

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

| ITEM INFORMATION | | |
|---|------------------------------------|----------|
| SUBJECT: Ordinance No. 18-1102, authorizing the adoption of a cross connection control program. | Agenda Date: March 15, 2018 | |
| | AB18-037A | |
| | Mayor Carol Benson | |
| | City Administrator | |
| | City Attorney David Linehan | |
| | City Clerk – Brenda L. Martinez | |
| | Com Dev/Nat Res – | |
| | Finance – May Miller | |
| | MDRT/Ec Dev – Andy Williamson | |
| | Police – Chief Kiblinger | |
| Cost Impact (see also Fiscal Note): \$-- | Public Works – Seth Boettcher | X |
| Fund Source: -- | Court – Stephanie Metcalf | |
| Timeline: 2018 | | |
| Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator | | |
| Attachments: Draft Ordinance | | |
| SUMMARY STATEMENT: The City’s water system has the responsibility to provide water to its customers that meets State water quality standards. In order to do so, the City needs to prevent the contamination of the public water system even at individual water meters. There is potential for contaminants to enter into the public water system from the customer side of the water meter. While there are controls in place to prevent contaminants from entering the water supply from customers, this would codify those requirements. The State requires a cross connection control program to establish these requirements. This ordinance would authorize the City to develop such a program. The program itself will set City policies regarding the type of devices to prevent contaminants from entering the water system because of backflow back through the water meter. This would set policy for businesses and new residences. | | |
| FISCAL NOTE (Finance Department): Implementation of a Cross Connection Control Program is to be overseen by a Cross Connection Control Specialist. The City will either utilize Public Works staff or contract with a third party to help oversee the City’s program, once implemented. Funds are included in the 2018 Budget. | | |
| COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: Public Works Committee recommends adoption. | | |
| RECOMMENDED ACTION: MOTION to adopt Ordinance No. 18-1102, establishing the authority to adopt a Cross Connection Control Program; adopting Black | | |

Diamond Municipal Code sections 13.04.025, 13.04.085 and 13.04.095; amending section 13.04.090; repealing section 13.04.070; providing for severability; and establishing an effective date.

RECORD OF COUNCIL ACTION

| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
|---------------------|----------------|-------------|
| March 1, 2018 | Public Hearing | |
| March 15, 2018 | | |

ORDINANCE NO. 18-1102

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON ESTABLISHING THE AUTHORITY TO ADOPT A CROSS CONNECTION CONTROL PROGRAM; ADOPTING BLACK DIAMOND MUNICIPAL CODE SECTIONS 13.04.025, 13.04.085 AND 13.04.095; AMENDING SECTION 13.04.090; REPEALING SECTION 13.040.070; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, it is the responsibility of a water purveyor to provide water to the customer at the meter that meets Washington state water quality standards; and

WHEREAS, it is the water purveyor's responsibility to prevent the contamination of the public water system from the source of supply (i.e., to the customer's connection to the service pipe or meter); and

WHEREAS, it is a requirement of the Washington State Department of Health ("DOH") for the Purveyor to establish a cross connection-control program satisfactory to DOH; and

WHEREAS, cross-connections within the customer's plumbing system pose a potential source for the contamination of the public water supply system; and

WHEREAS, the Council now desires to establish the authority to adopt and implement a cross-connection control program to protect the City-owned water system from the risk of contamination, to apply equally to all new and existing customers for public health and safety;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND DO ORDAIN AS FOLLOWS:

Section 1. A new Section 13.04.025 of the Black Diamond Municipal Code ("BDMC") is hereby adopted to read as follows:

13.04.025 Authority to Adopt and Implement a Cross-Connection Control Program.

The City will engage the services of a DOH-certified Cross-Connection Control Specialist ("CCS") to develop, implement and be in charge of the Black Diamond Water System's cross-connection control program.

The City, under the direction of the aforementioned CCS, will prepare a written cross-connection control program plan to implement the requirements of this ordinance. The

written program shall be consistent with this ordinance and shall comply with the requirements of Chapter 246-290 WAC (Group A Drinking Water Regulations). The Public Works Director shall be responsible for the adoption and implementation of the cross-connection control program. A copy of the program shall be on file in the City Clerk's office and the Public Works Department.

The City will use the most recently published editions of the following publications as references and technical aids:

- (1) *Cross-Connection Control Manual, Accepted Procedures and Practice*, published by the Pacific Northwest Section, American Water Works Association, or latest edition thereof.
- (2) *Manual of Cross-Connection Control*, published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, or latest edition thereof.
- (3) *Cross-Connection Control Guidance Manual for Small Water Systems*, published by the DOH Office of Drinking Water.
- (4) *[Optional addition: add additional references here, if applicable].*

The City will incorporate the written program plan into the Water System Plan and will submit the plan to DOH for approval when requested.

The Public Works Director or his/her designee, in consultation with the aforementioned CCS, shall have the authority to make reasonable decisions related to cross connections in cases and situations not provided for in the BDMC or written program.

If any provision in the BDMC, or in the written cross-connection control program is found to be less stringent than or inconsistent with the Drinking Water Regulations (Chapter 246-290 WAC), or other Washington state statutes or rules, the more stringent state statute, rule, or regulation shall apply.

Section 2. A new Section 13.04.085 of the Black Diamond Municipal Code is hereby adopted to read as follows:

13.04.085 Cross-connection restrictions and fees

A. No water service connection from the city water system to any premises shall be installed or maintained unless the city water supply is protected by backflow prevention devices as required by the director or his/her designee, the rules and regulations of the State Board of Health, the county department of health, this code, and the city's cross-connection control program. The installation or maintenance of a cross-connection which will endanger the water quality of the city water supply is unlawful. Any such cross-connection is hereby declared a nuisance and shall be abated. The control and/or elimination of cross-connections within the city systems shall be in accordance with

WAC 246-290-490, the rules and regulations of the state and county, and the city's cross-connection control program, as amended.

B. Service to any property, landowner, or water user receiving its water supply from the city water supply system shall be contingent upon compliance with all requirements of the rules and regulations of the state and county boards of health, the city, and this code pertaining to cross-connections. Service shall be discontinued to any premises, water user, or property owner for failure to comply with such regulations of the State Board of Health, the city, and this code pertaining to cross-connections, and any discontinued service will not be re-established until the public works department has approved compliance with such requirement of the rules and regulations of the State Board of Health, the city, and this code pertaining to cross-connections.

C. Costs and Fees. The property owner or developer shall be responsible for paying all utility costs and fees associated with the installation, inspection, testing, certification, repair, replacement or upgrade of backflow prevention assemblies in accordance with the City's adopted Fee Schedule, as applicable.

Section 3. A new Section 13.04.095 of the Black Diamond Municipal Code is hereby adopted to read as follows:

13.04.095 Cross-Connections and Backflow Prevention Assemblies – Enforcement

A. Unlawful cross-connections and installation of backflow prevention assemblies. Cross-connections declared in BDMC Chapter 13.04 and/or the City's cross-connection control program to be unlawful, whether presently existing or hereinafter installed, and/or services requiring backflow prevention assemblies and/or unlawful use or operation of a private water supply system served by the City public water supply system are public nuisances, and in addition to any other provisions of this code or the ordinances of the City where abatement of public nuisances shall be subject to abatement in accordance with the following procedure:

(1) In the event that the Public Works Director determines that a nuisance as herein provided does exist, written notice shall be sent to the person in whose name the water service is established under the records of the City water department, or alternatively, a copy of such written notice shall be posted on the premises served.

(2) The notice shall provide that the nuisance described herein shall be corrected within 30 days of the date said notice is mailed or posted on the premises.

(3) In the event said nuisance is not abated within the prescribed time, water service to said premises shall be discontinued.

(4) In the event that the nuisance, in the opinion of the Public Works Director, or his or her designee, presents an immediate danger of contamination to the public water supply, service from the City water supply system to the premises may be terminated

without prior notice, provided, however, notice will be posted on the premises in the manner heretofore provided at the time said service is terminated.

B. Failure to complete inspections/test reports. When a customer fails to send in backflow preventer inspection/test reports required by the cross-connection control program within 15 days after the due date specified and the City has not approved an extension, the City will take the following enforcement action:

(1) The City will send a second notice giving the customer an additional 15 days to comply.

(2) If the customer has not complied within 10 days of the due date given in the second notice, the City will send a third notice, by certified mail or by hand delivery, giving an additional 15 days to send in the inspection/test report. The notice will inform the customer that failure to satisfactorily respond to the notice will result in water service shut-off.

(3) The purveyor will send copies of the third notice to the occupants of the premises (if different from the customer) and to the local administrative authority.

(4) If the customer has not responded satisfactorily within 10 days of the due date specified in the third notice, the purveyor will implement service shut-off procedures.

(5) Prior to shut-off, the City will offer to arrange for the inspection and/or testing of the customer-owned backflow preventers by a certified BAT and will bill the customer the actual cost of inspection and/or testing in the service area plus associated costs for staff time as determined in the City's adopted Fee Schedule. Collection and enforcement procedures for such charges will be the same as for other water utility charges.

Section 4. Section 13.04.090 of the Black Diamond Municipal Code is hereby amended to read as follows:

13.04.090 Connection with other water supply.

No service connection shall be allowed from the city mains to any premises supplied by water from any other source

Section 5. Section 13.04.070 of the Black Diamond Municipal Code is hereby repealed in its entirety.

Section 6. Each and every provision of this Ordinance is severable. If any provision of this Ordinance is found to be unconstitutional or otherwise unenforceable or contrary to law by a court of competent jurisdiction, that finding shall not affect the validity of the remaining provisions, which shall remain in force and effect.

Section 7. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY A MAJORITY OF THE CITY COUNCIL AT A MEETING HELD ON THE 15TH DAY OF MARCH 2018.

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

David Linehan, City Attorney

Published: _____

Posted: _____

Effective Date: _____