

ORDINANCE NO. 95-226

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF BACKFLOW BY CONTAINMENT CONTROL AND CROSS CONNECTION CONTROL, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

SECTION 1. GENERAL POLICY

A. Purpose of Ordinance:

1. To protect the safe drinking water supply of the City of Clinton, Arkansas from the possibility of contamination or pollution by requiring compliance with state and local plumbing codes, health regulations, OSHA and other applicable industry standards for water system safety within the consumer's internal distribution system(s) or private water system(s). Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water systems; and,

2. To promote reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by state and local plumbing codes, health regulations, OSHA and other applicable industry standards to assure water system safety; and,

3. To provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all water systems.

B. Responsibility:

1. The City of Clinton (Clinton Water and Sewer Departments) shall be responsible for the protection of the drinking water distribution system from foreseeable conditions leading to possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.

2. Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing the City of Clinton (Clinton Water and Sewer Department), survey records shall indicate compliance with the aforementioned health and safety standards. All such records will be maintained by the City of Clinton (Clinton Water and Sewer Department).

3. The City of Clinton (Clinton Water and Sewer Department) shall notify, in writing, all consumers of the need for periodic system survey to insure compliance with existing applicable minimum health and safety standards.

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

C. Consumer's Responsibility:

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

2. It shall be the responsibility of the consumer to purchase, install, test and maintain any backflow prevention device/assembly required to comply with this ordinance.

3. All cost incurred complying with the backflow-cross connection preventing regulations of the State of Arkansas or the City of Clinton are to be paid by the consumer.

D. Plumbing Official Responsibility:

1. The plumbing official's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the developed length of the consumer's water system.

2. Water vacating the drinking water supply must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the Local Plumbing Code and/or the Arkansas State Plumbing Code.

E. Certified Backflow Assembly Technicians, Surveyors or Repair Persons Responsibilities:

1. Whether employed by the consumer or a utility to survey, test, repair, or maintain backflow prevention assemblies the Certified Backflow Technicians, Surveyors, or Repair Person will have the following responsibilities:

1.1 Insuring acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.

1.2 Make reports of such testing and /or repair to the consumer and water purveyor on forms approved for such use by the City of Clinton (Clinton Water and Sewer Department) and within the time frames prescribed by the City of Clinton.

1.3 The report shall include the list of materials or replacement parts used.

1.4 Insuring replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.

1.5 Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.

1.6 A Certified Technician shall perform all tests of the mechanical devices/assemblies and be responsible for the competence and accuracy of all tests and reports.

1.7 Insuring his license is current, the testing equipment being used is acceptable to the state, and is in proper operating condition.

1.8 Be equipped with and be competent to use all necessary tool, gauges and other equipment necessary to properly test, and maintain backflow prevention assemblies.

1.9 The Certified Technician conducting the test must tag 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 number must also be on this tag.

2. In case of a consumer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the consumer, water purveyor and the State Health Department of Arkansas. If such a commercially tested assemblies in need of repair, a licensed journeyman or tradesperson recognized by the authority having jurisdiction shall make the actual repair.

SECTION 2. DEFINITIONS

a. **Water Purveyor:** The person designated to be in charge of the Water Department of the City of Clinton is invested with the authority and responsibility for the implementation of an effective backflow prevention program and for the enforcement of the provisions of this ordinance.

B. **Approved Backflow Assembly:** Accepted by the State Department Health, and the City of Clinton as meeting an applicable specification or as suitable for the proposed use.

C. **Auxiliary Water Supply:** Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute and unacceptable water source over which the water purveyor does not have authority for sanitary control. Auxiliary water supplies cannot be connected to the public potable water.

D. **Backflow:** The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

E. **Back-Pressure:** The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system from any source (s) other than the intended source.

F. **Back-Siphonage:** The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.

G. Backflow Prevention Assembly: An assembly of means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Arkansas State Plumbing Code and the Backflow Prevention Program approved by the State.

H. Contamination: Means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials.

I. Cross Connection: Any physical connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary connections, such as swing connections, removable sections, four way plug valves, spools, dummy section of pipe, swivel or change-over devices or sliding multiport tubes or other plumbing arrangement.

J. Cross Connection-Controlled: A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

K. 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 unfeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water 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 connection which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

SECTION 3. REQUIREMENTS

A. Policy:

1. No water service connection to any premises shall be installed or maintained by the Public Water Purveyor unless the water supply is protected, as required by the State laws, regulations, 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 an appropriate time sequence for voluntary compliance, if:

1.1 A backflow prevention assembly required by this ordinance for control of backflow and cross connection is not installed, tested and maintained, or

1.2 If it is found that a backflow prevention assembly has been removed or by-passed, or

1.3 If an unprotected cross connection exists on the premises, or

1.4 If the periodic system survey has not been conducted.

Service will not be restored until such conditions or defects are corrected.

2. The customer's system(s) shall be open for inspection 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 (Section 1-B-2).

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 the building being served; but, in all cases, before the first branch line leading off the service line.

4. The type of protective assembly required under subsection 3-A-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.

5. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 3-A-6, be excluded from the requirements of 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 the present location or, requires more than the minimum maintenance or, when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.

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 Public Water Purveyor to see that these tests are made according to the standards set forth by the State Department of Health and the City of Clinton (Clinton Water and Sewer Department).

7. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.

8. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: installed over an electrical panel, steam pipes, boilers, pits or above ceiling level.

B. If violations of this ordinance exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of deficiencies noted within the survey, then the public water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with the State and City Statutes relating to plumbing, safe drinking water supplies and the regulation adopted pursuant thereto.

C. If a threat to the potable water supply is determined to be existing or is imminent, the public water purveyor is herein granted the authority to discontinue service immediately to protect the health and well being of the public.

D. All backflow and cross connection inspections by the public water purveyor will be at no charge until a violation has been found. All inspection cost after a violation will be billed to the customer at an actual cost to be determined by the Clinton Water and Sewer Departments.

E. Backflow prevention assemblies MUST be installed by a licensed journeyman tradesperson, who is recognized by the authority having jurisdiction and inspected for compliance with the Arkansas State Plumbing Codes. Certified testing and maintenance are required to ensure proper function and maximum effectiveness of assemblies. These services must begin upon installation and be provided at intervals not to exceed one year and as system conditions warrant.

F. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

G. In the event any subsection, section or part of this Ordinance is later ruled to be invalid, the other provisions of this Ordinance shall remain in force and effect.

H. It has been found and it is hereby declared that the Ordinances of the City are not adequate for the necessary control of backflow by containment control and cross connection control, thereby jeopardizing the City's water system and impeding the progress and development of the City. Therefore, an emergency is declared to exist and this Ordinance being necessary to the preservation of the public peace, health and safety shall be in full force and effect immediately upon its passage and approval.

PASSED this 9th day of February, 1995.

ATTEST:


Bobbye Bennett, Recorder/Treasurer


James Beavers, Mayor