



Ohio Revised Code

Section 1521.35 Owners within geographic area; diminution or interruption water supply; complaint.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

(A) An owner of real property that is located within the geographic area established under section 1521.28 of the Revised Code with respect to a permit issued under section 1521.29 of the Revised Code may submit a written complaint to the permittee or to the chief of the division of water resources informing the permittee or the chief that there is a diminution or interruption of the owner's water supply if both of the following apply:

(1) The owner obtains all or part of the owner's water supply for domestic, agricultural, industrial, or other legitimate use from ground water.

(2) There is a diminution or interruption of that water supply.

The owner shall include in the complaint the owner's name, address, and telephone number.

(B) If the chief receives a written complaint submitted in accordance with division (A) of this section, upon receipt the chief shall send a copy of the complaint to the permittee, and the permittee shall immediately respond by sending the chief a statement that explains how the permittee resolved or will resolve the complaint.

If the permittee receives the written complaint in accordance with division (A) of this section, the permittee shall send a copy of the complaint, within fourteen days after receiving the complaint, to the chief and include a statement that explains how the permittee resolved or will resolve the complaint. Nothing in this section relieves a permittee from performing the duties specified in division (C) of this section.

(C) Not later than seventy-two hours after the permittee receives the complaint and if the complaint is not resolved as verified by the chief, the permittee shall provide the owner with a supply of water that is comparable to the owner's water supply prior to the diminution or interruption of the owner's



water supply. The chief shall approve the method of providing the water supply. The permittee shall maintain that water supply unless the chief determines that the permittee has rebutted the presumption established in division (D) of this section.

(D) A rebuttable presumption exists that the withdrawal by the permittee caused the diminution or interruption of the owner's water supply. However, not later than fourteen days after receipt of the complaint, the permittee may submit to the chief information showing that the permittee is not the proximate cause of the diminution or interruption of the owner's water supply. The chief shall evaluate the information submitted by the permittee to determine if the presumption is rebutted.

(E) If the permittee fails to rebut the presumption, the chief shall notify the permittee and the owner in writing that the permittee failed to rebut the presumption.

(F) If the permittee rebuts the presumption, the chief shall notify the permittee and the owner that the permittee rebutted the presumption. Upon receipt of that notice, the permittee may cease providing a supply of water to the owner under division (C) of this section.

(G) If, within fourteen days after receipt of the complaint, the permittee fails to submit to the chief information showing that the withdrawal is not the proximate cause of the diminution or interruption of the owner's water supply, such failure shall be considered a failure to rebut the presumption.