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## ENVIRONMENTAL PROTECTION AGENCY

### Extension of E-Check

- Extends the motor vehicle inspection and maintenance program (E-Check) through June 30, 2025, where federally mandated.
- Retains all statutory requirements governing the program, including:
  - The new contract must ensure that the program achieves at least the same emissions reductions as achieved by the program under the prior contract;
  - The Director of Administrative Services must use a competitive selection process when entering into a new contract with a vendor; and
  - E-Check must be a decentralized program and include a new car exemption for motor vehicles that are up to four years old.

### Local air pollution control authority

- Removes the Mahoning-Trumbull Air Pollution Control Authority, City of Youngstown from the list of agencies that qualify as a local air pollution control authority.

### Post-use polymers and recoverable feedstocks

- Excludes, under certain circumstances, post-use polymers (plastics) and recoverable feedstocks from the laws governing solid waste disposal.

### Asbestos abatement

- Makes the following changes to the law governing asbestos abatement:
  - Expands the scope of activities that are subject to regulation by applying the law to activities involving more than three linear or square feet of asbestos-containing material, rather than more than 50 linear or square feet as in prior law;
  - Authorizes the Ohio Environmental Protection Agency (OEPA) to take certain enforcement actions against a contractor licensee or certificate holder if either violates or threatens to violate specified federal regulations adopted under the Federal Toxic Substances Control Act; and
  - Eliminates the Director of Environmental Protection's (OEPA Director) authority to approve, on a case-by-case basis, alternatives to the continuing worker protection requirements for a project conducted by a public entity.

### Extension of various fees

- Extends the sunset of the following fees for two years:
  - Annual emissions fees for synthetic minor facilities;
  - Annual discharge fees for National Pollutant Discharge Elimination System (NPDES) permit holders;

- License fees for public water system licenses;
- Fees levied on the transfer or disposal of solid wastes; and
- Fees levied on tire sales.
- Extends the levying of higher fees for the following, and the decrease of those fees at the end of two years:
  - Applications for plan approvals for wastewater treatment works;
  - State certification of laboratories and laboratory personnel (for purposes of the Safe Drinking Water Law);
  - Applications to take examinations for certification as water supply system or waste water system operators;
  - Applications for permits, variances, and plan approvals under the Water Pollution Control and Safe Drinking Water Laws.

### **George Barley Water Prize**

- Appropriates \$125,000 in FY 2020 to a new line item, Environmental Program Support, to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize.
- If the \$125,000 is not fully spent in FY 2020, authorizes the OEPA Director to certify an amount up to the unexpended, unencumbered balance to be reappropriated in FY 2021.

### **Extension of E-Check**

(R.C. 3704.14)

The act extends the motor vehicle inspection and maintenance program (E-Check) in counties where this program is federally mandated 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 June 30, 2019, for a period of up to 24 months through June 30, 2021; and
- Requiring the OEPA Director, before the contract extension expires, to request the DAS Director to enter into a contract (with a vendor to operate a decentralized program) through June 30, 2023, with an option to renew the contract for up to 24 months through June 30, 2025.

The act retains the requirement that the new contract ensure that the program achieves at least the same emissions reductions achieved under the prior contract. It also retains the requirement that the DAS Director must use a competitive selection process when entering into a new contract with a vendor. Last, the act retains all statutory requirements governing the program, including requirements that E-Check be a decentralized program (meaning tests do

not take place at dedicated testing centers) and include a new car exemption for motor vehicles that are up to four years old.

## Local air pollution control authority

(R.C. 3704.01 and 3704.111)

The act removes the Mahoning-Trumbull Air Pollution Control Authority (City of Youngstown), which ceased operations in 2018, from the list of agencies that statutorily qualify as a local air pollution control authority. Under continuing law, a local air pollution control authority agrees, via a delegation agreement, to perform certain air pollution control regulatory services on behalf of OEPA.

## Post-use polymers and recoverable feedstocks

(R.C. 3734.01)

The act excludes post-use polymers and recoverable feedstocks from the laws governing solid waste disposal if all of the following apply:

- The post-use polymers or recoverable feedstocks are stored for fewer than 90 days;
- They remain retrievable and substantially unchanged physically and chemically;
- Their storage does not cause a nuisance;
- Their storage does not pose a threat from vectors (e.g., insects or vermin);
- Their storage does not adversely impact public health, safety, or the environment; and
- Prior to the end of the 90-day or less storage period, they are converted using gasification or pyrolysis.

The following table describes each scientific term as used in the act.

Term	Scientific description
Post-use polymer	<p>A plastic polymer that is both:</p> <ul style="list-style-type: none"> <li>▪ Derived from any source and is not being used for its original intended purpose; and</li> <li>▪ Used or intended to be used to manufacture crude oil, fuels, other raw materials, intermediate products, or final products using pyrolysis or gasification.</li> </ul> <p>May contain incidental contaminants or impurities, such as paper labels or metal rings.</p>
Recoverable feedstock	<p>One or more of the following materials, derived from nonrecycled waste, that have been processed for use as a feedstock in a gasification facility:</p> <ul style="list-style-type: none"> <li>▪ Post-use polymers; or</li> </ul>

Term	Scientific description
	<ul style="list-style-type: none"> <li>▪ Materials for which the U.S. Environmental Protection Agency has made a nonwaste determination or has otherwise determined are not solid waste.</li> </ul>
Pyrolysis	<p>A process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and converted into:</p> <ul style="list-style-type: none"> <li>▪ Crude oil, diesel, gasoline, home heating oil, or another fuel;</li> <li>▪ Feedstocks;</li> <li>▪ Diesel and gasoline blendstocks;</li> <li>▪ Chemicals, waxes, or lubricants; or</li> <li>▪ Other raw materials, intermediate products, or final products.</li> </ul>
Gasification	<p>A process through which recoverable feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient atmosphere, and the mixture is converted into fuel (including ethanol and transportation fuel, chemicals, or other chemical feedstocks).</p>

## Asbestos abatement

(R.C. 3710.01, 3710.04, 3710.05, 3710.051, 3710.06, 3710.07, 3710.08, and 3710.12)

Prior to the act, OEPA's asbestos management program did not meet the requirements of the U.S. EPA's Model Accreditation Plan (MAP). As such, OEPA did not have the authority to approve training courses and license individuals, and Ohio-based training course providers were required to obtain course approvals in other compliant states. The act aligns Ohio law with the MAP by making the following changes to the law governing asbestos abatement:

- Expands the scope of activities that are subject to regulation by applying the law to activities involving more than three linear or square feet of asbestos-containing material, rather than more than 50 linear or square feet as in prior law. (For example, if an activity involves four linear feet, a person must meet certain certification and training requirements that previously would not have applied.)
- Adds the maintenance of asbestos-containing materials as one of the activities subject to regulation;
- Adds the operation of asbestos-containing materials as one of the activities subject to regulation;

- Authorizes OEPA to take certain enforcement actions against a contractor licensee or certificate holder if either violates or threatens to violate specified federal regulations adopted under the Federal Toxic Substances Control Act as amended by the Asbestos Hazard Emergency Response Act;
- Requires OEPA to deny a contractor license application if the applicant or any of the applicant's officers or employees has been found liable in a civil proceeding under any state or federal environmental law. (Previously, denial was limited to felony convictions.)
- Eliminates the OEPA Director's authority to approve, on a case-by-case basis, alternatives to the existing worker protection requirements for a project conducted by a public entity;
- Requires a person to be certified as an asbestos hazard evaluation specialist for inspections and assessments of suspect asbestos-containing materials;
- Requires a person to be certified as an asbestos hazard abatement project designer in order to oversee an asbestos hazard abatement activity;
- With regard to the certification of an asbestos hazard abatement air-monitoring technician (responsible for environmental monitoring or work area clearance air sampling), eliminates the exemption from certification that applies to industrial hygienists-in-training since the American Board of Industrial Hygiene no longer certifies those hygienists; and
- Requires a contractor to notify the Director at least ten working days, rather than at least ten days as in prior law, before beginning an asbestos hazard abatement project.

## Extension of various fees

(R.C. 3745.11, 3734.57, and 3745.901)

The act extends the time period for charging various OEPA fees, as follows:

Type of fee	Description	Fee under prior law	Fee under the act
Emission fees for synthetic minor facilities	Each person who owns or operates a synthetic minor facility must pay an annual fee per a fee schedule. The schedule 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 that has the potential to	The fee was required to be paid through June 30, 2020.	The act extends the fee through June 30, 2022.

Type of fee	Description	Fee under prior law	Fee under the act
	emit pollutants in amounts that are at or above the thresholds for major (Title V) sources, but its emissions are restricted such that the emissions are below those thresholds.		
Plan approval application fee for wastewater treatment works	<p>A person applying for a wastewater treatment works plan approval is required to pay one of the following fees, depending on the date:</p> <p>--A tier-one fee of \$100 plus 0.65% of the estimated project cost, up to a maximum of \$15,000; or</p> <p>--A tier-two fee of \$100 plus 0.2% of the estimated project cost, up to a maximum of \$5,000.</p>	An applicant was required to pay the tier-one fee through June 30, 2020, and the tier-two fee would have applied on and after July 1, 2020.	The act extends the tier-one fee through June 30, 2022; the tier-two fee begins on or after July 1, 2022.
Discharge fees for NPDES permit holders	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.	The fees were due by January 30, 2018, and January 30, 2019.	The act extends the fees and the fee schedules to January 30, 2020, and January 30, 2021.
Surcharge for major industrial dischargers	An NPDES permit holder that is a major industrial discharger must pay an annual surcharge of \$7,500.	The surcharge was due by January 30, 2018, and January 30, 2019.	The act extends the fee to January 30, 2020, and January 30, 2021.
Discharge fee for specified exempt dischargers	Certain NPDES permit holders (one category of public discharger and eight categories of industrial dischargers) must pay an annual fee of \$180, regardless of average daily discharge flow.	The fee was due by January 30, 2018, and January 30, 2019.	The act extends the fee to January 30, 2020, and January 30, 2021.
License fee for public water system license	A person may not operate or maintain a public water system without an annual license from OEPA. Applications for initial	The fee for an initial license or a license renewal applied through June 30, 2020,	The act extends the initial license and license renewal fee through June 30,

Type of fee	Description	Fee under prior law	Fee under the act
	licenses or renewals must be accompanied by a fee, which is calculated using schedules for the three basic categories of public water systems.	and had to be paid annually in January.	2022.
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 OEPA's approval. The fee for the plan approval is \$150 plus 0.35% of the estimated project cost. However, current law caps the fee.	The fee cap was \$20,000 through June 30, 2020, and would have been \$15,000 on and after July 1, 2020.	The act extends the \$20,000 cap through June 30, 2022; the \$15,000 cap applies on and after July 1, 2022.
Fee on state certification of laboratories and laboratory personnel	<p>In accordance with two schedules, OEPA charges a fee for evaluating certain laboratories and laboratory personnel.</p> <p>An individual laboratory cannot be assessed a fee more than once in a three-year period; but, if the person requests analytical methods or analysts, the person must pay \$1,800 for each additional survey requested.</p>	<p>The schedule with higher fees applied through June 30, 2020, and the schedule with lower fees would have applied on and after July 1, 2020.</p> <p>The \$1,800 additional fee applied through June 30, 2020.</p>	<p>The act extends the higher fee schedule through June 30, 2022; the lower fee schedule applies on and after July 1, 2022.</p> <p>The act extends the additional fee through June 30, 2022.</p>
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, 2020, and a schedule with lower fees would have applied on and after December 1, 2020.	The act extends the higher fee schedule through November 30, 2022; the lower fee schedule applies on and after December 1, 2022.
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 was submitted through June 30, 2020, the fee was \$100. If the application would have been submitted on or after July 1, 2020, the fee would have been \$15.	The act extends the \$100 fee through June 30, 2022; the \$15 fee applies on and after July 1, 2022.

Type of fee	Description	Fee under prior law	Fee under the act
Application fee for an NPDES permit	A person applying for an NPDES permit must pay a nonrefundable application fee.	If the application was submitted through June 30, 2020, the fee was \$200. If the fee would have been submitted on or after July 1, 2020, the fee would have been \$15.	The act extends the \$200 fee through June 30, 2022; the \$15 fee applies on and after July 1, 2022.
Fees on the transfer or disposal of solid wastes	A total of \$4.75 in state fees is levied on each ton of solid waste disposed of or transferred in Ohio.  The fees are used for administering the hazardous waste (90¢), solid waste (75¢), and other OEPA programs (\$2.85), and for soil and water conservation districts (25¢).	The fees applied through June 30, 2020.	The act extends the fees through June 30, 2022.
Fees on the sale of tires	A base fee of 50¢ per tire is levied on the sale of tires to assist in cleaning up scrap tires.  An additional fee of 50¢ per tire is levied to assist soil and water conservation districts.	Both fees were scheduled to sunset on June 30, 2020.	The act extends the fees through June 30, 2022.

## George Barley Water Prize

(Sections 277.10 and 277.20)

The act appropriates \$125,000 in FY 2020 to a new line item, Environmental Program Support, to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize. If the \$125,000 is not spent in its entirety in FY 2020, the OEPA Director may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance to be reappropriated in FY 2021. The George Barley Water Prize recognizes groundbreaking innovation in removing excess phosphorus from freshwater sources.<sup>52</sup>

<sup>52</sup> <https://www.barleyprize.org>.