

**VILLAGE OF FORT EDWARD
COUNTY OF WASHINGTON, STATE OF NEW YORK
LOCAL LAW No. 1 of 2011**

A LOCAL LAW ESTABLISHING THE CROSS CONNECTION CONTROL PROGRAM

Be it enacted by the Board of Trustees of the Village of Fort Edward, as follows:

Section 1. Authority.

This Local Law is adopted in accordance with the Municipal Home Rule Law of the State of New York, and the Village Law of the State of New York. Furthermore, it is enacted in accordance with the Federal Safe Drinking Water Act of 1974, and the statutes of the State of New York, and those certain terms, conditions and provisions of the New York State Sanitary Code, Part 5, Section 5- 1.31.

Section 2. Purpose.

The purpose of this Local Law is to safeguard potable water supplies from potential contamination by preventing backflow from a water user's system into the public water system. It is the intent of this Local Law to recognize that there are varying degrees of hazard and to apply the principal that the degrees of protection should be commensurate with the degrees of hazard. Further, it is the intent of the Village of Fort Edward, New York, to comply with the requirements of New York State Sanitary Code, Part 5, Section 5- 1.31, which section mandates that the supplier of water protect their water system in accordance with procedures acceptable to the Commissioner of Health. These mandated requirements are set forth in the Cross Connection Control Manual published by the New York State Department of Health (NYSDOH), and to that extent, the terms, conditions and provisions of the New York State Sanitary Code, Part 5, Section 5-1.31, and the Cross Connection Control Manual are incorporated in this Local Law by reference as if more fully stated.

Section 3. Responsibility.

The Water Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Water Superintendent, an approved backflow device is required at the Village's water service connection to any customer's premises, the Water Superintendent, or his delegated agent, shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to his premises. The customer shall, within 90 days, install such approved device, or devices, at his own expense, and failure or refusal, or inability on the part of the customer to install said device or devices within ninety (90) days, shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

Section 4. Definitions.

A. APPROVED - Accepted by the Water Superintendent as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use. Devices must be approved by the New York State Department of Health as a complete assembly and must be installed so that the device is readily accessible for maintenance and testing, and in a location where no part of the valve will be submerged.

B. **AUXILIARY WATER SUPPLY** - Any water supply, on or available, to the premises other than the approved municipal public potable water supply.

C. **BACKFLOW** - The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

D. **BACKFLOW PREVENTER** - A device or means designed to prevent backflow or backsiphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

1. **AIR GAP** - A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

~~2. **ATMOSPHERIC VACUUM BREAKER** - A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.~~

3. **BAROMETRIC LOOP** - A fabricated piping arrangement rising at least thirty five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage.

4. **DOUBLE CHECK VALVE ASSEMBLY** - An assembly of two (2) independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

5. **DOUBLE CHECK VALVE WITH INTERMEDIATE ATMOSPHERIC VENT** - A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.

6. **HOSE BIBB VACUUM BREAKER** - A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

7. **PRESSURE VACUUM BREAKER** - A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. Device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

8. **REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER** - An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

9. **RESIDENTIAL DUAL CHECK** - An assembly of two (2) spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

- E. BACKPRESSURE - A condition in which the owners system pressure is greater than the suppliers system pressure.
- F. BACKSIPHONAGE - The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.
- G. COMMISSION - The State of New York Department of Health Control Commission.
- H. CONTAINMENT - A method of backflow prevention which requires a backflow preventer at the water service entrance.
- I. CONTAMINANT - A substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.
- ~~J. CROSS CONNECTION - Any actual or potential connection between the public potable water supply and a source of contamination or pollution.~~
- K. DEPARTMENT - Village of Fort Edward Water Department.
- L. FIXTURE ISOLATION - A method of backflow prevention in which a backflow preventer is located to correct a cross connection at an in-plant location rather than at a water service entrance.
- M. OWNER - Any person who has legal title to, or license to operate or habitat in, a property upon which a cross connection inspection is to be made or upon which a cross connection is present.
- N. PERSON - Any individual, partnership, company, public or private corporation, political subdivision or agency of the State, agency or instrumentality or the United States or any other legal entity.
- O. PERMIT - A document issued by the Department which allows the use of a backflow preventer.
- P. POLLUTANT - A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably effect such water for domestic use.
- Q. WATER SERVICE ENTRANCE - That point in the Owner's water system beyond the sanitary control of the District; generally considered to be the outlet end of the water meter and always before any unprotected branch.
- R. RESPONSIBLE MUNICIPAL OFFICIAL – the Water Superintendent, or his delegated representative, is invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the Local Law.

Section 5. Administration.

- A. The Department will operate a cross connection control program, to include the keeping of

necessary records, which fulfills the requirements of the Commission's Cross Connection Regulations and is approved by the Commission.

B. The Owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the Department's program and the Commission's Regulations if a cross connection is permitted.

C. If the Department requires that the public supply be protected by containment, the Owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose. He may utilize public health officials, or personnel from the Department, or their delegated representatives, to assist him in the survey of his facilities and to assist him in the selection of proper fixture outlet devices, and the proper installation of these devices.

Section 6. Requirements.

A. Department

1. On new installations, the Department will provide onsite evaluation and/or inspection of plans in order to approve the backflow preventer, if any, that will be required, and will issue permit. The Owner shall submit proof of installation and testing results verifying that the backflow preventer was installed properly and is functioning. In any case, a minimum of a dual check valve will be required in any new construction.

2. For premises existing prior to the start of this program, the Department will perform evaluations and inspections of plans and/or premises and inform the Owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed, however, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.

3. The Department will not allow any cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

4. The Department shall inform the Owner by letter, of any failure to comply, by the time of the first re-inspection. The Department will allow an additional fifteen (15) days for the correction. In the event the Owner fails to comply with the necessary correction by the time of the second re-inspection, the Department will inform the Owner by letter, that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event that the Owner informs the Department of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Department but in no case will exceed an additional thirty (30) days.

5. If the Department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

6. The Department shall have on file, a list of Private Contractors who are certified backflow device testers. All charges for these tests will be paid by the Owner of the building or property.

7. The Department will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the Commission, during the calendar year. The initial focus will be on high hazard industries and commercial premises.

B. Owner

1. The Owner shall be responsible for the elimination or protection of all cross connections on his premises.

2. The Owner, after having been informed by a letter from the Department, shall at his expense, install, maintain, and test, or have tested, any and all backflow preventers on his premises.

3. The Owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.

4. The Owner shall inform the Department of any proposed or modified cross connections ~~and also any existing cross connections of which the Owner is aware but has not been found by the~~ Department.

5. The Owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

6. The Owner shall install backflow preventers in a manner approved by the Department.

7. The Owner shall install only backflow preventers approved by the Department or the Commission.

8. Any Owner having a private well or other private water source, must have a permit if the well or source is cross connected to the Department's system. Permission to cross connect may be denied by the Department. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross connected to the Department's system.

9. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Department's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

10. The Owner shall be responsible for the payment of all fees for permits, annual device testing, retesting in the case that the device fails to operate correctly, and second re-inspections for non-compliance with Department or Commission requirements.

Section 7. Degree of Hazard.

The Department recognizes the threat to the public water system arising from cross connections. All threats will be classified by degree of hazard and will require the installation of approved reduced pressure principle backflow prevention devices or double check valves.

Section 8. Permits.

The Department shall not permit a cross connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

A. Cross connection permits that are required for each backflow prevention device are obtained from the Department. The Testing Fee, as provided for in this Chapter, will be charged for the initial permit and Re-testing Fee, as provided for in this Chapter, will be charged for the renewal of each permit.

B. Permits shall be renewed every five years and are non-transferable. Permits are subject to revocation and become immediately revoked if the Owner should so change the type of cross connection or degree of hazard associated with the service.

C. A permit is not required when fixture isolation is achieved with the utilization of a non-testable backflow preventer.

Section 9. Existing in-use backflow prevention devices.

Any existing backflow preventer shall be allowed by the Department to continue in service unless the degree of hazard is such as to supercede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to an Approved device.

Section 10. Periodic Testing.

A. All backflow preventers shall be tested and inspected at least annually.

B. Periodic testing shall be performed by a certified tester. This testing will be done at the Owner's expense.

C. Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the Owner insuring that uninterrupted water service during testing or repair of devices and is strongly recommended when the Owner desires such continuity.

D. Backflow prevention devices will be tested more frequently than specified in A. above, in cases where there is a history of test failures and the Department feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the Owner.

Section 11. Records and Reports.

A. Records. The Department will initiate and maintain the following:

1. Master files on customer cross connection tests and/or inspections.

2. Master files on cross connection permits.
 3. Copies of permits and permit applications.
 4. Copies of lists and summaries supplied to the Commission.
- B. Reports. The Department will submit the following to the Commission:
1. Initial listing of low hazard cross connections to the State.
 2. Initial listing of high hazard cross connections to the State.
 3. Annual update lists of items 1 and 2 above.
 4. Annual summary of cross connection tests and/or inspections to the State.
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Section 12. Fees and Charges.

The Village Board of Trustees shall, by resolution thereof, establish and amended from time to time all fees required by this Chapter. Upon resolution by the Village Board of Trustees, the Department will publish a list of fees or charges for the following services or permits:

- A. Testing fees
- B. Re-testing fees
- C. Fee for re-inspection
- D. Charges for after-hours inspections or tests.

Section 13. Violations and Penalties.

- A. Noncompliance; Discontinuance of Service

1. Delivery of water to the premises of any Owner may be discontinued by the Department if any preventative device required by this Local Law has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.

2. Emergency Discontinuance. Delivery of water shall be discontinued immediately and without notice to the Owner if the Department or Commission determines that:

- a. The Village water supply is being contaminated or is in immediate danger of contamination;
- b. A preventative devise required by this Local Law has not been installed or is defective or has been removed or bypassed; and
- c. The Owner can not be immediately located.

3. Delivery of water shall not be resumed until any preventative device required by this Local Law and approved by the Department has been properly installed or until conditions at the consumer's premises causing the contamination danger or contamination have been abated or corrected to the satisfaction of the Department.

B. Notice.

1. All notices sent in accordance with this Local Law shall state the following:

a. The conditions or defects which must be corrected;

b. The manner in which the stated conditions or defects are to be corrected; and

c. The date on or after which delivery of water will be discontinued and which shall not be fewer than fifteen (15) days nor more than ninety (90) days following the date of delivery of mailing of the notice. ~~The Department may grant the Owner an extension of an additional period not to exceed ninety (90) days if he determines the Owner has exercised due diligence, but has been unable to comply with all of the requirements contained in the notice within the time originally allowed.~~

2. The notice shall be given by delivering the same to the Owner, the manager or agent thereof or to any person in charge of or employed in the place of business of the owner; or, if the consumer has no place of business, then at the place of residence of the Owner, if known, or by leaving the notice at either the place of business or the property. If the Owner can not be located, service of the notice shall be mailed, postage paid, addressed to the owner at the place of business or address set for in the application of owner for water service in the records of the Village.

C. If any facility served by a water system denies the Department access to their premises for the purposes of determining if protection of the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.

D. The following penalties shall be applicable for a violation of this Local Law:

1. Failure to install the appropriate backflow prevention device within a prescribed timeframe after first notice: \$250.00

2. Failure to install the appropriate backflow prevention device within prescribed timeframes after second notice: Termination of service

3. Failure to at least annually test the backflow prevention device: \$300.00 and/or termination of water service

4. Failure to replace or repair a backflow prevention device as required: \$1,000.00 and/or termination of water service

Section 14. Effective Date.

This Local Law shall take effect upon filing with the New York State Department of State.



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

Cross-control

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

November 8, 2011

Village Clerk
PO Box 345
118 Broadway
Fort Edward NY 12828

RE: Village of Fort Edward, Local Law 1 2011, filed on November 8, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

