

Ohio Administrative Code Chapter  
3701-28-05

Chapter 3701-28-06

Approval to Enforce  
Fees and Fee Categories

# Survey process

- (C) The director shall survey the private water systems program in accordance with the survey methodology and shall determine whether the health district or authority is qualified to administer and enforce this chapter. After the survey is complete, the director shall classify the health district or authority as either approved, provisional or disapproved, and shall provide a survey report to the health district or board. If the health district or authority is classified as provisional, the director shall provide:
  - 1) A set time frame for correcting the deficiencies;
  - (2) Procedures for program disapproval that the department will pursue if the health district or authority fails to correct the major deficiencies revealed by the survey; and
  - (3) An opportunity to request a meeting with a representative of the director to discuss the deficiencies.

# Survey Process

- (D) The health district or authority may request an informal hearing on the director's proposed determination if a written request is received by the director no later than fifteen days after the date of mailing the proposed determination. The informal hearing shall be conducted before the director or the director's authorized representative no later than thirty days after the director of health received the request for hearing. At the hearing, a representative of the health district or authority may present information orally and in writing. The director shall issue a written decision no later than thirty days after the conclusion of the informal hearing.
- (E) The department shall reevaluate a health district or authority's provisional private water systems program in the established time frame to determine if the program is in compliance. If in compliance, the director shall classify the health district or authority as approved. If the deficiencies have not been corrected, the director shall propose to disapprove the health district or authority, or shall propose to revoke the approval, whichever is appropriate.

# Survey Process

- (F) The director may reinstate a health district or authority as approved to administer and enforce the private water systems program if the health district or authority can demonstrate to the satisfaction of the director an ability to adequately administer and enforce the provisions of this chapter.
- (G) Upon determining that a health district or authority is so qualified, the director shall approve the district or authority and place such district or authority upon an approved list. The director may resurvey any approved district or authority when, in his opinion, such resurvey is necessary and remove from such approved list any district or authority found not to be adequately carrying out the provisions of this chapter.

# New Fee Categories

- (2) The construction of a test well for any private water system.
- (3) The construction of a pond for a single family dwelling, including a manufactured home as defined by section 4501.01 of the Revised Code.
- (4) The conversion of a well not previously approved as a private water system into a private water system for a single family dwelling. These wells shall include, but not be limited to, agricultural wells, irrigation wells and geothermal wells.
- (6) The conversion of a well not previously approved as a private water system into a private water system for a non-single family dwelling. These wells shall include, but not be limited to, agricultural wells, irrigation wells and geothermal wells.

# New Fee Categories

- (12) The filing and processing of water sample results collected under paragraph (AA) of rule 3701-28-03 of the Administrative Code.
- (13) The inspection of a private water systems contractor as authorized under paragraph (F) of rule 3701-28-04 of the Administrative Code.

# New Fee Categories

- (F) In addition to the fees established by a city or general health district under paragraph (E) of this rule, a board of health of a city or general health district may specify:
  - (1) Fees for the collection and examination of any necessary water samples taken.
  - (2) An amount to be added to the applicable fees established under paragraphs (E)(1) to (E)(14) of this rule in accordance with section 3709.09 of the Revised Code when the board of health determines that the construction, alteration or conversion of a private water system has commenced prior to a permit being issued or the hauling of water to a private water system has commenced prior to water hauler registration and vehicle inspection. This additional fee shall not be charged for sealing a well performed in compliance with paragraph (A)(1)(a) of rule 3701-28-03 of the Administrative Code or an alteration or new construction performed in compliance with paragraph (H) of rule 3701-28-03 of the Administrative Code.
  - (3) Fees for supplying and/or hauling water from an unapproved water source to a private water system by a registered or unregistered water hauler.