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S.B. 2

133rd General Assembly

Bill Analysis

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Version: As Passed by the Senate

Primary Sponsors: Sens. Peterson and Dolan

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SUMMARY

Statewide Watershed Planning and Management Program

- Creates the Statewide Watershed Planning and Management Program for the improvement and protection of Ohio's watersheds to be administered by the Director of Agriculture.
- Requires the Director to categorize watersheds in Ohio and appoint at least one watershed planning and management coordinator (hereafter coordinator) in each categorized watershed region to coordinate watershed planning in the watershed.
- Requires a coordinator to perform certain duties in the watershed in which the coordinator is appointed, including assisting each soil and water conservation district to identify sources and areas of water quality impairment.
- Requires the Director, in conjunction with soil and water conservation districts, to collect and aggregate information on conservation practices utilized in Ohio that are funded by public money.
- Requires the Director to assist soil and water conservation districts in watershed planning and management.
- Requires a soil and water conservation district board to consult and work with the coordinator appointed to the watershed region in which the soil and water conservation district is located.

Intent statement

- States that it is the General Assembly's intent to collaborate with organizations representing agriculture, conservation, the environment, and higher education to establish a certification program for farmers that utilize practices designed to minimize impacts to water quality.

Watershed pilot program

- Requires the Department of Agriculture, in consultation with the Lake Erie Commission and the Ohio Soil and Water Conservation Commission, to establish a pilot program that assists farmers, agricultural retailers, and soil and water conservation districts in reducing phosphorus in a watershed to be determined by the Department.
- Requires the funding to be used to support specified purposes, including equipment for subsurface placement of nutrients into the soil and equipment for nutrient placement based on geographic information system data.

Regional water and sewer districts

- Allows a regional water and sewer district to make loans and grants to and enter into cooperative agreements with any person (a natural person, firm, partnership, association, or corporation other than a political subdivision) rather than only with political subdivisions as in current law.
- Expands a district's authority to offer discounted rentals or charges established by a regional water and sewer district to any person who is of low or moderate income or qualifies for the homestead exemption, instead of only to those who are 65 or older and meet that criteria.

DETAILED ANALYSIS

Statewide Watershed Planning and Management Program

Creation

The bill creates the Statewide Watershed Planning and Management Program for the improvement and protection of Ohio's watersheds. The Director of Agriculture is to administer the program.¹

Watershed planning and management coordinator

Under the program, the Director must appoint at least one watershed planning and management coordinator in each watershed region categorized under the bill (see below) to coordinate watershed planning in the watershed. A coordinator must have experience or education related to water quality improvement or watershed planning and management.

A watershed planning and management coordinator must do all of the following in the watershed region in which the coordinator is appointed:

1. Assist each soil and water conservation district in identifying sources and areas of water quality impairment, including total phosphorous, dissolved reactive phosphorous, and nitrogen nutrient loading. A coordinator also may assist any Ohio political subdivision or

¹ R.C. 940.36(B)(1).

organization engaged in water quality improvement activities (hereafter organization) in the watershed region to address water quality impairment.

2. Assist each soil and water conservation district in collecting data for the purpose of quantifying water quality and nutrient best management practices in a statistically valid, randomized manner. The Director must use the data to establish a baseline of the nutrient best management practices that are being utilized in Ohio. The data and any associated records are not public records subject to disclosure under the Public Records Law.

The Director must undertake all actions necessary to ensure that assistance and available funding are provided for purposes of the data collection and establishing a baseline described above.

3. Engage in watershed planning, restoration, protection, and management activities, including assisting a political subdivision or organization in the watershed region in developing and formulating a nine-element plan or its equivalent. A nine-element plan generally means a strategic implementation plan that a political subdivision, organization, or individual engaged in water quality improvements may utilize to obtain federal funding for projects that address nonpoint source pollution (pollution from an undefined source, such as runoff from streets and highways).

4. Collaborate with state agencies engaged in water quality activities; and

5. Provide an annual report to the Director about water quality.²

The bill states that nothing in it can be construed to prevent or limit a watershed planning and management coordinator from providing assistance for projects or activities that have been determined to improve water quality impaired from point sources of phosphorus, dissolved reactive phosphorus, and nitrogen nutrients.³

Watershed regions

The Director must categorize watersheds in Ohio, identified by the specified U.S. Geological Survey six-digit hydrologic unit codes, into the following watershed regions:⁴

Watershed region	Watersheds included in the region
Region 1	Western Lake Erie Basin Watershed, hydrologic unit code 041000.
Region 2	1. Central Lake Erie Basin Watershed, hydrologic unit code 041100; and 2. Conneaut Creek Watershed, hydrologic unit code 041201.

² R.C. 940.36(A), (B)(2), and (C).

³ R.C. 940.36(E).

⁴ R.C. 940.36(D).

Watershed region	Watersheds included in the region
Region 3	1. Wabash River Basin Watershed, hydrologic unit code 051200; 2. Great Miami River Watershed, hydrologic unit code 050800; and 3. Little Miami River Watershed, hydrologic unit code 050902.
Region 4	Scioto River Watershed, hydrologic unit code 050600.
Region 5	Muskingum River Watershed, hydrologic unit code 050400.
Region 6	Mahoning River Watershed, hydrologic unit code 050301.
Region 7	1. Hocking River and Ohio River Tributaries Watershed, hydrologic unit code 050302; and 2. Raccoon Creek Watershed, hydrologic unit code 050901.

Data collection

As part of the Statewide Watershed Planning and Management Program, the Director, in conjunction with soil and water conservation districts, must collect and aggregate information on conservation practices utilized in Ohio that are funded by public money. The information collected and aggregated is not a public record subject to disclosure under the Public Records Law. However, the Director may share the information with state agencies and state institutions of higher education.⁵

Duties: Director of Agriculture and soil and water conservation district boards

The bill assigns additional duties to the Director and boards of supervisors of soil and water conservation districts. Under the Director's current duties regarding soil and water conservation districts, the Director must assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement. The bill does both of the following: (1) modifies the above duty by requiring the Director to assist in expediting state responsibilities for other soil and water conservation works of improvement, rather than natural resource conservation works of improvement, and (2) requires the Director to assist in watershed planning and management.⁶

It also requires a board to consult and work with the watershed planning and management coordinator appointed to the watershed region in which the soil and water conservation district is located.⁷

⁵ R.C. 940.36(B)(1).

⁶ R.C. 939.02(C).

⁷ R.C. 940.06(U).

Intent statement

The bill states that it is the General Assembly's intent to collaborate with both of the following to establish a certification program for farmers that utilize practices designed to minimize impacts to water quality:

1. Organizations representing agriculture, conservation, and the environment; and
2. Higher education institutions engaged in water quality research.

The Director must undertake all actions necessary to ensure that assistance and available funding are provided for farmers who participate in the certification program.⁸

Watershed pilot program

The bill requires the Department of Agriculture, in consultation with the Lake Erie Commission and the Ohio Soil and Water Conservation Commission, to establish a pilot program that assists farmers, agricultural retailers, and soil and water conservation districts in reducing phosphorus and dissolved reactive phosphorous in a watershed to be determined by the Department. The Department must fund the program via appropriations under the Department's budget that support water quality initiatives. Program funding must be used to support the following:

1. Equipment for subsurface placement of nutrients into the soil;
2. Equipment for nutrient placement based on geographic information system data;
3. Soil testing;
4. Implementation of variable rate technology;
5. Equipment involved with manure transformation and manure conversion technologies;
6. Tributary monitoring;
7. Water management and edge-of-field drainage management strategies; and
8. Implementation of nutrient best management practices according to data collected by soil and water conservation districts.

The data and any associated records under the pilot program are not a public record subject to disclosure under the Public Records Law.⁹

⁸ R.C. 940.37.

⁹ Section 3.

Regional water and sewer districts

Cooperative agreements and loans and grants

The bill allows a regional water and sewer district to make loans and grants to and enter into cooperative agreements with any person (a natural person, firm, partnership, association, or corporation other than a political subdivision). Current law permits a regional water and sewer district to make loans and grants to and enter into cooperative agreements only with a political subdivision. Further, the bill authorizes a district to provide loans and grants for the design of water resource projects. Under current law, a district may provide loans and grants only for the acquisition and construction of water resource projects.¹⁰

Rental discounts

The bill expands the authority of a district to offer discounted rentals or charges for water resource projects, which include drinking water and sewer services. Under current law, a district is limited in its ability to offer discounts to persons who are 65 or older and who are of low or moderate income or qualify for the homestead exemption. The bill, instead, allows a district to offer discounts to a person of any age, provided the person is of low or moderate income or qualifies for the homestead exemption.¹¹

HISTORY

Action	Date
Introduced	02-12-19
Reported, S. Agriculture and Natural Resources	06-12-19
Passed Senate (32-0)	06-12-19

S0002-PS-133/ar

¹⁰ R.C. 6119.06 and 6119.09.

¹¹ R.C. 6119.011, 6119.09, and 6119.091.