

As Introduced

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Representatives Russo, Greenspan

**Cosponsors: Representatives Kelly, Galonski, Patterson, Patton, Skindell,
Lightbody, Smith, K., Sobecki, Manning, G., Koehler, Crossman, West, Miller, J.,
Lanese, Sheehy**

A BILL

To amend sections 6109.01 and 6109.22 and to enact 1
sections 6109.09, 6109.091, 6109.092, 6109.093, 2
and 6109.094 of the Revised Code to establish 3
the Lead Service Line Replacement Program. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 6109.01 and 6109.22 be amended 5
and sections 6109.09, 6109.091, 6109.092, 6109.093, and 6109.094 6
of the Revised Code be enacted to read as follows: 7

Sec. 6109.01. As used in this chapter: 8

(A) "Public water system" means a system for the provision 9
to the public of water for human consumption through pipes or 10
other constructed conveyances if the system has at least fifteen 11
service connections or regularly serves at least twenty-five 12
individuals. "Public water system" includes any collection, 13
treatment, storage, and distribution facilities under control of 14
the operator of the system and used primarily in connection with 15
the system, any collection or pretreatment storage facilities 16

not under such control that are used primarily in connection 17
with the system, and any water supply system serving an 18
agricultural labor camp as defined in section 3733.41 of the 19
Revised Code. 20

(B) "Contaminant" means any physical, chemical, 21
biological, or radiological substance or matter in water. 22

(C) "Person" means the state, any political subdivision, 23
agency, institution, or instrumentality thereof, any federal 24
agency, and any person as defined in section 1.59 of the Revised 25
Code. 26

(D) "Safe Drinking Water Act" means the "Safe Drinking 27
Water Act," 88 Stat. 1660 (1974), 42 U.S.C. 300(f), as amended 28
by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 29
42 U.S.C. 300(f), the "Safe Drinking Water Act Amendments of 30
1986," 100 Stat. 642, 42 U.S.C. 300(f), and the "Safe Drinking 31
Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C. 300(f), 32
and regulations adopted under those acts. 33

(E) "Community water system" means a public water system 34
that has at least fifteen service connections used by year-round 35
residents or that regularly serves at least twenty-five year- 36
round residents. 37

(F) "Small system" means a public water system serving a 38
population of ten thousand or fewer individuals. 39

(G) "Technical assistance" means nonfinancial assistance 40
provided by the state to public water systems and other eligible 41
applicants, including, without limitation, assistance for 42
planning and design, development, and implementation of source 43
water quality protection programs; locating alternative supplies 44
of drinking water; operational training; restructuring or 45

consolidation of small systems; providing treatment information 46
in order to assist compliance with a national primary drinking 47
water standard; and other nonfinancial assistance authorized by 48
the requirements governing the funds established under this 49
chapter. 50

(H) "Disadvantaged community" means the service area or 51
portion of a service area of a public water system that meets 52
affordability and other criteria established by the director of 53
environmental protection in rules adopted under division (M) of 54
section 6109.22 of the Revised Code and may include the service 55
area or portion of a service area of a public water system 56
located in a distressed area as defined in section 122.19 of the 57
Revised Code. 58

(I) "Director of environmental protection" or "director" 59
includes an authorized representative of the director. 60

(J) "Federal Water Pollution Control Act" has the same 61
meaning as in section 6111.01 of the Revised Code. 62

(K) "Nontransient noncommunity water system" means a 63
public water system that regularly serves at least twenty-five 64
of the same persons over six months per year and is not a 65
community water system. 66

(L) "Lead service line" means any public or private 67
service line that contains lead that is connected to a public 68
water system, including any lead pigtail, lead gooseneck, or 69
other lead fitting. 70

Sec. 6109.09. The director of environmental protection 71
shall establish a lead service line replacement program. The 72
purpose and goal of the program is to replace all lead service 73
lines in Ohio within twenty years after the effective date of 74

this section. In implementing the program, the director shall do 75
all of the following: 76

(A) Adopt rules in accordance with section 6109.091 of the 77
Revised Code; 78

(B) Establish within the environmental protection agency 79
the office of lead service line replacement, which shall do the 80
following: 81

(1) Oversee the lead service line replacement plans 82
approved and adopted under section 6109.091 of the Revised Code; 83

(2) Provide customer service support to those 84
participating or attempting to participate in the lead service 85
line replacement program. 86

(C) Collaborate with local authorities to identify grant 87
programs that can provide resources to public water systems for 88
the purpose of funding lead service line replacement; 89

(D) Post information on the environmental protection 90
agency's web site about other sources of funding that are 91
available to assist public water systems with lead service line 92
identification and replacement; 93

(E) Take any other actions that the director determines 94
necessary for the administration and implementation of the lead 95
service line replacement program. 96

Sec. 6109.091. Within one year of the effective date of 97
this section, the director of environmental protection shall 98
adopt rules in accordance with Chapter 119. of the Revised Code 99
to establish standards and procedures for administering and 100
implementing the lead service line replacement program created 101
in section 6109.09 of the Revised Code. The director shall 102

ensure that the rules establish all of the following: 103

(A) A requirement that the owner or operator of a public 104
water system identify and oversee the removal of all lead 105
service lines connected to the system not later than twenty 106
years after the effective date of this section; 107

(B) Requirements and procedures for the submission of lead 108
service line replacement plans under section 6109.092 of the 109
Revised Code; 110

(C) Procedures for prioritizing lead service lines for 111
replacement; 112

(D) Procedures for identifying grant money that is 113
available to public water systems for lead service line 114
replacement and notifying public water systems of the 115
availability of such grants; 116

(E) Procedures that the owner or operator of a public 117
water system shall follow, when division (D) (2) of section 118
6109.094 of the Revised Code applies, to require a customer to 119
pay all or part of the costs of the replacement of the 120
customer's lead service line in one lump sum or through periodic 121
payments made via the customer's water bill. The director shall 122
ensure that rules adopted under division (E) of this section 123
take into account a customer's ability to pay. Such rules also 124
shall provide for payment exemptions for customers who are of 125
low or moderate income. 126

(F) Procedures for the owner or operator of a public water 127
system to financially contribute to replacing the lead service 128
line of a customer who is of low or moderate income when 129
division (E) (2) of section 6109.094 of the Revised Code applies; 130

(G) A requirement that any person who removes a lead 131

service line shall remove the entire line; 132

(H) Procedures by which the owner or operator of a public 133
water system shall provide a customer with educational resources 134
regarding the flushing of plumbing and use of water filters 135
before, during, and after a lead service line is replaced; 136

(I) Any other requirements and procedures necessary for 137
the implementation and administration of the lead service line 138
replacement program. 139

Sec. 6109.092. (A) Not later than one year after the 140
director of environmental protection adopts rules under section 141
6109.091 of the Revised Code, the owner or operator of a public 142
water system shall submit a lead service line replacement plan 143
to the office of lead service line replacement in accordance 144
with those rules. The owner or operator of the public water 145
system shall update the lead service line replacement plan 146
annually. 147

(B) A lead service line replacement plan shall include the 148
following: 149

(1) Information regarding whether there are lead service 150
lines connected to the public water system; 151

(2) A water distribution system material inventory of all 152
service lines. An inventory shall identify the following: 153

(a) The number, diameter, and location of lead service 154
lines, service lines that are likely to have lead, and service 155
lines that contain unknown material; 156

(b) The number, diameter, and location of lines described 157
in division (B) (2) (a) of this section that were added to the 158
inventory after the prior year's submission; and 159

(c) The number, diameter, and location of lines described 160
in division (B) (2) (a) of this section that were replaced prior 161
to the commencement of the inventory. 162

(3) A schedule that delineates each lead service line 163
replacement phase within the service area of the public water 164
system and the chronological order in which the phases will be 165
completed. 166

(4) Any other information required by rule adopted under 167
section 6109.091 of the Revised Code. 168

(C) An owner or operator of a public water system shall 169
include an initial inventory described in division (B) (2) of 170
this section with the initial plan submitted under this section. 171
The owner or operator shall complete the inventory not later 172
than five years after the effective date of this section. 173

(D) Nothing in sections 6109.09 to 6109.093 of the Revised 174
Code shall be construed to require the owner or operator of a 175
public water system to unearth a lead service line. 176

Sec. 6109.093. (A) The director shall review, and approve 177
or disapprove, all lead service line replacement plans submitted 178
under section 6109.092 of the Revised Code. If the director 179
determines that a plan submitted by the owner or operator of a 180
public water system does not meet the requirements of that 181
section and rules adopted under section 6109.091 of the Revised 182
Code, the director shall issue an order requiring the owner or 183
operator to submit a corrected plan. 184

(B) If the director determines that a corrected plan 185
submitted by the owner or operator of a public water system does 186
not meet the requirements of section 6109.092 of the Revised 187
Code and rules adopted under section 6109.091 of the Revised 188

Code, the director shall adopt a lead service line replacement 189
plan on behalf of the owner or operator. 190

(C) No owner or operator of a public water system shall 191
fail to submit a lead service line replacement plan or a 192
corrected plan under this section. No owner or operator of a 193
public water system shall fail to properly implement a lead 194
service line plan approved or adopted under this section. 195

(D) The owner or operator of a public water system is not 196
eligible for a grant issued by any state agency for the 197
replacement of lead service lines unless the owner or operator 198
is properly implementing a lead service line replacement plan 199
approved or adopted under this section. 200

Sec. 6109.094. (A) As used in this section, "external 201
funding" means funding, other than funding derived from an 202
increase in the rates paid by customers of a public water 203
system, that is available for use in replacing lead service 204
lines. 205

(B) After the director of environmental protection 206
approves or adopts a lead service line replacement plan under 207
section 6109.093 of the Revised Code, the office of lead service 208
line replacement, before an owner or operator of a public water 209
system begins each phase of the plan, shall determine whether 210
the owner or operator has sufficient external funding to 211
complete the phase. The office shall base its determination on 212
guidelines that the director shall establish. After the 213
determination, an owner or operator of the public water system 214
shall proceed in accordance with division (C) or (D) of this 215
section. 216

(C) If the office determines that the owner or operator 217

has sufficient external funding to complete the phase, the owner 218
or operator shall complete the phase by replacing the applicable 219
lead service lines in accordance with its lead service line 220
replacement plan and rules adopted under section 6109.091 of the 221
Revised Code. 222

(D) (1) If the office determines that the owner or operator 223
does not have sufficient external funding to complete the phase, 224
the owner or operator shall, in coordination with the office, 225
search and apply for any available federal, state, local, or 226
other sources of external funding. 227

(2) If the owner or operator is able to obtain external 228
funding that covers at least fifty per cent of the cost of the 229
phase, the owner or operator may raise the rates of the 230
customers directly affected by the phase in an amount sufficient 231
to cover the remaining costs of completing the phase. After the 232
rate increase, the owner or operator shall complete the phase by 233
replacing the applicable lead service lines in accordance with 234
its lead service line replacement plan and rules adopted under 235
section 6109.091 of the Revised Code. The owner or operator 236
shall eliminate the rate increase after the phase is complete 237
and all costs associated with the completion have been paid. 238

(3) If the owner or operator is unable to obtain external 239
funding that covers at least fifty per cent of the cost of the 240
phase, the owner or operator shall apply for a waiver from the 241
director from any penalty associated with being unable to 242
complete the phase in compliance with the applicable lead line 243
replacement plan. The director shall grant the owner or operator 244
the waiver for a period of up to five years. During the waiver 245
period, the owner or operator's failure to replace lead service 246
lines in accordance with the applicable lead service line 247

replacement plan does not constitute a violation of division (A) 248
of section 6109.31 of the Revised Code. 249

Sec. 6109.22. (A) There is hereby created the drinking 250
water assistance fund to provide financial and technical 251
assistance for the purposes of protecting public health and 252
achieving and maintaining compliance with the Safe Drinking 253
Water Act and this chapter. In addition to the accounts created 254
under divisions (G) and (H) of this section, the drinking water 255
assistance fund may include any other accounts established by 256
the director of environmental protection. The fund shall be 257
administered by the director consistent with the Safe Drinking 258
Water Act, this section, and rules adopted under division (M) of 259
this section. 260

(B) The drinking water assistance fund shall consist of 261
the moneys credited to it from all capitalization grants 262
received under the Safe Drinking Water Act except for moneys 263
reserved by the governor pursuant to Title III, section 302 of 264
that act, all moneys credited to the fund from nonfederal 265
sources, including, without limitation, the proceeds of state 266
bonds or notes issued for the benefit of the fund, all payments 267
of principal and interest on loans made from the fund, and all 268
investment earnings on moneys held in the fund. On or before the 269
date that a capitalization grant payment made under the 270
authority of the Safe Drinking Water Act is credited to the 271
fund, required matching moneys shall be credited to the fund. 272
Any moneys transferred to or reserved from the drinking water 273
assistance fund pursuant to Title III, section 302 of the Safe 274
Drinking Water Act shall be accounted for separately. 275

(C) In a manner consistent with the Safe Drinking Water 276
Act and the applicable drinking water assistance management plan 277

prepared in accordance with this section, the director may 278
reserve and award for assistance moneys allotted to the state 279
under section 1452 of the Safe Drinking Water Act, provided that 280
the director makes a determination that the use of the moneys 281
will accomplish the state's objectives and the objectives 282
established for capitalization grants under the Safe Drinking 283
Water Act. The director may use a portion of the reserved moneys 284
to enter into contracts with qualified organizations, including 285
private nonprofit organizations, to provide statewide on-site 286
technical assistance to small public water systems. 287

(D) Subject to the terms of the agreements provided for in 288
division (E) of this section, moneys in the drinking water 289
assistance fund shall be held in trust by the Ohio water 290
development authority for the purposes of this section, shall be 291
kept in the same manner that funds of the authority are kept 292
under section 6121.11 of the Revised Code, and may be invested 293
in the same manner that funds of the authority are invested 294
under section 6121.12 of the Revised Code. Moneys in the 295
drinking water assistance fund shall be separate and apart from 296
and not a part of the state treasury or of the other funds of 297
the authority. No withdrawals or disbursements shall be made 298
from the drinking water assistance fund without the written 299
authorization of the director. 300

(E) The director shall adopt written criteria to ensure 301
that fiscal controls are established for prudent administration 302
of the drinking water assistance fund. For that purpose, the 303
director and the authority shall enter into any necessary and 304
appropriate agreements under which the authority may perform or 305
provide any of the following: 306

(1) Fiscal controls and accounting procedures governing 307

fund balances, receipts, and disbursements; 308

(2) Administration of loan accounts; 309

(3) Maintenance, management, and investment of moneys in 310
the fund. 311

Any agreement entered into under division (E) of this 312
section shall provide for the payment of reasonable fees to the 313
authority for any services it performs under the agreement and 314
may provide for reasonable fees for the assistance of financial 315
or accounting advisors. Payment of any of the fees to the 316
authority may be made from the drinking water assistance 317
administrative account established under division (G) of this 318
section. 319

(F) The authority may make moneys available to the 320
director for the purpose of providing matching moneys required 321
to be credited to the drinking water assistance fund under 322
division (B) of this section, subject to any terms that the 323
director and the authority consider appropriate, and may pledge 324
moneys that are held by the authority to secure the payment of 325
bonds or notes issued by the authority to provide those matching 326
moneys. 327

The director and the authority may enter into trust 328
agreements to enable the authority to issue and refund bonds or 329
notes for the sole benefit of the drinking water assistance 330
fund, including, without limitation, the raising of matching 331
moneys required to be credited to the fund in accordance with 332
division (B) of this section. The agreements may authorize the 333
pledge of moneys accruing to the fund from payments of principal 334
or interest or both on loans made from the fund to secure bonds 335
or notes, the proceeds of which bonds or notes shall be for the 336

sole benefit of the drinking water assistance fund. The 337
agreements may contain any terms that the director and the 338
authority consider reasonable and proper for the payment and 339
security of the bondholders or noteholders. 340

(G) There is hereby established within the drinking water 341
assistance fund the drinking water assistance administrative 342
account. No state matching moneys deposited into the fund under 343
this section shall be used for the purpose of paying for or 344
defraying the costs of administering this section. The director 345
may establish and collect fees from applicants for assistance 346
provided under this section. The total fees charged to an 347
applicant under this division for assistance under this section 348
shall not exceed the following: 349

(1) For the environmental protection agency, one per cent 350
of the principal amount of the assistance awarded to the 351
applicant; 352

(2) For the authority, thirty-five one-hundredths of one 353
per cent of the principal amount of the assistance awarded to 354
the applicant. 355

All moneys from the fees shall be credited to the drinking 356
water assistance administrative account in the fund. The moneys 357
shall be used solely to defray the costs of administering this 358
section. 359

(H) There is hereby established within the drinking water 360
assistance fund the water supply revolving loan account. The 361
director may provide financial assistance from the water supply 362
revolving loan account ~~for improvements to community both of the~~ 363
following: 364

(1) Community water systems and ~~to~~ nonprofit noncommunity 365

public water systems for improvements; 366

(2) Public water systems for the purposes of replacing 367
lead service lines and funding lead service line replacement 368
plans under section 6109.092 of the Revised Code. 369

(I) All moneys from the fund credited to the water supply 370
revolving loan account, all interest earned on moneys credited 371
to the account, and all payments of principal and interest on 372
loans made from the account shall be dedicated in perpetuity and 373
used and reused solely for the following purposes, except as 374
otherwise provided in this section: 375

(1) To make loans to community water systems and nonprofit 376
noncommunity public water systems, and to make loans to public 377
water systems for the purposes of replacing lead service lines 378
and funding lead service line replacement plans under section 379
6109.092 of the Revised Code, subject to all of the following 380
conditions: 381

(a) The loans are made at or below market rates of 382
interest, including, without limitation, interest-free loans; 383

(b) Each recipient of a loan shall establish a dedicated 384
source of security or revenue for repayment of the loan; 385

(c) Periodic payments of principal and interest shall be 386
required on the dates and in the amounts approved by the 387
director; 388

(d) All payments of principal and interest on the loans 389
shall be credited to the water supply revolving loan account. 390

(2) To purchase or refinance at or below market rates 391
interest debt obligations incurred after July 1, 1993, by 392
municipal corporations, other political subdivisions, and 393

interstate agencies having territory in the state. If any debt 394
obligations are purchased or refinanced under division (I) (2) of 395
this section to provide financial assistance for any of the 396
purposes allowed under division (I) of this section, the 397
repayment period may extend up to forty-five years. However, the 398
repayment period shall not exceed the expected useful life of 399
any facilities that are financed by the obligations. 400

(3) To guarantee or purchase insurance for debt 401
obligations when the guarantee or insurance would improve the 402
borrower's access to credit markets or would reduce the interest 403
paid on those obligations; 404

(4) As a source of revenue or security for the payment of 405
principal and interest on general obligation or revenue bonds or 406
notes issued by this state if the proceeds of the sale of the 407
bonds or notes are or will be deposited into the account; 408

(5) To provide subsidies in addition to any other 409
financial assistance afforded disadvantaged communities under 410
this section; 411

(6) To earn interest on moneys credited to the account; 412

(7) To provide any other assistance authorized by the Safe 413
Drinking Water Act or any other federal law related to the use 414
of federal funds administered under the Safe Drinking Water Act. 415

(J) The director may provide financial assistance from the 416
water supply revolving loan account after determining all of the 417
following: 418

(1) The applicant for financial assistance has the legal, 419
institutional, managerial, and financial capability to 420
construct, operate, and maintain its public water system and the 421
proposed improvements to it; 422

(2) The applicant will implement a financial management 423
plan that includes, without limitation, provisions for 424
satisfactory repayment of the financial assistance; 425

(3) The public water system of which the project for which 426
assistance is proposed is a part is economically and 427
nonmonetarily cost-effective, based on an evaluation of feasible 428
alternatives that meet the drinking water treatment needs of the 429
planning area in which the proposed project is located; 430

(4) Based on a comprehensive environmental review approved 431
by the director, there are no significant adverse environmental 432
effects resulting from all necessary improvements to the public 433
water system of which the project proposed for assistance is a 434
part; 435

(5) Public participation has occurred during the process 436
of planning the project in compliance with applicable 437
requirements under the Safe Drinking Water Act; 438

(6) The application meets the requirements of this section 439
and rules adopted under division (M) of this section and is 440
consistent with section 1452 of the Safe Drinking Water Act and 441
regulations adopted under it; 442

(7) If the applicant for assistance is a water district 443
formed under Chapter 6119. of the Revised Code that operates a 444
public water system and that water district seeks to extend the 445
distribution facilities, increase the number of service 446
connections to its system, or provide for any other expansion of 447
its system, the water district has consulted with the board of 448
county commissioners from each county in which is located the 449
proposed extension of distribution facilities, increase in the 450
number of service connections, or other expansion of the public 451

water system; 452

(8) The application meets any other requirements that the 453
director considers necessary or appropriate to protect public 454
health and the environment and to ensure the financial integrity 455
of the water supply revolving loan account. 456

Upon approval by the director of an application for 457
financial assistance, the Ohio water development authority shall 458
disburse the appropriate financial assistance from the water 459
supply revolving loan account. If the proposed financial 460
assistance is a loan, and if the payments of the principal or 461
interest on the loan are or are expected to be pledged to secure 462
payment of bonds issued or expected to be issued by the 463
authority, the director shall submit the application for the 464
loan to the authority for review and approval with respect to 465
any matters pertaining to security for and the marketability of 466
authority bonds. Review and approval by the authority shall be 467
required prior to the making of such a loan. 468

(K) In accordance with rules adopted under division (M) of 469
this section, the director periodically shall prepare a drinking 470
water assistance management plan establishing the short-term and 471
long-term goals for the assistance provided under this section, 472
the allocation of available resources for the purposes of this 473
section, the environmental, financial, and administrative terms, 474
conditions, and criteria for the award of financial and 475
technical assistance under this section, and the intended uses 476
of capitalization grants and available moneys from the drinking 477
water assistance fund. Criteria for awarding financial or 478
technical assistance under this section shall not favor or 479
disfavor any otherwise qualified nonprofit noncommunity public 480
water system because it is owned by, operated by, or services a 481

religious organization or a facility used for religious 482
purposes. Prior to its adoption, the director shall make the 483
drinking water assistance management plan available for public 484
review and comment at a minimum of two public meetings and shall 485
take adequate steps to ensure that reasonable public notice of 486
each public meeting is given at least thirty days prior to the 487
meeting. 488

The plan shall include, without limitation, a system that 489
prioritizes projects funded by the water supply revolving loan 490
account based on the relative risk to human health being 491
addressed, their necessity for ensuring compliance with 492
requirements of the Safe Drinking Water Act, and their 493
affordability to the applicants, as determined by the director. 494
Financial assistance for projects from the water supply 495
revolving loan account shall be limited to projects that are 496
included in that prioritization and shall be awarded based upon 497
their priority position and the applicants' readiness to proceed 498
with their proposed activities as determined by the director. 499
The drinking water assistance management plan shall include 500
terms, conditions, amounts of moneys, and qualifying criteria, 501
in addition to any other criteria established under this 502
section, governing the financial assistance to be awarded to 503
applicants from the water supply revolving loan account. The 504
director shall determine the most effective use of the moneys in 505
that account to achieve the state's drinking water assistance 506
goals and objectives. 507

(L) The director, consistent with this section and 508
applicable rules adopted under division (M) of this section, may 509
enter into an agreement with an applicant for assistance from 510
the drinking water assistance fund. Based on the director's 511
review and approval of the project plans submitted under section 512

6109.07 of the Revised Code, any determinations made under 513
division (J) of this section if an applicant seeks funding from 514
the water supply revolving loan account, and any other 515
requirements of this section and rules adopted under it, the 516
director may establish in the agreement environmental and 517
financial terms and conditions of the financial assistance to be 518
offered to the applicant. If the recipient of financial 519
assistance under this section defaults on any payment required 520
in the agreement for financial assistance or otherwise violates 521
a term or condition of the agreement or of the plan approval for 522
the project under section 6109.07 of the Revised Code, the 523
director, in addition to any other available remedies, may 524
terminate, suspend, or require immediate repayment of the 525
financial assistance. The director also may take any enforcement 526
action available under this chapter. 527

(M) The director may adopt rules in accordance with 528
Chapter 119. of the Revised Code for the implementation and 529
administration of this section. The rules shall be consistent 530
with section 1452 of the Safe Drinking Water Act. 531

(N) (1) For the purposes of this section, appealable 532
actions of the director pursuant to section 3745.04 of the 533
Revised Code are limited to the following: 534

(a) Adoption of the drinking water assistance management 535
plan prepared under division (K) of this section; 536

(b) Approval of priority systems, priority lists, and 537
written program administration policies; 538

(c) Approval or disapproval under this section of 539
applicants' project plans submitted under section 6109.07 of the 540
Revised Code; 541

(d) Approval or disapproval of an application for 542
assistance. 543

(2) Notwithstanding section 119.06 of the Revised Code, 544
the director may take the final actions described in divisions 545
(N) (1) (a) to (d) of this section without holding an adjudication 546
hearing in connection with the action and without first issuing 547
a proposed action under section 3745.07 of the Revised Code. 548

(3) Each action described in divisions (N) (1) (a) to (d) of 549
this section and each approval of a plan under section 6109.07 550
of the Revised Code is a separate and discrete action of the 551
director. Appeals are limited to the issues concerning the 552
specific action appealed. Any appeal shall not include issues 553
determined under the scope of any prior action. 554

(O) The failure or inability of a public water system to 555
obtain assistance under this section does not alter the 556
obligation of the public water system to comply with all 557
applicable requirements of this chapter and rules adopted under 558
it. 559

Section 2. That existing sections 6109.01 and 6109.22 of 560
the Revised Code are hereby repealed. 561

Section 3. (A) There is hereby created the Governor's Task 562
Force on Lead, which shall consist of seven members appointed by 563
the Governor who have expertise regarding safe drinking water. 564
The Governor shall make appointments to the Task Force not later 565
than thirty days after the effective date of this section. The 566
Governor shall ensure that the membership of the Task Force is 567
representative of public water systems, the Ohio Environmental 568
Protection Agency, academia in the field of drinking water 569
management, and public water systems users. The Task Force shall 570

develop recommendations governing the following: 571

(1) Protocols for prioritizing funding for lead service 572
line replacement. The Task Force shall ensure that such 573
prioritization protocols favor disadvantaged communities. 574

(2) Incentives that may be adopted to encourage owners and 575
operators of public water systems to provide matching funds for 576
any funding for lead service line replacement provided from 577
federal and state sources. The Task Force shall ensure that the 578
incentives take into account public water systems with a small 579
rate base and systems with a large rate base of low-income rate 580
payers; 581

(3) Alternative enforcement and incentive systems to 582
encourage public water systems to replace lead service lines. 583

(B) The Task Force shall submit its recommendations to the 584
Director of Environmental Protection not later than six months 585
after the effective date of this section. The Director shall 586
incorporate the recommendations, to the extent possible, in the 587
rules adopted under section 6109.091 of the Revised Code. 588

(C) Upon submission of the recommendations under division 589
(B) of this section, the Task Force shall cease to exist. 590