

# As Passed by the House

129th General Assembly

Regular Session

2011-2012

Am. S. B. No. 22

Senator Schaffer

Cosponsors: Senators Sawyer, Seitz, Patton, Beagle, Gillmor, Stewart, Hite, Wilson, Brown, Schiavoni, Daniels, Faber, Jones, LaRose, Jordan, Manning, Wagoner, Obhof, Turner, Tavares, Oelslager, Widener, Smith, Lehner  
Representatives Anielski, Balderson, Barnes, Beck, Boose, Brenner, Buchy, Carey, Carney, Clyde, Combs, Damschroder, Dovilla, Driehaus, Fedor, Gardner, Garland, Gentile, Gerberry, Goodwin, Grossman, Hackett, Hagan, C., Hall, Hayes, Hottinger, Johnson, Kozlowski, Letson, Luckie, Lundy, Mallory, McClain, McGregor, McKenney, Milkovich, Newbold, O'Brien, Patmon, Peterson, Phillips, Schuring, Sears, Slaby, Sprague, Stebelton, Thompson, Wachtmann, Weddington, Williams, Winburn, Young, Yuko

Speaker Batchelder

—

## A BILL

To enact section 6111.60 of the Revised Code to	1
require the Director of Environmental Protection	2
to consider, to the extent allowable under the	3
Federal Water Pollution Control Act, specified	4
factors before issuing NPDES permits for publicly	5
owned sewerage systems, requiring and approving	6
long-term control plans for wet weather discharges	7
from publicly owned sewerage systems, and	8
enforcing provisions of that Act as applied to	9
publicly owned sewerage systems.	10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 6111.60 of the Revised Code be 11  
enacted to read as follows: 12

Sec. 6111.60. Before issuing a national pollutant discharge 13  
elimination system permit for discharges from a publicly owned 14  
sewerage system, requiring and approving a long-term control plan 15  
for wet weather discharges from a publicly owned sewerage system, 16  
or enforcing the Federal Water Pollution Control Act as applied to 17  
publicly owned sewerage systems, the director of environmental 18  
protection, to the extent allowable under that act and regulations 19  
adopted under that act, shall consider all of the following, as 20  
applicable, notwithstanding any other provisions of this chapter 21  
to the contrary: 22

(A) Limitations on the ability of an applicant for a permit 23  
or of a permittee to pay for or to secure money to pay for a 24  
required project; 25

(B) An evaluation of the effectiveness and cost of a 26  
long-term control plan; 27

(C) An evaluation of the effectiveness and cost of specific 28  
wet weather flow control technologies; 29

(D) An evaluation of the impact of a long-term control plan 30  
on the environment as a whole and of the promotion of alternative 31  
control options that will minimize the impact on the environment; 32

(E) Reducing the economic impacts on an applicant for a 33  
permit or on a permittee, other state and local government 34  
entities, and residents of the state; 35

(F) Allowing for reasonable flexibility in the implementation 36  
of a long-term control plan when the plan would impose a 37  
disproportionate financial hardship compared to its environmental 38  
benefits; 39

(G) Giving preference, when proposed by an applicant for a 40

permit or by a permittee, to control options that comply with the 41  
presumption approach performance criteria established in the 42  
combined sewer overflow control policy adopted under 33 U.S.C. 43  
1342 and that demonstrate significant pollution reduction rather 44  
than mandating specific designs; 45

(H) Allowing adequate time and flexibility for implementation 46  
of the schedule specified in the long-term control plan when 47  
justified by a clear environmental benefit; 48

(I) Factors specified in the combined sewer overflow control 49  
policy adopted under 33 U.S.C. 1342 that may ease the financial 50  
burdens of implementing a long-term control plan, including, but 51  
not limited to, small publicly owned sewerage system 52  
considerations, the attainability of water quality standards, and 53  
the development of wet weather standards; 54

(J) All other requirements imposed on an applicant for a 55  
permit or on a permittee to undertake capital improvements under 56  
the Federal Water Pollution Control Act, the Safe Drinking Water 57  
Act as defined in section 6109.01 of the Revised Code, this 58  
chapter, Chapter 6109. of the Revised Code, or rules adopted under 59  
either chapter. 60