

ORDINANCE NO. 2021-03

AN *EMERGENCY* ORDINANCE REGARDING THE REQUIREMENTS FOR BACKFLOW PREVENTION DEVICES/CROSS-CONNECTION CONTROL FOR THE PUBLIC WATER SYSTEM OF THE TOWN OF MOFFAT, COLORADO.

WHEREAS, the Board of Trustees seeks to preserve and facilitate the safety, health and well-being of the community;

WHEREAS, the current Town of Moffat *Municipal Code* does not effectively address proper backflow prevention devices and cross-connection control within the Town public water system and therefore does not adequately protect the public water system from contaminants or pollutants that may enter the system from a customer's service connection;

WHEREAS, in order to safeguard the public water supply, and by requirement of the Colorado Department of Public Health and Environment, the Board of Trustees has determined requirements contained within the Colorado Plumbing Code will serve to address the current inadequacies in the existing *Municipal Code* and will help mitigate the risk of contamination of the public water system.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Moffat, Colorado the following is adopted WITH IMMEDIATE EFFECT, appropriate section and headings to be determined upon expected future codification of the *Municipal Code*.

Backflow Prevention Devices/Cross-Connection Control

(1) Purpose

The purpose of this Ordinance is to protect the public water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection.

(2) Authority

The authority to implement this program is contained in the following statute, legislation and regulations and acts:

Article 1-114 and Article 1-114.1 of Title 25 of the Colorado Revised Statutes (CRS); Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations; and the Colorado Plumbing Code

(3) Applicability

This Ordinance shall apply to all commercial, industrial and multi-family residential service connections within the public water system and to any persons outside the City who are, by contract or agreement with the public water system, users of the public water system. This Ordinance does not apply to single-family-residential

service connections unless the public water system becomes aware of a cross connection at the single-family connection.

(4) Definitions

- a. "ACTIVE DATE" means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.
- b. "AIR GAP" is a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard ASME A112.1.2.
- c. "BACKFLOW" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the public water systems distribution system from any source or sources other than its intended source.
- d. "BACKFLOW CONTAMINATION EVENT" means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.
- e. "BACKFLOW PREVENTION ASSEMBLY" means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross connection and is an in-line field-testable assembly.
- f. "BACKFLOW PREVENTION METHOD" means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross connection.
- g. "CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN" means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.
- h. "CONTAINMENT" means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the public water system is prevented.

- i. "CONTAINMENT BY ISOLATION" means the installation of backflow prevention assemblies or backflow prevention methods at all cross connections identified within a customer's water system such that backflow from a cross connection into the public water system is prevented.
- j. "CONTROLLED" means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.
- k. "CROSS CONNECTION" means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow.
- l. "MULTI-FAMILY" means a single residential connection to the public water system's distribution system from which two or more separate dwelling units are supplied water.
- m. "SINGLE-FAMILY" means:
 - i. A single dwelling which is occupied by a single family and is supplied by a separate service line; or
 - ii. A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.
- n. "UNCONTROLLED" means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.
- o. "WATER SUPPLY SYSTEM" means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

(5) Requirements

- a. Commercial, industrial and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified an appropriate backflow prevention assembly and or method shall be installed at the customer's water service connection within 120 days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within 120 days the public water system must take action to control or remove the cross connection, suspended

service to the cross connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.

b. In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.

i. In instances where a reduced pressure principal backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's plumbing system.

c. Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.

d. Reduced pressure principal backflow preventers shall not be installed in a manner subject to flooding.

e. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principal backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.

f. All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The assemblies and methods must be reinstalled and then tested by a certified cross-connection control technician upon reinstallation.

g. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.

h. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a Certified Cross-Connection Control Technician.

i. The public water system shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and or methods cannot be installed.

j. All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.

k. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.

l. For new buildings, all building plans must be submitted to the public water system and approved by the City Engineer prior to the issuance of water service. Building plans must show:

- i. Water service type, size and location
- ii. Meter size and location
- iii. Backflow prevention assembly size, type and location
- iv. Fire sprinkler system(s) service line, size and type of backflow prevention assembly.
 - i. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
 - ii. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.
 - iii. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
 - iv. In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system can chose to not require the backflow protection. The public water system will measure chlorine residual at location representative of the service connection once a month and perform periodic bacteriological testing at the site. If the public water system suspects water quality issues the public water system will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

(6) Inspection, Testing and Repair

a. Backflow prevention assemblies or methods shall be tested by a Certified Cross-Connection Control Technician upon installation and tested at least annually thereafter. The tests shall be made at the expense of the customer.

- i. Any backflow prevention assemblies or methods that are non-testable, shall be inspected at least once annually by a certified cross-

connection control technician. The inspections shall be made at the expense of the customer.

- b. As necessary, backflow prevention assemblies or methods shall be repaired and retested or replaced and tested at the expense of the customer whenever the assemblies or methods are found to be defective.
- c. Testing gauges shall be tested and calibrated for accuracy at least once annually.

(7) Reporting and Recordkeeping

- a. Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.
- b. Copies of records of test reports, repairs and retests shall be submitted to the public water system by mail, facsimile or e-mail by the testing company or testing technician.
- c. Information on test reports shall include, but may not be limited to:
 - i. Assembly or method type
 - ii. Assembly or method location
 - iii. Assembly make, model and serial number
 - iv. Assembly size
 - v. Test date; and
 - vi. Test results including all results that would justify a pass or fail outcome
 - vii. Certified cross-connection control technician certification agency
 - viii. Technician's certification number
 - ix. Technician's certification expiration date
 - x. Test kit manufacturer, model and serial number
 - xi. Test kit calibration date

(8) Right of Entry

A properly credentialed representative of the public water system shall have the right of entry to survey any and all buildings and premises for the presence of cross-connections for possible contamination risk and for determining compliance with this section. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the public water system's distribution system.

(9) Compliance

a. Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the public water system shall complete one of the following actions within 120 days of its discovery:

- i. Control the cross connection
- ii. Remove the cross connection
- iii. Suspend service to the cross connection

b. The public water system shall give notice in writing to any owner whose plumbing system has been found to present a risk to the public water system's distribution system through an uncontrolled cross connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply.

- i. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention assemblies or methods at all cross-connections within the owner's water supply system. The notice and order will give a date by which the owner must comply.

(9) Violations and Penalties

Any violation of the provisions of this ordinance, shall, upon conviction be punishable as provided in all applicable statutes, laws, regulations and the Municipal Code.

(10) Enforcement

The public water system shall have the right to suspend water service to any owner whose plumbing system that has a failed backflow/cross connection device after failing to comply after (60) calendar days from time of notification.

(11) Conflict with other codes

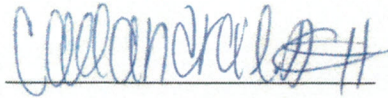
If a dispute or conflict arises between the Colorado Plumbing Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the State, then the most stringent provisions of each respective code shall prevail.

Section 2. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and Town Clerk, recorded in the Town Book of Ordinances kept for that purpose, and published according to law.

Section 3. Publication and Effective Date. This ordinance shall take effect immediately.

Section 4. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety welfare, and to serve the best interests of the citizens of the Town of Moffat, Colorado.

Introduced, read by title, and passed at first and final reading on June 2, 2021



Cassandra L. Foxx, Mayor

ATTEST:



Matthew Litrenta, Town Clerk

