Am. Sub H.B 166
As Passed by the Senate

_______________________________ moved to amend as follows:

In line 20 of the title, after "991.02," insert "1501.31, 1501.32, 1501.33, 1501.34, 1501.35,"

In line 21 of the title, after "1509.50," insert "1521.01, 1521.03, 1521.04, 1521.06, 1521.062, 1521.063, 1521.16, 1521.99, 1522.10, 1522.101, 1522.11, 1522.12, 1522.13, 1522.14, 1522.15, 1522.19, 1522.20, 1522.21,"

In line 98 of the title, after "4779.08," insert "4906.10,"

In line 144 of the title, after "(113.61)," insert "1501.31 (1521.21), 1501.32 (1521.22), 1501.33 (1521.23), 1501.34 (1521.29), 1501.35 (1521.231), 1522.19 (1522.30),"

In line 146 of the title, after "sections" insert "1522.19,"

In line 151 of the title, after "940.37," insert "1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 1521.30, 1521.31, 1521.32, 1521.33, 1521.34, 1521.35, 1521.36, 1521.40, 1522.121, 1522.122, 1522.123, 1522.124, 1522.125, 1522.126, 1522.127, 1522.23, 1522.24, 1522.25,"

In line 184 of the title, delete "and"; after "5922.08," insert ", 6109.071, and 6109.072"

In line 187 of the title, after "1501.20," insert "1501.30, 1501.99,"

In line 236, after "991.02," insert "1501.31, 1501.32, 1501.33, 1501.34, 1501.35,"

In line 237, after "1509.50," insert "1521.01, 1521.03, 1521.04, 1521.06, 1521.062, 1521.063, 1521.16, 1521.99, 1522.10, 1522.11, 1522.12, 1522.13, 1522.14, 1522.15, 1522.19, 1522.20, 1522.21,"

In line 98 of the title, after "4779.08," insert "4906.10,"
1522.101, 1522.11, 1522.12, 1522.13, 1522.14, 1522.15, 1522.19, 1522.20, 1522.21,

In line 293, after "4779.08," insert "4906.10,"

In line 326, after "(113.61)," insert "1501.31 (1521.21), 1501.32 (1521.22), 1501.33 (1521.23), 1501.34 (1521.29), 1501.35 (1521.231), 1522.19 (1522.30),"

In line 328, after "sections" insert "1522.19,"

In line 332, after "940.37," insert "1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 1521.30, 1521.31, 1521.32, 1521.33, 1521.34, 1521.35, 1521.36, 1521.40, 1522.121, 1522.122, 1522.123, 1522.124, 1522.125, 1522.23, 1522.24, 1522.25,"

In line 357, delete "and"; after "5922.08" insert ", 6109.071, and 6109.072"

After line 16023, insert:

"Sec. 1521.01. As used in sections 1521.01 to 1521.05 and 1521.13 to 1521.18 of the Revised Code this chapter:

(A) "Consumptive use," "diversion," "Lake Erie drainage basin," "other great lakes states and provinces," "water resources," and "waters of the state" have the same meanings as in section 1501.30 of the Revised Code means a use of water resources, other than a diversion, that results in a loss of that water to the basin from which it is withdrawn and includes, but is not limited to, evaporation, evapotranspiration, and incorporation of water into a product or agricultural crop.

(B) "Diversion" means a withdrawal of water resources from either the Lake Erie or Ohio river drainage basin and transfer to another basin without return. "Diversion" does not include evaporative loss within the basin of withdrawal."
(C) "Other great lakes states and provinces" means states other than this state that are parties to the great lakes basin compact under Chapter 6161, of the Revised Code and the Canadian provinces of Ontario and Quebec.

(D) "Water resources" means any waters of the state that are available or may be made available to agricultural, industrial, commercial, and domestic users.

(E) "Waters of the state" includes all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within or bordering upon this state or are within its jurisdiction.

(F) "Well" means any excavation, regardless of design or method of construction, created for any of the following purposes:

1. Removing ground water from or recharging water into an aquifer, excluding subsurface drainage systems installed to enhance agricultural crop production or urban or suburban landscape management or to control seepage in dams, dikes, and levees;

2. Determining the quantity, quality, level, or movement of ground water in or the stratigraphy of an aquifer, excluding borings for instrumentation in dams, dikes, levees, or highway embankments;

3. Removing or exchanging heat from ground water, excluding horizontal trenches that are installed for water source heat pump systems.

(G) "Aquifer" means a consolidated or unconsolidated
geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store, or transmit water.

(D) (H) "Ground water" means all water occurring in an aquifer.

(E) (I) "Ground water stress area" means a definable geographic area in which ground water quantity is being affected by human activity or natural forces to the extent that continuous availability of supply is jeopardized by withdrawals.

(F) (J) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the United States, the state, any political subdivision of the state, and any department, division, board, commission, agency, or instrumentality of the United States, the state, or a political subdivision of the state.

(G) (K) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.

(H) (L) "Cone of depression" means a depression or low point in the water table or potentiometric surface of a body of ground water that develops around a location from which ground water is being withdrawn.

(M) "Facility" has the same meaning as in section 1522.10 of the Revised Code.

(N) "Hydrologic study area" means the area within a four-mile radius from the boundary of the withdrawal area.

(O) "Well field" means a contiguous land area containing two or more wells that provide water to a facility.

(P) "Withdrawal area" means the proposed well or well field location or locations.
"Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, mining, dredging, filling, grading, paving, excavating, and drilling operations, and storage of equipment or materials.

"Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.

"Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood information, construction of flood control works, nonstructural flood damage reduction techniques, and adoption of rules, ordinances, or resolutions governing development in floodplains.

"One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.

"One-hundred-year floodplain" means that portion of a floodplain inundated by a one-hundred-year flood.

"Structure" means a walled and roofed building, including, without limitation, gas or liquid storage tanks, mobile homes, and manufactured homes.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty per cent of the market value of the structure before the start of construction of the improvement. "Substantial improvement" includes repairs to structures that have incurred substantial damage regardless of the actual repair work performed. "Substantial improvement" does not
include either of the following:

(1) Any project for the improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the state or local code enforcement official having jurisdiction and that are the minimum necessary to ensure safe living conditions;

(2) Any alteration of an historic structure designated or listed pursuant to federal or state law, provided that the alteration will not preclude the structure's continued listing or designation as an historic structure.

"Substantial damage" means damage of any origin that is sustained by a structure if the cost of restoring the structure to its condition prior to the damage would equal or exceed fifty per cent of the market value of the structure before the damage occurred.


"Conservancy district" means a conservancy district established under Chapter 6101. of the Revised Code.

Sec. 1521.03. The chief of the division of water resources shall do all of the following:

(A) Assist in an advisory capacity any properly constituted watershed district, conservancy district, or soil and water conservation district or any county, municipal corporation, or other government agency of the state in the planning of works for ground water recharge, flood mitigation, floodplain management, flood control, flow capacity and stability of streams, rivers, and
watercourses, or the establishment of water conservation practices, within the limits of the appropriations for those purposes;

(B) Have authority to conduct basic inventories of the water and related natural resources in each drainage basin in the state; to develop a plan on a watershed basis that will recognize the variety of uses to which water may be put and the need for its management for those uses; with the approval of the director of natural resources and the controlling board, to transfer appropriated or other funds, authorized for those inventories and plan, to any division of the department of natural resources or other state agencies for the purpose of developing pertinent data relating to the plan of water management; and to accept and expend moneys contributed by any person for implementing the development of the plan;

(C) Have authority to make detailed investigations of all factors relating to floods, floodplain management, and flood control in the state with particular attention to those factors bearing upon the hydraulic and hydrologic characteristics of rivers, streams, and watercourses, recognizing the variety of uses to which water and watercourses may be put;

(D) Cooperate with the United States or any agency thereof and with any political subdivision of the state in planning and constructing flood control works;

(E) Hold meetings or public hearings, whichever is considered appropriate by the chief, to assist in the resolution of conflicts between ground water users. Such meetings or hearings shall be called upon written request from boards of health of city or general health districts created by or under the authority of Chapter 3709. of the Revised Code or authorities having the duties
of a board of health as authorized by section 3709.05 of the Revised Code, boards of county commissioners, boards of township trustees, legislative authorities of municipal corporations, or boards of directors of conservancy districts and may be called by the chief upon the request of any other person or at the chief's discretion. The chief shall collect and present at such meetings or hearings the available technical information relevant to the conflicts and to the ground water resource. The chief shall prepare a report, and may make recommendations, based upon the available technical data and the record of the meetings or hearings, about the use of the ground water resource. In making the report and any recommendations, the chief also may consider the factors listed in division (B) of section 1521.17 of the Revised Code. The technical information presented, the report prepared, and any recommendations made under this division shall be presumed to be prima-facie authentic and admissible as evidence in any court pursuant to Evidence Rule 902.

(F) Perform stream or ground water gauging and may contract with the United States government or any other agency for the gauging of any streams or ground water within the state;

(G) Primarily with regard to water quantity, have authority to collect, study, map, and interpret all available information, statistics, and data pertaining to the availability, supply, use, conservation, and replenishment of the ground and surface waters in the state in coordination with other agencies of this state;

(H) Primarily with regard to water quantity and availability, be authorized to cooperate with and negotiate for the state with any agency of the United States government, of this state, or of any other state pertaining to the water resources of the state;

(I) Provide engineering support for the coastal management
program established under Chapter 1506 of the Revised Code.

(J) Define "Lake Erie drainage basin" and "Ohio river drainage basin" for the purposes of this chapter and Chapter 1522 of the Revised Code.

Sec. 1521.04. (A) The chief of the division of water resources, with the approval of the director of natural resources, may make loans and grants from the water management fund created in section 1521.04 of the Revised Code to governmental agencies for water management, water supply improvements, and planning. The chief may administer grants from the federal government and from other public or private sources for carrying out those functions and for the performance of any acts that may be required by the United States or by any agency or department thereof as a condition for the participation by any governmental agency in any federal financial or technical assistance program. Direct and indirect costs of administration may be paid from the fund.

(B) The chief may use the water management fund for the any of the following purposes of administering:

(1) Administering the water diversion and consumptive use permit programs established in sections 1501.30 to 1501.35 of the Revised Code under this chapter and the withdrawal and consumptive use permit program established under sections 1522.10 to 1522.21 Chapter 1522 of the Revised Code; and

(2) To perform watershed and water resources studies for the purposes of water management planning; and

(3) To acquire, construct, reconstruct, improve, equip, maintain, operate, and dispose of water management improvements.
(C) The chief may fix, alter, charge, and collect rates, fees, rentals, and other charges to be paid into the fund by governmental agencies and persons who are supplied with water by facilities constructed or operated by the department of natural resources in order to amortize and defray the cost of the construction, maintenance, and operation of those facilities.

Sec. 1521.06. (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any levee be constructed for the purpose of diverting or retaining flood water, unless the person or governmental agency desiring the construction has a construction permit for the dam or levee issued by the chief of the division of water resources.

A construction permit is not required under this section for:

1. A dam that is or will be less than ten feet in height and that has or will have a storage capacity of not more than fifty acre-feet at the elevation of the top of the dam, as determined by the chief. For the purposes of this section, the height of a dam shall be measured from the natural stream bed or lowest ground elevation at the downstream or outside limit of the dam to the elevation of the top of the dam.

2. A dam, regardless of height, that has or will have a storage capacity of not more than fifteen acre-feet at the elevation of the top of the dam, as determined by the chief;

3. A dam, regardless of storage capacity, that is or will be six feet or less in height, as determined by the chief;

4. A dam or levee that belongs to a class exempted by the chief;
(5) The repair, maintenance, improvement, alteration, or removal of a dam or levee that is subject to section 1521.062 of the Revised Code, unless the construction constitutes an enlargement or reconstruction of the structure as determined by the chief;

(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code.

(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with any filing fee specified by rules adopted by the chief in accordance with division (I) of this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer.

All fees collected pursuant to this section, and all fines collected pursuant to section 1521.99 of the Revised Code, shall be deposited in the state treasury to the credit of the dam safety fund, which is hereby created. Expenditures from the fund shall be made by the chief for the purpose of administering this section and sections 1521.061 and 1521.062 of the Revised Code.

(C) The chief shall, within thirty days from the date of the receipt of the application, fee, and bond or other security, issue or deny a construction permit for the construction or may issue a construction permit conditioned upon the making of such changes in the plans and specifications for the construction as the chief considers advisable if the chief determines that the construction
of the proposed dam or levee, in accordance with the plans and specifications filed, would endanger life, health, or property.

(D) The chief may deny a construction permit after finding that a dam or levee built in accordance with the plans and specifications would endanger life, health, or property, because of improper or inadequate design, or for such other reasons as the chief may determine.

In the event the chief denies a permit for the construction of the dam or levee, or issues a permit conditioned upon a making of changes in the plans or specifications for the construction, the chief shall state the reasons therefor and so notify, in writing, the person or governmental agency making the application for a permit. If the permit is denied, the chief shall return the bond or other security to the person or governmental agency making application for the permit.

The decision of the chief conditioning or denying a construction permit is subject to appeal as provided in Chapter 119. of the Revised Code. A dam or levee built substantially at variance from the plans and specifications upon which a construction permit was issued is in violation of this section. The chief may at any time inspect any dam or levee, or site upon which any dam or levee is to be constructed, in order to determine whether it complies with this section.

(E) A registered professional engineer shall inspect the construction for which the permit was issued during all phases of construction and shall furnish to the chief such regular reports of the engineer's inspections as the chief may require. When the chief finds that construction has been fully completed in accordance with the terms of the permit and the plans and specifications approved by the chief, the chief shall approve the
construction. When one year has elapsed after approval of the completed construction, and the chief finds that within this period no fact has become apparent to indicate that the construction was not performed in accordance with the terms of the permit and the plans and specifications approved by the chief, or that the construction as performed would endanger life, health, or property, the chief shall release the bond or other security. No bond or other security shall be released until one year after final approval by the chief, unless the dam or levee has been modified so that it will not retain water and has been approved as nonhazardous after determination by the chief that the dam or levee as modified will not endanger life, health, or property.

(F) When inspections required by this section are not being performed, the chief shall notify the person or governmental agency to which the permit has been issued that inspections are not being performed by the registered professional engineer and that the chief will inspect the remainder of the construction. Thereafter, the chief shall inspect the construction and the cost of inspection shall be charged against the owner. Failure of the registered professional engineer to submit required inspection reports shall be deemed notice that the engineer's inspections are not being performed.

(G) The chief may order construction to cease on any dam or levee that is being built in violation of this section, and may prohibit the retention of water behind any dam or levee that has been built in violation of this section. The attorney general, upon written request of the chief, may bring an action for an injunction against any person who violates this section or to enforce an order or prohibition of the chief made pursuant to this section.
(H) The chief may adopt rules in accordance with Chapter 119. of the Revised Code, for the design and construction of dams and levees for which a construction permit is required by this section or for which periodic inspection is required by section 1521.062 of the Revised Code, for deposit and forfeiture of bonds and other securities required by section 1521.061 of the Revised Code, for the periodic inspection, operation, repair, improvement, alteration, or removal of all dams and levees, as specified in section 1521.062 of the Revised Code, and for establishing classes of dams or levees that are exempt from the requirements of this section and section 1521.062 of the Revised Code as being of a size, purpose, or situation that does not present a substantial hazard to life, health, or property. The chief may, by rule, limit the period during which a construction permit issued under this section is valid. The rules may allow for the extension of the period during which a permit is valid upon written request, provided that the written request includes a revised construction cost estimate, and may require the payment of an additional filing fee for the requested extension. If a construction permit expires without an extension before construction is completed, the person or agency shall apply for a new permit, and shall not continue construction until the new permit is issued.

(I) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a filing fee schedule for purposes of division (B) of this section.

**Sec. 1521.062.** (A) All dams and levees constructed in this state and not exempted by this section or by the chief of the division of water resources under section 1521.06 of the Revised Code shall be inspected periodically by the chief, except for classes of dams that, in accordance with rules adopted under this
section, are required to be inspected by registered professional engineers who have been approved for that purpose by the chief. The inspection shall ensure that continued operation and use of the dam or levee does not constitute a hazard to life, health, or property. Periodic inspections shall not be required of the following structures:

(1) A dam that is less than ten feet in height and has a storage capacity of not more than fifty acre-feet at the elevation of the top of the dam, as determined by the chief. For the purposes of this section, the height of a dam shall be measured from the natural stream bed or lowest ground elevation at the downstream or outside limit of the dam to the elevation of the top of the dam.

(2) A dam, regardless of height, that has a storage capacity of not more than fifteen acre-feet at the elevation of the top of the dam, as determined by the chief;

(3) A dam, regardless of storage capacity, that is six feet or less in height, as determined by the chief;

(4) A dam or levee belonging to a class exempted by the chief;

(5) A dam or levee that has been exempted in accordance with rules adopted under section 1521.064 of the Revised Code.

(B) In accordance with rules adopted under this section, the owner of a dam that is in a class of dams that is designated in the rules for inspection by registered professional engineers shall obtain the services of a registered professional engineer who has been approved by the chief to conduct the periodic inspection of dams pursuant to schedules and other standards and procedures established in the rules. The registered professional engineer shall prepare a report of the inspection in accordance with the rules.
with the rules and provide the inspection report to the dam owner who shall submit it to the chief. A dam that is designated under the rules for inspection by a registered professional engineer, but that is not inspected within a five-year period may be inspected by the chief at the owner's expense.

(C) Intervals between periodic inspections shall be determined by the chief, but shall not exceed five years.

(D) In the case of a dam or levee that the chief inspects, the chief shall furnish a report of the inspection to the owner of the dam or levee. With regard to a dam or levee that has been inspected, either by the chief or by a registered professional engineer, and that is the subject of an inspection report prepared or received by the chief, the chief shall inform the owner of any required repairs, maintenance, investigations, and other remedial and operational measures. The chief shall order the owner to perform such repairs, maintenance, investigations, or other remedial or operational measures as the chief considers necessary to safeguard life, health, or property. The order shall permit the owner a reasonable time in which to perform the needed repairs, maintenance, investigations, or other remedial measures, and the cost thereof shall be borne by the owner. All orders of the chief are subject to appeal as provided in Chapter 119. of the Revised Code. The attorney general, upon written request of the chief, may bring an action for an injunction against any person who violates this section or to enforce an order of the chief made pursuant to this section.

(E) The owner of a dam or levee shall monitor, maintain, and operate the structure and its appurtenances safely in accordance with state rules, terms and conditions of permits, orders, and other requirements issued pursuant to this section or section
1521.06 of the Revised Code. The owner shall fully and promptly notify the division of water resources and other responsible authorities of any condition that threatens the safety of the structure and shall take all necessary actions to safeguard life, health, and property.

(F) Before commencing the repair, improvement, alteration, or removal of a dam or levee, the owner shall file an application including plans, specifications, and other required information with the division and shall secure written approval of the application by the chief. Emergency actions by the owner required to safeguard life, health, or property are exempt from this requirement. The chief may, by rule, define maintenance, repairs, or other remedial measures of a routine nature that are exempt from this requirement.

(G) The chief may remove or correct, at the expense of the owner, any unsafe structures found to be constructed or maintained in violation of this section or section 1521.06 of the Revised Code. In the case of an owner other than a governmental agency, the cost of removal or correction of any unsafe structure, together with a description of the property on which the unsafe structure is located, shall be certified by the chief to the county auditor and placed by the county auditor upon the tax duplicate. This cost is a lien upon the lands from the date of entry and shall be collected as other taxes and returned to the division. In the case of an owner that is a governmental agency, the cost of removal or correction of any unsafe structure shall be recoverable from the owner by appropriate action in a court of competent jurisdiction.

(H) If the condition of any dam or levee is found, in the judgment of the chief, to be so dangerous to the safety of life,
health, or property as not to permit time for the issuance and
enforcement of an order relative to repair, maintenance, or
operation, the chief shall employ any of the following remedial
means necessary to protect life, health, and property:

(1) Lower the water level of the lake or reservoir by
releasing water;

(2) Completely drain the lake or reservoir;

(3) Take such other measures or actions as the chief
considers necessary to safeguard life, health, and property.

The chief shall continue in full charge and control of the
dam or levee until the structure is rendered safe. The cost of the
remedy shall be recoverable from the owner of the structure by
appropriate action in a court of competent jurisdiction.

(I) The chief may accept and expend gifts, bequests, and
grants from the United States government or from any other public
or private source and may contract with the United States
government or any other agency or entity for the purpose of
carrying out the dam safety functions set forth in this section
and section 1521.06 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the
chief may adopt, and may amend or rescind, rules that do all of
the following:

(1) Designate classes of dams for which dam owners must
obtain the services of a registered professional engineer to
periodically inspect the dams and to prepare reports of the
inspections for submittal to the chief;

(2) Establish standards in accordance with which the chief
must approve or disapprove registered professional engineers to
inspect dams together with procedures governing the approval
process;

(3) Establish schedules, standards, and procedures governing periodic inspections and standards and procedures governing the preparation and submittal of inspection reports;

(4) Establish provisions regarding the enforcement of this section and rules adopted under it.

(K) The owner of a dam or levee shall notify the chief in writing of a change in ownership of the dam or levee prior to the exchange of the property.

Sec. 1521.063. (A) Except for the federal government, the owner of a dam, that is classified as a class I, class II, or class III dam under rules adopted under section 1521.06 of the Revised Code and subject to section 1521.062 of the Revised Code shall pay an annual fee in accordance with the annual fee schedule established in rules adopted under division (B) of this section. The fee shall be paid to the division of water resources on or before the thirtieth day of June of each year.

All fees collected under this section shall be deposited in the dam safety fund created in section 1521.06 of the Revised Code. Any owner who fails to pay any annual fee required by this section within sixty days after the due date shall be assessed a penalty of ten per cent of the annual fee plus interest at the rate of one-half per cent per month from the due date until the date of payment.

There is hereby created the compliant dam discount program to be administered by the chief of the division of water resources. Under the program, the chief may reduce the amount of the annual fee that an owner of a dam is required to pay in accordance with rules adopted by the chief under division (B) of this section.
the owner is in compliance with section 1521.062 of the Revised Code and has developed an emergency action plan pursuant to standards established in rules adopted under this section. The chief shall not discount an annual fee by more than twenty-five per cent of the total annual fee that is due. In addition, the chief shall not discount the annual fee that is due from the owner of a dam who has been assessed a penalty under this section.

(B)(1) The chief shall, in accordance with Chapter 119. of the Revised Code and subject to the prior approval of the director of natural resources, adopt, and may amend or rescind, rules for the collection of fees and the administration, implementation, and enforcement of this section.

(2) The chief shall, in accordance with Chapter 119. of the Revised Code, adopt rules for the establishment of an annual fee schedule for purposes of this section.

(3) The annual fee schedule must be based on the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam. For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.

(C)(1) No person, political subdivision, or state governmental agency shall violate or fail to comply with this section or any rule or order adopted or issued under it.

(2) The attorney general, upon written request of the chief, may commence an action against any such violator. Any action under division (C)(2) of this section is a civil action.

(D) As used in this section, "political subdivision" includes townships, municipal corporations, counties, school districts,
municipal universities, park districts, sanitary districts, and conservancy districts and subdivisions thereof.

Sec. 1521.16. (A) Any person who owns a facility that has the capacity to withdraw waters of the state in an amount greater than one hundred thousand gallons per day from all sources and whose construction is completed before January 1, 1990, shall register the facility by January 1, 1991, with the chief of the division of water resources, and any person who owns a facility that has the capacity to withdraw waters of the state in such an amount and whose construction is completed on or after January 1, 1990, shall register the facility with the chief within three months after the facility is completed. The person shall register the facility using a form prescribed by the chief that shall include, without limitation, the name and address of the registrant and date of registration; the locations and sources of the facility's water supply; the facility's withdrawal capacity per day and the amount withdrawn from each source; the uses made of the water, places of use, and places of discharge; and such other information as the chief may require by rule.

The registration date of any facility whose construction was completed prior to January 1, 1990, and that is registered under this division prior to January 1, 1991, shall be January 1, 1990. The registration date of any facility whose construction was completed prior to January 1, 1990, and that is required to register under this division prior to January 1, 1991, but that is not registered prior to that date, and the registration date of any facility whose construction was completed after January 1, 1990, and that is required to register under this division shall be the date on which the registration is received by the chief.

(B) In accordance with division (D) of this section, the
chief shall adopt rules establishing standards and criteria for determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold withdrawal capacity for the area below which registration under this division shall not be required. At any time following the adoption of those rules, the chief may by order designate an area of ground water as a ground water stress area and shall establish in any such order a threshold withdrawal capacity for the area below which registration under this division shall not be required.

Following the designation of a ground water stress area, the chief immediately shall give notice by publication in a newspaper of general circulation in the designated area that shall include a map delineating the designated ground water stress area and a statement of the threshold withdrawal capacity established for the area below which registration under this division shall not be required. The notice shall not appear in the legal notices section of the newspaper. Any person who owns a facility in the designated ground water stress area that is not registered under division (A) of this section and that has the capacity to withdraw waters of the state in an amount greater than the threshold withdrawal capacity for the area from all sources shall register the facility with the chief not later than thirty days after publication of the notice. A person registering a facility under this division shall do so using a form prescribed by the chief. The form shall include the information specified in division (A) of this section.

(C) Any person who owns a facility registered under division (A) or (B) of this section shall file a report annually with the chief listing the amount of water withdrawn per day by the facility, the return flow per day, and any other information the chief may require by rule.
the Revised Code, provides such information to the Ohio
environmental protection agency is exempt from reporting under
this division. The director of environmental protection shall
provide the chief any such reported information upon request.

(D) The chief shall adopt, and may amend or rescind, rules in
accordance with Chapter 119. of the Revised Code to carry out this
section.

(E)(1) No person knowingly shall fail to register a facility
or file a report as required under this section.

(2) No person shall file a false registration or report under
this section. Violation of division (E)(2) of this section is
falsification under section 2921.13 of the Revised Code.

(F) At the request of the director of natural resources, the
attorney general may commence a civil action to compel compliance
with this section, in a court of common pleas, against any person
who has violated or is violating division (E)(1) of this section.
The court of common pleas in which a civil action is commenced
under this division has jurisdiction to and shall compel
compliance with this section upon a showing that the person
against whom the action is brought has violated or is violating
that division.

Any action under this division is a civil action, governed by
the rules of civil procedure and other rules of practice and
procedure applicable to civil actions.

Sec. 1501.311521.21. (A) The director of natural chief of the
division of water resources shall adopt, and may amend or rescind,
rules in accordance with Chapter 119. of the Revised Code for the
implementation, administration, and enforcement of sections
1501.30 to 1501.35 1521.21 to 1521.36 of the Revised Code.
(B) Sections 1501.30 to 1501.35 1521.21 to 1521.36 of the Revised Code do not affect common law riparian rights.

Sec. 1501.321521.22. (A) (1) No person shall divert more than one hundred thousand gallons per day of any waters of the state out of the Ohio river watershed to another basin without having a permit to do so issued by the director of natural resources.

(2) An application for such a permit shall be filed with the director upon such forms as the director prescribes. The application shall state the quantity of water to be diverted, the purpose of the diversion, the life of the project for which the water is to be diverted, and such other information as the director may require by rule. Each application shall be accompanied by a nonrefundable fee of one thousand dollars, which shall be credited to the water management fund, which is hereby created.

(B) The director shall not approve a permit application filed under this section if the director determines that any of the following applies:

(1) During the life of the project for which the water is to be diverted, some or all of the water to be diverted will be needed for use within the Ohio river watershed.

(2) The proposed diversion would endanger the public health, safety, or welfare.

(3) The applicant has not demonstrated that the proposed diversion is a reasonable and beneficial use and is necessary to serve the applicant's present and future needs.

(4) The applicant has not demonstrated that reasonable
efforts have been made to develop and conserve water resources in
the importing basin and that further development of those
resources would engender overriding, adverse economic, social, or
environmental impacts.

(5) The proposed diversion is inconsistent with regional or
state water resources plans.

(6) The proposed diversion, alone or in combination with
other diversions and water losses, will have a significant adverse
impact on in-stream uses or on economic or ecological aspects of
water levels.

The director chief may hold public hearings upon any
application for a permit.

(C) The director chief shall determine the period for which
each permit approved under this section will be valid and specify
the expiration date, but in no case shall a permit be valid beyond
the life of the project as stated in the application.

The director chief shall establish rules providing for the
transfer of permits. A permit may be transferred on the conditions
that the quantity of water diverted not be increased and that the
purpose of the diversion not be changed.

(D)(1) Within a time established by rule, the director chief
shall do one of the following:

(a) Notify the applicant that an application the applicant
filed under this section is approved or denied and, if denied, the
reason for denial;

(b) Notify the applicant of any modification necessary to
qualify the application for approval.

(2) Any person who receives notice of a denial or
modification under division (D)(1) of this section is entitled to a hearing under Chapter 119. of the Revised Code if the person sends a written request for a hearing to the director chief within thirty days after the date on which the notice is mailed or otherwise provided to the applicant.

(3) The chief shall issue a permit to an applicant whose application is approved under this section.

(E) The director chief shall revoke a permit under this section without a prior hearing if the director chief determines that the quantity of water being diverted exceeds the quantity stated in the permit application.

The director chief may suspend a permit if the director chief determines that the continued diversion of water will endanger the public health, safety, or welfare. Before suspending a permit, the director chief shall make a reasonable attempt to notify the permittee that the director chief intends to suspend the permit. If the attempt fails, notification shall be given as soon as practicable following the suspension. Within five days after the suspension, the director chief shall provide the permittee an opportunity to be heard and to present evidence that the continued diversion of water will not endanger the public health, safety, or welfare.

If the director chief determines before the expiration date of a suspended permit that the diversion of water can be resumed without danger to the public health, safety, or welfare, the director chief shall, upon request of the permittee, reinstate the permit.

(F) Any six or more residents of this state may petition the director chief for an investigation of a withdrawal of water resources that they allege is in violation of a permit issued.
under this section.

The petition shall identify the permittee and detail the reasons why the petitioners believe that grounds exist for the revocation or suspension of the permit under this section.

Upon receipt of the petition, the director chief shall send a copy to the permittee and, within sixty days, make a determination whether grounds exist for revocation or suspension of the permit under this section.

(G) Each permittee shall submit to the director chief an annual report containing such information as the director chief may require by rule.

Sec. 1501.331521.23. (A) Except as provided in divisions (B), (C), and (D) and (E) of this section, no person shall allow a facility that the person owns or operates to withdraw waters of the state in an amount that would result in a new or increased consumptive use of more than an average of two million gallons of water per day in any thirty-day period without first obtaining a permit from the director of natural chief of the division of water resources under section 1501.34 1521.29 of the Revised Code. Prior

(B) Prior to developing a new or increased withdrawal or consumptive use capacity that would facilitate a withdrawal requiring a permit under this section 1521.29 of the Revised Code, an owner or operator of a facility shall submit an application for a permit to the director chief on a form the director chief prescribes. The application applicant shall declare and document all of the following in the application:

(1) The facility's current withdrawal capacity per day if the withdrawal is to occur at a facility already in operation;

(2) The total new or increased daily withdrawal capacity
proposed for the facility;

(3) The locations and sources of water proposed to be withdrawn;
(4) The locations of proposed discharges or return flows;
(5) The locations and nature of proposed consumptive uses;
(6) The estimated average annual and monthly volumes and rates of withdrawal;
(7) The estimated average annual and monthly volumes and rates of consumptive use;
(8) The effects the withdrawal is anticipated to have with respect to existing uses of water resources;
(9) A description of other ways the applicant's need for water may be satisfied if the application is denied or modified;
(10) A description of the conservation practices the applicant intends to follow;
(11) All information required under sections 1521.24 to 1521.27 of the Revised Code if the sources of water for the proposed withdrawal are ground water;
(12) Any other information the director chief may require by rule.

(C) Each application shall be accompanied by a nonrefundable fee of one thousand dollars, which shall be credited to the water management fund created under section 1501.32 1521.22 of the Revised Code.

(D) A major utility facility that is subject to regulation under Chapter 4906. of the Revised Code,a facility that is subject to regulation under Chapter 1514. of the Revised
Code, or a facility that is required to obtain a permit under sections 1522.10 to 1522.30 of the Revised Code need not obtain a permit under section 1501.34 1521.29 of the Revised Code.

(C)(1) (E) A public water system, as that term is defined in section 6109.01 of the Revised Code, that withdraws waters of the state in an amount that would result in a new or increased consumptive use of more than two million gallons per day need not obtain a permit under section 1501.34 1521.29 of the Revised Code if any one of the following applies:

(a) (1) The public water system was in operation on June 29, 1988, and no substantial changes in the design capacity are proposed for that system except as specified in division (C)(1)(c) of this section.

(b) (2) A public water system that is proposed to be constructed or installed, or an existing system for which changes are proposed, encompasses only water distribution facilities.

(c) A public water system, other than one that encompasses only water distribution facilities, is proposed to be constructed or installed, or substantial changes in the design capacity of an existing system, other than one that encompasses only water distribution facilities, are proposed; the plans submitted for the system to the director of environmental protection under section 6109.07 of the Revised Code declare and document the information specified in division (A) of this section and rules adopted under it as determined by the director of natural resources, and the director of environmental protection has applied the criteria specified in division (A) of section 1501.34 of the Revised Code in reviewing and approving the plans as determined by the director of natural resources.

(2) Any public water system that withdraws waters of the
state in an amount that would result in a new or increased consumptive use of more than two million gallons per day and that does not meet the criteria specified in division (C)(1)(a), (b), or (c) of this section shall obtain a permit under section 1501.34 of the Revised Code. A person who submits plans for such a system under section 6109.07 of the Revised Code may request the director of natural resources in writing to consider those plans as an application under this section. No later than twenty days after receiving the request, the director shall notify the person of one of the following:

(a) The plans declare and document the information specified in division (A) of this section and rules adopted under it and are accepted as an application under this section, and the person shall submit to the director the application fee required under division (A) of this section.

(b) Additional specified information is necessary before the director can accept the plans as an application.

(c) The plans do not meet the requirements of division (A) of this section and rules adopted under it and an application shall be submitted in accordance with this section.

(D) A facility that is required to obtain a permit under sections 1522.10 to 1522.21 of the Revised Code need not obtain a permit under section 1501.34 of the Revised Code.

Sec. 1501.35 | Sec. 1521.231. Whenever any person submits an application under section 1501.33 1521.23 of the Revised Code to withdraw water from the Lake Erie drainage basin that would result in a new or increased consumptive use totaling more than five million gallons per day or whenever a major utility facility subject to regulation under Chapter 4906. of the Revised Code

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proposes to make such a withdrawal, the director chief of natural the division of water resources shall notify the governors and premiers of the other great lakes states and provinces, the appropriate water management agencies of those states and provinces, and, when appropriate, the international joint commission and shall solicit their comments and concerns regarding the application. In the event of an objection to the proposed consumptive use, the director chief shall consult with the affected great lakes states and provinces to consider the issues involved and seek mutually agreeable recommendations. Before rendering a decision on the permit application, the director chief shall consider the concerns, comments, and recommendations of the other great lakes states and provinces and the international joint commission.

**Sec. 1521.24.** Along with an application for a permit submitted under section 1521.23 of the Revised Code, an applicant that proposes to withdraw ground water shall submit data in a form prescribed by the chief of the division of water resources that includes all of the following:

(A) A hydrologic map consisting of a single map using the most recent USGS 7.5 minute topographic maps at a scale of 1:24,000 as a base or other approved format that shows all of the information described in section 1521.25 of the Revised Code;

(B) A hydrogeologic description in sufficient detail to determine the cone of depression for the proposed withdrawal that includes all of the information described in section 1521.26 of the Revised Code;

(C) A steady state ground water model that defines the projected cone of depression for the proposed withdrawal that complies with section 1521.27 of the Revised Code;
(D) Alternative water supply information that includes an analysis of the availability and suitability of alternative water supply sources that will be utilized to fulfill the water supply replacement provisions of section 1521.35 of the Revised Code.

Sec. 1521.25. An applicant shall show all of the following on the hydrologic map required under division (A) of section 1521.24 of the Revised Code:

(A) The proposed withdrawal area;

(B) The hydrologic study area;

(C) A line delineating the location of the cross sections required under division (E) of section 1521.26 of the Revised Code;

(D) The location of and assigned identification number for the selected water supply wells identified in division (D) of section 1521.26 of the Revised Code and all other water sources used for domestic, agricultural, or industrial use within the proposed withdrawal area and hydrologic study area;

(E) The location of any well, well field, reservoir, river, and water source not identified under division (D) of this section on or within the hydrologic study area that is used for a public water supply and the location of any facility registered under section 1521.16 of the Revised Code on or within the hydrologic study area;

(F) Any additional information that the chief of the division of water resources may require based on site-specific conditions.

Sec. 1521.26. An applicant shall include all of the following with the hydrogeologic description required under division (B) of
section 1521.24 of the Revised Code:

(A) A detailed description of the geology within the proposed withdrawal and hydrologic study area down to the lowest level of any aquifer from which water is proposed to be withdrawn. The description must include the areal and structural geology of the withdrawal and hydrologic study area, and any other parameter that may affect the occurrence, availability, movement, or quantity of potentially affected ground waters. The description must be based on information available to the applicant from test borings, core drillings, well logs, and geologic literature and practices.

(B) Information related to the ground water hydrology for the proposed withdrawal and hydrologic study area including, at a minimum, all of the following:

(1) The elevation and the lateral extent of each aquifer, interbedded lithology, and overburden material;

(2) The thickness of each aquifer and a detailed lithologic description from surface to base of the deepest aquifer, noting any changes in lithology over distance;

(3) Known uses of and withdrawals from the water in each aquifer;

(4) The transmissivity of each aquifer;

(5) The storativity of each aquifer;

(6) The hydraulic conductivity of each aquifer;

(7) The specific yield of each unconfined aquifer;

(8) The rate of discharge of any currently registered water withdrawals shown pursuant to division (E) of section 1521.25 of the Revised Code.

(C) A listing of the published information and data, and
copies of the unpublished records and data, used in preparation of
the items in divisions (A) and (B) of this section, including core
descriptions, cuttings descriptions, stratigraphic descriptions,
and pump or slug test records;

(D) A water supply inventory representing all aquifers
submitted in a format prescribed by the chief of the division of
water resources that, at a minimum, includes all of the following:

(1) All of the existing water wells within the study area if
there are fewer than one hundred wells. If there are more than one
hundred wells within the study area, the inventory must include
one hundred wells plus twenty-five per cent of those wells in
excess of one hundred, but shall not exceed a total of three
hundred wells.

(2) A listing of water sources in the proposed withdrawal and
hydrologic study area as shown pursuant to divisions (D) and (E)
of section 1521.25 of the Revised Code. Such water sources must
include the most recently drilled wells, represent all aquifers
and producing zones within the aquifers, and reflect a uniform
geographical distribution of wells within the study area. The
listing must include, to the extent available, all of the
following for each well:

(a) The map identification number listed under division (D)
of section 1521.25 of the Revised Code;

(b) The department of natural resources, division of water
resources number assigned to the log form required to be filed
under section 1521.05 of the Revised Code;

(c) The township in which each well is located;

(d) The year the well was drilled;

(e) The latitude and longitude in NAD 83 of the well;
(f) The surface elevation of the well in feet;
(g) The total depth of the well in feet below the land surface;
(h) The depth to bedrock in feet;
(i) A description of unconsolidated material;
(j) The static water level of the well in feet below the land surface;
(k) The casing length in feet;
(l) The lithology of the screen interval/open borehole;
(m) The length of any well screen in feet;
(n) The test rate in gallons per minute;
(o) The duration of the test;
(p) The drawdown in feet.

(3) A listing of the location and type of any public water supply sources within the withdrawal and hydrologic study area;

(4) A copy of the division of water resources well logs for the wells listed in division (D) of this section.

Prior to submission of an application, an applicant may submit a request in writing to the chief to reduce the number or extent of the submittals required in division (D) of this section. The chief may grant the request only if the chief makes a written determination that this reduction will not diminish the level of accuracy in the ground water model. If the chief grants a reduction, the written request and determination shall be submitted with the permit application. If information required in the water supply inventory is unobtainable, the applicant shall submit a statement to that effect, giving the reasons therefor.
(E) A minimum of two perpendicular hydrogeologic cross sections of the same scale for the hydrologic study area based on available information. Such cross sections must be of uniform horizontal and uniform vertical scale, depict the information required in divisions (B)(1) and (2) of this section, intersect the center of the proposed withdrawal, and include the data points used to construct the cross section.

(F) Any other information the chief may require.

For purposes of the hydrogeologic description and to establish pre-pumping water level conditions, the chief may require the applicant to monitor water levels from each aquifer from which water is proposed to be withdrawn. The applicant shall conduct such monitoring via the wells listed in division (D) of this section or new monitoring wells drilled by the applicant. The chief also may require pre-pumping tests.

Sec. 1521.27. (A) An applicant shall ensure that both of the following apply to the steady state ground water model required under division (C) of section 1521.24 of the Revised Code:

(1) It accurately reflects the ground water flow conditions associated with the hydrologic study area and is consistent with American society for testing and materials international standards.

(2) It is in the form of a three-dimensional ground water flow model utilizing finite difference modeling software or other modeling software acceptable to the chief of the division of water resources.

(B) The applicant shall submit the model results in a format prescribed by the chief. The applicant shall include detailed explanations of the hydrologic and geologic parameters used to
construct the model, including all of the following:

(1) The saturated thickness of each aquifer;

(2) The elevation of the static water level or potentiometric surface of each aquifer;

(3) Whether each aquifer is confined or unconfined;

(4) The pumping water level elevation at steady state conditions.

Sec. 1521.28. The chief of the division of water resources shall use the data submitted under sections 1521.24 to 1521.27 of the Revised Code to establish the geographic area defined by the ten-foot contour line of the projected cone of depression for any approved application for the withdrawal of ground water. However, the chief may designate a different contour line based upon water resource availability, seasonal variations, other water users in the hydrologic study area, or other ground water data available.

Sec. 1501.34 1521.29. (A) The director of natural chief of the division of water resources shall not approve an application submitted under section 1501.33 1521.23 of the Revised Code if he the chief determines that any of the following criteria apply:

(1) Public water rights in navigable waters will be adversely affected;

(2) The facility's current consumptive use, if any, does not incorporate maximum feasible conservation practices as determined by the director chief, considering available technology and the nature and economics of the various alternatives;

(3) The proposed plans for the withdrawal, transportation, development, and consumptive use of water resources do not
incorporate maximum feasible conservation practices as determined by the director chief, considering available technology and the nature and economics of the various alternatives;

(4) The proposed withdrawal and consumptive uses do not reasonably promote the protection of the public health, safety, and welfare;

(5) The proposed withdrawal will have a significant detrimental effect on the quantity or quality of water resources and related land resources in this state, including a significant lowering of the water level within or the overdrafting of an aquifer;

(6) The proposed withdrawal is inconsistent with regional or state water resources plans;

(7) Insufficient water is available for the withdrawal and other existing legal uses of water resources are not adequately protected;

(8) A significant diminution will occur in the amount of water available to existing wells or an interruption of existing ground water usage will occur within the geographic area established by the chief pursuant to section 1521.28 of the Revised Code without a suitable replacement water supply source;

(9) A withdrawal or consumptive use will cause irreparable material damage to an aquifer such that the aquifer may no longer yield the amount of water it did before the withdrawal or consumptive use proposed in the application.

(B) The director chief may hold public hearings upon any application for a permit submitted under section 1501.32 1521.23 of the Revised Code. The director chief shall determine the period for which each permit approved under this section will be valid.
and specify the expiration date, but in no case shall a permit be
valid beyond the life of the project as stated in the application.

The director shall establish rules providing for the transfer of
permits. A permit may be transferred on the conditions that the
quantity of water withdrawn not be increased and that the purposes
of the withdrawal not be changed.

(C)(1) Within a time established by rule ninety days of
receiving a complete application, the director chief shall do one
of the following:

(a) Notify the applicant that the applicant's application
he submitted under section 1501.23 1521.23 of the Revised Code is
approved or denied and, if denied, the reason for denial;

(b) Notify the applicant of any modification necessary to
qualify the application for approval.

(2) Any person who receives notice of a denial or
modification under this division is entitled to a hearing under
Chapter 119. of the Revised Code if the person sends a written
request for a hearing to the director chief within thirty days
after the date on which the notice is mailed or otherwise provided
to the applicant.

(D) The director shall revoke a permit under this section
without a prior hearing if he determines that the quantity of
water being consumed exceeds the quantity stated in the permit
application. The chief shall issue a permit to an applicant whose
application is approved under this section.

The director may suspend a permit if he determines that the
continued consumption of water under the permit will endanger the
public health, safety, or welfare. Before suspending a permit, the
director shall make a reasonable attempt to notify the permittee
that he intends to suspend the permit. If the attempt fails,
notification shall be given as soon as practicable following the suspension. Within five days after the suspension, the director shall provide the permittee an opportunity to be heard and to present evidence that the continued consumption of water will not endanger the public health, safety, or welfare.

If the director determines, before the expiration date of a suspended permit, that the consumption of water can be resumed without danger to the public health, safety, or welfare, he shall, upon request of the permittee, reinstate the permit.

(E) Any six or more residents of this state may petition the director for an investigation of a withdrawal of water resources that they allege is in violation of a permit issued under this section.

The petition shall identify the permittee and detail the reasons why the petitioners believe that grounds exist for the revocation or suspension of the permit under this section.

Upon receipt of the petition, the director shall send a copy to the permittee and, within sixty days, make a determination whether grounds exist for revocation or suspension of the permit under this section.

(F) Each permittee under this section shall submit to the director an annual report containing such information as the director may require by rule.

Sec. 1521.30. (A) With regard to a permit issued under section 1521.29 of the Revised Code, the permittee shall submit to the chief of the division of water resources an annual report containing any information as the chief shall require by rule.

(B) If the facility for which a permit has been issued under
section 1521.29 of the Revised Code withdraws ground water, the chief may require the continued monitoring and reporting of water levels in each aquifer via existing wells or new monitoring wells drilled by the permittee.

(C) With regard to a permit issued under section 1521.29 of the Revised Code, the permittee, at least once every five years, shall certify to the chief that the facility for which the permit has been issued is in compliance with the permit.

(D) The chief shall adopt rules for the transfer of permits issued under section 1521.29 of the Revised Code. The chief may allow a permit to be transferred on the condition that the quantity of water withdrawn not be increased and that the purposes of the withdrawal not be changed.

Sec. 1521.31. (A) The chief of the division of water resources may require a permittee that has been issued a permit under section 1521.29 of the Revised Code to decrease its withdrawal and submit a revised ground water model under section 1521.27 of the Revised Code if either of the following applies:

(1) The permittee's reported ground water monitoring data conflicts with the permittee's ground water model.

(2) The results of the division of water resources' investigation of any written complaint under section 1521.36 of the Revised Code indicate that the permittee's withdrawal caused the diminution or interruption of a person's water supply.

(B) If so required under division (A) of this section, the permittee shall submit the revised ground water modeling using additional data that reflects the permittee's impact on ground water. Based upon the revised ground water modeling and additional data, the chief may amend the permit to decrease the withdrawal or...
establish a revised projected cone of depression.

(C) A permittee may request the chief to amend a permit issued under section 1521.29 of the Revised Code when another ground water user affects or has the potential to affect the projected cone of depression. The permittee shall submit with the request a revised ground water model using additional data that reflects the other ground water user's impact on ground water. Based on the revised ground water model and additional data, the chief may establish a revised projected cone of depression and amend the permit accordingly.

Sec. 1521.32. (A) The chief may suspend a permit issued under section 1521.29 of the Revised Code pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code if the chief determines one of the following:

(1) That the continued withdrawal or consumptive use of water under the permit will endanger the public health, safety, or welfare;

(2) That the withdrawal or consumptive use of water will result in a significant lowering of the water level within an aquifer, the overdrafting of an aquifer, or the imminent threat of irreparable material damage to an aquifer such that the aquifer will no longer yield the amount of water it did before the withdrawal or consumptive use.

(B) Before suspending a permit, the chief shall make a reasonable attempt to notify the permittee that the chief intends to suspend the permit. If the attempt fails, notification shall be given as soon as practicable following the suspension.

(C) Within five days after the suspension, the chief shall provide the permittee an opportunity for a hearing. At the hearing
the permittee may present evidence that the continued withdrawal or consumptive use of water is warranted because the reasons for suspension specified in division (A) of this section do not apply.

(D) Prior to the expiration of a suspended permit, a permittee may request the chief to amend the suspended permit. The chief may amend the permit and allow the withdrawal or consumptive use of water under it to be resumed if the chief determines that, under the amended permit, the reasons for suspension specified in division (A) of this section will no longer apply.

(E)(1) Any six or more residents of this state may petition the chief for an investigation of a withdrawal of water resources that they allege is in violation of a permit issued under section 1521.29 of the Revised Code.

(2) In the petition, the petitioners shall identify the permittee and detail the reasons why the petitioners believe that grounds exist for the suspension of the permit under this section or the revocation of the permit under section 1521.33 of the Revised Code.

(3) Upon receipt of the petition, the chief shall send a copy to the permittee and, within sixty days, make a determination whether grounds exist for suspension of the permit under this section or revocation of the permit under section 1521.33 of the Revised Code.

Sec. 1521.33. The chief may revoke a permit issued under section 1521.29 of the Revised Code pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code if one of the following applies:

(A) The continued withdrawal or consumptive use of water under the permit will endanger the public health, safety, or
welfare.

(B) The withdrawal or consumptive use of water will result in a significant lowering of the water level within an aquifer, the overdrafting of an aquifer, or the imminent threat of irreparable material damage to an aquifer such that the aquifer will no longer yield the amount of water it did before the withdrawal or consumptive use.

(C) The permittee has violated, is violating, or is threatening to violate any provision in sections 1521.23 to 1521.36 of the Revised Code, rules adopted under those sections, or a permit or order issued under those sections.

Sec. 1521.34. (A) For purposes of this section, "public water system" has the same meaning as in section 6109.01 of the Revised Code.

(B) The chief shall provide written notice to the director of environmental protection and the permittee at least ten business days prior to requiring a permittee that is a public water system to decrease its withdrawal, or prior to revoking, suspending, or amending the public water system's permit issued under section 1521.29 of the Revised Code. Nothing in this section affects a public water system's obligation to comply with Chapter 6109. of the Revised Code and the rules adopted under it.

Sec. 1521.35. (A) An owner of real property that is located within the geographic area established under section 1521.28 of the Revised Code with respect to a permit issued under section 1521.29 of the Revised Code may submit a written complaint to the permittee or to the chief of the division of water resources informing the permittee or the chief that there is a diminution or
interruption of the owner's water supply if both of the following apply:

(1) The owner obtains all or part of the owner's water supply for domestic, agricultural, industrial, or other legitimate use from ground water.

(2) There is a diminution or interruption of that water supply.

The owner shall include in the complaint the owner's name, address, and telephone number.

(B) If the chief receives a written complaint submitted in accordance with division (A) of this section, upon receipt the chief shall send a copy of the complaint to the permittee, and the permittee shall immediately respond by sending the chief a statement that explains how the permittee resolved or will resolve the complaint.

If the permittee receives the written complaint in accordance with division (A) of this section, the permittee shall send a copy of the complaint, within fourteen days after receiving the complaint, to the chief and include a statement that explains how the permittee resolved or will resolve the complaint. Nothing in this section relieves a permittee from performing the duties specified in division (C) of this section.

(C) Not later than seventy-two hours after the permittee receives the complaint and if the complaint is not resolved as verified by the chief, the permittee shall provide the owner with a supply of water that is comparable to the owner's water supply prior to the diminution or interruption of the owner's water supply. The chief shall approve the method of providing the water supply. The permittee shall maintain that water supply unless the
chief determines that the permittee has rebutted the presumption established in division (D) of this section.

(D) A rebuttable presumption exists that the withdrawal by the permittee caused the diminution or interruption of the owner's water supply. However, not later than fourteen days after receipt of the complaint, the permittee may submit to the chief information showing that the permittee is not the proximate cause of the diminution or interruption of the owner's water supply. The chief shall evaluate the information submitted by the permittee to determine if the presumption is rebutted.

(E) If the permittee fails to rebut the presumption, the chief shall notify the permittee and the owner in writing that the permittee failed to rebut the presumption.

(F) If the permittee rebuts the presumption, the chief shall notify the permittee and the owner that the permittee rebutted the presumption. Upon receipt of that notice, the permittee may cease providing a supply of water to the owner under division (C) of this section.

(G) If, within fourteen days after receipt of the complaint, the permittee fails to submit to the chief information showing that the withdrawal is not the proximate cause of the diminution or interruption of the owner's water supply, such failure shall be considered a failure to rebut the presumption.

Sec. 1521.36. (A) An owner of real property that is located outside the geographic area established under section 1521.28 of the Revised Code with respect to a permit issued under section 1521.29 of the Revised Code may submit a written complaint to the permittee or to the chief of the division of water resources if both of the following apply:
(1) The owner obtains all or part of the owner's water supply for domestic, agricultural, industrial, or other legitimate use from ground water.

(2) There is a diminution or interruption of that water supply.

The owner shall include in the complaint the owner's name, address, and telephone number.

(B) If the chief receives the written complaint submitted under division (A) of this section, upon receipt the chief shall send the permittee a copy of the complaint. If the permittee receives the written complaint, upon receipt the permittee shall send the chief a copy of the complaint.

(C) The chief shall investigate the complaint. Upon completion of the investigation, the chief shall send the results of the investigation to the permittee and to the owner that submitted the complaint.

(D) The owner that submitted the complaint may resolve the diminution or interruption of the owner's water supply with the permittee or may commence a civil action for that purpose.

Sec. 1521.40. (A) No person shall violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(B) The attorney general, upon written request of the chief of the division of water resources, shall bring an action for an injunction or other appropriate legal or equitable action against any person who has violated, is violating, or is threatening to violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued.
under it.

(C) A person who violates any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it is liable to the chief for any costs incurred by the division of water resources in investigating, mitigating, minimizing, removing, or abating the violation and conditions caused by it.

(D) Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs in the court of common pleas of Franklin county. Moneys recovered under this division shall be deposited in the state treasury to the credit of the water management fund created in section 1521.22 of the Revised Code.

Sec. 1521.99. (A) Whoever violates division (E)(1) of section 1521.05 or division (E)(1) of section 1521.16 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 1521.06 or 1521.062 of the Revised Code shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense. Each day of violation constitutes a separate offense.

(C) Whoever violates section 1521.22 of the Revised Code or the terms or conditions of a permit issued under that section shall be fined not more than ten thousand dollars for each day of violation.

(D) Whoever violates section 1521.23 of the Revised Code or the terms or conditions of a permit issued under section 1521.29 of the Revised Code is guilty of a misdemeanor of the fourth degree.
Sec. 1522.10. As used in sections 1522.10 to 1522.30 of the Revised Code:

(A) "Baseline facility" means a facility identified in the baseline report or a facility added to the baseline report under section 1522.16 of the Revised Code.

(B) "Baseline facility abandonment" means the voluntary and affirmative termination of a baseline facility's withdrawal and consumptive use capacity as listed in the baseline report. "Baseline facility abandonment" does not include the nonuse or the transfer of a baseline facility's withdrawal and consumptive use capacity unless either of the following applies:

(1) The nonuse continues for fifteen consecutive years for a facility with a potential withdrawal from Lake Erie or a recognized navigational channel and the nonuse is not extended in accordance with division (B) of section 1522.16 of the Revised Code.

(2) For a facility to which division (B)(1) of this section does not apply, the nonuse continues for thirty-six consecutive months and is not extended in accordance with division (B) of section 1522.16 of the Revised Code.

(C) "Baseline report" means a list of the withdrawal and consumptive use capacities of facilities that was developed for purposes of Section 4.12 of the great lakes-st. Lawrence river basin water resources compact by the department of natural resources and submitted to the great lakes-st. Lawrence river basin water resources council on December 8, 2009.

(D) "Capacity" means the ability of a facility's pumps, pipes, and other appurtenances to withdraw water presented in terms of withdrawal capacity, treatment capacity, distribution
capacity, or other capacity-limiting factors.

(E) "Compact" means the great lakes-st. Lawrence river basin water resources compact set forth in section 1522.01 of the Revised Code.

(F) "Consumptive use" has the same meaning as in section 1522.01 of the Revised Code. For purposes of determining a new or increased capacity for consumptive use, "consumptive use" is the use based on a coefficient of consumptive use generally accepted in the scientific community that most accurately reflects the process at a facility or the use based on facility specific data, whichever is more accurate.

(G) "Diversion" has the same meaning as in section 1522.01 of the Revised Code.

(H) "Facility" means any site, installation, or building at which water withdrawal and consumptive use activities take place or are proposed to take place, that is located at a property or on contiguous properties, and that is under the direction of either a private or public entity. "Facility" includes any site, installation, building, or service area of a public water system at or within which water withdrawal and consumptive use activities take place.

(I) "Facility abandonment" means the voluntary and affirmative termination of a facility's withdrawal and consumptive use capacity as listed in a withdrawal and consumptive use permit issued under section 1522.12 of the Revised Code. "Facility abandonment" does not include the nonuse or the transfer of a facility's withdrawal and consumptive use capacity unless either of the following applies:

(1) The nonuse continues for fifteen consecutive years for a
facility with a potential withdrawal from Lake Erie or a recognized navigational channel and the nonuse is not extended in accordance with division (B) of section 1522.16 of the Revised Code.

(2) For a facility to which division (I)(1) of this section does not apply, the nonuse continues for thirty-six consecutive months and is not extended in accordance with division (B) of section 1522.16 of the Revised Code.

(J) "High quality water" means a river or stream segment that has been designated by the environmental protection agency under Chapter 3745-1 of the Administrative Code as an exceptional warm water habitat, cold water habitat, outstanding state water, or superior high-quality water.

(K) "Increased capacity" does not include any capacity that results from alterations or changes made at a facility that replace existing capacity without increasing the capacity of the facility.

(L) "Public water system" has the same meaning as in section 6109.01 of the Revised Code.

(M) "Recognized navigation channel" means that portion of a river or stream extending from bank to bank that is a direct tributary of Lake Erie and that, as of the effective date of this section September 4, 2012, is a state or federally maintained navigation channel.

(N) "River or stream" means a body of water running or flowing, either continually or intermittently, on the earth's surface or a channel in which such flow occurs.

(O) "Water" means ground or surface water contained within the basin of the Lake Erie source watershed.
(P) "Aquifer," "cone of depression," "ground water," "hydrologic study area," "well," "well field," and "withdrawal area" have the same meanings as in section 1521.01 of the Revised Code.

Sec. 1522.101. For purposes of sections 1522.10 to 1522.30 of the Revised Code, a reference to source watershed or the Lake Erie source watershed means the Lake Erie watershed considered as a whole.

Sec. 1522.11. (A) No person shall install or operate a facility or equipment that results in a new or increased diversion of any water out of the Lake Erie watershed to another watershed without first obtaining a permit to do so issued by the chief of the division of water resources. An application for such a permit shall be submitted to the chief on a form that the chief prescribes. An application shall be accompanied by a nonrefundable fee of one thousand dollars, which shall be credited to the water management fund created in section 1501.32 1521.22 of the Revised Code.

(B) The chief shall approve a permit application submitted under this section only if the chief determines that it meets the criteria required to qualify as an exception to the prohibition against diversions established in Section 4.9 of the compact. The chief shall issue or deny a permit through issuance of an order.

Sec. 1522.12. (A) For purposes of the compact, not later than one hundred eighty days after September 4, 2012, the chief of the division of water resources shall establish a program for the issuance of permits for the withdrawal and consumptive use of water from the Lake Erie watershed. Upon establishment of the
the owner or operator of a facility within the Lake Erie watershed that is not otherwise exempt under section 1522.14 of the Revised Code shall obtain a withdrawal and consumptive use permit from the chief of the division of water resources if the facility meets any of the following threshold criteria:

1. The facility has a new or increased capacity for withdrawals or consumptive uses from Lake Erie or a recognized navigation channel of at least two and one-half million gallons per day.

2. Except as provided in division (A)(3) of this section, the facility has a new or increased capacity for withdrawals or consumptive uses from any river or stream or from ground water in the Lake Erie watershed of at least one million gallons per day.

3. (a) Except as provided in division (A)(3)(b) of this section, the facility has a new or increased capacity for withdrawals or consumptive uses from any river or stream in the Lake Erie watershed that is a high quality water of at least one hundred thousand gallons per day. Division (A)(3) of this section does not apply to withdrawals and consumptive uses from outstanding state waters that are designated as such by the environmental protection agency due to their exceptional recreational values.

(b) If a river or stream or segment thereof is designated as a high quality water as of September 4, 2012, the threshold established in division (A)(3)(a) of this section applies to the river or stream or segment thereof and the entire watershed upstream of that river, stream, or segment. If a river or stream or segment thereof is designated as a high quality water after September 4, 2012, the threshold established in division (A)(3)(a) of this section applies to the river or stream or segment thereof.
and the entire watershed upstream of that river, stream, or segment, provided that the director of environmental protection and the director of natural resources, or their designees, jointly determine that the proposed withdrawal or consumptive use would cause the high quality water to lose its designation as a high quality water. If the directors determine that the proposed withdrawal or consumptive use would not cause the high quality water to lose that designation, the threshold established in division (A)(2) of this section applies to the withdrawal or consumptive use at a point beginning one thousand feet upstream of the upstream end of the designated high quality water segment or at a point beginning two times the length of the river, stream, or segment that has been designated as a high quality water, whichever is greater.

Upon establishment of the withdrawal and consumptive use permit program under this division, the owner or operator of a facility that is not otherwise exempt under section 1522.14 of the Revised Code and that is subject to a threshold specified in division (A)(1) or (2) of this section, after submitting an application for a permit under this section and a determination by the chief that the application is complete, may commence installation of the facility or equipment that will result in a new or increased withdrawal or consumptive use of water in the Lake Erie watershed prior to issuance of the withdrawal and consumptive use permit.

Upon establishment of the withdrawal and consumptive use permit program under this division, the (B) An owner or operator of a facility that is not otherwise exempt under section 1522.14 of the Revised Code and that is subject to a threshold specified in division (A)(3) of this section shall not install or operate the facility or equipment that will result in a new or increased
withdrawal or consumptive use of water in the Lake Erie watershed without first obtaining a withdrawal and consumptive use permit.

(C) Permits issued under this section shall be issued only for the amount of withdrawal or consumptive use capacity of a facility that meets or exceeds threshold amounts established in division (A) of this section. A permit shall not be required for the portion of the withdrawal and consumptive use capacity of the facility below that threshold amount.

(D) An applicant for a permit shall submit an application to the chief on a form that the chief prescribes. The applicant shall include with the application all of the following:

(1) The name, address, and telephone number of the applicant and of a contact person for the applicant;

(2) The names, addresses, and other necessary contact information of any other owners and operators of the facility;

(3) A description of all of the following:

(a) The facility's current withdrawal capacity per day if the withdrawal is to occur at a facility already in operation;

(b) The total new or increased daily withdrawal capacity proposed for the facility;

(c) The locations and sources of water proposed to be withdrawn;

(d) The locations of proposed discharges or return flows;

(e) The locations and nature of proposed consumptive uses and the applicable consumptive use coefficient for the facility;

(f) The estimated average annual and monthly volumes and rates of withdrawal;

(g) The estimated average annual and monthly volumes and
rates of consumptive use;

(h) The environmentally sound and economically feasible water conservation measures to be undertaken by the applicant;

(i) Other ways the applicant's need for water may be satisfied if the application is denied or modified;

(4) All information required in sections 1522.121 to 1522.124 of the Revised Code if the source of water for the proposed withdrawal is ground water;

(5) Any other information the chief may require to adequately consider the application;

(6) A nonrefundable application fee of one thousand dollars, the proceeds of which shall be credited to the water management fund created in section 1501.321521.22 of the Revised Code.

(E) Provided that a facility meets all applicable permit conditions, a permit for the facility is valid until the facility is the subject of facility abandonment. Once every five years, the owner or operator of a facility shall certify to the chief that the facility is in compliance with the permit that has been issued for the facility.

(F) No person that is required to do so shall fail to apply for and receive a withdrawal and consumptive use permit.

(G) A permit issued under this section shall include terms and conditions restricting the withdrawal and consumptive use by a facility to amounts not exceeding the capacity of the facility.

(H) The chief shall issue or deny a permit not later than ninety days after receipt of a complete application. If
applicable, the chief shall comply with the requirements regarding prior notice established in Section 4.6 of the compact. The chief shall issue or deny a permit through issuance of an order. The chief shall issue a permit if all applicable criteria for receiving the permit are met as provided in sections 1522.10 to 1522.21 of the Revised Code and neither of the following applies:

1. A withdrawal or consumptive use will result in a significant lowering of the water level within an aquifer, the overdrafting of an aquifer, a significant diminution in the amount of water available in existing wells, or the interruption of existing ground water supplies within the geographic area established by the chief pursuant to section 1522.125 of the Revised Code without a suitable replacement water supply source.

2. A withdrawal or consumptive use would cause irreparable material damage to an aquifer such that the aquifer could no longer yield the amount of water it did before the withdrawal or consumptive use proposed in the application.

I. If the facility for which a permit has been issued under this section withdraws ground water, the chief may require the continued monitoring and reporting of water levels in each aquifer via existing wells or new monitoring wells drilled by the permittee.

Sec. 1522.121. Along with an application for a permit submitted under section 1522.12 of the Revised Code, an applicant that proposes to withdraw ground water shall submit data in a form prescribed by the chief of the division of water resources that includes all of the following:

1. A hydrologic map consisting of a single map using the
most recent USGS 7.5 minute topographic maps at a scale of 1:24,000 as a base or other approved format that shows all of the information described in section 1521.122 of the Revised Code;

(B) A hydrogeologic description in sufficient detail to determine the cone of depression for the proposed withdrawal that includes all of the information described in section 1522.123 of the Revised Code;

(C) A steady state ground water model that defines the projected cone of depression for the proposed withdrawal that complies with section 1522.124 of the Revised Code;

(D) Alternative water supply information that includes an analysis of the availability and suitability of alternative water supply sources that will be utilized to fulfill the water supply replacement provisions of section 1522.24 of the Revised Code.

Sec. 1522.122. An applicant shall show all of the following on the hydrologic map required under division (A) of section 1522.121 of the Revised Code:

(A) The proposed withdrawal area;

(B) The hydrologic study area;

(C) A line delineating the location of the cross sections required under division (E) of section 1522.123 of the Revised Code;

(D) The location of and assigned identification number for the selected water supply wells identified in division (D) of section 1522.123 of the Revised Code and all other water sources used for domestic, agricultural, or industrial use within the proposed withdrawal area and hydrologic study area;

(E) The location of any well, well field, reservoir, river,
and water source not identified under division (D) of this section on or within the hydrologic study area that is used for a public water supply and any facility registered under section 1521.16 of the Revised Code on or within the hydrologic study area:

(F) Any additional information that the chief of the division of water resources may require based on site-specific conditions.

Sec. 1522.123. An applicant shall include all of the following with the hydrogeologic description required under division (B) of section 1522.121 of the Revised Code:

(A) A detailed description of the geology within the proposed withdrawal and hydrologic study area down to the lowest level of any aquifer from which water is proposed to be withdrawn. The description must include the areal and structural geology of the withdrawal and hydrologic study area, and any other parameter that may affect the occurrence, availability, movement, or quantity of potentially affected ground waters. The description must be based on information available to the applicant from test borings, core drillings, well logs, and geologic literature and practices.

(B) Information related to the ground water hydrology for the proposed withdrawal and hydrologic study area including, at a minimum, all of the following:

(1) The elevation and the lateral extent of each aquifer, interbedded lithology, and overburden material;

(2) The thickness of each aquifer and a detailed lithologic description from surface to base of the deepest aquifer, noting any changes in lithology over distance;

(3) Known uses of and withdrawals from the water in each aquifer;
(4) The transmissivity of each aquifer;
(5) The storativity of each aquifer;
(6) The hydraulic conductivity of each aquifer;
(7) The specific yield of each unconfined aquifer;
(8) The rate of discharge of any currently registered water withdrawals shown pursuant to division (E) of section 1522.122 of the Revised Code;

(C) A listing of the published information and data, and copies of the unpublished records and data, used in preparation of the items in divisions (A) and (B) of this section including core descriptions, cuttings descriptions, stratigraphic descriptions, and pump or slug test records;

(D) A water supply inventory representing all aquifers submitted in a format prescribed by the chief of the division of water resources that, at a minimum, includes all of the following:

(1) All of the existing water wells within the study area if there are fewer than one hundred wells. If there are more than one hundred wells within the study area, the inventory must include one hundred wells plus twenty-five per cent of those wells in excess of one hundred, but shall not exceed a total of three hundred wells.

(2) A listing of water sources in the proposed withdrawal and hydrologic study area as shown pursuant to divisions (D) and (E) of section 1522.122 of the Revised Code. Such water sources must include the most recently drilled wells, represent all aquifers and producing zones within the aquifers, and reflect a uniform geographical distribution of wells within the study area. The listing must include, to the extent available, all of the following for each well:
(a) The map identification number listed under division (D) of section 1522.122 of the Revised Code;

(b) The department of natural resources, division of water resources number assigned to the log form required to be filed under section 1521.05 of the Revised Code;

(c) The township in which each well is located;

(d) The year the well was drilled;

(e) The latitude and longitude in NAD 83 of the well;

(f) The surface elevation of the well in feet;

(g) The total depth of the well in feet below the land surface;

(h) The depth to bedrock in feet;

(i) A description of unconsolidated material;

(j) The static water level of the well in feet below the land surface;

(k) The casing length in feet;

(l) The lithology of the screen interval/open borehole;

(m) The length of any well screen in feet;

(n) The test rate in gallons per minute;

(o) The duration of the test;

(p) The drawdown in feet.

(3) A listing of the location and type of any public water supply sources within the withdrawal and hydrologic study area;

(4) A copy of the division of water resources well logs for the wells listed in division (D) of this section.

Prior to submission of an application, an applicant may
submit a request in writing to the chief to reduce the number or extent of the submittals required in division (D) of this section. The chief may grant the request only if the chief makes a written determination that this reduction will not diminish the level of accuracy in the ground water model. If the chief grants a reduction, the written request and determination shall be submitted with the permit application. If information required in the water supply inventory of division (D) of this section is unobtainable, a statement to that effect shall be submitted, giving the reasons therefor.

(E) A minimum of two perpendicular hydrogeologic cross sections of the same scale for the hydrologic study area based on available information. Such cross sections must be of uniform horizontal and uniform vertical scale, depict the information required in divisions (B)(1) and (2) of this section, intersect the center of the proposed withdrawal, and include the data points used to construct the cross section.

(F) Any other information the chief may require.

For purposes of the hydrogeologic description and to establish pre-pumping water level conditions, the chief may require the applicant to monitor water levels from each aquifer from which water is proposed to be withdrawn. The applicant shall conduct such monitoring via the wells listed in division (D) of this section or new monitoring wells drilled by the applicant. The chief also may require pre-pumping tests.

Sec. 1522.124. (A) An applicant shall ensure that both of the following apply to the steady state ground water model required under division (C) of section 1522.121 of the Revised Code:
(1) It accurately reflects the ground water flow conditions associated with the hydrologic study area and is consistent with American society for testing and materials international standards.

(2) It is in the form of a three-dimensional ground water flow model utilizing finite difference modeling software or other modeling software acceptable to the chief of the division of water resources.

(B) The applicant shall submit the model results in a format prescribed by the chief. The applicant shall include detailed explanations of the hydrologic and geologic parameters used to construct the model, including all of the following:

1. The saturated thickness of each aquifer;
2. The elevation of the static water level or potentiometric surface of each aquifer;
3. Whether each aquifer is confined or unconfined;
4. The pumping water level elevation at steady state conditions.

Sec. 1522.125. The chief of the division of water resources shall use the data submitted under sections 1522.121 to 1522.124 of the Revised Code to establish the geographic area defined by the ten-foot contour line of the projected cone of depression for any approved application for the withdrawal of ground water. However, the chief may designate a different contour line based upon water resource availability, seasonal variations, other water users in the hydrologic study area, or other ground water data available.
Sec. 1522.13. (A) The chief of the division of water resources shall not issue a withdrawal and consumptive use permit for a facility if the chief determines that the facility does not meet all of the criteria established in Section 4.11 of the compact.

(B) In applying the provision of the decision-making standard established in Section 4.11.2 of the compact, the chief shall require that a withdrawal or consumptive use will be implemented so as to ensure that the withdrawal or consumptive use will result in no significant individual or cumulative adverse impacts on the quantity or quality of the waters and water dependent natural resources of the great lakes basin considered as a whole or of the Lake Erie source watershed considered as a whole. As part of the evaluation of a permit application under Section 4.11.2 of the compact, the chief shall do all of the following:

(1) Rely on the best generally accepted scientific methods appropriate for this state derived from professionally accepted resources and practices;

(2) Consider the long-term mean annual inflow and outflow of the Lake Erie source watershed;

(3) Consider the withdrawal and the portion of the withdrawal that is not returned to the Lake Erie source watershed.

(C) Impacts of a withdrawal or consumptive use on the quantity or quality of waters and water dependent natural resources of more localized areas that affect less than the great lakes basin considered as a whole or the Lake Erie source watershed considered as a whole shall be considered as a part of the evaluation of whether a proposed withdrawal or consumptive use is reasonable as provided in Section 4.11.5 of the compact.
(D) The chief shall not submit an application for a withdrawal and consumptive use permit for regional review under Section 4.5.2(c)(ii) of the compact to the regional body as defined in Section 1.2 of the compact unless regional review is agreed to by the applicant.

(E) Nothing in sections 1522.10 to 1522.30 of the Revised Code shall be construed to affect, limit, diminish, or impair any rights validly established and existing under the laws of this state as of December 8, 2008, including, but not limited to, sections 1506.10 and 1521.17 of the Revised Code, or to limit a person's right to the reasonable use of ground water, water in a lake, or any other watercourse in contravention of Section 19b of Article I, Ohio Constitution.

Sec. 1522.14. The following are exempt from the requirement to obtain a withdrawal and consumptive use permit:

(A) A facility or proposed facility that has a withdrawal and consumptive use capacity or proposed capacity below the threshold amounts established in divisions (A)(1) to (3) of section 1522.12 of the Revised Code;

(B) A facility that has a new or increased withdrawal capacity above an applicable threshold amount established in section 1522.12 of the Revised Code if either of the following apply:

(1) Except as provided in division (B)(2) of this section, the new or increased maximum daily withdrawal of the facility is less than the applicable threshold amount when averaged over any ninety-day period.

(2) The new or increased maximum daily withdrawal of the facility is less than the applicable threshold amount when
averaged over any forty-five-day period with regard to a facility with withdrawals from a river or stream that is a high quality water when the withdrawals are made at a point where the area of the watershed of the river or stream is less than one hundred square miles but greater than fifty square miles.

Division (B) of this section does not apply to withdrawals of a facility from a river or stream that is a high quality water when the withdrawals are made at a point where the area of the watershed of the river or stream is fifty square miles or less.

(C) A baseline facility that has not increased its withdrawal and consumptive use capacity beyond the capacity listed in the baseline report and beyond the threshold amounts established in section 1522.12 of the Revised Code;

(D) An electric generating facility that increases its consumptive use due to a requirement imposed by a federal regulation that is unrelated to an increase in production at the facility;

(E) A facility making a withdrawal and consumptive use from an impoundment of water collected primarily from diffused surface water sources, including a farm pond, golf course pond, nursery pond, stormwater retention pond, or other private pond; or a facility making a withdrawal and consumptive use from any stream or river to augment the water supply of an impoundment of water if the impoundment is used, at least in part, for firefighting purposes. The exemption established by this division does not apply to a facility making a withdrawal and consumptive use for industrial purposes or for public water supply purposes.

(F) A facility that must temporarily establish a new or increased withdrawal and consumptive use capacity as a result of an emergency for the duration of that emergency that, without the
new or increased withdrawal and consumptive use capacity, will result in imminent harm to human health or property;

(G) A facility that is establishing a new or is increasing its withdrawal and consumptive use capacity in compliance with an experimental use permit issued under section 1522.131 of the Revised Code;

(H) A facility that must temporarily establish a new or increased withdrawal and consumptive use capacity in order to respond to a humanitarian crisis for the duration of that crisis if the new or increased capacity is necessary to assist in the management of that crisis;

(I) A facility that is exempt from the requirement to obtain a permit under division (B) (D) or (E) of section 1521.23 of the Revised Code;

(J) A facility that is subject to regulation under Chapter 1514. of the Revised Code;

(K) A facility that purchases all of its water from a public water system;

(L) A facility that is withdrawing or consumptively using water from an off-stream impoundment that has been substantially filled with a stream withdrawal by a baseline facility or with a stream withdrawal that is subject to a withdrawal and consumptive use permit;

(M) A facility that is increasing its withdrawal or consumptive use capacity directly related to supplying a major electric generating facility that is subject to regulation under Chapter 4906. of the Revised Code.

Sec. 1522.15. (A)(1) Transfer of a withdrawal and consumptive use capacity.
use permit upon the sale or transfer of a facility may occur so long as the location of the facility, the source of water, and the withdrawal and consumptive use capacities do not change. Transfer of the baseline withdrawal and consumptive use capacity of a baseline facility upon the sale or transfer of the baseline facility may occur so long as the location of the facility, the source of water, and the withdrawal and consumptive use capacities do not change. Transferred capacity of a baseline facility does not require a withdrawal and consumptive use permit.

Notice of a transfer shall be provided to the chief of the division of water resources in a manner prescribed by the chief.

(2) If the owner of a facility for which a withdrawal and consumptive use permit has been issued sells or transfers a portion of the facility, transfer of the applicable portion of the withdrawal and consumptive use capacity authorized by the withdrawal and consumptive use permit may occur so long as the location of the facility, the source of water, and the total withdrawal and consumptive use capacities do not change. The permittee shall provide notice of such a transfer to the chief in a manner prescribed by the chief. Upon receipt of the notice and if a permit is required for the transferred portion based on the threshold amounts established in divisions (A)(1) to (3) of section 1522.12 of the Revised Code, the chief shall issue a new permit for the transferred portion of the facility to the transferee and a modified permit for the remaining portion of the facility to the original permittee upon a showing that the transferee will meet the conditions of the original permit and all applicable requirements of this chapter and rules adopted under it. Any new permit shall reflect the portion of the withdrawal and consumptive use capacity that has been transferred.

(3) If the owner of a baseline facility sells or transfers a
portion of the baseline facility, transfer of the applicable portion of the withdrawal and consumptive use capacity listed in the baseline report for that facility may occur so long as the location of the facility, the source of water, and the total withdrawal and consumptive use capacities do not change. The owner shall provide notice of such a transfer to the chief in a manner prescribed by the chief. The chief shall not require the owner of the baseline facility or the transferee to obtain a withdrawal and consumptive use permit, but shall update the baseline report to reflect the transfer.

(4) The chief may deny a transfer under this section by issuing an order denying the transfer and sending written notice to the permittee and the transferee not later than thirty days after notice of the intended transfer. The chief shall deny the transfer if the chief determines that the transfer will result in noncompliance with this chapter, rules adopted under it, or the terms and conditions of a withdrawal and consumptive use permit.

(5) The chief shall remove a facility from the baseline report when the facility is subject to baseline facility abandonment. However, a baseline facility shall not be removed from the baseline report due to the transfer of the facility's baseline capacity.

(B) No person shall sell or transfer a withdrawal and consumptive use permit for purposes of evading the requirements established in sections 1522.10 to 1522.21 1522.30 of the Revised Code.

Sec. 1522.19. (A) The chief of the division of water resources may require a permittee that has been issued a permit under section 1522.12 of the Revised Code to decrease its
withdrawal and submit a revised ground water model under section 1522.124 of the Revised Code if either of the following applies:

1. The reported ground water monitoring data conflicts with the permittee's ground water model.

2. The results of the division of water resources' investigation of any written complaint under section 1522.25 of the Revised Code indicate that the permittee's withdrawal caused the diminution or interruption of a person's water supply.

(B) If so required under division (A) of this section, the permittee shall submit the revised ground water modeling using additional data that reflects the permittee's impact on ground water. Based upon the revised ground water modeling and additional data, the chief may amend the permit to decrease the withdrawal or establish a revised projected cone of depression and amend the permit accordingly.

(C) A permittee may request the chief to amend a permit issued under section 1522.12 of the Revised Code when another ground water user affects or has the potential to affect the projected cone of depression. The permittee shall submit with the request a revised ground water model using additional data that reflects the other ground water user's impact on ground water. Based upon the revised ground water model and additional data, the chief may establish a revised projected cone of depression and amend the permit accordingly.

Sec. 1522.20. (A) The chief of the division of water resources may issue an order of compliance to a person that if the chief determines one of the following:

1. That the person has violated, is violating, or is threatening to violate any provisions of this chapter, rules
adopted under it, or permits or orders issued under it:

(2) That the continued withdrawal or consumptive use of water under a permit issued to the person under section 1522.12 of the Revised Code will endanger the public health, safety, or welfare;

(3) That the withdrawal or consumptive use of water under a permit issued to the person under section 1522.12 of the Revised Code will result in a significant lowering of the water level within an aquifer, the overdrafting of an aquifer, or the imminent threat of irreparable material damage to an aquifer such that the aquifer will no longer yield the amount of water it did before the withdrawal or consumptive use. The

(B) An order of compliance issued under division (A) of this section is effective upon issuance and the chief shall identify the all of the following in the order:

(1) The facility where the violation has occurred, is occurring, or is threatened to occur, the specific violation, and to which the order applies;

(2) The findings of fact and specific circumstances that led to the issuance of the order;

(3) The actions that the owner or operator of the facility must take to comply with the order. The order

The chief shall establish, fix and specify in the order a reasonable date by which the owner or operator must comply with the order.

(2) An order issued under division (A)(1) of this section shall be (C)(1) If a person that is issued an order of compliance under division (A) of this section does not comply with the order by the date specified in the order, the chief may issue a proposed
order to suspend or revoke the permit issued to the person and may
subsequently issue a final order to suspend or revoke the permit
in accordance with section 1522.21 of the Revised Code.

(2) If the chief issues a proposed order to suspend or revoke
a permit, the chief, in the proposed order, shall identify all of
the following:

(a) The facility to which the order applies;

(b) The findings of fact and specific circumstances that led
to the issuance of the order;

(c) The actions that the permittee must take to comply with
the order.

The chief shall fix and specify in the proposed order a
reasonable date or time by which the permittee must comply. The
chief shall state in the proposed order that the chief may issue a
final order suspending or revoking the permit if the permittee
fails to comply with the proposed order by that date or time.

(D) If the chief, after making a determination under division
(A)(2) or (3) of this section, issues an order under division (A)
of this section, a proposed order under division (C) of this
section, or a final order to suspend a permit under section
1522.21 of the Revised Code, the permittee may request the chief
to amend the permit or suspended permit prior to its expiration.
The chief may amend the permit and allow the withdrawal or
consumptive use of water under it to be resumed if the chief
determines that, under the amended permit, the reasons for the
order or suspension specified in division (A)(2) or (3) of this
section, as applicable, will no longer apply.

(E) The chief shall issue an order or proposed order under
this section, or a final order under section 1522.21 of the
Revised Code in writing and shall contain a finding of the facts on which the order is based. Notice The chief shall provide notice of the order shall be given by certified mail to the applicable owner or operator of a facility. Notice The chief also shall be provided notice to a person who initiated a complaint that resulted in the order and shall be posted. The chief shall post the notice on the web site of the department of natural resources in a manner prescribed by the chief.

(B)(1) The chief, by order, may propose to suspend or revoke a permit issued under this chapter if the chief determines that any term or condition of the permit is being violated. The chief's order shall identify the facility where the violation allegedly occurred, describe the nature of the violation, and prescribe what action the permittee may take to bring the facility into compliance with the permit. The chief shall fix and specify in the order a reasonable date or time by which the permittee must comply. The order shall state that the chief may suspend or revoke the permit if the permittee fails to comply with the order by that date or time. If on that date or time the chief finds that the permittee has not complied with the order, the chief may issue a new order suspending or revoking the permit.

(2) (F) The chief or the chief's designee may enter on private or public lands and take action to mitigate, minimize, remove, or abate the conditions caused by a violation that is the subject of an order issued under division (B)(1) of that are the subject of an order or proposed order issued under this section.

(C) The attorney general, upon written request of the chief, shall bring an action for an injunction or other appropriate legal or equitable action against any person who has violated, is violating, or is threatening to violate any provision of this
chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it. The attorney general shall bring the action in the court of common pleas of Franklin county or the county where the applicable facility is located. In an action for injunction, any factual findings of the chief presented at a hearing conducted under division (A) of section 1522.21 of the Revised Code is prima facie evidence of the facts regarding the order that is the subject of the hearing.

(D) A person who violates any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it is liable to the chief for any costs incurred by the division of water resources in investigating, mitigating, minimizing, removing, or abating the violation and conditions caused by it. Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs in the court of common pleas of Franklin county. Moneys recovered under this division shall be deposited in the state treasury to the credit of the water management fund created in section 1501.32 of the Revised Code.

Sec. 1522.21. (A) As used in this section, "person who is or will be aggrieved or adversely affected" means a person with a direct economic or property interest that is or will be adversely affected by an order or rule issued or adopted by the chief of the division of water resources under this chapter.

(B) (1) Before issuance of The chief shall issue a proposed order indicating the chief's intent to issue a final order prior to issuing a final order denying that does one of the following:

(1) Denies the issuance of a permit under section 1522.11,
Chapter 1522.12, or 1522.131 of the Revised Code, denying this chapter;

(2) Denies a transfer of a permit under section 1522.15 of the Revised Code, denying i

(3) Denies a petition to the chief under section 1522.16 of the Revised Code, or denying i

(4) Denies a request for confidentiality under section 1522.17 of the Revised Code, or before the issuance of a final order under section 1522.20 of the Revised Code, the chief shall issue a proposed order indicating the chief's intent to issue a final order;

(5) Suspends or revokes a permit issued under this chapter.

If

(C)(1) If the chief receives a written objection from a person who is or will be aggrieved or adversely affected by the issuance of the final order, the chief shall conduct an adjudication hearing with respect to the proposed order in accordance with Chapter 119. of the Revised Code. A person who is or will be aggrieved or adversely affected by the issuance of the final order and who submitted a written objection under this division may be a party to the adjudication.

(2) Any person who is issued a proposed order or a final order by the chief shall be a party in any administrative or legal proceeding in which the proposed order or final order is at issue. This division is in addition to any other rights that a person may have as a person aggrieved or adversely affected. If the chief proposes to suspend or revoke a permit after making a determination under division (A)(2) or (3) of section 1522.20 of the Revised Code, the permittee, at the hearing, may present evidence that the continued withdrawal or consumptive use of water is warranted because the reasons for suspension or revocation.
specified in division (A)(2) or (3) of that section, as applicable, do not apply.

(C)(D)(1) After the issuance of a final order, a person who is or will be aggrieved or adversely affected by the issuance of the order may appeal the order to the court of common pleas of Franklin county or the court of common pleas of the county in which the facility that is the subject of the order is located. Subject to the exceptions specified in section 2506.03 of the Revised Code, the court is confined to the record as certified to it by the chief if an adjudication hearing was conducted by the chief under division (B) (C) of this section. However, the court also may grant a request for the admission of additional evidence when satisfied that the additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the chief. If no adjudication hearing was conducted under division (B) (C) of this section, the court shall conduct a hearing de novo.

(2) The filing of an appeal under division (C)(D)(1) of this section does not automatically suspend the order that is the subject of the appeal. Upon application by the appellant, the court may suspend or stay the order, pending an immediate hearing on the appeal.

(3) If the court finds that the order was lawful and reasonable, it shall issue a written order affirming the order. If the court finds that the order was unreasonable or unlawful, it shall issue a written order vacating or modifying the order. The judgment of the court is final unless reversed, vacated, or modified on appeal.

(4) Attorney's fees shall not be awarded to any party to an administrative or legal
proceeding under this section.

(E) Any person who is issued a proposed order or a final order by the chief shall be a party in any administrative or legal proceeding in which the proposed order or final order is at issue. This division is in addition to any other rights that a person may have as a person aggrieved or adversely affected.

Sec. 1522.23. The chief of the division of water resources shall provide written notice to the director of environmental protection and the permittee at least ten business days prior to requiring a permittee that is a public water system to decrease its withdrawal, or prior to revoking, suspending, or amending the public water system's permit under this chapter. Nothing in this section affects a public water system's obligation to comply with Chapter 6109. of the Revised Code and the rules adopted under it.

Sec. 1522.24. (A) An owner of real property that is located within the geographic area established under section 1522.125 of the Revised Code with respect to a permit issued under section 1522.12 of the Revised Code may submit a written complaint to the permittee or to the chief of the division of water resources informing the permittee or the chief that there is a diminution or interruption of the owner's water supply if both of the following apply:

(1) The owner obtains all or part of the owner's water supply for domestic, agricultural, industrial, or other legitimate use from ground water.

(2) There is a diminution or interruption of that water supply.

The owner shall include in the complaint the owner's name,
address, and telephone number.

(B) If the chief receives a written complaint submitted in accordance with division (A) of this section, upon receipt the chief shall send a copy of the complaint to the permittee, and the permittee shall immediately respond by sending the chief a statement that explains how the permittee resolved or will resolve the complaint.

If the permittee receives the written complaint in accordance with division (A) of this section, the permittee shall send a copy of the complaint, within fourteen days after receiving the complaint, to the chief and include a statement that explains how the permittee resolved or will resolve the complaint. Nothing in this section relieves a permittee from performing the duties specified in division (C) of this section.

(C) Not later than seventy-two hours after the permittee receives the complaint and if the complaint is not resolved as verified by the chief, the permittee shall provide the owner with a supply of water that is comparable to the owner's water supply prior to the diminution or interruption of the owner's water supply. The chief shall approve the method of providing the water supply. The permittee shall maintain that water supply unless the chief determines that the permittee has rebutted the presumption established in division (D) of this section.

(D) A rebuttable presumption exists that the withdrawal by the permittee caused the diminution or interruption of the owner's water supply. However, not later than fourteen days after receipt of the complaint, the permittee may submit to the chief information showing that the permittee is not the proximate cause of the diminution or interruption of the owner's water supply. The chief shall evaluate the information submitted by the permittee to
determine if the presumption is rebutted.

(E) If the permittee fails to rebut the presumption, the chief shall notify the permittee and the owner in writing that the permittee failed to rebut the presumption.

(F) If the permittee rebuts the presumption, the chief shall notify the permittee and the owner that the permittee rebutted the presumption. Upon receipt of that notice, the permittee may cease providing a supply of water to the owner under division (C) of this section.

(G) If, within fourteen days after receipt of the complaint, the permittee fails to submit to the chief information showing that the withdrawal is not the proximate cause of the diminution or interruption of the owner's water supply, such failure shall be considered a failure to rebut the presumption.

Sec. 1522.25. (A) An owner of real property that is located outside the geographic area established under section 1522.125 of the Revised Code with respect to a permit issued under section 1522.12 of the Revised Code may submit a written complaint to the permittee or to the chief of the division of water resources if both of the following apply:

(1) The owner obtains all or part of the owner's water supply for domestic, agricultural, industrial, or other legitimate use from ground water.

(2) There is a diminution or interruption of that water supply.

The owner shall include in the complaint the owner's name, address, and telephone number.

(B) If the chief receives the written complaint submitted
under division (A) of this section, upon receipt the chief shall send the permittee a copy of the complaint. If the permittee receives the written complaint, upon receipt the permittee shall send the chief a copy of the complaint.

(C) The chief shall investigate the complaint. Upon completion of the investigation, the chief shall send the results of the investigation to the permittee and to the owner that submitted the complaint.

(D) The owner that submitted the complaint may resolve the diminution or interruption of the owner's water supply with the permittee or may commence a civil action for that purpose.

Sec. 1522.19 1522.30. (A) No person shall violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(B)(1) The attorney general, upon written request of the chief of the division of water resources, shall bring an action for an injunction or other appropriate legal or equitable action against any person who has violated, is violating, or is threatening to violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(2) The attorney general shall bring the action in the court of common pleas of Franklin county or the county where the applicable facility is located. In an action for injunction, any factual findings of the chief presented at a hearing conducted under section 1522.21 of the Revised Code is prima facie evidence of the facts regarding the order that is the subject of the hearing.

(C) A person who violates any provision of this chapter, any
rule or order adopted or issued under it, or any term or condition
of a permit issued under it is liable to the chief for any costs
incurred by the division of water resources in investigating,
mitigating, minimizing, removing, or abating the violation and
conditions caused by it.

(D) Upon the request of the chief, the attorney general shall
bring a civil action against the responsible person to recover
those costs in the court of common pleas of Franklin county.
Moneys recovered under this division shall be deposited in the
state treasury to the credit of the water management fund created
in section 1521.22 of the Revised Code."

After line 58833, insert:

"Sec. 4906.10. (A) The power siting board shall render a
decision upon the record either granting or denying the
application as filed, or granting it upon such terms, conditions,
or modifications of the construction, operation, or maintenance of
the major utility facility as the board considers appropriate. The
certificate shall be conditioned upon the facility being in
compliance with standards and rules adopted under sections
1501.33, 1501.34, and section 4561.32 and Chapters 3704., 3734.,
and 6111. of the Revised Code. An applicant may withdraw an
application if the board grants a certificate on terms,
conditions, or modifications other than those proposed by the
applicant in the application.

The board shall not grant a certificate for the construction,
operation, and maintenance of a major utility facility, either as
proposed or as modified by the board, unless it finds and
determines all of the following:

(1) The basis of the need for the facility if the facility is
an electric transmission line or gas pipeline;

(2) The nature of the probable environmental impact;

(3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;

(4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;

(5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and section 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 of the Revised Code.

(6) That the facility will serve the public interest, convenience, and necessity;

(7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the site and alternative site of the proposed major utility.
facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site.

(8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

(B) If the board determines that the location of all or a part of the proposed facility should be modified, it may condition its certificate upon that modification, provided that the municipal corporations and counties, and persons residing therein, affected by the modification shall have been given reasonable notice thereof.

(C) A copy of the decision and any opinion issued therewith shall be served upon each party."

After line 81998, insert:

"Sec. 6109.071. (A) As used in this section and section 6109.072 of the Revised Code:

(1) "Public water system well" means a well for use by a public water system.

(2) "Well" means any excavation by digging, boring, drilling, driving, or other method for the purpose of removing ground water from an aquifer. "Well" does not include a private water system well or a monitoring well.

(B) The director of environmental protection may require a public water system to decrease its pumping rates if either of the
following applies:

(1) The public water system is pumping at a rate that is drawing or has the potential to draw contaminants into the public water system or a public water system well.

(2) The chief of the division of water resources in the department of natural resources revokes, suspends, or amends a permit issued under section 1521.29 or 1522.12 of the Revised Code or requires a decrease in withdrawal with respect to either such permit.

Sec. 6109.072. (A) No person shall install a public water system well without an approved well siting application issued by the director of environmental protection in accordance with this chapter and any rules adopted under it.

(B) In addition to meeting the siting requirements established under section 6109.04 of the Revised Code and the rules adopted under it, a person that submits a well siting application for a public water system well shall include all of the following in the application:

(1) For a new public water system or an existing public water system that proposes an increase in the withdrawal of waters of the state, an evaluation of alternatives for the provision of drinking water, including the potential for tie-in to a regional water system;

(2) For a new public water system or an existing public water system that proposes an increase in the withdrawal of waters of the state, asset management program information in accordance with section 6109.24 of the Revised Code and the rules adopted under it;
(3) For an existing public water system, a description of the asset management program impacts of installing the well, including impacts to any existing asset management program and the potential for tie-in to a regional water system.

(4) For a public water system well that has the capacity to withdraw waters of the state in an amount requiring registration pursuant to section 1521.16 of the Revised Code, a general plan, subject to approval of the director, that includes both of the following:

(a) The information required to be submitted under section 6109.07 of the Revised Code and the rules adopted under it;

(b) Verification of registration pursuant to section 1521.16 of the Revised Code.

(5) For a public water system well that has new or increased capacities for withdrawal or consumptive use that require a permit issued under either section 1521.29 or 1522.12 of the Revised Code, a permit approved by the chief of the division of water resources in the department of natural resources pursuant to section 1521.29 or 1522.12 of the Revised Code.

(C) If the director approves a well siting application for an applicant that meets the requirements of division (B)(5) of this section, the applicant then shall submit to the director a copy of any certification, continuing monitoring, or other data or reports required by the chief of the division of water resources pursuant to a permit issued under either section 1521.29 or 1522.12 of the Revised Code and any revised ground water model required by the chief.

(D) The director may require the well site applicant to include, in the application, additional information, including but
not limited to hydrologic information, in a form prescribed by the director for any public water system that is not required to obtain a permit under either section 1521.23 or 1522.12 of the Revised Code.

(E) The director may adopt rules in accordance with Chapter 119. of the Revised Code as is necessary for the implementation of this section.

In line 82826, after "991.02," insert "1501.31, 1501.32, 1501.33, 1501.34, 1501.35,"

In line 82827, after "1509.50," insert "1521.01, 1521.03, 1521.04, 1521.06, 1521.062, 1521.063, 1521.16, 1521.99, 1522.10, 1522.101, 1522.11, 1522.12, 1522.13, 1522.14, 1522.15, 1522.19, 1522.20, 1522.21,"

In line 82884, after "4779.08," insert "4906.10,"

In line 82918, after "1501.20," insert "1501.30, 1501.99,"

The motion was __________ agreed to.

SYNOPSIS

General changes

R.C. Chapter 1521. and R.C Chapter 1522.

Alters the law governing permits for the withdrawal and consumptive use of waters of the state, particularly with respect to permits for the withdrawal and consumptive use of ground water. One such program, R.C. Chapter 1522., applies only in the Lake Erie basin for withdrawals that meet established thresholds; the other, R.C. Chapter 1521., applies statewide for withdrawals that
will result in a consumptive use of 2 million gallons per day or more in any 30-day period.

Recodifies the statewide withdrawal and consumptive use permit program from R.C. Chapter 1501. to R.C. Chapter 1521.

Specifies that the Chief of the Division of Water Resources in the Ohio Department of Natural Resources (ODNR) is charged with implementing that permit program (as well as the existing water diversion program) rather than the ODNR Director as in current law.

**Permit applications for ground water withdrawals**

R.C. 1521.23, 1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 1522.12, 1522.121, 1522.122, 1522.123, 1522.124, and 1522.125

Requires the following additional information to be included in a permit application with regard to a proposed withdrawal of ground water:

1. A hydrologic map;
2. A hydrogeologic description;
3. A steady state ground water model that defines the projected cone of depression, which is generally a depression or low point in the water table or potentiometric surface of a ground water body that develops around a ground water withdrawal; and
4. Alternative water supply information.

Upon receipt of an application, requires the Chief to use the submitted data to establish the geographic area of the projected cone of depression.

Adds to the reasons for which the Chief may deny a permit application for a ground water withdrawal by authorizing denial if the withdrawal will cause a significant lowering of ground water
levels, an overdrafting of an aquifer, a diminution of water available to existing wells, water usage interruptions, or irreparable damage to an aquifer.

Requirements for permit holders

R.C. 1521.30, 1521.31, and 1522.19

Requires a permittee to submit an annual report to the Chief and to certify that the applicable facility is in compliance with the permit every five years.

Authorizes the Chief to do both of the following:

1. Require a permittee who withdraws ground water to continuously monitor aquifer water levels;

2. Require a permittee to decrease withdrawals and submit a revised ground water model if the current model conflicts with reported ground water data or an investigation shows that the withdrawals have caused a diminution of a person's water supply.

Requires a permittee submitting a revised ground water model to use additional data that reflects the permittee's impact on ground water and authorizes the Chief to amend the permit based on the revision to require reduced withdrawals or a revised cone of depression.

Allows a permittee to request the Chief to amend a withdrawal permit when another ground water user affects or has the potential to affect the projected cone of depression.

Enforcement

R.C. 1521.29, 1521.32, 1521.33, and 1522.20

Adds to the reasons why the Chief may suspend or revoke a
permit by stating that the Chief may do so if the withdrawal or consumptive use will result in a significant lowering of water levels, aquifer overdrafting, or irreparable aquifer damage.

Eliminates the authorization for the revocation of a permit (under R.C. Chapter 1521.) without a prior hearing because there has been a determination that the quantity of water consumption exceeds the permitted amount.

Specifies the procedures for suspension or revocation of a permit, which is largely consistent with current law.

Complaints

R.C. 1521.35, 1521.36, 1522.24, and 1522.25

Authorizes a property owner located in the geographic area defined by the cone of depression to submit a complaint alleging that a permittee has caused a diminution of ground water supply.

Creates a rebuttable presumption that the permittee is the cause of the diminution within that geographic area and requires the permittee to provide an alternative water source to the property owner until the permittee rebuts the presumption.

Creates a similar complaint procedure for property owners outside of that geographic area of the cone of depression, requires the Chief to investigate and issue the results of the investigation, and specifies that the property owner may commence a civil action against the permittee.

Other provisions

R.C. 1521.16, 1521.29, 1521.34, 1522.23, 6109.071, and 6109.072

Requires the Chief to approve or deny a permit application within 90 days (rather than a time established in rules), and, if
denied, provide reasons for denial and modifications that would 2559
result in application approval.

Eliminates a provision of law that specifies that a person 2560
who provides specified information to OEPA under the Safe Drinking
Water Law is exempt from the requirement to file a report with
ODNR if the person withdraws water in excess of 100,000 gallons
per day.

Prohibits a person from filing a false registration of a 2561
withdrawal of water in excess of 100,000 gallons per day.

Requires the Chief to provide written notice to the OEPA 2562
Director when the Chief requires a permittee that is a public
water system to decrease its withdrawal, or prior to revoking,
suspending, or amending the system's withdrawal permit.

Authorizes the Director of Environmental Protection to 2563
require a public water system to decrease its pumping rates under
specified circumstances.

Prohibits a person from installing a public water system well 2564
without an approved well siting application issued by the OEPA
Director and specifies the information that an applicant must
include in a well site application.