

**As Passed by the Senate**

**129th General Assembly**

**Regular Session**

**2011-2012**

**S. B. No. 22**

**Senator Schaffer**

**Cosponsors: Senators Sawyer, Seitz, Patton, Beagle, Gillmor, Stewart, Hite,  
Wilson, Brown, Schiavoni, Daniels, Faber, Jones, LaRose, Jordan, Manning,  
Wagoner, Obhof, Turner, Tavares, Oelslager, Widener, Smith, Lehner**

—

**A B I L L**

To enact section 6111.60 of the Revised Code to 1  
require the Director of Environmental Protection 2  
to consider, to the extent allowable under the 3  
Federal Water Pollution Control Act, specified 4  
factors before issuing NPDES permits for sewerage 5  
systems, requiring and approving long-term control 6  
plans for wet weather discharges from sewerage 7  
systems, and enforcing provisions of that Act as 8  
applied to sewerage systems. 9

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 6111.60 of the Revised Code be 10  
enacted to read as follows: 11

**Sec. 6111.60.** Before issuing a national pollutant discharge 12  
elimination system permit for discharges from a sewerage system, 13  
requiring and approving a long-term control plan for wet weather 14  
discharges from a sewerage system, or enforcing the Federal Water 15  
Pollution Control Act as applied to sewerage systems, the director 16  
of environmental protection, to the extent allowable under that 17  
act, shall consider all of the following, as applicable, 18

<u>notwithstanding any other provisions of this chapter to the</u>	19
<u>contrary:</u>	20
<u>(A) Limitations on the ability of an applicant for a permit</u>	21
<u>or of a permittee to pay for or to secure money to pay for a</u>	22
<u>required project;</u>	23
<u>(B) An evaluation of the effectiveness and cost of a</u>	24
<u>long-term control plan;</u>	25
<u>(C) An evaluation of the effectiveness and cost of specific</u>	26
<u>wet weather flow control technologies;</u>	27
<u>(D) An evaluation of the impact of a long-term control plan</u>	28
<u>on the environment as a whole and of the promotion of alternative</u>	29
<u>control options that will minimize the impact on the environment;</u>	30
<u>(E) Reducing the economic impacts on an applicant for a</u>	31
<u>permit or on a permittee, other state and local government</u>	32
<u>entities, and residents of the state;</u>	33
<u>(F) Allowing for reasonable flexibility in the implementation</u>	34
<u>of a long-term control plan when the plan would impose a</u>	35
<u>disproportionate financial hardship compared to its environmental</u>	36
<u>benefits;</u>	37
<u>(G) Giving preference, when proposed by an applicant for a</u>	38
<u>permit or by a permittee, to control options that comply with the</u>	39
<u>presumption approach performance criteria established in the</u>	40
<u>combined sewer overflow control policy adopted under 33 U.S.C.</u>	41
<u>1342 and that demonstrate significant pollution reduction rather</u>	42
<u>than mandating specific designs;</u>	43
<u>(H) Allowing adequate time and flexibility for implementation</u>	44
<u>of the schedule specified in the long-term control plan;</u>	45
<u>(I) Factors specified in the combined sewer overflow control</u>	46
<u>policy adopted under 33 U.S.C. 1342 that may ease the financial</u>	47
<u>burdens of implementing a long-term control plan, including, but</u>	48

not limited to, small sewerage system considerations, the 49  
attainability of water quality standards, and the development of 50  
wet weather standards; 51

(J) All other requirements imposed on an applicant for a 52  
permit or on a permittee to undertake capital improvements under 53  
the Federal Water Pollution Control Act, the Safe Drinking Water 54  
Act as defined in section 6109.01 of the Revised Code, this 55  
chapter, Chapter 6109. of the Revised Code, or rules adopted under 56  
either chapter. 57