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FIELD SERVICES
DRINKING WATER PROGRAM

Oakland Ordinances

41-00581

ORDINANCE NO. 426

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF RULES AND REGULATIONS GOVERNING THE CITY OF OAKLAND WATER DEPARTMENT'S CROSS CONNECTION CONTROL PROGRAM; AND, DECLARING AN EMERGENCY.

The City of Oakland ordains as follows:

Section 1. Authority and Definitions.

(1) The Oregon Department of Human Resources, State Health Division, requires water suppliers to undertake programs for controlling and eliminating cross connections.

(2) For the purposes of this ordinance whenever the words set out in this subsection are used they shall have the following meanings:

(a) "Cross Connection" means any link or channel between the piping which carries the Water Department's drinking water and the piping or fixtures which carry other water or other substances.

(b) "Water Department" or "Department" means the Water Department of the City of Oakland, Oregon.

(c) "Certified cross connection control inspector" means the City of Oakland Employee(s) who holds a current certification from the Oregon Health Division as a cross connection control inspector.

(d) "Certified Device Tester" means any person who holds a current certification from the Oregon Health Division for testing backflow devices.

(e) "Backflow prevention device" means all backflow prevention device assemblies required and approved by the Oregon Health Division for use in Oregon.

Section 2. Water Department Responsibilities.

(1) The City of Oakland Water Department shall make provision for at least one employee to be certified in cross connection control inspection.

(2) The certified cross connection control inspector shall be responsible for:

(a) Setting up a program for inspecting users' premises to identify and evaluate existing cross connections.

(b) Issuing Backflow Prevention Device Permits when it is found that a customer needs such a device. The permit will identify the type, size, and model of the backflow prevention device required. Each permit shall be assigned a number. The permit number will enable the inspector to insure that testing and other requirements are being met. The permit number should be used in all correspondence in

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reference to each installation to eliminate confusion of devices.

(c) Following up on all permits issued to insure that required testing of devices and other requirements of the control program are being met.

(d) Making a plan check, where possible, prior to new construction to determine the degree of hazard, if any, and the class of backflow prevention devices, if deemed necessary, required at the point of delivery from the Department's water system to the user's premises. Where adequate plans and specifications are not available and no realistic evaluation of the proposed water uses can be determined, the user, architect, engineer or other authorized person should be advised in writing that eventually circumstances may require the installation of maximum backflow protection at the water service connection.

(3) When the Water Department has reason to believe that an existing or potential cross connection is located on a customer's premises, the Department shall inform the customer of this condition in writing and water service will be denied or discontinued until satisfactory proof is furnished that the cross connection has been completely and permanently severed, or that an approved backflow protection device has been installed. If, in the opinion of the cross-connection control inspector, the cross connection or potential cross connection is hazardous to health and endangers the Department's water system, the service will be denied or discontinued immediately and not restored until the situation is corrected as set forth in this paragraph.

Section 3. Customer responsibility.

(1) All customer water systems shall be open, upon proper request, for inspection at all reasonable times to the Water Department's certified cross connection control inspector to determine if a cross connection, or potential cross connection exists.

(2) The customer shall bear all costs related to cross connections or potential cross connections with regard to either eliminating the problem or installing required devices, and the inspection and testing of such devices.

(3) It shall be the duty of the customer at any premises where backflow protection devices are installed to have them inspected and tested at least once a year or more often in those instances where successive inspections and tests indicate failure. Those inspections and tests shall, at the expense of the customer, be performed by a certified backflow device tester.

(4) It shall be the duty of the customer to see that all records of inspections and tests of required devices made by a certified backflow device tester are submitted to the Water Department's cross connection control inspector.

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(5) Whenever a water user or the owner of the premises obtaining water from the Water Department treats the water in any way or adds any chemical or substance to the water, they shall notify the Water Department.

(6) Customer's liability. Violation by a customer of any of the provisions set forth in this ordinance shall place the burden of responsibility on the violator(s) and subject him to all claims of damage, etc.

Section 4. Backflow prevention.

(1) Backflow prevention device assemblies for protecting the City of Oakland water system shall be installed on the service connection to premises where an approved airgap does not exist and:

(a) Where there is an auxiliary water supply which is, or can be, connected to the potable water piping;

(b) Where there is piping for conveying liquids other than potable water, and where that piping is under pressure and is installed and operated in a manner which could cause a cross connection;

(c) Where there is intricate plumbing which makes it impractical to ascertain whether or not cross connections exist;

(d) Where there is backsiphonage potential;

(e) Or, where cross connection or potential cross connection exists.

(2) The type of backflow prevention required shall be commensurate with the degree of hazard which exists:

(a) In the case of any premises where there is any material hazardous to health which is handled in such fashion as to permit, or potentially permit, entry into the Department's water system, the Department's water system shall be protected by an approved airgap separation or an approved reduced pressure back flow prevention assembly. These premises shall include, but not be limited to: sewage treatment plants, sewage pumping stations, chemical manufacturing plants, plating plants, hospitals, mortuaries, car washes, medical clinics.

(b) In the case of any premises where there is an auxiliary water supply which is not of safe bacteriological quality and which is connected to the Department's water system, the Department's water system shall be protected by an approved airgap separation or an approved reduced pressure backflow prevention device. A double-check valve assembly may be used if the auxiliary water is of proven safe bacteriological quality.

(c) In the case of any premises where a substance is objectionable but does not pose an unreasonable risk to health, if introduced into the Department's water system, the Department's water system shall be protected by an

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approved double-check valve assembly or an approved pressure vacuum breaker or an atmospheric vacuum breaker.

(d) Irrigation systems may be protected by approved atmospheric or pressure vacuum breaker or double-check valve assemblies, except when fertilizers or other toxic substances are introduced through the irrigation system, an airgap or reduced pressure backflow prevention device shall be used.

(3) All backflow prevention device assemblies required under this section shall be of a type and model approved by the Oregon Health Division for use in Oregon.

(4) All backflow prevention device assemblies installed after the effective date of these rules shall meet the specifications of construction, testing and approval of backflow prevention assemblies, and be installed in accordance with Oregon Administrative Rules, Chapter 333-61-070.

(5) Backflow prevention device assemblies installed before the effective date of these rules which were approved at the time they were installed but are not on the current list of approved device assemblies, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When devices of this type are moved, or require more than minimum maintenance, they shall be replaced by device assemblies which are on the list of approved assemblies.

(6) The water user or the owner of the premises where one or more backflow prevention devices has been installed shall have the device tested at least once a year on, or within 30 days after, the anniversary date of the initial testing.

(a) Devices installed at facilities which pose an extreme health risk and devices which repeatedly fail shall be tested on a more frequent basis as determined by the Department's cross connection control inspector.

(b) Backflow prevention devices found not to be functioning properly shall be promptly repaired by the water user or the owner of device or the Water Department may deny or discontinue service as provided in Section 2, subsection (3) of these rules.

(c) Devices shall be tested immediately after installation and after they are moved by a certified device tester. Reports of these tests shall be submitted to the Department's cross connection control inspector.

(d) If the Water Department's cross connection control inspector has not received the results of the test within 30 days of the anniversary date for annual testing or within ten days of the date of the installation of the device, or the date of the Department's discovery that the device was installed without testing as applicable, the City may order the test and add the cost of the test onto the customer's water bill.

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(i) If the results of the test ordered by the City or the customer indicate that repairs are necessary, the repairs must be made and a new test made and results of the test forwarded to the Department within ten days of the date of the first test.

(ii) If the Department has not received evidence of the repairs and the results of the second test within ten days of the first test, the City may have the repairs made and add the cost to the customer's water bill.

(iii) This section shall apply to all test and repairs until the test shows the backflow prevention device is functioning properly. The City, in accordance with Ordinance #413, may discontinue the water service of any person who refuses or fails to pay such testing or repair charges added to the customer's water bill.

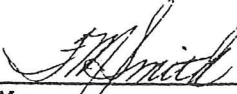
Section 5. Penalties. Any person violating any of the provisions of these Rules and Regulations, shall upon conviction thereof, be punished by a fine not exceeding \$300.00 or by imprisonment in jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day the condition continues shall be considered as a separate violation.

Section 6. Constitutionality, saving clause. If any clause, sentence, paragraph, section or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgement 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 the judgement is rendered.

Section 7. Emergency clause. That the matters contained herein concern the public welfare and safety and therefore, an emergency is hereby declared to exist, and this Ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor.

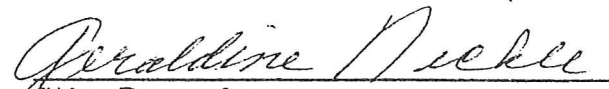
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Passed by council this 1st day of August, 1989 and
approved by the Mayor this 2nd day of August, 1989.



Mayor

Attest:



City Recorder