ENVIRONMENTAL PROTECTION AGENCY

Environmental fees

- Extends and revises various fees charged by the Ohio Environmental Protection Agency (OEPA) under the laws governing water pollution control, safe drinking water, and scrap tires.
- Extends solid waste transfer and disposal fees an additional two years, until June 30, 2026.
- Increases, by 50%, fees related to OEPA's air pollution control program, including fees for facility permits to install and annual fees that are based on total air pollution emissions or emission capacity.
- Creates an annual $5,000 flat fee charged to synthetic minor facilities and Title V air pollution control permit holders in addition to the existing emission-based annual fees.
- Eliminates the $140 infectious waste generator registration application and renewal fee.
- Eliminates the application fee of 0.5% of the total exempt facility project costs, not to exceed $2,000, for an industrial water pollution control facility that files for a certificate to exempt the facility from certain taxes.
- Eliminates a $500 application fee for an industrial water pollution control certificate that applied to industrial water pollution control facilities under law in effect until June 26, 2003.

Waste facility permit notification

- Allows the OEPA Director to give notification of the public hearing regarding a solid waste facility permit application or infectious waste treatment facility permit application either via newspaper publication or publication on the OEPA website, instead of only in a newspaper as in prior law.

E-Check

E-Check extension

- Extends the motor vehicle inspection and maintenance program (E-Check) in the counties where the program is implemented by authorizing the OEPA Director to request the DAS Director to extend the existing contract with the contractor that conducts the program beginning July 1, 2025, for a period of up to 24 months until June 30, 2027.
- Requires a decentralized E-Check contract to achieve "an equivalent amount of emissions reductions" as the centralized program authorized by the contract specified above, rather than "at least the same emissions reductions" as the centralized contract as in prior law.
- Requires the OEPA Director, if USEPA determines that the E-check program is not necessary for Ohio or any area of Ohio to comply with the federal Clean Air Act, to immediately discontinue the program and take any actions necessary to effectuate its termination.

E-check review and report

- Requires the OEPA Director to conduct a review to assess whether the current E-check program is necessary and to evaluate the impact of weather patterns over northeast Ohio on emissions and air quality.
- Requires the OEPA Director, by March 30, 2027, to submit to the General Assembly a report compiling the findings of the review, and make it available to the public on OEPA's website.

Air nuisance rule

- Requires the OEPA Director to remove any air nuisance rule from the federally required national ambient air quality standards state implementation plan and to take steps as are necessary to do so.
- Prohibits the Director, on and after September 30, 2025, from including an air nuisance rule in the state implementation plan or relying on an air nuisance rule to implement or enforce ambient air quality standards adopted pursuant to the federal Clean Air Act.

Community air monitoring

- Establishes requirements governing community air monitoring
- Generally prohibits the OEPA Director from either:
  - Imposing conditions in a permit that require community air monitoring, unless otherwise agreed to by the owner or air operator and the Director; or
  - Requiring an applicant for a permit for an air contaminant source to conduct community air monitoring prior to the issuance or renewal of a permit or a variance.
- Prohibits data produced from community air monitoring from being used as evidence to support either:
  - A fine, penalty, or notice of violation against any person for violations of or noncompliance with any federal or state air pollution regulation; or
  - An administrative, regulatory, or judicial enforcement action, lawsuit, or proceeding for violations of or noncompliance with any federal or state air pollution regulation.
- Generally prohibits data produced from community air monitoring from being considered or relied upon by OEPA or a local air pollution control authority in any rulemaking action, or in any action relating to the issuance of an installation permit or operating permit.

Environmental fees

(R.C. 3745.11, 3734.57, and 3734.901)

The act extends the period of validity for various OEPA-administered fees that remain largely 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 during which OEPA is authorized to charge the fee under prior law and the act:

Type of fee	Description	Fee period under prior law	Fee change under the act
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 (Title V) thresholds established in rules.	The fee was required to be paid through June 30, 2026.	The act extends the fee through June 30, 2028. It also increases each fee in the fee schedule by 50% and adds an additional $5,000 annual fee.
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: ▪ 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 cost, up to a maximum of $5,000.	An applicant was required to pay the tier one fee through June 30, 2026, and the tier two fee on and after July 1, 2026.	The act extends the tier one fee through June 30, 2028; the tier two fee begins on or after July 1, 2028.
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 gallons or more 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 were due by January 30, 2024, and January 30, 2025.	The act extends the fees and the fee schedules to January 30, 2026, and January 30, 2027.

Type of fee	Description	Fee period under prior law	Fee change under the act
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 was required to be paid by January 30, 2024, and January 30, 2025.	The act extends the surcharge to January 30, 2026, and January 30, 2027.
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 was due by January 30, 2024, and January 30, 2025.	The act extends the fee to January 30, 2026, and January 30, 2027.
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, 2026, and was required to be paid annually in January.	The act extends the initial license and license renewal fee through June 30, 2028.
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 was $20,000 through June 30, 2026, and $15,000 on and after July 1, 2026.	The act extends the $20,000 cap through June 30, 2028; the $15,000 cap applies on and after July 1, 2028.
Fee on state certification of laboratories and laboratory personnel	In accordance with two schedules, OEPA charges a fee for evaluating certain laboratories and laboratory personnel. 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 schedule with higher fees applied through June 30, 2026, and the schedule with lower fees applied on and after July 1, 2026. The $500 additional fee applied through June 30, 2026.	The act extends the higher fee schedule through June 30, 2028; the lower fee schedule applies on and after July 1, 2028. The act extends the additional fee

Type of fee	Description	Fee period under prior law	Fee change under the act
	the person must pay $500 for each additional survey requested.		through June 30, 2028.
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, 2026, and a schedule with lower fees applied on and after December 1, 2026.	The act extends the higher fee schedule through November 30, 2028; the lower fee schedule applies on and after December 1, 2028.
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, 2026, the fee was $100. The fee was $15 for an application submitted on or after July 1, 2026.	The act extends the $100 fee through June 30, 2028; the $15 fee applies on and after July 1, 2028.
Application fee for an NPDES permit (S)(1)(b)(i)	A person applying for an NPDES permit must pay a nonrefundable application fee.	If the application was submitted through June 30, 2026, the fee was $200. The fee was $15 for an application submitted on or after July 1, 2026.	The act extends the $200 fee through June 30, 2028; the $14 fee applies on and after July 1, 2028.
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. An additional fee of 50¢ per tire is levied to assist soil and water conservation districts.	Both fees were scheduled to sunset on June 30, 2026.	The act extends both fees through June 30, 2028.

The act also extends, for an additional two years, the period of validity for the fees levied on the transfer and disposal of solid waste. Under prior law, all existing state imposed solid waste transfer and disposal fees were scheduled to sunset on June 30, 2026. The act extends these fees through June 30, 2028.

Additional air pollution control fee increases

(R.C. 3745.11)

The act increases, by 50%, the fees related to OEPA's air pollution control program, specifically for permits to install. It also creates an additional annual fee of $5,000 charged to Title V air pollution control permit holders in addition to the existing emission-based annual fees.

Infectious waste generator fee

(R.C. 3734.021)

The act eliminates the $140 infectious waste generator registration application and renewal fee. Under continuing law, each generator of 50 pounds or more of infectious waste in any one month must register with OEPA.

Industrial water pollution control facility certificate

(R.C. 3745.11(P); conforming changes in R.C. 3734.05, 3734.79, 5709.212, 6111.01, and 6111.04)

The act eliminates the application fee of 0.5% of the total exempt facility project costs, not to exceed $2,000, for an industrial water pollution control facility that files for a certificate to exempt the facility from certain taxes. Additionally, it eliminates a $500 application fee for an industrial water pollution control certificate that applied to industrial water pollution control facilities under law in effect until June 26, 2003.

Waste facility permit notification

(R.C. 3734.05)

The act allows the OEPA Director to give notification of the required public hearing regarding a solid waste facility permit application or infectious waste treatment facility permit application either via newspaper publication or publication on the OEPA website. Prior law allowed notification only in a newspaper.

E-Check

E-Check extension

(R.C. 3704.14)

The act continues the operation of the motor vehicle inspection and maintenance program (E-Check) in the seven counties where it currently operates (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit). It does so 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, 2025, for a period of up to 24 months.

Continuing law requires the OEPA Director to request the DAS Director to enter into a contract with a vendor to operate a decentralized E-Check program through June 30, 2027. The act eliminates law that allowed OEPA to renew that contract for a period of up to 24 months through June 30, 2029.

It also requires the decentralized E-Check program to ensure *an equivalent amount* of emissions reductions as the centralized program. Prior law required the decentralized program achieve *at least the same* emission reductions as the centralized program.

Additionally, the act requires the OEPA Director, if USEPA determines that the E-check program is not necessary for Ohio or any area of Ohio to comply with the federal Clean Air Act, to immediately discontinue the program and take any actions necessary to effectuate its termination.

E-Check review and report

(Section 737.10)

The act requires the OEPA Director to conduct a review to assess the E-check program. The Director must include the following in the review:

1. A determination of the necessity of the program;

2. An evaluation of whether each county that is subject to the program during the prior calendar year has achieved, and has the ability to maintain, compliance with federal ozone standards without implementation of the program in that county;

3. An analysis of whether a revision to Ohio's state implementation plan could be submitted to USEPA to discontinue the program while maintaining compliance with national ambient air quality standards (and if so, the OEPA Director must formally submit a request to USEPA for reconsideration of the program's implementation in affected regions);

4. After proper monitoring, an analysis of weather patterns over northeast Ohio and the entire Great Lakes region with respect to how those patterns impact ozone levels, air circulation, and overall emissions; and

5. Any potential alternative measures for maintaining air quality if the program is altered or discontinued.

By March 30, 2027, the Director must compile the findings of the review into a report and submit it to the General Assembly. The Director also must make the report available to the public on OEPA's website.

Air nuisance rule

(R.C. 3704.0310)

The act requires the OEPA Director, if Ohio's state implementation plan required under the federal Clean Air Act includes an air nuisance rule, to remove the air nuisance rule from the plan and to take such steps as are necessary to do so. Additionally, on or after September 30, 2025, the Director cannot include an air nuisance rule in the state implementation plan, or rely on an air nuisance rule to implement or enforce ambient air quality standards adopted pursuant to the federal Clean Air Act.

Under federal law, each state must adopt and submit a state implementation plan regarding national ambient air quality standards to the USEPA Administrator for approval. Any

person may commence a civil action against any person alleged to have violated or be in violation of an approved state implementation plan.

An "air nuisance rule" is a rule adopted by the Director that declares any of the following to be a public nuisance:

1. The emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, or any other substances or combinations of substances, in such manner or in such amount as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property;

2. The emission or escape into the open air from any source or sources of odors whatsoever that is subject to regulation under the air pollution control law and is operated in such a manner to emit such amounts of odor so as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property; or

3. Activities that are substantially similar to those described in (1) and (2).[69]

Community air monitoring

(R.C. 3704.01, 3704.03, 3704.031, 3704.09, and 3704.111)

The act establishes requirements governing community air monitoring, which is any measurement or quantification of ambient air concentrations of an air contaminant other than any of the following:

- Monitoring conducted using monitoring devices identified in the most recent approved version of the USEPA's "List of Designated Reference and Equivalent Methods";
- Monitoring conducted using monitoring devices identified in the most recent approved version of the USEPA's "Air Monitoring Network Plan" that are legally installed and operated;
- Any measurement or quantification of ambient air concentrations of an air contaminant that is specifically identified or described in and either required or allowed to be used for the particular air contaminant source or source category for which it is being used under federal law or an implementation plan, permit, variance, order issued prior to September 30, 2025; and
- Any monitoring system installed and used by the OEPA or by a local air pollution control authority under the terms of a delegation agreement.

For sources where no specific monitoring requirement is otherwise specified in law, the act prohibits the OEPA Director from imposing a condition in a permit that requires community air monitoring, unless otherwise agreed to by the owner or air operator and the Director. Additionally, the Director cannot require an applicant for a permit for an air contaminant source to conduct community air monitoring prior to the issuance or renewal of a permit or a variance.

[69] 42 U.S.C. 7410 and 7604.

Under the act, data produced from community air monitoring cannot be used as evidence to support either:

1. A fine, penalty, or notice of violation against any person for violations of or noncompliance with any federal or state air pollution regulation; or

2. An administrative, regulatory, or judicial enforcement action, lawsuit, or proceeding for violations of, or noncompliance with, any federal or state air pollution regulation.

In addition, OEPA or a local air pollution control authority may not consider or rely on data produced from community air monitoring in any rulemaking action or in any action relating to issuing an installation permit or operating permit, unless the consideration or reliance is requested by the owner or operator of the air contaminant source requesting the permit. Finally, the Director may not enter into a contract with a private agency for the establishment, operation, or maintenance of community air monitoring where the intended use of the data produced by the monitoring stations and other devices would violate (1) or (2) above or the prohibition against relying on community air monitoring data in a rulemaking action or other action related to issuing a permit.