

**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**

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**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