

Redbook

LBO Analysis of Executive Budget Proposal

Environmental Review Appeals Commission

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February 2023

TABLE OF CONTENTS

Quick look.....	1
Agency overview	1
Analysis of FY 2024-FY 2025 budget proposal.....	2
Executive recommendations by expense category	2
Caseload statistics.....	3

LBO Redbook

Environmental Review Appeals Commission

Quick look...

- The Environmental Review Appeals Commission functions as a quasi-judicial appellate review body specifically for resolving environmental disputes resulting from various final actions taken by certain state agencies and local boards of health.
- Biennial total appropriation of \$1.4 million: \$693,800 in FY 2024 and \$728,500 FY 2025.
 - The Commission receives 100% of its funding from the GRF.
 - Uses of the recommended funding: 78.5% for personal services (payroll) and 21.5% for supplies and maintenance (in the form of rent, software licenses, supplies, and other expenses).
- The executive budget will permit the Commission to maintain current service delivery levels.

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
GRF ALI 172321, Operating Expenses					
\$497,136	\$626,253	\$655,915	\$660,756	\$693,800	\$728,500
% change	26.0%	4.7%	0.7%	5.0%	5.0%

Agency overview

The Environmental Review Appeals Commission (EBR) is an appellate review body 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. 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 are currently supported by two full-time staff (an executive director and one program administrator/staff attorney).

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. An appeal is generally required to be accompanied by a \$70 filing fee, which the Commission may waive in cases of extreme hardship. Multiple appellants may be included in a

single appeal, so these filing fees do not necessarily correlate to the number of new appeals. The fee revenue is credited to the GRF.

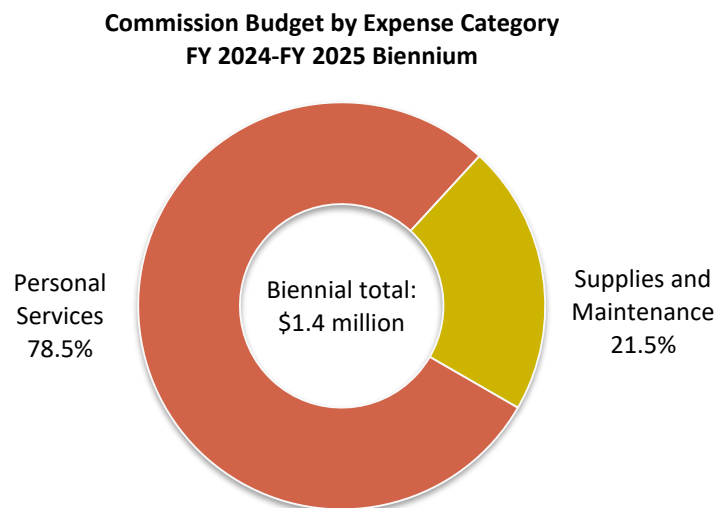
Analysis of FY 2024-FY 2025 budget proposal

The Environmental Review Appeals Commission's operating costs are funded by a single GRF line item (172321, Operating Expenses). The executive proposed appropriation in FY 2024 and FY 2025 fully funds the Commission's budget request, which the Commission believes will be sufficient to maintain existing service levels.

The commission believes that the 5% increases in funding from the FY 2023 estimate and FY 2024 appropriation, and similarly between FY 2024 and FY 2025 the appropriations will allow it to meet increasing costs for audits paid to the Auditor of State, rent paid to the Department of Administrative Services, payroll and technology, including the maintenance of and improvements to 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 proposed by the executive budget, by object of expense. Around 78.5%, or approximately \$1.1 million, is allocated for personal services (payroll). The remaining 21.5%, or about \$306,000, is allocated for supplies and maintenance, which includes rent, information technology, and other services provided by the Department of Administrative Services.



The Commission plans to keep current staffing levels for the next biennium, leaving two vacant positions unfilled, one of which is considered a part-time position. The Commission will continue to employ two full-time staff members: an executive director and one program administrator/staff attorney.

Caseload statistics

The table below summarizes the Commission's caseload from FY 2012 through FY 2022 (appeals, hearings, filings reviewed, and rulings issued).

Commission Caseload Statistics, FY 2012-FY 2022					
Fiscal Year	Total Appeals	Appeals Concluded	Hearings	Filings Reviewed	Rulings Issued
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
2019	29	39	37	578	309
2020	53	50	57	528	382
2021	45	57	48	562	323
2022	46	31	55	499	272