

Executive		As Passed by the House	As Reported by Senate Finance and Financial Institutions
1	EPA - 21	Solid Waste Management District Rules	
No provision.		R.C. 3734.53, Section 343.01 Provides that rules of a solid waste management district governing out-of-district waste apply only to county and district solid waste facilities unless the board of county commissioners or board of directors of the district submits an application to the Director of Environmental Protection that demonstrates insufficient disposal capacity in the district and the Director approves the application.	No provision.
2	EPA - 6	Scrap Tire Fund Transfer	
R.C. 1502.12, 3734.82 Eliminates the \$750,000 cap on the Scrap Tire Management Fund that may be used for the administration of the Scrap Tire Program. Alters the purposes for which money in the Scrap Tire Management Fund (Fund 4R50) can be used by authorizing up to \$500,000 in each fiscal year to be transferred to the Scrap Tire Grant Fund (Fund 5860) in the Department of Natural Resources for scrap tire amnesty and clean up events, in addition to the \$1 million transferred under current law in each fiscal year for scrap tire and synthetic rubber from tire manufacturers and recycling processes. Fiscal effect: Results in more money that could be used for scrap tire amnesty and clean up events.		R.C. 1502.12, 3734.82 Same as the Executive. Same as the Executive. Fiscal effect: Same as the Executive.	R.C. 1502.12, 3734.82 No provision. Same as the Executive. Fiscal effect: Reduces the amount available for tire amnesty projects.

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EPA - 5

E-Check Extension; Fee on Tire Sales for Auto Emissions Testing

<div>R.C.3704.14, 3737.901</div> <div>Abolishes the Motor Vehicle Inspection and Maintenance Fund (Fund 6020) and replaces it with the Auto Emissions Test Fund (Fund 5BY0) in permanent law.</div> <div>Authorizes the Director of Administrative Services, upon the request of the Director of Environmental Protection, to extend the existing E-Check contract, which expires on June 30, 2009, for up to six months. Allows the Director of Administrative Services, upon the request of the Director of Environmental Protection, to enter into a new E-Check contract through a competitive selection process, beginning upon the termination of the six-month contract extension through June 30, 2011, and authorizes an additional one-year extension of the contract through June 30, 2012.</div> <div>Establishes a \$2.30 fee on the sale of each new tire and requires the proceeds of the fee to be deposited into the Auto Emission Test Fund (Fund 5BY0).</div> <div>Requires the Director of Budget and Management to transfer up to \$1.5 million in cash from the Central Support Indirect Fund (Fund 2190) to the Auto Emissions Test Fund (Fund 5BY0) for the operation and oversight of the auto emissions testing program. Requires that Fund 2190 be reimbursed once Fund 5BY0 has accrued sufficient cash to maintain the program.</div>	<div>R.C.3704.14, 3734.901, 3734.9010, Section 277.10</div> <div>Same as the Executive.</div> <div>Same as the Executive.</div> <div>No provision.</div> <div>Replaces the Executive provision with a provision requiring that the Director of Budget and Management transfer \$14.4 million in FY 2010 and \$14.8 million in FY 2011 from the GRF to Fund 5BY0 for the operation and oversight of the auto emissions testing program.</div>	<div>R.C.3704.14, 3734.901, 3734.9010, Section 277.10</div> <div>Same as the Executive.</div> <div>Replaces the Executive provision with provisions that authorize the Governor to issue an executive order providing for the extension for a period of six months of the motor vehicle inspection and maintenance program contract that is scheduled to expire on June 30, 2009, and, upon termination of the six month contract extension; authorizes the Governor to issue such an executive order ordering any new contract governing the motor vehicle inspection and maintenance program through June 30, 2011, with a possible extension through June 30, 2012; limits the implementation of the program to counties in which the program was operating on January 1, 2009; and eliminates the provision that allows the program to be implemented beyond the date of termination of all contracts pertaining to the program if the program is federally mandated.</div> <div>No Provision.</div> <div>Same as the House.</div>
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<p>Requires the Director of Budget and Management, on September 30, 2009, or as soon as possible thereafter, to transfer cash balance in the Motor Vehicle Inspection and Maintenance Fund (Fund 6020), abolished in the bill, to the Auto Emissions Test Fund (Fund 5BY0).</p> <p>No provision.</p> <p>Fiscal effect: Authorizes the extension of the E-Check program until June 30, 2011. Funds the program with the proceeds from an increase in the fee on the sale of new tires. Generates an estimated additional \$15 million in each fiscal year for the operation of the Auto Emissions Testing Program</p>	<p>Same as the Executive.</p> <p>No provision.</p> <p>Fiscal effect: Authorizes the extention of the E-Check program until June 20, 2011, removes the tire fee and instead makes GRF transfers in each fiscal year the funding source for the program.</p>	<p>Same as the Executive.</p> <p>Makes other changes regarding the motor vehicle inspection and maintenance program, including provisions that establish requirements governing a competitive selection process for a contract to operate the program, state the General Assembly's intent concerning the program, and require the Director of Environmental Protection annually to request the United States Environmental Protection Agency to provide information on alternative approaches to meet federal performance standards and program changes.</p> <p>Fiscal effect: Same as the House.</p>
4EPA - 17Clean Diesel School Bus Fund	R.C. 3704.144	R.C. 3704.144
No provision.	Authorizes the Director of Environmental Protection to make grants from the Clean Diesel School Bus Fund to county boards of mental retardation and developmental disabilities rather than only to school districts as authorized in current law.	Same as the House.

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EPA - 23

Changes to the Construction and Demolition Debris Law

No provision.

No provision.

R.C. 3714.01, 3714.011, 3714.02, 3714.074, 3714.081, 3714.083, 3745.31

Alters the definition of "new construction and demolition debris facility" or "new facility" in the Construction and Demolition Debris Law by stating that:

(1) New facility means a facility applying for an initial permit to install after December 22, 2005;

(2) New facility includes a facility in existence on December 22, 2005, that is proposing to horizontally expand the facility beyond the boundary of the property owned or controlled by the owner or operator of the facility as of December 22, 2005;

(3) New facility includes a facility for which an initial permit to install has been issued after December 22, 2005, for which there is a proposal to horizontally expand the limits of construction and demolition debris placement beyond the limits approved in the initial permit to install;

(4) New facility does not include a facility for which there is a proposal to vertically expand the limits of construction and demolition debris placement approved for the facility under the Construction and Demolition Debris Law.

No provision.

No provision.

Specifies that for purposes of the statute that establishes certain notification requirements when a load of construction and demolition debris is rejected, acceptance of a load of construction and demolition debris is deemed to occur when the debris is placed on the working face of a construction and demolition debris facility for final disposal and rejection

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No provision.	No provision.	<p>of a load of construction and demolition debris before acceptance of the load of debris is not a violation of the Construction and Demolition Debris Law.</p>
No provision.	No provision.	<p>Revises the definition of "pulverized debris" in the Construction and Demolition Debris Law to mean a load of debris that has been uniformly shredded, ground, or reduced by mechanical means prior to acceptance for disposal to such an extent that the majority of the load of debris cannot be identified as resulting from construction and demolition debris activities, and specifies that the existence of small particles and dust in a load of construction and demolition debris does not render the load unidentifiable as construction and demolition debris.</p>
No provision.	No provision.	<p>Requires the Director of Environmental Protection to appoint and convene an advisory board to advise the Director with respect to the adoption of rules governing construction and demolition debris facilities and the inspection of and issuance of permits to install and licenses for those facilities, and requires the board to include three representatives of construction and demolition debris facilities in the state and three representatives from certain types of health districts.</p>
No provision.	No provision.	<p>Adds the Construction and Demolition Debris Law and rules adopted under it to the list of environmental laws to which the existing five-year statute of limitations for civil actions for civil or administrative penalties brought under those laws applies, and, with regard to the Construction and Demolition Debris Law and rules adopted under it, provides that if an agency, department, or governmental authority actually knew or was informed of an occurrence, omission, or facts on which a civil action is based prior to the amendment's effective date, the action for civil or administrative penalties must be commenced not later than five years after the</p>

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No provision.	No provision.	amendment's effective date. Requires the fees on the disposal of construction and demolition debris levied under the Construction and Demolition Debris Law to be paid by a customer, to the owner or operator of a construction and demolition debris facility or solid waste facility.
No provision.	No provision.	Specifies that the owner or operator may request a refund or credit of the fees that are remitted to a board of health or to the Director of Environmental Protection, if the customer fails to pay the fees to the owner or operator, and declares that the owner or operator is also not responsible for any penalties regarding those fees.

6	EPA - 22	Construction and Demolition Debris Disposal Fees	
		R.C. 3714.073, 3745.015, 1515.14	R.C. 3714.073, 3745.015, 1515.14
	Increases the construction and demolition debris disposal fee that is deposited into SSR Fund 5BV0, the Soil and Water Conservation District Assistance Fund, which is used by the Department of Natural Resources to provide grants to local soil and water conservation districts, from \$0.125 per cubic yard and \$0.25 per ton to \$1.25 per cubic yard or \$2.50 per ton, as applicable.	Same as the Executive.	No provision.
	Establishes a new construction and demolition debris disposal fee of \$0.225 per cubic yard or \$0.45 per ton, as applicable, to be credited to SSR Fund 5BC0, the Environmental Protection Fund, which is used by the Environmental Protection Agency. Requires that these fees take effect on July 1, 2009.	No provision.	No provision.

Executive		As Passed by the House	As Reported by Senate Finance and Financial Institutions
No provision.		Specifies that fees on the disposal of construction and demolition debris apply to the disposal of asbestos and asbestos-containing materials and products.	Same as the House.
Fiscal effect: Increases revenue to the Department of Natural Resources Division of Soil and Water through new and increased fees to SSR Fund 5BV0, the Soil and Water Conservation Fund, and increases revenue to the Environmental Protection Agency through new and increased fee to SSR Fund 5BC0, the Environmental Protection Fund. Offsets an estimated \$11,930,000 in DNR GRF Funding for Soil and Water Conservation Projects.		Fiscal effect: Same as the Executive, but decreases revenues to Fund 5BC0, the Environmental Protection Fund, due to the removal of new construction and demolition debris fees deposited into that fund. However, including asbestos as a material to which the disposal fee applies could increase revenues to each applicable fund.	Fiscal effect: Reduces soil and water district funding from this source; however, a related change provides soil and water districts funding from the Facilities Establishment Fund (Fund 7037) (see Compare Doc entry DNR 31).
7	EPA - 20	Hazardous Waste Facility Permit Modifications	
		R.C. 3734.05	R.C. 3734.05
No provision.		Declares that the transfer of a hazardous waste facility installation and operation permit for a facility that is not an off-site facility is a Class 1 modification rather than a Class 3 modification as in current law, and specifically declares that the transfer of a hazardous waste facility installation and operation permit for an off-site facility is a Class 3 modification.	Same as the House.
No provision.		Eliminates provisions of law concerning the modification of a hazardous waste facility involving permit transfers that require the Director of Environmental Protection to make certain determinations regarding the background of the transferee if the transferee has been involved in any prior activity involving hazardous waste.	Same as the House.

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Fiscal effect: Because Class 1 permits generally involve minor changes to a facility and usually take less time to be processed, this provision could reduce the amount of time it takes EPA to process these permit modifications.

Fiscal effect: Same as the House.

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EPA - 4

Natural Resource Damages Fund

R.C. 3734.28, 3734.281, 3734.282

Creates the Natural Resource Damages Fund (Fund 3C50), which consists of federal money distributed to the state for natural resource damages, and repeals current law provisions that the Hazardous Waste Clean-Up Fund (Fund 5050) and Environmental Protection Remediation Fund (Fund 5BC0) consist of, in part, natural resource damages collected by the state under federal law. Repeals a current law provision under which money in Fund 5050 may be used only through October 15, 2005, to fund certain emergency and remedial actions and the Voluntary Action Program, thus allowing money in the Fund to be used for those purposes permanently

Authorizes the Director of Environmental Protection to enter into contracts and grant agreements with federal, state, or local government agencies for the purposes of carrying out the responsibilities for which monies can be expended from the Natural Resource Damages Fund (Fund 3C50), Hazardous Waste Clean-up Fund (Fund 5050), and the Environmental Protection Remediation Fund (Fund 5BC0).

R.C. 3734.28, 3734.281, 3734.282

Same as the Executive.

Same as the Executive.

R.C. 3734.28, 3734.281, 3734.282

Same as the Executive.

Same as the Executive.

Executive		As Passed by the House	As Reported by Senate Finance and Financial Institutions
Fiscal effect: No direct fiscal impact, but directs federal moneys for natural resource damages collected under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) to Fund 3C50.		Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.
9	EPA - 2	Electronic Payment of Construction and Demolition Debris and Solid Waste Disposal Fees	
R.C.	3714.07	R.C.	3734.57, 3714.07
Authorizes owners or operators of construction and demolition debris facilities to submit monthly construction and demolition debris disposal fee returns electronically rather than by mail as in current law.		Same as the Executive.	
Authorizes owners or operators of solid waste transfer facilities and disposal facilities to submit solid waste disposal fee returns electronically rather than by mail as in current law.		Same as the Executive.	
Fiscal effect: Reduces some administrative costs for EPA for receiving and processing these fees.			
10	EPA - 10	State Solid Waste Disposal and Generation Fees	
R.C.	3734.57	R.C.	3734.57, 3734.573
Extends from June 30, 2010, to June 30, 2012, the expiration date of the state fees on the disposal of solid waste, the proceeds of which are used to fund solid, infectious, and hazardous waste and construction and demolition debris management programs and to pay EPA's costs associated with administering and enforcing environmental protection programs.		Same as the Executive, but also permits solid waste disposal fees to be paid by a customer or political subdivision to a transporter of solid waste rather than only to the owner or operator of a solid waste transfer or disposal facility.	
		Same as the House.	

Executive	As Passed by the House	As Reported by Senate Finance and Financial Institutions
<p>Increases the solid waste disposal fee that is deposited into Fund 5BC0, the Environmental Protection Fund, which is used by the Environmental Protection Agency, from \$1.50 per ton to \$2.50 per ton and establishes a new solid waste disposal fee of \$0.25 per ton to be deposited into Fund 5BV0, the Soil and Water Conservation District Assistance Fund. Requires that the increased fee and the new fee be levied from July 1, 2009, through June 30, 2012, and extends all of the existing state solid waste disposal fees through June 30, 2012.</p> <p>No provision.</p>	<p>Same as the Executive, but delays the implementation of these new and increased fees from July 1, 2009 to August 1, 2009.</p>	<p>No provision.</p>
	<p>Specifies that the existing solid waste management district generation fees do not apply to solid waste delivered to a solid waste composting facility for processing rather than specifying that it does not apply to yard waste, as well as to materials removed from the solid waste stream for recycling. Declares that if any unprocessed solid waste or compost product is transported off the premises of a composting facility for disposal at a landfill, the solid waste generation fee applies and must be collected by the owner or operator of the landfill.</p>	<p>Same as the House.</p>
<p>Fiscal effect: Continues this revenue stream for funds that collect solid waste disposal fee revenues, and therefore has no new fiscal effect. Increases revenue to the Environmental Protection Agency through new and increased fees to SSR Fund 5BC0, the Environmental Protection Fund, and to the Department of Natural Resources Soil and Water Conservation Fund (Fund 5BV0).</p>	<p>Fiscal effect: Same as the Executive.</p>	<p>Fiscal effect: Same as the Executive, but eliminates any additional revenues that may have resulted from increased fees.</p>

Executive		As Passed by the House	As Reported by Senate Finance and Financial Institutions
11	EPA - 11	Synthetic Minor Facility Emission Fees, Water Pollution Control Fees, and Safe Drinking Water Fees	
R.C.	3745.11, 6109.21	R.C. 3745.11, 6109.21	R.C. 3745.11, 6109.21
Extends for two years the sunset on annual emissions fees for minor synthetic facilities (air permits).		Same as the Executive.	Same as the House.
Extends for two years the authority to levy higher fees for the following: applications for plan approvals of wastewater treatment works and public water systems, certification of laboratories and laboratory personnel, applications and examinations for certification as operators of water supply or wastewater systems, and applications for permits, variances, and plan approvals.		Same as the Executive except provides for a two-year extension of the \$100 application fee for a permit, variance, or plan approval under the Safe Drinking Water Law or the Water Pollution Control Law and provides for a two-year extension of the \$200 application fee for a National Pollutant Discharge Elimination System permit.	Same as the House.
Extends for two years the sunset on the following EPA fees related to the Water Pollution Control Law or Safe Drinking Water Law: annual discharge fees for holders of NPDES permits, and annual license fees for public water system licenses.		Same as the Executive.	Same as the House.
Fiscal effect: Continues this revenue stream for funds that collect minor facility emission fees, water pollution control fees, and safe drinking water fee revenues, and therefore has no new fiscal effect.		Fiscal effect: The fee extensions added in this version were inadvertently omitted from the Executive version.	Fiscal effect: Same as the House.

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
12	EPA - 8	Areawide Planning Agencies		
Section: 277.10			Section: 277.10	Section: 277.10
Requires the Director of Environmental Protection Agency to award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the Federal Clean Water Act, 33 U.S.C. 1288.			Same as the Executive.	Same as the Executive.
13	EPA - 9	Corrective Cash Transfer for the Copperweld Settlement		
Section: 277.10			Section: 277.10	Section: 277.10
Requires the Director of Budget and Management to transfer \$1,323,933.19 in cash, which the Agency received from the Copperweld bankruptcy settlement, that was mistakenly deposited in the Hazardous Waste Cleanup Fund (Fund 5050) to the Environmental Protection Remediation Fund (Fund 5410).			Same as the Executive.	Same as the Executive.
14	EPA - 19	Environmental Review Appeals Commission Funding		
No provision.			Section: 277.10	Section: 277.10
			Specifies that Fund 5BC0 appropriation item 715690, Environmental Review Appeals, be used to support the Environmental Review Appeals Commission, including the hiring of two staff attorneys.	Same as the House, but removes the requirement that the funding be used to hire two staff attorneys.

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
			Fiscal effect: Eliminates \$487,000 per year in GRF funding for the Commission and instead provides funding of \$637,000 per year derived from the environmental protection fee.	Fiscal effect: Reduces the appropriation by \$150,000 to \$487,000 in each fiscal year to reflect the removal of the requirement.
15	EPA - 24	State Clean Diesel Funding Task Force		
No provision.			No provision.	Section: 709.20 Creates the ten-member State Clean Diesel Funding Task Force to study methods of funding state clean diesel incentive programs and to issue a report, including a recommendation for a stable and dedicated long-term funding source for the Diesel Emissions Reduction Grant Program, to the General Assembly and the Governor by January 1, 2010. Abolishes the Task Force upon the issuance of the report.

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16	DNR - 33	Joint Permitting for Energy Facilities			
	No provision.		No provision.		<div>R.C. 3745.50</div> <div>Requires the Directors of Environmental Protection, Natural Resources, and Development to establish a streamlined joint permitting process for permits issued by the Environmental Protection Agency and any other state agency that are related to the siting or expansion of oil and gas refineries, coal gasification facilities, and other energy resource facilities.</div> <div>Fiscal effect: May increase administrative costs to the Department of Natural Resources, Environmental Protection Agency, and Department of Development to develop a joint permitting process.</div>
17	DNR - 34	Energy Planning Task Force			
	No provision.		No provision.		<div>Section: 715.10</div> <div>Creates the Energy Planning Task Force, to consist of the Directors of Natural Resources, Environmental Protection, and Development, or their designees; two members from each chamber of the General Assembly; members representing small and larger businesses, commercial energy users, and a statewide environmental advocacy organization; a member with knowledge and expertise in alternative energy; and a member with knowledge and expertise in coal gasification.</div> <div>Requires the Task Force to develop a state energy plan with the goal of maximizing access to and utilization of Ohio's energy resources for the purpose of facilitating Ohio's</div>
	No provision.		No provision.		

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		energy independence. Requires the Task Force to deliver its plan to the Governor and General Assembly no later than 18 months after the effective date of its establishment.

Executive		As Passed by the House	As Reported by Senate Finance and Financial Institutions
18	PUC - 1	Utility Radiological Safety Board Assessments	
Section: 506.10		Section: 506.10	Section: 506.10
Specifies, absent contractual agreement, the maximum amounts that may be assessed against nuclear electric utilities under R.C.4937.05 on behalf of four state agencies and that may be deposited into the specified funds as follows: (1) \$134,631 in each fiscal year to the Utility Radiological Safety Fund (fund 4E40) used by the Department of Agriculture; (2) \$887,445 in FY 2010 and \$920,372 in FY 2011 to the Radiation Emergency Response Fund (Fund 6100) used by the Department of Health; (3) \$286,114 in each fiscal year to the ER Radiological Safety Fund (Fund 6440) used by the Environmental Protection Agency; and (4) \$1,413,889 in FY 2010 and \$1,415,945 FY 2011 to the Emergency Response Plan Fund (Fund 6570) used by the Department of Public Safety.		Same as the Executive.	Same as the Executive.
Fiscal effect: Less than \$5.5 million will be assessed against nuclear utilities and spent by state agencies over the biennium.		Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.