

Paul

4100367

NOTICE OF PUBLIC HEARING  
ON A PROPOSED ORDINANCE FOR THE HEBO SERVICE DISTRICT  
ESTABLISHING A BACKFLOW PREVENTION PROGRAM

Notice is hereby given that two public hearings shall be held before the Board of Commissioners for Tillamook County, sitting as the Board of Directors for the Hebo Service District, in the Justice Courtroom of the Tillamook County Courthouse, 201 Laurel Avenue in Tillamook, Oregon 97141. The first public hearing shall be held on Wednesday, September 4, 1996 at the hour of 10:15 a.m., and the second public hearing shall be held on Wednesday, September 18, 1996 at the hour of 10:15 a.m.

The purpose of these hearings will be to receive public testimony concerning a proposed ordinance establishing a cross connection control program for the water system of the Hebo Service District. This ordinance provides for an inspection program for existing customers to determine the existence of any actual or potential cross connections; requires review/inspection of plans/new construction for the existence of potential cross connections; creates authority for the District to require customers to install back flow prevention devices in cases where the District determines they are required; provides for annual inspections and testing of back flow devices; and provides for record keeping and administration of the program.

Copies of the proposed ordinance are available in the Commissioners' office. Interested persons can obtain more information by contacting the County Commissioners' Office at 842-3403 or 842-1809.

All persons are welcome to submit written testimony in this matter to the Tillamook County Board of Commissioners, 201 Laurel Avenue, Tillamook, Oregon 97141, or to appear and testify at the public hearing.

The Tillamook County Courthouse is handicapped accessible. If special accommodations are needed for persons with hearing, visual or manual impairments who wish to participate in the meeting, please contact 842-3403 at least 24 hours prior to the meeting in order that appropriate communications assistance can be arranged.

## SUMMARY OF ORDINANCE PROVISIONS

1. It is left to the judgment of the District when backflow prevention devices are required to be installed by a customer. IIIA. Must be installed within 90 days on request of District or water can be shut off.
2. Board must appoint by order a person to carry out provision of the ordinance and administer the cross connection control (ccc) program. IIIB.
3. District will operate ccc program including keeping of necessary records. VA.
4. Property owners must allow property to be inspected for possible cross connections and shall follow District's program if possible cross connection is identified. VB.
5. On new installations, District will provide on site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, will issue a permit and perform inspection and testing. VIA(1).
6. For preexisting premises, the district will perform evaluations and inspections of plans and/or premises and inform the owner of any corrective action deemed necessary [VIA(2)].
7. Provisions when cross connections are identified. VIA(3)-A(5).
8. Owner duties for elimination of cross connections. VIB.
9. District will begin inspections in 1996 focusing on high hazard industries and commercial premises. VIA(7).
10. Annual inspections and testing required. IXA
11. Records required to be kept by District.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF TILLAMOOK COUNTY , STATE OF OREGON  
SITTING AS THE BOARD OF DIRECTORS  
OF THE HEBO SERVICE DISTRICT

An Ordinance to protect the public potable water     )     Hebo Service District  
supply served by the Hebo Service District from     )  
the possibility of contamination                     )     Ordinance No. 2

The Board of Directors for the Hebo Service District ordains as follows:

**I     PURPOSE**

The purpose of this ordinance is:

A. To protect the public potable water supply served by the Hebo Service district from the possibility of contamination or pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or back siphon into the public water system.

B. To promote the elimination of, or control of, existing cross connections, actual or potential, between the potable water system and course of non-potable water or other hazardous substances.

C. To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connection.

**II    AUTHORITY**

A. The Federal Safe Drinking Water Act of 1974, the statutes of the State of Oregon, and Oregon Administrative Rules, Chapter #333-61-070, #333-61-071, and #333-61-072, state that the water supplier has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.

**III   RESPONSIBILITY**

A. The District shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the District, an approved backflow device is required at the District's water connection to any customer's premises, the District shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to the premises. The customer shall, within ninety (90) days, install such approved device, or devices, at customer's own expense, and failure or refusal, or inability on the part of the customer to install said device or devices within ninety (90) days, shall constitute a ground for discontinuing water service to the

premises until such a device or devices have been properly installed, inspected and approved by the District.

B. The District shall appoint by Board order a designated person who shall be responsible for carrying the provisions of this ordinance and administering the District's cross connection control program.

#### IV DEFINITIONS

A. Approved - Accepted by the District as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

B. Auxiliary Water Supply - Any water supply, on or available to the premises other than the District's approved public potable water supply.

C. Backflow - The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

D. Backflow Preventor - Any device classified as an approved backflow device by the Oregon Health Division and designed as a device or means designed to prevent backflow or back siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, and double check with intermediate atmospheric vent.

D.1 Air Gap - A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

D.2 Atmospheric Vacuum Breaker - A device which prevents back siphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure on a water system.

D.3 Double Check Valve Assembly - An assembly of two independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

D.4 Double Check Valve with Intermediate Atmospheric Vent - A device having two spring loaded check valves separated by an atmospheric vent chamber.

D.5 Hose Bibb Vacuum Breaker - A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

D.6 Pressure Vacuum Breaker - A device containing one or two independently operating approved check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. Device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

D.7 Reduced Pressure Principle Backflow Preventer - An assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valves.

E. Back pressure - A condition in which the owner's system pressure is greater than the District's system pressure.

F. Back siphonage - The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of the pressure in the potable water supply system.

G. Containment - A method of backflow prevention which requires a backflow preventer at the water service entrance.

H. Contaminant - Any substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

I. Cross Connection - Any actual or potential connection between the public water supply and a source of contamination or pollution.

J. District - The Hebo Service District or any successor legal entity or successor organization.

K. Division - The State of Oregon Public Health Division.

L. Fixture Isolation - A method of backflow prevention in which a backflow preventer is located to correct a cross connection at an in-plant location rather than at a water service entrance.

M. Owner - Any person who has legal title to, or license to operate or inhabit in, property upon which a cross connection inspection is to be made or upon which a cross connection is present.

N. Person - Any individual, partnership, company, public or private corporation, political subdivision or agency of the State Division, agency or instrumentality of the United States or any other legal entity.

O. Permit - A document issued by the District which allows the use of a backflow preventer.

P. Pollutant - A foreign substance that, if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

Q. Water Service Entrance - That point in the owner's water system beyond the sanitary control of the District; generally considered to be the outlet end of the water meter and always before any unprotected branch.

## V ADMINISTRATION

A. The District will operate a cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the Division's Cross Connection Regulations.

B. The Owner shall allow his property to be inspected for possible cross connections and shall follow the provision of the District's program and the Division's regulations if a cross connection is identified.

C. If the District requires that the public supply be protected by containment, the owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize a backflow device for that purpose. He may utilize public health officials, or personnel

from the District, or their delegated representatives, to assist in the survey of the facilities and to assist in the selection of proper fixture outlet devices, and the proper installation of these devices.

## **VI REQUIREMENTS**

### **A. District**

1. On new installation, the District will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, will issue permit, and perform inspection and testing.

2. For premises existing prior to the start of this program, the district will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, 90 days will be shortened depending upon the degree of hazard involved and the history of the device(s) in question.

3. The District will not allow any cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.

4. The District shall inform the Owner by letter of any failure to comply, within ten working days of the first inspection. The District will allow an additional 15 days for the correction. In the event the owner fails to comply with necessary correction by the time of the second reinspection, the District will inform the owner by letter that the water service to the owner's premises will be terminated within a period not to exceed five days. In the event that the owner informs the District of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the District but in no case will exceed an additional thirty days.

5. If the District determines at any time that serious threat to the public health exists, the water service will be terminated immediately.

6. The District shall have on file a list of private contractors who are certified backflow device testers. All charges for these test will be paid by the owner of the building or property.

7. The District will begin initial premise inspections to determine the nature of existing or potential hazards, during the calendar year of (1996). Initial focus will be on high hazard industries an commercial premises.

### **B. Owner**

1. The owner shall be responsible for the elimination or isolation of all cross connections on his premises.

2. The owner, after having been informed by a letter from the District, shall at owner's expense, install, maintain, and test, or have tested, any and all backflow preventers on his premises.

3. The owner shall correct any malfunctions of the backflow preventer which are revealed by periodic testing.

4. The owner shall inform the District of any proposed or modified cross connections and also any existing cross connections of which the owner is aware but have not been found by the District.

5. The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Owners shall not tamper with backflow devices.

6. The owner shall install backflow preventers in a manner approved by the District.

7. The owner shall install only backflow preventers approved by the Division.

8. Any owner having a private well or other private water source, must have a permit if the well or source is cross connected to the District's system. Permission to cross connect may be denied by the District. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross connected to the District's system.

9. In the event the owner installs plumbing to provide potable water for domestic purposes which is on the District's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

## **VII DEGREE OF HAZARD**

The District recognizes the threat to the public water system arising from cross connections. All threats will be classified by degree of hazard and will require the installation of approved backflow prevention devices.

## **VIII EXISTING IN-USE BACKFLOW PREVENTION DEVICES**

Any existing backflow preventer shall be allowed by the District to continue in service unless the degree of hazard is such as to supersede the effectiveness of the preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow device must be replaced with an approved device suitable for that degree of hazard.

## **IX PERIODIC TESTING**

A. All testable backflow devices shall be tested and inspected at least annually.

B. Annual testing shall be performed by a certified tester from a list provided by the District. This testing will be done at the owner's expense.

C. Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be retested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the owner insuring uninterrupted water service during testing or repair of devices and strongly recommend when the owner desires such continuity.

D. Backflow prevention devices will be tested more frequently than specified in Subsection IX(A) if the District feels that there is a history of test failures. Cost of additional testing will be borne by the owner.

**X RECORDS AND REPORTS**

- A. Records - The District will initiate and maintain the following:
  - 1. Master files on customer's cross connection tests and/or inspections.
  - 2. Master files on cross connection permits.
  - 3. Copies of permits and permit applications.
  - 4. Copies of lists and summaries supplied to the Division.
  - 5. Initial listing of low hazard cross connections.
  - 6. Initial listing of high hazard cross connections Reports.
- B. Reports - The District will submit the following to the Division:
  - 1. Annual summary of cross connection inspection to the Division.

**XI DECLARATION OF AN EMERGENCY**

A. The Board of Commissioners hereby finds that the backflow prevention program instituted by and through this ordinance needs to be implemented immediately for the protection of the public health, safety and welfare.

B. Based on the foregoing, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon adoption by the Board.

**ENACTED this \_\_\_\_ day of \_\_\_\_\_, 1996.**

**HEBO SERVICE DISTRICT by the  
TILLAMOOK COUNTY BOARD OF  
COMMISSIONERS, acting as the  
Board of Directors of the Hebo Service District.**

	Aye	Nay	Abstain/absent
_____	___	___	___ / ___
Ken Burdick, Chair			
_____	___	___	___ / ___
Gina Mulford, Vice-Chair			
_____	___	___	___ / ___
Jerry A. Dove, Commissioner			

**ATTEST:** Josephine Veltri,  
County Clerk

By \_\_\_\_\_  
Special Deputy

**APPROVED AS TO FORM:**

\_\_\_\_\_  
William K. Sargent,  
County Counsel