

As Reported by the House Agriculture and Conservation Committee

134th General Assembly

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Sub. H. B. No. 464

Representative Wiggam

Cosponsors: Representatives Koehler, Jones, Kick, Rogers

A BILL

To amend sections 6109.01, 6109.072, and 6109.24 of 1
the Revised Code to eliminate public water 2
system asset management program requirements for 3
transient noncommunity water systems. 4

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

Section 1. That sections 6109.01, 6109.072, and 6109.24 of 5
the Revised Code be amended to read as follows: 6

Sec. 6109.01. As used in this chapter: 7

(A) "Public water system" means a system for the provision 8
to the public of water for human consumption through pipes or 9
other constructed conveyances if the system has at least fifteen 10
service connections or regularly serves at least twenty-five 11
individuals. "Public water system" includes any collection, 12
treatment, storage, and distribution facilities under control of 13
the operator of the system and used primarily in connection with 14
the system, any collection or pretreatment storage facilities 15
not under such control that are used primarily in connection 16
with the system, and any water supply system serving an 17
agricultural labor camp as defined in section 3733.41 of the 18

Revised Code.	19
(B) "Contaminant" means any physical, chemical,	20
biological, or radiological substance or matter in water.	21
(C) "Person" means the state, any political subdivision,	22
agency, institution, or instrumentality thereof, any federal	23
agency, and any person as defined in section 1.59 of the Revised	24
Code.	25
(D) "Safe Drinking Water Act" means the "Safe Drinking	26
Water Act," 88 Stat. 1660 (1974), 42 U.S.C. 300(f), as amended	27
by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393,	28
42 U.S.C. 300(f), the "Safe Drinking Water Act Amendments of	29
1986," 100 Stat. 642, 42 U.S.C. 300(f), and the "Safe Drinking	30
Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C. 300(f),	31
and regulations adopted under those acts.	32
(E) "Community water system" means a public water system	33
that has at least fifteen service connections used by year-round	34
residents or that regularly serves at least twenty-five year-	35
round residents.	36
(F) "Small system" means a public water system serving a	37
population of ten thousand or fewer individuals.	38
(G) "Technical assistance" means nonfinancial assistance	39
provided by the state to public water systems and other eligible	40
applicants, including, without limitation, assistance for	41
planning and design, development, and implementation of source	42
water quality protection programs; locating alternative supplies	43
of drinking water; operational training; restructuring or	44
consolidation of small systems; providing treatment information	45
in order to assist compliance with a national primary drinking	46
water standard; and other nonfinancial assistance authorized by	47

the requirements governing the funds established under this 48
chapter. 49

(H) "Disadvantaged community" means the service area or 50
portion of a service area of a public water system that meets 51
affordability and other criteria established by the director of 52
environmental protection in rules adopted under division (M) of 53
section 6109.22 of the Revised Code and may include the service 54
area or portion of a service area of a public water system 55
located in a distressed area as defined in section 122.19 of the 56
Revised Code. 57

(I) "Director of environmental protection" or "director" 58
includes an authorized representative of the director. 59

(J) "Federal Water Pollution Control Act" has the same 60
meaning as in section 6111.01 of the Revised Code. 61

(K) "Nontransient noncommunity water system" means a 62
public water system that regularly serves at least twenty-five 63
of the same persons over six months per year and is not a 64
community water system. 65

(L) "Transient noncommunity water system" means a 66
noncommunity public water system that does not regularly serve 67
at least twenty-five of the same persons over six months per 68
year and is not a community water system or a nontransient 69
noncommunity water system. 70

Sec. 6109.072. (A) No person shall install a public water 71
system well without an approved well siting application issued 72
by the director of environmental protection in accordance with 73
this chapter and any rules adopted under it. 74

(B) In addition to meeting the siting requirements 75
established under section 6109.04 of the Revised Code and the 76

rules adopted under it, a person that submits a well siting 77
application for a public water system well shall include all of 78
the following in the application: 79

(1) For a new public water system or an existing public 80
water system that proposes an increase in the withdrawal of 81
waters of the state, an evaluation of alternatives for the 82
provision of drinking water, including the potential for tie-in 83
to a regional water system; 84

(2) For a new public water system or an existing public 85
water system that proposes an increase in the withdrawal of 86
waters of the state, asset management program information in 87
accordance with section 6109.24 of the Revised Code and the 88
rules adopted under it; 89

(3) For an existing public water system, a description of 90
the asset management program impacts of installing the well, 91
including impacts to any existing asset management program and 92
the potential for tie-in to a regional water system; 93

(4) For a public water system well that has the capacity 94
to withdraw waters of the state in an amount requiring 95
registration pursuant to section 1521.16 of the Revised Code, a 96
general plan, subject to approval of the director, that includes 97
both of the following: 98

(a) The information required to be submitted under section 99
6109.07 of the Revised Code and the rules adopted under it; 100

(b) Verification of registration pursuant to section 101
1521.16 of the Revised Code. 102

(5) For a public water system well that has new or 103
increased capacities for withdrawal or consumptive use that 104
require a permit issued under either section 1521.29 or 1522.12 105

of the Revised Code, a permit approved by the chief of the 106
division of water resources in the department of natural 107
resources pursuant to section 1521.29 or 1522.12 of the Revised 108
Code. 109

(C) Divisions (B) (2) and (3) of this section do not apply 110
to a transient noncommunity water system. 111

(D) If the director approves a well siting application for 112
an applicant that meets the requirements of division (B) (5) of 113
this section, the applicant then shall submit to the director a 114
copy of any certification, continuing monitoring, or other data 115
or reports required by the chief of the division of water 116
resources pursuant to a permit issued under either section 117
1521.29 or 1522.12 of the Revised Code and any revised ground 118
water model required by the chief. 119

~~(D)~~ (E) The director may require the well site applicant 120
to include, in the application, additional information, 121
including but not limited to hydrologic information, in a form 122
prescribed by the director for any public water system that is 123
not required to obtain a permit under either section 1521.23 or 124
1522.12 of the Revised Code. 125

~~(E)~~ (F) The director may adopt rules in accordance with 126
Chapter 119. of the Revised Code as is necessary for the 127
implementation of this section. 128

Sec. 6109.24. (A) The director of environmental protection 129
shall adopt, and may amend and rescind, rules pursuant to 130
section 6109.04 of the Revised Code establishing requirements 131
governing the demonstration of technical, managerial, and 132
financial capability for the purposes of this section. 133

(B) (1) A public water system shall demonstrate the 134

technical, managerial, and financial capability of the system to 135
comply with this chapter and rules adopted under it by 136
implementing an asset management program not later than October 137
1, 2018. 138

(2) Notwithstanding division (B)(1) of this section, the 139
director may require a public water system to complete an asset 140
management program prior to October 1, 2018. 141

(3) A public water system shall include in the asset 142
management program all of the following: 143

(a) An inventory and evaluation of all public water system 144
assets; 145

(b) Public water system operation and maintenance 146
programs; 147

(c) A public water system emergency preparedness and 148
contingency planning program; 149

(d) Criteria and timelines for public water system 150
infrastructure rehabilitation and replacement; 151

(e) Approved public water system capacity projections and 152
public water system capital improvement planning; 153

(f) A long-term funding strategy to support the public 154
water system's asset management program implementation. 155

(C) If requested by the director, a public water system 156
shall submit a written description of the system's asset 157
management program to the director. The system shall submit the 158
written description not later than thirty days after the date of 159
the request. A small public water system may meet the written 160
description requirement by doing both of the following: 161

(1) Submitting the template made available by the director	162
under division (F) (1) of this section;	163
(2) Including with the completed template a statement that	164
the activities described in the template are being implemented.	165
(D) If a public water system fails to submit an acceptable	166
written description of the system's asset management program or	167
otherwise fails to demonstrate technical, managerial, and	168
financial capability in accordance with this section and rules	169
adopted under it, the director may request the owner or operator	170
of the system to revise and resubmit the written description.	171
Environmental protection agency staff may provide technical	172
guidance to a public water system in preparing the asset	173
management program or while addressing deficiencies noted in the	174
asset management program.	175
(E) If a public water system fails to demonstrate	176
technical, managerial, and financial capability in accordance	177
with this section and rules adopted under it, the director may	178
take any action authorized by this chapter or rules adopted	179
under it to improve and ensure the capability of the public	180
water system, including denying a plan submitted under section	181
6109.07 of the Revised Code.	182
(F) The director shall make available both of the	183
following either on the environmental protection agency's web	184
site or via another public forum:	185
(1) A template for small public water systems to prepare	186
an asset management program;	187
(2) Information about sources of funding available to	188
assist public water systems with preparing and completing an	189
asset management program.	190

(G) (1) The director shall not adopt or enforce rules that 191
require a transient noncommunity water system to prepare, 192
implement, or complete an asset management program, including a 193
demonstration of technical, managerial, and financial 194
capability. 195

(2) Divisions (B) to (E) of this section do not apply to a 196
transient noncommunity water system. 197

Section 2. That existing sections 6109.01, 6109.072, and 198
6109.24 of the Revised Code are hereby repealed. 199