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## **BUDGET IMPACT ANALYSIS: Surface Water Programs**

The budget as proposed by the Senate, which eliminates the \$1 per ton fee increase on solid waste for the Environmental Protection Fund 5BC0 will limit spending from that fund for Surface Water (DSW) to \$7,647,801 per year, a reduction of nearly \$5.4 million from our original budget request. These cuts will result in the loss of approximately 45 FTEs from the House version of the DSW budget. Below is a summary of the impact.

### **Impacts by Program**

#### **Summary**

15.0 FTEs - Water Quality program

10.0 FTEs - NPDES Program

16.0 FTEs - PTI Program (Wastewater Construction Plan Approvals)

4.0 FTEs- 401 Certifications

45.0 FTEs

#### **Water Quality Program Impacts – Eliminate 15 FTEs.**

Water Quality Monitoring – Eliminate 12 FTEs Each year, Ohio EPA samples 300 to 400 stream locations and submits the results of these assessments to U.S. EPA in the form of a biennial report required by the Clean Water Act. Ohio EPA currently has a goal of assessing each major watershed in the state once every five years. With limited resources in the program now and further reductions in staff, these assessments would be pushed back several additional years. Failure to complete timely monitoring of Ohio's water resources will impact Ohio EPA's ability to ensure safe, streams, lakes, and drinking water. Also inadequate monitoring will impact Ohio EPA's ability to issue permits based on sound science.

In 2007, Ohio EPA reinitiated our inland lakes monitoring program, with priority given to lakes that are used heavily for recreation or drinking water. Sampling helps determine if lakes are impaired. The recent microcystin toxin advisory in Grand Lake St Mary's is a direct result of the reinitiated inland lakes program. Without this program, Ohio EPA is unable to sample lakes that are a source of drinking water and used by the public for recreation. Without this information, Ohio cannot warn citizens of potential exposure risks from microcystin or other toxins, or to formulate a plan to eliminate the impairment.

The Total Maximum Daily Loading (TMDL) program focuses on identifying and restoring polluted water bodies. TMDL development is required under the Clean Water Act and

the annual grant agreement with US EPA. Additionally environmental groups sued Ohio due to the lack of progress in completing TMDLs. A settlement was reached that required Ohio to produce a certain number of TMDLs over a specified period of time. TMDL progress is tracked closely by the US EPA, and failure to develop these documents could result in reduced federal funding from US EPA.

208 Planning – Eliminate 1 FTE Section 208 of the Clean Water Act requires regional and areawide planning to address water quality. Under federal and state law, Ohio EPA cannot issue water pollution control permits that conflict with approved 208 plans. Water quality problems cross political boundaries requiring solutions that involve cooperative actions of multiple jurisdictions. Not following an approved 208 plan or failing to keep it current could result in costly litigation involving many political jurisdictions, with consequences ranging from costly sewer rates to poorly treated sewage.

Ohio EPA reviews and updates, as necessary, all the water quality management plans within the state. Areawide Councils of Governments act as the lead planning agencies in twenty-four Ohio counties (those with large urban populations). These Areawide Agencies prepare the 208 Plan in their counties. The State of Ohio prepares and updates the 208 Plan in the remaining 64 counties. The Governor then certifies the 208 Plan for all counties via submission to U.S. EPA for their approval. Elimination of Ohio EPA staff would make it impossible for Ohio EPA to update the 208 plan in the 64 counties and review the plan submitted by the Areawide Planning Agencies.

In addition, the original budget request included an amount of \$450,000 per year to be awarded to the six Areawide Planning Agencies (\$75,000 per agency, per year). The proposed increase in the solid waste fees would be used to fund those awards. This money would have been used to help the six Areawide Planning Agencies complete the required updates for the 208 Planning in their counties. Elimination of the proposed increase in the solid waste disposal fees will result in the elimination of the financial support of the six Areawide Planning Agencies.

Fish Consumption Advisory – Eliminate 1 FTE It is important that Ohioans who fish have understandable, easy to use information about what they can consume. Special attention needs to be paid to those individuals most at risk for over-consumption, including children and women of child-bearing age. Ohio EPA for the past ten years has taken the lead in monitoring and posting Ohio's fish consumption advisory. This program will be eliminated without proper funding.

Credible Data Program - Eliminate 1 FTEs The credible data program created by Ohio Revised Code encourages collection of monitoring data by volunteers and ensures that the data is valid and useful for its intended purpose. There are many watershed groups, community associations, educators, local governmental organizations, and private sector businesses that collect water quality data in Ohio. The purposes of these sampling efforts vary, as do the methods, quality control and data reporting procedures used. The credible data program encourages collection of monitoring data by volunteers, ensures that the data is readily available, and is valid and useful for its

intended purpose. Since the state has limited resources to collect water quality data, a successful credible data program allows state agencies to rely more on data collected by volunteers. Without this program, the state will lose the use of this much needed quality water data. This program will be eliminated without proper funding.

### **NPDES Program Impacts – Eliminate 10 FTEs**

Wastewater Treatment Plant Operator Training – Eliminate 4 FTEs. Currently DSW employs four staff to provide technical assistance to small wastewater treatment plant operators. This assistance helps ensure that small plants are operated safely and efficiently. Eliminating these positions would cause immediate environmental impacts and increase costs for compliance for over 45 wastewater treatment plants each year. The following services would be eliminated: 1) training health officials, agency staff, operators, and USEPA; 2) evaluating treatment technologies; 3) training and testing operators; 4) providing technical expertise for facility under enforcement; 5) providing technical advice to DSW staff and 6) responding to phone calls and emails asking for assistance. This program will be eliminated in its entirety without proper funding.

NPDES Permitting – Eliminate 6 FTEs. Reduction of the permit backlog has been a primary concern of US EPA both nationally and in Ohio. In 2000, nearly 50% of the NPDES permits were expired and unrenewed. In the last several years, Ohio EPA has eliminated the backlog for both major and minor NPDES dischargers.

The purpose of NPDES permitting is to minimize the impact of discharges from industries and municipalities on surface water in order to protect human health and other uses such as recreation and drinking water. Delays and backlogs in permitting can lead to increased noncompliance with the water quality standards, which results in dangerous levels of bacteria and other pollutants in the water. With these reductions in staffing level for this program, permit quality, compliance inspections, monthly operator report reviews and enforcement will fall below levels needed to maintain an effective program. This may result in losing delegation for this program. Losing delegation from US EPA would lead to losing the federal funding Ohio EPA receives from US EPA for this program and transferring the program back to U.S. EPA.

Fewer staff in the NPDES program means that Ohio EPA will be unable to conduct outreach and provide technical assistance to help NPDES permittees understand their compliance obligations.

### **Wastewater Construction Plan Approvals Program Impacts – Eliminate 16 FTEs**

Any entity wanting to construct or modify a wastewater treatment or disposal system is required to obtain a permit-to-install (PTI) from Ohio EPA. Applicants for these permits include developers, municipalities, counties, schools, private individuals, and corporations. Recently, the focus on faster processing of these permits has made rulemaking, internal tracking, and guidance/consistency efforts critical.

With these reductions, all PTI-related activities will be reduced by 45%. The SFY10 budget request included 35.7 FTEs for the PTI program. If that number is reduced by 16FTEs, this program will be severely impacted. We expect to receive 2,100 PTI applications each year over the next biennium. If the PTI staff is reduced we estimate that we will only be able to process 1,260 PTIs per year. This will result in increasing the processing time and creating a backlog in processing permit applications. A reduction in our permitting staff of this number will directly affect businesses in Ohio, potentially delaying new construction and development. These potential delays could negatively impact a portion of the over \$200 million Ohio received in American Recover and Reinvestment Act funding.

**401 Certifications Program Impacts – Eliminate 4 FTEs** The 401 Water Quality Certification Section reviews applications for dredge and fill construction projects that impact waters of the state, including streams, lakes and wetlands. Ohio annually processes about 100 water quality certifications, many of these for major development projects. 401 certifications can be lengthy to process because of the technical complexities associated with site and mitigation requirements. Because 401 certifications are a key factor in moving many development projects forward, Ohio EPA recently added staff to the program and improved 401 certification processing and timeliness. As a result, Ohio EPA eliminated the backlog of overdue certifications for coal mining projects and significantly reduced the number of pending 401 water quality certifications for non-coal projects.

Currently the 401 Water Quality Certification Section has 17 FTEs. Losing 4 FTEs in this program area would eliminate the progress that has been recently made in improving the 401 review process. Reducing staff would also jeopardize Ohio EPA's ability to process 401 applications within the 180-day time frame required under the Ohio Revised Code and regulations. This could have a significant impact on development in Ohio.