ORDINANCE NO. 798

AN ORDINANCE RELATING TO CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION AND AMENDING SCAPPOOSE CODE SECTION 13.04.110

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Section 13.04.110 of the Scappoose Municipal Code is hereby amended to read as follows:

Cross-connection control and backflow prevention.

A. Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this section is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the Oregon Administrative Rules (OAR) 333-061-0070 to OAR 333-061-0074, or the 9th Edition of the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

"Approved Backflow Prevention Assembly" (or any abbreviated version thereof) means an assembly designed to counteract back-pressure and/or prevent back-siphonage as approved by the Oregon Department of Human Services - Health Services.

"Auxiliary Supply" means any water source or system other than the city water system.

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

"Certified Backflow Assembly Tester" means a person who has successfully completed all requirements as established by the Department of Human Services-Health Services to test backflow assemblies in the state of Oregon.

"Certified Cross Connection Specialist" means a person who has successfully completed all requirements as established by the Department of Human Services-Health Services to survey and inspect cross connection devices in the state of Oregon.

"City Water System" means the City of Scappoose Water System, which shall include wells, treatment mechanisms or processes, pumping stations, reservoirs, supply trunk or feeder lines, service lines, meters and all other appurtenances, device lines and items necessary to the operation of the system and to supply water service to an individual property or premises and shall include the city's potable water with which the system is supplied.

"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.

"Cross Connection" means any physical arrangement where a potable water supply 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 changeover devices or other temporary or permanent devices through which, or because of which backflow may occur, are considered to be cross connections.

"Degree of Hazard" means the non-health hazard, health hazard or high hazard classification that shall be assigned to all actual or potential cross connections.

"DOHS" means Oregon Department of Human Services - Health Services.

"Double Check Valve Backflow Prevention Assembly" (or any abbreviated version thereof) means an assembly which consists of two (2) independently-operating check valves which are

spring-loaded or weighted. The assembly comes complete with a resilient seated shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness.
"Health Hazard" means an actual or potential threat of contamination of a physical, chemical or biological nature to the public potable water system or the consumer's potable water system that would be a danger to health.
"Mobile Unit" means a temporary unit connected to the water system through a hydrant, hose bib or other permanent appurtenance that is part of the city water system or a permanent water service to a premises. Examples can include, but not be limited to the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste or septage hauler's trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment for other than homeowner use, rock quarry or asphalt/concrete batch plants or any other mobile equipment or vessel that poses a threat of backflow in the city water system. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with city regulations pertaining to recreational vehicles and homeowner devices that are used by the property owner in accordance with this section, or other city regulation pertaining to provision of water service to a premises.
"Non-Health Hazard" means the classification assigned to an actual or potential cross connection that could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.
"Point of Use Isolation" means the appropriate backflow prevention within the consumer's water system at or near the point at which the actual or potential cross connection exists.
"Pollution 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 water system, but which would not constitute a health or system hazard, as defined. The maximum intensity of pollution to which the potable water system could be degraded under this definition would cause minor damage to the system or its appurtenances.
"Premises" means any piece of property to which water service is provided, including but not limited to, all improvements, mobile structures and other structures located upon it.
"Premises Isolation" means the appropriate backflow prevention at the service connection between the public water system and the premises. This location will be at or near the property line and downstream from the service connection meter.
"Reduced Pressure Principle Backflow Prevention Assembly" (or any abbreviated version thereof) means 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 assembly shall include properly located test cocks and two tightly closing shut-off valves.
"Resident" means a person or persons living within the area(s) served by the city water system.
"Retrofitting" means to furnish a service connection with parts or equipment made available after the time of construction or assembly installation.
"Submerged Heads" means irrigation sprinkling or delivery devices that are located below the surface of the landscaped area in which they are installed.
"Thermal Expansion" means the pressure created by the expansion of heated water.

B. Purpose. The purpose of this section is to protect the city's water supply and distribution system from contamination or pollution due to any existing or potential cross connections and to comply with the Oregon Administrative Rules 333-061-0070 to 333-061-0074.

C. Application and responsibilities. The regulations set forth in this section apply throughout the city to every owner, occupant or person in control of any premises or property served by the city water system, regardless of date of connection to the city water system.

D. Cross connections regulated.

1. No cross connection shall be created, installed, used or maintained within the area(s) served by the city water system, except in accordance with this section.

2. The community development director shall carry out or cause inspections to be carried out to determine if any actual or potential cross connection exists. If found necessary, an assembly commensurate with the degree of hazard will be installed at the service connection.
3. The owner, occupant or person in control of any given premises shall be responsible for all cross connection control within the premises.
4. All premises found on Table 32 of OAR 333-061-0070 shall install a reduced pressure assembly at the service connection.

E. Backflow Prevention Assembly Requirements. A certified cross connection inspector employed by or under contract with the city shall determine the type of backflow assembly to be installed within the city's water system. Every assembly shall be installed at the service connection unless it is determined by the inspector and approved by the community development director, or designee, that it should be installed at the point of use. An approved assembly shall be required in each of the following circumstances, but the inspector may require an assembly under other circumstances:
1. When the nature and extent of any activity at a premises, or the materials used in connection with any activity at a premises, or materials stored at a premises, could contaminate or pollute the potable water supply.
2. When internal cross connections are present that are not correctable.
3. When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exists.
4. When the premises has a repeated history of cross connections being established or re-established.
5. When entry to the premises is restricted so that surveys for cross connections cannot be made with sufficient frequency to assure cross connections do not exist.
6. When an appropriate cross connection inspection report form has not been filed with the community development director, or designee.
7. If a point-of-use assembly has not been tested or repaired as required by this section, the installation of a reduced pressure principle assembly will be required at the service connection.
8. When there is a premises with an auxiliary water supply which is or can be connected to the city water service or supply system, a reduced pressure backflow assembly will be required. The city will immediately discontinue water service to any premises or customer where such a condition occurs until such time as the cross connection is eliminated or the required backflow prevention assembly is installed. Customers using the city's water supply and any other water supply at the same premises shall install and maintain a separate plumbing system for the city's water supply, which shall be separated by an air gap of not less than one (1) foot from any other supply, unless such reduced pressure principle backflow assembly is installed and maintained at the meter for the premises.
9. The community development director, or designee, shall make the final determination on the type of device needed when there is a disagreement between a cross connection specialist and the owner, occupant or person in control of the premises.

F. New Construction. Where possible, a plan check shall be made prior to construction to determine the degree of hazard and the class of backflow prevention device, if any, required at the point of delivery from the public water system to the premises. Where adequate plans and specifications are not available and no realistic evaluation of the proposed water uses can be determined, the applicant, customer, architect, engineer or other authorized person shall be advised that eventually circumstances may require the installation of maximum backflow protection at the water service connection.

G. Retrofitting. Retrofitting shall be required at all service connections where an actual or potential cross connection exists, and wherever else the city deems retrofitting necessary to comply with state law and this section.

H. Landscape Irrigation Systems. All landscape irrigation systems shall be protected according to plumbing code regulations. In the event any system is equipped with an injector system, a reduced pressure principle assembly will be required.

I. Thermal Expansion. It is the responsibility of the property owner, the occupant or person in control of the property to eliminate the possibility of damage from thermal expansion, if a closed system has been created by the installation of a backflow prevention assembly, or other appurtenances.

J. Mobile Units. Any mobile unit or apparatus as defined in subsection A of this section, which uses the water from any premises within the city water system shall first obtain a permit from the city and be inspected to assure an approved air gap or reduced pressure principle assembly is installed on the unit.

K. Installation Requirements and Pressure Loss. All backflow prevention assembly installations shall follow the requirements as stipulated by OAR 333-061-0070. The type of backflow prevention assembly required shall be commensurate with the degree of hazard that exists and must, at all times, meet the standards of the Department of Human Services - Health Services. All backflow prevention assemblies required under this section shall be of a type and model approved by the DOHS. Any decrease in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the city.

L. Fire Systems. An approved double check detector assembly shall be the minimum protection on fire sprinkler systems using piping material that is not approved for potable water use and/or does not provide for periodic flow through during each 24 hour period. A reduced pressure principle detector assembly must be installed if any solution other than the potable water can be introduced into the fire sprinkler system.

M. Plumbing Code. As a condition of water service, customers shall install, maintain and operate their piping and plumbing systems in accordance with the Oregon Plumbing Specialty Code ("Plumbing Code"). If there is a conflict between this section and the Plumbing Code, the community development director, or designee, and the city engineer will determine which shall provide the most appropriate protection of the city water system.

N. Access Allowed. Authorized personnel of the city, with proper identification and sufficient notice, shall have access during reasonable hours to all parts of a premises and within the structure to which water is supplied. However, if any owner, occupant or person in control refuses authorized personnel access to a premises, or to the interior of a structure, during these hours for inspection, a reduced pressure principle assembly must be install at the service connection to that premises.

O. Assembly Permits. When it is found that a customer needs a backflow prevention assembly, the city will issue a permit for such as assembly. This permit will identify the type, size, model, etc., of the backflow prevention assembly and also assign each an assembly number. This number and permit will enable the city to ensure that testing and other requirements of this section are met. The permit number should be used in all correspondence in reference to each installation to eliminate confusion of devices.

P. Annual Testing and Repairs. All backflow assemblies installed within the area served by the city shall be tested immediately upon installation, and at least annually thereafter by a certified backflow assembly tester. All assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the owner, occupant or person in control of the premises. In the event an assembly is moved, repaired or replaced it must be retested immediately. If any such assembly is not promptly repaired or replaced, the city shall deny or discontinue water service to the premises. It is the responsibility of the persons who own the assembly to have the assembly tested by a certified backflow assembly tester.

Q. Responsibilities of Backflow Prevention Assembly Testers.

1. All backflow assembly testers operating within the city water system service area shall be certified in accordance with all applicable regulations of the DOHS.

2. Persons certified as backflow assembly testers shall agree to abide by all requirements of the United States Occupational Safety and Health Administration (OSHA) and the Oregon Occupational Safety and Health Administration (OR-OSHA); and have completed confined space entry training to enter any confined spaces within the city.
3. It is the responsibility of the backflow assembly tester to submit records of all backflow assembly test repairs to the city within ten (10) days of completing the test.

R. Costs of Compliance. All costs associated with the purchase, installation, inspection, testing, replacement, maintenance, parts and repairs of backflow prevention assemblies, and all costs associated with enforcements of this section, are the financial responsibility of the owner, occupant or other person in control of the premises.

S. Termination of Service. Failure on the part of any owner, occupant or person in control of the premises to install a required assembly, have it tested annually and/or to discontinue the use of all cross connections and to physically separate cross connections in accordance with this section shall serve as sufficient cause for the discontinuance of city water service to the premises pursuant to Oregon Administrative Rule Chapter 333.061.0070. In the case of an extreme emergency or where an immediate threat to life or public health is found to exist, discontinuance or termination of city water service to the premises shall cease immediately.

T. Appeal Process.

1. Any property owner or service customer who receives a notice of possible termination of water service due to noncompliance with cross-connection requirements may appeal the notice to the City Manager. Such appeal must be filed in writing, fully explaining the basis for the appeal within thirty (30) days after the date of such notice and be accompanied by an appeal filing and processing fee as set by Council resolution. The appeal fee shall be refunded if the City Manager revokes the notice.
2. The City Manager shall fix the time and place of the hearing on a date no more than thirty (30) days after the City Manager's receipt of the written appeal. The City Manager shall give the appellant and any other persons requesting the same, at least five day's notice of the time and place of such hearing.
3. After reviewing the appeal, at the time and place set for the hearing, the City Manager shall give the appellant and any other interested party, a reasonable opportunity to be heard. In all such cases, the burden of proof shall be upon the appellant. During the hearing, new evidence may be presented to and considered by the City Manager. The City Manager may also receive such evidence from City Staff as the City Manager deems appropriate. The hearing shall be informal and follow such procedures as the City Manager deems appropriate to resolve the questions presented by the appeal.
4. Within fifteen (15) days of the date of the hearing, the City Manager shall issue a written decision which contains findings of fact and a determination of the issues presented. The City Manager shall uphold, or modify and uphold the notice as issued, or revoke the notice and render a new decision on the matter consistent with the requirements of this section. If the notice is upheld, the city shall not terminate the appellant's water service any sooner than fifteen (15) calendar days following the City Manager's decision. The City Manager's decision shall be final.

U. Suspension of Service.

1. Emergency Suspension. The community development director, or designee, may, without prior notice, suspend water service to any premises when such suspension is necessary to stop the imminent threat of any actual or potential cross connections as defined in this section.
2. Non-Emergency Suspension. The community development director, or designee, may suspend, with 60 days notice, the water supply to any premises where the conditions of this section have been violated.

PASSED AND ADOPTED by the City Council this 5th day of May, 2008, and signed by me in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Scott Burge

Scott Burge, Mayor

First Reading: April 21, 2008

Second Reading: May 5, 2008

Attest: Susan M. Pentecost

Susan M. Pentecost, City Recorder