

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 the Commission and the role of the commissioners in handling environmental appeals as well as an overview of the executive recommended budget for the FY 2012-FY 2013 biennium.
2. **Analysis of Executive Proposal:** Provides an analysis of the Commission executive recommended budget, which consists solely of GRF funding.
3. **Attachments:** Includes the catalog of budget line items (COBLI), which describes the funding source and purpose of the Commission's lone line item, and the LSC budget spreadsheet, which summarizes the line item's recent expenditure and appropriations history.

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ATTACHMENTS:

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

Environmental Review Appeals Commission

- GRF is sole funding source
- Quasi-judicial appellate review
- 6,603 filings reviewed and 5,470 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 (Ohio 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 the Commission relate to final actions of the Ohio EPA.

The Commission's office consists of three Commission members appointed by the Governor with the advice and consent of the Senate. Commission members serve staggered six-year terms; their salaries are fixed by the Governor. The Commission members conduct hearings, review filings, and issue rulings. The Commission's staff consists of an executive secretary and an office assistant.

An appeal filed with the Commission is generally required to be accompanied by a \$70 filing fee, which the Commission, in its discretion, may waive in cases of extreme hardship. The filing fee is deposited in the state treasury to the credit of the General Revenue Fund (GRF). Money appropriated from the GRF is the Commission's sole source of funding.

Any party adversely affected by an order of the Commission may appeal to the Franklin County Court of Common Pleas, or, if the appeal arises from an alleged violation of a law or regulation, to the court of appeals of the district in which the violation was alleged to have occurred.

Appropriation Overview

The Commission's budget consists of one GRF line item. This line item pays for all the Commission's operating costs, over 90% of which are payroll-related (wages, salaries, fringe benefits, administrative charges). As Table 1 below illustrates, the executive budget proposes an FY 2012 appropriation that is \$93,145, or 19.1%, higher

than the estimated FY 2011 expenditure of \$487,000. For FY 2013, the executive budget proposes an appropriation that is \$34,615, or 6.0%, lower than the FY 2012 recommendation. Although the FY 2013 amount (\$545,530) is a decrease from the FY 2012 recommendation, it is still higher than the FY 2011 estimated expenditure by \$58,530, or 12%.

Fund Group	FY 2011	FY 2012	% change, FY 2011-FY 2012	FY 2013	% change, FY 2012-FY 2013
General Revenue	\$487,000	\$580,145	19.1%	\$545,530	-6.0%

*FY 2011 figures represent estimated expenditures.

ANALYSIS OF EXECUTIVE PROPOSAL

Table 2. Executive Recommended Amounts for Commission Operations				
Fund	ALI and Name		FY 2012	FY 2013
General Revenue Fund				
GRF	172321	Operating Expenses	\$580,145	\$545,530
General Revenue Fund Subtotal			\$580,145	\$545,530
Total Funding: Commission Operations			\$580,145	\$545,530

Operating Expenses (GRF line item 172321)

This GRF line item provides funding for all of the Commission's operating expenses, including personal services, purchased personal services, supplies and maintenance, and equipment expenses. Approximately 90% of that funding in each year will be allocated for personal services, which are essentially payroll expenses (wages, salaries, fringe benefits, and other personnel charges). Other costs include office rent for the Commission's headquarters on South Fourth Street in Columbus and a LexisNexis subscription. The executive proposed budget provides additional GRF funding in both FY 2012 and FY 2013, amounts that will permit the Commission to add a staff attorney and update its computers and software.

Caseload Statistics

Table 3 below summarizes the Commission's caseload from FY 2004 through FY 2010.

Table 3. Caseload Statistics, FY 2004-FY 2010					
Fiscal Year	Total Appeals	Appeals Concluded	Hearings	Filings Reviewed	Rulings Issued
2004	288	335	274	3,803	3,302
2005	132	148	239	2,846	2,904
2006	158	174	317	3,307	3,496
2007	154	183	409	3,491	3,014
2008	121	109	381	3,312	2,988
2009	166	136	387	3,020	2,128
2010	98	272	210	3,583	3,362

Environmental Review Appeals Commission

General Revenue Fund

GRF 172321 Operating Expenses

FY 2008	FY 2009	FY 2010	Estimate FY 2011	Introduced FY 2012	Introduced FY 2013
\$438,997	\$457,238	\$460,187	\$487,000	\$580,145	\$545,530
	4.2%	0.6%	5.8%	19.1%	-6.0%

Source: General Revenue Fund

Legal Basis: Section 279.10 of Am. Sub. H.B. 1 of the 128th G.A. (originally established by Am. Sub. H.B. 283 of the 123rd G.A., the main operating appropriations act covering FY 2000 and FY 2001)

Purpose: The line item is used to pay for the Commission's personal services (payroll and related charges), purchased personal services, supplies and maintenance, and equipment costs.

FY 2012 - FY 2013 Introduced Appropriation Amounts

All Fund Groups

Line Item Detail by Agency			FY 2010	Estimate FY 2011	Introduced FY 2012	FY 2011 to FY 2012 % Change	Introduced FY 2013	FY 2012 to FY 2013 % Change
Report For Main Operating Appropriations Bill			Version: As Introduced					
EBR Environmental Review Appeals Commission								
GRF	172321	Operating Expenses	\$ 460,187	\$ 487,000	\$ 580,145	19.13%	\$ 545,530	-5.97%
General Revenue Fund Total			\$ 460,187	\$ 487,000	\$ 580,145	19.13%	\$ 545,530	-5.97%
Environmental Review Appeals Commission Total			\$ 460,187	\$ 487,000	\$ 580,145	19.13%	\$ 545,530	-5.97%