



Ohio Administrative Code Rule 3745-85-01 Contingency plans.

Effective: April 15, 2022

(A) Except as otherwise noted, the definitions in rule 3745-81-01 of the Administrative Code shall apply to this chapter.

(B) Each community water system and wholesale system shall prepare and maintain a hardcopy contingency plan. When routine methods of delivery or treatment are compromised, the contingency plan shall provide for the protection of public health to the extent possible, through actions including but not limited to the notification of users, including the direct notification of critical users, the provision of alternate sources of water and the restoration of service.

(C) Location of copies of contingency plan.

(1) At least one hardcopy of the contingency plan shall be kept at an accessible, secure location at the water treatment plant and be available to the professional operator of record or any designated staff. If there is no plant, the professional operator of record shall keep a copy of the plan in an accessible, secure location. This copy of the contingency plan shall be available onsite for twenty-four hour inspection by representatives of the director or emergency response personnel.

(2) One hardcopy or electronic copy shall be kept in the public water system administrator's/owner's office, if applicable.

(3) Public water systems serving a population of more than two hundred fifty shall also supply a hardcopy of the plan to the county emergency management agency (EMA).

(4) Within five days of a request by the Ohio EPA, a copy of the contingency plan shall be submitted in a format acceptable to Ohio EPA.

(D) Contents of contingency plan.



The contingency plan shall contain the following:

- (1) A map of the distribution system, or a reference to a location, where an updated hardcopy or electronic copy can be found, which details locations for each valve in the system, including references that will aid in location of valves, and a map of the well field, surface water intakes and emergency connections as applicable. If electronic copies are maintained, the copies shall be maintained in offline storage that can be accessed in the event of an emergency.
- (2) A statement of amounts budgeted for emergency use, along with a statement showing who can authorize these expenditures and under what conditions the authorization and expenditure can occur. A public water system shall ensure that they have funds available and immediately accessible for emergency use.
- (3) A determination of the most likely circumstances that will affect the public water system and a description of the procedures to be followed and actions necessary to maintain or restore service to customers. The procedures shall address response and recovery activities such as sampling plans, treatment options and notifications to the public and government agencies. Public water systems shall ensure protocols are specified in their contingency plan to identify appropriate and accessible sampling points or to describe how a sampling point may be selected in a particular situation. The director may require the public water system to include additional circumstances when the director determines that there is a threat to human health.
- (4) At a minimum, public water systems covered under this rule shall address the following circumstances that would have an impact, or the potential, to impact the quality or quantity of potable water produced:
 - (a) Short term power failure (time of interruption is less than two hours).
 - (b) Extended power failure (two or more hours).
 - (c) Pump or motor failure.
 - (d) Loss, or reduction in capacity, of water from a well or other water source.



- (e) Line breaks that affect the routine delivery or treatment of water.
 - (f) Natural disasters including, but not limited to tornadoes, floods and drought.
 - (g) Unplanned absence of professional operator or reduction in workforce.
 - (h) Contamination of source water or treated water including, but not limited to, releases of oil and hazardous substances.
 - (i) Contamination of treated water.
 - (j) Exceedances of a maximum contaminant level (MCL), health advisory level (HAL) or an action level exceedance (ALE).
 - (k) Violation of a treatment technique.
 - (l) Malevolent acts including, but not limited to cyberattacks and vandalism.
- (5) Public water systems that use automation to monitor or control the systems shall include plans to manually operate the public water system in the event of loss of automation. A portion of these plans shall be exercised monthly in such a way as to not jeopardize the system, and to the extent possible, different sections of the plan should be exercised each month. Documentation of the exercises shall be included in the public water system's operation and maintenance records.
- (6) Public water systems that have auxiliary power shall include plans to operate the public water system on auxiliary power in the event of a loss of power. A portion of these plans shall be exercised monthly in such a way as to not jeopardize the system, and to the extent possible, different sections of the plan should be exercised each month. Documentation of the exercises shall be included in the public water system's operation and maintenance records.
- (7) A description of the process that the public water system will use to provide water from an alternate source. The description shall include the following:



- (a) The process that will be used to obtain and transport water from the alternate source.
- (b) Three or more possible alternate sources of water.
- (c) A description of the source, which may include an interconnection to another public water system and the method of disinfection that will be used for each source.

Sources selected shall independently or as a whole supply water of sufficient quality and quantity to support the drinking water needs (a minimum of one gallon per person per day) for all of the public water system's customers in the event of an emergency.

- (8) A description of a process for the provision of water to support the drinking water needs (a minimum of one gallon per person per day) of affected persons within twenty-four hours of an incident where the public water system is not capable of providing water through its distribution system.
- (9) A list of water users having critical needs for a continuous supply of water to include, but not be limited to, hospitals, dialysis centers and nursing homes This list shall include contact information as provided by the critical users.
- (10) A description of the process used to determine the list of critical users.
- (11) A list of consecutive systems which includes contact information that ensures a representative can be contacted at any time of the day.
- (12) Public water systems shall identify the method and timing of notification of water users, Ohio EPA, local health departments and local EMAs for each circumstance identified in paragraphs (D)(3) and (D)(4) of this rule, as applicable. The notification shall communicate that an emergency affecting the ability of the public water system to provide potable water exists.
- (13) In the event that notifications are made in accordance with paragraph (D)(12) of this rule, the public water system shall maintain records documenting the time and method of notification.



(14) If depressurization due to physical disruptions (e.g., line breaks, valve repairs, new construction, etc.) or operational disruptions (e.g., pump failure, power outages, telemetry failure, extreme fire flows, etc.) has occurred, the procedure that will be used to return the public water system to normal service.

(15) Twenty-four hour telephone numbers for the following:

(a) Ohio EPA, division of drinking and ground waters (DDAGW) and Ohio EPA environmental response hotline.

(b) Police.

(c) Fire.

(d) The county EMA director.

(e) All water supply personnel.

(f) Administrative personnel.

(g) Contractors for line breaks, "first call" and "second call".

(h) Electric power supplier.

(i) Electricians, "first call" and "second call".

(j) Well drilling and pump service contractors, "first call" and "second call".

(k) Plant mechanical contractors, "first call" and "second call".

(l) All suppliers of equipment, chemicals and fuels normally used, "first call" and "second call".



(m) Hospital, emergency squad and medical assistance.

(n) Laboratories certified by Ohio EPA.

(o) Local health districts.

(p) Individuals who are able to authorize expenditures under the contingency plan.

(q) Mutual aid assistance if applicable.

(E) Exercise contingency plan.

(1) At least annually, public water systems covered under this rule shall exercise the responses to one or more of the circumstances identified in the plan. The exercise may be discussion-based, tabletop or live. Exercises do not need to be conducted outside of normal business operations. Each circumstance identified by the plan shall be included in an exercise at least once every five years. An exercise may include more than one of the circumstances identified by the plan.

(2) Community public water systems shall consult with the county EMA regarding participation in a hazardous spill exercise.

(3) Documentation of exercise participation shall be maintained at the public water system and made available upon request. Documentation shall include a list of participants, information regarding the topic of the exercise, outcomes of the exercise and a discussion of items that went well and improvements that are needed.

(F) Revision to contingency plan.

(1) The contingency plan required by this chapter of the Administrative Code shall be reviewed and updated as necessary, but at least annually.

(2) The contact information listed in paragraphs (D)(9), (D)(11) and (D)(15) of this rule shall be confirmed during the annual review of the contingency plan and updated when necessary.



(3) Copies of the revised pages of the plan shall be promptly distributed to holders of the plan, as described in paragraph (C) of this rule.

(4) In the event the plan is deemed inadequate or incomplete by Ohio EPA, the public water system shall revise the plan in accordance with a schedule acceptable to the director.

(G) If a circumstance triggers the activation of the contingency plan, public water systems shall do the following:

(1) Follow the contingency plan to the extent the circumstances allow.

(2) Notify Ohio EPA immediately, but no later than twenty-four hours from the beginning of the situation requiring activation of the contingency plan.

(3) Develop and maintain a written after-action report that includes an assessment of the plan's effectiveness and any changes that have been or should be made to the plan as a result of the assessment. In the event of frequently occurring incidents, this report may be as simple as a short statement indicating that the plan was used, was effective and no changes are necessary at this time.

(H) Contingency plans submitted in accordance with paragraphs (A) and (B) of this rule are not public records in accordance with section 149.433 of the Revised Code.

(I) Each public water system covered under this rule shall annually supply, on a form approved by the director, emergency contact information for the public water system that will ensure a response from a public water system representative within thirty minutes. In the event that emergency contact information changes, the owner, operator and professional operator of record of the facility shall be individually and jointly responsible for notifying Ohio EPA of the changes within three days of the change.