

**AMENDED AND RESTATED
CROSS CONNECTION CONTROL AND PREVENTION ORDINANCE**

ORDINANCE NO. 2022 - 04

AN ORDINANCE OF THE GALVESTON COUNTY WATER & CONTROL IMPROVEMENT DISTRICT NO. 1 AMENDING ORDINANCE NO. 99-01, PROVIDING A POLICY FOR CROSS-CONNECTION CONTROL AND PREVENTION"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the Texas Commission of Environmental Quality as adopted rules requiring that public water systems adopt cross-connection control programs to prevent backflow of contamination hazards into a public water system;

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF GALVESTON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE, DICKINSON, TEXAS:

This policy supersedes any prior policy or regulation related to cross connection control and prevention.

CROSS-CONNECTION CONTROL AND PREVENTION

SECTION 1.00

1.01. Cross-Connection standards

(a) Every source of contamination or possible contamination from any contaminant which originates from or is located at a residential or commercial establishment which is connected to any public water supply, or which provides water to the public shall be equipped with the protection required under the provisions of this ordinance.

(b) These regulations apply to all new and existing plumbing for both commercial and residential customers. There is no "grandfather" clause allowing existing hazardous connections to continue to exist without installation of the appropriate protective device. The protection of the public water supply from contamination can only be achieved if all potential sources are eliminated.

1.02. Definitions

For the purpose of this ordinance, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term used in this ordinance is not contained in the following list, its definition, or other technical terms used, shall have the

meanings or definitions listed in the Galveston County WCID #1 Plumbing Code or the International Plumbing Code.

Air gap - shall mean a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure receiving vessel, plumbing fixture or other device. An "approved air-gap separation" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device in no case less than one inch.

Atmospheric vacuum breaker backflow prevention device or atmospheric vacuum breaker or AVB - shall mean a device used to prevent back-siphonage in non-health hazard conditions. This device cannot be tested and cannot prevent back-pressure, backflow.

Auxiliary supply - shall mean any water source or system other than the public water system, which may be available in the building or on the property, including ground water or surface waters used for industrial, irrigation or any other purpose.

Backflow prevention assembly or assembly - shall mean a device or assembly to counteract back pressure or prevent back-siphonage.

Backflow - shall mean the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the city's water.

Back-pressure - shall mean any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.

Back-siphonage - shall mean the flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by a sudden reduction of pressure in the potable water supply system.

Boresight or Boresight to daylight - shall mean providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drainpipe.

Commercial establishment - shall mean property or location which is used primarily for manufacture, production, storage, wholesaling or retailing of *services* which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.

Commission - shall mean the Texas Commission on Environmental Quality (TCEQ).

Contaminants - shall mean any foreign material, solid or liquid, not common to the potable water supply which makes the water unfit or undesirable for human or animal consumption.

Contamination - means the admission of contaminants into the potable water supply system.

Cross-connection - shall mean any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it is possible for any non-potable, used, unclean, polluted and contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions.

Cross-connection control device - shall mean any nationally approved or recognized assembly or device placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, which is designed to prevent non-potable, used, unclean, polluted and contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

Customer Service Inspection - shall mean an inspection designed to inspect and detect any actual or potential cross-connection hazards and / or exceed of the lead action level in solder or flux, pipe or pipe fittings.

Degree of hazard - shall mean the low or high hazard classification that shall be attached to all actual or potential cross-connections as follows:

- (a) *Health hazard* - means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.
- (b) *High hazard* - means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death to backflow into the potable water supply.
- (c) *Low hazard* - means the classification assigned to an actual or potential cross-connections that potentially could allow a substance that may be objectionable but not hazardous to one's health to backflow into the potable water supply.
- (d) *Pollution hazard* - means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health

or system hazard, as defined. The maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.

- (e) *System hazard* - means an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water supply or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

District – means the Galveston Water Control and Improvement District No. 1, including its General Manager and the General Manager's designated representatives.

Double Check detector backflow prevention assembly or double check detector or DCDA - shall mean an assembly composed of a line-size approved double check assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for exceptionally low rates of flow.

Double check valve backflow prevention assembly or double check assembly or double check or DC - shall mean a device or assembly that consists of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. Application for these devices is limited to low to medium health hazards. Low health hazard locations require no annual testing. Medium health hazards require annual maintenance and testing.

Fire-line Tester - shall mean a tester who is employed by a state approved fire-line contractor and is qualified to test backflow prevention assemblies on fire-lines only.

General Tester - shall mean a tester who is certified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except fire-lines.

Hose bibb vacuum breaker - This device is an atmospheric vacuum breaker for attachment to a hose bibb or faucet. It helps prevent back siphonage through ordinary garden hoses. Application for these devices is limited to low hazard installations.

Mobile unit - shall mean any operation, which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, carpet-cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, commercial power-wash vehicles, recreational trailers and recreational vehicles, pest-control vehicles.

Non-residential use - shall mean water used by any person other than a residential customer of the water supply.

Person - shall mean any individual, partnership, associations, corporations, clubs, trustees, receivers, and bodies politic and corporate.

Point-of-use isolation - shall mean the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross-connection exists.

Potable water supply - shall mean any water supply intended or used for human consumption or other domestic use.

Premises - shall mean any piece of property to which water is provided, including all improvements, mobile structures, and structures located on it.

Premises Isolation - shall mean the appropriate backflow prevention at the service connection between the public water system and the water user.

Pressure vacuum breaker backflow prevention assembly or pressure vacuum breaker or PVB - shall mean an assembly or device that provides protection against back-siphonage but does not provide adequate protection against back-pressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks which allows the full testing of the assembly. A PVB may only be used in low health hazard locations. The device may be tested annually.

Public water system or system - shall mean any public or privately owned water system which supplies water for public domestic use. The system will include all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing, or conveying water for public consumption.

Reduced-pressure principle backflow prevention assembly or reduced-pressure principle assembly or RP assembly or RP - shall mean an assembly or device containing two independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include properly located resilient seated test cocks and a tightly closing resilient seated shutoff valve the end of the assembly. A RP is required for high health hazard locations. The device shall be tested annually.

Reduced pressure detector assembly or RPDA – shall mean an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for exceptionally low rates of flow.

Residential use – shall mean water used by any residential customer of the water supply and include single family dwellings, duplexes, multiplex, housing and apartments where the individual units are each on a separate meter; or, in cases where two or more units are served by one meter, the units are full-time dwellings.

Service connection – shall mean the point of delivery at which the District loses control of the water.

Spill-resistant pressure vacuum breaker or SVB – shall mean an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

Tester – shall mean a person that is a certified backflow prevention assembly technician approved by and registered with the District and the TCEQ.

Thermal expansion – shall mean heated water that does not have the space to expand.

Water Use Survey – shall mean a survey conducted or caused to be conducted by the local authority designed to identify any possible sources of contamination to the potable water supply.

1.03. Right-of-Way Encroachment

No person shall install or maintain a backflow prevention assembly upon or within any public right-of-way.

1.04. Residential Service Connections

a) Any person who owns or controls any residential property which has been determined to have an actual or potential cross-connection shall eliminate the actual or potential cross-connection or have an approved backflow assembly installed in accordance with this ordinance.

b) All external faucets and hose bibbs shall be protected by a hose bibb vacuum breaker regardless of location. No permit or inspection is required for installation of hose bibb vacuum breakers.

1.05. Commercial and Residential Properties

(a) Any person who owns or controls property is responsible for the installation, testing and repair of all backflow assemblies on their property. Both the owner and the

renter have the responsibility of preventing contaminants and pollutants from entering the water supply system. In addition, all external faucets and hose bibbs shall be protected by a hose bibb vacuum breaker regardless of location.

(b) All mobile home parks and recreational vehicle parks shall have a vacuum breaker installed on each hose bibb connection to the individual home, RV, or trailer.

1.06. Multiple Connections

Any premises requiring multiple service connections for adequacy of supply and/or fire protection will be required to install a backflow assembly on each of the additional service lines to the premises. The type of assembly will be determined by the degree of hazard that could occur in the event of an interconnect between any of the buildings on the premises. In general, the type of device required is a double check valve assembly.

1.07. Protection required; installation

(a) The backflow prevention assembly protection that is required under this ordinance shall be any of the duly nationally recognized and authorized backflow prevention assemblies listed in the International Plumbing Code, or other as determined by the District. Each backflow prevention assembly shall be approved by the District prior to installation. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet final approval by the District. The plumbing inspector shall determine the type and location of backflow assembly to be installed within the area served by the District. The assembly will be required in each of the following circumstances, but is in no way limited to the following circumstances:

- (1) The nature and extent of any activity on the premises, or the materials used in connection with any activity on the premises, or materials stored on the premises, could contaminate or pollute the potable water supply.
- (2) Premises having any one or more cross-connections and the cross-connection(s) is protected by an atmospheric vacuum breaker device (AVB).
- (3) Internal cross-connections are present that are not correctable.
- (4) Intricate plumbing arrangements that are present which make it impractical to ascertain whether cross-connections exist.
- (5) There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency to assure that cross-connections do not exist.

- (6) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgment of the General Manager of the District.
- (7) An appropriate cross-connection survey report form has not been filed with the plumbing inspector upon request of the District.
- (8) A fire suppression system that is connected to the District's water system.
- (9) All new construction if deemed necessary in the customer service inspection. The type of assembly required will be determined by the degree of hazard.
- (10) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly may be installed at the service connection that supplies water for public domestic use.
- (11) In the event a point-of-use assembly has not had the testing or repair done as required by this ordinance, service isolation will be required.
- (12) If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required.
- (13) All multistory buildings or any building with a booster pump or elevated storage tank.
- (14) Retrofitting will be required on all high hazard connections and wherever else the General Manager of the District deems necessary to retrofit.

(b) All backflow prevention assemblies installed after the effective date of this ordinance shall be installed in a manner designed to facilitate ease of inspection by the District. Any currently installed backflow prevention assemblies which are located in inaccessible locations, or where the tester is subject to physical danger, shall be relocated to an approved location.

1.08. Testing Of Assemblies

- (a) All backflow prevention assemblies shall be inspected and in each of the following circumstances:
- (1) Immediately after installations;
 - (2) Whenever the assembly is moved;

- (3) A minimum of once a year;
- (4) Premises that have been vacated and unoccupied for one year, prior to re-occupancy;
- (5) Immediately after repairs.

(b) All assembly testing shall be performed by a state certified backflow prevention assembly tester, approved by the District.

(c) Duly authorized representatives of the District bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this. Persons and occupants of premises which are provided water service by the District, either directly or indirectly, shall allow the District or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination, or in the performance of any of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(d) A water use survey may be conducted at any commercial or residential establishment that is served by a public water supply or which provides water to the public. Upon determination that the establishment falls under the provisions of this ordinance and requires a backflow prevention assembly, a notice to abate the condition or to install the proper backflow prevention assembly shall be issued.

(e) It is the responsibility of the person who owns or controls property to have all assemblies tested in accordance with this ordinance. Assemblies may be required to be tested more frequently if the District deems necessary.

(f) All results from assembly testing by a certified backflow prevention assembly tester shall be placed on a numbered form that is provided by the District.

1.09. Thermal Expansion

It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow assembly.

1.10. Pressure Loss

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the District.

1.11. Customer Service Inspection

(a) Pursuant to the Commission's Water System Regulations, a customer service inspection for cross-connection control shall be completed by the plumbing inspector prior to providing continuous water service in each of the following circumstances:

- (1) Water service to a newly constructed facility or previously nonexisting premises.
- (2) After any material improvement to building(s) or premises.
- (3) Any correction or addition to the plumbing of any facility or premises.

(b) Permanent water service shall not be supplied to a new construction facility(s) until after the customer service inspection is completed.

(c) Temporary water service which poses a potential cross-connection threat to the potable water supply shall be protected by an approved backflow prevention assembly.

1.12. Installation Guidelines and Requirements for Backflow Prevention Assemblies

(a) *General* - to ensure proper operation and accessibility of all backflow prevention assemblies, the following guideline shall apply to the installation of these assemblies.

- (1) Backflow prevention assemblies shall be installed in accordance with the Commission's Rules and these regulations. The assembly installer must obtain the required plumbing permits and have the installation inspected by the District.
- (2) At facilities which require a backflow prevention assembly to be installed at the point of delivery of the water supply, such installation of the assembly must be before any branch in the line and on private property located just inside the boundary between the public right of way and the landowner's property. The District may specify other areas for installation of the assembly.
- (3) The assembly must be protected from freezing and other severe weather conditions.
- (4) All backflow prevention assemblies shall be of a type and model approved by the District.

- (5) Assemblies that are larger than 4 inches and installed more than 5 feet above floor level must have a suitable platform for use by testing or maintenance personnel.
- (6) Bypass lines are prohibited. Pipefittings which could be used for connecting a bypass line must not be installed.
- (7) Premises where an uninterrupted water supply is critical should be provided with two assemblies installed in parallel. They should be sized in such a manner that either assembly will provide the maximum flow required.
- (8) Lines should be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.
- (9) The property owner assumes all responsibility for any damages resulting from installation, operation, and/or maintenance of a backflow assembly. The owner shall be responsible for keeping all backflow prevention assembly vaults reasonably free of silt and debris.
- (10) The owner and tester shall notify the District upon completion of installation within 30 days. All assemblies must be registered with the District and shall provide the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, and initial test report.

(b) *Reduced pressure principle backflow prevention assemblies (RPs)* – shall be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system. The RP is normally used in locations where an air gap is impractical. The RP shall be effective against both back-siphonage and back-pressure.

- (1) The assembly must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishing would not occur from relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from an RP assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies.
- (2) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. RPs are typically installed above grade in well drained areas but may be installed below grade (ground level) if a boresight drain to daylight is provided. The drain shall be of adequate

capacity to carry the full rated flow of the assembly and shall be screened on both ends.

- (3) Enclosures shall be designed for ready access and sized to allow for testing and maintenance. Daylight drain ports must be provided to accommodate full pressure discharge from the assembly. Enclosures must not exceed three feet in depth.
- (4) All RP assemblies must be tested in accordance with this ordinance. Tests are the responsibility of the assembly owner. The owner must notify the District upon installation of any backflow prevention assembly.

(c) *Reduced pressure principle detector backflow prevention assemblies (RPDA)* - shall be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.

- (1) RPDA's shall comply with the installation requirements applicable for reduced pressure principle backflow assemblies (RP).
- (2) The line-size RP assembly and the bypass RP assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

(d) *Double check valve backflow prevention assemblies (DC)* - shall be utilized at premises where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.

- (1) Premises where an uninterrupted water supply is critical should be provided with two assemblies installed in parallel. Assemblies should be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.
- (2) The assembly shall be readily accessible with adequate room for testing and maintenance. DC's may be installed below grade, providing all test cocks are fitted with brass pipe plugs. All vaults shall be well drained, constructed of suitable materials, and sized for appropriate clearances. In no event shall the vault be deeper than three below grade.
- (3) Vertical installations of DC's are allowed only on sizes up to and including four inches that meet the following requirements:
 - a. Internally spring-loaded check valves.
 - b. Flow is upward through assembly.

- c. Manufacturer states their assembly can be used in a vertical position.
- (4) All DC's must be tested in accordance with this ordinance. Tests are the responsibility of the assembly owner. The owner must notify the District upon installation of any backflow prevention assembly.
- (e) *Double check defector backflow prevention assemblies (DCDA)* - shall be utilized in all installations requiring a double check valve assembly and detector metering.
 - (1) DCDA's shall comply with the installation requirements applicable for double check valve assemblies (DCs).
 - (2) The line-size DC assembly and the bypass DC assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.
- (f) *Pressure vacuum breaker backflow prevention assemblies (PVB)* – shall be utilized at point-of-use protection only and where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system. PVB's protect against back-siphonage only and shall not be installed where there is potential for back-pressure.
 - (1) Assembly shall be installed a minimum of twelve inches above highest downstream piping.
 - (2) PVB's shall not be installed in an area subject to flooding or where damage would occur from water discharge.
 - (3) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of twelve inches all around the assembly.
 - (4) All PVBs must be tested in compliance with this ordinance. Tests are the responsibility of the assembly owner. The owner must notify the District installation of any backflow prevention assembly.
- (g) *Spill resistant pressure vacuum breaker backflow prevention assemblies (SVB)* - may be utilized in all installations requiring a pressure vacuum breaker.
 - (1) SVBs shall comply with the installation requirements applicable for pressure vacuum breaker backflow prevention assemblies.

1.13. Air Gap Separation

Air gaps provide maximum protection from backflow hazards and should be utilized at all locations where "high" hazardous substances are at risk of entering the potable water system.

(a) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less than 1 inch. If splashing is a problem, tubular screens may be attached, or the supply line may be cut at a 45 degree angle. The air gap distance is measured from the bottom of the angle. Hoses are not allowed.

(b) Air gap separations shall not be altered in any way without prior approval from the District and must be available for inspection at all reasonable times.

(c) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening a distance greater than three times the diameter of the effective opening for a single, or a distance greater than four times the effective opening for two intersecting walls.

1.14. Fire Suppression Systems

All new installations of fire suppression systems which utilize the District's potable water supply shall have installed an approved backflow prevention devices according to the degree of hazard.

An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or that does not provide for periodic flow-through during each twenty-four (24) hour period, unless a variance has been issued in writing from the District. A (RPDA) must be installed if any solution other than potable water can be introduced into the sprinkler system.

(a) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this ordinance. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the regulatory authority. All costs associated with this article and the purchase, installation, testing and repair of a (DCDA) or (RPDA) device is the responsibility of the property owner and persons in charge of any premises.

(b) Upon the approved installation of the (DCDA) or (RPDA) device, a cross-connection test report completed by a licensed fire-line tester must be sent to the attention of the District and include the information required by this ordinance within 30 days.

1.15. Fire Hydrant Protection

An approved double check device backflow prevention assembly (DCD) or reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire

hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply. A (RPDA) must be installed if any solution other than potable water can be introduced into the sprinkler system.

(a) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this ordinance. All fire hydrant water meter rentals shall meet the current requirements as provided for by the District.

(b) Only the District's fire hydrant water meters with approved backflow prevention assemblies are allowed to be used on the District's water system.

(c) A refundable deposit is required to insure the return of all water meters and backflow assemblies to the District. Failure to return the assemblies can result in the forfeiture of deposit and / or enforcement action being taken against the responsible party, as allowed for in the penalty section of this ordinance. (See Fees)

(d) All non approved fire hydrant meters which are found to be in use in the District will be confiscated and enforcement action taken against the responsible party.

1.16. Responsibilities of Property Owner

(a) It is the responsibility of all property owners and/or persons in charge of any premises to abide by the conditions of this article and to comply with the following:

- (1) Payment of all costs associated with this ordinance and the purchase, installation, testing and repair of backflow prevention assemblies.
- (2) Install and maintain all backflow prevention assemblies in accordance with this ordinance and acceptable industry practice.
- (3) All commercial establishments shall cause to have all backflow prevention assemblies on their premises tested annually. Such testing must be conducted by a certified cross-connection tester who is registered with the District.
- (4) Maintain all backflow prevention assemblies in proper working order at all times, including repair as required.
- (5) All records related to backflow prevention assembly installation, testing and repair shall be maintained on the premises for a minimum of three (3) years.

(b) *Certified backflow prevention assembly tester* - shall comply with the following requirements:

- (1) Annually register with the District and pay the required fee.
- (2) Maintain testing equipment in proper working condition/calibration.
- (3) Maintain the design or operation characteristics of an assembly.
- (4) Ensure that devices are tested according to accepted industry practice and TCEQ regulations.
- (5) Enter required testing data, including test gauge serial numbers, on cross-connection test forms obtained from the District.
- (6) Report test results to the District within thirty (30) days of testing.
- (7) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises.
- (8) Maintain testing and/or repair records for a minimum of three (3) years.

1.17. Backflow prevention assembly tester certification - registration required

Only approved TCEQ licensed backflow prevention assembly testers can test backflow prevention assemblies in the District. Testers must register annually with the District, provide proof of TCEQ certification, and provide proof that testing equipment is able to maintain a calibration of plus or minus 0.2 psi accuracy and pay an annual, nonrefundable, tester registration fee.

1.18. Fees

There shall be an annual non-refundable registration fee for each non-residential backflow prevention assembly device. This fee may appear on the monthly water/sewer bill as it relates solely to the matters covered in this ordinance and are separate from other fees chargeable by the District.

1.19. Compliance for Lawn Irrigation

(a) For all lawn irrigation system installations, a permit shall be required. Such permits shall be issued by the building inspection department. Installation requirements must comply with the current plumbing code and/or guidelines for the appropriate device found in this ordinance. Interconnections of the potable water supply with an alternate water source is prohibited.

(b) High Hazard backflow protection devices must be installed if any mechanical injection stations are used with the irrigation system.

1.20. Mobile Units

(a) The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap, or an approved backflow prevention assembly mounted on the mobile unit. Prior approval and annual device testing of any backflow prevention assembly must be received from the District before connecting to any potable water system.

(b) Portable power wash units are required to be connected through a hose bibb equipped with a vacuum breaker, however no permit or inspection is required prior to use.

1.21. Enforcement

(a) This ordinance shall be enforced by the General Manager or the manager's designated representatives or employees.

(b) The District shall verify that all backflow prevention assemblies are installed and tested pursuant to the requirements of this article. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the District shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested by a certified tester and verified by the District. The District shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

(c) Violations

- (1) A person commits an offense if the person fails to maintain backflow prevention assemblies in compliance with this section.
- (2) A person commits an offense if the person fails to comply with a repair order issued by the District.
- (3) A person commits an offense if backflow from premises owned, operated, or managed by the person enters the public water supply system.
- (4) A person commits an offense if the person fails to pay any fees required by this article.
- (5) A person commits an offense by violating any section of this ordinance.

- (6) A person commits an offense if discontinued or disconnected water service to premises under this article is reinstated except as directed by the District.
- (7) A person in charge of any facility commits an offense by allowing an unregistered tester to perform testing work at the establishment.
- (8) A person commits an offense by testing backflow prevention assembly without being registered with the District.
- (9) A person commits an offense by testing backflow prevention assembly without being certified by the TCEQ.

(d) *Penalty.*

- (1) A person who violates any provision of this ordinance is guilty of a misdemeanor for each act of violation and for each day or part of a day during which the violation is committed, continued, or permitted.
- (2) In addition to proceeding under the authority of subsection (b) (1) of this section, the District is entitled to pursue all other criminal and civil remedies to which is entitled under authority of statutes or other ordinances against a person committing any violation of this ordinance including injunction and civil penalties.

(e) A certified testers' registration may be reviewed and revoked by the District if it is determined that the tester:

- (1) Has falsely, incompletely, or inaccurately reported assembly reports;
- (2) Has used inaccurate gauges;
- (3) Has used improper testing procedures; or
- (4) Has created a threat to public health or the environment.

SECTION 2.00

2.01. Cross-Connection Control and Prevention Fees

- (1) Backflow Prevention Assembly Registration Fees:

There is an annual non-refundable registration fee for each non-residential backflow prevention assembly device of twenty-five dollars (\$25.00) per each separate device.

- (2) Certified Backflow Prevention Assembly Tester Registration Fee:

The annual registration fee for approved testers shall be a nonrefundable fee of fifty dollars (\$50.00).

(3) Deposit Fee For Fire Hydrant Water Meter With Backflow Prevention Device:

There shall be a refundable upon return; rental deposit fee for fire hydrant water meters with backflow prevention devices of one thousand, five hundred dollars (\$1,500.00)

SECTION 3.00

That if any section, subsection sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect validity of the remaining portions thereof.

SECTION 4.00

That save and except as amended by this ordinance, the Code shall remain in full force and effect and all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5.00

A penalty under this section may be enforced by complaints filed in the appropriate court of jurisdiction in Galveston County. Said penalty shall not exceed the jurisdictional limits of the justice court.

SECTION 6.00

That this ordinance shall be in full force and effect after the date of passage, recording and publication as provided by law, in particular Texas Water Code Section 51.338, which provides for publication once a week for two consecutive weeks in one or more newspapers with general circulation in the District.

PASSED AND APPROVED this 21st day of November 2022.

Galveston County WCID #1



President

ATTEST:


Board Secretary