

**SAMMAMISH PLATEAU WATER & SEWER DISTRICT
KING COUNTY, WASHINGTON**

RESOLUTION NO. 5247

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAMMAMISH PLATEAU WATER AND SEWER DISTRICT, KING COUNTY, WASHINGTON, PERTAINING TO THE DISTRICT'S CROSS-CONNECTION CONTROL PROGRAM; REPEALING AND REPLACING THE CODE OF RESOLUTIONS OF THE SAMMAMISH PLATEAU WATER AND SEWER DISTRICT AT SECTION 5.10.020; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Sammamish Plateau Water and Sewer District ("District") has codified its cross-connection control program at Section 5.10.020 of the Code of Resolutions of the Sammamish Plateau Water and Sewer District ("District Code"); and

WHEREAS, the District is required by law to develop and implement a cross-connection control program to eliminate cross-connections in the District's public water supply system whenever possible, or when cross-connections cannot be eliminated, to control such cross-connections by installation of approved backflow prevention commencement with the degree of hazard relating to cross-connection; and

WHEREAS, the Washington Administrative Code (WAC) 246-290-490 requires that all community water systems comply with the cross-connection control requirements specified in such regulations; and

WHEREAS, pursuant to Revised Code of Washington (RCW) 57.08.005(3), the District has full authority to regulate and control the use, content, distribution and price of water supplied by the District to its customers and properties; and

WHEREAS, the Board of Commissioners have reviewed the District's cross-connection control program and have found that adoption of the amendments to the policies and procedures set out herein are consistent in the best interest of the District and its customers to protect public health and safety; now, therefore,

BE IT RESOLVED, by the Board of Commissioners of Sammamish Plateau Water & Sewer District, King County, Washington, as follows:

SECTION 1. Repeal and Replace. The Code of Resolutions of the Sammamish Plateau Water and Sewer District, at Section 5.10.020, *Cross connection control program*, is hereby repealed and replaced to read as set forth in Exhibit A hereto.

SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this Resolution.

SECTION 3. Corrections. Upon approval of the District's Legal Counsel, the clerk and the codifiers of this Resolution are authorized to make necessary technical Resolution No. 5247

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corrections to this Resolution, including, without limitation, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

SECTION 4. Effective Date. The Resolution shall be in full force and effective upon adoption hereof.

ADOPTED by the Board of Commissioners of Sammamish Plateau Water and Sewer District, King County, Washington, at a regular open public meeting held on the 22nd day of January 2024.

***Individual Commissioner's
Vote on this Resolution:***

Approved: ☒
Opposed: _____
Abstained: _____
Absent: _____

Approved: ☒
Opposed: _____
Abstained: _____
Absent: _____

Approved: ☒
Opposed: _____
Abstained: _____
Absent: _____

Approved: ☒
Opposed: _____
Abstained: _____
Absent: _____

Approved: ☒
Opposed: _____
Abstained: _____
Absent: _____

Nav Ota

Nav Ota, President and Commissioner

Ryika Hooshangi

Ryika Hooshangi (Jan 22, 2024 17:17 PST)

Ryika Hooshangi, Vice President and Commissioner

Mary Shustov

Mary Shustov (Jan 22, 2024 20:19 EST)

Mary Shustov, Secretary and Commissioner

Tom Harman

Tom Harman, Commissioner

Lloyd Warren

Lloyd Warren, Commissioner

EXHIBIT A

Sec. 5.10.020. Cross-connection control program.

- (a) *Purpose.* The District has developed a cross-connection control program under the requirements for community water systems in accordance with WAC 246-290-490. The purpose of this program is to protect the public water system from contamination via cross-connections. This cross-connection control program shall provide for the permanent abatement whenever possible or control of cross-connections to the potable water system of the District.
- (b) *Definitions:* Except where specifically designated herein, all words used in this section and the cross-connection control program shall carry their customary meanings. Any definition not found in this section will take its meaning from the Chapter 246-290 WAC, as amended, or the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.
- (1) "Authority having jurisdiction" means the local official, board, department, or agency authorized to administer and enforce the provisions of the Uniform Plumbing Code as adopted under Chapter 19.27 RCW.
- (2) "Backflow assembly tester" means a person holding a valid backflow assembly tester (BAT) certificate issued in accordance with WAC 246-292-490.
- (3) "Backflow prevention" refers to an air gap, backflow prevention assembly, or atmospheric vacuum breaker.
- (4) "Backflow prevention assembly" means a device, combination of devices, or equipment of make, model, and size that is approved by the District for use to prevent backflow to the District's public water system. Backflow prevention assemblies include, but may not be limited to:
- RPBA – Reduced pressure backflow assembly;
RPDA – Reduced pressure detector assembly;
DCVA – Double check valve assembly;
DCDA – Double check detector assembly;
PVBA – Pressure vacuum breaker assembly;
SVBA – Spill-resistant vacuum breaker assembly;
AVB – Atmospheric vacuum breaker.
- (5) "Customer" and "Consumer" means any person receiving water from a public water system from either the meter, or the point where the service line connects with the distribution system if no meter is present. For purposes of cross-connection control, the terms "customer" and "consumer" mean the owner or operator of a water system connected to a public water system through a service connection.
- (6) "Customer's water system" means any potable or industrial water system that begins at the point of delivery from the public water system and is located on the customer/consumer's premises. The customer/consumer's water system includes all auxiliary sources of supply, storage, treatment, and distribution facilities, piping, plumbing, and fixtures under the control of the customer/consumer.

- (7) "Cross-connection control survey" refers to the District's periodic review of potential cross-connections from consumer's premises to ensure adequate protection of the public water system.
- (8) "Cross-connection control specialist (CCS)" means a person holding a valid Washington State cross-connection control specialist certificate issued in accordance with Chapter 246-292 WAC.
- (9) "In-premises protection" means a method of protecting the health of customers served by the customer's potable water system, located within the property lines of the customer's premises by the installation of an approved air gap or backflow prevention assembly at the point of hazard, which is generally a plumbing fixture.
- (10) "Premises isolation" means a method of protecting a public water system by installation of approved air gaps or approved backflow prevention assemblies at or near the service connection or alternative location acceptable to the District to isolate the customer's water system from the District's public water system.
- (11) "Purveyor" means an agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, person, or other entity owning or operating a public water system. "Purveyor" also means the authorized agents of such entities.
- (12) "Uniform Plumbing Code" (UPC) means the code adopted under RCW 19.27.031(4) and implemented under chapter 51-56 WAC. This code establishes statewide minimum plumbing standards applicable within the property lines of the customer/consumer's premises.
- (c) *Code authority and enforcement.* Enforcement of this cross-connection control program in the areas served by the District and will be in accordance with this section and WAC 246-290-490, as amended. The provisions of this section shall be enforced equally to all new and existing water customers and for those customers receiving water service from the District but reside outside of District's service area boundaries.
- (d) *Policy.* This policy shall provide for the permanent abatement or control of cross-connections to the potable water system of the District. Where it is infeasible to find, eliminate, or permanently control cross-connections to the water system, and when it is mandated by WAC 246-290-490 or deemed necessary by a District cross-connection specialist, there shall be approved backflow prevention installed commensurate with the degree of hazard posed by the customer's water system upon the public water system.
- (e) *Responsibilities.* The control of cross-connections requires coordination between the District as water purveyor, the authority having jurisdiction, and the customer. The responsibilities and authorities are defined as follows:
 - (1) *District.*
 - a. The District or its designated representative shall prevent the contamination of the water distribution system by eliminating or controlling cross-connections, maintaining records on backflow prevention devices, and responding to customer inquiries to meet the requirements of state regulations.
 - b. The District's responsibility for cross-connection control shall begin at the water supply source, include all the public water treatment, storage, and distribution facilities, and end at the point of delivery to the consumer's water system, which begins at the

downstream end of the service connection or water meter on the public right-of-way or utility-held easement.

- c. The District is not responsible for eliminating or controlling cross-connections within the customer's water system. The responsibility for cross-connection control within the customer's water system, i.e., within the property lines of the customer's premises, lies with the authority having jurisdiction. The District will coordinate with the authority having jurisdiction in all matters concerning cross-connection control within the customer's water system.
- d. The District shall educate its existing and future water customers with information regarding backflow and backflow prevention, as well as the District's cross-connection control program.
- e. The District shall respond to backflow incidents upon receipt of an incident report as soon as possible due to the potential impact on the public water system from contamination caused by cross-connections. However, the response time may vary depending on the location of the incident, time and day of the report, and location of the responder.

(2) *Authority having jurisdiction.*

- a. Under Chapter 19.27 RCW, the responsibility for cross-connections within the customer's water system, i.e., within the property lines of the customer's premises, lies with the authority having jurisdiction.

(3) *Water customer.*

- a. The water customer shall comply with the District's cross-connection requirements which include identifying and eliminating cross-connections or controlling them through the installation, regular testing and maintenance of approved backflow prevention assemblies.
- b. The water customer shall be responsible for providing the necessary information, scheduling and providing access to District cross-connection specialist for inspection to allow a determination of cross-connection potential and the necessary cross-connection control methods and backflow assembly.
- c. The water customer is responsible for notifying the District of any new assemblies and assemblies that the customer believes are no longer required.
- d. The water customer is responsible for all costs associated with the installation, testing, repair and replacement of backflow prevention assemblies.

(f) *Applicability of regulations and references.*

- (1) The control or elimination of cross-connections shall be in accordance with the most current revisions of applicable state, county, and local rules and regulations, including, but not limited to, the following:
 - a. Cross-Connection Control, WAC 246-290-490.
 - b. Cross-connection Control Definitions, WAC 246-290-010 (extracted from WAC 246-290, Group A Drinking Water Regulations).
 - c. Washington State Plumbers Code, chapter 18.106 RCW.

- d. Washington State Building Code, chapter 19.27 RCW.
 - e. Washington State Public Water Systems Mandate, RCW 70A.125.060.
 - f. Washington State Powers and Duties of the State Board of Health, RCW 43.20.050.
 - g. Sammamish Plateau Water and Sewer District policies.
- (2) The policies, procedures, and criteria for determining appropriate levels of protection shall be in accordance with the most current edition of the following references:
- a. Cross-connection Control Manual: Accepted Procedure and Practice, published by the Cross-connection Control Committee of the Pacific Northwest Section of the American Water Works Association.
 - b. Manual of Cross-connection Control, published by the Foundation for Cross-connection Control and Hydraulic Research, University of Southern California.
 - c. Recommended Practice for Backflow Prevention and Cross-connection Control (AWWA M14), published by the American Water Works Association.
- (3) Interpretation of the above-referenced regulations and references are subject to the discretion of the District or its designated representatives.
- (g) *Minimum protection requirements.*
- (1) *New construction.* Premises isolation is required for all new construction receiving water service from the District. Premise isolation is required for all new construction regardless of level of risk or hazard.
- (2) *Existing buildings or structures.* Where new hazards are found through the plumbing permit process of the authority having jurisdiction or through the District's cross-connection control survey, premises isolation is required, except for backflow protection for outdoor residential irrigation systems in-premises isolation is allowed.
- (3) *Guidelines for type and location of protection.*
- a. The type of backflow protection required shall depend on the degree of hazard as determined by the District or its designated representative. Backflow prevention assembly installations must be in accordance with current adopted District's technical specifications and shall be accessible for inspections, testing and maintenance.
 - b. For customers requesting new service connections, an initial evaluation of the premises' planned or future water service in regards to cross-connections shall be made by the District or its designated representative. Proper selection and installation of a backflow prevention assembly, as determined by the District or its designated representative, shall be a condition of allowing new water service connection.
 - c. Services that present high health hazards may have additional requirements, such premises are listed, but are not limited to, those in Table 13 of WAC 246-290-490 titled "Severe and High Health Cross-Connection Hazard Requiring Premises Isolation by air gap or RPBA."
- (4) *Removal of any assemblies.* Where an assembly has been determined to no longer be needed due to a plumbing modification or removal of a hazard or risk, and for which the site was inspected, the assembly shall be removed in accordance with current adopted District's technical specifications.
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(h) *Inspection and testing requirements.*

- (1) Backflow prevention assemblies shall be inspected and tested by a state-certified backflow assembly tester and testing procedures shall be in accordance with the requirements of the State Department of Health. Inspections and/or tests are required when any of the following occur:
 - a. Upon installation, repair, reinstallation, or relocation of an assembly;
 - b. Upon installation or replumbing of an air gap;
 - c. After a backflow incident involving the assembly or air gap;
 - d. After identification of a new backflow prevention assembly through the District's cross-connection control survey; and
 - e. Annually thereafter, per WAC 246-290-460, unless the District requires more frequent testing for high hazard premises or for assemblies that repeatedly fail.
- (2) *Notification of annual testing.* The District shall notify property owners of required tests using the following process:
 1. First notification will be 60 days before the test results are due to the District.
 2. Second notification will be 30 days before the test results are due to the District.
 3. Third and final notification will be 1 day past due notifying the customer that they are out of compliance and failure to come into compliance or contact the District within 30 days of this notice the customer will result in enforcement outlined in subsection (i) below.
- (3) *Tester certification and test kit calibration.* Acceptance of a customer's test report shall be contingent upon the District's having records for, or the receipt of records, of the state-certified backflow assembly tester and the test kit calibration verifying the accuracy of the test equipment.
- (4) *Test report requirements.*
 - a. Test reports must be submitted in a format acceptable to the District;
 - b. All test reports, regardless of result (satisfactory or unsatisfactory), shall be submitted to the District within five business days of the test date.
- (5) *Unsatisfactory/failed test.* Should a test of a customer's backflow prevention fail, the customer must repair and retest within 30 business days. Failure to comply or contact the District will result in enforcement outlined in subsection (i) below.

(i) *Enforcement.*

- (1) *Termination of water service.* When a cross-connection exists that is not controlled commensurate to the degree of hazard assessed by the District or when a consumer fails to comply with the District's requirements regarding the installation, inspection, testing, maintenance, repair, replacement, or removal of backflow prevention required by this section, the District shall have authority to discontinue/shut off water service. The District will provide reasonable notice to tenants and owners or their authorized agents prior to water service being shut off, provided if the District determines the cross-connection or other violation of this code presents an imminent and serious threat to the public water system, the

District may immediately shut off the customer's water service. Service will be restored once the customer has adequately protected against cross-connection hazards to the District's satisfaction.

- (2) *Water shut off and restoration charge.* The District shall levy a standard charge, in an amount as established by the Board from time to time, against the customer's water account for each shut off and turn on action required at the affected address. The District shall have the authority to collect any fees, charges and penalties levied or assessed against the customer's water service account under this section pursuant to the provisions of RCW 57.08.081 and as such statute is revised or amended, including the right to file and foreclose a lien for nonpayment against the real property receiving water service.
 - (3) *Other remedies.* The provisions in this section are not exclusive remedies. The District reserves the right to take any, all, or any combination of actions concurrently or sequentially against a noncompliant customer or to take other actions as warranted by the circumstances and allowable by law.
- (j) *Records.* The District shall maintain cross-connection records in accordance with WAC 246-290-490 and shall include the following:
- (1) A master list of service connections and/or consumer's premises where the purveyor relies upon approved backflow preventers to protect the public water system from contamination, the assessed hazard level of each, and the required backflow preventer(s);
 - (2) Inventory information on backflow preventers that protect the public water system including:
 - a. Approved air gaps installed in lieu of approved assemblies including exact air gap location, assessed degree of hazard, installation date, history of inspections, inspection results, and person conducting inspections;
 - b. Approved backflow assemblies including exact assembly location, assembly description (type, manufacturer, model, size, and serial number), assessed degree of hazard, installation date, history of inspections, tests and repairs, test results, and person performing tests; and
 - c. Approved AVBs used for irrigation system applications including location, description (manufacturer, model, and size), installation date, history of inspection(s), and person performing inspection(s).
 - (3) Cross-connection program summary reports and backflow incident reports to the Washington State Department of Health.
- (k) *Liability.* The District shall not be liable for any or all water pressure loss, flow loss, head loss, friction loss, or other costs or damages associated with the use and operation of backflow prevention assemblies, including but not limited to interruption of service. For continuous service, it is recommended that at least two assemblies be installed in parallel to prevent total flow loss due to testing and repairs. In cases where the customer has successfully obtained approval from the District for an exception to premises isolation, the customer side of the water meter chamber shall continue to be the beginning of the customer's system and the customer shall retain the associated responsibilities and liabilities described in this chapter. In all cases, the customer shall indemnify and hold harmless the District for all contamination of the customer's system or the District's water distribution system that results from an unprotected or inadequately protected cross-connection within the customer's premises. Under no circumstances shall the District's grant

of an exception from premises isolation be construed to mean that the District assumes responsibility or liability for any cross-connection incident on the customer's premises. This indemnification shall pertain to all backflow conditions that may arise from the District's suspension of water supply, water main breaks, or reduction of water pressure. Any customer violating any of the provisions of this program when said violation results in damage to or impairs the District's water system, including, but not limited to, allowing contamination, pollution, any other substances, or non-potable water to enter the District's water system, shall be liable to the District for all expenses, loss, or damages caused by such violation. Such costs may include, but are not limited to, cleaning, purifying, repairing, or replacement work in the District's water system caused by the violation.