
ENVIRONMENTAL PROTECTION AGENCY

E-Check extension

- Extends the motor vehicle inspection and maintenance program (E-Check) in the counties where this program is implemented by:
 - Authorizing the OEPA Director to request the Director of Administrative Services (DAS Director) to extend the existing contract with the contractor that conducts the program, beginning July 1, 2023, for a period of up to 24 months through June 30, 2027; and
 - Requiring the OEPA Director, before the contract extension expires, to request the DAS Director to enter into a contract (with a vendor to operate a decentralized program) through June 30, 2027, with an option to renew the contract for up to 24 months through June 30, 2029.

Solid waste transfer and disposal fees

- Revises and reallocates the current solid waste transfer and disposal fees (while maintaining the total fees charged at \$4.75 per ton) as follows:
 - Reduces a 90¢ per ton fee to 71¢ per ton and allocates the proceeds of that fee as follows:
 - ❖ 11¢ per ton, rather than 20¢ per ton, to the Hazardous Waste Facility Management Fund, which must be used by OEPA to administer the hazardous waste program;
 - ❖ 60¢ per ton, rather than 70¢ per ton, to the Hazardous Waste Clean-Up Fund, which must be used by OEPA to administer hazardous waste clean-up programs.
 - Increases, from 75¢ per ton to 90¢ per ton, the fee that is deposited in the Waste Management Fund, which is used by OEPA to administer and enforce laws governing solid and infectious waste and construction and demolition debris;
 - Reduces, from \$2.85 per ton to \$2.81 per ton, the fee that is deposited in the Environmental Protection Fund, which is used by OEPA to administer and enforce environmental protection laws;
 - Maintains the current 25¢ per ton fee that is used to provide assistance to soil and water conservation districts;
 - Imposes a new additional fee on the transfer or disposal of solid waste of 8¢ per ton, through June 30, 2026, which must be deposited in the National Priority List Remedial Support Fund created by the bill.
- Extends the sunset on all four existing solid waste transfer and disposal fees from June 30, 2024 to June 30, 2026.
- Requires the OEPA Director to use money in the new fund for the state's removal action and remedial action and long term operation and maintenance costs or applicable cost

shares for actions taken under the federal “Comprehensive Environmental Response, Compensation, and Liability Act.”

- Authorizes the Director to use money in the new fund to contract with federal, state, or local government agencies, nonprofit organizations, colleges, and universities to carry out the responsibilities specified above on behalf of OEPA.

Construction and demolition debris (C&DD) fees

- Reallocates the 50¢ per cubic yard or \$1 per ton disposal fee charged for construction and demolition debris (C&DD) by:
 - Reducing the portion of the fee (currently 37.5¢ per cubic yard or 75¢ per ton) that is for recycling and litter prevention by 2.5¢ per cubic yard and 5¢ per ton, respectively; and
 - Allocating the reduced amount (2.5¢ per cubic yard and 5¢ per ton) for waste management under the solid, hazardous, and infectious waste and C&DD laws.

Environmental fee sunsets

- Extends all of the following fees, which remain unchanged by the bill, for two years:
 - The sunset on the annual emissions fees for synthetic minor facilities;
 - The sunset of the annual discharge fees for holders of National Pollution Discharge Elimination System (NPDES) permits issued under the Water Pollution Control Law;
 - The sunset of the \$200 application fee for an NPDES permit and the decrease of that fee to \$15 at the end of two years;
 - 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 under the Water Pollution Control Law;
 - The annual discharge fees paid by the holder of an NPDES permit and the surcharge paid by holders of NPDES permits that are major dischargers;
 - The sunset of initial and renewal license fees for public water system licenses issued under the Safe Drinking Water Law;
 - The levying of higher fees, and the decrease of those fees at the end of the two years, for plan approvals for public water supply systems under the Safe Drinking Water Law;
 - The levying of higher fees, and the decrease of those fees at the end of the two years, for state certification of laboratories and laboratory personnel for purposes of the Safe Drinking Water Law;
 - The levying of higher fees, and the decrease of those fees at the end of the two years, for applications and examinations for certification as operators of water supply systems or wastewater systems under the Safe Drinking Water Law or the Water Pollution Control Law; and

- 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 under the Water Pollution Control Law and the Safe Drinking Water Law.

Scrap tire provisions

- Reduces the financial assurance amount that a person must submit to the OEPA Director to obtain a registration to transport scrap tires from at least \$20,000 to \$10,000 or less.
- Eliminates the (up to) \$300 fee currently charged to a person registering for and renewing a certificate to transport scrap tires.
- Exempts certain nonprofit, governmental, educational, and civil organizations from the scrap tire transporter registration requirements if the organization is conducting a scrap tire clean up event or community tire amnesty collection event that has received written concurrence from the OEPA.
- Expands the allowable uses of the Scrap Tire Grant Fund.
- Removes the requirement that a person who has been issued an order by the Director to remove scrap tires do so within 120 days after the issuance of the order, and instead requires that person to comply with each milestone established in the order within the timeframe specified in the order.
- Allows the Director, when performing a scrap tire removal action, to remove, transport, and dispose of any additional solid wastes or construction and demolition debris (C&DD) that was illegally disposed of on the land named in a removal order.
- Allows the Director to recover the costs associated with the solid waste and C&DD removal.
- Allows, instead of requires, the Director to record scrap tire removal costs at the county recorder of the county in which the accumulation of scrap tires was located.
- Allows the Director to record solid waste and C&DD removal costs at the county recorder of the county in which the accumulation of solid wastes and C&DD was located.

Original signatories to environmental covenant

- Authorizes an applicable agency that is party to an environmental covenant to determine that the signature of a person who originally signed the covenant is not necessary in order to amend or terminate it.
- Eliminates the need to provide notice to an original signatory specified above when an environmental covenant is subject to termination or amendment via an eminent domain proceeding.
- Retains the ability of an original signatory to an environmental covenant who is not a current owner of the subject property in fee simple to file a civil action to enforce the covenant.

E-check extension

(R.C. 3704.14)

The bill extends the motor vehicle inspection and maintenance program (E-Check) in the seven counties (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit) where this program is implemented by:

1. Authorizing the OEPA Director to request the Director of Administrative Services (DAS Director) to extend the existing contract (with the contractor that conducts the program) beginning July 1, 2023, for a period of up to 24 months through June 30, 2027; and

2. Requiring the OEPA Director, before the contract extension expires, to request the DAS Director to enter into a contract (with a vendor to operate a decentralized program) through June 30, 2027, with an option to renew the contract for up to 24 months through June 30, 2029.

The bill retains the requirement that the new contract ensure that the program achieves at least the same emissions reductions achieved under the prior contract. It also retains the requirement that the DAS Director must use a competitive selection process when entering into a new contract with a vendor. Last, the bill retains all statutory requirements governing the program, including requirements that E-Check be a decentralized program (meaning tests do not take place at dedicated testing centers) and include a new car exemption for motor vehicles that are up to four years old.

Solid waste transfer and disposal fees

(R.C. 3734.57 and 3734.579)

The bill revises and reallocates the current fees collected on the transfer or disposal of solid waste and imposes one new fee, while maintaining the current total per ton charge collected at \$4.75 per ton. The table below illustrates the revisions to each fee and the imposition of one new fee:

Fee under current law	Fee under the bill
<p>The 90¢ fee, collected until June 30, 2024, is currently allocated as follows:</p> <ul style="list-style-type: none"> ▪ 20¢ per ton, to the Hazardous Waste Facility Management Fund, which must be used by OEPA to administer the hazardous waste program; ▪ 70¢ per ton, to the Hazardous Waste Clean-Up Fund, which must be used by OEPA to administer hazardous waste clean-up programs. 	<p>The bill extends the sunset of the fee to June 30, 2026, reduces the fee to 71¢ per ton, and allocates the proceeds as follows:</p> <ul style="list-style-type: none"> ▪ 11¢ per ton to the Hazardous Waste Facility Management Fund; ▪ 60¢ per ton to the Hazardous Waste Clean-Up Fund.

Fee under current law	Fee under the bill
The 75¢ per ton fee, collected until June 30, 2024, is deposited in the Waste Management Fund, which is used by OEPA to administer and enforce laws governing solid and infectious waste and construction and demolition debris.	The bill increases the fee to 90¢ per ton and extends the sunset of the fee to June 30, 2026.
The \$2.85 per ton fee, collected until June 30, 2024, is deposited in the Environmental Protection Fund, which is used by OEPA to administer and enforce environmental protection laws.	The bill reduces the fee to \$2.81 per ton and extends the sunset of the fee to June 30, 2026.
The 25¢ per ton fee, collected until June 30, 2024, is used to provide assistance to soil and water conservation districts.	The bill maintains the 25¢ fee and extends the sunset of the fee to June 30, 2026.
Not applicable: this fee is not collected under current law.	<p>The bill imposes a new 8¢ per ton fee, until June 30, 2026, which must be deposited in the National Priority List Remedial Support Fund created by the bill.</p> <p>The OEPA Director must use the fund for the state’s removal action and remedial action and long term operation and maintenance costs or applicable cost shares for actions taken under the federal “Comprehensive Environmental Response, Compensation, and Liability Act” (CERCLA). The Director may use money in the fund to contract with federal, state, or local government agencies, nonprofit organizations, colleges, and universities to carry out those responsibilities on behalf of OEPA.</p>

Construction and demolition debris (C&DD) fees

(R.C. 3714.073)

The bill reallocates the disposal fee charged for both construction and demolition debris (C&DD) and asbestos or asbestos-containing materials. Currently, the disposal fee charged to a person disposing of C&DD or asbestos is 50¢ per cubic yard or \$1 per ton and that fee is allocated as follows:

1. 12.5¢ per cubic yard or 25¢ per ton is used for soil and water conservation districts; and
2. 37.5¢ per cubic yard or 75¢ per ton is used for recycling and litter prevention.

The bill retains the overall amount charged for disposal (50¢ per cubic yard or \$1 per ton), but reallocates the proceeds distribution by:

1. Reducing the portion of the fee (currently 37.5¢ per cubic yard or 75¢ per ton) that is for recycling and litter prevention by 2.5¢ per cubic yard and 5¢ per ton, respectively; and
2. Allocating the reduced amount (2.5¢ per cubic yard and 5¢ per ton) for waste management under the solid, hazardous, and infectious waste and C&DD laws.

Environmental fee sunsets

(R.C. 3745.11 and 3734.901)

The bill extends the period of validity for various OEPA-administered fees that remain unchanged under the laws governing air pollution control, water pollution control, safe drinking water, and scrap tires. The following table sets forth each fee, its purposes, and the time period OEPA is authorized to charge the fee under prior law and the act:

Type of fee	Description	Fee under current law	Fee under the bill
Synthetic minor facility: emission fee	Each person who owns or operates a synthetic minor facility must pay an annual fee in accordance with a fee schedule that is based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead. A synthetic minor facility is a facility for which one or more permits to install or permits to operate have been issued for the air contaminant source at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules.	The fee is required to be paid through June 30, 2024.	The bill extends the fee through June 30, 2026.
Wastewater treatment works: plan approval application fee	A person applying for a plan approval for a wastewater treatment works is required to pay one of the following fees depending on the date: <ul style="list-style-type: none"> ▪ A tier one fee of \$100 plus 0.65% of the estimated project cost, up to a maximum of \$15,000; or ▪ A tier two fee of \$100 plus 0.2% of the estimated project 	An applicant is required to pay the tier one fee through June 30, 2024, and the tier two fee on and after July 1, 2024.	The bill extends the tier one fee through June 30, 2026; the tier two fee begins on or after July 1, 2026.

Type of fee	Description	Fee under current law	Fee under the bill
	cost, up to a maximum of \$5,000.		
Discharge fees for holders of NPDES permits	Each NPDES permit holder that is a public discharger or an industrial discharger with an average daily discharge flow of 5,000 or more gallons per day must pay an annual discharge fee based on the average daily discharge flow. There is a separate fee schedule for public and industrial dischargers.	The fees are due by January 30, 2022, and January 30, 2023.	The bill extends the fees and the fee schedules to January 30, 2024, and January 30, 2025.
Surcharge for major industrial dischargers	A holder of an NPDES permit that is a major industrial discharger must pay an annual surcharge of \$7,500.	The surcharge is required to be paid by January 30, 2022, and January 30, 2023.	The bill extends the fee to January 30, 2024, and January 30, 2025.
Discharge fee for specified exempt dischargers	One category of public discharger and eight categories of industrial dischargers that are NPDES permit holders are exempt from the annual discharge fees that are based on average daily discharge flow. Instead, they are required to pay an annual discharge fee of \$180.	The fee is due by January 30, 2022, and January 30, 2023.	The bill extends the fee to January 30, 2024, and January 30, 2025.
License fee for public water system license	A person is prohibited from operating or maintaining a public water system without an annual license from OEPA. Applications for initial licenses or license renewals must be accompanied by a fee, which is calculated using schedules for the three basic categories of public water systems.	The fee for an initial license or a license renewal applied through June 30, 2024, and is required to be paid annually in January.	The bill extends the initial license and license renewal fee through June 30, 2026.
Fee for plan approval to construct, install, or modify a public water system	Anyone who intends to construct, install, or modify a public water supply system must obtain approval of the plans from OEPA. The fee for the plan approval is \$150 plus 0.35% of the estimated project cost. However, continuing law sets a cap on the fee.	The cap on the fee is \$20,000 through June 30, 2024, and \$15,000 on and after July 1, 2024.	The bill extends the cap of \$20,000 through June 30, 2026; the cap of \$15,000 applies on and after July 1, 2026.

Type of fee	Description	Fee under current law	Fee under the bill
Fee on state certification of laboratories and laboratory personnel	<p>In accordance with two schedules, OEPA charges a fee for evaluating certain laboratories and laboratory personnel.</p> <p>An additional provision states that an individual laboratory cannot be assessed a fee more than once in a three-year period unless the person requests the addition of analytical methods or analysts, in which case the person must pay \$500 for each additional survey requested.</p>	<p>The schedule with higher fees applied through June 30, 2024, and the schedule with lower fees applied on and after July 1, 2024.</p> <p>The \$500 additional fee applied through June 30, 2024.</p>	<p>The bill extends the higher fee schedule through June 30, 2026; the lower fee schedule applies on and after July 1, 2026.</p> <p>The bill extends the additional fee through June 30, 2026.</p>
Fee for examination for certification as an operator of a water supply system or wastewater system	A person applying to OEPA to take an examination for certification as an operator of a water supply system or a wastewater system (class A and classes I-IV) must pay a fee, at the time an application is submitted, in accordance with a statutory schedule.	A schedule with higher fees applied through November 30, 2024, and a schedule with lower fees applied on and after December 1, 2024.	The bill extends the higher fee schedule through November 30, 2026; the lower fee schedule applies on and after December 1, 2026.
Application fee for a permit (other than an NPDES permit), variance, or plan approval	A person applying for a permit (other than an NPDES permit), a variance, or plan approval under the Safe Drinking Water Law or the Water Pollution Control Law must pay a nonrefundable fee.	If the application is submitted through June 30, 2024, the fee is \$100. The fee is \$15 for an application submitted on or after July 1, 2024.	The bill extends the \$100 fee through June 30, 2026; the \$15 fee applies on and after July 1, 2026.
Application fee for an NPDES permit	A person applying for an NPDES permit must pay a nonrefundable application fee.	If the application is submitted through June 30, 2024, the fee is \$200. The fee is \$15 for an application submitted on or after July 1, 2024.	The bill extends the \$200 fee through June 30, 2026; the \$15 fee applies on and after July 1, 2026.
Fees on the sale of tires	A base fee of 50¢ per tire is levied on the sale of tires to assist in the cleanup of scrap tires.	Both fees are scheduled to	The bill extends the fees through June 30, 2026.

Type of fee	Description	Fee under current law	Fee under the bill
	An additional fee of 50¢ per tire is levied to assist soil and water conservation districts.	sunset on June 30, 2024.	

Scrap tire provisions

(R.C. 3734.74, 3734.822, 3734.83, and 3734.85)

The bill reduces the financial assurance amount that a person must submit to the OEPA Director to obtain a registration to transport scrap tires. Under current law, prior to the Director issuing the registration, a transporter must submit a surety bond, a letter of credit, or other financial assurance acceptable to the Director of *at least \$20,000*. The bill reduces this amount to *\$10,000 or less*. The Director, consistent with current law, determines the exact amount by considering what is necessary to cover:

1. The costs of cleanup of tires improperly accumulated or discarded by the transporter; and
2. Liability for sudden accidental occurrences that result in damage or injury to persons or property or to the environment.

The bill eliminates the (up to) \$300 fee currently charged to a person registering for and renewing a certificate to transport scrap tires. Current law requires the proceeds of the \$300 fee to be deposited in the Scrap Tire Management Fund.

It also exempts from the scrap tire transporter registration requirements any of the following entities conducting a scrap tire clean up event or community tire amnesty collection event that has received written concurrence from the OEPA:

1. A nonprofit organization;
2. A federal, state, or local government;
3. A university; or
4. Other civic organization.

In addition, it allows the Scrap Tire Grant Fund to be used for both of the following:

1. Scrap tire amnesty and cleanup events hosted or sponsored by a state agency or political subdivision (e.g., a county, municipal corporation, and township); and
2. A scrap tire amnesty and cleanup event hosted by a solid waste management district, in addition to an event sponsored by a district as under current law.

Under current law, the Scrap Tire Grant Fund may be used to support market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes. It also may be used to support scrap tire amnesty cleanup events sponsored by solid waste management districts.

The bill removes the requirement that a person who has been issued an order by the Director to remove scrap tires do so within 120 days after the issuance of the order. Instead, it requires a person to comply with each milestone established in the order within the timeframe specified in the order. Under continuing law, if the person who has been issued the order fails to comply with the order, the Director may then perform scrap tire removal and the person is liable to the Director for the costs associated with the removal. Under the bill, the Director, when performing a scrap tire removal action, may remove, transport, and dispose of any additional solid wastes or construction and demolition debris (C&DD) that was illegally disposed of on the land named in a removal order if the removal of the waste or debris is required by the order. Accordingly, the Director may recover the costs associated with the solid waste and C&DD removal.

Finally, the bill allows, instead of requires, the Director to record scrap tire removal costs at the county recorder of the county in which the accumulation of scrap tires was located. It also allows the Director to record solid waste and C&DD removal costs at the county recorder of the county in which the accumulation of solid wastes and C&DD removed was located.

Original signatories to environmental covenant

(R.C. 5301.90 and 5301.91; R.C. 5301.89, not in the bill)

The bill authorizes an applicable agency (for example, OEPA) that is party to an environmental covenant to determine that the signature of a person who originally signed the covenant is not necessary in order to amend or terminate it. Under current law, an environmental covenant may only be amended or terminated by consent and with the signature of all of the following:

- The applicable agency;
- The current owner in fee simple of the real property that is subject to the covenant (unless waived by the agency);
- Each original signer of the covenant, unless:
 - The person waived in a signed record the right to consent; or
 - A court finds the person no longer exists or cannot be located.

As a result, the bill eliminates the need to provide notice to an original signatory (who the agency determines is not necessary to amend or terminate the environmental covenant) when the environmental covenant is subject to termination or amendment via an eminent domain proceeding. However, the bill retains the ability of an original signatory who is not a current owner of the subject property in fee simple to file a civil action to enforce the covenant.