



Ohio Legislative Service Commission

Bill Analysis

Helena Volzer

H.B. 468

131st General Assembly
(As Introduced)

Reps. Boccieri, Lepore-Hagan, Ramos, Leland, Howse, Cera, Sheehy, G. Johnson, M. O'Brien, Slesnick, Phillips, Patterson, Reece, Boyce, K. Smith, Rogers, Bishoff, Antonio, Clyde

BILL SUMMARY

Notice of lead contamination in drinking water

- Establishes a deadline for a public water system to provide notice to persons that may be affected by lead contamination of their drinking water of not later than 30 days after tests confirm that lead contamination exists in the system's drinking water.
- Requires the Director of Environmental Protection to direct the applicable board of health to provide the notice if the public water system fails to do so.
- Requires the board of health to provide the notice to affected persons not later than 15 days after the public water system failed to provide the notice.
- Establishes a civil penalty applicable to the Director and a board of health for failing to fulfill the bill's requirements governing notice and applies existing criminal penalties to the Director and members of the board for such a failure.

Drinking water monitoring by a board of health

- In addition to monitoring required to be conducted by a public water system, requires the applicable board of health to conduct monitoring of the system's water for the presence of lead and requires the owner or operator of the system to pay for the associated monitoring costs.
- Requires the board of health to conduct the monitoring in accordance with rules adopted by the Director and authorizes the board to contract with and select a vendor for that purpose.

- Requires the board of health to provide the results of tests to the Director.

Training program regarding identification of lead in drinking water

- Requires an applicant for a public water system license renewal to complete a training program regarding the identification of lead in drinking water established by the Director under the bill.
- Requires the Director to deny an application for a license renewal if the Director finds that the applicant has not completed the training program.
- Authorizes the Director to use money in the Drinking Water Protection Fund for purposes of administering the training program.

CONTENT AND OPERATION

Notice of lead contamination in drinking water

The bill establishes a deadline by which a public water system must notify persons that may be affected by lead contamination of their drinking water. Under the bill, the public water system must provide the notice not later than 30 days after tests confirm that lead contamination exists in the drinking water.¹ Under current law, public water systems are required to provide such notice but no deadline for doing so is specified.

The bill provides that if the public water system fails to provide the notice, the Director of Environmental Protection, not later than one business day after the public water system failed to provide the notice, must direct the applicable board of health to provide the notice to those affected. The applicable board of health, in turn, must provide the notice to affected persons not later than 15 days after the public water system failed to provide the notice.²

The bill establishes a civil penalty of not more than \$25,000 applicable to the Director and a board of health for failing to comply with the bill's notice requirements as described above. Under the bill, if the Director fails to direct the applicable board of health or the applicable board of health fails to provide the notice within the statutory time frames, the Attorney General is required to bring a civil action for that violation. The bill specifies that each day of noncompliance is a separate violation, and that the action is a civil action governed by the Rules of Civil Procedure and other rules of

¹ R.C. 6109.10(C)(1).

² R.C. 6109.10(C)(3).



practice and procedure applicable to civil actions. The bill requires all such civil penalties to be paid into the Drinking Water Protection Fund.³

The bill also specifies that the Director and the members of a board of health are subject to existing criminal penalties for failure to comply with the bill's notice requirements. Such a violation is a felony for a reckless or knowing violation if the violation poses a significant threat to or causes significant harm to public health and is punishable by a fine of not more than \$25,000, or imprisonment for not more than four years, or both. The violation is a misdemeanor for a reckless violation if it does not pose a significant threat to or cause significant harm to public health and is punishable by a fine of not more than \$10,000, or imprisonment for not more than four years, or both. In all circumstances, each day of violation constitutes a separate offense.⁴

Drinking water monitoring by a board of health

In addition to monitoring required to be conducted by a public water system under current law, the bill requires the applicable board of health to conduct monitoring of the system's water for the presence of lead and requires the owner or operator of the system to pay for the associated costs. The board of health must conduct the monitoring in accordance with rules that govern monitoring requirements for lead in tap water. The bill authorizes the board to contract with and select a vendor to conduct the testing. The bill then requires the board of health to provide the results of tests to the Director.⁵

Training program regarding identification of lead in drinking water

The bill requires the Director of Environmental Protection to adopt rules establishing requirements and procedures for a training program regarding the identification of lead in drinking water. The training program must address corrosion treatment, monitoring parameters, and the notification requirements established under current law and the bill. The bill requires an applicant for a public water system license renewal to complete the training program and submit evidence of the completion to the Director when applying for the license renewal. The Director must deny an application for license renewal if the Director finds that the applicant has not completed the

³ R.C. 6109.33(B).

⁴ R.C. 6109.99.

⁵ R.C. 6109.12(B).



training program.⁶ The bill authorizes the Director to use money in the Drinking Water Protection Fund for purposes of administering the training program.⁷

HISTORY

ACTION	DATE
Introduced	02-17-16

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⁶ R.C. 6109.21.

⁷ R.C. 6109.30(A)(6).

