

Regulatory Reform Legislative Initiative

Outreach

Expand confidentiality for businesses seeking compliance assistance

- Current regulations allow for air pollution questions to be confidential. Ohio EPA wants to expand this for all inquiries.
- This would not protect business if investigation/enforcement is already occurring or the activity poses an immediate threat to public health or environment.

Common Sense Permitting Improvements

Allow Agency to renew wastewater discharge permits under certain conditions

- Current authority is limited and won't allow permit renewal if the applicant is in noncompliance, even if progress is being made toward a resolution.
- This change would still provide the Ohio EPA director with discretion on renewal issuance for non-compliant applicants.

Allow more options for protective wetland development

- Current options for mitigation of impacted wetlands are too restrictive.
- Open up "in-lieu" program similar to other states that can be used for both federal and state jurisdictional wetlands.

Allow temporary storage of low-level radioactive waste at solid waste landfills

- Currently, landfills that receive and remove this waste from their waste stream have no legal right to store it until it decays and can be safely disposed or the generator identified.
- Propose to give them authority to temporarily keep material on site with safety features in place.

Exempt coal combustion waste from solid waste generation fees

- Correct unintended omission from the budget bill. Generation fees were never meant to be paid on this waste.

Allow BUSTR sites with a responsible party to be VAP eligible

- In H.B. 153, Ohio EPA and the Ohio Department of Commerce/BUSTR changed the statute to allow Class C (orphan) sites to proceed with Corrective Action through Ohio EPA's Voluntary Action Program (VAP).
- Allowing non-orphaned sites to proceed through Ohio EPA's established VAP program will allow a third party to remediate the site and potentially reuse the land or create a green space.

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Good Government

Increase availability of funds to clean up scrap tire sites

- Ohio EPA can now clean up scrap tire sites with up to approximately 2,000 tires using state funds if there is no liable party. This helps municipalities.
- Increasing that limit to 5,000 tires would help more properties get cleaned up sooner, increasing property reuse options.

Make certified operator testing more accessible

- Revise the fee structure for Operator Certification Testing for drinking water and wastewater operators, and allow for the certification of approved examination providers providing more convenient testing options.

Change construction and demolition debris (C&DD) fee language

Clarify payment of fees for asbestos disposal

- In addition to the receipt of construction and demolition debris, C&DD facilities can be permitted to receive asbestos (if they have the appropriate air permit). Some asbestos material is considered to be solid waste, not C&DD. Neither the C&DD fee nor the solid waste fee statute addresses this possibility, and therefore arguably neither fee applies.
- To correct this situation, Ohio EPA proposes that C&DD fees apply when asbestos or asbestos-containing material is received at a C&DD facility.

Modify C&DD payment of fees to encourage C&DD recycling

- The C&DD industry is processing C&DD in an effort to recover recyclable materials, either at the same facility where the landfill is located or at separate recycling operations. Ohio EPA supports the responsible recycling of C&DD in a manner that is protective of public health, safety and the environment.
- This change would make it clear that C&DD landfills can accept C&DD for recycling and only have to pay fees for the C&DD that is actually disposed in the landfill.

Revise solid and hazardous waste laws

- Revise the environmental background requirements to apply only to operating facilities.
- Change the background check review requirement from annual to triennial or some other agreed upon language.
- Clarify Ohio EPA's statutory authority to adopt any rule promulgated under the Resource Conservation and Recovery Act (RCRA), as amended.
- Eliminate "consent to service" requirements for solid waste transport.

Modify infectious waste statute to remove dual regulation

- Currently, infectious waste is heavily regulated by federal agencies and Ohio EPA.
- Propose to remove most state regulation except registration and location information. Keep in place all federal and state safety and transportation requirements.

Create a criminal penalty for tampering with a public water system's drinking water

- Make it a felony offense to falsify drinking water quality samples and to tamper, alter or interfere with the operation of a public water system. Tampering with a public water system, regardless of intent, may present a significant threat to public health and safety.