

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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S. B. No. 270

Senators Hughes, Miller, R.

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A B I L L

To establish a dam construction permit pilot program 1
that, with respect to an eligible dam project, 2
establishes permit fee and bonding requirements 3
that are different from the permit fee and bonding 4
requirements otherwise required under applicable 5
law, and to declare an emergency. 6

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

Section 1. (A) As used in this section, "eligible dam 7
project" means a proposed upground reservoir that has an estimated 8
construction cost exceeding forty million dollars. 9

(B) The Chief of the Division of Soil and Water Resources in 10
the Department of Natural Resources shall select one eligible dam 11
project for purposes of a dam construction permit pilot program. 12
For purposes of the pilot program, divisions (C) and (D) of this 13
section apply to the eligible dam project that is selected under 14
this division. The eligible dam project shall comply with all 15
applicable requirements established in Chapter 1521. of the 16
Revised Code and rules adopted under it except as otherwise 17
provided in divisions (C) and (D) of this section. 18

(C) The filing fee for an eligible dam project for purposes 19
of division (B) of section 1521.06 of the Revised Code shall be 20

determined by the Chief, but shall not exceed one per cent of the 21
detailed cost estimate for the eligible dam project that is filed 22
with and approved by the Chief. The fee charged under this 23
division shall be charged notwithstanding the specific 24
requirements regarding fees established in division (B) of section 25
1521.06 of the Revised Code. 26

(D)(1) The Chief may accept a surety bond or other security 27
for an eligible dam project that is less than the surety bond or 28
other security otherwise required under section 1521.061 of the 29
Revised Code if the applicant for the permit demonstrates a lesser 30
cost to mitigate a potential failure of the eligible dam project 31
during construction or first filling of the eligible dam project. 32
In addition, the Chief may accept incremental surety bond or other 33
security amounts scheduled over the construction period of the 34
eligible dam project if the applicant demonstrates that the 35
incremental amounts are sufficient to mitigate a potential failure 36
during different phases of construction. The Chief shall include 37
the phased surety schedule as a term of the permit issued for the 38
eligible dam project under Chapter 1521. of the Revised Code. 39

(2) If the eligible dam project cannot be filled to the 40
normal operating pool level within one year after the approval of 41
the completed construction, the bond or other security shall not 42
be released until both of the following occur: 43

(a) The reservoir is filled to a normal operating pool level. 44

(b) Final approval is given by the Chief. 45

The bond or other security for the eligible dam project shall 46
be released within thirty days after the approval of the Chief has 47
been given. 48

(E) Within thirty days after the issuance of the construction 49
permit for the eligible dam project that is the subject of the dam 50
construction permit pilot program established under this section, 51

the Chief shall submit a report to the General Assembly outlining 52
the Chief's findings as to the efficacy of the pilot program 53
established under this section. The report may include 54
recommendations regarding statutory changes necessary for the 55
effective regulation of dams in this state. 56

(F) This section expires upon the submission of the report 57
under division (E) of this section. 58

Section 2. This act is hereby declared to be an emergency 59
measure necessary for the immediate preservation of the public 60
peace, health, and safety. The reason for such necessity is that 61
the selection of an eligible dam project under this act is time 62
sensitive, and the timely enactment of this act is necessary in 63
order to ensure the selection of an appropriate eligible dam 64
project. Therefore, this act shall go into immediate effect. 65