

ORDINANCE NO. 90

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT INSTITUTING A CROSS-CONNECTION CONTROL PROGRAM TO PROTECT THE PUBLIC WATER

WHEREAS, the Board of Directors (“Board”) of the West Valley Water District (“District”) imposes an orderly and adequate means of protection of the District water system from backflow, the requirements set forth below are reasonable and necessary for the protection of the District water system and the public health and welfare; and

WHEREAS, in 2024 the State Water Resources Control Board (“SWRCB”) adopted the Cross-Connection Control Policy Handbook (“CCCPH”) to build a foundation of awareness regarding the importance of backflow protection and cross-connection control, leading to the implementation of a robust cross-connection control program for public water systems; and

WHEREAS, the District desires to begin making updates to its rules and regulations to reflect changes in applicable laws governing cross-connections; and

WHEREAS, the Board now wishes to adopt this Ordinance in order to amend its Water Service Regulations to reflect such changes, and to make additional adjustments to its cross-connection control program.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE

The District is responsible for protecting its water supply from contamination by implementation of a Cross-Connection control program. The purpose of the Cross-Connection control program is (1) to protect the District’s water supply against actual or potential Cross-Connection by isolating within the premise contamination that may occur because of some undiscovered or unauthorized Cross-Connection on the premises; (2) to eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; (3) to eliminate Cross-Connections between drinking water systems and sources of contamination; (4) to prevent the occurrence of Cross-Connections in the future; and (5) to provide basic educational information on backflow prevention to build awareness within our community.

SECTION 2. AUTHORITY

The CCCPH is intended to satisfy the requirements set forth in the District’s operating permit issued by the State Water Resources Control Board. The CCCPH and its standards apply to all California Public Water Systems as defined in California’s Health and Safety Code (CHSC, section 116275(h)). Through the adoption of the CCCPH, the SWRCB is exercising its authority under California’s Safe Drinking Water Act (SDWA).

SECTION 3. DEFINITIONS

The following definitions apply to the terms used in the CCCPH:

“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 SWRCB 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 year-long 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.

“Distribution system” means any combination of pipes, tanks, pumps, etc., which delivers drinking water from a source or treatment facility to the consumer and includes: (1) disinfection facilities for which no Giardia or virus reduction is required; and (2) the composite of all distribution systems of a public water system.

“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.

“Double check detector backflow prevention assembly – type II” or **“DCDA-II”** means a double check valve backflow prevention assembly that includes a bypass around the second check, with the bypass having a single check valve and a 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.

“Double check valve backflow prevention assembly” or **“DC”** means an assembly consisting of two independently-acting internally-loaded check valves, with tightly closing shut-off valves located at each end of the assembly (upstream and downstream of the two check valves) and fitted with test cocks that enable accurate field testing of the assembly. This type of assembly may only be used to isolate low hazard cross-connections.

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

“High hazard cross-connection” means a cross-connection that poses a threat to the potability or safety of the public water supply. Materials entering the public water supply through a high hazard cross-connection are contaminants or health hazards.

“Low hazard cross-connection” means a cross-connection that has been found to not pose a threat to the potability or safety of the public water supply but may adversely affect the aesthetic quality of the potable water supply. Materials entering the public water supply through a low hazard cross-connection are pollutants or non-health hazards.

“Noncommunity water system” means a public water system that is not a community water system.

“Nontransient noncommunity water system” means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

“Premises containment” 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.

“Pressure vacuum breaker backsiphonage prevention assembly” or **“PVB”** means an assembly with an independently-acting internally-loaded check valve and an independently-acting loaded air inlet valve located on the discharge side of the check valve;

with test cocks and tightly closing shutoff valves located at each end of the assembly that enable accurate field testing of the assembly. This type of assembly may only be used for protection from backsiphonage and is not to be used to protect from backpressure.

“Public water system” or “PWS” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly services at least 25 individuals daily at least 60 days out of the year. A public water system includes the following: (1) any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system; (2) any collection or pretreatment storage facilities not under control of the operator that are used primarily in connection with the system; and (3) any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

“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.

“Reduced pressure principle detector backflow prevention assembly” or “RPDA” means a reduced pressure principle backflow prevention assembly that includes a bypass with a water meter and reduced pressure principle 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.

“Reduced pressure principle detector backflow prevention assembly – type II” or “RPDA-II” means a reduced pressure principle backflow prevention assembly that includes a bypass around the second check, with the bypass having a single check valve and a water meter accurately registering flow rates up to two gallons per minute and visually showing a registration for all rates of flow.

“Spill-resistant pressure vacuum breaker backsiphonage prevention assembly” or “SVB” means an assembly with an independently-acting internally-loaded check valve and an independently-acting loaded air inlet valve located on the discharge side of the check valve; with shutoff valves at each end and a test cock and bleed/vent port, to enable accurate field testing of the assembly. This type of assembly may only be used for protection from backsiphonage and is not to be used to protect from backpressure.

“State Water Resources Control Board” or SWRCB means the SWRCB or the local primacy agency having been delegated the authority to enforce the requirements of the CCCPH by the State Water Resources Control Board.

“Transient noncommunity water system” means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year.

“User premises” means the property under the ownership or control of a water user and is served, or is readily capable of being served, with water via a service connection with a public water system.

“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.

“User Supervisor” means a person designated by a water user to oversee a water use site and responsible for the avoidance of cross-connections.

“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.

SECTION 4. FEES

The Board of Directors may, by resolution, establish fees or charges assessed under this Ordinance to ensure that the costs reasonably borne by the District are collected from the Water User.

SECTION 5. ENTRY AND INSPECTION

All Water Users’ systems and premises shall be readily accessible inspection at all reasonable times to authorized representatives of the District to enable the District to ascertain the existence of cross-connections or other structural or sanitary hazards, including violations of the cross-connection rules and regulations in this Ordinance.

SECTION 6. HAZARD ASSESSMENTS

1. To evaluate the potential for backflow into the District’s distribution system, the District shall complete an initial hazard assessment of all service connections including single-family residences (approximately 25,000 total connections) within the service area.
2. The District shall review all requests for new services 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 public water system, the required "lead free" device must be installed before service will be rendered.

3. The District may require an on-premise inspection to any new or existing site to evaluate Cross-Connection hazards. The District will send a written notice requesting an inspection appointment to each affected Water User. Any Water User that cannot, or will not, allow an on-premise inspection of their piping system shall be required to install a "lead free" backflow prevention device as deemed necessary by the District.
4. The District may require a re-inspection at its discretion for Cross-Connection hazards of any premise to which it serves water. The District will contact the water user to request an inspection. Any Water User that cannot, or will not, allow an on-premise inspection of their piping system shall be required to install a "lead free" backflow prevention device as deemed necessary by the District.
5. The District will notify the Water User in writing of the water system survey findings, listing corrective action to be taken, if any. A period of 30 days will be given to complete all corrective action required, including the installation of new or upgraded backflow prevention devices if required. The District, at its sole discretion, may grant a time extension to perform for the corrective action. If the corrective action is not completed within the allotted time, the District may terminate or suspend water service to the affected Water User until the required corrective actions are taken and non-compliance fees are paid in full.
6. After the initial hazard assessment described above, the District must conduct a hazard assessment under the following criteria:
 - a. If a user premises changes account holder, excluding single family residences;
 - b. If a user premises is newly or re-connected to the District;
 - c. If evidence exists of changes in the activities or materials on a user's premises;
 - d. If backflow from a user's premises occurs;
 - e. Periodically, every ten years or as needed as stated above.
 - f. If the SWRCB requests a hazard assessment of a user's premises; and
 - g. If the PWS concludes an existing hazard assessment may no longer be accurately represent the degree of hazard.
7. Fire protection systems shall be protected by no less than DC protection. If a fire protection system is not protected, the District must ensure protection is installed within ten years of adoption of the CCCPH.
 - a. A high hazard cross-connection fire protection system, including but not limited to fire protection systems that may utilize chemical addition or an auxiliary water supply, must have no less than RP protection.
 - b. For existing fire protection systems that do not meet the above requirements or cannot install DC protection within ten years of adoption of the CCCPH, the District may propose:
 - i. An alternate date; or
 - ii. An alternative method of backflow protection that provides at least the same level of protection to public health.

8. Site surveys and hazard assessments will be conducted by staff ANSI certified Cross-Connection Control Specialists. All surveys and assessments will be uploaded into the Backflow Management Database.
9. The District maintains a pre-qualified list of certified testers and specialists. In order to be on the list, a contractor must (1) demonstrate competency by passing a hands-on exam conducted by District staff, (2) possess valid tester and/or specialist certification by a certifying organization, accredited by the American National Standards Institute (ANSI) in accordance with ISO/IEC 17024, and (3) provide field test kit or gage equipment accuracy verification record to the District. Provisions for revocation from the list include but not limited to, falsifying information or providing negligent recommendations inconsistent with industry-standard cross-connection control guidelines.

SECTION 7. WATER USER NOTIFICATION FOR TESTING AND MAINTENANCE

The District uses a backflow management data system to maintain records for hazard assessments, backflow testing and maintenance.

1. The District will notify affected Water Users by mail when annual testing of their device is required and supply users with the necessary documentation regarding backflow prevention device information. This written notification shall give the Water User 30 days to complete the required testing and submit the necessary backflow test certification to the District.
 - a. If the device fails, untestable or needs to be replaced, the tester must notify the Water User and the District within three days.
 - b. The repair or replacement and re-test must be completed and returned to the District within fifteen (15) days from the date the device failed.
 - c. Non-testable backflows will need to be replaced.
 - d. Any backflow test forms received after the due date; the test form becomes invalid. This is to ensure the test form has not been compromised to meet the due date.
2. The notification will include a list of District certified backflow testers. The affected Water User shall retain a certified tester from the list of the District approved backflow prevention assembly testers to perform the required test(s).
3. Each backflow tester must be AWWA Backflow Prevention Assembly (BPA) Tester certified. Their field test kit or gage equipment must be verified for accuracy and certified. BPA field test results must be completed neatly, accurately and true. Field test forms will be provided by the District and included with the annual notification. All annual tests must be submitted to the District via email (backflow@wvwd.org).
 - a. The District is required to report any tester that falsifies test forms to all regulatory agencies.

- b. The District reserves the right to conduct an audit on a BPA Tester at any time regarding their testing procedures.
4. After the allotted 30-day period, a second written notice will be sent to each Water User who failed to provide an acceptable backflow test certification for their backflow prevention device. The second notice will allow the Water User an additional 30-day period to have their backflow prevention device tested and an acceptable test certification submitted to the District or allow the Water User to request termination of service. If the Water User fails to supply the District with either an acceptable test certification or a Request for Termination of Service within the two (2) 30-day periods, the District will issue a Final Shutoff notice and the District may suspend or terminate water service to the Water User until the required test is completed. If the District must suspend or terminate water service, fines will be assessed to the Water User's account.
5. Should the backflow prevention device not pass the backflow test, the District will terminate or suspend water service to the affected Water User until the subject device is repaired, retested and shown to be operating properly. Non-testable backflows will need to be replaced.

SECTION 8. GENERAL PROVISIONS

1. Whenever backflow protection has been found necessary (including but not limited to commercial properties, landscape nurseries, manufacturing facilities, hospitals, nursing homes, multi-family units, and facilities including any and all property having fire sprinkler systems or private fire hydrants), the District will require the Water User to install a District-approved backflow prevention device at the Water User's sole expense for continued services or before new service will be rendered. These costs shall include all labor and material necessary to construct or modify the service connection connecting to the District's water main, install the backflow device itself, construct or modify any piping work to be completed on the Water User's side of the backflow device, and the removal of any interfering vaults. The District, at its sole discretion, may require a level of protection that is greater than required by the CCCPH or any other State rule or regulation.
2. 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 a District-approved "lead free" backflow prevention device. The Water User shall only install "lead free" backflow prevention devices that have been approved by the District.
3. Each service connection from the District water system to premises having an Auxiliary Water Supply shall be protected against backflow of water from the premises into the District's 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.
4. 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 District, 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.

5. Any property having two or more services supplying water from different water distribution mains to the same building, structure, or premises through which an interstreet main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. Such check valves shall not be considered adequate if backflow protection is deemed necessary to protect the District's mains from pollution or contamination in such case the installation of a District-approved backflow devices at such service connections shall be required.
6. Backflow prevention devices shall be installed in accordance with the District's standard drawings, which may be updated periodically by the District. The standard drawings also delineate the limit of the District and Water User's responsibility for maintaining the backflow service connection.
7. Installation criteria are needed to ensure that a backflow prevention assembly can operate correctly, and that the required testing can be performed to reliably protect the distribution system at all times. An assembly that is below grade or in an inaccessible location may not allow the tester to correctly perform the field test. The District will allow existing double check valve assemblies to remain in place if they can pass a field test and be repaired. Double check valve backflow prevention assemblies that cannot be repaired or newly installed assemblies will be required to be installed above grade. This allows flexibility for operating cost increases.

SECTION 9. BACKFLOW DEVICE REMOVAL

The Water User, or their agent, shall obtain approval from the District before removing, relocating, or replacing a backflow prevention device. Such approval will be granted at the District's sole discretion.

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 or is not likely to be created in the future.
2. Relocation: The District, at its sole discretion, may allow the relocation of a backflow prevention device, so long as the new location continues to provide the required protection and meet the District's installation requirements. A retest of the relocated backflow prevention assembly will be required following the relocation of the device.
3. Repair: A device may be removed for repair, provided the water use is either discontinued until the repair is completed and the repaired device is reinstalled and returned to service, or the service connection is equipped with another backflow

protection approved by the District. A passing/satisfactory retest will be required following every repair of the device.

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 approved by the District, commensurate with the degree of hazard involved, and be "lead free." All backflow prevention device replacements, including service piping, shall be constructed up to the current District standards.

SECTION 10. WATER SERVICE TERMINATION

When the District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing the District water service.

1. The District will terminate service to a Water User's premises after two (2) written notices have been sent specifying the corrective action needed and the time period in which it must be completed. If no action is taken within the allowed period of time, water service may be terminated. Conditions or water users fall into this category that creates a basis for water service termination shall include, but are not limited to the following items:
 - a. Refusal to install or upgrade to a required "lead free" backflow prevention device.
 - b. Refusal to test a backflow prevention device.
 - c. Refusal to repair a failing backflow prevention device.
 - d. Refusal to replace a failing backflow prevention device.
2. The District will make a reasonable effort to contact and advise the Water User of record of the intent to terminate water service and terminate water supply and lock service valve. The water service will remain inactive until the District has approved correction of violations. Conditions or water users fall into this category that create a basis for water service termination shall include, but are not limited to the following items:
 - a. Direct or indirect connection between the public water system and a sewer line.
 - b. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
 - c. Unprotected direct or indirect connection between the public water system and an Auxiliary Water System.
 - d. A situation which presents an immediate health hazard to the public water system public health.

SECTION 11. BACKFLOW INCIDENT RESPONSE AND REPORTING

1. If a backflow incident or an unprotected cross-connection is observed at the BPA or prior to the user premises during field testing, the certified backflow tester must notify the District as soon as possible, within 24 hours.

2. Other possible indicators of backflow include customer complaints of odor, discoloration of the water, or direct physical harm from the contact with the water, drops in operating pressure, drops in disinfectant residual, or total coliform and heterotrophic plate counts detections. Each water quality complaint shall be investigated.
3. The District will immediately investigate and discontinue service to the user premises if a backflow incident is confirmed. Water service must not be restored to that user premises until the District receives confirmation of a passing BPA field test form from a certified backflow prevention assembly tester and the assembly is protecting the District.
4. The District will document the findings of the backflow incident and notify the SWRCB and local health agencies of any known or suspected incident of backflow within 24 hours of the determination. If required by the SWRCB, the District must issue a Tier 1 public notification pursuant to CCR, Title 22, Section 64463.1.
5. If required by the SWRCB, the District must submit, by a date specified by the SWRCB, a written incident report describing the details and affected area of the backflow incident, the actions taken by the District in response to the backflow incident, and the follow-up actions to prevent future backflow incidents. The written report must contain, at a minimum, the information requested on the Backflow Incident Reporting Form.

SECTION 12. ENTITY COORDINATION

Whenever there is an issue with a fire service, the Cross-Connection Specialist notifies the business owner to alert the local fire department of a fire watch if the fire service has to be down for more than four (4) hours. In addition, law enforcement is notified of any backflow vandalism or theft by either the business owner or contractor, or by the Cross-Connection Control Specialist for District property. Other local entities may include but are not limited to plumbing, permitting, health officials, maintenance, public and private entities.

SECTION 13. RECORDKEEPING

The District shall maintain the records consistent with its approved Cross-Connection Control Plan and the CCCPH.

SECTION 14. PUBLIC OUTREACH AND EDUCATION

The District may distribute literature for both adults and children about cross-connection and backflow prevention. In addition, the District has an email (backflow@wvwd.org) that is specific to cross-connection and backflow prevention for certified testers to send test reports and to respond to questions the public may have regarding cross-connection and backflow prevention. The District also includes information on our website and in our

Service Rules & Regulations which is publicly available at <https://www.wvwd.org/departments/cross-connection-backflow-prevention>.

SECTION 15. PUBLICATION

The President of the Board of Directors shall sign this Ordinance and the Secretary of the Board of Directors shall attest thereto, and this Ordinance shall be in full force and effect immediately upon adoption. Within 15 days after adoption of this Ordinance, a summary of this Ordinance shall be published with the names of the Directors voting for and against this Ordinance and a certified copy of the full text of this Ordinance, along with the names of those Directors voting for and against this Ordinance, shall be posted in the District offices.

SECTION 16. EFFECTIVENESS

This Ordinance shall take effect immediately upon adoption.

SECTION 17. CONTROLLING EFFECT

This Ordinance shall supersede all previously adopted conflicting resolutions, ordinances, or motions of the Board, to the extent of such conflict.

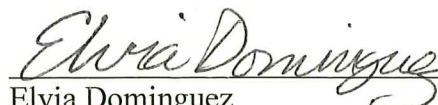
SECTION 18. SEVERABILITY

If any section, subsection, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. 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 one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

PASSED, APPROVED AND ADOPTED THIS 1st DAY OF MAY, 2025.


Gregory Young
President of the Board of Directors
West Valley Water District

ATTEST:


Elvia Dominguez
Board Secretary

CERTIFICATION

I, Elvia Dominguez, Board Secretary of the West Valley Water District, do hereby certify that the foregoing Ordinance was duly adopted by the Board of Directors of the West Valley Water District at a regular meeting held on the 1st day of May 2025, by the following vote:

AYES:	DIRECTORS:	Bennett, Garcia, Moore, Jenkins
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	Young
ABSTAIN:	DIRECTORS:	None

Dated: May 1, 2025



Elvia Dominguez
Board Secretary