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 BILL

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

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

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

Sec. 6111.60. Before issuing a national pollutant discharge
elimination system permit for discharges from a sewerage system,
requiring and approving a long-term control plan for wet weather
discharges from a sewerage system, or enforcing the Federal Water
Pollution Control Act as applied to sewerage systems, the director
of environmental protection, to the extent allowable under that
act, shall consider all of the following, as applicable.
notwithstanding any other provisions of this chapter to the contrary:

(A) Limitations on the ability of an applicant for a permit or of a permittee to pay for or to secure money to pay for a required project;

(B) An evaluation of the effectiveness and cost of a long-term control plan;

(C) An evaluation of the effectiveness and cost of specific wet weather flow control technologies;

(D) An evaluation of the impact of a long-term control plan on the environment as a whole and of the promotion of alternative control options that will minimize the impact on the environment;

(E) Reducing the economic impacts on an applicant for a permit or on a permittee, other state and local government entities, and residents of the state;

(F) Allowing for reasonable flexibility in the implementation of a long-term control plan when the plan would impose a disproportionate financial hardship compared to its environmental benefits;

(G) Giving preference, when proposed by an applicant for a permit or by a permittee, to control options that comply with the presumption approach performance criteria established in the combined sewer overflow control policy adopted under 33 U.S.C. 1342 and that demonstrate significant pollution reduction rather than mandating specific designs;

(H) Allowing adequate time and flexibility for implementation of the schedule specified in the long-term control plan;

(I) Factors specified in the combined sewer overflow control policy adopted under 33 U.S.C. 1342 that may ease the financial burdens of implementing a long-term control plan, including, but
not limited to, small sewerage system considerations, the
attainability of water quality standards, and the development of
wet weather standards;

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