

4100540

ORDINANCE 98-229

AN ORDINANCE PROVIDING FOR RULES AND REGULATIONS FOR THE CROSS CONNECTION CONTROL PROGRAM OF THE MONROE WATER DEPARTMENT; PROVIDING A PENALTY FOR A VIOLATION THEREOF; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in order to protect the public potable water supply served by the Monroe Water Department from the possibility of contamination or pollution by isolating within its customers internal distribution systems, such back-siphon into the public water system, and

WHEREAS, in order to promote the elimination of, or control of, existing cross connections, actual or potential, between the potable water system and sources of non-potable water or other hazardous substances, and

WHEREAS, in order 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 in the City of Monroe by cross connection, and

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

NOW THEREFORE, THE CITY OF MONROE ORDAINS AS FOLLOWS:

Section 1. Responsibility. The City of Monroe shall be responsible for the protection of the public pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the City of Monroe, an approved backflow device is required at the city's water connection to any customer's premise, written notice shall be given to said customer to install an approved backflow prevention device at each service connection to the customer's premises. The customer shall, within ninety (90) days, install such approved device, or devices, at their 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 grounds for discontinuing water service to the premises until such device or devices have been properly installed and/or be subject to the penalty stated in Section 11.

Section 2. Definitions.

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.

APPROVED. Accepted by the City of Monroe as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

ATMOSPHERIC VACUUM BREAKER. A device that prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure on a water system.

AUXILIARY WATER SUPPLIES. Any water supply, on or available, to the premises other than the suppliers approved public potable water supply.

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.

BACKFLOW PREVENTER. 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 bib vacuum breaker, or double check with intermediate atmospheric vent. Any device must be classified as an approved backflow device by the Oregon Health Division.

BACKPRESSURE. A condition in which the owner's systems pressure is greater than the supplier's system pressure.

BACK-SIPHONAGE. The flow of water or other liquids, 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.

CONTAINMENT. A method of backflow prevention that requires a backflow prevention device at the water service entrance.

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.

CROSS CONNECTION. Any actual or potential connection between the public water supply and a source of contamination or pollution.

DEGREE OF HAZARD. The danger posed by a particular substance or set of circumstances is:

- a) Low Hazard. Generally, a low degree of hazard is one that does not affect health, but may be esthetically objectionable.
- b) High Hazard. One that could cause serious illness or death.

DIVISION. The State of Oregon Public Health Division.

DOUBLE CHECK VALVE WITH INTERMEDIATE ATMOSPHERIC VENT. A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.

FIXTURE ISOLATION. A method of backflow prevention in which a backflow prevention device is located to correct a cross connection at an in-plant location rather than at a water service entrance.

HOSE BIB VACUUM BREAKER. A device which is permanently attached to a hose bib and which acts as an atmospheric vacuum breaker.

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

PERMIT. A document issued by the Utility, which keeps track of the devices and allows the person to use a backflow prevention device.

PERSON. Any individual, partnership, Company, public, or private corporation, political subdivision or agency of the State division, agency or instrumentality or the United States or any other legal entity.

POLLUTANT. A foreign substance that, if permitted to get into the public water system, will degrade its quality so as to 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 effect such water for domestic use.

PRESSURE VACUUM BREAKER. A device containing one (1) or two (2) independently operated spring-loaded air inlet valve located on the discharge side of the check or checks. The 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).

PUBLIC WORKS SUPERINTENDENT. The superintendent, or his delegated representative, in charge of the Monroe Water Department. This person is invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the ordinance.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER. An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) 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.

UTILITY. City of Monroe Water Department.

WATER SERVICE ENTRANCE That point in the owner's water system beyond the sanitary control of the Water Department; generally considered to be the outlet end of the water meter and always before any unprotected branch.

### SECTION 3. Administration.

- A. The Utility 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 provisions of the Utility's program and the Division's regulations if a cross connection concern is identified.

### SECTION 4. Requirements

- A. Utility.
  - 1. On new installations, the Utility will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow prevention device, if any, that will be required, will issue permits, and perform inspection and testing.
  - 2. For premises existing prior to the start of this program, the Utility 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, ninety (90) days. This time limit will

be shortened depending upon the degree of hazard involved and the history of the device(s) in question.

3. The Utility will not allow any cross connection to remain unless an approved backflow prevention device for which a permit has been issued and which will be regularly tested to insure satisfactory operation protects it.
4. The Utility shall inform the Owner by letter of any failure to comply, within ten (10) working days of the first inspection. The Utility will allow an additional fifteen (15) days for the correction. In the event the Owner fails to comply with necessary correction by the time of the second re-inspection, the Utility 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 (5) days. In the event that the Owner informs the Utility of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Utility but in no case will exceed an additional thirty (30) days.
5. If the Utility determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
6. The Utility shall have on file a list of Private Contractors who are certified backflow device testers. The Owner of the building or property will pay all charges for these tests.
7. Upon adoption of this Ordinance, the Utility will begin initial premise inspections to determine the nature of existing or potential hazards. Initial focus will be on high hazard industries and 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 Utility, shall at his expense, install, maintain, and test, or have tested, any and all backflow prevention device on his premises.
3. The Owner shall correct any malfunctions of the backflow prevention device which is revealed by periodic testing.
4. The Owner shall inform the Utility of any proposed or modified cross connections and any existing cross connections of which the Owner is aware but has not been found by the Utility.
5. The Owner shall not install a by-pass around any backflow prevention device unless there is a backflow prevention device of the same type on the bypass. Owners shall not tamper with backflow devices.
6. The Owner shall install backflow prevention device in a manner approved by the Utility.
7. The Owner shall install only backflow prevention device approved by the Division.
8. Any Owner having an auxiliary water supply must have a backflow prevention device. This would be considered a high hazard.

9. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Utility's side of the backflow prevention device, such plumbing must have its own backflow prevention device installed.
10. If the use has been determined to be low hazard, inspections will be at least annually; if the use has been determined to be high hazard, the owner will be subject to biannual inspections.

#### SECTION 5. **Degree of Hazard.**

The Utility 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.

#### SECTION 6. **Existing In-Use Backflow Prevention Devices.**

Any existing backflow prevention device shall be allowed by the Utility to continue in service unless the degree of hazard is such as to supersede the effectiveness of the prevention device, 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.

#### SECTION 7. **Periodic Testing.**

- A. All testable backflow devices shall be tested and inspected at least annually.
- B. Periodic testing shall be performed from a list of Certified testers provided by the Utility. This testing will be done at the owner's expense.
- C. Any backflow prevention device, 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 prevention device fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) 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 (2) devices is an effective means of the owner insuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.
- D. Backflow prevention devices will be tested more frequently than specified in Subsection "A: above, if the Utility feels that there is a history of test failures. Cost of additional testing will be borne by the owner.

#### SECTION 8. **RECORDS AND REPORTS.**

- A. **RECORDS.** The Utility will initiate and maintain the following:
  1. Master files on customers 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.

**B. REPORTS**

1. Summary of the annual report of inspections of cross connections submitted to the State Health Department.

**SECTION 9. Fees and Charges.**

Fees shall be established for permits, in order to cover costs relating to all cross connections. A list of fees and charges relating to all cross connection expenses will be set in the applicable portion of the resolution establishing fees and rates.

**SECTION 10. APPEALS.**

Appeal of the fees and rates established by the city shall be made in writing to the city recorder within ninety (80) days of the billing of said fee. The city recorder shall respond in writing within ninety (90-) days of receipt of the appeal. If the applicant wishes to appeal further, the applicant shall request in writing that the city recorder place their special appeal on the next scheduled regular city council session. The decision of the city council shall be final.

**SECTION 11. Penalty.**

Fines not exceeding \$500.00, for each violation shall upon conviction thereof, punish any person violating any of the provisions of this ordinance.

**SECTION 12. Constitutionality: Savings Clause.**

If any clause, sentence, paragraph, section, article or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this ordinance directly involved in the controversy in which judgment is rendered.

**SECTION 13. Effective Date.**

This ordinance shall take effect on the thirtieth day after its enactment by the Council.

PASSED BY THE COUNCIL THIS 10 DAY OF December 1998.

SIGNED BY THE MAYOR THIS    DAY OF December. 1998.

EFFECTIVE DATE: January 10, 1999

  
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Mayor Luane Waytenick

  
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Attest: Marvella Gibbs, City Recorder