

ORDINANCE NO. 52

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
SAN BENITO COUNTY WATER DISTRICT ESTABLISHING A CROSS
CONNECTION POLICY FOR FAIRVIEW ROAD WATER SYSTEM**

WHEREAS, the San Benito County Water District Board of Directors adopted a Resolution establishing Zone 104 and undertaking a project therein and owns, operates and maintains the Fairview Road Water System; and

NOW, BE IT ORDAINED by the Board of Directors of the San Benito County Water District that:

SECTION 1: AUTHORITY AND PURPOSES

(a) Title 17, Chapter V, Sections 7583-7605, inclusive, of the California Code of Regulations, entitled "Regulations Relating to Cross-Connections," sets forth rules and regulations governing cross-connections.

(b) The aforesaid Title 17, Section 7584, states among other things, "The water supplier shall protect the public water supply from contamination by implementation of a cross-connection control program." San Benito County Water District, hereinafter "District," is a water supplier within the meaning of Title 17.

(c) In order to provide for an orderly and adequate means of protection of District's water distribution system from backflow, the requirements hereinafter set forth are reasonable and necessary. District adopts these requirements for the protection of the District's water distribution system from backflow. New water service connections shall be installed and existing water service connections shall be modified to conform to the requirements hereinafter set forth.

SECTION 2: INCORPORATION OF CALIFORNIA TITLE 17 REGULATIONS

The regulations of the California Department of Health, Title 17, California Code of Regulations, Sections 7583-7605, inclusive, hereinafter referred to as Title 17, are hereby adopted, incorporated by references herein and made a part hereof, insofar as the same are applicable to the protection of District's water distribution system.

SECTION 3: DEFINITION OF TERMS

Words used in this ordinance, unless the context requires otherwise, shall be as defined below:

(a) Auxiliary Water Supply means any water supply on, or available to, the premises other than water supplied by District.

(b) Backflow means the reverse flow of water or any other fluid or substance or any combination or any mixture thereof from the customer's system into District's water distribution system.

(c) Backflow Prevention Assembly means an assembly which will prevent backflow into District's distribution system.

(d) Approved Tester means a person who holds a current AWWA (American Water Works Association) General Testers Certificate and is approved by the District to perform backflow prevention device testing within the District's distribution system in accordance with District established procedures.

(e) Cross-Connection means any connection, link or channel between District's water distribution system and an auxiliary water supply, a pipe or piping system, plumbing fixtures, appliance, container, receptacle, vessel or other devices of whatsoever nature, whereby it may be possible for contaminated or used water or other fluid, which in District's opinion is of questionable or unsafe quality, or any other substance of whatsoever nature other than the water supplied by District, to enter any part of District's water distribution system.

(f) Customer means any person or organization who receives water from the Fairview Road Water System.

(g) Customer's System means the water piping system located immediately downstream from a meter.

(h) District means San Benito County Water District.

(i) District's Water Distribution System means the water distribution system owned and operated by District including the service connections to water mains.

(j) Premises means a piece of land together with such building and appurtenances located thereon.

(k) Responsible means the capacity of an individual tester and his/her employer to satisfactorily perform testing of backflow prevention devices and includes such attributes as experience, possession of sufficient tools and equipment, maintenance of insurance for the protection of customers and the public, and absence of evidence of dishonesty or unsatisfactory performance.

(l) Service Connection means the meter and water piping system connecting the customer's system with the District's water main.

SECTION 4: REQUIREMENTS FOR BACKFLOW PREVENTION ASSEMBLIES

Backflow prevention assemblies shall be required at the service connection, or at another location approved by the District, for premises in the following described categories.

(a) Premises having an auxiliary water supply.

(b) Premises on which any substance is handled under pressure in such a fashion as to permit possible entry into District's distribution system, including water originating from District's system which is boosted in pressure.

(c) Premises where customer's system has more than one service connection.

(d) Premises which, in the opinion of the District, contain cross-connections or the potential for cross-connections which could result in the pollution or contamination of the District water system in the event of backflow. Backflow prevention assemblies shall be of a type and manufacture approved by the District.

SECTION 5: INSTALLATION OF BACKFLOW PREVENTION ASSEMBLIES

(a) New Service Connections. At the time of an application for a new water service is made by a potential customer in accordance with procedures established by District, the District will review said application to determine the need for a backflow prevention device on the customer's service. If a backflow prevention device is determined to be required it shall be the customer's responsibility at customer's expense to provide for installation of the device in accordance with District standards and at a location approved by the District, by one of the following methods.

(1) Installation by District. A backflow prevention device may be installed by District personnel at customer's expense. The customer shall deposit in advance the District's estimated cost of the assembly and installation. The final billing to customer shall be the actual cost of the work.

(2) Installation by Customer. A backflow prevention device may be installed by customer provided the location, type and manufacturer of the device are approved by the District in advance and must be installed by a licensed plumber.

New devices installed by customer as a result of new construction are to be inspected and tested by District personnel only, and at customer's expense.

Installation of a backflow prevention device, where required by District, shall be a condition of meter installation and water service.

(b) Existing Service Connections Without Backflow Prevention Devices. District will inspect the premises of existing service connections which in the opinion of the District may require backflow prevention. If it is determined by District that a backflow prevention device is required, the installation of a backflow prevention device shall be a condition of continued water service.

Installation shall be accomplished by one of the two methods listed in Paragraph (a) above. If a customer fails to provide for the installation of the backflow prevention device within a reasonable time limit set forth in a written notification to the customer from District, District may suspend water service to the property being served. Alternatively, at its option, and upon notification to the customer, District may install the backflow prevention device and charge the customer the entire cost of the device and its installation.

(c) Upgrading of Existing Backflow Prevention Devices. An existing backflow prevention device which, in the opinion of the District, is a type that does not provide adequate protection for the degree of potential hazard from backflow shall be upgraded at customer's expense following the procedures in Paragraph (b) above. Upgrading may include complete replacement and relocation of the backflow prevention device, installation of additional devices, and or correction of any on-site cross-connection hazards.

(d) Ownership of Backflow Prevention Devices. Backflow prevention devices installed or upgraded by the customer shall be and remain the property of the customer.

SECTION 6: TESTING OF BACKFLOW PREVENTION ASSEMBLIES

The customer is responsible to provide for testing and inspection of the backflow prevention device by one of the following methods.

(a) Testing by Approved Testers. Customers, after advising the District in writing, may use an approved tester to inspect and test a backflow prevention device in accordance with District established procedures. The test shall be performed and results reported to District within 30 days of written notice by District.

(b) Testing by District Personnel. District personnel shall inspect and test all backflow prevention devices of customers who do not use approved testers. Charges for inspection and testing by District shall be set from time to time by the District's Board of Directors based on the size and type of device. Customer shall be notified of any test failures by District.

Devices which fail to pass inspection and testing by District or approved testers shall be repaired and maintained in accordance with Section 7 following. District reserves the right to require more frequent testing or to perform additional testing by District personnel when the District determines it to be in the public interest. Customer shall bear the cost of additional tests if its device fails a test.

SECTION 7: MAINTENANCE AND REPAIR OF BACKFLOW PREVENTION ASSEMBLIES

Customer shall be responsible for maintenance and repair of the backflow prevention device. Customer shall at all times maintain the device in proper working order and provide for unobstructed access by District to the device as a condition of continued water service. If a backflow prevention device should fail to pass inspection and testing pursuant to Section 6 herein, the customer shall, within thirty days after notification of test results (or sooner if District determines it to be necessary), complete repair of the device.

Backflow prevention devices may be repaired by private personnel. Repairs and satisfactory retest of devices by an approved tester shall be documented and submitted on a test form approved by District within the time period allowed. Failure by customer to repair a backflow prevention device or failure to submit completed test form within the time period allowed by District shall result in termination of water service.

SECTION 8: PROCEDURES FOR APPROVAL OF TESTERS

(a) In order to ensure that testing of backflow prevention devices is performed by technically competent individuals who are personally responsible and, if other than self-employed, are employed by persons and/or organizations which are also responsible, the District is authorized to establish and implement procedures consistent with this Ordinance for the approval by District of backflow prevention testers.

The approval procedures shall require each prospective tester to submit an application to the District providing such information as the District may determine to be reasonably necessary to establish the applicant's technical competence and personal responsibility. In order to be approved, an applicant must at a minimum demonstrate that he or she possesses a currently valid General Backflow Prevention Testers Certificate issued by the American Water Works Association.

The District shall review each application and may make such other investigation of the applicant, and the applicant's employer, as the District considers appropriate to determine the responsibility of the applicant and the applicant's employer, including but not limited to, verifying information submitted by the applicant.

(b) The District shall compile, and update no less frequently than annually, a list of the names, business addresses and telephone numbers of all approved testers and shall make the current version of such list available to District customers.

The District may require an approved tester to (1) demonstrate backflow prevention device testing procedures in the field, and (2) provide advance notice to District of scheduled backflow prevention device testing, installation or repair work so that it may be observed by the District.

The District may revoke approval of an individual tester and remove him or her from the list of approved testers if the individual tester, or his/her employer, fails or refuses to comply with District's policies and procedures for testing of devices, submits incorrect test reports, engages in dishonest business practices in the District, fails to maintain a valid AWWA certificate, or installs, repairs or tests the devices in a negligent manner.

(c) No person shall perform tests of backflow prevention devices in the District unless he or she has been approved to do so by the District. No person, firm, corporation or other form of business organization shall permit an employee to perform tests of backflow prevention devices in the District unless such employee has been approved to do so by the District.

SECTION 9: RIGHT TO ENTER CUSTOMER'S PROPERTY

As a condition of water service for new customers and as a condition of continued water service for existing customers, customer may be required to have a backflow prevention assembly installed on the private property of customer. Customer shall permit District to enter upon customer's property within the normal working hours of District, or in case of emergency, at any time, to test, inspect service, maintain, repair or replace the backflow prevention assembly, as set forth in Sections 5, 6 and 7 of this Ordinance.

SECTION 10: PENALTIES

In addition to the rights granted District herein, the District may terminate water service to any premises served if a required backflow prevention assembly is removed or tampered with by customer or if District finds evidence that an installed backflow prevention assembly has been by-passed, modified, made, or allowed to remain ineffective.

Any person or persons, company, corporation or association, who willfully fails to install, or permit to be installed, backflow prevention assemblies as required by this ordinance or who willfully by-passes, alters or refuses to maintain a backflow prevention assembly, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not

exceeding \$500 or imprisonment in the county jail for a period not exceeding six months or both fine and imprisonment.

SECTION 11: PRIOR ORDINANCES REPEALED

All ordinance(s) and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 12: SEVERABILITY

In the event that any portion or provision of this ordinance shall be deemed by a court of law or other tribunal to be invalid or unconstitutional, such finding(s) of invalidity or unconstitutionality shall not affect the validity of the remaining provisions of this ordinance, which shall remain in full force and effect.

SECTION 13: EFFECTIVE DATE

This ordinance shall be in full force and effect as of 12:01 a.m. on the 30th day following its passage and shall be published once in a newspaper of general circulation, published and printed in the County of San Benito, State of California, together with the names of the members of the board of directors voting for and against same, prior to fifteen days from its passage.

The foregoing ordinance was introduced at a meeting of the San Benito County Water District held on June 26, 2013, and was finally adopted at a meeting of the District held on July 31, 2013, and said ordinance was duly passed and adopted in accordance with the law by the following vote:

AYES: DIRECTORS: Tobias, Bettencourt & Flores
NOES: DIRECTORS: None
ABSENT: DIRECTORS: Tonascia & Torquato

/s/ John Tobias
John Tobias
President

ATTEST:

/s/ Sara Singleton
Sara Singleton
Assistant Manager