

ORDINANCE NO. 443

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TECHNICAL SERVICES
DRINKING WATER PROGRAM

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

The City of Powers 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 Powers, Oregon.

(c) "Certified cross connection control inspector" means the City of Powers 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 any backflow prevention device assembly required and approved by the Oregon Health Division for use in Oregon.

SECTION 2. WATER DEPARTMENT RESPONSIBILITIES.

(1) The City of Powers 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 ensure that testing and other requirements are being met. The permit number should be used in all correspondence in reference to each installation to eliminate confusion of devices.

(c) Following up on all permits issued to ensure 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 prevention 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 either to eliminating the problem or to installing required devices, and the inspection and testing of such devices. A list of approved backflow prevention devices is available at the Powers City Recorder's office.

(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.

(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 while the water is still in the system, 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 them to all claims of damage, etc.

SECTION 4. BACKFLOW PREVENTION.

(1) Backflow prevention device assemblies for protecting the City of Powers 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 a 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 backflow 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, and 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 approved double-check valve assembly or an approved pressure vacuum breaker or an atmospheric vacuum breaker.

(d) Irrigation systems may be protected by an approved atmospheric or pressure vacuum breaker or by double-check valve assemblies, except that 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 the device or the Water Department may deny or discontinue service as provided in Section 2, subsection (3) of this ordinance.

(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 installation of the device, or the date of the Department's discovery that the device was installed without testing, as applicable, the City shall order the test and add the cost of the test to the customer's water bill.

(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 tests and repairs until the test shows that the backflow prevention device is functioning properly. The City, in accordance with Ordinance No. 141, may discontinue the water service of any person who refuses or fails to pay for such testing or repair charges that have been added to the customer's water bill.

SECTION 5. REQUEST FOR HEARING.

Any owner or occupant of premises receiving notice of termination of water service, due to noncompliance with the provisions of this ordinance, may request a hearing before the Common Council of the City of Powers as follows: the owner or occupant of the premises shall submit the request for hearing in writing to the City Recorder of the City of Powers within ten days of the notice of termination. The request for hearing shall specify the parties' objections and shall be dated and signed by the party requesting the hearing.

Upon receipt of a request for hearing, the City Recorder shall schedule a hearing at the next regularly scheduled Council meeting, or as soon as is reasonably practical. The party objecting to the termination of water service shall be given an opportunity to testify and present evidence at the hearing. The Common Council of the City of Powers shall be the final decision making body. Except in cases where if, in the opinion of the Cross Connection Control Inspector, the cross connection or potential cross connection is hazardous to health and endangers the water system as set forth in the last sentence of Section 2(3), water service shall not be terminated until the Common Council has rendered its decision.

SECTION 6. 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 per-

iod 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 7. VALIDITY.

In the event that any provision(s) of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance shall be considered independent of and separable from such invalid provision(s) and shall not be rendered void by the invalidity of such provision(s).

SECTION 8. 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.

Adopted by a majority vote of the City Council taken by yeas and nays this 15th day of January, 2001.

Approved by me
John Kelly
Mayor

Attest:
Conole Baldwin
City recorder