

## Environment and Natural Resources

### Sub. H.B. 512

**Reps.** Ginter, Landis, Amstutz, Anielski, Antonio, Baker, Barnes, Blessing, Brown, Burkley, Derickson, Dever, Dovilla, Driehaus, Duffey, Green, Grossman, Hall, Hambley, T. Johnson, Lepore-Hagan, Manning, McClain, M. O'Brien, Reineke, Retherford, Rezabek, Rogers, Schaffer, Scherer, Schuring, Slaby, K. Smith, R. Smith, Sprague, Sweeney, Terhar, Thompson, Young, Rosenberger

**Sens.** Uecker, Hite, Jones, Balderson, Beagle, Cafaro, Coley, Eklund, Gardner, Hackett, Hughes, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Skindell, Tavares, Thomas, Williams, Yuko

**Effective date:** September 9, 2016

#### Lead and copper sampling and disclosure

- Requires the Director of Environmental Protection to adopt rules requiring community and nontransient noncommunity water systems to sample and test for lead and copper and provide samples to a certified laboratory for analysis.
- Requires a laboratory that receives tap water samples to complete a lead or copper analysis and report the results to the water system and the Director.
- Imposes notification and action requirements on the owner or operator of a community or nontransient noncommunity water system when laboratory results show an exceedance of the lead threshold for individual taps or the lead action level for the system.
- Requires the Director, beginning ten business days after receiving laboratory results, to provide certain notices if the owner or operator of a community or nontransient noncommunity water system fails to provide those notices.
- Establishes administrative penalties for an owner or operator of a community or nontransient noncommunity water system that fails to provide specified notices.
- Requires a community or nontransient noncommunity water system to map parts of the system likely to contain lead pipes and submit the maps to the Director every five years.
- Requires the Director to provide financial assistance from the Drinking Water Assistance Fund to community and nontransient noncommunity water systems for fulfilling mapping and corrosion control requirements.

- Requires the Director to post information online about other sources of funding to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement.
- Allows the Director to require the owner or operator of a nontransient noncommunity water system that is a school or child day-care center to collect additional tap water samples in buildings identified in the map submitted to the Director.

### **Training for public water system operators**

- Requires the training program for public water system operators to address identification of lead in drinking water, sampling protocols, corrosion treatment, and the act's lead and copper testing requirements.

### **Lead contamination from plumbing**

- Revises the definition of "lead free" to mean, in part, containing not more than a weighted average of 0.25% lead with respect to wetted surfaces of pipes, pipe fittings, or plumbing fittings or fixtures, rather than not more than 8% lead with respect to pipes or pipe fittings under prior law.
- Prohibits using certain plumbing supplies and materials that are not lead free in the installation or repair of a public water system or of any plumbing in a facility providing water for human consumption, rather than requiring certain plumbing supplies and materials in such a system or facility to be lead free as in former law.
- Adds plumbing fittings and plumbing fixtures, including drinking water fountains, to the plumbing supplies and materials to which the above prohibition applies.
- Generally prohibits a person from:
  - Introducing into commerce any pipe, pipe fitting, plumbing fitting, or plumbing fixture, including a drinking water fountain, that is not lead free;
  - Selling solder or flux that is not lead free while engaged in the business of selling plumbing supplies; and
  - Introducing into commerce any solder or flux that is not lead free unless the solder or flux has a label stating that it is illegal to use it in the installation or repair of plumbing providing water for human consumption.
- Establishes several exemptions from the above prohibitions, including pipes, pipe fittings, or plumbing fittings or fixtures used exclusively for nonpotable services.
- Establishes a formula for calculating the weighted average lead content of a pipe, pipe fitting, or plumbing fitting or fixture.

## **Drinking Water Assistance Fund**

- Revises two of the purposes for which the Water Supply Revolving Loan Account in the Drinking Water Assistance Fund may be used, as follows:
  - With regard to making loans to water systems, requires each loan recipient to make periodic principal and interest payments on the dates and in the amounts approved by the Director; and
  - With regard to purchasing or refinancing certain public debt obligations, allows the repayment period to be up to 45 years in certain circumstances.

## **Water Pollution Control Loan Fund**

- Adds eight categories of projects and activities that may receive assistance from the Water Pollution Control Loan Fund.
- Qualifies state agencies to receive money from the Fund for constructing publicly owned wastewater treatment works.
- Revises requirements governing the Fund's administration.
- Requires all loans made from the Fund to be fully amortized within 30 years, rather than 20 years, after project completion.
- Generally authorizes the repayment period of debt obligations that are purchased or refinanced for Fund purposes to extend up to 45 years in certain circumstances.
- Allows money in the Fund to be used for awarding principal forgiveness assistance under the federal Water Pollution Control Act.
- Removes the requirement that the Director must first determine that sewerage systems tributary to a publicly owned treatment works are not subject to excessive infiltration and inflow before providing financial assistance from the Fund for a treatment works project.
- Revises the requirement that, before providing financial assistance, the Director must determine that an applicant will implement a user charge system to pay the project's operation, maintenance, and replacement expenses by eliminating the stipulation that the user charge system be a proportional system.

## **Ohio Water Development Authority**

- Raises the competitive bidding threshold for Ohio Water Development Authority contracts from \$25,000 to \$50,000.

## Sub. S.B. 293

**Sens.** Balderson, Coley, Eklund, Faber, Hackett, Hite, Obhof, Oelslager, Seitz, Uecker, Yuko

**Reps.** Landis, Hall, Hill, Anielski, Antonio, Ashford, Baker, Barnes, Buchy, Burkley, Dever, Dovilla, Hagan, Hambley, Hayes, Huffman, Koehler, Lepore-Hagan, McClain, M. O'Brien, S. O'Brien, Perales, Rezabek, Rogers, Sheehy, R. Smith, Sprague, Sweeney, Thompson

**Effective date:** September 14, 2016

### Division of Parks and Watercraft

- Merges the Division of Parks and Recreation and the Division of Watercraft in the Department of Natural Resources, names the merged division the Division of Parks and Watercraft, and retains all duties and responsibilities of the former divisions.
- Eliminates the Division of Parks and Recreation Law Enforcement Fund and the Division of Watercraft Law Enforcement Fund and credits the money in those Funds to the newly created Division of Natural Resources Law Enforcement Fund.
- Requires the Division of Parks and Watercraft to use money in the Division of Natural Resources Law Enforcement Fund for law enforcement purposes.

### Natural resources officers

- Renames park, watercraft, preserve, and forestry officers as natural resources officers.
- Authorizes them to enforce the laws relating to the Department of Natural Resources that had been enforced by park, watercraft, preserve, and forestry officers.

### Watercraft

- Makes changes to the law governing watercraft safety as follows:
  - Revises the requirements governing the use of a wearable personal flotation device when a person is engaged in a towed watersport (for example, water skiing);
  - Exempts a person engaged in barefoot skiing from using a personal flotation device if the person is wearing a wet suit designed for barefoot skiing;
  - Revises the prohibition against operating a vessel, including a commercial vessel, in Ohio waters without carrying personal flotation devices aboard the vessel to require the carrying of wearable personal flotation devices and, in certain cases, having a throwable device onboard;
  - Prohibits a person from using a personal flotation device in a manner that is inconsistent with any federally approved limitations or restrictions or special instructions provided by the manufacturer;

- Requires each person on a vessel to use a personal flotation device in compliance with manufacturer labeling;
- Adds the total loss of a vessel to the list of circumstances when a vessel operator must file with the Chief of the Division of Watercraft a full description of a collision or accident; and
- Eliminates the prohibition against using a watercraft accident report in a civil, criminal, or administrative action at law.

### **Watercraft dealers and registration certificates**

- Requires a watercraft dealer's place of business to be used primarily for selling, displaying, offering for sale, or dealing vessels.
- Extends the time by which a purchaser of a watercraft must register the watercraft from 45 days to 60 days after the purchase transaction, but retains the requirement that the purchaser hold either a temporary watercraft registration certificate or a bill of sale during that time.
- Authorizes a watercraft dealer, prospective purchaser, or third party to use a watercraft dealer registration certificate to operate a watercraft under certain circumstances, including authorizing a dealer or third party to transport the watercraft to the purchaser.
- Prohibits a person, in accordance with federal law, from recklessly displaying or affixing a dealer or manufacturer registration number on a watercraft in a manner that causes permanent alteration to the watercraft's hull prior to a final sale.

## **Division of Forestry**

### **Forest-fire investigators**

- Authorizes the Chief of the Division of Forestry to appoint forest-fire investigators, specifies their powers and duties, and requires the Chief to establish a policy for their training, including training as a peace officer.
- Specifies that a forest-fire investigator is not personally liable for any required or authorized act while acting within the scope of official duties.
- Requires the Chief or the Chief's designee to supervise and instruct forest-fire investigators.

### **Fire protection areas**

- Requires the Chief, with the approval of the Director of Natural Resources, to establish fire protection areas for Ohio, and specifies that appointed forest-fire wardens and forest-fire investigators have jurisdiction over the areas.

- Specifies that mutual aid agreements and agreements to transfer certain excess equipment and supplies entered into by the Chief with firefighting agencies may only be made with regard to fire protection areas.
- Revises the requirement that the Chief must cause the prosecution of a person who violates laws pertaining to forest fires by instead requiring the Chief or the Chief's designee to direct investigations of alleged violations of the laws within fire protection areas.
- Authorizes, instead of requires as in prior law, the Chief to use money in the Wildfire Suppression Fund to reimburse certain firefighting agencies for their costs in suppressing wildfires, and generally limits the reimbursements to costs incurred in counties within fire protection areas.

#### **Additional revisions**

- Requires the Chief to transfer money in the Wildfire Suppression Fund exceeding \$200,000 to the State Forest Fund, instead of disbursing the excess to certain firefighting agencies.
- Authorizes a forest-fire warden to cut trees or other vegetation to control a fire.
- Alters the requirement that a person or governmental entity bidding on a timber sale execute a bond equal to 25% of the highest value cutting section by instead requiring the Chief to determine the bond amount.
- Eliminates certain provisions governing forestry, including provisions that specified the duties of the Ohio Agricultural Research and Development Center and the duties of railroad companies regarding fires.

#### **Office of Real Estate and Land Management**

- Establishes the Office of Real Estate and Land Management in the Department of Natural Resources, which formerly existed as the Division of Real Estate and Land Management from 1994 to 2009.
- Requires the Office to coordinate and conduct all real estate functions for the Department and cooperate with federal agencies and political subdivisions in administering federal recreation money.
- Authorizes the Office to coordinate environmental matters concerning the Department and the state as necessary to comply with federal environmental laws.

#### **Water Improvements Law**

- Eliminates the law governing water improvements, including all of the following provisions:

--General authority for the Chief of the Division of Water Resources to construct, make additions to, enlarge, or make alterations to reservoirs, dams, storage basins, dikes, canals, raceways, and other improvements;

--A requirement that the Chief issue and sell bonds to provide funds for the construction, alteration, or enlargement; and

--A requirement that the Chief sell or lease for agricultural, commercial, manufacturing, or other lawful purposes, for a term up to 50 years, the water conserved and stored by improvements constructed under the Water Improvements Law.

### **Recreation and Resources Commission**

- Eliminates the Recreation and Resources Commission, which advised the Director of Natural Resources and the Governor concerning matters pertaining to natural resources.