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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 464  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Wiggam

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### SUMMARY

- Eliminates the requirement that a public water system demonstrate the technical, managerial, and financial capability to comply with the Safe Drinking Water Law through implementation of an asset management program.
- Requires the Director of Environmental Protection to rescind any rules implementing the asset management program within 30 days of the bill's effective date.
- Eliminates related provisions that require an applicant for a new or existing public water system well to include information regarding the system's asset management program with a well siting application.

### DETAILED ANALYSIS

#### Public water system asset management program

Under current law, all public water systems must demonstrate the technical, managerial, and financial capability of the system to comply with the Ohio Safe Drinking Water Law by implementing an asset management program. An asset management program must include certain elements, including an inventory of system assets, emergency preparedness and contingency planning, and long-term funding strategies. The Director of Environmental Protection, at any time, can request that a public water system submit a written description of the system's asset management program. The system must comply with the request within 30 days. If a system fails to demonstrate its compliance capability, the Director may take any enforcement actions authorized for Safe Drinking Water Law violations, including suspending the system's ability to operate.<sup>1</sup>

<sup>1</sup> R.C. 6109.24, repealed by the bill.

The bill eliminates the requirement that public water systems demonstrate technical, managerial, and financial capability and implement an asset management program.<sup>2</sup> It also requires the Director to rescind all rules implementing the asset management program within 30 days of the bill's effective date.<sup>3</sup> Finally, it eliminates related provisions that require an applicant for a new or existing public water system well to include information regarding the system's asset management program with a well siting application.<sup>4</sup>

### **Federal law**

The federal Safe Drinking Water Act (SDWA) requires each state to report to the U.S. Environmental Protection Agency (USEPA) every three years describing the state's efforts to implement strategies that improve the technical, managerial, and financial capacity of public drinking water systems in meeting national drinking water requirements. In addition, each state must develop and implement a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity. If a state does not meet this requirement, the USEPA can withhold 20% of the money the state would otherwise receive under the state revolving loan program established under the SDWA. Because the bill eliminates all current asset management program requirements, it is unclear how Ohio EPA will measure and report the capacity of its public water systems. Without the implementation of another program for capacity management, Ohio may risk the loss of federally provided state revolving loan funds.<sup>5</sup>

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## **HISTORY**

Action	Date
Introduced	10-25-21

H0464-I-134/ar

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<sup>2</sup> R.C. 6109.24, repealed by the bill.

<sup>3</sup> Section 4.

<sup>4</sup> R.C. 6109.072(B).

<sup>5</sup> 42 U.S.C. § 300g-9 and 300j-12.