

41-00361

LUSTED WATER DISTRICT

CROSS CONNECTION CONTROL ORDINANCE

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Cross Connection
Drinking Water Program

Pursuant to Chapter 333, Division 61, of the Oregon Administrative Rules, it is the responsibility of the Lusted Water District to protect its drinking water by instituting and enforcing a cross connection control program.

1:01 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this Ordinance is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the Oregon Administrative Rules, Chapter 333, or the most recent edition of the *Manual of Cross Connection Control* published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California ("USC").

- (1) "APPROVED BACKFLOW PREVENTION ASSEMBLY" or "BACKFLOW ASSEMBLY" or "ASSEMBLY" shall mean an assembly to counteract backpressure and/or prevent back-siphonage. This assembly must appear on the list of approved assemblies issued by the Oregon Department of Human Services - Health Services.
- (2) "AUXILIARY SUPPLY" shall mean any water source or system other than the District of Lusted Water System.
- (3) "BACKFLOW" shall mean the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the District of Lusted.
- (4) "CERTIFIED BACKFLOW ASSEMBLY TESTER" shall mean a person who has successfully completed and maintains all requirements as established by the Department of Human Services - Health Services to be a tester in the state of Oregon.
- (5) "CERTIFIED CROSS CONNECTION SPECIALIST" (CCS) shall mean a person who has successfully completed and maintains all requirements as established by the Department of Human Services - Health Services to be a Specialist in the state of Oregon.
- (6) "CONTAMINATION" shall mean the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.
- (7) "CROSS CONNECTION" shall mean any physical arrangement where a potable water supply is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers or any other device which contains, or may contain, contaminated water, sewage or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices or other temporary or permanent devices through which or because of which backflow may occur, are considered to be cross connections.

- (8) "DEGREE OF HAZARD" shall mean the NON-HEALTH HAZARD or HEALTH HAZARD or HIGH HAZARD classification that shall be assigned to all actual or potential cross connections.
- (9) "DHS" means Department of Human Services - Health Services.
- (10) "DISTRICT" shall refer to and mean the Lusted Water District, which shall include wells, treatment mechanisms or processes, pumping stations, reservoirs, supply trunk or feeder lines, service lines, meters and all other appurtenances, device lines and items necessary to the operation of the system and to supply water service to individual property or premises and shall include the District's potable water with which the system is supplied.
- (11) "DOUBLE CHECK VALVE BACKFLOW PREVENTION ASSEMBLY", "DOUBLE CHECK ASSEMBLY", "DOUBLE CHECK" or "DCVA" shall mean an assembly which consists of two (2) independently-operating check valves which are spring-loaded or weighted. The assembly comes complete with a resilient seated shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness.
- (12) "HEALTH HAZARD" shall mean an actual or potential threat of contamination of a physical, chemical or biological nature to the public potable water system or the consumer's potable water system that would be a danger to health.
- (13) "LUSTED" shall mean Lusted Water District.
- (14) "MOBILE UNITS" shall mean units that are temporary in nature, connecting to the water system through a hydrant, hose bib, or other appurtenance of a permanent nature that is part of the District's water system or a permanent water service to a premise. Examples can include but are not limited to the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste or septage hauler's trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment other than homeowner use, rock quarry or asphalt/concrete batch plants or any other mobile equipment or vessel that poses a threat of backflow in the District of Lusted water system. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with other District ordinances pertaining to recreational vehicles and homeowner devices that are used by the property owner in accordance with other provisions of this, or other, District of Lusted ordinances pertaining to provision of water service to premises.
- (15) "NON-HEALTH HAZARD" shall mean the classification assigned to an actual or potential cross connection that could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.
- (16) "OAR" shall mean Oregon Administrative Rule.

- (17) "PERSON(S)" shall mean a natural person (individual), corporation, company, District, partnership, firm, limited liability company, joint venture company or District and other such entity.
- (18) "POINT OF USE ISOLATION" shall mean the appropriate backflow prevention within the consumer's water system at or near the point at which the actual or potential cross connection exists.
- (19) "POLLUTION HAZARD" shall mean an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system, but which would not constitute a health or system hazard, as defined. The maximum intensity of pollution to which the potable water system could be degraded under this definition would cause minor damage to the system or its appurtenances.
- (20) "PREMISES" shall mean any piece of property to which water service is provided, including, but not limited to, all improvements, mobile structures and other structures located upon it.
- (21) "PREMISES ISOLATION" shall mean the appropriate backflow prevention at the service connection between the public water system and the premises. This location will be at or near the property line and downstream from the service connection meter.
- (22) "REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY" or "REDUCED PRESSURE PRINCIPLE ASSEMBLY" or "RP ASSEMBLY" shall mean an assembly containing two independently-acting approved check valves together with a hydraulically-operated, mechanically-independent pressure differential relief valve located between the check valves, and at the same time, below the first check valve. The assembly shall include properly located test cocks and two tightly closing shut-off valves.
- (23) "RESIDENT" shall mean a person or persons living within the area(s) served by the District water system.
- (24) "RETROFITTING" shall mean to furnish a service connection with parts or equipment made available after the time of construction or assembly installation.
- (25) "SPECIALIST" shall mean a Department of Human Services - Health Services certified cross connection Specialist, either employed with Lusted Water District or contracted by Lusted Water District.
- (26) "SUBMERGED HEADS" shall mean irrigation sprinkling or delivery devices that are located below the surface of the landscaped area in which they are installed.
- (27) "THERMAL EXPANSION" means the pressure created by the expansion of heated water.

1:02 PURPOSE

The purpose of this Ordinance is to protect the water supply and distribution system of Lusted Water District from contamination or pollution due to any existing or potential cross connections and to comply with the Oregon Administrative Rule Chapter 333-061-0070 through 0074, or as amended.

1:03 APPLICATION AND RESPONSIBILITIES

This Ordinance applies throughout the Lusted Water District and to every premise and property served by the Lusted Water System. It applies to all premises, regardless of date of connection to the District water system. Every owner, occupant or person in control of any concerned premises is responsible for the terms and provisions contained in this Ordinance.

1:04 CROSS CONNECTIONS REGULATED

- (1) No cross connections shall be created, installed, used or maintained within the area(s) served by the District, except in accordance with this Ordinance.
- (2) The District of Lusted Administrator shall carry out or cause surveys to be carried out to determine if any actual or potential cross connection exists. If found necessary, an assembly commensurate with the degree of hazard will be installed at the service connection.
- (3) The owner, occupant or person in control of any given premises is responsible for all cross connection control within the premises.
- (4) All premises found on Table 32 of the OAR shall install an RP assembly at the service connection.

1:05 BACKFLOW PREVENTION ASSEMBLY REQUIREMENTS

A certified cross connection Specialist employed by or under contract with the District shall determine the type of backflow assemblies to be installed within the District's Water System. All assemblies shall be installed at the service connection unless it is determined by the Specialist and approved by the Administrator that it should be installed at the point of use. An approved assembly shall be required in each of the following circumstances, but the Specialist is in no way limited to the following circumstances:

- (1) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to permit entry into potable water system, the potable water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention assembly.
- (2) When the nature and extent of any activity at a premise, or the materials used in connection with any activity at premises, or materials stored at a premise, could contaminate or pollute the potable water supply.

- (3) When a premise has one (1) or more cross connections, as that term is defined in Section 1.
- (4) When internal cross connections are present that are not correctable.
- (5) When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist.
- (6) When the premise has a repeated history of cross connections being established or re-established.
- (7) When entry to the premise is restricted so that surveys for cross connections cannot be made with sufficient frequency to assure cross connections do not exist.
- (8) When an appropriate cross connection survey report form has not been filed with the Lusted Water District Specialist.
- (9) Any and all used water return systems
- (10) If a point-of-use assembly has not been tested or repaired as required by this Ordinance, the installation of a reduced pressure principle assembly will be required at the service connection.
- (11) There is piping or equipment for conveying liquids other than potable District water and that piping or other equipment is under pressure and installed and operated in a manner that could cause a cross connection.
- (12) When installation of an approved backflow prevention assembly is deemed by a Specialist to be necessary to accomplish the purpose of this Ordinance.
- (13) The use of any type of chemical spray attachment connected to the premises plumbing, including garden hose fertilizers and pesticide applicators, is not allowed within the District's water system without proper protection from the potential of backflow occurring.
- (14) The use of any type of radiator flush kits attached to the premises plumbing is not allowed within the District's water system without proper protection from backflow occurring.
- (15) The use of any type of attachment to a hose which acts as the link for a substance other than the District's water to backflow into the water supply.
- (16) If the type of service connection appears on Table 32 of the OAR.

1:06 AUXILIARY SUPPLY

All properties receiving irrigation water from a source other than from the District shall be required to have a minimum of a double check valve assembly at the service connection.

Any premise, which has any other auxiliary supply as that is defined in Section 1:01 of this document and which is connected, directly or indirectly, to the District's water supply, will be required to install an assembly commensurate with the degree of hazard.

1:07 RENTAL PROPERTIES

The property owner is responsible for all in-premise cross connections. It is the responsibility of the property owner to determine if a cross connection is created when the tenants change or the plumbing is altered in any way.

1:08 RETROFITTING

Retrofitting shall be required at all premises where an actual or potential cross connection exists, and wherever else the District deems retrofitting necessary to comply with the OAR and this Ordinance.

1:09 LANDSCAPE IRRIGATION SYSTEMS

All landscape irrigation systems which receive water from the District shall be protected according to plumbing code regulations. In the event any system is equipped with an injector system, a reduced pressure principle assembly will be required.

1:10 THERMAL EXPANSION

It is the responsibility of the property owner, the occupant, or person in control of the property to eliminate the possibility of damage from thermal expansion, if a closed system has been created by the installation of a backflow prevention assembly or other appurtenances.

1:11 MOBILE UNITS

Any mobile unit or apparatus, as defined in Section 1 of this Ordinance, which uses the water from any premises within the District water system, shall abide by all codes and procedures established in the District.

1:12 RIGHT-OF-WAY ENCROACHMENT

All assemblies must be installed in accordance with the District's Right-of-Way Ordinance and Policies.

1:13 INSTALLATION REQUIREMENTS

All backflow prevention assembly installations shall follow the requirements as stipulated by the Oregon Administrative Rules 333-061-0070.

The type of backflow prevention assembly required shall be commensurate with the degree of hazard that exists and must, at all times, meet the standards of the Department of Human Services - Health Services. All backflow prevention assemblies required under this section shall be of a type and model approved by the DHS.

1:14 PRESSURE LOSS

Any decrease in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the District.

1:15 FIRE SYSTEMS

An approved double check detector backflow prevention assembly shall be the minimum protection on all new fire sprinkler systems using piping material that is not approved for potable water use, and/or that does not provide for periodic flow-through. A reduced pressure principle detector backflow prevention assembly must be installed, if any solution other than potable water can be introduced into the sprinkler system. Retrofitting on fire sprinkler systems will be required in each of the following circumstances:

- (a) Where improper maintenance has occurred.
- (b) On all high hazard systems;
- (c) Wherever a CCS deems necessary; and
- (d) Wherever required by the OAR.

1:16 PLUMBING CODE

As a condition of water service, customers shall install, maintain, and operate their piping and plumbing systems in accordance with the Oregon Specialty Plumbing Code, or as amended, and, if applicable, in accordance with Lusted's regulations. If there is a conflict between this Ordinance and the Plumbing Code, consultation of the Administrator and District Building Official will render a decision for appropriate protection of the District water system.

1:17 ACCESS TO PREMISES

Authorized personnel of Lusted Water District, with proper identification and sufficient notice, shall have access during reasonable hours to all parts of a premise and within the structure to which water is supplied. However, if any owner, occupant or person in control refuses authorized personnel access to a premise, or to the interior of a structure, during these hours for

inspection, a reduced pressure principle assembly must be installed at the service connection to that premise.

1:18 ANNUAL TESTING AND REPAIRS

All backflow prevention assemblies installed within the area(s) served by the District shall be tested immediately upon installation, and at least annually thereafter by a DHS certified backflow assembly tester. All such assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the owner, occupant or person in control of the premises. In the event an assembly is moved, repaired or replaced it must be retested immediately.

It is the responsibility of the persons who own the assemblies to have the assemblies tested by a certified backflow assembly tester.

1:19 RESPONSIBILITIES OF BACKFLOW PREVENTION ASSEMBLY TESTERS

- (1) All backflow assembly testers operating within the District of Lusted water system service area shall be certified in accordance with all applicable regulations of the DHS.
- (2) It is the responsibility of backflow assembly testers to submit records of all backflow assembly tests and repairs to the District within 10 days of completing the test.

1:20 COSTS OF COMPLIANCE

All costs associated with purchase, installation, surveys, testing, replacement, maintenance, parts and repairs of the backflow prevention assembly, and all costs associated with enforcement of this document, are the financial responsibility of the property owner, occupant, or other person in control of the premises.

1:21 TERMINATION OF SERVICE

Failure on the part of any owner, occupant or person in control of the premises to install a required assembly, have it tested annually and/or to discontinue the use of all cross connections and to physically separate cross connections in accordance with this Ordinance is sufficient cause for the discontinuance of public water service to the premises pursuant to Oregon Administrative Rule chapter 333-061-0070, or as amended.

In lieu of suspension of service, the District may install a reduced pressure principle backflow assembly as premise isolation.

The owner of the property will be responsible for all costs associated with the purchase, installation and testing of this assembly.

1:22 EMERGENCY SUSPENSION OF SERVICE

The Administrator or their designee may, without prior notice, suspend water services to any premises when such suspension is necessary to stop the eminent threat of any actual or potential cross connection as defined in this Ordinance and the most recent edition of the District's Guidance Manual.

1:23 NON-EMERGENCY SUSPENSION OF SERVICE

The Administrator or their designee may suspend, with 24-hours notice, the water supply to any premises where the conditions of the Ordinance or the most recent edition of the District's Guidance Manual have been violated.

1:24 CONSTITUTIONALITY AND SAVING CLAUSE

Should any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, are for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portions of this Ordinance, or its application to other persons or circumstances, shall not be affected; thereby, it being the intent of Lusted in adopting and approving this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.