

As Introduced

**128th General Assembly
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S. B. No. 313

Senator Schaffer

**Cosponsors: Senators Grendell, Seitz, Gillmor, Sawyer, Turner, Buehrer,
Stewart**

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A BILL

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 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 permit under section 6111.03 12
of the Revised Code for a national pollutant discharge elimination 13
system permit for discharges from a sewerage system, requiring and 14
approving a long-term control plan for wet weather discharges from 15
a sewerage system, or enforcing the Federal Water Pollution 16
Control Act as applied to sewerage systems, the director of 17
environmental protection, to the extent allowable under the 18

Federal Water Pollution Control Act, shall consider all of the 19
following, as applicable, notwithstanding any other provisions of 20
this chapter to the contrary: 21

(A) Limitations on the ability of an applicant for a permit 22
or of a permittee to pay for or to secure money to pay for a 23
required project; 24

(B) An evaluation of the effectiveness and cost of a 25
long-term control plan; 26

(C) An evaluation of the effectiveness and cost of specific 27
wet weather flow control technologies; 28

(D) An evaluation of the impact of a long-term control plan 29
on the environment as a whole and of the promotion of alternative 30
control options that will minimize the impact on the environment; 31

(E) Reducing the economic impacts on an applicant for a 32
permit or on a permittee, other state and local government 33
entities, and residents of the state; 34

(F) Allowing for reasonable flexibility in the implementation 35
of a long-term control plan when the plan would impose a 36
disproportionate financial hardship compared to its environmental 37
benefits; 38

(G) Giving preference, when proposed by an applicant for a 39
permit or by a permittee, to control options that comply with the 40
presumption approach performance criteria established in the 41
combined sewer overflow control policy adopted under 33 U.S.C. 42
1342 and that demonstrate significant pollution reduction rather 43
than mandating specific designs; 44

(H) Allowing adequate time and flexibility for implementation 45
of the schedule specified in the long-term control plan; 46

(I) Factors specified in the combined sewer overflow control 47
policy adopted under 33 U.S.C. 1342 that may ease the financial 48

burdens of implementing a long-term control plan, including, but 49
not limited to, small sewerage system considerations, the 50
attainability of water quality standards, and the development of 51
wet weather standards; 52

(J) All other requirements imposed on an applicant for a 53
permit or on a permittee to undertake capital improvements under 54
the Federal Water Pollution Control Act, the Safe Drinking Water 55
Act as defined in section 6109.01 of the Revised Code, this 56
chapter, Chapter 6109. of the Revised Code, or rules adopted under 57
either chapter. 58