

Redbook

LBO Analysis of Executive Budget Proposal

Environmental Review Appeals Commission

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LBO Redbook

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 receives 100% of its funding from the GRF.
- Biennial total appropriation of \$1.3 million: \$634,000 in FY 2020 and \$651,000 in FY 2021.
 - Uses are 82.6% for personal services/payroll, 17.3% for supplies and maintenance, and 0.1% for purchased personal services.
- The executive budget will permit the Commission to maintain current service delivery levels.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
GRF ALI 172321, Operating Expenses					
\$564,451	\$557,708	\$549,365	\$613,445	\$634,000	\$651,000
% change	-1.2%	-1.5%	11.7%	3.4%	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

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.

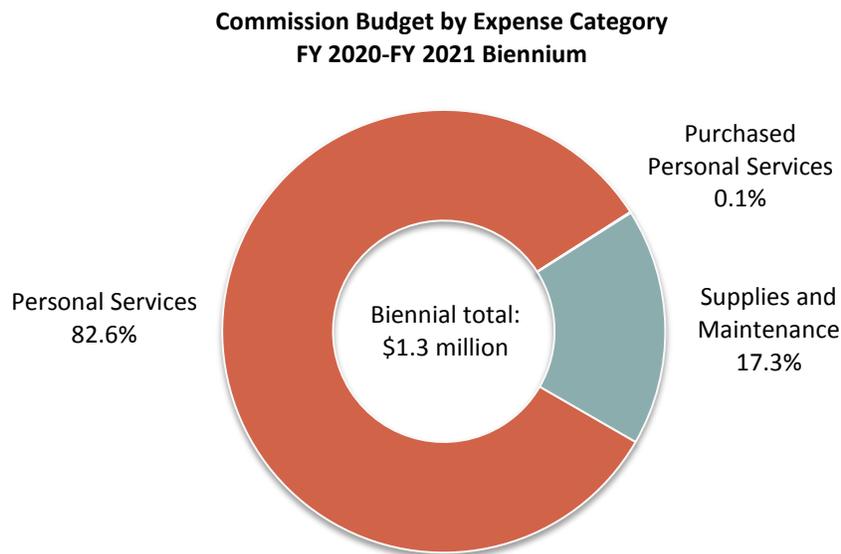
are currently supported by two full-time staff (an executive director and one program administrator/staff attorney).

Analysis of FY 2020-FY 2021 budget proposal

The Commission's operating costs are funded by a single GRF line item (172321, Operating Expenses). The executive recommended appropriations in both FY 2020 and FY 2021 fully fund the Commission's budget request, which it believes will be sufficient to maintain existing service levels, including the maintenance of the electronic filing system and online docket implemented in the FY 2018-FY 2019 biennium.

Executive recommendations by expense category

The chart below shows the Commission's total biennial appropriation, as recommended by the executive budget, 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.



Caseload statistics

The table below summarizes the Commission's caseload from FY 2010 through FY 2018 (appeals, hearings, filings reviewed, and rulings issued). Annually over the four years covering FY 2015-FY 2018, the Commission has averaged 37 appeals filed, 90 appeals concluded, 52 hearings, 984 filings reviewed, and 485 rulings issued.

Commission Caseload Statistics, FY 2010-FY 2018					
Fiscal Year	Total Appeals	Appeals Concluded	Hearings	Filings Reviewed	Rulings Issued
2010	98	272	210	3,583	3,362
2011	85	114	113	1,434	704
2012	60	109	52	1,201	524
2013	142	100	74	1,525	785
2014	65	88	48	1,165	634
2015	31	104	41	990	585
2016	30	108	58	1,227	544
2017	47	87	53	984	425
2018	38	61	54	734	386

There has been a generally downward trend in those caseload statistics since FY 2010. This decrease can be attributed to a variety of factors: (1) the possibility of a general improvement in the relationships between regulators and the regulated community that typically appear before the Commission as parties to an appeal, and (2) a host of restructured and redesigned operating processes, for example, eliminating the backlog of cases, tighter adherence to case management schedules, information and technology improvements, and reallocation/redefinition of staff responsibilities.