ORDINANCE O20XX-XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, REPEALING AND REPLACING CHAPTER 13.06 "CROSS-CONNECTION CONTROL PROGRAM".

WHEREAS, In 1974, the United States Environmental Protection Agency signed the Safe Drinking Water Act into law and released its first Cross-Connection Control Manual. In 1987, California established state regulations under Title 17 of the California Code of Regulations (CCR) outlining the requirements for cross connection control and backflow program compliance; and

WHEREAS, then in 1991, the City of Manteca adopted Ordinance 926, establishing the City of Manteca's Cross-Connection Control Program, which is Chapter 13.06 of the Manteca Municipal Code (MMC). The ordinance established the means for the City to take action to protect the water system from actual or potential cross contamination from non-potable sources; and

WHEREAS, the State Water Resources Control Board recently replaced Title 17's cross-connection control regulations with a new Cross-Connection Control Handbook. This change impacts the City of Manteca's ordinance, as it refers to Title 17. MMC Chapter 13.06 has been edited, replacing the references to Title 17 as well as updating the code; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment. Manteca Municipal Code Chapter 13.06 "Cross Connection Control Program", is hereby amended to read as follows:

§ 13.06.010. Purpose.

The purpose of the ordinance codified in this chapter is as follows:

A. To protect the public water system 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;

B. To eliminate existing connections between public water systems and other sources of water, plumbing fixtures, or industrial piping systems that are not approved as safe and potable for human consumption;

C. To eliminate cross-connection between drinking water systems and sources of contamination;

D. To prevent the making of cross-connections in the future; and

E. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(Ord. 926, 1991)

§ 13.06.020. Responsibility and scope of program.

These regulations are adopted pursuant to the California Health and Safety Code (CHSC) Section 116805 and the California State Water Resources Cross-Connection Control Policy Handbook (CCCPH), which authorizes the implementation of a cross-connection control program to protect against backflow through service connections into the public water supply.

The cross-connection control program includes the following elements:

A. The conducting of surveys and on-site inspections to identify water user premises where cross-connections are likely to occur;

B. The requirement of backflow protection by the water user, at his or her expense, at the user's service connection or within the user's premises, or both;

C. The provision of at least one person trained in cross-connection control to carry out the cross-connection program;

D. The requirement for testing of approved backflow prevention devices, at the user's expense, on an annual or more frequent basis, and establishment of a procedure or system for notification of the schedule for testing;

E. The maintenance of records of locations, tests and repair of approved backflow prevention devices.

(Ord. 926 (part), 1991)

§ 13.06.030. Definitions.

For purposes of this chapter the following terms have the following meanings:

"**Air-gap separation**" or "**AG**" means a physical vertical separation of at least two (2) times the effective pipe diameter between the free-flowing discharge end of a potable water supply pipeline and the flood level of an open or non-pressurized receiving vessel, and in no case less than one (1) inch.

"**Approved water supply**" means a water source that has been approved by the State Water Board for domestic use in a public water system and designated as such in a domestic water supply permit issued pursuant to section 116525 of the CHSC.

"**Auxiliary water supply**" means a source of water, other than an approved water supply, that is either used or equipped, or can be equipped, to be used as a water supply and is located on the premises of, or available to, a water user.

"**Backflow**" means an undesired or unintended reversal of flow of water and/or other liquids, gases, or other substances into a public water system's distribution system or approved water supply.

"**Backflow prevention assembly**" or "BPA" means a mechanical assembly designed and constructed to prevent backflow, such that while in-line it can be maintained and its ability to prevent backflow, as designed, can be field tested, inspected and evaluated.

"**Backflow prevention assembly tester**" means a person who is certified as a backflow prevention assembly tester.

*"***Community water system"** means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

"**Cross-connection**" means any actual or potential connection or structural arrangement between a public water system, including a piping system connected to the public water system and located on the premises of a water user or available to the water user, and any source or distribution system containing liquid, gas, or other substances not from an approved water supply.

"**Cross-connection control specialist**" means a person who is certified as a cross- connection control specialist.

"**Double check detector backflow prevention assembly**" or "**DCDA**" means a double check valve backflow prevention assembly that includes a bypass with a water meter and double check backflow prevention assembly, with the bypass's water meter accurately registering flow rates up to two gallons per minute and visually showing a registration for all rates of flow. This type of assembly may only be used to isolate low hazard cross-connections.

"**Existing public water system**" or "**existing PWS**" means a public water system initially permitted on or before July 1, 2024 as a public water system by the State Water Board.

"Hazard Assessment" means an evaluation of a user premises designed to evaluate the types and degrees of hazard at a user's premises.

"**New public water system**" or "**new PWS**" means a public water system permitted after July 1, 2024 as a public water system by the State Water Board. A new public water system includes a public water system receiving a new permit because of a change in ownership.

"C**ontainment**" means protection of a public water system's distribution system from backflow from a user's premises through the installation of one or more air gaps or BPAs, installed as close as practical to the user's service connection, in a manner that isolates the water user's water supply from the public water system's distribution system.

"**Public water system**" or "**PWS**" has the same meaning as defined in section 116275(h) of the CHSC.

"**Recycled Water**" is a wastewater which as a result of treatment is suitable for uses other than potable use.

"**Reduced pressure principle backflow prevention assembly**" or "**RP**" means an assembly with two independently acting internally-loaded check valves, with a hydraulically operating mechanically independent differential-pressure relief valve located between the check valves and below the upstream check valve. The assembly shall have shut-off valves located upstream and downstream of the two check-valves, and test cocks to enable accurate field testing of the assembly.

"**State Water Board**", unless otherwise specified, means the State Water Resources Control Board or the local primacy agency having been delegated the authority to enforce the requirements of the CCCPH by the State Water Resources Control Board.

"**User's service connection**" means either the point where a water user's piping is connected to a water system or the point in a water system where the approved water supply can be protected from backflow using an air gap or backflow prevention assembly.

"**Water supplier**" means a person who owns or operates a public water system.

"**Water user**" means a person or entity who is authorized by the PWS to receive water.

(Ord. 926 (part), 1991; Ord. 1058 § 1, 1997; Ord. 1107 § 2, 1999)

§ 13.06.040. Cross-connection protection requirements.

A. General Provisions.

1. Unprotected cross-connections with the public water system are prohibited.

2. Wherever backflow protection has been found necessary, the city shall require the water user to install an approved backflow prevention assembly at his or her expense for con-

tinued service 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 lines from the city mains entering such premises, buildings or structures shall be protected by an approved backflow prevention assembly. The type of assembly to be installed shall be in accordance with the requirements of this chapter.

B. Where Protection is Required.

1. Each service connection from the city water system for supplying water to premises which have an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the city, and is approved by the public health agency having jurisdiction.

2. Each service connection, from the city water system for supplying water to any 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 water system. This shall include the handling of process waters and waters originating from the city water system which have been subjected to deterioration of sanitary quality.

3. Approved 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 local health department and the city, 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.

4. Where several businesses and/or buildings at one location are served by a single service connection to the city water system, an approved backflow prevention assembly will be required at the service connection point. In addition, any business/building use that requires a backflow prevention assembly, shall have a separate assembly installed on their premises where the service connection line enters their business/building.

C. Type of Protection Required.

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type or types of protective assembly or assemblies that shall be required (listed here in increasing level of protection) include: reduced pressure principle backflow prevention assembly (RP), or an air-gap separation (AG). The water user may choose a higher level of protection than required by the city, but not a lower level of protection than required by the city. Existing double check valve assemblies which are currently installed may remain in service until such time as they need to be replaced, at which time they shall be replaced with a currently approved protective assembly. 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 hazard, are given in Table 13.06.040. Situations which are not covered in Table 13.06.040 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the city.

2. Two or more services supplying water from different street mains to the same building, structure, or premises through which an inter-street flow may occur, shall have a RP on each water service to be located adjacent to and on the property side of the respective water meters.

Table 13.06.040
BUSINESS TYPES OR ON-SITE USES REQUIRING THE PROTECTION OF A DOUBLE CHECK VALVE
Fire systems (no auxiliary supply)
BUSINESS TYPES OR ON-SITE USES REQUIRING INSTALLATION OF A REDUCED PRESSURE BACKFLOW ASSEMBLY
Animal services, pet shops (retail or supplies)
Automotive repair or wrecking
Auxiliary water systems* (interconnected or not) (*Private wells are considered auxiliary water systems.)
Barber and beauty shops (all services)

Table 13.06.040
Beverage, bottling or processing plants
Blueprint machines
Brewery
Buildings with booster pump systems and/or water storage tanks
Canneries, packing houses, or reduction plants
Car washes or car washing equipment
Chemical processing or storage facilities
Cold storage plants
Cooling towers
Dairies
Dehydration tanks
Dye works
Fertilizer manufacturing
Film processing laboratories
Fire systems (auxiliary supply)
Fish ponds
Food processing plants
Gas stations
Grocery store
HVAC systems using water
Hospitals
Hotels, motels
Hydraulic lifts
Industrial fluid systems
Irrigation systems for commercial/industrial users
Irrigation systems with chemical feed
Laboratories
Laundries
Lavatories, restrooms (open to public use)
Livestock or poultry
Manufacturing or processing using toxic materials

Table 13.06.040
Medical/dental buildings and clinics
Metal plating plants
Mobile home parks
Morgues
Mortuaries
Multi-story buildings
Nursing homes
Oil or gas production facilities
Oil or gas tanks
Open reservoirs, tanks
Paper or paper products plants
Petroleum process or storage locations
Plating plants
Ponds, pools, fountains (ornamental)
Power plants
Radioactive material processing/handling
Reclamation systems (any location with)
Restaurants
Sand and gravel plants
Schools (lab facility, auxiliary supply)
Schools (lab facility, no auxiliary supply)
Schools (no lab facility, auxiliary supply)
Schools (no lab facility, no auxiliary supply)
Sewage treatment plants
Soda fountains
Solar heating
Steam-generating facilities
Storage tanks for liquids
Swimming pools, public
Veterinary clinics
Warehousing and storage

Table
Water-cooled equipment
Water treatment facilities
Water-using mechanical equipment
Wastewater reclamation*(*not interconnected)
BUSINESS TYPES OR ON-SITE USES REQUIRING THE PROTECTION OF AIR-GAP SEPARATION
Private Sewage pumping facilities
Spray tanks (portable for insecticide/herbicide
Private Storm drain pumping facilities
Tank trucks using hydrant supply
Private Wastewater reclamation (interconnected)

(Ord. 926 (part), 1991; Ord. 1058 §§ 2, 3, 1997; Ord. 1076 § 1, 1997; Ord. 1107 § 1, 1999)

§ 13.06.050. Backflow prevention assemblies**.**

A. Approved Backflow Prevention Assemblies.

1. Only backflow prevention assemblies which have been approved by the city shall be acceptable for installation by a water user connected to the city potable water system.

2. A list of approved backflow prevention assembly shall be provided upon request to any affected customer.

B. Approved Backflow Prevention Assembly Installation.

1. Approved backflow prevention assemblies shall be installed in a manner prescribed in this chapter, the CCCPH and any specifications require by the public water supplier. Location of the assemblies should be as close as practical to the user's water connection. The city shall have the final authority in determining the required location of an approved backflow prevention assembly.

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 water inlet piping shall terminate a distance of at least two pipe diameters from 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 Assembly (RP). The approved reduced pressure principle backflow prevention assembly 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 above grade but not more than thirty-six inches above grade measured from the bottom of the assembly and with a minimum of twelve inches side clearance. The device shall be installed in a horizontal position so that it is readily accessible for maintenance and testing. Newly installed RP assemblies shall be protected by a lockable metal enclosure or cage, which provides adequate access for testing and maintenance. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the city.

C. Backflow Prevention Assembly Testing and Maintenance.

1. The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the assemblies tested by a person who has demonstrated their competency in testing of these assemblies to the city. Approved backflow prevention assemblies shall be tested immediately after installation, relocation, or repair, and at least annually thereafter. The city may require a more frequent testing schedule if it is determined to be necessary. No assembly shall be placed back in service unless it is functioning and approved by the city. A report in a form acceptable to the city shall be filed with the city each time a device is tested, relocated or repaired. These devices shall be serviced, overhauled and/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 city shall supply affected water users with a list of persons acceptable to the city to test approved backflow prevention assemblies . The city may notify affected customers by mail when annual testing of an assembly is needed and also supply users with the necessary forms which must be filled out each time an assembly is tested or repaired. It is the responsibility of the affected customer to maintain annual testing of any assembly, whether the city notifies that customer or not. It is, and always will be, the water user's responsibility to comply with state and federal laws with regard to backflow prevention. Notification of affected customers is provided by the city as a courtesy only and does not absolve the customer from their responsibility for compliance.

D. Backflow Prevention Assembly Removal. Approval shall be obtained from the city before a backflow prevention assembly is removed, relocated, repaired, or replaced.

1. Removal. The use of an assembly may be discontinued and the device removed from service upon presentation of sufficient evidence to the city to verify that a hazard no longer exists or is not likely to be created in the future.

2. Relocation. An assembly may be relocated following approval by the city that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly.

3. Repair. An assembly 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 city. A retest will be required following the repair of the assembly.

4. Replacement. An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the city and must be commensurate with the degree of hazard involved.

(Ord. 926 (part), 1991; Ord. 1058 §4, 1997)§ 13.06.060. Administrative procedures.

A. Water System Survey.

1. The city shall review all requests for new services to determine if backflow protection is needed. Plans and specifications shall be submitted to the city, upon its 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 assembly is necessary to protect the public water system, the required assembly shall be installed before service will be granted. A city building permit is required for installation of the assembly.

2. The city may require an on-premises inspection by a public works employee to evaluate cross-connection hazards. The city will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot or will not allow an on-premises inspection of his or her piping system shall be required to install the approved backflow prevention assembly the city considers necessary.

3. The city may, at its discretion, require a reinspection for cross-connection hazards of any premises to which it serves water. The city will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot or will not allow an on-premises inspection of his or her piping system shall be required to install the approved backflow prevention assembly the city considers necessary.

B. Customer Notification—Assembly Installation.

1. The city will notify the water user of the survey findings listing the corrective actions to be taken, if any are required. A period of time, not to exceed sixty days, shall be given to complete all corrective actions required, including installation of approved 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 specified 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 may discontinue water service to the affected water user until the required corrective actions are taken.

C. Customer Notification—Testing and Maintenance.

1. The city 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, and will include the necessary form to be completed and submitted as directed by the city.

2. A second notice shall be sent to each water user which does not have his or her 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 his or her backflow prevention assembly tested. If no action is taken within the two-week period the city may discontinue water service to the affected water user until the subject assembly is tested.

(Ord. 926 (part), 1991)

§ 13.06.070. Water service discontinuation.

A. General. In the event the city encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the city shall institute the procedure for discontinuing the city water service. If water service is disconnected pursuant to any provision of this code, the utility account holder shall be responsible and liable for payment of the fee established by city council to cover the city's costs to turn off the water. If water service is disconnected, the utility account holder shall be responsible and liable for payment of the fee established by city council to cover the costs to turn the water back on.

B. Basis for Discontinuation. Conditions or water uses that create a basis for water service discontinuation shall include the following items:

1. Refusal to install a required backflow prevention assembly;

2. Refusal to test 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 non-potable water line;

6. Unprotected direct or indirect connection between the public water system and a sys-

tem or equipment containing contaminants;

7. Unprotected direct or indirect connection between the public water system and an auxiliary water supply; and/or

8. A situation which presents an immediate health hazard to the public water system.

C. Water Service Discontinuation Procedures.

1. For conditions 1, 2, 3 or 4 of subsection B of this section, the city shall discontinue service to a water user'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 discontinued.

2. For conditions 5, 6, 7 or 8 of subsection B of this section, the city will take the following steps:

a. Make reasonable effort to advise water user of intent to discontinue water service;

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

(Ord. 926 (part), 1991)

§ 13.06.080. Backflow Prevention Assembly Tester Requirements (Tester).

In order to be a certified tester and perform backflow prevention assembly testing services in the city, a person must have the following items on file with the director of public works:

A. A valid backflow prevention assembly testing certificate from a certifying organization recognized by the State Water Resources Control Board pursuant to the CCCPH.

B. A certificate stating the proper testing equipment has been calibrated to the manufacture’s specifications within the past 12 months

C. A copy of a city business license.

The list of certified testers of backflow prevention assemblies shall be kept on file with the director of public works. Testers shall provide verification to the director of public works that they possess a valid certification, calibrated equipment and a valid city business license at least annually. Failure to do so shall be cause for removal from the city's list of certified testers for improper testing, improper repairs and/or improper reporting. The city shall notify the tester that their name is to be removed from the list of qualified testers, giving the reasons for removal. The tester will have ten days from the date of notification to file an appeal with the city manager.

(Ord. 926 (part), 1991)

§ 13.06.090. Miscellaneous.

The California State Manual of Cross-Connection Control Practices and Procedures, the Manual of Cross-Connection Control published by the Foundation for Cross-Connection and Hydrau-

lic Research of the University of Southern California, and the Accepted Procedure and Practice in Cross-Connection Control Manual of the American Water Works Association are hereby incorporated by reference into this chapter. If any conflict exists between these manuals and this chapter, this chapter shall control.
(Ord. 926 (part), 1991)

§ 13.06.100. Violation—Penalty.

It is unlawful, and a misdemeanor, for any person 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 water division of the department of public works, and any other source of water supply; or to maintain any sanitary fixture or other appurtenances or fixtures which, by reason of their construction or otherwise, may cause or allow backflow of water or other substances into the public water system of the city and/or the service of water pipes or fixtures of any consumer of the city. It is further unlawful, and a misdemeanor, for any person to violate any provisions of this chapter.
(Ord. 926 (part), 1991)

SECTION 2: Typographical or Clerical (Scrivener) Errors. Any typographical or clerical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration.

SECTION 3: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4: Publication. This Ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 5: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR: _____
GARY SINGH

ATTEST: _____
CASSANDRA CANDINI-TILTON
CITY CLERK

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the ___ day of _____, 2023, and had its second reading and was adopted and passed during the public meeting of the City Council on the ___ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
CASSANDRA CANDINI-TILTON
City Clerk