

ORDINANCE NO. 2009 - 23

**AN ORDINANCE AMENDING CHAPTER 52 OF THE
HUNTINGBURG MUNICIPAL CODE TO REGULATE
BACKFLOW AND CROSS-CONNECTIONS TO THE
MUNICIPAL POTABLE WATER SYSTEM**

WHEREAS, contamination of the City's municipal potable water supply by backflow of pollutants from, and cross-connections with, consumers' internal water distribution systems and private water systems can pose a significant threat to the health, safety and welfare of the customers of the Huntingburg Municipal Water Utility; and,

WHEREAS, the Common Council of the City of Huntingburg now determines it in the interest of the public health, safety and welfare to regulate and control backflows and cross-connections to the City's municipal potable water supply.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Huntingburg, Indiana, as follows:

Section 1. That Chapter 52 of the Huntingburg Municipal Code be, and is hereby amended by adding thereto the following sections:

BACKFLOW AND CROSS CONNECTIONS

Section 1. GENERAL POLICY

1.1 Purpose. The purpose of this Ordinance is:

1.1.1 To protect the public potable water supply of City of Huntingburg from the possibility of contamination or pollution by isolation within the consumer's internal distribution system(s) or the consumer's private water system(s) such contaminants or pollutants which could backflow into the public water systems: and,

1.1.2 To promote the elimination or control of existing cross-connections, actual or potential, between the consumer's in-plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems; and,

1.1.3 To provide for the maintenance of continuing Program of Cross-Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

1.2 Responsibility. The *Utilities Superintendent* shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water

service connection. If, in the judgment of said *Utilities Superintendent* an approved backflow prevention assembly is required at the consumer's water service connection; or, within the consumer's private water system for the safety of the water system, the *Utilities Superintendent* or his designated agent shall give notice in writing to said consumer to install the same at said consumer's own expense: and, failure, refusal or inability on the part of the consumer to install, have tested and maintained said assembly(s), shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

Section 2. DEFINITIONS

- 2.1 Utilities Superintendent or Health Official.** The *Superintendent* in charge of the water department of the City of Huntingburg is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.
- 2.2 Approved.**
- a. The term "approved" as herein used in reference to a water supply shall mean a water supply that has been approved by the health agency having jurisdiction.
 - b. The term "approved" as herein used in reference to an air gap, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods shall mean an approval by the administrative authority having jurisdiction.
- 2.3 Auxiliary Water Supply.** Any water supply on or available to the premises other than the City of Huntingburg municipal potable 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 an unacceptable water source over which the water purveyor does not have sanitary control.
- 2.4 Backflow.** The term "backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources. See terms Backsiphonage (2.6) and Backpressure (2.5).
- 2.5 Backpressure.** The term "backpressure" shall mean any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

- 2.6 Backsiphonage.** The term “backsiphonage” shall mean a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.
- 2.7 Backflow Preventer.** An assembly or means designed to prevent backflow.
- 2.7.1 Air gap.** The term “air gap” shall mean a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An “approved air gap” shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel-in no case less than 1 inch (2.54 cm).
- 2.7.2 Reduced Pressure Principle Backflow Prevention Assembly.** The term “reduced pressure principle backflow prevention assembly” shall mean an assembly containing two independent pressure differential relief valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shut-off valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e., pollutant) or a health hazard (i.e., contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water.
- 2.7.3 Double Check Valve Backflow Prevention Assembly.** The term “double check valve backflow prevention assembly” shall mean an assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against a non-health hazard (i.e. pollutant).
- 2.8 Contamination.** The term “contamination” shall mean an impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.
- 2.9 Cross-Connection.** The term “cross-connection” shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer’s potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

- a. The term “direct cross-connection” shall mean a cross-connection which is subject to both backsiphonage and backpressure.
 - b. The term “indirect cross-connection” shall mean a cross-connection which is subject to backsiphonage only.
- 2.10 Cross-Connections-Controlled.** A connection between a potable water system and a non-potable water system with an approved backflow protection at the service connection, commensurate with the degree of hazard of the consumer’s potable water system.
- 2.11 Cross-Connection Control by Containment.** The term “service protection” shall mean the appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the consumer’s potable water system.
- 2.12 Hazard, Degree of.** The term “degree of hazard” shall mean either a polluttional (non-health) or contamination (health) hazard and is derived from the evaluation of conditions within a system.
- 2.12.1 Hazard – Health.** The term “health hazard” shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer’s potable water system that would be a danger to health.
- 2.12.2 Hazard – Plumbing.** The term “plumbing hazard” shall mean an internal or plumbing type cross-connection in a consumer’s potable water system that may be either a polluttional or a contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays, and lawn sprinkling systems. Plumbing type cross-connection can be located in many types of structures including homes, apartment houses, hotels, and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.
- 2.12.3 Hazard – Polluttional.** The term “polluttional hazard” shall mean an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer’s potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.
- 2.12.4 Hazard – System.** The term “system hazard” shall mean an actual or potential threat of severe danger to the physical properties of the public or

the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

- 2.13 Industrial Fluids.** The term “industrial fluids” shall mean any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not limited to: polluted or contaminated used waters; all types of process waters and “used waters” originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or for fire fighting purposes.
- 2.14 Pollution.** The term “pollution” shall mean an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.
- 2.15 Water – Potable.** The term “potable water” shall mean any public potable water supply which has been investigated and approved by the health agency having jurisdiction. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the health agency has final judgment as to its safety and potability.
- 2.16 Water—Non-potable.** The term “non-potable water” shall mean a water supply which has not been approved for human consumption by the health agency having jurisdiction.
- 2.17 Water—Service Connection.** The term “service connection” shall mean the terminal end of a service connection from the public potable water system, (i.e., where the water purveyor may lose jurisdiction and sanitary control of the water at its point of delivery to the consumer's water system). If a water meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the water meter.
- 2.18 Water – Used.** The term “used water” shall mean any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.

Section 3. REQUIREMENTS

3.1 Water System

- 3.1.1 The water system shall be considered as made up of two parts: The Water Purveyor's System and the Consumer's System.
- 3.1.2 Water Purveyor's System shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the purveyor, up to the point where the consumer's system begins.
- 3.1.3 The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.
- 3.1.4 The distribution system shall include the network of conduits used for the delivery of water from the source to the consumer's system.
- 3.1.5 The consumer's system shall include those parts of the facilities beyond the termination of the water purveyor's distribution system which are utilized in conveying potable water to points of use.

3.2 Policy

- 3.2.1 No water service connection to any premise shall be installed or maintained by the water purveyor unless the water supply is protected as required by City of Huntingburg laws and regulations and this ordinance. Service of water to any premise shall be discontinued by the water purveyor if a backflow prevention assembly required by this ordinance is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- 3.2.2 The consumer's system shall be open for inspection at all reasonable times to authorized representatives of the *Huntingburg Water Utility* to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the *Utilities Superintendent* shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the consumer has corrected the condition(s) in conformance with the City of Huntingburg ordinances relating to plumbing and water supplies and the rules or regulations adopted pursuant thereto.

3.2.3 An approved backflow prevention assembly shall also be installed on each service line to a 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 wherever the following conditions exist:

- a. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the *Utilities Superintendent*, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.
- b. In the case of the premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the water purveyor's system which have been subject to the deterioration in quality.
- c. In the case of premises having (1) internal cross-connections that cannot be permanently corrected or protected against, or (2) 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 dangerous cross-connection exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.

3.2.4 The type of protective assembly required under subsections 3.2.3 a, b, and c, shall depend upon the degree of hazard which exists as follows:

- a. In the case of any premises where there is an auxiliary water supply as stated in subsection 3.2.3. a of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly
- b. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve backflow prevention assembly.

- c. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.
- d. In the case of any premise where there are unprotected cross-connections, either actual or potential, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly at the service connection.
- e. In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap or an approved reduced pressure principle backflow prevention assembly on each service to the premise.

3.2.5 Any backflow prevention assembly required herein shall be a make, model, and size approved by the *Utilities Superintendent*. The term “Approved Backflow Prevention Assembly” shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

AWWA/ANSI C510-92 (1) Standard for Double Check Valve Backflow Prevention Assemblies;

AWWA/ ANSI C511-92(1) Standard for Reduced Pressure Principle Backflow Prevention Assemblies;

And, have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection and Hydraulic Research of the University of Southern California (USC FCCCHR) established in:

Specifications of Backflow Prevention Assemblies—Section 10 of the most current edition of the *Manual of Cross-Connection Control*.

Said AWWA and USC FCCCHR standards are specifications have been adopted by the *Utilities Superintendent*. Final approval shall be evidenced by a “Certificate of Compliance” for the said AWWA standards; or

“Certificate of Approval” for the said USC FCCCHR Specifications; issued by an approved testing laboratory.

The following testing laboratory has been qualified by the *Utilities Superintendent* to test and approve backflow prevention assemblies:

Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California
KAP-200 University Park MC-2531
Los Angeles, California 90089-2531

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the *Utilities Superintendent*.

Backflow preventers which may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a Certificate of Approval by said qualified laboratory and are listed on the laboratory’s current list of approved backflow prevention assemblies maybe used without further test or qualification.

3.2.6 It shall be duty of the consumer at any premise where backflow prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year. In those instances where the *Utilities Superintendent* deems the hazard to be great enough he may require field tests at more frequent intervals. These tests shall be at the expense of the water user and shall be performed by City of Huntingburg personnel or by a certified tester approved by the *Utilities Superintendent*. It shall be the duty of the *Utilities Superintendent* to see that these tests are made in a timely manner. The consumer shall notify the *Utilities Superintendent* in advance when the tests are to be undertaken so that an official representative may witness the field tests if so desired. These assemblies shall be repaired, overhauled or replaced at the expense of the consumer whenever said assemblies are found defective. Records of such tests, repairs and overhaul shall be kept and made available to the *Utilities Superintendent*.

3.2.7 All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the testing and maintenance requirements under subsection 3.2.6, be excluded from the requirements of these rules so long as the *Utilities Superintendent* is assured that they will satisfactorily protect the water purveyor’s public potable water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the *Utilities*

Superintendent finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

3.2.8 The *Utilities Superintendent* is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this ordinance. All such rules and policies shall be consistent with the provisions of this ordinance and shall be effective thirty (30) days after notification to the Utility Board of the City of Huntingburg and being filed with the clerk of the City of Huntingburg.

Section 2. All other provisions of Huntingburg Municipal Code Chapter 52 not inconsistent herewith shall remain in full force and effect.

Section 3. This Ordinance shall be in full force and effect immediately upon its passage by the Common Council, approval by the Mayor, and publication as required by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF HUNTINGBURG, INDIANA, THIS ____ DAY OF _____, 2009, BY THE FOLLOWING VOTE:

Nay	Aye		Abstain	Absent
___	___	Glenn E. Kays	___	___
___	___	W. Kenneth Sparrow	___	___
___	___	Jean Majors	___	___
___	___	Linda S. Summers	___	___
___	___	Marvin L. Boeglin	___	___

TOTAL:

COMMON COUNCIL OF THE CITY OF HUNTINGBURG, INDIANA

By: _____
Marvin R. Belcher, Presiding Officer

ATTEST:

Thomas A. Dippel, Clerk-Treasurer

Presented by me, the undersigned Clerk-Treasurer of the City of Huntingburg, to the Mayor of said City for his approval on the ____ day of _____, 2009.

Thomas A. Dippel, Clerk-Treasurer

Approved by me, the undersigned Mayor of said City on the ____ day of _____, 2009, at _____ o'clock __.M.

Marvin R. Belcher, Mayor

ATTEST:

Thomas A. Dippel, Clerk-Treasurer

Q/WaterCrossConn.Ord.