

SEELEY COUNTY WATER DISTRICT
1898 West Main Street (P.O. Box 161) Seeley, CA92273
Telephone: 760.352.6612
Facsimile: 760.352.0589



ORDINANCE NO. 3

AN ORDINANCE OF THE SEELEY COUNTY WATER DISTRICT AMENDING AND CONFIRMING ESTABLISHMENT OF A CROSS-CONNECTION WATER CONTROL PROGRAM TO PROTECT THE SEELEY PUBLIC WATER SYSTEM.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SEELEY COUNTY WATER DISTRICT AS FOLLOWS:

Section 1. Cross-Connection Water Control Program.

Purpose. The purpose of this Ordinance is (1) to protect the public 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-connection between drinking water systems and sources of contamination; and, (4) to prevent the making of cross-connections in the future.

These regulations are adopted pursuant to the State of California Administrative Code, Title 17 – Public Health entitled “Regulations Relating to Cross-Connections”.

It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the Seeley Water Department and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of Seeley and/or the service of water pipes or fixtures of any consumer of Seeley.

Definitions.

a) Air-Gap Separation. The term “air-gap separation” means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, in no case less than one (1) inch.

b) Board of Appeals. Board of Appeals shall mean the Board of Directors of the Seeley County Water District.

c) Approved Backflow Prevention Device. The term "Approved Backflow Prevention Device" shall mean devices which have passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the California Department of Public Health.

d) Approved Water Supply. The term "approved water supply" means any water supply whose potability is regulated by a State or local health agency.

e) Auxiliary Supply. The term "auxiliary supply" means any water supply on or available to the premises other than the approved water supply.

f) AWWA Standard. The term "AWWA Standard" means an official standard developed and approved by the American Water Works Association (AWWA).

g) Backflow. The term "backflow" shall mean a flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source. Backsiphonage is one cause of backflow. Back pressure is the other cause of backflow.

h) Contamination. The term "contamination" means a degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health or which may impair the usefulness or quality of the water.

i) Cross-Connection. The term "cross-connection" as used in this Ordinance means any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

j) Director. The term "Director" shall refer to the Director of Seeley County Water District who is hereby designated as the Director who shall administer and enforce the terms of this Ordinance, or such other person as the Board of Directors may from time to time appoint.

k) Double Check Valve Assembly. The term "double check valve assembly" means an assembly of at least two (2) independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the watertightness of each check valve.

l) Health Agency. The term "health agency" means the California Department of Public Health, or the local health agency with respect to a small water system.

m) Local Health Agency. The term "local health agency" means the Imperial County Health authority.

n) Person. The term "person" means an individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.

o) Premise. The term "premise" means any and all areas on a customers' property which are served or have the potential to be served by the Seeley Water System.

p) Reclaimed Water. The term "reclaimed water" means a waste water which as a result of treatment is suitable for uses other than potable use.

q) Reduced Pressure Principle Backflow Prevention Device. The term "reduced pressure principle backflow prevention device" means a device incorporating two (2) or more check valves and an automatically operating differential relief valve located between the two (2) checks, a tightly closing shut-off on each side of the check valve assembly, and equipped with necessary test cocks for testing.

r) Service Connection. The term "service connection" refers to the point of connection of a user's piping to the water supplier's facilities.

s) Water Supplier. The term "water supplier" means the person who owns or operates the approved water supply system.

t) Water User. The term "water user" means any person obtaining water from an approved water supply system.

Section 2. Cross-Connection Protection Requirements.

a) General Provisions.

1) Unprotected cross-connection with the public water supply are prohibited.

2) Whenever backflow protection has been found necessary, the Seeley County Water District will require the water user to install an approved backflow prevention device by and at his/her expense for continued services or before a new service will be granted.

3) Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then, any and all water supply from the Seeley mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention device. The type of device to be installed will be in accordance with the requirements of this Ordinance.

b) Where Protection is Required.

1) Each service connection from the Seeley water system for supplying water to

premises having an auxiliary water supply shall be protected against backflow of water from the premise into the public water system unless the auxiliary water supply is accepted as an additional source by Seeley Water District and is approved by the public health agency having jurisdiction.

2) Each service connection from the Seeley water system for supplying water to premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and water originating from the Seeley water system which have been subjected to deterioration in sanitary quality.

3) 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 State or Imperial County Health Department and Seeley County Water 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.

c) Type of Protection Required.

1) The type of protection that shall be provided to prevent backflow into the approved water supply shall commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listing in an increasing level of protection) includes: Double Check Valve Assembly (DC), Reduced pressure Principle Backflow Prevention Device (RP), and an Air-Gap Separation (AG). The water user may choose a higher level of protection than is required by the Seeley Water District. The minimum types of backflow protection required to protect the approved water supply, at the user's water connection to premises with varying degrees of hazards. Situations not covered shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the Seeley Water District or Imperial County Health Department.

TABLE 1

TYPE OF BACKFLOW PROTECTION REQUIRED

Degree of Hazard	Minimum Type of Backflow Prevention
a) SEWAGE AND HAZARDOUS SUBSTANCES	
1) Premises where the public system is used to supplement the reclaimed water supply	AG
2) Premises where there are wastewater	

pumping and/or treatment plants and there is no inter-connection with the potable water system. This does not include a single family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if Approved by the Imperial County Health Department and Seeley.

AG

- 3) Premises where reclaimed water is used and there is no interconnection with the potable water system. A RP may be provided in lieu of an AG if approved by the Imperial County Health Department and Seeley.

AG

- 4) Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single family residence That has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the Imperial County Health Department and Seeley.

AG

- 5) Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.

RP

b) **AUXILIARY WATER SUPPLIES**

- 1) Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. A PR or DC may be provided in lieu of an AG if approved by the Health Department and Seeley Water District.

AG

- 2) Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of an RP if approved by the Health Department and Seeley.

RP

c) **FIRE PROTECTION SYSTEMS**

- 1) Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply

on or to the premises (not inter-connected). DC

2) Premises where the fire system is supplied from the public water system and interconnected with an approved auxiliary water supply. An RP may be provided in lieu of an AG is approved by the Health Department and Seeley. AG

3) Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used. DC

4) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist. RP

5) Premises where there is a repeated history of cross-connections being established or re-established. RP

2) Two (2) or more services supplying water from different street 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 valve shall not be considered adequate if backflow protection is deemed necessary to protect the Seeley mains from pollution or contamination; in such cases the installation of approved backflow devices at such service connections shall be required.

Section 3. Backflow Prevention Devices.

A. Approved Backflow Prevention Devices.

1. Only backflow prevention devices which have been approved by the Director shall be acceptable for installation by a water user connected to Seeley's potable water system.

2. The Director will provide, upon request, to any affected customer with a list of approved backflow prevention devices.

B. Backflow Prevention Device Installation.

1. Backflow prevention devices shall be installed in a manner prescribed in Section 7603, Article 2, Title 17 of the California Administrative Code. Location

of the devices should be as close as practical to the user's connection. The Director shall have the final authority in determining the required location of a backflow prevention device.

a. Air-gap Separation (AG). The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The inlet piping shall terminate a distance of at least two (2) pipe diameters of the supply inlet, but in no case less than one (1) inch above the overflow rim of the receiving tank.

b. Reduced Pressure Principle Backflow Prevention (RP). The approved reduced pressure principle backflow prevention device shall be installed on the user's side of and as close to the service connection as is practical. The device shall be installed a minimum of twelve inches (12") above grade and not more than thirty-six inches (36") above grade measured from the bottom of the device and with a minimum of twelve inches (12") side clearance. The device shall be installed so that any point between the service connection and the RP device shall be protected in a manner approved by the Director.

c. Double Check Valve Assembly (DC). The approved double check valve assembly shall be located as close as practical to the user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve is a minimum of six inches (6") between the bottom of the vault and the bottom of the device so that the top of the device is no more than a maximum of eight inches (8") below grade, so there is a maximum of six inches (6") of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of three inches (3") clearance between the other side of the device and the side of the vault. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the device. Vaults which do not have an integrated bottom must be placed on a three inch (3") layer of gravel.

C. Backflow Prevention Device Testing and Maintenance.

1. The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person who has demonstrated their competency in testing of these devices to the Director. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The Director may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the Director shall be filed with the Director each time a device is tested, relocated, or repaired. These devices shall be serviced, over-hauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.

2. The Director will supply affected water users with a list of persons acceptable to the Director to test backflow prevention devices. The Director will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

D. Backflow Prevention Device Removal.

1. Approval must be obtained from the Director before a backflow prevention device is removed, relocated, or replaced.

a) Removal: The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the Director to verify that a hazard no longer exists or is not likely to be created in the future;

b) Relocation: A device may be relocated following confirmation by the Director that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;

c) Repair: A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the Director. A retest will be required following the repair of a device.

d) 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 Director and must commensurate with the degree of hazard involved.

Section 4. User/Supervisor. At each premises where it is necessary, in the opinion of the Director, a user supervisor shall be designated by and at the expense of the water user. This user supervisor shall be responsible for the monitoring of the backflow prevention devices and for avoidance of cross connections. In the event contamination or pollution of the drinking water system due to a cross-connection on the premises, the Director shall be promptly notified by the user supervisor so that appropriate measures may be taken to overcome the contamination. The water user shall inform the Director of the user supervisor's identity on, as a minimum, an annual basis and whenever a change occurs.

Section 5. Administrative Procedures.

A. Water System Survey

1. The Director shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Director 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

2. The Director may require an on-premise inspection to evaluate cross-connection hazards. The Director will transmit a written notice requesting an inspection appointment to each affected water user. Any customer which cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention device the Director considers necessary.

3. The Director may, at his discretion, require a re-inspection for cross-connection hazards of any premise to which it serves water. The Director will transmit a written notice requesting an inspection appointment to each affected water user. Any customer which cannot or will not allow an on-premise inspection of their piping system shall be required to install the backflow prevention device the Director considers necessary.

4. However, notwithstanding the procedures set forth hereinbelow to the contrary, when the Director has determined that there is an immediate danger to the public health as a result of the existence of a cross-connection situation or other situation causing an immediate threat to the public water system, the Director may immediately order that, among other things, the water system be disconnected to the source of said cross-connection or contamination until necessary corrections to the system have been made. Any such decision by the Director may be appealed to the Appeals Board; however, the filing of such appeal shall not have the effect of staying such order or the decision of the Director.

B. Customer Notification-Device Installation

1. The Director will notify the water user of the survey findings, listing corrective action to be taken, if required. A period of sixty (60) days will be given to complete all corrective action required including installation of backflow prevention devices.

2. A second notice will be sent to each water user which does not take the required corrective action prescribed in the first notice within the sixty (60) days period allowed. The second notice will give the water user a two (2) week period to take the required corrective action. If no action is taken within the two (2) week period, the Director may terminate water service to the affected water user until the required corrective actions are taken.

C. Customer Notification-Testing and Maintenance.

1. The Director will notify each affected water user when it is time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water user thirty (30) days to have the device tested and supply the water user with the necessary form to be completed and resubmitted to the Director.

2. A second notice shall be sent to each water user which does not have his/her backflow prevention device tested as prescribed in the first notice within the thirty (30) days period allowed. The second notice will give the water user a two (2) week period to have his/her backflow prevention device tested. If no action is taken within the two (2) week

thirty (30) days period allowed. The second notice will give the water user a two (2) week period to have his/her backflow prevention device tested. If no action is taken within the two (2) week period, the Director may terminate the water service to the affected water user until the subject device is tested.

Section 6. Water Service Termination.

A. General. When the Director encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the Director shall institute the procedure for discontinuing the Director water service.

B. Basis for Termination. Conditions or water uses that create a basis for water termination shall include, but are not limited to, the following items:

1. Refusal to install a required backflow prevention device;
2. Refusal to test a backflow prevention device;
3. Refusal to repair a faulty backflow prevention device;
4. Refusal to replace a faulty backflow prevention water system and a sewer line;
5. Direct or indirect connection between the public water system and a sewer line;
6. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;
7. Unprotected direct or indirect connection between the public water system and an auxiliary water system;
8. A situation which presents an immediate health hazard to the public water system.

C. Water Service Termination Procedures.

1. For conditions 1, 2, 3, or 4, the Director will terminate service to a customer's premise after two (2) written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period, water service may be terminated.

2. For conditions 4, 5, 6, 7, or 8, the Director will take the following steps:

a) Make reasonable effort to advise water user of intent to terminate water service;

b) Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the Director.

Section 7. Appeals Procedure.

A. Form of Appeal. Any person entitled to water service under the Seeley Code may appeal from any notice and order or any action of the Director under this Article by filing at the office of the Director within thirty (3) days from the date of service of such order, a written appeal containing:

1. A heading in the words "Before the Board of Appeals of the Seeley County Water District".

2. A caption reading "Appeal of _____", giving the names of all appellants in the water system involved in the notice and order.

3. A brief statement setting forth the legal interest of each of the appellants in the water system involved in the notice and order.

4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.

6. The signatures of all parties named as appellants and their official mailing addresses.

7. The declaration, under penalty of perjury, of at least one (1) appellant as to the truth of the matters stated in the appeal.

B. Processing of Appeal. Upon receipt of any appeal filed pursuant to this Section, the Director shall present it at the next regular or special meeting of the Appeals Board.

C. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the Board of Appeals shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall not be less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the Director. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the Secretary of the Board either by causing a copy of such

D. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this Section shall constitute a waiver of his/her right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

Section 8. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The Seeley County Water District hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid.

Section 9. Effective Date. This Ordinance shall take effect thirty (30) days from and after its adoption. Within fifteen (15) days after adoption, it shall be posted in three (3) public places, within Seeley County Water District.


Introduced at a Regular Meeting of the Board of Directors of Seeley County Water District of Seeley, California, held on the 12th day of November, 2014, and passed and adopted by the Board of Directors of the Seeley County Water District on the 12th day of January, 2015, by the following vote:

AYES: Patrick Harris, Alberto Aguilar, Manuel Robles, Beatriz Scroggins
NOES: None
ABSENT: Jason Grima
ABSTENTIONS: None.



Patrick Harris
President of the Board of Directors
Seeley County Water District

Attest:

By 


Pam Hammond
Secretary to the Board of Directors
of Seeley County Water District

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
SEELEY, CALIFORNIA)

I, PAM HAMMOND, Secretary to the Board of Directors of Seeley County Water District, do hereby certify that the foregoing Ordinance No. 3 had its first reading on November 12, 2014, and had its second reading on January 12, 2015, and was passed by the following vote:

AYES: Patrick Harris, Alberto Aguilar, Manuel Robles, Beatriz Scroggins
NOES: None
ABSENT: Jason Grima
ABSTENTIONS: None.

DATE: 01-12-15


PAM HAMMOND
Secretary to the Board of
Directors