

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 352**

**Representative Bolon**

**Cosponsors: Representatives Fende, Luckie, Williams, B., Yuko**

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**A B I L L**

To amend sections 6109.24, 6109.31, and 6109.32 and 1  
to enact section 6109.99 of the Revised Code to 2  
require certain public water systems to conduct 3  
evaluations of their operating processes and 4  
correct deficiencies in those processes and to add 5  
prohibitions and penalties to the Safe Drinking 6  
Water Law. 7

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

**Section 1.** That sections 6109.24, 6109.31, and 6109.32 be 8  
amended and section 6109.99 of the Revised Code be enacted to read 9  
as follows: 10

**Sec. 6109.24. (A)** A public water system that is a community 11  
water system, or that is not a community water system and serves a 12  
nontransient population, and that proposes to commence providing 13  
water to the public after October 1, 1999, shall include with the 14  
submission of plans required under section 6109.07 of the Revised 15  
Code documentation that demonstrates the technical, managerial, 16  
and financial capability of the system to comply with this chapter 17  
and rules adopted under it. The director of environmental 18  
protection shall adopt, and may amend and rescind, rules pursuant 19

to section 6109.04 of the Revised Code establishing requirements 20  
governing the demonstration of technical, managerial, and 21  
financial capability for the purposes of this section. 22

(B)(1) With respect to a public water system that existed 23  
prior to October 1, 1999, and that is a community water system, or 24  
that is not a community water system and serves a nontransient 25  
population, the director may adopt rules pursuant to section 26  
6109.04 of the Revised Code requiring the system to do both of the 27  
following if either division (B)(2)(a) or (b) of this section 28  
applies: 29

(a) Complete an evaluation of the technical, managerial, and 30  
financial capability of the public water system; 31

(b) Correct deficiencies identified in the evaluation. 32

(2) The rules adopted under division (B)(1) of this section 33  
shall require the public water system to conduct the evaluation 34  
and correct the deficiencies identified in the evaluation if 35  
either of the following applies: 36

(a) The system has demonstrated a lack of technical, 37  
managerial, or financial capability through noncompliance with 38  
this chapter and the rules adopted under it. 39

(b) The system has failed to correct significant deficiencies 40  
identified in a sanitary survey. 41

(C) The director may deny approval of plans submitted under 42  
section 6109.07 of the Revised Code if the public water system 43  
that submitted the plans fails to demonstrate technical, 44  
managerial, and financial capability in accordance with this 45  
section and rules adopted under it. 46

**Sec. 6109.31. (A)** No person shall violate this chapter, an 47  
rule adopted under it, or any order or term or condition of a 48  
license, license renewal, variance, or exemption granted by the 49

director of environmental protection under it. Each day of 50  
noncompliance is a separate violation. 51

(B) No person shall make any false material statement or 52  
representation in an application, license, record, report, or 53  
other document that is required to be submitted to the director of 54  
environmental protection or the attorney general under this 55  
chapter, rules adopted under it, or any order or term or condition 56  
of a license, license renewal, variance, or exemption granted by 57  
the director under it. 58

(C) No person shall alter, change, falsify, or conceal any 59  
sample that is collected according to any sampling requirement 60  
established under this chapter or a rule adopted under it. 61

(D) No person shall tamper with, alter, or interfere with the 62  
operation of a public water system without authorization of the 63  
owner or operator of the water system or the director of 64  
environmental protection. 65

**Sec. 6109.32.** The director of environmental protection may on 66  
~~his~~ the director's own initiative investigate or make inquiries 67  
into any suspected violation of section 6109.31 of the Revised 68  
Code. 69

The attorney general, upon written request by the director, 70  
shall bring an action for injunction or other appropriate civil 71  
action or criminal prosecution against any person violating or 72  
threatening to violate ~~such~~ that section. In an action for 73  
injunction to enforce any final order of the director, the finding 74  
by the director, after hearing, is prima-facie evidence of the 75  
facts found therein. 76

**Sec. 6109.99.** (A) Whoever recklessly violates section 6109.31 77  
of the Revised Code is guilty of a misdemeanor and shall be fined 78  
not more than twenty-five thousand dollars or imprisoned not more 79

than one year, or both. Each day of violation constitutes a 80  
separate offense. 81

(B) Whoever knowingly violates section 6109.31 of the Revised 82  
Code is guilty of a felony and shall be fined at least ten 83  
thousand dollars, but not more than twenty-five thousand dollars 84  
or imprisoned for at least two years, but not more than four 85  
years, or both. Each day of violation constitutes a separate 86  
offense. 87

**Section 2.** That existing sections 6109.24, 6109.31, and 88  
6109.32 of the Revised Code are hereby repealed. 89