

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 pollution control and abatement technology, ecology, public health, environmental law, and economics of natural resource development or related fields. 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 \$439,000.

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.

Executive Priorities for the Environmental Review Appeals Commission

- Resolve appeals of actions taken by the Ohio Environmental Protection Agency and other regulating entities.

Summary of Budget History and Recommendations

(In thousands) BUDGET FUND GROUP	ACTUAL			ESTIMATE FY 2005	% CHANGE FY 04-05	RECOMMENDED			
	FY 2002	FY 2003	FY 2004			FY 2006	% CHANGE	FY 2007	% CHANGE
General Revenue Fund	440	428	418	439	5.0	479	9.1	484	1.0
TOTAL	440	428	418	439	5.0	479	9.1	484	1.0

(In thousands) OBJECT OF EXPENSE	ACTUAL			ESTIMATE FY 2005	% CHANGE FY 04-05	RECOMMENDED			
	FY 2002	FY 2003	FY 2004			FY 2006	% CHANGE	FY 2007	% CHANGE
Personal Services	384	364	360	375	4.2	401	6.8	407	1.5
Purchased Services	1	2	0	0	.0	0	.0	0	.0
Maintenance	55	62	58	64	9.8	66	3.0	67	1.5
Equipment	0	0	0	0	.0	13	.0	10	(20.0)
TOTAL	440	428	418	439	5.0	479	9.1	484	1.0

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PROGRAM SERIES 01: Environmental Review Appeals Commission

This program series supports the Environmental Review Appeals Commission's duties to hear and resolve environmental decision appeals in accordance with Ohio Revised Code Sections 3745.02 through 3745.06.

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.

What the Budget Buys:

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

FUND GROUP	FUND	ALI	ALI NAME	RECOMMENDED	
				FY 2006	FY 2007
GRF	GRF	172-321	Operating Expenses	479,161	483,859
TOTAL FOR PROGRAM				479,161	483,859

LINE ITEM SUMMARY - Environmental Review Appeals Commission

FUND	ALI	ALI TITLE	FY 2002 ACTUAL	FY 2003 ACTUAL	FY 2004 ACTUAL	FY 2005 ESTIMATE	FY 2006 RECOMMENDED	% CHANGE	FY 2007 RECOMMENDED	% CHANGE
GRF	172-321	Operating Expenses	440,298	427,758	418,166	439,109	479,161	9.1	483,859	1.0
TOTAL General Revenue Fund			440,298	427,758	418,166	439,109	479,161	9.1	483,859	1.0
TOTAL Environmental Review Appeals			440,298	427,758	418,166	439,109	479,161	9.1	483,859	1.0