

AN ORDINANCE FOR THE CONTROL OF BACKFLOW AND CROSS-CONNECTIONS FOR THE CITY OF SEARCY, ARKANSAS, AND FOR OTHER PURPOSES.

SECTION 1 - CROSS-CONNECTION CONTROL - GENERAL POLICY

1.1 Purpose

The purpose of this Ordinance is as follows:

- (a) To protect the public potable water supply of Searcy, Arkansas, from the possibility of contamination or pollution due to backflow into the public potable water system.
- (b) To promote the elimination or control of existing cross-connections, actual or potential, between the owner's or customer's potable water system(s) and non-potable water systems, plumbing fixtures, and industrial piping systems.
- (c) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of the potable water system of Searcy, Arkansas.

1.2 Applicability

The provisions of this Ordinance shall apply to all owners or customers of the Searcy Water and Sewer System operated by the Searcy Board of Public Utilities, which are required or mandated by the Arkansas Department of Health to be subject to the backflow and cross-connection program, or any owner or customer whose facilities, in the judgment of the Searcy Board of Public Utilities, pose a hazard to the Searcy Water System facilities from backflow contamination.

SECTION 2 - DEFINITIONS

When used in this Ordinance, the following terms shall have the stated meanings.

2.1 Approved - Accepted by the Board as meeting an applicable specification stated or cited in this Ordinance or as suitable for the proposed use.

2.2 Auxiliary Water Supply - Any water supply on or available to the property, other than the owner's or customer's approved public water supply. These auxiliary waters may include water from another owner's or customer's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These water supplies may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the owner or water customer does not have sanitary control.

2.3 Backflow - The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any sources other than its intended sources.

2.4 Backpressure - A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

2.5 Backsiphonage - The flowing back of contaminated or polluted water from a plumbing fixture, vessel or other source into a water supply pipe due to a negative pressure in such pipe.

2.6 Backflow Prevention Assembly - A mechanical backflow prevention assembly constructed with shut-off valves, and provided as a complete assembly by a single manufacturer, used to prevent the flow of contaminants or pollutants into the public potable water system. The assembly must have the approval of the Foundation for Cross-Connection Control and Hydraulic Research at the University of Southern California, State of Arkansas Department of Health, and the Board. Types of assemblies include Reduced Pressure Zone Assemblies (RPZ), Double Check Valve Assemblies, and others.

2.7 Backflow Prevention Device - A mechanical backflow preventer without the shut-off valves on either side of the backflow prevention mechanism. Any backflow prevention assembly which does not have the shut-off valves is called a "device."

2.8 Board - The Searcy Board of Public Utilities or its designated agent or representative.

2.9 Bypass - Any arrangement of pipes, plumbing, or hoses designed to divert the flow of water around an installed backflow prevention device or assembly.

2.10 Certified Assembly Testing Technician (Tester) - A person certified by the Arkansas Department of Health as an assembly testing technician.

2.11 Certified Assembly Repairman Technician - A person certified by the Arkansas Department of Health as an assembly repairman technician.

2.12 City - The City of Searcy, Arkansas.

2.13 Containment - A method of cross-connection control requiring a backflow prevention assembly at the point of service connection to the public potable water system.

2.14 Contaminant - A substance that will impair the quality of the water to a degree that it creates a health hazard.

2.15 Cross-Connection - Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

2.16 Cross-Connection Control - The use of backflow prevention assemblies, methods and procedures to prevent contamination or pollution of a potable water supply through cross-connections.

2.17 Customer - Any person, owner, or entity which obtains potable water service from the Board.

2.18 Degree of Hazard - The danger posed by a particular substance or set of circumstances.

2.19 Fire Protection System - A fire protection system consisting of pipes, sprinklers, valves, fixtures, fittings, ponds, tanks, water storage vessels, and fire hydrants that are intended and used exclusively for fire protection.

2.20 Inspector - A person authorized by the Board to perform inspections of an owner's or customer's facilities for the purpose of determining compliance with the City of Searcy Cross-Connection Control Program.

2.21 Isolation - A method to confine a potential source of contamination to the non-potable system being served; to provide a backflow prevention mechanism at each actual or potential cross-connection.

2.22 New Construction - Construction of a new facility, alteration or addition to an existing facility, or modification or addition to existing plumbing and fire protection systems.

2.23 Owner - The person or persons who possess any interest in the structure or property to which such ownership relates.

2.24 Person - Any individual, partnership, company, public or private corporation, political subdivision, or agency of the United States or any other legal entity.

2.25 Pollutant - A foreign substance that, if permitted to enter the public potable water system, will degrade its quality so as to constitute a hazard.

2.26 Potable Water - Water which is satisfactory for drinking, culinary and domestic purposes, and meets the requirements of the State Department of Health.

2.27 Program - The City of Searcy Cross-Connection Control Program.

2.28 Retrofit - Replacement of an existing device or backflow prevention assembly when the specifications or condition of the device or assembly are not adequate for the degree of hazard found on the property as defined by this program.

2.29 Shall - Mandatory; "may" is permissive.

2.30 Service Connection - A piping connection between the public potable water system and a private property owner's or customer's system.

2.31 System - Searcy Water and Sewer System operated by the Board.

SECTION 3 - REQUIREMENTS

3.1 Board's Responsibilities

- (a) The Board shall be responsible for the implementation of the program. If, in the judgment of the Board, an approved backflow prevention assembly is required at the owner's or customer's water service connection for the safety of the public water system, the Board shall give notice in writing to the owner or customer to install such an approved backflow prevention assembly(s) at specific locations on the owner's or customer's premises.

- (b) The determination of the need for a backflow prevention assembly or device shall be made by the Board in accordance with local and state regulations and recommendations made by the State of Arkansas, Department of Health. A review of plans and/or an inspection of the property may be included in making this determination. Once this determination has been made the following actions shall be taken:
 - (1) For new property, a review of plans will be made prior to any water service connection. Water service shall not be permitted until the owner or customer has removed, or protected by installation of approved backflow prevention devices or assemblies, all actual or potential cross-connections.

 - (2) For property with backflow prevention assemblies existing prior to the adoption of this Ordinance, the Board will inform the owner or customer in writing of any retrofit required, the method of achieving the retrofit, and the time allowed for the retrofit to be made.

 - (3) For property built prior to the adoption of this Ordinance with actual or potential cross-connections which are not protected by a backflow prevention device or assembly, the Board shall inform the owner or customer in writing of the requirement to install a backflow prevention device or assembly, the proper method of installation, and the time allowed for the installation.

 - (4) The Board shall inform the owner or customer, in writing, of any failure to comply. In the event the owner or customer fails to comply with the necessary correction,

the Board shall inform the owner or customer, in writing, that the water service to the owner's or customer's property will be terminated. In the event that the owner or customer informs the Board of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Board.

- (5) If the Board determines at any time that a serious threat to the public health exists, the water service shall be terminated immediately.
- (c) A program for routine inspection shall be administered by the Board. Routine inspections shall be made on properties that the Board determines pose a significant threat to the public and to the public potable water supply. A record of each inspection shall be maintained by the Board.
- (d) A program for tracking all cross-connections and the installation, maintenance, and testing of all backflow prevention devices and assemblies shall be administered by the Board. All appropriate records shall be maintained by the Board.

3.2 Owner's or Customer's Responsibilities

The owner or customer shall be responsible to:

- (a) Eliminate all cross-connections or install an approved backflow prevention assembly on the property.
- (b) Retrofit any unapproved existing backflow preventers should they be relocated; require more than minimal maintenance, or the operation or maintenance of the device/assembly constitutes a hazard to public health.
- (c) Correct any malfunction of the backflow prevention assembly or device.
- (d) Inform the Board of any proposed or modified cross-connections and also any existing cross-connections of which the owner or customer is aware but has not been identified by the Board.
- (e) Not install a by-pass around any backflow prevention device or assembly unless there is a backflow prevention assembly/device of the same type in the by-pass.

- (f) Insure that the type of backflow prevention assembly/device and manner of installation is approved by the Board.
- (g) Pay all fees for installation, maintenance, and testing of backflow prevention assemblies and devices.
- (h) Have all backflow prevention assemblies tested at a minimum rate of once per year. In those instances where the Board deems the hazards to be great enough that tests of said assemblies be conducted more often than once per year, the owner or customer shall have said assemblies tested at a frequency no less than the frequency required by the Board.
- (I) Install (2) two backflow prevention assemblies in parallel if uninterrupted water service is desired during testing or repair.
- (j) After having been notified by the Board of a requirement for a backflow prevention assembly, shall submit, within the time specified by the Board, installation plans for approval and install an approved backflow prevention assembly at their expense. Failure, refusal, or inability on the part of the owner or customer to install, maintain, and have tested, any and all backflow prevention assemblies on their property shall constitute grounds for discontinuing water service until such requirements have been satisfactorily met.
- (k) Insure that only individuals licensed by the state as Certified Assembly Repairman Technicians accomplish repairs, installation and maintenance on backflow prevention assemblies.
- (l) Insure that only Assembly Testing Technicians certified by the state do testing on backflow prevention assemblies.
- (m) Provide the Board with copies of all test and maintenance reports of backflow prevention assemblies as soon as reasonably possible following the testing or maintenance of the backflow prevention assembly.
- (n) Insure that backflow prevention assemblies are tested within ten (10) working days after installation and immediately after repair and or maintenance.

3.3 Retrofit of Backflow Preventers

All presently installed backflow prevention assemblies and devices which do not meet the requirements of this Ordinance, but were approved assemblies for the purposes described herein at the time of installation and which do not require more than minimum maintenance, will not require replacement; however, an assembly or device that requires more than minimum maintenance or that the Board finds to be a hazard to health, shall be replaced by an approved backflow prevention assembly. All presently installed backflow prevention assemblies shall be tested in accordance with Section 3.5 of this Ordinance.

3.4 Approved Backflow Prevention Assembly

Any backflow prevention assembly required shall be a model and size approved by the Arkansas State Health Department and the Board.

3.5 Periodic Testing of Backflow Prevention Assemblies

- (a) All backflow prevention assemblies shall be tested at least once annually. Testing shall be performed by a Certified Assembly Testing Technician.
- (b) Any backflow prevention assembly which fails a performance test shall be repaired or replaced. Upon completion of any necessary repairs the assembly shall be retested to insure correct operation. Copies of all repair, maintenance, testing and retesting reports shall be submitted to the Board as soon as reasonably possible following testing or retesting.
- (c) Backflow prevention assemblies will be tested more frequently than once annually in cases where there is a history of test failures and the Board determines that due to the^A degree of hazard involved, additional testing is warranted. The owner or customer shall initiate testing and bear the cost of the additional tests.

3.6 Reporting Requirements and Records

- (a) The owner or customer shall be responsible for properly filing reports with the Board for each required backflow prevention

assembly. In addition, any failure, removal, modification or replacement of an assembly shall be reported immediately by telephone to the Board.

- (b) The owner or customer shall keep records for each assembly. Installation drawings, manufacturer, model, serial number, date installed, and technical data are the minimum record requirements.

SECTION 4 - PROTECTION OF BACKFLOW PREVENTION DEVICES

4.1 No unauthorized person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface or tamper with any structure, accessory or equipment which is part of a backflow prevention assembly or device.

4.2 No person, without first obtaining written consent from the Board, shall cover a backflow prevention assembly or assembly vault with earth or pavement, or otherwise render it inaccessible.

SECTION 5 - POWERS AND AUTHORITIES OF INSPECTORS

5.1 The Board, or its duly authorized agent(s) or representative(s) bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation and testing to verify adherence to the provisions of this Ordinance. The Board, or its agent or representative, shall have no authority to inquire into any processes beyond that point having a direct bearing on the determination of the degree of hazard. The Board shall have authority to inspect and copy records pertaining to the threat of a hazard to the public potable water system.

5.2 An owner or customer may request that specific information which must be submitted to the Board be kept confidential. The Board will follow the requirements of 40 CFR 2 in its evaluation and approval or denial of each owner's or customer's request for confidentiality. Generally, to be considered confidential, the information would have to meet one or more of the following:

- (1) It would have to divulge substances, devices, or processes that are patented or for which patents are being sought; or

- (2) It would have to divulge financial data; or
- (3) The owner or customer would have to employ processes or produce substances that the nature of which is "Classified" (for military, Federal Intelligence, nuclear power, and some space exploration industries).

5.3 Where confidentiality is granted, confidential material shall be removed from the files available for public inspection and kept under control of the Board.

5.4 The owner's or customer's property shall be available for inspection at all reasonable times to the Board to determine whether cross-connections or other structural or sanitary hazards exist, including violations of this Ordinance.

SECTION 6 - VARIANCE

6.1 Requests for deviation or relief from any of the provisions of this Ordinance shall be submitted in writing to the Board. The Board shall not deviate from the provisions of this Ordinance, but may grant a variance in areas not addressed by ordinance if not in conflict with the spirit and intent of the Cross-Connection Control Program. Requests for use of other than approved backflow prevention assemblies shall be accompanied by technical data.

6.2 No action shall be taken on the part of the owner or customer to proceed with any construction or installation of which a request for deviation has been submitted, without the written permission of the Board.

SECTION 7 - VIOLATIONS AND PENALTIES

7.1 Notification of Violation (NOV) The Board, or its designated agent or representative, shall notify the owner of the property or the customer, or an authorized agent thereof, of any violation of this Ordinance. The notification shall include the specific reason for the notification and set a reasonable time for the owner or customer to have the violation removed or corrected. On failure of the owner or customer to have the violation corrected by the end of the specified time interval, the Board, or designated agent thereof, may, if an imminent health hazard exists, cause the water service to the property to be immediately terminated, and/or recommend such additional fines or penalties to be invoked as herein may be provided.

7.2 Fines - The owner or customer of a property in which a violation has occurred and who knowingly permits a violation to remain uncorrected after the expiration of time set by the Board, or designated agent thereof, shall, on conviction thereof by the court, be required to pay a fine of not more than \$500.00 for each violation. Each day of failure to comply with the requirements of this Ordinance, after the specified time provided under 7.1, shall constitute a separate violation.

7.3 Any person violating the provisions of this Ordinance shall be liable to the Board for any expense, loss or damage caused the Board by reason of such violation.

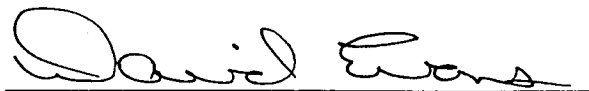
SECTION 8 - SEVERABILITY

If any provision, paragraph, word, section, chapter, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, chapters, and articles shall not be affected and shall continue in full force and effect.

SECTION 9 - CONFLICT

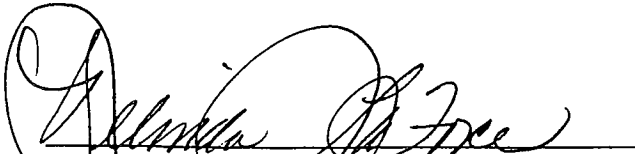
All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

ADOPTED THIS 13th DAY OF JUNE, 1997.



DAVID EVANS
MAYOR, CITY OF SEARCY

ATTEST:



BELINDA LAFORCE
CITY CLERK, CITY OF SEARCY