

164-1-19

**Emergency projects.**

- (A) The director will review a request for funding of an emergency project and may approve financial assistance on an emergency basis, ~~not to exceed the funding limits set forth in division (B)(2) of section 164.08 of the Revised Code,~~depending on the availability of funds and the need, for any project adequately designed to rectify infrastructure conditions that pose an immediate threat to the health, safety, and welfare of the residents within the jurisdiction of the project applicant. With respect to such a project, the director may suspend any provision of Chapter 164-1 of the Administrative Code as necessary to deal with the emergency.
- (B) In determining ~~whether or not~~if emergency assistance is necessary, the director shall consider the following factors:
- (1) The extent to which, ~~if any,~~ other existing infrastructure can ~~be used by~~meet the needs of the applicant's residents ~~in lieu of the~~being served by the failing infrastructure ~~posing the threat;~~
  - (2) The ~~capacity~~ability of the applicant to meet the emergency through the use of its own financial resources or through financial assistance programs operated by other federal, state, or local agencies;
  - (3) The degree to which the applicant is responsible for having created the emergency itself through neglect, inadequate maintenance, or failure to plan adequately for the ~~evolution of hazardous infrastructure conditions that could reasonably have been predicted~~replacement of infrastructure.

Effective:

Five Year Review (FYR) Dates: 10/26/2023

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 164.05, Chap. 119  
Rule Amplifies: 164.08  
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09/10/2018