



Ohio Revised Code

Section 1521.29 Determinations for application approval.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

(A) The chief of the division of water resources shall not approve an application submitted under section 1521.23 of the Revised Code if the chief determines that any of the following criteria apply:

(1) Public water rights in navigable waters will be adversely affected;

(2) The facility's current consumptive use, if any, does not incorporate maximum feasible conservation practices as determined by the chief, considering available technology and the nature and economics of the various alternatives;

(3) The proposed plans for the withdrawal, transportation, development, and consumptive use of water resources do not incorporate maximum feasible conservation practices as determined by the chief, considering available technology and the nature and economics of the various alternatives;

(4) The proposed withdrawal and consumptive uses do not reasonably promote the protection of the public health, safety, and welfare;

(5) The proposed withdrawal will have a significant detrimental effect on the quantity or quality of water resources and related land resources in this state, including a significant lowering of the water level within or the overdrafting of an aquifer;

(6) The proposed withdrawal is inconsistent with regional or state water resources plans;

(7) Insufficient water is available for the withdrawal and other existing legal uses of water resources are not adequately protected;

(8) A significant diminution will occur in the amount of water available to existing wells or an interruption of existing ground water usage will occur within the geographic area established by the chief pursuant to section 1521.28 of the Revised Code without a suitable replacement water supply



source;

(9) A withdrawal or consumptive use will cause irreparable material damage to an aquifer such that the aquifer may no longer yield the amount of water it did before the withdrawal or consumptive use proposed in the application.

(B) The chief may hold public hearings upon any application for a permit submitted under section 1521.23 of the Revised Code. 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.

(C)(1) Within ninety days of receiving a complete application, the chief shall do one of the following:

(a) Notify the applicant that the applicant's application submitted under section 1521.23 of the Revised Code 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 this division 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.

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