



Division of Drinking and Ground Waters Response to Comments

Draft Revisions to Plan Approval, Backflow Prevention and Cross-Connection Control, and Consumer Confidence Report Rules

3745-91-12, Certification by political subdivisions and investor-owned public utilities

3745-95-01, Backflow prevention and cross-connection control definitions

3745-95-02, Backflow prevention and cross-connection control

3745-95-03, Surveys and investigations

3745-95-05, Type of protection required

3745-95-06, Backflow prevention devices

3745-95-07, Booster pumps

3745-96-01, Consumer confidence report applicability and definitions

3745-96-04, Consumer confidence report delivery and recordkeeping

Agency Contact for this Package

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Ohio EPA issued public notice and requested interested party comments for the period of January 8 to January 30, 2015 on draft revisions to rules in the Ohio Administrative Code (OAC). This document summarizes the comments and questions received during the interested party public comment period.

Ohio EPA reviewed and considered all comments received during the interested party comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

General Comments

Comment 1:

A comment was received about DDAGW deciding to not adopt the backflow manual as rule by reference and rather leave it as recommendations and guidance. The comment states, "At first glance it appears that you will no longer have any teeth to enforce this important manual whether at Sanitary Surveys or any time during the year. This may open up Public Water Supplies to ignore these standards. ...I hate to see you lower your standards. Please

include me in any discussion on these rule changes.” (Andrew Provoznik, Rural Lorain County Ohio Water Authority (RLCWA) Distribution Foreman)

Response 1: The rules in Chapter 3745-95 of the Ohio Administrative Code (OAC) stand on their own to provide the framework for governing cross-connection control and backflow prevention for public water systems. The rules provide the necessary enforcement authority. The manual acts as implementation guidance on how to achieve the rule objectives and provides further details and examples to more fully explain the intent of the rules. The manual remains a relevant, useful document which we endorse and recommend to water system personnel. The manual acts as a reference and educational tool to assist water professionals in applying and implementing the intent of these rules.

Comment 2: The Division of Drinking and Ground Waters (DDAGW) received a recommendation in regards to our response to a comment made during the previous interested party review period. DDAGW indicated the backflow manual would be revised to either require an operator of record or someone under the authority of the operator of record to be responsible for the backflow prevention program. This revision “would require a distribution system operator of record manage back-flow prevention personnel.”

“Columbus believes that the imposition of this requirement is a prescriptive one-size-fits-all approach that may not be appropriate for all water utilities. From the inception of the Columbus back-flow program, back-flow personnel have reported to the Water Distribution Engineering Manager, in every case a registered and licensed professional engineer, but not the operator of record of the water distribution system. Because back-flow prevention involves design, inspection, and installation of control devices on the water distribution system, back-flow prevention is adjunct to some of the core functions of the Water Distribution Engineering Section.”

“Columbus requests that Ohio EPA amend its *Backflow Prevention and Cross-Connection Control Manual* to allow for flexibility in the management of large water utilities. Columbus specifically requests that Ohio EPA amend the manual to allow back-flow personnel to be managed by registered and licensed professional engineers an alternative to being managed by the operator of record.” (Richard C. Westerfield, Administrator, Columbus Division of Water, Department of Public Utilities)

Response 2: The manual states that the individual overseeing the backflow program be the operator of record or under his/her authority. Authority does not necessarily mean the operator of record must manage backflow personnel, but that the authority of the program and responsibility for enforcement of provisions in rule lies with the operator. The operator must not only be cognizant of actions being taken with the backflow prevention program, but have the means to enact provisions and be able to attest to adequacy of the backflow prevention program. The following sentence will be added to the manual to provide clarification:

"In situations where backflow personnel are managed under a different organizational unit than operations, a written protocol should address how duties are delegated and who is held responsible for ensuring enforcement of the backflow prevention rules and how the operator is kept informed of the status of the program to ensure its adequacy."

From the Agency's perspective, the operator of record for the distribution system is the person who is designated as the person responsible for overseeing the technical operation of the distribution system. Technical operation is defined in OAC rule 3745-7-01 as "the act of making process control or system integrity decisions which directly impact the quality or quantity of water". Based on this definition we believe that it is imperative for the operator of record to be involved in the backflow prevention program.

3745-95-03, Surveys and investigations

Comment 3: A comment was made about paragraph (A) and subset paragraphs (1) and (2). The comment is that the proposed language permitting an educational campaign in lieu of conducting an on-site investigation of each residential premise "removes some responsibility from the rule and removes some purpose from the existing rule with respect to the public health." The recommendation is for DDAGW to revise the language so subset paragraphs (1) and (2) "allow for on-site investigations both to the public water supply and on-site at private premise. In doing both at regular intervals, the public water systems are better evaluated regularly and the private premise is then found responsible for repairs more accurately. An educational campaign in lieu of any on-site investigation either of a public water system or a private premise then removes responsibility from the rule and poses more of a public health issue to OEPA, municipalities and the residential premise." (Scott Bushbaum (email Carl Spackler), Sierra Club Miami Group)

Response 3: The public water system maintains authority to conduct onsite investigations of any service connection within its purview. The rule does not limit the system's ability to conduct an investigation of a consumer's premises, regardless of type, if there is a possibility that a change in water use practice has occurred which could represent a change in hazard. The educational campaign only applies to residential service connections which likely have typical residential water use practices and thus present a minimal risk to the public water supply. DDAGW felt this approach allows for the limited resources available to public water systems to be used in the most beneficial way. Education plays a key role in the prevention of backflow and is integral to a backflow prevention program's success.

3745-95-07, Booster pumps

Comment 4: In the response to comments from the previous interested party review period, DDAGW agreed to revise this rule to add an alternate minimum pressure

sustaining method for fire pumps, and to capture this option in the manual, as well as associated testing requirements and testing methods. The division received a question asking to “provide the appropriate process for Clarke Fire to submit testing recommendations and/or procedures for consideration.” (Mike Mathes, Clarke Fire Protection Products, Inc.)

Ohio EPA followed up with the commenter for clarification and submittal of testing recommendations and procedures. Entity provided *per email 3/13/15* their operations and maintenance manual which outlines the basic system operation and annual maintenance requirements.

Response 4:

Thank you for the additional information and clarification. It is not appropriate for DDAGW to incorporate operation and maintenance (O&M) criteria within these rules. However, such content can be incorporated within Ohio EPA’s Backflow Prevention and Cross-Connection Control manual.

It appears there is a suction pressure bleed valve on the suction pressure sensing line that will allow a tester to simulate a low suction pressure condition while the pump is operating to see how the speed of the pump responds (e.g, from the O&M manual provided, focusing on the portions dealing with the minimum suction pressure control function). DDAGW assumes that the fire pump will undergo its annual test, and then the variable speed suction limiting control function will be reconnected and the test Ohio EPA requires on the minimum suction pressure control can then be conducted. The test method that must be followed is outlined in the draft manual, Appendix V which is part of this rule package.

Comments 5:

Comments were made about paragraph (A) and (B) of this rule. Paragraph (A) does not mention Ohio’s Plumbing Code 608.3 would require protection against backflow and contamination of “water pumps, filters, softeners, tanks and all other appliances and devices that handle or treat potable water.” Suppliers need this protection in order to maintain sanitary control of their water system. It was recommended to use an ASSE #1013 for containment.

The comment on paragraph (B) states and asks, “this changed occurred in 2008 when the State Fire Code changed and enabled everyone to be on the same page. Is the State Fire Code going to change also? This would set the Plumbing industry and public water supplies back six year in regards to cooperation and plumbing standards. Let’s keep the same intent to align with the State Fire Code as with the Ohio Plumbing Code.” (Andrew Provozink, RLCWA Distribution Foreman)

Response 5:

DDAGW will add a statement to the manual in Section 5 of the manual under the booster pump subheading which states, *“The water purveyor may require additional containment backflow prevention, specifically a reduced pressure principle backflow prevention assembly, at the service connection to maintain sanitary control of their water system.”*

End of Response to Comments