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**MCMINNVILLE WATER & LIGHT  
CROSS CONNECTION CONTROL POLICY  
Adopted May 21, 2013**

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**1. PURPOSE AND SCOPE**

- 1.1 This Policy and rules are part of MW&L’s cross connection control program to protect the public water system from pollution and contamination (“the program”) described in OAR 333-061-0070(1).
- 1.2 The program and related rules contained in this Policy are applicable to premises served by MW&L, regardless of date of connection.

**2. AUTHORITY**

- 2.1 Pursuant to ORS 448.295 the City of McMinnville has jurisdiction over all property occupied by the MW&L water distribution system.
- 2.2 MW&L has rulemaking authority regarding the “water works” of the City of McMinnville pursuant to Section 53 of the City Charter, as amended (1978).
- 2.3 ORS 448.278 directs the Oregon Health Authority (“OHA”) to establish a program for regulating cross connections and backflow prevention assemblies that are part of a water system.
- 2.4 Pursuant to Chapter 333, Division 61, of the Oregon Administrative Rules, OHA requires MW&L as a “water supplier” to undertake cross connection control programs to protect the public water system from pollution and contamination.



### **3. ADMINISTRATION OF POLICY AND RULES**

- 3.1 The MW&L Commission delegates to the MW&L General Manager (“G.M.”) or G.M.’s designee authority to implement the program and to enforce the rules contained herein by written decision. Any decision of the General Manager or G.M.’s designee in administering this Policy and rules is subject to appeal to the MW&L Commission pursuant to the MW&L Customer Policies.

### **4. DEFINITION AND CONFLICT OF LAW**

- 4.1 Unless otherwise defined, all terms used in this Policy pertaining to cross connection control have the same definitions as those contained in OAR 333-061-0020 of the Oregon Administrative Rules (“OAR”) for Public Water Systems, or if not defined in OAR 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”), and the current Oregon Plumbing Code.
  - 4.1.1 A “water user” means a person or entity in control of a premise and receiving water service from MW&L. A MW&L account holder is a “water user” whether or not the account holder is in control of the premise and receiving water service.
  - 4.1.2 A “premise owner” is a person or entity subject to property taxes for the premise as determined by the Yamhill County, Oregon, tax collector. A premise owner need not be a water user or MW&L account holder.
- 4.2 If there is a conflict between the drinking water regulations (OAR Chapter 333) or other Oregon state statutes or rules, the one that provides the greatest protection to the public health, safety or welfare shall control.

### **5. REQUIREMENTS**

- 5.1 General Requirements
  - 5.1.1 Compliance with the provisions of the program, this Policy and related rules shall be a condition of receiving water from MW&L.
  - 5.1.2 No contaminants or pollutants are allowed to backflow from a facility and/or property into the MW&L distribution system. Any connections now existing or hereafter installed that could allow for backflow of any contaminants or pollutants into the MW&L distribution system shall be disconnected and/or eliminated. Connections which cannot be discontinued and/or eliminated shall require the installation of an Oregon Health Authority approved backflow prevention assembly.
  - 5.1.3 The type of protection that will be required to prevent backflow into MW&L’s water system shall be commensurate with the degree of hazard that exists on



the premises.

## 5.2 MW&L Responsibilities

- 5.2.1 MW&L will comply with the requirements of OAR 333, Division 61.
- 5.2.2 No water service connection to any premise shall be installed or maintained by MW&L unless the water supply is protected as required by State laws and regulations and the rules contained in this Policy.
- 5.2.3 On new construction, MW&L will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow prevention assembly that will be required.
- 5.2.4 For residential and commercial premises with a remodel, tenant improvement, and/or change of use that includes any alterations to the existing water system, MW&L will perform evaluations and inspections of plans and/or premises when a premise owner or water user applies for a permit, and inform the premise owner or water user in writing of any premise isolation requirements, corrective action deemed necessary, the method of achieving the correction and the time allowed for the correction to be made.

## 5.3 Premise Owner & Water User Responsibilities

- 5.3.1 The premise owner and water user and premise shall comply with the requirements of OAR 333, Division 61.
- 5.3.2 The premise owner shall eliminate or protect by an air gap or approved backflow prevention device all cross connections on their premises.
- 5.3.3 The premise owner shall take any corrective action necessary to comply with this Policy and rules.
- 5.3.4 The premise owner shall have all backflow prevention assemblies tested as required by OAR 333-061-0070(5).
- 5.3.5 The premise owner shall immediately correct any malfunction of a backflow preventer which is revealed by periodic testing, and have the assembly inspected and re-tested until the assembly operates correctly. In the event an assembly is not properly tested or repaired, MW&L may have the assembly tested and repaired as provided in Section 10 (recovery of costs).
- 5.3.6 The water user and/or premise owner shall inform MW&L of any chemical or substance additions to water, proposed or modified cross connections, and also any existing cross connections of which the owner has actual knowledge but have not been found by MW&L.
- 5.3.7 Authorized personnel of MW&L, with proper identification and reasonable notice to the water user or other person in control of the premises, shall have access during reasonable hours to all parts of the premises and structures to which water is supplied.



- 5.3.8 The water user and premise owner will immediately report a backflow incident and cooperate in the investigation of a backflow incident.
- 5.3.9 If a closed system has been created by the installation of a backflow prevention assembly or other appurtenances. The premise owner, water user, the occupant, and person in control of the premises will take necessary steps to prevent damage from thermal expansion.

#### 5.4 Tester Responsibilities

- 5.4.1 All backflow assembly testers operating within the MW&L water system service area (“testers”) shall comply with the requirements of OAR 333, Division 61.
- 5.4.2 Prior to conducting tests within the MW&L water service area, testers shall provide and maintain on file with MW&L current proof of tester certification, annual gauge calibration and Landscape Contractors Board (LCB) or Construction Contractors Board (CCB) license.
- 5.4.3 All Testers who enter confined spaces shall provide written evidence to MW&L of compliance with OAR Chapter 437, Division 002, at §§1910.146 et seq. regarding confined-space entry prior to entering confined spaces.
- 5.4.4 Subject to OAR 333-061-0070(15), test reports shall arrive at MW&L within 10 working days of the test date. Test reports that are illegible and/or incomplete will not be accepted.
- 5.4.5 Reports for a double check detector backflow prevention assembly (DCDA) or a reduced pressure principle detector backflow prevention assembly (RPDA) shall include the detector meter reading.

## 6. LEVEL OF PROTECTION

- 6.1 In addition to the requirements of OAR, a reduced pressure principle backflow prevention assembly (RP) or air gap shall be required in each of the following circumstances:
  - 6.1.1 All premises found on the Table “Premises Requiring Isolation” of OAR Chapter 333;
  - 6.1.2 In the case of any premise where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to MW&L’s potable water system;
  - 6.1.3 Wherever there is a well on the premises;
  - 6.1.4 When a building is constructed on commercial premises and the end use of the building is not determined; and
  - 6.1.5 Interconnections with other jurisdictions.



- 6.2 While not intended as an exhaustive list, approved backflow protection shall be required in each of the following circumstances, commensurate with the degree of hazard:
- 6.2.1 When a premise has one (1) or more cross connections, as that term is defined by State law;
  - 6.2.2 When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist;
  - 6.2.3 On all irrigation systems;
  - 6.2.4 When using any type of chemical spray attachment connected to the premises plumbing, including garden hose fertilizers and pesticide applicators;
  - 6.2.5 On all devices that are temporary in nature, connecting to the water system through a hydrant, hose bibb, or other appurtenance of a permanent nature that is part of the MW&L water system. Examples may include but are not limited to: hydrant meters, water trucks, pesticide applicators, chemical mixing units, sewer cleaning equipment, or any mobile equipment or vessel that pose a risk of backflow into the water system; and
  - 6.2.6 When installation of an approved backflow prevention assembly is deemed by MW&L to be necessary to accomplish the purposes of this Policy.

## **7. PREMISE ISOLATION**

- 7.1 Residential housing units (other than a single-family or two-family dwelling), and all commercial systems are required to have backflow protection at the service connection to the premise (“premise isolation”).
- 7.2 MW&L requires premise isolation at the time of water service installation, water system remodel, or change of use. In other circumstances, no premise isolation is required for premises existing prior to these rules where premise isolation is not required by State law or rule (see OAR 333-061-0070{8}), and no cross connection exists.
- 7.3 MW&L will perform evaluations and inspections of plans and/or premises to determine what type of assembly shall be required to comply with this Policy.

## **8. FIRE SYSTEMS**

- 8.1 In addition to OAR and Plumbing Code, the following shall apply:
  - 8.1.1 An approved double check detector backflow prevention assembly (DCDA) shall be the minimum protection on all new or replacement stand alone fire sprinkler systems; and



8.1.2 Retrofitting on fire sprinkler systems is required on all systems without backflow protection, with single check backflow protection, and on all high hazard systems.

## **9. INSTALLATION**

- 9.1 Backflow prevention assemblies shall be installed at the service connection unless MW&L approves installation at an alternative location.
- 9.2 MW&L must have access to any backflow preventer relied upon to protect the public water system.
- 9.3 All backflow prevention assembly installations shall meet current OHA and MW&L standards.
- 9.4 Any decrease in water pressure caused by the installation of a backflow prevention assembly shall be the responsibility of the premise owner.

## **10. COSTS; RECOVERY OF COSTS**

- 10.1 Any premise owner, water user, or MW&L customer violating any of the provisions of this Policy who causes damage to or impairs MW&L's water system, including, but not limited to, allowing contamination, pollution, any other solution or used water to enter MW&L's water system, shall be liable to MW&L for any expense, loss or damage caused by such violation. Such expenses include but are not limited to the cost incurred by MW&L for any cleaning, purifying, repair or replacement work or any other expenses caused by the violation.
- 10.2 All costs associated with purchase, installation, testing, replacement, maintenance, parts and repairs of the backflow prevention assembly on a premise whether or not undertaken by MW&L are the financial responsibility of the premise owner, water user and account holder (customer). Any such costs incurred by MW&L may be added to the customer account ("assessed costs") or may be otherwise pursued by MW&L under Oregon law.

## **11. DISCONNECTION OF SERVICE**

- 11.1 MW&L may deny or discontinue and disconnect water service to premises for any of the following reasons:
  - 11.1.1 Failure to remove or eliminate an existing or potential cross connection;
  - 11.1.2 Failure to install a required approved backflow prevention assembly;
  - 11.1.3 Failure to maintain an approved backflow prevention assembly;
  - 11.1.4 Failure to complete required testing of an approved backflow prevention assembly;



11.1.5 Failure to provide access for cross connection inspections; or

11.1.6 Threat to life or public health reasonably found by MW&L to constitute an emergency.

Service will not be restored until such conditions or defects described in this Section 11 are corrected. The disconnection process will follow current MW&L Disconnect Policy.

11.2 In lieu of disconnection of water service, MW&L may, at the utility account holder, water user and/or premise owner's joint and several expense, install a backflow prevention assembly in compliance with this Policy. The costs of testing, maintenance and repair of the assembly ("in-lieu-of-disconnection costs") are the responsibility of the premise owner and account holder.

11.3 The in-lieu-of-disconnection costs are immediately due and payable by the account holder to MW&L. Refusal to pay the assessed in-lieu-of-disconnection costs as those costs are assessed to the account holder shall constitute a violation of this Policy and can result in the disconnection pursuant to MW&L's Disconnect Policy.