

Redbook

LBO Analysis of Executive Budget Proposal

Environmental Review Appeals Commission

Robert Meeker, Senior Budget Analyst
February 2025

TABLE OF CONTENTS

Quick look.....	1
Agency overview	1
Analysis of FY 2026-FY 2027 budget proposal.....	2
Executive recommendations by expense category	2
Caseload statistics.....	2

LBO Redbook

Environmental Review Appeals Commission

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.
- Biennial total appropriation of \$1.5 million: \$745,000 in FY 2026 and \$795,000 FY 2027.
- The Commission receives 100% of its funding from the GRF.
- The executive budget will permit the Commission to maintain current service delivery levels.

FY 2022 Actual	FY 2023 Actual	FY 2024 Actual	FY 2025 Estimate	FY 2026 Introduced	FY 2027 Introduced
GRF ALI 172321, Operating Expenses					
\$655,915	\$640,685	\$660,706	\$701,000	\$745,000	\$795,000
% change	-2.3%	3.1%	6.1%	6.3%	6.7%

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 revenue is credited to the GRF.

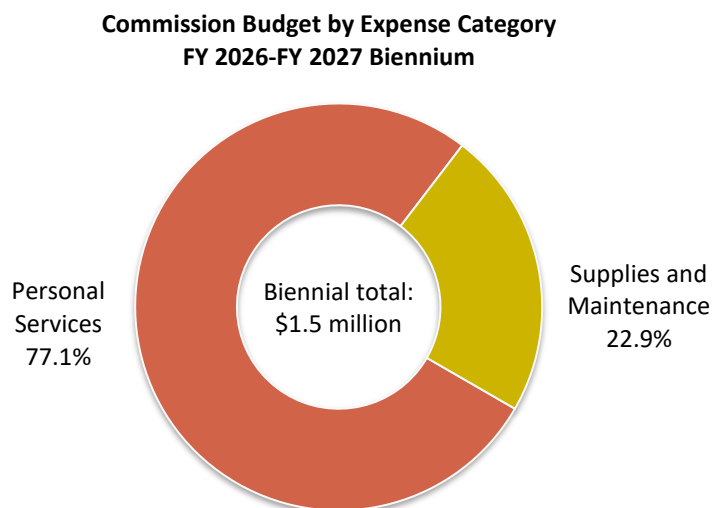
Analysis of FY 2026-FY 2027 budget proposal

The Environmental Review Appeals Commission's operating costs are funded by a single GRF line item (172321, Operating Expenses). The executive proposed appropriation in FY 2026 and FY 2027 fully funds the Commission's budget request.

The Commission believes that the 6.3% increase in funding from the FY 2025 estimate and FY 2026 appropriation, and a similar 6.7% increase between the FY 2026 and FY 2027 appropriations will allow it to meet increasing costs for audits paid to the Auditor of State, rent paid to the Department of Administrative Services, and payroll and technology, including the maintenance of and improvements and upgrades to the electronic filing system and online docket.

Executive recommendations by expense category

The chart below shows the Commission's total biennial appropriation, as proposed by the executive budget, by object of expense. Around 77.1%, or approximately \$1.2 million, is allocated for personal services (payroll). The remaining 22.9%, or about \$353,350, is allocated for supplies and maintenance, which includes rent, information technology, and other services provided by the Department of Administrative Services.



The Commission plans to maintain current staffing levels for the next biennium, which includes two full-time staff members: an executive director and one program administrator/staff attorney.

Caseload statistics

The table below summarizes the Commission's caseload from FY 2015 through FY 2024 (appeals, hearings, filings reviewed, and rulings issued).

Commission Caseload Statistics, FY 2015-FY 2024					
Fiscal Year	Total Appeals	Appeals Concluded	Hearings	Filings Reviewed	Rulings Issued
2015	31	104	41	990	585
2016	30	108	58	1,227	544
2017	47	87	53	984	425
2018	38	61	54	734	386
2019	29	39	37	578	309
2020	53	50	57	528	382
2021	45	57	48	562	323
2022	46	31	55	499	272
2023	29	18	32	582	256
2024	17	48	23	424	245