

ORDINANCE NO. 744

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING PORTIONS OF CHAPTER 13.24 CROSS-CONNECTION CONTROL PLAN OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend portions of Chapter 13.24 of the Columbia Falls Municipal Code dealing with Cross-Connection Control Plan; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Section Amended: Chapter 13.24 of the Columbia Falls Municipal Code is hereby amended to read as shown on Exhibit "A" attached hereto.

Section Two. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Three. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Four. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 7th DAY OF APRIL, 2014, THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Karper, Lovering, Petersen, Shepard and Barnhart

NOES: None

ABSENT: Plevel

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 7th DAY OF APRIL, 2014.

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

13.24.010 Purpose.

A. The purposes of this program are: (1) to protect the public water supply against actual or potential contamination through cross-connections by isolating sources of contamination that may occur within a water user's premises 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-connections between drinking water systems and sources of contamination; (4) to prevent future cross-connections. This program is adopted pursuant to MCA 75-6-103(2)(K) and Administrative Rules of Montana, Title 17, Chapter 38, Rule 17.38, Subchapter 3 The city of Columbia Falls water department has adopted the program with the knowledge and approval of the Montana Department of Environmental Quality (DEQ).

B. It is not permissible for any person, firm, or corporation at any time to make or maintain or cause any cross-connection between plumbing pipes or water fixtures being served with water by the city of Columbia Falls water department and any other source of 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 the city of Columbia Falls. (Ord. 624 § 1(part), 2000)

13.24.020 Definitions.

(1) "Approved backflow prevention assembly or device" means an assembly or device approved by the department.

(2) "Back pressure" means any increase of water pressure in the downstream piping system above the supply pressure at a point where backflow could occur.

(3) "Back siphonage" means a form of backflow caused by a reduction in supply pressure which causes a negative or sub-atmospheric pressure to exist in the water system.

(4) "Backflow" means the undesirable reversal of water flow or the reversal of water flow containing other liquids, gases or other substances from a connected source that flows into the distribution pipes of the public water supply system.

(5) "Backflow prevention assembly" means an apparatus that consists of a backflow prevention device, two shutoff valves, and appropriate test ports.

(6) "Backflow prevention device" means an apparatus designed to prevent backflow.

(7) "Certified backflow prevention assembly tester" means a person who holds a current certificate issued by a certification program of any state authorizing the person to test backflow prevention assemblies or who holds a current certificate from the American Society of Sanitary Engineers or the American Backflow Prevention Association.

(8) "Cross-connection" is defined in [75-6-102](#), MCA.

(9) "Degree of hazard" means the level of risk created by either a pollutant (non-health hazard) or a contaminant (health hazard), as derived from an assessment of the materials that may come in contact with the distribution system through a cross-connection.

(10) "Health hazard" means a condition that causes or creates a potential for water contamination that may cause disease or have other physical or toxic effects on humans.

(11) "Non-health hazard" means a condition that causes or creates a potential for water quality degradation but does not constitute a health hazard.

13.24.030 Cross-connection protection requirements.

(1) A cross-connection on a public water supply system must be eliminated by the disconnection of the cross-connection whenever reasonably practicable. Whenever elimination of a cross-connection is not reasonably practicable and the cross-connection creates a health or non-health hazard, the hazard must be eliminated by the insertion into the piping of an approved backflow prevention assembly or device in accordance with (2).

(2) For the cross-connections identified below, the following types of approved backflow prevention assemblies or devices must be used:

(a) A health hazard created by a cross-connection that may be subject to back pressure must be eliminated by an approved reduced pressure principle backflow prevention assembly (RP) or an air-gap.

(b) A health hazard created by a cross-connection that may be subject to back siphonage, but not subject to back pressure, must be eliminated by an approved air-gap, pressure vacuum breaker assembly (PVB), spill-resistant pressure vacuum breaker assembly (SVB), atmospheric vacuum breaker (AVB), or a reduced pressure principle backflow prevention assembly (RP).

(c) A non-health hazard created by a cross-connection that may be subject to back pressure and back siphonage must be eliminated, at a minimum, by an approved double check valve assembly (DC). This cross-connection condition may also be eliminated by an air-gap or by an approved reduced pressure principle backflow prevention assembly (RP).

(d) A non-health hazard created by a cross-connection that may be subject to back siphonage, but is not subject to back pressure, must be eliminated, at a minimum, by an approved double check valve assembly (DC), pressure vacuum breaker assembly (PVB), spill-resistant pressure vacuum breaker assembly (SVB), or an atmospheric vacuum breaker (AVB). This cross-connection condition may also be eliminated by an air-gap or by an approved reduced pressure principle backflow prevention assembly (RP).

(3) Backflow prevention assemblies and devices must be approved by the department.

(4) A backflow prevention assembly or device must be installed and maintained, at a minimum, in accordance with the manufacturer's specifications.

(5) This rule applies to piping between water systems outside of any building and to piping within any building, including cross-connections in plumbing systems.

(6) The department may not approve a plan for the construction of a public water supply system containing provisions for cross-connection unless provisions for the protection of the public water supply are demonstrated in the plan.

13.24.040 Voluntary Cross-Connection Control Programs: Standards and Requirements for Cross-Connection Control

(1) The city shall operate the program in assurance with the requirements of ARM 17.38.310 or its successor;

(a) the program provides for elimination of cross-connections, health hazards, and non-health hazards, and for installation and maintenance of backflow prevention assemblies or devices in accordance with ARM 17.38.305;

(b) the program provides that backflow prevention assemblies or devices must be inspected and tested, at least annually, in accordance with the "Manual of Cross-Connection Control", incorporated by reference in ARM 17.38.302; and

(c) the program provides that inspection and testing of backflow prevention assemblies or devices must be performed by a certified backflow prevention assembly tester as defined by the state of Montana.

13.24.050 Administrative procedures.

A. Water System Survey.

1. The city of Columbia Falls may review any request for new service to determine if backflow protection is needed. Plans and specifications must be submitted to the city of Columbia Falls upon request for review of possible cross-connection hazards as a condition of service for new service connections. If the city of Columbia Falls determines that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted. In addition, where multiple water systems exist on the user's premises, pipelines shall be identified by the user to clearly distinguish between the systems. This will be done in a manner acceptable to the city of Columbia Falls. Outlets of water systems shall be posted as deemed necessary to protect the potable water supply and the health of the public.

2. It is the responsibility of the water user to notify the city of a cross-connection; if city is not notified, the water user may be subject to penalty as set by Resolution.

3. The city of Columbia Falls water department will conduct surveys of the customers' premises in order to eliminate existing cross-connections. These surveys will be conducted on a priority basis, generally beginning with those identified as having the highest degree of hazard as outlined in Section 5 of the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research Manual of Cross-Connection Control, 10th Edition, or its successor.

4. The city of Columbia Falls may, at its discretion, require an inspection or re-inspection for cross-connection hazards on any premise to which it serves water. Conditions that warrant re-inspection may include, but are not limited to: change of ownership, change of business/use, addition or replacement of equipment, a backflow incident, etc. Any water user who cannot or will not allow an on-premise inspection of his piping system shall be required to install the backflow prevention assembly the city of Columbia Falls considers necessary.

B. Customer Notification--Assembly Installation.

1. The city of Columbia Falls will notify the water user of the survey findings, listing any corrective actions to be taken. A period of sixty days will be given to complete all corrective actions required, including installation of backflow prevention assemblies.

2. A second notice will be sent to each water user who does not take the required corrective actions prescribed in the first notice within the sixty day period allowed. The second notice will give the water user a two week period to take the required corrective action. If no action is taken within the two week period, the city of Columbia Falls may terminate water service to the affected water user until the required corrective actions are taken and inspected by the city of Columbia Falls personnel.

C. Customer Notification--Testing and Maintenance. The city of Columbia Falls will notify each affected water user when it is time for the backflow prevention assembly installed on their service connection to be tested. This written notice shall give the water user thirty days to have the assembly tested. A second notice shall be sent to each user who does not have their backflow prevention assembly tested as prescribed in the first notice within the thirty day period allowed. The second notice will give the water user a two week period to have their backflow prevention assembly tested. If no action is taken within the two week period, the city of Columbia Falls may terminate water service to the affected water user until the backflow assembly is tested and/or repaired and the necessary forms are submitted to the city of Columbia Falls. (Ord. 624 § 1(part), 2000)

D. Residential Testing: Beginning with Spring 2014, the city will facilitate the testing of approved residential backflow assemblies by requesting proposals for services and the cost of the test shall be added to the customers' water utility bill as set by Resolution.

13.24.060 Water service termination.

A. General.

1. When the city of Columbia Falls encounters water uses that represent a clear and immediate hazard to the public water supply that cannot be immediately abated, the city of Columbia Falls may institute the procedure for discontinuing the city of Columbia Falls water service.

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

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

C. Water Service Termination Procedures.

1. For conditions 1,2,3, or 4, the city of Columbia Falls may terminate service to a customer's premises after two 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. Conditions 5,6,7, or 8 are deemed an immediate threat to public health and the city of Columbia Falls may take the following steps:
 - a. Make reasonable effort to advise water user of intent to terminate water service;
 - b. Immediately terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been completed and approved by the city of Columbia Falls.
3. Any and all costs associated with termination of water service shall be borne by the water user. A reconnection fee may also be assessed. (Ord. 624 § 1(part), 2000)