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## ENVIRONMENTAL PROTECTION AGENCY

### Environmental fees

- Extends the period of validity for various fees charged by the Ohio Environmental Protection Agency (OEPA) (several of which are altered by the bill) under the laws governing air pollution control, water pollution control, safe drinking water, and scrap tires.
- Extends the period of validity, for an additional two years, of solid waste transfer and disposal fees, which are scheduled to sunset on June 30, 2026.
- 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.
- In addition to the existing emission-based annual fees, creates an annual fee charged to synthetic minor facilities and Title V air pollution control permit holders that is based on total tons of emissions discharged from a facility during the previous calendar year.
- Eliminates the \$140 infectious waste generator registration application and renewal fee.
- Eliminates the application fee of 0.5% 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 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 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.

## **E-Check**

### **E-Check extension**

- Extends the motor vehicle inspection and maintenance program (E-Check) in the counties where this program is currently 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.
- Requires a decentralized E-Check 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.
- Requires the OEPA Director, if USEPA determines that the E-check program is not necessary for Ohio or any area of Ohio to comply with the federal Clean Air Act, to immediately discontinue the program and take any actions necessary to effectuate its termination.

### **E-check review and report**

- Requires the OEPA Director to conduct a review to assess whether the current E-check program is necessary and to evaluate the impact of weather patterns over northeast Ohio on emissions and air quality.
- Requires the OEPA Director, within 18 months of the bill’s effective date, to do all of the following:
  - Compile the findings of the review into a report;
  - Submit the report to the General Assembly; and
  - Make the report available to the public on OEPA’s website.

## **Title V and synthetic minor adjacent facilities**

- Prohibits the OEPA Director from requiring a single Title V (air pollution control) permit or a single synthetic minor facility operating (PTIO) permit for adjacent facilities owned and operated by the same person, if both of the following apply:
  - At least one of the adjacent facilities is involved in aerospace manufacturing or rework that is subject to emission standards set forth in O.A.C. 3745-21-19; and
  - The adjacent facilities are or will be located in a county with a population between 390,000 and 395,000 (which currently applies to Butler County).
- Requires the Director to issue a variance from any law, rule, or policy requiring adjacent facilities to operate under a single Title V permit or a single synthetic minor facility PTIO permit.

## **Community air monitoring**

- Establishes requirements governing community air monitoring.

- Generally prohibits the OEPA Director from doing either of the following:
  - Imposing community air monitoring on an air contaminant source owner or air operator, unless otherwise agreed to by the owner or air operator and the Director; or
  - Requiring an applicant for a permit for an air contaminant source to conduct community air monitoring prior to the issuance or renewal of a permit or a variance, except pursuant to federal requirements.
- Prohibits data produced from community air monitoring from being used as evidence, or disclosed or disseminated by the EPA, a local air pollution control authority, or any person, to support either of the following:
  - A fine, penalty, or notice of violation against any person for violations of or noncompliance with any federal or state air pollution regulation; or
  - An administrative, regulatory, or judicial enforcement action, lawsuit, or proceeding for violations of or noncompliance with any federal or state air pollution regulation.
- Generally prohibits data produced from community air monitoring from being considered or relied upon by OEPA or a local air pollution control authority in any rulemaking action, or in any action relating to the issuance of an installation permit or operating permit.

## Environmental fees

(R.C. 3745.11, 3734.57, and 3734.901)

The bill extends the period of validity for various OEPA-administered fees that remain largely unchanged 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:

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	The fee is required to be paid through June 30, 2026.	The bill extends the fee through June 30, 2028, and adds an additional annual fee, through June 30, 2028, in an amount as follows: \$5,000 x the total tons of regulated pollutants emitted from the facility in the previous calendar year ÷ 100.

Type of fee	Description	Fee period under current law	Fee change under the bill
	<p>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 (Title V) thresholds established in rules.</p>		
<p>Wastewater treatment works: plan approval application fee</p>	<p>A person applying for a plan approval for a wastewater treatment works is required to pay one of the following fees depending on the date:</p> <ul style="list-style-type: none"> <li>▪ A tier one fee of \$100 plus 0.65% of the estimated project cost, up to a maximum of \$15,000; or</li> <li>▪ A tier two fee of \$100 plus 0.2% of the estimated project cost, up to a maximum of \$5,000.</li> </ul>	<p>An applicant is required to pay the tier one fee through June 30, 2026, and the tier two fee on and after July 1, 2026.</p>	<p>The bill extends the tier one fee through June 30, 2028; the tier two fee begins on or after July 1, 2028.</p>
<p>Discharge fees for holders of NPDES permits</p>	<p>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.</p>	<p>The fees are due by January 30, 2024, and January 30, 2025.</p>	<p>The bill extends the fees and the fee schedules to January 30, 2026, and January 30, 2027.</p>
<p>Surcharge for major industrial dischargers</p>	<p>A holder of an NPDES permit that is a major industrial discharger must pay an annual surcharge of \$7,500.</p>	<p>The surcharge is required to be paid by January 30, 2024, and January 30, 2025.</p>	<p>The bill extends the surcharge to January 30, 2026, and January 30, 2027.</p>

Type of fee	Description	Fee period under current law	Fee change under the bill
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 extends the fee to January 30, 2026, and January 30, 2027.
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 extends the initial license and license renewal fee through June 30, 2028.
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 extends the \$20,000 cap through June 30, 2028; the \$15,000 cap applies on and after July 1, 2028.
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 extends the higher fee schedule through June 30, 2028; the lower fee schedule applies on and after July 1, 2028.  The bill extends the additional fee through June 30, 2028.

Type of fee	Description	Fee period under current law	Fee change under the bill
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 applies through November 30, 2026, and a schedule with lower fees applies on and after December 1, 2026.	The bill extends the higher fee schedule through November 30, 2028; the lower fee schedule applies on and after December 1, 2028.
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 extends the \$100 fee through June 30, 2028; the \$15 fee applies on and after July 1, 2028.
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 is \$15 for an application submitted on or after July 1, 2026.	The bill extends the \$200 fee through June 30, 2028; the \$15 fee applies on and after July 1, 2028.
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 extends the 50¢ fee that is used to assist in the cleanup of scrap tires through June 30, 2028.  It extends the additional 50¢ fee that is used to assist soil and water conservation districts through June 30, 2041.

The bill also extends, for an additional two years, the period of validity for the fees levied on the transfer and disposal of solid waste. Under current law, all existing solid waste transfer

and disposal fees are scheduled to sunset on June 30, 2026. The bill extends these fees through June 30, 2028.

### **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 additional annual fee charged to Title V air pollution control permit holders in addition to the existing emission-based annual fees. That additional fee equals  $\$5,000 \times$  the total tons of regulated pollutants emitted from the air contaminant source in the previous calendar year  $\div$  100.

### **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 0.5% 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 OEPA<sup>74</sup> 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.

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<sup>74</sup> See R.C. 6109.07(A)(2), not in the bill.

## Waste facility permit notification

(R.C. 3734.05)

The bill allows the OEPA Director to give notification of the required 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. Current law permits notification only in a newspaper.

## E-Check

### 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). It does so by 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.

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, however, eliminates the option for the state to renew the contract for a period of up to 24 months through June 30, 2029.

It also 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.

Additionally, the bill requires the OEPA Director, if USEPA determines that the E-check program is not necessary for Ohio or any area of Ohio to comply with the federal Clean Air Act, to immediately discontinue the program and take any actions necessary to effectuate its termination.

### E-Check review and report

(Section 737.10)

The bill requires the OEPA Director to conduct a review to assess whether the current E-check program is necessary and to evaluate the impact of weather patterns over northeast Ohio on emissions and air quality. The Director must include all of the following in the review:

1. A determination of the necessity of the program;
2. An evaluation of whether each county that is subject to the program during the prior calendar year has achieved, and has the ability to maintain, compliance with federal ozone standards without implementation of the program in that county;



3. An analysis of whether a revision to Ohio's state implementation plan could be submitted to USEPA to discontinue the program while maintaining compliance with national ambient air quality standards (and if so, the OEPA Director must formally submit a request to USEPA for reconsideration of the program's implementation in affected regions);

4. After proper monitoring, an analysis of weather patterns over northeast Ohio and the entire great lakes region with respect to how those patterns impact ozone levels, air circulation, and overall emissions; and

5. Any potential alternative measures for maintaining air quality if the program is altered or discontinued.

Within 18 months after the bill's effective date, the Director must compile the findings of the review into a report. The Director must submit the report to the General Assembly and make the report available to the public on its website.

## **Title V and synthetic minor adjacent facilities**

(R.C. 3704.011)

The bill prohibits the OEPA Director from requiring a single Title V (air pollution control) permit or a single synthetic minor facility operating (PTIO) permit for adjacent facilities owned and operated by the same person, if both of the following apply:

1. At least one of the adjacent facilities is involved in aerospace manufacturing or rework that is subject to emission standards set forth in rules in O.A.C. 3745-21-19; and

2. The adjacent facilities are or will be located in a county with a population between 390,000 and 395,000 (which currently applies to Butler County).

A synthetic minor facility is a facility that contains air contaminant sources, but the terms and conditions of the facility's PTIO lower the facility's potential to emit air contaminants below the major thresholds (Title V) established by OEPA and approved by USEPA.

The OEPA Director must issue a variance from any law, rule, or policy requiring adjacent facilities to operate under a single Title V permit or a single synthetic minor facility PTIO permit.

## **Community air monitoring**

(R.C. 3704.01, 3704.03, 3704.031, 3704.09, 3704.111, and 3704.112)

The bill establishes requirements governing community air monitoring, which is any measurement or quantification of emissions or ambient air concentrations of an air contaminant other than via monitoring stations and monitors installed and operated in accordance with state or federal law. For sources where no specific monitoring requirement is otherwise specified in law, it prohibits the OEPA Director from imposing community air monitoring on an air contaminant source owner or air operator, unless otherwise agreed to by the owner or air operator and the Director.

It also prohibits the Director from requiring an applicant for a permit for an air contaminant source to conduct community air monitoring prior to the issuance or renewal of a permit or a variance, except pursuant to federal requirements.

Under the bill, OEPA, a local air pollution control authority, or any other person cannot use as evidence, disclose, or disseminate data produced from community air monitoring to support either of the following:

1. A fine, penalty, or notice of violation against any person for violations of or noncompliance with any federal or state air pollution regulation; or
2. An administrative, regulatory, or judicial enforcement action, lawsuit, or proceeding for violations of or noncompliance with any federal or state air pollution regulation.

Additionally, the bill prohibits data produced from community air monitoring from being considered or relied upon by OEPA or a local air pollution control authority in any rulemaking action, or in any action relating to the issuance of an installation permit or operating permit, unless such consideration or reliance is requested by the air contaminant source owner or operator.