

**As Reported by the House Local Government and Public  
Administration Committee**

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

**Sub. H. B. No. 352**

**Representative Bolon**

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

—

**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 submit	3
technical, managerial, and financial capability	4
plans under certain noncompliance or public health	5
risk conditions, to implement capability assurance	6
plans, and to add prohibitions and penalties to	7
the Safe Drinking Water Law.	8

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

<b>Section 1.</b> That sections 6109.24, 6109.31, and 6109.32 be	9
amended and section 6109.99 of the Revised Code be enacted to read	10
as follows:	11

<b>Sec. 6109.24.</b> <u>(A)</u> A public water system that is a community	12
water system, or that is not a community water system and serves a	13
nontransient population, and that proposes to commence providing	14
water to the public after October 1, 1999, shall include with the	15
submission of plans required under section 6109.07 of the Revised	16
Code documentation that demonstrates the technical, managerial,	17
and financial capability of the system to comply with this chapter	18

and rules adopted under it. The director of environmental 19  
protection shall adopt, and may amend and rescind, rules pursuant 20  
to section 6109.04 of the Revised Code establishing requirements 21  
governing the demonstration of technical, managerial, and 22  
financial capability for the purposes of this section. 23

(B)(1) The director also may adopt rules pursuant to section 24  
6109.04 of the Revised Code that require a public water system 25  
that is a community water system or that is not a community water 26  
system and serves a nontransient population to submit a technical, 27  
managerial, and financial capability plan for the system if either 28  
of the following applies: 29

(a) The system has demonstrated a lack of technical, 30  
managerial, or financial capability through substantial, repeated, 31  
and documented noncompliance with this chapter and the rules 32  
adopted under it. 33

(b) The system has been documented as operating in a manner 34  
that creates an unacceptable risk to public health or that creates 35  
an unacceptable risk of contamination of a public water supply. 36

(2) The rules shall require such a public water system to 37  
submit and implement a capability assurance plan that has been 38  
approved by the director. 39

(C) The director may deny approval of plans submitted under 40  
section 6109.07 of the Revised Code if the public water system 41  
that submitted the plans fails to demonstrate technical, 42  
managerial, and financial capability in accordance with this 43  
section and rules adopted under it. 44

**Sec. 6109.31.** (A) No person shall violate this chapter, an a 45  
rule adopted under it, or any order or term or condition of a 46  
license, license renewal, variance, or exemption granted by the 47  
director of environmental protection under it. Each day of 48

noncompliance is a separate violation. 49

(B) No person shall make any false material statement or 50  
representation in an application, license, record, report, or 51  
other document that is required to be submitted to the director of 52  
environmental protection or the attorney general under this 53  
chapter, rules adopted under it, or any order or term or condition 54  
of a license, license renewal, variance, or exemption granted by 55  
the director under it. 56

(C) No person shall alter, change, falsify, conceal, or 57  
purposefully omit any sample that is to be collected according to 58  
any reporting requirement established under this chapter or a rule 59  
adopted under it. 60

(D) No person shall tamper with, alter, or interfere with the 61  
operation of a public water system without authorization of the 62  
owner or operator of the water system or the director of 63  
environmental protection. 64

**Sec. 6109.32.** The director of environmental protection may on 65  
~~his~~ the director's own initiative investigate or make inquiries 66  
into any suspected violation of section 6109.31 of the Revised 67  
Code. 68

The attorney general, upon written request by the director, 69  
shall bring an action for injunction or other appropriate civil 70  
action or criminal prosecution against any person violating or 71  
threatening to violate ~~such~~ that section. In an action for 72  
injunction to enforce any final order of the director, the finding 73  
by the director, after hearing, is prima-facie evidence of the 74  
facts found therein. 75

**Sec. 6109.99.** (A) Whoever recklessly violates section 6109.31 76  
of the Revised Code is guilty of a misdemeanor and shall be fined 77  
not more than ten thousand dollars or imprisoned not more than one 78

year, or both. Each day of violation constitutes a separate 79  
offense. 80

(B) Whoever knowingly violates division (B), (C), or (D) of 81  
section 6109.31 of the Revised Code is guilty of a felony and 82  
shall be fined not more than twenty-five thousand dollars or 83  
imprisoned for not more than four years, or both. Each day of 84  
violation constitutes a separate offense. 85

(C) Whoever recklessly or knowingly violates division (A) of 86  
section 6109.31 of the Revised Code and the violation poses a 87  
significant threat to or causes significant harm to public health 88  
is guilty of a felony and shall be fined not more than twenty-five 89  
thousand dollars or imprisoned for not more than four years, or 90  
both. Each day of violation constitutes a separate offense. 91

**Section 2.** That existing sections 6109.24, 6109.31, and 92  
6109.32 of the Revised Code are hereby repealed. 93