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Representative Bocchieri

Cosponsors: Representatives Lepore-Hagan, Ramos, Leland, Howse, Cera, Sheehy, Johnson, G., O'Brien, M., Slesnick, Phillips, Patterson, Reece, Boyce, Smith, K., Rogers, Bishoff, Antonio, Clyde

A BILL

To amend sections 6109.10, 6109.12, 6109.21, 1
6109.30, 6109.33, and 6109.99 of the Revised 2
Code to require a board of health to conduct 3
testing for lead in public water systems, to 4
modify the notice requirements with respect to 5
lead in a public water system, to require an 6
applicant for a renewal of a public water system 7
license to complete specified training, and to 8
specify that civil and criminal penalties apply 9
to the members of a board of health and the 10
Director of Environmental Protection with 11
respect to the failure to provide timely 12
notification regarding lead contamination in 13
drinking water. 14

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

Section 1. That sections 6109.10, 6109.12, 6109.21, 15
6109.30, 6109.33, and 6109.99 of the Revised Code be amended to 16
read as follows: 17

Sec. 6109.10. (A) As used in this section, "lead free"	18
means:	19
(1) When used with respect to solders or flux, solders or flux containing not more than two-tenths of one per cent lead;	20 21
(2) When used with respect to pipes or pipe fittings, pipes or pipe fittings containing not more than eight per cent lead.	22 23 24
(B) Any pipe, pipe fitting, solder, or flux that is used in the installation or repair of a public water system or of any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system shall be lead free. This division does not apply to leaded joints necessary for the repair of cast iron pipes.	25 26 27 28 29 30
(C) <u>(1)</u> Each public water system shall identify and provide notice to persons that may be affected by lead contamination of their drinking water <u>not later than thirty days after tests</u> <u>confirm that lead contamination exists in such drinking water</u> .	31 32 33 34
The notice shall be in such form and manner as may be reasonably required by the director of environmental protection, but shall provide a clear and readily understandable explanation of all of the following:	35 36 37 38
(1) <u>(a)</u> Potential sources of lead in the drinking water;	39
(2) <u>(b)</u> Potential adverse health effects;	40
(3) <u>(c)</u> Reasonably available methods of mitigating known or potential lead content in drinking water;	41 42
(4) <u>(d)</u> Any steps the public water system is taking to mitigate lead content in drinking water;	43 44
(5) <u>(e)</u> The necessity, if any, of seeking alternative	45

water supplies.

(2) The public water system shall provide the notice shall
be provided notwithstanding the absence of a violation of any
drinking water standard.

(3) If a public water system fails to provide the notice
as required under division (C) (1) of this section, the director
of environmental protection, not later than one business day
after the public water system failed to provide the notice,
shall direct the applicable board of health to provide the
notice to affected persons.

The applicable board of health shall provide the notice to
affected persons as required by this section not later than
fifteen days after the public water system failed to provide the
notice.

Sec. 6109.12. (A) Every owner or operator of a public
water system shall have analyses of the water made at such
intervals and in such manner as may be ordered by the
environmental protection agency. Records of the results of such
analyses shall be maintained and reported as required by the
agency.

(B) (1) In addition to the analysis conducted by the owner
or operator of a public water system under division (A) of this
section, the applicable board of health shall conduct monitoring
of the water in the public water system for the presence of
lead. The owner or operator of the public water system shall pay
the costs associated with the monitoring conducted by the board
of health. The board of health shall conduct the monitoring in
accordance with rules adopted under this chapter that govern
monitoring requirements for lead in tap water, including rules

governing the frequency of such monitoring. The board of health 75
may contract with and select a vendor to conduct the testing. 76

(2) A board of health shall provide the results of testing 77
conducted under division (B)(1) of this section to the director 78
of environmental protection. 79

Sec. 6109.21. (A) Except as provided in divisions (I) and 80
(J) of this section, no person shall operate a public water 81
system in this state without a license issued by the director of 82
environmental protection. 83

(B) A person who proposes to operate a new public water 84
system, in addition to complying with section 6109.07 of the 85
Revised Code and rules adopted under it, shall obtain an initial 86
license from the director. The person shall submit an 87
application for the initial license at least forty-five days 88
prior to commencing the operation of the system. 89

(C) A license shall expire on the thirtieth day of January 90
in the year following its issuance. 91

(D) A license shall be renewed annually. A person 92
proposing to continue operating a public water system shall 93
apply for a license renewal at least thirty days prior to the 94
expiration date of the license. 95

(E) Each application for a license or license renewal 96
shall be accompanied by the appropriate fee established under 97
division (M) of section 3745.11 of the Revised Code. However, an 98
applicant for an initial license who is proposing to operate a 99
new public water system shall submit a fee that equals a 100
prorated amount of the appropriate fee established under that 101
division for the remainder of the licensing year. An applicant 102
for license renewal shall submit evidence that the applicant has 103

completed the training program established under division (H) (3) 104
of this section. 105

(F) Not later than thirty days after receiving a completed 106
application and the appropriate license fee for a license or 107
license renewal for a public water system, the director shall do 108
one of the following: 109

(1) Issue the license or license renewal for the public 110
water system; 111

(2) Issue the license or license renewal subject to terms 112
and conditions that the director determines are necessary to 113
ensure compliance with this chapter and rules adopted under it; 114

(3) Deny the license or license renewal if the director 115
finds that the public water system cannot be operated in 116
substantial compliance with this chapter and rules adopted under 117
it; 118

(4) Deny the license renewal if the director finds that 119
the applicant has not completed the training program established 120
under division (H) (3) of this section. 121

(G) The director may condition, suspend, or revoke a 122
license or license renewal issued under this section at any time 123
if the director finds that the public water system was not or 124
will not be operated in substantial compliance with this chapter 125
and rules adopted under it. 126

(H) The director shall adopt rules in accordance with 127
Chapter 119. of the Revised Code establishing procedures and 128
requirements governing ~~both~~all of the following: 129

(1) Information to be included on applications for 130
licenses and license renewals issued under this section; 131

(2) The issuance, conditioning, suspension, revocation, 132
and denial of licenses and license renewals under this section; 133

(3) In addition to any other training required by rules, a 134
training program regarding the identification of lead in 135
drinking water, including corrosion treatment, monitoring 136
parameters, and the notification requirements and procedures 137
established under section 6109.10 of the Revised Code. 138

(I) (1) As used in division (I) of this section, "church" 139
means a fellowship of believers, congregation, society, 140
corporation, convention, or association that is formed primarily 141
or exclusively for religious purposes and that is not formed or 142
operated for the private profit of any person. 143

(2) This section does not apply to a church that operates 144
or maintains a public water system solely to provide water for 145
that church or for a campground that is owned by the church and 146
operated primarily or exclusively for members of the church and 147
their families. 148

(J) This section does not apply to any public or nonpublic 149
school that meets minimum standards of the state board of 150
education that operates or maintains a public water system 151
solely to provide water for that school. 152

(K) The environmental protection agency shall collect well 153
log filing fees on behalf of the division of water resources in 154
the department of natural resources in accordance with section 155
1521.05 of the Revised Code and rules adopted under it. The fees 156
shall be submitted to the division quarterly as provided in 157
those rules. 158

Sec. 6109.30. (A) There is hereby created in the state 159
treasury the drinking water protection fund, which shall be 160

administered by the director of environmental protection. The 161
fund shall consist of moneys distributed to it and shall be used 162
for all of the following purposes: 163

(1) Administration of this chapter and rules adopted under 164
it; 165

(2) Administration in this state of the Safe Drinking 166
Water Act; 167

(3) Provision of technical assistance to public water 168
systems in this state for the purposes of this chapter and rules 169
adopted under it; 170

(4) Special studies conducted by the director for the 171
monitoring and testing of drinking water quality in this state; 172

(5) Support of programs for the prevention of 173
contamination of surface and ground water supplies in this state 174
that are sources of drinking water; 175

(6) The training program established under division (H) (3) 176
of section 6109.21 of the Revised Code. 177

(B) The director may expend not more than two hundred 178
thousand dollars from the fund in each fiscal year for the 179
purpose of making loans to owners and operators of public water 180
systems for emergency remediation of threats of contamination to 181
public water supplies. The director shall not loan more than 182
twenty-five thousand dollars to the owner or operator of any 183
single public water system. The director shall adopt, and may 184
amend and rescind, rules in accordance with Chapter 119. of the 185
Revised Code establishing application procedures and 186
requirements for those loans. The rules shall require that an 187
owner or operator receiving a loan under this division repay the 188
loan to the fund not later than twelve months after receiving 189

it. 190

Sec. 6109.33. Any (A) Except as otherwise provided in 191
division (B) of this section, any person who violates section 192
6109.31 of the Revised Code shall pay a civil penalty of not 193
more than twenty-five thousand dollars for each violation, to be 194
paid into the state treasury to the credit of the drinking water 195
protection fund created in section 6109.30 of the Revised Code. 196
The attorney general, upon written request by the director of 197
environmental protection, shall bring an action for such a 198
penalty against any person who violates that section. Such an 199
action is a civil action, governed by the Rules of Civil 200
Procedure and other rules of practice and procedure applicable 201
to civil actions. 202

(B) Notwithstanding Chapter 2744. of the Revised Code, if 203
the director of environmental protection or a board of health 204
violates division (C) (3) of section 6109.10 of the Revised Code, 205
the director or board shall pay a civil penalty of not more than 206
twenty-five thousand dollars for each violation, to be paid into 207
the state treasury to the credit of the drinking water 208
protection fund created in section 6109.30 of the Revised Code. 209
Each day of noncompliance is a separate violation. If such a 210
violation occurs, the attorney general shall bring an action for 211
civil penalties against the director or board. Such an action is 212
a civil action, governed by the Rules of Civil Procedure and 213
other rules of practice and procedure applicable to civil 214
actions. 215

Sec. 6109.99. (A) Except as provided in division (C) of 216
this section, whoever recklessly violates section 6109.31 of the 217
Revised Code is guilty of a misdemeanor and, notwithstanding 218
section 2929.28 of the Revised Code, shall be fined not more 219

than ten thousand dollars or imprisoned for not more than four 220
years, or both. Each day of violation constitutes a separate 221
offense. 222

(B) Whoever knowingly violates division (B), (C), or (D) 223
of section 6109.31 of the Revised Code is guilty of a felony 224
and, notwithstanding section 2929.18 of the Revised Code, shall 225
be fined not more than twenty-five thousand dollars or 226
imprisoned for not more than four years, or both. Each day of 227
violation constitutes a separate offense. 228

(C) Whoever recklessly or knowingly violates division (A) 229
of section 6109.31 of the Revised Code is guilty of a felony if 230
the violation poses a significant threat to or causes 231
significant harm to public health and, notwithstanding section 232
2929.18 of the Revised Code, shall be fined not more than 233
twenty-five thousand dollars or imprisoned for not more than 234
four years, or both. Each day of violation constitutes a 235
separate offense. 236

(D) In addition to any other applicable criminal penalties 237
for a violation of section 6109.31 of the Revised Code, the 238
director of environmental protection and the members of a board 239
of health are subject to criminal penalties for a violation of 240
division (C) (3) of section 6109.10 of the Revised Code. 241

Section 2. That existing sections 6109.10, 6109.12, 242
6109.21, 6109.30, 6109.33, and 6109.99 of the Revised Code are 243
hereby repealed. 244