

**AN ORDINANCE TO REQUIRE CROSS CONNECTION
CONTROL AND BACK FLOW PREVENTION IN THE
WATER SYSTEM OF THE TOWN OF LUMBERPORT**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF LUMBERPORT

that the following *Cross Connection Control Ordinance*, specifying the requirements and procedures for cross connection control and back flow prevention in the water system of the Town of Lumberport, is hereby adopted as follows:

I. Purpose

A. To protect the public potable water supply served by TOWN OF LUMBERPORT from the possibility of contamination or pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or back-siphon into the public water system.

B. To promote the elimination or control of existing cross-connections, actual or potential, health hazards between its customers in-plant potable water system, and non-potable systems.

C. To provide for the maintenance of a continuing program of cross-connection control, this will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

II. Authority

A. By the Federal Safe Drinking Water Act of 1974, and the Code of West Virginia Chapter 16, Article 1 and Public Health Laws, WV Bureau for Public Health Chapter 1, Article 5B, the water purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.

B. TOWN OF LUMBERPORT Rules and Regulations, adopted.

III. Responsibility

The Water Purveyor shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Water Purveyor, an approved backflow assembly is required at the water service connection to any customer's premises, the Water Purveyor, or his delegated agent, shall give notice in writing to said customer to install an approved backflow prevention assembly at each service connection to his premises. The customer shall, within 90 days install such approved assembly, or assemblies, at his own expense, and failure or refusal, or inability on the part of the customer to install said assembly or assemblies within ninety (90) days, shall constitute a ground for discontinuing water service to the premises until such assembly or assemblies have been properly installed.

IV. Definitions

A. Approved

Accepted by the Water Purveyor as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed purpose.

B. Auxiliary Water Supply

Any water supply, on or available, to the premises other than the purveyor's approved public potable water supply.

C. Backflow

The unintentional reversal of flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

D. Backflow Preventer

An assembly, device or means designed to prevent backflow. Most commonly categorized as air gap, reduced pressure principle, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

D1. Air Gap

A physical separation sufficient to prevent backflow between the free-flowing discharge end of a potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

D2. Atmospheric Vacuum Breaker

A device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

D3. Barometric Loop

A fabricated piping arrangement rising at least thirty-five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against back-siphonage.

D4. Double Check Valve Assembly

An assembly of two (2) independently operating spring loaded check valves with tightly closing

Shutoff valves on each side of the check valves, and properly located test cocks for the testing of each check valve.

D5. Double Check Valve with Intermediate Atmospheric Vent

A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.

D6. Hose Bibb Vacuum Breaker

A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

D7. Pressure Vacuum Breaker Assembly

An assembly containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. The assembly includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

D8. Reduced Pressure Principle Backflow Preventer

An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

D9. Residential Dual Check

A device consisting of two (2) spring-loaded, independently operating check valves. Generally employed immediately downstream of the water meter to act as an isolation device.

E. Backpressure

A condition in which the owner's system pressure is greater than the suppliers' system pressure.

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 other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

G. Containment

A method of backflow prevention which requires a backflow prevention assembly at the water service entrance.

H. Contaminant

A substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

I. Cross-connection

Any physical or other arrangement through which a backflow of liquids, or gases, or other substances into the Public Water System may occur.

J. Fixture Isolation

A method of backflow prevention in which a backflow preventer is located to correct a cross connection at an in-plant location rather than at a water service entrance.

K. Owner

Any person who has legal title to, or license to operate or reside in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

L. Person

Any individual, partnership, company, public or private corporation, political subdivision or agency of the State Department, agency or instrumentality or the United States or any other legal entity.

M. Pollutant

A foreign substance, which if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.

N. Water Purveyor

The Municipal Water Department, Water Board, Public Service District or other administrative authority invested with the authority and responsibility for the implementation of a cross-connection control program and for the enforcement of the provisions of the Ordinance.

O. Water Service Entrance

That point in the owner's water system beyond the sanitary control of the Water Purveyor; generally considered to be the outlet end of the water meter and always before any unprotected branch.

P. West Virginia Bureau for Public Health (WVBPH)

The State of West Virginia Bureau for Public Health

V. Administration

A. The Water Purveyor will operate a cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the WVBPH Cross-Connections and Backflow Prevention Regulations.

B. The Owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Water Purveyor's program and the WVBPH Regulations if a cross-connection is permitted.

C. If the Water Purveyor requires that the public supply be protected by containment, the Owner shall be responsible for water quality beyond the outlet end of the containment assembly and should utilize fixture outlet protection for that purpose. He may utilize local public health officials, or personnel from the Water Purveyor, or their designated representatives, to assist him in the survey of his facilities and to assist him in the selection of proper fixture outlet devices, and the proper installation of these devices.

VI. Requirements

A. Water Purveyor

1. On new installations, the Water Purveyor will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required.

2. For premises existing prior to the start of this program, the Water Purveyor will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed. However, this time period may be shortened depending upon the degree of hazard involved and the history of the backflow preventer(s) in questions.

3. The Water Purveyor will not allow any cross-connection to remain unless it is protected by an approved backflow preventer which will be regularly tested to insure satisfactory operation.

4. The Water Purveyor shall inform the Owner by letter, of any failure to comply, by the time of

the first re-inspection. The Water Purveyor will allow an additional fifteen (15) days for the correction. In the event the Owner fails to comply with the necessary correction by the time of the second re-inspection, the Water Purveyor will inform the Owner by letter, that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event that the Owner informs the Water Purveyor of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Water Purveyor, but in no case will exceed an additional thirty (30) days.

5. If the Water Purveyor determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

6. The Purveyor will begin initial premise inspections to determine the nature of existing or potential health hazards. Initial focus will be on severe health hazard industries and commercial premises.

B. Owner

1. The Owner shall be responsible for the elimination or protection of all cross-connections on his premises.

2. The Owner, after having been informed by a letter from the Water Purveyor, shall at his expense, install, maintain, and test, or have tested, any and all backflow preventer assemblies on his premises.

3. The Owner shall correct any malfunction of the backflow preventer assemblies which is revealed by periodic testing.

4. The Owner shall inform the Water Purveyor of any proposed or modified cross-connections and also any existing cross-connections of which the Owner is aware, but have not been found by the Water Purveyor.

5. The Owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the assembly(s) must supply additional assemblies necessary to allow testing to take place.

6. The Owner shall install backflow preventers in a manner approved by the Water Purveyor.

7. The Owner shall install only backflow preventers approved by the Water Purveyor or the WVBPH.

8. Any Owner having a private well or other private water source must have the approval of the Water Purveyor if the well or source is cross-connected to the Water Purveyor's system. Permission to cross-connect may be denied. The Owner may be required to install a backflow

preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the Water Purveyor's system.

9. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Water Purveyor's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

10. The Owner shall be responsible for the payment of all fees for permits, annual or semi-annual assembly testing, retesting in the case that the assembly fails to operate correctly, and second re-inspections for non-compliance with Water Purveyor or WVBPH requirements.

VII. Degree of Hazard

The Water Purveyor recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved backflow prevention assemblies.

VIII. Existing In-Use Backflow Prevention Devices

Any existing backflow preventer shall be allowed by the Water Purveyor to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure principle assembly, or a reduced pressure principle assembly must be installed in the event that no backflow assembly is present.

IX. Periodic Testing

A. Backflow prevention assemblies shall be tested and inspected at least annually.

B. Periodic testing shall be performed by a WVBPH certified tester. This testing will be done at the owner's expense.

C. Any backflow preventer assembly which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair the backflow preventer assembly will be retested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer assembly fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the owner insuring that uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.

D. Backflow prevention assemblies will be tested more frequently than specified in A. above, in cases where there is a history of test failures and the Water Purveyor feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the owner.

X. Records

The Water Purveyor will initiate and maintain the following:

1. Master files on customer cross-connections
2. Master files on customer cross-connection tests and/or inspections
3. Copies of lists and summaries supplied to the WVBPH

Upon request, the Water Purveyor will submit records of inspection, surveys, tests or corrective actions to the West Virginia Bureau for Public Health.

Public Meeting April 6 7:00pm

First Reading passed by the Common Council of the Town of Lumberport, Harrison County, West Virginia, on the 2 day of March, 2009.

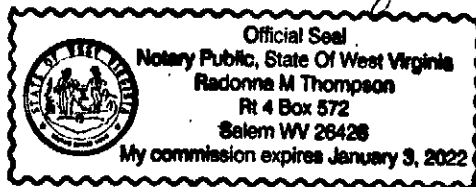
Second Reading passed by the Common Council of the Town of Lumberport, Harrison County, West Virginia, on the 4 day of April, 2009.

Bill Thompson
Bill Thompson, Mayor

Attest:

Norma Edwards
Norma J. Edwards, Town Clerk

*Printed by Sherry Rhine
on June 24, 2014*



Radonna M Thompson
NOTARY:

Jan 3 2022
Comm. EXP.