



Ohio EPA 2016-17 Biennial Budget

The following items were included in HB 490 from the 130th General Assembly and are included in the budget:

- **Division of Air Pollution Control Technical Change** – This is a technical change to ORC 3704.05 to correct an overlooked cross-reference from earlier legislation.
- **Lead Free Definition** – This change is necessary in order to be consistent with federal law. The federal “Reduction of Lead in Drinking Water Act of 2011” amended a portion of the Safe Drinking Water Act. The amendment will reduce the allowable lead content of plumbing and fixtures from 8% to 0.25%. Ohio EPA’s authority only extends to requirements for public drinking water systems. Other changes related to plumbers and building code were already made by the Department of Commerce and are in place now.
- **Changes to 6111.99 (Water Pollution Control)** – This creates a knowing and purposely standard for violations of ORC 6111.99. Currently, all criminal violations of Ohio’s water pollution laws are misdemeanors, regardless of their severity. This change also allows Ohio EPA to recoup actual response costs if a person is convicted of or pleads guilty to a violation of the Water Pollution Control Law. These changes should be made to ensure Ohio does not have to rely on the federal government to respond to violations that occur in the state.
- **Monitoring of Phosphorus Discharges & Optimization Study**– This proposal will require Ohio EPA to modify existing (and any new) major POTW’s (Publically Owned Treatment Works) NPDES (National Pollutant Discharge Elimination Systems) permits to monitor phosphorus discharges into waters of the state. There will be a staggered schedule to allow POTW’s time to comply. It will also require plants that do not have a current phosphorus discharge limit to conduct a study on the effects such a limit will have on their operations.
- **Banning Open Lake Disposal of Dredge Materials** – Reducing the sediment dumped in Lake Erie will help reduce chemical and nutrient loading, which likely contributes to algal blooms, and will improve water quality and protect fish and wildlife habitats. There are other more environmentally beneficial methods of handling dredge material. The legislative change would require that all dredge material be diverted from open-lake disposal by 2020.
- **Oil and Gas Producers Right-to-Know Reporting** – Ohio EPA, ODNR and interested parties have worked together on this provision. Since 2001 oil and gas producers have used ODNR’s production reports to meet the federal Right-to-Know provisions. Recently that practice was challenged to U.S. EPA and it was determined that the reports needed to be updated to capture regulatory changes. This language will provide a mechanism for oil and gas producers to resume use of production reports in 2016 to meet SERC requirements while ensuring those reports are statutorily up-to-date and available to emergency response professionals. (In 2015 traditional SERC reporting will be needed while ODNR updates the database).

The following items are new initiatives in the 2016-17 Budget:

- **Asset Management** – Ensure the long-term sustainability of public water systems by requiring them to develop and implement an asset management plan. Only public water systems that demonstrate technical, managerial or financial distress will be required to submit an asset management plan for approval. By requiring asset management for public water systems, deficiencies can be addressed before there are significant public health risks and non-compliance.

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- **Escrow Account for Deficient Small Privately Owned Water Systems** – Current law requires that homeowners associations, when developing a new drinking water system or modifying an existing system, maintain some type of financial assurance to address serious problems that may arise affecting the ability to provide a safe, reliable source of drinking water. Ohio EPA is proposing a similar legislative change that would require manufactured housing communities, apartments and nursing homes that have their own public water systems to also maintain emergency funds to fix major problems. Negligent owners have caused lengthy interruptions of service and public health risks due to financial inability or unwillingness to make timely repairs. This legislation addresses the financial gap by requiring deficient owners to establish an escrow account and systems, in general, to demonstrate financial assurance.
- **Certified Water Quality Professional** – Increase options for entities seeking permitting through our wetlands (401) unit. This amendment creates a “certified water quality professional” (CWQP) program to allow a prequalified, 3rd party private-sector evaluation and assessment of wetlands and streams for water quality certification and Isolated Wetland Permit applications. This proposal will be mirrored after many of the successful certified professional provisions of the Voluntary Action Program (VAP).
- **Chemical Disclosure** – Provide Ohio EPA emergency responders with the authority to request chemical information that may include confidential trade secret information in the event of an emergency. It will allow Ohio EPA to share that information with others, such as water treatment plant operators downstream who have an immediate public health or safety interest to protect. The language would protect the confidentiality of trade secret information provided to an emergency responder, and extend that confidentiality to others, such as water plant operators, who receive the information for purposes of reacting to a release. This will provide protection for the environment in the event of an emergency, while also protecting confidential business information.
- **WRRDA Updates** – Update state law regarding the Water Pollution Control Loan Fund (WPCLF) to be consistent with federal law changes from 2014. Among the federal changes are an extension of loan repayment terms for counties and municipalities from 20-30 years and updating the user charge system to make it more practical.

Others

- Extend existing fees for our Air, Surface Water, Drinking Water and Materials and Waste Management divisions.
- Reallocate existing Division of Materials and Waste Management funding to support our increased focus on compliance assistance and pollution prevention.
- Combine two separate, but similar, advisory councils related to solid waste and recycling. Achieve efficiencies by combining existing funds for our Materials and Waste Management into one line item while maintaining reporting and tracking of fund uses.
- Continue the federally required E-Check program in seven northeast Ohio counties.
- Allow the use of the drinking water protection fund as state match funding for federal grants.
- Increase spending authority to update the surface water permitting/tracking computer program.
- Continue funding the successful Diesel Emission Reduction Grant program.