

**TOWN OF ELMA
ERIE COUNTY
NEW YORK**

**CROSS CONNECTION CONTROL
ORDINANCE**

ADOPTED 10/24/01

Final Adopted 10/24/01 Cross-Connection Control

Section 1. The purpose of this Ordinance is:

A.1 To protect the public drinkable water supply of the Town of Elma from the possibility of contamination by isolating within its customers' internal distribution system(s) or its customer's private water system(s) such contaminations or pollutants which could backflow into the public water supply system; and

A.2 To comply with the requirements of the New York State Sanitary Code Subpart 5 and in particular 5-1.31 and other provisions of the New York State Department of Health (NYSDOH).

B. **Responsibility.** The Elma Water Department (EWD) shall be responsible for the protection of all Town of Elma Water distribution systems from contamination due to the backflow of contaminants through the water service connection. If, in the judgment of said Water Department, an acceptable backflow prevention device is required at any Town water service connection to any customers' premises, for the safety of the water system, the Water Department or its designated agent shall give notice in writing to said customer to install such acceptable backflow prevention device at each service connection to their premises. The customer shall immediately install, such approved device or devices at his own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintained said device or devices shall immediately constitute a ground for discontinuing water service to the premises until such requirements have been met.

Section 2. Definitions.

- a. **Acceptable Backflow Prevention Device** is an acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility. In order for the reduced pressure zone device or the double check valve assembly to be acceptable, it must be listed on the most current version of the New York State Department of Health List of Acceptable Devices (PWS-14)
- b. **Approved** means accepted by the Town of Elma Water Superintendent as meeting an applicable specification stated or cited in this Ordinance or as suitable for the proposed use.
- c. **Auxiliary Water Supply** means any water supply on or available to the premises other than a Town of Elma approved public 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, stream, rain water, etc., or used waters or industrial fluids. These waters may be contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.
- d. **Cross Connection** means any connection or potential connection, which allows or potentially allows for the intermingling of water from any auxiliary water supply or any substance from any other unauthorized source with water from a Town of Elma approved public water supply.
- e. **Customer's Water System** means the piping used to convey water supplied by Town of Elma water supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control point of the Town Water Department. The control point is either the curb valve or the main valve located in the public right-of-way that isolated the customer's facilities from the Town or District distribution system.
- f. **Hazardous Facility** is one in which substances may be present which, if introduced into the public water system, would or may endanger or have an adverse affect on the health of other water customers. Typical examples: laboratories, sewage treatment plants, chemical plants, hospitals, mortuaries and commercial enterprises. This is also defined as any commercial or business enterprise as defined by zoning or by Business Use Permit.
- g. **Public Water Supply System** means the Town of Elma water supply system, including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This included the distribution system up to its connection with the customer's water system.
- h. **Reduced Pressure Zone (RPZ) Device, Acceptable** means a device containing a minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow the pressure between these two checks shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure. The unit must include tightly closing

shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

- i. Other terms All other terms are defined in the Department of Health and Town of Elma Cross Control Manuals and polices as now in force or as amended from time to time.

Section 3. Requirements

- 3.1 The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Town of Elma
- 3.2 The Town of Elma shall rate a customer's water system according to its degree of hazard to the public water supply system. Some of the factors to be considered are the use and availability of contaminants, the availability of an auxiliary water supply, and the type of fire fighting system in use.
- 3.3 An acceptable backflow prevention device shall be installed on each service line to a customer'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 leaking off the service line, as follows:
 - 3.4.1 Whenever a customer's water system is rated hazardous, an acceptable reduced pressure zone device or air gap shall be installed.
 - 3.4.2 Whenever a customer's water system is rated aesthetically objectionable, as a minimum, an acceptable double check valve assembly shall be installed. Unless otherwise determined by the Water Superintendent one and two family residential water systems shall be deemed to have a non-hazardous classification.
- 3.5 The design of the installation of an acceptable backflow prevention device must be prepared in accordance with New York State laws and regulations. The design must be approved by the Superintendent and/or its agent and all agencies required by the applicable New York State and Town of Elma laws and regulations.
- 3.6 It shall be the duty of the customer at any premises classified as hazardous pursuant to 3.4.1 and 3.4.2 above where a reduced pressure zone device, and/or a double check valve assembly is required, to have certified inspections and operational tests done on every containment device, at least once a year. In those instances where the Superintendent deems the hazard to be great enough, he may require certified inspections at more frequent intervals. Certified inspections and operational tests must also be made when any reduced pressure zone device is to be installed, repaired, overhauled or replaced, in addition to the requirement of an annual certified inspection and operational test. All inspections and tests shall be at the expense of the customer and shall be performed, by a New York State Department of Health (NYSDOH) certified tester approved by the Town of Elma Water Superintendent. The Town Water Department shall make available the names, addresses and telephone numbers of those persons who are certified as testers for such backflow prevention devices. It shall be the responsibility of the water customer per NYS Sanitary Code 5.1.31 a, b, and c to see that such certified inspections and operational tests are to be undertaken so that he or his representative may witness the tests if the Superintendent so desires. These devices shall be repaired, overhauled, or replaced at the expense of the customer whenever said devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Superintendent immediately after the work is performed. Protection of the public water supply and the customer's water system must be in full force at all times. Note: There is no "Grace Period" for non-compliance or repairs, etc. under any section of this ordinance. Nothing contained in this ordinance grants a license for non-compliance.
- 3.7 No water service connection to any customer's water system shall be installed or maintained by the Town of Elma Water Department unless the water supply is protected as required by State laws and regulations and this Ordinance. Service of water to any premises shall be discontinued by the Town of Elma Water Department if a backflow prevention device has been removed or by-passed or otherwise compromised. Service will not be restored until such conditions or defects are corrected.
- 3.8 No customer shall allow any water or other substance from an auxiliary water supply or other source to enter any portion of the customer's internal distribution system, which is connected directly or indirectly, to any Town of Elma public water supply.

Section 4. Enforcement and Penalties

- A. No water service connection to any premises shall be installed or maintained by the water user, unless the water supply is protected as required by this ordinance and such other local, state and federal laws, rules and regulations.
- B. If any facility served by a water system denies a water department person access to their premises for the purpose of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.
- C. The following penalties shall be applicable for a violation of this Ordinance
 - C.1 Failure to obtain approval for the appropriate backflow prevention device installation within sixty (60) days after the first notice: \$250.00 fine.
 - C.2 Failure to install the appropriate backflow prevention device installation within thirty (30) days after the second notice: Termination of Service.
 - C.3 Failure to at least annually test and certify that backflow device installation meets the criteria to comply as an acceptable containment device within 10 days of Notice: \$300.00 and/or Termination of Service
 - C.4 Failure to correct, replace or repair a backflow prevention device or the installation as required: \$300.00 and/or Termination of Service.
 - C.5 Any water service terminated under this Ordinance shall be subject to the fees of Termination for Nonpayment in effect at the time of violation.
 - C6. Any penalties under this section shall be treated as though it is for water services and may be placed on tax roll as a lien if unpaid.

Section 5. Fee Schedule.

- 5.1 Fees for plan review by the Elma Water Department Engineer:
 - a. ¾ to 1 ½ inch pipe \$100.00
 - b. Over 1 ½ inch pipe \$200.00
- 5.2 Fees for Inspections for each device shall be required at cost of \$75.00. All other inspections for determination for the need for RPZ shall be at a cost of \$75.00
- 5.3 Additional Reviews and Inspections. Additional reviews and inspections may be charged to the water customer t one-half the Review or Inspection Fee for each additional review or inspection as deemed appropriate by the Elma Water Department.
- 5.4 Every day that the customer is in violation of this ordinance represents a separate daily fine.

Section 6. Installation and Maintenance

- 6.1 Water meters and/or Containment Devices, their Vaults, Protective Enclosures, Appurtenances and other Structures, to include those installations and plumbing inside of buildings: It shall be the sole responsibility of the water customer to install and maintain said items at an acceptable level of condition as determined by the Elma Water Department and shall be in continuous conformity with governing laws, ordinances, regulations and specifications of the Elma Water Department and the State of New York as now in force or amended.
- 6.2 It shall be the policy of the Elma Water Department to follow the general regulations and standards regarding water distribution systems, and especially those covering Cross Connection Control as adopted by the Erie County Water Authority and the State of New York, notwithstanding the right of the Elma Water Department to amend and/or modify those regulations and standards to be more detailed or restrictive at its sole election.

Section 7. Required Testing and Certification

The test reports (form DOH 1013) for each device shall be submitted to the Health Department and also to the Elma Water Department at least annually or more frequently at the discretion of the water supplier. Unacceptable completion of the test report forms submitted by a tester may result in the Superintendent barring future testing by that particular certified tester in the Town of Elma at the sole discretion of the Water Superintendent.

Section 8. New Systems

All containment device installation design plans must be approved by both the health department and the Town of Elma and the New York State Department of Health. The Engineers report must be accompanied by the Elma Water Department Design Approval Criteria as amended from time to time.

Section 9. Entrance to Premises

For the purpose of inspection, installation, maintenance, repair, turning on or shutting off water, authorized personnel of the Water Department shall have free and full access, at all reasonable times, to all parts of any premises supplied with water from the Elma Water District or upon which application has been made to the Water Department or to which water is reasonably believed to be supplied. Filing of an application shall in addition to the provisions of this ordinance be deemed consistent to such access.

Section 10. Experts

The Town of Elma Water Department may engage the services of an expert to manage the cross connection control program and transfer this cost to the customer for the review of said property.

Section 11. Plumbing

All internal plumbing must conform to and be maintained in continued conformity with the N.Y.S. Uniform Fire Prevention and Building Codes and the N.Y.S. Sanitary Code or any amendments made from time to time as well as any local codes, and may be inspected by the EWD to qualify its' conformity.