
ENVIRONMENTAL PROTECTION AGENCY

Solid waste and construction & demolition debris (C&DD) fees

- Revises and reallocates the current solid waste transfer and disposal fees (while maintaining the total fees charged at \$4.75 per ton).
- Makes all solid waste transfer and disposal fees, which are scheduled to sunset on June 30, 2026, permanent.
- Imposes the revised and reallocated fee structure that applies to the transfer and disposal of solid waste to construction and demolition debris (C&DD) that is transferred or disposed of at a solid waste transfer facility or solid waste disposal facility.
- Consequently, eliminates the requirement that solid waste facilities collect C&DD disposal fees on the disposal of C&DD at those facilities.
- Revises the remittance procedures for fees collected on the disposal of C&DD and asbestos or asbestos-containing material at a C&DD facility.

Environmental fees

- Makes permanent various Ohio Environmental Protection Agency (OEPA)-administered fees (several of which the amounts are changed by the bill) under the laws governing air pollution control, water pollution control, safe drinking water, and scrap tires.
- Increases, by 50%, fees related to OEPA's air pollution control program, including fees for facility permits to install and annual fees that are based on total air pollution emissions or emission capacity.
- Creates an annual \$5,000 flat fee charged to synthetic minor facilities and Title V air pollution control permit holders in addition to the existing emission-based annual fees.
- Eliminates the \$140 infectious waste generator registration application and renewal fee.
- Eliminates the application fee of .5% of the total exempt facility project costs, not to exceed \$2,000, for an industrial water pollution control facility that files for a certificate to exempt the facility from certain taxes.
- Eliminates a \$500 application fee for an industrial water pollution control certificate that applied to industrial water pollution control facilities under law in effect until June 26, 2003.

Public water supply system fees

- Authorizes the OEPA Director to adopt rules to allow the current administrative service fee that political subdivisions or investor-owned public utilities pay that enter into certain connection or distribution agreements with the OEPA to be charged to any entity applying for a public water supply system plan approval for either of the following:
 - Extensions of distribution facilities; or

- Increases in the number of service connections.
- Specifies that the administrative service fee would be paid in lieu of the \$150 + 0.35% of the estimated project cost fee that is currently charged to those entities.

Solid waste – community impact analysis and meetings

- Requires a person proposing to open a new solid waste facility or to modify an existing solid waste facility, when making application for a permit, to submit with the application a community impact analysis.
- Requires an applicant to comply with various application, notice, and procedural requirements prior to the issuance of such a permit, including holding a public community involvement session and providing information about the community impact analysis at the session.

Solid waste or infectious waste treatment facility permit notification

- Allows the OEPA Director to give notification of the public hearing regarding a solid waste facility permit application or infectious waste treatment facility permit application either via newspaper publication or publication on the OEPA website instead of only in a newspaper as in current law.

Removal of solid waste or construction and demolition debris

- Allows the OEPA Director to take various actions regarding accumulations of solid waste and C&DD in the same manner that the Director may take those actions with respect to scrap tires under current law.
- Specifies that those actions include:
 - Issuing an order to the responsible person directing that person to remove the accumulation of solid waste or C&DD from a premises and transport the removed material to the proper facility;
 - Taking actions to remove and manage the solid waste or C&DD, such as transporting the removed material to the proper facility, if the recipient fails to comply with the removal order; and
 - Authorizing the Director to collect costs incurred by OEPA for conducting the removal action by having a lien placed on the property where the accumulation of solid waste or C&DD was removed or requesting the Attorney General to bring a civil action against the proper person.
- Modifies the enforcement and removal action priority list for scrap tires in current law to account for actions concerning solid waste or C&DD.
- Exempts a property owner from liability for scrap tire removal costs and prohibits a lien from being placed on the property, for the removal of at least 100 scrap tires aggregated from multiple properties when collected during an OEPA-approved community cleanup event.

- Exempts a county, municipal corporation, township, or county land reutilization corporation from liability for scrap tire removal costs for the removal of up to 10,000 scrap tires, or more at the OEPA Director’s discretion, and prohibits a lien from being placed on the property when the scrap tires were placed on the property prior to acquisition.

E-Check extension

- Extends the motor vehicle inspection and maintenance program (E-Check) in the counties where this program is implemented by:
 - Authorizing the OEPA Director to request the DAS Director to extend the existing contract with the contractor that conducts the program beginning July 1, 2025, for a period of up to 24 months until June 30, 2027; and
 - Subsequently authorizing the OEPA Director to request the DAS Director to extend the contract for an additional 24 months until June 30, 2029.
- Specifies that a decentralized E-Check contract must achieve “an equivalent amount of emissions reductions” as the centralized program authorized by the contract specified above, rather than “at least the same emissions reductions” as the centralized contract as in current law.

Isolated wetlands

- Replaces the current preferred order for the mitigation of the proposed filling of an isolated wetland that is subject to level one, level two, or level three review with the following preferred order:
 - Purchasing credits at an approved wetland mitigation bank;
 - Purchasing credits at an approved in-lieu mitigation program; and
 - Constructing individual mitigation projects.
- Allows a deviation from the above preferred order if the OEPA Director determines, or the applicant demonstrates, that the size or quality of the impacted resource or the lack of available mitigation credits necessitates a change in that order.
- Requires information related to high-quality waters that must be submitted for purposes of level two or level three review of a proposed filling of isolated wetlands to include a listing of all waters on site and the proposed buffers on avoided resources.
- Requires the OEPA Director to adopt rules governing the approval and use of wetland mitigation banks and in-lieu fee mitigation programs.

Environmental Protection Remediation Fund

- Allows the OEPA Director, through employees or contractors, to enter upon land when performing a remediation at a facility or location where money from the Environmental Protection Remediation Fund may be spent.

- Adds money collected from judgments brought under the air pollution control law to the Environmental Protection Remediation Fund.

Solid waste and construction & demolition debris (C&DD) fees

(R.C. 3714.07, 3714.073, and 3734.57)

The bill revises and reallocates the current solid waste transfer and disposal fees (while maintaining the total fee charged at the point of transfer or disposal at \$4.75 per ton) as follows:

1. Reduces a 71¢ per ton fee to 55¢ per ton and allocates the proceeds as follows:
 - a. 9¢ per ton, rather than 11¢ per ton, to the Hazardous Waste Facility Management Fund, which must be used by the Ohio Environmental Protection Agency (OEPA) to administer the hazardous waste program;
 - b. 46¢ per ton, rather than 60¢ per ton, to the Hazardous Waste Clean-Up Fund, which must be used by OEPA to administer hazardous waste clean-up programs.
2. Increases a 90¢ per ton fee to \$1.35 per ton and allocates the proceeds as follows:
 - a. 90¢ per ton, as currently allocated, to the Waste Management Fund, which is used by OEPA to administer and enforce laws governing solid and infectious waste and construction and demolition debris;
 - b. A new 45¢ per ton allocation to be transmitted to the approved board of health of the health district in which the facility that collects the fee is located.
3. Reduces, from \$2.81 per ton to \$2.15 per ton, the fee that is deposited in the Environmental Protection Fund, which is used by OEPA to administer and enforce environmental protection laws;
4. Maintains the current 25¢ per ton fee that is used to provide assistance to soil and water conservation districts;
5. Reduces, from 8¢ per ton to 6¢ per ton, the fee that is deposited in the National Priority List Remedial Support Fund;
6. Reallocates a portion of the reduced fees above as follows:
 - a. 18¢ per ton to the Recycling and Litter Prevention Fund, which is used by OEPA to administer recycling programs;
 - b. 21¢ per ton to the Environmental Protection Remediation Fund, which is used by the OEPA to remediate conditions that pose a threat to public health or safety or the environment at a solid waste, C&DD, or hazardous waste facility.

Under current law, all existing solid waste transfer and disposal fees are scheduled to sunset on June 30, 2026. The bill makes these fees, as well as the new fees referenced above, permanent.

In addition, the bill imposes the revised and reallocated fee structure that applies to the transfer and disposal of solid waste to C&DD that is transferred or disposed of at a solid waste transfer facility or solid waste disposal facility. Consequently, it eliminates the requirement that solid waste facilities collect C&DD disposal fees on the disposal of C&DD at those facilities.

The bill revises the remittance procedures for fees collected on the disposal of C&DD and asbestos or asbestos-containing material at a C&DD facility as follows:

1. Allows a board of health and the OEPA Director to enter into an agreement for OEPA to collect C&DD disposal fees on behalf of the board;

2. Requires a municipal corporation, township, or county that appropriates money from C&DD disposal fees to mail a certified copy of the ordinance or resolution providing for the appropriation to the OEPA Director, in addition to mailing it to the applicable board of health as in current law.

Environmental fees

(R.C. 3745.11 and 3734.901)

The bill makes permanent various OEPA-administered fees (some of which the amounts are changed by the bill) under the laws governing air pollution control, water pollution control, safe drinking water, and scrap tires. The following table sets forth each fee, its purposes, the time period OEPA is authorized to charge the fee under current law, and the bill's changes to each fee:

Type of fee	Description	Fee period under current law	Fee change under the bill
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.	The fee is required to be paid through June 30, 2026.	The bill increases each fee in the fee schedule by 50%, makes that fee permanent, and adds an additional \$5,000 application fee.
Wastewater treatment works:	A person applying for a plan approval for a wastewater treatment works is	An applicant is required to pay the tier one fee through June 30, 2026, and	The bill increases this fee by combining the tier one fee and the

Type of fee	Description	Fee period under current law	Fee change under the bill
plan approval application fee	<p>required to pay one of the following fees depending on the date:</p> <ul style="list-style-type: none"> ▪ 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. 	the tier two fee on and after July 1, 2026.	<p>tier two fee, but retains the \$15,000 cap.</p> <p>It also makes this fee permanent.</p>
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 are due by January 30, 2024, and January 30, 2025.	The bill makes the fees and the fee schedules permanent.
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 is required to be paid by January 30, 2024, and January 30, 2025.	The bill makes the surcharge permanent.
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 is due by January 30, 2024, and January 30, 2025.	The bill makes the annual discharge fee permanent.
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 applies through June 30, 2026, and is required to be paid annually in January.	The bill makes permanent the initial license and license renewal fee.

Type of fee	Description	Fee period under current law	Fee change under the bill
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 0.35% of the estimated project cost. However, continuing law sets a cap on the fee.	The cap on the fee is \$20,000 through June 30, 2026, and \$15,000 on and after July 1, 2026.	The bill makes permanent the \$20,000 cap.
Fee on state certification of laboratories and laboratory personnel	In accordance with two schedules, OEPA charges a fee for evaluating certain laboratories and laboratory personnel. 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 \$500 for each additional survey requested.	The schedule with higher fees applies through June 30, 2026, and the schedule with lower fees applies on and after July 1, 2026. The \$500 additional fee applied through June 30, 2026.	The bill makes permanent the higher fee schedule and the additional \$500 fee.
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 (class A and classes I-IV) must pay a fee at the time an application is submitted in accordance with a statutory schedule.	A schedule with higher fees applied through November 30, 2026, and a schedule with lower fees applied on and after December 1, 2026.	The bill makes permanent the higher fee schedule.
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, 2026, the fee is \$100. The fee is \$15 for an application submitted on or after July 1, 2026.	The bill makes permanent the \$100 fee.
Application fee for an NPDES permit (S)(1)(b)(i)	A person applying for an NPDES permit must pay a nonrefundable application fee.	If the application is submitted through June 30, 2026, the fee is \$200. The fee	The bill makes permanent the \$200 fee.

Type of fee	Description	Fee period under current law	Fee change under the bill
		is \$15 for an application submitted on or after July 1, 2026.	
Fees on the sale of tires	A base fee of 50¢ per tire is levied on the sale of tires to assist in the cleanup of scrap tires. An additional fee of 50¢ per tire is levied to assist soil and water conservation districts.	Both fees are scheduled to sunset on June 30, 2026.	The bill makes both fees permanent.

Additional air pollution control fee increases

(R.C. 3745.11)

The bill increases, by 50%, the fees related to OEPA's air pollution control program, specifically for permits to install. It also creates an annual \$5,000 flat fee charged to Title V air pollution control permit holders in addition to the existing emission-based annual fees.

Infectious waste generator fee

(R.C. 3745.021)

The bill eliminates the \$140 infectious waste generator registration application and renewal fee. Under current law, each generator of 50 pounds or more of infectious waste in any one month must register with OEPA.

Industrial water pollution control facility certificate

(R.C. 3745.11(P); conforming changes in R.C. 3734.05, 3734.79, 5709.212, 6111.01, and 6111.04)

The bill eliminates the application fee of .5% of the total exempt facility project costs, not to exceed \$2,000, for an industrial water pollution control facility that files for a certificate to exempt the facility from certain taxes. Additionally, it eliminates a \$500 application fee for an industrial water pollution control certificate that applied to industrial water pollution control facilities under law in effect until June 26, 2003.

Public water supply system fees

(R.C. 3745.11(N))

The bill authorizes the OEPA Director to adopt rules allowing the current administrative service fee that political subdivisions or investor-owned public utilities pay that enter into certain

connection or distribution agreements with the OEPA⁵² to be charged to any entity applying for a public water supply system plan approval for either of the following:

1. Extensions of distribution facilities; or
2. Increases in the number of service connections.

It also specifies that the administrative service fee must be paid in lieu of the \$150 + 0.35% of the estimated project cost fee that is currently charged to those entities.

Solid waste – community impact analysis and meetings

(R.C. 3734.05)

The bill requires a person proposing to open a new solid waste facility or to modify an existing solid waste facility, when making application for a permit, to submit with the application a community impact analysis that does both of the following:

1. Evaluates the impact of the proposed solid waste disposal facility on the local economy; and
2. Considers mitigation measures to minimize adverse impacts on the host community.

It also requires the applicant to do all of the following:

1. Maintain a publicly accessible website that includes the permit application and supporting documents, the community impact analysis, and public involvement information;
2. At least 30 days before holding the public meeting on the application required under current law, use best efforts to notify property owners of record, who are located within three miles of the proposed facility, of the date, time, and location of the applicant's public meeting;
3. Within 270 days after submitting the transcript of the applicant's public meeting to the OEPA Director as required under current law, hold a public community involvement session on the application within the county in which the solid waste facility is located or within a contiguous county;
4. At least 30 days before holding the public community involvement session, use best efforts to notify all property owners of record, who are located within three miles of the proposed facility, of the date, time, and location of the session;
5. At least 30 days before holding the public community involvement session, publish notice of the meeting in each newspaper of general circulation in the county in which the facility is located;
6. At the public community involvement session, provide information about and describe the application and community impact analysis and respond to comments or questions concerning the application and community impact analysis; and

⁵² See R.C. 6109.07(A)(2), not in the bill.

7. Within 30 days after the public community involvement session, provide the OEPA Director with a copy of a transcript of the full session and copies of any exhibits, displays, or other materials presented by the applicant at the session.

Under the bill, any person, at the public community involvement session, may submit written or oral comments on or objections to the application or community impact analysis.

Solid waste or infectious waste treatment facility permit notification

(R.C. 3734.05)

The bill also allows the OEPA Director to give notification of the public hearing regarding a solid waste facility permit application or infectious waste treatment facility permit application either via newspaper publication or publication on the OEPA website instead of only in a newspaper as in current law.

Removal of solid waste or construction and demolition debris

(R.C. 3734.85)

The bill allows the OEPA Director to take various actions regarding accumulations of solid waste and C&DD in the same manner that the Director may take those actions with respect to scrap tires under current law. The bill specifies that those actions include the following:

- Issuing an order to the responsible person directing the person to remove solid waste or C&DD from a premises and transport the removed material to the proper facility;
- Taking actions to remove and manage the solid waste or C&DD, such as transporting the removed material to the proper facility, if the recipient fails to comply with the removal order; and
- Authorizing the OEPA Director to collect costs incurred by OEPA for conducting the removal action by having a lien placed on the property where the accumulation of solid waste or C&DD was removed or requesting the Attorney General to bring a civil action against the proper person.

Additionally, the enforcement and removal action priority list for scrap tires removal actions in existing law is modified to account for actions concerning solid waste or C&DD. The new priority list is as follows: (1) accumulations of scrap tires, solid waste, or C&DD that the OEPA Director finds constitutes a fire hazard or threat to public health, (2) accumulations of scrap tires determined by the Director to contain more than 1 million scrap tires, (3) accumulations of scrap tires, solid waste, or C&DD in densely populated areas, (4) other accumulations of scrap tires, solid waste, or C&DD that the Director or a board of health of the health district in which the accumulation is located determines constitute a public nuisance, and (5) any other accumulations present on a premises without a valid C&DD facility, solid waste facility, or scrap tire facility license.

The bill applies a provision stating that the scrap tire removal law described above does not restrict any person's statutory or common law right to enforce or seek enforcement of any

law applicable to the management of scrap tires, abating a nuisance, or seeking any other appropriate relief to also include any law applicable to the management of solid waste or C&DD.

Exemptions

The bill exempts an owner of real property from liability for scrap tire removal costs, and prohibits a lien from being placed on the property, for the removal of at least 100 scrap tires that were aggregated on the owner's property from multiple other properties when the scrap tires are collected during an OEPA-approved community cleanup event. Existing law prohibits the OEPA Director from taking a removal action against a premises where not more than 100 scrap tires are present.

The bill also exempts a county, municipal corporation, township, or county land reutilization corporation from liability for scrap tire removal costs for the removal of up to 10,000 scrap tires, or more at the OEPA Director's discretion, and prohibits a lien from being placed on the property when the scrap tires were placed on the property prior to acquisition.

Environmental Protection Remediation Fund

(R.C. 3734.281 and 3734.283)

The bill allows the OEPA Director, through OEPA employees or contractors, to enter upon land when performing a remediation at a facility or location for which money from the Environmental Protection Remediation Fund (EPRF) can be spent for any of the following purposes:

- Conducting remediation activities funded by the EPRF;
- Performing sampling and monitoring;
- Abating or preventing air or water pollution or soil contamination from the facility or location;
- Performing remediation activities; and
- Removing, transporting, and disposing of waste or debris into a landfill authorized to accept the type of waste or debris being disposed.

Current law allows the OEPA Director to conduct such investigations and make such inquiries as are reasonable or necessary to determine if a facility or property that treated stored, or disposed of hazardous waste, or that disposed of solid waste or C&DD, has conditions that constitute a substantial threat to public health or safety or that cause or threaten to cause or contribute to air or water pollution or soil contamination. To achieve these purposes, the Director or the Director's authorized representative can apply for a search warrant with a judge of the proper court of common pleas.

Additionally, current law requires the OEPA Director to endeavor to enter into an agreement with a property owner prior to beginning activities using payments from the Hazardous Waste Facility Management Fund, Hazardous Water Clean-up Fund, or EPRF (such as the closure or post-closure care of a solid waste or C&DD facility). The agreement with the property owner would specify the activities to be performed and authorize OEPA to enter on the

property and perform the specified activities. The agreement also may require the reimbursement of the state for the costs of the activities performed.⁵³

The bill adds that money collected from judgements brought under the air pollution control law may be deposited in the EPRF. The EPRF currently includes money from judgments or settlements with the OEPA Director, including those associated with bankruptcies, related to actions brought under various OEPA administered laws, such as the C&DD law, the solid and hazardous waste law, and the water pollution control law. OEPA may use money in the EPRF to remediate conditions at a hazardous waste facility, solid waste facility, licensed C&DD facility, or another location where the Director has reason to believe there is a substantial threat to public health or safety or the environment.

E-Check extension

(R.C. 3704.14)

The bill continues the operation of the motor vehicle inspection and maintenance program (E-Check) in the seven counties in which it currently operates (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit) by:

1. Authorizing the OEPA Director to request the Director of Administrative Services (DAS Director) to extend the existing contract (with the contractor that conducts the program) beginning July 1, 2025, for a period of up to 24 months; and

2. Authorizing the OEPA Director to request the DAS Director to subsequently extend the existing contract (with the contractor that conducts the program) beginning July 1, 2027, for a period of up to 24 months.

Existing law requires the OEPA Director to request the DAS Director to enter into a contract with a vendor to operate a decentralized E-Check program through June 30, 2027, with an option to renew the contract for a period of up to 24 months through June 30, 2029. The bill changes the existing law requirement that the contract ensure that the decentralized E-Check program achieve *at least the same* emission reductions as a contract with the contractor that conducts the centralized program. It instead specifies that the decentralized contract ensures *an equivalent amount of* emissions reductions as the centralized contract.

Isolated wetlands

(R.C. 6111.022, 6111.023, 6111.024, and 6111.027)

The bill replaces the preferred order for the mitigation of the proposed filling of an isolated wetland that is subject to level one, level two, or level three review with the following preferred order:

1. Purchasing credits at an approved wetland mitigation bank;
2. Purchasing credits at an approved in-lieu fee mitigation program; and

⁵³ R.C. 3734.20 to 3734.22, not in the bill.

3. Constructing individual mitigation projects.

However, the OEPA Director is permitted to require, or an applicant may seek, a deviation from the mitigation hierarchy described above if the Director determines, or the applicant demonstrates, that the size of quality of the impacted resource or the lack of available mitigation credits necessitates a change in the hierarchy.

Existing law requires a person to obtain a permit from the OEPA Director to fill an isolated wetland. Depending on the type and size of the wetland, the law subjects the proposed filling to level one, level two, or level three review, each with a preferred mitigation order. For example, isolated wetlands subject to level one review must conduct mitigation in the following preferred order: (1) on-site mitigation or mitigation at a mitigation bank located within the same U.S. Army Corps district as the impacted isolated wetland, and (2) in-lieu fee mitigation.

Isolated wetland level 2 and level 3 review

(R.C. 6111.023 and 6111.024)

For purposes of level two or level three review of a proposed filling of isolated wetlands, the bill adds that the information current law requires to be submitted indicating whether high quality waters are to be avoided by the proposed filling must include a listing of all waters on the site and the proposed buffers on avoided resources.

Wetland mitigation banks and in-lieu fee mitigation programs

(R.C. 6111.02 and 6111.025)

The OEPA Director is required under the bill to adopt rules governing the approval and use of wetland mitigation banks, including designating mitigation bank service areas, and in-lieu fee mitigation programs. A wetland mitigation bank or in-lieu fee mitigation program may then be approved via those rules. Current law requires approval in accordance with federal law. The rules are permitted to include: (1) application requirements and approval criteria, (2) mitigation plans, (3) performance standards, (4) monitoring requirements, (5) provisions for corrective measures, adaptive management and long-term protections, (6) credit sales, (7) financial assurances, and (8) any other provision determined by the OEPA Director.

As indicated above, existing law allows for the establishment of wetland mitigation banks and in-lieu fee mitigation programs for purposes of mitigating the proposed filling of isolated wetlands.