

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 235

Representative Oelslager

**Cosponsors: Representatives Dyer, McGregor, J., Foley, Chandler,
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Wolpert, Okey, Peterson, Strahorn, Hagan, R., Brinkman, Harwood**

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A B I L L

To enact section 6111.051 of the Revised Code to 1
establish notification requirements for the 2
discharge of untreated or partially treated sewage 3
onto land or into the waters of the state. 4

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

Section 1. That section 6111.051 of the Revised Code be 5
enacted to read as follows: 6

Sec. 6111.051. (A) As used in this section: 7

(1) "Partially treated sewage" means any treated or untreated 8
sewage from a combined sewage system or a sewerage system that 9
satisfies at least one of the following: 10

(a) The sewage has not undergone primary and secondary 11
treatment. 12

(b) The sewage is discharged from a combined sewage system or 13
a sewerage system. 14

(c) The sewage is located on the surface of the land. 15

(2) "Combined sewage system" means a system that conveys 16

sewage in dry weather to a treatment works and that conveys sewage 17
and storm water during wet weather to a treatment works or a 18
combined sewage overflow relief point that is specifically 19
authorized by a national pollutant discharge elimination system 20
permit issued under section 6111.03 of the Revised Code. 21

(3) "Storm water" means storm water runoff, snow-melt runoff, 22
and surface runoff and drainage. 23

(4) "System" means a combined sewage system or a sewerage 24
system. 25

(B)(1) Not later than twenty-four hours after the direct or 26
indirect discharge of partially treated sewage onto land or into 27
the waters of the state begins, the person that is responsible for 28
the system from which the discharge occurred or is occurring shall 29
notify the director of environmental protection, each applicable 30
board of health as defined in section 3734.01 of the Revised Code, 31
at least one radio station and one television station that 32
broadcasts in each county where the discharge occurred or is 33
occurring, a newspaper of general circulation in each county where 34
the discharge occurred or is occurring, and any other person that 35
has requested notification in accordance with rules adopted under 36
division (E)(2) of this section. The notification shall include 37
all of the following: 38

(a) A statement by telephone, by electronic means, or in 39
another manner approved by the director that a discharge occurred 40
or is occurring; 41

(b) The number for the person's public interest telephone 42
line that is required in rules adopted under division (E)(4) of 43
this section; 44

(c) A statement explaining the general health effects from 45
exposure to partially treated sewage and general actions that a 46
person may take to avoid such exposure; 47

(d) The location of the outfall and the location of the land, water, or both that received the discharge. 48
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The requirements of division (B)(1) of this section do not preclude a person that is responsible for a system from providing the notification that is required under that division if the person anticipates that a direct or indirect discharge of partially treated sewage onto land or into waters of the state may occur. 50
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(2) Not later than twenty-four hours after the direct or indirect discharge of partially treated sewage onto land or into the waters of the state begins, the person that is responsible for the system from which the discharge occurred or is occurring shall post on the person's public interest telephone number the information that is required in rules adopted under division (E)(4) of this section. 56
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(3) Not later than the fifth day of each month, the person that is responsible for the system from which the discharge occurred shall submit to the director, each applicable board of health, and each radio station, television station, and newspaper to which the notification was submitted under division (B)(1) of this section a statement in writing or in another manner required by the director that contains all of the following: 63
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(a) The estimated volume and quality of each discharge that occurred in the previous month; 70
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(b) The reason for the discharge; 72

(c) The location of the outfall and the location of the land, water, or both that received the discharge; 73
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(d) The times that the discharge began and ended as determined using procedures approved by the director; 75
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(e) A verification of compliance with the requirements of the 77

<u>person's national pollutant discharge elimination system permit</u>	78
<u>and applicable state and federal statutes and regulations;</u>	79
<u>(f) An explanation of the general health effects from</u>	80
<u>exposure to partially treated sewage and general actions that a</u>	81
<u>person may take to avoid such exposure.</u>	82
<u>(C) Upon receipt of a notification and a statement under</u>	83
<u>divisions (B)(1) and (2) of this section, the director shall post</u>	84
<u>the notification and the statement on the environmental protection</u>	85
<u>agency's web site and notify the agency's public interest center</u>	86
<u>of the receipt and posting of the notification and the statement.</u>	87
<u>(D) The director shall do all of the following:</u>	88
<u>(1) Post on the environmental protection agency's web site a</u>	89
<u>map that shows the location of every discharge of partially</u>	90
<u>treated sewage from each system in the state. In addition, the</u>	91
<u>director shall post on the web site a history of discharges of</u>	92
<u>partially treated sewage from each system in the state. The web</u>	93
<u>site also shall contain all of the following information:</u>	94
<u>(a) The web site address of the person that is responsible</u>	95
<u>for each system in the state, if applicable;</u>	96
<u>(b) The telephone number of the person that is responsible</u>	97
<u>for each system in the state;</u>	98
<u>(c) The name of an individual who is authorized by the person</u>	99
<u>that is responsible for each system in the state to respond to</u>	100
<u>inquiries;</u>	101
<u>(d) The long-term control plans for each system in the state</u>	102
<u>that are required by this chapter and rules adopted under it;</u>	103
<u>(e) A copy of the national pollutant discharge elimination</u>	104
<u>system permit of the person that is responsible for each system in</u>	105
<u>the state and the current status of the permit;</u>	106
<u>(f) Contact information for each applicable board of health</u>	107

within whose jurisdiction a system is located. 108

(2) Disseminate to the person that is responsible for each 109
system in the state the applicable registration information of a 110
person who has registered to receive notification in accordance 111
with rules adopted under division (E)(2) of this section; 112

(3) Ensure that the environmental protection agency's public 113
interest center provides to a person that contacts the center the 114
applicable telephone number of the person that is responsible for 115
a system and assistance in locating sewage discharge information 116
on the agency's web site, including recent discharges and the 117
general health effects from exposure to partially treated sewage 118
and general actions that a person may take to avoid such exposure. 119
In addition, the public interest center telephone line shall allow 120
a person calling the number to leave a message before and after 121
normal business hours. 122

(4) Issue an annual report that compiles all of the annual 123
reports that are submitted in accordance with rules adopted under 124
division (E)(3) of this section. 125

(E) The director shall adopt rules in accordance with Chapter 126
119. of the Revised Code that do all of the following: 127

(1) Establish procedures to disseminate the environmental 128
protection agency's public interest center's telephone number in a 129
manner that effectively informs the public; 130

(2) Establish electronic notification registration for the 131
purposes of divisions (B)(1) and (D)(2) of this section. The rules 132
shall allow a person to register on the environmental protection 133
agency's web site, or to register using another method that is 134
acceptable to the director, to receive the notification that is 135
required under division (B)(1) of this section. 136

(3) Require a person that is responsible for a system to 137
prepare an annual report that includes the number and volume of 138

each direct and indirect discharge of partially treated sewage 139
from the system onto land or into the waters of the state. The 140
rules shall prescribe the form of the annual report and the method 141
by which a report may be submitted, which may include electronic 142
transmission of the required information. 143

(4) Require a person that is responsible for a system to 144
establish a public interest telephone line. The telephone line 145
shall be approved by the director and shall provide all of the 146
following: 147

(a) The information required in divisions (B)(1)(a), (c), and 148
(d) of this section; 149

(b) The web site address of the person that is responsible 150
for the system or of the environmental protection agency; 151

(c) An opportunity for a person calling the public interest 152
telephone line to speak to the person that is responsible for the 153
system or an authorized representative of that person during 154
normal business hours; 155

(d) An opportunity for a person calling the public interest 156
telephone line to leave a message requesting additional 157
information; 158

(e) An opportunity for a person calling the public interest 159
telephone line to leave a message asking to receive notification 160
of future discharges from the system. 161

(5) Establish any other criteria, guidelines, and procedures 162
that the director determines are necessary to administer this 163
section. 164

(F)(1) If the person that is responsible for a system from 165
which a discharge occurred or is occurring is a county, municipal 166
corporation, or other political subdivision and the person 167
maintains a web site, the person shall post on the person's web 168

site the information required under division (B)(3) of this 169
section and the telephone number of the environmental protection 170
agency's public interest center. In addition, the person shall 171
post a map that shows the location of every outfall of the system 172
for which the person is responsible and a history of the 173
discharges from the system. The person shall maintain the 174
information on the web site so that it continues to be accessible 175
to the public. 176

(2) If the person that is responsible for a system from which 177
a discharge occurred or is occurring is a county, municipal 178
corporation, or other political subdivision, the person shall post 179
a prominent sign within the territorial boundaries of the county 180
or municipal corporation, or other political subdivision, as 181
applicable, at each public access point to affected water, 182
including, but not limited to, beaches and recreational swimming 183
areas, boat ramps, bridges, parks, and school yards, and on land 184
that is adjacent to affected water at locations that the person 185
determines are most likely to provide notice to persons who may 186
come into direct contact with the affected water. However, if an 187
access point to, or land that is adjacent to, affected water is 188
located on private property or on property that is outside the 189
territorial boundaries of the county, municipal corporation, or 190
other political subdivision, as applicable, the person shall offer 191
to provide the sign required under this division to the owner of 192
the private property or to the political subdivision within whose 193
territorial boundaries the access point or land is located. 194

(3) A sign that is required under division (F)(2) of this 195
section shall contain the following language or language that is 196
equivalent in meaning: "Caution - Sewage Pollution. Sewage or 197
wastewater may be in this water during and for several days after 198
periods of rainfall or snow melt. People who swim in, wade in, or 199
ingest this water may become sick. For more information, please 200

contact [name, telephone number, and, if available, web site 201
address of the person responsible for the system] or call the Ohio 202
Environmental Protection Agency's Public Interest Center 203
[telephone number of the environmental protection agency's public 204
interest center]." 205

(G)(1) Except as provided in division (G)(2) of this section, 206
if a discharge of partially treated sewage into the waters of this 207
state occurs, the person that is responsible for the system from 208
which the discharge occurred shall test the impacted waters for 209
the presence of partially treated sewage using e. coli or another 210
more accurate indicator of partially treated sewage that is 211
approved by the director and report the findings to each 212
applicable board of health and the director. Each applicable board 213
of health shall specify the location or locations of the testing. 214
However, the number of test locations for a discharge shall not 215
exceed ten. 216

(2) If a discharge of partially treated sewage into the 217
waters of the state occurs and the applicable board of health 218
determines that the tests required under division (G)(1) of this 219
section are not necessary to assess the risk of the discharge to 220
public health, the board shall notify the person that is 221
responsible for the system from which the discharge occurred of 222
the board's determination, and the person need not perform the 223
tests required under that division. 224

(3) If a discharge of partially treated sewage onto land or 225
into the waters of the state occurs, the person that is 226
responsible for the system from which the discharge occurred shall 227
include educational information with each bill that the person 228
submits to the person's customers from May 1 to October 15 of the 229
year in which the discharge occurred. The educational information 230
shall include all of the following: 231

(a) An explanation of the general health effects from 232

<u>exposure to partially treated sewage and general actions that a</u>	233
<u>person may take to avoid such exposure;</u>	234
<u>(b) The location of every discharge and the date on which</u>	235
<u>each discharge occurred;</u>	236
<u>(c) The number of the person's public interest telephone line</u>	237
<u>that is required in rules adopted under division (D)(4) of this</u>	238
<u>section and of the environmental protection agency's public</u>	239
<u>interest center.</u>	240
<u>(H) A person that is responsible for the discharge of</u>	241
<u>partially treated sewage or the director may purchase</u>	242
<u>advertisements or public service announcements to disseminate</u>	243
<u>sewage discharge information.</u>	244
<u>(I) A person that is responsible for a system that may</u>	245
<u>discharge partially treated sewage into the waters of the state</u>	246
<u>annually shall inform each municipal corporation within whose</u>	247
<u>geographical boundaries are located waters that may be affected by</u>	248
<u>a discharge of the option to receive a notification and a</u>	249
<u>statement in the manner provided under division (B) of this</u>	250
<u>section. If such a municipal corporation provides a written</u>	251
<u>request to receive notification, the person that is responsible</u>	252
<u>for a system shall provide a notification and a statement to the</u>	253
<u>municipal corporation that contains the information required under</u>	254
<u>division (B) of this section.</u>	255
<u>(J) Divisions (C), (D), (E), (F), (G), and (I) of this</u>	256
<u>section do not apply to discharges of partially treated sewage</u>	257
<u>into ground water.</u>	258
<u>(K) This section does not authorize the discharge of</u>	259
<u>partially treated sewage onto land or into the waters of the state</u>	260
<u>or limit any person from bringing legal action under this chapter</u>	261
<u>and rules adopted under it.</u>	262