

41-00414

ORDINANCE NO. 96-02

AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE CITY OF JOSEPH RELATING TO CROSS CONNECTIONS.

WHEREAS, Pursuant to Chapter 333, Division 61 of the Oregon Administrative Rules, it is the responsibility of the City of Joseph to protect its drinking water by systematically identifying and controlling cross connections.

WHEREAS, any customer using the City of Joseph water system that may have the potential to contaminate the public water supply through backflow, back siphonage, or cross connection shall be required to be inspected by a state certified cross connection inspector.

NOW, THEREFORE, the City of Joseph does ordain as follows:

Section 1. DEFINITIONS.

(1) "Approved backflow prevention device" means a device to counteract back pressures or prevent back siphonage. This device must appear on the list of approved devices issued by the Oregon State Health Division.

(2) "Auxiliary supply" means any water source or system other than the public water system, that may be available in the building or on the premises.

(3) "Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the City's water.

(4) "Contamination" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

(5) "Cross Connection" means any physical arrangement where a public water system is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, or any other device which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the

public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross connections.

(6) "Degree of hazard" shall be derived from the evaluation of a health, system, plumbing or pollution hazard.

(7) "Double Check Valve Assembly" means an assembly of two independently acting check valves with shut-off valves on each side of the check valves and test cocks for checking the water tightness of each check valve.

(8) "Division" means the Health Division of the Oregon Department of Human Resources.

(9) "Health hazard" means 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.

(10) "Plumbing hazard" means an internal or plumbing-type cross-connection in 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. Plumbing-type cross connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

(11) "Pollutional hazard" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable system but which would not constitute a health or system hazard, as defined. The maximum degree of 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.

(12) "Potable water supply" means any system of water supply intended or used for human consumption or other domestic use.

(13) "Premises" means any piece of land to which water is provided including all improvements, mobile homes(s) and structures located on it.

(14) "Reduced pressure principle device" shall mean an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The device shall include properly located test cocks and tightly closing shut-off valves at the end of the assembly. A check valve is approved if it appears on the list of approved devices issued by the Oregon State Health Division.

(15) "System hazard" means 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 detrimental effect on the quality of the potable water in the system.

Section 2. PURPOSE

The purpose of these regulations is to protect the water supply of the City of Joseph from contamination or pollution due to any existing or potential cross connections

Section 3. CROSS CONNECTIONS REGULATED

The control of cross connections shall be in accordance with this ordinance and in compliance with the Oregon Administrative Rules Chapter 333-61-070 (Cross Connection Control Requirements). The City of Joseph shall have the authority to establish requirements more stringent than the Division's regulations if conditions so dictate. Therefore, no cross connections shall be created, installed, used or maintained on any property served by the City of Joseph water system except in accordance with this ordinance.

Section 4. INSTALLATION, MAINTENANCE AND TESTING REQUIREMENTS

To ensure proper operation, installation, and accessibility of all backflow prevention devices, the following requirements shall apply to the installation of these device assemblies within the water system of the City of Joseph.

(1) The City of Joseph will have the right to approve or deny the plans for installation of the approved device prior to installation.

(2) Assemblies must be installed at the point of delivery of the water supply, before any branch in the line. Alternate

locations must be approved by the City of Joseph prior to installations.

(3) All backflow device prevention assemblies shall be of a type and model approved by the Division and the City of Joseph.

(4) Only device assemblies specifically approved by the Division for vertical installation may be installed vertically. Written requests for a variance must be submitted to the City of Joseph prior to installation.

(5) The device assembly shall be readily accessible with adequate room for maintenance and testing. Device assemblies 2" and smaller shall have at least 6" clearance on all sides of the device assembly. All device assemblies larger than 2" shall have a minimum clearance of 12" on the backside, 24" on the test cock side, 12" below the device assembly, and 36" above the device assembly.

(6) If permission is granted to install the backflow device inside of the building, the device assembly shall be readily accessible during regular working hours of 8 a.m. to 4:30 p.m., Monday through Friday.

(7) Maximum height of installation shall not exceed five (5) feet for device assemblies 2" and larger unless there is a permanently installed platform meeting occupation safety and health (OSHA) standards to facilitate servicing the device assembly.

(8) Reduced pressure principle device assemblies may be installed in a vault only if relief valve discharge can be drained to daylight through a "boresight" type drain. The drain shall be of adequate capacity to carry the full rated flow of the device assembly and shall be screened on both ends.

(9) An approved air gap shall be located at the relief valve orifice of reduced pressure principle devices. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one (1) inch.

(10) Immediately after installation, repair of the device assembly and/or the moving of the device assembly to another approved location, the device assembly must be tested by a state certified backflow device assembly tester. If for any reason a device assembly fails any test, it shall be repaired and retested

immediately until satisfactorily passing the test.

(11) The City of Joseph will retain registration of all device assemblies. Registration shall consist of date of installation, installer, make, model, serial number, size and location of the device assembly and initial test report. All subsequent test results shall be retained in the file.

(12) Any damage to the device assembly(ies) caused by negligence or intentional acts will be the financial responsibility of the property owner. This responsibility will include, but not be limited to, purchase of a new device assembly, together with its installation, initial testing and annual testing thereafter.

(13) Device assemblies shall be tested more frequently if the City of Joseph determines that there is "an extreme health risk" or the device assembly repeatedly fails.

(14) The property owner shall be responsible for protecting the device assembly from freezing and other severe weather conditions.

Section 5. MOBILE APPARATUS

Any mobile apparatus which uses the City of Joseph's water system or water from any premises with the city system must obtain permission from the City of Joseph. Permission shall not be required for authorized fire personnel in providing emergency fire protection services.

Section 6. ACCESS TO PREMISES

Authorized employees or representatives of the City of Joseph, with proper identification, shall have access during reasonable hours to all parts of the premises and within the buildings to which water is supplied. However, if any water user refuses access to a premises or to the interior of a structure at reasonable times and on reasonable notice for inspection by a cross connection specialist appointed by the City of Joseph the supply of water will be terminated until the inspection can be completed.

Section 7. ANNUAL TESTING AND REPAIRS

All backflow device assemblies installed on any property served by the City of Joseph water system shall be re-tested annually and/or on a more frequent basis as required by Section 4(10) by a state certified tester. All device assemblies found not functioning properly shall be immediately repaired by the tester as set out in Section 4(10), or replaced. All associated expenses shall be billed to the property owner.

Section 8. VARIANCES

(1) Any variance from this ordinance shall be requested in writing by the owner and approved in writing by the City of Joseph prior to device assembly installation. It is the responsibility of the property owner to demonstrate satisfactorily to the City of Joseph:

- A. Strict compliance with the rule would be highly burdensome or impractical due to special conditions or causes; and
- B. The reasons for granting a variance clearly outweigh the purpose of this ordinance.

Section 9. COST OF COMPLIANCE

If in the opinion of the inspector, based on State Health Department and City guidelines a condition is found which warrants a backflow device installation the owner of the property will be notified that an approved device is required and a time limit set for installation. All costs of the approved device installation will be the property owners responsibility.

Section 10. TERMINATION OF SERVICES

In the event of serious cross connection or immediate threat to the public water system the water service will be terminated until approved corrective action is taken (OAR Chapter 333-61-070 Section 1).