

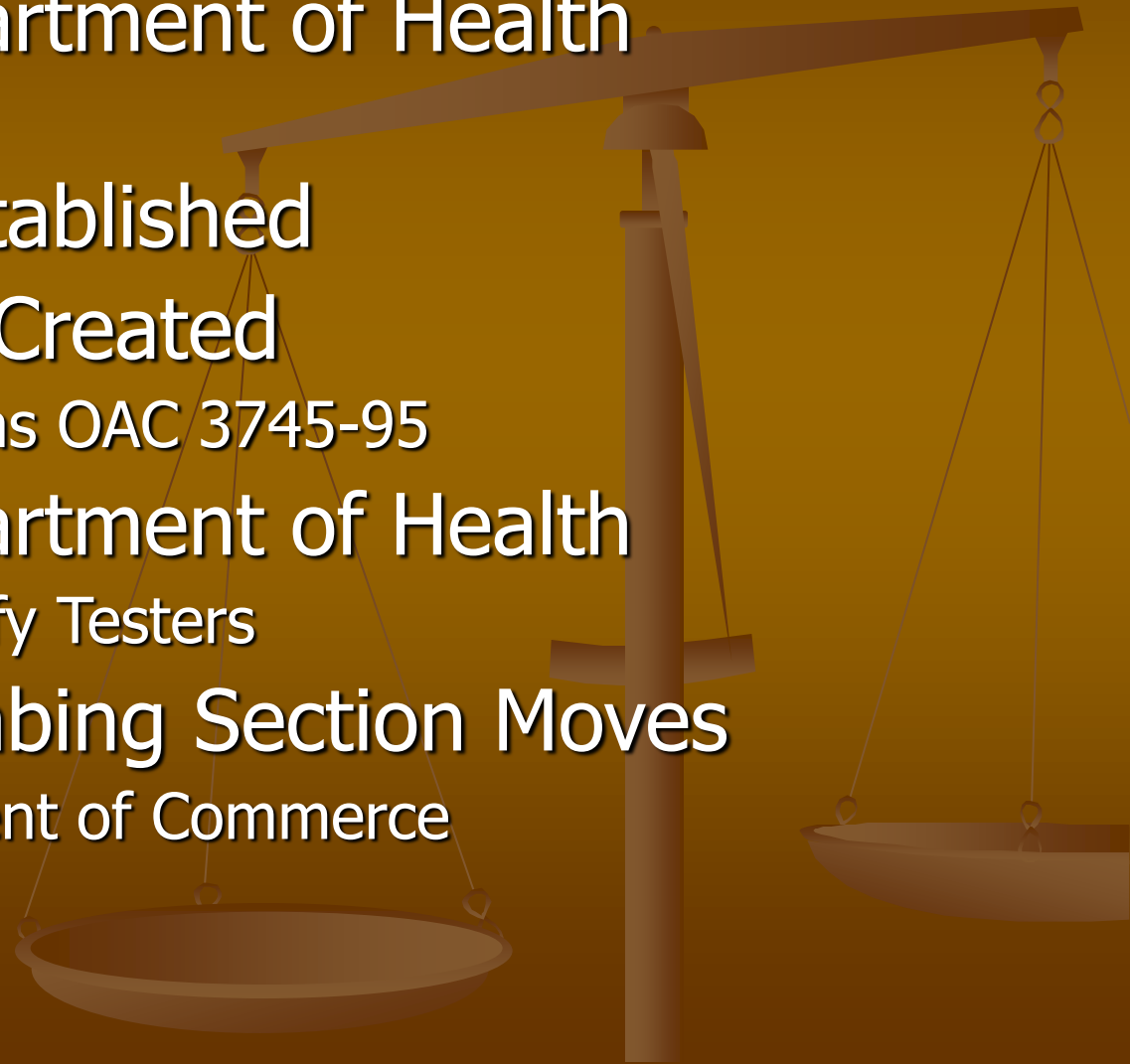
# Ohio DOC & Ohio EPA



OTCO's Role

# History of Backflow Prevention in Ohio

- 1969 Ohio Department of Health
  - HE 34
- 1970 USEPA Established
- 1971 Ohio EPA Created
  - Adopts HE 34 as OAC 3745-95
- 1979 Ohio Department of Health
  - Begins to Certify Testers
- 1998 ODH Plumbing Section Moves
  - Ohio Department of Commerce



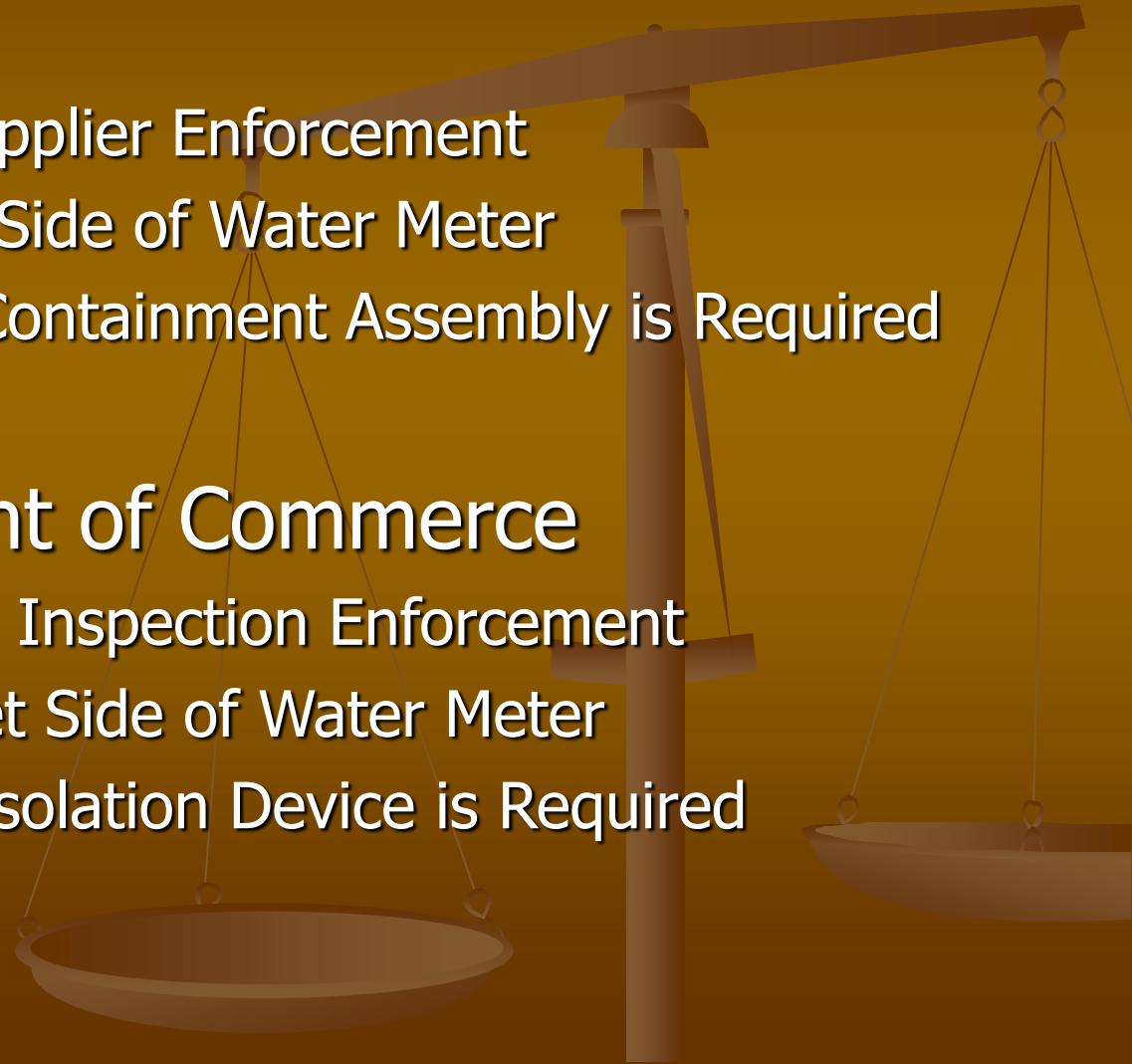
# Separation of Authority/Responsibility

## ■ Ohio EPA

- Local Water Supplier Enforcement
- Ends at Outlet Side of Water Meter
- Determines if Containment Assembly is Required

## ■ Ohio Department of Commerce

- Local Plumbing Inspection Enforcement
- Begins at Outlet Side of Water Meter
- Determines if Isolation Device is Required



# Water Supplier Responsibility

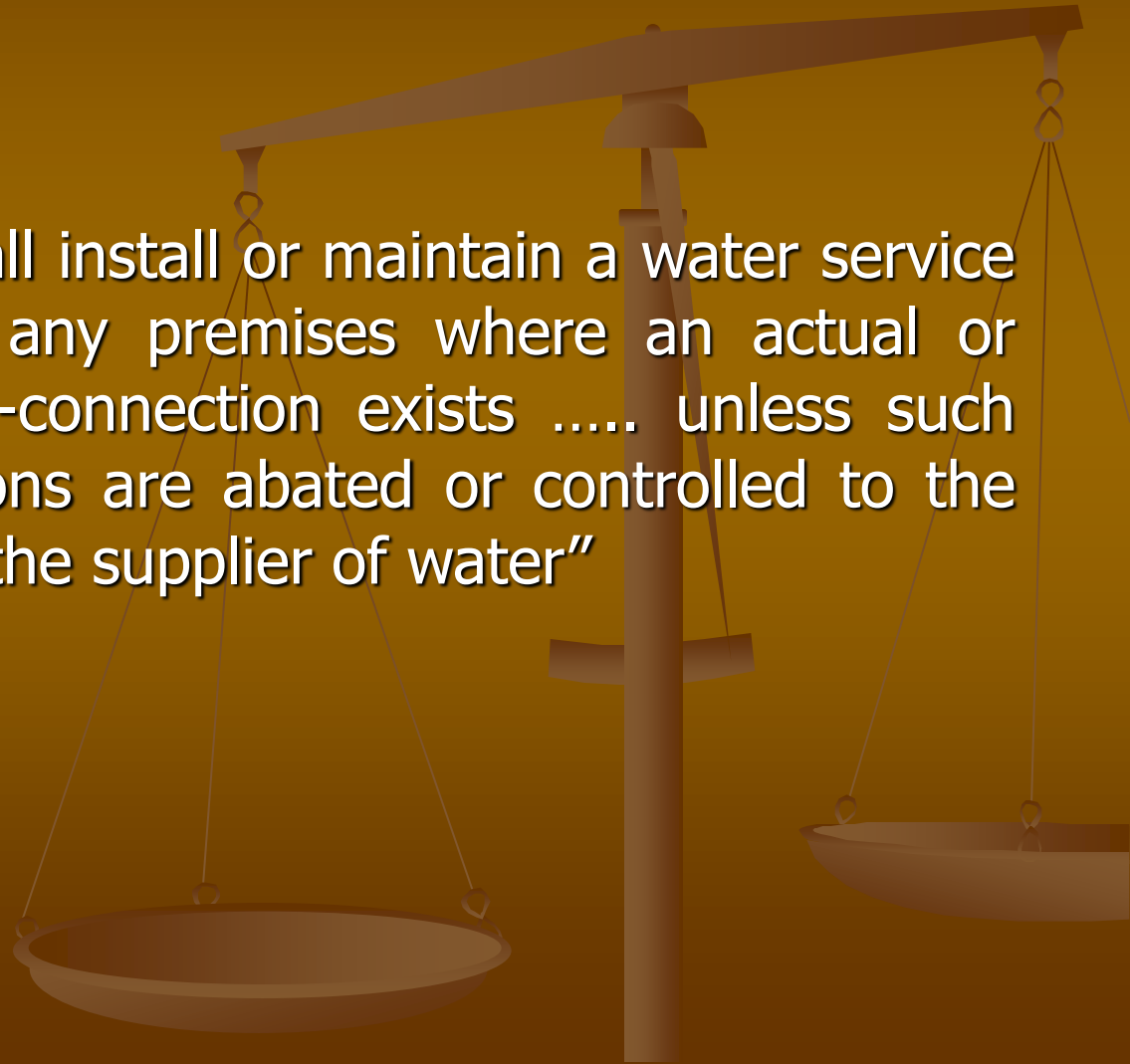


- Protect Integrity of Public Water System
  - Legal, Ethical & Moral Responsibility
- Legal Case History
  - Keever v Mankato (profit)
  - Passic Valley Water Commission (knowledge)
  - Aronson v Everett (prima facie)
  - Harvard Furniture v Cambridge (goods)
  - Gall v Allegheny County Health (merchantability)

# Ohio EPA Chapter 3745-95 OAC

## ■ 3745-95 (02)

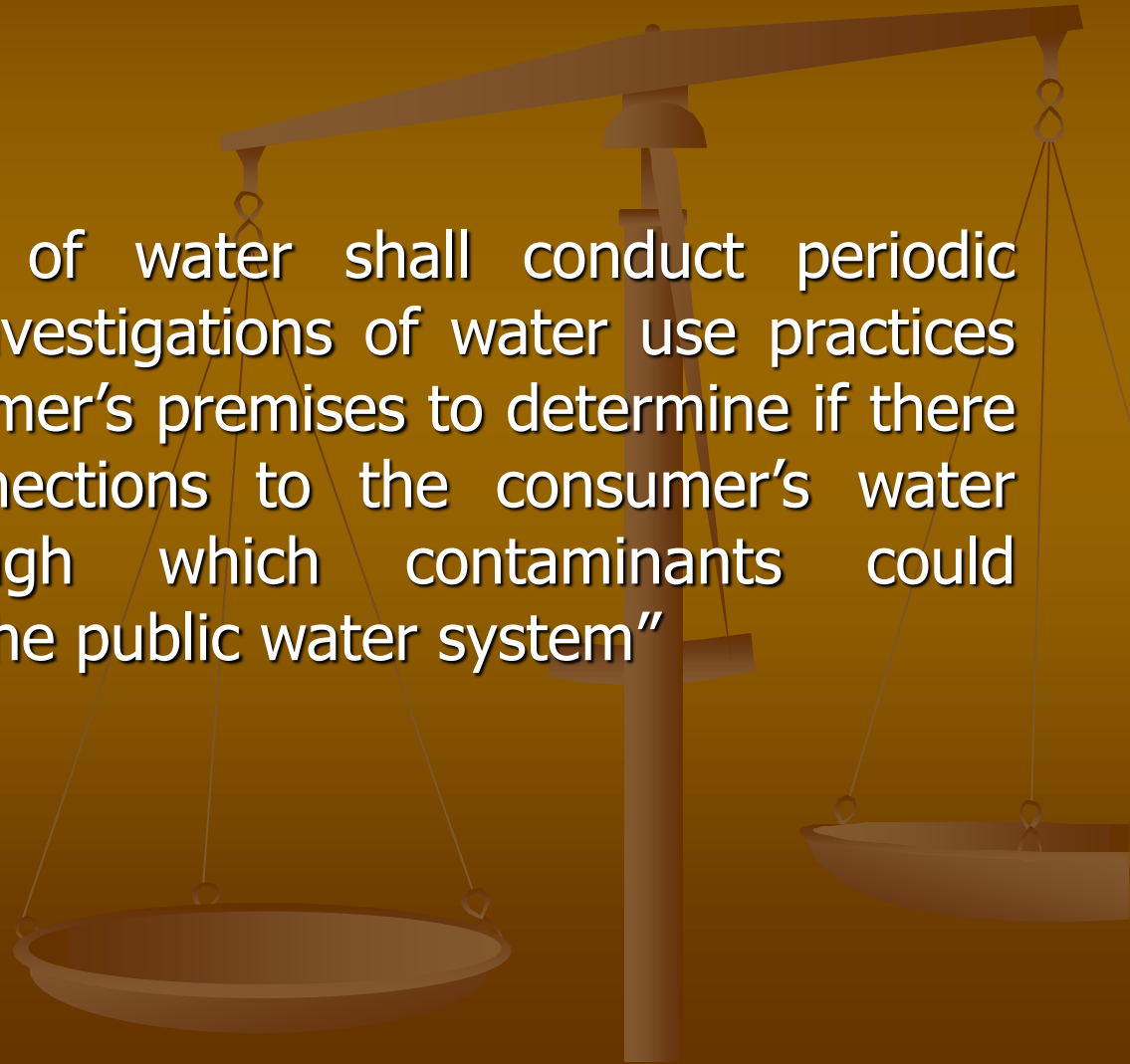
- “No person shall install or maintain a water service connection to any premises where an actual or potential cross-connection exists ..... unless such cross-connections are abated or controlled to the satisfaction of the supplier of water”



# Ohio EPA Chapter 3745-95 OAC

## ■ 3745-95 (03)

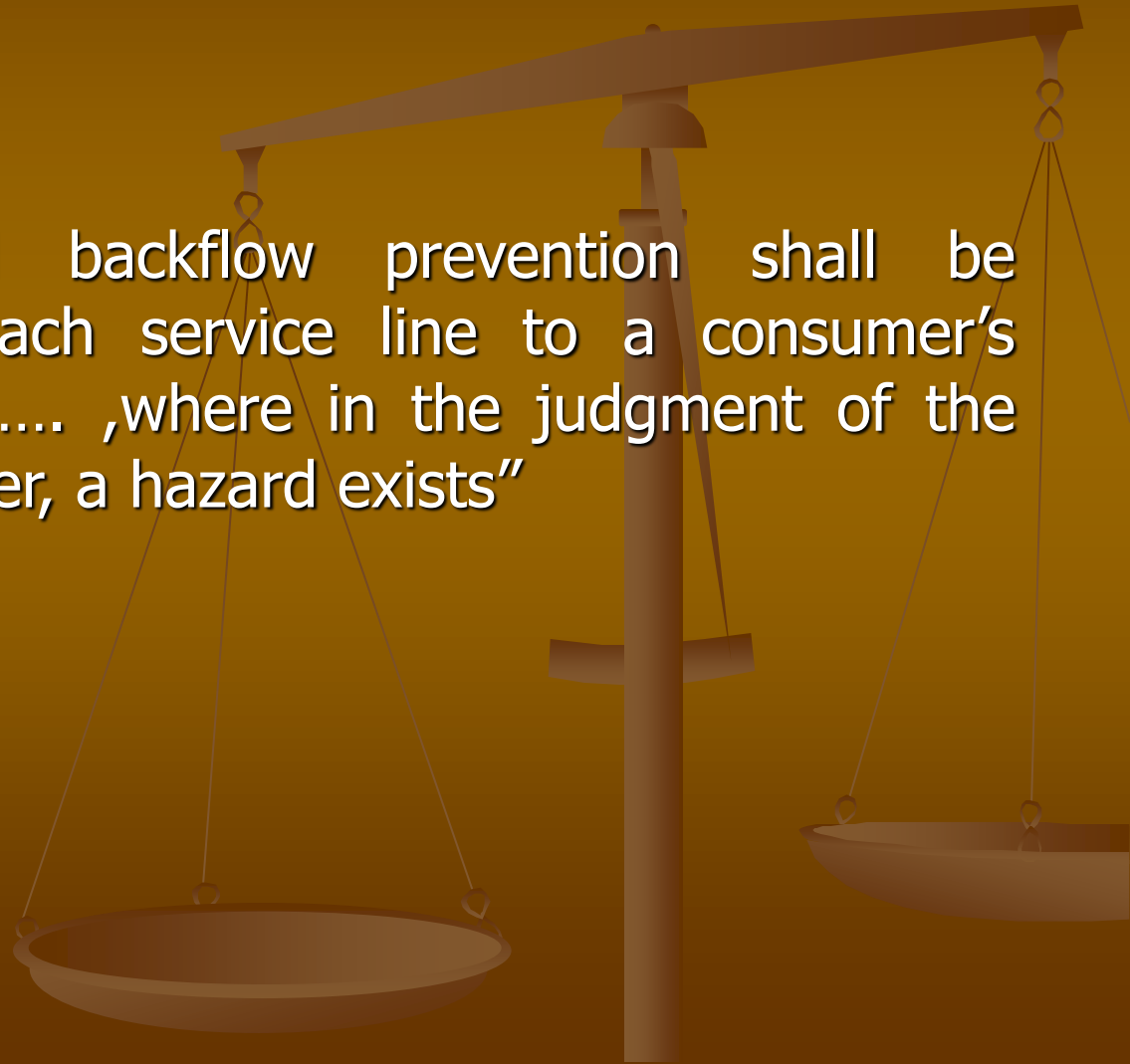
- “The supplier of water shall conduct periodic surveys and investigations of water use practices within a consumer’s premises to determine if there are cross-connections to the consumer’s water system through which contaminants could backflow into the public water system”



# Ohio EPA Chapter 3745-95 OAC

## ■ 3745-95 (04)

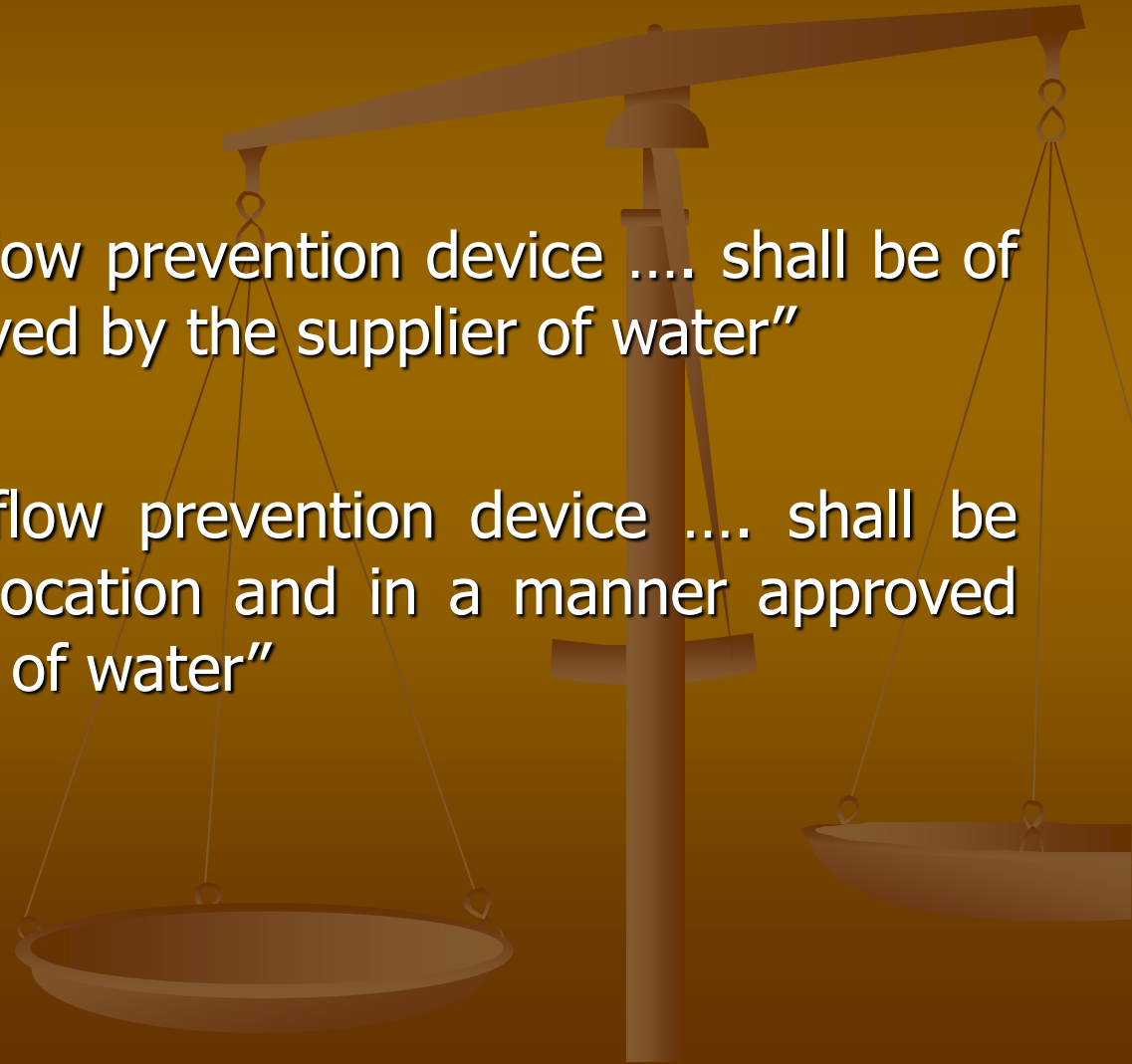
- “An approved backflow prevention shall be installed on each service line to a consumer’s water system .... ,where in the judgment of the supplier of water, a hazard exists”



# Ohio EPA Chapter 3745-95 OAC

## ■ 3745-95 (06)

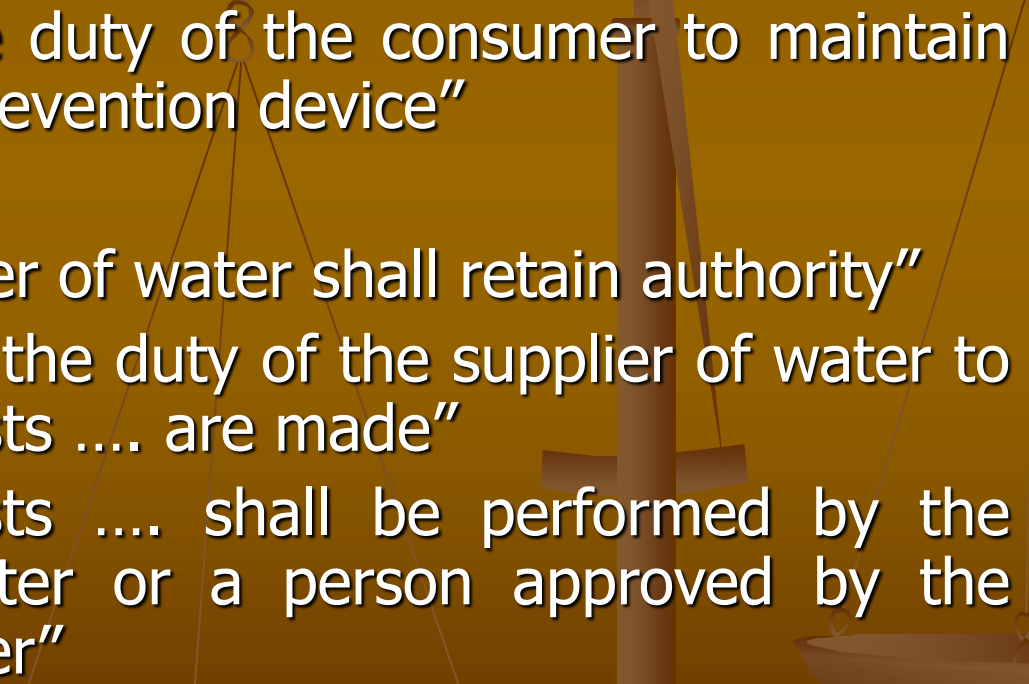
- (A) "Any backflow prevention device .... shall be of a model approved by the supplier of water"
- (B) "Any backflow prevention device .... shall be installed at a location and in a manner approved by the supplier of water"





# Ohio EPA Chapter 3745-95 OAC

## ■ 3745-95 (06)

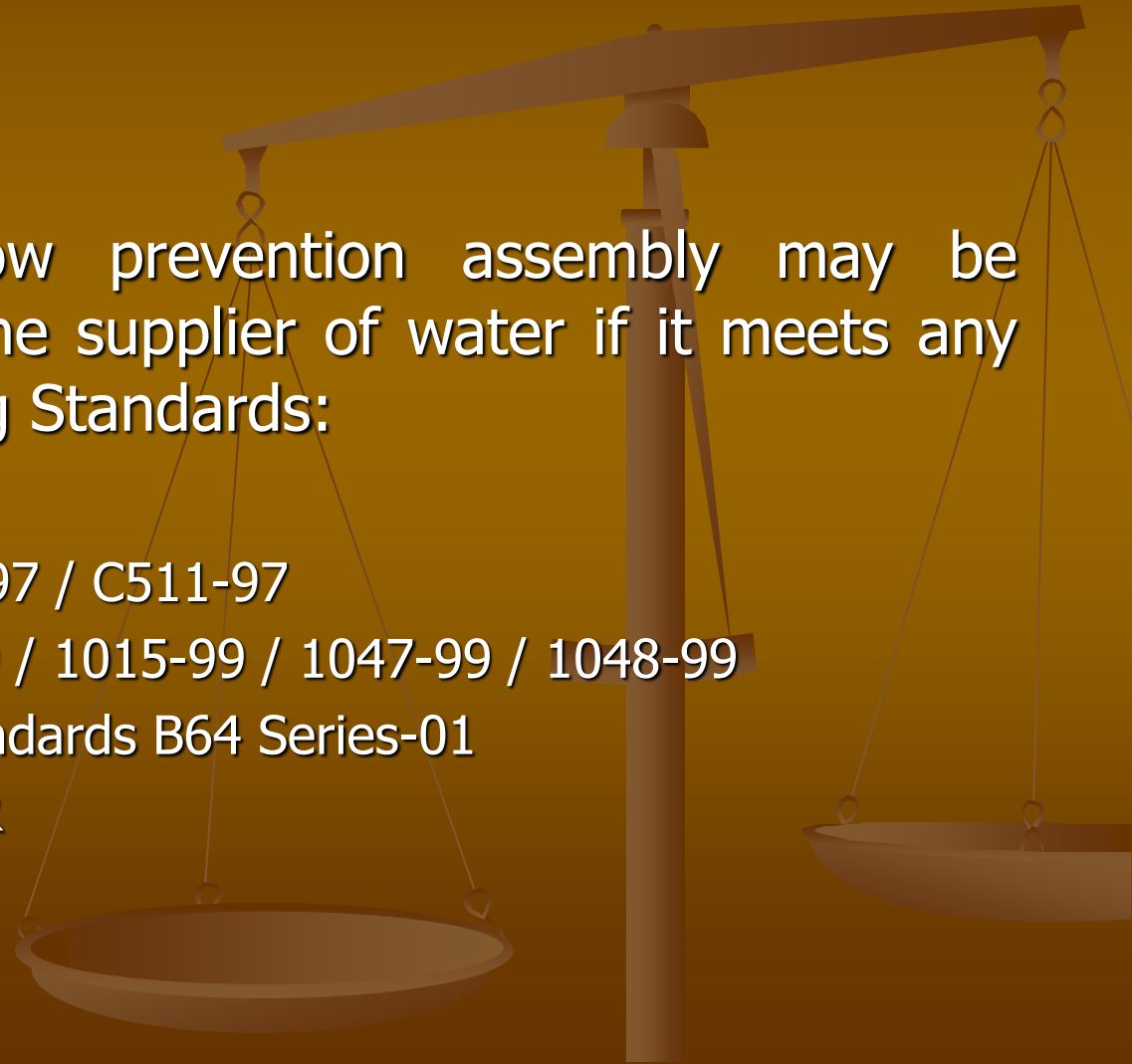
- “It shall be the duty of the consumer to maintain the backflow prevention device”
  - (1) “The supplier of water shall retain authority”
  - (2) “It shall be the duty of the supplier of water to see that the tests .... are made”
  - (3) “These tests .... shall be performed by the supplier of water or a person approved by the supplier of water”
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# Ohio EPA Chapter 3745-95 OAC

## ■ 3745-95 (06)

- (E) A backflow prevention assembly may be approved by the supplier of water if it meets any of the following Standards:

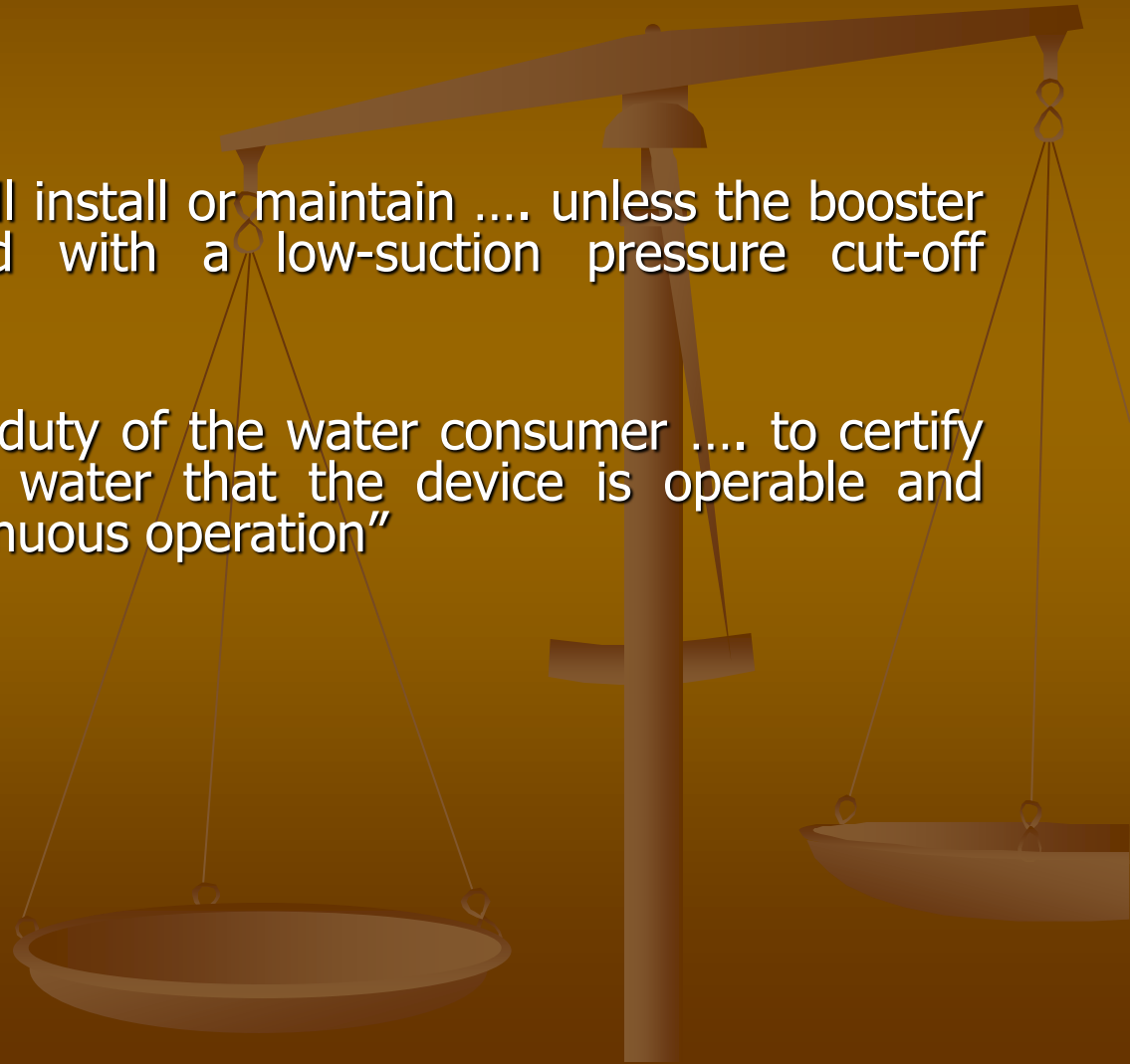
- AWWA C510-97 / C511-97
- ASSE 1013-99 / 1015-99 / 1047-99 / 1048-99
- Canadian Standards B64 Series-01
- USC FFCCCHR



# Ohio EPA Chapter 3745-95 OAC

## ■ 3745-95 (07)

- (A) "No person shall install or maintain ... unless the booster pump is equipped with a low-suction pressure cut-off controller"
- (B) It shall be the duty of the water consumer .... to certify to the supplier of water that the device is operable and maintained in continuous operation"

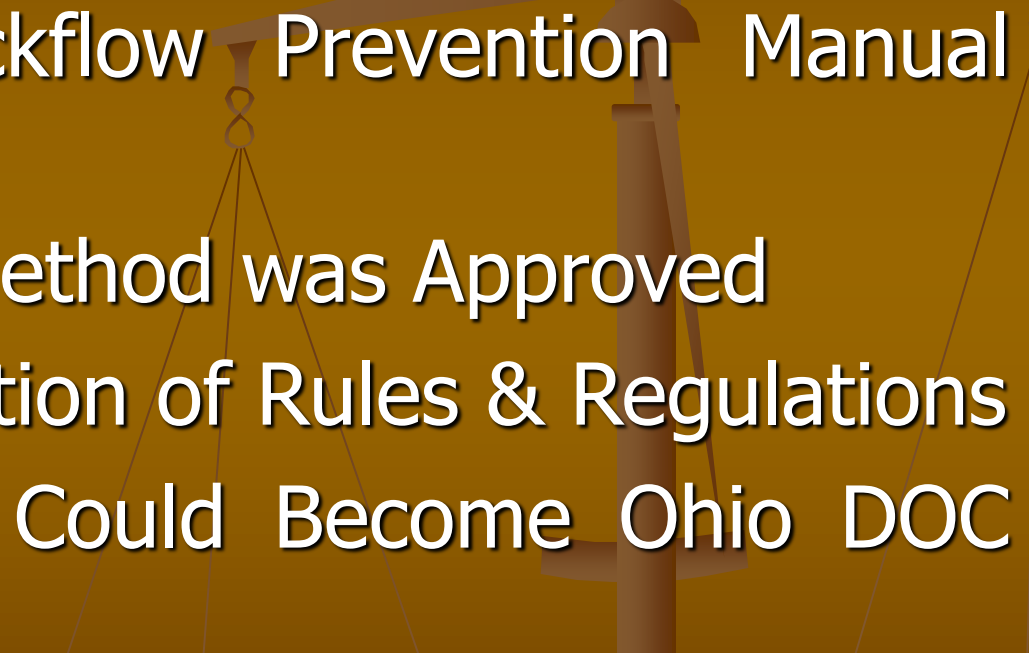


# Handshake Between Ohio DOC & Ohio EPA

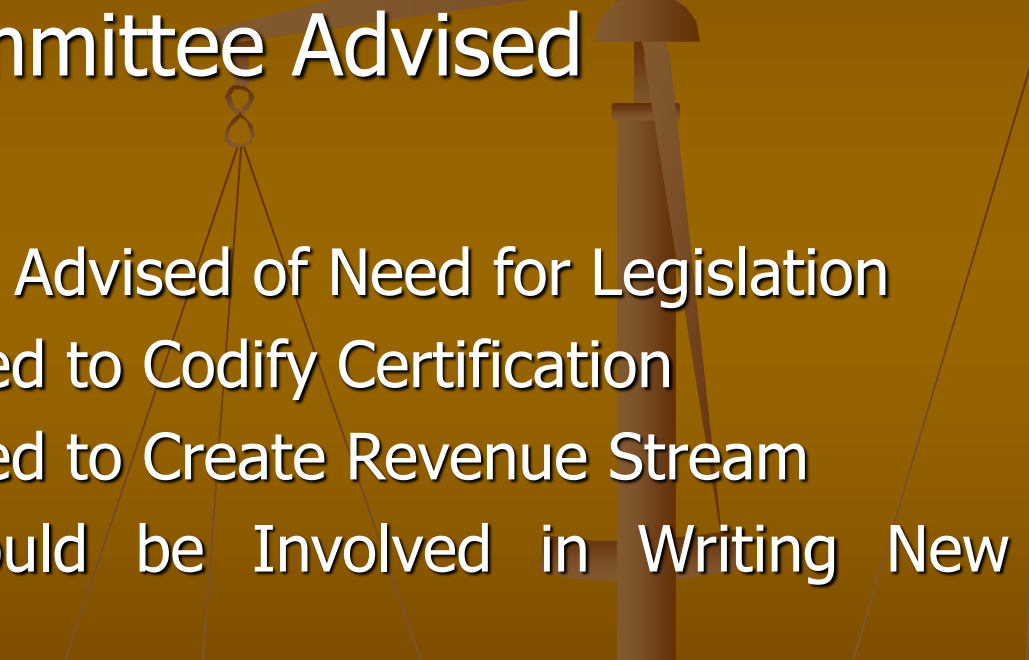
- Standardize Manual
- Standardize Test Procedures
- Resolve Conflicts & Differences



# Handshake Between Ohio DOC & Ohio EPA

- Ohio DOC Backflow Prevention Manual was Created
  - Common Test Method was Approved
  - Uniform Application of Rules & Regulations
  - Water Supplier Could Become Ohio DOC Certified
- 

# Handshake Between Ohio DOC & Ohio EPA

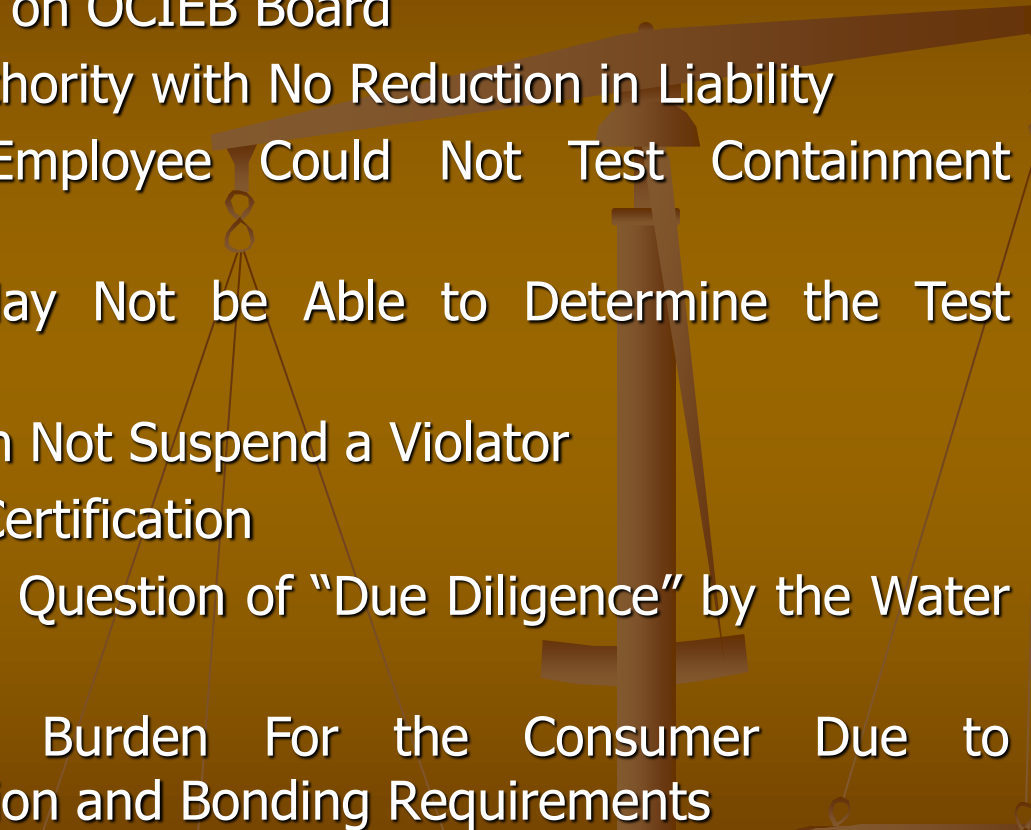
- May 2003 – Committee Advised
    - Committee was Advised of Need for Legislation
    - Ohio DOC - Need to Codify Certification
    - Ohio DOC - Need to Create Revenue Stream
    - Committee Would be Involved in Writing New Legislation
- 

# Broken Handshake Between Ohio DOC & Ohio EPA

## ■ August 2003 – Legislation Written

- PHCC & Ohio DOC Unilaterally Create Legislation
- Creates Revision to ORC 4740
  - Creates “Backflow Contractor”
  - Only Ohio DOC OCIEB Can Certify a Tester
  - Utility Must Use Ohio DOC Certified Tester
- Water Supply Industry Discovers that New Legislation will be Introduced in October 2003

# Detriment to Water Supplier

- No Representation on OCIEB Board
  - A Surrender of Authority with No Reduction in Liability
  - Water Supplier Employee Could Not Test Containment Devices
  - Water Supplier May Not be Able to Determine the Test Method
  - Water Supplier Can Not Suspend a Violator
  - “Business Entity” Certification
  - Presents the Legal Question of “Due Diligence” by the Water Supplier
  - Added Economic Burden For the Consumer Due to Continuing Education and Bonding Requirements
- 



# Broken Handshake Between Ohio DOC & Ohio EPA

- September 2003 - Ohio EPA, AWWA, Rural Water Association & OTCO Meet with Ohio DOC & OCIEB
  - Ohio EPA Proposes Verbiage to Retain Containment Authority
  - Water Industry has No Other Objections
  - Ohio DOC Legislative Liaison Says that Legislation Will Proceed as Written
  - OCIEB Chair Says Drop Legislation

# Handshake Between Ohio DOC & Ohio EPA

- September 2003 – OTCO & Rural Water Association Advises Legislative Liaison
  - Will Work with Them to Satisfy the Ohio DOC & OCIEB Needs
  - Must Include An Exception for Containment Assemblies and Water Supplier Authority
  - Advised by Legislative Liaison That They Welcome the Input

# Broken Handshake Between Ohio DOC & Ohio EPA

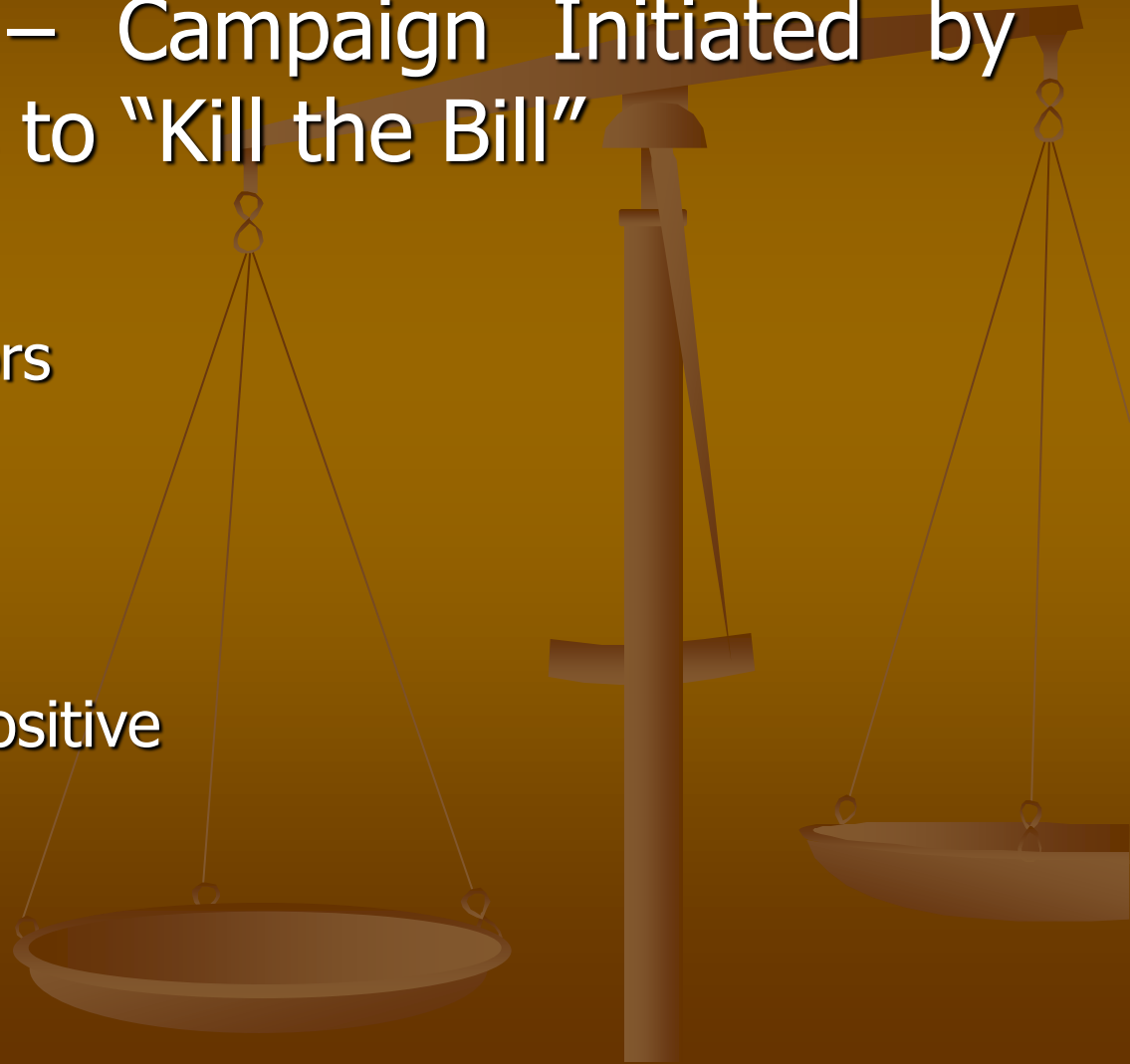
- January 2004 – Water Supply Industry Discovers That Legislation Has Been Introduced as Senate Bill 179
  - No Input By Water Supply Industry
  - Still No Representation on OCIEB Board
  - Only OCIEB Can Certify a “Backflow Contractor”
  - Water Supplier Must Use a Certified Backflow Contractor for Containment

# Hard Handshake Between Ohio DOC & Ohio EPA

- January 2004 – Campaign Initiated by Water Suppliers to “Kill the Bill”

- Contact Senators
- Calls
- Letters
- E-Mail

Results Were Positive



# Renewed Handshake Between Ohio DOC & Ohio EPA

- January 2004 – Ohio DOC, Ohio EPA, AWWA, Rural Water Association and OTCO Meet
  - “Backflow Contractor” will be Removed From the Bill 179
  - Ohio DOC Ad Hoc Committee within the Plumbing Section, Industrial Compliance as an Advisory Board to the Superintendent
  - Ohio EPA & Water Supply Representation on Committee
  - Respective Containment & Isolation Authority Will Be Defined and Protected
  - Ohio EPA, Ohio DOC, AWWA & Rural Water Association Agree to Work Together

# OTCO TODAY

- Water Supplier Represented on Backflow Advisory Board by OTCO & Ohio EPA
- Containment & Isolation Authority Protected
- "Backflow Technician" Certified Through the Plumbing Section, Industrial Compliance
- More Water Suppliers Will Require "Backflow Technician" to Test Containment
- OTCO now Recognized by Ohio EPA in Cross Connection Control Manual as Certified Tester for Containment Assemblies
- Common State Test Procedure
- Common State Test Form