

MARINA COAST WATER DISTRICT

ORDINANCE NO. 59

AN ORDINANCE AMENDING SECTIONS 3.12.040 (D,E,F), 3.28.020 (A,B,C), 3.28.030 (A,B,C,D), 3.28.050 (A,B,C), AND 3.28.060 (B,C) OF THE DISTRICT CODE

Be it ordained by the Board of Directors of
Marina Coast Water District
as follows:

Section 1. Authority. This ordinance is enacted pursuant to Sections 30000 and following of the California Water Code.

Section 2. Findings.

- A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted in accordance with County Water District Law with opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Board.
- B. Customers recently requested to have staff clarify the Cross-Connection Control requirements within the District's Code.
- C. Staff reviewed Sections 3.12 and 3.28 and concur that more clarity and updated information in those Sections are needed.
- D. Based upon the above findings, the District's legal counsel advises, and the Board finds, that this ordinance is not a "project" for the purposes of the California Environmental Quality Act ("CEQA"), pursuant to Public Resources Code Section 21065 and Section 15378(b)(2) of the State CEQA Guidelines.
- E. The District has duly mailed notice of the meeting to consider adoption of this ordinance to any person or entity requesting such notice in writing. Any such written requests are on file with the District.

Section 3. Purpose Of Ordinance. The purpose of this ordinance is to amend the District Code by amending District Code Sections 3.12.040 (D,E,F), 3.28.020 (A,B,C), 3.28.030 (A,B,C,D), 3.28.050 (A,B,C), and 3.28.060 (B,C).

Section 4. Water Service System. Sections 3.12.040 (D,E,F), 3.28.020 (A,B,C), 3.28.030 (A,B,C,D), 3.28.050 (A,B,C), and 3.28.060 (B,C) of the District Code are hereby adopted to read as follows:

3.12.040 Temporary service.

- D. Installation charge and deposits. The applicant for temporary service will be required:
 - 1. To pay for a temporary hydrant meter installation;

2. To deposit with the district an amount equal to the replacement cost of any equipment loaned to such applicant for use in temporary service, such value to be set by the general manager;
 3. Temporary service other than a fire hydrant meter shall require deposit in accordance with the schedule for service connection charges. After receipt of deposit, district will install the hydrant meter. Upon request, the district will remove the hydrant meter. All district charges shall be paid before return of customer credits.
- E. Responsibility for meters and installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the utility which are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty-eight hours' notice in writing has been given to the district that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, lost or stolen, the cost of making repairs/replacement shall be paid by the customer.
- F. Temporary service through a fire hydrant. If temporary service is supplied through a fire hydrant, a permit for the use of the hydrant shall be obtained from the fire district authority and the district. The district will determine if a backflow prevention device is required to be installed immediately after the hydrant meter, depending on the intended uses of the temporary service. If the hydrant meter will be used for any non-air gapped equipment use it must have a Reduced Pressure Principle backflow prevention device installed immediately after the hydrant meter, and the device must be tested before it is used and every time it is relocated at the customer's expense. It is specifically prohibited for any person other than authorized fire or water district personnel to operate the valve of any fire hydrant. The hydrant valve will not be used for throttling or regulating the flow rate.

3.28.020 Cross-connection protection requirements.

A. General provisions.

1. Unprotected cross-connections with the public water supply are prohibited.
2. Whenever backflow protection has been found necessary, the district will require the water user to install an approved backflow prevention device by and at his/her expense for continued 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 district's mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention device. The type of device to be installed will be in accordance with the requirements of this chapter.

B. Where protection is required.

1. Each service connection from the district water system for supplying water to premises having 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 district, and is approved by the public health agency having jurisdiction.

2. Each service connection from the district water system for supplying water to any premises, where (a) any substance (including, but not limited to process water) is handled in such a manner that may allow its entry into the district water system or (b) water originating from the district water system may be subjected to deterioration in sanitary quality and then may allow reentry into the district water system, shall be protected against backflow of the water from the premises into the district water system. This requirement shall also apply to water meters that are not located at the customer's property line and results in an excessively long water service line from the meter to the building connection.
3. Backflow prevention devices shall be installed on the service connection to any premises: (a) having internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the district, or (b) having intricate plumbing and piping arrangements or (c) 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 or (d) which are multifamily residential units with three or more separate dwelling units.

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 water user's premises as determined by the district. The types of backflow protective devices that may be required (listed in an increasing level of protection) include: Double Check Valve Assembly (DC), Reduced Pressure Principle Backflow Prevention Device (RP), and an Air-Gap Separation (AG). The water user may choose a higher level of protection than required by the district. The minimum types of backflow protection required to protect the public water supply, at the water user's connection to premises with various degrees of hazard are given in Table 1 of 17 California Code of Regulations 7604, a copy of which is attached and incorporated herein by this reference. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the district or health agency.
2. Two or more services supplying water from different street mains to the same building, structure, or premises through which an inter-street main flow may occur, shall have a Reduced Pressure Principle Backflow Prevention Device installed on each water service to be located adjacent to and on the customer's property side of the respective meters.

3.28.030 Backflow prevention devices.

A. Approved backflow prevention devices.

1. Only backflow prevention devices which have been approved by the district shall be acceptable for installation by a water user connected to the district's potable water system. Backflow prevention devices for the applicable level of protection approved by AWWA and/or the University of Southern California

Foundation for Cross-Connection Control and Hydraulic Research (USC) shall be deemed acceptable for installation.

2. The district will provide, upon request, to any affected customer a list of approved backflow prevention devices for each level of protection.
3. Prior to installation, the district must approve a submittal on the proposed device.
4. After the installation of the device is completed, the district must inspect all piping from meter to backflow before backfilling is approved.

B. Backflow prevention device installation.

1. Backflow prevention devices shall be installed in the manner prescribed in Section 7603, Title 17 of the California Code of Regulations and in accordance with district standard details. Location of the devices should be as close as practical to the water user's connection. The district shall have the final authority in determining the required location of a backflow prevention device. Building renovations and change of tenancy or ownership may require the installation of a backflow assembly device on the fire sprinkler or domestic water service if it is determined to be warranted by district staff.
 - a. AG: The approved air-gap separation shall be located on the water 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 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 at a distance of at least two pipe diameters of the supply inlet, but in no case less than two inches above the overflow rim of the receiving tank.
 - b. RP: The approved reduced pressure principle backflow prevention device shall be installed on the water 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 and not more than thirty-six inches above grade measured from the bottom of the device and with a minimum of twelve inches side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the district.
 - c. DC: The approved double check valve assembly shall be located as close as practical to the water user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance.

C. Backflow prevention device testing and maintenance.

1. The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person who has demonstrated his or her competency in testing of these devices to the district. Persons who have current certification issued by CA/NV AWWA as backflow prevention device testers shall be deemed to have demonstrated such competency. Backflow prevention devices must be tested at least annually and

immediately after installation, re-piping, relocation or repair. The district may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the district shall be filed with the district each time a device is tested, relocated, or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user. If a device fails to pass the test and is no longer on the USC list of approved assemblies, it must be replaced by an assembly that is on the current USC list of approved assemblies and installed according to the most recent district installation detail.

2. The district will supply affected water users with a list of persons acceptable to the district to test backflow prevention devices. The district will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

D. Backflow prevention device removal.

Approval must be obtained from the district before a backflow prevention device is removed, relocated, or replaced:

1. Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the district to verify that a hazard no longer exists and is not likely to be created in the future;
2. Relocation. A device may be relocated following confirmation by the district that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;
3. Repair. A device may not be removed for repair, unless the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with another adequate backflow protection device approved by the district. A retest will be required following the repair of the device; and
4. Replacement. A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be on the USC list of approved assemblies, approved by the district and must be commensurate with the degree of hazard involved.

3.28.050 Administrative procedures.

A. Water system inspection.

1. The district shall review all requests for new service to determine if backflow protection is needed. Plans and specifications must be submitted to the district upon 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 device is necessary to protect the district water system, the required device must be installed before service will be granted.

2. The district may require an on-premise inspection on any existing water service connections to evaluate cross-connection hazards. The district 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-premise inspection of his or her piping system shall be required to install the backflow prevention device the district determines necessary.
3. If the inspection/survey reveals that cross-connection hazards do exist on any premises, the district and/or the health agency shall conduct a detailed inspection to evaluate the existing hazards. The district will transmit a written notice requesting an inspection appointment to each affected water user.
4. Any water user who cannot or will not allow an on-premise inspection of water user's piping system shall be required to install the backflow prevention device the district or health agency considers necessary.
5. Based on findings of the detailed inspection, the district will prepare a report outlining the findings of the inspection and list the required actions of the user and the manner in which it is to be corrected.

B. Customer notification—Device installation.

1. The district will notify the water user of the inspection findings, listing the corrective actions to be taken. A period of thirty calendar days will be given to complete all required corrective actions, including installation of backflow prevention devices.
2. The district will re-inspect the premises at the end of that time period to verify compliance or noncompliance.
3. If the water user does not comply within the time period allowed, the district will issue a second notice. The second notice will give the water user fifteen calendar days to take the required corrective action.
4. If the water user fails to comply within the fifteen day period, a final notice will give the water user fifteen calendar days to take the required corrective action.
5. If the water user fails to comply within the fifteen day period, the district may terminate water service to the affected water user until compliance is obtained.

C. Customer notification—Testing and maintenance.

1. The district will notify each affected water user when it is time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water user thirty calendar days to have the device tested and supply the water user with the necessary form to be completed and submitted to the district.
2. A second notice shall be sent to each water user who fails to have the backflow prevention device tested as prescribed in the first notice within the thirty day period allowed. The second notice will give the water user fifteen calendar days to comply.
3. A final notice shall be sent to each water user who fails to have the backflow prevention device tested as prescribed in the second notice within the fifteen

calendar day period allowed. The final notice will give the water user fifteen calendar days to comply.

4. If no action is taken within this time period, the district may terminate water service to that water user's premises until the subject device is tested.
5. Reports of testing and maintenance shall be maintained by the district for a minimum of three years.

3.28.060 Water service termination.

A. General. When the district encounters water uses that represent clear and immediate hazards to the potable water supply that cannot be immediately abated, the district shall discontinue water service as described in subsection C of this section.

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:

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

C. Water service termination procedures.

1. For conditions of subsections (B)(1), (2), (3), or (4) of this section and unless Section 3.28.050(B) or (C) apply, the district will terminate service to a customer's premises after three written notices have been sent specifying the corrective action needed and the time period in which it must be taken. If no action is taken within the time period allowed, the district may terminate water service.
2. For conditions of subsections (B)(5), (6), (7), or (8) of this section, the district will take the following steps:
 - a. Make reasonable efforts to advise the water user of its intent to terminate water service; however, actual notice to the water user is not required given the potential immediate threat to public health;
 - b. Immediately terminate water service and lock the service valve. The water service will remain inactive until the condition has been corrected to the satisfaction of the district.

- c. Once the condition has been corrected to the satisfaction of the district, reconnection fees will apply. (See section 3.20.160.G)

Section 5. Effective Date. Sections 3.12.040 (D,E,F), 3.28.020 (A,B,C), 3.28.030 (A,B,C,D), 3.28.050 (A,B,C), AND 3.28.060 (B,C) of the District Code shall be in full force and effect immediately upon adoption in accordance with section 31105(a) of the Water Code.

Section 6. Publication and Posting. Within 10 days after adoption, the district shall publish once in full in a newspaper of general circulation, printed, published and circulated in the district.

Section 7. Notice of Exemption Notice of Determination. The Secretary is authorized and directed to give due notice of exemption of this ordinance from the provisions of CEQA, pursuant to Title 14, California Code of Regulations, section 15062.

Section 8. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, or superseded by some other provision of law, such provisions shall be severed from and shall not affect the validity of the remaining provisions of this ordinance. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid, or superseded by some other provision of law. The parts of this ordinance which are not unconstitutional, invalid, or superseded shall remain in full force and effect and shall be enforced according to their terms.

Section 9. Interpretation. Words and Phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior district ordinances and the District Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

On motion of _____, seconded by _____; the foregoing Ordinance is enacted and shall take effect upon adoption by the following roll call of the Board:

Ayes: _____

Nays: _____

Absent: _____

Abstained: _____

By _____
Howard Gustafson, President

ATTEST:

Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was adopted and approved by the Board of Directors at a regular meeting on November 7, 2016.

Keith Van Der Maaten, Secretary