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136th General Assembly  
Regular Session  
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Sub. H. B. No. 139

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To amend section 6109.24 and to enact section  
3737.834 of the Revised Code to require certain  
political subdivisions to adopt a fire hydrant  
maintenance plan.

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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 6109.24 be amended and section  
3737.834 of the Revised Code be enacted to read as follows:

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**Sec. 3737.834.** (A) As used in this section, "fire hydrant  
maintenance plan" means a schedule for inspection, testing, and  
maintenance of fire hydrant systems located within a political  
subdivision and that the political subdivision owns, operates,  
or otherwise maintains.

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(B) Not later than twelve months after the effective date  
of this section, any political subdivision that owns, operates,  
or otherwise maintains fire hydrant systems or the associated  
service mains and water tanks shall adopt a fire hydrant  
maintenance plan.

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(C) Any fire hydrant maintenance plan may include the  
following:

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(1) A schedule for conducting inspections of each fire 19  
hydrant that is within the fire hydrant system managed by the 20  
political subdivision; 21

(2) Records of tests, repairs, alterations, replacement, 22  
or regular maintenance of the fire hydrant system managed by the 23  
political subdivision. 24

(D) The legislative authority of a political subdivision 25  
may ensure that the inspection, testing, and maintenance of fire 26  
hydrant systems within that political subdivision are conducted 27  
in accordance with the fire hydrant maintenance plans adopted 28  
under this section. 29

(E) Records of tests, repairs, alterations, replacement, 30  
or regular maintenance of a fire hydrant system shall be 31  
retained on the same schedule as a political subdivision's local 32  
public water system asset management program records under 33  
section 6109.24 of the Revised Code. 34

**Sec. 6109.24.** (A) The director of environmental protection 35  
shall adopt, and may amend and rescind, rules pursuant to 36  
section 6109.04 of the Revised Code establishing requirements 37  
governing the demonstration of technical, managerial, and 38  
financial capability for the purposes of this section. 39

(B) (1) A public water system shall demonstrate the 40  
technical, managerial, and financial capability of the system to 41  
comply with this chapter and rules adopted under it by 42  
implementing an asset management program not later than October 43  
1, 2018. 44

(2) Notwithstanding division (B) (1) of this section, the 45  
director may require a public water system to complete an asset 46  
management program prior to October 1, 2018. 47

(3) A public water system shall include in the asset	48
management program all of the following:	49
(a) An inventory and evaluation of all public water system	50
assets;	51
(b) Public water system operation and maintenance	52
programs;	53
(c) A public water system emergency preparedness and	54
contingency planning program;	55
(d) Criteria and timelines for public water system	56
infrastructure rehabilitation and replacement;	57
(e) Approved public water system capacity projections and	58
public water system capital improvement planning;	59
(f) A long-term funding strategy to support the public	60
water system's asset management program implementation;	61
<u>(g) A fire hydrant maintenance plan as defined in section</u>	62
<u>3737.834 of the Revised Code.</u>	63
(C) If requested by the director, a public water system	64
shall submit a written description of the system's asset	65
management program to the director. The system shall submit the	66
written description not later than thirty days after the date of	67
the request. A small public water system may meet the written	68
description requirement by doing both of the following:	69
(1) Submitting the template made available by the director	70
under division (F) (1) of this section;	71
(2) Including with the completed template a statement that	72
the activities described in the template are being implemented.	73
(D) If a public water system fails to submit an acceptable	74

written description of the system's asset management program or 75  
otherwise fails to demonstrate technical, managerial, and 76  
financial capability in accordance with this section and rules 77  
adopted under it, the director may request the owner or operator 78  
of the system to revise and resubmit the written description. 79  
Environmental protection agency staff may provide technical 80  
guidance to a public water system in preparing the asset 81  
management program or while addressing deficiencies noted in the 82  
asset management program. 83

(E) If a public water system fails to demonstrate 84  
technical, managerial, and financial capability in accordance 85  
with this section and rules adopted under it, the director may 86  
take any action authorized by this chapter or rules adopted 87  
under it to improve and ensure the capability of the public 88  
water system, including denying a plan submitted under section 89  
6109.07 of the Revised Code. 90

(F) The director shall make available both of the 91  
following either on the environmental protection agency's web 92  
site or via another public forum: 93

(1) A template for small public water systems to prepare 94  
an asset management program; 95

(2) Information about sources of funding available to 96  
assist public water systems with preparing and completing an 97  
asset management program. 98

(G) (1) The director shall not adopt or enforce rules that 99  
require a transient noncommunity water system to prepare, 100  
implement, or complete an asset management program, including a 101  
demonstration of technical, managerial, and financial 102  
capability. 103

(2) Divisions (B) to (E) of this section do not apply to a	104
transient noncommunity water system.	105
 <b>Section 2.</b> That existing section 6109.24 of the Revised	106
Code is hereby repealed.	107