



Ohio Legislative Service Commission

Bill Analysis

Michelle R. McGreevy

Am. S.B. 22

129th General Assembly

(As Reported by H. Agriculture and Natural Resources)

Sens. Schaffer, Sawyer, Seitz, Patton, Beagle, Gillmor, Stewart, Hite, Wilson, Brown, Schiavoni, Daniels, Faber, Jones, LaRose, Jordan, Manning, Wagoner, Obhof, Turner, Tavares, Oelslager, Widener, Smith, Lehner

BILL SUMMARY

- Requires the Director of Environmental Protection to consider ten factors before: (1) issuing National Pollutant Discharge Elimination System permits for publicly owned sewerage systems, (2) requiring and approving long-term control plans for wet weather discharges from publicly owned sewerage systems, and (3) enforcing the application of the federal Water Pollution Control Act to publicly owned sewerage systems.
- Establishes the ten factors that the Director must consider, to the extent allowable under the federal Water Pollution Control Act and applicable federal regulations, prior to taking the above actions.

CONTENT AND OPERATION

Considerations prior to sewerage system actions

The bill requires the Director of Environmental Protection to consider ten factors before: (1) issuing a National Pollutant Discharge Elimination System permit for discharges from a publicly owned sewerage system, (2) requiring and approving a long-term control plan for wet weather discharges from a publicly owned sewerage system, or (3) enforcing the federal Water Pollution Control Act as applied to publicly owned sewerage systems. To the extent allowable under that Act and regulations adopted under it, and notwithstanding any provisions to the contrary in the state's Water Pollution Control Law, the Director must consider all of the following factors, as applicable:

- (1) Limitations on the ability of a permit applicant or a permittee to pay for or to secure funding for a required project;
- (2) An evaluation of the effectiveness and cost of a long-term control plan;
- (3) An evaluation of the effectiveness and cost of specific wet weather flow control technologies;
- (4) An evaluation of the impact of a long-term control plan on the environment as a whole and of the promotion of alternative control options that will minimize the impact on the environment;
- (5) Reducing the economic impacts on a permit applicant or a permittee, other state and local government entities, and Ohio residents;
- (6) Allowing for reasonable flexibility in the implementation of a long-term control plan when the plan would impose a disproportionate financial hardship compared to its environmental benefits;
- (7) Giving preference, when proposed by a permit applicant or a permittee, to control options that comply with the presumption approach performance criteria established in the federal combined sewer overflow control policy and that demonstrate significant pollution reduction rather than mandating specific designs;
- (8) Allowing adequate time and flexibility for implementation of the schedule specified in the long-term control plan when justified by a clear environmental benefit;
- (9) Factors specified in the federal combined sewer overflow control policy that may ease the financial burdens of implementing a long-term control plan, including at least small publicly owned sewerage system considerations, the attainability of water quality standards, and the development of wet weather standards; and
- (10) All other requirements imposed on a permit applicant or a permittee to undertake capital improvements under the federal Water Pollution Control Act, the federal Safe Drinking Water Act, the state Water Pollution Control Law, the state Safe Drinking Water Law, or rules adopted under either of those laws.¹

Background – National Pollutant Discharge Elimination System permits

The federal Water Pollution Control Act establishes a National Pollutant Discharge Elimination System (NPDES) permit program for the purpose of governing

¹ R.C. 6111.60.

the discharge of sewage, industrial waste, or other wastes into the waters of the state. A NPDES permit is usually issued in Ohio by the Director of Environmental Protection.²

HISTORY

ACTION	DATE
Introduced	02-01-11
Reported, S. Agriculture, Environment & Natural Resources	03-01-11
Passed Senate (33-0)	03-09-11
Reported, H. Agriculture and Natural Resources	05-24-11

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² R.C. 6111.03(J), not in the bill.