

## **W. Backflow and Cross Connection Control**

### **1. General Policy**

**a. Purpose:** The purpose of this ordinance is:

- I. To protect public health through the establishment of standards; and
- II. To build a foundation of awareness within the community regarding the importance of backflow protection and cross connection control; and
- III. To protect the potable water supply of the Coastside County Water District (District) from the possibility of contamination or pollution from backflow events; and
- IV. To promote the elimination or control of existing cross connections, actual or potential, between the user's potable water system(s) and non-potable water system(s), plumbing fixtures, appliances, and piping systems; and
- V. To comply with all the requirements in the California Cross Connection Control Policy Handbook.

**b. Authority:** The District is a county water district that was created under the County Water District Law (California Water Code sections 30000 et seq.), and pursuant to the County Water District Law the District has the authority and obligation to implement and enforce the Cross Connection Control Policy Handbook through this Ordinance and the District's Cross Connection Control Program and Plan. This Ordinance is adopted pursuant to the Cross Connection Control Policy Handbook. Where the minimum backflow protection differs between the California Plumbing Code, this Ordinance, and the Cross Connection Control Policy Handbook, the most protective protection of the District's water system will be required. This Ordinance provides the authority of the District to implement and enforce its Cross Connection Control Program and Plan, and all the elements in the Cross Connection Control Policy Handbook.

**c. Applicability:** The standards of the Cross Connection Control Policy Handbook and the District's Cross Connection Control Program and Plan shall apply to all premises, including portable meters, within the District's jurisdictional boundaries, and premises outside of the jurisdictional boundaries receiving potable and non-potable water from the District.

**d. Policy:** The intent of the District's Cross Connection Control Program and Plan is to prevent the occurrence of backflow into the District's water distribution system and to protect the health and safety of the community from contamination or pollution from any on site hazards. The District's policy is premises protection directly after the water service connection and not in lieu of protection within the premises. Properly installed and maintained backflow prevention assemblies provide protection against the threat posed by conditions typically found on user premises. The District may also use other technologies in their Cross Connection Control Program and Plan to assist with monitoring for occurrences (events) of backflow incidents.

**e. Incorporation of the Cross Connection Control Policy Handbook and the District's Cross Connection Control Program and Plan:**

The Cross Connection Control Policy Handbook, as it may be amended or revised, is incorporated into this Ordinance by reference. In addition, the District's Cross Connection Control Program and Plan, as approved by the State Water Resources Control Board, and as may be amended and updated in the future, is incorporated into this Ordinance.

**2. Cross Connection Control Program and Plan**

The District has prepared a written Cross Connection Control Program and Plan and will submit it to the State Water Resources Control Board. The Cross Connection Control Program and Plan will provide guidance, policies and procedures for implementation, compliance, and enforcement of its requirements.

**3. Ownership of Backflow Prevention Assemblies**

A user or water user is defined as including the user of water, the property owner, or customer. The user shall have ownership of the backflow prevention assembly installed on their water and fire service(s). The user shall be responsible for maintenance, upgrades, inspections, and testing of backflow prevention assemblies as required by the Cross Connection Control Policy Handbook or the District's Cross Connection Control Program and Plan.

**4. Right to Enter Property**

As a condition of water service for new water users and as a condition of continued water service for existing water users, water users may be required to have a backflow prevention assembly installed on their private property. Water users will permit the District to enter upon water user's property (premises) within the normal working hours of the District, or in case of emergency, at any time, to test, inspect, service, maintain, repair or replace the backflow prevention assembly, and to assess the hazard

level of the premises, as set forth in the Cross Connection Control Policy Handbook or the District's Cross Connection Control Program and Plan.

## **5. Enforcement**

The District in implementing its Cross Connection Control Program and Plan, if a water user fails to comply in a timely manner with the requirements of the Cross Connection Control Policy Handbook or the District's Cross Connection Control Program and Plan, may enforce the requirements by (1) denying or discontinuing water service, or (2) installing, inspecting, testing, maintaining, repairing, or replacing a backflow prevention assembly.

Except in an emergency (high hazard conditions exist) when public health and safety is immediately at risk, the District will provide the water user with notice and an opportunity to remedy the failure to comply with the requirements of the Cross Connection Control Policy Handbook or the District's Cross Connection Control Program and Plan. The time frame for the water users to implement the remedy will be based on the hazard level, the nature and risk of the public health and safety and will be established in the District's Cross Connection Control Program and Plan.

- a. Any user who willfully fails to install, or permit to be installed, backflow prevention assemblies as required by the Cross Connection Control Policy Handbook or District's Cross Connection Control Program and Plan or who willfully by-passes, alters or refuses to maintain a backflow prevention assembly, shall be subject to civil and criminal penalties to the maximum extent allowed by law.
- b. Water service to any user premises may be discontinued by the District if the backflow prevention assemblies have not met the conditions set forth in this Ordinance or the District's Cross Connection Control Program and Plan, or if the Cross Connection Control Coordinator has determined that a situation exists which could cause contamination of the District's water distribution system.
- c. Service of water to any premises shall be discontinued by the District under the following circumstances: (1) if a backflow prevention assembly required by this regulation is not installed, tested, and maintained; (2) if it is found that a backflow prevention assembly has been tampered with, removed, or bypassed, (3) if an unprotected or inadequately protected cross connection exists on the premises, or (4) a known backflow event has occurred. Water service will not be restored until such conditions or defects are corrected to the satisfaction of the District's Cross Connection Control Coordinator.

- d. The District has the authority to install, repair, or test a backflow prevention assembly directly after the meter(s), if deemed necessary to protect the District's distribution system, and if the user has failed to act in a timely manner. All costs (time and materials) associated with the District's actions shall be the responsibility of the user. The District is not liable for damages that may occur with the installation, repair, or testing of the backflow prevention assembly.
- e. Backflow prevention assemblies must be inspected and tested before a service is connected or after being turned off (water service discontinued) for non-compliance.

**6. Appeals**

Appeals to any enforcement action initiated by the District's Cross Connection Control Coordinator shall be made in writing to the General Manager. The General Manager shall reply in writing with their determination within 30 days of receiving the written appeal.

**7. Cost Recovery**

All costs and expenses for enforcing the Cross Connection Control Policy Handbook and District's Cross Connection Control Program and Plan will be the responsibility of the user. These costs and expenses will include all materials, equipment, labor, and services provided by District staff and its consultants, including engineering and legal fees and charges. The District's standard costs and expenses will be established and set forth in the District's Rate and Fee Schedule. The Rate and Fee Schedule is adopted by the Board of Directors, which is done by a separate resolution. The District's non-standard costs and expenses will be based on materials, equipment, labor and services actually provided and documented to enforce the Cross Connection Control Policy Handbook and the District's Cross Connection Control Program and Plan.

**8. Severability**

If any provision or part of this Ordinance is held to be invalid, or unenforceable in particular circumstances, such invalidity shall not affect the remainder of the Ordinance which shall continue to be of full force and effect and the Board declares this Ordinance to be severable for that purpose.

**9. Limitation of Liability**

The District shall be held harmless for any damage to user premises by enforcing the Cross Connection Control Policy Handbook, this Ordinance, or the District's Cross Connection Control Program and Plan.