

**Greenbook**  
**LBO Analysis of Enacted Budget**  
**Environmental Review Appeals**  
**Commission**

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# LBO Greenbook

## Environmental Review Appeals Commission

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### Quick look...

- The Environmental Review Appeals Commission functions as a quasi-judicial appellate review body specifically for resolving environmental disputes resulting from various final actions taken by certain state agencies and local boards of health.
- The Commission receives 100% of its funding from the GRF.
- Appropriations total \$651,000 in FY 2022 and FY 2023.
  - Annual spending is largely attributed to personal services/payroll, typically around 80%, with the remainder dedicated to supplies and maintenance (in the form of rent, software licenses, supplies, and other expenses).
- The budget will permit the Commission to maintain FY 2021 service delivery levels.

FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Appropriation	FY 2023 Appropriation
<b>GRF ALI 172321, Operating Expenses</b>					
\$549,365	\$574,179	\$497,136	\$626,253	\$651,000	\$651,000
% change	4.5%	-13.4%	26.0%	4.0%	0%

### Agency overview

The Environmental Review Appeals Commission (EBR) is an appellate review body whose primary statutory duty is to hear and resolve appeals of various technical and legal final actions taken by state and local governmental entities, including the Ohio Environmental Protection Agency (Ohio EPA), the State Fire Marshal, the State Emergency Response Commission, the Department of Agriculture, and local boards of health. The vast majority of the appeals arise from final actions taken by the Director of the Ohio EPA.

The Commission consists of three members appointed by the Governor with the advice and consent of the Senate. Commission members serve staggered six-year terms; their salaries are fixed by the Governor. The members conduct hearings, review filings, and issue rulings, and are currently supported by two full-time staff (an executive director and one program administrator/staff attorney).

Any party adversely affected by an order of the Commission may appeal to the Franklin County Court of Common Pleas or, if the appeal arises from an alleged violation of a law or regulation, to the court of appeals of the district in which the violation was alleged to have occurred. An appeal is generally required to be accompanied by a \$70 filing fee, which the Commission may waive in cases of extreme hardship. Multiple appellants may be included in a

single appeal, so these filing fees do not necessarily correlate to the number of new appeals. The fee, which generates an average of around \$2,500 annually, is credited to the GRF.

## **Analysis of FY 2022-FY 2023 budget**

The Commission's operating costs are entirely funded by GRF line item 172321, Operating Expenses. The appropriations in FY 2022 and FY 2023 fully fund the Commission's budget request and are expected to be sufficient to maintain existing service levels.