



## Ohio Revised Code Section 3746.17 Audits.

Effective: September 30, 2021

Legislation: House Bill 110

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(A) The director of environmental protection shall conduct audits in connection with no further action letters issued under section 3746.11 of the Revised Code for all of the following purposes:

(1) Determining whether after completion of the voluntary actions under this chapter and rules adopted under it, the properties where the voluntary actions were conducted meet applicable standards;

(2) Reviewing the qualifications of and work performed by certified professionals under the voluntary action program to ascertain whether they possess the qualifications for certification pursuant to rules adopted under division (B)(5) of section 3746.04 of the Revised Code and whether their performance under the program has resulted in the issuance of no further action letters that are not consistent with applicable standards;

(3) Reviewing work performed by certified laboratories or accredited laboratories in connection with the voluntary action program, and inspecting the facilities of those laboratories to ascertain whether their performance in connection with the program has resulted in the issuance of no further action letters that are not consistent with applicable standards.

An audit may be conducted for any of the purposes identified in divisions (A)(1) to (3) of this section or for any combination of those purposes.

(B) The director annually shall conduct in connection with the no further action letters submitted to the director during the preceding calendar year under section 3746.11 of the Revised Code audits of not less than twenty-five per cent of the letters pertaining to voluntary actions that involved remedial activities and not less than twenty-five per cent of the letters pertaining to voluntary actions that did not involve remedial activities. Audits conducted pursuant to contracts entered into under division (D) of this section or division (B) of section 3745.01 of the Revised Code shall be included in determining the number of audits conducted by the director during the year in which the audits were



conducted.

(C) The director shall select the no further action letters to be audited under this section in accordance with the selection criteria established in rules adopted under division (B)(8) of section 3746.04 of the Revised Code. Any such audit shall be conducted in accordance with the rules adopted under that division.

(D) The director may enter into contracts to have audits conducted under this section in accordance with rules adopted under division (B)(8) of section 3746.04 of the Revised Code. The director shall not select as a contractor to conduct audits under this section a person who meets any of the following:

- (1) Undertook the voluntary action in connection with which the audit is to be performed;
- (2) Is employed by, affiliated with, or related to the person who undertook the voluntary action in connection with which the audit is to be performed or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted;
- (3) Served as the certified professional who issued the no further action letter for the voluntary action in connection with which the audit is to be performed or is employed by, affiliated with, or related to the person who served as the certified professional or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted;
- (4) Performed or reviewed, or the person's employer performed or reviewed, any work that was conducted to support the request for the no further action letter in connection with which the audit is to be performed;
- (5) Served as a certified laboratory or accredited laboratory that performed any analyses that formed the basis for the issuance of the no further action letter in connection with which the audit is to be performed, is employed by, affiliated with, or related to the person who served as such a certified laboratory or accredited laboratory, or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted.