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## Substitute Bill Comparative Synopsis

**Sub. H.B. 385**

**134<sup>th</sup> General Assembly**

House Agriculture and Conservation

Amanda Goodman, Attorney

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_134_1731-2)
<b>Municipal discharges in the Western Basin of Lake Erie</b>	
<p>Does both of the following regarding a municipal corporation located in the Western Basin of Lake Erie:</p> <ol style="list-style-type: none"> <li>1. Prohibits the municipal corporation from keeping or obtaining a National Pollutant Discharge Elimination System (NPDES) permit and from discharging any pollution into the waters of the state, which eliminates the municipal corporation’s ability to operate a treatment works or sewerage system that disposes of waste into waters of the state;</li> </ol>	<p>Instead, retains current law that allows a municipal corporation located in the Western Basin of Lake Erie to obtain and operate under an NPDES permit, but increases the fine for discharging into the waters of the state in violation of the permit from \$25,000 (for a purposeful violation) or \$10,000 (for a knowing violation) per day of violation to \$250,000-\$1 million per day of violation. (<i>R.C. 6111.61 and 6111.99</i>).</p>

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<p>2. Specifies that a violation of the prohibition results in a \$250,000 fine for a first violation and a \$1,000 fine for each additional day of violation (with an additional \$1 million fine if the discharge exceeds 100 million gallons in a 12-month period. <i>(R.C. 6111.61 and 6111.99)</i>).</p>	
<p><b>Discharge permits for non-NPDES permitted systems</b></p>	
<p>No provision.</p>	<p>Prohibits the owner or operator of a publicly owned sewerage system that discharges or has the potential to discharge from a sewer collection system during wet weather events and that is not otherwise required to obtain an NPDES permit from operating the system without an operation permit issued by the EPA Director <i>(R.C. 6111.602(A))</i>.</p>
<p>No provision.</p>	<p>Requires the EPA Director to include all of the following provisions in an operation permit:</p> <ol style="list-style-type: none"> <li>1. A prohibition against sanitary sewer overflow into the waters of the state or into occupied structures;</li> <li>2. The circumstances in which the permit holder must immediately notify the EPA Director when a sanitary sewer overflow occurs;</li> <li>3. Regular reporting requirements as determined by the EPA Director;</li> <li>4. Annual reporting requirements that summarize the number and severity of overflow events;</li> <li>5. Public notification procedures and emergency response plans;</li> <li>6. Maintenance and operational requirements designed to minimize overflows;</li> </ol>

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	<ol style="list-style-type: none"> <li>7. Staffing requirements;</li> <li>8. Obligations to maintain an accurate map of the sewer collection system;</li> <li>9. Obligations to investigate and remediate significant sources of storm and ground water that infiltrate into the sewer collection system; and</li> <li>10. Any other terms determined to be necessary by the EPA Director (<i>R.C. 6111.602(D)</i>).</li> </ol>
No provision.	Allows the EPA Director to charge a fee, up to \$200, for an operation permit, and requires the Director to deposit the fee into the existing Surface Water Protection Fund ( <i>R.C. 6111.602(B)</i> ).
No provision.	Requires the Director to issue the operation permit to an owner or operator of a publicly owned sewerage system if the owner or operator applies for the permit and remits any required fee ( <i>R.C. 6111.602(C)</i> ).
No provision.	Prohibits a person from violating the terms of the permit and specifies that each day of violation is a separate offense ( <i>R.C. 6111.07(A)</i> ).
No provision.	Requires the Attorney General, upon written request of the EPA Director, to prosecute any person who violates the operating permit terms or bring an injunction against any person violating an operating permit ( <i>R.C. 6111.07(B)</i> ).
No provision.	Imposes existing civil and criminal penalties for a violation ( <i>R.C. 6111.09 and 6111.99</i> ).

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<b>Overflow reporting</b>	
No provision.	Requires a publicly owned sewerage system to report any sanitary sewer overflows to the Ohio Environmental Protection Agency within 72 hours after discovering the overflow, unless the system's issued permit specifically addresses overflow reporting in a different manner ( <i>R.C. 6111.601</i> ).
No provision.	Requires a publicly owned sewerage system that violates the reporting requirement to pay a civil penalty of up to \$1,000 for each day of violation ( <i>R.C. 6111.09(A)(2)</i> ).
No provision.	Requires that money to be deposited into the existing Water Pollution Control Administration Fund ( <i>R.C. 6111.09(C)(2)</i> ).
No provision.	Specifies that any civil action for a violation of the reporting requirement must be commenced by the Attorney General, upon written request by the EPA Director ( <i>R.C. 6111.09(B)</i> ).