

Greenbook
LBO Analysis of Enacted Budget
Environmental Review Appeals
Commission

Jessica Murphy, Budget Analyst
August 2019

TABLE OF CONTENTS

Quick look... 1
Agency overview ... 1
Analysis of FY 2020-FY 2021 budget ... 2
Appropriation summary by expense category ... 2

LBO Greenbook

Environmental Review Appeals Commission

Quick look...

- The Commission functions as a quasi-judicial appellate review board specifically for the purpose of resolving environmental disputes resulting from various final actions taken by certain state agencies and local boards of health.
- The Commission’s operations are funded entirely by a single line item supported by the GRF.
- Total biennial appropriation of \$1.3 million, of which 83% is expected to be allocated for personal services/payroll.
- The budget will permit the Commission to maintain FY 2019 service delivery levels.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
GRF ALI 172321, Operating Expenses					
\$564,451	\$557,708	\$549,365	\$574,180	\$634,000	\$651,000
% change	-1.2%	-1.5%	4.5%	10.4%	2.7%

Agency overview

The Environmental Review Appeals Commission (EBR) is an appellate review board whose primary statutory duty is to hear and resolve appeals of various technical and legal final actions taken by state and local governmental entities, including the Ohio Environmental Protection Agency (Ohio EPA), the State Fire Marshal, the State Emergency Response Commission, the Department of Agriculture, and local boards of health.^{1, 2} The vast majority of the appeals arise from final actions taken by the Director of the Ohio EPA.

The Commission consists of three members appointed by the Governor with the advice and consent of the Senate. Commission members serve staggered six-year terms; their salaries are fixed by the Governor. The members conduct hearings, review filings, and issue rulings, and are currently supported by two full-time staff (an executive director and one program administrator/staff attorney).

¹ Any party adversely affected by an order of the Commission may appeal to the Franklin County Court of Common Pleas or, if the appeal arises from an alleged violation of a law or regulation, to the court of appeals of the district in which the violation was alleged to have occurred.

² An appeal is generally required to be accompanied by a \$70 filing fee, which the Commission may waive in cases of extreme hardship. The fee, which generates an average of around \$2,500 annually, is credited to the GRF.

Analysis of FY 2020-FY 2021 budget

The Commission's operating costs are funded by a single GRF line item (172321, Operating Expenses). The appropriations for each of FY 2020 and FY 2021 fully fund the Commission's budget request, and are expected to be sufficient to maintain FY 2019 service levels, including the maintenance of the electronic filing system and online docket implemented in the last biennium.

Appropriation summary by expense category

The chart below shows the expected allocation of the Commission's total biennial appropriation by object of expense. Around 83%, or approximately \$1.1 million, is allocated for personal services (wages, salaries, fringe benefits, and payroll checkoff charges). Just over 17%, or about \$223,000, is allocated for supplies and maintenance, which includes rent, information technology, and other services provided by the Department of Administrative Services. The remainder, around \$1,000, will be allocated for purchased personal services.

