A BILL

To amend section 6109.04 of the Revised Code to alter the requirements governing secondary contaminants under the Safe Drinking Water Law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 6109.04 of the Revised Code be amended to read as follows:

Sec. 6109.04. (A) The director of environmental protection shall administer and enforce this chapter and rules adopted under it.

(B) The director shall adopt, amend, and rescind such rules in accordance with Chapter 119. of the Revised Code as may be necessary or desirable to do both of the following:

(1) Govern public water systems in order to protect the public health;

(2) Govern public water systems to protect the public welfare, including rules governing contaminants in water that may adversely affect the suitability of the water for its intended uses or that may otherwise adversely affect the public welfare.
health or welfare.

(C) The director may do any or all of the following:

(1) Adopt, amend, and rescind such rules in accordance
with Chapter 119. of the Revised Code as may be necessary or
desirable to do any or all of the following:

(a) Govern the granting of variances and exemptions from
rules adopted under this chapter, subject to requirements of the
Safe Drinking Water Act;

(b) Govern the certification of operators of public water
systems, including establishment of qualifications according to
a classification of public water systems and of provisions for
examination, grounds for revocation, reciprocity with other
states, renewal of certification, and other provisions necessary
or desirable for assurance of proper operation of water systems;

(c) Carry out the powers and duties of the director under
this chapter.

(2) Provide a program for the general supervision of
operation and maintenance of public water systems;

(3) Maintain an inventory of public water systems;

(4) Adopt and implement a program for conducting sanitary
surveys of public water systems;

(5) Establish and maintain a system of record keeping and
reporting of activities of the environmental protection agency
under this chapter;

(6) Establish and maintain a program for the certification
of laboratories conducting analyses of drinking water;

(7) Issue, modify, and revoke orders as necessary to carry
out the director's powers and duties under this chapter and primary enforcement responsibility for public water systems under the "Safe Drinking Water Act." Orders issued under this chapter are subject to Chapter 119. of the Revised Code.

(D) Before adopting, amending, or rescinding a rule authorized by this chapter, the director shall do all of the following:

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed rule, amendment, or rescission at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed rule, amendment, or rescission to any person who requests a copy, within five days after receipt of the request;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to consult with any person does not invalidate any proceeding or action of the director.

(E)(1) When adopting rules in accordance with this section and except as otherwise provided in section 6109.121 of the Revised Code, the director shall not require a public water system that was in operation prior to the effective date of this amendment to provide treatment for secondary contaminants. However, the director may require such treatment if the level of a secondary contaminant exceeds any health advisory limit.
established by the United States environmental protection agency under the Safe Drinking Water Act.

(2) As used in division (E) of this section, "secondary contaminant" means aluminum, chloride, color, copper, corrosivity, fluoride, foaming agents, iron, manganese, odor, pH, silver, sulfate, total dissolved solids, and zinc.

Section 2. That existing section 6109.04 of the Revised Code is hereby repealed.