

Due to the lack of enforcement of the Municipal Authority of Westmoreland County's Cross Connection Control Program, residents John H. Schwartz and Lou Robare, (Risk Engineers for containment and isolation, who mitigate the risk exposure in internal potable water piping systems and the public water supply distribution system caused by cross connections and backflow incidents,) filed a lawsuit against the Municipal Authority of Westmoreland County to mandate they follow all rules and regulations pertaining to backflow and cross connections.

The court case was filed on May 17th 2011 by John Schwartz and Lou Robare, the plaintiffs are individuals who reside within Westmoreland County, Pennsylvania and who are consumers of the drinking water supplied by the defendant. Defendant is the Municipal Authority of Westmoreland County, a duly constituted municipal authority created pursuant to the laws and regulations of the Commonwealth of Pennsylvania to manage a public water system and to supply public drinking water within Westmoreland County and adjacent areas.

The main points of this lawsuit are:

As required by the regulatory scheme promulgated by DEP and set forth in 25 Pa. Code §109.709, Defendant in 1994, adopted and obtained DEP approval of a comprehensive control program for the elimination of its customers' existing cross connections, for the effective containment of its customers' sources of contamination, and for the prevention of future cross connections by customers within the service area. Despite having adopted the cross connection control regulations as required, Defendant has failed and continues to fail to meaningfully implement the plan. Specifically it has to date implemented the plan with respect to less than one percent (1%) of its currently more than 123,000 customers and further has not implemented it at all with respect to any residential customers who were customers of the Defendant prior to the adoption of this plan in 1994.

The negotiations to resolve these issues began on May 17th 2011 and lasted until December 12th 2012. At that time a court approved consent decree was issued.

“And now to-wit, this 12th day of December, 2012, it appearing to the court that the parties have resolved their differences and desire to enter into a consent decree to set forth the terms of settlement, IT IS HEREBY ORDERED as follows:

1. The parties acknowledge that as a purveyor of public drinking water is the Commonwealth of Pennsylvania, Defendant Municipal Authority of the Westmoreland County (hereinafter referred to as “MAWC”) is MANDATED to follow the provisions of 25 PA Department of Environmental Protection Public Water Supply Manual Part VII: Cross-Connection Control/ Backflow Prevention, the US Department of Environmental Protection Agency Cross Connection Control Manual, Defendant's Rules and Regulations governing water service and defendant's Policy for Installation of New Water Service Taps and Specifications for Required Meter Settings.”

Lawsuit claims Westmoreland water in danger

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Executives with a local company filed a lawsuit against the Municipal Authority of Westmoreland County claiming that the drinking water it sells is in danger of contamination.

John H. Schwartz of New Stanton and Louis Robare of Greensburg, officials with Cross Connection Control Management Inc. in New Stanton, claim the authority failed to enforce its own rules requiring customers to ensure its water remains separate from waste, chemicals and other potential contaminants.

Their company is hired to inspect and repair cross connection control issues for customers.

Schwartz and Robare contend the authority is violating the Safe Drinking Water Act by failing to implement its current plan to enforce a cross-connection control program.

http://triblive.com/x/pittsburghtrib/news/westmoreland/s_738247.html#axzz2OfKd0XPV

Effort set to ensure safe drinking water

The Municipal Authority of Westmoreland County has agreed to step up its enforcement efforts to ensure that sewage and other materials don't contaminate the drinking water supply.

Under a consent decree approved last week by Westmoreland County Judge Anthony Marsili, the authority will begin to survey customers and enforce an internal policy that could result in water being shut off at properties that don't have working connections to ensure that water is safe.

Authority Manager Chris Kerr said on Tuesday that the agreement formalizes the authority's policy and provides a time frame to oversee whether cross-connection devices are installed and properly working on residential ...

<http://triblive.com/news/westmoreland/3158466-74/cross-authority-connection#axzz2OfKd0XPV>

The Municipal Authority of Westmoreland County is mandated to issue quarterly reports outlining the progress they have made to comply with the mandates included in the consent decree. All mandated quarterly reports must be accepted and reviewed by John Schwartz and Lou Robare.

On March 13th 2013, The Municipal Authority of Westmoreland County issued their first mandated quarterly report describing specific mandated actions they are required to take as stated in the court ordered consent decree. The report was delivered to the plaintiffs John H. Schwartz and Lou Robare. The plaintiffs have reviewed the report and they have found The Municipal Authority to be lacking when providing details required in the court approved mandated consent decree, issued by The Honorable Anthony G. Marsili, Judge in The Court of Common Pleas Westmoreland County, Pa.

Based on the consent decree 1 (b) Defendant named Ray Allan as the Cross Connection Control Supervisor, however they failed to provide the date that he entered this position and provide proof of his training and experience which they are mandated to do by applying method of action covered in the USEPA Cross Connection Control Manual Chapter 6, Item 4.

1(c) The employee designated as set forth above shall also implement as soon as possible a program to educate and train all field technicians in basic cross connection issues, the need for backflow preventers and to keep them informed of advances in the field of backflow prevention that impact their work.

Mr. Allan has yet to implement a mandated program as described in the USEPA Cross Connection Control Manual Chapter 6 page 32 Cross Connection Control Survey Work.

1(d) Within 60 days of this order, Defendant shall develop a Public Education Awareness Information Program pertaining to the dangers of cross connections and the responsibility of the Defendant to eliminate the dangers. The defendant is mandated to develop a public education and awareness information program incorporating the criteria contained in...

USEPA Cross Connection Control Manual Chapter 6 Method of Action (2), (3), (6)

“To assist the water purveyor in the total administration of a cross connection control program requires that all public health officials, plumbing inspectors, building managers, plumbing installers and maintenance men participate and share in the responsibility to protect the public health and safety of individuals from cross connections and contamination or pollution of the public water system.”

2. Within 60 days defendant is mandated to adopt an internal audit procedure of their existing cross connection control program.

They are mandated to use the USEPA Cross Connection Control Manual to audit their existing cross connection control program, using Chapter 6 and Chapter 7 to formulate the audit.

Copies of the original consent decree can be forwarded upon request. The plaintiffs will continue to update all interested parties.

John H. Schwartz

John Schwartz, President of Cross Connection Control Management, Incorporated, has 44 years of experience in Pipe Fitting. Additionally, he is President of Liberty Stanton Construction Company, Inc., and Stanton Energy Industry Consultants, Inc.

John is certified in cross connection program set up and administration, along with backflow test and repair.

His professional memberships include: ASSE, ABPA, PRWA, AWWA, and Local Union 354 Plumbers & Pipefitters.

Lou Robare

Lou is the Water Management Consultant for Cross Connection Control Management, Incorporated, and brings an abundant amount of experience to the corporation. He is retired from the water industry with 36 years of service, and is certified for cross connection program setup and administration. As the Superintendent of Service during the last 20 years of his career, Lou instituted the complete cross connection backflow prevention program by containment to comply with The Safe Drinking Water Act.

His professional memberships include: ABPA

Jim Jones – BS & Masters/Secondary Education

Jim is the Education Director along with Planning and Development at Cross Connection Control Management, Incorporated. He is a purpose, value, and vision driven professional with a solid record of achievement in developing and implementing highly effective programs in the areas of leadership development, instruction, supervision, and assessment. His professional experience with the Greensburg Salem School District includes: Planned curriculum, instructed, and assessed student achievement in classroom setting, twenty five year coaching career, nine years as the head football coach, coordinated the high school athletic program as the assistant Athletic Director, Mediation between students, teachers, parents, and coaches, administrative supervision as a building level leader, and coordinated the high school leadership development

program. In addition to his BS and Masters, he also maintains Permanent Pennsylvania Teachers Certification, and Pennsylvania Secondary Principal Certification