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FIELD SERVICES
WATER PROGRAM
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BEFORE THE BOARD OF COMMISSIONERS
IN AND OF THE COUNTY OF WALLOWA
IN AND FOR THE STATE OF OREGON

IN THE MATTER OF AN ORDINANCE RELATING TO THE)
CONTROL OF BACKFLOW AND CROSS CONNECTION) Ordinance 2007-001
OF THE WALLOWA LAKE COUNTY SERVICE DISTRICT)

WHEREAS, there is a need to protect the Public water drinking supply of the Wallowa Lake County Service District from the possibility of contamination or pollution by requiring Compliance with Oregon Administrative Rule (OAR) 333-061-0070 and 333-061-071 and the Uniform Plumbing Code (UPC) as adopted by the State of Oregon that require a cross connection control protection of all public water systems in Oregon, AND

WHEREAS, It will be the responsibility of the Wallowa Lake County Service District to protect the drinking water distribution system from unforeseen conditions leading to possible contamination or pollution due to backflow of contaminants or pollutants.

THEREFORE, IT IS HEREBY ORDAINED, that the following ordinance, as attached, is adopted; AND

BE IT FURTHER ORDAINED that this Ordinance shall supersede, control, and repeal any inconsistent provision of any County Ordinance as amended

DONE AND DATED this 16th day of January, 2007.

WALLOWA COUNTY BOARD OF COMMISSIONERS

Mike Hayward
Mike Hayward Chairman

Daniel Ausley
Reviewed by County Council

Dan DeBoie
Dan DeBoie, Commissioner

Sandy Lathrop
Attested by Executive Assistant, Sandy Lathrop

Benjamin Boswell
Benjamin Boswell, Commissioner

Dana Roberts
Recorded by County Clerk, Dana Roberts

**BEFORE THE BOARD OF COMMISSIONERS
IN AND OF THE COUNTY OF WALLOWA
IN AND FOR THE STATE OF OREGON**

**IN THE MATTER OF AN ORDINANCE RELATING TO)
THE PROTECTION OF THE PUBLIC WATER SUPPLY)
OF THE WALLOWA LAKE COUNTY SERVICE DISTRICT)**

**ATTACHMENT TO
ORDINANCE NO
2007-001**

The Wallowa County Board of Commissioners ordains as follows:

**WALLOWA LAKE COUNTY SERVICE DISTRICT
WALLOWA COUNTY, OREGON**

ORDINANCE FOR THE CONTROL OF BACKFLOW AND CROSS CONNECTION

Section 1. Title. Cross connection control – General Policy.

1.1 Purpose of Ordinance:

- 1.1.1** To protect the Public drinking water supply of the Wallowa Lake County Service District from the possibility of contamination or pollution by requiring Compliance with Oregon Administrative Rule (OAR) 333-061-0070 and 333-061-071 and the Uniform Plumbing Code (UPC) as adopted by the State of Oregon that require cross connection control protection of all public drinking water systems in the State of Oregon. Compliance with these minimum safety codes will be considered reasonable diligence for the prevention of contaminants or pollutants which could backflow into the public drinking water system; and,
- 1.1.2** To promote the reasonable elimination or control of cross connections in the plumbing fixtures and piping system(s) of the consumer, as required by the state and plumbing regulations to assure water system safety; and,
- 1.1.3** To provide for the administration of a continuing program of backflow prevention which will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system.

1.2 Responsibility

- 1.2.1** Wallowa Lake Service District shall be responsible for the protection of the drinking water distribution system from unforeseen conditions leading to possible contaminants or pollutants entering into the drinking water supply.

1.2.2 Drinking water system surveys of the consumer's water system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing The Wallowa Lake County Service District. Survey records shall indicate compliance with Oregon UPC and OAR's. All such records will be maintained by the Wallowa Lake County Service District.

1.2.3 The Wallowa Lake County Service District shall schedule and notify in writing, all consumers of the need for the periodic system survey to insure compliance with existing applicable minimum health and safety standards.

1.2.4 Selection of an approved backflow assembly for containment control required at the service entrance shall be determined from the results of the system survey.

1.3 Responsibility: Consumer

1.3.1 To comply with this ordinance as a term and condition of water supply and consumer's acceptance of service is admittance of his/her awareness of his/her responsibilities as a water system user.

1.3.2 It shall be the consumer's responsibility to purchase, install, and arrange testing and maintenance of any backflow prevention device/assembly required to comply with this ordinance. Failure to comply with this ordinance shall constitute grounds for discontinuation of service.

1.4 Responsibility: Plumbing Official

1.4.1 The Plumbing Official's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream from the curb stop or meter) and continues throughout the consumer water system.

1.4.2 The Plumbing Official will review all plans to ensure that unprotected cross connections are not an integral part of the Consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the UPC.

1.5 Responsibility: Certified Backflow Technician, Surveyor, Plumber, or Repair Person

1.5.1 Whether employed by the consumer or the utility to test, survey, repair, or maintain backflow prevention assemblies these persons will have the following responsibilities:

- A.** Insure that acceptable testing equipment and procedures are used for testing repairing or overhauling backflow prevention assemblies.

- B. Make reports of such testing and/or repairs to the consumer and the Wallowa Lake County Service District on the approved form within 10 days of such testing and/or repairs.
- C. Include the list of materials or replacement parts being originally supplied by the manufacturer of the assembly.
- D. Insure that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly.
- E. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.
- F. Perform all tests of mechanical devices/assemblies and be responsible for the completeness and accuracy of all tests and reports.
- G. Insuring his/her license and certification is current, and that the testing equipment being used is acceptable, in compliance with state regulations and is in proper operating conditions and calibration.
- H. Being equipped with and competent to use, all necessary tools, gauges, and other equipment necessary to properly test and maintain backflow prevention assemblies.
- I. Tagging each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap showing the serial number, date tested and by whom. The technician's license/certification number must also appear on the tag.
- J. **ANY REPAIRS, MAINTENANCE, TESTING AND REPORTING MUST BE DONE BY A CERTIFIED TECHNICIAN.**

Section 2. Definitions

- 2.1 Approved Backflow Assembly: an assembly accepted by Oregon OAR and UPC as meeting an applicable specification or as suitable for the proposed use.
- 2.2 Auxiliary Water Supply: Any water supply on or available to the premises other than the purveyor's public water supply. These may include water from any natural source(s) such as a well, spring, river, stream, etc., or "used water" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the purveyor does not have authority for sanitary control.
- 2.3 Water purveyor: Person designated to be in charge of The Wallowa Lake County

Service District and is invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this ordinance.

- 2.4 Backflow: The reversal of the normal flow of water, caused by either back-pressure or back-siphonage.
- 2.5 Back-Pressure: The flow of water or other liquids, mixtures, or substances from a region of higher pressure to a region of lower pressure into the water distribution pipes of a potable water supply from sources other than the intended source.
- 2.6 Back-Siphonage: The flow of water or other liquids, mixtures, or substances under vacuum conditions into the distribution pipes of a potable water supply from another source other than the intended source, caused by a reduction of pressure in the potable water system.
- 2.7 Backflow Prevention Assembly: An assembly or means designed to prevent backflow. Specifications are found in the OAR and UPC.
- 2.8 Contamination: Degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, solids, compounds, or other materials that may create a health hazard.
- 2.9 Cross Connection: Any physical connection or arrangement of pipes or fixtures which may allow non-potable water, or other contaminants to come into contact with the potable water supply. This would include temporary installations such as swing connections, removable sections, four way plug valves, spools, dummy sections of pipe, swivel or change over devices, or other plumbing arrangements.
- 2.10 Cross Connection Controlled: A connection between a potable water supply and a non-potable water supply with an approved backflow prevention assembly properly installed and maintained so it will continuously afford the protection commensurate with the degree of hazard.
- 2.11 Cross Connection Containment: The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find, permanently eliminate, or control all actual or potential cross connections within the customers system; or it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of cross connection.

Section 3. Requirements

3.1 Policy:

3.1.1 No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by State law, regulation, codes, and this ordinance. Service of water to a consumer, found to be in violation of this ordinance shall be discontinued by the water purveyor after due process of written notification of violation and a 10 day grace period for voluntary compliance, if:

- A. A backflow prevention assembly required by this ordinance for the control of backflow and cross connections is not installed, tested, and maintained, or
- B. If it is found that a backflow prevention assembly has been altered or bypassed or
- C. If an unprotected cross connection exists on the premises, or
- D. If periodic system survey has not been conducted.
SERVICE WILL NOT BE RESTORED UNTIL SUCH CONDITIONS OR DEFECTS ARE CORRECTED.

3.1.2 The customers system shall be open at all reasonable times to authorized representatives of the water purveyor, to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of the required survey (333-061-0070 and 333-061-071 of the Oregon OAR)

3.1.3 Whenever the public water purveyor deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line or immediately inside of the building being served, in all cases, before the first branch line leading off the service line.

3.1.4 The type of protective assembly required under subsection 3.1.3 shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect) applicable to local and state requirements or resulting from the required survey.

3.1.5 All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purpose

described herein at the time of installation and which have been properly maintained, shall except for the inspection and maintenance requirement under subsection 3.1.6, be excluded from these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the operation of this assembly constitutes a hazard to health, the unit shall be replaced with an approved backflow prevention assembly meeting all local and state requirements.

3.1.6 It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections, and operational tests made at least once per year at the consumer's expense. In those instances where the public water purveyor deems the hazard to be great, he may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the purveyor to see that these tests are made according to the standards set by state and local requirement.

3.1.7 All backflow prevention assemblies shall be tested within 10 working days of initial installation.

3.1.8 No backflow prevention assemblies shall be installed so as to create a safety hazard. Example: over an electrical panel, steam pipes, boiler, or above ceiling level.

3.2 **Violation of this Policy:**

If violation of this ordinance exists or if there has not been any corrective action taken by the consumer within 10 days of written notice of deficiencies noted within the survey or test results, then the water purveyor shall deny or immediately discontinue water service to the premises by shutting down water service until consumer has corrected the condition(s) in conformance with all state and local regulations and statutes relating to plumbing, safe drinking water, and this ordinance. **ALL EXPENSE INCURRED IN SHUTTING OFF OR RESTORING WATER SERVICE WILL BE THE CUSTOMER'S RESPONSIBILITY.**

Section 4: Severability

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portions of this ordinance.