

By: Kelly A. Madol Date: _____

3/31/2020

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of :
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Public Water Systems : Director's Final Findings
Under ORC Chapter 6109 : and Orders
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I. JURISDICTION

This Order is issued by the Director of Ohio EPA pursuant to the authority under Ohio Revised Code ("ORC") Chapter 6109 and Amended Substitute House Bill 197 (eff. March 27, 2020, hereinafter referred to as "HB 197").

II. PARTIES BOUND

These Orders shall apply to and be binding upon entities that meet the definition of a Public Water System, as that term is defined in Ohio Revised Code Chapter 6109 and the administrative rules promulgated thereunder.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6109 and the rules promulgated thereunder.

1. "COVID 19" means a respiratory disease caused by the SARS-CO-V-2 virus.
2. "State of Emergency" means any State of Ohio Governor declared State of Emergency due to COVID-19.

IV. FINDINGS

The Director of the Ohio EPA has determined the following findings:

1. On March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a state of emergency for the entire State of Ohio to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19 and to

coordinate the State response to COVID-19 and to assist in protecting lives, safety, and health of the citizens of Ohio.

2. Under Section (8) of H.B. 197, effective March 27, 2020, for purposes of ensuring the supply of safe drinking water to the citizens of this state and pursuant to section 6109.04 of the Revised Code, during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date, the Director of Environmental Protection may issue an order that does any of the following:
 - a. Requires a public water system to restore service to any customer whose service was disconnected as a result of nonpayment of fees and charges;
 - b. Requires a public water system to waive all fees for connection or reconnection to the public water system;
 - c. Prohibits a public water system from disconnecting customers because of nonpayment of fees and charges.
3. Ohio EPA has developed guidance to assist Public Water Systems in compliance with Order No. 2 below, titled *“Implementation Guidance for Ohio Public Water Systems to Comply with Reconnection Requirements Under Ohio H.B. 197”*.
4. Under the current State of Emergency declared by the Governor on March 9, 2020, I have determined that the following Orders are necessary to ensure the protection of public health for the citizens through the supply of safe drinking water by public water systems in the state of Ohio.

V. ORDERS

1. During the State of Emergency regarding COVID-19, a Public Water System shall not disconnect customers due to nonpayment of fees and charges.
2. Upon request by a customer whose service was disconnected on or after January 1, 2020 as a result of nonpayment of fees and charges, a Public Water System shall as expeditiously as possible, restore drinking water service to the customer. The Public Water System shall waive all fees for the reconnection of service and provide customers with guidance on procedures to ensure piping and fixtures are appropriately flushed before water is used for potable purposes. For purposes of this paragraph, the phrase “fees for the reconnection of service” refers to actual reconnection costs but is not intended to prevent a Public Water System from sending a monthly bill to the customer based on actual water usage after reconnection.

3. An order issued under H.B. 197 Section 8(A) is deemed an order issued under Chapter 6109. of the Revised Code. As such, the order may be enforced in the same manner as any other order issued under that chapter.

VI. TERMINATION

This Order is valid during the period of the emergency declared by Executive Order 2020-01D issued on March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date.

VII. RESERVATION OF RIGHTS

Ohio EPA reserves the right to issue more specific Orders to ensure safe drinking water for the citizens of the State of Ohio.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to a Public Water System.

IX. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Laurie A. Stevenson
Director

3/31/20
Date