

As Introduced

**130th General Assembly
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S. B. No. 179

Senator Eklund

Cosponsor: Senator Seitz

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A B I L L

To amend section 3701.344 of the Revised Code to 1
include recycled water as a private water system 2
for purposes of regulation by the Department of 3
Health and boards of health. 4

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

Section 1. That section 3701.344 of the Revised Code be 5
amended to read as follows: 6

Sec. 3701.344. (A) As used in this section and sections 7
3701.345, 3701.346, and 3701.347 of the Revised Code: 8

~~(A)~~ "Private, "private water system" means any water system 9
for the provision of water for human consumption, if ~~such~~ the 10
system has fewer than fifteen service connections and does not 11
regularly serve an average of at least twenty-five individuals 12
daily at least sixty days out of the year. ~~A private~~ Private water 13
system" includes any well, spring, cistern, pond, ~~or~~ hauled water, 14
or recycled water and any equipment for the collection, 15
transportation, filtration, disinfection, treatment, or storage of 16
such water extending from and including the source of the water to 17
the point of discharge from any pressure tank or other storage 18
vessel; to the point of discharge from the water pump where no 19

pressure tank or other storage vessel is present; or, in the case 20
of multiple service connections serving more than one dwelling, to 21
the point of discharge from each service connection. "Private 22
water system" does not include the water service line extending 23
from the point of discharge to a structure. 24

(B) Notwithstanding section 3701.347 of the Revised Code and 25
subject to division (C) of this section, rules adopted by the 26
director of health regarding private water systems shall provide 27
for the following: 28

(1) Except as otherwise provided in this division, boards of 29
health of city or general health districts shall be given the 30
exclusive power to establish fees in accordance with section 31
3709.09 of the Revised Code for administering and enforcing ~~such~~ 32
the rules. ~~Such~~ The fees shall establish a different rate for 33
administering and enforcing the rules relative to private water 34
systems serving single-family dwelling houses and nonsingle-family 35
dwelling houses. Except for an amount established by the director, 36
pursuant to division (B)(5) of this section, for each new private 37
water system installation, no portion of any fee for administering 38
and enforcing ~~such~~ the rules shall be returned to the department 39
of health. If the director of health determines that a board of 40
health of a city or general health district is unable to 41
administer and enforce a private water system program in the 42
district, the director shall administer and enforce such a program 43
in the district and establish fees for such administration and 44
enforcement. 45

(2) Boards of health of city or general health districts 46
shall be given the exclusive power to determine the number of 47
inspections necessary for determining the safe drinking 48
characteristics of a private water system. 49

(3) Private water systems contractors, as a condition of 50
doing business in this state, shall annually register with, and 51

comply with surety bonding requirements of, the department of 52
health. No such contractor shall be permitted to register if the 53
contractor fails to comply with all applicable rules adopted by 54
the director and the board of health of the city or general health 55
district. The annual registration fee for private water systems 56
contractors shall be sixty-five dollars. The director, by rule 57
adopted in accordance with Chapter 119. of the Revised Code, may 58
increase the annual registration fee. 59

(4) Subject to rules adopted by the director, boards of 60
health of city or general health districts shall have the option 61
of determining whether bacteriological examinations shall be 62
performed at approved laboratories of the state or at approved 63
private laboratories. 64

(5) The director may establish fees for each new private 65
water system installation, which shall be collected by the 66
appropriate board of health and transmitted to the director 67
pursuant to section 3709.092 of the Revised Code. 68

(6) All fees received by the director of health under 69
divisions (B)(1), (3), and (5) of this section shall be deposited 70
in the state treasury to the credit of the general operations fund 71
created in section 3701.83 of the Revised Code for use in the 72
administration and enforcement of sections 3701.344 to 3701.347 of 73
the Revised Code and the rules pertaining to private water systems 74
adopted under those sections. 75

(7) The director shall define "well," "spring," "cistern," 76
"pond," "hauled water," and "recycled water" for purposes of this 77
section and the rules adopted under it. 78

(C) To the extent that rules adopted under division (B) of 79
this section require health districts to follow specific 80
procedures or use prescribed forms, no such procedure or form 81
shall be implemented until it is approved by majority vote of an 82

approval board of health commissioners, hereby created. Members of 83
the board shall be the officers of the association of Ohio health 84
commissioners, or any successor organization, and membership on 85
the board shall be coterminous with holding an office of the 86
association. No health district is required to follow a procedure 87
or use a form required by a rule adopted under division (B) of 88
this section without the approval of the board. 89

(D) A board of health shall collect well log filing fees on 90
behalf of the division of soil and water resources in the 91
department of natural resources in accordance with section 1521.05 92
of the Revised Code and rules adopted under it. The fees shall be 93
submitted to the division quarterly as provided in those rules. 94

(E) A water system that will be used in agriculture and that 95
does not provide water for human consumption shall not be required 96
to obtain a permit or license issued under, pay any fees assessed 97
or levied under, or comply with any rule adopted under sections 98
3701.34 to 3701.347 of the Revised Code. 99

Section 2. That existing section 3701.344 of the Revised Code 100
is hereby repealed. 101