
Executive**EPACD7 Local air pollution control authority****R.C. 3704.01, 3704.111**

Modifies the list of local agencies that qualify as a local air pollution control authority under the law governing air pollution control by eliminating the Mahoning-Trumbull Air Pollution Control Authority, City of Youngstown.

Fiscal effect: None. The Mahoning-Trumbull Air Pollution Control Authority ceased operations as of September 30, 2018, therefore the elimination will not affect the distribution of available funding for local air pollution control authorities.

EPACD5 Best available technology requirements for air contaminants**R.C. 3704.03**

- (1) Eliminates the requirement that the Director of Environmental Protection establish the best available technology (BAT) methods in rules and instead requires the BAT method for an air contaminant source to be established in the permit to install (PTI) issued for the source.
- (2) Specifies that the methods apply only to air contaminants or precursors of air contaminants for which a National Ambient Air Quality Standard has been established under the federal Clean Air Act.
- (3) Alters one of the four current BAT methods by allowing BAT requirements in a permit issued for an air contaminant source to be expressed as a "rolling 12-month summation of the allowable emissions" rather than as "monthly allowable emissions averaged over a 12-month rolling period."
- (4) Clarifies that certain air contaminant sources having the potential to emit ten tons or more of nitrogen oxide per year must meet any applicable reasonably available technology rule in effect as of December 22, 2007.

Fiscal effect: Uncertain.

Executive**EPACD6 Extension of E-Check****R.C. 3704.14**

Authorizes the extension of the motor vehicle inspection and maintenance program (E-Check) in Ohio counties where this program is federally mandated by doing the following:

- (1) Authorizing the Director of Environmental Protection to request the Director of Administrative Services to extend the contract (with the contractor that conducts the program) beginning on June 30, 2019, for a period of up to 24 months through June 30, 2021.
- (2) Requiring the Director of Environmental Protection, prior to the expiration of the contract extension above, to request the Director of Administrative Services to enter into a contract (with a vendor to operate a decentralized program) through June 30, 2023, with an option to renew the contract for a period of up to 24 months through June 30, 2025.

Fiscal effect: This program is a requirement that was developed as part of the federally approved State Implementation Plan (SIP) and compliance with the federal Clean Air Act so as to avoid the loss of federal grant money and possible sanctions. These sanctions include requiring offsets from facilities building in nonattainment areas and the loss of federal highway funds.

EPACD4 Asbestos training certification changes**R.C. 3710.01, 3710.04, 3710.05, 3710.051, 3710.06,
3710.07, 3710.08, 3710.12**

Makes the following changes to the law governing asbestos abatement, which is administered by Ohio EPA:

- (1) Expands the scope of activities that are subject to regulation by applying the law to activities involving more than 3 linear or square feet of asbestos-containing material, rather than more than 50 linear or square feet as in current law.
- (2) Adds the maintenance of asbestos-containing materials as one of the activities subject to regulation.
- (3) Adds the operation of asbestos-containing materials as one of the activities subject to regulation.
- (4) Authorizes the Ohio EPA to take certain enforcement actions against a contractor licensee or certificate holder if either is violating or threatening to violate specified federal regulations adopted under the Federal Toxic Substances Control Act.
- (5) Requires the Ohio EPA to deny a contractor license application if the applicant or any of the applicant's officers or employees has been found liable in a civil proceeding under any state or federal environmental law. (Currently, denial is limited to felony

Executive

convictions.)

(6) Eliminates the Ohio EPA Director's authority to approve, on a case-by-case basis, alternatives to the existing worker protection requirements for a project conducted by a public entity.

(7) Adds both of the following to the list of activities that require a person to be certified as an asbestos hazard evaluation specialist: (a) inspections, and (b) assessments of suspect asbestos containing materials.

(8) Adds the oversight of an asbestos hazard abatement activity to the list of activities that require certification as an asbestos hazard abatement project designer.

(9) Eliminates, with regard to the certification of an asbestos hazard abatement air-monitoring technician (responsible for environmental monitoring or work area clearance air sampling), the exemption from certification that applies to industrial hygienists-in-training since the American Board of Industrial Hygiene no longer certifies those hygienists.

(10) Requires a contractor to notify the Ohio EPA Director at least ten working days, rather than at least ten days as under current law, before beginning an asbestos hazard abatement project. (The change makes Ohio law consistent with federal law.)

Fiscal effect: Uncertain.

EPACD8 Open dumping

R.C. 3734.01

Specifies that “open dumping” under the law governing solid and infectious waste includes both of the following: (a) depositing solid wastes or treated infectious wastes into an abandoned building or structure at a site that is not licensed as a solid waste facility, and (b) depositing untreated infectious wastes into any abandoned building or structure.

Fiscal effect: Uncertain.

EPACD1 Extension of sunset of fees on the transfer or disposal of solid wastes

R.C. 3734.57

Extends for two years, from June 30, 2020 to June 30, 2022, the sunset of fees levied on the transfer or disposal of solid wastes. (A total of \$4.75 in state fees is levied on each ton of solid waste disposed of or transferred in Ohio and then used for administering the hazardous waste (90¢), solid waste (75¢), and other OEPA programs (\$2.85), and for soil and water conservation districts (25¢)).

Executive

Fiscal effect: The fee extensions will continue annual revenues totaling \$64.5 million credited for the Ohio EPA's use as follows: \$40.9 million for the Environmental Protection Fund (Fund 5BC0), \$10.4 million for the Solid Waste Fund (Fund 4K30), \$10.2 million for the Hazardous Waste Clean-Up Fund (Fund 5050), and \$3.0 million for the Hazardous Waste Facility Management Fund (Fund 5030). Additionally, \$3.5 million credited annually to the Soil and Water Conservation District Assistance Fund (Fund 5BV0) and used by the Department of Agriculture is retained.

EPACD9 **Removal of additional wastes at scrap tire sites**

R.C. 3734.85

- (1) Specifically authorizes the Director of Ohio EPA, when issuing a scrap tire removal order to a property owner, to also require the owner to remove any additional solid waste or construction and demolition debris (C&DD) unlawfully disposed of at the property. (Under current law, the Director may issue a scrap tire removal order when the Director determines that a scrap tire accumulation constitutes a danger to the public health or safety or to the environment.)
- (2) Authorizes generally the Ohio EPA, when performing a removal action, to remove, transport, and dispose of any additional solid wastes or C&DD unlawfully disposed of at a scrap tire site if one or more of the following apply: (a) the property owner consents to the removal in writing, or (b) the Director, in the removal order, required the removal of the additional wastes.
- (3) Specifies that a person who receives a removal order is liable to the Ohio EPA Director for the removal, storage, processing, disposal, or transportation costs associated with additional solid waste or C&DD. Permits the Director to record these costs, in the office of the county recorder where the property is located, as a lien against the property (under current law, the costs associated only with the removal of scrap tires may be so recorded).
- (4) Clarifies that in a civil action for removal costs (and only removal costs) associated with scrap tires, a landowner may recover costs from a responsible party in an amount equal to the portion of costs that the court determines is attributable to the responsible party. (Current law implies that the landowner may recover all costs from one responsible party even if there are multiple responsible parties.)

Fiscal effect: Uncertain.

Executive

EPACD2 Extension of sunset on fees on the sale of tires**R.C. 3734.901**

Extends for two years, from June 30, 2020 to June 30, 2022, the sunset of both: (1) a base fee of 50¢ per tire levied on the sale of tires to assist in the cleanup of scrap tires, and (2) an additional fee of 50¢ per tire levied to assist soil and water conservation districts.

Fiscal effect: The fee extensions preserve annual revenues totaling \$3.8 million for the Scrap Tire Management Fund (Fund 4R50) used by the Ohio EPA, and \$3.8 million for the Soil and Water Conservation District Assistance Fund (Fund 5BV0) used by the Department of Agriculture.

EPACD3 Extension of various fees under laws governing air pollution control, water pollution control, and safe drinking water**R.C. 3745.11**

Extends, for two years, all of the following:

- (1) The sunset of the annual emissions fees for synthetic minor facilities.
- (2) The sunset of the annual discharge fees for holders of National Pollutant Discharge Elimination System (NPDES) permits issued under the Water Pollution Control Law.
- (3) 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.
- (4) The sunset of annual license fees for public water system licenses.
- (5) 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.
- (6) 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.
- (7) The levying of higher fees, and the decrease of those fees at the end of the two years, for applications to take examinations for certification as operators of water supply systems or wastewater systems.
- (8) 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 Laws.

Executive

Fiscal effect: The fee extensions will continue annual revenues totaling \$14.8 million and credited for the Ohio EPA's use as follows: \$8.3 million for the Surface Water Protection Fund (Fund 4K40), \$6.1 million for the Drinking Water Protection Fund (Fund 4K50), and \$375,000 for the Clean Air - Non Title V Fund (Fund 4K20).

EPACD13 H2Ohio Fund**Section: 227.20**

- (1) Requires DPF Fund 6H20 appropriation item 715695, H2Ohio, to be used by the Ohio Environmental Protection Agency to support watershed planning, scientific research, and data collection.
 - (2) Permits appropriation item 715695 to be used to fund waterway improvement and protection of all state waterways in support of water quality priorities and management in accordance with R.C. 126.60.
 - (3) Permits the Director of the Environmental Protection Agency to certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of appropriation item 715695, at the end of FY 2020 to be reappropriated in FY 2021 to the same appropriation item. Appropriates the certified amount for FY 2021.
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EPACD10 Areawide planning agencies**Section: 277.20**

Permits the Director of Environmental Protection to award grants from DPF Fund 5BC0 appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with the nonpoint source pollution control provisions of the federal Clean Water Act.

Executive**EPACD11 Cash transfer to the Marsh Restoration Fund****Section: 277.20**

(1) Permits the Director of Budget and Management, in consultation with the Director of Environmental Protection, on July 1, 2019, or as soon as possible thereafter, to transfer up to \$12,000,000 from the Surface Water Improvement Fund (Fund 5Y30) to the Marsh Restoration Fund (Fund 5VA0). Creates Fund 5VA0 in the state treasury. Specifies that all moneys credited to Fund 5VA0 are to be used for the remediation and restoration of the Mentor Marsh site in Mentor, Ohio.

(2) Permits the Director of Budget and Management, in consultation with the Director of Environmental Protection, on July 1, 2019, or as soon as possible thereafter, to transfer up to \$1,000,000 from the Site Specific Cleanup Fund (Fund 5410) to Fund 5VA0.

Executive**AGRCD14 Creation of the H2Ohio Fund****R.C. 126.60**

Creates the H2Ohio Fund (Fund 6H20) in the state treasury consisting of money credited to it and any donations, gifts, bequests, and other money received for deposit in the fund.

Requires Fund 6H20 to be used for the following purposes: (1) awarding or allocating grants or money, issuing loans, or making purchases for the development and implementation of projects and programs that are designed to address water quality priorities, (2) funding cooperative research, data gathering and monitoring, and demonstration projects related to water quality priorities, (3) encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, agriculture, environmental organizations, and water conservation districts, and (4) other purposes, policies, programs, and priorities identified by the Lake Erie Commission (LEC) in coordination with the state agencies or boards responsible for water protection and water management.

Requires that the LEC, in coordination with state agencies or boards responsible for water protection and water management, prepare a report on the activities undertaken under Fund 6H20 during the immediately preceding FY, including the revenues and expenses of the fund for the preceding FY, and submit the report to the General Assembly and the Governor.

Fiscal effect: The bill requires a portion of FY 2019 GRF surplus revenue and the entire balance of FY 2020 and FY 2021 GRF surplus moneys to be deposited into Fund 6H20 (see OBMCD44 and OBMCD56). It appropriates \$85.2 million in FY 2020 under Fund 6H20 to be used by DNR, AGR, and EPA. The funding is distributed as follows: (1) \$46.2 million is appropriated under appropriation item 725681, H2Ohio, used by DNR, (2) \$30.3 million under appropriation item 700670, H2Ohio, used by AGR, and (3) \$8.7 million under appropriation item 715695, H2Ohio, used by EPA.

Executive**OBMCD44 FY 2019 GRF ending balance****Section: 513.10**

Requires the Director of OBM to determine the GRF surplus revenue that existed on June 30, 2019, and transfer cash, up to the actual surplus revenue amount, from the GRF as follows:

- (1) Up to \$10 million to the Targeted Addiction Program Fund (Fund 5TZ0)
- (2) Up to \$31 million to the Statewide Treatment and Prevention Fund (Fund 4750)
- (3) Up to \$100 million to the H2Ohio Fund (Fund 6H20)
- (4) Up to \$5 million to the Books from Birth Fund (Fund 5VJ0)
- (5) Up to \$25 million to the State Park Fund (Fund 5120)
- (6) Up to \$25 million to the Emergency Purposes Fund (Fund 5KM0)
- (7) Up to \$25 million to the Disaster Services Fund (Fund 5E20)
- (8) Up to \$2 million to the Ohio Public Health Priorities Fund (Fund L087)
- (9) Up to \$19 million to the Tobacco Use Prevention Fund (Fund 5BX0)
- (10) Up to \$6.9 million to the Economic Development Programs Fund (Fund 5JC0)
- (11) Remaining surplus cash to the H2Ohio Fund (Fund 6H20)

OBMCD56 FY 2020 and FY 2021 GRF ending balances**Section: 513.20**

Requires the Director of OBM to determine the GRF surplus revenue that existed on June 30, 2020, and transfer cash, on July 1, 2020, in an amount equal to the actual surplus revenue amount, from the GRF to the H2Ohio Fund (Fund 6H20). Authorizes the Controlling Board, in FY 2021, to increase or establish appropriations from Fund 6H20 for certain state agencies or boards in amounts necessary to support the statewide water protection vision and strategy in that year.

Requires the Director of OBM to determine the GRF surplus revenue that existed on June 30, 2021, and transfer cash, on July 1, 2021, in an amount equal to the actual surplus revenue amount, from the GRF to the H2Ohio Fund (Fund 6H20).

Executive**OBMCD58 Utility Radiological Safety Board assessments****Section: 514.10**

Specifies the maximum amounts, unless the agency and nuclear electric utility mutually agree to a higher amount by contract, that may be assessed against nuclear electric utilities under RC 4937.05 (B) (2) and deposited into the following funds:

\$97,610 in FY 2020 and \$101,130 in FY 2021 to the Utility Radiological Safety Fund (Fund 4E40) used by the Department of Agriculture;

\$1,300,000 in each of FY 2020 and FY 2021 to the Radiation Emergency Response Fund (Fund 6100) used by the Department of Health;

\$276,500 in FY 2020 and \$278,500 in FY 2021 to the ER Radiological Safety Fund (Fund 6440) used by the Environmental Protection Agency; and

\$1,258,624 in each of FY 2020 and FY 2021 to the Emergency Response Plan Fund (Fund 6570) used by the Department of Public Safety.

Executive**DOTCD38 Removal of the requirement for ODOT to adopt a business plan****R.C. 5501.20**

Removes the requirement that ODOT adopt a business plan every two years outlining the Department's mission, business objectives, and strategies, as well as adopt procedures for certain professional employees' performance accountability.

Fiscal effect: Minimal decrease in administrative costs.

DOTCD39 Diesel Emissions Reduction Grant Program**Section: 755.10**

(1) Establishes a Diesel Emissions Reduction Grant Program (DERG) in the Highway Operating Fund (Fund 7002) and requires the Ohio Environmental Protection Agency (EPA) to administer the program and solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. Requires ODOT to process Federal Highway Administration (FHWA) projects as recommended by EPA.

(2) Specifies that in addition to the expenditures allowed under RC 122.861, listing the types of projects eligible for grants, program funds also may be used to assist projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under CMAQ guidance developed by FHWA.

(3) Requires public entities eligible to receive program funds to be reimbursed from moneys in Fund 7002. Requires private entities eligible to receive funds to be reimbursed at the discretion of the local public sector agency and upon approval by ODOT, through direct payments to the vendor in the prorated share of federal/state participation. Specifies that the reimbursements shall be made from moneys in Fund 7002.

(4) Specifies that expenditures for the program from Fund 7002 shall not exceed \$10 million in both FY 2020 and FY 2021.

(5) Specifies that any allocations under this section of the bill represent CMAQ program moneys within ODOT for program use by EPA, and that such allocations shall not reduce the amount of moneys designated for metropolitan planning organizations (MPOs).

(6) Requires EPA, in consultation with ODOT, to develop guidance for the distribution of funds and for the administration of the program. Requires the guidance to include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Executive

Fiscal effect: The Diesel Emissions Reduction Grant Program has been authorized under temporary law of main operating budget bills in the same or a similar manner since the FY 2012-FY 2013 biennium. Up to \$10 million over the FY 2020-FY 2021 biennium may be used for the program from Fund 7002, the same amount allowed for the current FY 2018-FY 2019 biennium.
