



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Amanda Payton, Ohio Environmental Protection Agency

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** September 26, 2019

**RE:** CSI Review – Public Water System Licenses (3745-84-01, 3745-84-02, 3745-84-03, 3745-84-04, 3745-84-05 and 3745-84-06)

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On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

#### Analysis

This Ohio Environmental Protection Agency (EPA) rule package consists of six no change rules, submitted as part of the statutory five-year rule review requirement. The draft rules were submitted to the CSI Office on July 16, 2019, and the public comment period was open through August 16, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on July 16, 2019.

The proposed rules govern public water system licenses to operate (LTO) for the purpose of providing the public with safe drinking water. Public water system operators must apply for and pay an annual fee for an LTO. An LTO provides the EPA with authority to enter the premises, access records at any time, and perform inspections.

The draft rules include definitions, application requirements, expirations, renewal and display of LTO, references to the ORC for fees, and LTO conditions, denial, and revocation. Display of the LTO indicates that the public water system is approved by the EPA to supply drinking water for

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public consumption.

During the rules' review and development, the EPA reached out to the Division of Ground Water's notification lists, both electronically and through mail. No comments were received. In addition, there were no comments submitted during the CSI public comment period.

The proposed rules impact public water system operators. Churches and schools are exempt. Impacts include the time to apply for and initial and annual fees for licensure. Fees are prescribed in ORC 3745.11 and depend upon various factors based on the populations the water systems are serving. Failure to submit an application on time or to pay the appropriate fee will incur a penalty of ten percent of the required fee. Violation of the rules may lead to suspension, revocation, or denial of a license.

The EPA's stated purpose for the proposed rules is to ensure that the public is supplied a safe and reliable source of drinking water. Further, while LTOs are not specifically required by federal law, they are tied to compliance with the Safe Drinking Water Act and required by ORC 6109.21.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the EPA should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.