



**Ohio EPA Annual Report  
SFY12**

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*Message from the Director*

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Dear Ohioans:

As we prepare to celebrate our 40<sup>th</sup> anniversary in October, it is important to reflect on the significant impact Ohio EPA has made on the environment in our state. Ohioans are able to enjoy activities like swimming and fishing in our rivers and lakes; the air we breathe is now cleaner; and licensed, highly engineered landfills have replaced open dumps – all due to the work that has taken place in the past. Ohio EPA has made a lot of progress over the last 40 years but there is more work to do and challenges to face.

I share Governor John Kasich's enthusiasm about the tremendous opportunities for economic growth in Ohio. To that end, we will continue to break down barriers that keep us from being efficient and prevent us from using common sense.

In partnership with our sister state agencies and other stakeholders, we are working toward solving the issues we face today. We are creating a plan to implement nutrient management best practices to help keep our streams, rivers and lakes free of toxic algae. We are improving our air monitoring efforts to make sure our air remains clean. And we are utilizing new technology to make our solid waste disposal more efficient and effective for all Ohioans.

During this year we are going to celebrate our past but we also need to focus on the next 40 years moving forward and the environmental challenges we will face. Making sure our air remains clean and our water is safe is vital to the economic prosperity of all Ohioans. As a state, we will continue to be innovative and work in partnership as we solve the environmental challenges which inevitably lie ahead.

*Scott J. Nally*

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## *Division of Air Pollution Control*

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The 1970 federal Clean Air Act and its 1990 amendments require U.S. EPA to set clean air standards to protect public health and welfare. The division ensures those standards are met throughout Ohio by developing air quality emission limitations, issuing permits to emissions sources and monitoring outdoor air quality.

### Attaining Air Quality Standards

The Clean Air Act requires U.S. EPA to periodically review and update the air quality standards as needed. U.S. EPA has standards for six contaminants: sulfur dioxide; carbon monoxide; nitrogen dioxide; lead; particulate matter; and ozone. To measure air quality, Ohio EPA operates one of the country's most extensive air pollution monitoring networks, comprised of 245 ambient air monitors, including 48 ozone monitors.

Once U.S. EPA adopts a revised standard, Ohio EPA must determine if areas of the state are meeting the new standard, and, if not, develop plans to bring the area into attainment. States have three years to submit plans and five years to attain the standard, with extra time available if the state is making good faith efforts to meet the standards.

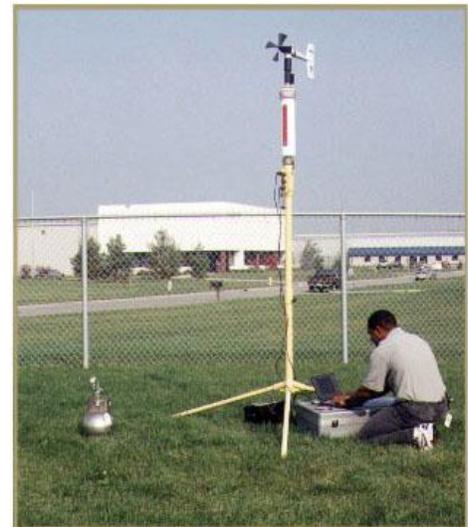
On June 22, 2010, U.S. EPA strengthened the standard for sulfur dioxide (SO<sub>2</sub>). U.S. EPA set a new 1-hour primary SO<sub>2</sub> standard at 75 parts per billion (ppb) and revoked the existing annual and 24-hr primary standards (for which Ohio had been in full attainment). Ohio EPA has monitored violations of the more restrictive standard for sulfur dioxide in Belmont, Columbiana, Jefferson, Lake, Meigs and Morgan counties and will be required to develop plans to reduce emissions from sources there.

On October 15, 2008, U.S. EPA substantially strengthened the lead standard from 1.5 µg/m<sup>3</sup> to 0.15 µg/m<sup>3</sup>. Portions of Fulton, Logan and Cuyahoga counties were designated non-attainment. On June 25, 2012, Ohio EPA submitted an attainment demonstration for both Cuyahoga and Fulton counties.

On January 22, 2010, U.S. EPA strengthened the standard for nitrogen oxides as measured by nitrogen dioxide (NO<sub>2</sub>). U.S. EPA set a new 1-hour primary NO<sub>2</sub> standard at 100 ppb and retained the existing annual standard of 53 ppb (for which Ohio has been in full attainment). On January 5, 2011, Ohio EPA recommended all counties in Ohio be designated unclassifiable based on the current NO<sub>2</sub> monitoring data until the additional NO<sub>2</sub> monitoring data are available from the new monitoring network. U.S. EPA approved this request, and the unclassifiable designations were effective on February 29, 2012

The entire state is currently attaining the standards for carbon monoxide and PM<sub>2.5</sub>. At the close of SFY11, Ohio had 27 counties designated nonattainment counties for fine particulates (PM<sub>2.5</sub>). In SFY12, the entire state was attaining the PM<sub>2.5</sub> standards and Ohio EPA was able to submit redesignation requests for the entire state.

In 2011, it was determined that U.S. EPA would not issue a new, revised ozone standard, but instead, would begin to enforce the 2008 standard. As a result, on April 30, 2012, U.S. EPA designated the Cleveland area (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit Counties), Columbus area (Delaware, Fairfield, Franklin, Knox, Licking and Madison Counties) and Cincinnati area (Butler, Clermont, Clinton, Hamilton and Warren Counties) as marginal non-attainment.



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## More Choices for Auto Emissions Testing

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H.B. 153, the SFY 2012-13 biennial budget bill, included language to continue the auto emissions testing program and expand it to include decentralized stations and other means to make testing more convenient for motorists in the Cleveland-Akron area. Beginning in June 2012, this newly designed program will save the state approximately \$2 million while and be more user friendly.

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## Involvement in Federal Air Issues

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The Office of the Ohio Attorney General represented Ohio EPA in respect to several issues with U.S. EPA including:

- The transport State Implementation Plan (SIP) and imposing a Federal Implementation Plan (FIP). The FIP that U.S. EPA issued is the Cross State Air Pollution Rule (CSAPR),
- Ohio's appeal of the CSAPR rule,
- Ohio's appeal of the Utility Mercury and Air Toxics Rule,
- Ohio EPA requested AG assistance in supporting the approval of the New Source Review Reform rule as part of the SIP. U.S. EPA's approval of the NSR Reform regulations was appealed by an environmental group, and
- Representing Ohio in the U.S. Sixth Circuit Court of Appeals on the lawsuit on the implementation of the less than 10 ton per year best available technology (BAT).

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## Efficient Permitting

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Each year, the division reviews more than 1,100 permit applications. In SFY12, work continued to streamline the permit issuance process, which included the creation of more general permits.

In SFY12, the division issued:

- 1,614 installation permit approvals (installation permits and permit-by-rule approvals);
- 1,002 operating permit approvals;
- 665 installation permits (permit-to-install/permit-to-install and operate/general permit) in an average of 104 days, exceeding the goal of 180 days;
- 813 permit-by-rule approvals in an average of 13 days; and
- 105 installation general permits in an average of 24 days.

The division also continues to work on reducing the backlogged number of installation permits in-process statewide. While it is the division's goal to maintain a workload of less than 200 permits, due to the large number of applications received in March, April and May 2012, the division has a current workload of 215 applications in process.

The division continues to issue model general permits-to-install and model general permits-to-install and operate for select sources in Ohio. There are currently 13 source categories and 52 general permits available. During SFY12, the following general permits were developed:

- Tub Grinders
- Aggregate Processing
- Compression Ignition Internal Combustion Engine
- Oil & Gas Well Sites
- Biomass Digester (digester w/ flare, biomass boiler, biomass engine)

Since the issuance of the oil and gas well site general permits, 19 applications have been submitted and 11 permits have been issued with an average processing time of 11 days.

Division staff members continue to process high-priority, complex permits for new facilities or major expansions of existing facilities to retain and support Ohio business opportunities. For example, Ohio issued final permits for:

- AMG Vanadium, Inc -- Installation of a propane/natural gas fired multiple hearth roaster.
- Lima Refining Company -- Installation of new refinery fuel gas-fired boiler.
- Millennium Inorganic Chemicals, Inc. Plant #1 -- Process and equipment modification to increase the production of titanium oxide
- Greif -- Installation of a natural gas-fired boiler to generate steam for the paper plant.

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## *Division of Drinking and Ground Waters*

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### Ensuring Safe Drinking Water

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Ohio EPA continued to ensure Ohioans have access to adequate quantities of safe drinking water through compliance assurance and enforcement activities. In SFY12, 98 percent of community public water systems met all health-based water quality standards.

The division finalized 64 enforcement actions, including: 20 Director's Findings and Orders; four referrals to the Attorney General's office; and seven bi-lateral compliance agreements. The division continued to work with its recent authority to condition licenses to operate a public water system. In SFY12, the division issued 25 conditioned licenses to operate and proposed to deny four licenses to operate a public water system. Using this authority has improved Ohio EPA's working relationship with other regulating agencies, such as local health departments and liquor control enforcement officials. As part of these enforcement actions, the division assessed \$19,800 in penalties, including \$8,400 for supplemental environmental projects.

### Free Certification Tests Save Communities Money

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The operator certification unit tested more than 2,300 potential water and wastewater operators. Using U.S. EPA grant funds, Ohio EPA provided 1,050 free exams, saving current and potential future operators of small public water systems more than \$113,000. The certification unit developed a free web-based multimedia training for Class I Water Supply operators. The training is currently being tested. Operators will be able to use the course for continuing education and to assist in preparing for the Class I examination. Revised operator certification rules became effective in February 2012. Small system examinations have been moved to the district offices and are being given on a quarterly basis.

Language was included in S.B. 294, signed in June 2012, to make testing for drinking water and wastewater operator licenses more convenient. Operators no longer will have to drive to Columbus for one of two examinations offered per year. Testing will now be available in multiple locations, including on-line, and at the convenience of the operator.

## Public Water System Harmful Algal Bloom Response Strategy

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In 2011, DDAGW collected 171 cyanotoxin samples at 17 public water systems (PWS). The majority of the sampling (9 of 17 PWS) was in response to the extensive and persistent harmful algal bloom (HAB) on Lake Erie. Staff coordinated sampling with drinking water system operators, labeled hundreds of bottles, shipped sampling equipment to water systems, and drove hundreds of miles to collect samples. They have also taken training to identify algae species. The Division of Surface Water collected additional cyanotoxin samples at two PWS source waters as part of their inland lakes monitoring program. An additional eight PWS conducted their own cyanotoxin monitoring and shared data with Ohio EPA.



Overall, 304 PWS cyanotoxin samples were collected. Cyanotoxins were not detected in finished drinking water in 2011, but they were detected in the raw source water for 57 percent of water systems sampled. Average microcystin concentrations in raw water in 2011 were four times higher at the City of Celina's intake and more than 14 times higher at western Lake Erie basin water systems' intakes compared with 2010 concentrations.

As of mid-June 2012, three PWS have HABs on their inland lake source waters that are being monitored. In 2012, DDAGW developed the "Public Water System Harmful Algal Bloom Response Strategy" to provide guidance to water systems and staff on responding to HABs on sources of drinking water.

## Approved Capacity

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The division completed several training sessions on its Approved Capacity document. The purpose of the document is to provide, in a manner efficient and free of unnecessary delays, a framework for establishing an approved capacity for: 1) water-supply sources, 2) drinking water treatment plants, and 3) source/water treatment plant systems. Adequate and properly designed components of both water-supply sources and water treatment plant are essential in fulfilling the division's mission. The document also contains clearly defined redundancy requirements for essential treatment units. It was developed through a multi-year collaboration between Ohio EPA and the Technology Committee of the Ohio Section of the American Water Works Association and is now incorporated in Ohio's rules.

## Drinking Water Infrastructure Improvements

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Ohio EPA awarded 46 drinking water loans totaling \$69.2 million and offered \$13.8 million in principal forgiveness (subsidies) through the Water Supply Revolving Loan Account (WSRLA). Thirty-one small (fewer than 10,000 people) public water systems serving a total of 77,279 people received \$33.1 million in subsidized drinking water loans, including \$31.8 million awarded to economically disadvantaged communities. As a result of the loan program, Ohio communities will save an estimated \$28.1 million in costs when compared to market loan interest rates.

Funded drinking water projects included new or improved water distribution, treatment, storage and source water infrastructure that will help ensure that 2.1 million Ohioans have access to adequate and safe supplies of drinking water. The financial assistance unit, in conjunction with Rural Community Assistance Partnership, began developing a free web-based multimedia training for public water systems to assist them in developing their technical, managerial and financial capability.

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## Geothermal Wells

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Ohio EPA participated on an Ohio Water Resources Council (OWRC)-State Coordinating Committee on Ground Water (SCCGW) workgroup representing industry and government that summarized existing regulatory requirements for geothermal heating and cooling systems and recommended how the systems can be installed to ensure the protection of Ohio's water resources. A guidance document, intended for use by state and local government and the geothermal heating and cooling industry, was issued by the OWRC in February 2012.

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## Road Salt Storage

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Ohio EPA is leading an OWRC-SCCGW workgroup representing industry and government that is summarizing existing Ohio requirements for road salt storage and recommending siting, design and operation practices to protect water resources. The Ohio Water Resources Council intends to issue a guidance document prior to the 2012-2013 winter season.



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## Source Water Protection

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To further protect water resources that supply public drinking water, the division provided direct technical assistance with ground water flow modeling and mapping to 106 public water systems. Ohio EPA also endorsed 22 locally developed plans to protect sources of drinking water that together provide drinking water to more than 207,756 Ohioans. Approximately 25 percent of Ohio's cities and villages now have endorsed source water protection plans.

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## Underground Injection Control

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The division's Underground Injection Control (UIC) unit developed, with assistance from U.S. EPA, a database to contain information on all Class I and Class V injection wells. During the past year, the UIC unit entered information on more than 40,000 injection wells at more than 5,900 facilities in Ohio. More than 50 percent of the wells are classified as "mine backfill" wells, which are used to stabilize roadways above previously mined areas. The data was successfully submitted to U.S. EPA's production UIC database using the CDX Node Client for the first time. The database will allow Ohio EPA to share the information more easily with the public and U.S. EPA.

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## *Division of Environmental Response and Revitalization*

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The division oversees investigation and cleanup of hazardous substances and wastes that present a threat to human health and the environment, provides initial time-critical response to these threats, and oversees cleanup of unplanned releases of pollutants due to spills, accidents and other events.

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## Responding to Emergencies

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The Emergency Response (ER) program receives more than 10,000 calls each year on its toll-free emergency spill hotline, documenting pollution incidents, providing technical assistance and guidance, and answering questions concerning environmental issues. In SFY12, duty officers recorded 3,625 initial pollution incident reports for incidents involving releases of hazardous substances, oil and other pollutants. Approximately 25 percent of these reports were received after regular business hours.

On-scene coordinators responded to more than 827 of these incidents to investigate, provide technical assistance to local and federal first responders, abate releases and oversee cleanup activities. They also provided technical assistance by phone on at least 245 additional incidents.

In SFY12, ER received 69 calls on mercury spills and responded to 52 of these reports



### Addressing Abandoned Waste

The orphan drum program received 38 reports of abandoned drums on the toll-free emergency spill hotline in SFY12 and assisted with dozens of non-emergency and technical assistance calls. As a result of these reports, 30 abandoned drums sites were characterized, transported and disposed of properly. Four larger drum sites were referred to the U.S. EPA removal program for cleanup.

### Promoting Property Reuse

Through the Voluntary Action Program (VAP), the division issued 42 covenants not to sue to properties deemed protective of human health and the environment and available for productive reuse. Since the inception of the program, more than 9,000 acres of Ohio land have been made available for reuse.

The program provided technical assistance to 159 property owners or volunteers to facilitate voluntary action activities. Pass-through brownfield grants from U.S. EPA financed free assistance for 61 municipalities. The assistance allowed the municipalities to make significant progress with their site assessments and cleanups.

The Site Assistance and Brownfield Revitalization (SABR) section assists local governments with the cleanup and marketing of contaminated and potentially contaminated properties, at conferences, through the web and other venues by:

- coordinating targeted brownfield assessments (TBAs);
- overseeing brownfield programs;
- marketing cleanup programs;
- maintaining the brownfield inventory;
- coordinating the VAP professional and laboratory certification and training programs;
- overseeing the VAP environmental insurance program; and
- providing outreach and training to local governments.



SABR supports the Clean Ohio Fund by evaluating applications for funds and certifying property assessments and cleanups completed with the help of Clean Ohio Fund monies thru both the VAP and Remedial Response programs. In addition, SABR provides technical assistance to communities with brownfield properties that are or may become Clean Ohio Fund projects. SABR, and DERR as a whole, has partnered closely with the Ohio Department of Development since the program's inception, and expects to partner closely with JobsOhio as administration of the Clean Ohio Fund shifts to that office.

The division conducted 21 TBAs during SFY12 to determine if contamination exists at properties around the state. To date, Ohio EPA has used TBAs to assess more than 1,911 acres at 92 properties. TBAs are conducted free of charge at the request of local governments. The results of these assessments can help communities plan for the cleanup and redevelopment of brownfield properties.

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## Assessing Environmental Conditions

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During SFY12, DERR staff continued to assess sites where there is suspected contamination to determine whether supplemental investigative measures or remedial action is needed to redress threats to human health or the environment. Staff also provided site assessment support activities for other regulatory programs to help determine compliance with applicable regulations. Additional SFY12 site assessment activities included:

- finalization of 18 federal site assessment deliverables;
- ongoing federal site assessments efforts at 25 sites under U.S. EPA's SITE grant;
- completion of 4 DERR state-lead site assessments;
- ongoing assessment efforts at 7 DERR state-lead sites;
- completion of 5 site assessment activities in support of other regulatory programs at Ohio EPA and U.S. EPA

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## Federal Facilities Program

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The federal facilities program provides oversight to Department of Defense remediation projects on active and former military sites with chemical and/or military munitions hazards. During SFY12, the division oversaw investigation and cleanup activities at 10 active military installations and 28 formerly used defense sites, including work to remove munitions along the shoreline of Lake Erie in northwest Ohio originating from former military range activities. The investigation and safe removal of unexploded ordnance on the shoreline will continue in SFY13.

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## Corrective Action Program

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In SFY12, Ohio EPA approved 16 hazardous waste closure plans and verified 13 closure certifications. While the ultimate goal of the Ohio EPA's RCRA (hazardous waste) corrective action program is to achieve final cleanups, intermediate milestones – called “environmental indicators” – are used as a measure of program success. The two intermediate milestones track current human exposures and migration of contaminated ground water at sites subject to corrective action.

In SFY12, Ohio EPA made seven determinations that human exposures were under control. This means there are no unacceptable human exposures to contamination at a site undergoing corrective action. In addition, Ohio EPA made eight determinations that contaminated ground water was under control. This indicates that the migration of contaminated ground water has stabilized.

## Remedial Response Program

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During SFY12, the remedial response program oversaw investigation and cleanup activities at more than 90 sites across the state by parties under orders. Nine new administrative or judicial orders were issued or closed out in SFY12, while four additional administrative orders remained in negotiation.

Additional SFY12 remedial response activities included:

- finalization of two Natural Resource Damage Assessment cases, and continued negotiation of four cases;
- completion of two preferred (cleanup) plans and/or final decision documents, and continued plan development for five sites;
- ongoing enforcement actions (via the Attorney General's Office) in 10 cases;
- bankruptcy settlements (via the Attorney General's Office) in three cases, and ongoing settlement negotiations in three cases;
- secured more than \$50,000 in civil penalties (via the Attorney General's Office) in two cases for failure to conduct work required under orders; and
- created/updated internal guidance and procedures to streamline remedial response program processes.

## Expanded Eligibility of BUSTR sites for Voluntary Action Program (VAP) Cleanup

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Ohio EPA worked with the Ohio Department of Commerce and members of the petroleum industry to develop language in S.B. 294 to allow BUSTR sites that still have a responsible party to be eligible for VAP cleanup. The language enables a third party to remediate the site, making it available for future development as long as other regulated hazardous substances on the site are addressed and that the property is not subject to an administrative order or referral to the Attorney General's Office.

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## *Division of Materials and Waste Management*

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### Ground Water Investigation at Ohio's C&DD Landfills

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With help from the division of Drinking and Ground Waters, the Agency completed preliminary hydrogeologic investigations at 25 percent of Ohio's actively licensed construction and demolition debris (C&DD) landfills. The purpose of these investigations was to evaluate the adequacy of ground water monitoring networks at each facility and determine whether additional ground water monitoring or corrective measures are warranted.

### Payment System Will Save Time and Money

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In 2009, the division began using the eBusiness Center to allow solid waste and construction and demolition debris disposal facility owners and operators to electronically file their fee reports. However, they still had to mail a paper check to pay the associated disposal fees. After years of hard work, the Agency accepted its first electronic fund transfer (EFT) for payment of solid waste disposal fees in March 2012. The division hopes that more than 80 percent of the facilities will be using the system by December 2013, saving the Agency about \$250,000 in administrative costs over the original paper-based system. The EFT payment system is likely to expand to other divisions in the future.



## Hazardous Waste Recycling

In 2011, Ohio's permitted hazardous waste facilities received 622,756 tons of hazardous waste from off-site including 372,821 tons from out of state. Almost 38 percent of that hazardous waste was recycled, reclaimed or reused.

## New C&DD Landfill Rules Add Meaningful Protections for Ohio Citizens

New rules for C&DD rules that will add meaningful protections for Ohio citizens will become effective August 1, 2012. These rules will require the landfill owner to establish financial assurance based upon a facility-specific closure cost estimate rather than a flat rate of \$13,000 per acre; provide five years of post-closure care and establish financial assurance based upon a facility specific post-closure cost estimate; and sample leachate and add detected parameters to the facility's ground water monitoring program.

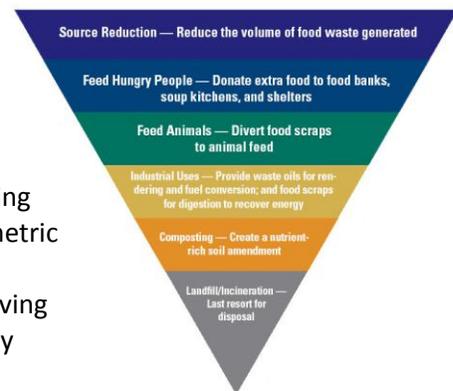
The division worked extensively with stakeholders and incorporated various mechanisms to enhance compliance and allow a transition to address the increased cost of new requirements in a reasonable manner. To aid both the facility operator and our health department regulatory partners, the division held various training sessions.

## Food Scraps Diversion and Composting

In collaboration with Ohio EPA's Office of Compliance Assistance and Pollution Prevention and the Ohio Department of Natural Resources' Division of Recycling and Litter Prevention, the division continued to expand the Ohio Food Scraps Recovery Initiative. Curbside collection programs are now in place in five Ohio communities. In 2011, residential and commercial food scraps composted by licensed composting facilities resulted in the reduced emissions of the equivalent of 45,544 metric tons of carbon dioxide. This reduction of greenhouse gas emissions is equivalent to removing 8,930 passenger vehicles from roadways, conserving more than five million gallons of gasoline or off-setting the annual energy consumption of 5,679 homes.

By incorporating the experience gained through years of active outreach with the Ohio Food Scraps Recovery Initiative, Ohio EPA adopted revised composting rules (OAC Chapter 3745-560) on April 2, 2012, broadening opportunities for the composting of food scraps. Based on a survey of state composting regulations conducted by the Institute for Local Self Reliance (2012), they recognized Ohio's composting regulations for addressing environmental risks while still promoting innovation in the industry.

Ohio EPA's outreach efforts to increase food scraps diversion by promoting local sustainability resulted in the publication of the guidance *Urban Agriculture, Composting and Zoning*, which provides a zoning code model for promoting composting and organic waste diversion through urban agriculture.



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### Voluntary Partnerships Help Measure Recycling Efforts

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The division expanded a project to obtain recycling data through voluntary partnerships with recycling facilities and retail corporations in Ohio that are conducting significant recycling activities at their stores. The division is now receiving recycling information from 11 recycling facilities and five major retail corporations representing 443 individual stores. These retail corporations include Walmart, Lowe's, Home Depot, Meijer and Target, the last three of which were added this past year. Cumulatively, the recycling facilities reported diverting 381,991 tons of recyclables from Ohio landfills in 2011, and the retail stores reported diverting 178,760 tons of recyclables/food waste from Ohio landfills in 2011. These activities resulted in the reduced emissions of the equivalent of 1,326,423 metric tons of carbon dioxide. This reduction of greenhouse gas emissions is equivalent to removing 260,083 passenger vehicles from roadways, conserving more than 148,702,242 gallons of gasoline or off-setting the annual energy consumption of 84,577 homes.

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### Review of Ohio's Solid Waste Management System Underway

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During SFY12, the division kicked off a comprehensive review of Ohio's solid waste management system, laws and regulations. To solicit interested party input, the division briefed more than 100 participants in a project kick-off webinar and has conducted 28 meetings with external parties and nine meetings with internal or closely related organizations such as U.S. EPA. More than 250 interested parties attended the meetings, and a significant amount of written comments have been received.

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### Cleanup of Scrap Tire Dump Sites

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Ohio EPA contractors removed and disposed of 105,236 passenger tire equivalents (PTEs) or about 1,052 tons of illegally dumped scrap tires collected from 85 sites in 36 counties. The total cost was \$345,902.

More than 90 percent of the scrap tires collected in Ohio continue to be recycled and reused, primarily as aggregate substitute for civil engineering projects and for the production of many rubber products. Tires are banned from disposal in landfills in Ohio, except for rare exceptions. Citizens are encouraged to report tire dumps at a toll-free hotline (877) 373-2621.

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### Combining Complementary Programs for Efficiency

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Ohio EPA and the Ohio Department of Natural Resources (ODNR) Division of Recycling and Litter Prevention are closely aligned in pursuing the same broad policy objectives to increase recycling and alternative waste management techniques in Ohio. To take advantage of an opportunity to combine resources and staffing experience to further those goals, H.B. 487, the Governor's Mid-Biennium Review, transfers the Recycling and Litter Prevention program from ODNR to Ohio EPA.

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### Addressing Abandoned Landfills

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The division created the CLOSER program (Closed Landfills and Orphaned Site Evaluation and Rating Program) in 2008 to deal with abandoned dump sites and improperly closed landfills that have don't have adequate funding to address problems.

In SFY12, Ohio EPA's CLOSER contractors completed three remediation projects for erosion control repairs and improved run-off structures at the former Scioto Sanitation Landfill (Scioto County), the Schlichter Landfill (Butler County) and the Crory Road (Toth) Landfill (Mahoning County). The Crory Road Landfill restoration project also involved repairing damage to the landfill cap caused by depressions formed during subsidence and installation of landfill gas migration barriers on the northern landfill boundary.

Ohio EPA continues to receive national recognition of its CLOSER program. On September 8, 2011, Ohio EPA received the 2011 Kevin M. Bonzo Solid Waste Innovator of the Year award from the Buckeye Chapter of the Solid Waste Association of North America for its CLOSER program.

### Compliance and Enforcement

The division resolved 37 enforcement cases, assessed \$337,435 in cash penalties and secured \$127,522 toward implementation of supplemental environmental projects. In cooperation with the division, the Ohio Attorney General's Office secured 16 judgments that included \$10,243,409 in cash penalties and \$120,000 toward supplemental environmental projects.

Hazardous waste staff completed 558 compliance evaluation inspections, including 144 at large-quantity hazardous waste generators and 39 at hazardous waste treatment, storage and disposal facilities. They also completed 72 financial record reviews and 231 focused compliance inspections.

In its December 9, 2011 report, U.S. EPA's Office of Inspector General reported that Ohio was the only Region 5 state ranked in the top quartile for its hazardous waste inspection and enforcement programs.

### Multiple Programmatic/Streamlining Changes in S.B. 294 and S.B. 302

Included in S.B. 294, Ohio EPA's omnibus reform bill, and S.B. 302, changes were adopted to streamline and address problems with the current background check process for operating waste facilities. S.B. 294 also increased the threshold for cleaning up small scrap tire piles with abatement funds, changed hazardous waste reporting from annual to biennial, required best management practices for disposal of aluminum production waste and updated the infectious waste statute.

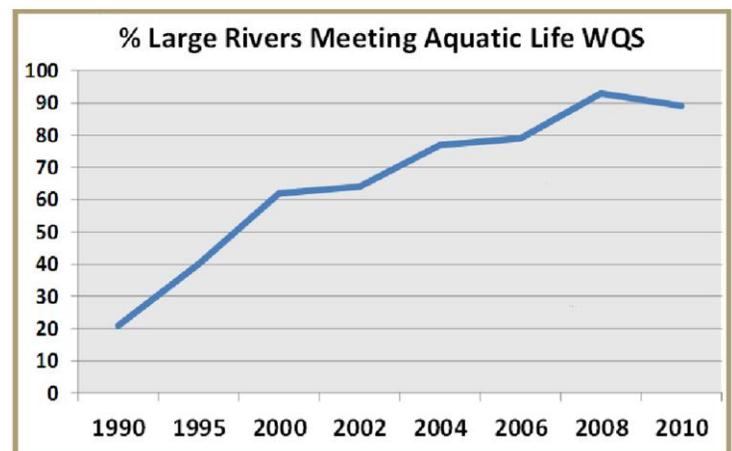
## *Division of Surface Water*

### Water Quality Monitoring and Improvements

The biannually submitted Integrated Water Quality Monitoring and Assessment Report indicates the general condition of Ohio's waters and identifies waters that are not meeting water quality goals. The 2012 report was completed in March and approved by U.S. EPA.

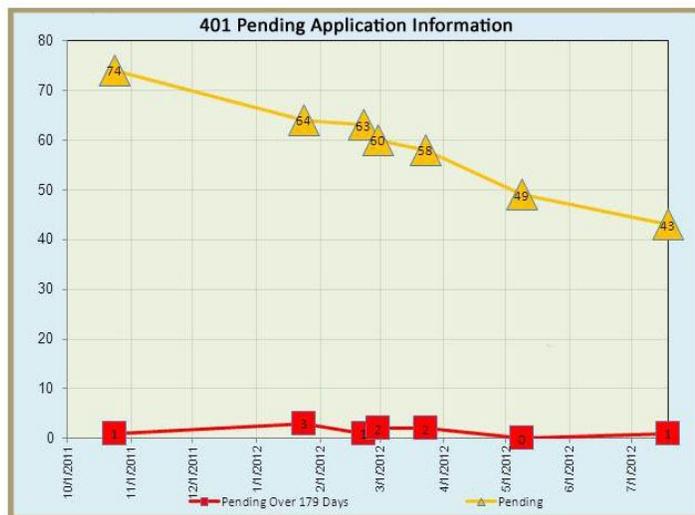
Steady progress has been made to achieve DSW's aquatic life goal of 80 percent attainment by 2010. New goals for 2020 were completed and included in the 2012 Integrated Report.

Revised goals for the aquatic life use, as well as new goals for the recreation, human health (fish tissue) and drinking water uses were identified. Baseline conditions were defined for each goal; it is expected that progress toward the goals will be reported every two years in future integrated reports.



## Surface Water Permitting and Permit Compliance

Building on the progress made in 2011 using a Kaizen approach to quality improvement, the division continued to reduce the number of pending individual 401 water quality certification applications.



The division met wastewater discharge permit issuance goals for the ninth straight year, renewing more than 500 permits in SFY12. Staff also conducted more than 2,000 compliance inspections at regulated facilities. The division issued final a new general permit to control the discharge of pesticides into waters of the state.

The division also issued a public notice regarding Ohio's Section 401 certification of U.S. EPA's vessel discharge permit, which aims to control invasive species in ballast water. General permits for water treatment plants, bulk fuel terminals and temporary discharges were renewed in SFY12.

In December 2011, Ohio EPA reissued the Industrial Storm Water General Permit. The renewal permit adopted the framework of the federal multi-sector general permit. This new permit provides more clarity and certainty to regulated entities regarding their compliance responsibilities.

In addition, the implementation of monitoring and other best management practices under the permit will help protect water resources and enhance the Agency's ability to monitor compliance with the permit.

The division continued to work with Ohio's combined sewer overflow (CSO) communities to meet U.S. EPA's national goal for CSO communities to come into compliance via an appropriate enforceable mechanism (discharge permit, consent decree, etc.). At the end of SFY12, 79 of Ohio's 89 CSO communities had such mechanisms in place, meeting U.S. EPA's goal. Included in those 79 communities are the Akron and NEORS (Cleveland) sewer districts. In 2012, Ohio reached agreement with these two communities, which will result in elimination of more than 5.5 billion gallons of combined sewage overflow to the Cuyahoga River and Lake Erie once all the projects in those agreements are constructed.

The average number of Agency review days for permits-to-install (PTI) was maintained at an acceptable 38 days throughout 2011 and 2012. Since January 2011, the division reduced the number of PTI applications pending for greater than the regulatory deadline of 180 days by 90 percent (from 78 to 9 projects). This reduction resulted from a heightened awareness and focus on aging projects. Staff also worked to formalize additional protocols to work more aggressively and proactively with applicants and their consultants to prevent delays.

Under Section 404(e) of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) can issue general permits to authorize activities that have minimal individual and cumulative adverse environmental effects. General permits can be issued for a period of no more than five years. In 2012, the division reissued the Ohio Section 401 Certification to the USACE Nationwide Permits for dredge and fill activities.

## Creating More Options for Protective Wetland Development

The division worked closely with interested parties to include language in S.B. 294 that will allow for the creation of an "in-lieu" fee program for wetland mitigation. The new program provides an additional tool for those required to mitigate their impacts to streams and wetlands in Ohio as part of the 401 Water Quality Certification review. In the past, applicants were limited to either on-site mitigation or mitigation banking. The new tool removes the burden of the mitigation from the applicant, who may not have the expertise or land conditions, and puts it in the hands of professionals, improving the likelihood of a successful mitigation project.

## Harmful Algae Blooms

DSW participated in a three-agency effort to streamline and focus the harmful algae bloom response strategy for 2012. The new strategy recommended the placement of permanent informational signage at select state lakes. Along with the permanent signage, two new color-coded signs will be posted at beaches where toxin levels exceed the limits in the *2012 HAB Response Strategy for Recreational Waters*.

## Nonpoint Source Assistance

The division received approximately \$3 million in FY12 Section 319 grant funding that was made available for local project grants. A Request for Proposals brought in 33 local applications for funding totaling more than \$6.8 million. Ohio EPA selected 14 projects to receive section 319 assistance totaling more than \$2.7 million.

Nonpoint Source Program staff manage nearly 60 Section 319 subgrants totaling more than \$14 million. Additionally, staff manages 31 Surface Water Improvement Fund subgrants totaling more than \$4 million to complete locally implemented water quality improvement projects.

NPS Program staff continued to provide monitoring assistance to special water quality initiatives at Grand Lake St. Marys and Buckeye Lake as part of nutrient reduction efforts in those two inland lakes. Work at Buckeye Lake is proceeding under a supplemental section 319 grant that was applied for and received in the amount of \$425,000.

Staff also provided direct technical project assistance to 30 local governments, watershed groups, county park districts and others planning and/or implementing water quality improvement projects statewide.



## Water Quality Standards

While water quality progress is made, the Agency continues to create partnerships to monitor water quality around the state and more specifically in the watersheds around the Ohio River, Grand Lake St. Marys and Lake Erie in a proactive effort to provide best management practices for nutrient management issues. Ohio EPA is working with public and private partners like the Ohio Department of Natural Resources, the Ohio Department of Agriculture, The Ohio State University, the University of Toledo, Heidelberg University, John Carroll University, Wright State University, USGS, NRCS, TetraTech, Batelle, YSI and Lake Erie Charter Boat Captains to better understand nutrient management issues in and around the Lake Erie watershed.

Impairment of Ohio's water quality due to nutrients is significant. A draft plan titled *Framework for Nutrient Reduction Strategies* was submitted to Region 5 in November 2011. Communication and public outreach to date has been centered on voluntary adoption of 4R agricultural fertilizer application practices. A work group comprised of point source interests is expected to submit recommendations regarding nutrients from point sources and urban nonpoint sources by July 1. U.S. EPA has made federal contractor help available to design and implement a permanent stakeholder participant model on nutrient water quality issues.

Ohio has developed nutrient water quality criteria for the state's small and medium-sized rivers. Follow up on these activities will continue for several months. Establishment of the advisory panel discussed under the comprehensive nutrient reduction plan should be a precursor to officially starting early stakeholder outreach.

## Rules

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DSW finalized the five-year review of the permit-to-install program design flow rule and had 10 other rule packages in various stages of review.

After three interested party reviews and more than 450 comments received, the new biosolids rules took effect on July 1, 2012. There were many environmental gains made with the revision of these rules, including:

- Surface application of biosolids is prohibited during months when freezing/snow is expected;
- Biosolids destined for land application must be screened to help remove the trash that accumulates in sewage;
- Phosphorus as well as nitrogen is factored into agronomic land application rates;
- Forecasts must be monitored to ensure land application does not occur when heavy rain is expected;
- Reports must be given to farmers to ensure they understand the benefit they are receiving via the amount of nutrients in the biosolids;
- Best management practices are required for field stockpiles of biosolids.
- Best management practices are required for fields that are tile drained when liquid biosolids will be applied.

## Great Lakes Restoration Initiative

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Lake Erie near-shore monitoring work was completed for the first year of the three-year study. Sampling included the collection of Mayfly samples, water and sediment quality. Samples were also collected to measure chlorophyll a productivity and to assess zooplankton and phytoplankton communities.

Ohio's Nonpoint Source Program successfully applied for and received a Great Lakes Restoration Initiative Grant to implement the Lake Erie Nutrient Reduction Project within the Loss Creek subwatershed of the Sandusky River. This project is being completed under a collaboration between Ohio EPA, Crawford County Soil and Water Conservation District, Sandusky River Coalition and Ohio State University Extension. This grant totals more than \$580,000 in federal GLRI funds.

### *Division of Environmental and Financial Assistance*

The division contributes customer-centered financial and technical assistance to the environmental infrastructure projects that Ohioans bring forward. The Water Supply Revolving Loan Account (WSRLA) and the Water Pollution Control Loan Fund (WPCLF) support the major Ohio EPA priorities of protecting public health and improving water quality. In 2012, the WSRLA loans for drinking water improvements totaled \$69.2 million and the WPCLF loans for protection from surface and ground water pollution totaled \$508.5 million.

One of the most significant projects coordinated was the Fifth Avenue Dam removal with the City of Columbus. This was a true partnership that also included substantial efforts from The Ohio State University, the Ohio Department of Administrative Services and the Ohio Department of Transportation.

WPCLF applicants received 177 assistance awards for wastewater treatment works and nonpoint pollution control, totaling more than \$508 million. Almost half of those awards (88) included subsidies that paid for 50 percent to 100 percent of the costs of their projects.

The WPCLF's principal forgiveness awards function as grants to improve and protect public health, including:

- 47 awards of principal forgiveness totaling \$5,995,500 to cities and counties for household sewage treatment system improvements. Low-income homeowners in each jurisdiction received average subsidies of \$5,000 to \$10,000 each, depending on the type of system repair/replacement.
- The Ohio Department of Natural Resources received an emergency principal forgiveness loan of \$1,370,221 to treat spring algae blooms in Grand Lake St. Marys.
- The largest principal forgiveness loan was \$7,224,587 to the Village of Middleport for its Phase I sewer improvements.
- The 27 principal forgiveness loans to public wastewater systems saved their customers more than \$49 million when compared to conventional financing.

<b>WPCLF Principal Forgiveness Summary</b>			
<b>Activity Type</b>	<b>Loan Type</b>	<b>Number</b>	<b>Amount</b>
NPS Public	HSTS Repair/Replace	47	\$5,995,500
In-lake NPS Treatment	Emergency	1	\$1,370,221
Wastewater	Planning	10	\$264,838
Wastewater	Design	2	\$187,352
Wastewater	Construction	15	\$25,229,496
<b>Total</b>		<b>75</b>	<b>\$33,047,407</b>

The total WPCLF funding for nonpoint source improvement projects in SFY12 was \$20,169,281, including assistance for Household Sewage Treatment Systems (HSTS), Water Resource Restoration Sponsor Program (WRRSP) projects, Grand Lake St. Marys, and other NPS loans. Thirteen WRRSP projects received \$12,803,560 to protect and restore Ohio streams and wetlands.

In SFY12, 116 WPCLF public wastewater treatment works projects received low-interest loans totaling \$488,277,836. Compared to market rate loans, these communities saved more than \$92 million in interest expense.

WPCLF loans assisted the public wastewater needs of Ohio communities of all sizes:

- 57 loans went to communities with 2,500 or fewer people
- 21 loans went to communities with 2,500 to 10,000 people
- 17 loans went to communities with 10,000 to 100,000 people
- 21 loans went to communities with more than 100,000 people

The WPCLF continued to provide support to reduce and eliminate the discharge of combined storm water and wastewater to the environment. This included 37 loans for \$278,798,976 to assist with the planning, design and correction of combined sewer overflows. These loans saved ratepayers approximately \$57 million when compared to conventional financing.

The year's three largest loans were for the correction of combined sewer overflows:

- Columbus OARS Phase II - \$76.9 million
- NE Ohio Regional Sewer District -Tunnel Dewatering Pump Station - \$37.3 million
- Metropolitan Sewer District of Greater Cincinnati-Lower Mill Creek - \$25.2 million

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### *Division of Environmental Services*

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In SFY12, the Agency's analytical laboratory analyzed 10,337 chemistry, microbiology and bioassay samples covering a variety of matrices: water (8,159), air (2,263), fish tissue (608) and sediment (223). Analysis of these samples resulted in 136,352 inorganic and 78,316 organic analytical results being approved.

The division continues to play a valuable role in Ohio EPA's Harmful Algal Bloom program.

- In SFY12, DES conducted 282 analyses for algal toxins and 41 analyses for algal identification.
- DES ground fish tissue samples from Grand Lake St. Mary's and Lake Erie, which were sent to the State University of New York for microcystin analysis.
- DES is currently in discussions with the Ohio Department of Agriculture to develop a method so samples will not need to be sent to New York for analysis.
- In April 2012, DES conducted aluminum analysis on 44 rush samples from Grand Lake St. Mary's. Samples were received in the morning and reported out that afternoon. The data was provided to Tetra Tech consultants, who conducted an initial review immediately upon receipt. Tetra Tech is providing scientific expertise regarding the alum application at Grand Lake St. Marys.
- Staff from the Ohio Sea Grant Program, the University of Cincinnati and a commercial laboratory toured the laboratory and DES staff shared their experiences in starting up the phytoplankton and toxin analysis.



At the request of the Division of Surface Water, DES began development of an analytical method to perform lower level phosphorus analysis of orthophosphate and total phosphorus. DES is near completion of method development and anticipates conducting low level phosphorus analysis starting in SFY13.

The lab conducted 221 chemistry and 143 microbiology laboratory surveys and reviewed 329 applications, 20 plans and 96 correction statements for the drinking water laboratory certification program.

Lab staff responded to 2,293 technical assistance requests from individuals outside Ohio EPA, 1,044 technical assistance requests from Ohio EPA staff and 857 sample submission coordination calls. The division provided training or presentations at nine non-Ohio EPA events with 279 participants.

DES inspected 12 wastewater laboratory facilities and issued 12 performance audit reports under the auspices of U.S. EPA's Discharge Monitoring Report - Quality Assurance program.

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### ***Office of Compliance Assistance and Pollution Prevention***

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The Office of Compliance Assistance and Pollution Prevention (OCAPP) is an independent office within Ohio EPA that provides information and resources to help businesses achieve compliance with environmental requirements. Another primary goal of the office is to help its customers identify and implement pollution prevention measures that can save money, increase business performance and benefit the environment. OCAPP is not a regulatory program; information obtained by the office is not shared with Ohio EPA inspection or enforcement staff.

The office started a new initiative to highlight environmental stewardship. The Encouraging Environmental Excellence program recognizes organizations committed to environmental excellence. The program is a three-level approach to provide recognition to Ohio businesses and other organizations completing environmentally beneficial activities, and escalates to higher levels of recognition for those who exceed regulatory requirements or commit to future environmental stewardship efforts. The program targets those who reduce waste, improve efficiency and work to continuously improve as an environmental steward.

In SFY12, the office helped more than 2,500 Ohio businesses and 874 other external customers with their pollution prevention and compliance needs, and conducted 193 site visits to help Ohio companies with compliance and pollution prevention projects. They conducted 63 presentations and training events to help educate Ohio businesses and organizations about pollution prevention and environmental compliance, reaching more than 2,700 individuals. Staff also distributed 15,932 publications; developed 16 new publications to show companies how to prevent pollution and comply with environmental requirements; and published four editions of the *Compliance and Prevention Quarterly* for distribution to more than 6,000 people.

S.B. 294, Ohio EPA's omnibus bill, signed by Governor Kasich in June 2012, included language to expand outreach by OCAPP from small businesses to all businesses. The bill also expanded confidentiality to assist businesses from only air issues to all program areas. The confidentiality language strikes a balance between providing businesses additional assistance options while including safeguards to prevent egregious violations from going unaddressed. OCAPP will conduct a survey of all businesses that contact OCAPP to measure success and make adjustments as needed.

The Ready-Mix Concrete Initiative was spearheaded in Ohio EPA's Northeast District Office (NEDO) to help the Division of Air Pollution Control with permit backlog reduction efforts. OCAPP worked proactively with facilities needing permits by completing most of the air permit application for more than 70 emission units.

Nearly completed permit application packets were sent to concrete facilities resulting in 23 permits being issued. Assistance was provided to one of the larger companies in completing permits for 10 of their facilities. This initiative has been expanded to other districts based on the success of this effort in Northeast Ohio.



The Dry Cleaning Permitting Initiative at NEDO assisted 22 dry cleaners in receiving air permits. After reviewing 59 files, a combination of phone calls, onsite assistance, and other information was used to help businesses that needed to complete the permit application form. This initiative also helped DAPC with permit backlog reduction efforts.

OCAPP led the effort to coordinate Ohio EPA's sixth compliance assistance conference in November in Columbus. This two-day event included four tracks with multiple sessions covering a wide range of environmental topics. More than 300 attendees participated.

In addition, staff coordinated a series of training events to: help northeast Ohio communities and businesses prepare for new municipal storm water requirements; provide certification for storm water personnel; help private colleges and universities understand environmental regulations; and help metal finishers comply with environmental requirements.

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## *Office of Special Investigations*

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The Office of Special Investigations (OSI) specializes in investigating complex criminal activity and has the flexibility to cross program boundaries. Their investigation of environmental crime allegations can result in criminal, civil and administrative enforcement.

The activities below are examples of situations that may warrant investigators' involvement:

- illegal disposal or abandonment of hazardous waste, solid waste or construction and demolition debris;
- burial of waste at unpermitted locations;
- unpermitted discharges into waters of the state;
- unpermitted emissions of toxic air pollutants;
- open burning;
- bypassing treatment systems;
- filling of wetlands;
- rip-and tear asbestos projects;
- falsification of documents such as manifests, waste receipt logs and monthly operating reports; and
- false statements to regulatory personnel.

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## Ensuring Compliance

In SFY12, staff members conducted 140 investigations, obtaining 14 convictions that resulted in 12 felony counts and 6 misdemeanor counts. These convictions resulted in approximately \$786,000 in fines; \$218,123 in restitution; 60 days of jail time; 23 years of probation; and 650 hours of community service.

In addition, members of OSI serve on Ohio EPA's Counter-Terrorism Response Team and are trained to work in hazardous environments (chemical, biological, and radiological).



*The Office of Special Investigations staff investigate environmental crime allegations such as illegal disposal or abandonment of waste and are trained to work in hazardous environments.*

### Radiation Assessment Team (RAT)

The RAT, coordinated by OSI and ER management, is comprised of volunteers from various divisions in Central Office and three district offices. This team formed due to a requirement by the Nuclear Regulatory Commission (NRC) that nuclear power plants must have a state contingency plan for a potential release of radioactive material from any of the three facilities potentially affecting Ohio. The RAT is responsible for assessing the environmental impact from a radiological release by sampling environmental media, such as soil, sediment, surface water, ground water, vegetation and snow. The RAT members participate in a formal training program to remain competent in dealing with radiological concerns. In the Spring of 2012, the RAT participated in a full-scale field exercise at the NASA Glen Research at Plum Brook Station, Sandusky.

### Clean Air Act Enforcement

During SFY12, OSI participated in a very complex investigation of a Title V permitted facility. As a result of the criminal investigation, the company paid penalties amounting to \$825,000. The company admitted that it failed to operate certain air pollution controls and failed to report malfunctions of air pollution control equipment to Ohio EPA as required. The Grange Insurance Audubon Center received \$70,000 to fund the Conservation Classroom Program, which provides environmental education to students in the Columbus Public Schools. Additionally, the Physicians Free Clinic located near the facility received \$95,000 to provide medical services, medications and/or transportation services for patients. The purpose of this money was to assist the residents around this facility with ailments, including, but not limited to asthma, and treatments related to respiratory illnesses. The company was also ordered to install interlock devices designed to shut down emissions sources when the associated air pollution control equipment is not in operation.

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## *Office of Environmental Education*

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In June, the office announced the first \$10 million in grant awards from the new Diesel Emission Reduction Grant program that will repower four locomotives with cleaner engines; install idle reduction equipment onto 11 more locomotives, 16 shuttle buses and four trucks; electrify 114 truck stop spaces along Ohio highways to reduce overnight idling by truckers; replace or repower 30 aging diesel transit buses, 41 school buses, 16 hospital shuttle buses, 11 snowplow/dump trucks, 82 other trucks and one excavator.



*Director Scott J. Nally at the helm of clean diesel construction equipment in October.*

Ohio EPA estimates that these projects will result in a combined annual reduction of more than 309 tons of air pollutants (fine particulates and nitrogen oxides) from Ohio skies. The program is funded with federal Congestion Mitigation and Air Quality funds allocated to Ohio from the Federal Highway Administration, and administered jointly by Ohio EPA and the Ohio Department of Transportation.

The Ohio Clean Diesel School Bus Fund awarded a combined \$791,633 in grants to install pollution controls onto 198 school buses, and idle reduction equipment onto 180 school buses, to reduce students' exposure to the harmful pollutants in diesel exhaust and reduce air pollutant emissions by more than 27 tons. The grants are funded from civil penalties Ohio EPA collects for violations of Ohio's pollution control laws, and these dollars provide the state match to bring in additional federal grants to clean up more buses.

Since the program began, Ohio EPA has spent more than \$7.5 million to retrofit 2,487 school buses with pollution controls, and install idle reduction equipment onto 631 school buses, removing more than 151 tons of fine particulates, carbon monoxide, nitrogen oxides and hydrocarbons from the air. These benefits will compound every year that the buses continue to operate. The idle reduction equipment also provides significant fuel and cost savings to local school districts and county developmental disability programs.

Civil penalties from pollution violations also supported \$763,251 in grants from the Ohio Environmental Education Fund for education projects supporting watershed and storm water education efforts around the state, K-12 environmental science and outdoor learning, and programs for the regulated community on renewable energy and lead-safe work practices. This year's grants include \$50,000 to the Ohio Sea Grant College Program's F. T. Stone Laboratory to support near-shore sampling and public education about the nutrient and algal bloom problems in the western basin of Lake Erie, and two projects promoting watershed awareness and protection activities around Grand Lake St. Marys.

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## *Office of Fiscal Administration*

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The Office of Fiscal Administration manages the Agency's \$187 million operating budget. In SFY12, office staff reviewed and processed all purchase orders and payments to vendors for goods and services; deposited 35,300 fee payments to provide cash to support the Agency's operations; processed payroll for 1,110 permanent employees; provided cash management and financial reporting services for federal grants with assistance totaling more than \$400 million; and completed 45 evaluations to determine a company's ability to pay penalties in environmental enforcement cases.

During SFY12, funding was identified and made available for consolidating information technology staff and expanding IT tools to include electronic document management and Outlook email. Online electronic check payment was offered for the first time to businesses that pay solid waste disposal fees. The office worked with internal offices and programs and external vendors to consolidate invoicing and make Ohio EPA's vendor payment process more efficient. At the close of the year, the office coordinated the Agency's first Performance Partnership Grant (PPG) application in more than 12 years by consolidating six separate grant applications into a single request.

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## *Office of Information Technology Services*

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### Move to the State of Ohio Computer Center

Ohio EPA migrated all its servers from Central Office to the State of Ohio Computer Center (SOCC). The reason for this move was both one of cost savings and collaboration with the State of Ohio Office of Information Technology (OIT). The cost of running Ohio EPA's in-house computer room alone, not counting servers, was approximately \$500,000 a year. At the SOCC, Ohio EPA staff help OIT on special projects (up to 20 percent of their time) in exchange for rent for our new server room. Staff also gained experience as enterprise network administrators. OIT's projects are large in scale and focused on helping all of Ohio agencies.

### eDocument System

In June 2012, Ohio EPA formally began work on Phase 1 of the eDocument Management System. This new project builds on work completed in 2011, when about 60,000 non-compliance documents across the Agency were made available for self-service public record requests via the eDocument Search facility on Ohio EPA's website. More than 70,000,000 pages of documentation are stored across Agency offices and various third-party facilities. Up to 30 percent of Ohio EPA's rented square footage is devoted to storing documents. Future phases of the system will reduce/eliminate the large hard copy record repository; dramatically reduce the amount of time and effort spent by Ohio EPA staff responding to public record requests; and make document search and retrieval easier for the public.

### Project Management Office

The Ohio EPA Project Management Office (PMO) was established in September 2011. In the past 10 months, the PMO has rolled out the project management framework, tools, templates, and processes. The team has also created a PMO SharePoint site to house all the artifacts and provide a landing page to access all ongoing ITS projects. As part of the rollout, a complete ITS project inventory was established, a project identification and prioritization process was put in place, and a master project schedule of 60 IT projects was created.

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## IT Consolidation

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All programming/developer resources were consolidated for best use based on Agency needs. Infrastructure specialists were consolidated and higher-level specialists were assigned to the SOCC to assist with state-wide project needs with a portion of their time allocated to Ohio EPA. Shared resources helps ensure those with the appropriate skills are assigned to a project where their contribution can be applied on an enterprise basis and the resulting product or service can be used across the Agency.

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## Server Consolidation

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In a server consolidation effort, the Agency took 90 servers that cost around \$8,000-\$10,000 each and now runs three servers that cost around \$15,000. This cut hardware costs by more than 90 percent, provided additional savings in power consumption and cooling cost, and increased performance.

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## Permit Wizard and Public Notice Updates

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ITS updated the Agency's "Permit Wizard" software, which is used by businesses to inform them of their potential permit requirements. Additionally, the public notice system was revamped to streamline public notice language, improving readability and reducing costs.

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## *Office of Legal Services*

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The Legal Office provides legal counsel to Ohio EPA divisions and offices and provides support functions for certain legal requirements. The legal work generated by the Agency can be grouped into four categories.

- General counsel activities:
  - research and draft legal opinions;
  - review rules and proposed legislation;
  - provide legal reviews of public records requests; and
  - provide advice on day-to-day legal issues that arise.
- Enforcement activities:
  - develop, negotiate and resolve administrative enforcement activities;
  - develop unilateral orders;
  - prepare referrals to the Attorney General's Office;
  - provide litigation support in complex cases; and
  - provide advice in preparing enforcement cases.
- Adjudication hearings:
  - conduct for proposed actions of the director where a hearing is requested.
- Support staff activities:
  - collect and file certified records at the Environmental Review Appeals Commission;
  - maintain the director's journal room;
  - publish the Weekly Review; and
  - arrange for publication of public notices for director's actions.

The Agency's new Compliance Assurance through Enforcement Program (the Expedited Enforcement Program) fully implemented in SFY12 with the goal of achieving more timely compliance with Ohio's environmental laws and regulations. Compliance methods range from technical assistance, education and outreach, to civil and criminal enforcement through referral to the Ohio Attorney General. In selecting a compliance method, the primary objective is to select the tool that is most likely to result in timely compliance and the best environmental protection.

One of the new tools designed is the offer of an Expedited Enforcement Agreement. This is an expedited pre-contest settlement agreement that substantially reduces the prescribed penalty amount in exchange for prompt, documented abatement of the documented violations and an agreement that the regulated entity will not contest the settlement agreement. The Expedited Settlement Agreement provides the regulated entity with an incentive for prompt compliance with Ohio's environmental laws and reduces the time and resources spent on contested cases.

Another substantial change to the Agency's enforcement program is the nine-month deadline for administrative settlements before a referral is made to the Ohio Attorney General.

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### *Public Interest Center*

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In SFY12, Ohio EPA initiated its social media presence on Twitter. In the first several months, the Agency gained more than 450 followers. With a new full-service audio-video production studio onsite, the office began producing educational and training videos.

The office manages the Agency's website and creates web feature stories. In SFY12, videos were added to the site and work began on a major redesign and consolidation of the website. The new look will be unveiled this fall.

In SFY12, the media relations staff issued 277 news releases; responded to 1,661 media inquiries, with 1,646 of those handled by media staff; and organized and secured coverage of numerous media events around the state. Employees arranged numerous field trips with reporters to educate them about stream and lake sampling.

The public involvement staff moderated 93 public meetings or informational sessions attended by about 1,263 people. They responded to 3,377 calls, letters and e-mails from the public and sent out more than 13,600 individual citizen advisories. Staff also responded to more than 1,000 requests for information submitted via the Agency's website. Staff played an important role in communicating with citizens in communities where environmental issues are a concern.

Staff set up and worked at Agency displays including the Ohio State Fair, Earth Day, Buckeye Boys and Girls States and other community events. PIC staff regularly engages with the public throughout the state at speaking engagements for schools, camps and civic organizations.

To improve internal communication, the Print and Electronic Communications section maintains a daily announcements page. Office personnel reviewed and/or formatted newsletters for three divisions and numerous other articles for outside publication; wrote and designed 26 issues of the employee newsletter; and took photographs to document Agency events.

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### *Office of Employee Services*

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The Office of Employee Services provided hiring activities such as posting vacancies; recruiting and screening applicants; preparing applicant pools for management review; conducting background checks; offering employment and providing initial employee orientation.

The office created, updated and/or reclassified 541 position descriptions; provided temporary clerical support to seven divisions, three support offices and Central District Office; and coordinated the Agency's college intern program, hiring 94 interns for the field season. Staff also processed 17,693 applications for 156 vacant positions; 24 resignations; and 40 retirements.

Other administrative tasks include maintenance of the Agency's table of organization and performance of task analysis reviews; development, formulation, revision and implementation of Agency employment policies; and coordination of the Agency's Ohio Performance Review System employee evaluation process.

Office staff members also administer the Agency's benefits program, including health, dental, vision and life insurance. During SFY12, the office processed 109 disability claims and 169 Family and Medical Leave Act requests; reviewed and responded to working out of class grievances and job audits; served as Agency point of contact for class plan proposals; and provided technical advice regarding civil service, employment law and human resources policies and/or programs, classification and pay range issues.

The office also coordinated Bring Your Child to Work Day; and managed the Agency's Healthy Ohioans Wellness Program.

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### *Office of Equal Employment Opportunity*

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The Office of Equal Employment Opportunity (EEO) pursues fair and equal treatment for all individuals employed by or seeking employment with Ohio EPA. In SFY12, the EEO Office investigated no formal complaints of discrimination, provided counseling on six informal complaints, received 14 requests for ADA reasonable accommodations and provided nine employees with ADA reasonable accommodations. In addition to investigation and counseling, EEO also conducts ongoing training for all new employees on EEO Policies and Procedures and Sexual Harassment.

EEO's regional program administrators completed coursework from the Ohio Department of Administrative Services and OSU's Office of Continuing Education and the Equal Employment Opportunity Commission to earn their Executive EEO Practitioner status, along with receiving up-to-date information on the amended AADA, EEO related issues, Diversity in the Workplace and Workforce Generation Gap.

The Office of EEO is also actively involved in providing EEO reports and data to the Agency's divisions to receive federal grants, as well as to federal and state entities to remain in compliance with state and federal Laws.

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### *Operations and Facilities*

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Operations and Facilities (O&F) worked closely with the Office of Safety to keep the workplace safe and free of hazards for its central, field facility and district offices, conducting annual site visits in conjunction with the Department of Administrative Services' Real Estate division.

In SFY12, O&F was instrumental in assisting with the Agency's reorganization of the various offices and divisions to ensure each had the office space needed to work as efficiently as possible. This included managing the relocation of the IT Services infrastructure group from Central Office into the SOCC and consolidating the IT Services Call Center group into a more efficient office environment, working to improve their telecommunications set-up in the process.

O&F began the process of reorganizing and modernizing the Agency's inventory system. Included in this venture will be a completely updated inventory policy and the ability to scan in new assets. The latter will provide the ability to upload the information directly into OAKS which would make the inventory process much more efficient. This project is expected to be completed in SFY13.

Another large project that began in SFY12 is the replacement of the Agency's aging phone system. The current Centrex-based system has a life expectancy of less than a year. The installation of a VoIP (Voice over Internet Protocol) system is a collaborative effort between ITS and O&F that will improve the telecommunications system and save the Agency at least 20 percent on phone service costs.

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## *District Offices*

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### Central District Office

Aleris Rolled Products, Inc. in Ashville, Ohio, received funding from the Department of Development to build a new aluminum coil coating line expansion at its existing facility. The project needed to break ground within four months and the company anticipated creating 68 jobs. Despite the tight timeframe, staff from the district's air and surface water programs collaborated to issue an air permit in record time and a final discharge permit within days of receiving a complete application. As a result of the combined efforts of the district and central office staff, the permits were issued weeks before they were needed.

On July 28, 2011, Columbus Castings pled guilty to criminal violations of the Clean Air Act. The many hours of hard work by district and central office air staff, the Office of Special Investigations and U.S. EPA/CID agents culminated in Judge Graham fining the company \$660,000 and ordering the company to pay \$165,000 as community service to two different Columbus charitable organizations that serve residents who live near the plant. This historic plea agreement represents the largest and most significant criminal case in Ohio for violations of the Clean Air Act.

A Voluntary Action Program (VAP) covenant not to sue for the property formerly occupied by Columbus Coated Fabrics, in Columbus, was issued in February 2012. The property consists of approximately 21.5 acres and was formerly an industrial facility that coated materials with plastics and embossed, printed and engraved materials. It will be redeveloped as a residential community. In 2008, the city of Columbus applied for and received a Clean Ohio Revitalization Fund grant for \$3 million.



*Columbus Coated Fabrics before and after demolition.*

A consent order for the remedial design/remedial action at the Columbus Steel Drum facility, located in Gahanna, was filed with the U.S. District Court for the Southern District of Ohio in January 2012. The order requires Franklin Steel to implement the remedy set forth in the June 23, 2010, Decision Document, pay a \$50,000 civil penalty, pay Ohio EPA's past response costs of \$191,096, pay future response costs for Ohio EPA's oversight of the remaining cleanup work, and pay the Ohio Attorney General's response costs of \$2,500. This facility is a steel-drum recycling plant that was originally owned and operated by Franklin Steel; it is currently operated by Industrial Container Services.

## Northeast District Office

Miceli Dairy Products, one of the nation's largest ricotta cheese makers, is located in Cleveland in an area called the Forgotten Triangle. This family-owned business has operated in this neighborhood since 1947 and is committed to staying and expanding its operations despite environmental challenges. In May 2011, Miceli approached Ohio EPA with a number of technical issues in hopes of reaching resolution in time for a mid-July Clean Ohio Fund grant application deadline. By taking a partnership approach with the owner, City of Cleveland, Cuyahoga County, and representatives from the Department of Development and the Attorney General's Office, stakeholders were able to work through environmental and regulatory issues. On November 18, 2011, the Miceli Expansion Project was awarded a \$2,999,941 Clean Ohio Grant by the Clean Ohio Council, allowing the business expansion to move forward, retaining 135 jobs and creating 50 new ones.

On January 12, 2012, an eight-inch high pressure pipeline carrying gasoline ruptured below the Wellington Township Maintenance's storage yard in Wellington, Lorain County. Gas flowed across the yard and entered White Ditch, a tributary of the Black River. Residents from the surrounding areas were evacuated.

First responders, along with Ohio EPA Emergency Response personnel, stopped the continued spread of fuel downstream. The volume of the release was confirmed at 116,760 gallons of gasoline that soaked into the surrounding soils and filled the ditch for three-quarters of a mile.



To date, 7,582 yards of soil have been excavated, 456,142 gallons of water and gas collected, and 30,600 gallons of gas recovered. Gross removal has been completed and the project has shifted towards determining the extent of impact to sediments, the banks of the creek, subsurface soil and ground water. Staff members from the divisions of Environmental Response and Revitalization, Materials and Waste Management, Drinking and Ground Waters and Surface Water working together for hundreds of hours to oversee the initial response, cleanup, materials handling/disposal, ground water investigation and surface water restoration.

The district continues to work with regional partners to find management options for the 250,000 cubic yards of sediment which is generated annually in the Cuyahoga River. The facilities currently used for disposal of the sediment are projected to run out of capacity by the end of 2014. In 2010, more than 300,000 cubic yards of dredge material (sediment) were beneficially used at the Cuyahoga Valley Industrial Center (CVIC) property. Following his successful project, NEDO is partnering with the Cleveland Port Authority and University of Akron to further study the sediments in the Cuyahoga River to determine if the material is able to be used for urban renewal projects. The goal is to develop a sustainable management plan for the sediments generated in the Cuyahoga River and other rivers throughout Ohio.

## Northwest District Office

Helping achieve safe drinking water for Ohioans is not always an easy task. Some of Lake Erie's island communities are challenged by their isolated locations, water usage that vastly varies depending on the day of the week and the season of the year, and challenging treatment methods to take into account the nature of lake water surrounding the islands. Ohio EPA staff worked cooperatively with ODNR, island communities and businesses to help them manage these challenges through operational changes and plant design. One such project involved Lake Erie Utilities on Middle Bas Island. The Utility serves a housing subdivision and a new ODNR marina. NWDO staff battled inclement weather, as well as the island's cantankerous water snakes, to help get a brand new water treatment plant up and running in the spring of 2012.



***Lake Erie Utilities Water Treatment Plant before and after improvements.***

Staff in the air and solid waste programs spent many hours working with the Seneca County Health department to address concerns about objectionable odors in the area surrounding Sunny Farms Landfill. District staff implemented a system that measures the level of objectionableness of the odor while also measuring readings of hydrogen sulfide using air monitoring equipment. Correlating these two methods of monitoring has allowed Ohio EPA staff to develop a baseline of what levels of sulfur dioxide in the air cause citizens to be affected by the odors. This data helped the landfill owners better investigate the source of the odors and encouraged them to continue to make improvements to minimize odors.

Ohio is proud of its industrial heritage; however, this history resulted in legacy environmental problems. Decades of manufacturing activity and improper waste disposal of hazardous substances in the Ottawa River watershed in western Toledo led to it being one of Ohio's most polluted waterways. Several Ohio EPA staff have spent years investigating releases, sampling, negotiating cleanup, and issuing more stringent discharge permits to help the river recover. As a result, the health of the waterway and its fish populations are showing significant signs of recovery. On Feb. 29, 2012, advisory signs were removed after two decades of warning people not to wade, swim or eat fish caught from the segment of the Ottawa River running through the University of Toledo campus. Both the "no contact" and "do not eat" advisories are gone from the middle reach of the river that runs from the I-475 bridge to Wildwood Preserve Metropark. The "no contact" advisory was removed in 2011 and in Feb. 2012, the "do not eat" fish consumption advisory was removed for all species except common carp.

With funding awarded through a federal Great Lakes Restoration Initiative grant to monitor Lake Erie, Ohio EPA obtained a new boat to serve as a safe and reliable platform to conduct water quality studies in the Western Basin of Lake Erie. The research vessel *R/V Nor'Wester* will be primarily operated in the open waters of Lake Erie bound by Lucas, Ottawa and Erie counties, as well as larger bays and estuaries including the Maumee and Sandusky systems. The boat will be used to conduct routine monitoring at fixed locations to assess and track the physical, chemical and biological quality of the lake. Data gathered will be a critical component of the state's effort to make sound decisions about how to reduce nutrient loads to Lake Erie and subsequently eliminate the problems caused by harmful algae blooms. Complimentary work is being done our Northeast District Office aboard the *R/V George B. Garrett* and the U.S. EPA Great Lakes National Program Office (GLNPO) aboard the *R/V Lake Guardian*.

### Southeast District Office

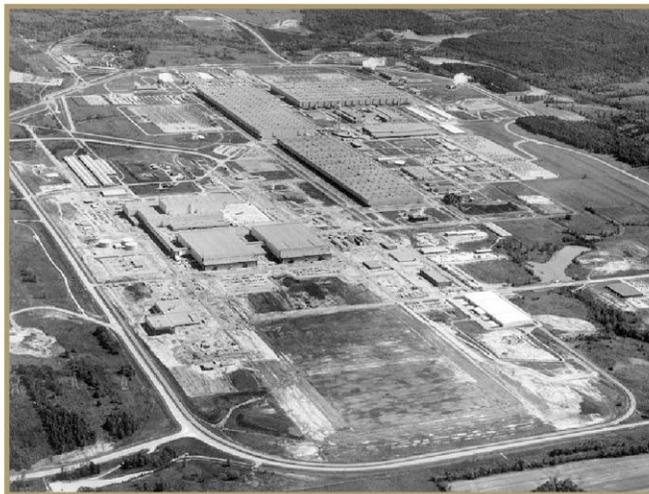
District air staff participated in an air monitoring Environmental Technology Verification Program with Battelle and U.S. EPA. They established the monitoring site and operated the monitoring equipment during the three-month verification project.

The district also initiated an ambient air monitoring project near an active Utica shale gas well. A temporary monitoring site was established during the drilling phase. A permanent site installation will be completed by July 2012.

Following a statewide initiative to identify road salt piles located in drinking water source protections areas, district ground water staff initiated an investigation of an uncovered salt pile in the Ross County Water Company well field. Working with the water company and Ross County Engineers Office (owner of the salt pile), staff confirmed that the salt pile has caused increased concentrations of sodium and chloride in ground water. Although the impacts do not make the ground water unusable, the Ross County Engineer has agreed to build a new state-of-the-art road salt storage facility in a less sensitive area outside the drinking water source protection zone. In addition, the county engineer will remove impacted soil and monitor ground water at the well field to insure water quality improves.



***Ross County salt pile.***



***U.S. DOE Portsmouth Uranium  
Gaseous Diffusion Plant near Piketon.***

District staff continued to oversee and advance the decontamination/decommissioning and remediation of the 3,777-acre U.S. DOE Portsmouth Uranium Gaseous Diffusion Plant near Piketon. This multi-billion dollar project, which is expected to be completed over many years, involves demolishing contaminated buildings and completing site-wide remediation, clearing the way for potential redevelopment and future employment opportunities.

SEDO prepared the State's first permit-to-install for a natural gas processing facility associated with Utica shale drilling. The facility will be constructed in Uhrichsville (Tuscarawas County) and will produce natural gas liquids from wet gas from Utica shale drilling. The final installation permit was issued in 63 days. The district also issued the first general air permit for an oil and gas well-site production operation. An additional 10 general permits have been issued since that time.

The district's solid waste team expanded its public participation process during the past year to address specific citizen concerns. In Marietta, citizens, public officials, company representatives, consultants and Ohio EPA meet monthly to discuss the remediation and possible redevelopment of the former Cytec manufacturing site. In Jefferson County, a significant increase in the number of odor complaints and the size of the impacted area around the Apex Landfill lead to increased odor surveillance and an enforcement case for failure to control off-site odors.

District inspectors often identify the need for improvements at industrial wastewater treatment plants and work with those companies to make improvements. Valley Converting, a manufacturer and converter of 100 percent recycled paperboard in Jefferson County, is one such example. The company made significant progress in optimizing its wastewater treatment plant, which resulted in reducing biological oxygen demand, optimizing the settling of solids and clarifying the plant's effluent.

### Southwest District Office

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District office staff spent SFY12 responding to the August 2009 subsurface reaction at the Rumpke Sanitary Landfill in Colerain Township, Hamilton County. Rumpke entered into a second set of orders with Ohio EPA (March 2012) which modified the March 2010 orders, because of citizen odor complaints. These orders contained actions required to be taken by Rumpke to address containment and destruction of landfill gases creating off-site odors. One of these actions -- installing an additional 32 acres of synthetic liner, referred to as an "odor control blanket -- has not eliminated off-site odors, but was successful in significantly reducing the number of off-site odors. Rumpke and the regulatory agencies continue to monitor the situation and will adjust the action plan as necessary to protect human health and the environment.

Road salt storage and its impact to ground water quality remained a significant issue in SWDO throughout 2012. Staff spent considerable resources addressing the village of Camden's water supply, which was contaminated by the road salt storage and handling practices of Rod Good Enterprises. The district also continued to address the ground water contamination discovered in 2009 at the former Convey It road salt facility in the city of Springfield. In another salt contamination situation, the district helped the site operators and the city of Franklin to minimize environmental damages from their large road salt storage and distribution facility. District staff continued to work directly with the operators to identify problems and suggest solutions in order to protect the aquifer.

The TMDL for the upper Great Miami River was approved by U.S. EPA in March 2012. Targeted improvements include reducing sediment and nutrient loading from agricultural areas, reducing phosphorus and bacteria entry in to the stream, and improving the quality of the stream channels and corridors. A Joint Board for the Soil and Water Conservation Districts was recently formed in our region, and this may lead to a strengthened support for implementing the strategies of the TMDL. Ohio EPA will continue to look for ways to work with the Joint Board to identify potential projects and reduce the nutrients coming into the streams.

At CECOS, Ohio EPA met with both CECOS and Clermont County officials to resolve long-standing issues between the County and CECOS regarding the post-closure plan. At a significant savings to the citizens of the State of Ohio and Clermont County, the plan provides a monitoring system that will be able to detect any future releases from the hazardous waste units if they occur in the future.

In June, AK Steel began the second year of construction to remove PCB contaminated flood plain soil and sediment from Dick's Creek and Monroe Ditch. Site-wide corrective actions will characterize and remediate, as appropriate, more than 100 solid waste management units and other areas of concern.

Ohio EPA, along with the U.S. Department of Energy and U.S. Fish and Wildlife Service, began implementing the \$13.75 million Fernald natural resource damages settlement by partnering with Three Valley Conservation Trust on the Paddys Run Conservation Project (PRCP). The PRCP will use settlement funds to purchase conservation and agricultural easements within the Paddys Run watershed and over the Great Miami Aquifer to protect water quality in the stream and the underlying aquifer. Ohio EPA held two public meetings and began negotiations with the pilot project land owner for easements on an 800-acre farm. An application period for interested landowners will be open in August 2011.

<b>SFY12 Expenditures and Revenue</b>		
<b>Division/Office</b>	<b>Disbursements</b>	<b>Revenue*</b>
Division of Air Pollution	45,795,807	46,509,611
Division of Environmental Response and Revitalization	20,262,044	18,822,555
Division of Materials and Waste Management	24,781,797	28,987,563
Division of Drinking and Ground Waters	15,631,160	17,163,072
Division of Surface Water	30,160,208	32,821,228
Division of Environmental Services	2,991,887	3,351,087
Office of Environmental Education	3,020,905	3,110,648
Office of Compliance Assistance and Pollution Prevention	1,247,051	1,328,422
Division of Environmental and Financial Assistance	4,503,095	4,300,274
Office of Special Investigations	1,200,301	1,200,301
Administration	19,705,044	22,374,831
<b>TOTAL</b>	<b>169,299,299</b>	<b>179,969,591</b>

\* Revenues from the Environmental Protection Fund are pro-rated across the participating divisions.

<b>Sources of Revenue</b>		
<b>Funding Source</b>	<b>Disbursements</b>	<b>Revenue</b>
Federal Grants	34,360,061	33,692,529
State Fees	110,804,311	120,074,067
Internal Services	11,356,647	13,173,044
GRF**	12,778,280	13,029,952
<b>Total</b>	<b>169,299,299</b>	<b>179,969,591</b>

\*\* Cash transfer from the GRF to Ohio EPA to pay for the auto emissions testing program.

### *Rule - 2012 Summary (from 07/01/11 - 06/15/12)*

The attached table contains those rules which were filed with the Joint Committee on Agency Rule Review this fiscal year. This includes all rules adopted, amended, rescinded, and filed as no change within the summary timeframe, the number of rules in the rule package, a brief description of the changes made, and an indication of whether or not the rules were reviewed under the five-year rule review provision, and whether or not the rules went through the Common Sense Initiative Office.

<b>Division</b>	<b>Rule Package</b>	<b>Rule Package Description</b>	<b># of Rules</b>	<b>5YRR</b>	<b>CSIO Review</b>	<b>Effective Date</b>
<b>Agency</b>	Adjudication and Administrative (3745-47 & 3745-49)	The “procedural” rules, Chapter 3745-47, became the “adjudication” rules, i.e., rules governing the adjudication process.  The “miscellaneous” rules, Chapter 3745-49, became the “administrative” rules, i.e., rules governing actions, public notices, public records, trade secrets, fact sheets, public meetings, etc. A new rule, 3745-49-12, governing verified complaints, amplifies ORC 3745.08.	44	Y	N	04/02/12
<b>DAPC</b>	Toxic Chemical Release Reporting (TRI) (3745-100)	Amendments to the Toxic Release Inventory (TRI) reporting requirements were made to bring the rules in line with federal requirements, to correct minor typographical errors, to fulfill the formatting requirements of the Legislative Services commission (LSC), and to add and update citation information on materials referenced in these rules.	17	Y	N	11/04/11
<b>DAPC</b>	Lead Emissions (3745-21 & 3745-71)	The rules are related to the regulation of emissions of lead from stationary sources. Amendments were made to update or remove attainment dates for obsolete standards and to make minor changes to formatting and style in accordance with the requirements of ORC 119.032 (5-yr review).	6	Y	N	08/26/11

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DAPC	Acid Rain Permits and Compliance (3745-103)	The rules establish the Acid Rain program for control of emissions of sulfur dioxide and nitrogen oxides from fossil-fuel fired electrical generating units. DAPC is proposing amendments for four reasons: (1) to revise the comment at the head of rules containing citations of referenced materials, to match language prescribed by the Legislative Services Commission; (2) to provide current effective dates for referenced materials; (3) to update the rule language in four rules to make it match the corresponding text in those federal acid rain rules that have been amended since the last 5-year review; and (4) to correct minor errors of punctuation or grammar.	59	Y	N	11/10/11
DAPC	Restrictions on particulate emissions from industrial processes (3745-17-11)	This rule is related to the control of particulate emissions from industrial sources. This rule was previously finalized and became effective on February 1, 2008. This rule was conditionally approved by U.S. EPA into the Ohio State Implementation Plan (SIP) on December 27, 2010. In order to obtain full approval of the rule into Ohio's SIP, Ohio EPA agreed to incorporate an additional change which was documented in U.S. EPA's final Federal Register dated October 26, 2010 (75 FR 65567). This change addresses concerns raised by U.S. EPA regarding paragraph (A)(1)(I) of Ohio's final rule.	1	Y	N	12/23/11

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DAPC	Asbestos Emission Control (3745-20)	<p>This chapter contains emission limitations and reporting requirements for demolition, renovation, and manufacturing operations involving asbestos. In addition to the changes below, referenced items were updated in this chapter:</p> <p>3745-20-01 – (1) The definition of “Facility” was clarified (2) The creation of the definition “Residential exempt structure”(3) The addition to “Friable asbestos material” of “.... Any Category I or Category II asbestos containing material that becomes damaged from either deterioration or attempts at removal or abatement resulting in small fragments the size of four square inches or less shall also be considered friable or RACM.”</p> <p>3745-20-05 – (1) Amended (A) as “(A)(4) The requirements of paragraph (A) of this section do not apply to Category I non-friable ACM that is not RACM”. The amendment makes this rule consistent with the asbestos federal NESHAP regulations at 40 CFR 61.150(b)(3), which means that all Category II ACWM, both friable and non-friable, can only be disposed at a landfill meeting the requirements of OAC 3745-20-06 or 40 CFR 61.154.</p>	15	Y	N	03/02/12
DAPC	GHG Tailoring Rules - Biomass Exemption (3745-31 & 3745-77)	These rules are related to the Greenhouse Gas Tailoring Rules and are a part of Ohio's NSR and Title V permitting programs. The rules add exemptions for facilities using biomass as a fuel and make the rules equivalent too but no more stringent than the federal GHG Tailoring Rules.	2	N	N	Emergency - 01/04/12 Non-emergency - 03/22/12
DAPC	Small Business Assistance (3745-79)	These rules pertain to the small business assistance program, formerly housed within DAPC, which was created pursuant to Section 507 of the 1990 Clean Air Act Amendments. The changes to these rules are minor in nature.	3	Y	Y	02/16/12
DAPC	Open Burning (3745-19)	The amendments were primarily minor for clarification and to update formatting conventions. Ohio EPA removed the notification requirements for law enforcement agencies who wish to destroy seized marijuana by burning.	6	Y	Y	05/27/12
DAPC	Ambient Air Quality Standards (3745-25)	The primary reason for amending these rules is to update Ohio's ambient air quality standards to make them equivalent to their federal counterparts.	2	N	Y	06/14/12

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DDAGW	Miscellaneous Amendments 2011 (3745-9, 3745-83, 3745-91, & 3745-95)	These rules contain the operational requirements which establish practices for public water systems to ensure they are achieving optimal water quality, including disinfection requirements, approval of chemicals being used, minimum pressure requirements, operational analyses and reporting requirements. References in DDAGW's well standard rules were updated to ANSI/NSF Standards 60 and 61 to reflect the most recent version in these rules, as well as in the operational requirements rule. Additionally, the well standards rules were revised to provide additional flexibility when approving existing wells. A cross reference to capability assurance plans in requirements for supporting information for plan approval. A plan approval rule was revised to require removal of non-functional equipment or equipment no longer in use to prevent potential threats to water quality. Rules governing yard hydrants with weep holes were clarified to specify conditions in which they are acceptable.	11	Y	N	04/19/12
DDAGW	Operator Certification (3745-7)	The amendments added new definitions; established limits for use of provisions allowing for operators of lower levels of classifications; designated treatment lagoon systems with a design flow of greater than 25,000 gallons per day as Class I; allowed for reduced staffing of seasonal Class A or I treatment works during the off-season; revised Class A eligibility requirements to reflect current practices; added provisions for suspension and revocation of a certificate; added language to further specify the types of systems in which records must be maintained for; add clarification regarding the examination process; and removed outdated language.	16	Y	N	02/23/12
DDAGW	Capability Assurance Program (3745-87)	The rules were filed as no change.	2	Y	Y	Not applicable

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DEFA	Water Pollution Control Loans (3745-150)	<p>Legislative Service Commission’s Rule-drafting manual changes were made to these rules, including the following: (1) Gender-specific language being amended to gender-neutral language; (2) Replacement of pronouns with the correct noun for clarity; (3) Missing punctuation. (4) Improperly formatted rules where there is a paragraph (A) but not a paragraph (B). (5) Incorrect citation of the Ohio Revised Code.</p> <p>3745-150-01 clarified that the definitions in this rule apply to the entire chapter.</p> <p>3745-150-08 clarified that if the applicant can modify the assistance proposal to avoid potentially significant impact determination.</p> <p>3745-150-13 was amended to do the following: (1) Clarified that wetlands shall be evaluated using the Ohio Rapid Assessment Method; (2) Added “Consistent with paragraph (F) of this rule, and” to paragraph (E); (3) Added “Without limitation” to paragraph (E); (d) Add “and allowable” to paragraph (F); (4) Clarified that not only must the assistance proposal be eligible; it must be allowable under the program plan prepared pursuant to division (I) of section 6111.036 of the Revised Code in order to be rated and ranked. (5) Added paragraph (J) to clarify that assistance for proposed activities from the water pollution control fund shall be limited to those activities appearing on that priority list and shall be awarded based on priority ranking on the list and the applicants’ readiness to proceed.</p>	15	Y	N	02/20/12

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DERR	Voluntary Action Program (3745-300)	The changes to these rules are: (1) Inclusion of new definitions deemed necessary due to the use of terms throughout the VAP Rules. (2) Addition of Class C underground storage tank release language so that properties with Class C releases under BUSTR are eligible for the VAP provided the person undertaking the voluntary action is not a responsible person. (3) Addition of clarifying language for initial certification fees for mobile laboratories and ongoing certification fees for all certified laboratories. (4) Development of new language to include procedures for certifying mobile laboratories. (5) Developed new language for proficiency testing requirements for mobile laboratories and deletion of the proficiency testing language requiring semi-annual proficiency testing studies for certified laboratories. (6) Revision of the timeline for certified laboratories to submit renewal applications. (7) Development of new language for auditing mobile laboratories. (8) Deletion of the suspension language for proficiency testing failures. , (9) Revision of the required amount of professional development hour units (PDHUs) a certified professional must earn, reducing the requirement from the current minimum of twenty-four PDHUs per certification year to twelve PDHUs per certification year. (10) Removal of the ability for Certified Professionals to receive additional credit for PDHU's for presenting the same course for which they already have received credit. (11) Deletion of the allowance for the carry-over of a maximum of eight excess PDHUs from one certification period to the next. (12) Deletion of language regarding use of mobile laboratory data that would allow the volunteer to use data from a non-certified mobile laboratory because mobile laboratory data now being accepted pursuant to its certification. (13) Addition of language to ensure that certified data is provided with collected samples in order to support determinations. (14) Addition of language for the development of risk mitigation plans and the deletion of old language giving options for plan development.	7	N	N	04/23/12

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DERR	VAP Rule (3745-300-02)	This rule was no-changed to correct the five-year review date.	1	Y	N	Not applicable
DMWM	Multi-program Administrative, Licensing, and Financial Assurance (3745-500, 3745-501, & 3745-503)	New rules - The multi-program chapters consolidate, in a single location, similar or identical requirements that are currently duplicated in numerous program chapters under existing rules. Now, these requirements will be found in one multi-program chapter and referenced, where appropriate within each individual program (e.g., solid waste, transfer facilities, composting facilities, C&DD landfills, and infectious waste facilities) chapter. The new chapters include: (1) OAC Chapter 3745-500 – General administration. (2) OAC Chapter 3745-501 – Licensing. (3) OAC Chapter 3745-503 – Financial assurance.	25	N	N	04/02/12
DMWM	Composting (Rescind and New) (3745-27 and 3745-560)	These changes include relocation of the rules into the new chapter. We reorganized the rules and created a new chapter to help facility operators and inspectors to easily find the rules applicable to their operations. Solid waste composting facilities are categorized into four different classes (Class I, Class II, Class III and Class IV) based on authorized feedstocks and facility capacity. The reorganization of the rules allows operators and inspectors to identify those rules that apply to a given classification of composting facility. Also, changes were made to address and facilitate food waste composting. Universities and other institutions are increasingly interested in composting food scraps generated onsite to demonstrate environmental stewardship. The current rules require all Class II composting facilities to obtain an annual solid waste facility operating license and financial assurance, which has been a barrier for some institutions. To further promote food scraps composting by universities and other institutions, DMWM proposed to exclude these institutions from the license and financial assurance requirements when meeting specific criteria. Registration and operational requirements would still apply to ensure protection of public health and the environment.	47	Y/N	N	04/02/12

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DMWM	Construction and Demolition Debris (Existing Facilities) (3745-400)	The rules have been revised to do the following: (1) Establish a requirement for a five year post-closure care period and the procedure for extending the length of post-closure to implement ORC section 3714.02(K). (2) New: Establish a requirement for post-closure care financial assurance to implement ORC section 3714.02(I)(2). (3) Revision: Establish a procedure for adjusting the amount of closure financial assurance with the issuance of the annual license to implement ORC section 3714.02(I)(1). (4) New: Establish a requirement for monitoring of leachate and addition of detected leachate parameters to ground water monitoring to implement ORC section 3714.02(F).	10	Y/N	N	08/01/12 and 01/01/13
DMWM	Set "K" (3745-50, 3745-51, 3745-52, 3745-53, 3745-54, 3745-55, 3745-57, 3745-65, 3745-66, 3745-266, 3745-270, & 3745-273)	The rule changes adopt rules consistent with and equivalent to regulations adopted by the U.S. Environmental Protection Agency (USEPA) pursuant to the Resource Conservation and Recovery Act (RCRA). Specifically, these rules were amended, rescinded, or promulgated as new pursuant to the RCRA regulations addressed by the Federal Registers regarding USEPA's hazardous waste rule-making, and the state-initiated concepts.	85	Y/N	N	03/17/12
DMWM	Cessation of Regulated Operations (CRO) (3745-352)	The amendments are considered minor and non-substantive. No new requirements were added to the rules, but some tables identifying the requirements were re-structured.	9	Y	N	04/08/12
DSW	Design flow requirements (3745-42)	This rule was revised to outline modifications and/or revisions for minimum requirements for design flows and design waste characterizations for five day biochemical oxygen demand, when sizing wastewater treatment works for 100,000 gallons per day or less.	1	Y	N	03/01/12

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
DSW	Pretreatment and Indirect Discharges (3745-3 and 3745-36)	A majority of the revisions consist of minor updates to references and grammatical edits. In addition, the following specific proposed rule changes are summarized as follows: (1) OAC 3745-3-01 and OAC 3745-36-02 will be revised to include a definition of noncontact cooling water. (2) OAC 3745-3-06(F) will be revised to clarify that reports and certification required by the rule include the certification statement in 40 C.F.R. 403.6(a)(2)(ii). Also included the administrative requirements for the optional toxic organics management plan certification currently in the Division of Surface Water's policy manual into rule. (3) OAC 3745-3-07(F) will be revised to clarify that all information submitted to the state or publicly owned treatment works shall be available to the public at least to the extent provided by 40 C.F.R. Part 2.302.	12	Y	Y	In process - JCARR jurisdiction ends on 08/11/12
OEEF	Clean Diesel Bus Retrofit Grants (3745-49)	Summary of proposed changes: (1) County Boards of Developmental Disabilities have been added to these rules as eligible recipient for diesel retrofit grants due to a statutory change in section 3704.144 of the Revised Code. (2) A definition for "approved idle reduction technology" has been added to these rules as a technology eligible to receive grant money for. (3) The language regarding "offsetting the additional cost of using ultra low sulfur diesel fuel if ultra-low diesel fuel is not reasonably available in a particular geographic region" has been removed since this is the only diesel fuel that is available. (4) The language for which years of school buses are eligible has been changed from "1994 or newer" to "1996 to 2006." (5) Many small changes to due to the standards of the "Rule Drafting Manual" published by the Legislative Service Commission, grammatical errors, or punctuation errors. (6) One change was made to correctly incorporate an external standard into these rules.	3	Y	N	12/01/11

Division	Rule Package	Rule Package Description	# of Rules	5YRR	CSIO Review	Effective Date
SERC	State Emergency Response Commission (SERC) (3750-1, 3750-15, 3750-25, 3750-30, 3750-50)	The amendments ensure that the SERC rules continue to be consistent with and equivalent in scope, content, and coverage with the Federal Emergency Planning and Community Right-to-know Act (EPCRA). The changes to these rules consist primarily of minor corrections, formatting changes and correcting language inadvertently omitted during previous rulemakings. DAPC and the SERC have also updated information in these rules regarding referenced materials.	14	Y	N	10/29/11