

***** DRAFT – NOT FOR FILING *****

3745-84-06

Conditioning, denial, suspension and revocation of a license to operate or maintain a public water system.

- (A) In accordance with sections 6109.21(B) and (C) of the Revised Code, the director may condition, deny renewal, suspend or revoke a license to operate or maintain a public water system issued under this chapter, including any other license to operate a public water system issued to such person by the director, for violations of Chapter 6109. of the Revised Code, the administrative rules adopted thereunder, or a term or condition of the license. In conditioning, denying renewal, suspending, or revoking a license to operate, the director shall act in accordance with the provisions of Chapters 119., 3745., and 6109. of the Revised Code.
- (1) The director may condition a license to operate at any time to require correction of violations of Chapter 6109. of the Revised Code and the administrative rules adopted thereunder.
- (2) The director may deny renewal of a license to operate if public health is subject to immediate threat, the public water system has violated an order of the director or a condition of a license, or the public water system has failed to fulfill the requirements of a reinstatement of a suspended license.
- (3) The director may at any time suspend or revoke a license to operate if the public water system has violated an order of the director or failed to meet the requirements of a conditioned license.
- (4) The director may suspend or revoke a license to operate, immediately, without prior orders or conditioning of a license if the public water system's violations threaten the public health through the threat of imminent or confirmed contamination, the operation of the public water system has degraded to create an imminent health threat, or violations that pose an acute risk to human health remain unaddressed.
- (B) Suspension of a license to operate shall be for a time period specified by the director, but no less than six months and no more than one year, depending on the severity of the violations or the amount of corrective action necessary to bring the system into compliance. Before the license may be reinstated or renewed, the public water system shall submit a written certification indicating that the violations upon which the license was suspended have been corrected and the terms and conditions of the suspension have been satisfied. If reinstatement or renewal is for a subsequent year, an application and appropriate fee shall be submitted in accordance with rule 3745-84-03 of the Administrative Code. Failure to correct the violations upon which the suspension was based will prohibit reinstatement of the license. If the public water system fails to fulfill the requirements of the suspension, the director shall deny the license renewal application or may revoke the license.

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- (C) Revocation or denial of renewal of a license to operate shall be for a time period specified by the director, but no less than one year and no more than five years. A public water system which has had a license revoked or denied renewal may, after the period of revocation or denial has expired, submit an application for renewal of the license to operate and the appropriate fee in accordance with rule 3745-84-03 of the Administrative Code. The application for renewal shall include a written certification indicating that the violations upon which the license was denied or revoked have been corrected and the terms and conditions of the denial or revocation have been satisfied.
- (D) Failure to apply for or renew a license does not limit the director's ability to administer and enforce Chapter 6109. of the Revised Code and rules adopted thereunder.
- (E) In conditioning, suspending or revoking a license, the director may assess a penalty for past violations in accordance with the administrative penalty authority of section 6109.23 of the Revised Code and rule 3745-81-04 of the Administrative Code.
- (F) No person shall receive a refund when the Director acts on a license under this rule.
- (G) No person shall operate a public water system with an expired, denied, suspended or revoked license. A public water system with an expired, denied, suspended or revoked license is prohibited from producing water for human consumption as defined in rule 3745-81-01 of the Administrative Code.