

Executive

EPACD4 E-Check contract**R.C. 3704.14**

Extends the motor vehicle inspection and maintenance program (E-Check) in counties where this program is federally mandated by:

(a) Authorizing Ohio EPA to request DAS to extend the existing contract with the contractor that conducts the program beginning July 1, 2023, for up to 24 months; and

(b) Requiring Ohio EPA, before the contract extension expires, to request DAS to contract with a vendor to operate a decentralized program through June 30, 2027, with an option to renew for up to 24 months through June 30, 2029.

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 funding and possible sanctions. These sanctions include requiring offsets from facilities building in nonattainment areas and the potential loss of certain federal highway funds.

EPACD12 Construction and Demolition Debris disposal fee allocation**R.C. 3714.073**

Reallocates a portion of the 50¢ per cubic yard/\$1.00 per ton disposal fee charged for construction and demolition debris (C&DD) disposed of at a C&DD facility by:

(a) Reducing the portion of the fee (currently 37.5¢/cubic yard or 75¢/ton) that is deposited to the Recycling and Litter Prevention Fund (Fund 5320) or recycling and litter prevention by 2.5¢/cubic yard and 5¢/ton, respectively;

(b) Allocating the amount of the reduction (2.5¢/cubic yard and 5¢/ton) to be deposited to the Waste Management Fund (Fund 4K30) for waste management under the solid, hazardous, and infectious waste and C&DD laws.

Fiscal effect: Reduces the amount of fee revenue deposited to Fund 5320 by about \$400,000 and increases the amount of fee revenue deposited to Fund 4K30 by that amount. The portion of fee revenue (12.5¢ per cubic yard/25¢ per ton) deposited to Soil and Water Conservation District Assistance Fund (Fund 5BV0) is unaffected.

EPACD10 Solid waste transfer and disposal fees**R.C. 3734.57**

Extends, from June 30, 2024, to June 30, 2026, the sunset on fees totaling \$4.75 a ton on solid waste transfer and disposal.

Modifies the allocation of those fees as follows:

(a) Reduces, from 20¢ to 11¢, the deposit to the Hazardous Waste Facility Management Fund (Fund 5030);

(b) Reduces, from 70¢ to 60¢, the deposit to the Hazardous Waste Clean-Up Fund (Fund 5050);

(c) Increases, from 75¢ to 90¢, the deposit to the Solid Waste Fund (Fund 4K30);

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(d) Reduces, from \$2.85 to \$2.81, the deposit to the Environmental Protection Fund (Fund 5BC0);

(e) Requires a new deposit of 8¢ to the new National Priority List Remedial Support Fund (Fund 5YY0)

Fiscal effect: The fee extension will continue annual revenues of \$66.5 million allocated for use by Ohio EPA as follows: \$1.6 million to Fund 5030, \$8.9 million to Fund 5050, \$13.3 million to Fund 4K30, \$41.5 million to Fund 5BC0, and \$1.2 million to Fund 5YY0. The 25¢ portion of the fee deposited to Soil and Water Conservation District Assistance Fund (Fund 5BV0) and used by AGR is unaffected.

EPACD11 National Priority List Remedial Support Fund

R.C. 3734.579

Creates the National Priority List Remedial Support Fund (Fund 5YY0) and requires the Ohio EPA to use money deposited to the fund for the state's removal and remedial actions and long term operation and maintenance costs for actions taken under the federal "Comprehensive Environmental Response, Compensation, and Liability Act" (CERCLA).

Permits the Director to use money in the Fund to enter into contracts with federal, state, or local government agencies, nonprofit organizations, colleges, and universities to carry out those removal and remedial duties on behalf of Ohio EPA.

Fiscal effect: An 8¢ portion of the ongoing fee of \$4.75 levied per ton on solid waste transfer and disposal estimated to total \$1.2 million per fiscal year is to be deposited to Fund 5YY0 for this purpose.

EPACD6 Scrap tire transport

R.C. 3734.74, 3734.83

Reduces the financial assurance amount that a person must submit to Ohio EPA to obtain a registration to transport scrap tires from at least \$20,000 to \$10,000 or less.

Eliminates the up to \$300 fee charged under current law to a person registering for and renewing a certificate to transport scrap tires deposited to the Scrap Tire Management Fund (Fund 4R50).

Exempts from the scrap tire transporter registration requirements any of the following entities conducting a scrap tire clean up event or community tire amnesty collection event that has received written concurrence from the Ohio EPA: (a) nonprofit organization, (b) federal, state, or local government, (c) university, or (d) other civic organization.

Fiscal effect: Potential reduction in fee revenue deposited to Fund 4R50.

EPACD7 Scrap Tire Grant Fund

R.C. 3734.822

Allows the Scrap Tire Grant Fund (Fund 5860) to be used for scrap tire amnesty and cleanup events hosted or sponsored by a state agency or political subdivision or hosted by a solid waste management district, in addition to such events sponsored by a district as under current law.

Fiscal effect: Expanding the allowable use of Fund 5860 may result in increased grant expenditures.

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EPACD8 Scrap tire, solid waste, and C&DD removal**R.C. 3734.85**

Removes the requirement that a person who has been issued an order by the Ohio EPA to remove scrap tires do so within 120 days after the order, and instead requires that person to comply with each milestone established in the order within the time frame specified.

Allows the Ohio EPA, when performing a scrap tire removal action, to remove, transport, and dispose of any additional solid wastes or construction and demolition debris (C&DD) that was illegally disposed on the land named in a removal order if the removal of the waste or debris is required by the order.

Allows the Ohio EPA to recover the costs associated with the solid waste and C&DD removal.

Permits, instead of requires, the Ohio EPA to record scrap tire removal costs at the county recorder of the county in which the accumulation of scrap tires were located.

Allows the Ohio EPA to record solid waste and C&DD removal costs at the county recorder of the county in which the accumulation of solid wastes and C&DD removed were located.

Fiscal effect: Potential increase in expenditures to perform solid waste and C&DD removal offset by permitted cost recovery.

EPACD13 Extension of sunset on fees on the sale of tires**R.C. 3734.901**

Extends, for two years through June 30, 2026, the sunset date of the \$1.00 per tire fee on the sale of tires which is distributed as follows: (1) 50¢ to the Scrap Tire Management Fund (4R50) and (2) 50¢ to the Soil and Water Conservation District Assistance Fund (Fund 5BV0).

Fiscal effect: Preserves the annual revenue totaling \$7.8 million and split evenly between Fund 4R50 used by Ohio EPA and 5BV0 used by AGR.

EPACD9 Extension of sunset of various Ohio EPA fees**R.C. 3745.11**

Extends, for two years through June 30, 2026, the sunset date the following:

- (a) The sunset on the annual emissions fees for synthetic minor facilities.
- (b) The sunset of the annual discharge fees for holders of National Pollution Discharge Elimination System (NPDES) permits issued under the Water Pollution Control Law.
- (c) The sunset of the \$200 application fee for an NPDES permit and the decrease of that fee to \$15 at the end of two years.
- (d) 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 under the Water Pollution Control Law.
- (e) The annual discharge fees paid by the holder of an NPDES permit and the surcharge paid by holders of permit holders that are major dischargers.
- (f) The sunset of initial and renewal license fees for public water system licenses issued under the Safe Drinking Water Law.

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(g) 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 under the Safe Drinking Water Law.

(h) 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.

(i) The levying of higher fees, and the decrease of those fees at the end of the two years, for applications and examinations for certification as operators of water supply systems or wastewater systems under the Safe Drinking Water Law or the Water Pollution Control Law;

(j) 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 Law.

Fiscal effect: The fee extensions will preserve annual revenues totaling \$16.3 million and credited for the Ohio EPA's use as follows: \$9.2 million for the Surface Water Protection Fund (Fund 4K40), \$6.7 million for the Drinking Water Protection Fund (Fund 4K50), and \$375,000 for the Clean Air - Non Title V Fund (Fund 4K20).

EPACD5 Original signatories to environmental covenant

R.C. 5301.90, 5301.91

Authorizes an applicable agency that is party to an environmental covenant to determine whether the signature of a person who originally signed the covenant is not necessary in order to amend or terminate the covenant.

Eliminates the need to provide notice to an original signatory specified above when an environmental covenant is subject to termination or amendment via an eminent domain proceeding.

Retains the ability of an original signatory to an environmental covenant who is not a current owner of the subject property in fee simple to file a civil action to enforce the covenant.

Fiscal effect: Potential decrease in administrative expenses for Ohio EPA or other applicable agency.

EPACD1 Areawide Planning Agencies

Section: 277.10

Permits the Ohio EPA Director to award grants from Fund 5BC0 ALI 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.

EPACD2 Cash Transfer to the Scrap Tire Management Fund from the Auto Emissions Test Fund

Section: 277.10

Permits the OBM Director, at the request of the Ohio EPA Director, to transfer the remaining cash balance from the Auto Emissions Test Fund (Fund 5BY0) to the Scrap Tire Management Fund (Fund 4R50) in FY 2024.

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EPACD3 H2Ohio Fund

Section: 277.10

Reappropriates an amount up to the available balance of Fund 6H20 ALI 715695, H2Ohio, at the end of FY 2024 for the same purpose in FY 2025.

Executive**OBMCD38 Fiscal year 2023 General Revenue Fund ending balance****Section: 513.10**

Requires the OBM Director to determine the GRF surplus revenue that existed on June 30, 2023, and transfer cash, up to the actual surplus revenue amount, from the GRF as follows:

- (1) Up to \$2,400,000,000 to the All Ohio Future Fund (Fund 5XM0);
- (2) Up to \$1,000,000,000 to the Health and Human Services Reserve Fund (Fund 5SA4);
- (3) Up to \$307,196,000 to the H2Ohio Fund (Fund 6H20);
- (4) Up to \$200,000,000 to the Career Technical Education Facilities Fund (Fund 5ZJ0);
- (5) Up to \$190,000,000 to the EXPO 2050 Fund (Fund 5ZN0);
- (6) Up to \$150,000,000 to the Innovation Hubs Fund (Fund 5ZK0);
- (7) Up to \$140,000,000 to the Statewide Treatment and Prevention Fund (Fund 4750);
- (8) Up to \$125,000,000 to the Rail Safety Crossing Fund (Fund 5ZP0);
- (9) Up to \$65,000,000 to the Veterans Homes Modernization Fund (Fund 5ZO0);
- (10) Up to \$50,000,000 to the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0);
- (11) Up to \$50,000,000 to the Local Jail Grants Fund (Fund 5ZQ0);

Requires that the remaining amount of the surplus revenue remain in the GRF.

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 according to codified law and deposited into the following funds:

- \$109,800 in FY 2024 and \$112,900 in FY 2025 to the Utility Radiological Safety Fund (Fund 4E40) used by AGR;
- \$1,405,870 in FY 2024 and \$1,474,757 in FY 2025 to the Radiation Emergency Response Fund (Fund 6100) used by ODH;
- \$332,287 in each fiscal year to the ER Radiological Safety Fund (Fund 6440) used by the Ohio EPA; and
- \$1,435,000 in FY 2024 and \$1,449,000 in FY 2025 to the Emergency Response Plan Fund (Fund 6570) used by ODPS.
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OBMCD41 Cash transfers and abolishment of funds

Section: 516.10

For purposes of abolishing various funds that are no longer needed, authorizes the OBM Director to carry out necessary accounting procedures, including transferring the remaining cash balances from the funds that are to be abolished, canceling existing encumbrances, and reestablishing those encumbrances against appropriate funds.

Lists the funds to be abolished, including funds used by: COM, DAS, DEV, OhioMHAS, ODPS, BEMC, OFCC, INS, ODJFS, OPD, and Ohio EPA.

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GOVCD3 Electronic notification, meeting, and data storage law changes

R.C. 127.15, 173.03, 753.19, 1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 1571.05, 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04, 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23, 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03, 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25, 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03, 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081, 4508.021, 4509.101, 4510.03, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 5703.37, 5709.83, 5736.041, 5751.40, 1509.031, 3745.019, Repealed: R.C. 5123.195

Implements a 2020 initiative of the Common Sense Initiative to make changes throughout the Revised Code to partly reflect the advancements in technology related to notifications, meetings, data storage, and certain other government functions. (For more detailed analysis of these changes, please see the Electronic Notification and Meetings section (pages 311-338) of the LSC Bill Analysis for H.B. 33.)

Makes specific changes, including removal of obsolete provisions, to facilitate the use of electronic communications, including websites, in the daily operations for the following entities: CAC, COM, DODD, ODE, Ohio EPA, INS, ODJFS, ODPS, PUCO, TAX, ODOT, and ODWIS.

Modifies the type of communication media through which a required notice of events or services may be made by generally adding the option of electronic, including email, delivery or mail delivery by a commercial/common carrier and removing the outdated telegraph method for the following entities: CEB, CAC, COM, ODE, Ohio EPA, ODJFS, ODM, ODNR, PUCO, DRC, ODWIS, and municipalities.

Permits meeting via electronic means, instead of in-person meetings, on specified matters provided that the meetings still allow for interactive public attendance for the following entities: Ohio Advisory Council for the Aging, Internet- or computer-based community schools, school districts or other public schools, ODPS-Register of Motor Vehicles, counties, townships, and municipalities.

Permits or requires the establishment of electronic means of submission for such services as licensure, approvals, and other by the following entities: ODNR's Division of Oil and Gas Resources Management, school districts, ODE, solid waste management districts, and courts of record.

Modifies or removes references related to creating or retaining stenographic records of certain proceedings for the following entities: COM, ODNR, ODE, school districts, Ohio EPA, and ODWIS.

Fiscal effect: TAX has estimated savings of approximately \$3.4 million per year for the agency. Ohio EPA has estimated annual savings of over \$750,000. Other affected state agencies will also likely realize some administrative cost savings as will affected local governments.

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LECCD1 Cash transfers to the Lake Erie Protection Fund

Section: 319.10

Permits the OBM Director to transfer up to \$25,000 in each fiscal year from each of the following funds to the Lake Erie Protection Fund (Fund 4C00):

- (a) Environmental Protection Fund (Fund 5BC0) used by Ohio EPA.
- (b) Pesticide, Fertilizer and Lime Fund (Fund 6690) used by AGR.
- (c) General Operations Fund (Fund 4700) used by ODH.
- (d) Central Support Indirect Chargeback Fund (Fund 1570) used by ODNR.
- (e) Highway Operating Fund (Fund 7002) used by ODOT.
- (f) Supportive Services Fund (Fund 1350) used by DEV.

Permits Fund 4C00 to accept contributions and transfers made to the fund.

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DOTCD29 Diesel Emission Reduction Grant Program

Section: 755.10

Establishes the Diesel Emissions Grant Reduction Program, administered by Ohio EPA and funded by Highway Operating Fund (Fund 7002) appropriations under the ODOT budget. Requires Ohio EPA, in consultation with ODOT, to develop guidance for the distribution of grants and administration of the program. Requires eligible public and private entities to be reimbursed from moneys in Fund 7002 designated for the grant program. Limits total program expenditures to \$10,000,000 in each fiscal year. Provides that these grants do not reduce the amount of funding designated for metropolitan planning organizations for similar projects.
