

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 427

Representative Wiggam

Cosponsors: Representatives Seitz, Lipps, Kick, Vitale, Becker

A BILL

To amend section 6109.04 of the Revised Code to 1
alter the requirements governing secondary 2
contaminants under the Safe Drinking Water Law. 3

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

Section 1. That section 6109.04 of the Revised Code be 4
amended to read as follows: 5

Sec. 6109.04. (A) The director of environmental protection 6
shall administer and enforce this chapter and rules adopted 7
under it. 8

(B) The director shall adopt, amend, and rescind such 9
rules in accordance with Chapter 119. of the Revised Code as may 10
be necessary or desirable to do both of the following: 11

(1) Govern public water systems in order to protect the 12
public health; 13

(2) Govern public water systems to protect the public 14
welfare, including rules governing contaminants in water that 15
may adversely affect the suitability of the water for its 16
intended uses or that may otherwise adversely affect the public 17

health or welfare.	18
(C) The director may do any or all of the following:	19
(1) Adopt, amend, and rescind such rules in accordance	20
with Chapter 119. of the Revised Code as may be necessary or	21
desirable to do any or all of the following:	22
(a) Govern the granting of variances and exemptions from	23
rules adopted under this chapter, subject to requirements of the	24
Safe Drinking Water Act;	25
(b) Govern the certification of operators of public water	26
systems, including establishment of qualifications according to	27
a classification of public water systems and of provisions for	28
examination, grounds for revocation, reciprocity with other	29
states, renewal of certification, and other provisions necessary	30
or desirable for assurance of proper operation of water systems;	31
(c) Carry out the powers and duties of the director under	32
this chapter.	33
(2) Provide a program for the general supervision of	34
operation and maintenance of public water systems;	35
(3) Maintain an inventory of public water systems;	36
(4) Adopt and implement a program for conducting sanitary	37
surveys of public water systems;	38
(5) Establish and maintain a system of record keeping and	39
reporting of activities of the environmental protection agency	40
under this chapter;	41
(6) Establish and maintain a program for the certification	42
of laboratories conducting analyses of drinking water;	43
(7) Issue, modify, and revoke orders as necessary to carry	44

out the director's powers and duties under this chapter and 45
primary enforcement responsibility for public water systems 46
under the "Safe Drinking Water Act." Orders issued under this 47
chapter are subject to Chapter 119. of the Revised Code. 48

(D) Before adopting, amending, or rescinding a rule 49
authorized by this chapter, the director shall do all of the 50
following: 51

(1) Mail notice to each statewide organization that the 52
director determines represents persons who would be affected by 53
the proposed rule, amendment, or rescission at least thirty-five 54
days before any public hearing thereon; 55

(2) Mail a copy of each proposed rule, amendment, or 56
rescission to any person who requests a copy, within five days 57
after receipt of the request; 58

(3) Consult with appropriate state and local government 59
agencies or their representatives, including statewide 60
organizations of local government officials, industrial 61
representatives, and other interested persons. 62

Although the director is expected to discharge these 63
duties diligently, failure to mail any such notice or copy or to 64
consult with any person does not invalidate any proceeding or 65
action of the director. 66

(E) (1) When adopting rules in accordance with this section 67
and except as otherwise provided in section 6109.121 of the 68
Revised Code, the director shall not require a public water 69
system that was in operation prior to the effective date of this 70
amendment to provide treatment for secondary contaminants. 71
However, the director may require such treatment if the level of 72
a secondary contaminant exceeds any health advisory limit 73

established by the United States environmental protection agency 74
under the Safe Drinking Water Act. 75

(2) As used in division (E) of this section, "secondary 76
contaminant" means aluminum, chloride, color, copper, 77
corrosivity, fluoride, foaming agents, iron, manganese, odor, 78
pH, silver, sulfate, total dissolved solids, and zinc. 79

Section 2. That existing section 6109.04 of the Revised 80
Code is hereby repealed. 81