



Ohio Revised Code

Section 1521.23 Applying for permit for major increase in withdrawal of waters of state.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

(A) Except as provided in divisions (D) and (E) of this section, no person shall allow a facility that the person owns or operates to withdraw waters of the state in an amount that would result in a new or increased consumptive use of more than an average of two million gallons of water per day in any thirty-day period without first obtaining a permit from the chief of the division of water resources under section 1521.29 of the Revised Code.

(B) Prior to developing a new or increased withdrawal or consumptive use capacity that would facilitate a withdrawal requiring a permit under section 1521.29 of the Revised Code, an owner or operator of a facility shall submit an application for a permit to the chief on a form the chief prescribes. The applicant shall declare and document all of the following in the application:

- (1) The facility's current withdrawal capacity per day if the withdrawal is to occur at a facility already in operation;
- (2) The total new or increased daily withdrawal capacity proposed for the facility;
- (3) The locations and sources of water proposed to be withdrawn;
- (4) The locations of proposed discharges or return flows;
- (5) The locations and nature of proposed consumptive uses;
- (6) The estimated average annual and monthly volumes and rates of withdrawal;
- (7) The estimated average annual and monthly volumes and rates of consumptive use;
- (8) The effects the withdrawal is anticipated to have with respect to existing uses of water resources;



(9) A description of other ways the applicant's need for water may be satisfied if the application is denied or modified;

(10) A description of the conservation practices the applicant intends to follow;

(11) All information required under sections 1521.24 to 1521.27 of the Revised Code if the sources of water for the proposed withdrawal are ground water;

(12) Any other information the chief may require by rule.

(C) Each application shall be accompanied by a nonrefundable fee of one thousand dollars, which shall be credited to the water management fund created under section 1521.22 of the Revised Code.

(D) A major utility facility that is subject to regulation under Chapter 4906. of the Revised Code, a facility that is subject to regulation under Chapter 1514. of the Revised Code, or a facility that is required to obtain a permit under sections 1522.10 to 1522.30 of the Revised Code need not obtain a permit under section 1521.29 of the Revised Code.

(E) A public water system, as defined in section 6109.01 of the Revised Code, that withdraws waters of the state in an amount that would result in a new or increased consumptive use of more than two million gallons per day need not obtain a permit under section 1521.29 of the Revised Code if one of the following applies:

(1) The public water system was in operation on June 29, 1988, and no substantial changes in the design capacity are proposed for that system.

(2) A public water system that is proposed to be constructed or installed, or an existing system for which changes are proposed, encompasses only water distribution facilities.