

**ORDINANCE NO. 80**

**ORDINANCE OF THE LOS ALAMOS COMMUNITY SERVICES  
DISTRICT AMENDING ORDINANCE NO. 61 TO ADOPT REVISED CROSS-  
CONNECTION INSPECTION FEE AND SUPERSEDING ORDINANCE NO. 70 TO  
ADOPT AMENDED AND RESTATED CROSS-CONNECTION CONTROL PROGRAM**

WHEREAS: The Board of Directors of the Los Alamos Community Services District (the “District”) recognizes that contamination or pollution of the District’s potable water supply may occur as a result of the Backflow or Back-siphonage of non-District water at Cross-Connections; and

WHEREAS: In accordance with: (i) the Federal Safe Drinking Water Act of 1974, (ii) Sections 116800 – 116820 of the California Health and Safety Code, (iii) Title 17 of the California Code of Regulations, and (iv) Section 11.07 of the District’s Ordinance No. 59, as amended, the District adopted Ordinance Number 70 on May 23, 2001 to provide for a program to protect the public potable water supply of the District from the possibility of contamination or pollution resulting from Cross-Connections (the “Program”); and

WHEREAS: The Program is designed to promote the elimination or control of actual or potential Cross-Connections between the District’s potable water system and the non-potable water of certain District Customers; and

WHEREAS: The Program provides for regular inspections of Cross-Connections and Backflow Preventer devices; and

WHEREAS: The District has determined that, for administrative simplification, cost-savings to District Customers, and to assure that regular inspections of Cross-Connections and Backflow Preventer Devices occur in a timely manner, the Program should be revised to provide that annual inspections will be arranged by the District rather than by the Customers.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Los Alamos Community Services District, Santa Barbara County, California, as follows:

The Amended and Restated Cross-Connection Control Program set forth below is hereby adopted. Said Amended and Restated Program shall supersede in its entirety the provisions of Ordinance No. 70.

## AMENDED AND RESTATED CROSS-CONNECTION CONTROL PROGRAM

### ARTICLE 1. GENERAL PROVISIONS

**1.01. Rules and Regulations.** The following rules and regulations are hereby adopted, and all work in respect thereto shall be performed as herein required in this Ordinance.

**1.02. Short Title.** This Ordinance will be called the “Cross-Connection Control Program.”

**1.03. Responsibility.** The Cross-Connection Administrator shall be responsible for the protection of the District’s potable water distribution system from contamination or pollution due to the Backflow or Back-siphonage of Contaminants or Pollutants through Cross Connections.

**1.04. Words and Phrases.** For the purpose of this Ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number; and all words in the masculine gender shall include the feminine.

### ARTICLE 2. DEFINITIONS

**2.01. Air Gap** shall mean 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.

**2.02. Approved** shall mean accepted by the Cross Connection Administrator as meeting an applicable specification stated or cited in this Ordinance, or as suitable for the proposed use.

**2.03. Atmospheric Vacuum Breaker** shall mean a device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

**2.04. Backflow** shall mean 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.

**2.05. Backflow Consultant** shall mean a qualified Person retained by the District to perform evaluations, tests and inspections of Backflow Preventers as contemplated by this Ordinance.

**2.06. Backflow Preventer** shall mean a device or means designed to prevent Backflow or Back-siphonage, most commonly categorized as Air Gap, Reduced Pressure Principle Backflow Preventer, Double Check Valve Assembly, Pressure Vacuum Breaker, Atmospheric Vacuum Breaker, Hose Bibb Vacuum Breaker, Residential Dual Check, Double Check Valve with Intermediate Atmospheric Vent, and Barometric Loop.

- 2.07. Back-siphonage** shall mean 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.
- 2.08. Barometric Loop** shall mean 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 Back-siphonage.
- 2.09. Containment** shall mean a method of Backflow prevention which requires a Backflow Preventer at the water service entrance.
- 2.10. Contaminant** shall mean any physical, chemical, biological, or radiological substance or matter 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.
- 2.11. Cross-Connection** shall mean any actual or potential connection between a potable water supply and any source or system containing unapproved water or a substance that is not or cannot be Approved as safe, wholesome, and potable, whereby water from such source may be forced or drawn into the District's potable water supply.
- 2.12. Cross Connection Administrator** shall mean the Person, or his delegated representative in charge of the District's Program, who is properly trained to implement this Program, and is invested with the authority and responsibility for the implementation of the Program and for the enforcement of the provisions of this Ordinance.
- 2.13. Customer** shall mean any person who has legal title to, or license or other legal right to operate or inhabit in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.
- 2.14. Department** shall mean the State of California Department of Health Services.
- 2.15. District** shall mean the Los Alamos Community Services District.
- 2.16. Double Check Valve Assembly** shall mean 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.
- 2.17. Double Check Valve with Intermediate Atmospheric Vent** shall mean a device having two (2) spring loaded check valves separated by an atmospheric vent chamber.
- 2.18. Fixture Isolation** shall mean 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.
- 2.19. Hose Bibb Vacuum Breaker** shall mean a device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

**2.20. Person** shall mean any individual, partnership, company, public or private corporation, political subdivision or agency of the State of California, department, agency or instrumentality or the United States or any other legal entity.

**2.21. Pollutant** shall mean 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.

**2.22. Premises** shall mean any lot or parcel of real property, including the structures or buildings thereon, except that each separate structure or building thereon utilized for normal commercial or industrial purpose, on a permanent basis, shall be deemed a separate premise for the purpose of regular water service. Apartment houses, condominiums, mobile home parks and structures of like nature shall be classified as a single premise with multiple “dwelling units” for the purpose of regular water service. A mobile home, motor home or similar type vehicle not located within a mobile home or trailer park shall be deemed a premise for the purpose of regular water service when utilized for domestic, commercial or industrial purposes.

**2.23. Pressure Vacuum Breaker** shall mean 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).

**2.24. Reduced Pressure Principle Backflow Preventer** shall mean an assembly consisting of two (2) independently operating Approved check valves with an automatically operating differential relief valve located between the two (2) check valve, 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.

**2.25. Residential Dual Check** shall mean an assembly of two (2) spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. A Residential Dual Check is generally employed immediately downstream of the water meter to act as a Containment device.

**2.26. Water Service Entrance** shall mean that point in the Customer’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.

### **ARTICLE 3. ADMINISTRATION**

**3.01. Review of Connections to District.** The Cross-Connection Administrator, or his agent, shall determine if a Backflow Preventer is required at the Customer’s connection to the District’s water works. All Cross-Connections will be classified by degree of hazard to the District’s potable water supply. Backflow Preventers will be required in accordance with this degree of hazard and as required pursuant to 17 California Code of Regulations Section 7604, as

hereinafter amended. A Customer shall allow his Premises to be inspected for possible Cross-Connections, and shall comply with this Ordinance and all other applicable laws.

**3.02. Requirement of Backflow Preventers.** If, in the judgement of the Cross-Connection Administrator, an Approved Backflow Preventer is required at the District's water service connection to any Customer's Premises, the Cross-Connection Administrator, or his delegated agent, shall give notice in writing to said Customer to install an Approved Backflow Preventer at each service connection to his Premises.

**3.03. Installation of Backflow Preventers; Containment.** If Backflow Preventers are required, (a) at a minimum, a Double Check Valve Assembly must be installed, (b) Backflow Preventers must be placed as near the service as possible, and (c) Backflow Preventers shall be open to test and inspection. Plans for installation of Backflow Preventers must be Approved by the District prior to installation.

**3.04. Special Circumstances.**

(1) When the Customer is engaged in the handling of especially dangerous or corrosive liquids or industrial process waters, the District may require the Customer to eliminate certain plumbing or piping connections as an additional precaution and a protection of the Backflow Preventer device.

(2) If the District requires that the public supply be protected by Containment, the Customer shall be responsible for water quality beyond the outlet end of the Containment device and should utilize Fixture Isolation protection for that purpose.

(3) Any Customer having a private well or other private water source must have a permit if the well or source is Cross-Connected to the District's system. Permission to Cross-Connect may be denied by the District. The Customer may be required to install a Backflow Preventer at the Water Service Entrance if a private water source is maintained, even if it is not Cross-Connected to the District's system.

(4) In the event the Customer installs plumbing to provide potable water for domestic purposes which is on the District's side of the Backflow Preventer, such plumbing must have its own Backflow Preventer installed.

**3.05. Installation of Relief Valve.** If Backflow Preventers are required, as a protection of the Customer's plumbing system, a suitable pressure relief valve must be installed and maintained by the Customer, at the Customer's expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

**3.06. Time for Compliance; Discontinuance of Service.** The Customer shall, within ninety (90) days install such Backflow Preventer 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.

**3.07. Inspections and Fees.**

(1) The District shall retain a qualified Person as the District’s Backflow Consultant to perform evaluations, tests and inspections of Backflow Preventers as contemplated by this Ordinance. The Backflow Consultant shall possess a valid certificate of competence issued by the American Water Works Association, or as otherwise required by Federal, State or local laws.

(2) All charges for the evaluations, tests and inspections required by this Ordinance shall be paid by the Customer. Annual tests and inspections as required by Section 5.02 and any other inspections performed by the Backflow Consultant shall be billed by the District to the Customer at the rate charged to the District by the Backflow Consultant.

(3) For testing required by Section 5.02, the District shall determine the total estimated annual fee to be charged to the Customer (inclusive of the fees of the Backflow Consultant and the District’s \$3.28 monthly administrative fee pursuant to District Ordinance No. 61) and bill the Customer one-twelfth (1/12<sup>th</sup>) of such total fee each month. Any fees for services that were not included in the District’s estimate of annual fees shall be billed following service to the Customer.

**3.08. Accordance with Law.** Notwithstanding any other provision of this Article 3, installation of Backflow Preventers shall be done in compliance with then current Federal, State, and local government standards.

**ARTICLE 4. INSPECTION PROGRAM – NEW INSTALLATIONS**

**4.01. Site Evaluations.** On new installations, the District will provide on-site evaluation and/or inspection of plans in order to determine the type of Backflow Preventer, if any, that will be required, will issue permits in accordance with District Ordinance 59, as amended, and perform inspection and testing.

**4.02. Installation.** If Backflow Preventers are required, they shall be installed and inspected in accordance with Article 3 of this Ordinance.

**ARTICLE 5. INSPECTION PROGRAM – EXISTING INSTALLATIONS**

**5.01. Initial Review**

(1) For Backflow Preventers existing at the time this Ordinance is adopted, which were not inspected in accordance with Section 5.01 of Ordinance No. 70, the District will perform evaluations and inspections of plans and/or Premises and inform the Customer 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. Once the correction is made, the District shall make a re-inspection.

(2) The District will not allow any Cross-Connection to remain unless it is protected by an Approved Backflow Preventer, and a permit has been issued in accordance with Ordinance

59. The Backflow Preventer shall be regularly tested as provided herein to insure satisfactory operation.

(3) Any existing Backflow Preventer shall be allowed by the District 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 a reduced pressure principle device, or a reduced pressure principle device must be installed in the event that no Backflow device was present.

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

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

## **5.02. Periodic Testing**

(1) Backflow Preventer devices shall be tested and inspected annually by the Backflow Consultant. The Cross Connection Administrator shall set a regular inspection due date ("Due Date"), which shall not be more than one year after the date of the last inspection. Following each such inspection, the Backflow Consultant will submit to the Cross Connection Administrator a completed test and maintenance report form as necessary for the District to comply with Federal, State, and local laws and regulations. Said inspections shall be conducted during the District's regular business hours. Exceptions to this, when at the request of the Customer, may require additional charges to cover the increased costs to the District.

(2) Any Backflow Preventer which fails during a periodic test must be repaired or replaced at the Customer's expense. When repairs are necessary, upon completion of the repair the device will be re-tested at the Customer'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 Customer is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the Customer insuring that uninterrupted water service during testing or repair of devices and is strongly recommended when the Customer desires such continuity.

(3) Backflow Preventer devices will be tested more frequently than specified in this Section 5.02, in cases where there is a history of test failures and the District feels that due to the

degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the Customer.

### **5.03. Customer Obligations**

(1) The Customer shall be responsible for the elimination or protection for all Cross-Connections on his Premises.

(2) The Customer, after having been informed by a letter from the District, shall at his expense, install, maintain, and allow for the testing and inspection of any and all Backflow Preventers on his Premises.

(3) The Customer shall correct any malfunction of the Backflow Preventer which is revealed by periodic testing.

(4) The Customer shall inform the District of any proposed or modified Cross-Connections and also any existing Cross-Connections of which the Customer is aware but has not been found by the District.

(5) The Customer shall not install a by-pass around any Backflow Preventer unless there is a Backflow Preventer of the same type on the by-pass. Customers who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

(6) The Customer shall install Backflow Preventers in a manner Approved by the District.

(7) The Customer shall install only Backflow Preventers Approved by the District or the Department.

(8) The Customer shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, re-testing in the case that the device fails to operate correctly, and second re-inspections for non-compliance with District or Department requirements.

(9) Within fifteen (15) days following the adoption of this Ordinance, any Customer with a locked Backflow Preventer device shall provide the District a key, combination or other information to enable the District to access the Backflow Preventer for inspection and testing purposes. The Customer shall immediately inform the District of any change to, or addition of, a lock on the Backflow Preventer, and shall provide any necessary key, combination or other information to enable the District to access the Backflow Preventer.

## **ARTICLE 6. RECORD KEEPER**

**6.01 Records.** The District will initiate and maintain the following:

- (1) Master files on customer Cross-Connection tests and/or inspections.
- (2) Master files on all permits issued for water service connections.



- (3) Copies of permits and permit applications.
- (4) Copies of lists and summaries supplied to the Department.

**6.02 Reports.** The District shall maintain all records for a minimum of three (3) years.

## **ARTICLE 7 SUSPENSION OF CONFLICTING REGULATIONS**

**7.01.** This Ordinance prevails to the extent that the terms and provision of this Ordinance are inconsistent or in conflict with the terms and provisions of any prior District ordinances, resolutions, rules, and regulations. The terms of this Ordinance shall prevail, and inconsistent and conflicting provisions of prior ordinances, resolutions and rules and regulations shall be suspended during the effective period of this Ordinance.

## **ARTICLE 8. EFFECTIVE DATE**

**8.01.** This Ordinance shall be effective as of the date of its adoption.

## **ARTICLE 9. SEVERABILITY**

**9.01.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unlawful, unenforceable or unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Directors hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any on or more sentences, sections, subsections, or clauses or phrases be declared unlawful, unenforceable or unconstitutional.

## **ARTICLE 10. EXEMPTION FROM CEQA**

**10.01. No Environmental Impact.** The Board hereby finds: (a) that there is no substantial evidence in the record of the proceedings as a whole that this Ordinance or the Program will have a significant effect on the environment, (b) that this Ordinance and the Program are not “projects” as defined by the California Environmental Quality Act (“CEQA”) Guidelines Section 15378 because there is no potential for a direct or indirect physical change in the environment as a result of this Ordinance or the Program, and this Ordinance and the Program are general policy and procedure making and do not involve the issuance of a license, permit, or other entitlement; (c) this Ordinance provides rates for inspections, which are for the purpose of meeting operating expenses, an activity contemplated as exempt from CEQA review pursuant to Public Resources Code Section 21080(b)(8), (d) that under CEQA Guidelines Section 15307, this Ordinance only consists of actions by the District to assure the maintenance, restoration, or enhancement of potable water, a natural resource; and (e) that no further environmental view is required.

**10.02 Notice of Exemption.** In accordance with Section 21152(b) – (c) of the Public Resources Code, the Board directs the Secretary to file a Notice of Exemption with the Santa Barbara County Clerk.

**ARTICLE 11. OTHER FINDINGS**

The Board hereby finds (a) that, in compliance with Article XIII A, Section 4 of the California Constitution and Sections 50076 of the Government Code, the rates set forth in this Ordinance do not constitute a special tax requiring voter approval, (b) that, based on the cost projections of the District, the revenue forecast to be generated by the rates set forth in this Ordinance do not exceed the estimated reasonable costs of providing the services set forth herein, (c) that the revenues derived from the fees imposed will not be used for any purpose other than that for which the fees are imposed, (d) that the amount of the fees will not exceed the proportional cost of the service provided to any parcel, and (e) that fees will be imposed only where service is actually used by the owner of the property in question.

PASSED AND ADOPTED by the Board of Directors of the Los Alamos Community Services District on April 28, 2004 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Peter Diffenderfer, President  
of the Board of Directors

ATTEST:

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Candyce Clark, Secretary  
of the Board of Directors