

Chapter 84

CROSS CONNECTION CONTROL

§ 84-1.	Purpose and responsibility.	§ 84-7.	Required testing and certification.
§ 84-2.	Definitions.	§ 84-8.	Experts.
§ 84-3.	Requirements.	§ 84-9.	Fees.
§ 84-4.	Installation and maintenance.	§ 84-10.	Entrance to premises.
§ 84-5.	Plumbing.	§ 84-11.	Enforcement and penalties.
§ 84-6.	New systems.		

[HISTORY: Adopted by the Board of Trustees of the Village of Alden 10-18-2007 as L.L. No. 1-2007. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Water use and service -- See Ch. 205.

Zoning -- See Ch. 210.

Fees -- See Ch. A220.

§ 84-1. Purpose and responsibility.

A. It is the purpose of this chapter to:

- (1) ~~A~~Protect the public drinkable water supply of the Village of Alden from the possibility of contamination by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminants or pollutants which could backflow in the public water supply system; and
- (2) ~~A~~To comply with the requirements of the New York State Sanitary Code Subpart 5 and in particular 5-1.31 and other provisions of the New York State Department of Health (NYSDOH).

B. ~~B~~The Village of Alden Water Department shall be responsible for the protection of all Village of Alden water distribution system from contamination due to the backflow of the contaminants through water service connections. If, in the

judgment of the Superintendent of Public Works or his/her designated representative, an acceptable backflow prevention device is required at any Village water service connection to any customer's premises, for the safety of the water system, the Superintendent of Public Works or his/her designated representative shall give notice in writing to said customer to install such acceptable backflow prevention device at each service connection to their premises. The customer shall immediately install such approved device or devices at his own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintained said device or devices shall constitute a grounds for penalties or discontinuing water service to the premises as provided for in 84-11 of this Chapter, until such requirements have been met.

§ 84-2. Definitions.

ACCEPTABLE BACKFLOW PREVENTION DEVICE -- An acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility. In order for the reduced pressure zone device or the double check valve assembly to be acceptable, it must be listed on the most current version of the New York State Department of Health List of Acceptable Devices (PWS-14).

APPROVED -- Accepted by the Village of Alden Water Department as meeting an applicable specification stated or cited in this Chapter or as suitable for the proposed use.

AUXILIARY WATER SUPPLY -- Any water supply on or available to the premises other than a Village of Alden approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, stream, rain water, etc., or used waters or industrial fluids. These waters may be contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

CROSS CONNECTION -- Any connection or potential connection, which allows or potentially allows for the intermingling of water from any auxiliary water supply or any substance from any other unauthorized source with water from a Village of Alden approved public water supply.

CUSTOMER'S WATER SYSTEM -- The piping used to convey water supplied by the Village of Alden water supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control point of the Village Water Department. The control point is the corporation stop on the Village water main valve located in the public-right-of-way that isolates the customer's facilities from the Village distribution system.

HAZARDOUS FACILITY -- A facility in which substances may be present which, if introduced into the public water system, would or may endanger or have an adverse affect on the health of other water customers. Typical examples: laboratories, sewage treatment plants, chemical plants, hospitals, mortuaries and commercial enterprises. This is also defined as any commercial or business enterprise as defined by Zoning¹ or by Business Use Permit.

PUBLIC WATER SUPPLY SYSTEM -- The Village of Alden water supply system, including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This includes the distribution system up to its connection with the customer's water system.

REDUCED PRESSURE ZONE (RPZ) DEVICE, ACCEPTABLE -- A device containing a minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow the pressure between these two checks shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

OTHER TERMS -- All other terms are defined in the Department of Health and Village of Alden Cross Control Manuals and policies as now in force or as amended from time to time.

§ 84-3. Requirements.

- A. The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Village of Alden.
- B. ~~3.2~~The Village of Alden shall rate a customer's water system according to its degree of hazard to the public water system. Some of the factors to be considered are the use and availability of contaminants, the availability of an auxiliary water supply, and the type of fire fighting system in use.
- C. ~~3.3~~An acceptable backflow prevention device shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served but, in all cases, before the first branch line leading off the service line, as follows:

¹ Editor's Note: See Ch. 210, Zoning.

- (1) ~~3.4~~Whenever a customer's water system is rated hazardous, an acceptable reduced pressure zone device or air gap shall be installed.
 - (2) ~~3.4~~Whenever a customer's water system is rated aesthetically objectionable, as a minimum, an acceptable double check valve assembly shall be installed. Unless otherwise determined by the Water Department, one and two family residential water systems shall be deemed to have non-hazardous classification.
- D. ~~3.5~~The design of the installation of an acceptable backflow prevention device must be prepared in accordance with New York State laws and regulations. The design must be approved by the Superintendent of Public Works or his/her designated representative and all agencies required by the applicable New York State and Village of Alden laws and regulations. Once approved by the Village, the design will be forwarded to New York State Health Department for final review and approval. No devices shall be installed until final design approval is granted.
- E. ~~3.6~~It shall be the duty of the customer at any premises classified as hazardous pursuant to C(1) and C(2)~~4.4~~ above where a reduced pressure zone device, and/or a double check valve assembly is required, to have certified inspections and operational tests done on every containment device, at least once a year. In those instances where the Superintendent of Public Works or his/her designated representative deems the hazard to be great enough, he may require certified inspections at more frequent intervals. Certified inspections and operational tests must also be made when any reduced pressure zone device is to be installed, repaired, overhauled or replaced, in addition to the requirement of an annual certified inspection and operational test. All inspections and tests shall be at the expense of the customer and shall be performed, by a New York State Department of Health (NYSDOH) certified tester approved by the Village of Alden Water Department. The Village Water Department shall make available the names, addresses and telephone numbers of those persons who are certified as testers for such backflow prevention devices. It shall be the responsibility of the water customer per NYS Sanitary Code 5.1.31 a, b, & c to see that such certified inspections and operational testes are made. The customer shall notify the Water Department in advance, in writing when the tests are to be undertaken so that a representative may witness the tests if the Water Department so desires. These devices shall be repaired, overhauled or replaced at the expense of the customer whenever said devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Water Department. Copies of all testing and maintenance records shall be sent to the Water Department immediately after the work is performed. Protection of the public water supply and the customer's water system must be in full force at all times. Note: There is

no “Grace Period” for non-compliance or repairs, etc. under any section of this Chapter. Nothing contained in this Chapter grants license for non-compliance.

- F. ~~3.7~~No water service connection to any customer’s water system shall be installed or maintained by the Village of Alden Water Department unless the water supply is protected as required by State laws and regulations and this Chapter. Service of water to any premises shall be discontinued by the Village of Alden Water Department if a backflow prevention device required by this Chapter is not installed, tested and maintained, or if it is found that, a backflow prevention device has been removed or by-passed or otherwise compromised. Service will not be restored until such conditions or defects are corrected.
- G. ~~3.8~~No customer shall allow any water or other substance from an auxiliary water supply or other source to enter any portion of the customer’s internal distribution system, which is connected directly or indirectly to any Village of Alden public water supply.

§ 84-4. Installation and maintenance.

- A. Water Meters and/or Containment Devices, their Vaults, Protective Enclosures, Appurtenances and other Structures, to include those installations and plumbing inside buildings: It shall be the sole responsibility of the water customer to install and maintain said items at an acceptable level of condition as determined by the Village of Alden Water Department and shall be in continuous conformity with governing laws, ordinances, regulations and specifications of the Village of Alden Water Department and the State of New York as now in force or amended.
- B. ~~6.2~~It shall be the ~~Ordinance~~ Policy of the Village of Alden Water Department to follow the general regulations and standards regarding water distribution systems, and especially those covering Cross Connection Control as adopted by ~~the Erie County Water Authority and~~ the State of New York, notwithstanding the right of the Village of Alden Water Department to amend and/or modify those regulations and standards to be more detailed or restrictive at its sole election.

§ 84-5. Plumbing.

All internal plumbing must conform to and be maintained in continued conformity with the N.Y.S. Uniform Fire Prevention and Building Codes and the N.Y.S. Sanitary Code or any amendments made from time to time as well as any local codes, and may be inspected by the Village of Alden Water Department or the Village of Alden Building Department to qualify it’s conformity.

§ 84-6. New systems.

All containment device installment design plans must be stamped by a New York State licensed engineer and must be approved by both the Village of Alden and the New York State Department of Health. The Engineers report must be accompanied by the Village of Alden Water Department Design Approval Criteria as amended from time to time.

~~6.1~~

§ 84-7. Required testing and certification.

The test reports (Form DOH 1013) for each device shall be submitted to the Health Department and also the Village of Alden Water Department at least annually or more frequently at the discretion of the water supplier. Unacceptable completion of the test report forms submitted by a tester may result in the Village of Alden Water Department barring future testing by that particular certified tester in the Village of Alden.

§ 84-8. Experts.

The Village of Alden Water Department may engage the services of an expert to manage the cross connection control program and transfer this cost to the customer for the review of said property.

§ 84-9. Fees.

A. ~~5.1~~The Applicant shall be responsible for plan review and device inspection fees as established from time to time by resolution of the Village Board of Trustees.²

B. The Applicant shall be required to pay any fees associated for review by the New York State Department of Health.

~~Fees for Plan Review by the Village of Alden Water Department Engineer:~~

~~_____ ¾ to 1 ½ inch pipe size _____ \$xyz.00~~

~~_____ Over 1 ½ inch pipe size _____ \$xyz.00~~

~~5.2 Fees for Plan Review by the New York State Department of Health~~

~~¾ to 1 ½ inch pipe size _____ \$xyz.00~~

~~_____ Over 1 ½ inch pipe size _____ \$xyz.00~~

~~5.3 Fees for Inspections for each device shall be required at a cost of \$75.00. All other inspections for determination for the need for RPZ shall be at a cost of \$75.00.~~

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² Editor's Note: See Ch. A220, Fees.

- C. ~~5.4~~ Additional reviews and inspections may be charged to the water customer at one-half the Review and/or Inspection Fee for each additional review or inspection as deemed appropriate by the Superintendent of Public Works or his/her designated representative.

§ 84-10. Entrance to premises.

For the purpose of inspection, installation, maintenance, repair, turning on or shutting off water, authorized personnel of the Water Department shall have free and full access, at all reasonable times, to all parts of any premises supplied with water from the Village of Alden Water Department or upon which application has been made to the Water Department or to which water is reasonably believed to be supplied. Filing of an application shall in addition to the provisions of this Chapter be deemed ~~consistent as~~ consent to such access.

§ 84-11. Enforcement and penalties.

- ~~A~~A. No water service connection to any premises shall be installed or maintained by the water user, unless the water supply is protected as required by this Chapter and such other local, state and federal laws, rules and regulations.
- B. ~~B~~If any facility served by the water system denies a water department person access to their premises for the purpose of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.
- C. ~~C~~The following penalties shall be applicable for a violation of this Chapter:
- (1) ~~C~~Failure to submit for approval for the appropriate backflow prevention device installation within sixty (60) days after the first notice: \$250.00 fine.
 - (2) Failure to submit for approval for the appropriate backflow prevention device installation within thirty (30) after the second notice: Termination of Service.

- (3) ~~E2~~ Failure to install the appropriate backflow prevention device within thirty (30) days after approval: \$300.00 fine and/or Termination of Service.
- (4) ~~E3~~ Failure to at least annually test and certify that the backflow device installation meets the criteria to comply as an acceptable containment device within ten (10) days of notice: \$300.00 fine and/or Termination of Service.
- (5) ~~E4~~ Failure to correct, replace or repair a backflow prevention device or the installation as required: \$300.00 fine and/or Termination of Service.
- (6) ~~E5~~ Any water service terminated under this Chapter shall be subject to the fees³ of Termination for Nonpayment as outlined in Chapter 205 of this Code.
- (7) ~~E6~~ Any penalties under this section shall be treated as though it is for water service and may be placed on tax roll as a lien if unpaid.

³ Editor's Note: See Ch. A220, Fees.