

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, 1522.23, 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,

1522.101, 1522.11, 1522.12, 1522.13, 1522.14, 1522.15, 1522.19,	24
1522.20, 1522.21,"	25
In line 293, after "4779.08," insert "4906.10,"	26
In line 326, after "(113.61)," insert "1501.31 (1521.21),	27
1501.32 (1521.22), 1501.33 (1521.23), 1501.34 (1521.29), 1501.35	28
(1521.231), 1522.19 (1522.30),"	29
In line 328, after "sections" insert "1522.19,"	30
In line 332, after "940.37," insert "1521.24, 1521.25,	31
1521.26, 1521.27, 1521.28, 1521.30, 1521.31, 1521.32, 1521.33,	32
1521.34, 1521.35, 1521.36, 1521.40, 1522.121, 1522.122, 1522.123,	33
1522.124, 1522.125, 1522.23, 1522.24, 1522.25,"	34
In line 357, delete "and"; after "5922.08" insert ",	35
6109.071, and 6109.072"	36
After line 16023, insert:	37
" <b>Sec. 1521.01.</b> As used in <del>sections 1521.01 to 1521.05 and</del>	38
<del>1521.13 to 1521.18 of the Revised Code</del> <u>this chapter:</u>	39
(A) "Consumptive use," <del>"diversion," "Lake Erie drainage</del>	40
<del>basin," "other great lakes states and provinces," "water</del>	41
<del>resources," and "waters of the state" have the same meanings as in</del>	42
<del>section 1501.30 of the Revised Code</del> <u>means a use of water resources,</u>	43
<u>other than a diversion, that results in a loss of that water to</u>	44
<u>the basin from which it is withdrawn and includes, but is not</u>	45
<u>limited to, evaporation, evapotranspiration, and incorporation of</u>	46
<u>water into a product or agricultural crop.</u>	47
(B) <u>"Diversion" means a withdrawal of water resources from</u>	48
<u>either the Lake Erie or Ohio river drainage basin and transfer to</u>	49
<u>another basin without return. "Diversion" does not include</u>	50
<u>evaporative loss within the basin of withdrawal.</u>	51

(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.

~~(C)~~ (G) "Aquifer" means a consolidated or unconsolidated

geologic formation or series of formations that are hydraulically 81  
interconnected and that have the ability to receive, store, or 82  
transmit water. 83

~~(D)~~ (H) "Ground water" means all water occurring in an 84  
aquifer. 85

~~(E)~~ (I) "Ground water stress area" means a definable 86  
geographic area in which ground water quantity is being affected 87  
by human activity or natural forces to the extent that continuous 88  
availability of supply is jeopardized by withdrawals. 89

~~(F)~~ (J) "Person" has the same meaning as in section 1.59 of 90  
the Revised Code and also includes the United States, the state, 91  
any political subdivision of the state, and any department, 92  
division, board, commission, agency, or instrumentality of the 93  
United States, the state, or a political subdivision of the state. 94

~~(G)~~ (K) "State agency" or "agency of the state" has the same 95  
meaning as "agency" in section 111.15 of the Revised Code. 96

~~(H)~~ (L) "Cone of depression" means a depression or low point 97  
in the water table or potentiometric surface of a body of ground 98  
water that develops around a location from which ground water is 99  
being withdrawn. 100

(M) "Facility" has the same meaning as in section 1522.10 of 101  
the Revised Code. 102

(N) "Hydrologic study area" means the area within a four-mile 103  
radius from the boundary of the withdrawal area. 104

(O) "Well field" means a contiguous land area containing two 105  
or more wells that provide water to a facility. 106

(P) "Withdrawal area" means the proposed well or well field 107  
location or locations. 108

(Q) "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.

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

~~(J)~~ (S) "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.

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

~~(L)~~ (U) "One-hundred-year floodplain" means that portion of a floodplain inundated by a one-hundred-year flood.

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

~~(N)~~ (W) "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: 138

(1) Any project for the improvement of a structure to correct 139  
 existing violations of state or local health, sanitary, or safety 140  
 code specifications that have been identified by the state or 141  
 local code enforcement official having jurisdiction and that are 142  
 the minimum necessary to ensure safe living conditions; 143

(2) Any alteration of an historic structure designated or 144  
 listed pursuant to federal or state law, provided that the 145  
 alteration will not preclude the structure's continued listing or 146  
 designation as an historic structure. 147

~~(O)~~ (X) "Substantial damage" means damage of any origin that 148  
 is sustained by a structure if the cost of restoring the structure 149  
 to its condition prior to the damage would equal or exceed fifty 150  
 per cent of the market value of the structure before the damage 151  
 occurred. 152

~~(P)~~ (Y) "National flood insurance program" means the national 153  
 flood insurance program established in the "National Flood 154  
 Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 155  
 and regulations adopted under it. 156

~~(Q)~~ (Z) "Conservancy district" means a conservancy district 157  
 established under Chapter 6101. of the Revised Code. 158

**Sec. 1521.03.** The chief of the division of water resources 159  
 shall do all of the following: 160

(A) Assist in an advisory capacity any properly constituted 161  
 watershed district, conservancy district, or soil and water 162  
 conservation district or any county, municipal corporation, or 163  
 other government agency of the state in the planning of works for 164  
 ground water recharge, flood mitigation, floodplain management, 165  
 flood control, flow capacity and stability of streams, rivers, and 166

watercourses, or the establishment of water conservation 167  
 practices, within the limits of the appropriations for those 168  
 purposes; 169

(B) Have authority to conduct basic inventories of the water 170  
 and related natural resources in each drainage basin in the state; 171  
 to develop a plan on a watershed basis that will recognize the 172  
 variety of uses to which water may be put and the need for its 173  
 management for those uses; with the approval of the director of 174  
 natural resources and the controlling board, to transfer 175  
 appropriated or other funds, authorized for those inventories and 176  
 plan, to any division of the department of natural resources or 177  
 other state agencies for the purpose of developing pertinent data 178  
 relating to the plan of water management; and to accept and expend 179  
 moneys contributed by any person for implementing the development 180  
 of the plan; 181

(C) Have authority to make detailed investigations of all 182  
 factors relating to floods, floodplain management, and flood 183  
 control in the state with particular attention to those factors 184  
 bearing upon the hydraulic and hydrologic characteristics of 185  
 rivers, streams, and watercourses, recognizing the variety of uses 186  
 to which water and watercourses may be put; 187

(D) Cooperate with the United States or any agency thereof 188  
 and with any political subdivision of the state in planning and 189  
 constructing flood control works; 190

(E) Hold meetings or public hearings, whichever is considered 191  
 appropriate by the chief, to assist in the resolution of conflicts 192  
 between ground water users. Such meetings or hearings shall be 193  
 called upon written request from boards of health of city or 194  
 general health districts created by or under the authority of 195  
 Chapter 3709. of the Revised Code or authorities having the duties 196

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; 227

(J) Define "Lake Erie drainage basin" and "Ohio river drainage basin" for the purposes of this chapter and Chapter 1522. of the Revised Code. 228  
229  
230

**Sec. 1521.04.** (A) The chief of the division of water 231  
resources, ~~with the approval of the director of natural resources,~~ 232  
may make loans and grants from the water management fund created 233  
in section ~~1501.32~~ 1521.22 of the Revised Code to governmental 234  
agencies for water management, water supply improvements, and 235  
planning ~~and~~ . The chief may administer grants from the federal 236  
government and from other public or private sources for carrying 237  
out those functions and for the performance of any acts that may 238  
be required by the United States or by any agency or department 239  
thereof as a condition for the participation by any governmental 240  
agency in any federal financial or technical assistance program. 241  
Direct and indirect costs of administration may be paid from the 242  
fund. 243

(B) The chief may use the water management fund for ~~the~~ any 244  
of the following purposes of administering : 245

(1) Administering the water diversion and consumptive use 246  
permit programs established ~~in sections 1501.30 to 1501.35 of the~~ 247  
~~Revised Code~~ under this chapter and the withdrawal and consumptive 248  
use permit program established under ~~sections 1522.10 to 1522.21~~ 249  
Chapter 1522. of the Revised Code; ~~to~~ 250

(2) To perform watershed and water resources studies for the 251  
purposes of water management planning; ~~and to~~ 252

(3) To acquire, construct, reconstruct, improve, equip, 253  
maintain, operate, and dispose of water management improvements. 254  
~~The~~ 255

(C) The chief may fix, alter, charge, and collect rates, 256  
 fees, rentals, and other charges to be paid into the fund by 257  
 governmental agencies and persons who are supplied with water by 258  
 facilities constructed or operated by the department of natural 259  
 resources in order to amortize and defray the cost of the 260  
 construction, maintenance, and operation of those facilities. 261

**Sec. 1521.06.** (A) No dam may be constructed for the purpose 262  
 of storing, conserving, or retarding water, or for any other 263  
 purpose, nor shall any levee be constructed for the purpose of 264  
 diverting or retaining flood water, unless the person or 265  
 governmental agency desiring the construction has a construction 266  
 permit for the dam or levee issued by the chief of the division of 267  
 water resources. 268

A construction permit is not required under this section for: 269

(1) A dam that is or will be less than ten feet in height and 270  
 that has or will have a storage capacity of not more than fifty 271  
 acre-feet at the elevation of the top of the dam, as determined by 272  
 the chief. For the purposes of this section, the height of a dam 273  
 shall be measured from the natural stream bed or lowest ground 274  
 elevation at the downstream or outside limit of the dam to the 275  
 elevation of the top of the dam. 276

(2) A dam, regardless of height, that has or will have a 277  
 storage capacity of not more than fifteen acre-feet at the 278  
 elevation of the top of the dam, as determined by the chief; 279

(3) A dam, regardless of storage capacity, that is or will be 280  
 six feet or less in height, as determined by the chief; 281

(4) A dam or levee that belongs to a class exempted by the 282  
 chief; 283

(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.

314  
315

(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.

316  
317  
318  
319  
320

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.

321  
322  
323  
324  
325  
326  
327  
328

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.

329  
330  
331  
332  
333  
334  
335  
336

(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

337  
338  
339  
340  
341  
342  
343

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. 374  
of the Revised Code, for the design and construction of dams and 375  
levees for which a construction permit is required by this section 376  
or for which periodic inspection is required by section 1521.062 377  
of the Revised Code, for deposit and forfeiture of bonds and other 378  
securities required by section 1521.061 of the Revised Code, for 379  
the periodic inspection, operation, repair, improvement, 380  
alteration, or removal of all dams and levees, as specified in 381  
section 1521.062 of the Revised Code, and for establishing classes 382  
of dams or levees that are exempt from the requirements of this 383  
section and section 1521.062 of the Revised Code as being of a 384  
size, purpose, or situation that does not present a substantial 385  
hazard to life, health, or property. The chief may, by rule, limit 386  
the period during which a construction permit issued under this 387  
section is valid. The rules may allow for the extension of the 388  
period during which a permit is valid upon written request, 389  
provided that the written request includes a revised construction 390  
cost estimate, and may require the payment of an additional filing 391  
fee for the requested extension. If a construction permit expires 392  
without an extension before construction is completed, the person 393  
or agency shall apply for a new permit, and shall not continue 394  
construction until the new permit is issued. 395

(I) The chief shall adopt rules in accordance with Chapter 396  
119. of the Revised Code establishing a filing fee schedule for 397  
purposes of division (B) of this section. 398

**Sec. 1521.062.** (A) All dams and levees constructed in this 399  
state and not exempted by this section or by the chief of the 400  
division of water resources under section 1521.06 of the Revised 401  
Code shall be inspected periodically by the chief, except for 402  
classes of dams that, in accordance with rules adopted under this 403

section, are required to be inspected by registered professional 404  
engineers who have been approved for that purpose by the chief. 405  
The inspection shall ensure that continued operation and use of 406  
the dam or levee does not constitute a hazard to life, health, or 407  
property. Periodic inspections shall not be required of the 408  
following structures: 409

(1) A dam that is less than ten feet in height and has a 410  
storage capacity of not more than fifty acre-feet at the elevation 411  
of the top of the dam, as determined by the chief. For the 412  
purposes of this section, the height of a dam shall be measured 413  
from the natural stream bed or lowest ground elevation at the 414  
downstream or outside limit of the dam to the elevation of the top 415  
of the dam. 416

(2) A dam, regardless of height, that has a storage capacity 417  
of not more than fifteen acre-feet at the elevation of the top of 418  
the dam, as determined by the chief; 419

(3) A dam, regardless of storage capacity, that is six feet 420  
or less in height, as determined by the chief; 421

(4) A dam or levee belonging to a class exempted by the 422  
chief; 423

(5) A dam or levee that has been exempted in accordance with 424  
rules adopted under section 1521.064 of the Revised Code. 425

(B) In accordance with rules adopted under this section, the 426  
owner of a dam that is in a class of dams that is designated in 427  
the rules for inspection by registered professional engineers 428  
shall obtain the services of a registered professional engineer 429  
who has been approved by the chief to conduct the periodic 430  
inspection of dams pursuant to schedules and other standards and 431  
procedures established in the rules. The registered professional 432  
engineer shall prepare a report of the inspection in accordance 433

with the rules and provide the inspection report to the dam owner 434  
who shall submit it to the chief. A dam that is designated under 435  
the rules for inspection by a registered professional engineer, 436  
but that is not inspected within a five-year period may be 437  
inspected by the chief at the owner's expense. 438

(C) Intervals between periodic inspections shall be 439  
determined by the chief, but shall not exceed five years. 440

(D) In the case of a dam or levee that the chief inspects, 441  
the chief shall furnish a report of the inspection to the owner of 442  
the dam or levee. With regard to a dam or levee that has been 443  
inspected, either by the chief or by a registered professional 444  
engineer, and that is the subject of an inspection report prepared 445  
or received by the chief, the chief shall inform the owner of any 446  
required repairs, maintenance, investigations, and other remedial 447  
and operational measures. The chief shall order the owner to 448  
perform such repairs, maintenance, investigations, or other 449  
remedial or operational measures as the chief considers necessary 450  
to safeguard life, health, or property. The order shall permit the 451  
owner a reasonable time in which to perform the needed repairs, 452  
maintenance, investigations, or other remedial measures, and the 453  
cost thereof shall be borne by the owner. All orders of the chief 454  
are subject to appeal as provided in Chapter 119. of the Revised 455  
Code. ~~The attorney general, upon written request of the chief, may 456  
bring an action for an injunction against any person who violates 457  
this section or to enforce an order of the chief made pursuant to 458  
this section.~~ 459

(E) The owner of a dam or levee shall monitor, maintain, and 460  
operate the structure and its appurtenances safely in accordance 461  
with state rules, terms and conditions of permits, orders, and 462  
other requirements issued pursuant to this section or section 463



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 494  
 enforcement of an order relative to repair, maintenance, or 495  
 operation, the chief shall employ any of the following remedial 496  
 means necessary to protect life, health, and property: 497

(1) Lower the water level of the lake or reservoir by 498  
 releasing water; 499

(2) Completely drain the lake or reservoir; 500

(3) Take such other measures or actions as the chief 501  
 considers necessary to safeguard life, health, and property. 502

The chief shall continue in full charge and control of the 503  
 dam or levee until the structure is rendered safe. The cost of the 504  
 remedy shall be recoverable from the owner of the structure by 505  
 appropriate action in a court of competent jurisdiction. 506

(I) The chief may accept and expend gifts, bequests, and 507  
 grants from the United States government or from any other public 508  
 or private source and may contract with the United States 509  
 government or any other agency or entity for the purpose of 510  
 carrying out the dam safety functions set forth in this section 511  
 and section 1521.06 of the Revised Code. 512

(J) In accordance with Chapter 119. of the Revised Code, the 513  
 chief may adopt, and may amend or rescind, rules that do all of 514  
 the following: 515

(1) Designate classes of dams for which dam owners must 516  
 obtain the services of a registered professional engineer to 517  
 periodically inspect the dams and to prepare reports of the 518  
 inspections for submittal to the chief; 519

(2) Establish standards in accordance with which the chief 520  
 must approve or disapprove registered professional engineers to 521  
 inspect dams together with procedures governing the approval 522

process;	523
(3) Establish schedules, standards, and procedures governing periodic inspections and standards and procedures governing the preparation and submittal of inspection reports;	524 525 526
(4) Establish provisions regarding the enforcement of this section and rules adopted under it.	527 528
(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.	529 530 531
<b>Sec. 1521.063.</b> (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.	532 533 534 535 536 537 538 539
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.	540 541 542 543 544 545 546
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 if	547 548 549 550 551

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.

552  
553  
554  
555  
556  
557  
558

(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.

559  
560  
561  
562  
563

(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.

564  
565  
566

(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.

567  
568  
569  
570  
571  
572

~~(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.~~

573  
574  
575

~~(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.~~

576  
577  
578

(D) As used in this section, "political subdivision" includes townships, municipal corporations, counties, school districts,

579  
580

municipal universities, park districts, sanitary districts, and 581  
conservancy districts and subdivisions thereof. 582

**Sec. 1521.16.** (A) Any person who owns a facility that has the 583  
capacity to withdraw waters of the state in an amount greater than 584  
one hundred thousand gallons per day from all sources and whose 585  
construction is completed before January 1, 1990, shall register 586  
the facility by January 1, 1991, with the chief of the division of 587  
water resources, and any person who owns a facility that has the 588  
capacity to withdraw waters of the state in such an amount and 589  
whose construction is completed on or after January 1, 1990, shall 590  
register the facility with the chief within three months after the 591  
facility is completed. The person shall register the facility 592  
using a form prescribed by the chief that shall include, without 593  
limitation, the name and address of the registrant and date of 594  
registration; the locations and sources of the facility's water 595  
supply; the facility's withdrawal capacity per day and the amount 596  
withdrawn from each source; the uses made of the water, places of 597  
use, and places of discharge; and such other information as the 598  
chief may require by rule. 599

The registration date of any facility whose construction was 600  
completed prior to January 1, 1990, and that is registered under 601  
this division prior to January 1, 1991, shall be January 1, 1990. 602  
The registration date of any facility whose construction was 603  
completed prior to January 1, 1990, and that is required to 604  
register under this division prior to January 1, 1991, but that is 605  
not registered prior to that date, and the registration date of 606  
any facility whose construction was completed after January 1, 607  
1990, and that is required to register under this division shall 608  
be the date on which the registration is received by the chief. 609

(B) In accordance with division (D) of this section, the 610

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. ~~Any person who, under Chapter 6109, of~~

~~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. ~~1501.31~~1521.21.** (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. ~~1501.32~~1521.22.** (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~~ chief of the division of water resources.

(2) An application for such a permit shall be filed with the ~~director~~ chief upon such forms as the ~~director~~ chief 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~~ chief 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~~ chief shall not approve a permit application filed under this section if the ~~director~~ chief 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 699  
the importing basin and that further development of those 700  
resources would engender overriding, adverse economic, social, or 701  
environmental impacts. 702

(5) The proposed diversion is inconsistent with regional or 703  
state water resources plans. 704

(6) The proposed diversion, alone or in combination with 705  
other diversions and water losses, will have a significant adverse 706  
impact on in-stream uses or on economic or ecological aspects of 707  
water levels. 708

The ~~director~~ chief may hold public hearings upon any 709  
application for a permit. 710

(C) The ~~director~~ chief shall determine the period for which 711  
each permit approved under this section will be valid and specify 712  
the expiration date, but in no case shall a permit be valid beyond 713  
the life of the project as stated in the application. 714

The ~~director~~ chief shall establish rules providing for the 715  
transfer of permits. A permit may be transferred on the conditions 716  
that the quantity of water diverted not be increased and that the 717  
purpose of the diversion not be changed. 718

(D)(1) Within a time established by rule, the ~~director~~ chief 719  
shall do one of the following: 720

(a) Notify the applicant that an application the applicant 721  
filed under this section is approved or denied and, if denied, the 722  
reason for denial; 723

(b) Notify the applicant of any modification necessary to 724  
qualify the application for approval. 725

(2) Any person who receives notice of a denial or 726

modification under division (D)(1) of this section is entitled to 727  
 a hearing under Chapter 119. of the Revised Code if the person 728  
 sends a written request for a hearing to the ~~director~~ chief within 729  
 thirty days after the date on which the notice is mailed or 730  
 otherwise provided to the applicant. 731

(3) The chief shall issue a permit to an applicant whose 732  
application is approved under this section. 733

(E) The ~~director~~ chief shall revoke a permit under this 734  
 section without a prior hearing if the ~~director~~ chief determines 735  
 that the quantity of water being diverted exceeds the quantity 736  
 stated in the permit application. 737

The ~~director~~ chief may suspend a permit if the ~~director~~ chief 738  
 determines that the continued diversion of water will endanger the 739  
 public health, safety, or welfare. Before suspending a permit, the 740  
~~director~~ chief shall make a reasonable attempt to notify the 741  
 permittee that the ~~director~~ chief intends to suspend the permit. 742  
 If the attempt fails, notification shall be given as soon as 743  
 practicable following the suspension. Within five days after the 744  
 suspension, the ~~director~~ chief shall provide the permittee an 745  
 opportunity to be heard and to present evidence that the continued 746  
 diversion of water will not endanger the public health, safety, or 747  
 welfare. 748

If the ~~director~~ chief determines before the expiration date 749  
 of a suspended permit that the diversion of water can be resumed 750  
 without danger to the public health, safety, or welfare, the 751  
~~director~~ chief shall, upon request of the permittee, reinstate the 752  
 permit. 753

(F) Any six or more residents of this state may petition the 754  
~~director~~ chief for an investigation of a withdrawal of water 755  
 resources that they allege is in violation of a permit issued 756

under this section. 757

The petition shall identify the permittee and detail the 758  
 reasons why the petitioners believe that grounds exist for the 759  
 revocation or suspension of the permit under this section. 760

Upon receipt of the petition, the ~~director~~ chief shall send a 761  
 copy to the permittee and, within sixty days, make a determination 762  
 whether grounds exist for revocation or suspension of the permit 763  
 under this section. 764

(G) Each permittee shall submit to the ~~director~~ chief an 765  
 annual report containing such information as the ~~director~~ chief 766  
 may require by rule. 767

**Sec. ~~1501.33~~1521.23.** (A) Except as provided in divisions ~~(B)~~, 768  
~~(C)~~, and (D) and (E) of this section, no person shall allow a 769  
 facility that the person owns or operates to withdraw waters of 770  
 the state in an amount that would result in a new or increased 771  
 consumptive use of more than an average of two million gallons of 772  
 water per day in any thirty-day period without first obtaining a 773  
 permit from the ~~director of natural~~ chief of the division of water 774  
 resources under section ~~1501.34~~ 1521.29 of the Revised Code. ~~Prior~~ 775

(B) Prior to developing a new or increased withdrawal or 776  
 consumptive use capacity that would facilitate a withdrawal 777  
 requiring a permit under ~~this~~ section 1521.29 of the Revised Code, 778  
 an owner or operator of a facility shall submit an application for 779  
 a permit to the ~~director~~ chief on a form the ~~director~~ chief 780  
 prescribes. The ~~application~~ applicant shall declare and document 781  
 all of the following in the application: 782

(1) The facility's current withdrawal capacity per day if the 783  
 withdrawal is to occur at a facility already in operation; 784

(2) The total new or increased daily withdrawal capacity 785

proposed for the facility; 786

(3) The locations and sources of water proposed to be withdrawn; 787  
788

(4) The locations of proposed discharges or return flows; 789

(5) The locations and nature of proposed consumptive uses; 790

(6) The estimated average annual and monthly volumes and rates of withdrawal; 791  
792

(7) The estimated average annual and monthly volumes and rates of consumptive use; 793  
794

(8) The effects the withdrawal is anticipated to have with respect to existing uses of water resources; 795  
796

(9) A description of other ways the applicant's need for water may be satisfied if the application is denied or modified; 797  
798

(10) A description of the conservation practices the applicant intends to follow; 799  
800

(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; 801  
802  
803

(12) Any other information the ~~director~~ chief may require by rule. 804  
805

(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. 806  
807  
808  
809

~~(B)~~ (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 810  
811  
812

Code, or a facility that is required to obtain a permit under 813  
sections 1522.10 to 1522.30 of the Revised Code need not obtain a 814  
 permit under section ~~1501.34~~ 1521.29 of the Revised Code. 815

~~(C)(1)~~ (E) A public water system, as ~~that term is~~ defined in 816  
 section 6109.01 of the Revised Code, that withdraws waters of the 817  
 state in an amount that would result in a new or increased 818  
 consumptive use of more than two million gallons per day need not 819  
 obtain a permit under section ~~1501.34~~ 1521.29 of the Revised Code 820  
 if ~~any~~ one of the following applies: 821

~~(a)~~ (1) The public water system was in operation on June 29, 822  
 1988, and no substantial changes in the design capacity are 823  
 proposed for that system ~~except as specified in division (C)(1)(c)~~ 824  
~~of this section.~~ 825

~~(b)~~ (2) A public water system that is proposed to be 826  
 constructed or installed, or an existing system for which changes 827  
 are proposed, encompasses only water distribution facilities. 828

~~(c)~~ ~~A public water system, other than one that encompasses~~ 829  
~~only water distribution facilities, is proposed to be constructed~~ 830  
~~or installed, or substantial changes in the design capacity of an~~ 831  
~~existing system, other than one that encompasses only water~~ 832  
~~distribution facilities, are proposed; the plans submitted for the~~ 833  
~~system to the director of environmental protection under section~~ 834  
~~6109.07 of the Revised Code declare and document the information~~ 835  
~~specified in division (A) of this section and rules adopted under~~ 836  
~~it as determined by the director of natural resources; and the~~ 837  
~~director of environmental protection has applied the criteria~~ 838  
~~specified in division (A) of section 1501.34 of the Revised Code~~ 839  
~~in reviewing and approving the plans as determined by the director~~ 840  
~~of natural resources.~~ 841

~~(2)~~ Any public water system that withdraws waters of the 842

~~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:~~

843  
844  
845  
846  
847  
848  
849  
850  
851  
852

~~(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.~~

853  
854  
855  
856  
857

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

858  
859

~~(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.~~

860  
861  
862

~~(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.~~

863  
864  
865

**Sec. ~~1501.35~~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~~

866  
867  
868  
869  
870  
871

~~proposes to make such a withdrawal, the director chief of natural~~ 872  
~~the division of water~~ resources shall notify the governors and 873  
premiers of the other great lakes states and provinces, the 874  
appropriate water management agencies of those states and 875  
provinces, and, when appropriate, the international joint 876  
commission and shall solicit their comments and concerns regarding 877  
the application. In the event of an objection to the proposed 878  
consumptive use, the ~~director~~ chief shall consult with the 879  
affected great lakes states and provinces to consider the issues 880  
involved and seek mutually agreeable recommendations. Before 881  
rendering a decision on the permit application, the ~~director~~ chief 882  
shall consider the concerns, comments, and recommendations of the 883  
other great lakes states and provinces and the international joint 884  
commission. 885

Sec. 1521.24. Along with an application for a permit 886  
submitted under section 1521.23 of the Revised Code, an applicant 887  
that proposes to withdraw ground water shall submit data in a form 888  
prescribed by the chief of the division of water resources that 889  
includes all of the following: 890

(A) A hydrologic map consisting of a single map using the 891  
most recent USGS 7.5 minute topographic maps at a scale of 892  
1:24,000 as a base or other approved format that shows all of the 893  
information described in section 1521.25 of the Revised Code; 894

(B) A hydrogeologic description in sufficient detail to 895  
determine the cone of depression for the proposed withdrawal that 896  
includes all of the information described in section 1521.26 of 897  
the Revised Code; 898

(C) A steady state ground water model that defines the 899  
projected cone of depression for the proposed withdrawal that 900  
complies with section 1521.27 of the Revised Code; 901

(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. 902  
903  
904  
905

**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: 906  
907  
908

(A) The proposed withdrawal area; 909

(B) The hydrologic study area; 910

(C) A line delineating the location of the cross sections required under division (E) of section 1521.26 of the Revised Code; 911  
912  
913

(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; 914  
915  
916  
917  
918

(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; 919  
920  
921  
922  
923  
924

(F) Any additional information that the chief of the division of water resources may require based on site-specific conditions. 925  
926

**Sec. 1521.26.** An applicant shall include all of the following with the hydrogeologic description required under division (B) of 927  
928



<u>section 1521.24 of the Revised Code:</u>	929
<u>(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.</u>	930 931 932 933 934 935 936 937 938
<u>(B) Information related to the ground water hydrology for the proposed withdrawal and hydrologic study area including, at a minimum, all of the following:</u>	939 940 941
<u>(1) The elevation and the lateral extent of each aquifer, interbedded lithology, and overburden material;</u>	942 943
<u>(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;</u>	944 945 946
<u>(3) Known uses of and withdrawals from the water in each aquifer;</u>	947 948
<u>(4) The transmissivity of each aquifer;</u>	949
<u>(5) The storativity of each aquifer;</u>	950
<u>(6) The hydraulic conductivity of each aquifer;</u>	951
<u>(7) The specific yield of each unconfined aquifer;</u>	952
<u>(8) The rate of discharge of any currently registered water withdrawals shown pursuant to division (E) of section 1521.25 of the Revised Code.</u>	953 954 955
<u>(C) A listing of the published information and data, and</u>	956

copies of the unpublished records and data, used in preparation of 957  
the items in divisions (A) and (B) of this section, including core 958  
descriptions, cuttings descriptions, stratigraphic descriptions, 959  
and pump or slug test records; 960

(D) A water supply inventory representing all aquifers 961  
submitted in a format prescribed by the chief of the division of 962  
water resources that, at a minimum, includes all of the following: 963

(1) All of the existing water wells within the study area if 964  
there are fewer than one hundred wells. If there are more than one 965  
hundred wells within the study area, the inventory must include 966  
one hundred wells plus twenty-five per cent of those wells in 967  
excess of one hundred, but shall not exceed a total of three 968  
hundred wells. 969

(2) A listing of water sources in the proposed withdrawal and 970  
hydrologic study area as shown pursuant to divisions (D) and (E) 971  
of section 1521.25 of the Revised Code. Such water sources must 972  
include the most recently drilled wells, represent all aquifers 973  
and producing zones within the aquifers, and reflect a uniform 974  
geographical distribution of wells within the study area. The 975  
listing must include, to the extent available, all of the 976  
following for each well: 977

(a) The map identification number listed under division (D) 978  
of section 1521.25 of the Revised Code; 979

(b) The department of natural resources, division of water 980  
resources number assigned to the log form required to be filed 981  
under section 1521.05 of the Revised Code; 982

(c) The township in which each well is located; 983

(d) The year the well was drilled; 984

(e) The latitude and longitude in NAD 83 of the well; 985

<u>(f) The surface elevation of the well in feet;</u>	986
<u>(g) The total depth of the well in feet below the land surface;</u>	987 988
<u>(h) The depth to bedrock in feet;</u>	989
<u>(i) A description of unconsolidated material;</u>	990
<u>(j) The static water level of the well in feet below the land surface;</u>	991 992
<u>(k) The casing length in feet;</u>	993
<u>(l) The lithology of the screen interval/open borehole;</u>	994
<u>(m) The length of any well screen in feet;</u>	995
<u>(n) The test rate in gallons per minute;</u>	996
<u>(o) The duration of the test;</u>	997
<u>(p) The drawdown in feet.</u>	998
<u>(3) A listing of the location and type of any public water supply sources within the withdrawal and hydrologic study area;</u>	999 1000
<u>(4) A copy of the division of water resources well logs for the wells listed in division (D) of this section.</u>	1001 1002
<u>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.</u>	1003 1004 1005 1006 1007 1008 1009 1010 1011 1012

(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. 1013  
1014  
1015  
1016  
1017  
1018  
1019

(F) Any other information the chief may require. 1020

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. 1021  
1022  
1023  
1024  
1025  
1026  
1027

**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: 1028  
1029  
1030

(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. 1031  
1032  
1033  
1034

(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. 1035  
1036  
1037  
1038

(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 1039  
1040  
1041

<u>construct the model, including all of the following:</u>	1042
<u>(1) The saturated thickness of each aquifer;</u>	1043
<u>(2) The elevation of the static water level or potentiometric surface of each aquifer;</u>	1044 1045
<u>(3) Whether each aquifer is confined or unconfined;</u>	1046
<u>(4) The pumping water level elevation at steady state conditions.</u>	1047 1048
<u>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.</u>	1049 1050 1051 1052 1053 1054 1055 1056
<u>Sec. <del>1501.34</del>1521.29. (A) The <del>director of natural</del> chief of the division of water resources shall not approve an application submitted under section <del>1501.33</del> 1521.23 of the Revised Code if <del>he</del> the chief determines that any of the following criteria apply:</u>	1057 1058 1059 1060
(1) Public water rights in navigable waters will be adversely affected;	1061 1062
(2) The facility's current consumptive use, if any, does not incorporate maximum feasible conservation practices as determined by the <del>director</del> chief, considering available technology and the nature and economics of the various alternatives;	1063 1064 1065 1066
(3) The proposed plans for the withdrawal, transportation, development, and consumptive use of water resources do not	1067 1068

incorporate maximum feasible conservation practices as determined 1069  
 by the ~~director~~ chief, considering available technology and the 1070  
 nature and economics of the various alternatives; 1071

(4) The proposed withdrawal and consumptive uses do not 1072  
 reasonably promote the protection of the public health, safety, 1073  
 and welfare; 1074

(5) The proposed withdrawal will have a significant 1075  
 detrimental effect on the quantity or quality of water resources 1076  
 and related land resources in this state, including a significant 1077  
lowering of the water level within or the overdrafting of an 1078  
aquifer; 1079

(6) The proposed withdrawal is inconsistent with regional or 1080  
 state water resources plans; 1081

(7) Insufficient water is available for the withdrawal and 1082  
 other existing legal uses of water resources are not adequately 1083  
 protected; 1084

(8) A significant diminution will occur in the amount of 1085  
water available to existing wells or an interruption of existing 1086  
ground water usage will occur within the geographic area 1087  
established by the chief pursuant to section 1521.28 of the 1088  
Revised Code without a suitable replacement water supply source; 1089

(9) A withdrawal or consumptive use will cause irreparable 1090  
material damage to an aquifer such that the aquifer may no longer 1091  
yield the amount of water it did before the withdrawal or 1092  
consumptive use proposed in the application. 1093

(B) The ~~director~~ chief may hold public hearings upon any 1094  
 application for a permit submitted under section ~~1501.33~~ 1521.23 1095  
 of the Revised Code. The ~~director~~ chief shall determine the period 1096  
 for which each permit approved under this section will be valid 1097

and specify the expiration date, but in no case shall a permit be 1098  
 valid beyond the life of the project as stated in the application. 1099  
~~The director shall establish rules providing for the transfer of~~ 1100  
~~permits. A permit may be transferred on the conditions that the~~ 1101  
~~quantity of water withdrawn not be increased and that the purposes~~ 1102  
~~of the withdrawal not be changed.~~ 1103

(C)(1) ~~Within a time established by rule~~ ninety days of 1104  
~~receiving a complete application,~~ the ~~director~~ chief shall do one 1105  
 of the following: 1106

(a) Notify the applicant that ~~an~~ the applicant's application 1107  
~~he~~ submitted under section ~~1501.33~~ 1521.23 of the Revised Code is 1108  
 approved or denied and, if denied, the reason for denial; 1109

(b) Notify the applicant of any modification necessary to 1110  
 qualify the application for approval. 1111

(2) Any person who receives notice of a denial or 1112  
 modification under this division is entitled to a hearing under 1113  
 Chapter 119. of the Revised Code if the person sends a written 1114  
 request for a hearing to the ~~director~~ chief within thirty days 1115  
 after the date on which the notice is mailed or otherwise provided 1116  
 to the applicant. 1117

(D) ~~The director shall revoke a permit under this section~~ 1118  
~~without a prior hearing if he determines that the quantity of~~ 1119  
~~water being consumed exceeds the quantity stated in the permit~~ 1120  
~~application~~ The chief shall issue a permit to an applicant whose 1121  
application is approved under this section. 1122

~~The director may suspend a permit if he determines that the~~ 1123  
~~continued consumption of water under the permit will endanger the~~ 1124  
~~public health, safety, or welfare. Before suspending a permit, the~~ 1125  
~~director shall make a reasonable attempt to notify the permittee~~ 1126  
~~that he intends to suspend the permit. If the attempt fails,~~ 1127

~~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.~~ 1128  
1129  
1130  
1131  
1132

~~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.~~ 1133  
1134  
1135  
1136

~~(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.~~ 1137  
1138  
1139  
1140

~~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.~~ 1141  
1142  
1143

~~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.~~ 1144  
1145  
1146  
1147

~~(F) Each permittee under this section shall submit to the director an annual report containing such information as the director may require by rule.~~ 1148  
1149  
1150

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. 1151  
1152  
1153  
1154

(B) If the facility for which a permit has been issued under 1155



section 1521.29 of the Revised Code withdraws ground water, the 1156  
chief may require the continued monitoring and reporting of water 1157  
levels in each aquifer via existing wells or new monitoring wells 1158  
drilled by the permittee. 1159

(C) With regard to a permit issued under section 1521.29 of 1160  
the Revised Code, the permittee, at least once every five years, 1161  
shall certify to the chief that the facility for which the permit 1162  
has been issued is in compliance with the permit. 1163

(D) The chief shall adopt rules for the transfer of permits 1164  
issued under section 1521.29 of the Revised Code. The chief may 1165  
allow a permit to be transferred on the condition that the 1166  
quantity of water withdrawn not be increased and that the purposes 1167  
of the withdrawal not be changed. 1168

**Sec. 1521.31.** (A) The chief of the division of water 1169  
resources may require a permittee that has been issued a permit 1170  
under section 1521.29 of the Revised Code to decrease its 1171  
withdrawal and submit a revised ground water model under section 1172  
1521.27 of the Revised Code if either of the following applies: 1173

(1) The permittee's reported ground water monitoring data 1174  
conflicts with the permittee's ground water model. 1175

(2) The results of the division of water resources' 1176  
investigation of any written complaint under section 1521.36 of 1177  
the Revised Code indicate that the permittee's withdrawal caused 1178  
the diminution or interruption of a person's water supply. 1179

(B) If so required under division (A) of this section, the 1180  
permittee shall submit the revised ground water modeling using 1181  
additional data that reflects the permittee's impact on ground 1182  
water. Based upon the revised ground water modeling and additional 1183  
data, the chief may amend the permit to decrease the withdrawal or 1184

establish a revised projected cone of depression. 1185

(C) A permittee may request the chief to amend a permit 1186  
issued under section 1521.29 of the Revised Code when another 1187  
ground water user affects or has the potential to affect the 1188  
projected cone of depression. The permittee shall submit with the 1189  
request a revised ground water model using additional data that 1190  
reflects the other ground water user's impact on ground water. 1191  
Based on the revised ground water model and additional data, the 1192  
chief may establish a revised projected cone of depression and 1193  
amend the permit accordingly. 1194

**Sec. 1521.32.** (A) The chief may suspend a permit issued under 1195  
section 1521.29 of the Revised Code pursuant to an adjudication 1196  
conducted in accordance with Chapter 119. of the Revised Code if 1197  
the chief determines one of the following: 1198

(1) That the continued withdrawal or consumptive use of water 1199  
under the permit will endanger the public health, safety, or 1200  
welfare; 1201

(2) That the withdrawal or consumptive use of water will 1202  
result in a significant lowering of the water level within an 1203  
aquifer, the overdrafting of an aquifer, or the imminent threat of 1204  
irreparable material damage to an aquifer such that the aquifer 1205  
will no longer yield the amount of water it did before the 1206  
withdrawal or consumptive use. 1207

(B) Before suspending a permit, the chief shall make a 1208  
reasonable attempt to notify the permittee that the chief intends 1209  
to suspend the permit. If the attempt fails, notification shall be 1210  
given as soon as practicable following the suspension. 1211

(C) Within five days after the suspension, the chief shall 1212  
provide the permittee an opportunity for a hearing. At the hearing 1213

the permittee may present evidence that the continued withdrawal 1214  
or consumptive use of water is warranted because the reasons for 1215  
suspension specified in division (A) of this section do not apply. 1216

(D) Prior to the expiration of a suspended permit, a 1217  
permittee may request the chief to amend the suspended permit. The 1218  
chief may amend the permit and allow the withdrawal or consumptive 1219  
use of water under it to be resumed if the chief determines that, 1220  
under the amended permit, the reasons for suspension specified in 1221  
division (A) of this section will no longer apply. 1222

(E)(1) Any six or more residents of this state may petition 1223  
the chief for an investigation of a withdrawal of water resources 1224  
that they allege is in violation of a permit issued under section 1225  
1521.29 of the Revised Code. 1226

(2) In the petition, the petitioners shall identify the 1227  
permittee and detail the reasons why the petitioners believe that 1228  
grounds exist for the suspension of the permit under this section 1229  
or the revocation of the permit under section 1521.33 of the 1230  
Revised Code. 1231

(3) Upon receipt of the petition, the chief shall send a copy 1232  
to the permittee and, within sixty days, make a determination 1233  
whether grounds exist for suspension of the permit under this 1234  
section or revocation of the permit under section 1521.33 of the 1235  
Revised Code. 1236

**Sec. 1521.33.** The chief may revoke a permit issued under 1237  
section 1521.29 of the Revised Code pursuant to an adjudication 1238  
conducted in accordance with Chapter 119. of the Revised Code if 1239  
one of the following applies: 1240

(A) The continued withdrawal or consumptive use of water 1241  
under the permit will endanger the public health, safety, or 1242

<u>welfare.</u>	1243
<u>(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.</u>	1244 1245 1246 1247 1248 1249
<u>(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.</u>	1250 1251 1252 1253
<u><b>Sec. 1521.34.</b> (A) For purposes of this section, "public water system" has the same meaning as in section 6109.01 of the Revised Code.</u>	1254 1255 1256
<u>(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.</u>	1257 1258 1259 1260 1261 1262 1263 1264
<u><b>Sec. 1521.35.</b> (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</u>	1265 1266 1267 1268 1269 1270

interruption of the owner's water supply if both of the following 1271  
apply: 1272

(1) The owner obtains all or part of the owner's water supply 1273  
for domestic, agricultural, industrial, or other legitimate use 1274  
from ground water. 1275

(2) There is a diminution or interruption of that water 1276  
supply. 1277

The owner shall include in the complaint the owner's name, 1278  
address, and telephone number. 1279

(B) If the chief receives a written complaint submitted in 1280  
accordance with division (A) of this section, upon receipt the 1281  
chief shall send a copy of the complaint to the permittee, and the 1282  
permittee shall immediately respond by sending the chief a 1283  
statement that explains how the permittee resolved or will resolve 1284  
the complaint. 1285

If the permittee receives the written complaint in accordance 1286  
with division (A) of this section, the permittee shall send a copy 1287  
of the complaint, within fourteen days after receiving the 1288  
complaint, to the chief and include a statement that explains how 1289  
the permittee resolved or will resolve the complaint. Nothing in 1290  
this section relieves a permittee from performing the duties 1291  
specified in division (C) of this section. 1292

(C) Not later than seventy-two hours after the permittee 1293  
receives the complaint and if the complaint is not resolved as 1294  
verified by the chief, the permittee shall provide the owner with 1295  
a supply of water that is comparable to the owner's water supply 1296  
prior to the diminution or interruption of the owner's water 1297  
supply. The chief shall approve the method of providing the water 1298  
supply. The permittee shall maintain that water supply unless the 1299

chief determines that the permittee has rebutted the presumption 1300  
established in division (D) of this section. 1301

(D) A rebuttable presumption exists that the withdrawal by 1302  
the permittee caused the diminution or interruption of the owner's 1303  
water supply. However, not later than fourteen days after receipt 1304  
of the complaint, the permittee may submit to the chief 1305  
information showing that the permittee is not the proximate cause 1306  
of the diminution or interruption of the owner's water supply. The 1307  
chief shall evaluate the information submitted by the permittee to 1308  
determine if the presumption is rebutted. 1309

(E) If the permittee fails to rebut the presumption, the 1310  
chief shall notify the permittee and the owner in writing that the 1311  
permittee failed to rebut the presumption. 1312

(F) If the permittee rebuts the presumption, the chief shall 1313  
notify the permittee and the owner that the permittee rebutted the 1314  
presumption. Upon receipt of that notice, the permittee may cease 1315  
providing a supply of water to the owner under division (C) of 1316  
this section. 1317

(G) If, within fourteen days after receipt of the complaint, 1318  
the permittee fails to submit to the chief information showing 1319  
that the withdrawal is not the proximate cause of the diminution 1320  
or interruption of the owner's water supply, such failure shall be 1321  
considered a failure to rebut the presumption. 1322

**Sec. 1521.36.** (A) An owner of real property that is located 1323  
outside the geographic area established under section 1521.28 of 1324  
the Revised Code with respect to a permit issued under section 1325  
1521.29 of the Revised Code may submit a written complaint to the 1326  
permittee or to the chief of the division of water resources if 1327  
both of the following apply: 1328

(1) The owner obtains all or part of the owner's water supply for domestic, agricultural, industrial, or other legitimate use from ground water. 1329  
1330  
1331

(2) There is a diminution or interruption of that water supply. 1332  
1333

The owner shall include in the complaint the owner's name, address, and telephone number. 1334  
1335

(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. 1336  
1337  
1338  
1339  
1340

(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. 1341  
1342  
1343  
1344

(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. 1345  
1346  
1347

**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. 1348  
1349  
1350

(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 1351  
1352  
1353  
1354  
1355  
1356

under it. 1357

(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. 1358  
1359  
1360  
1361  
1362  
1363

(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. 1364  
1365  
1366  
1367  
1368  
1369

**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. 1370  
1371  
1372

(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. 1373  
1374  
1375  
1376

(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. 1377  
1378  
1379  
1380

(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. 1381  
1382  
1383  
1384



**Sec. 1522.10.** As used in sections 1522.10 to ~~1522.21~~ 1522.30 1385  
of the Revised Code: 1386

(A) "Baseline facility" means a facility identified in the 1387  
baseline report or a facility added to the baseline report under 1388  
section 1522.16 of the Revised Code. 1389

(B) "Baseline facility abandonment" means the voluntary and 1390  
affirmative termination of a baseline facility's withdrawal and 1391  
consumptive use capacity as listed in the baseline report. 1392  
"Baseline facility abandonment" does not include the nonuse or the 1393  
transfer of a baseline facility's withdrawal and consumptive use 1394  
capacity unless either of the following applies: 1395

(1) The nonuse continues for fifteen consecutive years for a 1396  
facility with a potential withdrawal from Lake Erie or a 1397  
recognized navigational channel and the nonuse is not extended in 1398  
accordance with division (B) of section 1522.16 of the Revised 1399  
Code. 1400

(2) For a facility to which division (B)(1) of this section 1401  
does not apply, the nonuse continues for thirty-six consecutive 1402  
months and is not extended in accordance with division (B) of 1403  
section 1522.16 of the Revised Code. 1404

(C) "Baseline report" means a list of the withdrawal and 1405  
consumptive use capacities of facilities that was developed for 1406  
purposes of Section 4.12 of the great lakes-st. Lawrence river 1407  
basin water resources compact by the department of natural 1408  
resources and submitted to the great lakes-st. Lawrence river 1409  
basin water resources council on December 8, 2009. 1410

(D) "Capacity" means the ability of a facility's pumps, 1411  
pipes, and other appurtenances to withdraw water presented in 1412  
terms of withdrawal capacity, treatment capacity, distribution 1413

capacity, or other capacity-limiting factors. 1414

(E) "Compact" means the great lakes-st. Lawrence river basin 1415  
water resources compact set forth in section 1522.01 of the 1416  
Revised Code. 1417

(F) "Consumptive use" has the same meaning as in section 1418  
1522.01 of the Revised Code. For purposes of determining a new or 1419  
increased capacity for consumptive use, "consumptive use" is the 1420  
use based on a coefficient of consumptive use generally accepted 1421  
in the scientific community that most accurately reflects the 1422  
process at a facility or the use based on facility specific data, 1423  
whichever is more accurate. 1424

(G) "Diversion" has the same meaning as in section 1522.01 of 1425  
the Revised Code. 1426

(H) "Facility" means any site, installation, or building at 1427  
which water withdrawal and consumptive use activities take place 1428  
or are proposed to take place, that is located at a property or on 1429  
contiguous properties, ~~and that is under the direction of either a~~ 1430  
~~private or public entity.~~ "Facility" includes any site, 1431  
installation, building, or service area of a public water system 1432  
at or within which water withdrawal and consumptive use activities 1433  
take place. 1434

(I) "Facility abandonment" means the voluntary and 1435  
affirmative termination of a facility's withdrawal and consumptive 1436  
use capacity as listed in a withdrawal and consumptive use permit 1437  
issued under section 1522.12 of the Revised Code. "Facility 1438  
abandonment" does not include the nonuse or the transfer of a 1439  
facility's withdrawal and consumptive use capacity unless either 1440  
of the following applies: 1441

(1) The nonuse continues for fifteen consecutive years for a 1442

facility with a potential withdrawal from Lake Erie or a 1443  
 recognized navigational channel and the nonuse is not extended in 1444  
 accordance with division (B) of section 1522.16 of the Revised 1445  
 Code. 1446

(2) For a facility to which division (I)(1) of this section 1447  
 does not apply, the nonuse continues for thirty-six consecutive 1448  
 months and is not extended in accordance with division (B) of 1449  
 section 1522.16 of the Revised Code. 1450

(J) "High quality water" means a river or stream segment that 1451  
 has been designated by the environmental protection agency under 1452  
 Chapter 3745-1 of the Administrative Code as an exceptional warm 1453  
 water habitat, cold water habitat, outstanding state water, or 1454  
 superior high-quality water. 1455

(K) "Increased capacity" does not include any capacity that 1456  
 results from alterations or changes made at a facility that 1457  
 replace existing capacity without increasing the capacity of the 1458  
 facility. 1459

(L) "Public water system" has the same meaning as in section 1460  
 6109.01 of the Revised Code. 1461

(M) "Recognized navigation channel" means that portion of a 1462  
 river or stream extending from bank to bank that is a direct 1463  
 tributary of Lake Erie and that, as of ~~the effective date of this~~ 1464  
~~section~~ September 4, 2012, is a state or federally maintained 1465  
 navigation channel. 1466

(N) "River or stream" means a body of water running or 1467  
 flowing, either continually or intermittently, on the earth's 1468  
 surface or a channel in which such flow occurs. 1469

(O) "Water" means ground or surface water contained within 1470  
 the basin of the Lake Erie source watershed. 1471

(P) "Aquifer," "cone of depression," "ground water," 1472  
"hydrologic study area," "well," "well field," and "withdrawal 1473  
area" have the same meanings as in section 1521.01 of the Revised 1474  
Code. 1475

**Sec. 1522.101.** For purposes of sections 1522.10 to ~~1522.21~~ 1476  
~~1522.30~~ of the Revised Code, a reference to source watershed or 1477  
the Lake Erie source watershed means the Lake Erie watershed 1478  
considered as a whole. 1479

**Sec. 1522.11.** (A) No person shall install or operate a 1480  
facility or equipment that results in a new or increased diversion 1481  
of any water out of the Lake Erie watershed to another watershed 1482  
without first obtaining a permit to do so issued by the chief of 1483  
the division of water resources. An application for such a permit 1484  
shall be submitted to the chief on a form that the chief 1485  
prescribes. An application shall be accompanied by a nonrefundable 1486  
fee of one thousand dollars, which shall be credited to the water 1487  
management fund created in section ~~1501.32~~ 1521.22 of the Revised 1488  
Code. 1489

(B) The chief shall approve a permit application submitted 1490  
under this section only if the chief determines that it meets the 1491  
criteria required to qualify as an exception to the prohibition 1492  
against diversions established in Section 4.9 of the compact. The 1493  
chief shall issue or deny a permit through issuance of an order. 1494

**Sec. 1522.12.** (A) For purposes of the compact, ~~not later than~~ 1495  
~~one hundred eighty days after September 4, 2012, the chief of the~~ 1496  
~~division of water resources shall establish a program for the~~ 1497  
~~issuance of permits for the withdrawal and consumptive use of~~ 1498  
~~water from the Lake Erie watershed. Upon establishment of the~~ 1499

~~program~~, 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 1561  
 without first obtaining a withdrawal and consumptive use permit. 1562

~~(B)~~ (C) Permits issued under this section shall be issued 1563  
 only for the amount of withdrawal or consumptive use capacity of a 1564  
 facility that meets or exceeds threshold amounts established in 1565  
 division (A) of this section. A permit shall not be required for 1566  
 the portion of the withdrawal and consumptive use capacity of the 1567  
 facility below that threshold amount. 1568

~~(C)~~ (D) An applicant for a permit shall submit an application 1569  
 to the chief on a form that the chief prescribes. The applicant 1570  
 shall include with the application all of the following: 1571

(1) The name, address, and telephone number of the applicant 1572  
 and of a contact person for the applicant; 1573

(2) The names, addresses, and other necessary contact 1574  
 information of any other owners and operators of the facility; 1575

(3) A description of all of the following: 1576

(a) The facility's current withdrawal capacity per day if the 1577  
 withdrawal is to occur at a facility already in operation; 1578

(b) The total new or increased daily withdrawal capacity 1579  
 proposed for the facility; 1580

(c) The locations and sources of water proposed to be 1581  
 withdrawn; 1582

(d) The locations of proposed discharges or return flows; 1583

(e) The locations and nature of proposed consumptive uses and 1584  
 the applicable consumptive use coefficient for the facility; 1585

(f) The estimated average annual and monthly volumes and 1586  
 rates of withdrawal; 1587

(g) The estimated average annual and monthly volumes and 1588

rates of consumptive use; 1589

(h) The environmentally sound and economically feasible water 1590  
conservation measures to be undertaken by the applicant; 1591

(i) Other ways the applicant's need for water may be 1592  
satisfied if the application is denied or modified; 1593

~~(j)~~ (4) All information required in sections 1522.121 to 1594  
1522.124 of the Revised Code if the source of water for the 1595  
proposed withdrawal is ground water; 1596

(5) Any other information the chief may require to adequately 1597  
consider the application; 1598

~~(4)~~(6) A nonrefundable application fee of one thousand 1599  
dollars, the proceeds of which shall be credited to the water 1600  
management fund created in section ~~1501.32~~1521.22 of the Revised 1601  
Code. 1602

~~(D)~~ (E) Provided that a facility meets all applicable permit 1603  
conditions, a permit for the facility is valid until the facility 1604  
is the subject of facility abandonment. Once every five years, the 1605  
owner or operator of a facility shall certify to the chief that 1606  
the facility is in compliance with the permit that has been issued 1607  
for the facility. 1608

~~(E)~~ (F) No person that is required to do so shall fail to 1609  
apply for and receive a withdrawal and consumptive use permit. 1610

~~(F)~~ (G) A permit issued under this section shall include 1611  
terms and conditions restricting the withdrawal and consumptive 1612  
use by a facility to amounts not exceeding the capacity of the 1613  
facility. 1614

~~(G)~~ (H) The chief shall issue or deny a permit not later than 1615  
ninety days after receipt of a complete application. If 1616



applicable, the chief shall comply with the requirements regarding 1617  
prior notice established in Section 4.6 of the compact. The chief 1618  
shall issue or deny a permit through issuance of an order. The 1619  
chief shall issue a permit if all applicable criteria for 1620  
receiving the permit are met as provided in sections 1522.10 to 1621  
~~1522.21~~ 1522.30 of the Revised Code and neither of the following 1622  
applies: 1623

(1) A withdrawal or consumptive use will result in a 1624  
significant lowering of the water level within an aquifer, the 1625  
overdrafting of an aquifer, a significant diminution in the amount 1626  
of water available in existing wells, or the interruption of 1627  
existing ground water supplies within the geographic area 1628  
established by the chief pursuant to section 1522.125 of the 1629  
Revised Code without a suitable replacement water supply source. 1630

(2) A withdrawal or consumptive use would cause irreparable 1631  
material damage to an aquifer such that the aquifer could no 1632  
longer yield the amount of water it did before the withdrawal or 1633  
consumptive use proposed in the application. 1634

(I) If the facility for which a permit has been issued under 1635  
this section withdraws ground water, the chief may require the 1636  
continued monitoring and reporting of water levels in each aquifer 1637  
via existing wells or new monitoring wells drilled by the 1638  
permittee. 1639

**Sec. 1522.121.** Along with an application for a permit 1640  
submitted under section 1522.12 of the Revised Code, an applicant 1641  
that proposes to withdraw ground water shall submit data in a form 1642  
prescribed by the chief of the division of water resources that 1643  
includes all of the following: 1644

(A) A hydrologic map consisting of a single map using the 1645

most recent USGS 7.5 minute topographic maps at a scale of 1646  
1:24,000 as a base or other approved format that shows all of the 1647  
information described in section 1521.122 of the Revised Code; 1648

(B) A hydrogeologic description in sufficient detail to 1649  
determine the cone of depression for the proposed withdrawal that 1650  
includes all of the information described in section 1522.123 of 1651  
the Revised Code; 1652

(C) A steady state ground water model that defines the 1653  
projected cone of depression for the proposed withdrawal that 1654  
complies with section 1522.124 of the Revised Code; 1655

(D) Alternative water supply information that includes an 1656  
analysis of the availability and suitability of alternative water 1657  
supply sources that will be utilized to fulfill the water supply 1658  
replacement provisions of section 1522.24 of the Revised Code. 1659

**Sec. 1522.122.** An applicant shall show all of the following 1660  
on the hydrologic map required under division (A) of section 1661  
1522.121 of the Revised Code: 1662

(A) The proposed withdrawal area; 1663

(B) The hydrologic study area; 1664

(C) A line delineating the location of the cross sections 1665  
required under division (E) of section 1522.123 of the Revised 1666  
Code; 1667

(D) The location of and assigned identification number for 1668  
the selected water supply wells identified in division (D) of 1669  
section 1522.123 of the Revised Code and all other water sources 1670  
used for domestic, agricultural, or industrial use within the 1671  
proposed withdrawal area and hydrologic study area; 1672

(E) The location of any well, well field, reservoir, river, 1673

and water source not identified under division (D) of this section 1674  
on or within the hydrologic study area that is used for a public 1675  
water supply and any facility registered under section 1521.16 of 1676  
the Revised Code on or within the hydrologic study area; 1677

(F) Any additional information that the chief of the division 1678  
of water resources may require based on site-specific conditions. 1679

**Sec. 1522.123. An applicant shall include all of the** 1680  
following with the hydrogeologic description required under 1681  
division (B) of section 1522.121 of the Revised Code: 1682

(A) A detailed description of the geology within the proposed 1683  
withdrawal and hydrologic study area down to the lowest level of 1684  
any aquifer from which water is proposed to be withdrawn. The 1685  
description must include the areal and structural geology of the 1686  
withdrawal and hydrologic study area, and any other parameter that 1687  
may affect the occurrence, availability, movement, or quantity of 1688  
potentially affected ground waters. The description must be based 1689  
on information available to the applicant from test borings, core 1690  
drillings, well logs, and geologic literature and practices. 1691

(B) Information related to the ground water hydrology for the 1692  
proposed withdrawal and hydrologic study area including, at a 1693  
minimum, all of the following: 1694

(1) The elevation and the lateral extent of each aquifer, 1695  
interbedded lithology, and overburden material; 1696

(2) The thickness of each aquifer and a detailed lithologic 1697  
description from surface to base of the deepest aquifer, noting 1698  
any changes in lithology over distance; 1699

(3) Known uses of and withdrawals from the water in each 1700  
aquifer; 1701

<u>(4) The transmissivity of each aquifer;</u>	1702
<u>(5) The storativity of each aquifer;</u>	1703
<u>(6) The hydraulic conductivity of each aquifer;</u>	1704
<u>(7) The specific yield of each unconfined aquifer;</u>	1705
<u>(8) The rate of discharge of any currently registered water</u>	1706
<u>withdrawals shown pursuant to division (E) of section 1522.122 of</u>	1707
<u>the Revised Code;</u>	1708
<u>(C) A listing of the published information and data, and</u>	1709
<u>copies of the unpublished records and data, used in preparation of</u>	1710
<u>the items in divisions (A) and (B) of this section including core</u>	1711
<u>descriptions, cuttings descriptions, stratigraphic descriptions,</u>	1712
<u>and pump or slug test records;</u>	1713
<u>(D) A water supply inventory representing all aquifers</u>	1714
<u>submitted in a format prescribed by the chief of the division of</u>	1715
<u>water resources that, at a minimum, includes all of the following:</u>	1716
<u>(1) All of the existing water wells within the study area if</u>	1717
<u>there are fewer than one hundred wells. If there are more than one</u>	1718
<u>hundred wells within the study area, the inventory must include</u>	1719
<u>one hundred wells plus twenty-five per cent of those wells in</u>	1720
<u>excess of one hundred, but shall not exceed a total of three</u>	1721
<u>hundred wells.</u>	1722
<u>(2) A listing of water sources in the proposed withdrawal and</u>	1723
<u>hydrologic study area as shown pursuant to divisions (D) and (E)</u>	1724
<u>of section 1522.122 of the Revised Code. Such water sources must</u>	1725
<u>include the most recently drilled wells, represent all aquifers</u>	1726
<u>and producing zones within the aquifers, and reflect a uniform</u>	1727
<u>geographical distribution of wells within the study area. The</u>	1728
<u>listing must include, to the extent available, all of the</u>	1729
<u>following for each well:</u>	1730

<u>(a) The map identification number listed under division (D) of section 1522.122 of the Revised Code;</u>	1731 1732
<u>(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;</u>	1733 1734 1735
<u>(c) The township in which each well is located;</u>	1736
<u>(d) The year the well was drilled;</u>	1737
<u>(e) The latitude and longitude in NAD 83 of the well;</u>	1738
<u>(f) The surface elevation of the well in feet;</u>	1739
<u>(g) The total depth of the well in feet below the land surface;</u>	1740 1741
<u>(h) The depth to bedrock in feet;</u>	1742
<u>(i) A description of unconsolidated material;</u>	1743
<u>(j) The static water level of the well in feet below the land surface;</u>	1744 1745
<u>(k) The casing length in feet;</u>	1746
<u>(l) The lithology of the screen interval/open borehole;</u>	1747
<u>(m) The length of any well screen in feet;</u>	1748
<u>(n) The test rate in gallons per minute;</u>	1749
<u>(o) The duration of the test;</u>	1750
<u>(p) The drawdown in feet.</u>	1751
<u>(3) A listing of the location and type of any public water supply sources within the withdrawal and hydrologic study area;</u>	1752 1753
<u>(4) A copy of the division of water resources well logs for the wells listed in division (D) of this section.</u>	1754 1755
<u>Prior to submission of an application, an applicant may</u>	1756

submit a request in writing to the chief to reduce the number or 1757  
extent of the submittals required in division (D) of this section. 1758  
The chief may grant the request only if the chief makes a written 1759  
determination that this reduction will not diminish the level of 1760  
accuracy in the ground water model. If the chief grants a 1761  
reduction, the written request and determination shall be 1762  
submitted with the permit application. If information required in 1763  
the water supply inventory of division (D) of this section is 1764  
unobtainable, a statement to that effect shall be submitted, 1765  
giving the reasons therefor. 1766

(E) A minimum of two perpendicular hydrogeologic cross 1767  
sections of the same scale for the hydrologic study area based on 1768  
available information. Such cross sections must be of uniform 1769  
horizontal and uniform vertical scale, depict the information 1770  
required in divisions (B)(1) and (2) of this section, intersect 1771  
the center of the proposed withdrawal, and include the data points 1772  
used to construct the cross section. 1773

(F) Any other information the chief may require. 1774

For purposes of the hydrogeologic description and to 1775  
establish pre-pumping water level conditions, the chief may 1776  
require the applicant to monitor water levels from each aquifer 1777  
from which water is proposed to be withdrawn. The applicant shall 1778  
conduct such monitoring via the wells listed in division (D) of 1779  
this section or new monitoring wells drilled by the applicant. The 1780  
chief also may require pre-pumping tests. 1781

**Sec. 1522.124.** (A) An applicant shall ensure that both of the 1782  
following apply to the steady state ground water model required 1783  
under division (C) of section 1522.121 of the Revised Code: 1784  
 1785

(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. 1786  
1787  
1788  
1789

(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. 1790  
1791  
1792  
1793

(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: 1794  
1795  
1796  
1797

(1) The saturated thickness of each aquifer; 1798

(2) The elevation of the static water level or potentiometric surface of each aquifer; 1799  
1800

(3) Whether each aquifer is confined or unconfined; 1801

(4) The pumping water level elevation at steady state conditions. 1802  
1803

**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. 1804  
1805  
1806  
1807  
1808  
1809  
1810  
1811  
1812

**Sec. 1522.13.** (A) The chief of the division of water 1813  
resources shall not issue a withdrawal and consumptive use permit 1814  
for a facility if the chief determines that the facility ~~meets~~ 1815  
does not meet all of the criteria established in Section 4.11 of 1816  
the compact. 1817

(B) In applying the provision of the decision-making standard 1818  
established in Section 4.11.2 of the compact, the chief shall 1819  
require that a withdrawal or consumptive use will be implemented 1820  
so as to ensure that the withdrawal or consumptive use will result 1821  
in no significant individual or cumulative adverse impacts on the 1822  
quantity or quality of the waters and water dependent natural 1823  
resources of the great lakes basin considered as a whole or of the 1824  
Lake Erie source watershed considered as a whole. As part of the 1825  
evaluation of a permit application under Section 4.11.2 of the 1826  
compact, the chief shall do all of the following: 1827

(1) Rely on the best generally accepted scientific methods 1828  
appropriate for this state derived from professionally accepted 1829  
resources and practices; 1830

(2) Consider the long-term mean annual inflow and outflow of 1831  
the Lake Erie source watershed; 1832

(3) Consider the withdrawal and the portion of the withdrawal 1833  
that is not returned to the Lake Erie source watershed. 1834

(C) Impacts of a withdrawal or consumptive use on the 1835  
quantity or quality of waters and water dependent natural 1836  
resources of more localized areas that affect less than the great 1837  
lakes basin considered as a whole or the Lake Erie source 1838  
watershed considered as a whole shall be considered as a part of 1839  
the evaluation of whether a proposed withdrawal or consumptive use 1840  
is reasonable as provided in Section 4.11.5 of the compact. 1841



(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 ~~1522.21~~ 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 1871  
 with withdrawals from a river or stream that is a high quality 1872  
 water when the withdrawals are made at a point where the area of 1873  
 the watershed of the river or stream is less than one hundred 1874  
 square miles but greater than fifty square miles. 1875

Division (B) of this section does not apply to withdrawals of 1876  
 a facility from a river or stream that is a high quality water 1877  
 when the withdrawals are made at a point where the area of the 1878  
 watershed of the river or stream is fifty square miles or less. 1879

(C) A baseline facility that has not increased its withdrawal 1880  
 and consumptive use capacity beyond the capacity listed in the 1881  
 baseline report and beyond the threshold amounts established in 1882  
 section 1522.12 of the Revised Code; 1883

(D) An electric generating facility that increases its 1884  
 consumptive use due to a requirement imposed by a federal 1885  
 regulation that is unrelated to an increase in production at the 1886  
 facility; 1887

(E) A facility making a withdrawal and consumptive use from 1888  
 an impoundment of water collected primarily from diffused surface 1889  
 water sources, including a farm pond, golf course pond, nursery 1890  
 pond, stormwater retention pond, or other private pond; or a 1891  
 facility making a withdrawal and consumptive use from any stream 1892  
 or river to augment the water supply of an impoundment of water if 1893  
 the impoundment is used, at least in part, for firefighting 1894  
 purposes. The exemption established by this division does not 1895  
 apply to a facility making a withdrawal and consumptive use for 1896  
 industrial purposes or for public water supply purposes. 1897

(F) A facility that must temporarily establish a new or 1898  
 increased withdrawal and consumptive use capacity as a result of 1899  
 an emergency for the duration of that emergency that, without the 1900

new or increased withdrawal and consumptive use capacity, will	1901
result in imminent harm to human health or property;	1902
(G) A facility that is establishing a new or is increasing	1903
its withdrawal and consumptive use capacity in compliance with an	1904
experimental use permit issued under section 1522.131 of the	1905
Revised Code;	1906
(H) A facility that must temporarily establish a new or	1907
increased withdrawal and consumptive use capacity in order to	1908
respond to a humanitarian crisis for the duration of that crisis	1909
if the new or increased capacity is necessary to assist in the	1910
management of that crisis;	1911
(I) A facility that is exempt from the requirement to obtain	1912
a permit under division <del>(B)</del> <u>(D)</u> or <del>(C)</del> <u>(E)</u> of section <del>1501.33</del>	1913
<u>1521.23</u> of the Revised Code;	1914
(J) A facility that is subject to regulation under Chapter	1915
1514. of the Revised Code;	1916
(K) A facility that purchases all of its water from a public	1917
water system;	1918
(L) A facility that is withdrawing or consumptively using	1919
water from an off-stream impoundment that has been substantially	1920
filled with a stream withdrawal by a baseline facility or with a	1921
stream withdrawal that is subject to a withdrawal and consumptive	1922
use permit;	1923
(M) A facility that is increasing its withdrawal or	1924
consumptive use capacity directly related to supplying a major	1925
electric generating facility that is subject to regulation under	1926
Chapter 4906. of the Revised Code.	1927
<b>Sec. 1522.15.</b> (A)(1) Transfer of a withdrawal and consumptive	1928

use permit upon the sale or transfer of a facility may occur so 1929  
 long as the location of the facility, the source of water, and the 1930  
 withdrawal and consumptive use capacities do not change. Transfer 1931  
 of the baseline withdrawal and consumptive use capacity of a 1932  
 baseline facility upon the sale or transfer of the baseline 1933  
 facility may occur so long as the location of the facility, the 1934  
 source of water, and the withdrawal and consumptive use capacities 1935  
 do not change. Transferred capacity of a baseline facility does 1936  
 not require a withdrawal and consumptive use permit. 1937

Notice of a transfer shall be provided to the chief of the 1938  
 division of water resources in a manner prescribed by the chief. 1939

(2) If the owner of a facility for which a withdrawal and 1940  
 consumptive use permit has been issued sells or transfers a 1941  
 portion of the facility, transfer of the applicable portion of the 1942  
 withdrawal and consumptive use capacity authorized by the 1943  
 withdrawal and consumptive use permit may occur so long as the 1944  
 location of the facility, the source of water, and the total 1945  
 withdrawal and consumptive use capacities do not change. The 1946  
 permittee shall provide notice of such a transfer to the chief in 1947  
 a manner prescribed by the chief. Upon receipt of the notice and 1948  
 if a permit is required for the transferred portion based on the 1949  
 threshold amounts established in divisions (A)(1) to (3) of 1950  
 section 1522.12 of the Revised Code, the chief shall issue a new 1951  
 permit for the transferred portion of the facility to the 1952  
 transferee and a modified permit for the remaining portion of the 1953  
 facility to the original permittee upon a showing that the 1954  
 transferee will meet the conditions of the original permit and all 1955  
 applicable requirements of this chapter and rules adopted under 1956  
 it. Any new permit shall reflect the portion of the withdrawal and 1957  
 consumptive use capacity that has been transferred. 1958

(3) If the owner of a baseline facility sells or transfers a 1959

portion of the baseline facility, transfer of the applicable 1960  
 portion of the withdrawal and consumptive use capacity listed in 1961  
 the baseline report for that facility may occur so long as the 1962  
 location of the facility, the source of water, and the total 1963  
 withdrawal and consumptive use capacities do not change. The owner 1964  
 shall provide notice of such a transfer to the chief in a manner 1965  
 prescribed by the chief. The chief shall not require the owner of 1966  
 the baseline facility or the transferee to obtain a withdrawal and 1967  
 consumptive use permit, but shall update the baseline report to 1968  
 reflect the transfer. 1969

(4) The chief may deny a transfer under this section by 1970  
 issuing an order denying the transfer and sending written notice 1971  
 to the permittee and the transferee not later than thirty days 1972  
 after notice of the intended transfer. The chief shall deny the 1973  
 transfer if the chief determines that the transfer will result in 1974  
 noncompliance with this chapter, rules adopted under it, or the 1975  
 terms and conditions of a withdrawal and consumptive use permit. 1976

(5) The chief shall remove a facility from the baseline 1977  
 report when the facility is subject to baseline facility 1978  
 abandonment. However, a baseline facility shall not be removed 1979  
 from the baseline report due to the transfer of the facility's 1980  
 baseline capacity. 1981

(B) No person shall sell or transfer a withdrawal and 1982  
 consumptive use permit for purposes of evading the requirements 1983  
 established in sections 1522.10 to ~~1522.21~~ 1522.30 of the Revised 1984  
 Code. 1985

**Sec. 1522.19.** (A) The chief of the division of water 1986  
resources may require a permittee that has been issued a permit 1987  
under section 1522.12 of the Revised Code to decrease its 1988

<u>withdrawal and submit a revised ground water model under section</u>	1989
<u>1522.124 of the Revised Code if either of the following applies:</u>	1990
<u>(1) The reported ground water monitoring data conflicts with</u>	1991
<u>the permittee's ground water model.</u>	1992
<u>(2) The results of the division of water resources'</u>	1993
<u>investigation of any written complaint under section 1522.25 of</u>	1994
<u>the Revised Code indicate that the permittee's withdrawal caused</u>	1995
<u>the diminution or interruption of a person's water supply.</u>	1996
<u>(B) If so required under division (A) of this section, the</u>	1997
<u>permittee shall submit the revised ground water modeling using</u>	1998
<u>additional data that reflects the permittee's impact on ground</u>	1999
<u>water. Based upon the revised ground water modeling and additional</u>	2000
<u>data, the chief may amend the permit to decrease the withdrawal or</u>	2001
<u>establish a revised projected cone of depression and amend the</u>	2002
<u>permit accordingly.</u>	2003
<u>(C) A permittee may request the chief to amend a permit</u>	2004
<u>issued under section 1522.12 of the Revised Code when another</u>	2005
<u>ground water user affects or has the potential to affect the</u>	2006
<u>projected cone of depression. The permittee shall submit with the</u>	2007
<u>request a revised ground water model using additional data that</u>	2008
<u>reflects the other ground water user's impact on ground water.</u>	2009
<u>Based upon the revised ground water model and additional data, the</u>	2010
<u>chief may establish a revised projected cone of depression and</u>	2011
<u>amend the permit accordingly.</u>	2012
<b>Sec. 1522.20.</b> <u>(A)<del>(1)</del> The chief of the division of water</u>	2013
<u>resources may issue an order of compliance to a person <del>that</del> if the</u>	2014
<u>chief determines one of the following:</u>	2015
<u>(1) That the person has violated, is violating, or is</u>	2016
<u>threatening to violate any provisions of this chapter, rules</u>	2017

adopted under it, or ~~permits a permit~~ or ~~orders order~~ issued under 2018  
it; 2019

(2) That the continued withdrawal or consumptive use of water 2020  
under a permit issued to the person under section 1522.12 of the 2021  
Revised Code will endanger the public health, safety, or welfare; 2022

(3) That the withdrawal or consumptive use of water under a 2023  
permit issued to the person under section 1522.12 of the Revised 2024  
Code will result in a significant lowering of the water level 2025  
within an aquifer, the overdrafting of an aquifer, or the imminent 2026  
threat of irreparable material damage to an aquifer such that the 2027  
aquifer will no longer yield the amount of water it did before the 2028  
withdrawal or consumptive use. The 2029

(B) An order shall be of compliance issued under division (A) 2030  
of this section is effective upon issuance and . The chief shall 2031  
identify the all of the following in the order: 2032

(1) The facility where the violation has occurred, is 2033  
occurring, or is threatened to occur, the specific violation, and 2034  
to which the order applies; 2035

(2) The findings of fact and specific circumstances that led 2036  
to the issuance of the order; 2037

(3) The actions that the owner or operator of the facility 2038  
must take to comply with the order. The order 2039

The chief shall establish fix and specify in the order a 2040  
reasonable date by which the owner or operator must comply with 2041  
the order. 2042

~~(2) An order issued under division (A)(1) of this section~~ 2043  
shall be (C)(1) If a person that is issued an order of compliance 2044  
under division (A) of this section does not comply with the order 2045  
by the date specified in the order, the chief may issue a proposed 2046

order to suspend or revoke the permit issued to the person and may 2047  
subsequently issue a final order to suspend or revoke the permit 2048  
in accordance with section 1522.21 of the Revised Code. 2049

(2) If the chief issues a proposed order to suspend or revoke 2050  
a permit, the chief, in the proposed order, shall identify all of 2051  
the following: 2052

(a) The facility to which the order applies; 2053

(b) The findings of fact and specific circumstances that led 2054  
to the issuance of the order; 2055

(c) The actions that the permittee must take to comply with 2056  
the order. 2057

The chief shall fix and specify in the proposed order a 2058  
reasonable date or time by which the permittee must comply. The 2059  
chief shall state in the proposed order that the chief may issue a 2060  
final order suspending or revoking the permit if the permittee 2061  
fails to comply with the proposed order by that date or time. 2062

(D) If the chief, after making a determination under division 2063  
(A)(2) or (3) of this section, issues an order under division (A) 2064  
of this section, a proposed order under division (C) of this 2065  
section, or a final order to suspend a permit under section 2066  
1522.21 of the Revised Code, the permittee may request the chief 2067  
to amend the permit or suspended permit prior to its expiration. 2068  
The chief may amend the permit and allow the withdrawal or 2069  
consumptive use of water under it to be resumed if the chief 2070  
determines that, under the amended permit, the reasons for the 2071  
order or suspension specified in division (A)(2) or (3) of this 2072  
section, as applicable, will no longer apply. 2073

(E) The chief shall issue an order or proposed order under 2074  
this section, or a final order under section 1522.21 of the 2075



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~~ provide 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,~~

~~1522.12, or 1522.131 of the Revised Code, denying this chapter;~~ 2135

~~(2) Denies a transfer of a permit under section 1522.15 of~~ 2136  
~~the Revised Code, denying ;~~ 2137

~~(3) Denies a petition to the chief under section 1522.16 of~~ 2138  
~~the Revised Code, or denying ;~~ 2139

~~(4) Denies a request for confidentiality under section~~ 2140  
~~1522.17 of the Revised Code, or before the issuance of a final~~ 2141  
~~order under section 1522.20 of the Revised Code, the chief shall~~ 2142  
~~issue a proposed order indicating the chief's intent to issue a~~ 2143  
~~final order;~~ 2144

~~(5) Suspends or revokes a permit issued under this chapter.~~ 2145  
~~If~~ 2146

~~(C)(1) If the chief receives a written objection from a~~ 2147  
~~person who is or will be aggrieved or adversely affected by the~~ 2148  
~~issuance of the final order, the chief shall conduct an~~ 2149  
~~adjudication hearing with respect to the proposed order in~~ 2150  
~~accordance with Chapter 119. of the Revised Code. A person who is~~ 2151  
~~or will be aggrieved or adversely affected by the issuance of the~~ 2152  
~~final order and who submitted a written objection under this~~ 2153  
~~division may be a party to the adjudication.~~ 2154

~~(2) Any person who is issued a proposed order or a final~~ 2155  
~~order by the chief shall be a party in any administrative or legal~~ 2156  
~~proceeding in which the proposed order or final order is at issue.~~ 2157  
~~This division is in addition to any other rights that a person may~~ 2158  
~~have as a person aggrieved or adversely affected. If the chief~~ 2159  
~~proposes to suspend or revoke a permit after making a~~ 2160  
~~determination under division (A)(2) or (3) of section 1522.20 of~~ 2161  
~~the Revised Code, the permittee, at the hearing, may present~~ 2162  
~~evidence that the continued withdrawal or consumptive use of water~~ 2163  
~~is warranted because the reasons for suspension or revocation~~ 2164

specified in division (A)(2) or (3) of that section, as 2165  
applicable, do not apply. 2166

~~(C)~~(D)(1) After the issuance of a final order, a person who 2167  
 is or will be aggrieved or adversely affected by the issuance of 2168  
 the order may appeal the order to the court of common pleas of 2169  
 Franklin county or the court of common pleas of the county in 2170  
 which the facility that is the subject of the order is located. 2171  
 Subject to the exceptions specified in section 2506.03 of the 2172  
 Revised Code, the court is confined to the record as certified to 2173  
 it by the chief if an adjudication hearing was conducted by the 2174  
 chief under division ~~(B)~~ (C) of this section. However, the court 2175  
 also may grant a request for the admission of additional evidence 2176  
 when satisfied that the additional evidence is newly discovered 2177  
 and could not with reasonable diligence have been ascertained 2178  
 prior to the hearing before the chief. If no adjudication hearing 2179  
 was conducted under division ~~(B)~~ (C) of this section, the court 2180  
 shall conduct a hearing de novo. 2181

(2) The filing of an appeal under division ~~(C)~~(D)(1) of this 2182  
 section does not automatically suspend the order that is the 2183  
 subject of the appeal. Upon application by the appellant, the 2184  
 court may suspend or stay the order, pending an immediate hearing 2185  
 on the appeal. 2186

(3) If the court finds that the order was lawful and 2187  
 reasonable, it shall issue a written order affirming the order. If 2188  
 the court finds that the order was unreasonable or unlawful, it 2189  
 shall issue a written order vacating or modifying the order. The 2190  
 judgment of the court is final unless reversed, vacated, or 2191  
 modified on appeal. 2192

(4) ~~Attorney's~~ A court shall not award attorney's fees shall 2193  
~~not be awarded~~ to any party to an administrative or legal 2194

proceeding under this section. 2195

(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. 2196  
2197  
2198  
2199  
2200

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. 2201  
2202  
2203  
2204  
2205  
2206  
2207  
2208

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: 2209  
2210  
2211  
2212  
2213  
2214  
2215  
2216

(1) The owner obtains all or part of the owner's water supply for domestic, agricultural, industrial, or other legitimate use from ground water. 2217  
2218  
2219

(2) There is a diminution or interruption of that water supply. 2220  
2221

The owner shall include in the complaint the owner's name, 2222

address, and telephone number.

2223

(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.

2224

2225

2226

2227

2228

2229

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.

2230

2231

2232

2233

2234

2235

2236

(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.

2237

2238

2239

2240

2241

2242

2243

2244

2245

(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

2246

2247

2248

2249

2250

2251

2252

determine if the presumption is rebutted. 2253

(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. 2254  
2255  
2256

(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. 2257  
2258  
2259  
2260  
2261

(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. 2262  
2263  
2264  
2265  
2266

**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: 2267  
2268  
2269  
2270  
2271  
2272

(1) The owner obtains all or part of the owner's water supply for domestic, agricultural, industrial, or other legitimate use from ground water. 2273  
2274  
2275

(2) There is a diminution or interruption of that water supply. 2276  
2277

The owner shall include in the complaint the owner's name, address, and telephone number. 2278  
2279

(B) If the chief receives the written complaint submitted 2280

under division (A) of this section, upon receipt the chief shall 2281  
send the permittee a copy of the complaint. If the permittee 2282  
receives the written complaint, upon receipt the permittee shall 2283  
send the chief a copy of the complaint. 2284

(C) The chief shall investigate the complaint. Upon 2285  
completion of the investigation, the chief shall send the results 2286  
of the investigation to the permittee and to the owner that 2287  
submitted the complaint. 2288

(D) The owner that submitted the complaint may resolve the 2289  
diminution or interruption of the owner's water supply with the 2290  
permittee or may commence a civil action for that purpose. 2291

**Sec. ~~1522.19~~1522.30.** (A) No person shall violate any 2292  
provision of this chapter, any rule or order adopted or issued 2293  
under it, or any term or condition of a permit issued under it. 2294

(B)(1) The attorney general, upon written request of the 2295  
chief of the division of water resources, shall bring an action 2296  
for an injunction or other appropriate legal or equitable action 2297  
against any person who has violated, is violating, or is 2298  
threatening to violate any provision of this chapter, any rule or 2299  
order adopted or issued under it, or any term or condition of a 2300  
permit issued under it. 2301

(2) The attorney general shall bring the action in the court 2302  
of common pleas of Franklin county or the county where the 2303  
applicable facility is located. In an action for injunction, any 2304  
factual findings of the chief presented at a hearing conducted 2305  
under section 1522.21 of the Revised Code is prima facie evidence 2306  
of the facts regarding the order that is the subject of the 2307  
hearing. 2308

(C) A person who violates any provision of this chapter, any 2309



rule or order adopted or issued under it, or any term or condition 2310  
of a permit issued under it is liable to the chief for any costs 2311  
incurred by the division of water resources in investigating, 2312  
mitigating, minimizing, removing, or abating the violation and 2313  
conditions caused by it. 2314

(D) Upon the request of the chief, the attorney general shall 2315  
bring a civil action against the responsible person to recover 2316  
those costs in the court of common pleas of Franklin county. 2317  
Moneys recovered under this division shall be deposited in the 2318  
state treasury to the credit of the water management fund created 2319  
in section 1521.22 of the Revised Code." 2320

After line 58833, insert: 2321

"**Sec. 4906.10.** (A) The power siting board shall render a 2322  
 decision upon the record either granting or denying the 2323  
 application as filed, or granting it upon such terms, conditions, 2324  
 or modifications of the construction, operation, or maintenance of 2325  
 the major utility facility as the board considers appropriate. The 2326  
 certificate shall be conditioned upon the facility being in 2327  
 compliance with standards and rules adopted under ~~sections~~ 2328  
~~1501.33, 1501.34, and section~~ 4561.32 and Chapters 3704., 3734., 2329  
 and 6111. of the Revised Code. An applicant may withdraw an 2330  
 application if the board grants a certificate on terms, 2331  
 conditions, or modifications other than those proposed by the 2332  
 applicant in the application. 2333

The board shall not grant a certificate for the construction, 2334  
 operation, and maintenance of a major utility facility, either as 2335  
 proposed or as modified by the board, unless it finds and 2336  
 determines all of the following: 2337

(1) The basis of the need for the facility if the facility is 2338

an electric transmission line or gas pipeline;	2339
(2) The nature of the probable environmental impact;	2340
(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;	2341 2342 2343 2344
(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;	2345 2346 2347 2348 2349 2350
(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 <del>sections 1501.33, 1501.34, and</del> <u>section</u> 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.	2351 2352 2353 2354 2355 2356 2357 2358 2359
(6) That the facility will serve the public interest, convenience, and necessity;	2360 2361
(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	2362 2363 2364 2365 2366 2367

facility. Rules adopted to evaluate impact under division (A)(7) 2368  
of this section shall not require the compilation, creation, 2369  
submission, or production of any information, document, or other 2370  
data pertaining to land not located within the site and 2371  
alternative site. 2372

(8) That the facility incorporates maximum feasible water 2373  
conservation practices as determined by the board, considering 2374  
available technology and the nature and economics of the various 2375  
alternatives. 2376

(B) If the board determines that the location of all or a 2377  
part of the proposed facility should be modified, it may condition 2378  
its certificate upon that modification, provided that the 2379  
municipal corporations and counties, and persons residing therein, 2380  
affected by the modification shall have been given reasonable 2381  
notice thereof. 2382

(C) A copy of the decision and any opinion issued therewith 2383  
shall be served upon each party." 2384

After line 81998, insert: 2385

"Sec. 6109.071. (A) As used in this section and section 2386  
6109.072 of the Revised Code: 2387

(1) "Public water system well" means a well for use by a 2388  
public water system. 2389

(2) "Well" means any excavation by digging, boring, drilling, 2390  
driving, or other method for the purpose of removing ground water 2391  
from an aquifer. "Well" does not include a private water system 2392  
well or a monitoring well. 2393

(B) The director of environmental protection may require a 2394  
public water system to decrease its pumping rates if either of the 2395

<u>following applies:</u>	2396
<u>(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.</u>	2397 2398 2399
<u>(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.</u>	2400 2401 2402 2403 2404
<u>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.</u>	2405 2406 2407 2408
<u>(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:</u>	2409 2410 2411 2412 2413
<u>(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;</u>	2414 2415 2416 2417 2418
<u>(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;</u>	2419 2420 2421 2422 2423

<u>(3) For an existing public water system, a description of the</u>	2424
<u>asset management program impacts of installing the well, including</u>	2425
<u>impacts to any existing asset management program and the potential</u>	2426
<u>for tie-in to a regional water system;</u>	2427
<u>(4) For a public water system well that has the capacity to</u>	2428
<u>withdraw waters of the state in an amount requiring registration</u>	2429
<u>pursuant to section 1521.16 of the Revised Code, a general plan,</u>	2430
<u>subject to approval of the director, that includes both of the</u>	2431
<u>following:</u>	2432
<u>(a) The information required to be submitted under section</u>	2433
<u>6109.07 of the Revised Code and the rules adopted under it;</u>	2434
<u>(b) Verification of registration pursuant to section 1521.16</u>	2435
<u>of the Revised Code.</u>	2436
<u>(5) For a public water system well that has new or increased</u>	2437
<u>capacities for withdrawal or consumptive use that require a permit</u>	2438
<u>issued under either section 1521.29 or 1522.12 of the Revised</u>	2439
<u>Code, a permit approved by the chief of the division of water</u>	2440
<u>resources in the department of natural resources pursuant to</u>	2441
<u>section 1521.29 or 1522.12 of the Revised Code.</u>	2442
<u>(C) If the director approves a well siting application for an</u>	2443
<u>applicant that meets the requirements of division (B)(5) of this</u>	2444
<u>section, the applicant then shall submit to the director a copy of</u>	2445
<u>any certification, continuing monitoring, or other data or reports</u>	2446
<u>required by the chief of the division of water resources pursuant</u>	2447
<u>to a permit issued under either section 1521.29 or 1522.12 of the</u>	2448
<u>Revised Code and any revised ground water model required by the</u>	2449
<u>chief.</u>	2450
<u>(D) The director may require the well site applicant to</u>	2451
<u>include, in the application, additional information, including but</u>	2452

not limited to hydrologic information, in a form prescribed by the 2453  
director for any public water system that is not required to 2454  
obtain a permit under either section 1521.23 or 1522.12 of the 2455  
Revised Code. 2456

(E) The director may adopt rules in accordance with Chapter 2457  
119. of the Revised Code as is necessary for the implementation of 2458  
this section." 2459

In line 82826, after "991.02," insert "1501.31, 1501.32, 2460  
 1501.33, 1501.34, 1501.35," 2461

In line 82827, after "1509.50," insert "1521.01, 1521.03, 2462  
 1521.04, 1521.06, 1521.062, 1521.063, 1521.16, 1521.99, 1522.10, 2463  
 1522.101, 1522.11, 1522.12, 1522.13, 1522.14, 1522.15, 1522.19, 2464  
 1522.20, 1522.21," 2465

In line 82884, after "4779.08," insert "4906.10," 2466

In line 82918, after "1501.20," insert "1501.30, 1501.99," 2467

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**General changes** 2468

**R.C. Chapter 1521. and R.C Chapter 1522.** 2469

Alters the law governing permits for the withdrawal and 2470  
 consumptive use of waters of the state, particularly with respect 2471  
 to permits for the withdrawal and consumptive use of ground water. 2472  
 One such program, R.C. Chapter 1522., applies only in the Lake 2473  
 Erie basin for withdrawals that meet established thresholds; the 2474  
 other, R.C. Chapter 1521., applies statewide for withdrawals that 2475

will result in a consumptive use of 2 million gallons per day or more in any 30-day period.	2476 2477
Recodifies the statewide withdrawal and consumptive use permit program from R.C. Chapter 1501. to R.C. Chapter 1521.	2478 2479
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.	2480 2481 2482 2483 2484
<b>Permit applications for ground water withdrawals</b>	2485
<b>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</b>	2486 2487
Requires the following additional information to be included in a permit application with regard to a proposed withdrawal of ground water:	2488 2489 2490
1. A hydrologic map;	2491
2. A hydrogeologic description;	2492
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	2493 2494 2495 2496
4. Alternative water supply information.	2497
Upon receipt of an application, requires the Chief to use the submitted data to establish the geographic area of the projected cone of depression.	2498 2499 2500
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	2501 2502 2503

levels, an overdrafting of an aquifer, a diminution of water	2504
available to existing wells, water usage interruptions, or	2505
irreparable damage to an aquifer.	2506
 <b>Requirements for permit holders</b>	 2507
 <b>R.C. 1521.30, 1521.31, and 1522.19</b>	 2508
	2509
Requires a permittee to submit an annual report to the Chief	2510
and to certify that the applicable facility is in compliance with	2511
the permit every five years.	2512
Authorizes the Chief to do both of the following:	2513
1. Require a permittee who withdraws ground water to	2514
continuously monitor aquifer water levels;	2515
2. Require a permittee to decrease withdrawals and submit a	2516
revised ground water model if the current model conflicts with	2517
reported ground water data or an investigation shows that the	2518
withdrawals have caused a diminution of a person's water supply.	2519
Requires a permittee submitting a revised ground water model	2520
to use additional data that reflects the permittee's impact on	2521
ground water and authorizes the Chief to amend the permit based on	2522
the revision to require reduced withdrawals or a revised cone of	2523
depression.	2524
Allows a permittee to request the Chief to amend a withdrawal	2525
permit when another ground water user affects or has the potential	2526
to affect the projected cone of depression.	2527
 <b>Enforcement</b>	 2528
 <b>R.C. 1521.29, 1521.32, 1521.33, and 1522.20</b>	 2529
Adds to the reasons why the Chief may suspend or revoke a	2530



permit by stating that the Chief may do so if the withdrawal or	2531
consumptive use will result in a significant lowering of water	2532
levels, aquifer overdrafting, or irreparable aquifer damage.	2533
Eliminates the authorization for the revocation of a permit	2534
(under R.C. Chapter 1521.) without a prior hearing because there	2535
has been a determination that the quantity of water consumption	2536
exceeds the permitted amount.	2537
Specifies the procedures for suspension or revocation of a	2538
permit, which is largely consistent with current law.	2539
<b>Complaints</b>	2540
<b>R.C. 1521.35, 1521.36, 1522.24, and 1522.25</b>	2541
Authorizes a property owner located in the geographic area	2542
defined by the cone of depression to submit a complaint alleging	2543
that a permittee has caused a diminution of ground water supply.	2544
Creates a rebuttable presumption that the permittee is the	2545
cause of the diminution within that geographic area and requires	2546
the permittee to provide an alternative water source to the	2547
property owner until the permittee rebuts the presumption.	2548
Creates a similar complaint procedure for property owners	2549
outside of that geographic area of the cone of depression,	2550
requires the Chief to investigate and issue the results of the	2551
investigation, and specifies that the property owner may commence	2552
a civil action against the permittee.	2553
<b>Other provisions</b>	2554
<b>R.C. 1521.16, 1521.29, 1521.34, 1522.23, 6109.071, and</b>	2555
<b>6109.072</b>	2556
Requires the Chief to approve or deny a permit application	2557
within 90 days (rather than a time established in rules), and, if	2558

denied, provide reasons for denial and modifications that would 2559  
 result in application approval. 2560

Eliminates a provision of law that specifies that a person 2561  
 who provides specified information to OEPA under the Safe Drinking 2562  
 Water Law is exempt from the requirement to file a report with 2563  
 ODNR if the person withdraws water in excess of 100,000 gallons 2564  
 per day. 2565

Prohibits a person from filing a false registration of a 2566  
 withdrawal of water in excess of 100,000 gallons per day. 2567

Requires the Chief to provide written notice to the OEPA 2568  
 Director when the Chief requires a permittee that is a public 2569  
 water system to decrease its withdrawal, or prior to revoking, 2570  
 suspending, or amending the system's withdrawal permit. 2571

Authorizes the Director of Environmental Protection to 2572  
 require a public water system to decrease its pumping rates under 2573  
 specified circumstances. 2574

Prohibits a person from installing a public water system well 2575  
 without an approved well siting application issued by the OEPA 2576  
 Director and specifies the information that an applicant must 2577  
 include in a well site application. 2578