

## **Resolution of Policy**

Backflow & cross connection control of the public water supply is both the District's and customers responsibility for prevention.

As required Ohio Revised Code Section 6109.13, Ohio Administrative Code Section 3745-95 and Ohio Environmental Protection Agency Division of Drinking Waters that public water systems have effective means to protect contamination due to backflow of contaminants through water service connections.

Resolution No. 95-13, Northwestern Water and Sewer District is adopted as follows:

RESOLUTION NO. 95-13

In the matter of providing an effective means	}	Wood County Regional
for protecting the public water system from	}	Water and Sewer District
contamination due to backflow of contaminants	}	February 14, 1995
through the water service connection into the	}	
public water system.	}	

Trustee Greene moved the adoption of the following Resolution:

WHEREAS, Section 6109.13 of the Ohio Revised Code requires protection of the public water system from contamination through any connection whereby water from a private, auxiliary or emergency water system may enter the public water system; and

WHEREAS, Section 3745-95 of the Ohio Administrative Code requires protection of the public water system from contamination due to backflow of contaminants through the water service connection; and

WHEREAS, The Ohio Environmental Protection Agency requires the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems; and

WHEREAS, in order to accomplish these goals it is necessary to introduce restrictions that go beyond usual plumbing code requirements; therefore be it

RESOLVED, By the Board of Trustees of the Wood County Regional Water and Sewer District:

Section 1. That if, in the judgement of the Executive Director and Superintendent, an approved backflow prevention device is necessary for the safety of the public water system, the Executive Director or Superintendent will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the District and shall have inspections and tests made of such approved devices as required by the District.

Section 2. That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Wood County Regional Water and Sewer District may enter the supply or distributing system of said municipality, unless such private, auxiliary or emergence water supply and the method of connection and use of such supply shall have been approved by the Executive Director of the District and by the Ohio Environmental Protection Agency.

Section 3. That it shall be the duty of the District to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Executive Director shall deem necessary.

Section 4. That the Executive Director of the Wood County Regional Water and Sewer District, or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the District for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Executive Director any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Executive Director, be deemed evidence of the presence of improper connections as provided in this resolution.

Section 5. That the Executive Director of the District is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this resolution.

and be it further

RESOLVED, That the Board of Trustees of the Wood County Regional Water and Sewer District hereby finds and determines that all formal actions relative to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of the Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22, Ohio Revised Code.

Trustee Ault seconded the resolution and the roll being called on its

adoption, the vote resulted as follows:

YES 7 NO 0

Henry F. Meyer  
President

Justine Bowen  
Secretary

Attest. Debra M. Laurent  
Clerk of the Board

**PRACTICE AND STUDY AIDS**

Gotherman & Babbitt, Ohio Municipal Law, Text 45.03

**CROSS REFERENCES**

Action to abate pollution from sources outside the state, 3745.09

County water supply system, complaint alleging unsafe water supply conditions, investigation by EPA, 6103.17

Citizens' civil actions, safety of public water systems; costs; statutory or common law relief available, 42 USC 300j-8

**LEGAL ENCYCLOPEDIAS AND ALR**

OJur 3d: 41, Environmental Protection § 89; 92, Water § 285

**NOTES ON DECISIONS AND OPINIONS**

40 Case WR L Rev 1 (1989-90). *The Viability Of Citizens' Suits Under The Clean Water Act After Gwallney of Smithfield v. Chesapeake Bay Foundation*, Beverly McQueary Smith.

51 OS(2d) 81, 364 NE(2d) 1161 (1977), *State ex rel Williams v Canton*. Mandamus will not lie to compel the city of Canton to fluoridate water pursuant to order of director of environmental protection. (Annotation from former RC 6111.12.)

50 OS(2d) 27, 361 NE(2d) 1340 (1977), *Cincinnati ex rel Crotty v Cincinnati*. Statutory scheme for review of actions by director of environmental protection is exclusive. (Annotation from former RC 6111.12.)

**6109.12 Analyses of water required at intervals**

Every owner or operator of a public water system shall have analyses of the water made at such intervals and in such manner as may be ordered by the environmental protection agency. Records of the results of such analyses shall be maintained and reported as required by the agency.

HISTORY: 1978 S 445, eff. 12-14-78

Note: 6109.12 is former 6111.14 amended and recodified by 1978 S 445, eff. 12-14-78; 1972 S 397; 1953 H 1; GC 1252-2.

**CROSS REFERENCES**

Organic chemical monitoring requirements, OAC 3745-81-24  
Analyses requiring laboratory certificate of approval, OAC 3745-89-02

National drinking water regulations, recommended maximum contaminant levels, 42 USC 300g-1, 42 USC 300j-3b

Research, technical assistance, information, training personnel, 42 USC 300j-1

Records and inspections, public water systems, 42 USC 300j-4

**LEGAL ENCYCLOPEDIAS AND ALR**

OJur 3d: 92, Water § 287

**6109.13 Prohibition against connection with private, auxiliary, or emergency water supply**

No official, officer, or employee in charge of or being employed in the maintenance and operation of a public water system and no other person, firm, or corporation shall establish or permit to be established any connection whereby water from a private, auxiliary, or emergency water system may enter the public water system, unless such private, auxiliary, or emergency water system, and the method of connection and use of such system, has been approved by the environmental protection agency.

HISTORY: 1978 S 445, eff. 12-14-78

Note: 6109.13 is former 6111.15 amended and recodified by 1978 S 445, eff. 12-14-78; 1972 S 397; 1953 H 1; GC 1252-3.

**CROSS REFERENCES**

Backflow prevention and cross-connection control, OAC 3745-95-01 et seq.

Public water supply, yard hydrants, OAC 3745-99-01

**LEGAL ENCYCLOPEDIAS AND ALR**

OJur 3d: 92, Water § 287

**6109.14 Notice of danger of contamination or inadequacy**

When the director of environmental protection finds, upon investigation, that water in a public water system is subject to the danger of contamination by reason of unsatisfactory location, protection, construction, operation, or maintenance of the system, or by reason of the existence of an unsafe emergency system or connection to an unsafe private or auxiliary system, or if the director finds upon investigation that the public health is endangered by reason of the existence of an inadequate public water system, or that the system does not contain quantities of fluoride as required by section 6109.20 of the Revised Code, he shall notify the municipal corporation, county, public institution, or person, owning or operating such public water system of his findings and of the time and place, when and where a hearing may be had. Such notice shall be by personal service, or shall be sent by certified mail to the mayor or managing officer or officers of the municipal corporation, county, or public institution or to the person owning or operating such supply.

HISTORY: 1978 S 445, eff. 12-14-78

Note: 6109.14 is former 6111.16 amended and recodified by 1978 S 445, eff. 12-14-78; 1972 S 397; 1953 H 1; GC 1252-4.

**CROSS REFERENCES**

Emergency federal powers against imminent, substantial endangerment of public water system safety, 42 USC 300

**LEGAL ENCYCLOPEDIAS AND ALR**

OJur 3d: 41, Environmental Protection § 89; 92, Water § 285, 287

**NOTES ON DECISIONS AND OPINIONS**

41 OS(2d) 25, 322 NE(2d) 646 (1975), *Forest Hills Utility Co v Whitman*. The notice, hearing and order provisions of RC 6111.16 and 6111.17 establish the procedure to be followed by the director of environmental protection in remedying an inadequate public water supply situation. (Annotation from former RC 6111.16.)

EBR 79-111 (1980), *Port Clinton v McAvoy*. Director's order pursuant to RC 6109.14 is based upon entire record at adjudication hearing. The environmental board of review must confine its hearing on appeal to the record as certified by the director.

**6109.15 Corrections and changes; notice**

After the hearing provided for in section 6109.14 of the Revised Code, if the director of environmental protection determines that improvements or changes are necessary and should be made, the director shall order the mayor or managing officer or officers of the municipal corporation, county, or public institution or other person owning or operating a public water system to make improvements,