

**As Introduced**

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

**S. B. No. 245**

**Senator Stewart**

**Cosponsor: Senator Goodman**

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**A B I L L**

To amend section 6109.04 of the Revised Code to 1  
require a community water system's annual report 2  
to its customers to include information concerning 3  
the amount of water lost by the system during the 4  
transmission of water between the source waters 5  
utilized by the system to the consumers serviced 6  
by the system. 7

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

**Section 1.** That section 6109.04 of the Revised Code be 8  
amended to read as follows: 9

**Sec. 6109.04.** (A) The director of environmental protection 10  
shall administer and enforce this chapter and rules adopted under 11  
it. 12

(B) The director shall adopt, amend, and rescind such rules 13  
in accordance with Chapter 119. of the Revised Code as may be 14  
necessary or desirable to do both of the following: 15

(1) Govern public water systems in order to protect the 16  
public health; 17

(2) Govern public water systems to protect the public 18

welfare, including rules governing contaminants in water that may 19  
adversely affect the suitability of the water for its intended 20  
uses or that may otherwise adversely affect the public health or 21  
welfare. 22

(C) The director may do any or all of the following: 23

(1) Adopt, amend, and rescind such rules in accordance with 24  
Chapter 119. of the Revised Code as may be necessary or desirable 25  
to do any or all of the following: 26

(a) Govern the granting of variances and exemptions from 27  
rules adopted under this chapter, subject to requirements of the 28  
Safe Drinking Water Act; 29

(b) Govern the certification of operators of public water 30  
systems, including establishment of qualifications according to a 31  
classification of public water systems and of provisions for 32  
examination, grounds for revocation, reciprocity with other 33  
states, renewal of certification, and other provisions necessary 34  
or desirable for assurance of proper operation of water systems; 35

(c) Carry out the powers and duties of the director under 36  
this chapter. 37

Rules adopted under this section pertaining to an annual 38  
report that a community water system must deliver to its customers 39  
shall require the report to include information concerning the 40  
amount of water that is lost by the system during the transmission 41  
of water between the source waters utilized by the system to the 42  
consumers serviced by the system. 43

(2) Provide a program for the general supervision of 44  
operation and maintenance of public water systems; 45

(3) Maintain an inventory of public water systems; 46

(4) Adopt and implement a program for conducting sanitary 47  
surveys of public water systems; 48

(5) Establish and maintain a system of record keeping and reporting of activities of the environmental protection agency under this chapter;

(6) Establish and maintain a program for the certification of laboratories conducting analyses of drinking water;

(7) Issue, modify, and revoke orders as necessary to carry out the director's powers and duties under this chapter and primary enforcement responsibility for public water systems under the "Safe Drinking Water Act." Orders issued under this chapter are subject to Chapter 119. of the Revised Code.

(D) Before adopting, amending, or rescinding a rule authorized by this chapter, the director shall do all of the following:

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed rule, amendment, or rescission at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed rule, amendment, or rescission to any person who requests a copy, within five days after receipt of the request;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to consult with any person does not invalidate any proceeding or action of the director.

**Section 2.** That existing section 6109.04 of the Revised Code is hereby repealed.