

Ohio Administrative Code Chapter 3701-28-18

Registration and Bonding of Private
Water Systems Contractors

Registration and Bonding

- (A) (1) Only registered contractors may construct, alter, or seal private water systems, drill water wells, and install pitless adapters.
- (B)..... Owners of a primary or secondary property, or property rentals in which they do not reside, or owners, altering or sealing water wells for their dwelling house shall obtain a registration to perform work, but are exempt from the bonding requirements established in paragraph (B) of this rule, and may only perform work on residences they own.

Registration and Bonding

- (4) Any person who is performing work on a private water system that is not subject to paragraph (A)(1) or (A)(2) of this rule, shall immediately cease work on the private water systems at the order of the board of health or the department of health.
- (5) Subcontractors who perform work under contract for a registered private water systems contractor for electrical, welding or excavation work for trenching are not required to obtain a registration as a private water systems contractor.

Registration and Bonding

- (B)(1) (b) An annual registration bond, complying with paragraph (D) of this rule, executed by the applicant as principal, and a surety company authorized to do business in the state as surety, in the sum of ten thousand dollars available for each calendar year coinciding with the applicant's registration.
- Applicants for a private water systems registration that have not previously held a valid registration, or applicants whose registration has been suspended, shall submit a registration bond in the sum of twenty thousand dollars for a period of three registration years.
- Applicants with a valid bond claim in the prior registration year shall also submit a registration bond for twenty thousand dollars for a period of three registration years.
- Upon the third registration year with no valid bond claim, new or previously suspended applicants, or applicants with prior valid bond claims, may submit a bond for ten thousand dollars the following registration year;

Registration and Bonding

- (d) Proof of not less than five hundred thousand dollars of general business liability insurance;
- (e) Proof of a construction inspection by the department of health, a person designated by the director to conduct contractor inspections, or board of health as authorized in rule 3701-28-04 (F) of the administrative code within a five year period;
- (f) Any other information as required by the director.

Registration and Bonding

- (4) As a condition precedent to making a claim on a registration bond:
- (a) Any aggrieved party who alleges that violations of this chapter exist for a private water system, shall contact the private water systems contractor who performed the work on the private water system and the board of health having jurisdiction in the health district where the private water system is located regarding the nature of the alleged violation.
- The board of health having jurisdiction shall investigate the complaint and determine if a violation of this chapter has occurred.
- The board of health shall consult with the aggrieved party and the private water systems contractor on the corrective actions necessary to resolve the violation.
- After consultation with the board of health and the private water systems contractor on the plan for correction of the violation, the aggrieved party shall provide the private water systems contractor an opportunity to correct the alleged violation, unless otherwise authorized by the director.

Registration and Bonding

- (D)(4)(c) The director, with the assistance of the board of health, shall investigate the validity of the allegation, and may consult with the aggrieved party, board of health, and the private water systems contractor. The director may hold an informal meeting with the aggrieved party, the private water systems contractor, other technical experts, or board of health at the request of any of the parties involved to work towards resolution and correction of the violation.
- (D)(5) The bond claim shall be withdrawn due to lack of response within 60 days from the aggrieved party after notification from the department, the private water systems contractor or the surety on the proposed corrections of the violation or violations.