



## Ohio Revised Code

Section 6109.24 Rule governing demonstration of technical, managerial, and financial capability of water systems; implementation of asset management programs.

Effective: April 4, 2023

Legislation: House Bill 364

---

(A) The director of environmental protection shall adopt, and may amend and rescind, rules pursuant to section 6109.04 of the Revised Code establishing requirements governing the demonstration of technical, managerial, and financial capability for the purposes of this section.

(B)(1) A public water system shall demonstrate the technical, managerial, and financial capability of the system to comply with this chapter and rules adopted under it by implementing an asset management program not later than October 1, 2018.

(2) Notwithstanding division (B)(1) of this section, the director may require a public water system to complete an asset management program prior to October 1, 2018.

(3) A public water system shall include in the asset management program all of the following:

- (a) An inventory and evaluation of all public water system assets;
- (b) Public water system operation and maintenance programs;
- (c) A public water system emergency preparedness and contingency planning program;
- (d) Criteria and timelines for public water system infrastructure rehabilitation and replacement;
- (e) Approved public water system capacity projections and public water system capital improvement planning;
- (f) A long-term funding strategy to support the public water system's asset management program implementation.



(C) If requested by the director, a public water system shall submit a written description of the system's asset management program to the director. The system shall submit the written description not later than thirty days after the date of the request. A small public water system may meet the written description requirement by doing both of the following:

- (1) Submitting the template made available by the director under division (F)(1) of this section;
- (2) Including with the completed template a statement that the activities described in the template are being implemented.

(D) If a public water system fails to submit an acceptable written description of the system's asset management program or otherwise fails to demonstrate technical, managerial, and financial capability in accordance with this section and rules adopted under it, the director may request the owner or operator of the system to revise and resubmit the written description. Environmental protection agency staff may provide technical guidance to a public water system in preparing the asset management program or while addressing deficiencies noted in the asset management program.

(E) If a public water system fails to demonstrate technical, managerial, and financial capability in accordance with this section and rules adopted under it, the director may take any action authorized by this chapter or rules adopted under it to improve and ensure the capability of the public water system, including denying a plan submitted under section 6109.07 of the Revised Code.

(F) The director shall make available both of the following either on the environmental protection agency's web site or via another public forum:

- (1) A template for small public water systems to prepare an asset management program;
- (2) Information about sources of funding available to assist public water systems with preparing and completing an asset management program.

(G)(1) The director shall not adopt or enforce rules that require a transient noncommunity water system to prepare, implement, or complete an asset management program, including a demonstration



of technical, managerial, and financial capability.

(2) Divisions (B) to (E) of this section do not apply to a transient noncommunity water system.