
ENVIRONMENTAL PROTECTION AGENCY

Total Maximum Daily Load (TMDL)

- Authorizes the Director of Environmental Protection to establish a TMDL, which allocates pollutant discharges among permit holder and nonpoint sources, for waters of the state that do not meet water quality standards.
- Establishes requirements governing the development of a TMDL, including the creation of a draft TMDL, notice and input procedures, factors for consideration in developing a TMDL, modification of a TMDL, and appeal of TMDL pollutant limitations.

NPDES permit fees

- Requires the fee for the issuance of an NPDES permit to be paid at the time of application along with the nonrefundable application fee.
- Changes the fee for a municipal storm water discharge from \$100 per square mile of area permitted under an NPDES permit to \$10 per $\frac{1}{10}$ of a square mile.

Industrial water pollution control certificates

- Eliminates the authority of the Director to issue, deny, revoke, or modify industrial water pollution control certificates.

Construction Grant Fund

- Eliminates the Construction Grant Fund, which was required to consist of money from grants to the state from the U.S. Environmental Protection Agency (USEPA) under the federal Water Pollution Control Act (USEPA has discontinued this grant program).
- Accordingly, eliminates the construction grant program, under which local governments could apply for grant money from the Ohio Environmental Protection Agency (OEPA) for design, acquisition, construction, alteration, and improvement of sewage and waste treatment works.

Water Pollution Control Loan Administrative Fund

- Allows OEPA to use money in the Water Pollution Control Loan Administrative Fund for water quality related programs administered by OEPA, rather than solely to defray its administrative costs associated with the water pollution control loan program as under former law.



County sewer districts

- Authorizes a county sewer district to contract to provide water and sewerage services to persons or entities located outside the district, including outside the county in which the district has jurisdiction.

Local air pollution control authorities

- Modifies the list of agencies that qualify as a local air pollution control authority (authority) under the law governing air pollution control.
- Allows the Director to modify a contract between the Director and an authority to authorize the authority to perform air pollution control activities outside that authority's geographic boundaries.

Clean Diesel School Bus Fund

- Eliminates the Clean Diesel School Bus Fund, which, according to OEPA, was obsolete and was required to be used to update emissions equipment on diesel school buses.

Asbestos abatement

- Transfers the authority to administer and enforce the laws governing asbestos abatement certification from the Department of Health to OEPA.
- Eliminates several administrative procedures that applied to hearings regarding violations of asbestos abatement laws that were supplemental to the Administrative Procedure Act.
- Requires money collected from civil and criminal penalties and fees and other money collected under the asbestos abatement certification laws to be deposited in the Non-Title V Clean Air Fund administered by OEPA, rather than the General Operations Fund administered by the Department of Health.
- Delays the effective date of these changes until January 1, 2018.

Title V air emissions fees

- Authorizes, rather than requires as in prior law, OEPA to transfer up to 50¢ per ton of each type of Title V air pollution emissions fee to the Small Business Assistance Fund.



Volkswagen settlement funding

- Establishes the Volkswagen Clean Air Act Settlement Fund, consisting of money received by Ohio from the Volkswagen Clean Air Act Settlement.
- States that it is the intent of the General Assembly to appropriate into the Fund money received from the Settlement.

Explosive gases at solid waste disposal facilities

- Revises the law governing the monitoring of explosive gases (primarily methane) at solid waste disposal facilities, including:
 - Authorizing, rather than requiring as in former law, the Director to order the submission of explosive gas monitoring plans when there is a threat to human health or safety or the environment;
 - Requiring a plan to be submitted for active or closed solid waste disposal facilities, if ordered, rather than for active or closed sanitary landfills (a subset of solid waste disposal facilities) as provided under former law; and
 - Requiring specified "responsible parties" associated with a facility, after the submittal of a plan, to monitor explosive gas levels at the facility and submit written reports of the results of the monitoring in accordance with the plan.

Antiquated law governing solid waste facilities

- Eliminates antiquated provisions of law that applied in the 1980s and early 1990 that governed applications for a permit-to-install a solid waste facility.

Scrap Tire Grant Fund transfer

- Authorizes, rather than requires as in prior law, the Director to request the Office of Budget and Management (OBM) to transfer money each fiscal year from the Scrap Tire Management Fund to the Scrap Tire Grant Fund, which is used to support market development activities related to scrap tires.
- Also authorizes, rather than requires, OBM to execute that transfer.
- Specifies that up to \$1 million may be transferred each fiscal year, rather than equal to \$1 million as in former law.



Clean-up and removal at tire sites

- Repeals an obsolete law that required at least 65% of an existing 50¢ fee on the sale of tires be spent for clean-up and removal activities at the Goss Tire Site in Muskingum County or other tire sites in Ohio.

Cleanup and Response Fund

- Requires OEPA to use the Cleanup and Response Fund for implementing the law governing hazardous waste, in addition to using the Fund to support the investigation and remediation of contaminated property as under continuing law.

Alternative daily cover

- Exempts solid waste that the Director approves for, and that is used as, alternative daily cover from disposal and transfer fees that otherwise apply to solid waste.

Background investigations under waste laws

- Expands the time frame, from every three years to every five years, for updating background information submitted via a disclosure statement by permit applicants, permittees, and prospective owners under the law governing solid, hazardous, and infectious wastes.

Inspection of commercial hazardous waste facilities

- Eliminates the Director's authority to take certain actions with respect to on-site inspections of commercial hazardous waste facilities.

Authority to waive fees and late penalties

- Authorizes the Director to waive or reduce late fees and fees incurred during a response to an emergency.

Administration of programs division

- Requires the Director to establish within OEPA a division to administer the Agency's financial, technical, and compliance programs to assist communities, businesses, and other regulated entities.

Extension of various fees

- Extends all of the following for two years:

--The sunset of the annual emissions fees for synthetic minor facilities;



- 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;
- The sunset of the annual discharge fees for holders of NPDES permits under the Water Pollution Control Law;
- The sunset of license fees for public water system licenses;
- A higher cap on the total fee due for plan approval for a public water supply system and the decrease of that cap at the end of the two years;
- 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 to take examinations for certification as operators of water supply systems or wastewater systems;
- 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 and Safe Drinking Water Laws;
- The sunset of the fees levied on the transfer or disposal of solid wastes; and
- The sunset of the fees levied on the sale of tires.

Toxic Release Inventory Program

- Allows owners and operators of specified facilities to fulfill state toxic release inventory reporting requirements by complying with federal reporting requirements established by USEPA.
- Specifies that the submission of a toxic chemical release inventory report to USEPA constitutes simultaneous submission of the report to OEPA, thereby satisfying state reporting requirements under state and federal law.
- Retains OEPA's authority to conduct an investigation of and enforce civil and criminal penalties for a violation committed under the Toxic Release Inventory Program, including the failure to submit toxic release inventory reports to USEPA.
- Eliminates fees for filing a toxic release inventory report, including late fees.

Total Maximum Daily Load (TMDL)

(R.C. 6111.03, 6111.561, 6111.562, 6111.563, and 6111.564)

Introduction and general provisions

According to the U.S. Environmental Protection Agency (USEPA), a TMDL is a planning tool and potential starting point for restoration or protection activities for bodies of water under the federal Water Pollution Control Act. A TMDL establishes a target for the total load of a pollutant that a water body can assimilate and allocates the load to sources of the pollutant. A TMDL for impaired bodies of water is required under the federal Act and can impact the parameters under which a National Pollutant Discharge Elimination System (NPDES) permit is issued. The act authorizes the Director to establish a TMDL for waters of the state where a TMDL is required under the federal Act. It establishes the following requirements that govern TMDL development:

Establishment of a TMDL: general requirements

- The Director must establish a TMDL for waters of the state for pollutants identified under the federal Act at a level necessary to achieve water quality standards.
- A TMDL must account for seasonal variation, a margin of safety, and a lack of knowledge concerning the relationship between effluent limitations and water quality.
- The establishment of a TMDL is not subject to rule adoption procedures under the Administrative Procedure Act and additional laws governing the adoption of rules, and it is not a final action of the Director, meaning it is not appealable in the same manner as other actions of the Director.
- A TMDL does not have the full force and effect of law,⁷⁴ but may be challenged in accordance with the act.
- A TMDL in existence prior to March 24, 2015, is valid and in full force and effect as established, however, the TMDL may be modified in accordance with the act.

⁷⁴ The act states that a TMDL does not have the full force and effect of law and is not a final action of the Director. As such, the TMDL is not appealable. However, an NPDES permit issued or modified in conformity with a TMDL's pollutant load allocations is appealable (see "**Challenging TMDL pollutant limitations**," below).



- A modification of a TMDL in existence prior to March 24, 2015, is not subject to the Administrative Procedure Act and additional laws governing the adoption of rules.

General notice, input, and implementation requirements

- The Director must do all of the following:
 - Provide notice and an opportunity for input from dischargers, soil and water conservation districts, and other stakeholders during specified stages of TMDL development, for example during the project assessment study plan;
 - Make documentation available to stakeholders during each stage of TMDL development and during each stage of planning and actions necessary for TMDL implementation;
 - Provide a minimum of two opportunities for input from stakeholders with regard to completed TMDLs that have not been submitted to USEPA for approval prior to September 29, 2017;
 - In developing a draft TMDL and plans and actions necessary for TMDL implementation, consider various factors, including the amount of pollutants derived from each point source, how reducing those amounts will contribute to attainment of water quality standards, and the influence of nonpoint sources of pollution on water quality; and
 - In developing wasteload and load allocations, pollutant control measures, and implementation plans and schedules, consider various factors, including the feasibility of treatment technologies, sources of funding for point and nonpoint sources, alternative approaches, and economic impacts and environmental benefits.

Draft TMDL

- Before establishing a final TMDL, the Director must prepare a draft TMDL.
- The draft TMDL must include estimates of total pollutant amounts that cause water quality impairment and the total pollutant amounts that may be added to a body of water while still maintaining water quality standards.

Draft TMDL notice and comment

- The Director must provide public notice of a draft TMDL, at minimum, to all dischargers to which the draft relates, specified significant industrial users of the water of the state, and other stakeholders that have provided input.
- The public notice must specify the water of the state to which the draft applies and the time, date, and location of any public hearing.
- The Director must provide for a comment period of at least 60 days and an opportunity for a public hearing if there is significant public interest.
- The Director must prepare a responsiveness summary after the comment period expires.
- The Director must adopt rules governing procedures for providing notice and criteria for determining significant public interest.

Final TMDL

- The Director may establish a final TMDL, subject to USEPA approval, after the comment period, the responsiveness summary, and any public hearing.

TMDL modification

- The Director may modify a draft, final, or USEPA-approved TMDL, subject to the same notice, comment, and public hearing requirements that apply to draft TMDLs.
- Any revised effluent limit, pretreatment limit, or other term or condition based on a modification may be challenged.
- The Director must modify a TMDL that is successfully challenged and to which no further appeals are available to conform to the final decision of the highest tribunal of competent jurisdiction, and the Director must submit the modified TMDL to USEPA for approval.

Challenging TMDL pollutant limitations

- A final Director-established or USEPA-approved TMDL may be challenged during an appeal before the Environmental Review Appeals Commission (ERAC) of an NPDES permit with TMDL-based effluent limitations, derived pretreatment limits, or other TMDL-based terms and conditions.



- When establishing schedules of compliance in NPDES permits, the Director must consider the likelihood of a legal challenge and the estimated time of appeal.
- If an appeal is made by a publicly owned treatment works (POTW), ERAC must join specified industrial users who are known to discharge significant pollutant amounts into the POTW that are subject to TMDL limits, and the Director must notify those users and the NPDES permit holder of the right to appeal.
- A direct or indirect discharger pursuing an appeal or an indirect discharger joined to an appeal may not be dismissed from the appeal on ground that the matter is not ripe for review.
- A challenge of TMDL-based effluent limits, derived pretreatment limits, or other terms and conditions based on that TMDL during the appeal for an NPDES permit may not be dismissed on ground that the matter is not ripe for review.

Plan approval and NPDES permit fees

(R.C. 3745.11(L), (U), and (V), and 6111.14)

The act specifies that the application fee for a plan approval for a wastewater treatment works is not refundable. It also alters the fee for municipal storm water discharge from \$100 per square mile of area permitted under an NPDES permit to \$10 per $\frac{1}{10}$ of a square mile. In so doing, it clarifies the mathematical calculation of the fee. Finally, except for NPDES permits for public dischargers, the act allows OEPA to charge an additional amount for a permit based on OEPA costs of review and issuance. Prior law authorized OEPA to charge the additional amount only with regard to a permit to install.

Industrial water pollution control certificate

(R.C. 6111.03 and 6111.30)

The act eliminates obsolete authority of the Director to issue, deny, revoke, or modify industrial water pollution control certificates. Water pollution control certificates are issued for tax exemption purposes. The authority to issue the certificates was transferred from OEPA to the Department of Taxation in 2003.⁷⁵

⁷⁵ See R.C. 5709.20 through 5709.27, not in the act.



Construction Grant Fund and program

(Repealed R.C. 6111.033 and 6111.40)

The act eliminates the Construction Grant Fund, which consisted of money from grants to the state from USEPA under the federal Water Pollution Control Act. The Fund was no longer in use because USEPA had ceased making those grants. In accordance with this change, the act eliminates the construction grant program, under which a municipal corporation, board of county commissioners, conservancy district, sanitary district, or regional water and sewer district was authorized to apply to OEPA for money for the design, acquisition, construction, alteration, and improvement of sewage and waste treatment works.

Water Pollution Control Loan Administrative Fund

(R.C. 6111.036)

The act authorizes OEPA to use money in the Water Pollution Control Loan Administrative Fund for water quality related programs administered by OEPA. It retains law that authorizes OEPA to also use money in the Fund to defray administrative costs associated with the Water Pollution Control Loan Program. The Fund consists of fees collected through the administration of loans under that Program.

County sewer districts

(R.C. 6117.38)

The act authorizes a county sewer district to provide water supply services, in addition to sewerage services as authorized under continuing law, to persons or entities located outside of the district. In addition, it authorizes the district to contract for such services with persons or entities located outside of the county where the district is located. Under former law, it was unclear whether a district had the authority to contract for water and sewer services with persons or entities located outside of the county where the district was located.

Local air pollution control authorities

(R.C. 3704.01 and 3704.111)

The act modifies the list of local agencies that constitute a local air pollution control authority for under the law governing air pollution control by doing all of the following:



(1) Changing the name of the agency representing Butler, Warren, Hamilton, and Clermont counties from the Hamilton County Department of Environmental Services to the Hamilton County Department of Environmental Services, Southwest Ohio Air Quality Agency;

(2) Expanding the jurisdiction of the City of Cleveland Division of the Environment to all of Cuyahoga County, rather than the city of Cleveland only; and

(3) Eliminating the North Ohio Valley Air Authority that represents Carroll, Jefferson, Columbiana, Harrison, Belmont, and Monroe counties.

The act also authorizes the Director of OEPA to modify a contract between the Director and a local air pollution control authority to authorize that authority to perform air pollution control activities outside that authority's geographic boundaries.

Clean Diesel School Bus Fund

(Repealed R.C. 3704.144)

The act eliminates the Clean Diesel School Bus Fund. The Fund was originally created to provide grants to school districts and county boards of developmental disabilities to add pollution control equipment to diesel-powered school buses and to convert school buses to alternative fuels.

The Fund's purposes are now obsolete. According to OEPA, there is no longer a market for installing pollution control equipment on school buses because the equipment is standard on all buses manufactured after 2005. Instead, Fund money will be redirected to the existing Diesel Emission Reduction Grant Program, which provides partial funding for replacing aging diesel buses with new clean diesel or alternatively fueled buses.⁷⁶

Asbestos abatement

(R.C. 3701.83, 3704.035, 3710.01, 3710.02, 3710.04 through 3710.19, 3710.99, and 3745.11; Sections 277.20 and 812.10)

The act transfers the authority to administer and enforce the laws governing asbestos abatement from the Department of Health to OEPA beginning January 1, 2018. Under former law, the Department of Health licensed and certified companies and persons directly involved with the asbestos abatement industry. Under the program, the Department regulated contractors performing asbestos removal projects, project

⁷⁶ R.C. 122.861, not in the act.



supervisors, project designers, workers removing asbestos, persons inspecting buildings for asbestos-containing materials, persons developing plans to manage asbestos found in a facility, persons conducting air sampling for asbestos, and the companies that provide required asbestos training. OEPA now assumes all of these responsibilities.

For purposes of transferring the program from the Department to OEPA, the act makes the following technical and clarifying changes:

(1) Revises definitions that apply to asbestos certification to comport with rules adopted by the OEPA Director;

(2) Specifies that rules adopted by the Director, hearing procedures, and emergency orders of the Director apply to environmental health and environmental health emergencies, rather than public health and public health emergencies;

(3) Stipulating that all rules, orders, and determinations of the Department related to the Asbestos Abatement Program continue in effect until the rules, orders, and determinations of OEPA become effective;

(4) Stipulating that all licenses, certificates, permits, registration approvals, or endorsements issued by the Department before January 1, 2018, continue in effect as if issued by OEPA;

(5) Stipulating that business commenced, but not completed, by the Department must be completed by OEPA, and providing for the transfer of the authority over contracts from the Department to OEPA;

(6) Transferring all employees of the Department working full-time for the Asbestos Abatement Program to OEPA, subject to specified labor laws and the applicable collective bargaining agreement; and

(7) Authorizing the Department and OEPA to enter into a memorandum of understanding to facilitate the transfer.

The act also eliminates several administrative procedures that applied to Department hearings regarding violations of the law governing asbestos abatement that were supplemental to the Administrative Procedure Act. The supplemental provisions of law included provisions governing the venue of a hearing, special notice procedures, the postponement or continuation of a hearing, hearing referees or examiners, and a special filing deadline for appeals.

The act specifies that money collected from civil and criminal penalties and fees and other money collected under the law governing asbestos abatement must be



deposited in the Non-Title V Clean Air Fund, rather than the General Operations Fund administered by the Department. The Non-Title V Clean Air Fund is used by OEPA to pay the cost of administering and enforcing law pertaining to the prevention, control, and abatement of air pollution. The act further specifies that money in the Fund may be used by OEPA for the prevention, control, and abatement of asbestos, and asbestos abatement licensure and certification.

Title V air emissions fees

(R.C. 3745.11(K)(1))

The act allows, instead of requires as in prior law, the Director to transfer *up to* 50¢ per ton of each type of Title V air pollution emission fee to the Small Business Assistance Fund. Title V emissions fees are assessed on the total actual emissions from a Title V air contaminant source of specified pollutants, including particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead.

Volkswagen settlement funding

(R.C. 3745.45)

USEPA recently settled a civil enforcement case against Volkswagen, resolving allegations that it violated the federal Clean Air Act as a result of the sale of diesel motor vehicles equipped with "defeat devices" (computer software designed to cheat on federal emissions tests). As required by the Volkswagen Clean Air Act Settlement, Volkswagen must establish a \$2.7 billion environmental mitigation trust fund. The trust will be administered by an independent trustee, and each state in the U.S. may designate a beneficiary to receive funding from the Settlement to use for certain qualifying projects.

The act establishes the Volkswagen Clean Air Act Settlement Fund in the state treasury, consisting of money received from the Volkswagen Clean Air Act Settlement. The act states that it is the intent of the General Assembly to appropriate into the Fund money received by Ohio from the Settlement.

Explosive gases at solid waste disposal facilities

(R.C. 3734.041)

The act makes revisions to the law governing the monitoring of methane gas at solid waste disposal facilities as follows:

- (1) Revises the submittal of explosive gas monitoring plans by:



--Authorizing, rather than requiring, the Director to order the submittal of such plans when there is a threat (rather than a danger as in former law) to human health or safety or the environment; and

--Requiring a plan to be submitted for active or closed solid waste disposal facilities, if ordered, rather than for active or closed sanitary landfills (a subset of solid waste disposal facilities) as provided under former law.

(2) Adds a person appointed as a receiver under the law governing receiverships and a trustee in bankruptcy to the list of individuals or entities that may be required to create and submit an explosive gas monitoring plan;

(3) Adds "information related to concentrations of explosive gas at or surrounding a facility" to the list of factors that may trigger an order to submit an explosive gas monitoring plan;

(4) Requires the plan to provide for adequate evaluation of explosive gas generation at and migration from the facility;

(5) Requires specified "responsible parties" associated with a facility to do both of the following after submittal of the plan:

--Monitor explosive gas levels at the facility; and

--Submit written reports of the results of the monitoring in accordance with the plan.

(6) Authorizes, rather than requires as in former law, the Director to do both of the following:

--Conduct an evaluation of the levels of explosive gases on the premises of a facility to determine whether the formation or migration of gases is a threat to human health or safety or the environment;

--Issue an order addressing explosive gas formation and migration issues at any facility (previously sanitary landfills only) when the Director determines that the formation and migration could threaten human health or safety or the environment.

(7) Authorizes the Director or the Director's authorized representative on their own initiative to enter on land where a facility is located in order to evaluate explosive gas generation and migration; and

(8) Limits evaluations of structures in proximity of a facility to occupied structures, rather than all structures as under former law.



Antiquated law governing solid waste facilities

(R.C. 3734.02, 3734.05, and 3734.06)

The act eliminates antiquated provisions of law that applied in the 1980s and early 1990s and that governed applications for a permit-to-install a solid waste facility.

Scrap Tire Grant Fund transfer

(R.C. 3734.82)

The act alters the procedure for the transfer of money from the Scrap Tire Management Fund to the Scrap Tire Grant Fund. Under former law, the Director was required to request the Office of Budget and Management (OBM) to transfer \$1 million each fiscal year from the Scrap Tire Management Fund to the Scrap Tire Grant Fund. OBM was required to execute the transfer on request.

With regard to the transfer, the act makes the following three changes:

- (1) Allows, instead of requires as in prior law, OEPA to request the transfer;
- (2) Allows, instead of requires as in prior law, OBM to execute the transfer; and
- (3) Specifies that up to \$1 million may be transferred by OBM each fiscal year, rather than equal to \$1 million each fiscal year as in former law.

Under continuing law, the Scrap Tire Grant Fund is used by OEPA to (1) support market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes, and (2) support scrap tire amnesty and cleanup events sponsored by solid waste management districts. The Scrap Tire Grant Fund consists solely of money transferred from the Scrap Tire Management Fund as discussed above.

The Scrap Tire Management Fund consists, in part, of money derived from fees on scrap tire disposal facilities. OEPA must use money in the Scrap Tire Management Fund for administering OEPA's Scrap Tire Management Program, providing grants to boards of health to support the control of pests at scrap tire facilities, and making transfers to the Scrap Tire Grant Fund.



Clean-up and removal at tire sites

(Repealed R.C. 3734.821)

The act repeals an obsolete law that required, from September 2001 until June 2011, at least 65% of an existing 50¢ fee on the sale of tires to be expended for clean-up and removal activities at the Goss Tire Site in Muskingum County or other tire sites in Ohio.

Cleanup and Response Fund

(R.C. 3745.016)

The act requires OEPA to use money in the existing Cleanup and Response Fund for implementation of the Hazardous Waste Law. It retains law that requires OEPA to also use Fund money to support the investigation and remediation of contaminated property.

Alternative daily cover

(R.C. 3734.578)

The act specifically exempts solid waste that the Director has approved for use as alternative daily cover in accordance with rules and that is actually used as alternative daily cover from solid waste disposal and transfer fees that otherwise apply.

Background investigations under waste laws

(R.C. 3734.42)

The act expands the time frame, from every three to every five years, for updating background information related to permit applicants, permittees, and prospective owners under the law governing solid, hazardous, and infectious wastes. Thus, the Attorney General, every five years, must request from the FBI any information regarding a criminal conviction with respect to each officer, director, partner, or key employee of an applicant, permittee, or prospective owner. Further, an applicant, permittee, or prospective owner, must, every five years, submit to the Attorney General a disclosure statement listing information related to administrative, civil, and criminal actions during the previous five-year period regarding a business concern required to be listed on the disclosure statement.



Inspection of commercial hazardous waste facilities

(R.C. 3734.31)

The act eliminates the Director's authority to:

(1) Employ and equip one qualified individual or utilize proven and universally accepted technology to perform ongoing on-site inspection and monitoring functions at each operating commercial hazardous waste facility;

(2) Recover the actual and reasonable costs incurred by OEPA for maintaining qualified agency personnel on-site to perform inspection and monitoring functions at a facility; and

(3) Negotiate with the owner or operator of a facility for the placement of additional on-site inspectors at the facility and for the costs incurred by OEPA for maintaining those inspectors at the facility.

Authority to waive fees and late payment penalties

(R.C. 3745.012)

The act authorizes the Director to waive or reduce a fee incurred under the state environmental laws as follows:

(1) A late payment penalty if the original fee has been paid in full; or

(2) A fee incurred during a response to an emergency, including fees for the disposal of material and debris, if the Governor declares a state of emergency.

Administration of programs division

(R.C. 3745.018)

The Director must establish a new division within OEPA to administer its financial, technical, and compliance programs and assist communities, businesses, and other regulated entities. The division must administer all of the following:

(1) State revolving wastewater and drinking water loan programs;

(2) OEPA grant programs, including the recycling and litter prevention grant programs;

(3) Programs for providing compliance and pollution prevention assistance to regulated entities; and



(4) Statewide source reduction, recycling, recycling market development and litter prevention programs.

Extension of various fees

(R.C. 3745.11, 3734.57, and 3745.901)

The act extends the time period for charging various OEPA fees under the laws governing air pollution control, water pollution control, and safe drinking water. The following table sets forth each fee, its purposes, and the time period OEPA is authorized to charge the fee under former law and the act:

Type of fee	Description	Sunset under former law	Sunset 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 thresholds established in rules adopted under continuing law.	The fee was required to be paid through June 30, 2018.	The act extends the fee through June 30, 2020.
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, 2018, and the tier two fee on and after July 1, 2018.	The act extends the tier one fee through June 30, 2020; the tier two fee begins on or after July 1, 2020.



Type of fee	Description	Sunset under former law	Sunset under the act
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 were due by January 30, 2016, and January 30, 2017.	The act extends the fees and the fee schedules to January 30, 2018, and January 30, 2019.
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, 2016, and January 30, 2017.	The act extends the fee to January 30, 2018, and January 30, 2019.
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, 2016, and January 30, 2017.	The act extends the fee to January 30, 2018, and January 30, 2019.
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, 2018, and was required to be paid annually in January.	The act extends the initial license and license renewal fee through June 30, 2020.
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 .35% of the estimated project cost. However, current law sets a cap on the fee.	The cap on the fee was \$20,000 through June 30, 2018, and \$15,000 on and after July 1, 2018.	The act extends the cap of \$20,000 through June 30, 2020; the cap of \$15,000 applies on and after July 1, 2020.



Type of fee	Description	Sunset under former law	Sunset under the act
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 \$1,800 for each additional survey requested.</p>	<p>The schedule with higher fees applied through June 30, 2018, and the schedule with lower fees applied on and after July 1, 2018.</p> <p>The \$1,800 additional fee applied through June 30, 2018.</p>	<p>The act extends the higher fee schedule through June 30, 2020; the lower fee schedule applies on and after July 1, 2020.</p> <p>The act extends the additional fee through June 30, 2020.</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 must pay a fee, at the time an application is submitted, in accordance with a statutory schedule.	A higher schedule applied through November 30, 2018, and a lower schedule applied on and after December 1, 2018.	The act extends the higher fee schedule through November 30, 2020; the lower fee schedule applies on and after December 1, 2020.
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, 2018, the fee was \$100. If the application was submitted on or after July 1, 2018, the fee was \$15.	The act extends the \$100 fee through June 30, 2020; the \$15 fee applies on and after July 1, 2020.
Application fee for an NPDES permit	A person applying for an NPDES permit must pay a nonrefundable application fee.	If the application was submitted through June 30, 2018, the fee was \$200. If the fee was submitted on or after July 1, 2018, the fee was \$15.	The act extends the \$200 fee through June 30, 2020; the \$15 fee applies on and after July 1, 2020.
Fees on the transfer or disposal of solid wastes	<p>A total of \$4.75 in state fees is levied on each ton of solid waste disposed of or transferred in Ohio.</p> <p>The fees are used for administering the hazardous waste, solid waste,</p>	The fees applied through June 30, 2018.	The act extends the fees through June 30, 2020.



Type of fee	Description	Sunset under former law	Sunset under the act
	and other OEPA programs, and for soil and water conservation districts.		
Fees on the sale of tires	<p>A base fee of 50¢ per tire is levied on the sale of tires to assist in the cleanup of scrap tires.</p> <p>An additional fee of 50¢ per tire is levied to assist soil and water conservation districts.</p>	Both fees were scheduled to sunset on June 30, 2018.	The act extends the fees through June 30, 2020.

Toxic Release Inventory Program

(R.C. 3751.01, 3751.02, 3751.03, 3751.04, 3751.05, 3751.10, 3751.11; Section 737.10)

The act allows owners and operators of specified facilities to fulfill state toxic release inventory reporting requirements under the Toxic Release Inventory Program by complying with federal reporting requirements established by USEPA. Previously, owners and operators of specified industrial facilities were required to submit toxic release inventory reports to both OEPA and USEPA. The act specifically states that the electronic submission of a report to USEPA constitutes the simultaneous submission of the report to OEPA as required by federal law. According to OEPA, USEPA shares the federally submitted reports with OEPA. Thus, the elimination of the requirement to submit the report directly to OEPA removes a redundancy in federal and state reporting requirements.

The act eliminates state fees required to be paid for filing a toxic release inventory report with OEPA, including late fees. The act further provides that any money collected by OEPA before or after September 29, 2017, from fees must remain in the Toxic Chemical Release Reporting Fund to be used exclusively for implementing, administering, and enforcing the laws governing the Toxic Release Inventory Program.

