

# **LSC Redbook**

**Analysis of the Executive Budget Proposal**

## **Environmental Review Appeals Commission**

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## READER'S GUIDE

The Legislative Service Commission prepares an analysis of the executive budget proposal for each agency. These analyses are commonly called "Redbooks." This brief introduction is intended to help readers navigate the Redbook for the Environmental Reviews Appeal Commission (EBR), which includes the following three sections.

1. **Overview:** Provides a brief description of EBR and the role of the Commissioners in handling environmental appeals.
2. **Analysis of Executive Proposal:** Provides a detailed analysis of the executive budget recommendation, which in EBR's case consists of one GRF line item.
3. **Attachments:** Includes the catalog of budget line items (COBLI) for EBR, which briefly describes the purpose of the line item, accompanied by the LSC budget spreadsheet showing recent funding history.

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**ATTACHMENTS:**

- Catalog of Budget Line Items
- Budget Spreadsheet By Line Item

# Environmental Review Appeals Commission

- Continuation funding of \$487,000 in each fiscal year
- 6,803 filings reviewed and 6,002 rulings issued last biennium

## OVERVIEW

### Agency Overview

The Environmental Review Appeals Commission (EBR) is an appellate review board whose primary statutory duty is to hear and resolve appeals from certain legal actions taken by state and local governmental entities, including the Ohio Environmental Protection Agency (EPA), the State Fire Marshal, the State Emergency Response Commission, the Department of Agriculture, and county and local boards of health. The majority of cases heard by EBR relate to final actions of the Ohio EPA.

The Commission's office consists of five individuals: three Commission members appointed by the Governor, one administrative assistant, and one clerical support person. Commission members serve staggered six-year terms; their salaries are fixed by the Governor. All hearings are conducted by the Commissioners. Decisions are also researched and written by Commission members themselves. The staff processes and handles administrative functions related to the Commission's activities.

### Appropriation Overview

EBR's budget consists of one GRF line item. This line item pays all the operating costs, 85% of which are for payroll. As the table below illustrates, the executive recommendation matches EBR's FY 2009 appropriation.

**Table 1. Executive Budget Recommendations by Fund Group, FY 2010-FY 2011**

Fund Group	FY 2009	FY 2010	% change, FY 2009-FY 2010	FY 2011	% change, FY 2010-FY 2011
General Revenue	\$487,000	\$487,000	0%	\$487,000	0%

## ANALYSIS OF EXECUTIVE PROPOSAL

Governor's Recommended Amounts for EBR Operations				
Fund	ALI and Name		FY 2010	FY 2011
<b>General Revenue Fund</b>				
GRF	172321	Operating Expenses	\$487,000	\$487,000
<b>General Revenue Fund Subtotal</b>			<b>\$487,000</b>	<b>\$487,000</b>
<b>Total Funding: EBR Operations</b>			<b>\$487,000</b>	<b>\$487,000</b>

**Operating Expenses (172321)**

This line item provides funding for personnel, maintenance and equipment expenses for EBR. This includes the Commission members' salaries as well as staff payroll. Approximately 85% of all EBR's costs are related to payroll. The remaining costs are for rent at the Commission's headquarters on South Fourth Street in Columbus, with some costs for a Lexis Nexis subscription, office supplies, and other miscellaneous office costs.

**Caseload Statistics**

Table 2 below illustrates EBR's caseload from FY 2002 through FY 2008. As the table shows, the total number of appeals filed, filings reviewed, and rulings issued have remained relatively constant. However, the number of hearings conducted has generally increased since FY 2002. This is primarily due to increased jurisdiction and regulatory requirements concerning the Environmental Protection Agency's (EPA) oversight of construction and demolition debris facilities, as well as appeals involving voluntary action program requirements.

Fiscal Year	Total Appeals	Appeals Concluded	Hearings	Filings Reviewed	Rulings Issued
2002	189	156	241	3434	2932
2003	185	363	262	3654	3186
2004	288	335	274	3803	3302
2005	132	148	239	2846	2904
2006	158	174	317	3307	3496
2007	154	183	409	3491	3014
2008	121	109	381	3312	2988

## General Revenue Fund

### GRF 172321 Operating Expenses

2006	2007	2008	2009	2010 Executive Proposal	2011 Executive Proposal
\$455,655	\$455,217	\$438,997	\$487,000	<b>\$487,000</b>	<b>\$487,000</b>
	-0.1%	-3.6%	10.9%	<b>0.0%</b>	<b>0.0%</b>

**Source:** GRF

**Legal Basis:** ORC 3745.02 through 3745.06; Section 283.10 of Am. Sub. H.B. 119 of the 127th G.A.

**Purpose:** This line item provides funds for personnel, maintenance and equipment expenses for the Environmental Review Appeals Commission. This includes Commission members' salaries and staff payroll. The majority of maintenance expenses are for rent, with the remaining maintenance expenses used for the subscription to Lexis Nexis, office supplies, telephone bills, and postage.

**LSC Budget Spreadsheet by Line Item, FY 2010 - FY 2011**

<i>Fund</i>	<i>ALI</i>	<i>ALI Title</i>	<i>2008</i>	<i>2009</i>	<i>As Introduced 2010</i>	<i>% Change 2009 to 2010</i>	<i>As Introduced 2011</i>	<i>% Change 2010 to 2011</i>
<b><i>EBR Environmental Review Appeals Commission</i></b>								
GRF	172321	Operating Expenses	\$ 438,997	\$ 487,000	\$ 487,000	0.0%	\$ 487,000	0.0%
<b>General Revenue Fund Total</b>			<b>\$ 438,997</b>	<b>\$ 487,000</b>	<b>\$ 487,000</b>	<b>0.0%</b>	<b>\$ 487,000</b>	<b>0.0%</b>
<b>Total All Budget Fund Groups</b>			<b>\$ 438,997</b>	<b>\$ 487,000</b>	<b>\$ 487,000</b>	<b>0.0%</b>	<b>\$ 487,000</b>	<b>0.0%</b>