

Executive

As Passed By House

EPACD4 Environmental protection fees - removal of sunset

R.C. 3734.57, 3745.11, 3734.901

Makes certain fees permanent which are currently set to expire on specified dates in 2022. Impacts the following fees:

- (1) The annual emissions fees for synthetic minor facilities;
- (2) The annual discharge fees for holders of NPDES permits issued under the Water Pollution Control Law;
- (3) The application fees for plan approvals for wastewater treatment works under the Water Pollution Control Law;
- (4) The initial and renewal license fees for public water system licenses issued under the Safe Drinking Water Law;
- (5) The fee for plan approvals for public water supply systems under the Safe Drinking Water Law;
- (6) The fees for state certification of laboratories and laboratory personnel for purposes of the Safe Drinking Water Law;
- (7) The fees for applications and examinations for certification as operators of water supply systems or wastewater systems under the Safe Drinking Water Law and the Water Pollution Control Law;
- (8) The application fees for permits, variances, and plan approvals under the Water Pollution Control Law and the Safe Drinking Water Law;
- (9) Fees applicable to the transfer or disposal of solid waste; and

R.C. 3734.57, 3734.901, 3745.11

Same as the Executive, but removes the provisions that would have made permanent all of the fees enumerated in (1) through (10) and, instead, extends the current sunset of those fees by two years.

- (1) Same as the Executive.
- (2) Same as the Executive.
- (3) Same as the Executive.
- (4) Same as the Executive.
- (5) Same as the Executive.
- (6) Same as the Executive.
- (7) Same as the Executive.
- (8) Same as the Executive.
- (9) Same as the Executive.

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(10) The 50¢ per tire fee on the sale of tires, deposited in the Scrap Tire Management Fund, and the 50¢ per tire fee deposited in the Soil and Water Conservation District Assistance Fund.

(10) Same as the Executive.

Fiscal effect: Removal of the sunset provision will make the above listed fees permanent (in contrast to prior budgets which have extended this provision every two years), thus preserving existing revenue streams. Impacted funds include the Hazardous Waste Cleanup (Fund 5050), Hazardous Waste Facility Management (Fund 5030), Solid Waste (Fund 4K30), Environmental Protection Fund (5BC0), Soil and Water Conversation District Fund (Fund 5BVO within the Department of Agriculture), Surface Water Protection Fund (Fund 4K40), Drinking Water Protection Fund (Fund 4K50), and the Clean Air - Non Title V Fund (Fund 4K20), and Scrap Tire Management Fund (Fund 4R50).

Fiscal effect: Extends the annual revenue streams for the affected state funds until they are subject to sunset on June 30, 2024.

EPACD11 Scrap tire abatement

R.C. 3734.85

Increases, from 5,000 to 10,000, the number of scrap tires that can be removed from a person's property by EPA at no cost to the property owner if certain conditions apply (i.e. placement of scrap tires was not the fault of the property owner) and allows the EPA Director to increase the 10,000 scrap tire threshold.

R.C. 3734.85

Same as the Executive.

Fiscal effect: There may be a reduction in revenue from the issuance of liens on property for potential cleanup costs. However, certain conditions still must be met by the property owner. Any impact is likely to be minimal.

Fiscal effect: Same as the Executive.

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EPACD5 Fee elimination

R.C. 3745.11

Eliminates the \$15 application fee for the following: (1) a registration certificate necessary for certain scrap tire collection facilities and (2) a permit, or variance, or plan approval under the Solid and Hazardous Waste Law.

Eliminates a non-Title V air contaminant source fee schedule that only applied from January 1, 1994, to December 31, 2003.

Fiscal effect: Total revenue since 2009 from the \$15 fees has been under \$500, but internal processing costs have exceeded \$3,000. The net effect of this provision will be to save an indeterminate annual amount in administrative costs to the EPA.

R.C. 3745.11

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

EPACD7 Certified and accredited laboratories under the VAP

**R.C. 3746.01, 3746.04, 122.65, 3746.071 (3746.07), 3746.09, 3746.10, 3746.11, 3746.12, 3746.13, 3746.17, 3746.18, 3746.19, 3746.20, 3746.21, 3746.31, and 3746.35
Repealed: 3746.07**

Eliminates the EPA Director's authority to certify laboratories for purposes of performing analyses under the Voluntary Action Program (VAP) and instead specifies that a laboratory must hold a valid accreditation from a specified outside accreditation body to perform analyses under the VAP.

Requires, generally, a person participating in the VAP to use the services of an accredited laboratory to perform analyses.

Specifies that a certified professional may use data analyzed by a certified laboratory before the bill's effective date.

Prohibits the Director from contracting with an accredited laboratory to perform an audit if the laboratory performed any

**R.C. 3746.01, 3746.04, 122.65, 3746.071 (3746.07), 3746.09, 3746.10, 3746.11, 3746.12, 3746.13, 3746.17, 3746.18, 3746.19, 3746.20, 3746.21, 3746.31, and 3746.35
Repealed: 3746.07**

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analyses that formed the basis for the issuance of a no further action letter in connection with the audit.

Eliminates outdated provisions governing the VAP.

Same as the Executive.

Fiscal effect: As a result of eliminating certain certification fees, the Voluntary Action Fund (Fund 4R90) may experience a loss in annual revenue. However, by leveraging the accreditation process of outside accreditation bodies, administrative efficiencies may be created, offsetting, either in whole or in part, any loss in fee revenue.

Fiscal effect: Same as the Executive.

EPACD8 Lead free definition

R.C. 6109.10

Replaces the current definition of "lead free" that establishes the maximum permissible percentage of lead that certain plumbing fixtures may contain, with a requirement that the EPA Director adopt rules establishing the definition.

No provision.

Requires the EPA Director, when establishing the definition, to use standards that are not less stringent than those established under the federal Safe Drinking Water Act.

No provision.

Fiscal effect: The EPA may experience an administrative cost increase to develop and adopt rules to align with recent federal rule changes.

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EPACD10 Lead and copper notification rules: community and nontransient noncommunity water systems

R.C. 6109.121

Eliminates a requirement that the EPA Director adopt rules setting specific administrative penalties that apply to community or nontransient noncommunity water systems for violations of notice requirements regarding lead and copper laboratory results, and instead authorizes the Director to assess the administrative penalties under existing guidelines that apply to other violations of the Safe Drinking Water Law.

Shifts reporting and other requirements regarding lead and copper contamination from statute to a rules-based system administered by the Director.

Increases the timeframe (from two business days to not more than 30 business days after the receipt of laboratory results) within which the owner or operator of a community and/or nontransient noncommunity water system must notify residents when a tap sample does not exceed the applicable lead threshold.

Requires the owner or operator of those systems to update and resubmit maps according to a schedule determined by the Director but no less frequently than required under the Safe Drinking Water Act, rather than every five years as in current law.

Eliminates a requirement that the Director provide financial assistance from the Drinking Water Assistance Fund to community and nontransient noncommunity water systems for the purpose of fulfilling the notice and mapping requirements.

R.C. 6109.121

Same as the Executive.

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Fiscal effect: These changes are expected to result in indeterminate cost savings to EPA and locally operated water systems. The provision will align the R.C. with recent federal rule changes, potentially preventing costly and duplicative efforts that exceed current notification requirements concerning water systems.

Fiscal effect: Same as the Executive.

EPACD6 Isolated wetland mitigation ratio table reference

R.C. 6111.027

Corrects an incorrect division reference to the Ohio Administrative Code.

R.C. 6111.027

Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

EPACD9 Practical qualification level (PQL) - water pollution control

R.C. 6111.13

Specifies that, for purposes of determining compliance with a pollutant discharge limit set below the practical quantification level (PQL), any reported value below (instead of "at or below" as in current law) the PQL constitutes compliance. (A PQL is the minimum concentration of an analyte (substance whose chemical constituents are being measured) that can be measured with a high degree of confidence that the analyte is present at the reported concentration. (Corrects a conflict between the R.C. and the O.A.C.).

R.C. 6111.13

Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

EPACD13 Recycling Projects

No provision.

Section: 277.20

Requires GRF appropriation item 715404, Recycling Projects, to be distributed to the Geauga-Trumbull Solid Waste Management District for recycling expanded polystyrene.

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EPACD1 Cash transfer to the Auto Emissions Test Fund

Section: 277.20

Permits the OBM Director, at the request of the EPA Director, to transfer \$1,500,000 in each fiscal year from the Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test Fund (Fund 5BY0).

Section: 277.20

Same as the Executive, but requires Controlling Board approval.

EPACD2 Areawide planning agencies

Section: 277.20

Permits the EPA Director 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.

Section: 277.20

Same as the Executive.

EPACD3 H2Ohio Fund

Section: 277.20

Permits the EPA Director to certify to the OBM Director an amount up to the unexpended, unencumbered balance of DPF Fund 6H20 appropriation item 715695, H2Ohio, at the end of fiscal year 2022, and reappropriates that amount for FY 2023.

Section: 277.20

Same as the Executive, but requires Controlling Board approval.

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OBMCD9 OBM oversight over certain fund allocations

R.C. 121.08, 121.084, 169.05, 901.91, 1121.30, 1181.06, 1321.21, 1707.37, 1733.321, 3701.831, 3737.71, 3745.014, 4735.211, 4763.15

Eliminates the Director of Budget and Management's oversight regarding internal agency fund assessments and allocations for the following funds: Division of Administration Fund, Unclaimed Funds Trust Fund, Division of Securities Fund, Industrial Compliance Operating Fund, Division of Real Estate Operating Fund, Real Estate Appraiser Operating Fund, State Fire Marshal's Fund, Banks Fund, Consumer Finance Fund, Credit Unions Fund, and Financial Institutions Fund (all administered by the Department of Commerce); the Department of Agriculture's operating funds; the Department of Health's operating funds; and the Environmental Protection Agency's Central Support Indirect Fund.

Fiscal effect: None.

R.C. 121.08, 121.084, 169.05, 901.91, 1121.30, 1181.06, 1321.21, 1707.37, 1733.321, 3701.831, 3737.71, 3745.014, 4735.211, 4763.15

Same as the Executive.

Fiscal effect: Same as the Executive.

OBMCD40 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:

\$101,130 in each of FY 2022 and FY 2023 to the Utility Radiological Safety Fund (Fund 4E40) used by the Department of Agriculture;

\$1,300,000 in each of FY 2022 and FY 2023 to the Radiation Emergency Response Fund (Fund 6100) used by the Department of Health;

Section: 514.10

Same as the Executive.

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\$325,370 in FY 2022 and \$332,287 in FY 2023 to the ER Radiological Safety Fund (Fund 6440) used by the Environmental Protection Agency; and

Same as the Executive.

\$1,368,624 in FY 2022 and \$1,378,304 in FY 2023 to the Emergency Response Plan Fund (Fund 6570) used by the Department of Public Safety.

Same as the Executive.

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DOTCD37 Diesel Emissions Reduction Grant Program

Section: 755.10

Establishes the Diesel Emissions Grant Reduction Program, administered by the Director of Environmental Protection and funded by Highway Operating Fund (Fund 7002) appropriations under the budget of the Department of Transportation. Requires the EPA Director to solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for funding under the federal Congestion Mitigation and Air Quality (CMAQ) Program.

Specifies that in addition to the expenditures allowed under RC 122.861, program funds also may be used for projects proposing to buy or use hybrid and alternative fuel vehicles as allowed under CMAQ guidelines provided by the Federal Highway Administration (FHWA).

Specifies that public entities eligible to receive funds under RC 122.861 and CMAQ shall be reimbursed from money in Fund 7002 that is set aside for the Diesel Emissions Reduction Grant Program. Specifies that private entities are to be reimbursed, at the direction of the local public agency sponsor and upon approval of ODOT, through direct payments. Limits the amount of funding available for the Diesel Emissions Reduction Grant Program to \$10,000,000 in each fiscal year of the FY 2022-FY 2023 biennium.

Specifies that the funding for CMAQ under this section does not reduce the amount of CMAQ funding designated for metropolitan planning organizations.

Requires the EPA Director, in consultation with the ODOT Director, to develop guidance for funding and administering the Diesel Emissions Reduction Grant Program, including a method

Section: 755.10

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for prioritizing projects, acceptable technologies, and procedures
for awarding grants.
