

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 72**

**Representative Damschroder**

**Cosponsors: Representatives Carey, Boose, Hackett, Wachtmann,  
Thompson, Blessing, Kozlowski, Stebelton, Derickson, Balderson, Goodwin,  
Patmon, Young, Burke**

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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 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  
notwithstanding any other provisions of this chapter to the 19  
contrary: 20

(A) Limitations on the ability of an applicant for a permit 21  
or of a permittee to pay for or to secure money to pay for a 22  
required project; 23

(B) An evaluation of the effectiveness and cost of a 24  
long-term control plan; 25

(C) An evaluation of the effectiveness and cost of specific 26  
wet weather flow control technologies; 27

(D) An evaluation of the impact of a long-term control plan 28  
on the environment as a whole and of the promotion of alternative 29  
control options that will minimize the impact on the environment; 30

(E) Reducing the economic impacts on an applicant for a 31  
permit or on a permittee, other state and local government 32  
entities, and residents of the state; 33

(F) Allowing for reasonable flexibility in the implementation 34  
of a long-term control plan when the plan would impose a 35  
disproportionate financial hardship compared to its environmental 36  
benefits; 37

(G) Giving preference, when proposed by an applicant for a 38  
permit or by a permittee, to control options that comply with the 39  
presumption approach performance criteria established in the 40  
combined sewer overflow control policy adopted under 33 U.S.C. 41  
1342 and that demonstrate significant pollution reduction rather 42  
than mandating specific designs; 43

(H) Allowing adequate time and flexibility for implementation 44  
of the schedule specified in the long-term control plan; 45

(I) Factors specified in the combined sewer overflow control 46  
policy adopted under 33 U.S.C. 1342 that may ease the financial 47

burdens of implementing a long-term control plan, including, but 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