

3745-92-05

**Orders of the director, notice to owner.**

- (A) If the director finds that a system or part thereof for which ~~an escrow deposit~~ financial assurance is required under division (A) of section 6109.08 of the Revised Code is being operated but is not properly constructed, maintained, repaired or operated, ~~he the director~~ may order the owner and the operator of ~~such the~~ system or part thereof to correct the deficiencies in construction, maintenance, repair or operation. If the order required construction, installation, or modification, the owner or operator, within ninety days of receipt of such order or within such additional period as the director may approve, shall submit plans for correcting the deficiency pursuant to rule 3745-91-02 of the Administrative Code.
- (B) The director shall authorize use of ~~funds in the escrow~~ funds from the financial assurance as necessary to enable compliance with ~~his the~~ order. Upon prior written approval of the director the ~~escrowee water system~~ shall make or cause payment to be made to persons who have performed work under contract with the owner or ~~his the owner's~~ agent, or a designated representative, for the purpose of correcting such deficiencies in construction, maintenance, repair or operation, as ordered by the director. When ~~funds are withdrawn from an escrow account~~ funds from the financial assurance are used, ~~they shall be replaced by the owner or the operator of such the~~ system or part thereof shall replace such funds within six months of ~~withdrawal~~ use.
- (C) If the system is owned by multiple owners of lots served by the system, the "owner" shall be considered notified for purposes of this rule when notice of the director's order is sent by first-class mail to the mailing address of the association representing the lot owners or to all the known officers of such association, or, if neither of these methods is possible, to the last known address of each lot owner.
- (D) The provisions of this rule do not apply to the extent that they may be inconsistent with an emergency order made by the director under section 6109.05 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 2/19/2021

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 6109.04  
Rule Amplifies: 6109.08  
Prior Effective Dates: 11/26/1980