

ORDINANCE NO. 1331

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S WATER SYSTEM; REPEALING SECTION 13.02.300 OF THE GIG HARBOR MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 13.06 CREATION AND IMPLEMENTATION OF CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor (City) has multiple water purveyors located within the corporate limits; and

WHEREAS, the City of Gig Harbor Water Department (Department) is the largest of those water purveyors; and

WHEREAS, the Department is required by Washington Administrative Code (WAC) 246-290-490 through the Washington State Department of Health to adopt by ordinance and implement a cross connection control program; and

WHEREAS, Section 13.02.300 of the Gig Harbor Municipal Code (GHMC) prohibits cross-connections but does not meet the requirements of WAC 246-290-490; and

WHEREAS, the Department currently employs six cross connection control specialists who receive specialty training for the implementation of the Cross Connection Control Program and follow the sixth edition of the Pacific Northwest Section of the American Water Works Association Cross Connection Control Manual; and

WHEREAS, this ordinance applies only to the retail water service area associated with the Department; and

WHEREAS, the proposed regulations were forwarded to the Washington State Department of Commerce pursuant to RCW 36.70A.106 and approved on December 9, 2015; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance for this Ordinance on January 6, 2016; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on February 8, 2016; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. Section 13.02.300 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new Chapter 13.06 is hereby added to the Gig Harbor Municipal Code as follows:

13.06.010 Declaration of Title.

This code shall be known as the cross connection control and backflow prevention code.

13.06.020 Definitions.

The definitions used in this Chapter are established in Chapter 1 of the *Manual of Cross-Connection Control, Tenth Edition* by University of Southern California with the following amendment:

1.72 “Water Supplier” shall mean the City of Gig Harbor Water Department.

13.06.030 Purpose.

The purpose of this code is to:

- A. To protect the Water Supplier’s public potable water supply of from the possibility of contamination or pollution by isolating 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
- B. To promote the elimination or control of existing cross-connections, actual or potential, between the Water Supplier’s public water system and the consumer’s on-premise water system; and
- C. To provide for the maintenance of a continuing Program of Cross-Connection Control which will systematically and effectively prevent the contamination or pollution of the Water Supplier’s water system; and
- D. To meet the Water Supplier’s requirements mandated by WAC 246-290-490(3).

13.06.040 Authority.

The authority shall be the City of Gig Harbor Water Department Superintendent (Superintendent) or his or her designee and shall be certified as a Water Distribution Manager (WDM) – 2 and a Cross Connection Control Specialist. The 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 service connection.

13.06.050 Adoption of technical manuals.

The manuals noted below are hereby adopted as the city’s manual for protecting the Water Supplier from cross connections. Where conflicts exist the most stringent requirement shall apply.

1. *Manual of Cross-Connection Control, Tenth Edition* by University of Southern California (USC Manual)
2. *Cross-Connection Control Manual Accepted Procedures and Practice, Seventh Edition, November 2012* by Pacific Northwest Section American Water Works Association (PNS-AWWA Manual)
3. *Cross-Connection Control Manual, February 2003* by the United States Environmental Protection Agency
4. *Public Works Standards 2014* by the City of Gig Harbor.

13.06.060 Water system framework.

The jurisdictions of water systems shall be comprised of two parts: The Water Supplier's system and the consumer's system.

- A. Water Supplier's water 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 Water Supplier, up to and including the water meter.
 1. The source facilities shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.
 2. The distribution system shall include the network of conduits used for the delivery of water from the source to the consumer's system.
- B. The consumer's system shall include those facilities beyond the water meter conveying water from the Water Supplier's water system to points of use.

13.06.100 Review of new and existing service connections.

All City of Gig Harbor plumbing permit applications requiring or having a service connection to the Water Supplier's water system will be reviewed by the Superintendent in accordance with the subsections below and as applicable in accordance with Chapter 15.06.

- A. Each new or existing single family residential service connection shall be reviewed using the technical manuals for possible cross connections and may require an approved backflow prevention assembly per Section 13.06.130 adjacent to the water meter on the consumer's side of the service connection. If a single family residential service connection includes an irrigation system, a double check valve backflow prevention assembly shall be installed adjacent to the water meter on the consumer's side of the irrigation system service connection.
- B. Each new non-single family residential service connection shall install an approved backflow prevention assembly per Section 13.06.130 adjacent to the water meter on the consumer's side of the service connection. If the use for all inhabitable spaces within a non-single family residential structure is not known at the time of plumbing permit application, a reduced pressure backflow prevention assembly shall be installed adjacent to the water meter on the consumer's side of the service connection.

13.06.110 Existing service connection review program.

Each existing service connection will be reviewed by the Superintendent in the manner and frequency described in the Water Supplier's Water System Plan. If a cross connection or potential cross connection is found, the consumer shall install an approved backflow prevention assembly in accordance with this chapter and/or Chapter 15.06 at the consumer's expense immediately.

13.06.120 Backflow assembly specifications.

On the date of their installation, all backflow prevention assemblies shall be included on the Washington State Department of Health's approved backflow prevention assembly list. This list is available from the City Clerk or from the Washington State Department of Health.

13.06.130 Backflow assembly types.

The type of backflow prevention assembly required for installation shall depend upon the degree of hazard which exists. The actual backflow assembly type shall be determined by the Superintendent based on elements of the technical manuals.

13.06.140 Recordkeeping of installed backflow prevention assemblies.

The Water Supplier will maintain records of all installed backflow prevention assemblies.

13.06.150 Qualifications of commercial testing companies

Commercial companies that test backflow prevention assemblies for compliance with this chapter shall be certified by the Washington State Department of Health. The Water Supplier maintains a list of these commercial testing companies approved to perform testing of backflow prevention assemblies. If a desired commercial testing company is not on the approved list, the company may submit qualifications to the Water Supplier and request authorization to perform backflow prevention testing.

13.06.160 Testing of backflow prevention assemblies prior to initial operation.

Each backflow prevention assembly shall be tested by a commercial testing company prior to initial operation. However, new backflow preventers that have been granted a Certificate of Compliance and have been approved by the Superintendent may be installed and put into service without further test or qualification.

13.06.170 Testing and repairing backflow prevention assemblies after initial operation.

- A. Each backflow prevention assembly after initial testing shall be field tested on an annual basis by a commercial testing company selected and coordinated by the consumer. The field test shall occur no later than the annual date of installation. In those instances where the Superintendent deems the hazard to be great enough, the Superintendent may require field tests at more frequent intervals.
- B. If repair or relocation of a backflow prevention assembly is required, each backflow prevention assembly shall be field tested after being repaired or relocated and prior to being placed back into service.

- C. A representative from the Water Supplier may witness the field tests at the discretion of the Water Supplier. Records of the field tests and all repairs shall be submitted to the Water Supplier.
- D. All expenses related to testing, repairs, relocation, or replacement shall be at the expense of the consumer.
- E. In cases where ownership of a backflow preventer is unclear, the Water Supplier will perform the testing or repairs and shall proportionately charge all customers receiving service through the backflow prevention assembly.

13.06.180 Backflow prevention assembly quality control assurance.

Qualifications of each backflow assembly tester performing backflow assembly testing within the Water Supplier's water service area will be reviewed by the Superintendent in the manner and frequency described in the Water Supplier's Water System Plan.

13.06.190 Inspections.

The consumer must allow for inspections at reasonable times to authorized representatives of the Superintendent to determine compliance with this code.

13.06.200 Backflow prevention assembly incidents.

The Water Supplier will respond to backflow prevention incidents as described in the Water Supplier's Water System Plan.

13.06.210 Operation and Maintenance of protected connections.

Operation and maintenance of the consumer's system by the consumer shall be continuous. Service of water to any premises shall be discontinued by the Water Supplier if any of the following conditions exist:

- A. Required backflow prevention assembly is not installed, tested, or maintained; or
- B. Backflow prevention assembly has been removed or bypassed; or
- C. Unprotected cross-connection exists on the premises.

Service will not be restored until such conditions or defects are corrected and approved by the Water Supplier.

13.06.220 Variances.

The Superintendent may grant a variance from the provisions of this code in accordance with the variance process outlined in the City of Gig Harbor Public Works Standards in lieu of the City Engineer.

13.06.230 Violations – Delinquencies.

The lack of use, improper placement, uncompleted repairs, untimely field testing, unpermitted connection to the public water system or any activity which violates the provisions of this code shall be unlawful and a violation of this code.

- A. Field testing as required by this code shall be deemed delinquent if the field test results are not presented to the Water Supplier within 20 days following the annual date of installation. For each delinquent field test the Water Supplier will

provide a delinquency notice by certified mail to the property owner and, if the record owner does not reside at the premises, the occupant. In the event field testing remains delinquent 45 days following the annual date of installation, the Water Supplier will mail and hand deliver a shut-off notice to the property owner and, if the record owner does not reside at the premises, the occupant. The shut-off notice will provide the following: (1) water service will be shut off unless field test results are presented to the Water Supplier within 10 days of the date of the shut-off notice; (2) address and telephone number of the Water Supplier, stating that the owner or occupant may contact the department if a dispute exists as to the required field testing; and (3) a \$40.00 fee will be charged for the shut-off notice. If the property owner has not corrected the delinquency within the time provided under the shut-off notice, the Water Supplier will shut off water service. Once the delinquency is corrected the Water Supplier will turn on water service.

- B. For all other violations of this code the Superintendent will issue a correction notice or a stop work order, depending on the severity of the violation.
1. If a correction notice is issued, the Water Supplier will mail a correction notice to the property owner and, if the record owner does not reside at the premises, the occupant. All corrections deemed necessary by the Superintendent shall be corrected within 20 days following the date of issuance of the correction notice. If corrections are not completed within 45 days following the date of issuance of the correction notice, the Water Supplier may shut off water service until all corrections are completed. The Water Supplier will charge a \$40.00 fee to shut off the water.
 2. If a stop work order is issued, the Superintendent may at their discretion, shut off water service immediately. All violations shall be corrected and accepted by the Superintendent prior to lifting of the stop work order and, if water service was shut off, turning water service back on. The Water Supplier will charge a \$40.00 fee to shut off the water.

13.06.240 Remedies not exclusive

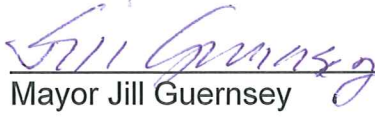
The remedies set forth in this chapter are not exclusive. The city council may authorize the city attorney to take any legally authorized actions against a noncompliant permittee or consumer, including, but not limited to, all applicable remedies enumerated in this chapter and available under applicable law.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

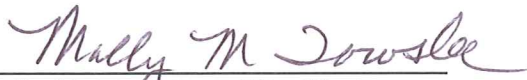
Section 4. Effective Date. This Ordinance shall take effect and be in full force on June 1, 2016 after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor,
this 22nd day of February, 2016.

CITY OF GIG HARBOR


Mayor Jill Guernsey

ATTEST/AUTHENTICATED:


Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney


Angela G. Summerfield

FILED WITH THE CITY CLERK: 02/03/16
PASSED BY THE CITY COUNCIL: 02/22/16
PUBLISHED: 02/24/16
EFFECTIVE DATE: 06/01/16
ORDINANCE NO: 1331