



Ohio Revised Code Section 1521.01 Definitions.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

As used in this chapter:

- (A) "Consumptive use" means a use of water resources, other than a diversion, that results in a loss of that water to the basin from which it is withdrawn and includes, but is not limited to, evaporation, evapotranspiration, and incorporation of water into a product or agricultural crop.
- (B) "Diversion" means a withdrawal of water resources from either the Lake Erie or Ohio river drainage basin and transfer to another basin without return. "Diversion" does not include evaporative loss within the basin of withdrawal.
- (C) "Other great lakes states and provinces" means states other than this state that are parties to the great lakes basin compact under Chapter 6161. of the Revised Code and the Canadian provinces of Ontario and Quebec.
- (D) "Water resources" means any waters of the state that are available or may be made available to agricultural, industrial, commercial, and domestic users.
- (E) "Waters of the state" includes all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within or bordering upon this state or are within its jurisdiction.
- (F) "Well" means any excavation, regardless of design or method of construction, created for any of the following purposes:
- (1) Removing ground water from or recharging water into an aquifer, excluding subsurface drainage systems installed to enhance agricultural crop production or urban or suburban landscape



management or to control seepage in dams and levees;

(2) Determining the quantity, quality, level, or movement of ground water in or the stratigraphy of an aquifer, excluding borings for instrumentation in dams, levees, or highway embankments;

(3) Removing or exchanging heat from ground water, excluding horizontal trenches that are installed for water source heat pump systems.

(G) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store, or transmit water.

(H) "Ground water" means all water occurring in an aquifer.

(I) "Ground water stress area" means a definable geographic area in which ground water quantity is being affected by human activity or natural forces to the extent that continuous availability of supply is jeopardized by withdrawals.

(J) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the United States, the state, any political subdivision of the state, and any department, division, board, commission, agency, or instrumentality of the United States, the state, or a political subdivision of the state.

(K) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.

(L) "Cone of depression" means a depression or low point in the water table or potentiometric surface of a body of ground water that develops around a location from which ground water is being withdrawn.

(M) "Facility" has the same meaning as in section 1522.10 of the Revised Code.

(N) "Hydrologic study area" means the area within a four-mile radius from the boundary of the withdrawal area.



- (O) "Well field" means a contiguous land area containing two or more wells that provide water to a facility.
- (P) "Withdrawal area" means the proposed well or well field location or locations.
- (Q) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, mining, dredging, filling, grading, paving, excavating, and drilling operations, and storage of equipment or materials.
- (R) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.
- (S) "Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood information, construction of flood control works, nonstructural flood damage reduction techniques, and adoption of rules, ordinances, or resolutions governing development in floodplains.
- (T) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.
- (U) "One-hundred-year floodplain" means that portion of a floodplain inundated by a one-hundred-year flood.
- (V) "Structure" means a walled and roofed building, including, without limitation, gas or liquid storage tanks and manufactured homes.
- (W) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty per cent of the market value of the structure before the start of construction of the improvement. "Substantial improvement" includes repairs to structures that have incurred substantial damage regardless of the actual repair work performed. "Substantial improvement" does not include either of the following:



(1) Any project for the improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the state or local code enforcement official having jurisdiction and that are the minimum necessary to ensure safe living conditions;

(2) Any alteration of an historic structure designated or listed pursuant to federal or state law, provided that the alteration will not preclude the structure's continued listing or designation as an historic structure.

(X) "Substantial damage" means damage of any origin that is sustained by a structure if the cost of restoring the structure to its condition prior to the damage would equal or exceed fifty per cent of the market value of the structure before the damage occurred.

(Y) "National flood insurance program" means the national flood insurance program established in the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, and regulations adopted under it.

(Z) "Conservancy district" means a conservancy district established under Chapter 6101. of the Revised Code.