

DRAFT

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF OXNARD AMENDING SECTION _____ AND ADDING CHAPTER _____ TO THE CITY OF OXNARD MUNICIPAL CODE PERTAINING TO CROSS CONNECTIONS AND BACKFLOW PREVENTION

The Council of the City of Oxnard does ordain as follows:

Section 1. Chapter 22-70 [Cross Connections and Backflow Prevention] of Division 22 [Public Utilities] of the City of Oxnard Municipal Code is added to read as follows:

Chapter _____ Cross Connections and Backflow Prevention

- Sec. 22.180.010. Purpose and Intent.
- Sec. 22.180.020. Definitions.
- Sec. 22.180.030. Prohibition.
- Sec. 22.180.040. Cross Connection Control Handbook Standards.
- Sec. 22.180.050. Inspection of Protective Devices.
- Sec. 22.180.060. Regulation of Booster Pumps.
- Sec. 22.180.070. Temporary Water Service Connections.
- Sec. 22.180.080. Protection of Water System Within Premises.
- Sec. 22.180.090. Penalties for Violations.

Sec. 22.180.010. Purpose and Intent.

- A. The purpose of this Chapter is to:
 - 1. Protect the public potable water supply from actual or potential cross-connections by isolating mechanically or physically, contamination or pollution that could backflow or siphon into the water supply system because of some undiscovered or unauthorized cross-connection on the premises;
 - 2. Eliminate existing unprotected connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption or can cause an adverse water quality;

3. Eliminate cross-connections between drinking water systems and other sources of water or process water used for any purpose whatsoever that jeopardize the safety of the potable water supply;
 4. Prevent the making of cross-connections in the future;
 5. Protect the potable water supply where plumbing defects or cross-connections may endanger the potable water supply available on the premises; and
 6. Provide for the maintenance and management of a cross-connection control program that will systematically and effectively prevent the contamination or pollution of all potable water systems.
- B. The intent of this Chapter is to recognize that there are varying degrees of cross connection hazards and to apply the principle that the degree of protection should be commensurate with the degree of hazard.

Sec. 22.180.020. Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases hereinafter set forth shall have the meaning given them in this section.

Backflow means a physical process by which contaminants can enter the potable water supply.

Backflow prevention device means equipment and technology that prevents contamination of the potable water supply from backflow or cross-connections.

Cross connection means any actual or potential connection or structural arrangement between a public, private or consumer's potable water system and any other water source or system through which it is possible to introduce an unapproved potable or non-potable water source into the potable water system. Cross connections include bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other devices (temporary or permanent) through which or because of which backflow can occur and that are used in conjunction with backflow prevention.

Oxnard Water Division Manager means Oxnard Water's chief potable and recycled water operator as designated by the State of California Water Resources Control Board Department of Drinking Water.

Sec. 22.180.030. Prohibition.

No water service connection to any premises shall be installed or maintained unless the water supply is protected as required by state regulations and the provisions of this Chapter.

Sec. 22.180.040. Cross Connection Control Standards.

- A. Prior to AB 1671 and the adoption of this Cross-Connection Policy Handbook (CCCPH), California's regulations pertaining to cross-connection control were set forth in regulations in CCR Title 17. The Cross-Connection Control Policy Handbook (CCCPH) and its standards apply to all California PWSs, as defined in California's Health and Safety Code (CHSC, section 116275 (h)). Compliance with this CCCPH is mandatory for all California PWSs.
- B. The Oxnard Water Division Manager is authorized to promulgate rules and regulations governing cross-connection that shall include implementation of the State Water Resources Control Board rules and regulations and the California Uniform Plumbing Code applicable to cross-connection control.
- C. Cross connections within Oxnard Water's service area are required to comply with standards for the design, construction, installation, and maintenance of backflow prevention devices and assemblies as set forth by the Oxnard Water Division Manager. The Oxnard Water Division Manager shall also set forth requirements for protective devices.

Sec. 22.180.050. Inspection of Protective Devices and Hazard Assessments.

- A. The water account customer or the owner of backflow prevention devices shall have inspections, repairs and proper testing made of all backflow prevention devices installed on their premises annually or more often if the Oxnard Water Division Manager deems additional inspections necessary to insure proper backflow protection. Tester certification must be current and in good standing with a certifying organization recognized by the State Water Board. The devices shall be tested, inspected, repaired, or replaced at the expense of the customer or owner. The Oxnard Water Division Manager shall establish the requirements for the conducting and reporting of the testing, inspections, repairs, and replacements.
- B. The Oxnard Water Division shall issue an annual notice to the customer or the owner of each backflow prevention device to arrange for the inspection and testing of each device on the premises. The notice shall include the method of reporting compliance to the Water Division as well as information necessary to arrange for inspection and testing. The City Council shall establish the penalty

fee of \$200.00 associated with compliance with this section by ordinance or resolution.

- C. The certified tester must complete and upload the correct and completed forms electronically to the Water Division backflow portal demonstrating testing and inspection compliance within 30 days of the initial notice. If the hired tester for the water account customer or the owner of backflow prevention device does not upload the completed compliance forms within 30 days, the Oxnard Water Division shall assess a late fee and send a second notice. The second notice shall notify the water account customer or the owner of backflow prevention devices that a \$200.00 penalty fee will be enforced and all water services to the property may be terminated if completed forms demonstrating testing and inspection compliance are not received by Oxnard Water Division within 30 days of the second notice. Any test certification identifying a failed test must be repaired or replaced and retested and uploaded to the Water Division within 30 days of the failure test date.

- D. If the certified tester for water account customer or the owner of backflow prevention devices does not upload completed forms demonstrating testing and inspection compliance to the Oxnard Water Division within 30 days of the second notice, a 48-hour notice of a \$200.00 penalty and the possible water service termination will be posted at the site and all water services to the property may be terminated within 48 hours of the notice unless the completed forms demonstrating testing and inspection compliance are uploaded to the Oxnard Water Division. If any backflow device on a property is not in compliance with testing and inspection requirements, all water service for the property may be terminated.

- E. Compliance with this section shall occur when the Oxnard Water Division receives both the completed and in compliance inspection form and the associated fees.

- F. The Oxnard Water Division Manager shall establish the qualifications and certification required of persons authorized to inspect, maintain, repair, or replace backflow prevention devices. The Oxnard Water Division Manager may authorize certified City employees or contracted employees to provide inventory, inspection, maintenance, repair, replacement and testing services. All associated costs for compliance will be billed to the registered owner of the cross connection protection device.

- G. Per Article 2 Section 3.2.1(a) of the State Cross-Connection Policy Handbook, an initial Hazard Assessment to evaluate the potential for backflow into the PWS must be conducted. The assessment will include inspection of the user premises within its system service area to identify potential hazards to the public water

distribution system. The hazard assessment must consider: (1) The existence of cross-connections; (2) the type and use of materials handled and present, or likely to be, on the user premises; (3) the degree of piping system complexity and accessibility; (4) access to auxiliary water supplies, pumping systems, or pressure systems; (5) distribution system conditions that increase the likelihood of a backflow event (e.g., hydraulic gradient differences impacted by main breaks and high water demand situations, multiple service connections that may result in flow-through conditions, etc.); (6) user premises accessibility; (7) any previous backflow incidents on the user premises; and (8) the requirements and information provided in the CCCPH. Upon five (5) business days from notification, the water service customer and or registered owner of the device shall grant designated Water Division staff or contracted staff access to the property and building to review items 1, 2, 3, 4, 6 7, and 8 identified in this section. Failure to provide access may result in termination of water supply.

Subsequent to the initial hazard assessment described in section G, a community water system must perform a hazard assessment under the following criteria: (1) if a user premises changes account holder, excluding single-family residences; (2) if a user premises is newly or re-connected to the PWS; (3) if evidence exists of changes in the activities or materials on a user's premises; (4) if backflow from a user's premises occurs; (5) periodically, as identified in the PWS's Cross-Connection Control Plan required pursuant to CCCPH section 3.1.4.; 20 (6) if the State Water Board requests a hazard assessment of a user's premises; or (7) if the PWS concludes an existing hazard assessment may no longer accurately represent the degree of hazard.

Sec. 22.180.060. Regulation of Booster Pumps.

When low pressure or special operating conditions make it necessary to install a booster pump on the water service to any premises, such pump shall be equipped with a low-pressure cut-off switch designed to shut off the pump when the pressure on the inlet side is 25 pounds per square inch at gauge (p.s.i.g) or lower. The customer shall maintain the cut-off device in proper working order, and a certified backflow tester must certify that the device is operable in conjunction with the annual backflow certifications.

Sec. 22.180.070. Temporary Water Service Connections.

The Oxnard Water Division Manager may require appropriate devices to be installed and tested for all temporary water service connections to eliminate the potential for any backflow.

Sec. 22.180.080. Protection of Water System Within Premises.

In addition to the standards provided in this Chapter, the Oxnard Water Division Manager shall require additional, more stringent standards and criteria for

cross-connection control when necessary to provide adequate protection to the public potable water supply, including when:

- A. The Oxnard Water Division Manager or the Water Division Cross-Connection Specialist determines that it is not practical to protect drinking water systems through the use of standard backflow prevention devices;
- B. Water systems for fighting fires are derived from a water supply that cannot be approved for potable or safe for human consumption;
- C. Potable water pipelines are connected to equipment used in industrial processes;
- D. Sewage pumps or stormwater pumps require fresh water priming connections;
- E. Potable water is supplied to facilities containing a sewage treatment plant, sewage pumping station, or stormwater pumping station;
- F. Water supplies are provided to vessels at piers or waterfronts
- G. Potable water is supplied to premises containing dual or multiple water systems or piping; or
- H. Recycled water backflow devices shall be identified by purple paint and shall be designated only for use on recycled water supplies

Sec. 22.180.090. Penalties for Violations.

- A. In addition to any other remedies provided under the City of Oxnard Municipal Code, any violation of the provisions of this Chapter shall constitute a public nuisance.
- B. The Oxnard Water Division Manager may discontinue all water service upon notice to any premises where:
 - A required backflow prevention device is not installed, inspected, tested, properly operating and maintained; or
 - A backflow prevention device is found to have been removed, altered, bypassed, or rendered inoperative; or
 - Unprotected cross-connections or other hazards to the water system are found to exist.
 - A required low pressure cut- off prevention device is not installed, inspected, tested, properly operating and maintained.

The Oxnard Water Division Manager shall not authorize the restoration of service to such premises until such hazards are eliminated and the water system complies with the requirements of this Chapter.

- C. In addition to any other remedies provided under the City of Oxnard Municipal Code, the Oxnard Water Division Manager may discontinue all water service to any premises where he or she finds conditions that present an immediate hazard to public health and safety. The Oxnard Water Division Manager shall notify the owner or customer of the termination, and restore water services once the immediate hazard is remedied and no longer threatens public health and safety.
- D. Any backflow tester who violates or fails to comply with any provision of this Chapter, or willingly falsifies inspection or maintenance reports submitted to the Oxnard Water Division, may, in addition to any other applicable penalties and after a City of Oxnard Investigative Hearing be prohibited from inspecting, maintaining, repairing or replacing backflow devices in the Oxnard Water service area for two years from the date of any violation.

Section 2. CEQA Findings. The City Council further finds that the enactment of this ordinance is not subject to environmental review pursuant to California Environmental Quality Act Guidelines Sections 15308 and 15061(b)(3). This Ordinance is exempt under Section 15308 as a regulatory action to assure the maintenance, restoration, enhancement, or protection of the environment because the ordinance implements procedures for the protection of the environment. Specifically, the Ordinance protects the public potable water supply from actual or potential cross-connections by isolating contamination or pollution that could backflow or siphon back into the water supply system. This Ordinance is also exempt under Section 15061(b) (3) because it has no potential to cause a significant physical change to the environment, either directly or indirectly.

PASSED AND ADOPTED this ____ day of _____, 2024.

John Zaragos, Mayor

ATTEST:

Rose Chaparro,
City Clerk

APPROVED AS TO FORM

BY: _____
Stephen Fisher
City Attorney