

## ORDINANCE NO. 34

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTE VISTA WATER DISTRICT, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING GENERAL POLICIES FOR THE CONTROL OF BACKFLOW AND CROSS-CONNECTIONS

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The Board of Directors of the Monte Vista Water District (“District”) of San Bernardino County, California, does hereby ordain the following:

#### **Section 1: Purpose**

The District is responsible for protecting its water supply from contamination by implementation of a Cross-Connection control program. The purpose of the Cross-Connection control program is (1) to protect the District’s water supply against actual or potential Cross-Connection by isolating within the premise contamination that may occur because of some undiscovered or unauthorized Cross-Connection on the premises; (2) to eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; (3) to eliminate Cross-Connections between drinking water systems and sources of contamination; and (4) to prevent the occurrence of Cross-Connections in the future.

#### **Section 2: Authority**

This ordinance is adopted to satisfy the requirements set forth in the District’s operating permit issued by the State Water Resources Control Board, Health and Safety Code Sections 116275(9), 116555(a), Title 17 of the California Code of Regulations Sections 7583 - 7605, and Water Code Section 31027.

#### **Section 3: Definitions**

For purposes of this ordinance, the following words and phrases shall have the following meanings:

- 3.1 “Auxiliary Water Supply” is any water supply or access to any water supply or source other than the District, including but not limited to private wells (whether active or inactive), swimming pools, hot tubs, spas, decorative fountains, ponds, storage tanks, and private reservoirs.
- 3.2 “Cross-Connection” is an unprotected actual or potential connection between the District’s water supply and an Auxiliary Water Supply or any source or system containing water or a substance that is not or cannot be approved as safe and potable. Examples of Cross-Connections are by-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur.
- 3.3 “Water User” is any person or entity obtaining water from the District.

#### Section 4: General Provisions

- 4.1. Whenever backflow protection has been found necessary (including but not limited to commercial properties, landscape nurseries, manufacturing facilities, hospitals, nursing homes and facilities including any and all property having fire sprinkler systems or private fire hydrants), the District will require the Water User to install a District-approved backflow prevention device at the Water User's sole expense for continued services or before new service will be rendered. These costs shall include all labor and material necessary to construct or modify the service connection connecting to the District's water main, install the backflow device itself, construct or modify any piping work to be completed on the Water User's side of the backflow device, and the removal of any interfering vaults.
- 4.2. Wherever backflow protection has been found necessary on a water supply line entering a Water User's premises, then any and all water supply lines from the District's mains entering such premises, buildings, or structures shall be protected by a District-approved "lead free" backflow prevention device. The Water User shall only install "lead free" backflow prevention devices that have been approved by the District.
- 4.3. Each service connection from the District water system to premises having an Auxiliary Water Supply shall be protected against backflow of water from the premises into the District's water system unless the Auxiliary Water Supply is accepted as an additional source by the District, and is approved by the public health agency having jurisdiction.
- 4.4. Backflow prevention devices shall be installed on the service connection to any premises having (a) internal Cross-Connections that cannot be permanently corrected and controlled to the satisfaction of the District, or (b) intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.
- 4.5. Any property having two or more services supplying water from different water distribution mains to the same building, structure, or premises through which an interstreet main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. Such check valves shall not be considered adequate if backflow protection is deemed necessary to protect the District's mains from pollution or contamination; in such case the installation of a District-approved backflow devices at such service connections shall be required.
- 4.6. Backflow prevention devices shall be installed in accordance with the District's standard drawings which may be updated periodically by the District. The standard drawings also delineate the limit of the District and Water User's responsibility for maintaining the backflow service connection.
- 4.7. The District will notify affected Water Users by mail when annual testing of their device is required and supply users with the necessary documentation regarding backflow prevention device information. The affected Water User shall retain a certified tester on the County of San Bernardino list of Commercial Backflow Testers and who is also in good standing with the County of San Bernardino, to perform the required test(s). All annual tests must be submitted electronically via website data entry.

## **Section 5: Backflow Device Removal**

The Water User, or their agent, shall obtain approval from the District before removing, relocating, or replacing a backflow prevention device. Such approval will be granted at the District's sole discretion.

- 5.1.Removal: The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the District to verify that a hazard no longer exists, or is not likely to be created in the future.
- 5.2.Relocation: The District, at its sole discretion, may allow the relocation of a backflow prevention device, so long as the new location will continue to provide the required protection and meet the District's installation requirements. A retest of the relocated backflow prevention assembly will be required following the relocation of the device.
- 5.3.Repair: A device may be removed for repair, provided the water use is either discontinued until the repair is completed and the repaired device is reinstalled and returned to service, or the service connection is equipped with another backflow protection approved by the District. A passing/satisfactory retest will be required following every repair of the device.
- 5.4.Replacement: A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the District, commensurate with the degree of hazard involved, and be "lead free." All backflow prevention device replacements, including service piping, shall be constructed up to then current District standards.

## **Section 6: Water System Survey**

- 6.1.The District shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the District upon request for review of possible Cross-Connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required "lead free" device must be installed before service will be rendered.
- 6.2.The District may require an on-premise inspection to any new or existing site to evaluate Cross-Connection hazards. The District will send a written notice requesting an inspection appointment to each affected Water User. Any Water User that cannot, or will not, allow an on-premise inspection of their piping system shall be required to install a "lead free" backflow prevention device as deemed necessary by the District.
- 6.3.The District may require a re-inspection at its discretion for Cross-Connection hazards of any premise to which it serves water. The District will send a written notice requesting an inspection appointment to each affected Water User. Any Water User that cannot, or will not, allow an on-premise inspection of their piping system shall be required to install a "lead free" backflow prevention device as deemed necessary by the District.
- 6.4.The District will notify the Water User in writing of the water system survey findings, listing corrective action to be taken, if any. A period of 30 days will be given to complete all corrective action required, including the installation of a new or upgraded backflow prevention devices if

required. The District, at its sole discretion, may grant a time extension to perform for the corrective action. If the corrective action is not completed within the allotted time period, the District may terminate or suspend water service to the affected Water User until the required corrective actions are taken and non-compliance fees are paid in full.

### **Section 7: Water User Notification for Testing and Maintenance**

- 7.1. The District will send written notification to each affected Water User when it is time to test the backflow prevention device installed on their service connection. This written notification shall give the Water User 30 days to complete the required testing and submit the necessary backflow test certification to the District.
- 7.2. After the allotted 30-day period, a second written notice will be sent to each Water User who failed to provide an acceptable backflow test certification for their backflow prevention device. The second notice will allow the Water User an additional two-week period to have their backflow prevention device tested and an acceptable test certification submitted via website data entry, or allow the Water User to request termination of service. If the Water User fails to supply the District with either an acceptable test certification or a Request for Termination of Service within the two (2)-week period, the District may suspend or terminate water service to the Water User until the required test is completed and non-compliance fees have been paid in full.
- 7.3. Should the backflow prevention device not pass the backflow test, the District will terminate or suspend water service to the affected Water User until the subject device is repaired, retested and shown to be operating properly.

### **Section 8: Water Service Termination**

- 8.1. General. When the District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing the District water service.
- 8.2. Basis for Termination. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following items:
  - 8.2.1. Refusal to install or upgrade to a required “lead free” backflow prevention device.
  - 8.2.2. Refusal to test a backflow prevention device.
  - 8.2.3. Refusal to repair a failing backflow prevention device.
  - 8.2.4. Refusal to replace a failing backflow prevention device.
  - 8.2.5. Direct or indirect connection between the public water system and a sewer line.
  - 8.2.6. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.

- 8.2.7. Unprotected direct or indirect connection between the public water system and an Auxiliary Water System.
- 8.2.8. A situation which presents an immediate health hazard to the public water system or public health.

### 8.3. Water Service Termination Procedures

- 8.3.1. For conditions 1, 2, 3, or 4, the District will terminate service to a Water User's premise after 2 written notices have been sent specifying the corrective action needed and the time period in which it must be completed. If no action is taken within the allowed period of time, water service may be terminated and a non-compliance fee incurred.
- 8.3.2. For conditions 5, 6, 7, or 8, the District will take the following steps:
  - a. Make reasonable effort to contact and advise the Water User of record of the intent to terminate water service.
  - b. Terminate water supply and lock service valve. The water service will remain inactive until the District has approved correction of violations.

### **Section 9: Validity**

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of remaining portions of this Ordinance. The District hereby declares that it would have adopted this Ordinance irrespective of whether any portion is declared invalid.

### **Section 10: Effective Date**

This Ordinance shall be effective upon 30 days after adoption.

### **Section 11: Repeal and Rescind**

That upon the effective date of adoption of Ordinance 34, Ordinance 27 is hereby, repealed and rescinded in its entirety.

The President of the Board of Directors shall sign this Ordinance and the Secretary shall attest to the same. The Secretary shall cause this ordinance to be published within (15) days after its adoption, at least once in a newspaper of general circulation which is distributed within the boundaries of the Monte Vista Water District

ADOPTED THIS 27 day of February 2019.



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Sandra S. Rose  
President of the Board of Directors  
MONTE VISTA WATER DISTRICT

ATTEST:



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Mark N. Kinsey  
Secretary to the Board of Directors  
MONTE VISTA WATER DISTRICT

Reviewed as to form by General Counsel:



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