

Executive

EPACD4 E-check program contract extension**R.C. 3704.14**

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

Authorizes Ohio EPA to request DAS to extend the existing contract with the contractor that conducts the program beginning July 1, 2025, for a period of up to 24 months.

Authorizes Ohio EPA Director to request DAS to extend the contract beginning July 1, 2027 for an additional 24 months until June 30, 2029.

Requires the decentralized motor vehicle inspection and maintenance program contract to 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.

Fiscal effect: None. 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.

EPACD17 Administration of solid waste and C&DD fees**R.C. 3714.07, 3714.073**

Imposes the revised and reallocated fee structure (as discussed in EPACD15) 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.

Eliminates the requirement that solid waste facilities collect C&DD disposal fees on the disposal of C&DD at such 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 as follows:

(a) Allows a board of health and the Ohio EPA Director to enter into an agreement for Ohio EPA to collect C&DD disposal fees on behalf of the board.

(b) 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 Ohio EPA Director in addition to the applicable board of health as in current law.

Fiscal effect: Reduction in C&DD fees collected at solid waste facilities and distributed to local boards of health and the following state funds: Solid Waste Fund (Fund 4K30), Recycling and Litter Prevention Fund (Fund 5320) used by Ohio EPA, and Soil and Water Conservation District Assistance Fund (Fund 5BV0) used by AGR. Increase in Solid waste fees collected at solid waste facilities and distributed to local boards of health and the following state funds: Hazardous Waste Facility Management Fund (Fund 5030), Hazardous Waste Clean-Up Fund (Fund 5050), Environmental Protection Fund (Fund 5BC0), National Priority List Remedial Support Fund (Fund 5YY0), Recycling and Litter Prevention Fund (Fund 5320), Environmental Protection Remediation Fund (Fund 5410) used by Ohio EPA, and Soil and Water Conservation District Assistance Fund (Fund 5BV0) used by AGR.

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EPACD9 Generator of infectious waste certificate fee**R.C. 3734.021**

Eliminates the \$140 infectious waste generator registration application and renewal fee.

Fiscal effect: Reduces the amount of fee revenue deposited to Fund 4K30 by about \$25,000 tri-annually.

EPACD16 Solid waste - community impact analysis and meetings**R.C. 3734.05**

Requires a person proposing to open a new solid waste facility or to modify an existing solid waste facility, when making an application for a permit, to submit with the application a community impact analysis that both evaluates the impact of the proposed solid waste disposal facility on the local economy and considers mitigation measures to minimize adverse impact on the host community.

Requires the applicant to maintain a publicly accessible website (to include the permit application and supporting documents, the community impact analysis, and public involvement information), provide public notices and hold meetings, maintain and distribute transcripts, and 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.

Allows the Ohio EPA 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 Ohio EPA website instead of only in a newspaper as in current law.

Fiscal effect: Potential decrease in administrative expenditures when publishing notices on Ohio EPA website rather than in a newspaper publication.

EPACD14 Environmental Protection Remediation Fund**R.C. 3734.281, 3734.283**

Permits the Ohio EPA 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 (Fund 5410) may be spent for various purposes, such as performing sampling and monitoring and abating or preventing air or water pollution or soil contamination.

Permits money collected from judgments brought under the air pollution control law to be deposited to the Environmental Protection Remediation Fund (Fund 5410).

Fiscal effect: Potential increase in revenue deposited to Fund 5410 from judgments brought under the air pollution control law.

EPACD13 EPA fees**R.C. 3734.57, 3734.901, 3745.11**

Makes permanent the following Ohio EPA fees that are scheduled to expire between June 30, 2024, and June 30, 2026:

- (a) The fees levied on the transfer or disposal of solid waste.
- (b) The fees levied on the sale of tires.

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- (c) The annual emissions fees for synthetic minor facilities.
- (d) Application fees for plan approvals for wastewater treatment works under the Water Pollution Control Law.
- (e) The annual discharge fees for holders of a National Pollution Discharge Elimination System (NPDES) permits issued under the Water Pollution Control Law.
- (f) The annual surcharge paid by NPDES permit holders that are major dischargers.
- (g) The initial and renewal license fees for public water system licenses issued under the Safe Drinking Water Law.
- (h) The fee for plan approvals for public water supply systems under the Safe Drinking Water Law.
- (i) The fees for state certification of laboratories and laboratory personnel for purposes of the Safe Drinking Water Law.
- (j) The application and examination fees for certification as operators of water supply systems or wastewater systems under the Safe Drinking Water Law or the Water Pollution Control Law.
- (k) The application fees for permits, variances, and plan approvals under the Water Pollution Control Law and the Safe Drinking Water Law.

Increases the fee for a person applying for a wastewater treatment works plan approval from \$100 +.65% of the estimated project cost to \$100 +.65% of the estimated project cost plus \$100 +.2% of the estimated project cost, but retains the \$15,000 cap for this fee.

Fiscal effect: The fee extensions will preserve annual revenues of \$99.4 million allocated for use by Ohio EPA and AGR as follows: \$365,000 for the Clean Air - Non Title V Fund (Fund 4K20), \$14.2 million to Fund Solid Waste Fund (Fund 4K30), \$9.0 million for the Surface Water Protection Fund (Fund 4K40), \$7.0 million for the Drinking Water Protection Fund (Fund 4K50), \$4.0 million to the Scrap Tire Management Fund (Fund 4R50), \$1.7 million to Hazardous Waste Facility Management Fund (Fund 5030), \$9.5 million to Fund Hazardous Waste Clean-Up Fund (Fund 5050), \$44.4 million to Environmental Protection Fund (Fund 5BC0), and \$1.3 million to National Priority List Remedial Support Fund (Fund 5YY0) used by Ohio EPA; and \$7.9 million to Soil and Water Conservation District Assistance Fund (Fund 5BV0) used by AGR. Other provisions modify the allocation of solid waste disposal fees and reduce the Ohio EPA portion by \$7.1 million annually, redirecting that amount for use by local boards of health.

The increased wastewater treatment works plan approval fee will increase annual revenues deposited to Fund 4K40 by \$3.0 million or less due to the fee cap in addition to retained fees listed above.

EPACD15 Solid waste and C&DD fees

R.C. 3734.57

Modifies fees totaling \$4.75 a ton on solid waste transfer and disposal as follows:

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 (Fund 5030), and (b) 46¢ per ton, rather than 60¢ per ton, to the Hazardous Waste Clean-Up Fund (Fund 5050).

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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 Solid Waste Fund (Fund 4K30), and (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.

Reduces, from \$2.81 per ton to \$2.15 per ton, the fee that is deposited in the Environmental Protection Fund (Fund 5BC0).

Reduces, from 8¢ per ton to 6¢ per ton, the fee that is deposited in the National Priority List Remedial Support Fund (Fund 5YY0).

Allocates the remaining portion of the \$4.75 a ton fee as follows: (a) 18¢ per ton to the Recycling and Litter Prevention Fund (Fund 5320) (new allocation), (b) 21¢ per ton to the Environmental Protection Remediation Fund (Fund 5410) (new allocation), and (c) 25¢ per ton fee that is used to provide assistance to soil and water conservation districts (current allocation unchanged).

Fiscal effect: The fee extension will reduce annual revenues from \$71.0 million to \$63.9 million allocated for use by Ohio EPA as follows: \$947,000 to Fund 5YY0, \$1.4 million to Fund 5030, \$2.8 million to Fund 5320, \$3.3 million to Fund 5410, \$7.3 million to Fund 5050, \$14.2 million to Fund 4K30, and \$44.4 million to Fund 5BC0, and \$6.6 million to local boards of health. The 25¢ portion of the fee deposited to Soil and Water Conservation District Assistance Fund (Fund 5BV0) and used by AGR is unaffected. Local boards of health will see a collective revenue increase of \$7.1 million annually.

EPACD8 Removing solid waste or construction and demolition debris

R.C. 3734.85

Permits the Ohio EPA Director to take various actions regarding accumulations of solid waste and construction and demolition debris (C&DD) in the same manner that the Director may take those actions regarding scrap tires including:

- (a) 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;
- (b) 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
- (c) Collecting costs incurred by Ohio EPA 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 Ohio EPA-approved community cleanup event.

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

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

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EPACD3 Ohio EPA Division of Air Pollution Control - fee increases**R.C. 3745.11**

Establishes an annual fee of \$5,000 charged to Title V air pollution control permit holders and synthetic minor air facility permit holders in addition to existing emission-based annual fees.

Increases fees related to Ohio EPA'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 by 50%.

Fiscal effect: Increased annual fee revenue of \$2.6 million to Fund 4T30 from new annual fee, and \$6.0 million to Fund 4K20 from new and increased fees.

EPACD5 Public water supply system fees**R.C. 3745.11**

Allows the Ohio EPA Director to adopt rules permitting the current administrative service fee for political subdivisions or investor-owned public utilities that enter into certain connection or distribution agreements with the Ohio EPA to be charged to any entity applying for a public water supply system plan approval for either extensions of distribution facilities or increases in the number of service connections, instead of the current fee of \$150 + 0.35% of the estimated project cost.

Fiscal effect: Potential decrease in the amount of fee revenue for plan approvals deposited to Fund 4K50.

EPACD6 Industrial water pollution control facility certificate**R.C. 3745.11, 3734.05, 3734.79, 5709.212, 6111.01, 6111.04**

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 the application fee for an industrial water pollution control certificate submitted prior to June 26, 2003, to exempt the facility from certain taxes.

Fiscal effect: Reduces the amount of fee revenue deposited to Fund 4K40 by \$30,000

EPACD7 Scope of environmental health specialists' practice**R.C. 3776.01**

Removes the administration or enforcement of the hazardous waste law from the scope of practice of environmental health that an environmental health specialist or environmental health specialist in training may engage in.

Fiscal effect: None.

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EPACD11 Proposed filling of an isolated wetland mitigation**R.C. 6111.02, 6111.022, 6111.023, 6111.024, 6111.025, 6111.027**

Replaces the current preferred order for mitigating the proposed filling of an isolated wetland that is subject to level 1, 2, or 3 review with the following preferred order: (1) Purchasing credits at an approved wetland mitigation bank; (2) Purchasing credits at an approved in-lieu mitigation program; and (3) Constructing individual mitigation projects.

Allows a deviation from the preferred order if the Ohio EPA 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 Ohio EPA Director to adopt rules governing the approval and use of wetland mitigation banks and in-lieu fee mitigation programs.

Fiscal effect: Potential increase in administrative expenditures to adopt rules governing the approval and use of wetland mitigation banks and in-lieu fee mitigation programs.

EPACD12 Isolated wetland levels 2 and 3 review**R.C. 6111.023, 6111.024**

Requires information that must be submitted to Ohio EPA for purposes of level 2 or 3 review of a proposed filling of isolated wetlands to include a listing of all waters on site and the proposed buffers on avoided resources.

Fiscal effect: None.

EPACD1 Areawide Planning Agencies**Section: 277.20**

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 Automobile Emission Testing Program**Section: 277.20**

Requires GRF ALI 715502, Auto Emissions E-Check Program, to be used to support the automobile emission testing program.

Permits the Ohio EPA Director, on July 1, 2025, or as soon as possible thereafter, to request that the DAS Director extend the contract with the vendor operating in accordance with R.C. 3704.14 (A)(1) for not longer than twelve months.

In the event that the contractor selected in accordance with R.C. 3704.14 (A)(2) cannot complete the required work prior to July 1, 2025, permits the DAS Director to enter into a contract extension utilizing GRF ALI 715502, Auto Emissions E-Check Program, provided that (a) the contract contains the same terms, and (b) no funds are paid for incomplete work.

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DOHCD32 Scope of environmental health specialists' practice

R.C. 3776.01

Removes the administration or enforcement of the hazardous waste law from the scope of practice of environmental health that an environmental health specialist or environmental health specialist in training may engage in.

Fiscal effect: None.

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LECCD1 Cash Transfers to the Lake Erie Protection Fund

Section: 319.20

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 DOH.
- (d) Program Support Fund (Fund 1570) used by DNR.
- (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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Other Taxation Provisions

TAXCD71 Replacement tire fee: eliminate 4% discount

R.C. 3734.904, Section 801.110

Effective January 1, 2026, eliminates the 4% discount for wholesale distributors of replacement tires or retail dealers who timely file and pay the replacement tire fee administered by TAX.

Fiscal effect: Increases fee revenue to the Scrap Tire Management Fund (Fund 4R50) used by EPA and the Soil and Water Conservation District Assistance Fund (Fund 5BV0) used by AGR.

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DOTCD53 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 the EPA Director, in consultation with the ODOT Director, to develop guidance, including a method of prioritization for projects submitted by public and private entities that are eligible for the federal CMAQ Program. Requires the DOT Director to process FHA-approved projects recommended by the EPA Director.

Allows Diesel Emissions Reduction Grant Program funds to be used to buy hybrid and alternative fuel vehicles that are allowed under FHA guidance for the CMAQ 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.
