

LAKENGREN WATER AUTHORITY

CODE OF REGULATIONS

ESTABLISHED BY:

**THE BOARD OF TRUSTEES FOR
THE LAKENGREN WATER AUTHORITY**

PREBLE COUNTY, OHIO

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LAKENGREN WATER AUTHORITY

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**LAKENGREN WATER AUTHORITY
CODE OF REGULATIONS**

**CHAPTER I
GENERAL PROVISIONS**

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101. ORGANIZATION PURPOSE. The Lakengren Water Authority (hereinafter, the “LWA”) is organized in accordance with Chapter 6119 of the Ohio Revised Code (hereinafter, “RC”) for the purpose to:

101.01 Supply Water to Users within and without the LWA

101.02 Provide for the collection of Waste Water within and without the LWA.

102. PURPOSE OF REGULATIONS. To regulate Water and Sanitary Sewer Service within the LWA, and, if applicable, outside the LWA.

103. GOVERNING REGULATIONS. In the event of any conflict between these Lakengren Water Authority Water and Sewer Regulations (hereafter, “Regulations”) and the requirements of the Ohio EPA, the documents providing the highest or most stringent requirement, criteria, standard or rule shall govern.

104. DEFINITIONS. Unless the context specifically indicates otherwise, the following words and phrases when used in these Regulations shall have the meaning defined below, and defined words are capitalized throughout these Regulations for clarity:

104.01 Billing Address: The address at which the Customer who is Contractually liable for Utility Services receives billings from the LWA. Billing Addresses may, but need not, be the address at which said Services are received.

- 104.02 Biodegradable: Any material that is easily amenable to breakdown to less complex compounds by biologic processes present in the LWA Sewer System. The LWA shall determine whether a material is Biodegradable if such determination is required.
- 104.03 Biochemical Oxygen Demand (“B.O.D.”): The quantity of oxygen utilized in the biochemical oxidation of Organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in parts per million (ppm) or milligrams per liter (mg/l) by weight.
- 104.04 Building: Any structure or part of a Building or structure, whether or not constructed for human habitation.
- 104.05 Connection or Tap: The installation of a Service Lateral from private property to the LWA’s collection Sewers or Water distribution lines.
- 104.06 Consumer: Any Person who is the ultimate residential user of the LWA Services such as a tenant, who is not the Owner of the Service Address.
- 104.07 Consumer Household: The Service Address where a Consumer resides.
- 104.08 Contiguous: Directly adjacent lot; two lots sharing a common boundary.
- 104.09 Contractor: Any Person, business or corporation which desires to install, maintain or repair Water or Sewer Service Laterals or make Connections to the LWA Water or Sewer System and is registered with the Preble County General Health Department in accordance with Section 703 herein.
- 104.10 Cooling Water: The water discharged from a condensation, air conditioning, cooling, refrigeration, or other system, but free from odor or oil, and containing no polluting substances which could produce B.O.D. or Suspended Solids each in excess of ten milligrams per liter (10 mg/l).
- 104.11 Cost: The expenditures made by the LWA for labor, material, engineering, supervision, motor vehicles, tools, and any other expenditures incident thereto, required in any project undertaken by the LWA, including cost of land, land rights and other personal and real property owned by the LWA necessary for construction, maintenance, repair, and operation of Water and Sewer Systems.
- 104.12 Customer: Any Person who receives Water or Sewer Services provided by the LWA as the Owner of the property at the Service Address. A Customer may, but need not, be a Consumer of the Services provided.

A Tenant is considered a Customer when they have entered into a Tenant Service Agreement with the LWA.

- 104.13 Day: “Day” Calendar day, unless specifically noted as a business day. “Business days” are Monday through Friday, excluding holidays.
- 104.14 Developer. Any Person, firm or corporation that presumes to excavate or fill, build structures, or otherwise improve (See 104.18) a specific Parcel or Tract of land.
- 104.15 Development. The Improvements (See 104.20) of a Tract or Parcel of land.
- 104.16 Development Agreement. A written contract which a Developer is required to enter into with the LWA whenever a Developer seeks to construct or improve a Development.
- 104.17 Distribution Lines or Mains: The waterline owned by the LWA for distributing Potable Water to Service Lines for Use by the property Owner.
- 104.18 Domestic Use: The use of Water or Sanitary Sewer Services in connection with normal residential activities only.
- 104.19 Easement: An acquired legal right for the specific use of land owned by others.
- 104.20 Improvements: Any addition to the natural state of land which increases its value or utility, including Buildings, street pavements with or without curbs and gutters, sidewalks, crosswalks, water mains, Sanitary Sewers, storm Sewers, landscaping, street lighting, public utilities, paved parking areas, and other appropriate items.
- 104.21 Industrial Waste: The liquid, gaseous or solid wastes resulting from any process of industry, manufacturer, trade, or business, or from the development, processing, or recovery of any natural resource which will pollute any water it enters. Such Wastes are distinct from domestic or sanitary Wastes.
- 104.22 LWA: The Lakengren Water Authority as established by the Court of Common Pleas of Preble County, its Board of Trustees, and its authorized representatives.
- 104.23 LWA System: That portion of a System of waterlines, sewers, treatment facilities, and associated equipment and materials which is owned by the LWA..

- 104.24 May: “May” is permissive (see “Shall”)
- 104.25 Natural Outlet: Any outlet in a Watercourse, pond, ditch, lake or other body of surface or ground water.
- 104.26 Organic: Containing carbon compounds or produced in living organisms.
- 104.27 Owner: All individuals, partnerships, associations, corporations or political subdivisions holding any title or interest in any property rights, Easements and interest in any real property served or which may be served by a LWA System.
- 104.28 Parcel: A specific part of a larger acreage of land.
- 104.29 Person: Any individual, firm, company, association, partnership, society, corporation or group, whether an Owner or a Contractor.
- 104.30 pH: The reciprocal of the logarithm of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and hydrogen-ion concentration of 10^{-7} .
- 104.31 Plat: A plan of a Tract or Parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines, and such other information as is required by law.
- 104.32 Pollution: The placing of any noxious or deleterious substances in any waters within the LWA or affecting the properties of any waters within the LWA in a manner which renders such waters harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial or agricultural purposes, or recreation.
- 104.33 Potable Water: Water treated for human consumption. Non-potable Water is not meant for human consumption.
- 104.34 Premises: A Tract of land, platted or unplatted.
- 104.35 Pretreatment: The treatment of Wastewaters prior to introduction into a LWA Sewer System.
- 104.36 Public Use: Use or distribution of Potable Water when applied to the needs of two (2) or more separate Customers, or to two (2) or more Properties not of common ownership.

- 104.37 Sanitary Sewer: A Sewer which collects and carries liquid and water-carried wastes from residences, commercial Buildings, industrial plants, and institutions, and to which storm, surface and ground waters are not legally admitted.
- 104.38 Service: Providing an Owner with Potable Water as well as disposal of Waste Water without regard to the extent of Use made thereof. The availability of Potable Water is called "water Service." The availability of Waste Water disposal is called "Sewer Service."
- 104.39 Service Address: Any address at which Utility Service is furnished. The singular may include the plural. Most Service Addresses will be individually metered. However, in apartment Buildings, apartment complexes, duplex apartments, etc., one meter may supply more than one household. In such circumstances, each individual apartment is a separate Service Address as that term is used herein.
- 104.40 Service Lateral or Service Line: The line owned by the Owner that extends from the LWA Water and Sewer Systems through and connecting to the Owner's Premises.
- 104.41 Sewage: Any substance that contains Waste products, excrement or other discharge from the bodies of human beings or animals, which will pollute any water it enters. The standard strength for Sewage shall be 200 ppm BOD and 200 ppm Suspended Solids.
- 104.42 Sewer System or Sanitary Sewer System: The Waste Water Facilities or System. The LWA Sewer System is that part of the Waste Water System owned, operated, and maintained by the LWA.
- 104.43 Sewer or Sewer Line: A pipe or conduit for conveying storm water, ground water, non-polluted water, Sewage or Industrial Wastewater.
- 104.44 Shall: "Shall" is mandatory (see "May").
- 104.45 Storm Sewer or Storm Drain: A Sewer which carries storm and surface waters or drainage, but that excludes Sewage and polluted Industrial Wastes.
- 104.46 Storm Drainage System or Drainage System: All facilities, structures, Watercourses, Natural Outlets, waterways or streams, swales or ditches, and Sewers which carry storm water, ground water, surface water, subsurface drainage water, Cooling Water or unpolluted industrial process water.

- 104.47 Suspended Solids: Solids that either float on the surface of, or are suspended in, water, Sewage or other liquid, and which are removable by laboratory filtering.
- 104.48 System Components: All water or Sewer Lines, Service Laterals, valves, manholes, pipes, fittings, fixtures, vaults, pits, treatment equipment and machinery, Buildings, lift stations and appurtenances thereto which are a part of or connect to the Sewer System.
- 104.49 Toxic: Being capable of adversely affecting any organism upon assimilation or exposure.
- 104.50 Tract: A continuous expanse of land.
- 104.51 Utility Service: The provision of water and/or Sewer Service by the LWA.
- 104.52 Waste: Useless, unneeded or superfluous matter which is discarded such as ashes, garbage, process by-produce, or Sewage.
- 104.53 Waste Water: Any water containing Sewage or Industrial Water or other pollutants or contaminants derives from the prior Use of such water.
- 104.54 Waste Water Facility or System: The facilities for the purpose of treating, neutralizing, disposing of, stabilizing, cooling, segregating, or holding Wastewater, including without limiting the generality of the foregoing, facilities for the treatment and disposal of Sewage or Industrial Waste and the residue thereof, facilities for the temporary or permanent impoundment of Wastewater, both surface and underground, and Sanitary Sewers and other systems, whether on the surface or underground, designed to transport Wastewater, together with the equipment and furnishing thereof and their appurtenances and systems, whether on the surface or underground, including force mains and pumping facilities.
- 104.55 Water System: All of the facilities acquired for supplying, treating, pumping, and distributing water. An LWA Water System shall be that part of the Water System owned, operated, and maintained by the LWA.
- 104.56 Watercourse: A channel in which a flow of water occurs, either continuously or intermittently.
- 104.57 Waterline: A pipe or conduit used to distribute water to the Customer's Premises.
- 104.58 Water Treatment Plant: Any arrangement of devices and structures used for treating water to a potable condition.

105. **APPLICABILITY OF THESE REGULATIONS.** The provisions of these Regulations adopted as provided herein shall be part of the agreement with every Customer supplied with Water or Sanitary Sewer Service, and every such Customer or User shall be considered to have expressed their consent to such Regulations by way of application for Utility Services.
106. **PROVISION OF UTILITY SERVICE BY OTHERS.** Except for private lines serving only a single residence or Parcel of land, Sewer Lines, plants, fixtures and all appurtenances thereto and located in the LWA shall be installed and constructed, only in accordance with plans and specifications, by such Contractors, suppliers and materialmen, as are approved by the LWA, and no Person, public or private organization, or political subdivision shall have authority to approve, construct or install such lines without the express written consent and approval of the LWA.
107. **CONSTRUCTION AND TRANSFER OF SYSTEM COMPONENTS.**
- 107.01 LWA shall install, maintain, and operate a main distribution pipeline from the source of water supply and service lines from the main distribution line to the property line of each Customer, at which point a meter pit and meter shall be installed, owned, and maintained by LWA.
- 107.02 Owner to Bear the Cost: Any Owner or Developer wishing to develop a lot, Tract or Parcel of ground and wishing to connect Improvements constructed thereon to the LWA's Systems shall bear all the costs incidental to the construction and installation of the Water or Sewer System Components. Said construction and installation shall be done in accordance with these Regulations. All such extensions shall be done after a Tap Agreement is executed between the LWA and the Person advancing funds for said extensions.
- 107.03 Provision for Extension of System: Any Owner or Developer wishing to develop a lot, Tract, or Parcel of ground and wishing to connect said Improvements constructed thereon to the LWA's Systems, shall be required to construct as part of said Improvements such Systems Components as the LWA shall direct at the Owner's or Developer's expense. There shall be no sewer system for Public Use constructed or operated within the responsibility area of the LWA, except as approved by the LWA Board of Trustees.
- 107.04 Offsite Construction of LWA Systems: The LWA does not guarantee that it will have Water or Sewer System Components, or capacity, available to any Parcel or Tract of ground within the LWA. In the event that an Owner or Developer constructs or installs Systems Components outside the area being so developed, said installation and construction shall nonetheless be done in accordance with these Regulations, Ohio

EPA requirements, and Preble County requirements. Further, all said installation and construction shall be at the expense of the Owner or Developer.

107.05 Construction of Water Service Outside Lakengren: An applicant for a Water Service extensions outside Lakengren shall provide LWA with a study, by an EPA approved engineer, of the adequacy of the LWA Water System to supply the required proposed Potable Water, the additions and/or corrections necessary to provide the necessary proposed quantities of water, detailed plans for construction, the EPA Permit to Install (PTI), and installation of the Water Service extension that complies with EPA and the America Water Works standards. The applicant shall be responsible for the complete cost of the above and shall transfer, unencumbered, the total Water System extension in accordance with Section 107.06. Water Service shall be in accordance with these regulations, and all other regulations by LWA, including Service Charges to areas outside of Lakengren.

107.06 Conveyance of Systems Components By Owner or Developer

- A. Prior to the time that the LWA begins to render Water or Sanitary Sewer Service to any Owner or Developer of property, the Owner shall convey, through Bill of Sale, to the LWA, without additional consideration from the LWA, all of the System Components and Easements which are or are caused to be acquired, installed or constructed by the Owner and which are reasonably required in order for the LWA to provide Water or Sanitary Sewer Service to the Owner's property, except that the Owner shall not convey any part of the Service Laterals connecting the individual dwellings or Buildings with the Sanitary Sewer mains or lines. The Owner or Developer shall also, at the time of conveyance, also provide a one (1) year maintenance bond covering the conveyed System Components, and also a sewer cleaning and video inspection bond.
- B. All personal property conveyed pursuant to this Regulation for Water or Sanitary Sewer Service shall be conveyed by duly executed Bill of Sale conveying all rights, title and interest of Owner and all Easements and land rights-of-way shall be conveyed by duly executed Deed of Easement or recorded Plat. Such conveyances of personal property shall convey ownership free of liens. Such conveyances shall grant to the LWA good title to the Easements, free and clear of all rights of dower and all liens, Easements, restrictions, conditions, covenants and encroachments, except the liens of real estate taxes and assessments and any Easements, restrictions, conditions, covenants and encroachments which would not prohibit or unreasonably interfere with the installation, operation,

maintenance and repair of one or more Sanitary Sewer Lines or mains and those defects which LWA is willing to waive.

- C. At the time of conveyance described in this Regulation, Owner shall assign to LWA all obligations or warranties whether express or implied, created by law or by contract, by manufacturers, Contractors and vendors of the personal property comprising the Potable Water and Sanitary Sewer System within the Owner's property, to the extent the same may be assignable. Owner agrees that it will fully cooperate with LWA in enforcing any warranties given by or claimed against all manufacturers, Contractors and vendors of the personal property so conveyed, provided that any Costs or expenses in connection therewith shall be borne by the LWA. Owner will not knowingly waive any such warranties which it obtains.
- D. After said transfer of ownership the LWA, LWA shall install meters, maintain the lines, and supply Service in accordance with the LWA Deposit, Fee, and Charge Schedule.

107.07 No Potable Water for private or public use shall be constructed or operated within the area of responsibilities of the LWA except as approved by the Board of Trustees of the LWA.

108. SEPARATION OF SYSTEMS. All water, Storm Drainage and Sewer Systems are separate and distinct systems. No Person shall connect any two (2) systems together in any manner that could cause Wastewater to enter a water or Drainage Systems. All Water Systems shall be protected in all locations and all times from the siphoning, backflow, gravity flow, or pressure flow of Wastewater or Storm Drainage water into any part of a water system, regardless of whether any portion of the water system has a positive or negative pressure applied to it.

109. ACCESS TO PROPERTY. Any duly authorized representative of the LWA bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of disconnection from the LWA Water or Sanitary Sewer System as provided in these Regulations, and for inspecting, measuring, sampling or testing in accordance with and/or to ensure compliance with these Regulations. All Customers shall grant, convey, or shall cause to be granted or conveyed, to LWA a permanent Easement across any Property owned or controlled by the Customer wherever said Easement is necessary for LWA Facilities and Lines, so as to be able to furnish Service to the Customer.

110. GENERAL TERMS.

110.01 The LWA Water and Sanitary Sewer System, including all appurtenances, is under the control of the LWA and its authorized agents and employees. Such control shall include all phases, and

ownership and maintenance of Sewer mains and appurtenances, including but not limited to grinder pumps, and fixtures of metering for Sewer and shut off valves.

- 110.02 In the interest of public health and for the protection of its property, the LWA will not permit use of its Water or Sewer System or any systems components, for anything other than LWA approved uses.
 - 110.03 The LWA undertakes to use reasonable care and diligence to provide adequate Water or Sanitary Sewer Service. The LWA shall not be liable for a deficiency or failure, regardless of cause, in the supply of Water or Sanitary Sewer Service or for any damage therefrom, or for the bursting or breaking of any main or Service Laterals or for any damage caused thereby, or for failure of electrical power supply, or equipment failures, or failure of other Waste Water Facilities used by LWA or for any damage caused thereby, if the LWA is without willful default or negligence on its part. Under normal, nonemergency circumstances, a Customer will be notified of any anticipated interruptions of service.
 - 110.04 When application is made to the LWA for Water or Sanitary Sewer Service, or for the reinstatement of Water or Sanitary Sewer Service, the LWA shall be entitled to assume that the piping and fixtures to which such Service will be supplied are in good order, will be maintained in good order, and will be operated properly. The LWA will not be liable for any accidents, breaks, leakage or other harmful events resulting in any way from the supplying of Water or Sanitary Sewer Service to faulty piping or fixtures, or improperly operated piping or fixtures.
 - 110.05 The LWA shall have the sole right to determine the size, type, construction materials and methods, and location of Service Laterals and Connections necessary to give the Service for which application has been made.
 - 110.06 Operating control of all LWA Water or Sewer System and the Connections thereto is vested in and shall at all times remain with the LWA, and shall not be trespassed on or interfered with in any manner.
 - 110.07 The liabilities and responsibilities for proper use of, and payment for, the Sanitary Sewer Service is the obligation of the Owner of the Premises being served unless approved otherwise by the LWA in writing.
111. MALICIOUS MISCHIEF. No Person shall maliciously, willfully, or negligently break, damage, destroy, deface, cover, remove, or tamper with any part of the Water or Sewer System.

112. CHARGES FOR DAMAGES TO WATER OR SEWER SYSTEMS. When any Person causes an obstruction of, or damage to, or any other impairment to any part of a LWA Water or Sewer System or the treatment process, a charge shall be levied by the LWA against the Owner from whose Premises the damage originated or, if no premise is involved, the responsible Person. The charges shall be for the Cost of the work required to clear and/or repair the part of the Water or Sewer System or reestablish the treatment process affected by said damage. The LWA shall add such charge to the usual Service charges, surcharges, and fees, or bill the responsible Person. Failure to pay the bill within thirty (30) Days of its receipt shall subject the Person to the provisions of Section 199.

113. DISCONTINUED SERVICE.

113.01 In accordance with the Termination procedures provided in CHAPTER IV of these Regulations, the LWA may discontinue all or any part of its Service to any Customer for any of the following reasons:

- A. For use of Water or Sanitary Sewer Service for any premise or purpose other than as permitted by these Regulations.
- B. For willful misrepresentation to the LWA as to the Premises to be supplied, the use to be made of Water or Sanitary Sewer Service supplied, or any other material fact, including, but not limited to, information provided on any report or applications to the LWA.
- C. For tampering with or molesting any plant, main, Sewer, line, Connection, or Service Lateral under the control of, or belonging to the LWA, or connecting into a LWA System without LWA permission.
- D. For non-payment of any charges owed by the Owner to the LWA when due.
- E. For connecting a Sewer, Waterline, Service Lateral, or any line or pipe directly or indirectly with any other source of Waste Water or use of water than that which results from the normal activities of the Premises served, or with any apparatus which may, in the opinion of the LWA, endanger the quality of the LWA Water or Sanitary Sewer Service.
- F. For denial to the LWA of reasonable access to the Premises.
- G. For any violation of, or failure to comply with, these Regulations.

113.02 The LWA may discontinue Service in the event of emergency repairs, as set forth in Section 419, or due to insufficient supply of water due to

circumstances beyond the LWA control, a directive of public authorities, or strike, riot, fire, flood, accident, or any unavoidable cause.

114. RESTORING SERVICE. If a Customer whose Service has been discontinued or terminated pursuant to Section 112 or other applicable sections of these Regulations, and thereafter desires Service to be restored, such restoration may be made only after the Customer or Owner:

114.01 Has paid all unpaid bills and charges owing to the LWA; and/or

114.02 Has corrected any condition found contravening these Regulations; and,

114.03 Has paid a Reconnection Fee as established by the LWA in the LWA's Deposit, Fee and Charge Schedule, plus any additional costs or charges listed therein for renewing Water or Sanitary Sewer Service.

115. AMENDMENTS, CHANGES. The LWA reserves the right at any time to alter, amend or add to these Regulations.

116. NOTICE. A notice of violation of any provision of these Regulations shall be deemed served by the LWA with issuance of a written citation stating the nature of the violation, signed by the authorized representative of the LWA, and mailed by U.S. mail to the last known address of the Person causing the violation.

117. VALIDITY

117.01 All regulations or ordinances or parts thereof in conflict with these Regulations are hereby repealed.

117.02 The invalidity of any section, clause, sentence or provision of this Regulation shall not affect the validity of any other part of this Regulation which can be given effect without such invalid part or parts.

118. 198 RESERVED

199 PENALTY

A. Any Person who violates any provision of these Regulations shall be served by the LWA with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. There shall also be a service charge, as specified in the Deposit, Fee & Charge Schedule, for each service call to investigate, notify or discontinue Water or Sanitary Sewer Service as a result of fraud or illegal use of the LWA Water or Sewer System, including unauthorized connection or use of the System, or any other violation of the LWA Regulations.

- B. In addition, the LWA may recover civil damages from any Person who violates any of the provisions of these Regulations or LWA directives pursuant to these Regulations for any expense, loss or damage occasioned by the LWA of such violation. Criminal charges for intentional violations may also be sought by the LWA where appropriate.
- C. Any Person who violates any of the provisions of these Regulations or LWA directives pursuant to these Regulations may be denied future permits to connect to the LWA Water or Sewer System, for so long as the violation continues.
- D. The LWA reserves the right to pursue any other remedy, penalty for late payment, or other legally

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CHAPTER II

SEWER SYSTEM USE

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201. PURPOSE. To regulate the use of the Sanitary Sewer System owned and operated by the LWA.
202. SCOPE. This chapter establishes the discharge criteria for the Sanitary Sewer System, and the procedures for handling discharges which fail to meet the established criteria.
203. GOVERNING REGULATIONS. Where there appears to be, or there is in fact, a conflict between this chapter and CHAPTER I, General Provisions, the chapter providing the more stringent requirement, standard, or procedure shall govern.
204. DEFINITIONS. The definitions of CHAPTER I shall be used in this chapter unless the context of any section of this chapter specifically indicates that such definitions are not applicable.
205. PROHIBITED DISCHARGES.
- 205.01 No Person shall release or cause to be released or allow to run, leak, or escape into the LWA's Sanitary Sewer System any discharge containing any materials or substances considered by the LWA to be Toxic, interferes with the operation of, impedes the flow of, or is in any way deleterious to any part of the LWA's Sanitary Sewer System or treatment

process. Certain materials shall by their nature be considered by the LWA to be Toxic or deleterious. Such materials or substances shall include, but not be limited to:

- A. Ashes, cinders, construction materials, fat, feathers, fur, glass, metal, mud, plastic, rags, sand, shavings, straw, tar, wood, or any solid or viscous substances capable of causing obstruction to the flow in Sewers or other interference with the proper operation of the Sewer System;
- B. Any liquids, solids or gases, including but not limited to gasoline, kerosene, benzene, naphtha, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the structure or operation of the Sewer System or Waste Water Treatment Facilities, including, but not limited to, materials with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test method specified in 40 CFR 261.21;
- C. Steam or hot water above 150 degrees Fahrenheit (65 degrees Celsius), or any other liquid, solid or gas which would cause the Sewage temperature in the LWA System to be higher than 100 degrees F (38 degrees Celsius);
- D. Any water or Waste containing petroleum Oil, non-Biodegradable cutting Oil or products of mineral origin in sufficient quantities to pass through or interfere with LWA operations, or, at the discretion of the LWA, water or Wastes containing fats, wax, grease, or Oil regardless of origin, and whether emulsified or not, in excess of 250 mg/L or containing substances which may solidify or become viscous at temperatures between 33 degrees and 150 degrees Fahrenheit (1 degree and 65 degrees Celsius);
- E. Any waters or Wastes having a pH lower than 5.0 or higher than 12.5 or having any other corrosive property with the potential to cause damage or hazard to structures, equipment of the LWA System, or Personnel employed in its operations;
- F. Coal tar, its derivatives and Wastes;
- G. Any liquids or Wastes containing Toxic or poisonous substances in sufficient quantities or rates of flow as to injure or interfere with any of the Sewage treatment process, to constitute a hazard to human beings or animals, or to create any hazard in the receiving waters. Maximum limits for such materials may be established by the LWA

but the maximum so established should not be construed as necessary to establishing the civil liability of the offender;

H. Brine from gas, Oil, or water well drilling operations;

- I. Any water or Wastes that are derived from the manufacture or blending of products containing certain bioaccumulative chemicals of concern (BCCs) or that are brought into a Facility for the purpose of reclamation, recovery, or treatment of these chemicals, which include but may not be limited to: chlordane, 4,4'-DDD (p,p'-DDD, 4,4'-TDE, p,p'-TDE), , 4,4'-DDE (p,p'-DDE), 4,4'- DDT (p,p'-DDT), dieldrin, hexachlorobenzene, hexachlorobutadiene (hexachlor-1,3-butadiene), hexachlorocyclohexanes (BHCs), alpha-hexachlorocyclohexane (alpha-BHC), beta-hexachlorocyclohexane (beta-BHC), delta-hexachlorocyclohexane (delta-BHC), lindane (gamma-hexachlorocyclohexane, gamma-BHC), mirex, octachlorostyrene, PCBs polychlorinated biphenyls), pentachlorobenzene, photomirex , 2,3,7,8-TCDD (dioxin), 1,2,3,4-tetrachlorobenzene, 1,2,4,5-tetrachlorobenzene, toxaphene; or,
- J. Any other material, in any form, which is prohibited from discharge by federal, state or Lakengren Water Authority Regulations.

206. STORM WATER AND OBSTRUCTIONS PROHIBITED IN SANITARY SEWERS.

206.01 All Owners, Consumers and other Persons are prohibited from:

- A. Discharging, causing to be discharged or permitting to be discharged any storm water, ground water, surface water, roof water runoff, subsurface drainage water, Cooling Water or unpolluted industrial process waters into a Sanitary Sewer of the LWA.
- B. Installing, causing to be installed or with knowledge thereof, permitting to exist a sewer Tap pipe or other obstruction which protrudes into or otherwise obstructs a Sanitary Sewer Line of the LWA.
- C. With knowledge thereof, causing or permitting to exist, whether from a tree or other vegetation on such property, a root obstruction in a Sanitary Sewer or Service Lateral of the LWA.
- D. As used herein, knowledge shall be presumed upon service of written notice as stipulated in Section 116.

206.02 The LWA shall conduct or cause to be conducted periodic surveys and investigations, of a frequency acceptable to the LWA, of sewer use practices within a Customer's premises to determine whether there are

connections in violation of this section. This does not relieve the Customer of the responsibility for conducting or causing to be conducted, periodic surveys of water and sewer practices on their premises to determine whether there are actual or potential connections in violations of this section.

207. MANDATORY CONNECTION WITH LWA's SANITARY SEWER SYSTEM. Pursuant to Ohio Revised Code Section 6119.06(AA), the Owner of any Premises within the LWA shall be required to connect to the LWA Sewer System, as provided in this section, to prevent or abate Pollution and protect the health and property of Persons in the LWA.

207.01 Connection by LWA at Owner Expense: If such Connection does not occur as required under this Section, the LWA may arrange for such Connection and the cost thereof together with a forfeiture of five per cent, shall be assessed against the lots and lands for which such connections are made.

208. SERVICE LATERAL CONNECTION REQUIREMENTS.

208.01 All Connections shall be made and maintained in accordance with LWA specifications and standards. No Person shall:

A. Construct or connect a Service Lateral to a LWA System until a Tap Application has been approved by the LWA.

B. Connect a Service Lateral to more than one Building or structure on the Owner's Premises, except that a residential, non-commercial garage associated with and on the same Parcel as a single-family home may also be connected to the Service Lateral for such home.

C. Install, cause to be installed or knowingly permit to exist a Connection, Tap pipe, or other obstruction which protrudes into or otherwise obstructs a LWA Sewer Line.

D. Connect any source of storm, surface or ground water into a LWA System or a Service Lateral, such as, but not limited, to a sump pump.

208.02 During construction of a Building, all floor drains, sink traps, stand pipes or other openings into the Service Lateral which are in the basement level or, if there is no basement, on the ground floor level, shall be plugged or sealed to eliminate storm, surface or ground water entering the Service Lateral. No pumps shall be discharged into the Service Lateral.

- 208.03 The contractor/owner shall supply the pipe (minimum schedule 40 PVC or equivalent) and the LWA shall provide the supplies to connect the pipe to the sewer main. For gravity feeds into the Sewer System, the LWA shall provide the saddle and bands, 10 feet schedule 40 PVC pipe, and the adapter to the Customer's pipe.
- 208.04 Each Customer shall be required to dig, or have dug, a trench and to purchase, installed, and maintain such portion of the Service Line from the tap to the Improvement, at the Customer's expense. The Customer shall also install cleanouts between the Improvement and the tap-in to the Sewer main at intervals of every 100 feet or less.
- 208.05 Piping from the Improvement to the tap-in shall be installed so that the Sewer Pipe shall have the appropriate grade to the Sewer Main where it will be tapped. If this is not possible, a grinder pump may be installed in accordance with Section 217 herein.

209. SERVICE LATERAL MAINTENANCE AND INSPECTION

- 209.01 The Owner shall maintain Service Laterals on their property and repair or replace a defective Service Lateral. All Service Laterals shall be installed and maintained in a safe and efficient manner and in accordance with LWA Regulations and the Preble County Plumbing Code.
- 209.02 The LWA may periodically perform special tests to confirm the integrity of the Sanitary Sewer System, including smoke testing, dyed water testing, air testing, hydraulic testing, closed circuit television inspection, and other testing and inspection techniques approved by the LWA. As provided under Section 108 herein, the LWA and/or their representative may enter private property to inspect or test a Service Lateral. The LWA shall give the property owner not less than twenty-four (24) hours written notice before entering private property to conduct an inspection or test, except where:
- A. It has received a complaint or a customer request to test or inspect a Service Lateral; or
 - B. Sewage is exposed on the property in a manner that creates a potential public health hazard.
- 209.03 After receiving notice of the LWA's intention to inspect or test their Service Lateral, an Owner may choose to have the inspection done by a competent inspector at their own expense. A report of such inspection shall be submitted to the LWA within seven (7) business days after such inspection.

209.04 The LWA may identify defects in a Service Lateral that allow extraneous flow or debris to enter the Service Lateral or the discharge of Sewage on the property, or a condition that may interfere with the proper operation of the Service Lateral. Any defect under this section may include:

- A. Evidence of pipe or joint deterioration;
- B. Root intrusion into a pipe that separates a pipe joint or enlarges an existing crack;
- C. A misaligned pipe segment, sag or lack of position gradient;
- D. A lack of a necessary cleanout cap or manhole cover;
- E. A downspout, drain, or other connection that allows storm water or other extraneous water to enter the Sanitary Sewer System; or,
- F. A flaw that allows the discharge of Sewage on the property or the introduction of extraneous water into the Sanitary Sewer System.

209.05 When the LWA identifies a defective Service Lateral or a condition that interferes with the proper operation of a Service Lateral, the LWA shall send the property owner written notice of the defect or condition, including a statement that the Service Lateral must be replaced or repaired, or the condition corrected, not later than ninety (90) days after the date of the notice.

210. DETERMINATION OF ACCEPTABILITY OF DISCHARGE. The LWA shall determine the acceptability of any discharges to the Sewer System where such discharges are not already prohibited by Section 205 herein. Such determination shall be made on the basis of sound engineering and operational evaluations taking into consideration the nature and concentration of the discharge, its point of entry into the system, its compatibility with the treatment facility receiving it, and all other factors pertinent to the effect of the discharge on any part of the system or treatment process.

210.01 FACTORS INDICATING UNACCEPTABLE DISCHARGE – Unacceptable discharges shall include those which have been determined by the LWA to:

- A. Contain materials or substances that may constitute a hazard to life and limb of personnel engaged in inspection, maintenance, and operation of the LWA System;

- B. Contain materials or substances that may be Toxic as defined in Section 104.49 herein;
 - C. Contain materials or substances that may be in any way deleterious to any part of the System;
 - D. Contain concentrations of any Toxic or deleterious materials or substances in excess of any limits set thereon in accordance with this CHAPTER;
 - E. may cause the LWA to incur additional or extraordinary expense in the handling or conveyance thereof;
- 210.02 Upon determination that an existing or proposed discharge is unacceptable, the LWA may:
- A. Refuse Sanitary Sewer Service to the Owner whose Premises is discharging or who is proposing to discharge unacceptable Waste and furthermore may order the removal of such discharges from the Sewer System, including the physical removal of Connection to the system;
 - B. Require Pretreatment of the unacceptable discharge by equipment or procedures acceptable to the LWA; and/or,
 - C. Require payment in an amount determined by the LWA, to compensate for added Costs of handling, treating or disposing of the wastes.
- 210.03 When Pretreatment is to be used, the LWA shall:
- A. Require the submission of detailed plans, specifications, and sufficient design information to allow proper evaluation of proposed Pretreatment facilities for approval prior to construction. Such approval by the LWA shall signify that best engineering judgment indicates that the proposed facilities will be capable of providing satisfactory Pretreatment. Such approval does not in any way certify, warrant or guarantee that the facilities will function satisfactorily, or that it will not be necessary to enlarge or otherwise modify the facilities to make them capable of providing satisfactory Pretreatment. It remains the responsibility of the Person submitting or causing the submission of the information to assure compliance with all discharge limitations; and,

- B. Require evidence that the Pretreatment facilities will be operated and maintained to provide an acceptable discharge into the LWA Sewer System; and,
- C. Require that such records be maintained and such tests be performed as required by the LWA to adequately reflect the character of the influent and effluent of the Pretreatment process.

210.04 The LWA may order removal of the unacceptable discharge from the Sewer System and assess Costs at any time prior to Pretreatment implementation, during Pretreatment implementation, if unsatisfactory progress or operation is evidence, or if necessary to protect the Sewer System from damage.

211. GREASE, OIL AND SAND INTERCEPTORS.

211.01 Grease, oil and sand interceptors shall be provided when, in the opinion of the LWA, they are necessary for the proper handling of liquid wastes containing grease in excess amounts, or any flammable wastes, sand and other harmful ingredients. Such installations shall include but may not be limited to food service operations, hospitals, schools, etc. All interceptors shall be of a type and capacity approved by the LWA and shall be located as to be readily and easily accessible for cleaning and inspection.

211.02 Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at their expense, in continuously effective operation at all times.

212. MONITORING AND FLOW MEASUREMENT FACILITIES

212.01 Installation of Waste water monitoring and/or flow measurement facilities necessary to inspect, monitor, sample and test the amounts and characteristics of the Waste water discharges may be required of any Owner by the LWA. A plan for proposed monitoring and flow measurement facilities shall be submitted to the LWA for approval within sixty (60) Days of receipt of request for installation. The installation shall be completed within ninety (90) Days of the LWA approval.

- A. Monitoring facilities and/or flow measurement facilities required by the LWA shall be constructed, operated, and maintained at no Cost to the LWA.
- B. The entire facility shall be maintained at all times in a safe and proper operating condition by the Person installing the facility and/or causing the discharge that is being monitored and/or measured.

- C. Access to the monitoring and/or flow measurement facilities shall be made available immediately to authorized representatives of the LWA at any time.
 - D. Authorized representatives of the LWA shall have the right to and shall be provided with adequate space necessary to set up and operate additional monitoring equipment at such facilities.
- 212.02 The monitoring facility shall be located as to be readily accessible at all times to representatives of the LWA. Access shall not be obstructed by parked vehicles, supplies or equipment or any other object or Person which might prevent accessibility.
213. DISCHARGE REPORTS. The LWA may require any Person discharging or proposing to discharge Wastewater into a Sewer System to file discharge reports, on forms supplied by the LWA. The discharge reports shall include, but not be limited to, the nature of process, volume and rates of flow, production quantities or other information that relates to the generation of Waste including substances and concentrations in the Wastewater discharge. Such reports as required by the LWA may also include the chemical constituents and/or quantity of liquid or gaseous materials stored on site even though they may not normally be discharged. Discharge reports may be required at such intervals as determined by the LWA to be adequate to define changes in Wastewater discharge characteristics. In addition to discharge reports, the LWA may require information relating to permit applications and self-monitoring reports.
214. PUBLIC RECORD. All information and data obtained from reports, questionnaires, applications, permits and monitoring programs, and from inspections on any Person or on the quantity or character of any Waste shall be available to the public only to the extent required by law.
215. PROTECTION FROM ACCIDENTAL DISCHARGE. Each Owner and resident of the LWA shall provide protection from accidental discharge to a Sewer System of any wastes prohibited by these Regulations. Such required protection shall include, but not limited to, walls or dikes, separate storage, removal of drain lines from locations where significant quantities of prohibited materials are maintained or other appropriate procedures to assure the prevention of discharge into a Sewer System.
- 215.01 Plans for installation of such control facilities or operating procedures shall be submitted to the LWA for approval prior to construction or at the time such control facilities are found to be necessary by either the Owner or the LWA. The review and approval of such plans and operating procedures shall not relieve any Person of responsibility for preventing the discharge of unacceptable materials to a Sewer System. Any

Person in charge of or responsible for the process, activity or function that causes, generates or produces a prohibited Waste shall notify the LWA immediately upon the accidental loss or discharge into a Sewer System of prohibited materials, substances or Waste in order to enable countermeasures to be taken to minimize damage to the Sewer System and/or the receiving waters. Such notification will not relieve the responsible Person of liability for any consequential expense, loss or damage to the Sewer System or the receiving waters ecology. Failure to immediately notify the LWA upon knowledge of such prohibited discharge shall subject the responsible Person to the remedies allowed by law.

216. MANHOLES.

- 216.01 Manholes are located throughout Lakengren and are the accesses to the Sewer System.
- 216.02 No person shall cause damage to a manhole. Any person who damages a manhole will be responsible for the costs incurred by the LWA to fix said manhole.
- 216.03 No person shall place any foreign object into a manhole. The LWA will prosecute any person who willfully damages or causes a blockage of the Sewer System, and said person shall be responsible for the costs incurred by the LWA to repair the System.

217. GRINDER PUMPS.

- 217.01 The LWA retains ongoing responsibility for all grinder pumps within use in Lakengren.
- 217.02 Grinder Pumps and Connections Inside Lakengren.
 - A. If a Service Line is not sufficiently above the Sewer Line to allow a gravity flow into the Sewer, as set forth in Section 208.05, a grinder pump assembly may be required. The contractor/owner is responsible to ensure that the necessary amount of fall or grade required by the Preble County Building Code is met.
 - B. When applying for a sewer tap-in, the Customer shall pay the current tap-in fee. If a new grinder pump assembly is required, the Customer shall pay the current price for the grinder pump.
 - C. Installation of a new grinder pump.

- (i) The Customer is responsible to install the new assembly, supply the pressure line from the assembly to the main, and supply the gravity feed from the Improvement to the grinder pump.
 - (ii) The Customer shall also provide the wiring from the grinder pump to the Improvement.
 - (iii) The wiring shall run through an electrical disconnect located outside of the Improvement.
 - (iv) The LWA operator shall make all of the electrical and mechanical connections to the new grinder pump at the pump.
- D. Materials furnished by the LWA for pressure attachments to the Sewer System include the grinder pump assembly, electrical control panel, and the saddle for the Tap. New pressure installation requires the Owner to supply 1 ¼" pressure line with minimum 160 PSI rating from the grinder pump to the Sewer main and grounded 10-2 underground wiring with a disconnect for the pump outside of the Improvement.
- E. The lowest Sewer drain opening in the Improvement shall be a minimum of two (2) feet above the top of the grinder pump housing (lid) to prevent backup of sewage into the Improvement in the event of grinder pump failure or blockage.
- F. Grinder pump assembly is normally sized to accommodate two (2) families, and if shared, the cost shall be divided equally. There shall be no two (2) family grinder pumps unless approved by the Chief Wastewater Operator and General Manager prior to installation.
- (i) If a new house is tied to an existing grinder can, and the original or current Customer paid for that can, the Owner is to receive a rebate of ½ the cost of the grinder can when it was originally purchased. If the grinder pump was installed at no Cost to the Owner, then the LWA shall keep all moneys paid to tap into the existing can. If there is a dispute as to who paid for the original installation, and the LWA has no record of it, the Owner shall produce a receipt, or other evidence, for proof of purchase in order to receive the rebate.
 - (ii) If sharing a grinder pump, the new Customer shall only be required to install a gravity feed from the Improvement to the existing grinder pump. The existing Customer using the grinder pump shall maintain the electric line. If the original property is unoccupied and the electricity is turned off, then the electric source shall be switched to the new Customer's Improvement. The Customer who pays for the electric service shall receive a discount for Sewer Use Charge.

- G. After installation, the Customer's responsibility is to maintain the gravity feed line from the Improvement to the grinder pump, and also the pressure line past the grinder pump to the Sewer main. The LWA shall assist the Customer if repairs in these areas are needed.
- H. The LWA shall not be responsible for any damage caused by grinder pump failure.
- I. The LWA shall determine whether or not the Customer is required to install a grinder pump. However, the responsibility to determine the level and gradient of the Service Line from the Customer's property remains with the Customer and their contractor.
- J. Once installed, the grind pump is the property of the LWA. As such, the LWA shall provide regular maintenance and repair of the grinder pump as needed. Customers with a grinder pump are required to pay a monthly fee, as set for on the LWA Deposit, Fee, and Charge Schedule.

217.03 Grinder Pumps and Connections Outside Lakengren.

- A. If the Service Line is not sufficiently above the Sewer Line to allow gravity flow into the Sewer main, then a grinder pump assembly may be necessary.
- B. No ongoing maintenance shall be provided for Sewer Customers outside the boundaries of Lakengren, unless the grinder pump is or was installed at the convenience of the LWA.
- C. In the case a grinder pump is necessary for a Customer, the customer may use any grinder pump assembly they desire. If the Customer desires to purchase the grinder pump assembly the LWA uses, they can purchase said grinder pump from the LWA at its current price.
- D. Installation and maintenance of the grinder pump, and Service Lateral, shall be the responsibility of the Customer. If the Customer purchased the standard LWA grinder pump from the LWA, the LWA may perform maintenance on it, at the Customer's request and expense.
- E. Other than to make all reasonable efforts to prevent sewage backup from the main to the Customer's property, and to provide maintenance on the grinder pump at the request of the Customer, the responsibility of the LWA terminates at the service tap.

218. 298 RESERVED

299 PENALTY. Whoever violates any provision of this CHAPTER or LWA directives pursuant to this chapter shall be subject to the remedies of Section 199 Penalty of these Regulations.

**LAKENGREN WATER AUTHORITY
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**CHAPTER III
WATER SYSTEM REGULATIONS**

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302.	SCOPE		WATERLINES AY BE REQUIRES
303.	GOVERNING REGULATIONS	312.	SERVICE LATERAL CONNECTION
304.	DEFINITIONS		REQUIREMENTS
305.	PROHIBITED USES	313.	SERVICE LATERAL MAINTENANCE
306.	PERMITTED USES		AND INSPECTION
307.	PROTECTIONS FROM ACCIDENTAL	314.	WATER USE RESTRICTIONS
	DISCHARGE	315.	APPEARANCE OF POTABLE WATER
308.	UNAUTHORIZED ACTIVITIES	316.	FIRE HYDRANTS
309.	WATER METERS	317. – 398.	RESERVED
310.	OBSTRUCTIONS PROHIBITED IN	399.	PENALTY
	WATERLINES		

301. PURPOSE. To regulate the Use of the Water System owned and operated by the LWA.

302. SCOPE. To establish the criteria for the Use of the Water System.

303. GOVERNING REGULATIONS. Where there appears to be, or there is in fact, a conflict between this chapter and CHAPTER I, GENERAL PROVISIONS, the chapter providing the more stringent requirement, standard, or procedure shall govern.

304. DEFINITIONS. The definitions of CHAPTER I shall be used in this chapter unless the context of any section of this Chapter specifically indicates that such definitions are not applicable.

305. PROHIBITED USES. No Person shall connect any pipe line or conduit which directly or indirectly connects the LWA Water System to:

305.01 Any pipe, Waterline or conduit containing, or intended to contain any liquid or material that would be or could be injurious to the Owner's or any Person's health or welfare, injurious to the Water System, or contaminate the water provided by the LWA;

305.02 Any private well System or other private source of water, or any System of liquid conveyance such as Sewers, drains or tiles;

305.03 Any pond, lake, pool, or any devices therein, without LWA Approved Backflow protection; or,

- 305.04 Any System that serves Buildings other than the Buildings for which the Service was obtained.
306. PERMITTED USES. Water supplied by the LWA may be used only for domestic, agricultural, business, and commercial consumption by the customer, members of the household, employees, and agents. The Customer shall not sell or give Water to any Person without prior written approval of LWA.
- 306.01 LWA shall deliver to a Customer only such Water as may be necessary to supply the needs of said Property of each Customer including family, business, agricultural, or commercial requirements or other purposes as a Customer may require, subject, however, to the provisions of the by-laws, these regulations, or other regulations of LWA.
307. PROTECTION FROM ACCIDENTAL CONTAMINATION OR DAMAGE. Each Person shall protect the portion of a Water System on their Premises or that which they are using from damage or Contamination. Any Person in charge of or responsible for a process, Use or activity that causes or produces damage, or adds compounds, elements or materials to the water, or otherwise contaminates the water in the LWA Water System shall immediately notify the LWA. Such notification shall not relieve the responsible Person of liability for any consequential expense, loss or damage to the Water System, or injury or disease to Person(s) using the water Service.
308. UNAUTHORIZED ACTIVITIES. No Person shall cause, permit or add any material additives or compounds to the water provided by the LWA without obtaining prior LWA approval.
309. WATER METERS.
- 309.01 Water meters installed by the LWA are the property of the LWA and may be changed, maintained, replaced, repaired, and/or altered solely at LWA discretion. It is considered a violation of these Regulations to break or tamper, in any way, with the meter. Upon notification by a Customer of a suspected faulty or inaccurate meter the LWA shall test and replace the meter if needed. If the replaced meter is accurate within the manufacturer's limits, the LWA may assess a replacement charge. A suspected inaccuracy or faulty meter is not grounds for non-payment of a bill.
- 309.02 WATER METERS AT CONNECTION TO LWA WATER SYSTEM
- A. All existing structures with water service and all new construction, whether said construction is located inside or outside the boundaries of the LWA, shall have installed at the Owner's expense an individual water meter for each point of Connection to the LWA's System,

except that water meters are not required for fire service, LWA facilities, and the LWA unmetered yard hydrants.

- B. If the Customer requests that the LWA install an additional meter or meters on the Property, each place of metering shall be considered a separate and individual Account.
- C. If a seal of a meter is broken by other than the LWA representatives, or if the meters fails to register correctly or is stopped for any cause, the Customer shall pay an amount in accordance with Section 416.05.

310. OBSTRUCTIONS PROHIBITED IN WATERLINES. All Owners are prohibited from installing, causing to be installed, or with knowledge thereof, permitting a Tap pipe or different line or other obstruction which protrudes into or otherwise obstructs a Waterline of the LWA. As used herein, knowledge shall be presumed upon Service of written notice as stipulated in Section 115.

310.01 No person, agency, corporation, association, public utility, or political subdivision:

- A. Shall place any harmful or improper construction or obstruction in such a place or position that it interferes with the operation of the LWA or impedes the flow of water through any part of the Water Distribution System of the LWA, or
- B. Shall make any opening or connection in any distribution Pipelines or Service Lines or any Line Connected to the Water Distribution System of the LWA except in accordance with these regulations of the LWA and with the express advance written consent of the LWA Board of Trustees, or,
- C. Shall in any way pollute, contaminate, or unnecessarily waste the water supply

311. CONNECTION WITH LWA'S WATERLINES MAY BE REQUIRED. The Owner of any real property located within the Lakengren Water Authority shall be required to connect to the LWA Water System pursuant to R.C. 6119.06(AA) so as to prevent or abate Pollution and protect the health and property of Persons in the LWA.

312. SERVICE LATERAL CONNECTION REQUIREMENTS.

312.01 All Connections shall be made and maintained in accordance with LWA specifications and standards. No Person shall:

- A. Construct or connect a Service Lateral to a LWA System until a Tap Application has been approved by the LWA.
 - B. Connect a Service Lateral to more than one Building or structure on the Owner's Premises, except that a residential, non-commercial garage associated with and on the same Parcel as a single-family home may also be connected to the Service Lateral for such home.
 - C. Install, cause to be installed or knowingly permit to exist a Connection, Tap pipe, or other obstruction which protrudes into or otherwise obstructs a LWA Water or Sewer Line or Service Lateral.
 - D. Connect any source of storm, surface or ground water into a LWA System or a Service Lateral, such as, but not limited, to a sump pump.
- 312.02 Each Customer shall be required to dig or have dug, a trench and to purchase, install, and maintain such portion of the Service Lateral from the meter pit to the Improvement, at the Customer's own expense.
- 312.03 Piping on the Property of the Customer shall be so installed that the Connection is conveniently located with respect to LWA lines and mains. The Customer's lines, piping, and plumbing shall be installed and maintained by the Customer, at the Customer's expense, in accordance with LWA code of regulations and the Preble County Plumbing Code.
313. SERVICE LATERAL MAINTENANCE AND INSPECTION
- 313.01 The Owner shall maintain Service Laterals on their property and repair or replace a defective Service Lateral.
- 313.02 The LWA may periodically perform special tests to confirm the integrity of the Sanitary Sewer System, including smoke testing, dyed water testing, air testing, hydraulic testing, closed circuit television inspection, and other testing and inspection techniques approved by the LWA. As provided under Section 108 herein, the LWA and/or their representative may enter private property to inspect or test a Service Lateral. The LWA shall give the property owner not less than twenty-four (24) hours written notice before entering private property to conduct an inspection or test, except where:
- A. It has received a complaint or a customer request to test or inspect a Service Lateral; or
 - B. Sewage is exposed on the property in a manner that creates a potential public health hazard.

- 313.03 After receiving notice of the LWA's intention to inspect or test their Service Lateral, an Owner may choose to have the inspection done by a competent inspector at their own expense. A report of such inspection shall be submitted to the LWA within seven (7) business days after such inspection.
- 313.04 The LWA may identify defects in a Service Lateral that allow extraneous flow or debris to enter the Service Lateral or the discharge of Sewage on the property, or a condition that may interfere with the proper operation of the Service Lateral. Any defect under this section may include:
- A. Evidence of pipe or joint deterioration;
 - B. Root intrusion into a pipe that separates a pipe joint or enlarges an existing crack;
 - C. A misaligned pipe segment, sag or lack of position gradient;
 - D. A lack of a necessary cleanout cap or manhole cover;
 - E. A downspout, drain, or other connection that allows storm water or other extraneous water to enter the Sanitary Sewer System; or,
 - F. A flaw that allows the discharge of Sewage on the property or the introduction of extraneous water into the Sanitary Sewer System.
- 313.05 When the LWA identifies a defective Service Lateral or a condition that interferes with the proper operation of a Service Lateral, the LWA shall send the property owner written notice of the defect or condition, including a statement that the Service Lateral must be replaced or repaired, or the condition corrected, no later than ninety (90) days after the date of the notice.
314. **WATER USE RESTRICTIONS.** The LWA may determine it necessary to impose various water conservation measures, including restrictions or bans on outside watering. During these times, no person shall use water from the LWA Water System for lawn or garden, cooling, vehicle washing, or other purposes not essential to the health, safety, and welfare of the residents of Lakengren. If such measures are imposed, whoever violates such measures shall be subject to the remedies of Section 199 PENALTY of these Regulations.
315. **APPEARANCE OF POTABLE WATER.** The LWA does not guarantee that the Water quality involving aesthetic appearances or odor will be satisfactory. Factors such as the use of hydrants may temporarily affect the appearance of the Water which may

result in staining clothes or other material washed with such water. Some events cannot be controlled by LWA and care should be exercised by the Customer in the Use of Water.

316. FIRE HYDRANTS. All fire hydrant maintenance shall be performed or approved by LWA. Cost of said maintenance shall be borne by LWA, unless other arrangements are made in writing by the LWA Board of Trustees.

316.01 No person shall, except in the time of fire, open or connect to any fire hydrant of the LWA, nor draw water there from, except as approved, in writing, by the LWA.

316.02 No person shall obstruct or in any way prevent or interfere with continuous free access to any fire hydrant except by written permission of the LWA.

317. 398. RESERVED.

399. PENALTY. Whoever violates any provision of this Chapter or LWA directives pursuant to this chapter shall be subject to the remedies of Section 199 PENALTY of these Regulations.

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CHAPTER IV

CONNECTIONS, FEES, PERMITS AND BILLINGS

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401. PURPOSE. To establish the procedures, requirements, and responsibility for costs for connecting to and making use of the LWA Water or Sewer systems.
402. GOVERNING REGULATIONS. Where there appears to be, or there is in fact, a conflict between this chapter and other chapters of these Regulations, the chapter providing the more stringent requirement, standard, or procedure shall govern.
403. DEFINITIONS. The definitions in CHAPTER I shall be used in this CHAPTER unless the context of any Section of this CHAPTER specifically indicates that such definitions are not applicable.
404. APPLICATION FOR SERVICE. All applications for Water or Sanitary Sewer Service shall be made on forms provided by the LWA. Each application shall state

truly and fully the uses to be made of the Water or Sanitary Sewer Service. A separate application for Service may be required for each Premises. Each application must be signed by the Owner of the Premises to be supplied Water or Sanitary Sewer Service. In case of a change of ownership, the new Owner of an existing property shall notify the LWA (within seven (7) Days from the transfer date of the property) of the change of ownership and provide the pertinent information necessary to assume responsibility of the account of the said property.

405. DEPOSITS, FEES AND CHARGES; LWA BOARD REVIEW.

- 405.01 The LWA shall establish the deposits, fees and charges for the Connection to and use of the LWA Water or Sewer System. These deposits, fees and charges shall be listed in the LWA's Deposit, Fee and Charge Schedule (hereafter, "LWA Deposit, Fee and Charge Schedule") which shall be approved by the LWA Board of Trustees. The LWA Deposit, Fee and Charge Schedule effective on the date a deposit, fee or charge is required shall govern the amount of the deposit, fee or charge.
- 405.02 The LWA may review and revise the Connection, Service and other charges (as contained in the Lakengren Water Authority Deposit, Fee and Charge Schedule) as necessary to ensure that adequate revenues are generated to pay the Costs of debt retirement, operation and maintenance, including replacement, and that the Water and Sewer System continues to provide the proportional distribution of operation, maintenance, and replacement Costs among users and user classes.
- 405.03 Each new account shall be required to sign an Owner Service Agreement for LWA Water or Sanitary Sewer Services. Prior delinquent balances for an Owner or member of the Owner's household must be paid prior to the opening of a new account.
- 405.04 A deposit is required for each new account for Water or Sanitary Sewer Service. Deposits may also be required for existing accounts where the Owner has filed for bankruptcy, been disconnected from the LWA Water or Sewer System or had delinquent LWA charges certified to the County Auditor for collection since establishing an account.
- 405.05 All moneys collected as Water or Sanitary Sewer Service Deposits shall be held in a separate, non-interest bearing LWA account for deposits only. Deposits shall be refunded to the Owner in accordance with the LWA's refund policy herein. No interest will be paid by the LWA for such deposits.
- 405.06 The LWA shall grant a credit to the monthly bills for each Owner who supplies electricity to the LWA System's grinder pumps. The amount of

such credit shall be determined by the LWA Board and stated in its LWA Deposit, Fee and Charge Schedule as may be amended from time to time.

405.07 Any Owner may apply for relief from the requirements of the deposit requirements herein if they qualify for a hardship variance under Section 430 of the LWA Code of Regulations.

405.08 No Owner shall be provided Water or Sanitary Sewer Service without payment of Water or Sanitary Sewer Service charges.

406. REFUNDS.

406.01 Where there is a credit balance on an Owner's LWA Account, excluding any deposit, such credit amount shall customarily be credited to the Owner's next LWA bill. Owners may, alternatively, request a refund when there is a credit on their account of more than five dollars (\$5), or when terminating their LWA account. Such request for a refund shall be done in writing.

406.02 Upon account termination, any deposit shall be refunded to the Owner at their Billing Address, unless there is a balance due on such account. Where there is a balance due, the deposit shall be used to offset the amount owed and any remaining outstanding balance due will be billed to the Owner.

406.03 Owners who have terminated their LWA account and have a credit balance on such account shall receive a refund from the LWA in the amount of any unused balance of their deposit. The refund shall be issued to the Owner at their Billing Address, unless the Owner provides a written consent to have the refund issued to another Person or to another address.

406.04 In the event that the account is terminated, and the LWA is unable to refund such unused deposit balance due to lack of address or any other reason, such balance will be held in an interest-bearing account for no longer than three (3) years. At the end of said three (3) year period, such sum shall be transferred to the LWA's general operating fund and utilized by it for any LWA purpose.

407. CONNECTION TO THE WATER AND SEWER SYSTEMS.

407.01 All Connections shall be made and maintained in accordance with LWA specifications and standards. No Person shall:

- A. Construct or connect a Service Line to a LWA System until a Tap Application has been approved by the LWA;
- B. Connect a Service Line to more than one Building or Facility without the prior approval of the LWA;
- C. Install, cause to be installed or, with knowledge thereof, permit to exist a Connection, Tap pipe, or other obstruction which protrudes into or otherwise obstructs a LWA Sewer or water line; or,

Connect any source of storm, surface or ground water into a LWA System or a Service Line.

- 407.02 Permanent Irrigation Systems: Permanent irrigation Systems may be Serviced by a master meter located in a meter pit supplied and maintained by the LWA. The size of the meter and meter pit would be determined by the size of the area to be irrigated. A Backflow prevention device is also required for such System (See Chapter IX).
- 407.03 Temporary Irrigation Systems: Temporary irrigation Systems may be Serviced through a fire hose from a fire hydrant. A Backflow Prevention Device and a meter must be obtained for Use from the LWA prior to such Use (See Chapter IX).
- 407.04 No pumps shall be discharged into the Service Line.
- 407.05 No permits shall be issued nor shall any such Connections be made unless and until the fees and deposits herein imposed, along with all other charges and fees that pertain to that LWA System, have been paid, and all other LWA requirements have been met. The payment of the fees and deposits enumerated in these Regulations does not relieve any Person from the responsibilities enumerated in these Regulations.
- 407.06 Unless otherwise authorized by the LWA, all Tap applications shall become null and void if not used within one (1) year from the date of issuance. If not requested by the Owner within eighteen (18) months of the date of issuance, no refund shall be made and the funds so collected shall be used by the LWA as if the Connection of Tap was made, and another Tap fee will be required for actual Connection to the LWA System.
- 407.07 An Owner who has a residential Improvement on one (1) lot shall be entitled to have one (1) Contiguous lot to that Improvement free of the availability charge. All additional lots with or without a residential Improvement shall each be charged applicable availability fees, as set forth on the LWA Deposit, Fee, and Charge Schedule. An Owner who does not have a residential Improvement on any lot in Lakengren shall

be entitled to one (1) contiguous lot free of the availability charge. All additional lots shall be charged the applicable fees.

408. OWNER TO BEAR COST AND BE RESPONSIBLE FOR SERVICE LINES.

408.01 All Costs and expenses incidental to the installation and Connection of Service Lines shall be borne by the Owner of the property being connected to the LWA System. The Owner shall indemnify the LWA from any loss or damage that may directly or indirectly be occasioned by the installation of any Service Line.

408.02 The Owner shall be responsible for all leaks or blockage in a Service Line and shall, at its own expense, construct, maintain and keep it in good repair. LWA does not inspect and is not responsible for the Customer's lines, piping, or plumbing. The LWA is not responsible for any damage done by or resulting from any defects in lines, piping, fixtures, or appliances associated with the Customer's Service Lateral. When leaks or other defects in a Service Line are discovered, the LWA may disconnect the Service Line. Except in cases of emergency, the LWA shall give the Owner notice of such difficulty and shall allow the Owner reasonable time in which to have repairs made or other maintenance work accomplished.

409. SEWER CONNECTIONS, FEES AND DEPOSITS.

409.01 The Owner of any improvement who is required under these regulations or by law, or who wishes to connect into a Sewer System of the LWA, shall first pay a Connection Fee as established in the LWA Deposit, Fee and Charge Schedule. Said Connection Fee for one property shall not be assignable to any other property. No Connection shall be accepted if the capacity of the Sewer System is exhausted by the needs of its existing Customers.

409.02 All pretreatment or other extra Costs as required to comply with these regulations are additional to the Connection fee.

409.03 Deposits for LWA Sewer accounts shall be collected as required by Subsection 405.04 above. The amount of the deposit shall be the Sewer Usage Charge for a two-month billing period.. These Sewer Usage Charges shall be as stated in the LWA Deposit, Fee and Charge Schedule.

409.04 Prior to obtaining a county building permit, the current sewer tap-in fee shall be paid to the LWA when the sewer application is submitted. The contractor-owner shall be required to make arrangements or to install a

Service Line from the house to the main. Prior to installation, if a road bore is needed, the contractor shall make arrangements with a road-boring contractor for that bore. The road bore normally needs to be accomplished before the remainder of the required excavation is carried out.

410. WATER CONNECTION (TAP).

410.01 The Owner of any lot or plot of ground who wishes to connect to a LWA Water System shall first pay a Connection fee as established by the LWA and set forth in the LWA Deposit, Fee and Charge Schedule.

410.02 When a Service Line is used for fire protection, the water Connection charges and monthly fees shall be charged as stated in the LWA Deposit, Fee and Charge Schedule in force on the date fees are due. The Service Line for fire protection shall be separate from all other Service Lines. There shall not be any Connection between a fire protection System and Water System for Domestic Use.

410.03 Deposits for LWA water accounts shall be collected as required by Subsection 405.04 above. The amount of the deposit shall be the Water Usage Charge for a two-month billing period as determined by the size of the water meter servicing the Premises, or if not metered, by the Water Usage Unmetered Charge. These Water Usage Charges shall be as stated in the LWA Deposit, Fee and Charge Schedule.

411. WATER METERS, NEW INSTALLATION. All new meter installations shall be made by the LWA unless previously authorized by the LWA. Prior to turning on the water, the LWA shall inspect and approve the Water System. A twenty-four (24) hour notice to the LWA is required to schedule the Water System inspection.

412. TEMPORARY WATER SERVICE.

412.01 LWA may supply Service for temporary purposes, provided that there is Water available in excess of regular needs, and provided that LWA has available material and equipment necessary to supply said temporary service.

412.02 When temporary water Service is requested for any purpose, the LWA shall make an estimate of the Cost of installing and removing the facilities required for such Service and the applicant for the Service shall deposit with the LWA the amount of such estimate. When such temporary Service is no longer desired and is discontinued, all facilities not thereafter usable shall be removed and the actual installation and removal Costs shall be determined. The Customer shall then be reimbursed for the amount of its deposit less the "in-and-out" Cost

determined as above. During the period of the temporary Service, the Customer shall also be liable for a Service charge calculated in accordance with LWA Deposit, Fee and Charge Schedule.

413. INSPECTION.

413.01 All Connections to a LWA System and the installation of all Service Laterals shall be inspected by the LWA. Access to the Premises' basement is required for the conduct of such inspection. The LWA will try to meet the needs of the Owners, contractors, and builders. Sewer taps shall be planned and scheduled.

413.02 The Sewer Capacity Fee includes the Cost of an initial inspection, and a lateral line inspection or two (2) hours of inspection by the LWA for each permission to connect granted. Should more than these two (2) inspections or more than two (2) hours of inspection time be required because of failure of the Owner, its Contractor or authorized representative to install, maintain, repair, alter, or perform other works necessary to install the Connection and Service Lateral in accordance with these Regulations, an additional reinspection fee as established by the LWA shall be charged for the time required to insure compliance with these Regulations. Such additional fees shall be paid prior to the final approval of the Service Lateral for which the permission to connect was granted.

413.03 Owners or Contractors should contact the LWA twenty-four (24) hours prior to the anticipated lateral line installation to schedule an inspection. Such inspections will be conducted during LWA business hours.

413.04 An inspection may be required on all new construction buildings and dwellings. An inspection shall also be required whenever a property changes Owner or Tenant, regardless of whether the Account stays in the Owner's name. An inspection shall be completed prior to closing.

414. REPAIR OF SERVICE LATERALS. The Owner of any lot or plot of ground which has a Service Lateral that has been Tapped or connected to a LWA System but which requires maintenance, repair, alteration or other work to either eliminate the Service Lateral or to cause the Service Lateral to conform to these Regulations shall perform or cause the performance of the necessary work. The Owner of such property or its authorized representative shall notify the LWA prior to any such work being performed.

415. UTILITY SERVICE CHARGES. There shall be a monthly water Service charge, and a monthly Sanitary Sewer Service Charge, which is hereby established by the LWA, in amounts established by the LWA Board and listed in the LWA Deposit,

Fee and Charge Schedule, as may be amended from time to time by the LWA Board of Trustees.

- 415.01 The Owner of the property which is served by either a LWA Water or Sewer, or both, Systems, shall be liable for all applicable charges for the Service rendered at that property and in accordance with the LWA Deposit, Fee and Charge Schedule.
- 415.02 Unless provided otherwise by agreement between an Owner and the LWA, Service charges will begin on the following dates and will continue to be charged thereafter unless the property is permanently disconnected from the LWA System for which Service charges have been rendered. Service Charges will begin with the recording of the deed ownership transfer at the Preble County Recorder's Office. When Water or Sanitary Sewer Service is being provided for a new Customer, such charges will begin on the date the metered water service is turned on at the residential Customer's Property as requested by the Customer. When Water or Sanitary Sewer Service is being provided for an existing Customer, such charges will begin when restoration of Service is requested by the Customer.
- 415.03 The Water Service Charge for any property shall be determined by multiplying the Water charge rate from the LWA Deposit, Fee, and Charge Schedule by the amount of water recorded as used on the water meter. The Sanitary Sewer Service charge for any property shall be determined by the Sewer charge rate from the LWA Deposit, Fee and Charge Schedule. If Approved by the LWA, the Owner may install a meter for the flows which do not enter the Sewer System. In such case, the Sewer charge shall be computed by deducting the amount shown on the deduct meter from the amount shown on the water meter to establish the amount by which the Water or Sanitary Sewer Service charge is multiplied.
- 415.04 If, in the judgment of the LWA, the Water or Sanitary Sewer Service charge for any property which does not have a water meter should be based on a metered flow, the LWA will notify the Owner of this determination. The Sewer meter and its installation shall be at the Owner's expense and shall be Approved by the LWA prior to its Use for determining the amount of Water or Sanitary Sewer Service charge owed the LWA.
- 415.05 Regardless of the method used to determine the Water or Sanitary Sewer Service charge, the Water or Sanitary Sewer Service charge shall be increased when the sanitary Sewage concentrations exceed 200 ppm BOD or 200 ppm Suspended Solids.

415.06 Additionally, where unusual circumstances apply, the LWA may approve contracts providing for sewer fees and charges other than those listed in the Deposit, Fee and Charge Schedule, provided that good and valuable consideration is received by the LWA and that such contract terms are deemed by the LWA Board of Trustees to be in the best interests of the LWA.

416. BILL AND PAYMENT FOR SERVICES; LIABILITY FOR UNPAID BILLS.

416.01 All bills shall be due and payable on the date shown on the bill. Bills shall be deposited postage paid by LWA with the United States Postal Service for delivery. When Service to any Premises is established or there is a change of ownership on a date between the billing dates the bill shall be pro-rated based on the times of Service. Checks or money orders should be made to the "Lakengren Water Authority."

416.02 Bills will be mailed to the Owner at the address of the Premises Serviced unless the Owner requests, in writing that the bill be sent to another specified address. The changing of the address does not relieve the Owner of the responsibility for all charges for Services rendered to the property.

416.03 The failure to receive a bill shall not relieve the Owner of the obligation to pay the same when due.

416.04 The Owner shall notify the LWA of any errors or discrepancies in the billing prior to the date the bill becomes delinquent. Failure to make such notification constitutes acceptance of the bill as mailed.

416.05 If the LWA cannot read a meter, LWA reserves the right to charge for service in accordance with an estimated rate of consumption, taking prior meter readings as a guide.

416.06 Bills unpaid after the date shown on the bill shall be considered delinquent and shall subject the Premises to a delinquency charge, discontinuance of Service, additional fees for Disconnection Processing and Reconnection, as are listed on the LWA Deposit, Fee and Charge Schedule, and/or any other remedy of law available to the LWA.

416.07 Any payment by check which is returned for insufficient funds or any reason shall be charged the returned check fees as listed on the LWA Deposit, Fee and Charge Schedule. The Disconnection Processing Fee shall also be applied for any check returned for payment on an account scheduled for disconnection.

- 416.08 The LWA shall be notified by the Owner of any change of ownership for any premise being served by the LWA and the date such change is to become effective.
- 416.09 When the LWA is notified of a change in ownership, the LWA shall render a final billing.
417. CHANGE OF OWNERSHIP, LIABILITY FOR UNPAID BILLS. When a property which receives Utility Service from the LWA changes ownership, the Person who will become the new Owner shall, within seven (7) Days of change of ownership, notify the LWA of the change in ownership, receive the pro-rated billing amounts and make application for Service. Failure to notify the LWA of the change in ownership within said time limits of the change in ownership will subject the new Owner to be liable for all past due amounts for that property, having the property disconnected from the LWA System, and any other remedies allowed by law at the discretion of the LWA.
418. PROPERTY OWNER LIABILITY.
- 418.01 Any Owner of real estate receiving LWA Utility Service thereby accepts the provisions of all Regulations of the LWA, and agrees to be liable for all Service charges for such Premises.
- 418.02 An Owner purchasing property and maintaining Service Connections on the property in the LWA thereby accepts these Regulations and becomes personally liable for rents for Service furnished to tenants occupying such Premises, and any other charges therefor.
419. EMERGENCY REPAIRS. Disconnection of Utility Service may occur without prior notice if emergency circumstances involve imminent danger to Persons or property, including a break in a Service Lateral.
420. SERVICE TERMINATION POLICY
- 420.01 In accordance with procedures provided below, including the provision of notice and opportunity for hearing, the LWA may terminate (hereafter, referred to interchangeably as disconnection) all or any part of its Service to any Customer or Owner, for any of the following reasons:
- A. For non-payment of any LWA charges, as set forth in Section 422 below;
 - B. For Use of LWA Water or Sewer Service for any purpose or Premises other than as permitted by LWA Regulations;

- C. For willful misrepresentation in the Service application as to the Premises to be supplied or the Use to be made of LWA Service supplied or of any other material fact;
- D. For tampering with or molesting any component of the LWA water and Sewer System, including but not limited to connections, Mains, plants, Service Lines, and water, under the control of, or belonging to the LWA, or connecting into a LWA System;
- E. For connecting a Sewer, water line, Service Line, or any line or pipe directly or indirectly with any other source of Waste water or Use of water than that which results from the normal activities of the Premises served, or with any apparatus which may, in the opinion of the LWA, endanger the quality or integrity of the LWA Water Service;
- F. For denial to the LWA of reasonable access to the Premises; or,
- G. For any violation of, or failure to comply with, LWA Regulations.

421. DELINQUENCY. The LWA may commence the procedures set forth herein to terminate Service to a Customer's property for non-payment of any charges owed by the Customer after such charges have not been received in the LWA office within thirty (30) days from the due date, and impose delinquency charges and other fees, and/or seek other available remedies at law, as provided under Subsection 417.05 herein. Partial payment of delinquent Service Charges after the Customer has been issued a disconnection notice shall require special payment arrangements to be made with the LWA business office.

422. NOTICE PROCEDURES FOR DISCONNECTION

422.01 Written notice of proposed termination (i.e. disconnection) of water or Sewer Service, for any reason, other than voluntary disconnection where the Customer asking for disconnection is also the only Consumer of Services at the address, must be sent by the LWA at least fourteen (14) Days prior to the date for proposed disconnection. Such notice shall be known as the "Notice of Disconnection."

422.02 Prior to a disconnection of water Service, the Customer, including the Owner and tenant, if any, shall be provided due process in the form of the Notice of Disconnection and such Notice shall also inform the Customer of their right to request a hearing to dispute the grounds for such disconnection.

422.03 The Notice of Disconnection shall be sent by regular U.S. mail postage prepaid to reasonably assure delivery within that time. The date of the

notice shall be the date of mailing, and a dated copy of any notice sent shall be retained by the LWA.

- 422.04 The Notice of Disconnection will either: be sent separately or, if termination is due to delinquency, be included with the Customer's regular billing invoice and such invoice shall include, in bold red print: "NOTICE OF DISCONNECTION."
- 422.05 The separate Notice of Disconnection or the Notice of Disconnection attached (or enclosed with) the invoice shall include information about the Service disconnection and contain the following:
- A. A clear statement of the reason for disconnection, and that LWA Service to the Service Address will be terminated unless either (1) the past due amount is received by the LWA by the due date on the Notice of Disconnection or (2) the other reason for disconnection is rectified by the date specified in the Notice of Disconnection;
 - B. The scheduled date for disconnection;
 - C. The Service Address;
 - D. The due date;
 - E. The past due amount, if applicable;
 - F. The account number;
 - G. The Customer's name and address
 - H. A list and general description of any fees or charges which will be levied in the event that the past due amount is not paid by the due date or the other reason is not rectified by the specified date;
 - I. The amount of any Disconnection Processing or Reconnection fees due, and any additional steps necessary to restore LWA Services;
 - J. An explanation of the Customer's right to a hearing prior to Service disconnection and the procedure to request such a hearing, and any conditions or limitations related to disconnection and reconnection of Service as provided in these Regulations;
 - K. The location, hours and telephone number of the LWA Office at which payment can be made to avoid disconnection, or to request a hearing;
 - L. Two (2) business days prior to the scheduled disconnection of Services, the LWA may, as a courtesy, leave a door tag or similar notice in a conspicuous place at the Service Address, preferably affixed to the front door. Such hanger will serve as additional notice to the Customer of the disconnection date; and,
 - M. In the event that the Notice of Disconnection omits any of the items listed in this subsection, the LWA may take additional steps to supplement such Notice of Disconnection at any time. Any such omission shall not invalidate a Notice of Disconnection.

422.06 Notice as described above may be sent by regular mail. However, whether or not the LWA sends notice by regular mail or another method, termination procedures shall continue in accordance with this section.

423. DISCONNECTION PROCEDURES.

423.01 If a hearing is not requested at least two (2) business days prior to the scheduled date of disconnection, as provided in the Notice of Disconnection, the LWA will proceed with disconnection of water Services.

423.02 Work orders and delinquency logs shall be kept by the LWA for residents receiving door hangers; which state the date, time and location that the hanger was posted and should be signed by such LWA employee who posted the hanger. Any such documentation is for the benefit of the LWA and is not a prerequisite to disconnection. The LWA may also take a photograph of the posting as further documentation.

423.03 If a hearing is requested prior to actual disconnection of Service, no disconnection shall occur until after the hearing.

423.04 After receiving a Notice of Disconnection, if the Customer believes a mistake or error has been made and that the water Service should not be disconnected, such Person should contact the LWA.

423.05 After receiving a complaint of mistake or error regarding disconnection, the LWA shall make a reasonable inquiry as to whether a mistake has been made regarding the cause for the disconnection.

423.06 If the LWA determines that a mistake has not been made as to the disconnection, that decision shall be communicated to the Customer who lodged the complaint, and the disconnection shall proceed unless the reason for the disconnection is corrected (i.e., for delinquency, payment is received).

423.07 The LWA may post a document entitled "WATER SERVICE IS DISCONNECTED", or similar, on the property at the time of disconnection which advises that water Service has been disconnected and provides LWA contact information.

423.08 If the LWA determines that LWA Service to the Service Address was disconnected in error, such Service shall be restored at the Service Address without charge.

424. HEARING PROCEDURES.

- 424.01 The Customer has the right to request a hearing before the LWA Board of Trustees (the "Board"), at which time documentary and/or oral information and/or the testimony of witnesses may be presented by the Customer for the Board's consideration. The Customer shall be entitled to reasonable access to the LWA's business records concerning the affected Service Address in order to prepare for the hearing, which right of access includes the right to obtain copies of documents found therein upon payment of the actual Cost of copying.
- 424.02 Any request for a hearing must be made by the Customer at least two (2) business days prior to the scheduled disconnection date (i.e., the Day before the Past Due Balance Due Date). Hearing requests will not be accepted the Day of the scheduled disconnection or the Day before the scheduled disconnection.
- 424.03 The hearing shall be conducted by the Board within ten (10) Days of the request when possible or other time as may be necessary. An audio recording of the hearing shall be prepared.
- 424.04 Once scheduled, the hearing may not be continued to a later date unless, in the sole judgment of the LWA, there is good cause shown that hardship would result if the continuance were not granted. When such continuance is granted, the original hearing date shall be continued to a second date. The second date shall be within three (3) business days of the original date unless specifically authorized by the LWA. A continuance of the second date shall not be permitted.
- 424.05 Such hearings are quasi-judicial hearings conducted by at least three members of the LWA Board. The President of the Board, or alternate, shall preside and administer an oath to all witnesses. The Customer or their representative, in opposition to the Notice of Disconnection, may do any of the following:
- A. Present the Customer's position, arguments, and contentions;
 - B. Offer and examine witnesses and present evidence in support;
 - C. Cross-examine witnesses purporting to refute the Customer's position, arguments, and contentions;
 - D. Offer evidence to refute evidence and testimony offered in opposition to the Customer's position, arguments, and contentions; and/or,
 - E. Proffer any such evidence into the record, if the admission of it is denied by the LWA.
 - F. During the hearing, the Board shall determine the amount of money, if any, owed to the LWA under the account at issue, or other reason for disconnection, and may compromise and adjust billings; negotiate, defer and compromise disputes as to payment demands; resolve any other relevant issues in dispute, and may order

continuation or disconnection of water or Sewer Service or any other appropriate action within the authority of the LWA.

- 424.06 The Board shall announce its decision at the conclusion of the hearing unless circumstances prevent a decision at that time, in which case, a decision and notice to the Customer shall occur as promptly as possible. In all cases, written notice of the decision shall also be provided to the Customer. The LWA shall prepare minutes of such hearing.
- 424.07 If disconnection is to occur after the Customer fails to prevail in a hearing, no further notice prior to actual disconnection is required.
- 424.08 If, following a final order, adjudication, or decision, the Customer appeals the same pursuant to R.C. 2506.01 et seq., then within forty (40) Days after a notice of appeal is filed, the LWA shall, upon the filing of a praecipe by the Customer, prepare and file in the court to which the appeal is taken, a complete transcript of all the original papers, testimony, and evidence offered, heard, and taken into consideration in issuing the final order, adjudication, or decision. If a transcript is necessary, it should contain a report of all evidence admitted or proffered by the Customer. Filed with the transcript should be conclusions of fact supporting the LWA's final order, adjudication, or decision. The Costs of the transcript shall be taxed as a part of the Costs of the appeal.

425. DISCONNECTION PROCESSING AND RECONNECTION FEES;
RESTORATION OF SERVICES

- 425.01 If all past due sums are not paid by 4:30 p.m. on the Past Due Balance Due Date, the property will be disconnected from LWA Service on the scheduled date of disconnection listed on the Final Notice of Disconnection. In such event, a "Disconnection Processing Fee" in the amount listed on the LWA Deposit, Fee and Charge Schedule, shall apply, whether or not disconnection actually occurs, to cover the LWA's Costs in scheduling and processing the disconnection.
- 425.02 A "Reconnection Fee" in the amount listed on the LWA Deposit, Fee and Charge Schedule shall be charged on an account which is disconnected to cover the LWA's Costs in reconnecting the property to the LWA System.
- 425.03 If LWA Service is disconnected for delinquency, Service will not be restored until:
 - A. All past due sums are paid in full or some other arrangement acceptable to the LWA, at the LWA's sole discretion, is achieved;

- B. The Disconnection Processing Fee is paid;
- C. The Reconnection Fee is paid;
- D. A deposit, in accordance with section 405.04 of the LWA's Regulations, is paid; and,
- E. A new Owner Service Agreement and Tenant Service Agreement, if applicable, is signed (See Chapter XI, Admin Forms, 1105 and 1106, respectively).

425.04 In the event of disconnection of LWA Services for any non-delinquency reason listed in Section 420.01 of these Regulations, the Disconnection Processing Fee shall apply unless the reason for such disconnection is corrected by 4:30 p.m. two (2) business days prior to the scheduled date of disconnection. If LWA Service is disconnected for any such reason, Service will not be restored until:

- A. The reason for such disconnection is corrected by the Owner of the property;
- B. The Disconnection Processing Fee is paid;
- C. The Reconnection Fee is paid;
- D. A deposit, in accordance with Section 405.04 of the LWA's Regulations, is paid; and,
- E. A new Owner Service Agreement and Tenant Service Agreement, if applicable, is signed (See Chapter XI, Admin Forms, 1105 and 1106, respectively).

426. **CERTIFICATION OF UNPAID CHARGES.** When water or Sewer Service charges or other rents or charges, except Tap fees, related to the Use of the LWA System are not paid when due, the LWA may certify such sums to the County Auditor to be collected in the same manner as other taxes. Upon Certification, such sums constitute a lien upon the property served by such connection and shall be collected in the same manner as other real estate taxes.

427. **NON-DISCRIMINATION AGAINST CONSUMERS.**

427.01 If Service is disconnected, or if disconnection is proposed, due to a Customer's non-payment of Service charges for a Consumer Household, an adult Consumer of Utility Services in said Household shall have the right to avoid disconnection, or obtain reconnection, if the Consumer pays a deposit and assumes written responsibility for timely

payment of future charges for Service provided the Household at the Service Address. Consumer assumption of responsibility for future Service charges does not relieve the Customer of Contractual liability for previous charges incurred. The assumption obligation shall terminate upon the Consumer's delivery to the LWA of a written notice canceling that assumption, and the deposit shall be returned if the Consumer makes payment of the Consumer's final bill in full. If Consumer does not pay the final bill in full, said final bill amount (or portion unpaid) will be deducted from the deposit and any deposit balance will be returned to the Consumer.

This section does not apply to any Customer concerning any Service Address in which resides the Customer obligated for payment of the account for that Service Address. However, in circumstances in which one meter serves more than one Service Address, Consumer Households will not be penalized in any way, or denied the benefit of this provision, because the defaulting Customer's benefited unit might also benefit from a continuation or restoration of Service.

- 427.02 The LWA shall not refuse to furnish Utility Service and/or propose to or disconnect Utility Service to any Customer or Consumer Household on account of arrearages due the LWA for Utility Services furnished to Persons formerly receiving Services at the same Premises, provided the Customers obligated on that delinquent account do not continue to reside at such Premises. Applicants who are denied Utility Service shall be notified of that decision and the reason for it, at the time of denial. No Consumer of Utility Services may be denied Services because of, billed for, or required to pay for Utility Services furnished to the account of another individual, except to the extent that such Consumer has assumed the obligation for arrearages, and except that nothing herein affects the rights of the LWA to lien property as provided by law.

428. VOLUNTARY TERMINATION OF SERVICE.

- 428.01 Customer may voluntarily terminate Water Service for extended periods, abating Water Usage Charges and Sewer Usage Charges for the period of termination, in accord with the following terms and conditions:
- A. There shall be a charge for turning the Water off as a seasonal termination. This one-time charge shall be posted on the Customer's bill at the time the shut-off order is received from the Customer.
 - B. If the termination occurs within a billing cycle, and the monthly meter readings show any Water having been used, the customer shall be billed the regular minimum Water Usage Charge for that month.

There shall be no Water Usage Charge for that billing period if the meter reading does not indicate that water has been used.

- C. The Water Service shall be restored upon receipt of an order for turn-on from the Customer of record. Normal monthly billing shall be resumed with the first meter reading cycle following the date of turn-on.
 - D. During the period of Service disconnection, the monthly Sewer Usage Charge shall also be abated for those months when the Water Usage Charge is abated.
 - E. Water Availability Charges, and other applicable fees and charges, shall be continued for the period of disconnection.
 - F. During the period of disconnection, the meter shall still be read on a monthly basis. If the meter indicates water is being used, indicating that the water has been turned on by someone other than an LWA representative, the Water and Sewer Usage Charges shall resume and the property owner notified.
 - G. For Customers planning to be away for short period of time and choosing to maintain their billing as is, but wish to have their water turned off for safety reasons, there shall be no charge for turning the water off and back on as requested.
- 428.02 Upon receiving a request for voluntary disconnection, if the LWA's records reveal that the Service Address is different from the Billing Address for that account, or if there is other reason to believe disconnection may affect a Service Address comprised of a Household other than, or in addition to, the Customer's Household, the LWA will:
- A. Send a copy of any final notice to the Service Address; and,
 - B. Send a copy of any Customer's voluntary termination of water and/or Sewer Service notice to the Service Address.
- 428.03 Termination shall not occur if the LWA learns or is notified that any of the affected Service Addresses are occupied. Verification shall be made by conducting and documenting a reasonable investigation stating whether the employee found the affected Premises to be vacant and the facts observed by the employee which support that conclusion or facts that support that the Premises might still be occupied.
- 428.04 Whenever a Voluntary Termination Request form is required to be sent by this Section, termination will not occur until the LWA employee

assigned to perform the termination personally visits each affected Service Address and verifies that it is vacant. The Customer requesting the termination must grant access to the Premises to the LWA employee for the purpose of conducting investigation of occupancy at the time of termination.

- 428.05 The LWA shall restore Service immediately upon demand of any adult Consumer of water Service at any Service Address so affected, without charge, if this voluntary termination provision was not complied with or if the LWA's verification of vacancy was in error.
- 428.06 The LWA's Service Availability Charges, and other applicable fees and charges, are still applicable even after a Voluntary Termination. If Service is permanently disconnected from the property, then the property shall be billed quarterly for Water Availability charges.
- 429. RESTORING UTILITY SERVICES. Service shall be restored in accordance with this Chapter and Section 113 of these Regulations.
- 430. HARDSHIP POLICY.
 - 430.01 The LWA will entertain hardship requests to forgive some portion of the amount owed to the LWA by the Owners of residential property (See Chapter XI, Admin Form 1113). Where the Customer is a tenant with a tenant service agreement, such Customers may request a hardship adjustment pursuant to this policy although ultimate responsibility for all unpaid sums shall be borne by the Owner of the property regardless of whether the account is in the name of the Owner or a tenant. Hardship requests shall be evaluated on a case by case basis and the decision of the LWA in response to any request shall be based upon the following guidelines:
 - A. Hardship adjustments shall be determined on a case by case basis by either the LWA Account Resolution Coordinator or the General Manager or the Board of Trustees, as set forth herein;
 - B. Any adjustment request to forgive less than one hundred dollars (\$100.00) may be considered and granted by the LWA Account Resolution Coordinator according to this policy;
 - C. Any adjustment request to forgive more than one hundred dollars (\$100.00) may be considered and granted only by the General Manager;
 - D. Any adjustment request to forgive more than five hundred dollars (\$500.00) may be considered and granted only by a majority vote of

the Board of Trustees in attendance at a regular or special Board meeting;

- E. Applicable Water Availability Charges will be charged even after Service disconnections and requests to forgive such charges shall not be granted;
- F. The LWA may elect to arrange for a payment plan which satisfies all unforgiven debt over some mutually agreeable time period. Any failure to adhere to said payment plan by the Customer or Owner shall preclude any future forgiveness of any portion of debt owed to the LWA and shall result in the reinstatement of any previously forgiven debt and all such debt shall then become immediately due;
- G. The LWA may elect to reduce or eliminate Service fees and penalty charges for non-payment of Service fees and charges;
- H. Such forgiveness of Service fees and penalty charges is not mandatory and may only be granted in the event of a hardship, as defined herein; and,
- I. A hardship, for the purposes of this policy, shall include verification of the following:
 - (i) loss of employment by the Customer or Owner; or
 - (ii) death of spouse; or
 - (iii) illness of a duration longer than six weeks; or any other unusual circumstance that the LWA deems as a hardship.

431. CREDIT ADJUSTMENTS TO CUSTOMER BILLS. The LWA, in its sole discretion, may entertain requests to adjust the amount owed to the LWA by the Owners of property. Where the Customer is a tenant with a Tenant Service Agreement, such Customers may request an adjustment pursuant to this section although ultimate responsibility for all unpaid sums shall be borne by the Owner of the property regardless of whether the account is in the name of the Owner or a tenant.

431.01 Credit adjustments, which are not Hardship Requests under Section 431 of these Regulations, shall be evaluated on a case by case basis and the decision of the LWA in response to any request shall be based upon the guidelines of this section. Only the Board of Trustees of the LWA shall issue a credit to a Customer's bill.

- A. Except for the case of a massive water leak, as defined on the LWA Deposit, Fee, and Charge Schedule, no rebate, deduction, or adjustment shall be made of Water Charges to any Owner or customer because of leakage or alleged leakage in any Water Pipe,

tank, or other device or because of Water wasted through continuously open faucets.

- B. A Customer shall be responsible for the cost of water lost due to the failure of any part of the Customer's plumbing system that is beyond the connection at the meter. A schedule of charges for compensatory pricing is set forth on the LWA Deposit, Fee, and Charge Schedule.
- C. The leak attributable to Customer neglect shall not be eligible for a credit adjustment. If a Customer receives warning of a potential leak and refused to act to prevent loss of Water, no credit adjustment shall be granted.

432. -498. RESERVED

499. PENALTY. Whoever violates any provision of this CHAPTER or LWA directives pursuant to this CHAPTER shall be subject to the remedies of Section 199, Penalty, of these Regulations.

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CHAPTER V

SEWER DESIGN CRITERIA

501.	PURPOSE	505.	SANITARY SEWER DESIGN
502.	REFERENCE PUBLICATIONS	506.	WATERLINE DESIGN
503.	DEFINITIONS	507 – 598.	RESERVED
504.	GENERAL REQUIREMENTS	599.	PENALTY

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501. PURPOSE. This chapter establishes the design criteria for Sewer System. This criterion is intended to supplement rather than replace sound engineering design practice.
502. REFERENCE PUBLICATIONS. The design of the components of the sanitary system shall conform with the provisions of the following publications, except as such provisions are modified or amended herein. When there appears to be, or there is in fact, a conflict between the provisions of the reference publications, the one providing the highest or most stringent requirement shall govern.
- 502.01 Recommended Standards for Waste Water Facilities, Great Lakes Upper Mississippi River, the most recent Edition.
- 502.02 Reserved
- 502.03 Ohio Environmental Protection Agency Requirements.
- 502.04 LWA Construction and Material Specifications.
- 502.05 LWA Standard Drawings.
503. DEFINITIONS. The definitions of CHAPTER I shall be used in this CHAPTER, unless the context of any Section of this CHAPTER specifically indicates that definitions are not applicable.
504. GENERAL REQUIREMENTS.
- 504.01 All Easements granted to or reserved by the LWA shall be at least twenty feet wide except that an Easement may be ten feet wide when it borders another Easement or a public right-of-way, part of which can be used for the purpose of the Easement. Notwithstanding the above, all Easements and Easement right-of-way combinations shall be wide

enough to ensure that the Easement limit is five feet away from all LWA utilities within the Easement.

- 504.02 The Sewer design shall use pipe that is, in conjunction with the specified bedding, strong enough to withstand the trench loading and line loadings imposed now or in the known future.
- 504.03 The design of the sanitary systems, and their components, shall be based on generally accepted engineering practices which are compatible with the reference publications and these Regulations. When required by the LWA, the Engineer shall submit design calculations sheets.
- 504.04 Construction drawings shall be prepared in accordance with generally accepted practices for all Sanitary Sewers which are proposed to be owned or operated by the LWA. The drawings shall be signed and sealed by a Professional Engineer, licensed in the State of Ohio.
- A. All drawings shall be made on reproducible material (linen or mylar) sized 24 inches by 36 inches, with a one-inch border on the left and one-half inch border around the balance of the sheet. The proposed work shall be shown in both plan and profile on the same sheet and in sufficient detail to clearly show all work to be done. The drawing shall also show existing and proposed rights-of-way, property lines and Easements, as well as the existing or other proposed Improvements to or features of, the land in the area of the improvement. In general, the horizontal scale shall be one-inch equals fifty feet or one-inch equals twenty feet, and the vertical scale shall be one-inch equals five feet or one-inch equals ten feet, except when larger scales are necessary to show details or special work. The drawings shall contain general notes and a summary of estimated quantities. All drawings shall be made in ink and a title block shall be included in the lower right-hand corner of each sheet except on the title sheet. Spaces shall be provided on the first sheet for the approval signatures of the LWA and other apparent Officials. Sewer Improvements may be included on the construction drawing for other Improvements, provided that the construction drawings provide the information as required herein.
- B. The general notes shall include a reference to the LWA specifications.
- C. Supplemental specifications may be submitted as separate documents typewritten or printed on eight and one-half by eleven-inch paper or may be part of the construction drawings.

- D. All sets of plans shall include a location map, a 200-scale drawing of the Development, the Development title, required signature spaces, a standard drawing list, and an index.
- 504.05 Except for applications for Service to one (1) and two (2) family dwellings, site plans or utility plans will be required for the installation of Service Laterals. The site or utility plan shall conform to the following:
- A. Contain the name and location of the lot or project, the scale, a north arrow, and a reference to the LWA Regulations.
 - B. Be signed and sealed by a Professional Engineer licensed in the State of Ohio.
 - C. Show the proposed work in plan and, when required for clarity, in profile, and in sufficient detail to clearly show all work to be done. The drawing shall also show existing and proposed rights-of-way, property lines and Easements, as well as the existing or other proposed Improvements to or features of, the land in the area of the improvement. In general, the horizontal scale shall be one-inch equals fifty feet or one-inch equals twenty feet, and the vertical scale shall be one-inch equals five feet or one-inch equals ten feet, except when larger scales are necessary to show details or special work.
- 504.06 A Grading Plan shall be prepared for all Development covered under this regulation. The Grading Plan may be combined with other plans, if such a combination is neat and the information easily read. The Grading Plan shall show:
- A. The Development title, sheet scale, north arrow, and location map unless it is made a part of other drawings. The scale shall be no less than one-inch equals fifty feet.
 - B. The floor elevations for first floor of proposal structures.
 - C. The proposed elevations, slopes, and grade of the site in the area of the Improvements.
- 504.07 When the proper LWA Officials have affixed their signatures to the construction drawings, such drawings become the property of the LWA as a record of the LWA Systems; however, the Owner shall cause the drawings to be corrected to conform to the "Record Drawings" conditions. Public Sewer Improvements will not be accepted by the LWA until reproducible "Record Drawings" construction drawings are delivered to the LWA together with four (4) prints thereof. As used herein reproducible drawings shall be mylar which will accept ink, will

produce clear, sharp prints, and will not fade, darken or become brittle with age.

- 504.08 The "Record Drawings" shall show changes in the construction as shown in the Contractor's records and observed in the field. The "Record Drawings" shall also show dimensions to the Sewer Taps from two (2) permanent landmarks such as manholes, fire hydrants, catch basins, top of curb or edge of pavement.
- 504.09 Prior to the filing of any Plat or deed of Easement which contains an Easement or right-of-way in which LWA owned Sewer System components are to be or have been installed, said Plat or deed of Easement shall be accepted/approved by the LWA.

505. SANITARY SEWER DESIGN.

- 505.01 Sanitary Sewers shall be designed to maintain a minimum velocity of two feet (2') per second at the design flow. The minimum pipe diameter shall be eight inches (8"). The minimum cover over the Sewer pipe shall be thirty-six inches (36"). The Sewer pipe shall be designed to carry peak flows based on the Ohio EPA design criteria.
- 505.02 Wye ("Y") Branches shall be installed during the construction of the collector Sewers. If the Sewer is located in a street, Service extensions shall be made to within one foot (1') of the street right-of-way lines. Where the Sewer is more than twelve feet (12') deep, risers shall be included as part of the construction work. Such risers shall be brought to between ten and twelve feet (10-12') below ground.
- 505.03 Sanitary Sewer Service Laterals for residential use shall have a minimum internal diameter of four inches (4"). All other such Service Laterals shall be six inches (6"). Service Laterals shall be laid with a minimum fall of one fourth inch (1/4") per lineal foot unless Approved otherwise by the LWA, and shall be of first grade quality of PVC pipe meeting ASTM D 3034, SDR 35, using proper bends or curves for all changes in alignment or grade. All joints and Connections shall be gasketed per ASTM specifications and shall be made gas-tight and water-tight. The LWA may require additional jointing material or concrete collars at any or all joints.
- 505.04 Service lateral lines shall be pressure tested as follows: Air tested to a 3.5 psi and hold for 5 minutes with less than a one (1) pound per square inch (psi) drop. A test wye ("Y") shall be installed at the beginning of the Sanitary Sewer to insert test plug; cap wye at end of test. Install cleanout at house and bring to grade with a screwed cap. The Contractor shall furnish all testing equipment.

- 505.05 A 2" x 2" Y pole shall be placed at the end of each Service Lateral installed with the Sewer so as to stick out 3' above the ground.
- 505.06 The interior of each length of pipe shall be made perfectly clean and free from offsets, fins and projections before the next length is connected thereto. All Building Sewers shall be graded by line and pole, the line being first leveled from the Building to the public Sewer and then lowered at the downstream end to obtain the required fall. **Minimum grade shall be one percent (1.0%) for a four-inch pipe (4") and 0.6% for six-inch (6") pipe.**
- 505.07 A separate and independent Building Sewer Connection shall be provided for every Building except where one Building stands in the rear of another, on an interior lot. Where no Sewer is available and cannot be constructed to the rear Building through an adjoining alley, courtyard or driveway, then the Building Sewer from the front may be extended to the rear Building and the whole considered as one Sewer. Each Building shall be charged for Service as separate units.
- 505.08 Old or existing Sewers may be used in Connection with new Buildings only when they are found on examination by an authorized representative of the LWA to meet the requirements of this CHAPTER.
- 505.09 The Building Sewer shall be constructed of a size not less than four inches (4"), internal diameter, and shall be of first grade quality of PVC pipe meeting ASTM D 3034, SDR 35, using proper bends or curves for all changes in alignment or grade. All joints and Connections shall be gasketed per ASTM specifications and shall be made gas-tight and water-tight. The LWA may require the Sewer installer to demonstrate the tightness of the joints by such tests as deemed necessary and require additional jointing material or concrete collars at any or all joints.
- 505.10 The Building Sewer shall have a minimum fall of one-eighth inch (1/8") and a maximum fall of one-fourth inch (1/4") per linear foot of Sewer from the Building to the public Sewer. The junction between the Building Sewer and the house plumbing shall be made water-tight.
- 505.11 Whenever possible, the Sewer shall be brought to the Building at an elevation below the basement floor. No Building Sewer shall be laid parallel to or within three feet (3") of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The Sewer shall be laid at uniform grade in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Under no conditions shall a ninety-degree (90°) bend pipe fitting be installed on any public or private Sanitary Sewer Line.
- 505.12 In all Buildings in which any Building drain is too low to permit gravity flow to the public Sewer, sanitary Sewage carried to such drain shall be lifted by approved artificial means and discharged to the Building Sewer at the Owner's expense.

- 505.13 All excavations required for the installation of a Building Sewer shall be open trench work unless otherwise approved by the LWA. Minimum trench width shall be four inches (4") greater than the pipe diameter. Where the base of the trench is uneven or stony, sand and/or gravel shall be used for bedding. Laterals shall be backfilled with gravel four inches (4") under to six inches (6") over the pipe using limestone ODOT #57, #67, or #8. However, no backfill shall be placed until the work has been inspected by an authorized representative of the LWA.
- 505.14 In the case of new Buildings constructed after the date these Regulations are passed, the Owner will be permitted to Tap into or connect into the public street Sewer only in the presence of the LWA inspector or representative. In the case of existing Buildings, the LWA shall bring the Service Connection from the public Sewer to the private property line. The Owner may connect thereto with approved materials after a permit is issued.
- 505.15 The wyes and/or Service Connections shall be located at the convenience of the LWA. The LWA shall consider the requests of the Owners, but shall be the final authority as to location. Where it is necessary to cross the street with a Service Connection, the Owner shall pay for the Cost of all restoration Costs meeting state, county or local requirements.
- 505.16 An applicant for the Building Sewer shall notify the LWA or its duly authorized representative at least forty-eight (48) hours in advance of when the Building Sewer is ready for inspection and Connection to the public Sewer. The Connection shall not be made until approved by a representative of the LWA and under their supervision.
- 505.17 All excavations for Building Sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the LWA.
- 505.18 All permissions for Sewer Connections, whether made at the initial installation or subsequent to the operation of the LWA treatment plant, shall be made on forms furnished by the LWA; and shall be prepared in triplicate, one copy for the Owner, and two (2) copies retained by the LWA.
- 505.19 All Sewers shall be inspected and approved by the LWA after installation but before covering with backfill. The inspection shall be requested at least forty-eight (48) hours before the inspection is desired. Upon inspection, and after the inspector has satisfied himself that the installation has been made according to the requirements of this Regulation, and that all possible sources of storm water have been eliminated from the Sewer, the inspector shall make a sketch of the installation on the form retained by the LWA at the time the Tap application has been approved by the LWA, and if such installation complies with the provisions of this Regulation, shall sign the same, giving one copy to the Owner, and one copy shall be retained for LWA records. Only after the inspector has signed the permit may the Service Lateral be connected to the Sewer and the trench filled.

- 505.20 All vents shall be constructed so as to prevent foreign objects from being introduced into the Sanitary Sewers. Tees will not be permitted in any part of the Sewer Service Connection. In order to protect the LWA's Sewer System, the plumbing for all Buildings to be connected to the System shall be installed in accordance with the minimum requirements of the Ohio Plumbing Code, Preble County Health Department, and any applicable standards established by the State of Ohio. This requirement is primarily intended to apply to new Building construction; however, the LWA may require corrective work on the plumbing Systems of any existing Buildings where serious violations of accepted good practices in plumbing are observed. Such corrective action shall be completed prior to Connection of the Building Sewer from the affected structure to the LWA Sewer System.
- 505.21 A means for rodding or examination of the Building Sewer, such as cleanouts, shall be provided immediately outside of the point of entry to the Building or if in the judgment of the LWA other access is available, the same may be acceptable.
- 505.22 No Person shall make Connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a Building Sewer or Building drain which in turn is connected directly or indirectly to a public Sanitary Sewer.
- 505.23 Building Sewers shall not be constructed closer than two feet (2') to any exterior wall, cellar, basement or cistern nor shall they have less than two feet (2') of earth or stone cover.
- 505.24 Where the Building Sewer will cross unstable soil or close to a tree where roots may enter the joints, extra heavy cast iron pipe may be required. PVC pipe meeting AWWA C-900 standard or cast iron pipe shall be required when the Building Sewer is within ten feet (10') of a Waterline, well, spring, cistern or other sources of water supply.
- 505.25 The permit holder will be required to repair or restore any drains or Service Laterals damaged or disturbed by him during the construction of the Building Sewer.
- 505.26 Following construction of a Building Sewer, the Owner shall own, maintain, repair or replace the Building Sewer from the Building foundation to the publicly owned Sewer.
- 505.27 If the LWA receives a Service call for a property to investigate a Sewage backup and performs Services to clean a Building Sewer for which the Owner is responsible, the LWA shall charge the Owner for labor, material and equipment Costs incurred. Such charges may be placed on the Owner's Sewer Service bill.

505.28 No new Connections to the Sanitary Sewer System will be allowed for users located within a one hundred (100) year flood plain or an area defined as a wetland in the National Wetland Inventory Maps.

506. WATERLINE DESIGN.

506.01 Water Service Lines Shall be designed using a minimum of 3/4" Copper Tubing Size (CTS) Polyethylene, AWWA C-901, SDR-9, ASTM D2737 and ASTM D2837. Water Service Lines Shall have a minimum cover of four feet (4').

506.02 Water Service Mains Shall be a minimum of eight inches (8") in diameter, unless the Board of Trustees of the LWA specifically authorizes a smaller diameter, and Shall have a minimum cover of five feet (5').

506.03 The maximum head loss permitted at the design velocity Shall be five feet (5') per thousand feet (1000') of pipe.

506.04 The minimum residual pressure at the design flow (fire and/or domestic flows as appropriate) at the highest inhabited floor of any Building Shall be 25 psi.

506.05 Fire hydrants Shall be spaced so that any point of inhabited Building can be reached by less than five hundred feet (500') of fire hose from the first hydrant and five hundred feet (500') of hose from the second hydrant. All fire hydrants Shall conform to the District Standard Drawings.

507-598 RESERVED.

599 PENALTY. Whoever violates any provision of this CHAPTER or LWA directives pursuant to this CHAPTER shall be subject to the remedies of Section 199, Penalty, of these Regulations.

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CHAPTER VI

SANITARY SEWER CONSTRUCTION PROCEDURES

601.	PURPOSE	607.	PLAN REVIEW FEES AND DEPOSITS
602.	DEFINITIONS	608.	NOTIFICATION OF THE LWA
603.	PROCEDURES	609.	SUBSTANTIAL COMPLETION
604.	PLAN APPROVAL	610.	MAINTENANCE GUARANTEE FOR IMPROVEMENTS; BOND
605.	OBLIGATIONS OF THE OWNER, CONSTRUCTION GUARANTEES VIOLATIONS OF PROVISIONS	611.	FINAL ACCEPTANCE
606.	INSPECTION	612.	OFFICIAL NOTICES
		613. – 698.	RESERVED
		699.	PENALTY

601. PURPOSE. This CHAPTER establishes the procedures to be followed during the construction of components of sanitary systems that are or will be owned by the LWA.

602. DEFINITIONS. The definitions of CHAPTER I shall be used in this CHAPTER unless the context of any Section of this CHAPTER specifically indicates that such definitions are not applicable.

603. PROCEDURES. All portions of a sanitary system which make use of a system that is or will be owned or operated by the LWA shall be designed and constructed in accordance with the requirements of the LWA in force on the date of the beginning of construction as such requirements are stipulated in the following:

603.01 Lakengren Water Authority Code of Regulations

603.02 Lakengren Water Authority Construction and Material Specifications.

603.03 Lakengren Water Authority Standard Drawings.

603.04 Construction Drawings approved by the appropriate LWA Officials.

604. PLAN APPROVAL. Prior to the commencement of construction on any Sewer System or System Components, which said System or System Components will be owned or operated by the LWA, construction drawings shall be prepared in accordance with CHAPTER V of these Regulations and approved by the LWA. Failure to obtain said approval may result in rejection by the LWA of any construction performed prior to obtaining said approval.

605. OBLIGATIONS OF THE OWNER, CONSTRUCTION GUARANTEES, VIOLATIONS OF PROVISIONS. In consideration of the approval of the Construction Plans, the Owner of the Parcel or Tract of land being developed shall be subject to the following.

605.01 The Owner shall hold the LWA and its employees and agents free and harmless from any and all claims which might originate by virtue of the Development of the subject land or the conduct of the Owner, its agents or employees relative to said Development including, but not limited to, any and all claims or damages of every nature whatsoever or for injunctive relief emanating from the construction and Improvements or resulting from the construction and Improvements of said developed area; and the Owner shall defend, at its own cost and expense, any suit or action brought against the LWA or its employees or agents by reason thereof excluding, however, any such liability that might result from the sole negligence of the LWA or its employees or agents. The Owner acknowledges that Owner and its agents or employees are knowledgeable Developers who will utilize said knowledge and skill in developing the subject land and though conforming to LWA requirements, Owner is relying solely on its own expertise or the expertise of its agents in developing the subject Premises; and the Owner is not relying on any skill or expertise of the LWA, its agents or employees in preparing the developed area in accordance with sound engineering and Development practices.

605.02 Upon filing of the Plat or Easements for the improvement to the LWA System, the construction of these Improvements shall be guaranteed by filing with the LWA evidence satisfactory to the LWA of one of the following:

- A. A performance bond equal to one hundred percent (100%) of the estimated construction cost of the Improvements, with the provision that the bond proceeds shall be used to cover the Cost of Contractors, subcontractors, materialmen, laborers, and other Costs to the LWA to complete the project upon default by the Owner;
- B. A certified check equal to one hundred percent (100%) of the estimated construction cost of the Improvements; or
- C. Subject to the approval of the LWA Attorney, a Certificate of Deposit or an irrevocable Letter of Credit made out to the LWA, equal to one hundred percent (100%) of the estimated construction cost of the Improvements.

- 605.03 All permits and approvals shall be obtained and all fees and deposits paid prior to the commencement of any construction by any Owner or Developer.
- 605.04 A Development Agreement shall be executed in such form on such terms and conditions as specified by the LWA.
606. INSPECTION. The Construction of all Sewer Systems that are or will be owned or operated by the LWA shall be inspected as described in the Lakengren Water Authority Construction and Material Specifications.
607. PLAN REVIEW FEES AND DEPOSITS.
- 607.01 At the time of submission of construction drawings, site plans, utility plans or grading plans for review, the fees and deposits listed in the LWA Deposit, Fee and Charge Schedule shall be paid to the LWA. The fees are based on an amount estimated to be sufficient to cover the Cost to the LWA of plan review, administration, inspection, testing, recording the construction on LWA's records, and Costs incidental thereto. The LWA may require additional fees as needed to cover additional Costs relating to these reviews.
- 607.02 Upon final acceptance of the construction by the LWA and written request, the LWA shall refund any unused portion of the amounts deposited. If no request is made for refund within one (1) year of the LWA's acceptance of the construction, the deposits shall be placed in the LWA's general fund.
608. NOTIFICATION OF THE LWA.
- 608.01 The LWA shall be notified three (3) business Days prior to when construction work is scheduled to begin. Throughout the duration of construction, the LWA shall be kept informed of the construction schedule. Any breaks in the construction work which are longer than five (5) business Days shall require three (3) business Days' notice.
- 608.02 Upon receipt of the initial notice of when construction is to begin, the LWA shall determine what remains to be done before construction starts and notify the Developer thereof or give permission to begin construction. No construction shall begin without the permission of the LWA.
609. SUBSTANTIAL COMPLETION. Upon substantial completion of the construction as shown on the drawings, the LWA may conditionally accept the LWA System portion of the System Components constructed by Owner or Developer. This acceptance is conditioned upon:

- 609.01 The posting of a maintenance bond guarantee pursuant to the LWA's Construction and Material Specifications;
 - 609.02 The submission of a set of "as-built" drawings, including one (1) set of reproducible mylars, two (2) paper copies, and a digital copy of the as-built drawings in auto-CAD format;
 - 609.03 Before substantial completion of the Sewer Lines, all Sewers must be cleaned and televised, and the LWA shall be provided a digital copy of the televised Sewer;
 - 609.04 Prior to substantial completion of the Sewer Line for the whole phase, provision of a Sewer cleaning bond to guarantee that all the Sewers will be cleaned and televised after the last house is built or after two (2) years;
 - 609.05 All major components of the LWA System being completed to the extent that do not present undue health or safety hazards to the current or potential user of the LWA System;
 - 609.06 Acceptance of the project by Preble County, as may be required;
 - 609.07 Compliance with any other requirement contained in the LWA's Development Checklist, as established and amended from time to time and provided to the builder (See Administrative Forms, CHAPTER IX).
610. MAINTENANCE GUARANTEE FOR IMPROVEMENTS; BOND.
- 610.01 The Owner shall guarantee all Improvements to the LWA System for a period of at least one (1) year from the date such Improvements are conditionally accepted by the LWA. This guarantee shall include any and all defects and deficiencies in workmanship and materials. The Owner shall be responsible for the cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such Improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches and restoring lawns, sidewalks, yards, streets, Sewers, Waterlines, pipelines, etc., during the one (1) year guarantee period. In the event the Owner fails to make such maintenance, repairs or replacements within a reasonable time after notice in writing by the LWA or in the event of an emergency which may endanger life or property, the LWA may make or cause to be made, such repairs or replacements at the expense of such Owner. In order to indemnify the LWA for the expense of any such repairs or replacements made by or at the direction of the LWA, a guarantee shall be made by filing with the LWA evidence satisfactory to

the LWA Attorney one of the following in an amount equal to ten percent of the cost of the Improvements.

- A. A maintenance bond,
- B. A certified check, or
- C. A Certificate of Deposit or an irrevocable Letter of Credit made out to the LWA.

610.02 The Maintenance Guarantee will be released upon final acceptance of the Improvements by the LWA.

611. FINAL ACCEPTANCE. Final acceptance and release of the Maintenance Guarantee shall be given after all the Improvements to the LWA System have been satisfactorily maintained, all defects or deficiencies have been corrected and all expenses incurred by the LWA pursuant to the Development have been paid in full.

612. OFFICIAL NOTICES. All official notices to be sent to the LWA shall be sent to the address shown on the current Deposit, Fee and Charge Schedule. The LWA will send all notices to the last known address of the Developer or Owner who initially contacted the LWA concerning the proposed construction, unless notified in writing to do otherwise.

613-698 RESERVED

699 PENALTY. Whoever violates any provision of this CHAPTER or LWA directives pursuant to this CHAPTER shall be subject to:

699.01 The remedies of Section 199, Penalty, of these Regulations.

699.02 The LWA stopping all work on the LWA Systems forthwith upon the LWA having posted a notice to stop work at the site of the Improvements.

699.03 The LWA continuing any unfinished work or replacing any unaccepted work to a point that the Improvements to the LWA System do not appear to create a health or safety hazard or create maintenance or repair expense to the LWA because of their state of completion by:

- A. Holding the bonding company responsible for all actual expenses incurred, including engineering, legal and construction expenses, plus interest, from the date of default by the Owner and/or their Contractor or representatives, to the date the LWA receives reimbursement for all expenses incurred, or

- B. Using the certified check, or proceeds thereof, or proceeds of the Certificate of Deposit or the Letter of Credit.
- 699.04 The LWA refusing to accept the Improvements.
- 699.05 The LWA refusing to provide Sanitary Sewer Service which requires the use of the Improvements which are found to violate this CHAPTER.

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CHAPTER VII

CONTRACTOR'S LICENSE AND CONTRACTOR'S INSURANCE

701.	PURPOSE	704.	CONTRACTOR'S INSURANCE
702.	DEFINITIONS	705. – 798.	RESERVED
703.	REGISTRATION REQUIRED	799.	PENALTY

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701. PURPOSE. To regulate the installation of Utility Service Laterals and their Connection into the LWA System(s).
702. DEFINITIONS. The definitions of CHAPTER I shall be used in this CHAPTER unless the context of any Section of this CHAPTER specifically indicates that such definitions are not applicable.
703. REGISTRATION REQUIRED. There is no license required to install, maintain or repair Water or Sanitary Sewer Service Laterals or make Connections to the LWA System for a residential Service. However, Contractors are required to register with the Preble County Health Department prior to performing any such work on Potable Water or Sanitary Sewer Lines or Connections to the LWA System. Preble County Health Department maintains a list of registered Contractors which is available at their office or online at www.preblecountyhealth.com/.
704. CONTRACTOR'S INSURANCE. The Contractor shall present to the LWA, upon its request, proof that the Contractor maintains the certificates of insurance as required herein while installing any Water or Sanitary Sewer Service(s) and Connection(s) to the LWA Sanitary System. It is the Contractor's responsibility to obtain such certificates as are required herein for all work performed by a subcontractor of the Contractor prior to the time that said subcontractors commence work. Such certificate(s) must be accompanied by a statement that at least ten (10) Days prior notice shall be furnished to the LWA if the policies of insurance referenced in the certificates are to be terminated or changed in any way while Contractor's work is in progress.
- 704.01 Worker's Compensation Insurance: The Contractor and/or subcontractor shall maintain in full force and effect all necessary Worker's Compensation Insurance coverage for all of their employees employed within the LWA in compliance with Ohio law.

- 704.02 Contractor's Liability Insurance: The Contractor agrees to maintain Comprehensive General and Automobile Liability Insurance covering all operations directly or indirectly incident to any work covered by the license issued by the LWA whether such operations be by himself or by any subcontractor or by anyone directly or indirectly employed by either of them. Such insurance coverage shall be maintained while the license is in effect, with such coverage as specified herein. Such Comprehensive General and Automobile Liability Insurance shall include coverage for:
- A. Claims arising after the Contractor and subcontractors have completed their work (completed operations and products liability coverage), and
 - B. Claims for property damage and personal injury arising from excavation or tunneling operations, and
 - C. Claims for property damage and personal injury arising from operations directly or indirectly incident to moving, shoring underpinning, scaffolding, hoisting, razing, blasting or demolition of any Building or structure, and
 - D. Claims for property damage to any property below, on or above the surface of the ground, and off-site property, and
 - E. Claims for property damage or personal injury arising from operations directly or indirectly incident to welding, cutting, sandblasting, grinding, use of other abrasive, materials, or painting, however caused, and
 - F. Claims for property damage or personal injury arising from operations directly or indirectly incident to blasting or explosions, however caused, and
 - G. If watercraft and/or aircraft are used claims arising from their use or operation, however caused, and
 - H. Claims arising from the liability assumed by the Contractor under this contract including third party beneficiary liability coverage. The limits of liability of the insurance required herein shall not be less than three hundred thousand dollars (\$300,000) inclusive for each Person, each occurrence for bodily injury and each occurrence for property damage.
- 704.03 Owner's Protective Liability Insurance: The Contractor agrees to provide an Owner's Protective Liability Insurance policy naming the

LWA as insured, and covering the conditions outlined in 704.02, and with the same limits of liability described therein. In lieu of this requirement, the Contractor shall name the Owner and the LWA as insured in its Comprehensive, General and Automotive Liability policy, or Umbrella Excess Liability Insurance with the same limits of liability described in 704.02.

704.04 Builder's Risk Insurance: Further, the Contractor shall procure and maintain during the term of its license all Risk Builder's Insurance (Fire and Extended Coverage) on a 100 percent (100%) completed value basis on the insurable portion of the Project. The LWA shall be the named Insured thereof.

705 – 798 RESERVED

799 PENALTY. Whoever violates any provision of this CHAPTER or LWA directives pursuant to this CHAPTER shall be subject to the remedies of Section 199, Penalty, of these Regulations.

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CHAPTER VIII

SEPTAGE HAULER REQUIREMENTS AND PROCEDURES

801.	PURPOSE	804.	SEPTIC TANK ABANDONMENT AND INSPECTION
802.	GOVERNING REGULATIONS	805.	SEPTAGE PROHIBITED
803.	DEFINITIONS		

801. PURPOSE

801.01 To regulate the closing of septic tanks and to prohibit the use of LWA Waste Water Treatment Facilities for disposal of Septage.

802. GOVERNING REGULATIONS

802.01 Where there appears to be, or there is in fact, a conflict between this CHAPTER and CHAPTER 1, General Provisions or CHAPTER II, Sewer System use, the chapter providing the most stringent requirements standard or procedure shall govern.

803. DEFINITIONS

803.01 The definitions of CHAPTER I shall be used in this chapter unless the context of any Section of this chapter specifically indicates that such definitions are not applicable.

804. SEPTIC TANK ABANDONMENT AND INSPECTION

804.01 Prior to Connection to the LWA Sanitary Sewer System, the Owner shall be responsible for arranging to abandon its existing septic tank and dispose of septage therein in a legal manner. Such tank shall be emptied and filled to the ground with suitable material by a septage hauler registered with the Preble County Health Department. The Preble County Health Department maintains a list of registered septage haulers which is available at their office or online at www.preblecountyhealth.com/.

804.02 The Owner shall notify the LWA of the scheduled date for abandonment of their septic tank. Following the payment of inspection fees provided for herein, the LWA shall inspect such abandonment.

- 804.03 The Contractor shall crush the top and at least one side wall of the septic tank and partially fill it with inert material. The working mechanisms of aerators are to be disconnected from its power source, and then removed and disposed of by the Contractor prior to demolition.
- 804.04 The abandonment of septic tanks must be done in such a manner as to minimize voids, pockets, or any other condition that would lead to settling problems.
- 804.05 After inspection by the LWA, the septic tank shall be filled completely with inert material.

805. SEPTAGE PROHIBITED

- 805.01 The LWA Sewage treatment system is not designed or equipped to accept septage waste. Thus, the LWA shall not accept septage from any Person and the discharge of septage into the LWA System is strictly prohibited.

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CHAPTER IX CROSS-CONNECTION CONTROL

901	PURPOSE.	908	TYPE OF PROTECTION REQUIRED.
902	SCOPE.	909	BACKFLOW PREVENTION DEVICES.
903	GOVERNING REGULATIONS.	910	INSTALLATION.
904	DEFINITIONS.	911	BOOSTER PUMPS.
905	CROSS-CONNECTIONS PROHIBITED.	912	INSPECTION AND MAINTENANCE.
906	SURVEY AND INVESTIGATION.	913-998	RESERVED.
907	WHERE PROTECTION IS REQUIRED.	999.	PENALTIES.

901. PURPOSE. To protect the LWA and Public Water supply from Contamination or Pollution by establishing a Backflow Prevention Program in accordance with Ohio Administrative Code Chapter 3745-95, and isolating within the Customer's Water System contaminants or pollutants which could Backflow throughout the Service Connection into the Public Water System.
902. SCOPE. This chapter establishes the criteria for the maintenance of a continuing program of Cross-Connection control which will systematically and effectively prevent the Contamination or Pollution of the public and LWA's Public Water Systems.
903. GOVERNING REGULATIONS. Where there appears to be, or there is in fact, a conflict between this chapter and CHAPTER I, GENERAL PROVISIONS, the chapter providing the more stringent requirement, standard, or procedure shall govern. In addition, all OEPA regulations applicable to Cross-Connection and Backflow Prevention Devices are incorporated herein by reference.
904. DEFINITIONS. The following definitions, and those included in CHAPTER I, shall be used in this chapter unless the context of any section of this chapter specifically indicates that such definitions are not applicable.
- 904.01. "Air Gap Separation Devices" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a Tank, plumbing fixture, or other device and the flood level rim of the receptacle.

- 904.02. "Approved" means that a Backflow Prevention Device or method has been accepted by the LWA and the OEPA Director as suitable for the proposed Use.
- 904.03. "Auxiliary Water System" means any Water System on or available to the Premises other than the Public Water System, including but not limited to water from a source such as wells, lakes or streams, Process Fluids, or Used Water.
- 904.04. "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a Public Water System from any source other than the intended source of the Public Water System.
- 904.05. "Backflow Prevention Device" (BPD) means any device, method, or type of construction intended to prevent Backflow into a Public Water System.
- 904.06. "Booster Pump" means any device which is intended to increase the in-line water pressure.
- 904.07. "Customer's Water System" means any Water System, located on the Owner's Premises, supplied by or in any manner connected to a Public Water System. The Customer's Water System shall include those parts of the facilities beyond the Service Connection which are utilized in conveying water from the public distribution System to points of the Customer's Use, but does not include the LWA's meter.
- 904.08. "Contamination" means an impairment of the quality of the water by Sewage or process fluid or Waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
- 904.09. "Cross-Connection" means any arrangement whereby Backflow can occur.
- 904.10. "Degree of Hazard" is a term derived from an evaluation of the potential risk to health and the adverse effect upon the Public Water System, and which degree shall be determined solely by the LWA.
- 904.11. "OEPA Director" means the Director of the Ohio Environmental Protection Agency or their duly authorized representative. "OEPA" means the Ohio Environmental Protection Agency.
- 904.12. "Double Check Valve Assembly" ("DCA") means an assembly composed of two single, independently acting, check valves including tightly closing shutoff valves located at each end of the assembly and

suitable Connections for testing the water-tightness of each check valve.

- 904.13. "Health Hazard" means any condition, device, or practice in a Water System or its operation that creates, or may create, a danger to the health and well-being of Users, and which hazard shall be determined solely by the LWA. The word "severe" is used to qualify "Health Hazard" means a hazard to the health of the User that could reasonably be expected to result in significant morbidity or death.
- 904.14. "Low Pressure Cut off" means a switch designed to shut-off a Booster Pump when the pressure in the Service Line on the suction side of a pump drops to ten pounds per square inch gauge or less.
- 904.15. "Non-Potable Water" means water not safe for drinking, personal or culinary Use.
- 904.16. "Pollutional Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the Public Water System or a potable Customer's Water System, and which condition shall be determined solely by the LWA.
- 904.17. "Process Fluids" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, Pollutional or System Hazard if introduced into the public or a potable Customer's Water System. This includes, but is not limited to:
- A. Polluted or contaminated waters;
 - B. Process waters;
 - C. Used Waters originating from the Public Water System which may have deteriorated in sanitary quality;
 - D. Cooling Waters;
 - E. Contaminated natural waters taken from wells, lakes, streams, or irrigation Systems;
 - F. Chemicals in solution or suspension;
 - G. Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.
- 904.18. "Public Water System" means the LWA's System for the provision to the public of water for human consumption through LWA pipes or other constructed conveyances. Public Water System includes any collection, treatment, Storage, and distribution facilities under control of the LWA and used primarily in connection with the System, any collection or pretreatment Storage facilities not under such control that are used primarily in connection with the System, and any water supply System serving an agricultural labor camp as defined in RC Section 3733.41.

The Public Water System shall consist of the source facilities and the distribution System, and shall include all those facilities of the Public Water System under the control of the LWA to the point where the Customer's Water System begins. The source facilities shall include all components of the facilities utilized in the production, treatment, Storage and delivery of water to the public distribution System. The public distribution System shall include the network of conduits used for delivery of water from the source to the Customer's Water System.

- 904.19. "Reduced Pressure Principle Backflow Prevention Device" (i.e., "reduced pressure zone device or "RPZ") means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.
- 904.20. "Service Connection" means the terminal end of a Service Line from the Public Water System. If a meter is installed at the end of the Service, then the Service Connection means the downstream end of the meter.
- 904.21. "System Hazard" means a condition posing an actual or potential threat of damage to the physical properties of the Public Water System or a Customer's Water System which condition shall be determined solely by the LWA.
- 904.22. "Used Water" means any water supplied by a Public Water System to a Customer's Water System after it has passed through the Service Connection and is no longer under the control of the supplier.
- 904.23. "Water System" means a Water System comprised of two parts: The Public Water System and the Customer's Water System.
905. CROSS-CONNECTIONS PROHIBITED.
- 905.01. No water Service Connection shall be installed or maintained to any Premises where actual or potential Cross-Connections to the Public Water System or Customer's Water System may exist, unless such actual or potential Cross-Connections are abated or maintained to the satisfaction of the LWA.

905.02. No Connection shall be installed or maintained whereby water from an Auxiliary Water System may enter a Public Water System or Customer's Water System.

906. SURVEY AND INVESTIGATION.

906.01. The LWA shall conduct or cause to be conducted periodic surveys and investigations, of frequency acceptable to the LWA, shall conduct periodic surveys and investigations, regarding water Use practices within Customer' Premises to determine whether there are actual or potential Cross-Connections to the Customer's Water System through which contaminants or pollutants could Backflow into the Public Water System.

906.02. Upon request by the LWA, Customers and Owners shall promptly furnish all information requested in LWA surveys and investigations regarding water Use practices within their Premises.

906.03. All Premises shall be open at all reasonable times to the LWA for the conduction of surveys and investigations of water Use practices within the Premises to determine whether there are actual or potential Cross-Connections to the Customer's Water System through which contaminants or pollutants could Backflow into the Public Water System. Where feasible, the LWA shall provide reasonable notice to the Customer or Owner prior to conducting such survey or investigation at the Customer's Premises.

906.04. It shall be the responsibility of each water Owner to conduct periodic surveys of water Use practices on their Premises to determine whether there are actual or potential Cross-Connections in their Water System through which contaminants or pollutants could Backflow into the Customer or the Public Water System, and to notify the LWA of any such Cross-Connections.

907. WHERE PROTECTION IS REQUIRED.

907.01. An Approved Backflow Prevention Device shall be installed on each Service Line to a Customer's Water System serving Premises where the following conditions exist:

- A. Premises having an Auxiliary Water System, unless such Auxiliary Water System is accepted as an additional source by the LWA and the source is approved by the director of the Ohio EPA; or,
- B. Premises on which any substance is handled in such a fashion as to crease an actual or potential hazard to the Public Water Systems.

This shall include Premises having sources or systems containing process fluids or water originating from a Public Water System which are no longer under the control of the LWA; or,

- C. Premises having internal Cross-Connections that, in the judgement of the LWA, are not correctable or intricate plumbing arrangements which make it impracticable to determine whether or not Cross-Connections exist; or,
- D. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impracticable to make a complete Cross-Connection survey; or,
- E. Premises having a repeated history of Cross-Connections being established or reestablished; or,
- F. Others specified by the LWA

907.02. An Approved Backflow Prevention Device shall be installed on each Domestic Water Service Connection to the following types of Facilities unless the LWA determines that no real or potential Health, Pollutational, or System Hazard to the Public Water System exists. This list represents a guideline and shall not be construed as being complete.

- A. Premises requiring a DCA
 - (i) Breweries, distilleries, bottling plants
 - (ii) Dairies
 - (iii) Food or beverage processing plants
 - (iv) Laundries and dry-cleaning plants
 - (v) Machine tool plants
 - (vi) Metal processing plants with a Pollutational Hazard
 - (vii) Petroleum storage yards with a Pollutational Hazard
 - (viii) Sand and gravel plants
 - (ix) Others specified by the LWA
- B. Premises requiring an RPZ
 - (i) Car wash with recycling system and/or wax educator
 - (ii) Chemical plants
 - (iii) Dentist offices
 - (iv) Fertilizer plants
 - (v) Film laboratories or processing plants
 - (vi) Hospitals, clinics, medical buildings
 - (vii) Laboratories
 - (viii) Machine tool plants
 - (ix) Metal processing plants with a Health or System Hazard
 - (x) Metal processing plants

- (xi) Morgues or mortuaries
- (xii) Nursing homes
- (xiii) Packing house or rendering plants
- (xiv) Paper product plants
- (xv) Petroleum storage yards
- (xvi) Petroleum storage yards with a Health or System Hazard
- (xvii) Radiator repair shop acid tanks
- (xviii) Pharmaceutical or cosmetic plants
- (xix) Piers, docks, or waterfront Facilities
- (xx) Power plants
- (xxi) Radioactive material plants
- (xxii) Restaurants with soap educators and/or industrial type disposal
- (xxiii) Schools with laboratories having acid wastes
- (xxiv) Sprinkling or irrigation systems
- (xxv) Sewage treatment plants
- (xxvi) Sewage Pumping stations with a Health or System Hazard
- (xxvii) Storm water pumping stations
- (xxviii) Veterinarian establishments

C. Premises requiring an Air Gap Separation Device

- (i) Swimming pools with piped fill line

D. In addition to and including those types of Facilities listed above, an approved backflow prevention device of the type designated shall be installed on each Domestic Water Service Connection to any Premises containing the following real or potential Hazard:

- (i) Premises requiring an RPZ:
 - a. Premises having an Auxiliary Water System not Connected to the Public Water System
 - b. Premises having a water storage tank, reservoir, pond, or similar appurtenance
 - c. Premises having a steam boiler, cooling system, or hot water heating system where chemical water conditioners are used
 - d. Premises having self-draining yard hydrants, fountains, house boxes, or similar devices presenting a Health or System Hazard
- (ii) Premises requiring a DCA
 - a. Others specified by the LWA

907.03. An Approved Backflow Prevention Device shall be installed at any point of Connection between a Public Water System and an Auxiliary Water System or a potable Customer's Water System and an Auxiliary Water System, unless such Auxiliary Water System is accepted as an additional source by the LWA and the source is approved by the director of the Ohio EPA.

- 907.04. A temperature and pressure activated relief valve shall be provided in all water heater systems to prevent excessive temperature and pressure.
- 907.05. All Customers shall install a check valve in the Customer's water system. When the meter installation in the customer's water system is completed, the piping shall include a check valve which prevents customer water back flow. Excessive temperature and pressure shall be relieved by valves or auxiliary equipment installed by the Customer in their water system. LWA is not responsible for the failure of the Customer, or their agent, from providing such relief device in their water system.
- 907.06. An expansion tank shall be provided to relieve the normal pressure buildup caused by heating water in a vessel having restrained flow.

908. TYPE OF PROTECTION REQUIRED.

- 908.01. Unless explicitly permitted by the LWA in writing, the type of protection required under Sections 907.01 - 907.06 of these regulations shall depend on the Degree of Hazard, as determined solely by the LWA, which exists as follows:
- A. An Approved Air Gap Separation Device shall be installed where the Public Water System may be contaminated with substances that could cause a severe Health Hazard;
 - B. An Approved Air Gap Separation Device or an Approved Reduced Pressure Principle Backflow Prevention Device shall be installed where the Public Water System may be contaminated with any substance that could cause a System or Health Hazard; or,
 - C. An Approved Air Gap Separation Device or an Approved Reduced Pressure Principle Backflow Prevention Device or an Approved Double Check Valve Assembly shall be installed where the Public Water System may be polluted with substances that could cause a Pollutational Hazard or System Hazard not dangerous to health.
- 908.02. Where an Auxiliary Water System is used as a secondary source of water for a fire protection system, the provisions of the rule for an approved Air Gap Separation Device may be waived by the LWA provided:
- A. At Premises where the Auxiliary Water System may be contaminated

with substances that could cause a System or Health Hazard, a Public Water System or potable Customer's Water system shall be protected against backflow by installation of an Approved RPZ device;

- B. At all other Premises, a Public Water System or potable Customer's system shall be protected against Backflow by installation of either an Approved RPZ or an Approved DCA;
- C. A Public Water System or a potable Customer's system shall be the primary source for the fire protection system;
- D. The fire protection system shall be normally filled with water from a Public Water System or a potable Customer's water system;
- E. The Water in the fire protection system shall be used for fire protection only, with no other Use of water from the fire protection system downstream from the Approved Backflow Prevention Device.

909. BACKFLOW PREVENTION DEVICES.

- 909.01. Any Backflow Prevention Device required by these regulations shall be of a model or construction Approved by the LWA and the OEPA.
- 909.02. Backflow Prevention Devices which do not meet the requirements of Section 909.01 herein but were installed pursuant to LWA or Ohio EPA approval prior to the adoption of these Regulations shall be excluded from the requirements of Section 909.01 of this regulation if the LWA determines that such Backflow Prevention Device will satisfactorily protect the Public Water System in conformance with Ohio EPA requirements. However, any such Backflow Prevention Device shall nevertheless be subject to all inspection, testing and maintenance requirements of these Regulations. Whenever such a Backflow Prevention Device is moved from the present location or requires more than minimum maintenance or when the LWA finds that the Backflow Prevention Device presents a danger to the public health, such Backflow Prevention Device shall be replaced by the Owner of said property, at the Owner's expense, with a Backflow Prevention Device meeting the requirements of these LWA Regulations.

910. INSTALLATION.

- 910.01. Backflow Prevention Devices required by these Regulations shall be installed at a location and in a manner Approved by the LWA and at the expense of the Owner of the Premises.

- 910.02. Backflow Prevention Devices installed on the Service Line to a Customer's Water System shall be located on the Owner/Customer's side of the water meter, as close to the meter as is reasonably practical and prior to any other Connection.
- 910.03. Reduced Pressure Principle Backflow Prevention Devices must be installed above ground level or floor level, whichever is higher.
- 910.04. It shall be the duty of the Customer on any Premises on which a Backflow Prevention Device is required by law to be installed, to have thorough inspections and operation tests made of the devices at such intervals and in such manner as may be reasonably required by the LWA. These inspections and tests shall be at the expense of the customer and shall be performed by the LWA, or a person approved by the LWA as qualified to inspect and test Backflow Prevention Devices. It shall be the duty of the LWA to see that these tests and inspections are made. These devices shall be repaired, overhauled, or replaced, at the expense of the Customer, whenever they are found to be defective. Records of such inspections, tests, repairs, and overhauls shall be kept by the Customer and copies submitted to the LWA.

911. BOOSTER PUMPS

- 911.01. No person shall install or maintain a Water Service Connection to any Premises where a booster pump has been installed on the Service Line to or within such Premises, unless such Booster pump is equipped with a low-pressure cut-off designed to shut off the booster pump when pressure in the Service Line on the suction side of the pump drops to ten pounds per square inch gauge or less.
- 911.02. It shall be the duty of the Water Customer to maintain the low-pressure cut-off device in proper working order and to certify to the LWA, at least once a year, that the device is operable.

912. CROSS CONNECTIONS.

- 912.01. No person shall install or maintain a Water Service Connection to any Premises where actual or potential Cross-Connection to a Public Water System or a potable Customer's Water System may exist unless such actual or potential Cross-Connections are abated or controlled to the satisfaction of the supplier of water.
- 912.02. No person shall install or maintain any Connection where Water from an Auxiliary Water system may enter a Public Water System or a potable Customer's Water System unless the Auxiliary Water System and the method of Connection and Use of such System shall have been

approved by the LWA and as required by R.C. 6109.13.

913. -998. RESERVED.

999. VIOLATIONS.

999.01. The LWA may deny or terminate water Service to any Premises wherein any Backflow Prevention Device is not installed, inspected, tested, or maintained in accordance with this Chapter and OEPA regulations, if it is found that the Backflow Prevention Device has been removed or bypassed, or if any unprotected Cross-Connection exists on the Premises.

999.02. Water Service to such Premises shall not be restored until the Owner has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the LWA.

999.03. Whoever violates any provision of this Chapter or LWA directives pursuant to this chapter, including but not limited to the LWA Backflow Prevention Program, all be subject to the remedies of Sections 199 and 999 of these Regulations.

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**CHAPTER X
ADMINISTRATIVE FORMS**