

Town of Westmoreland

Local Law No.1 of 2013

A LOCAL LAW PROHIBITING CROSS CONNECTIONS BETWEEN  
TOWN OF WESTMORELAND WATER SYSTEM AND PRIVATE WATER SYSTEMS.

Be it enacted by the Town Board of the Town of Westmoreland as follows:

Section 1.

**Article 1. Legislative Intent**

The purpose of this Local Law is to safeguard potable water supplies from potential contamination by preventing back flow 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 supply the principal that the degrees of protection should be commensurate with the degrees of hazard. Further, it is the intent of the Town of Westmoreland, New York, to comply with the requirements of New York State Sanitary Code, Part 5, section 5-1.31 which said section mandates the requirement that the supplier of water protect its water system in accordance with procedures acceptable to the Commissioner of Health. These mandated requirements are as 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 fully stated.

**Article II. Definitions**

- 1) Cross Connections. The Term "cross connection" as used in this Local Law means any unprotected connection between any part of a water system used or intended to be used as a supply of water for drinking purposes in a source or systems containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.
- 2) Approved Water Supply. The term "approved water supply" means any water supply approved by the New York State Department of Health.
- 3) Auxiliary Supply. The term "auxiliary supply" means any water supply on or available to the premises other than the approved public water supply.
- 4) Vacuum Breaker - Pressure Type and Non-Pressure Type. A vacuum breaker which can only be used for internal plumbing control and, therefore, not acceptable as a containment device.
- 5) Approved Check Valve. The term "approved check valve" means a check valve that seals readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seat must be bronze composition, or other non-corrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze and other non-corrodible, non-sticking material, machined for easy dependable operation. The closure element shall be



internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

6) Approved Double Check Valve Assembly. The term "approved double check valve assembly" means two single independently acting check valves, consisting of a tightly closing shut off valve located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.

7) Approved Reduced Pressure Zone Device. The term "approved reduced pressure zone device" means a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and properly located test cocks. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than supply pressure. This device must also be approved as a complete assembly.

8) Air Gap Separation. The term "air gap separation" means a physical break between the supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.

9) Water Supervisor. The term "water supervisor" means the consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the water system free from cross connections and other sanitary defects, as required by this Local Law and all other required regulations and laws.

10) Certified Back Flow Prevention Device Tester. The term "certified back flow prevention device tester" is an individual who has successfully completed a New York State Department of Health approved course in the testing of back flow prevention devices and has been issued a certificate by the New York State Department of Health.

### **Article III.**

A) Where Protection is Required. The water system shall be required to maintain a degree of protection commensurate with the degree of hazard regardless of whether the hazard is immediate or potential. This may include but not be limited to the presence and use of water boilers for heating systems. To that extent, the Cross Connection Control Manual published by NYSDOH shall be used as a guide to determine where protection is required and devices shall be of a type acceptable to the New York State Department of Health.

B) Supplier of Water. The supplier of water responsibility for cross connection control is found in Part 5 of the State Sanitary Code, Section 5-1.31. The supplier of water is responsible to assure that water of questionable or unsuitable quality does not enter the public water supply system. The supplier is required to determine the degree of hazard that a facility poses to his water supply system, and to require that an acceptable backflow prevention containment device be installed, tested, operated and maintained and that adequate records of maintenance and repair be kept.

C) Customer. The customer has the primary responsibility of preventing contaminants from entering the potable water piping system and subsequently, the public water supply. He shall, as required by the supplier of water, install, test, operate, maintain and keep adequate maintenance and repair records for every backflow prevention device installed to provide containment.



Additionally, customer shall prevent cross-connection between the potable water piping system and any other piping system within his facility.

D) Type of Protection. The protective device required shall depend on the degree of hazard as tabulated below:

- 1) At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross connection, the public water supply shall be protected by an approved reduced pressure zone device.
- 2) At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the public water supply is handled so as to constitute a cross connection, the public water supply shall be protected by an approved double check valve assembly.
- 3) At the service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled but not under pressure, the public water supply shall be protected by an air gap separation or an approved reduced pressure zone back flow prevention device. If an air gap is installed, it shall be located as close as practicable to the water meter, and all piping between the water meter and receiving tank shall be entirely visible. A reduced pressure zone device when installed shall be located as close as possible to the property line.
- 4) At the service connection to any premises on which any material dangerous to health is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and shall be accessible.
- 5) At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected by an approved reduced pressure zone back flow prevention device and it shall be located as close as possible to the property line.

E) Frequency of Inspection of Protective Devices. It shall be the duty of the water user on any premises on which back flow protective devices are installed to have inspections by a NYS Department of Health certified back flow prevention device inspector made at least once a year, or more often in instances where successive inspections indicate repeated failure. Devices shall be repaired, overhauled or replaced at the expense of the water user whenever the devices are found to be defective. These tests shall be performed by a qualified back flow prevention device tester, and all test results will be provided to the water user within 72 hours after the test is made. Records of such tests, repairs and overhaul shall also be kept and made available to the water users and the local health department upon request. The supplier of water is also responsible for assuring that all protective devices are tested annually and maintaining records of such tests.

#### **Article IV. Penalties and Recourse for Non-compliance**

A) No water service connection to any premise shall be installed or maintained by the water user, unless the water supply is protected as required by this Local Law and other such applicable local, state and federal laws, rules and regulations.

B) If any facility served by a water system denies a water department person access to its premises for the purposes of determining if protection to the public water system is necessary, the following consequence applies: (Since great risk may be present) the Town will require the installation of prevention devices designed for maximum risk, with the requirement that the number of devices installed shall equal the number of service lines.

C) The following penalties shall be applicable for a violation of this Local Law:

1. Failure to install the appropriate back flow prevention device within a prescribed time frame after the first notice:

\$350.00

2. Failure to install the appropriate backflow prevention device within a prescribed time frame after the second notice:

Termination of service

3. Failure to at least annually test the back flow prevention device:

\$500.00 and/or termination of water services

4. Failure to replace or repair a back flow prevention device as required:

\$1,000.00 and/or termination of water services

#### **Article V. Effective Dates**

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