,725	$109,725
541	**715-670**	**Site Specific Cleanup**	**$34,650**	**$34,650**
		Program Series 2: Emergency Response and Remedial Response	$34,650	$34,650
		Program 2.04: Remedial Response	$34,650	$34,650
542	**715-671**	**Risk Management Reporting**	**$146,188**	**$146,188**
		Program Series 1: Air Pollution Control	$146,188	$146,188
		Program 1.04: Air Toxics	$146,188	$146,188
592	**715-627**	**Anti Tampering Settlement**	**$9,707**	**$9,707**
		Program Series 1: Air Pollution Control	$9,707	$9,707
		Program 1.05: Mobile Sources Control	$9,707	$9,707
6A1	**715-645**	**Environmental Education**	**$1,500,000**	**$1,500,000**
		Program Series 7: Environmental Education	$1,500,000	$1,500,000
		Program 7.01: Environmental Education Grants	$1,500,000	$1,500,000

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	**ALI**	**Title**	**FY 2008**	**FY 2009**
602	**715-626**	**Motor Vehicle Inspection and Maintenance**	**$157,697**	**$128,876**
		Program Series 1: Air Pollution Control	$157,697	$128,876
		Program 1.05: Mobile Sources Control	$157,697	$128,876
644	**715-631**	**ER Radiological Safety**	**$286,114**	**$286,114**
		Program Series 2: Emergency Response and Remedial Response	$286,114	$286,114
		Program 2.01: Emergency Response (ER)	$286,114	$286,114
660	**715-629**	**Infectious Waste Management**	**$100,000**	**$100,000**
		Program Series 4: Solid and Infectious Waste	$100,000	$100,000
		Program 4.02: Infectious Waste Management	$100,000	$100,000
676	**715-642**	**Water Pollution Control Loan Administration**	**$4,964,625**	**$4,964,625**
		Program Series 9: Environmental and Financial Assistance	$4,964,625	$4,964,625
		Program 9.01: Water Pollution Control Loans Fund	$4,409,625	$4,409,625
		Program 9.02: Water Supply Revolving Loan Account	$475,000	$475,000
		Program 9.03: Ohio Power Siting Board Reviews	$80,000	$80,000
678	**715-635**	**Air Toxic Release**	**$210,622**	**$210,622**
		Program Series 1: Air Pollution Control	$210,622	$210,622
		Program 1.04: Air Toxics	$210,621	$210,622
679	**715-636**	**Emergency Planning**	**$2,628,647**	**$2,628,647**
		Program Series 1: Air Pollution Control	$2,628,647	$2,628,647
		Program 1.03: Right To Know	$2,628,647	$2,628,647
696	**715-643**	**Air Pollution Control Administration**	**$750,000**	**$750,000**
		Program Series 1: Air Pollution Control	$750,000	$750,000
		Program 1.01: National Ambient Air Quality Standards	$187,499	$187,500
		Program 1.02: Air Emission Authorization and Evaluation	$502,501	$502,500
		Program 1.04: Air Toxics	$60,000	$60,000
699	**715-644**	**Water Pollution Control Administration**	**$750,000**	**$750,000**
		Program Series 6: Surface Water Programs	$750,000	$750,000
		Program 6.01: Water Quality	$750,000	$750,000
		State Special Revenue Fund Subtotal	**$144,362,570**	**$148,690,706**

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	**ALI**	**Title**	**FY 2008**	**FY 2009**
Clean Ohio Fund Group				
5S1	**715-607**	**Clean Ohio - Operating**	**$208,174**	**$208,174**
		Program Series 2: Emergency Response and Remedial Response	$208,174	$208,174
		Program 2.03: Clean Ohio	$208,174	$208,174
		Clean Ohio Fund Group Subtotal	**$208,174**	**$208,174**
Environmental Protection Agency Total Funding			**$202,554,045**	**$207,689,173**

ANALYSIS OF EXECUTIVE PROPOSAL

Program Series 1: Air Pollution Control

Purpose: The mission of the Division of Air Pollution Control (DAPC) is to attain and maintain the air quality at a level that will protect the environment for the benefit of all. The Division partners with nine local air agencies to carry out programs designed to attain and maintain ambient air quality and protect public health. DAPC also implements the Ohio Right-to-Know program with the State Emergency Response Commission (SERC), the Local Emergency Planning Agencies (LEPCs), and the Ohio Emergency Management Agencies (OEMA).

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

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
678	715-635	Air Toxic Release	$210,622	$210,622
5BY	715-681	Auto Emissions Test	$14,817,105	$15,057,814
602	715-626	Motor Vehicle Inspection & Maintenance	$157,697	$128,876
4T3	715-659	Clean Air – Title V Permit Program	$18,616,045	$18,506,778
5BC	715-622	Local Air Pollution Control	$1,026,369	$1,026,369
5BC	715-672	Air Pollution Control	$5,199,290	$5,199,290
542	715-671	Risk Management Reporting	$146,188	$146,188
4K2	715-648	Clean Air – Non-Title V	$3,690,821	$4,066,558
592	715-627	Anti-Tampering Settlement	$9,707	$9,707
696	715-643	Air Pollution Control Administration	$750,000	$750,000
679	715-636	Emergency Planning	$2,628,647	$2,628,647
		State Special Revenue Fund Subtotal	**$47,252,491**	**$47,730,849**
Federal Special Revenue Fund				
357	715-619	Air Pollution Control – Federal	$6,823,949	$6,823,950
		Federal Special Revenue Fund Subtotal	**$6,823,949**	**$6,823,950**
Total Funding: Air Pollution Control			**$54,076,440**	**$54,554,799**

Recommended funding for the DAPC will support 207.4 FTEs in both FY 2008 and FY 2009, a decrease of 4 FTEs due to insufficient funding. Additionally, due to funding restrictions, there will be less attention paid to work on toxic pollution and community monitoring studies. Funding for DAPC supports the following programs:

- ***Program 1.01: National Ambient Air Quality Standards***
- ***Program 1.02: Air Emission Authorization and Evaluation***
- ***Program 1.03: Right-to-Know***
- ***Program 1.04: Air Toxics***
- ***Program 1.05: Mobile Sources Control***

National Ambient Air Quality Standards

Program Description: The primary mission of the DAPC is to attain and maintain the National Ambient Air Quality Standards (NAAQS), as required by the 1990 Amendments to the Federal Clean Air Act. Within this program, DAPC creates plans to implement the requirements of the Clean Air Act and other programs adopted by the U.S. EPA, and operates an air quality monitoring network that provides DAPC with the information to determine whether the NAAQS are being achieved. This helps DAPC identify where additional control programs are necessary to achieve the NAAQS. The network is operated and maintained by staff from Ohio EPA's central office, district offices, and Local Air Agencies (LAAs).

U.S. EPA has designated 33 Ohio counties, including every major urban area in the state, as nonattainment for the new 8-hour ozone standard, for fine particulates (PM 2.5), or both. Ohio EPA is required to develop, adopt, and implement the needed emissions reduction regulations to improve air quality and meet the standards. Specifically, Ohio EPA faces a federal requirement to adopt plans to address this by June 2007 for ozone and April 2008 for PM 2.5. This represents a significant workload due to the number of counties in Ohio that do not currently meet the standards. Staff within this program will need to inventory all sources of air pollution in the state to devise a plan to come into compliance with federal requirements.

Separate issues that affect Ohio EPA's ability to attain and maintain air quality standards involve U.S. EPA regulations that require the examination of air quality on a statewide or regional basis. These include a U.S. EPA mandate to reduce nitrogen oxide (NOx) emissions from utilities and large industrial boilers, referred to as the NOxSIP Call, and regional haze requirements intended to address visibility impairments, particularly in national parks and wilderness areas.

Funding Source: Federal grant money (Fund 357); Fee revenue from multiple DAPC fees (Fund 4K2); Title V fees (Fund 4T3); solid waste tipping fees (Fund 5BC); and penalty moneys (Fund 696)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 357 715-619, Air Pollution Control – Federal	$2,593,101	$2,593,102
SSR 4K2 715-648, Clean Air – Non Title V	$326,627	$470,421
SSR 4T3 715-659, Clean Air – Title V Permit Program	$4,064,028	$4,167,407
SSR 5BC 715-622, Local Air Pollution Control	$246,329	$246,329
SSR 5BC 715-672, Air Pollution Control	$1,143,843	$1,143,844
SSR 696 715-643, Air Pollution Control Administration	$187,499	$187,500
Program Total	**$8,561,427**	**$8,808,603**

Implication of Executive Recommendation: Recommended funding is $8,561,4275 in FY 2008 and $8,808,603 in FY 2009. Funding at the recommended level will allow DAPC to continue existing service levels necessary to attain the national ambient air quality standards.

Temporary and Permanent Law Provisions

None

Air Emission Authorization and Evaluation

Program Description: The permitting program is an integral part of Ohio EPA's goal, and assists DAPC in achieving the outcome of maintaining clean air. DAPC regulates more than 73,000 individual sources of air pollution at 13,000 facilities. These facilities represent a broad spectrum of Ohio industrial and commercial entities, from dry cleaners to large refineries, chemical plants, and utility plants. DAPC's goal is to provide for the processing of all permit actions on a timely basis. DAPC also monitors facilities to determine if they are operating in compliance with their permits and operates an enforcement program to resolve violations when they are identified.

Permits-to-Install (PTIs) & Permits-to-Operate (PTOs). Facilities must obtain Permits-to-Install (PTI) prior to installing a new source of air pollution. Approximately 1,000 PTIs are issued per year. These permits outline technical and design requirements and pollutant limits necessary for compliance with air pollution laws and rules and generally are meant to be construction permits that are in effect for 18 months, at which point facilities obtain a Permit-to-Operate (PTO). PTOs are issued for facilities with smaller sources of air pollution. However, because DAPC focuses its energies on permitting major sources of air pollution, there is a significant backlog in PTO permits. To aid this, in the upcoming biennium, the Governor's proposal calls for the length of time between PTO renewals to be extended from five to ten years.

Title V Permitting. Facilities with major sources of air pollution are subject to Title V permitting, which is a federally mandated permit program created under Title V of the Clean Air Act Amendments of 1990. These facilities could conceivably have 100 different permits; Title V incorporates them into a single Title V permit. Approximately 733 facilities in Ohio are required to obtain these permits. In the FY 2006-2007 biennium, Ohio became the first state in U.S. EPA Region 5 to issue all Title V permits. There is no backlog in this area.

Synthetic Minor Permitting. Facilities with sources that have the potential to be classified as a major source of air pollution, but accept additional restrictions that limit their emissions, are subject to the Federally Enforceable State Operating Permit (FESOP) program. These are known as synthetic minor permits. Approximately 222 facilities have FESOP permits or have applied for FESOP permits.

Funding Source: Federal grant money (Fund 357); non-Title V fees (Fund 4K2); Title V fees (Fund 4T3); solid waste tipping fees (Fund 5BC); and penalty moneys (Fund 696)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 357 715-619, Air Pollution Control – Federal	$3,753,172	$3,753,171
SSR 4K2 715-648, Clean Air – Non-Title V	$2,997,674	$3,208,172
SSR 4T3 715-659, Clean Air – Title V Permit Program	$13,315,137	$13,071,028
SSR 5BC 715-622, Local Air Pollution Control	$697,930	$697,930
SSR 5BC 715-672, Air Pollution Control	$3,327,546	$3,327,545
SSR 696 715-643, Air Pollution Control Administration	$502,501	$502,500
Program Total	**$24,593,960**	**$24,560,346**

Implication of Executive Recommendation: Recommended funding is $24,593,960 in FY 2008 and $24,560,346 in FY 2009. There will be a decreased level of service as FTEs devoted to permitting are reduced from 128 FTEs in FY 2007 to 119 FTEs in FY 2009.

Permanent Law Provision

Air Pollution Control Operating Permit (R.C. 3704.03). Authorizes the director of Ohio EPA to issue air pollution control operating permits with periods of validity of up to ten years rather than up to five years as in current law. The fiscal effect is a decreased workload for DAPC and consequently, four FTEs will be eliminated from the program.

Right-to-Know

Program Description: The Right-to-Know program works to ensure the improvement of statewide preparedness and response to chemical emergencies and to increase the general public's awareness of potential chemical hazards. This program was established in 1987 under Chapter 3750. of the Revised Code to serve as the administrative support staff to the State Emergency Response Commission (SERC). As a means for SERC to meet its mission statement, it designated each county in Ohio as a local emergency planning district. These districts, through the county commissioners, created county level Local Emergency Planning Committees (LEPCs) with responsibilities to ensure regulatory compliance as directed under section 3750.03 of the Revised Code. In addition to the administrative support provided to SERC, this program provides state support and oversight to the 87 LEPCs in Ohio. The Right-to-Know program is responsible for the information management of more than 7,000 chemical inventory reports submitted annually from the designated regulatory industry. These reports are used for emergency planning activities, which Ohio EPA coordinates with the Ohio Emergency Management Agency (OEMA), SERC, and the 87 LEPCs. Approximately $2.5 million is collected annually in fees submitted by the regulated industry, and the majority of this money (about 90%) is passed through to the OEMA and the 87 LEPCs. LEPCs use the funds for emergency planning and exercise activities, while OEMA receives funds to coordinate planning and exercises with LEPCs.

Funding Source: Solid waste tipping fees (Fund 5BC); and state grant moneys (Fund 679)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
SSR 5BC 715-672, Air Pollution Control	$415,943	$415,943
SSR 679 715-636, Emergency Planning	$2,628,647	$2,628,647
Program Total	**$3,044,590**	**$3,044,590**

Implication of Executive Recommendation: Recommended funding is $3,044,590 in FY 2008 and $3,044,590 in FY 2009. This level of funding supports five FTEs and maintains the current service level. Specifically, the Right-to-Know program will be able to continue providing technical assistance to LEPCs, participating in training activities directed to both LEPCs and the regulated industry, and participating in compliance inspections of nonreporting facilities.

Temporary and Permanent Law Provisions

None

Air Toxics

Program Description: Air toxics compounds are emissions that cause a public health concern because these chemicals have the potential to cause cancer or other detrimental health impacts. The 1990 Amendments to the Federal Clean Air Act established programs to identify and reduce air toxics. DAPC has implemented these programs as required, and has coordinated efforts with Local Air Agencies (LAAs) to ensure the consistent application of these regulations throughout the state. The Air Toxics program is comprised of four key components: the identification and characterization of air toxics through monitoring and inventory activities, the implementation of source-specific and sector-based standards adopted by U.S. EPA, planning activities that focus on risk management plans, and education and outreach. In addition to toxics monitoring, DAPC also participates in U.S. EPA's homeland security initiative to monitor for the use of biological weapons throughout Ohio.

RAPIDS. DAPC continues to participate in the Regional Air Pollutant Inventory Development System (RAPIDS) program and prepare a comprehensive toxics emission inventory, which is based on the criteria pollutant inventory, submitted annually by facilities subject to Title V permitting. The RAPIDS inventory is supplemented with the Toxic Release Inventory (TRI). DAPC strives to provide timely TRI data, and the annual data is available on the Internet, and through the publication of the annual TRI report. U.S. EPA recently expanded the TRI program to collect emissions data on persistent, bioaccummulative and toxics pollutants (PBTs).

112(r) Risk Management Planning. To support risk-planning activities, DAPC continues to implement the 112(r) risk management planning program of the Clean Air Act of 1990, which requires facilities storing large quantities of hazardous chemicals to prepare risk management plans. The risk management plans were filed for the first time in June 1999 by approximately 500 facilities. Fees paid by the facilities support the administration of the 112(r) program. The Division conducts extensive outreach through mailings and seminars, and also conducts compliance inspections of facilities that have not submitted risk management plans. The DAPC continues to conduct extensive outreach through mass mailings to facilities affected by U.S. EPA toxic regulations.

Funding Source: Federal grant money (Fund 357); non-Title V fees (Fund 4K2); Title V fees (Fund 4T3); solid waste tipping fees (Fund 5BC); risk management plan (112(r) program) fees (Fund 542); Toxic Release Inventory filing fees (Fund 678); and penalty moneys (Fund 696)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 357 715-619, Air Pollution Control – Federal	$477,676	$477,677
SSR 4K2 715-648, Clean Air – Non-Title V	$366,520	$387,965
SSR 4T3 715-659, Clean Air – Title V Permit Program	$1,236,880	$1,268,343
SSR 5BC 715-622, Local Air Pollution Control	$82,110	$82,110
SSR 5BC 715-672, Air Pollution Control	$311,958	$311,958
SSR 542, 715-671, Risk Management Reporting	$146,188	$146,188
SSR 678 715-635, Air Toxic Release	$210, 622	$210,622
SSR 696 715-643, Air Pollution Control Administration	$60,000	$60,000
Program Total	**$2,891,954**	**$2,944,863**

Implication of Executive Recommendation: Recommended funding is $2,891,954 in FY 2008 and $2,944,863 in FY 2009. U.S. EPA continues to issue additional requirements for air toxics that must be incorporated into the permits for air pollution sources.

Most significantly, U.S. EPA adopted a rule to permanently cap and reduce mercury emissions from power plants. DAPC staff is needed to develop and implement an Ohio program, which meets U.S. EPA's requirements for reducing mercury and to assist Ohio facilities in complying with the mercury reduction requirements.

Temporary and Permanent Law Provisions

None

Mobile Sources Control

Program Description: DAPC oversees the contractor-operated emissions inspection program, known as E-check, for vehicles in the Cleveland/Akron area. The goal of the program is to encourage motorists to routinely maintain the emission control equipment on their vehicles, thereby reducing the release of pollutants that lead to the formation of ozone.

DAPC oversees the contractor's operation of the test stations and routinely certifies the equipment used by the contractor. In addition, DAPC provides assistance to the public by responding to requests for information and complaints regarding the program, issues exemptions and extensions, and coordinates the activities of the program with the Bureau of Motor Vehicles. The contract for the E-check program expires December 31, 2007, but the Governor intends to extend this with recommended appropriations through FY 2009.

Funding Source: Emissions testing fees (Fund 602); tobacco moneys (Fund 5BY); and anti-tampering penalties (Fund 592)

Line Items: The following line items fund this program:

Line Item	FY 2008	FY 2009
SSR 602 715-626, Motor Vehicle Inspection & Maintenance	$157,697	$128,876
SSR 5BY 715-681, Auto Emissions Test	$14,817,105	$15,057,814
SSR 592 715-627, Anti-tampering Settlement	$9,707	$9,707
Program Total	**$14,984,509**	**$15,196,397**

Implication of Executive Recommendation: Recommended funding is $14,984,509 in FY 2008 and $15,196,397 in FY 2009. The primary source of the proposed funding is a transfer from the Highway Operating Fund (Fund 002); $14,817,105 in FY 2008 and $15,057,814 in FY 2009.

Permanent Law Provision

E-check Continuation (R.C. 3704.14 and 4503.10). Directs the Director of Ohio EPA to continue to implement an enhanced motor vehicle inspection and maintenance program for a period of two years beginning on January 1, 2008, and ending on December 31, 2009, in counties in which a motor vehicle inspection and maintenance program is federally mandated; and specifies that the General Assembly declares that the above provisions governing the implementation of the program in certain areas of the state represent a codification of the intended meaning of the law related to motor vehicle inspections as it existed after its re-enactment by Am. Sub. H.B. 66 of the 126th General Assembly.

Temporary Law Provisions

Automobile Emissions Testing Program Operation and Oversight (Section 281.10). Directs Ohio EPA to use line item 715-681, Auto Emissions Test, in the Auto Emissions Test Fund (Fund 5BY), for the operation, and Ohio EPA's costs for oversight, of the auto emissions testing program. For purposes of continuing testing beyond December 31, 2007, an existing contract with a contractor who is implementing the testing program may be extended for a period of two years. As this is an extension of an existing program, there is no new fiscal effect.

Auto Emissions Testing Program (Section 521.12). Transfers $14,817,105 in FY 2008 and $15,057,814 in FY 2009 to the Auto Emissions Test Fund (Fund 5BY) from the Highway Operating Fund (Fund 002) for the operation and costs of oversight of the auto emissions testing program. This cash transfer represents Congestion Mitigation and Air Quality (CMAQ) program moneys within the Department of Transportation for use by the E-check program at Ohio EPA.

Program Series 2: Emergency Response and Remedial Response

Purpose: The mission of the Division of Emergency Response and Remedial Response (DERRR) is to prevent, identify, investigate, and remediate releases of hazardous waste, hazardous substances, and pollutants through compliance monitoring, enforcement, and voluntary actions.

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

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
4R9	715-658	Voluntary Action Program	$1,032,098	$1,032,098
5BC	715-617	Clean Ohio	$741,646	$741,646
5BC	715-678	Corrective Action	$1,179,775	$1,179,775
500	715-608	Immediate Removal Special Account	$557,257	$573,903
505	715-623	Hazardous Waste Cleanup	$11,994,151	$12,808,470
505	715-674	Clean Ohio Environmental Review	$109,725	$109,725
541	715-670	Site Specific Cleanup	$34,650	$34,650
644	715-631	ER Radiological Safety	$286,114	$286,114
		State Special Revenue Fund Subtotal	**$15,935,416**	**$16,766,381**
Federal Special Revenue Fund				
3F3	715-632	Federally Supported Cleanup & Response	$2,255,000	$2,255,000
3K4	715-634	DOD Monitoring and Oversight	$858,250	$898,825
3N4	715-657	DOE Monitoring and Oversight	$1,071,678	$1,110,270
		Federal Special Revenue Fund Subtotal	**$4,184,928**	**$4,264,095**
Clean Ohio Fund				
5S1	715-607	Clean Ohio Operating	$208,174	$208,174
		Clean Ohio Fund Subtotal	**$208,174**	**$208,174**
Total Funding: Emergency Response and Remedial Response			**$20,328,518**	**$21,238,651**

Recommended funding for DERRR will support a total of 162.8 FTEs in both fiscal years FY 2008 and FY 2009. This represents a decrease of 12 positions since FY 2007. This reduction is a result of work completion at the Fernald Site, as well as the transfer of 2 FTEs to the Division of Drinking and Groundwater Protection. Funding for Emergency and Remedial Response supports the following programs:

- ***Program 2.01: Emergency Response (ER)***
- ***Program 2.02: Voluntary Action***
- ***Program 2.03: Clean Ohio***
- ***Program 2.04: Remedial Response***
- ***Program 2.05: Office of Federal Facilities Oversight***
- ***Program 2.06: Brownfields and Site Assessment***

Emergency Response (ER)

Program Description: The Emergency Response (ER) program provides 24-hour emergency response to sudden releases of hazardous material, petroleum, and radioactive material. Members of the ER program are prepared to assist in the response to biological, chemical, and radiological-based terrorist

attacks. ER personnel staff the Emergency Operations Center (EOC) when it is activated. The ER program coordinates with local and state emergency management officials to share information in an effort to minimize and prevent harmful releases to the environment. Based upon the location and type of release, the response unit often works in conjunction with the departments of Transportation, Health, Natural Resources, and Agriculture, as well as the Public Utilities Commission, the Emergency Management Agency, and the Petroleum Underground Storage Tank Release Compensation Board. The ER program receives approximately 5,500 spill reports per year, of which approximately 1,250 result in an emergency response. ER responded to 203 reports of mercury spillage or potential exposure in FY 2006 and recovered more than 1,000 pounds of elemental mercury. In FY 2006, ER received 9,912 calls to the 24-hour emergency spill line; 5,228 resulted in documented reports of spills or unauthorized discharges.

In recognition of the ER program's response role in a chemical, biological, radiological, nuclear, or explosive release in Ohio, the Department of Homeland Security's grant program administered by the Office of Domestic Preparedness has awarded several grants to Ohio EPA. To date, Ohio EPA has received over $600,000 for equipment purchases for detection, personal protection, interoperable communications, decontamination, and logistical support.

Funding Source: Solid waste tipping fees (Fund 5BC); cost recovery from spill responses (Fund 500); the Hazardous Waste Cleanup Fund (Fund 505); and nuclear utility assessment (Fund 644)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
SSR 5BC 715-678, Corrective Action	$327,675	$327,675
SSR 500 715-608, Immediate Removal Special Account	$557,257	$573,903
SSR 505 715-623, Hazardous Waste Cleanup	$2,582,506	$2,719,587
SSR 644 715-631, ER Radiological Safety	$286,114	$286,114
Program Total	**$3,753,552**	**$3,907,279**

Implication of Executive Recommendation: Recommended funding is $3,753,552 in FY 2008 and $3,907,279 in FY 2009. Funding at the recommended level will allow for the continuation of Emergency Response activities at current service levels.

Temporary and Permanent Law Provisions

None

Voluntary Action

Program Description: The Voluntary Action Program (VAP) was created in 1994 (and fully implemented in 1997) to oversee voluntary cleanup efforts of contaminated sites in order to return the sites to productive use. This program allows companies to investigate possible environmental contamination, clean it up if necessary, and receive a promise from the state of Ohio that no more cleanup is needed. The majority of brownfield and Clean Ohio cleanups are completed using the VAP. The program requires the use of certified professionals, who verify that environmental cleanup standards, which are based upon a site's proposed future industrial, commercial, or residential use, have been met. In addition to certifying these individuals, VAP certifies laboratories that analyze environmental media samples from the sites and reviews and approves the voluntary cleanups, audits 25% of the cleanups, and provides technical assistance to volunteers and the public to assist with interpreting and applying cleanup

standards. Under the program, VAP technical staff reviews and approves No Further Action (NFA) letters submitted to the agency in order to determine that standards have been met and that a site is protective of public health, safety, and the environment. When cleanup requirements have been met, the Director of Ohio EPA issues a covenant not to sue, which protects property owners from being legally responsible to the state for further investigation or cleanup. In recent years, the program has approved approximately 20-25 cleanups per year.

Funding Source: Federal grant moneys (Fund 3F3); VAP fees (Fund 4R9); solid waste tipping fees (Fund 5BC); and the Hazardous Waste Cleanup Fund (Fund 505)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3F3 715-632, Federally Supported Cleanup & Response	$280,614	$280,614
SSR 4R9 715-658, Voluntary Action Program	$1,032,098	$1,032,098
SSR 5BC 715-678, Corrective Action	$852,100	$852,100
SSR 505 715-623, Hazardous Waste Clean-up	$269,445	$315,425
Program Total	**$2,434,257**	**$2,480,237**

Implication of Executive Recommendation: Recommended funding is $2,434,257 in FY 2008 and $2,480,237 in FY 2009. Funding at this level will allow the program to continue to review voluntary clean up plans, audit completed projects, and certify the 20 laboratories and 110 professionals annually who provide cleanup and analysis services.

Permanent Law Provision

VAP – Certification of laboratories (R.C. 3746.04). Authorizes the Director of Ohio EPA to provide for the renewal of laboratory certificates under the Voluntary Action Program in addition to the issuance, denial, suspension, and revocation of those certifications provided for in current law and specifies that in lieu of publishing such an action regarding a certification in a newspaper of general circulation as required under current law, such a final action must be published on the Ohio EPA's web site and in the Agency's weekly review not later than 15 days after the date of issuance, denial, renewal, suspension, or revocation of the certification and not later than 30 days prior to a hearing or public meeting concerning the action.

Clean Ohio

Program Description: The Clean Ohio program was established under Am. Sub. H.B. 3 of the 124th General Assembly. The program is funded through a $400 million bond initiative, administered by the Department of Development, and used to provide grants and loans to local groups and communities for the redevelopment of urban brownfields, the preservation of open spaces and farmland, and the protection of state waterways. Clean Ohio fund staff typically review approximately 40 applications each year. The Clean Ohio Assistance Fund awards up to $10 million annually and the Revitalization fund awards up to $40 million annually. In addition, staff oversees implementation of investigations and cleanups of awards in excess of 50 sites per year. Lastly, reviews of approximately 10 VAP No Further Action letters take place each year to ensure that the properties have been cleaned up appropriately.

Funding Source: Solid waste tipping fees (Fund 5BC); The Hazardous Waste Cleanup Fund (Fund 505); and investment earnings from the Clean Ohio Revitalization Fund (Fund 5S1)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
SSR 5BC 715-617, Clean Ohio	$741,646	$741,646
SSR 505 715-674, Clean Ohio Environmental Review	$109,725	$109,725
CLF 5S1 715-607, Clean Ohio Operating	$208,174	$208,174
Program Total	**$1,059,545**	**$1,059,545**

Implication of Executive Recommendation: Recommended funding is $1,059,545 in FY 2008 and $1,059,545 in FY 2009. Funding at the recommended level will allow for the continuation of FY 2007 service levels.

Temporary and Permanent Law Provisions

None

Remedial Response

Program Description: The Remedial Response (RR) program was established in 1982 to investigate hazardous waste sites statewide, including federal Superfund sites, to assist and oversee in their cleanup, and to determine whether or not potentially contaminated sites are safe for their intended use. The goals of this program are to evaluate sites contaminated with hazardous substances, and when warranted, effectuate a cleanup (and often a beneficial reuse) of the site. The RR program also includes the Orphan Drum recovery program. The Orphan Drum recovery program evaluates, collects, and effectuates proper disposal of abandoned drums containing unknown and potentially hazardous materials.

The RR program typically evaluates several dozen initial site assessments, handles the ongoing long-term remedial response efforts at over 100 sites in Ohio, supports the work at over 30 NPL sites, handles dozens of orphan drum incidents, and works to ensure Ohio is prepared for any radiation emergencies.

Funding Source: Federal grant money (Fund 3F3); the Hazardous Waste Cleanup Fund (Fund 505); and enforcement orders (Fund 541)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3F3 715-632, Federally Supported Cleanup & Response	$659,150	$659,150
SSR 505 715-623, Hazardous Waste Cleanup	$9,142,200	$9,773,458
SSR 541 715-670, Site Specific Cleanup	$34,650	$34,650
Program Total	**$9,836,000**	**$10,467,258**

Implication of Executive Recommendation: Recommended funding is $9,836,000 in FY 2008 and $10,467,258 in FY 2009. Funding at the recommended levels will allow for the continuation of services at FY 2007 levels.

Temporary and Permanent Law Provisions

None

Office of Federal Facilities Oversight

Program Description: The Office of Federal Facilities Oversight (OFFO) provides oversight to the investigation, cleanup, and reuse of U.S. Department of Energy (DOE) and Department of Defense (DOD) sites in Ohio. Components of this program include technical oversight; maintaining working relationships with DOE, DOD, and other regulators and stakeholders; active environmental monitoring; accelerating the cleanup process; public involvement; and cleanup levels based on future land uses. Through this program federal cleanup sites receive proper oversight and monitoring to ensure that they are safe for specific future use.

All funding for OFFO is received from federal grants that are a result of consent decrees and numerous legal agreements. Federal cost recovery grants exist for each of the following DOE sites in Ohio: Fernald, Mound, and Portsmouth. Additional funding for 34 current and former DOD sites is received through the Defense/State Memorandum of Agreement. These sites include active installations, Base Closure and Realignment installations, and several Formerly Used Defense sites. A Cooperative Agreement has been established with the U.S. Army Corps of Engineers for the Formerly Utilized Sites Remedial Action Program (FUSRAP) to clean up privately owned sites that were once used by the government as part of the Manhattan Project in the 1940s and for early weapons production and research in the 1950s. Currently, Ohio has two active FUSRAP investigations/cleanups underway at Luckey Beryllium and Diamond Magnesium.

Funding Source: Federal grant moneys (Fund 3K4 and Fund 3N4)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3K4 715-634, DOD Monitoring and Oversight	$858,250	$898,825
FED 3N4 715-657, DOE Monitoring and Oversight	$1,071,678	$1,110,270
Program Total	**$1,929,928**	**$2,009,095**

Implication of Executive Recommendation: Recommended funding is $1,929,928 in FY 2008 and $2,009,095 in FY 2009. The Office of Federal Facilities and Oversight has eliminated ten positions through attrition and reassignments since August 2006. This reduction is a result of investigative and cleanup work being completed at the Fernald and Mound sites.

Temporary and Permanent Law Provisions

None

Brownfields and Site Assessment

Program Description: The Site Assessment and Brownfield Revitalization Program (SABR) performs site assessments as delegated by the U.S. EPA to determine if properties should be placed on the National Priorities List (NPL). It also performs Targeted Brownfield Assessments (TBAs) on behalf of local governments who want to redevelop property to determine if sites are contaminated. The SABR works to inventory all brownfields in the state and to provide financial assistance to local communities for site assessment and cleanup.

Funding Source: Federal grant money (Fund 3F3)

Line Items: 715-632, Federally Supported Cleanup & Response

Implication of Executive Recommendation: Recommended funding is $1,315,236 in both FYs 2008 and 2009. Funding at the recommended levels will allow for the continuation of FY 2007 service levels.

Temporary and Permanent Law Provisions

None

Program Series 3: Hazardous Waste Management

Purpose: The mission of the Division of Hazardous Waste Management (DHWM) is to improve the environment and therefore the health of Ohio's citizens by promoting pollution prevention and the proper management and cleanup of hazardous wastes.

The following table shows the line items that are used to fund the Hazardous Waste Management program, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
4P5	715-654	Cozart Landfill	$149,728	$149,728
5BC	715-675	Hazardous Waste	$100,847	$100,847
503	715-621	Hazardous Waste Facility Management	$11,711,473	$12,200,240
		State Special Revenue Fund Subtotal	**$11,962,048**	**$12,450,815**
Federal Special Revenue Fund				
354	715-614	Hazardous Waste Management - Federal	$4,203,891	$4,203,891
		Federal Special Revenue Fund Subtotal	**$4,203,891**	**$4,203,891**
Total Funding: Hazardous Waste Management			**$16,165,939**	**$16,654,706**

Funding at the recommended levels will support a total of 145 FTEs in the Division in both fiscal years, allowing for the continuation of FY 2007 service levels (FTEs). This represents a decrease of 11 FTEs, although this is not due to less work, rather it is due to the Division becoming more efficient. Funding for Hazardous Waste Management supports the following programs:

- ***Program 3.01: Hazardous Waste Management***
- ***Program 3.02: Cessation of Regulated Operations***

Hazardous Waste Management

Program Description: The Hazardous Waste Management program implements Ohio's delegated hazardous waste management regulatory program under authority of Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA) and its 1984 amendments; Chapter 3734. of the Revised Code; and Chapters 3745-50 through 59 and 65 through 69, 205, 218, 248, 256, 266, 270, 273, and 279 of the Ohio Administrative Code. The program, which was established in 1981, regulates facilities that generate, transport, treat, store, or dispose of hazardous waste. Hazardous waste is defined as waste that is toxic, ignitable, corrosive or reactive, or waste listed by name in state and federal law. The specific regulatory responsibilities of this program include: conducting compliance inspections, pursuing appropriate enforcement actions for noncompliance, responding to complaints, reviewing and approving closure/post-closure plans and corrective action plans and reports, and reviewing and issuing final action on renewal and modification permit applications. This program also oversees post-closure activities at Cozart Landfill near Athens, Ohio. This is done under agreement reached as a result of an enforcement action brought by the state against responsible parties, which established a trust fund for the closure and long-term post-closure care of the facility.

The Division of Hazardous Waste Management's universe of regulated facilities includes 44 permitted treatment, storage, and disposal facilities; 1,100 large quantity hazardous waste generators; 9,700 small quantity generators; and 7,576 conditionally exempt small quantity generators. There are

over 635 facilities that are subject to RCRA corrective action requirements, 115 of which are on the federal baseline. The Division shares the corrective action universe workload with U.S. EPA.

In permitting, DHWM has effectively implemented its revised permit modification system but still needs to significantly improve its ability to process renewal permit applications within its prescribed performance standards. Over the last biennium, DHWM eliminated much of its rules adoption backlog and will continue these efforts into the next biennium.

Funding Source: Federal grant moneys (Fund 354); settlement moneys for the Cozart Landfill (Fund 4P5); and hazardous waste and solid waste fees (Fund 503)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 354 715-614, Hazardous Waste Management – Federal	$4,203,891	$4,203,891
SSR 4P5 715-654, Cozart Landfill	$149,728	$149,728
SSR 503 715-621, Hazardous Waste Facility Management	$11,711,473	$12,200,240
Program Total	**$16,065,092**	**$16,553,859**

Implication of Executive Recommendation: Recommended funding is $16,065,092 in FY 2008 and $16,553,859 in FY 2009. Funding at the recommended level will support 144 FTEs in both fiscal years, allowing for the continuation of FY 2007 service levels.

Temporary and Permanent Law Provisions

None

Cessation of Regulated Operations

Program Description: Chapter 3752. of the Revised Code established the Cessation of Regulated Operations (CRO) program in 1996. DHWM began implementing the program in July 1999. Facilities that have threshold quantities of hazardous chemicals must ensure that they are properly sold, transferred, or disposed of when those facilities close. By properly managing these substances at the time of business closure, future potential cleanups can be avoided in the event of a release of hazardous substances to the environment. The CRO regulatory program serves to protect public health and the environment from businesses who close or abandon their properties by insuring that their hazardous substances are properly removed from the site and managed in a safe manner, thus avoiding spills, releases, or exposures. To this end, the CRO program provides a variety of compliance assistance, oversight, inspection, and enforcement activities. Approximately 120 requests for technical assistance are responded to annually.

Facilities subject to CRO requirements fluctuates in accordance with business decisions that are made on a daily basis. Typically, CRO conducts inspections at facilities that provide notification that they are ceasing their regulatory operations. Facilities receive letters of compliance when they have met CRO requirements, which help owners sell the properties being vacated, and ensure that the public is protected from abandoned hazardous chemicals.

Funding Source: Solid waste tipping fees (Fund 5BC)

Line Items: 715-675, Hazardous Waste

Implication of Executive Recommendation: Recommended funding is $100,847 in each of FYs 2008 and 2009. Funding at the recommended level will support one FTE in both fiscal years, allowing for the same service levels as FY 2007. The allocation of staffing resources to administer this program is spread across numerous permanent staff in carrying out the program and is not dedicated to one staff person.

Temporary and Permanent Law Provisions

None

Program Series 4: Solid and Infectious Waste

Purpose: The mission of the Division of Solid and Infectious Waste (DSIW) is to protect human health and the environment through responsible regulation of solid and infectious waste supported by sound science and effective management.

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

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
4K3	715-649	Solid Waste	$13,582,012	$13,918,578
660	715-629	Infectious Waste Management	$100,000	$100,000
4U7	715-660	Construction & Demolition Debris	$881,561	$881,561
4R5	715-656	Scrap Tire Management	$6,000,000	$6,000,000
5BT	715-679	C&DD Groundwater Monitoring	$571,560	$693,267
		State Special Revenue Fund Subtotal	**$21,135,133**	**$21,593,406**
Total Funding: Solid & Infectious Waste			**$21,135,133**	**$21,593,406**

Funding at the recommended levels will support a total of 119.5 FTEs in the Division in FY 2008 and 121.5 FTEs in FY 2009. The increase in staff is for the purposes of C&DD groundwater monitoring. Funding for Solid and Infectious Waste supports the following programs:

- ***Program 4.01: Solid Waste Management***
- ***Program 4.02: Infectious Waste Management***
- ***Program 4.03: Construction & Demolition Debris***
- ***Program 4.04: Scrap Tire Management***

Solid Waste Management

Program Description: Approximately 33 million tons of solid waste are disposed of annually in Ohio; 12 million tons are recycled/reused each year. The Solid Waste Management program was developed to ensure proper management of this waste and involves the oversight of 57 operating landfills, 54 transfer facilities, and 431 composting facilities. The program involves complex interactions and shared responsibilities among state and local governments, as well as private, residential, commercial, industrial, and institutional generators of solid waste.

Activities funded by the program include: solid waste planning; statutorily required review of permits, registrations, and licenses; inspections of different types of solid waste facilities; landfill siting and design plan approvals; statutorily required updates to the State Solid Waste Plan; review of local solid waste management district plans; review and oversight of the implementation of approved local plans; environmental monitoring; and enforcement of landfill operation, closure, and post-closure requirements. In addition, the Solid Waste Management program conducts inspection and enforcement activities to deter illegal dumping of solid waste and address the nuisances and fire and environmental hazards associated with improper disposal. Approved local health districts assist Ohio EPA in the administration of the Solid Waste Management program. In addition, single and joint-county solid waste management districts (SWMD) ensure that adequate solid waste management and disposal capacity is available within designated counties.

Funding Source: Solid waste tipping fees (Fund 4K3)

Line Items: 715-649, Solid Waste

Implication of Executive Recommendation: Recommended funding is $13,128,900 in FY 2008 and $13,457,587 in FY 2009. Funding at the recommended levels will allow for the continuation of services at FY 2007 levels.

Operator Certification Program. In the past biennium, development of rules and training materials has been ongoing. DSIWM anticipates completion of the initial training program sometime during FYs 2008-2009. Because of the solid waste fee increase enacted in the FY 2006-2007 biennium, there has been adequate cash available to fund this program at existing service levels.[1] The cash balance available in Fund 4K3 was $18.7 million as of March 2007. The current fees will sunset on June 30, 2008 and the budget bill extends those fees through June 30, 2010.

Permanent Law Provision

State Solid Waste Disposal Fees (R.C. 3734.57). Extends the established fee of $3.50 that will be used to support Ohio EPA programs. This provision extends from June 30, 2008, to June 30, 2010, the expiration date of the fee on the disposal of solid waste that is deposited into the Solid Waste Fund (Fund 4K3). This section also continues the requirement that owners and operators of solid waste facilities submit a monthly return indicating the total tonnage of solid waste received for disposal and the total amount of the fees collected and retains the time frame within which the return must be submitted. As this is an extension on existing fees, the fiscal effect will be a continuation of revenue to the Solid Waste Fund (Fund 4K3). Ohio EPA collected $14.8 million in FY 2006 from this fee.

Infectious Waste Management

Program Description: The Infectious Waste Management program, which is governed by Chapter 3734. of the Revised Code, regulates the generation, treatment, packaging, storage, transportation, and disposal of infectious waste in the state. Its regulated community includes 3,343 infectious waste generators, 96 transporters, and 109 treatment facilities. The primary objective of the program is implementation of the statutory requirements for infectious waste generators' identification, segregation and labeling of infectious wastes, containment suitable to minimize potential human exposure, and the transportation and treatment of wastes to render them noninfectious prior to disposal with solid wastes. Specific activities include processing of registrations, reviewing requests for approval of infectious waste alternative treatment technologies, and providing technical assistance to regulated entities. Ohio EPA shares compliance, monitoring, and enforcement authority, and a portion of license and registration fees, with local health districts. Ohio EPA also provides technical assistance to approved health districts and performs annual surveys to ensure programs are in compliance.

Funding Source: Solid waste tipping fees (Fund 4K3) and infectious waste registration fees (Fund 660)

[1] While the Environmental Protection Fee is a fee on solid waste disposal, its revenue is not used to support Fund 4K3 or this program.

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
SSR 4K3 715-649, Solid Waste	$453,112	$460,991
SSR 660 715-629, Infectious Waste Management	$100,000	$100,000
Program Total	**$553,112**	**$560,991**

Implication of Executive Recommendation: Recommended funding is $553,112 in FY 2008 and $560,991 in FY 2009. Funding at the recommended levels will allow for the continuation of FY 2007 service levels.

Permanent Law Provision

State Solid Waste Disposal Fees (R.C. 3734.57). Extends the established fee of $3.50 that will be used to support Ohio EPA programs. This provision extends from June 30, 2008, to June 30, 2010, the expiration date of the fee on the disposal of solid waste that is deposited into the Solid Waste Fund (Fund 4K3). This section also continues the requirement that owners and operators of solid waste facilities submit a monthly return indicating the total tonnage of solid waste received for disposal and the total amount of the fees collected and retains the time frame within which the return must be submitted. As this is an extension on existing fees, the fiscal effect will be a continuation of revenue to the Solid Waste Fund (Fund 4K3). Ohio EPA collected $14.8 million in FY 2006 from this fee.

Construction and Demolition Debris

Program Description: The Construction and Demolition Debris (C&DD) program regulates the disposal of debris from construction and demolition activities into licensed C&DD landfills. Approved local boards of health perform the licensing, inspection, and enforcement of C&DD facilities. These boards receive a portion of C&DD disposal fees to fund their activities. Ohio EPA provides ongoing technical assistance to approved local health districts and performs annual surveys to ensure programs are in compliance. In cases where no approved local board of health has jurisdiction, Ohio EPA performs all licensing, inspection, and enforcement activities associated with the C&DD program. There are currently 66 licensed C&DD facilities in Ohio, where approximately 14 million cubic yards of debris are disposed annually.

Funding Source: C&DD disposal fees (Fund 4U7) and C&DD Groundwater Monitoring (Fund 5BT)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
SSR 4U7 715-660, Construction & Demolition Debris	$881,561	$881,561
SSR 5BT 715-679, C&DD Groundwater Monitoring	$571,560	$693,267
Program Total	**$1,453,121**	**$1,574,828**

Implication of Executive Recommendation: Recommended funding is $1,453,121 in FY 2008 and $1,574,828 in FY 2009. Three FTEs will be added to this program by FY 2009 for the purpose of C&DD groundwater monitoring duties.

C&DD Disposal Fees. A C&DD disposal fee went into effect in April of 2005. Moneys from this fee go into Fund 4U7. Additionally, in FY 2006, a new C&DD fee was levied per section 3714.07 of

the Revised Code. The construction and demolition debris account now fully supports the C&DD program. Ohio EPA has proposed a rule to JCARR to implement an additional fee of $.10 per ton by rule, as authorized by R.C. 3714.071. This proposed fee would support the additional staff required to perform ground water monitoring around C&DD landfills.

Temporary and Permanent Law Provisions

None

Scrap Tire Management

Program Description: The Scrap Tire Management program, which is governed by Chapter 3734. of the Revised Code, regulates scrap tire transportation, collection, storage, processing, and disposal. Local boards of health perform the licensing, inspection, and enforcement of scrap tire facilities and transporters. In cases where no approved local board of health has jurisdiction, Ohio EPA administers the Scrap Tire Management program. There are currently 41 scrap tire facilities, 7 mobile recovery facilities, and 67 scrap tire transporters in the state.

Scrap Tire Abatement and Removal. The DSIW also manages contracts to abate scrap tire piles under the Scrap Tire Abatement and Removal program. The majority of funding for this program supports tire abatement projects. The Scrap Tire Abatement and Removal program uses criteria in the law to prioritize scrap tire sites based on threats to public health, safety, and the environment. Under the program, scrap tires are properly disposed of, recycled, or converted into energy. The program provides a supplement to ongoing efforts by Ohio EPA, local health departments, and local law enforcement officials to have scrap tire facility operators and those responsible for illegal tire stockpiling and tire disposal to clean up the problem sites that they have created. From FY 1998 through FY 2005 more than 32.5 million passenger tire equivalents (PTE) were processed at a cost of $33.4 million. Since FY 2000, more than 19 million PTE have been processed from the Kirby Scrap Tire Facility in Wyandot County, which was one of the largest tire accumulations in the United States. This site had an accumulation of approximately 10 million to 20 million before commencement of abatement efforts.

The scrap tire program has participated and provided assistance to the Ohio West Nile Task Force by minimizing potential mosquito borne diseases that may result from improper management of scrap tires. Ohio EPA also supports the Market Development Grant program administered by the Ohio Department of Natural Resources with a yearly allocation of $1 million.

Funding Source: $1.00 fee on the sale of new tires and a portion of license and registration fees (Fund 4R5)

Line Items: 715-656, Scrap Tire Management

Implication of Executive Recommendation: Recommended funding is $6,000,000 in each of FYs 2008 and 2009. Funding at the recommended levels will allow for the continuation of FY 2007 service levels.

Temporary and Permanent Law Provisions

None

Program Series 5: Drinking and Groundwater Protection

Purpose: The mission of the Division of Drinking and Groundwater Protection is to protect human health and the environment by characterizing and protecting ground water quality and ensuring Ohio's public water systems provide adequate supplies of safe drinking water.

The following table shows the line items that are used to fund the Division of Drinking and Groundwater Protection, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
4J0	715-638	Underground Injection Control	$458,418	$458,418
4K5	715-651	Drinking Water Protection	$8,169,553	$8,867,732
5BC	715-673	Drinking Water	$2,550,250	$2,550,250
5BC	715-667	Groundwater	$1,093,741	$1,093,741
5H4	715-664	Groundwater Support	$2,503,933	$2,715,340
		State Special Revenue Fund Subtotal	**$14,775,895**	**$15,685,481**
Federal Special Revenue Fund				
3T3	715-669	Drinking Water SRF	$2,843,923	$2,977,998
353	715-612	Public Water Supply	$3,388,619	$3,388,618
362	715-605	Underground Injection Control - Federal	$111,874	$111,874
3BU	715-684	Water Quality Protection	$650,000	$650,000
		Federal Special Revenue Fund Subtotal	**$6,994,416**	**$7,1288,490**
Total Funding: Drinking and Groundwater Protection			**$21,770,311**	**$22,813,971**

Funding at the recommended levels will support a total of 183 FTEs in the Division in both fiscal years, allowing for the continuation of FY 2007 service levels. This represents an increase of 2 FTEs, transferred from Emergency Response and Remedial Response. Funding for Drinking and Groundwater Protection supports the following programs:

- ***Program 5.01: Public Drinking Water Supply Supervision***
- ***Program 5.02: Public Drinking Water Systems Plan Review***
- ***Program 5.03: Drinking and Wastewater Operator Certification***
- ***Program 5.04: Public Drinking Water Laboratory Certification***
- ***Program 5.05: Ground Water Characterization and Protection***
- ***Program 5.06: Underground Injection Control***
- ***Program 5.07: Drinking Water Source Protection***
- ***Program 5.08: Drinking Water Assistance Fund***

Public Drinking Water Supply Supervision

Program Description: Ohio EPA has primary enforcement authority for implementing the federal Safe Drinking Water Act. The Division of Drinking and Ground Waters (DDAGW) is responsible for oversight of Ohio's public water systems to ensure they comply with the federal and state drinking water laws and provide adequate supplies of safe drinking water. There are approximately 5,400 public water systems in Ohio. Approximately 90% of Ohioans receive the water they use for drinking, bathing, and cooking from a public water system. Each year, DDAGW staff inspects approximately 440 community and 830 noncommunity water systems. Program responsibilities are increasing due to new

requirements in the 1996 Amendments to the federal Safe Water Drinking Act and increased concerns about security.

Activities completed as a part of this program include: ensuring compliance with drinking water quality standards, performing sanitary surveys/site inspections, providing operational technical assistance, and responding to emergency conditions. Division staff conducted a total of 1,429 sanitary surveys in FY 2006. This is one of the most resource intensive activities of this program; however, these inspections are also one of the most beneficial activities performed by Division staff, particularly for medium and small public water systems, because of information collected and distributed during these visits. In addition, Division staff are responsible for establishing, distributing, and tracking monitoring schedules; verifying samples are taken during the proper time period and are analyzed for the proper contaminants; and evaluating results to determine whether concentrations exceed the maximum allowable level. Staff review and process nearly 25,000 sample submission reports for chemical contaminants annually. They also review approximately 50,600 sample submissions for bacterial analysis and 25,000 monthly monitoring reports for bacteriological, plant distribution, fluoride, and turbidity analyses per year. Ohio EPA must track and report all monitoring and compliance information to U.S. EPA quarterly. Compliance information is also reported back to the public water system, laboratories, the media, and the public.

Funding Source: Federal grant moneys (Fund 353); public water system fees (Fund 4K5); and solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 353 715-612, Public Water Supply	$2,659,379	$2,652,505
SSR 4K5 715-651, Drinking Water Protection	$5,304,383	$5,719,151
SSR 5BC 715-673, Drinking Water	$2,225,841	$2,225,841
Program Total	**$10,189,603**	**$10,597,497**

Implication of Executive Recommendation: Recommended funding is $10,189,603 in FY 2008 and $10,597,497 in FY 2009. Funding at the recommended levels will support 93 FTEs. Maintaining adequate staffing in the coming biennium will be critical. Ohio EPA predicts approximately 150 to 200 public water systems will not meet new regulatory requirements to meet standards for arsenic, surface water treatment, and disinfection byproducts that went into effect in 2006. Many of these public water systems serve populations of less than 250 people. This represents a challenge for Ohio EPA to work with these systems to take necessary actions to return them to compliance or take enforcement action. Funding at recommended levels will allow the Division to address these challenges and to make needed upgrades to the drinking water information management system.

Permanent Law Provisions

Extension of various fee sunsets (R.C. 3745.11 and 6109.21). Extends from June 30, 2008, to June 30, 2010, the sunset of annual license fees for public water system licenses. This section also extends for two years 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. These provisions have the effect of authorizing Ohio EPA to continue collecting current fees; therefore, there is no new fiscal effect.

Extends from June 30, 2008, to June 30, 2010, the application fee for operating public water systems. This has the effect of authorizing Ohio EPA to continue collecting current fees; therefore, there is no new fiscal effect.

Public Drinking Water Systems Plan Review

Program Description: To maintain primary enforcement authority for the federal Safe Drinking Water Act (SDWA), Ohio must maintain a program to assure the design and construction of new or substantially modified public water systems facilities that are capable of compliance with state drinking water regulations. The Division of Drinking and Ground Waters engineering staff is responsible for reviewing and approving engineering plans for new and upgraded public water systems to ensure systems are designed and constructed to provide adequate quantities of safe drinking water. All 5,400 of Ohio's public water systems are required to meet plan approval requirements.

Projects covered by these plans include construction of new treatment plants, modernization or improvements to existing treatment plants, water storage and distribution systems, surface water intake structures, and water supply wells. Division staff currently reviews approximately 1,600 sets of engineering plans annually. Ohio EPA anticipates seeing an increase in the number of plans submitted, as public water systems have to make improvements to meet new treatment and water quality requirements resulting from the 1996 Amendments to the SDWA and subsequent state rules. At the same time, this number is expected to decrease slightly as Ohio EPA has undertaken a number of initiatives to reduce the number of distribution system related plans required to be submitted to the agency for approval. During the FY 2004-2005 biennium Ohio EPA evaluated the plan review process and developed an action plan to reduce the time required to obtain approval of water supply projects and saved water systems by reducing project schedules and engineering changes. Additionally, the electronic administrative process has been streamlined.

The Division of Drinking and Ground Waters staff also approves existing technologies for higher production rates and evaluates new and innovative treatment technologies that have not been previously approved in Ohio. The Division anticipates a significant increase in the need to evaluate new technologies over the next several years as new processes are proposed to meet new regulatory requirements resulting from the 1996 Amendments to the SDWA. In addition, many public water systems will be looking for new technologies to address the threat of biological or chemical terrorist attacks.

Funding Source: Public water system fees (Fund 4K5); and solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
SSR 4K5 715-651, Drinking Water Protection	$1,650,684	$1,871,910
SSR 5BC 715-673, Drinking Water	$160,006	$160,006
Program Total	**$1,810,690**	**$2,031,916**

Implication of Executive Recommendation: Recommended funding is $1,810,690 in FY 2008 and $2,031,916 in FY 2009. Funding at the recommended levels will allow for the continuation of FY 2007 service levels.

Temporary and Permanent Law Provisions

None

Drinking and Wastewater Operator Certification

Program Description: The Division of Drinking and Ground Waters is responsible for administering Ohio's program for the certification and recertification of operators of water and wastewater facilities specified by the U.S. EPA under the Safe Drinking Water Act (SDWA). States that implement these guidelines receive more federal funding for their drinking water revolving loan programs. Ohio's current rules require that all community and nontransient, noncommunity public water systems and any transient noncommunity water system or a wastewater system serving 250 people or more be under the responsible charge of a certified operator of the appropriate class. Certified operators have to meet continuing education requirements to renew their certification. Approximately 1,500 current or prospective operators take an examination for certification each year. There are approximately 9,000 certified operators in Ohio with 4,300 operators certified in drinking water and 4,700 operators certified in wastewater.

Activities carried out under this program include: developing and providing training to current and prospective water and wastewater operators, preparing and conducting operator exams, reviewing exam applications, issuing and tracking operator certificates, recommending training courses for contact hour approval, evaluating and tracking operator compliance with continuing education requirements, and administering the Ohio EPA's Advisory Board of Examiners. The Board is primarily responsible for preparing and administering certification examinations.

Funding Source: Federal grant moneys (Fund 353); public water system fees (Fund 4K5); and solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 353 715-612, Public Water Supply	$729,240	$736,113
SSR 4K5 715-651, Drinking Water Protection	$403,876	$431,920
SSR 5BC 715-673, Drinking Water	$39,900	$39,900
Program Total	**$1,173,016**	**$1,207,933**

Implication of Executive Recommendation: Recommended funding is $1,173,016 in FY 2008 and $1,207,933 in FY 2009. Funding at the recommended levels will allow for the continuation of FY 2007 service levels.

Temporary and Permanent Law Provisions

None

Public Drinking Water Laboratory Certification

Program Description: State and federal regulations require that laboratories certified by the state or by U.S. EPA perform all testing for compliance with public drinking water standards. To maintain primary enforcement authority for the federal Safe Drinking Water Act (SDWA), Ohio must have a program for certifying laboratories performing analyses of drinking water. The Laboratory Certification

program is carried out through a Memorandum of Agreement (MOA) with the Ohio EPA Division of Environmental Services (DES).

The DES is Ohio's Primary Drinking Water Laboratory and is certified by U.S. EPA to conduct drinking water analyses. Specific activities conducted by DES for the Laboratory Certification program include: reviewing laboratory floor plans and survey applications, evaluating and certifying chemical and bacterial laboratories for the analysis of samples from public water systems, tracking public drinking water data, communicating with laboratory operators regarding new policies and procedures pertaining to drinking water analysis, preparing and submitting Quality Assurance Program Plans and Quality Management Plans to U.S. EPA, and developing and administering a microbiological and chemical Performance Evaluation program. Staff in the Division of Drinking and Ground Waters adopt rules, maintain lists of certified laboratories and provide that list to public water systems, provide data management and enforcement support, and monitor reporting compliance. The overall goal of this program is to improve the performance and data quality of laboratories providing services to public water systems through improved compliance reviews and inspections, reviewing quality assurance plans, education, and enforcement.

The Laboratory Certification program appears in two divisions, Division of Environmental Laboratory Services (Program Series 11) and the Division of Drinking and Ground Water (DDAGW) because DDAGW is providing the funding, guidance, and the overall oversight of the Laboratory Certification program. DDAGW funds 5.5 FTEs in DES to perform the activities associated with the Laboratory Certification program as described in the above paragraph.

Funding Source: Public water system fees (Fund 4K5); and Environmental Protection Fund (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
SSR 4K5 715-651, Drinking Water Protection	$645,333	$670,617
SSR 5BC 715-673, Drinking Water	$124,503	$124,503
Program Total	**$769,836**	**$795,120**

Implication of Executive Recommendation: Recommended funding is $769,836 in FY 2008 and $795,120 in FY 2009. Funding at the recommended levels will support 0.2 FTE in both fiscal years in the Division of Drinking and Groundwater Protection and 5.5 FTEs in both fiscal years in the Division of Environmental Laboratory Services, allowing for a continuation of FY 2007 service levels.

Ground Water Characterization and Protection

Program Description: The Division of Drinking and Ground Waters (DDAGW) is responsible for characterizing ground water quality conditions, providing technical support to other divisions in Ohio EPA, and coordinating ground water monitoring and protection efforts with other state programs. Under this program, the Ohio EPA carries out the following activities: collecting, studying, and interpreting all available information, statistics, and data pertaining to ground water and surface water in coordination with other agencies of the state; collecting ground water quality samples; conducting studies to characterize ground water quality; identifying areas of known ground water contamination; and disseminating water resource information to the public. Additional effort is made to evaluate public water supply water quality data, identify impacted and threatened public water systems, and assess impacts of proposed drinking water regulations. A water quality data management system and other available

technologies, including Geographic Information System technology, are used to collect, analyze, and summarize information characterizing ground water on statewide, regional, and site-specific bases. The Division also maintains the Ground Water Quality Monitoring Network to help characterize ground water quality for each major aquifer in Ohio. The Network currently includes approximately 212 wells at approximately 206 locations and performs approximately 340 inorganic and 175 volatile organic samples every year from the Network.

Through this program, DDAGW provides technical support on geologic and ground water-related issues to the Ohio EPA divisions of Emergency and Remedial Response, Hazardous Waste Management, Solid and Infectious Waste Management, Surface Water, Environmental and Financial Assistance, and the Office of Federal Facilities Oversight. By conducting all technical geologic and ground water-related work for the Ohio EPA, DDAGW ensures that efforts to protect, monitor, and remediate ground water at waste management sites are technically sound, consistent between divisions, and coordinated as appropriate with other state agencies. Consolidation of these activities avoids duplication of efforts and requires less overall staff than if each division hired its own staff to perform these functions.

Funding Source: Federal grant moneys (Fund 3BU); solid waste tipping fees (Fund 5BC); and payments from other Ohio EPA divisions (Fund 5H4)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3BU 715-684, Water Quality Protection	$650,000	$650,000
SSR 5BC 715-667, Groundwater	$1,059,989	$1,059,989
SSR 5H4 715-664, Groundwater Support	$2,503,933	$2,715,340
Program Total	**$4,213,922**	**$4,425,329**

Implication of Executive Recommendation: Recommended funding is $4,213,922 in FY 2008 and $4,425,329 in FY 2009. Funding at the recommended levels will allow for the continuation of FY 2007 service levels.

The following provisions also apply to the Division of Surface Water Programs.

Permanent Law Provision

Creation of Water Quality Protection Fund (R.C. 6111.0381). Creates the Water Quality Protection Fund (Fund 3BU) in the state treasury. This fund shall consist of federal grants, including grants made pursuant to the Federal Water Pollution Control Act, and contributions made to the Ohio EPA for water quality protection and restoration. This is simply a fund creation for existing moneys; therefore, there is no fiscal effect.

Temporary Law Provision

Water Quality Protection Fund (Section 281.10). Abolishes and consolidates the cash balances of 715-611, Wastewater Pollution (Fund 352); 715-620, Urban Stormwater (Fund 3J1); 715-628, Clean Water Act 106 (Fund 3K2); 715-633, Water Quality Management (Fund 3F4); 715-639, Remedial Action Plan (Fund 3K6); 715-625, 205-J Federal Planning (Fund 358); and 715-615, Maumee River (Fund 3J5) and provides for the transfer of the remaining available cash balances into the new Water Quality Protection Fund (Fund 3BU).

Underground Injection Control

Program Description: DDAGW regulates, in accordance with Chapter 6111. of the Revised Code, the injection of sewage, industrial waste, hazardous waste, and other wastes into wells. Ohio EPA has been delegated primary enforcement authority for the regulation of Class I, Class IV, and Class V Underground Injection Control (UIC) wells under the federal Safe Drinking Water Act (SDWA).

A Class I UIC well is a well used for injection of fluids, either hazardous or nonhazardous, into geologic formations far below any underground source of drinking water. There are ten Class I wells in Ohio. These wells are strictly regulated to prevent migration of injected fluids into an underground source of drinking water. Class V wells are a significant source of ground water contamination. They are typically shallow disposal systems used to place a variety of nonhazardous fluids below the ground surface into or above an underground source of drinking water. Examples of Class V wells include dry wells that collect surface water runoff; large capacity cesspools or septic systems; and industrial, commercial, and utility disposal wells. Over 15,000 Class V wells have been inventoried in Ohio. Ohio EPA estimates that there are 20,000-30,000 Class V underground injection wells in Ohio not included within the inventory. All Class IV wells are prohibited, as they inject hazardous materials into or above an underground source of drinking water. The DDAGW staff takes action to close these wells if they are discovered.

In March 2002, Ohio EPA adopted new federal requirements eliminating or reducing injection of waste from large capacity cesspools and motor vehicle waste disposal wells. The use of all large capacity cesspools and all motor vehicle waste disposal wells constructed after April 5, 2000 is now prohibited. All existing cesspools were to be closed by April 2005. Existing motor vehicle waste disposal wells are banned in drinking water protection areas within one year of the drinking water protection area being publicly designated. Owners of all other motor vehicle waste disposal wells closed their wells by January 2005.

Funding Source: Federal grant moneys (Fund 362); various fees for Class I UIC wells (Fund 4J0); and solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 362 715-605, Underground Injection Control – Federal	$111,874	$111,874
SSR 4J0 715-638, Underground Injection Control	$458,418	$458,418
SSR 5BC 715-667, Groundwater	$33,752	$33,752
Program Total	**$604,044**	**$604,044**

Implication of Executive Recommendation: Recommended funding is $604,044 in both FY 2008 and FY 2009. Funding at the recommended levels will allow for the continuation of FY 2007 service levels.

Temporary and Permanent Law Provisions

None

Drinking Water Source Protection

Program Description: The 1996 Amendments to the Safe Drinking Water Act (SDWA) require all states to adopt a Source Water Assessment and Protection (SWAP) program. Ohio's program was approved by U.S. EPA in October 1999. To help ensure the long-term availability of adequate supplies of safe drinking water, Ohio EPA completed source water assessments of all 5,800 of Ohio's public water systems by FY 2006, in cooperation with the Division of Surface Water. Staff completed source water assessments of all public water systems that provide drinking water to homes, businesses, schools, and industry using both surface water and ground water sources. Results of the assessments are now being used to direct both local and state protection efforts. Ohio EPA works with other state, federal, and local regulatory programs to seek additional protection for SWAP areas. At the same time, each SWAP area has unique characteristics and problems that will need to be addressed on a local level. Ohio EPA provides direct assistance to public water systems in taking steps to prevent contamination and protect source waters and works with other regulatory programs to promote preferential recognition of source water protection areas. To date, 15% of the community public water systems serving 36% of Ohio's population have developed and are implementing source water protection plans.

This program also is responsible for implementation of the Wellhead Protection Program (WHP), which is also required under the federal SDWA. U.S. EPA approved Ohio's WHP program in May 1992. Wellhead Protection is a term that has been used in the past to describe source water protection for public water supply systems that use ground water. The WHP is designed to safeguard public drinking water supplies by preventing, detecting, and remediating ground water contamination in a zone around public water supply wells or wellfields. Wellhead Protection plans are developed and implemented by local owners/operators of large community public water systems utilizing ground water.

Funding Source: Set-asides from the Drinking Water Assistance Fund Capitalization grants from U.S. EPA (Fund 3T3) and public water system fees (Fund 4K5)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3T3 715-669, Drinking Water State Revolving Fund	$1,381,718	$1,451,373
SSR 4K5 715-651, Drinking Water Protection	$165,277	$174,134
Program Total	**$1,546,995**	**$1,625,507**

Implication of Executive Recommendation: Recommended funding is $1,546,995 in FY 2008 and $1,625,507 in FY 2009. Funding at the recommended level will allow for the continuation of FY 2007 service levels. This program also funds two FTEs in the Division of Surface Water Programs to assist public water systems using surface water sources in the development and implementation of drinking water source protection plans and integration with watershed action plans.

Temporary and Permanent Law Provisions

None

Drinking Water Assistance Fund

Program Description: The 1996 Amendments to the federal SDWA established a Drinking Water State Revolving Loan program to provide below-market rate loans for the planning, design, and construction of new or improved community and nonprofit, noncommunity public water systems. DDAGW works in cooperation with the Division of Environmental and Financial Assistance (DEFA) and the Ohio Water Development Authority to implement this program through administration of the Water Supply Revolving Loan Account. DEFA is responsible for loan administration, project planning, environmental review activities, and fund management. DDAGW is responsible for project engineering reviews and establishing program and project priorities.

Since 1998, DDAGW has made 140 loans to public water systems for over $437 million for planning, design, and construction projects.

Funding Source: Set-asides from the Drinking Water Assistance Fund Capitalization grants from U.S. EPA (Fund 3T3). The Water Supply Revolving Loan Account (WSRLA) program is funded through grants from the U.S. EPA with a 20% state match. The match is provided through state bonds. As authorized by section 6109.22 of the Revised Code, Ohio EPA sets aside 4% of the federal capitalization grants to provide for administration of the WSRLA.

Line Items: 715-669, Drinking Water State Revolving Fund

Implication of Executive Recommendation: Recommended funding is $1,462,205 in FY 2008 and $1,526,625 in FY 2009. Funding at the recommended level will enable Ohio EPA to continue to provide service to public water systems with infrastructure funding needs at FY 2007 service levels.

Temporary and Permanent Law Provisions

None

Program Series 6: Surface Water Programs

Purpose: The mission of the Division of Surface Water Programs is to protect, improve, and restore the integrity of all waters of the state. Ohio has a statewide goal for 80% of Ohio's rivers and streams to meet clean water goals by 2010.

The following table shows the line items that are used to fund the Division of Surface Water Programs, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
4K4	715-650	Surface Water Protection	$10,623,002	$11,683,000
5BC	715-624	Surface Water	$8,797,413	$8,797,413
5N2	715-613	Dredge and Fill	$30,000	$30,000
699	715-644	Water Pollution Control Administration	$750,000	$750,000
		State Special Revenue Fund Subtotal	**$20,200,415**	**$21,604,413**
Federal Special Revenue Fund				
3F5	715-641	Nonpoint Source Pollution Management	$7,550,000	$7,595,000
3BU	715-684	Water Quality Protection	$5,865,000	$5,660,000
		Federal Special Revenue Fund Subtotal	**$13,415,000**	**$13,255,000**
Total Funding: Surface Water Programs			**$33,615,415**	**$34,515,413**

Recommended levels of funding for the Division of Surface Water (DSW) will support a total of 251 FTEs in FY 2008 and 244.5 in FY 2009. This represents a decrease from FY 2007 staffing levels of 254 FTEs. Ohio EPA is not able to continue watershed monitoring at the FY 2007 level; thus the decreased staff. Funding implications for programs within the Surface Water Programs program series are discussed in greater detail in the analyses that follow:

- ***Program 6.01: Water Quality***
- ***Program 6.02: Nonpoint Source Pollution Control***
- ***Program 6.03: Storm Water Pollution Prevention***
- ***Program 6.04: National Pollutant Discharge Elimination System (NPDES)***
- ***Program 6.05: Section 401 Certification/Wetlands Permitting***
- ***Program 6.06: Lake Erie Restoration and Resource Management***
- ***Program 6.07: Wastewater Construction Plan Approvals***

Water Quality

Program Description: Ohio EPA is required to operate Water Quality program components under Sections 303 and 305 of the federal Clean Water Act (CWA) and Chapter 6111. of the Revised Code. The Water Quality program includes the following major elements: establishing codified water quality standards into Ohio rules and regulations, monitoring and assessing the condition of Ohio's surface waters, Total Maximum Daily Load (TMDL) development, field response and investigation of pollution spills, performing data collection and risk assessment analysis for the issuance of Sport Fish Consumption Advisories, and addressing other complaints about surface water quality.

Total Maximum Daily Load (TMDL) Program. Ohio EPA is also required by the CWA to submit a list of impaired waters to U.S. EPA for approval, and the CWA requires that impaired water bodies be assessed and restored under the TMDL program. TMDLs are required by the CWA for all

polluted waters and include monitoring water quality, quantifying pollutant loadings, and developing restoration plans. Where monitoring shows that the water is polluted, a TMDL project is completed. TMDLs specify the amount a pollutant needs to be reduced to meet water quality standards and provide the technical justifications for discharge permit limitations and nonregulatory pollution abatement work.

To adequately address program goals and provide basic information about the health of waters, monitoring must be conducted in each watershed once every ten years. Ohio has 331 watershed units, thus, an adequate level of monitoring would cover 33 watershed units per year. Nearly all of the watersheds will require a TMDL to be completed according to federal requirements.

Funding Source: Federal grant moneys (Fund 3BU and Fund 3F5); various surface water permit fees (Fund 4K4); solid waste tipping fees (Fund 5BC); and penalty moneys (Fund 699)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3BU 715-684, Water Quality Protection	$2,220,000	$2,240,000
FED 3F5 715-641, Nonpoint Source Pollution Management	$1,890,000	$1,745,000
SSR 4K4 715-650, Surface Water Protection	$720,000	$720,000
SSR 5BC 715-624, Surface Water	$2,409,800	$2,688,000
SSR 699 715-644, Water Pollution Control Administration	$750,000	$750,000
Program Total	**$7,989,800**	**$8,143,000**

Implication of Executive Recommendation: Recommended funding is $7,989,800 in FY 2008 and $8,143,000 in FY 2009. Funding at this level is not sufficient to assess all of Ohio's rivers and streams.

Ohio's Credible Data Act. Additional funding will be used to address the requirements of Am. H.B. 43 of the 125th General Assembly, Ohio's Credible Data Act. Under this act, Ohio EPA is required to develop and administer a new water quality monitoring program for the classification and repository of credible data collected by other state agencies and third parties. Rules for this program were adopted in 2006, and the program is being implemented. As the program expands with more participants, the demand for staff time for study plan review, data review, and data base management is expected to grow significantly. A web-based data entry system is in the initial design phase and full development will occur during this coming biennium. The agency is looking for grant funding to outsource the training and testing aspects of the program.

Impact of Recent Budget Cuts. The Division of Surface Water historically has been more than 50% funded through GRF dollars (the most of any Ohio EPA division), with one-third of its staff supported by GRF. As a result, it has experienced budget reductions in recent years that have resulted in a decrease in the monitoring and assessment resources available. The overall impact has been a reduced capacity to assess conditions of Ohio's rivers and streams.

Permanent Law Provision

Water Quality Protection Fund (R.C. 6111.0381). Creates the Water Quality Protection Fund (Fund 3BU) in the state treasury. This fund shall consist of federal grants, including grants made pursuant to the Federal Water Pollution Control Act, and contributions made to the Ohio EPA for water quality protection and restoration. This is simply a fund creation for existing moneys; therefore, there is no fiscal effect.

Temporary Law Provision

Water Quality Protection Fund (Section 281.10). Abolishes and consolidates the cash balances of 715-611, Wastewater Pollution (Fund 352); 715-620, Urban Stormwater (Fund 3J1); 715-628, Clean Water Act 106 (Fund 3K2); 715-633, Water Quality Management (Fund 3F4); 715-639, Remedial Action Plan (Fund 3K6); 715-625, 205-J Federal Planning (Fund 358); and 715-615, Maumee River (Fund 3J5) and provides for the transfer of the remaining available cash balances into the new Water Quality Protection Fund (Fund 3BU).

Nonpoint Source Pollution Control

Program Description: Nonpoint source pollution is currently considered to be the leading cause of surface water impairment in Ohio. It is defined as polluted runoff that reaches streams, rivers, lakes, and underground aquifers, most commonly from polluted rainwater and snowmelt coming off of farming, mining, and forestry operations, but also from individual home septic systems, construction sites, landfills, and urban streets and yards.

Subgrant Program. Ohio EPA's Nonpoint Source Pollution Control program is not a regulatory program. It is a subgrant program that passes federal funds (federal Section 319 funds) to local governments, universities, and environmental groups for the implementation of nonpoint source pollution management plans. These local entities match the funding and use it to control nonpoint source pollution and create watershed restoration plans in support of nonpoint source pollution management. Ohio receives approximately $6 million in federal Section 319 funding annually. Approximately $4.5 million is passed through to local and state agencies, universities, and watershed groups; and there are currently 56 active projects, 11 new projects in the contracting stage, and an anticipated 30 new applications in the spring of 2007. Ohio EPA provides technical and fiscal oversight to ensure proper environmental progress and financial accountability. This program also conducts analyses of nonpoint source loadings to watersheds and works with partner agencies, such as the Department of Natural Resources, to coordinate resources for watershed planning and restoration.

Nonpoint source pollution control efforts support the Total Maximum Daily Load (TMDL) portion of the Water Quality program by aligning project activities with the TMDL schedule and/or TMDL watershed restoration strategies.

Funding Source: Federal grant moneys (Fund 3F5); various surface water permit fees (Fund 4K4); solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3F5 715-641, Nonpoint Source Pollution Management	$5,660,000	$5,850,000
SSR 4K4 715-650, Surface Water Protection	$135,000	$135,000
SSR 5BC 715-624, Surface Water	$662,950	$533,300
Program Total	**$6,457,950**	**$6,518,300**

Implication of Executive Recommendation: Recommended funding is $6,457,950 in FY 2008 and $6,518,300 in FY 2009. Recommended additional funding in this area will also be used to monitor the condition of surface waters, determine the potential of waters to attain water quality goals, communicate findings to the public, and participate in restoration activities including TMDLs.

Tempora`ry and Permanent Law Provisions

None

Storm Water Pollution Prevention

Program Description: Although the Division of Surface Water (DSW) budgets the Storm Water Pollution Prevention program separately as its own program for management purposes, it is part of the Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit program. The Storm Water Pollution Prevention program regulates the discharge of storm water into Ohio streams through permitting, compliance, enforcement, and technical assistance at sites. Discharges are controlled through the implementation of land management and treatment practices from municipalities, construction activities, and certain industrial facilities. This program is implemented under a two-phase approach. Phase I of the Storm Water program, initiated in 1992, requires storm water permits for the larger municipalities and construction sites. Phase II, implemented in 2003, extends regulatory requirements to smaller urban areas and construction sites.

Ohio EPA regulates storm water discharges on a statewide basis using five general permits for specific types of storm water discharges. Dischargers seek coverage under the appropriate general permit through submission of a Notice of Intent (NOI) committing to comply with permit requirements. DSW staff prepare rules and permits for program implementation, review storm water management plans, conduct inspections to determine compliance with the general permits, provide technical assistance to permittees and their representatives, initiate enforcement as necessary, perform education and outreach, coordinate with other programs within and outside of Ohio EPA, and process thousands of NOIs annually. As a part of implementing Phase II of the Storm Water program, DSW staff provides education, guidance, and technical assistance to small municipalities and small construction sites.

In FYs 2008-2009, DSW staff will assist local governments in developing local construction and post-construction programs in accordance with U.S. EPA Phase II program requirements. This effort will enable Ohio EPA to delegate the construction plan review, inspection, and enforcement responsibility to local governments.

Funding Source: Federal grant moneys (Fund 3BU); various surface permit fees (Fund 4K4); solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3BU 715-684, Water Quality Protection	$405,000	$410,000
SSR 4K4 715-650, Surface Water Protection	$950,000	$950,000
SSR 5BC 715-624, Surface Water	$502,600	$590,600
Program Total	**$1,857,600**	**$1,950,600**

Implication of Executive Recommendation: Recommended funding is $1,857,600 in FY 2008 and $1,950,600 in FY 2009. Funding at recommended levels will provide for a continuation of current service levels.

Temporary and Permanent Law Provisions

None

National Pollutant Discharge Elimination System (NPDES)

Program Description: The National Pollutant Discharge Elimination System (NPDES) is a broad, federally mandated permitting program that regulates point sources of pollution to waters of the state. The program applies to both direct dischargers (municipalities and industries) that discharge directly to surface waters, and to pretreatment dischargers that discharge to public sewer systems. For both programs, Ohio must issue permits and ensure compliance with those permits. Permit issuance involves detailed technical analyses, public participation, evaluation of self-monitoring reports, periodic facility inspections, and enforcement actions when necessary.

This program establishes discharge limits for over 3,000 wastewater treatment facilities. Facilities that discharge directly to waters of the state include 293 major facilities with flows up to approximately 200 million gallons per day with the potential to significantly impact water quality, and another 2,700 minor facilities with flows less than 1 million gallons per day. In addition, there are up to several thousand small facilities that discharge less than 5,000 gallons per day that are neither covered by permit nor inspected because of inadequate staff resources. In the pretreatment program, Ohio regulates 165 industries directly and 103 communities that run their own pretreatment programs. In FY 2004, the NPDES permit backlog was eliminated.

Operator Assistance, Sewage Sludge, and Wet Weather Programs. Also included in the NPDES program is the Operator Assistance program, the Sewage Sludge program, and Wet Weather program. The Operator Assistance program provides technical assistance to small permitted communities to help them improve the operation of their wastewater treatment plans. The Sewage Sludge component regulates the disposal of sewage sludge generated from the treatment of municipal wastewater. U.S. EPA approved delegation of the sludge program in 2005 and Ohio EPA now has sole authority to regulate sewage sludge in Ohio.

The Wet Weather program regulates discharges from municipal sewer systems that result from storm flows surcharging and overflowing municipal sewer systems. Storm overflows are a major public health concern because they contain high levels of bacteria and other pollutants and are a major source of aquatic life impairment. Ohio has a large number of communities with overflows that need to be addressed, including 89 communities with combined sewers that were designed originally to overflow during storm events. A challenge facing the NPDES program in the coming biennium is working with Ohio cities and industries to control discharges from Combined Sewer Overflows in the development and

review of Long Term Control Plans. The Division of Surface Water will receive about 40 Long Term Control Plans for review and approval in the coming biennium. These plans are complex, span long time frames, and call for municipal infrastructure investment of several billion dollars statewide.

Funding Source: Federal grant moneys (Fund 3BU); various surface water permit fees (Fund 4K4); solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3BU715-684, Water Quality Protection	$2,075,000	$2,070,000
SSR 4K4 715-650, Surface Water Protection	$5,818,000	$6,483,000
SSR 5BC 715-624, Surface Water	$1,793,963	$1,588,713
Program Total	**$9,686,963**	**$10,141,713**

Implication of Executive Recommendation: Recommended funding is $9,686,963 in FY 2008 and $10,141,713 in FY 2009. Funding at the recommended levels will allow for the continuation of current service levels.

Permanent Law Provisions

Extension of NPDES discharge fees (R.C. 3745.11). Extends for two years the sunset of the annual discharge fees for holders of NPDES permits. This section also extends for two years 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. These provisions have the effect of authorizing Ohio EPA to continue collecting current fees, with no new fiscal impact.

Section 401 Certification/Wetlands Permitting

Program Description: The 401 Certifications/Wetlands Permitting program regulates certain activities in wetlands and streams, such as dredging, relocation of streams, and the filling of wetlands. The waters addressed by this program include those that fall under the jurisdiction of the Clean Water Act (CWA) and are regulated through the 401 water quality certifications, as well as those wetlands that are isolated from waters of the United States and are regulated through the State of Ohio Isolated Wetlands Permits. The 401 Certification and Wetlands program issues approximately 200 permits annually to private citizens, commercial developers, local communities, the Ohio Department of Transportation (ODOT), and the U.S. Army Corps of Engineers, among others. The issuance of these permits allows the Division of Surface Water to regulate the permitted activities, thereby lessening their impact on the environment. The program also includes wetlands research, which provides technical development for the permitting program and the scientific basis for continuing improvements in wetlands monitoring and assessment procedures used by Ohio EPA.

Funding Source: Federal grant moneys (Fund 3BU); various surface water permit fees (Fund 4K4); solid waste tipping fees (Fund 5BC); and isolated wetland permit fees (Fund 5N2)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3BU 715-684, Water Quality Protection	$590,000	$640,000
SSR 4K4 715-650, Surface Water Protection	$545,002	$545,000
SSR 5BC 715-624, Surface Water	$569,800	$626,600
SSR 5N2 715-613, Dredge and Fill	$30,000	$30,000
Program Total	**$1,734,802**	**$1,841,600**

Implication of Executive Recommendation: Recommended funding is $1,734,802 in FY 2008 and $1,841,600 in FY 2009. The fee increase for 401 certifications, adopted in the FYs 2007-2008 budget act, has created approximately $440,000 for DSW to apply to FY 2008 and FY 2009.

Temporary and Permanent Law Provisions

None

Lake Erie Restoration and Resource Management

Program Description: The Lake Erie Restoration and Resource Management program implements the requirements of the bi-national Great Lakes Water Quality Agreement and the Great Lakes Critical Programs Act, an amendment to the Clean Water Act, with the overall goal of protecting and restoring Lake Erie and its watershed. The Ohio EPA component of these programs provides technical and coordination expertise to federal, state, and local partners on Lake Erie water quality protection efforts and restoration for near shore areas of significant environmental impairment. A major focus of this program is to protect and restore the Lake Erie areas of concern, which include Maumee, Black, Cuyahoga, and Ashtabula Rivers, through Remedial Action Plans (RAPs). The state has developed targets to track progress and measure when each of the areas of concern has had all impairments to beneficial use mitigated. The program works with public and private sectors on a bi-national Lake Erie Lakewide Management Plan (LaMP). The Lake Erie LaMP has established a future vision for the lake and is developing indicators to measure progress toward achieving that vision. The program also provides technical assistance to the Council of Great Lakes Governors' Priorities Task Force and the Ohio Lake Erie Commission.

Funding Source: Federal grant moneys (Fund 3BU); various surface water permit fees (Fund 4K4); solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3BU 715-684, Water Quality Protection	$575,000	$300,000
SSR 4K4 715-650, Surface Water Protection	$55,000	$55,000
SSR 5BC 715-624, Surface Water	$66,400	$245,700
Program Total	**$696,400**	**$600,700**

Implication of Executive Recommendation: Recommended funding is $696,400 in FY 2008 and $600,700 in FY 2009. Funding at the recommended levels will allow for the continuation of current services.

Temporary and Permanent Law Provisions

None

Wastewater Construction Plan Approvals

Program Description: This program implements the Permit-to-Install (PTI) and Animal Feeding Operation requirements. The PTI program reviews and approves wastewater treatment and disposal systems for municipalities, industries, and commercial operations. Applicants must obtain a PTI prior to constructing a wastewater treatment or disposal system. This includes sewer extensions, treatment plants, pump stations, and storage tanks. More than 2,300 PTIs are issued annually under this program.

Animal feeding operations are required by state and federal law to obtain NPDES permits if they are of a certain size or they have discharges to surface waters. DSW conducts inspections, fieldwork, permitting, and enforcement related to the regulation of these operations. The Ohio Department of Agriculture is seeking delegation authority from the U.S. EPA to take over the NPDES permitting of animal feeding operations. This delegation will most likely be approved sometime during the FY 2008-2009 biennium. If this occurs, Ohio EPA will possibly experience a reduction of staffing in DSW and a slight reduction in funding.

Funding Source: Various surface water permit fees (Fund 4K4) and solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
SSR 4K4 715-650, Surface Water Protection	$2,400,00	$2,795,000
SSR 5BC 715-624, Surface Water	$2,791,900	$2,524,500
Program Total	**$5,191,900**	**$5,319,500**

Implication of Executive Recommendation: Recommended funding is $5,191,900 in FY 2008 and $5,319,500 in FY 2009. Funding at the recommended levels will allow for the continuation of current service levels. Pending federal approval, the Ohio Department of Agriculture is seeking NPDES permitting authority for animal feeding operations. When this happens, there will be a decrease in DSW staffing and funding.

Permanent Law Provision

Extension of fee sunsets (R.C. 3745.11). Extends from June 30, 2008 to June 30, 2010, 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. This has the effect of authorizing the Ohio EPA to continue collecting current fees; therefore, there is no new fiscal effect.

Program Series 7: Environmental Education

Purpose: The mission of the Office of Environmental Education (OEE) is to provide accessible environmental education, support interdisciplinary environmental education in higher education, and maintain a credible and fair environmental grant program.

The following table shows the line items that are used to fund the Office of Environmental Education, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
6A1	715-645	Environmental Education	$1,500,000	$1,500,000
5CD	715-682	Clean Diesel School Buses	$600,000	$600,000
		State Special Revenue Fund Subtotal	**$2,100,000**	**$2,100,000**
Total Funding: Environmental Education			**$2,100,000**	**$2,100,000**

The following programs are included with this series:

- ***Program 7.01: Environmental Education Grants***
- ***Program 7.02: Clean Diesel School Bus Grants***

Environmental Education Grants

Program Description: The Office of Environmental Education (OEE) was created to enhance Ohio EPA's efforts to educate students, the general public, and the regulated community on environmental issues through administration of the Ohio Environmental Education Fund (OEEF). The OEEF uses half the air and water pollution penalties collected by Ohio EPA to provide approximately $1 million in grants each year for environmental education projects targeting three audiences: preschool through university students and teachers; the general public; and the regulated community, including small businesses and local government entities. The program provides 18 to 20 large grants (up to $50,000 each) and 20 to 25 smaller grants (up to $5,000 each) annually. The remainder of the budget supports partnerships to accomplish strategic education objectives, an environmental science and engineering scholarship program at Ohio universities, and operating expenses.

A major focus in recent years has been providing support to municipalities, county engineers' offices, and regional planning agencies working to meet unfunded federal mandates to provide public education on storm water management. Another current initiative seeks to increase the number of OEEF grants awarded in the 32 counties that have historically received fewer grants through targeted marketing and by providing technical assistance to applicants in these counties. There are currently only nine counties that have no grant recipients and Ohio EPA is continuing to target 23 other counties that have only one OEEF grant recipient.

Funding Source: Air and water penalty moneys (Fund 6A1)

Line Items: 715-645, Environmental Education

Implication of Executive Recommendation: Recommended funding is $1,500,000 in each of FYs 2008 and 2009. Funding at the recommended level will support four FTEs, allowing for the continuation of FY 2007 service levels with existing staff.

OEE revenues fluctuate significantly from year to year, based on the amount of penalties collected. In FY 2006 only $846,644 was received, compared to FY 2005, when $1,821,045 was received. The expected revenue for FY 2007 is $1.4 million. OEE has a statutory $1.5 million annual spending limit and strives to maintain a modest cash balance sufficient to ensure adequate oversight of multi-year grant projects during years of reduced revenues. In years of below-average revenues, such as FYs 2002-2003, OEE's primary response is to reduce the number of new grants awarded in order to maintain stable funding for its multi-year partnership commitments.

Temporary and Permanent Law Provisions

None

Clean Diesel School Bus Grants

Program Description: Administers the Clean Diesel School Bus Fund (CDSBF) by making grants to school districts for the purpose of adding air pollution control equipment to diesel-powered school buses, maintaining pollution control that is installed, and paying the additional costs incurred by a school district for using ultra-low sulfur diesel instead of conventional diesel fuel in its school buses.

Funding Source: Air and water penalty moneys (Fund 5CD)

Line Items: 715-682, Clean Diesel School Buses

Implication of Executive Recommendation: Recommended funding is $600,000 for both FY 2008 and FY 2009.

Temporary and Permanent Law Provisions

None

Program Series 8: Compliance Assistance and Pollution Prevention

Purpose: The mission of Compliance Assistance and Pollution Prevention is to help Ohio businesses understand and comply with the environmental regulations that apply to them.

The following table shows the line items that are used to fund Compliance Assistance and Pollution Prevention, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
4K3	715-649	Solid Waste	$350,833	$364,267
4T3	715-659	Clean Air – Title V Permit Program	$308,053	$326,806
5BC	715-676	Assistance and Prevention	$700,302	$700,302
5DW	715-683	Automotive Mercury Switch Program	$60,000	$60,000
		State Special Revenue Fund Subtotal	**$1,419,188**	**$1,451,375**
Total Funding: Compliance Assistance and Pollution Prevention			**$1,419,188**	**$1,451,375**

This program series funds a single program.

- ***Program 8:01: Compliance Assistance and Pollution Prevention***

Compliance Assistance and Pollution Prevention

Program Description: The Office of Compliance Assistance and Pollution Prevention (OCAPP) was created in FY 2005 and combines staff from the Small Business Assistance Office that previously focused on Central Ohio; the Division of Air Pollution Control's Small Business Assistance Program, which dealt only with air issues; and the Office of Pollution Prevention. The Pollution Prevention program provides free technical assistance to help Ohio businesses reduce pollution and/or return operations to compliance through on-site visits, telephone and e-mail consultations, and publications that explain environmental requirements to businesses that often cannot afford to hire environmental experts to interpret complex regulations. These services are free and confidential, helping businesses achieve compliance with environmental regulations, protect workers' health and safety, preserve natural resources, and reduce liability and the potentia l for violations or penalties. Information obtained by the Office is not shared with Ohio EPA inspection or enforcement staff.

Funding Source: Solid waste tipping fees (Funds 4K3 and 5BC); Title V fees (Fund 4T3); and enforcement case settlement moneys (Fund 5DW)

Line Items: The following line items fund this program:

Line Item	FY 2008	FY 2009
SSR 4K3 715-649,Solid Waste	$350,833	$364,267
SSR 4T3 715-659, Clean Air – Title V Permit Program	$308,053	$326,806
SSR 5BC 715-676, Assistance and Prevention	$700,302	$700,302
SSR 5DW 715-683, Automotive Mercury Switch Program	$60,000	$60,000
Program Total	**$1,419,188**	**$1,451,375**

Implication of Executive Recommendation: Recommended funding is $1,419,188 in FY 2008 and $1,451,375 in FY 2009. Funding at the recommended levels will support 11.5 FTEs in each fiscal year, allowing for the continuation of FY 2007 service levels.

Temporary and Law Provision

Cash transfer for Automotive Mercury Switch Program (Section 281.10). Transfers up to $60,000 in cash from the Environmental Protection Fund (Fund 5BC) to the Automotive Mercury Switch Program Fund (Fund 5DW) in each year of the FY 2008-2009 biennium.

Program Series 9: Environmental Financial Assistance

Purpose: The mission of the Division of Environmental Financial Assistance (DEFA) is to provide technical and financial assistance for implementable solutions to environmental needs.

The following table shows the line items that are used to fund the Division of Environmental Financial Assistance, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
676	715-642	Water Pollution Control Loan Administration	$4,964,625	$4,964,625
		State Special Revenue Fund Subtotal	**$4,964,625**	**$4,964,625**
Federal Special Revenue Fund				
3F2	715-630	Revolving Loan Fund – Operating	$563,536	$775,600
		Federal Special Revenue Fund Subtotal	**$563,536**	**$775,600**
Total Funding: Environmental Financial Assistance			**$5,528,161**	**$5,740,225**

Recommended funding will support a total of 47 FTEs in the Division in both fiscal years, allowing for the continuation of FY 2007 service levels (47 FTEs). Funding for Environmental Financial Assistance supports the following programs:

- ***Program 9.01: Water Pollution Control Loan Fund (WPCLF)***
- ***Program 9.02: Water Supply Revolving Loan Account (WSRLA)***
- ***Program 9.03: Ohio Power Siting Board Reviews***

Water Pollution Control Loan Fund (WPCLF)

Program Description: The Water Pollution Control Loan Fund (WPCLF) provides below-market interest rate loans for publicly owned wastewater treatment improvements, and for nonpoint source pollution control activities that implement the state's nonpoint source management program.

Since its inception in 1989, this program has awarded over $3.6 billion in loans. In FY 2006, the WPCLF made 80 new low interest rate loans for over $274 million to assist municipalities with making improvements to their wastewater treatment systems. The WPCLF provides 50% of all financing for public treatment works projects in Ohio. The most recent survey of needs for water pollution control estimates that projects costing over $8 billion are being planned. The WPCLF also provided 150 low-interest loans totaling over $6.36 million through its agricultural linked deposit program. This assistance helps farmers to address nonpoint sources of pollution through implementation of agricultural best management practices, which address manure handling and runoff from cropping practices. Other loans went toward home sewage disposal systems and aquatic habitat protection and restoration. As combined sewer overflow controls have been emerging as major water quality improvement initiatives requiring significant financial resources for Ohio communities to implement, the WPCLF had to adapt.

Included within the WPCLF budget are activities that are not funded through WPCLF administrative funds, but instead through the Division of Surface Water budget. These activities do not support WPCLF administration, but provide assistance for some of the same types of entities that are assisted through WPCLF. These activities include the Village Capital Improvements Fund, Comprehensive Performance Evaluations of Wastewater Facilities, Small Community Environmental Infrastructure Group Staff Support, and Small Community Assistance. In addition, staff within this

program provide engineering expertise to the Division of Surface Water for its program of assisting villages by providing comprehensive performance evaluations of their municipal wastewater treatment systems when requested.

In federal fiscal year (FFY) 2007, Congress increased the appropriation for the WPCLF. Ohio EPA expects its share of federal funding to increase from $49.8 million in FFY 2006 to about $60.8 million in FFY 2007. Ohio's share of federal funding for the Water Supply Revolving Loan Account, including set asides for activities including source water protection, is expected to remain constant at about $24.7 million per federal fiscal year.

Funding Source: Federal grant moneys (Fund 3F2) and annual interest on WPCLF loans (Fund 676)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
FED 3F2 715-630, Revolving Loan Fund – Operating	$563,536	$775,600
SSR 676 715-642, Water Pollution Control Loan Administration	$4,409,625	$4,409,625
Program Total	**$4,973,161**	**$5,185,225**

Implication of Executive Recommendation: Recommended funding is $4,973,161 in FY 2008 and $5,185,225 in FY 2009. Funding at the recommended levels will support 42 FTEs in both fiscal years, allowing for the continuation of FY 2007 service levels (42 FTEs).

In the coming biennium, WPLCF will focus its administrative resources on encouraging targeted and other fundable projects to proceed through planning and construction. DEFA will continue to work with DSW to tackle nonpoint source pollution, which is still the primary source of impairments and threats to Ohio water quality.

Beginning in the second half of FY 2007, DEFA will undertake new program responsibilities for the administration of pass-through grants awarded by the U.S. Congress as special annual appropriations. These grants would be similar to the projects currently funded by the WPCLF and the Water Supply Revolving Loan Account. Ohio EPA does not assume that the additional effort for this new program will be covered by the funding provided in the Governor's budget proposal. When the scope and requirements of the program are further identified, Ohio EPA may submit a separate funding request.

Temporary and Permanent Law Provisions

None

Water Supply Revolving Loan Account (WSRLA)

Program Description: This program provides below-market interest rate loans to municipalities and community water supply systems for improvements to address public health risks and to meet Safe Drinking Water Act standards. It is very similar in its structure and operation to the WPCLF. There are a number of community water systems in Ohio, particularly smaller systems, that need to replace aging treatment and distribution components in order to maintain a reliable, safe supply of drinking water. In addition, public water systems require additional treatment facilities to meet new standards that have been established for drinking water systems. In FY 2006, the WSRLA provided over $119.8 million in loan assistance. These below-market interest rate loans saved recipients over $26.9 million in FY 2006, as compared to market interest rates. In FY 2007, up to $65 million in loans will be made available.

The Division of Environmental and Financial Assistance (DEFA) administers this program jointly with the Division of Drinking and Ground Waters (DDAGW). DEFA is responsible for loan administration, project planning, environmental review activities, and fund management. DDAGW is responsible for project engineering reviews and establishing program and project priorities. Ohio EPA administers the WPCLF and WSRLA using the same DEFA staff. As needed to accomplish WSRLA work, DEFA staff resources are shifted from the WPCLF to WSRLA.

Funding Source: Annual interest on WPCLF loans (Fund 676)

Line Items: 715-642, Water Pollution Control Loan Administration

Line Item	FY 2008	FY 2009
SSR 676 715-642, Water Pollution Control Loan Administration	$475,000	$475,000
Program Total	**$475,000**	**$475,000**

Implication of Executive Recommendation: Recommended funding is $475,000 in both FY 2008 and FY 2009. Funding at the recommended levels will support 4.5 FTEs in both fiscal years, allowing for the continuation of FY 2007 service levels (4.5 FTEs).

In the coming biennium, priorities will be set in concert with DDAGW staff, and will reflect the priorities of the Division's drinking water compliance program. Staff resources will be directed toward increased outreach and assistance to smaller communities.

Temporary and Permanent Law Provisions

None

Ohio Power Siting Board Reviews

Program Description: The Division of Environmental and Financial Assistance (DEFA) conducts and coordinates the field review and assessment of environmental impacts of projects submitted to the Ohio Power Siting Board (OPSB) for its approval. DEFA review of applications to the OPSB for construction of power utility facilities ensures that all relevant environmental factors are taken into account in OPSB's review of the applications, and that project modifications are recommended that will either reduce or avoid environmental impacts. In FY 2006, around 30 applications were reviewed, and the workload is expected to remain at that level for the coming biennium.

Funding Source: Annual interest on WPCLF loans (Fund 676)

Line Items: 715-642, Water Pollution Control Loan Administration

Line Item	FY 2008	FY 2009
SSR 676 715-642, Water Pollution Control Loan Administration	$80,000	$80,000
Program Total	**$80,000**	**$80,000**

Implication of Executive Recommendation: Recommended funding is $80,000 in both FY 2008 and FY 2009. Funding at the recommended levels will support one FTE in both fiscal years, allowing for the continuation of FY 2007 service levels. DEFA cross-trains its program and project staff in the review process for the OPSB program. This allows the Division to draw upon the expertise of multiple staff members as needed according to the characteristics of the project under review. The OPSB program is billed for the number of hours spent on its project work.

Temporary and Permanent Law Provisions

None

Program Series 10: Special Investigations

Purpose: The Office of Special Investigations conducts investigations into alleged environmental violations that potentially involve criminal activities.

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

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
505	715-623	Hazardous Waste Cleanup	$1,339,028	$1,339,028
		State Special Revenue Fund Subtotal	**$1,339,028**	**$1,339,028**
Federal Special Revenue Fund				
3F3	715-632	Federally Supported Cleanup and Response	$295,000	$295,000
		Federal Special Revenue Fund Subtotal	**$295,000**	**$295,000**
Total Funding: Special Investigations			**$1,634,028**	**$1,634,028**

This is a new program series. The Office of Special Investigations was originally located within the Emergency and Remedial Response Program (02.06). There is a single program within this series, supported by 10.25 FTEs:

- ***Program 10.01: Special Investigations***

Special Investigations

Program Description: The Office of Special Investigations performs services that are outlined in the Memorandum of Agreement (MOA) with six Ohio EPA divisions (Air Pollution Control, Emergency and Remedial Response, Hazardous Waste Management, Solid and Infectious Waste Management, Drinking and Ground Waters, and Surface Water). These include activities such as the burial of solid or hazardous waste, partial compliance (managing a portion of their wastes properly while illegally disposing of the remains), illegal bypassing of waste water treatment systems, open burning, illegal hazardous waste abandonment of facilities under cessation of regulated operations, and falsification of wastewater and drinking water documents. OSI is unique in that it is the only group within Ohio EPA expressly formed to handle complex environmental criminal investigations. These investigations often result in criminal sanctions against responsible individuals or companies.

Since its inception in 1984, OSI has developed hundreds of cases resulting in over 250 convictions involving intentional or reckless violations of Ohio's laws and regulations. Typically, OSI has an open caseload of approximately 120 criminal investigations. In addition, OSI has 20 completed investigations referred to prosecutors awaiting resolution. OSI is primarily a reactive program responding to division referrals and a wide variety of complaints from many sources. As each new case is received, it is evaluated in coordination with the Bureau of Criminal Investigation, the Office of the Attorney General, and U.S. EPA to determine if the allegations are criminal in nature. Investigations are conducted utilizing a team approach, bringing in expertise from state, local, and federal resources.

Evidence Response Team (ERT). OSI personnel comprise Ohio EPA's Counter-Terrorism Evidence Response Team (ERT). The ERT has the ability to respond to potential terrorism events anywhere in the state. The primary role of the ERT is to assist response agencies, including the Federal

Bureau of Investigations, local first responders, and U.S. EPA, in the entry and processing of a crime scene to secure evidence and assess environmental impacts as a result of the incident. ERT members are trained to respond to chemical, biological, and nuclear events.

Funding Source: Federal grant moneys (Fund 3F3) and the Hazardous Waste Facility Cleanup Fund (Fund 505)

Line Items: 715-623, Hazardous Waste Cleanup; 715-632, Federally Supported Cleanup and Response; for a breakdown of recommended funding, see table on preceding page

Implication of Executive Recommendation: Recommended funding is $1,634,028 in both FYs 2008 and 2009. Funding at the recommended levels will allow for the continuation of FY 2007 service levels.

Temporary and Permanent Law Provisions

None

Program Series 11: Environmental Laboratory Services

Purpose: Assists the divisions of Ohio EPA to fulfill their mission of protecting the environment and public health by providing scientific data so they can make appropriate, well informed decisions.

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

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
4K4	715-650	Surface Water Protection	$2,061,998	$2,132,000
5BC	715-677	Laboratory	$1,217,099	$1,216,333
		State Special Revenue Fund Subtotal	**$3,279,097**	**$3,348,333**
General Services Fund				
199	715-602	Laboratory Services	$1,158,574	$1,173,574
		General Services Fund Subtotal	**$1,158,574**	**$1,173,574**
Total Funding: Environmental Laboratory Services			**$4,436,905**	**$4,521,907**

The Environmental Laboratory Services program was previously located within the Division of Surface Water programs. A total of 35.7 FTEs are supported by funding provided in this series. The following specific programs are within the Environmental Services program series:

- ***Program 11.01: Analytical Laboratory Services***
- ***Program 11.02: Laboratory Certification and Assistance***

Analytical Laboratory Services

Program Description: The Analytical Laboratory Services program provides analyses of pollutants in matrices such as surface, drinking, and ground waters; wastewater effluents; sediment, soil, and sludge; manure; air filters and air canisters; and fish, plant, and turtle tissue. Analyses range from conventional pollutants such as metals and nutrients to tests for highly toxic organic chemicals, including herbicides, pesticides, and PCBs. The samples analyzed come from site-specific monitoring conducted by Ohio EPA field staff. Site-specific monitoring quantified by laboratory analyses identifies specific sources of known environmental problems and reveals problems that would otherwise go undetected.

The Analytical Laboratory Services program's primary customers are the divisions of Air Pollution Control, Drinking and Ground Waters, and Surface Water within Ohio EPA. The program also provides laboratory services to the divisions of Emergency and Remedial Response and Solid and Infectious Waste Management, as necessary, and provides limited services to other public entities that have analytical needs in keeping with the missions of Ohio EPA and the DES. The total number of inorganic tests needed has grown in the last eight years, reaching levels in excess of 140,000 in FY 1999, 144,000 tests in FY 2001, and 167,268 in FY 2006. In FY 2005, 103,168 organic tests were reported and 124,278 were reported in FY 2006.

Funding Source: Lab Rotary moneys (Fund 199); various surface water permit fees (Fund 4K4); and solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
GSF 199 715-602, Laboratory Services	$442,646	$435,526
SSR 4K4 715-650, Surface Water Protection	$2,061,998	$2,132,000
SSR 5BC 715-677, Laboratory	$1,039,429	$1,040,293
Program Total	**$3,544,073**	**$3,607,819**

Implication of Executive Recommendation: Recommended funding is $3,544,073 in FY 2008 and $3,607,819 in FY 2009. Funding at the recommended levels will allow for the continuation of current service levels. Specifically, proposed funding will allow the Division of Environmental Services to maintain its current sample capacity of 9,300 samples per year.

New Laboratory Building. In FY 2006, the Division of Environmental Services moved to a new facility in Reynoldsburg, Ohio. The new building provides adequate space and an upgraded HVAC system. These improvements will allow DES to analyze more hazardous samples in response to agency needs.

Temporary and Permanent Law Provisions

None

Laboratory Certification and Assistance

Program Description: This program conducts drinking water and Voluntary Action Program (VAP) laboratory certifications, performance audit inspections for the wastewater program, and training and technical assistance within and outside Ohio EPA. Under this program, drinking water laboratories are inspected and certified as having proper equipment, adequate facilities, and trained staff using proper analytical techniques. The Division of Environmental Services (DES) inspects and makes recommendations for VAP laboratories and assists in the development of rules and procedures for both the VAP and drinking water laboratory certification programs. Currently, approximately 350 drinking water laboratories and 23 VAP laboratories participate in the program.

DES also coordinates U.S. EPA's Discharge Monitoring Report-Quality Assurance (DMR-QA) proficiency testing program for wastewater laboratories in Ohio. Based on results of the DMR-QA, as well as requests from the Division of Surface Water, DES conducts performance audit inspections of wastewater laboratories used by the regulated community, with 15 laboratories visited annually. DES also interacts extensively with laboratories throughout Ohio, providing technical assistance and on-site training.

Funding Source: Payments from entities utilizing laboratory services (Fund 199); and solid waste tipping fees (Fund 5BC)

Line Items: The following line items are used to fund this program:

Line Item	FY 2008	FY 2009
GSF 199 715-602, Laboratory Services	$715,928	$738,048
SSR 5BC 715-677, Laboratory	$176,904	$176,040
Program Total	**$892,832**	**$914,088**

Implication of Executive Recommendation: Recommended funding is $892,832 in FY 2008 and $914,088 in FY 2009. Funding at the recommended levels will allow for the continuation of current service levels. Specifically, the proposed budget will cover the estimated 473 inspections for FY 2007, and current standards for timeliness and quality will be maintained.

Temporary and Permanent Law Provisions

None

Program Series 12: Program Management

Purpose: The mission of Program Management is to provide customer service to Ohio EPA divisions and to assist those divisions in carrying out their missions.

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

Fund	ALI	Title	FY 2008	FY 2009
General Services Fund				
219	715-604	Central Support Indirect	$16,474,276	$17,000,962
4A1	715-640	Operating Expenses	$3,369,731	$3,369,731
		General Services Fund Subtotal	**$19,844,007**	**$20,370,693**
Federal Special Revenue Fund				
3V7	715-606	Agency-wide Grants	$500,000	$500,000
		Federal Special Revenue Fund Subtotal	**$500,000**	**$500,000**
Total Funding: Program Management			**$20,344,007**	**$20,870,693**

This program series includes funding for a single program, supporting 174.5 FTEs:

- ***Program 12.01: Program Management***

Program Management

Program Description: Program Management includes the Director's office, five district offices and seven central support offices. The central support offices include: Legal Services, the Equal Employment Opportunity Office, the Public Interest Center, Employee Services, Operations and Facilities, Information Technology, and Fiscal Administration. The district and central support offices provide services to external stakeholders and Ohio EPA program divisions and offices in support of Ohio EPA's mission. Management goals include enhancing and protecting the environment and public health, ensuring sound administration of agency resources, and providing high quality customer service.

The Director's office manages seven program divisions, nine environmental program support offices, and seven administrative support offices. The office also provides direct services such as coordination of enforcement activities, strategic planning, training, labor relations, administrative rules coordination, and liaison activities with the legislature, industry, and state and local governments. The Public Interest Center educates the public about environmental issues and Ohio EPA's activities and encourages public participation in Ohio EPA's decision-making processes.

The Office of Fiscal Administration coordinates Ohio EPA's fiscal activities and provides fiscal services. Employee Services administers personnel-related services to Ohio EPA employees and the public, including employment, benefits, classification, and personnel support services.

Legal Services provides assistance on legal issues and activities on a case-by-case basis to divisions and offices within Ohio EPA. The Office of Equal Employment Opportunity assures that Ohio EPA is in compliance with the state of Ohio Equal Employment Opportunity Program and that Ohio EPA abides by all applicable federal, state, and local laws, rules and regulations governing nondiscrimination in employment. Each district office houses staff from Ohio EPA's major program areas and a small contingent of Program Management staff. Program Management staff within the district offices provide

managerial, administrative, public information and outreach, information technology, and secretarial support for more than 650 funded program staff positions in the district offices.

Funding Source: Indirect charges to all Ohio EPA division payroll allocations (Fund 219); proceeds from the sale of goods and services (Fund 4A1); and federal grant moneys (Fund 3V7)

Line Items: 715-604, Central Support Indirect; 715-640, Operating Expenses; 715-606, Agency-wide Grants

Implication of Executive Recommendation: Recommended funding is $20,344,007 in FY 2008 and $20,870,693 in FY 2009. Funding at the recommended level will support 174.5 FTEs. Please see the table on the preceding page for a breakdown of funding by line item.

The following table shows FY 2007 staffing levels for the district offices. The executive budget supports the same level of district office staffing in the coming biennium.

District Office	Program Management FTEs	FTEs
Northeast – Twinsburg	9	185
Northwest – Bowling Green	13	144
Southeast – Logan	8.6	106
Southwest – Dayton	14.8	128
Central – Columbus	9	88
Total	**54.4**	**651**

Temporary and Permanent Law Provisions

None

REQUESTS NOT FUNDED

The executive fully funds the Ohio EPA's budget request and recommends funding of $202,554,045 in FY 2008 and $207,689,173 in FY 2009. This will allow the Ohio EPA to continue to provide current service levels of protection and restoration of Ohio's air, waters, and land.

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General Revenue Fund

GRF 715-403 Clean Ohio

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$706,434	$737,703	$96,057	$0	**$0**	**$0**
	4.4%	-87.0%			

Source: GRF

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 3 of the 124th G.A.)

Purpose: Moneys appropriated to this line item support the administrative expenses of the agency related to its oversight of brownfields remediation projects funded under Clean Ohio. Starting in FY 2007, this program will be entirely supported by a new environmental protection fee assessed on solid waste disposal. The fee is deposited in the Environmental Protection Fund (Fund 5BC).

GRF 715-501 Local Air Pollution Control

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$1,075,083	$1,026,369	$128,297	$0	**$0**	**$0**
	-4.5%	-87.5%			

Source: GRF moneys provided to local air pollution control agencies under contract with EPA based upon: the projected amounts of local funds available for the program; the number of pollution sources; the size of population exposed; and, the geographical area within the jurisdiction of each local air pollution control agency

Legal Basis: ORC 3704

Purpose: EPA monitors air quality, issues permits, and investigates complaints through this program. GRF moneys are provided to Local Air Agencies (LAA) under contract with EPA based upon the following: projected amounts of local funds available for the program; the number of pollution sources; the size of population exposed; and, the geographical area within the jurisdiction of each LAA. Starting in FY 2007, this program will be entirely supported by a new environmental protection fee assessed on solid waste disposal. The fee is deposited in the Environmental Protection Fund (Fund 5BC).

GRF 717-321 Surface Water

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$8,940,839	$8,803,685	$1,130,222	$0	**$0**	**$0**
	-1.5%	-87.2%			

Source: GRF

Legal Basis: ORC 6111

Purpose: The line item partially funds the Division of Surface Water's efforts to implement the programs and objectives of the federal Clean Water Act (CWA) with the goal of all of Ohio's lakes, rivers, and streams attaining fishable and swimmable standards. Starting in FY 2007, this program will be entirely supported by a new environmental protection fee assessed on solid waste disposal. The fee is deposited in the Environmental Protection Fund (Fund 5BC).

GRF 718-321 Groundwater

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$1,152,502	$1,070,600	$161,106	$0	**$0**	**$0**
	-7.1%	-85.0%			

Source: GRF

Legal Basis: ORC 3745

Purpose: The line item partially funds the Division of Drinking and Ground Waters' efforts to characterize ground water quality conditions, provide geologic and hydrogeologic technical support to Ohio EPA's other divisions, coordinate ground water monitoring and protection efforts with other state programs, and administer the underground injection control program. Starting in FY 2007, this program will be entirely supported by a new environmental protection fee assessed on solid waste disposal. The fee is deposited in the Environmental Protection Fund (Fund 5BC).

GRF 719-321 Air Pollution Control

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$2,439,981	$2,390,183	$311,770	$0	**$0**	**$0**
	-2.0%	-87.0%			

Source: GRF

Legal Basis: ORC 3704

Purpose: This line item provides partial funding for the Division of Air Pollution Control, which oversees the regulation and control of air pollution through surveillance of pollution sources, permit issuance and review, and long-range comprehensive planning. Starting in FY 2007, this program will be entirely supported by a new environmental protection fee assessed on solid waste disposal. The fee is deposited in the Environmental Protection Fund (Fund 5BC).

GRF 721-321 Drinking Water

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$2,604,438	$2,518,693	$350,413	$0	**$0**	**$0**
	-3.3%	-86.1%			

Source: GRF

Legal Basis: ORC 3745

Purpose: This line item partially funds the Division of Drinking and Ground Waters' efforts to implement and enforce the Safe Drinking Water Act in Ohio and to ensure Ohio's public water systems provide adequate quantities of safe drinking water. Responsibilities include reviewing engineering plans, conducting inspections, reviewing chemical compliance data, and administering the operator and laboratory certification programs. Starting in FY 2007, this program will be entirely supported by a new environmental protection fee assessed on solid waste disposal. The fee is deposited in the Environmental Protection Fund (Fund 5BC).

GRF 723-321 Hazardous Waste

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$105,777	$99,947	$12,606	$0	**$0**	**$0**
	-5.5%	-87.4%			

Source: GRF

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 283 of the 123rd G.A.)

Purpose: This line item funds the Cessation of Regulated Operations program within the Division of Hazardous Waste Management. The goal of the program is to prevent threats to human health and the environment when businesses close where hazardous substances were produced, used, or stored. Starting in FY 2007, this program will be entirely supported by a new environmental protection fee assessed on solid waste disposal. The fee is deposited in the Environmental Protection Fund (Fund 5BC).

GRF 724-321 Pollution Prevention

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$716,219	$691,423	$88,032	$0	**$0**	**$0**
	-3.5%	-87.3%			

Source: GRF

Legal Basis: ORC 3704

Purpose: This line item partially funds the Office of Compliance Assistance and Pollution Prevention, which provides technical assistance to businesses on pollution reduction and prevention. Starting in FY 2007, this program will be entirely supported by a new environmental protection fee assessed on solid waste disposal. The fee is deposited in the Environmental Protection Fund (Fund 5BC).

GRF 725-321 Laboratory

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$1,238,526	$1,207,756	$153,463	$0	**$0**	**$0**
	-2.5%	-87.3%			

Source: GRF

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 111 of the 118th G.A.)

Purpose: The line item partially funds the Division of Environmental Services within the Surface Water program series and supports laboratory services for programs within Ohio EPA. Starting in FY 2007, this program will be entirely supported by a new environmental protection fee assessed on solid waste disposal. The fee is deposited in the Environmental Protection Fund (Fund 5BC).

GRF 726-321 Corrective Actions

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$1,238,391	$1,191,230	$149,688	$0	**$0**	**$0**
	-3.8%	-87.4%			

Source: GRF

Legal Basis: ORC 3734 and 3750

Purpose: This line item provides funds to the Division of Emergency and Remedial Response and supports its efforts to prevent, respond to, remove and clean up releases of hazardous waste, hazardous substances and pollutants in Ohio. Starting in FY 2007, this program will be entirely supported by a new environmental protection fee assessed on solid waste disposal. The fee is deposited in the Environmental Protection Fund (Fund 5BC).

General Services Fund Group

199 715-602 Laboratory Services

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$948,820	$946,458	$992,519	$1,083,574	**$1,158,574**	**$1,173,574**
	-0.2%	4.9%	9.2%	**6.9%**	**1.3%**

Source: GSF: Payments from entities utilizing laboratory services

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board in September 1988)

Purpose: This line item provides funding for laboratory services for programs within Ohio EPA as well as agencies located outside of Ohio EPA.

219 715-604 Central Support Indirect

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$14,284,290	$14,567,087	$14,761,673	$16,345,806	**$16,474,276**	**$17,000,962**
	2.0%	1.3%	10.7%	**0.8%**	**3.2%**

Source: GSF: Indirect charge assessed to all of Ohio EPA's operating funds, including federal funds, based on the amount of object code 10 appropriation in each fund. The rate at which federal funds are assessed is negotiated with U.S. EPA.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 94 of the 124th G.A.)

Purpose: The line item is used to support all of the agency's administrative divisions, consisting of five district offices and one central office that houses Agency administration, legal services, information technology, fiscal services, human resources, and facilities management.

4A1 715-640 Operating Expenses

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$3,039,919	$2,902,893	$2,873,070	$3,369,731	**$3,369,731**	**$3,369,731**
	-4.5%	-1.0%	17.3%	**0.0%**	**0.0%**

Source: GSF: Proceeds from the sale of goods and services including: (1) moneys received pursuant to service agreements between programs or activities within the agency; (2) moneys received pursuant to service agreements between the agency and other state agencies; and (3) moneys received by the agency from the salvaging of equipment through the Department of Administrative Services' Investment Recovery Program

Legal Basis: ORC 3745.013

Purpose: Moneys are credited to the fund pursuant to service agreements, and must be used to defray the costs of the agency's programs and activities.

Federal Special Revenue Fund Group

352 715-611 Wastewater Pollution

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$264,441	$430,133	$340,063	$380,001	**$0**	**$0**
	62.7%	-20.9%	11.7%		

Source: FED: CFDA 66.435, Water Pollution Control - Lake Restoration Cooperative Agreements; CFDA 66.461, Wetlands Protection - State Development Grants; CFDA 66.463, National Pollutant Discharge Elimination System Related State Program Grants

Legal Basis: ORC 6111

Purpose: This line item supports actions to prevent or abate water pollution. These activities include water quality studies, wetlands protection studies, permitting, pollution control studies, planning, surveillance, and enforcement. For FY 2008, this fund will be merged with several others into the Water Quality Protection Fund (Fund 3BU).

353 715-612 Public Water Supply

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$2,666,211	$2,600,671	$2,767,072	$3,883,748	**$3,388,619**	**$3,388,618**
	-2.5%	6.4%	40.4%	**-12.7%**	**0.0%**

Source: FED: CFDA 66.432, State Public Water System Supervision

Legal Basis: ORC 3745

Purpose: This line item partially funds the Division of Drinking and Ground Waters' efforts to implement and enforce the Safe Drinking Water Act in Ohio and to ensure Ohio's public water systems provide adequate quantities of safe drinking water. Responsibilities include conducting inspections, reviewing chemical compliance data, and administering the operator certification program.

354 715-614 Hazardous Waste Management-Federal

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$4,039,092	$5,288,046	$4,246,385	$4,203,891	**$4,203,891**	**$4,203,891**
	30.9%	-19.7%	-1.0%	**0.0%**	**0.0%**

Source: FED: CFDA 66.801, Hazardous Waste Management State Program Support; CFDA 66.808, RCRA Integrated Training and Technical Assistance

Legal Basis: ORC 3734 and 3745

Purpose: Moneys deposited in this fund are used to develop and maintain a statewide hazardous waste management program. The purpose of the program is to control the generation, transportation, treatment, storage, and disposal of hazardous wastes.

357 715-619 Air Pollution Control-Federal

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$6,208,316	$4,695,992	$7,440,234	$7,243,950	**$6,823,949**	**$6,823,950**
	-24.4%	58.4%	-2.6%	**-5.8%**	**0.0%**

Source: FED: CFDA 66.001, Air Pollution Control Program Support; CFDA 66.606, Particulate Matter 2.5 Ambient Air Monitoring Network; CFDA 66.606, Great Lakes Mercury Deposition Program

Legal Basis: ORC 3704

Purpose: Funds are used to support agency activities which establish, maintain, or improve programs for the prevention and control of air pollution.

362 715-605 Underground Injection Control-Federal

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$101,833	$101,663	$107,028	$111,874	**$111,874**	**$111,874**
	-0.2%	5.3%	4.5%	**0.0%**	**0.0%**

Source: FED: CFDA 66.433, State Underground Water Source Protection

Legal Basis: ORC 3745

Purpose: Funds are used to administer the Underground Injection Well Program, including Class I, Class IV, and Class V wells. Wells are used for storage of both hazardous and non-hazardous fluids that are located away from underground sources of drinking water.

3BU 715-684 Water Quality Protection

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$0	$0	**$6,515,000**	**$6,310,000**
					-3.1%

Source: FED: CFDA 66.505, Water Pollution Control - Research, Development and Demonstration; CFDA 66.435, Water Pollution Control - Lake Restoration Cooperative Agreements; CFDA 66.461, Wetlands Protection - State Development Grants; CFDA 66.463, National Pollutant Discharge Elimination System Related State Program Grants; CFDA 66.600, Environmental Protection Consolidated Grants - Program Support; CFDA 66.454, Water Quality Management Planning; CFDA 66.606, Survey, Studies, Investigations and Special Purpose Grants

Legal Basis: Proposed new fund; Sec. 6111.0381 of H.B. 119 of the 127th G.A., and proposed new line item; Section 281.10 of H.B. 119 of the 127th G.A.

Purpose: Combines federal grant funds 715-611, Wastewater Pollution (Fund 352); 715-625,205-J Federal Planning (Fund 358); 715-633, Water Quality Management (Fund 3F4); 715-620, Urban Stormwater (Fund 3J1); 715-615, Maumee River (Fund 3J5); 715-628, Clean Water Act 106 (Fund 3K2); 715-639, Remedial Action Plan (Fund 3K6) into a single fund that will support actions to prevent or abate water pollution, fund the statewide water quality management program, implement source and non-point source stormwater permitting, carry out federal Clean Water Act requirements, and coordinate water quality efforts for Lake Erie and its surrounding watersheds. Cash balances in each of the former funds will be transferred to the new fund.

3F2 715-630 Revolving Loan Fund-Operating

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$31,848	$30,552	$30,703	$293,129	**$563,536**	**$775,600**
	-4.1%	0.5%	854.7%	**92.2%**	**37.6%**

Source: FED: CFDA 66.458, Capitalization Grants for State Revolving Funds; CFDA 66.600, Environmental Protection Consolidated Grants - Program Support

Legal Basis: ORC 6111.036

Purpose: This account holds federal funds for program management and administration of the state's Water Pollution Control Loan Fund (WPCLF). The WPCLF provides below-market interest rate loans for municipal wastewater treatment improvements and nonpoint source pollution activities.

3F3 715-632 Federally Supported Cleanup & Response

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$2,413,686	$2,422,285	$1,631,701	$2,777,648	**$2,550,000**	**$2,550,000**
	0.4%	-32.6%	70.2%	**-8.2%**	**0.0%**

Source: FED: CFDA 66.701, Toxic Substances Compliance Monitoring Program; CFDA 66.802, Hazardous Substance Response Trust Fund; CFDA 66.809, Core Program Cooperative Agreements; 97.073 State Homeland Security Program

Legal Basis: ORC 3745

Purpose: This line item provides funding for toxic substance enforcement programs and for Homeland Security grant expenditures.

3F4 715-633 Water Quality Management

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$765,481	$758,514	$580,608	$455,000	**$0**	**$0**
	-0.9%	-23.5%	-21.6%		

Source: FED: CFDA 66.505, Water Pollution Control - Research, Development and Demonstration; CFDA 66.454, Water Quality Management Planning

Legal Basis: ORC 6111

Purpose: This line item helps to fund Ohio EPA's statewide water quality management program. Forty percent of the funds are passed through to Areawide Planning Agencies designated by the Governor for water quality management plan development and implementation. For FY 2008, this fund will be merged with several others into the Water Quality Protection Fund (Fund 3BU).

3F5 715-641 Nonpoint Source Pollution Management

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$4,998,229	$6,023,335	$7,700,002	$6,700,000	**$7,550,000**	**$7,595,000**
	20.5%	27.8%	-13.0%	**12.7%**	**0.6%**

Source: FED: CFDA 66.460, Nonpoint Source Implementation Grants

Legal Basis: ORC 6111.037

Purpose: This line item funds incentive-based pollution control for land management techniques that prevent unregulated polluted runoff from reaching streams. More than $5 million annually is granted to local and state agencies, universities, and watershed groups for pollution control projects.

3J1 715-620 Urban Stormwater

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$311,827	$384,418	$218,580	$404,999	**$0**	**$0**
	23.3%	-43.1%	85.3%		

Source: FED: CFDA 66.463, National Pollutant Discharge Elimination System Related State Program Grants; CFDA 66.505, Water Pollution Control - Research, Development and Demonstration

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board in February 1992)

Purpose: The storm water program is required under the Federal Water Quality Act of 1987. This program develops and implements the necessary point and nonpoint permitting procedures, policy/guidance framework, and compliance and enforcement procedures to address urban stormwater pollution. For FY 2008, this fund will be merged with several others into the Water Quality Protection Fund (Fund 3BU).

3K2 715-628 Clean Water Act 106

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$4,407,155	$4,331,951	$4,652,836	$4,331,001	**$0**	**$0**
	-1.7%	7.4%	-6.9%		

Source: FED: CFDA 66.600, Environmental Protection Consolidated Grants - Program Support

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board in October 1992)

Purpose: Moneys credited to this fund are used to protect Ohio's surface and ground water resources. Funding assists Ohio EPA in carrying out its mandated responsibilities to issue permits, bring dischargers into compliance, set water quality standards, monitor and assess the quality of Ohio's water, and develop programs for the control of water pollution from point and nonpoint sources. For FY 2008, this fund will be merged with several others into the Water Quality Protection Fund (Fund 3BU).

3K4 715-634 DOD Monitoring and Oversight

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$899,151	$626,578	$629,796	$1,450,333	**$858,250**	**$898,825**
	-30.3%	0.5%	130.3%	**-40.8%**	**4.7%**

Source: FED: CFDA 12.113, State Memorandum of Agreement for the Reimbursement of Technical Services

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board in March 1994)

Purpose: Funding is in the form of cost recovery grants from the Department of Defense (DOD) through a Defense/State Memorandum of Agreement. The grant is intended to fund oversight activities related to the investigation, cleanup, and reuse of DOD sites in Ohio, as well as to support public participation and education activities and to ensure compliance with applicable state laws and regulations.

3K6 715-639 Remedial Action Plan

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$390,684	$248,834	$315,608	$319,100	**$0**	**$0**
	-36.3%	26.8%	1.1%		

Source: FED: CFDA 66.505, Water Pollution Control - Research, Development and Demonstration; CFDA 66.606, Survey, Studies, Investigations and Special Purpose Grants

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board in October 1992)

Purpose: These grants are used to coordinate water quality efforts for Lake Erie and its surrounding watersheds and to support the agency's base program for Remedial Action Plan (RAP) development, including production of Stage 1 and Stage 2 RAP reports. For FY 2008, this fund will be merged with several others into the Water Quality Protection Fund (Fund 3BU).

3N1 715-655 Pollution Prevention Grants

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$10,172	$0	$0	$0	**$0**	**$0**

Source: FED: CFDA 66.501, Water Pollution Control - Research, Development and Demonstration

Legal Basis: Discontinued line item (originally established by Controlling Board in October 1993)

Purpose: The funds were administered by Ohio EPA's Office of Pollution Prevention to carry out pollution prevention activities across the state.

3N4 715-657 DOE Monitoring and Oversight

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$2,488,346	$1,967,469	$1,687,559	$3,231,963	**$1,071,678**	**$1,110,270**
	-20.9%	-14.2%	91.5%	**-66.8%**	**3.6%**

Source: FED: CFDA 81.103, DOE Agreement in Principle

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board in February 1994)

Purpose: The line item supports regulatory monitoring of the three Department of Energy (DOE) work sites located within Ohio. On October 27, 1993, the state of Ohio signed the Agreement in Principle (AIP) with DOE, the owner of the three sites: (1) the Fernald Environmental Management Project; (2) the Mound Plant; and (3) the Portsmouth Gaseous Diffusion Plant. Moneys in this fund provide up-front and reimbursement moneys for regulatory monitoring provided by Ohio EPA. The Fernald site was completed in FY 2005.

3T1 715-668 Rural Hardship Grant

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$424,273	$0	$0	$0	**$0**	**$0**

Source: FED: CFDA 66.470, Rural Hardship Grant Program

Legal Basis: Discontinued line item (originally established by Controlling Board in October 1998)

Purpose: Funding provided for small community wastewater treatment system activities in rural areas experiencing financial challenges.

3T3 715-669 Drinking Water SRF

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$1,999,685	$1,975,130	$2,185,565	$2,482,910	**$2,843,923**	**$2,977,998**
	-1.2%	10.7%	13.6%	**14.5%**	**4.7%**

Source: FED: Capitalization grant from U.S. EPA

Legal Basis: ORC 6109.22 (originally established by Controlling Board in November 1998)

Purpose: Section 130 of the 1996 Amendments to the Safe Drinking Water Act established the Drinking Water State Revolving Fund program to provide below market loans for the planning, design, and construction of new public water systems and improvements to existing public water systems. Funds in this account support administration of the loan program as well as completion of drinking water source assessments.

3V7 715-606 Agency-wide Grants

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$73,416	$277,704	$339,597	$479,115	**$500,000**	**$500,000**
	278.3%	22.3%	41.1%	**4.4%**	**0.0%**

Source: FED: CFDA 66.608, One Stop Reporting

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board in January 2001)

Purpose: This line item is used to make grants to Ohio EPA's Office of Information Technology for projects which support burden reduction, data integration, stake holder involvement, electronic reporting and public access to environmental information. The fund is not division-specific and therefore can be used in support of multi-division activities.

State Special Revenue Fund Group

4J0 715-638 Underground Injection Control

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$378,704	$386,813	$355,685	$458,418	**$458,418**	**$458,418**
	2.1%	-8.0%	28.9%	**0.0%**	**0.0%**

Source: SSR: (1) An operating or renewal permit fee for Class I injection wells; (2) a $1.00/ton fee levied on the disposal of non-hazardous waste into a Class I injection well; and (3) any late fees associated with the $1.00/ton disposal fee just noted; and (4) moneys in excess of $50,000 collected in a fiscal year for fees levied on the disposal of hazardous waste via deep well injection (at on-site disposal facilities that dispose of more than 100,000 tons of hazardous waste in a year)

Legal Basis: ORC 6111.046 (originally established by Sub. H.B. 147 of the 119th G.A.)

Purpose: Fifteen percent of the moneys in this fund are transferred annually to the Department of Natural Resources' Injection Well Review Fund. The remainder of the fund is used solely to administer and enforce Ohio EPA's underground injection control program which affects Class I injection wells.

4K2 715-648 Clean Air - Non Title V

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$1,815,429	$2,634,025	$2,117,793	$2,528,062	**$3,690,821**	**$4,066,558**
	45.1%	-19.6%	19.4%	**46.0%**	**10.2%**

Source: SSR: Non-Title V fees, based upon the sum of the actual annual emissions of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead; moneys from permits for asbestos removal

Legal Basis: ORC 3704.035; fees described under ORC 3745.11

Purpose: The line item provides funding for administrative and enforcement expenses of Ohio EPA's Division of Air Pollution Control, including non-Title V permitting, state implementation plan development, operation and testing of ambient air monitoring systems, and the asbestos program. A portion is also directed to Local Air Agencies (LAA) for non-Title V Permit-to-Install and asbestos programs.

Am. Sub. H.B. 95 of the 125th G.A. increased several of the permit-to-install and permit-to-operate fees deposited to this fund and exempted some facilities from the fee. The amounts of these fees vary according to the type of facility and the amount of emissions.

4K3 715-649 Solid Waste

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$11,695,633	$11,812,808	$12,297,703	$14,282,845	**$13,932,845**	**$14,282,845**
	1.0%	4.1%	16.1%	**-2.5%**	**2.5%**

Source: SSR: A $1.00 tipping fee assessed to every ton of solid waste disposed of in the state. This fee is in addition to the $1.00 tipping fee that is split between State Special Revenue Funds 503, Hazardous Waste Facility Management, and 505, Hazardous Waste Cleanup and separate from the fee of $1.50 per ton on solid waste that is used to fund the Environmental Protection Fund (Fund 5BC).

Legal Basis: ORC 3734.57; Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: Moneys deposited to this fund are used for personnel and contractual expenses, training and support of staff, equipment, and agency administrative costs associated with the administration and enforcement of laws pertaining to solid wastes, infectious wastes, and construction and demolition debris. Moneys are also used to support staff in the Division of Drinking and Ground Waters and the Office of Compliance Assistance and Pollution Prevention.

Am. Sub. H.B. 95 of the 125th G.A. increased the solid waste tipping fee to $1.00. Formerly, the tipping fee was $0.75.

4K4 715-650 Surface Water Protection

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$8,604,618	$9,540,999	$9,276,034	$11,115,000	**$12,685,000**	**$13,815,000**
	10.9%	-2.8%	19.8%	**14.1%**	**8.9%**

Source: SSR: NPDES application, discharge, and surcharge fees; water pollution control certification fees; wastewater treatment plan approval fees; sewage sludge fees; 401 certification fees; and non-NPDES water pollution control permit fees

Legal Basis: ORC 6111.038; fees described under ORC 3745.11

Purpose: Moneys credited to this fund provide administrative funding for programs required under the Federal Water Pollution Control Act, including the development of water quality standards, waste load allocations, and effluent limits, water-quality monitoring, surface water discharge permitting, permit enforcement, technical assistance, and operator certification.

4K5 715-651 Drinking Water Protection

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$5,377,491	$6,093,756	$5,670,274	$7,492,036	**$8,169,553**	**$8,867,732**
	13.3%	-6.9%	32.1%	**9.0%**	**8.5%**

Source: SSR: Public water system license fees, public water system plan approval fees, laboratory evaluation fees, operator certification fees, and safe drinking water permit fees; monetary penalty moneys for non-compliance; civil penalty moneys

Legal Basis: ORC 6109.30; fees described under ORC 3745.11, 6109.23, and 6109.33

Purpose: Moneys credited to this fund provide administrative funding for programs required under the Federal Safe Drinking Water Act. These programs ensure that Ohio's public water systems comply with all federal and state drinking water laws and provide adequate supplies of safe drinking water. Activities supported by these moneys include public water system operator certifications, laboratory evaluations and certifications, plan approvals, permitting, inspections and tracking of compliance, permit enforcement, and technical assistance.

Am. Sub. H.B. 95 of the 125th G.A. increased several of the Drinking Water program fees deposited to this account, including public water system license fees, plan approval fees, operator certification fees, and laboratory evaluation fees.

4P5 715-654 Cozart Landfill

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$60,845	$45,720	$42,094	$149,728	**$149,728**	**$149,728**
	-24.9%	-7.9%	255.7%	**0.0%**	**0.0%**

Source: SSR: $3.9 million in settlement moneys, placed in a trust fund, for the Cozart Landfill in Athens County; as Ohio EPA requires funds for remediation, they are transferred from the trust into this line item

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board in August 1993)

Purpose: The funds are administered by Ohio EPA for purposes of remediation and post-closure at the Cozart Landfill, a non-permitted solid waste landfill.

4R5 715-656 Scrap Tire Management

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$4,888,561	$5,648,749	$4,641,634	$8,500,000	**$6,000,000**	**$6,000,000**
	15.6%	-17.8%	83.1%	**-29.4%**	**0.0%**

Source: SSR: Civil penalties; scrap tire facility application, permit, and license fees; all federal moneys received for the scrap tire management program; all grants, gifts, and contributions to that program; scrap tire transporter registration fees; scrap tire abatement recovery moneys; a $0.50 per tire fee placed on the sale of new tires in Ohio through June 30, 2008; an additional $0.50 per tire fee placed on the sale of new tires in Ohio through June 30, 2011; and registration certificate and scrap tire permit fees

Legal Basis: ORC 3734.82; fees described under ORC 3734.13, 3734.79, 3734.81 through 3734.83, 3734.85, 3734.901, and 3745.11(R) (originally established by Am. Sub. S.B. 165 of the 120th G.A.)

Purpose: The services funded by this line item include: (1) administering and enforcing scrap tire provisions; (2) the Ohio EPA Scrap Tire Abatement and Removal program; and (3) providing grants for recycling alternatives and transfers to other agency's recycling and resource recovery grant programs.

Specifically, moneys in the fund are statutorily required to be used in the following ways: expend not more than $750,000 each fiscal year to implement, administer, and enforce scrap tire provisions; transfer $1 million each fiscal year to the Department of Natural Resources' Scrap Tire Grant Fund; expend not more than $4.5 million each fiscal year to conduct removal actions and to provide grants to local boards of health; and obligate at least 65% of the moneys derived from the $0.50 fee outlined in ORC 3734.901(A)(2) toward cleanup and removal activities at the Kirby tire site in Wyandot County.

4R9 715-658 Voluntary Action Program

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$605,248	$731,180	$1,022,490	$1,032,098	**$1,032,098**	**$1,032,098**
	20.8%	39.8%	0.9%	**0.0%**	**0.0%**

Source: SSR: Voluntary Action Program (VAP) fees derived from the estimated direct and indirect costs associated with VAP applications and activities; fees are based on 1) the estimated typical time to complete each task, duty or service; 2) the applicable hourly rate and fringe benefits for the persons performing the task, duty or service; and 3) the estimated frequency of the task, duty or service

Legal Basis: ORC 3746 (originally established by Am. Sub. S.B. 221 of the 120th G.A.)

Purpose: Moneys deposited to this fund support the administrative costs of the Voluntary Action Program. This includes the certification of professionals who conduct cleanups of contaminated sites, certification of laboratories that analyze environmental media samples from those sites, reviewing and approving sites that require "No Further Action" by issuing covenants not to sue, monitoring cleanup activities, enforcement, and technical assistance.

4T3 715-659 Clean Air - Title V Permit Program

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$15,363,603	$15,888,221	$15,725,148	$16,180,980	**$18,924,098**	**$18,833,584**
	3.4%	-1.0%	2.9%	**17.0%**	**-0.5%**

Source: SSR: Fees, calculated based on a base fee of $25 per ton in 1989 dollars, assessed on the actual emissions of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead; fees are subject to annual increases as measured against the 1989 Consumer Price Index. The 2006 fee is $41.02 per ton.

Legal Basis: ORC 3704.035; fees described under ORC 3745.11

Purpose: Under Title V of the Federal Clean Air Act, major sources of air pollution are required to obtain permits to operate and certify compliance with the terms of their Title V permits. The fees assessed and deposited to this fund provide funding for the Title V permit program, which is administered by Ohio EPA and Local Air Agencies.

4U7 715-660 Construction & Demolition Debris

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$217,434	$221,836	$632,135	$881,561	**$881,561**	**$881,561**
	2.0%	185.0%	39.5%	**0.0%**	**0.0%**

Source: SSR: An annual fee of $3,000 and a disposal fee of $.30 per cubic yard or $.60 per ton on construction and demolition debris disposed at a licensed construction and demolition debris or solid waste facility. This fee is shared between Ohio EPA and approved local health districts. Where there is no approved local health district, Ohio EPA retains the entire fee. A portion of this fee also may be appropriated by municipalities or townships and counties.

Legal Basis: ORC 3714.07

Purpose: Funding supports rule training, policy/guidance crafting, technical assistance efforts, health department oversight, and licensing activities related to the Construction and Demolition Debris program.

500 715-608 Immediate Removal Special Account

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$309,787	$346,681	$319,629	$482,000	**$557,257**	**$573,903**
	11.9%	-7.8%	50.8%	**15.6%**	**3.0%**

Source: SSR: Cost recoveries constitute the fund's sole source of revenue: the entity responsible for a spill, release, or discharge is liable for emergency action costs; the owner or operator of a facility where a remedial action is undertaken is liable for the total cost of the remedial action

Legal Basis: ORC 3745.12

Purpose: Moneys are used to pay costs incurred by Ohio EPA in investigating, mitigating, minimizing, removing, or abating any unauthorized spill, release, or discharge of material that requires emergency action and for conducting remedial actions within the Emergency Response program.

503 715-621 Hazardous Waste Facility Management

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$10,014,021	$8,831,851	$9,600,083	$11,711,473	**$11,711,473**	**$12,200,240**
	-11.8%	8.7%	22.0%	**0.0%**	**4.2%**

Source: SSR: Hazardous waste disposal and treatment fees; hazardous waste facility installation and operation permit fees; a portion of the tipping fee assessed to every ton of solid waste disposed of in the state

Legal Basis: ORC 3734.02, 3734.18 and 3734.57 (originally established by Am. Sub. H.B. 117 of the 121st G.A.); Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: This fund supports the administration of the hazardous waste program, which includes providing for compliance assurance through site inspections, oversight, technical assistance, and enforcement and the long-term operation and maintenance costs of remediated facilities.

503 715-662 Hazardous Waste Facility Board

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$95,865	$0	$0	$0	**$0**	**$0**

Source: SSR: Hazardous waste disposal and treatment fees; hazardous waste facility installation and operation permit fees; a portion of the tipping fee assessed to every ton of solid waste disposed of in the state

Legal Basis: Discontinued line item (originally established by Am. Sub. H.B. 117 of the 121st G.A.)

Purpose: Appropriations in this fund financed the activities of the Hazardous Waste Facility Board, which had exclusive responsibility for acting on permit applications for new hazardous waste facilities and applications for modifications of existing facilities.

Am. Sub. H.B. 95 of the 125th G.A. eliminated the Hazardous Waste Facility Board and transferred its duties to Ohio EPA.

For FY 2006, the Director of Budget and Management is authorized to transfer $6,000,000 from this fund to the new Environmental Protection Fund (Fund 5BC) for start-up capitalization.

505 715-623 Hazardous Waste Cleanup

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$10,354,392	$11,141,778	$12,295,942	$15,248,578	**$13,333,179**	**$14,147,498**
	7.6%	10.4%	24.0%	**-12.6%**	**6.1%**

Source: SSR: (1) A portion of the tipping fee assessed to every ton of solid waste disposed of in the state; (2) civil penalties imposed for violations of any solid and hazardous waste law; (3) proceeds from the sale of cleaned sites; (4) natural resource damages collected under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA); and (5) expenses collected pertaining to hazardous waste site remediation

Legal Basis: ORC 3734.28; moneys collected under ORC 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, 3734.26, and 3734.57

Purpose: This line item provides money for: (1) the clean-up of sites contaminated with polychlorinated biphenyls (PCB's); (2) the inspection, investigation and conducting of enforcement actions where hazardous waste has been treated, stored, or disposed of; (3) the planning and implementation of site remediation; (4) purchasing hazardous waste sites; and (5) making grants to a political subdivision or the owner of a facility for a portion of the costs associated with closing a facility or abating pollution.

505 715-674 Clean Ohio Environmental Review

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$32,500	$0	$0	$109,725	**$109,725**	**$109,725**
			N/A	**0.0%**	**0.0%**

Source: SSR: Start-up funding provided from appropriation item 715-623, Hazardous Waste Clean-up

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 3 of the 124th G.A.)

Purpose: This line item is intended to support the administrative expenses of the agency related to its oversight of brownfields remediation projects funded under Clean Ohio. These expenses may include, without limitation, the cost of technical assistance, of participating with and supporting the Clean Ohio Council, and of reviewing No Further Action letters and issuing covenants not to sue for brownfields and public health projects funded under the Clean Ohio Program.

541 715-670 Site Specific Cleanup

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$8,166	$156,414	$1,020,205	$119,650	**$34,650**	**$34,650**
	1815.4%	552.2%	-88.3%	**-71.0%**	**0.0%**

Source: SSR: Enforcement orders

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 283 of the 123rd G.A.)

Purpose: Moneys that are specifically designated for cleaning up a particular site under the Remedial Response program, in many cases as a result of bankruptcy, are placed in this separate account for easier tracking and greater accountability.

542 715-671 Risk Management Reporting

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$134,365	$134,136	$124,378	$146,188	**$146,188**	**$146,188**
	-0.2%	-7.3%	17.5%	**0.0%**	**0.0%**

Source: SSR: Risk management plan reporting fees; civil penalties

Legal Basis: ORC 3753

Purpose: The Division of Air Pollution Control administers the 112r program (Section 112(r) of the Clean Air Act Amendments) for air chemical emergency preparedness and protection.

592 715-627 Anti Tampering Settlement

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$1,477	$9,707	**$9,707**	**$9,707**
		N/A	557.2%	**0.0%**	**0.0%**

Source: SSR: Settlement payments

Legal Basis: As needed line item (originally established in ORC 3704.161)

Purpose: This fund was created to collect settlement payments when it was determined that auto emissions control equipment had been tampered with. Moneys in the fund are to be used solely for public education concerning anti-tampering laws, and for administration and enforcement of those laws.

5BC 715-617 Clean Ohio

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$646,378	$741,646	**$741,646**	**$741,646**
		N/A	14.7%	**0.0%**	**0.0%**

Source: SSR: New fund to replace GRF support. Environmental Protection Fee - $1.50 per ton on solid waste disposed in Ohio's landfills. Transfers from three existing funds for start-up capitalization.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: This line item will support the administrative expenses of the agency related to its oversight of brownfields remediation projects funded under Clean Ohio.

5BC 715-622 Local Air Pollution Control

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$898,071	$1,026,369	**$1,026,369**	**$1,026,369**
		N/A	14.3%	**0.0%**	**0.0%**

Source: SSR: New fund to replace GRF support. Environmental Protection Fee - $1.50 per ton on solid waste disposed in Ohio's landfills. Transfers from three existing funds for start-up capitalization.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: EPA monitors air quality, issues permits, and investigates complaints through this program. Moneys from this fund will be provided to Local Air Agencies (LAA) under contract with EPA based upon the following: projected amounts of local funds available for the program; the number of pollution sources; the size of population exposed; and the geographical area within the jurisdiction of each LAA.

5BC 715-624 Surface Water

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$7,247,299	$8,797,413	**$8,797,413**	**$8,797,413**
		N/A	21.4%	**0.0%**	**0.0%**

Source: SSR: New fund to replace GRF support. Environmental Protection Fee - $1.50 per ton on solid waste disposed in Ohio's landfills. Transfers from three existing funds for start-up capitalization.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: This line item will partially fund the Division of Surface Water's efforts to implement the programs and objectives of the federal Clean Water Act (CWA) with the goal of all of Ohio's lakes, rivers, and streams attaining fishable and swimmable standards.

5BC 715-667 Groundwater

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$953,709	$1,093,741	**$1,093,741**	**$1,093,741**
		N/A	14.7%	**0.0%**	**0.0%**

Source: SSR: New fund to replace GRF support. Environmental Protection Fee - $1.50 per ton on solid waste disposed in Ohio's landfills. Transfers from three existing funds for start-up capitalization.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: This line item will partially fund the Division of Drinking and Ground Waters' efforts to characterize ground water quality conditions, provide geologic and hydrogeologic technical support to Ohio EPA's other divisions, coordinate ground water monitoring and protection efforts with other state programs, and administer the underground injection control program.

5BC 715-672 Air Pollution Control

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$4,026,801	$5,199,290	**$5,199,290**	**$5,199,290**
		N/A	29.1%	**0.0%**	**0.0%**

Source: SSR: New fund to replace GRF support. Environmental Protection Fee - $1.50 per ton on solid waste disposed in Ohio's landfills. Transfers from three existing funds for start-up capitalization.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: This line item will provide partial funding for the Division of Air Pollution Control, which oversees the regulation and control of air pollution through surveillance of pollution sources, permit issuance and review, and long-range comprehensive planning.

5BC 715-673 Drinking Water

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$2,230,865	$2,550,250	**$2,550,250**	**$2,550,250**
		N/A	14.3%	**0.0%**	**0.0%**

Source: SSR: New fund to replace GRF support. Environmental Protection Fee - $1.50 per ton on solid waste disposed in Ohio's landfills. Transfers from three existing funds for start-up capitalization.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: This line item will partially fund the Division of Drinking and Ground Waters' efforts to implement and enforce the Safe Drinking Water Act in Ohio and to ensure Ohio's public water systems provide adequate quantities of safe drinking water. Responsibilities include reviewing engineering plans, conducting inspections, reviewing chemical compliance data, and administering the operator and laboratory certification programs.

5BC 715-675 Hazardous Waste

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$88,240	$100,847	**$100,847**	**$100,847**
		N/A	14.3%	**0.0%**	**0.0%**

Source: SSR: New fund to replace GRF support. Environmental Protection Fee - $1.50 per ton on solid waste disposed in Ohio's landfills. Transfers from three existing funds for start-up capitalization.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: This line item will fund the Cessation of Regulated Operations program within the Division of Hazardous Waste Management. The goal of the program is to prevent threats to human health and the environment when businesses close where hazardous substances were produced, used, or stored.

5BC 715-676 Assistance and Prevention

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$585,336	$700,302	**$700,302**	**$700,302**
		N/A	19.6%	**0.0%**	**0.0%**

Source: SSR: New fund to replace GRF support. Environmental Protection Fee - $1.50 per ton on solid waste disposed in Ohio's landfills. Transfers from three existing funds for start-up capitalization.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: This line item will partially fund the Office of Compliance Assistance and Pollution Prevention, which provides confidential technical assistance to businesses on pollution prevention and compliance issues.

5BC 715-677 Laboratory

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$1,053,159	$1,216,333	**$1,216,333**	**$1,216,333**
		N/A	15.5%	**0.0%**	**0.0%**

Source: SSR: New fund to replace GRF support. Environmental Protection Fee - $1.50 per ton on solid waste disposed in Ohio's landfills. Transfers from three existing funds for start-up capitalization.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: This line item will partially fund the Division of Environmental Services and will support laboratory services for programs within Ohio EPA.

5BC 715-678 Corrective Actions

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$1,028,721	$1,179,775	**$1,179,775**	**$1,179,775**
		N/A	14.7%	**0.0%**	**0.0%**

Source: SSR: New fund to replace GRF support. Environmental Protection Fee - $1.50 per ton on solid waste disposed in Ohio's landfills. Transfers from three existing funds for start-up capitalization.

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: This line item will partially fund to the Division of Emergency and Remedial Response and supports its efforts to prevent, respond to, remove, and clean up releases of hazardous waste, hazardous substances, and pollutants in Ohio.

5BT 715-679 C&DD Groundwater Monitoring

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$0	$0	**$571,560**	**$693,267**
					21.3%

Source: SSR: Fee of five cents per cubic yard or ten cents per ton on disposal of construction and demolition debris

Legal Basis: ORC 3714.071

Purpose: Fees from disposal of construction and demolition debris at licensed CD&D landfills will be used for monitoring groundwater at the CD&D landfills. Monitoring activities include installing wells, sampling, laboratory analysis, as well as use of field equipment to assess specific needs. Fees for groundwater monitoring will be established by rule and be effective during late FY 2007.

5BY 715-681 Auto Emissions Test

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$6,939,966	$14,614,405	**$14,817,105**	**$15,057,814**
		N/A	110.6%	**1.4%**	**1.6%**

Source: SSR: Transfers of $8,100,000 in FY 2006 and $15,200,000 in FY 2007 from the Tobacco Master Settlement Agreement Fund (Fund 087)

Legal Basis: Proposed under Section 206.27 of Am. Sub. H.B. 66 of the 126th General Assembly

Purpose: This line item will be used to pay up to $19.50 per automobile emissions test in counties required to continue the testing from January 1, 2006 through December 31, 2007.

5CD 715-682 Clean Diesel School Buses

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$0	$850,000	**$600,000**	**$600,000**
			N/A	**-29.4%**	**0.0%**

Source: SSR: Gifts, grants, and contributions, including contributions made pursuant to the settlement of an administrative or civil action brought at the request of Ohio EPA

Legal Basis: ORC 3704.144

Purpose: Moneys will be used to make grants to certain Ohio school districts for the purpose of adding pollution control equipment to diesel buses, maintaining pollution control equipment on school buses, and offsetting the additional costs of using ultra-low sulfur diesel fuel. The money will also be used to pay Ohio EPA's related administrative costs.

5DW 715-683 Automotive Mercury Switch Program

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$0	$0	$0	$60,000	**$60,000**	**$60,000**
			N/A	**0.0%**	**0.0%**

Source: SSR: Portion of moneys collected from enforcement actions and civil penalties imposed for violations of environmental regulations of all Ohio EPA programs. Each amount is negotiated separately, no set formula applies

Legal Basis: Controlling Board EPA143, approved September 11, 2006.

Purpose: Provides incentives to automobile recyclers to remove mercury switches prior to compacting or smelting salvaged vehicles.

5H4 715-664 Groundwater Support

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$1,634,938	$1,786,826	$1,844,077	$2,408,871	**$2,503,933**	**$2,715,340**
	9.3%	3.2%	30.6%	**3.9%**	**8.4%**

Source: SSR: Other Ohio EPA divisions

Legal Basis: Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: The Division of Drinking and Ground Waters provides geologic and hydrogeologic technical support to other Ohio EPA divisions when requested. After the work is completed and charges have been made, the Division bills for the work and moneys are credited to this fund.

5N2 715-613 Dredge and Fill

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$28,408	$26,525	$29,610	$30,000	**$30,000**	**$30,000**
	-6.6%	11.6%	1.3%	**0.0%**	**0.0%**

Source: SSR: State isolated wetland permit fees and permit review fees

Legal Basis: ORC 3745.113 (originally established by Sub. H.B. 231 of the 124th G.A.)

Purpose: This line item is used for the administration of the state isolated wetlands permit program. Persons proposing to fill an isolated wetland must apply to Ohio EPA for coverage under a general or an individual state isolated wetlands permit. The permit application fee is $200, plus a review fee of $500 per acre of isolated wetland to be impacted, up to $5,000 per application. These fees do not apply to agencies or departments of the state, nor to any county, township, or municipality of the state.

602 715-626 Motor Vehicle Inspection and Maintenance

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$1,424,248	$1,428,521	$1,182,496	$118,861	**$157,697**	**$128,876**
	0.3%	-17.2%	-89.9%	**32.7%**	**-18.3%**

Source: SSR: Funding in FY 06-07 came from the Tobacco Settlement Fund, as a cash transfer, based on an annual estimate of program cost. Funds are paid directly to the testing contractor; motorists do not pay any fee.

Legal Basis: ORC 3704.14; Section 206.27 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: Moneys are used solely for administration, supervision, and enforcement of the Enhanced Motor Vehicle Inspection and Maintenance program (E-Check), and for public education concerning the program.

644 715-631 ER Radiological Safety

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$182,754	$215,137	$232,256	$286,114	**$286,114**	**$286,114**
	17.7%	8.0%	23.2%	**0.0%**	**0.0%**

Source: SSR: Assessments against each nuclear electric utility in Ohio in an amount no greater than the appropriation specified in the applicable main operating appropriations act

Legal Basis: ORC 4937.05 authorizes the Utility Radiological Safety Board to assess fees and deposit them into any nuclear safety fund for which appropriations are specified (Fund 644 under Ohio EPA originally established by Controlling Board in February 1990)

Purpose: Ohio EPA is one of six member state agencies on the Utility Radiological Safety Board (USRB). The URSB supports various activities intended to ensure that nuclear power plants are operated safely and that contingency plans are prepared in the event of a nuclear accident. The Board annually assesses nuclear utilities a total amount that is no greater than each agency's appropriation authority (as outlined in the current main operating appropriations act).

Note: Each of the six member agency's nuclear safety funds originally received disbursements from the Public Utilities Commission's Utility Radiological Safety Fund, pursuant to Section 88 of Am. Sub. H.B. 111 of the 118th G.A. Am. Sub. H.B. 215 of the 122nd G.A. ended PUCO's involvement with the funding of this program and provided for the assessment procedures outlined above.

660 715-629 Infectious Waste Management

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$157,067	$147,948	$152,008	$100,000	**$100,000**	**$100,000**
	-5.8%	2.7%	-34.2%	**0.0%**	**0.0%**

Source: SSR: (1) A $300 registration fee (renewable triennially) for large generators (those who produce fifty or more pounds of infectious wastes during any one month); and (2) a $300 registration fee (renewable triennially) for each vehicle used to transport untreated infectious wastes

Legal Basis: ORC 3734.021 (originally established by Sub. S.B. 243 of the 117th G.A.)

Purpose: Fifty percent of the collected fees are shared with the local health boards where the generators and transporters are registered. The remaining portion is used by Ohio EPA to administer the state's infectious waste management program.

676 715-642 Water Pollution Control Loan Administration

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$4,428,982	$4,462,549	$4,561,679	$4,964,625	**$4,964,625**	**$4,964,625**
	0.8%	2.2%	8.8%	**0.0%**	**0.0%**

Source: SSR: 0.2% annual interest on loans administered through the Water Pollution Control Loan program, via Federal Special Revenue Fund 3F2, Revolving Loan Fund - Operating

Legal Basis: ORC 6111.036

Purpose: Moneys are used for administrative costs associated with the Water Pollution Control Loan Fund (WPCLF) program.

678 715-635 Air Toxic Release

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$288,872	$206,976	$181,131	$192,000	**$210,622**	**$210,622**
	-28.4%	-12.5%	6.0%	**9.7%**	**0.0%**

Source: SSR: Toxic chemical release form filing fees ($50 filing fee, plus $15 per release form, not to exceed $500) and civil penalties

Legal Basis: ORC 3751.05 (originally established by Sub. S.B. 367 of the 117th G.A.) and 3751.10

Purpose: Moneys are used to implement, administer, and enforce the Toxic Release Inventory (TRI) program mandated by Title III of the federal Superfund Amendments and Reauthorization Act of 1986 (SARA).

679 715-636 Emergency Planning

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$2,857,963	$2,551,810	$2,566,757	$2,828,647	**$2,628,647**	**$2,628,647**
	-10.7%	0.6%	10.2%	**-7.1%**	**0.0%**

Source: SSR: Annual filing fees (due on March 1 of every year) for reporting inventories of extremely hazardous substances and hazardous chemicals; civil penalties

Legal Basis: ORC 3750.14; fees described under ORC 3750.13 and 3750.20 (originally established by Sub. S.B. 367 of the 117th G.A.)

Purpose: Moneys are used to implement, administer, and enforce emergency planning and community right-to-know programs mandated by Title III of the federal Superfund Amendments and Reauthorization Act of 1986 (SARA). The State Emergency Planning Commission (SERC) administers Fund 679, from which grants are made to state agencies supporting SERC: Ohio EPA, Ohio Emergency Management Agency, 87 Local Emergency Planning Committees (LEPC), and fire departments. The majority of statewide LEPCs receive no additional financial support from their respective counties and therefore, rely on SERC grant awards for 100% of their funding. Within Ohio EPA, the community right-to-know program became part of the Division of Air Pollution Control in FY 2003. The agency retains 10% of the fees collected by this program in order to administer it. Activities include maintaining Chemical Inventory Reports from approximately 7,000 facilities, operating the fee program, and providing technical assistance to the regulated community.

696 715-643 Air Pollution Control Administration

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$1,249,070	$974,019	$679,592	$1,637,764	**$750,000**	**$750,000**
	-22.0%	-30.2%	141.0%	**-54.2%**	**0.0%**

Source: SSR: Fifty percent of the moneys collected from enforcement actions and civil penalties imposed for violations of state air pollution control regulations (civil penalties may not exceed $25,000 for each day of each violation)

Legal Basis: ORC 3704.06

Purpose: Funding supplements other sources available for the administration and enforcement of the state's air pollution control law. None of the moneys in the fund may be used to meet state matching fund requirements for the receipt of any federal grant funds. The agency is statutorily permitted to expend not more than $750,000 in any fiscal year from the fund (without approval from the Controlling Board to expend more than that amount).

699 715-644 Water Pollution Control Administration

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$545,597	$325,151	$460,309	$749,999	**$750,000**	**$750,000**
	-40.4%	41.6%	62.9%	**0.0%**	**0.0%**

Source: SSR: Fifty percent of the moneys collected from enforcement actions and civil penalties imposed for violations of state water pollution control regulations

Legal Basis: ORC 6111.09

Purpose: Funding supplements other sources available for the administration and enforcement of the state's water pollution control law. None of the moneys in the fund may be used to meet state matching fund requirements for the receipt of any federal grant funds. The agency is statutorily permitted to expend not more than $750,000 in any fiscal year from the fund (without approval from the Controlling Board to expend more than that amount).

6A1 715-645 Environmental Education

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$1,428,008	$1,386,774	$1,403,032	$1,500,000	**$1,500,000**	**$1,500,000**
	-2.9%	1.2%	6.9%	**0.0%**	**0.0%**

Source: SSR: Fifty percent of the moneys collected from enforcement actions and civil penalties imposed for violations of state air and water pollution control regulations laws (the fund was seeded by a $1 million settlement with CECOS International for a violation of the state's hazardous waste program); gifts, grants, and contributions

Legal Basis: ORC 3745.22; civil penalties collected under ORC 3704.06 and 6111.09

Purpose: Moneys are used exclusively to develop, implement, and administer environmental education and public awareness programs. The fund is used to award approximately $1 million annually in general grants of $5,000 to $50,000 and mini-grants of $500 to $5,000 to primary and secondary schools, colleges, universities, environmental advocacy groups, industry associations, and others for projects that increase awareness and understanding of environmental issues throughout Ohio. The agency is statutorily permitted to expend not more than $1.5 million in any fiscal year from the fund (without approval from the Controlling Board to expend more than that amount).

Clean Ohio Revitalization Fund

5S1 715-607 Clean Ohio - Operating

2004	2005	2006	2007 Estimate	2008 Executive Proposal	2009 Executive Proposal
$41,887	$51,399	$91,449	$208,174	**$208,174**	**$208,174**
	22.7%	77.9%	127.6%	**0.0%**	**0.0%**

Source: CLF: Excess investment earnings from the Clean Ohio Revitalization Fund (created under ORC 122.658 and under the administration of the Department of Development) transferred to the Clean Ohio Operating Fund in an amount not exceeding the fund's annual appropriation

Legal Basis: ORC 122.658 and 3745.40 (originally established by Am. Sub. H.B. 3 of the 124th G.A.)

Purpose: The line item supports the administrative expenses of the Division of Emergency and Remedial Response related to its oversight of brownfields remediation projects funded under the Clean Ohio Program.

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
EPA Environmental Protection Agency								
GRF	715-403	Clean Ohio	$ 96,057	$0	$ 0	N/A	$ 0	N/A
GRF	715-501	Local Air Pollution Control	$ 128,297	$0	$ 0	N/A	$ 0	N/A
GRF	717-321	Surface Water	$ 1,130,222	$0	$ 0	N/A	$ 0	N/A
GRF	718-321	Groundwater	$ 161,106	$0	$ 0	N/A	$ 0	N/A
GRF	719-321	Air Pollution Control	$ 311,770	$0	$ 0	N/A	$ 0	N/A
GRF	721-321	Drinking Water	$ 350,413	$0	$ 0	N/A	$ 0	N/A
GRF	723-321	Hazardous Waste	$ 12,606	$0	$ 0	N/A	$ 0	N/A
GRF	724-321	Pollution Prevention	$ 88,032	$0	$ 0	N/A	$ 0	N/A
GRF	725-321	Laboratory	$ 153,463	$0	$ 0	N/A	$ 0	N/A
GRF	726-321	Corrective Actions	$ 149,688	$0	$ 0	N/A	$ 0	N/A
General Revenue Fund Total			**$ 2,581,652**	**$ 0**	**$ 0**	**N/A**	**$ 0**	**N/A**
199	715-602	Laboratory Services	$ 992,519	$1,083,574	$ 1,158,574	6.9%	$ 1,173,574	1.3%
219	715-604	Central Support Indirect	$ 14,761,673	$16,345,806	$ 16,474,276	0.8%	$ 17,000,962	3.2%
4A1	715-640	Operating Expenses	$ 2,873,070	$3,369,731	$ 3,369,731	0.0%	$ 3,369,731	0.0%
General Services Fund Group Total			**$ 18,627,262**	**$ 20,799,111**	**$ 21,002,581**	**1.0%**	**$ 21,544,267**	**2.6%**
352	715-611	Wastewater Pollution	$ 340,063	$380,001	$ 0	-100.0%	$ 0	N/A
353	715-612	Public Water Supply	$ 2,767,072	$3,883,748	$ 3,388,619	-12.7%	$ 3,388,618	0.0%
354	715-614	Hazardous Waste Management-Federal	$ 4,246,385	$4,203,891	$ 4,203,891	0.0%	$ 4,203,891	0.0%
357	715-619	Air Pollution Control-Federal	$ 7,440,234	$7,243,950	$ 6,823,949	-5.8%	$ 6,823,950	0.0%
362	715-605	Underground Injection Control-Federal	$ 107,028	$111,874	$ 111,874	0.0%	$ 111,874	0.0%
3BU	715-684	Water Quality Protection	----	$0	$ 6,515,000	N/A	$ 6,310,000	-3.1%
3F2	715-630	Revolving Loan Fund-Operating	$ 30,703	$293,129	$ 563,536	92.2%	$ 775,600	37.6%
3F3	715-632	Federally Supported Cleanup & Response	$ 1,631,701	$2,777,648	$ 2,550,000	-8.2%	$ 2,550,000	0.0%
3F4	715-633	Water Quality Management	$ 580,608	$455,000	$ 0	-100.0%	$ 0	N/A
3F5	715-641	Nonpoint Source Pollution Management	$ 7,700,002	$6,700,000	$ 7,550,000	12.7%	$ 7,595,000	0.6%
3J1	715-620	Urban Stormwater	$ 218,580	$404,999	$ 0	-100.0%	$ 0	N/A
3K2	715-628	Clean Water Act 106	$ 4,652,836	$4,331,001	$ 0	-100.0%	$ 0	N/A

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
EPA		**Environmental Protection Agency**						
3K4	715-634	DOD Monitoring and Oversight	$ 629,796	$1,450,333	$ 858,250	-40.8%	$ 898,825	4.7%
3K6	715-639	Remedial Action Plan	$ 315,608	$319,100	$ 0	-100.0%	$ 0	N/A
3N4	715-657	DOE Monitoring and Oversight	$ 1,687,559	$3,231,963	$ 1,071,678	-66.8%	$ 1,110,270	3.6%
3T3	715-669	Drinking Water SRF	$ 2,185,565	$2,482,910	$ 2,843,923	14.5%	$ 2,977,998	4.7%
3V7	715-606	Agency-wide Grants	$ 339,597	$479,115	$ 500,000	4.4%	$ 500,000	0.0%
Federal Special Revenue Fund Group Total			**$ 34,873,337**	**$ 38,748,662**	**$ 36,980,720**	**-4.6%**	**$ 37,246,026**	**0.7%**
4J0	715-638	Underground Injection Control	$ 355,685	$458,418	$ 458,418	0.0%	$ 458,418	0.0%
4K2	715-648	Clean Air - Non Title V	$ 2,117,793	$2,528,062	$ 3,690,821	46.0%	$ 4,066,558	10.2%
4K3	715-649	Solid Waste	$ 12,297,703	$14,282,845	$ 13,932,845	-2.5%	$ 14,282,845	2.5%
4K4	715-650	Surface Water Protection	$ 9,276,034	$11,115,000	$ 12,685,000	14.1%	$ 13,815,000	8.9%
4K5	715-651	Drinking Water Protection	$ 5,670,274	$7,492,036	$ 8,169,553	9.0%	$ 8,867,732	8.5%
4P5	715-654	Cozart Landfill	$ 42,094	$149,728	$ 149,728	0.0%	$ 149,728	0.0%
4R5	715-656	Scrap Tire Management	$ 4,641,634	$8,500,000	$ 6,000,000	-29.4%	$ 6,000,000	0.0%
4R9	715-658	Voluntary Action Program	$ 1,022,490	$1,032,098	$ 1,032,098	0.0%	$ 1,032,098	0.0%
4T3	715-659	Clean Air - Title V Permit Program	$ 15,725,148	$16,180,980	$ 18,924,098	17.0%	$ 18,833,584	-0.5%
4U7	715-660	Construction & Demolition Debris	$ 632,135	$881,561	$ 881,561	0.0%	$ 881,561	0.0%
500	715-608	Immediate Removal Special Account	$ 319,629	$482,000	$ 557,257	15.6%	$ 573,903	3.0%
503	715-621	Hazardous Waste Facility Management	$ 9,600,083	$11,711,473	$ 11,711,473	0.0%	$ 12,200,240	4.2%
505	715-623	Hazardous Waste Cleanup	$ 12,295,942	$15,248,578	$ 13,333,179	-12.6%	$ 14,147,498	6.1%
505	715-674	Clean Ohio Environmental Review	----	$109,725	$ 109,725	0.0%	$ 109,725	0.0%
541	715-670	Site Specific Cleanup	$ 1,020,205	$119,650	$ 34,650	-71.0%	$ 34,650	0.0%
542	715-671	Risk Management Reporting	$ 124,378	$146,188	$ 146,188	0.0%	$ 146,188	0.0%
592	715-627	Anti Tampering Settlement	$ 1,477	$9,707	$ 9,707	0.0%	$ 9,707	0.0%
5BC	715-617	Clean Ohio	$ 646,378	$741,646	$ 741,646	0.0%	$ 741,646	0.0%
5BC	715-622	Local Air Pollution Control	$ 898,071	$1,026,369	$ 1,026,369	0.0%	$ 1,026,369	0.0%
5BC	715-624	Surface Water	$ 7,247,299	$8,797,413	$ 8,797,413	0.0%	$ 8,797,413	0.0%
5BC	715-667	Groundwater	$ 953,709	$1,093,741	$ 1,093,741	0.0%	$ 1,093,741	0.0%

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
EPA Environmental Protection Agency								
5BC	715-672	Air Pollution Control	$ 4,026,801	$5,199,290	$ 5,199,290	0.0%	$ 5,199,290	0.0%
5BC	715-673	Drinking Water	$ 2,230,865	$2,550,250	$ 2,550,250	0.0%	$ 2,550,250	0.0%
5BC	715-675	Hazardous Waste	$ 88,240	$100,847	$ 100,847	0.0%	$ 100,847	0.0%
5BC	715-676	Assistance and Prevention	$ 585,336	$700,302	$ 700,302	0.0%	$ 700,302	0.0%
5BC	715-677	Laboratory	$ 1,053,159	$1,216,333	$ 1,216,333	0.0%	$ 1,216,333	0.0%
5BC	715-678	Corrective Actions	$ 1,028,721	$1,179,775	$ 1,179,775	0.0%	$ 1,179,775	0.0%
5BT	715-679	C&DD Groundwater Monitoring	----	$0	$ 571,560	N/A	$ 693,267	21.3%
5BY	715-681	Auto Emissions Test	$ 6,939,966	$14,614,405	$ 14,817,105	1.4%	$ 15,057,814	1.6%
5CD	715-682	Clean Diesel School Buses	----	$850,000	$ 600,000	-29.4%	$ 600,000	0.0%
5DW	715-683	Automotive Mercury Switch Program	----	$60,000	$ 60,000	0.0%	$ 60,000	0.0%
5H4	715-664	Groundwater Support	$ 1,844,077	$2,408,871	$ 2,503,933	3.9%	$ 2,715,340	8.4%
5N2	715-613	Dredge and Fill	$ 29,610	$30,000	$ 30,000	0.0%	$ 30,000	0.0%
602	715-626	Motor Vehicle Inspection and Maintenance	$ 1,182,496	$118,861	$ 157,697	32.7%	$ 128,876	-18.3%
644	715-631	ER Radiological Safety	$ 232,256	$286,114	$ 286,114	0.0%	$ 286,114	0.0%
660	715-629	Infectious Waste Management	$ 152,008	$100,000	$ 100,000	0.0%	$ 100,000	0.0%
676	715-642	Water Pollution Control Loan Administration	$ 4,561,679	$4,964,625	$ 4,964,625	0.0%	$ 4,964,625	0.0%
678	715-635	Air Toxic Release	$ 181,131	$192,000	$ 210,622	9.7%	$ 210,622	0.0%
679	715-636	Emergency Planning	$ 2,566,757	$2,828,647	$ 2,628,647	-7.1%	$ 2,628,647	0.0%
696	715-643	Air Pollution Control Administration	$ 679,592	$1,637,764	$ 750,000	-54.2%	$ 750,000	0.0%
699	715-644	Water Pollution Control Administration	$ 460,309	$749,999	$ 750,000	0.0%	$ 750,000	0.0%
6A1	715-645	Environmental Education	$ 1,403,032	$1,500,000	$ 1,500,000	0.0%	$ 1,500,000	0.0%
State Special Revenue Fund Group Total			**$ 114,134,196**	**$ 143,395,301**	**$ 144,362,570**	**0.7%**	**$ 148,690,706**	**3.0%**
5S1	715-607	Clean Ohio - Operating	$ 91,449	$208,174	$ 208,174	0.0%	$ 208,174	0.0%
Clean Ohio Revitalization Fund Total			**$ 91,449**	**$ 208,174**	**$ 208,174**	**0.0%**	**$ 208,174**	**0.0%**
Total All Budget Fund Groups			***$ 170,307,896***	***$ 203,151,248***	***$ 202,554,045***	***-0.3%***	***$ 207,689,173***	***2.5%***