



Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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Water and Sewer Providers

Water and sewer public utility service in Ohio may be provided by water-works and sewage disposal system companies, cooperatives, municipal utilities, limited home rule townships, county sewer districts, conservancy districts, sanitary districts, or regional water and sewer districts. Each service is operated by a different entity, which in most cases is responsible for setting the rates for water and sewer service. Only the operation and rates of certain water-works and sewage disposal system companies are regulated by the Public Utilities Commission.

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Water-works and sewage disposal system companies

Water-works companies provide water supply service, and sewage disposal system companies provide sewage disposal service to Ohio customers. The Public Utilities Commission (PUCO) supervises and regulates these companies as public utilities if they are not otherwise exempt from PUCO jurisdiction. Entities exempt from PUCO jurisdiction include, for example, cooperatives or utilities owned or operated by a municipal corporation. Rates, fares, tolls, rentals, and charges of water-works companies and sewage disposal system companies are determined by

PUCO. None of the other water and sewer service providers discussed below are subject to PUCO regulation.¹ PUCO's website lists these regulated companies, including, for example, Aqua Ohio.²

Cooperatives

Water and sewer service may be provided by a cooperative. A cooperative generally is a utility owned and operated exclusively by, and solely for, the utility's customers. Water and sewer cooperatives are exempt from PUCO jurisdiction, meaning that the cooperative governs itself and sets its own rates.³ An example of a water cooperative in Ohio is Del-Co Water in north-central Ohio.⁴

Municipal utilities

Water and sewer service can be provided by municipal-owned or operated public utilities pursuant to authority granted by the Ohio Constitution. Article XVIII, section 4 of the Ohio Constitution provides that, "Any municipality may acquire, construct, own, lease and operate within or without its corporate limits, any public utility the product or service of which is or is to be supplied to the municipality or its inhabitants, and may contract with other for any such product or service." Further, Article XVIII, section 6 allows a municipality owning or operating a public utility to sell surplus products and services to users outside the municipality, with no limit for selling surplus water or sewage services.

Under the Revised Code, a city's water-works and sewer facilities are managed by a director of public service or a designated board. A village's water-works and sewer facilities are overseen by a village administrator or board of trustees of public affairs. City water rents or charges may be set by the director of public service or other official or body authorized by charter. Village water rents or charges are set by the board of trustees of public affairs or, if the village uses a village administrator, then the rates are set by the village's legislative authority. Sewerage rates or charges may be established by the municipality's legislative authority.⁵ Columbus is one of many municipalities in Ohio that provide water and sewer service.⁶

Limited home rule townships

Water and sewer service may be supplied by a limited home rule township to unincorporated areas of the township. A limited home rule township is overseen by a board of township trustees. The board is empowered to impose rents or charges for water and sewer

¹ R.C. 4905.02, 4905.03(G) and (M), 4905.04, 4909.15, and 4909.18.

² See the [PUCO Regulated Company list](#), which is available on PUCO's website: puco.ohio.gov.

³ R.C. 4905.02(A)(2).

⁴ See [Del-Co Water Company bio](#), which is available on Del-Co Water's website: delcowater.org.

⁵ R.C. 729.49, 729.50, 735.02, 735.03, 735.273, 735.29, 743.03, and 743.04.

⁶ See Columbus [Department of Public Utilities homepage](#), which is available on Columbus's website: new.columbus.gov.

services.⁷ Violet Township in Fairfield County is a limited home rule township with a water and sewer department.⁸

County sewer districts

In counties that have established a sewer district, the board of county commissioners may acquire, construct, maintain, and operate any public water supply facilities and sanitary facilities (meaning sanitary sewers and related facilities). A sewer district is overseen by the board of county commissioners. The board is required to set rates for the use of a sewer district's public water supply facilities and sanitary facilities. The board may also contract to supply water and sewage services outside the sewer district, with amounts to be collected for those services in accordance with rates the board set for inside the district.⁹ Warren County is an example of a county that provides water and sewer service using a county sewer district.¹⁰

Conservancy districts

A conservancy district may be organized in one or more counties to provide for the collection and disposal of sewage and other liquid wastes produced within the district, or a water supply for domestic, industrial, and public use. A district may be formed by filing a security bond and a petition to create the district that is signed by a sufficient number of residents or certain governmental entities with a common pleas court of a county containing territory within the proposed district. If all requirements are satisfied, then, after a hearing, the court constituted to hear the petition must establish the district.

A conservancy district is governed by a board of directors. The board has specific authority to construct, acquire, operate, and maintain works and improvements (such as sewers, wells, pipe lines, and purification works) considered necessary for the purposes of the district, and to construct connections to the works for the delivery of a water supply or of sewage and other liquid wastes to the works.

The board of directors may impose rates for the sale of water supply within the district. The board has no authority to set sewage and liquid waste disposal rates. But, it may levy a conservancy maintenance assessment on real property and each public corporation in the district for purposes of maintaining, operating, and preserving certain works, including sewers, pumping stations, and treatment and disposal works.¹¹ Leading Creek Conservancy District in Meigs County is an example of a conservancy district that provides water supply service.¹²

⁷ R.C. 504.04(A)(3) and 504.20.

⁸ See Violet Township [Government homepage](#) and [Departments homepage](#), which are both available on Violet Township's website: violet.oh.us.

⁹ R.C. 6103.02(A) and (F), 6103.20, 6117.01(A)(1) and (B)(1), 6117.02, and 6117.38.

¹⁰ See the [Warren County Water & Sewer Department](#), which is available on Warren County's website: co.warren.oh.us.

¹¹ R.C. 6101.04(G) and (H), 6101.05 to 6101.08, 6101.10, 6101.15(C) and (F), and 6101.53.

¹² See the [Leading Creek Conservancy District rates and policies](#), which is available on the Leading Creek Conservancy District's website: lccdwater.com.

Sanitary districts

A sanitary district may be established to provide for the collection and disposal of sewage and other liquid wastes produced within the district, or a water supply for domestic, municipal, and public use within the district. A district may be created by filing a security bond and a petition to establish the district that is signed by a sufficient number of residents or certain governmental entities with the common pleas court of a county in which the district is to be located. If all requirements are satisfied, then, after a hearing, the court constituted to hear the petition must establish the district.

A sanitary district is governed by a board of directors. The board may construct, preserve, operate, and maintain works and improvements (such as trunk sewers, pipe lines, and treatment and disposal works) deemed necessary to accomplish the purposes of the district, and construct connections to the works for the delivery of a water supply or of sewage and other liquid wastes.

The board sets rates for water supply. It has no authority to set sewage and liquid waste disposal rates. But, the board may levy a sanitary district maintenance assessment on real property and corporate property within the district to maintain, operate, and preserve certain works, such as sewers, pumping stations, and treatment and disposal works, other than those connected with the development of a water supply for the district.¹³ The Mahoning Valley Sanitary District is a sanitary district that provides water supply services.¹⁴

Regional water and sewer districts

A regional water and sewer district (RWSD) may be created to supply water to users and to provide for the collection, treatment, and disposal of waste water. An RWSD may be formed after a petition proposing the RWSD signed by one or more municipal corporations, counties, or townships is filed with a common pleas court of a county containing territory within the proposed district. The court constituted to hear the petition must establish the RWSD if, after one or more hearings, it determines that all requirements are met.

An RWSD is governed by a board of trustees, which is vested with the authority to manage and control the RWSD's affairs. The board is empowered to charge, alter, and collect rentals and other charges for the use of water resource projects (which means facilities to supply water and treat waste water). The rates are not subject to supervision or regulation by any state agency or political subdivision.¹⁵ An example of a RWSD is the Northeast Ohio Regional Sewer District.¹⁶

Private water or sewer systems

As an alternative to the entities discussed above, a person might receive service from a private water or sewer system, such as a household sewage treatment system or small flow

¹³ R.C. 6115.04 to 6115.08, 6115.10, 6115.18(C) to (E), 6115.19, and 6115.53.

¹⁴ See The Mahoning Valley Sanitary District (MVSD) [District info](http://meanderwater.org), which is available on the MVSD website: meanderwater.org.

¹⁵ R.C. 6119.01, 6119.011(G), (L), and (M), 6119.02 to 6119.04, 6119.06(W)(1), 6119.07, and 6119.09.

¹⁶ See page 7 of the Northeast Ohio Regional Sewer District [Sewer Use Code \(PDF\)](#), which is available on Northeast Ohio Regional Sewer District's website: neorsd.org.

onsite sewage treatment system.¹⁷ This *Members Brief* does not address these systems in any detail since they are private, not serving the public.

Environmental Protection Agency regulation

All of the water and sewer providers described above are subject to water quality and health regulation by the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency. This *Members Brief* does not address these regulations.

¹⁷ R.C. 3718.01(F), (Q), and (R), and 3718.02.