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Bill Analysis
Legislative Service Commission

H.B. 67

123rd General Assembly

(As Reported by H. Agriculture & Natural Resources)

**Reps. Coughlin, Corbin, Haines, Metzger, Olman, Thomas, Evans,
Womer Benjamin**

BILL SUMMARY

- Provides that a withdrawal of water by certain municipal corporations from either the Lake Erie or Ohio River drainage basin and transfer to another basin is a diversion for the purposes of certain permitting requirements regardless of whether the water is returned to its basin of origin.

CONTENT AND OPERATION

Current law prohibits the diversion of more than 100,000 gallons per day of any waters of the state out of the Lake Erie or Ohio River drainage basin to another basin without having a permit to do so issued by the Director of Natural Resources (sec. 1501.32(A), not in the bill).¹ "Diversion" is defined as a withdrawal of water resources from either the Lake Erie or Ohio River drainage basin and transfer to another basin without return and does not include evaporative loss within the basin of withdrawal (sec. 1501.30(A)(2)). The bill also includes within the definition of "diversion" a withdrawal by certain municipal corporations of water from either the Lake Erie or Ohio River drainage basin and transfer to another basin regardless of whether the water is returned to its basin of origin (sec. 1501.321).

More specifically, the bill adds to the existing definition of "diversion," for purposes of the permit requirement in current law that is described above, a project

¹ Under current law, "waters of the state" includes all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located that are situated wholly or partly within or border upon this state or are within its jurisdiction (sec. 1501.30(A)(6)).

involving the withdrawal of more than 100,000 gallons per day of water resources from either the Lake Erie or Ohio River drainage basin, the transfer of the water resources to another basin, and the subsequent return of the water resources to their basin of origin by a municipal corporation having a population of greater than 200,000 and fewer than 300,000 on the effective date of the bill according to the most recently available figures from the United States Census Bureau, provided that the actual withdrawal, transfer, and return of water resources that the project involves commences on or after January 1, 1998 (sec. 1501.321).²

Thus, the bill continues the current requirement that a person who withdraws more than 100,000 gallons per day of any waters of the state out of the Lake Erie or Ohio River drainage basin and transfers the waters to another basin without return obtain a permit to do so (sec. 1501.32(A), not in the bill). In addition, the bill requires certain municipal corporations that withdraw and transfer such waters to another basin and then return the transferred waters to their basin of origin to obtain a permit under certain circumstances. Therefore, it appears that the bill subjects a greater number of diversions of water to the permit requirement than current law. (Sec. 1501.321.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-99	p. 96
Reported, H. Agriculture & Natural Resources	02-10-99	p. 191

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² Assuming the bill becomes effective during the 1990s, on the bill's effective date the most recently available figures from the United States Census Bureau establishing the population of municipal corporations in Ohio will be the figures compiled in 1990. Therefore, the bill's addition to the definition of "diversion" involves municipal corporations having a population of greater than 200,000 and fewer than 300,000 as of 1990.