

# Utilities

## H.B. 364

**Primary Sponsor:** Rep. Patton

**Effective date:** April 4, 2023

### **Infrastructure improvement surcharge**

- Changes the law governing waterworks and sewage disposal system company infrastructure improvement surcharges, imposed on customers to recover costs for capital improvements to infrastructure plant, to do the following:
  - Adds the requirements that the capital improvements be (1) prudent and (2) properly classified in the Uniform System of Accounts (USOA) adopted by the National Association of Regulatory Utility Commissioners (NARUC), instead of just used and useful in rendering public utility service;
  - Includes capital improvements consisting of the replacement of an existing plant included in *accounts under NARUC's USOA* instead of including specific listed facilities.
- Permits a surcharge to include capital expenditures made to comply with any consent decree, final order, or final rule of the U.S. or Ohio Environmental Protection Agency.
- Extends surcharge eligibility to include as a “replacement of an existing plant” any replacement that results in an upgrade or improvement to the previously existing plant if it is prudent, qualifies for recovery, and performs the same or similar function as the plant replaced.
- Permits a waterworks or sewage disposal system company with \$250,000 or more of annual operating income to impose, subject to refund, its proposed infrastructure improvement surcharge of certain companies if the Public Utilities Commission fails to issue a final order on the surcharge within 180 days.
- Delays infrastructure improvement surcharge termination by operation of law to no later than December 31, 2036.

### **Hazardous waste incinerators**

- Creates two limited exceptions to the moratorium against modifications to hazardous waste incinerator installation and operation permits.

### **Public water system asset management program**

- Eliminates the requirement that a transient noncommunity water system demonstrate the technical, managerial, and financial capability to comply with the Safe Drinking Water Law through implementation of an asset management program.

- Prohibits the Director of Environmental Protection from adopting or enforcing any rules requiring a transient noncommunity water system to implement, prepare, or complete an asset management program.
- Eliminates the requirement that the operator of a transient noncommunity water system include information regarding the system’s asset management program when applying to install a new water well.

### **Residential PACE lien priority**

- Specifies that the priority for a residential PACE lien is:
  - Always subordinate to a first mortgage, regardless of when that mortgage is recorded with the county recorder;
  - Subordinate to all other liens recorded prior to the recordation of the residential PACE lien;
  - Superior to all other liens recorded after the recordation of the residential PACE lien.
- Specifies that a residential PACE lien is a lien for a residential PACE (property assessed clean energy) loan, which is a loan to pay for the installation of cost effective energy improvements on a homeowner’s qualifying residential real property and is repayable by the homeowner through a special assessment.

## **H.B. 430**

**Primary Sponsor:** Rep. Cross

**Effective date:** September 23, 2022

### **Interstate hazardous liquid or gas pipelines**

- Requires that if a public improvement is within 660 feet of the center point of any interstate hazardous liquid pipeline or interstate gas pipeline, the pipeline operator must provide specified information to the public authority constructing the public improvement.
- Requires the public authority, if it is notified that the public improvement is within 660 feet of the center point of an interstate hazardous liquid pipeline or interstate gas pipeline, to include certain information related to the pipeline in the plans and specifications.
- Requires a utility to provide the location information of an interstate hazardous pipeline or interstate gas pipeline to a developer or designer of a proposed project requiring excavation when the project is within 660 feet of a center point of the pipeline.
- Requires the developer and designer to include the notice information provided by the utility in the developer’s or designer’s plans and specifications.
- Authorizes a public authority to withhold approval of a project until the developer and utility have satisfied the requirements.

- Provides that a public authority is immune from liability related to the approval or construction of the development when the approval is based on information provided by the developer in the plans and specifications.

## **Mobile computing units and building regulations**

- Exempts “mobile computing units” from statutes governing the construction and condition of buildings and related rules adopted by the Board of Building Standards.

## **Ingress/egress obstructions**

- Requires the Board of Building Standards to adopt rules providing for the use of a device in a nonresidential building that prevents both ingress and egress through a door in the building for a finite period of time, in an emergency situation, and during active shooter drills.

## **PUCO regulatory restrictions**

- Prohibits the Public Utilities Commission of Ohio (PUCO), in certain service abandonment or withdrawal proceedings, from imposing on certain telecommunication providers or services any regulatory requirement or restriction that does not generally apply to the service or provider in other contexts.
- Requires PUCO to adopt rules by December 22, 2022, to implement these provisions.

## **Rent control and rent stabilization**

- Applies to all political subdivisions the law prohibiting a municipal corporation or township from adopting any regulation that conflicts with or regulates the rights and obligations of parties to a rental agreement regulated by the Landlord and Tenant Law.
- Prohibits rent control and rent stabilization regulations adopted by political subdivisions, specifying that these are considered rental agreement regulations covered by the state Landlord and Tenant Law.
- Allows political subdivisions to adopt and enforce rent control and rent stabilization regulations in specified circumstances.
- States legislative findings relating to rent control and rent stabilization regulations.

## **Orphaned well plugging**

- Revises the law governing idle and orphaned oil and gas wells (which, under former law, were wells for which a bond had been forfeited or an abandoned well for which no money was available to plug the well).
- Renames that term “orphaned well” and specifies that an orphaned well is a well that was not properly plugged or its land surface restored in accordance with the Oil and Gas Law to which either of the following apply:
  - The well owner is unknown, deceased, or cannot be located and the well is abandoned; or

- The owner has abandoned the well and there is no money available to plug the well in accordance with that Law.
- Alters the procedures that applied to plugging an idle and orphaned well and applies those procedures to orphaned wells, including all of the following:
  - Streamlining procedures for reporting and evaluating orphaned wells;
  - Modifying the requirements and procedures governing contracts to plug an orphaned well;
  - Revising the procedures that allow a landowner to plug an orphaned well;
  - Modifying the authorized uses of the Oil and Gas Well Fund.

### **Use of Abandoned Mine Reclamation Fund**

- Allows money from the federal Infrastructure Investment and Jobs Act to be deposited in the Abandoned Mine Reclamation Fund.
- Allows the ODNR Division of Mineral Resources Management to use the money for reclaiming land affected by mining or controlling mine drainage in accordance with the requirements of the federal Act.

### **Ohio Work Zone Safety Awareness Month**

- Designates April as “Ohio Work Zone Safety Awareness Month.”