



Ohio Revised Code

Section 1521.22 Permit for diverting more than 100,000 gallons of water a day from Ohio River watershed.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

(A)(1) No person shall divert more than one hundred thousand gallons per day of any waters of the state out of the Ohio river watershed to another basin without having a permit to do so issued by the chief of the division of water resources.

(2) An application for such a permit shall be filed with the chief upon such forms as the chief prescribes. The application shall state the quantity of water to be diverted, the purpose of the diversion, the life of the project for which the water is to be diverted, and such other information as the chief may require by rule. Each application shall be accompanied by a nonrefundable fee of one thousand dollars, which shall be credited to the water management fund, which is hereby created.

(B) The chief shall not approve a permit application filed under this section if the chief determines that any of the following applies:

(1) During the life of the project for which the water is to be diverted, some or all of the water to be diverted will be needed for use within the Ohio river watershed.

(2) The proposed diversion would endanger the public health, safety, or welfare.

(3) The applicant has not demonstrated that the proposed diversion is a reasonable and beneficial use and is necessary to serve the applicant's present and future needs.

(4) The applicant has not demonstrated that reasonable efforts have been made to develop and conserve water resources in the importing basin and that further development of those resources would engender overriding, adverse economic, social, or environmental impacts.

(5) The proposed diversion is inconsistent with regional or state water resources plans.



(6) The proposed diversion, alone or in combination with other diversions and water losses, will have a significant adverse impact on in-stream uses or on economic or ecological aspects of water levels.

The chief may hold public hearings upon any application for a permit.

(C) The chief shall determine the period for which each permit approved under this section will be valid and specify the expiration date, but in no case shall a permit be valid beyond the life of the project as stated in the application.

The chief shall establish rules providing for the transfer of permits. A permit may be transferred on the conditions that the quantity of water diverted not be increased and that the purpose of the diversion not be changed.

(D)(1) Within a time established by rule, the chief shall do one of the following:

(a) Notify the applicant that an application the applicant filed under this section is approved or denied and, if denied, the reason for denial;

(b) Notify the applicant of any modification necessary to qualify the application for approval.

(2) Any person who receives notice of a denial or modification under division (D)(1) of this section is entitled to a hearing under Chapter 119. of the Revised Code if the person sends a written request for a hearing to the chief within thirty days after the date on which the notice is mailed or otherwise provided to the applicant.

(3) The chief shall issue a permit to an applicant whose application is approved under this section.

(E) The chief shall revoke a permit under this section without a prior hearing if the chief determines that the quantity of water being diverted exceeds the quantity stated in the permit application.

The chief may suspend a permit if the chief determines that the continued diversion of water will endanger the public health, safety, or welfare. Before suspending a permit, the chief shall make a reasonable attempt to notify the permittee that the chief intends to suspend the permit. If the attempt



fails, notification shall be given as soon as practicable following the suspension. Within five days after the suspension, the chief shall provide the permittee an opportunity to be heard and to present evidence that the continued diversion of water will not endanger the public health, safety, or welfare.

If the chief determines before the expiration date of a suspended permit that the diversion of water can be resumed without danger to the public health, safety, or welfare, the chief shall, upon request of the permittee, reinstate the permit.

(F) Any six or more residents of this state may petition the chief for an investigation of a withdrawal of water resources that they allege is in violation of a permit issued under this section.

The petition shall identify the permittee and detail the reasons why the petitioners believe that grounds exist for the revocation or suspension of the permit under this section.

Upon receipt of the petition, the chief shall send a copy to the permittee and, within sixty days, make a determination whether grounds exist for revocation or suspension of the permit under this section.

(G) Each permittee shall submit to the chief an annual report containing such information as the chief may require by rule.