

Environmental Review Appeals Commission

Role and Overview

The Environmental Review Appeals Commission (ERAC) hears and resolves appeals resulting from various technical and legal final actions taken by the Ohio Environmental Protection Agency, the Ohio Department of Agriculture, county and local boards of health, the State Fire Marshal’s Office, and the State Emergency Response Commission. The commission functions much like a court of law and was created specifically for the purpose of resolving environmental disputes involving the above-cited administrative agencies.

The commission consists of three members appointed by the Governor for staggered six-year terms. Each member must have extensive experience in the fields of pollution control and abatement technology, ecology, public health, environmental law, and economics of natural resource development. An executive secretary and one other full-time employee perform the day-to-day functions of the commission. The annual operating budget of the General Revenue-funded commission is approximately \$574,000.

The commission has statewide jurisdiction and is the highest level of administrative appeal for final actions of the agencies listed above. The appeals heard by the commission generally are highly technical and legal in nature. Decisions of the commission may be appealed to the Franklin County Court of Appeals, or, if the appeal arises from an alleged violation of a law or regulation, to the court of appeals for the district in which the violation is alleged to have occurred.



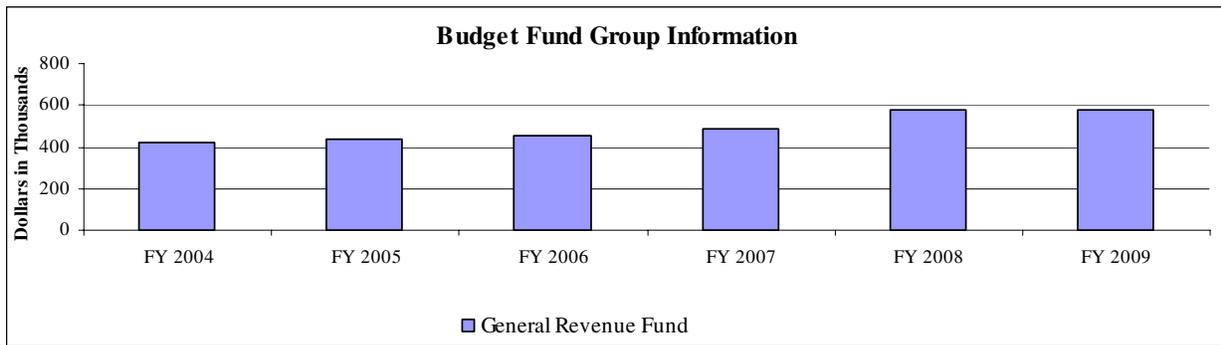
Turnaround Ohio Initiatives

- Continue to provide an unbiased appeal forum for all affected entities and citizens throughout the state to resolve environmental matters and ensure lawful and reasonable decision making by governmental agencies including the Ohio Environmental Protection Agency, the State Fire Marshal, the State Emergency Response Commission, the Department of Agriculture, and county and local boards of health.

Agency Priorities

- Continue to hear and resolve environmental appeals in accordance with Ohio Revised Code.
- Ensure quality and efficient decisions of appeals brought before the commission.
- Responsibly and effectively fulfill the commission’s statutory mandate within the appropriated operating funds.

Summary of Budget History and Recommendations

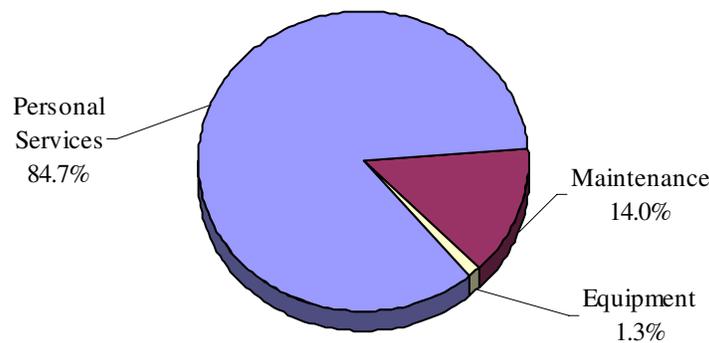


State of Ohio

Environmental Review Appeals Commission

(In thousands) BUDGET FUND GROUP	ACTUAL			ESTIMATE	%	RECOMMENDED			
	FY 2004	FY 2005	FY 2006	FY 2007	FY 06-07	FY 2008	% CHANGE	FY 2009	% CHANGE
General Revenue Fund	418	437	456	484	6.2	574	18.7	574	(.1)
TOTAL	418	437	456	484	6.2	574	18.7	574	(.1)

**FY 2008-09 Biennial Appropriation
by Expense Category**



(In thousands) OBJECT OF EXPENSE	ACTUAL			ESTIMATE	%	RECOMMENDED			
	FY 2004	FY 2005	FY 2006	FY 2007	FY 06-07	FY 2008	% CHANGE	FY 2009	% CHANGE
Personal Services	360	378	379	405	6.9	480	18.6	491	2.3
Maintenance	58	60	66	66	.5	84	26.8	77	(8.2)
Equipment	0	0	11	13	15.5	10	(20.0)	5	(50.0)
TOTAL	418	437	456	484	6.2	574	18.7	574	(.1)

PROGRAM SERIES 01: Environmental Review Appeals Commission

This program series supports the Environmental Review Appeals Commission's duties to hear and resolve environmental appeals in accordance with Ohio Revised Code.

Program 01.01: Hearing/Determination Process

The commission hears appeals of final environmental legal actions taken by several state and local governmental agencies and makes determinations based on legal and technical aspects of each case. The decision in many cases establishes statewide legal precedents.

The Executive Recommendation will:

- Fund the day-to-day operations of the commission including maintaining the two current staff members; and
- Allow the commissioners to hear and resolve appeals.

State of Ohio

Environmental Review Appeals Commission

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2008	FY 2009
GRF	GRF	172-321	Operating Expenses	574,375	573,575
TOTAL FOR PROGRAM				574,375	573,575

LINE ITEM SUMMARY - Environmental Review Appeals Commission

FUND	ALI	ALI TITLE	FY 2004 ACTUAL	FY 2005 ACTUAL	FY 2006 ACTUAL	FY 2007 ESTIMATE	FY 2008 RECOMMENDED	% CHANGE	FY 2009 RECOMMENDED	% CHANGE
GRF	172-321	Operating Expenses	418,166	437,471	455,655	483,859	574,375	18.7	573,575	(.1)
TOTAL General Revenue Fund			418,166	437,471	455,655	483,859	574,375	18.7	573,575	(.1)
TOTAL Environmental Review Appeals			418,166	437,471	455,655	483,859	574,375	18.7	573,575	(.1)