



## **Ohio EPA Sunset Review Testimony**

*Samuel Smith – Legislative Liaison, Ohio EPA*

Good morning, Chair Wilkin, Vice Chair Hillyer, and members of the Sunset Review Committee, my name is Sam Smith, and I am the Legislative Liaison for Ohio EPA. Thank you for allowing me to testify today on the importance of Ohio EPA's councils and commissions. We have five councils and commissions under review before this committee today. I will provide testimony for four of these entities and Joy Mulinex, Director for the Ohio Lake Erie Commission, will provide testimony for her entity.

Ohio EPA would like to respectfully request that the following councils and commissions be reauthorized:

- State Emergency Response Commission (SERC)
- Materials Management Advisory Council (MMAC)
- Ohio Environmental Education Council (OEE)
- Small Business Stationary Source Technical and Environmental Compliance Assistance Council (CAP)
- Ohio Lake Erie Commission (OLEC)

### **State Emergency Response Commission (SERC)**

In 1986, following an industrial accident in India, Congress enacted the Federal Emergency Planning and Community Right-To-Know Act, also known as the EPCRA law, which requires regulated industries to provide annual information about the hazardous materials stored on their property. Under this federal law, each state was required to create a SERC to coordinate the collection of this information and establish local emergency planning committees (LEPC), which create county level emergency response plans for releases of the substances or chemicals covered by the reporting requirement. To comply with this federal mandate, the Ohio SERC was first created by Governor's Executive Order in 1987, and then in 1988 the Ohio General Assembly formally established the Commission and outlined its administration and implementation of requirements in ORC Chapter 3750.

The SERC is comprised of nineteen members: nine state agency representatives and ten members appointed by the Governor that represent local government, fire fighters or fire chiefs, the chemical or petroleum industry, environmental advocacy groups and LEPC's. Ohio's 88 LEPCs are established at the county level, and membership of these local committees is recommended by the county commissioners and appointed by the SERC. The SERC also approves the emergency plans that LEPC's are required by law to prepare and ensures that they conduct annual exercises of those plans. In addition to this, the SERC collects the annual chemical inventory information from approximately 10,000 reporting facilities, and collects the associated filing fees, which are used to make grants to the county LEPCs to support their local emergency planning and exercise activities.

SERC is co-chaired by Ohio EPA and the Ohio Department of Public Safety (DPS), which divide the duties

of the Commission. DPS, through the Ohio Emergency Management Agency (EMA) oversees the emergency planning and exercise functions, while Ohio EPA handles the collection and distribution of chemical information and finances. In addition to Ohio EMA and Ohio EPA, the State Fire Marshal also participates heavily in SERC by incorporating training into its academy curriculum on how to respond to fires or spills involving hazardous materials.

The Ohio SERC plays a very crucial role in supporting local communities to bolster their emergency planning and preparedness by continuing to raise public awareness of chemical hazards within our state.

### **Materials Management Advisory Council (MMAC)**

The Materials Management Council or MMAC, was established in 2015 by the passage of HB 64 of the 131st General Assembly. House Bill 64 combined two previous advisory councils to create the MMAC: the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Grant Advisory Council. The main purpose of the MMAC is to provide guidance and advice to the Director of Ohio EPA on solid waste issues, including recommending updates to Ohio's state solid waste management plan, and Ohio EPA's recycling and litter prevention grant programs. The MMAC also works to facilitate partnerships with stakeholders to expand markets for recycled materials.

The MMAC is comprised of thirteen members, appointed by the Governor to serve 3-year terms. Seven members of the council represent public interests, and six members represent private interests. The composition of the council is intended to represent stakeholders throughout Ohio's comprehensive solid waste management system, including solid waste management districts, health districts, counties, municipal corporations, townships, statewide environmental advocacy groups, and a broad range of private interests.

While the MMAC is only required by statute to meet twice per year, the MMAC currently meets bimonthly, and has done so since the council's creation in 2015. Ohio EPA staff provide administrative support to the council, coordinating meetings and drafting necessary documents for the council's approval. The MMAC does not currently have a budget or source of funding; members of the council have been participating on a voluntary basis without pay. Ohio EPA staff that devote time to supporting the council are paid through their regular salaries, which are funded through Ohio's solid waste disposal fees.

The current members of the MMAC are very engaged and provide extremely valuable input to Ohio's solid waste and recycling programs and provide the agency with a wealth of knowledge on these issues from a variety of viewpoints in the waste industry. The council is instrumental in updating Ohio's solid waste management plan and our staff appreciate the expertise they lend to our solid waste program on a voluntary basis.

### **Ohio Environmental Education Council (OEE)**

Under ORC 3745.21, the two primary purposes of the Council are to advise and assist the director of Ohio EPA in the implementation and administration of the Ohio Environmental Education Fund (OEEF), and to assist the director of Ohio EPA in preparing both an annual agenda for the uses of the Fund during the next fiscal year along with an annual report on the revenues credited to and expenditures from the OEEF during

the preceding fiscal year.

The Council serves as a broad-based public advisory group, providing accountability and direction for grant programs that distribute approximately \$700,000 every year in education projects that target students (ranging from preschool to college), teachers, the general public, and the regulated community. The OEEF and the Council are funded through the civil penalties collected by Ohio EPA for violations of the state's air and water pollution control laws. The OEEF and the Council do not receive General Revenue support.

The Council consists of 12 members: one state senator and one state representative, one member appointed by the Board of Regents to represent university-level educators, six members appointed by the Governor to represent large and small business, statewide environmental advocacy organizations, municipalities, school teachers, and three ex-officio members representing the Superintendent of Public Instruction, the director of Natural Resources, and the director of Ohio EPA. Ohio EPA has been fortunate to benefit from the expertise of exceptionally well-qualified Council members with vast experience in middle school and high school science education and regulatory requirements on municipalities and businesses. The members of the Council thoroughly review proposals and ask insightful questions of the grant applicants.

Prior to 2020, direct support of the Council was generally less than \$250 per year, with approximately half of that as travel expenses for council members to attend meetings. Since replacing the in-person meetings with virtual meetings in 2020, no travel expenses have been incurred. Copying and mailing costs are insignificant with grant application reviews conducted online.

The Council meets twice yearly. Ohio EPA staff time in direct support of the Council is generally less than 100 hours per year. The twelve members of the Advisory Council volunteer many hours to the program. The Council has strongly supported Ohio EPA's efforts to align funding priorities with the agency's regulatory and programmatic priorities, such as education about ways to reduce the nutrient loadings to rivers and streams that contribute to the formation of harmful algal blooms. The Council also supports Ohio EPA's efforts to align funding priorities with other state programs. For example, all applicants for K-12 grants must demonstrate how student activities align with the Ohio Department of Education & Workforce's Learning Standards for science. Grants also fund projects introducing students to real-world careers in environmental science and engineering, in keeping with the state's emphasis on STEM fields.

The Council encourages public participation. Council meetings are open to the public and grant applicants are allotted several minutes to respond to questions raised by the Council. Successful and unsuccessful grant applicants have commented favorably on the value of hearing the Council deliberations. Ohio EPA believes the Council provides a valuable service in providing public accountability and setting priorities to ensure that funds are distributed equitably, and that funded projects are unbiased, effective, and based on sound science.

The Council encourages the leveraging of OEEF grant funds with other funding sources, awarding more points to grant applications with strong collaboration and in-kind match dollars. In making grant awards, the Council tries to balance the needs of the OEEF's three different target audiences (PreK-12, general public, and regulated community). The Council is also sensitive to the importance of serving all geographic regions

of the state and implemented scoring incentives for applications from under-served counties. Thanks to these incentives, OEEF grants have been awarded to entities in 84 of Ohio's 88 counties.

### **Small Business Stationary Source Technical and Environmental Compliance Assistance Council (CAP)**

For convenience, the Small Business Stationary Source Technical and Environmental Compliance Assistance Council is better known as the Small Business Compliance Advisory Panel, or CAP.

The purpose of the CAP, created under ORC 3704.19, is to render advisory opinions and to review the effectiveness of the Ohio EPA's small business technical and environmental compliance assistance program. The CAP provides Ohio EPA with a valuable and unique source of input concerning the impact of environmental regulations on small businesses, and helps the agency communicate complex regulatory requirements to stakeholders. The CAP reviews and ensures that any information, such as fact sheets and guidance documents, prepared by the small business technical and environmental compliance assistance program is understandable to the small business community. The CAP recommends strategies to efficiently deliver environmental workshops, webinars, and conferences to Ohio's small business community. The CAP also reports annually to the Administrator of the United States Environmental Protection Agency (U.S. EPA) concerning the compliance of Ohio's small business technical and environmental compliance assistance program with the Paperwork Reduction Act, Regulatory Flexibility Act, and the Equal Access to Justice Act.

It is important to note that the CAP and the small business technical and environmental compliance assistance program it oversees are mandated by Section 507 of the Federal Clean Air Act of 1990. By federal law, each state is required to have a CAP and a small business technical and environmental compliance assistance program in place.

The CAP consists of seven members; four appointed by members of the General Assembly, two by the governor, and one appointed by the Director of the Ohio EPA. CAP members appointed by the General Assembly typically represent small businesses, while members appointed by the Governor typically represent the general public. The CAP member appointed by the Director of the Ohio EPA is an internal staffer that serves as a representative of the agency. All members serve without compensation.

The CAP meets one to four times annually and relies on Ohio EPA staff for administrative support and to complete portions of the annual report submitted to U.S. EPA. Ohio EPA estimates total time expended by one staff person in support of the CAP is 20 to 80 hours per year. The CAP has no anticipated budget or direct source of funding that contributes to the operation of the panel. Any incidental and necessary expenses such as travel and parking fees, incurred by the CAP is reimbursable and funded by Title V permit fees collected by Ohio EPA's Division of Air Pollution Control. To date, no reimbursements have been requested.

Chair Wilkin, Vice Chair Hillyer and members of the Sunset Review Committee, thank you again for the opportunity to testify today. I am happy to answer any questions you may have at this time.