

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. B. No. 365**

**Representatives Lightbody, Russo**

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**A BILL**

To amend section 6111.041 and to enact section 1  
6109.26 of the Revised Code to require the 2  
Director of Environmental Protection to adopt 3  
rules establishing maximum allowable contaminant 4  
levels in drinking water and water quality 5  
standards for certain contaminants. 6

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

**Section 1.** That section 6111.041 be amended and section 7  
6109.26 of the Revised Code be enacted to read as follows: 8

**Sec. 6109.26.** (A) As used in this section: 9

(1) "Maximum contaminant level" and "MCL" mean the maximum 10  
permissible level of contaminant in drinking water delivered to 11  
a user of a public water system. 12

(2) "Per- and polyfluoroalkyl substances" and "PFAS" mean 13  
the class of fluorinated organic chemicals containing at least 14  
one fully fluorinated carbon atom that includes 15  
perfluorooctanoic acid and perfluorooctane sulfonic acid. 16

(B) (1) The director of environmental protection shall 17  
adopt, and may amend and rescind, rules under Chapter 119. of 18

<u>the Revised Code establishing a maximum contaminant level for</u>	19
<u>all of the following drinking water contaminants:</u>	20
<u>(a) PFAS. In establishing an MCL for PFAS, the director</u>	21
<u>shall establish an individual MCL for each of the following:</u>	22
<u>(i) Combined total PFAS;</u>	23
<u>(ii) Perfluorooctanoic acid;</u>	24
<u>(iii) Perfluorooctane sulfonic acid;</u>	25
<u>(iv) Any other individual PFAS, as determined necessary by</u>	26
<u>the director.</u>	27
<u>(b) Chromium-6;</u>	28
<u>(c) 1,4 dioxane.</u>	29
<u>(2) When adopting rules under this section, the director</u>	30
<u>shall consider all of the following:</u>	31
<u>(a) MCLs established by other states;</u>	32
<u>(b) Studies and scientific evidence reviewed by other</u>	33
<u>states;</u>	34
<u>(c) Materials produced by the federal agency for toxic</u>	35
<u>substances and disease registry;</u>	36
<u>(d) Recent independent and government agency peer-reviewed</u>	37
<u>scientific studies.</u>	38
<u>(3) The director shall ensure that rules establishing MCLs</u>	39
<u>under this section are both of the following:</u>	40
<u>(a) Protective of public health, including the health of</u>	41
<u>pregnant women, nursing mothers, infants, and children;</u>	42
<u>(b) Not less stringent than an MCL or health advisory</u>	43

established by the United States environmental protection 44  
agency. 45

(C) The director shall annually review rules adopted under 46  
this section and shall adopt, amend, or rescind any rules 47  
necessary to account for the most recent peer-reviewed 48  
scientific studies addressing the contaminants listed in 49  
division (B) (1) of this section. 50

(D) Division (F) of section 121.95 of the Revised Code 51  
does not apply to rules adopted under this section. 52

**Sec. 6111.041.** (A) As used in this section, "PFAS" has the 53  
same meaning as in section 6109.26 of the Revised Code. 54

(B) (1) In furtherance of sections 6111.01 to 6111.08 of 55  
the Revised Code, the director of environmental protection shall 56  
adopt ~~standards of rules establishing water quality to be~~ 57  
~~applicable to standards for the waters of the state. Such~~ 58  
~~standards shall be adopted pursuant to a schedule established,~~ 59  
~~and from time to time amended, by the director, to apply to the~~ 60  
~~various waters of the state, in accordance with Chapter 119. of~~ 61  
~~the Revised Code. Such standards shall be adopted in accordance~~ 62  
~~with section 303 of the "Federal Water Pollution Control Act"~~ 63  
~~and shall be designed to improve~~ The director shall adopt the 64  
rules in accordance with Chapter 119. of the Revised Code and 65  
section 303 of the Federal Water Pollution Control Act. In 66  
adopting the rules, the director shall ensure that the rules are 67  
designed to do both of the following: 68

(a) Improve and maintain the quality of ~~such the~~ waters of 69  
the state for the purpose of protecting the public health and 70  
welfare, and to enable; 71

(b) Enable the present and planned use of ~~such the~~ waters 72

of the state for public water supplies, industrial and 73  
agricultural needs, recreational purposes, and the propagation 74  
of fish, aquatic life, and wildlife, and recreational purposes. 75  
~~Such standards may be amended from time to time as determined by~~ 76  
~~the director. Prior to~~ 77

(2) Subject to division (D) (4) of this section, the 78  
director shall establish the standards according to an 79  
established schedule, however, the director may review and amend 80  
the standards from time to time as determined by the director. 81

(C) Before establishing, amending, or repealing standards 82  
~~of water quality standards under this section,~~ 83  
the director 84  
shall, after due notice, conduct public hearings thereon. Notice 84  
of hearings shall specify the waters to which the standards 85  
relate, and the time, date, and place of hearing. 86

~~Standards of quality for the waters of the state~~ (D) (1) In 87  
addition to standards established under this section for any 88  
other contaminants, the director shall include in the rules 89  
adopted under this section water quality standards for all of 90  
the following contaminants: 91

(a) PFAS. In establishing water quality standards for 92  
PFAS, the director shall establish an individual standard for 93  
each of the following: 94

(i) Combined total PFAS; 95

(ii) Perfluorooctanoic acid; 96

(iii) Perfluorooctane sulfonic acid; 97

(iv) Any other individual PFAS, as determined necessary by 98  
the director. 99

(b) Chromium-6; 100

<u>(c) 1,4 dioxane.</u>	101
<u>(2) In adopting water quality standards for the</u>	102
<u>contaminants listed in division (D) (1) of this section, the</u>	103
<u>director shall consider all of the following:</u>	104
<u>(a) Water quality standards established by other states;</u>	105
<u>(b) Studies and scientific evidence reviewed by other</u>	106
<u>states;</u>	107
<u>(c) Materials produced by the federal agency for toxic</u>	108
<u>substances and disease registry;</u>	109
<u>(d) Recent independent and government agency peer-reviewed</u>	110
<u>scientific studies.</u>	111
<u>(3) The director shall ensure that the water quality</u>	112
<u>standards established for contaminants listed in division (D) (1)</u>	113
<u>of this section are both of the following:</u>	114
<u>(a) Protective of public health, including the health of</u>	115
<u>pregnant women, nursing mothers, infants, and children;</u>	116
<u>(b) Not less stringent than any water quality standards</u>	117
<u>established by the United States environmental protection</u>	118
<u>agency.</u>	119
<u>(4) The director shall annually review water quality</u>	120
<u>standards for the contaminants listed in division (D) (1) of this</u>	121
<u>section and shall adopt, amend, or rescind them as necessary to</u>	122
<u>account for the most recent peer-reviewed scientific studies</u>	123
<u>addressing the contaminants.</u>	124
<u>(E) Water quality standards established under this</u>	125
<u>section, or any amendment or repeal thereof, become effective</u>	126
<u>upon adoption by the director. The director shall implement the</u>	127

<u>water quality standards so established</u> in the issuance,	128
revocation, modification, or denial of permits.	129
<u>(F) Division (F) of section 121.95 of the Revised Code</u>	130
<u>does not apply to any rules adopted under this section.</u>	131
<b>Section 2.</b> That existing section 6111.041 of the Revised	132
Code is hereby repealed.	133