

BARLOW WATER DISTRICT
41-00909

**RULES AND REGULATIONS
FOR**

**BARLOW WATER IMPROVEMENT DISTRICT
(Hereafter known as BWID)
11 South County Road #B
TYGH VALLEY, OREGON 97063
Phone (541) 544-2920**

February 11, 2012

This document outlines the rules, regulations, charges, and penalties that apply to all BWID Customers (also defined as Property Owners), of individual lots located within the Pine Hollow Development. Customers can also include certain property located outside the defined Pine Hollow Development area as approved by the BWID Board. The BWID water supply system shall include all wells, pumping stations, storage reservoirs, distribution, supply and feeder pipes, meters, and all other appurtenances, devices, lines or any equipment necessary for the operation of the water system in order to supply potable water to individual water Customers.

Section 1. Application for Service

Application for the installation, activation, or alteration of a service connection to the BWID shall be made by a prospective Customer submitting a completed BWID Service Application and Agreement form to the Board of Directors through the BWID Manager at the business office located within the Wamic Rural Fire Department building. Applications can be submitted by appointment on Monday through Friday, or by mail to BWID, 11 S. County Rd. #B, Tygh Valley, OR 97063-9749. To receive service, all applicants for service must agree to accept, and abide by, all provisions outlined in these BWID Rules and Regulations. Customers are responsible for payment for all services including water connection and water use. Non-Customers (tenants) will not be billed by BWID for water use, and Non-Customers will not be held responsible to pay directly for BWID provided services.

Section 2. Connections to the BWID System

a) New Customer:

A new Customer is defined as not currently having a BWID water meter and related piping connection to the BWID water main to their property for which water service is being applied for. As part of a new installation, the Barlow Water Improvement District will provide, install, connect, and maintain the water delivery lines from the main to (and including) the new water meter. A new Customer connection to the BWID water system may be obtained by submitting a completed BWID Service Application and Agreement, gaining approval of the Board of Directors, and after making advanced payment of a \$250 fixed administrative fee which covers BWID coordination and oversight for all new connections. A new service Customer will be required to pay for 100% of the cost of special permits and road crossings (if required), installation/excavation equipment, materials (including piping and meter), and labor cost (including required all contractor labor, materials, and equipment costs), as required to install new service piping between the BWID main distribution line and the new Customer's meter. New service installation costs will be estimated by the BWID Manager prior to commencing work and a new Customer shall pre-pay the estimated installation cost in the form of a deposit to BWID prior to starting installation work and activating a new service. After the installation of a new meter, a new Customer is also required to install a back flow device that meets the specifications of the State of Oregon. Once service connection has been completed, the remaining cost of service installation (if any) will be due

prior to service activation. Only the System Operator or a person authorized by the BWID Board shall, connect or disconnect BWID system meters or otherwise make alterations to the service connection.

b) Reconnection of Prior Customers:

A pre-existing Customer is defined as previously having had a BWID water meter plus piped connection to the BWID water main installed to the Customer's property for which water service is being applied for. Reconnection of a pre-existing service may be obtained by a Customer submitting a BWID Service Application and Agreement, gaining pre-approval of the BWID Board of Directors, and after making advanced payment of a \$100 reconnection fee. After a water service has been re-activated the Customer is also directly responsible for installing a back flow device that meets the specification of the State of Oregon prior to activation. If requested by the Customer, BWID can assist or make necessary arrangements for the installation. Only the System Operator or a person authorized by the BWID Board shall, connect or disconnect BWID system meters or otherwise make alterations to the service connection.

Section 3. Service Lines

The Customer's service line, beginning at (and connected to), the discharge point of the BWID water meter shall be constructed and maintained by and at the expense of that Customer. The Customer is responsible for protecting service lines beyond the meter connection point from freezing or physical damage. Customer's are also responsible for all damages resulting from leaks and breaks in such line (including charges for all water usage resulting from any broken system, user distribution lines or valves). All Customers' service distribution lines shall conform to code as outlined in the Uniform Plumbing Code, Wasco County, and the State of Oregon. The BWID is responsible for installing the water meter and connecting the meter discharge (first connection point) at the meter to the Customer's Service Line.

Section 4. Separate Service

Whenever a metered service connection supplies more than one point of distribution as located within a Customers lot, all subsidiary service must, whenever physically possible, be arranged so that the supply to each separate distribution point may be controlled by separate isolation control valves.

Section 5. Opening and Closing of Meter Water Control Valve

Only the BWID System Operator or a duly authorized person is allowed to operate the lockable water control valve at a supply meter. Application to have a water meter turned on shall be made in accordance with Section 1 of this Rules and Regulations. Each Customer shall be responsible for installation and operation of a separate water control valve located downstream of the BWID meter.

Section 6. Resale of Water

No water shall be resold or re-distributed by a BWID metered Customer to a separate lot or additional residence located on the Customer's lot without the knowledge and advanced written approval of the Barlow Water Improvement District Board. This restriction does not include water use by recreational vehicles that are temporarily set up on a Customer's lot by visitors or guests.

Section 7. Single Meter Service

No water shall be supplied by BWID through a single metered service connection to more than one single-family residence per lot. BWID shall notify Wasco County or the State of Oregon that a violation of Wasco County or State of Oregon building or property use laws or codes has been identified and looks to the county to enforce land use codes for the Pine Hollow development. Water service to the legal single residence may be terminated at the meter until a resolution of the violation is satisfied.

Section 8. Defective Faucets and Fixtures

Water will not be delivered to customers where there are known defective plumbing fixtures including but not limited to pipes, faucets, closets, or where closets or urinals are installed without self-closing valves or tanks without self-closing float valves. If such problems are discovered, BWID retains the right to shut off the valve at customer's meter.

Section 9. Right of Access

Authorized BWID personnel shall be allowed full access to the customer's property as required to read and/or inspect the meter, any backflow device, and customer's water distribution lines. If required, BWID will provide a special lock or key lock box to certain customers to assure that access is possible. Whenever possible, BWID will notify the Customer that District personnel will be accessing the property for a periodic inspection. BWID reserves the right to maintain access to read the water meter without advance notice and it is the member's responsibility to assure the meter is directly accessible at all times and not covered with dirt, debris, vehicles, etc.

Section 10. Discontinuance of Water Service

a) Discontinuance as Requested by Customer; Whenever a Customer wishes to have their water service discontinued by closing and locking the meter isolation valve, they shall apply in writing to the District Manager. The fixed fee for discontinuance of water service, shall be \$175.00 for meter turn off and an additional \$175.00 for meter turn on (for periods less than six months). This fee is subject to change whenever water rates are adjusted. The fee to discontinue service for a short period of time to allow a Customer to perform maintenance of piping located after the meter will not apply. If service has been discontinued for a period of longer than six months, the Customer is obligated to also start paying the fixed Capital/Operations Recovery Charge that all Pine Hollow Lot Owners located within the BWID boundary are obligated to pay. This charge fee is described in Section 14 and is subject to change as additional fixed capital expenses are required.

b) Discontinuance of Service Due to Delinquent Payments per Section 15c: In addition to amounts owed plus applicable late fees, the Customer shall pay a restoration fee of \$60.00 when service is interrupted to have service restored.

Section 11. Water Turn-on/Off Charges

All charges as outlined in Section 10 are payable in advance. Charges shall be made for discontinuance of water service in all cases where turn-off was required because of customer's failure to comply with the provisions of this Rules and Regulations.

Section 12. Temporary Discontinuance of Service

The water supply to the BWID distribution mains may be shut off without notice for emergency repairs and other necessary purposes. In such cases, the BWID will not be responsible for any consequential damages. Whenever it is practical, BWID will make reasonable efforts to provide at least 1-hour notice to affected customers before any water main water is shut off.

Section 13. Water Use Charges

The Board of Directors shall establish charges for the water base rate and water used. Normally the charge shall be reviewed, and changed (if required), once annually as established by June 1st for the period beginning the subsequent July 1st or by November 1st for the period beginning the subsequent January 1st in accordance with state law. Applicable water rates will be published in BWID newsletters and available at the BWID business office depending upon the need to meet system operation needs. The change and explanation of the need shall be mailed to the Customers prior to implementation.

Customers are responsible for payment of all services as provided by BWID. Should services be used by others on a Customer's account, ultimate responsibility for payment will remain with the Customer (Property Owner). BWID shall bill property owners by the 15th of each month for water and services provided during the prior month.

Section 14. BWID Fixed Capital/Maintenance Recovery Charge = \$36/month as comprised of the following components:

a) Fixed Capital Recovery Charge: In accordance with requirements of the \$3.2 Million loan/grant from the USDA to provide capital funds for BWID system improvements (including a new eight inch distribution loop and above ground water storage reservoir), the annual fixed loan payment must be spread evenly between all lots within the Pine Hollow Development as served by BWID. Effective after approval of the revised BWID rules and regulations, all lot owners shall be assessed a fixed monthly fee for this system improvement in the amount of \$26 per month until that lot has been connected to the system and regular monthly billing for water delivery service begins. The subject capital recovery charge is included within the monthly charge for water delivery so all Customers being billed for services are already paying the fixed Capital Recovery Charge.

b) Fixed Maintenance Recovery Charge: A portion of system operating costs are fixed and not directly related to the delivery of water to Customers. Certain costs including a portion of labor, equipment costs, testing fees, office rental, and other water delivery maintenance costs are fixed and must be spread evenly between all lots within the Pine Hollow Development as served by BWID. Effective after approval of these revised BWID rules and regulations, all Pine Hollow Development lot owners shall be assessed a fixed monthly maintenance recovery charge in the amount of \$10 per month until that lot has been connected to the system and regular monthly billing for water delivery service begins. The subject Maintenance Recovery Charge is included within the monthly charge for water delivery so all Customers being billed for services are already paying the fixed maintenance recovery charge.

Note: This section 14 was revised, reviewed and approved by the BWID Board during the regularly scheduled meeting held on January 14, 2012 thus becoming effective on that date.

Section 15. Delinquency; Shut-Off; Liens

- a) Water billing charges shall be due and payable to the BWID office within 30 days of the billing date.
- b) Unpaid water system service charges due from Customers of the BWID water system shall become delinquent 31 days from the billing date and shall be subject to a delinquency charge as established by the Board of Directors. Customers may make payment arrangements for past due amounts with the District Manager. All past due balances must be paid within 60 days, while current amounts must be paid in full at the time of each monthly billing.
- c) If such charges are not paid within 60 days of the billing dates, the BWID, at its option (and after due written notice to the water user), may discontinue water delivery services. Also, at that time a notice of intent to lien the property for non-payment may be included with the notice of intent to shut off water. In the case where written legal proof of disability is presented to BWID, as applicable to the Customer's account in question, the notice to lien shall still apply. However, in cases of proof of such disability, charges for use of water will continue, with the possibility of having a lien filed, but water delivery will not be shut off. In all other cases, water delivery will not be restarted until the Customer pays their account balance in full plus applicable disconnection and reconnection charges as established by the BWID Board of Directors. Upon receipt of these payments, the BWID will restore the user's water service during regular working hours. Written

notice of discontinuing water service for non-payment of charges will be given to the user by regular mail, or by posting a notice on the premises at least 10 days in advance of the shut off. The notice will state that if the charges are disputed, the water system user may request an informal conference with the BWID Board of Directors to discuss the charges. Such request must be received no later than two days prior to the scheduled shut off date.

- d) The BWID may require security (cash) deposits prior to providing, or to continue providing, water service to any user. The amount of security deposit may not be less than two months minimum billing charges. Any such delinquent water charges and fees shall draw interest at the rate of nine (9) percent per annum until paid. The existing late fee is \$2.50 per month subject to revision by the Board in accordance with existing laws.

Section 16. Collections

The BWID may use such means of collection of water rates, charges or connection fees as are provided by the laws of the State of Oregon and as are authorized by the BWID board. BWID may exercise legal action in the name of the BWID for collection of water rates, charges or connection fees.

Section 17. Unauthorized Water Meter Turn On after the District has shut Off the Water.

If water should be turned on at the meter by any person other than the BWID System Operator or a duly authorized person, BWID reserves the right to physically disconnect the service and it will not be reconnected until the labor and material costs of disconnecting and reconnecting the service, in addition to all charges and back payments that are due have been paid. All residents are responsible for installing a separate water turn off valve between the water meter and the point of use.

Section 18. Tampering with Water System (Tampering, Pollution, Obstruction)

It shall be unlawful for any person, not authorized by BWID, to tamper with, alter or damage any part of the BWID system including control system, pumping plants, machinery, distribution system, or any meter.

Section 19. Pollution of Water Supply

It shall be unlawful for any person to throw, place or deposit any article or substance in or near the BWID water supply system, whereby the water flow may be obstructed or otherwise polluted or rendered impure.

Section 20. BWID Manager/ System Operator

The duties of the BWID Manager/ System Operator are established in a separate job description as established by the Board of Directors. It shall be unlawful for any person to hinder, interfere or obstruct the BWID Manager/ System Operator, or any authorized BWID representative in the performance of their duties.

Section 21. Penalty, Water Shutoff for Violations

If any Customer fails to comply with the rules and regulations for the use of the BWID water supply, as set out in this Rules and Regulations, their water service may be shut off. In such case, the water shall not be turned on again until such Customer complies with BWID Rules and Regulations (including payment of extra fees), and until all charges and amounts due have been paid.

Section 22. Classification

The BWID Board of Directors determines that the charges imposed by these Rules and Regulations are not considered taxes as subject to the property tax limitations of the Oregon Constitution.

Section 23. Enforcement

The BWID System Operator or member of the Board of Directors or a duly authorized representative of the State of Oregon Health Authority shall have the right without being deemed guilty of trespass or an unlawful act to check the premises of Customers for cross-connections (physical connections) physical connections with other water supplies or to multiple users on one meter, and the general condition of water lines and service facilities at any reasonable time. Any such connection prohibited thereby by law or regulation shall be removed by the customer immediately after receipt of written notice by BWID, and if not so removed, BWID shall remove or discontinue any connection it may have for servicing the property.

Section 24. Backflow Prevention

This section covers regulation of Cross-Connections to the BWID and establishes standards therefore; providing for Back-Flow Prevention, as a means of control and standards therefore; providing penalties for violation; and other pertinent provisions; and declaring an emergency.

- a) Designation: This rule shall be referred to and may be designated and cited as the BWID Cross Connection Control Regulation.
- b) Purpose: The purpose of this regulation shall be to protect the water supply of BWID from contamination or pollution due to actual or potential Cross Connections by establishing appropriate regulations and controls relating thereto, including the installation and proper maintenance of approved Back-Flow Prevention Assemblies/Devices.
- c) Definitions:
 - 1) "Administrative Authority" means The designated person, agency, or governing body authorized to administer and enforce the requirements of this document and/or specified Federal and State plumbing codes.
 - 2) "Approved Back-Flow Prevention Assembly/Device," means a device to counteract backpressure and/or prevent back siphonage. All Backflow Prevention Assemblies / Devices shall meet UPC (Uniform Plumbing Code), State, and local plumbing code as defined and administered by appropriate plumbing jurisdictions.
 - 3) "Auxiliary Supply" means any water source or system other than the BWID that may be available to a particular building or premises.
 - 4) "Backflow" means a flow in other than the intended direction of flow of any substance, foreign liquid, gas or otherwise, other than potable water provided by the BWID.
 - 5) "Cross-Connection" shall mean any actual or potential connection or structural arrangement, whereby, the BWID service is connected directly or indirectly with any other water source or cistern, public or private, through which it is possible to introduce into any part of the BWID system any other source of water, potable or otherwise, or an industrial fluid, gas, or substance other than the BWID potable water with which the system is supplied, including any connection with sewer, drain, conduit, irrigation systems, swimming pool, storage reservoir, plumbing fixture, swamp cooler, or other device which it is possible to introduce into any part of the BWID water system contaminated water, sewage or other material of unknown or unsafe quality which may be capable of imparting contamination to the BWID water system as a result of back-flow or otherwise, bypass arrangements, jumper connections, removable sections, swivel or change over devices or other temporary or permanent devices through which or because of which, back-flow may occur.

- d) Application and Responsibilities: This regulation applies throughout the BWID and to every premise and property served by the water systems. It applies to any premise water system, public or private. Every Customer (including owner or occupant) of any concerned premise is responsible for compliance with its terms and shall be responsible for any damages incurred as a result of failure to comply with the terms and provisions contained herein. All new water connections shall be required to install an approved Back-flow prevention device. Water connections pre-existing to the passage of this regulation shall be exempt until such time as required by EPA, State of Oregon, local plumbing jurisdiction, or the Board of Directors.
- e) Cross Connections Prohibited: Unless provided specifically herein or specifically approved in writing by the Board of Directors, all Cross-Connections shall conform to and meet all local, State, and Federal Codes.
- f) Backflow Prevention Devices Installation: The owner of each property or premise serviced and/or furnished water by the BWID shall be required to install Backflow prevention device under the following circumstances:
- 1) There is upon said premises an auxiliary water supply, which is or can be connected to the BWID or supply systems (including individual premises service plumbing).
 - 2) There is piping or equipment for conveying other than potable water and that piping or equipment is under pressure and installed and operated in a manner that could cause a Cross-Connection.
 - 3) There is intricate plumbing, which makes it impractical to ascertain whether or not Cross-Connections exist.
 - 4) The concerned premises have restricted entry so that inspections for Cross-Connections cannot be made with sufficient frequency or with sufficient short notice to assure that Cross-Connections do not exist.
 - 5) There is a fire line or irrigation service or domestic service larger than two inches.
 - 6) The premises have a repeated history of Cross-Connections being established or re-established.
 - 7) The served premises from time to time may have materials of a toxic or hazardous nature, which are handled so that if back siphonage should take place, a serious health hazard may result.
 - 8) Premises with the following or similar potential cross connections must have a back-flow prevention assembly installed; hot tubs, swamp coolers, dark rooms, swimming pools, solar systems, irrigation systems or other uses specified by a certified cross-connection specialist representing Barlow Water Improvement District.
 - 9) Premises on which any substance is handled under pressure so as to permit entry into the Barlow Water Improvement District, or where a Cross-Connection could be reasonably expected to occur; as specified by the Barlow Water Improvement District certified cross-connection specialist.
 - 10) Backflow prevention devices shall be required on domestic services two inches or smaller if the building is more than two (2) stories or higher than 32 feet above the water main. One (1) or two (2) story buildings, which exceed 32 feet in height, may be exempted upon determination by the cross-connection specialist that no backflow hazard exists.
- g) Type of Backflow Prevention Assembly / Device Required and Location:
- 1) Before any device or assembly is installed for the prevention of backflow, it shall have first been approved by the Administrative Authority. Devices or Assemblies shall be tested for

conformity with recognized standards or other standards acceptable to the Administrative Authority, which are consistent with intent of the Code.

- 2) The type of backflow prevention Assembly / Device required shall be commensurate with the degree of hazard that exists and must meet at all times the standards of the Oregon State Health Authority; all backflow prevention Assemblies / Devices required under this section shall be of a type and model approved by the Oregon State Health Authority, and meet all Federal guidelines as outlined in the UPC.
 - 3) A RPP (Reduced Pressure Principle Backflow Assembly shall be installed where the water supply may be contaminated by a substance that could cause health or system hazard. This type of device will also be required in any premise where entry is restricted by the water user. A reduced pressure principle backflow will be required at the point of connection between the BWID and any other water system, which does not have a cross-connection program.
 - 4) A double-check valve assembly, pressure vacuum breaker or a reduced pressure principle backflow assembly installation shall be commensurate with the degree of hazard.
- h) Location and Installation of Backflow Device: The BWID Manager under authority of the Board of Directors may specify the location and method of installation of a backflow prevention Assembly / Device. The control or elimination of cross-connection shall be in accordance with manuals of standard practice pertaining to cross-connections control approved by the BWID Manager, and any requirements set forth by the United States Environmental Protection Agency as authorized by the "Safe Drinking Water Act" PL 93-523 and other applicable legislation, rules and regulations of the United States, the State of Oregon and concerned agencies.

Any installation, corrective measure, disconnection or other change to a backflow prevention Assembly / Device, shall be at the sole expense of the Customer. The cost of any change required in the BWID system outside the property concerned, or between the meter and the supply line or distribution system, or any charges of cut-off or disconnection, shall be at the expense of the Customer (owner) of the concerned property and shall be paid in accordance with the BWID practice and procedure, and may, if not paid, be collected through legal process or any other appropriate manner approved by law.

- i) Pre-Existing Backflow Prevention Assemblies /Devices: Any backflow prevention Assembly / Device installed before the effective date of this regulation, not conforming to recognized standard or codes as herein above set forth shall be permitted to remain in service if:
- 1) The Assembly / Device is properly maintained; and
 - 2) The type of device is commensurate with the degree of hazard, such determination to be made by the BWID District Manager; and
 - 3) The device is tested annually as required herein; and
 - 4) The device performance meets code specifications.

If a backflow device does not meet the standards of the Oregon State Health Authority or UPC as herein above set forth, the District will notify the Customer the device must be replaced immediately and may have service interrupted if not done so in a timely manner.

- j) Testing Requirements: Any Backflow prevention assembly /device which may be required to be installed under this regulation for the protection of the BWID shall be tested when it's installed

in the water system, after a backflow incident, after repair, when moved, and annually thereafter unless more frequent testing is required. All tests required to be performed under this section must be performed by a Backflow Prevention Assembly Tester certified by the State of Oregon or otherwise approved by the BWID District Manager acting under the authority of the Board of Directors and written result of such test furnished to the BWID Manger no later than ten (10) days from the test date.

- 1) Any backflow prevention assembly/device, required by, EPA, the Board of Directors or State to be installed on property for the protection of a water supply, shall be tested as outlined in testing requirements above. The property owner must forward the results of such testing to the BWID Manager within ten (10) days of the date of the test.
- 2) The Customer must order and cause to be performed a test of each backflow prevention device annually on or within thirty (30) days after the anniversary date of the initial testing. The BWID Board of Directors may require more frequent testing in order to assure the device is properly functioning in those installations, which represent a serious health hazard as, determined by the BWID or the State Health Division.
- 3) If BWID has not received the results of such test within thirty (30) days of the anniversary date for annual testing or within ten (10) days of the date of installation of the device as the case may be, or the date of the BWID discovery that a device was installed without appropriate tests as applicable. BWID may order such test and bill the property owner for the cost thereof if the device is for protection of a domestic service, the BWID may deny or discontinue water service until satisfactory proof is furnished that the device has been tested and is functioning properly.
- 4) If the results of the test required by the BWID as herein set forth indicates that repairs are necessary, such repairs must be undertaken and a new test taken, and the results thereof forwarded to BWID within ten (10) days of date of test, indicating the defect was repaired.

k) General Provisions:

- 1) Any person operating any mobile apparatus, which uses the Barlow Water Improvement District water or water from any premises within the District area, must provide for backflow prevention and the provisions herein set forth are applicable.
- 2) All plumbing within buildings served by the BWID shall be so installed and all plumbing fixtures so constructed as to prevent pollution of the BWID supply by back siphonage or cross-connections. Water service to any premises known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated

l) Enforcement:

The BWID Manager/System Operator or member of the Board of Directors or a duly authorized representative of the State of Oregon Health Authority shall have the right without being deemed guilty of trespass or an unlawful act to check the premises of Customers for cross-connections (physical connections) with other water supplies or to multiple users on one meter, and the general condition of water lines and service facilities at any reasonable time. The Customer shall remove any such connection prohibited thereby immediately after written notice by the District, and if not so removed; the BWID shall remove or discontinue any connection it may have for servicing the property.

m) Penalties:

Violations of any of this BWID Cross Connection Control Regulation, including maintenance of a cross-connection which is prohibited hereby or failure to provide and maintain an approved

backflow prevention assembly / device or failure to adhere to the backflow assembly testing schedule herein set forth is subject to a fine not to exceed \$500.00.

Approved by majority vote of the BWID Board of Directors during the regularly scheduled board meeting on February 11, 2012.

Linda Cheek, Chairperson

Mel Barlow, Vice-Chairman

Gary Hackett, Secretary

Board Members:

Karl Rebstock
Sandi Chamberlain
Gary Olin
Laurie Hackett