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THE ELLENDALE WATER CO-OP DOES ORDAIN AS FOLLOWS:

Cross-connections to the Ellendale Water Co-op water supply.

(1) Purpose and Scope. The purpose of this ordinance is to protect the public health of water consumers by the control of actual and/or potential cross-connections to customers and to set forth uniform requirements for Ellendale Water Co-op to comply with all applicable state and federal laws including the "Safe Drinking Water Act" PL 93-523.

(2) Definitions:

- (a) "Backflow" shall mean the undesirable reversal of water and other liquids, gases or other substances from any source or sources into the distribution pipes of the potable water supply.
- (b) "Backflow" prevention device (approved)" shall mean a device that is a type and model approved by the Oregon State Health Division.
- (c) "Backflow prevention device (type)" shall mean any approved device used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.
- (d) "Co-op" shall mean the Ellendale Water Co-op, or the Ellendale Water Co-op designee.
- (e) "Contamination" shall mean the entry into or presence in a public water supply of any substance which may be deleterious to health and/or quality of the water.
- (f) "Cross-connection" shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.
- (g) "Director" shall mean the Co-op or authorized agent.

- (h) "Hazard, degree of" shall be derived from the evaluation of a health, system, plumbing or pollution hazard.
 - (i) "Hazard, health" shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.
 - (j) "Hazard, plumbing" shall mean an internal or plumbing type cross-connection on a consumer's potable water system that may be either a pollutional or a contamination type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems.
 - (k) "Hazard, pollutional" 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 degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.
 - (l) "Hazard, system" shall mean an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.
 - (m) "Health Division Officer" shall mean the Oregon State Health Division Officer, or other state authorized agent.
 - (n) "Potable water supply" shall mean any system of water supply intended or used for human consumption or other domestic use.
 - (o) "State" shall mean the State of Oregon.
- (3) Cross-connections Prohibited. The installation or maintenance of a cross-connection which will endanger the water supply system of the Co-op shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is declared to be a public hazard and the same shall be abated. The control or elimination of cross-connection shall be in accordance with this ordinance and

any manual of standard practice pertaining to cross connection control approved by the Co-op, and requirements set forth by the "United States Environmental Protection Agency" as authorized by the "Safe Drinking Water Act" PL 93-523 and subsequent applicable legislation. The Co-op shall adopt rules and regulations as necessary to carry out the provisions of this ordinance.

(4) Use of Backflow Prevention Devices:

- (a) No water service connection to any premise shall be installed or maintained by the Co-op unless the water supply is protected as required by state law and regulation and this section. Service of water to any premise may be discontinued by the Co-op, according to the degree of hazard, if a backflow prevention device required by this ordinance is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (b) The customer's system shall be open for inspection and tests at all reasonable times to authorized representatives of the Co-op to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Co-op shall have the right to deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and the Co-op statutes relating to plumbing and water supplies and the regulations herein.
- (c) Where required, an approved backflow prevention device shall be installed on each service line; but, in all cases, before the first branch line leading off the service line.
- (d) Backflow prevention devices shall be installed under circumstances including, but not limited to, the following:
 - (I) Premises having an auxiliary water supply;
 - (II) Premises having cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections

exist;

- (III) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist;
 - (IV) Premises having a history of cross-connections being established or re-established;
 - (V) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connections could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;
 - (VI) Premises where materials of a toxic or hazardous nature are handled in such a way that the customer's water system is subject to being submerged by a hazardous substance or if back siphonage should occur, a serious health hazard might result;
 - (VII) Premises where a booster pump is needed to provide pressure;
 - (VIII) Premises having a new irrigation system;
 - (IX) Premises having a plumbing system greater or equal to thirty feet above the Co-ops main from which it is served.
- (e) The type of protective device required shall depend on the degree of hazard which exists.
 - (f) Backflow prevention devices required by this section shall be installed under the supervision, and with the approval, of the Co-op.
 - (g) Any protective device required by this section shall be approved by the Co-op.
 - (h) These protective devices shall be furnished and installed by and at the expense of the customer.
 - (i) It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the Co-op deems the hazard to be great enough,

the Co-op may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the Co-op. The customer-user shall notify the Co-op in advance when the tests are to be undertaken so that the Co-op or a representative may witness the tests if so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and copies sent to the Co-op. If a test report is not completed within 30 days of the date on which the annual test certification is due or within 10 days of the date of an initial installation, the Co-op may elect to order such test, and that repairs to the device, if necessary, be completed and that the cost thereof, plus Co-op Administration fees, be added to the customer's water bill.

- (j) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this section or by state law shall be grounds for termination of water service to the premises.

(5) Cross-connection Inspection:

- (a) No water shall be delivered to any structure hereafter built within areas served by Co-op water until the same has been inspected by the Co-op for possible cross-connections and has been approved as being free of cross-connections.
- (b) Inspections shall be made at the discretion of the Co-op of all buildings, structures, or improvements for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the Co-op or authorized agent.

- (6) Liability. This section shall not be construed to hold the Co-op responsible for any damage to persons or property resulting from the inspection or testing, or the failure to inspect or test, or by reason of approval, of any cross-connections.

(7) Penalties.

- (a) An unintentional and non-reckless violation of this section is punishable by a fine of up to \$1,000 per violation per day.

- (b) An intentional or reckless violation of this section is a Class C misdemeanor.
- (c) An intentional or reckless violation of this section which results in the introduction of any substance into the Co-op water system which causes personal injury or property damage is a Class A misdemeanor.
- (d) Each day a violation continues shall be a separate offense.
- (e) In addition to the penalties set forth herein, a person who violates this section shall be liable to the Co-op for the Co-op's costs, including attorney fees, of remedying the violation and repairing any damage resulting from the violation.

Approved: March 10, 1997

H. Miller, President

Harry Miller

T. Wilson, Vice President

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