

Chapter 236

WATER, POTABLE

[HISTORY: Adopted by the Town Board of the Town of Pendleton 3-5-2002 by L.L. No. 1-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 132.

Plumbing — See Ch. 194.

Sewers and water — See Ch. 209.

Subdivision of land — See Ch. 220.

§ 236-1. Purpose.

Potable water supplies are an essential life-supporting element of our natural environment. Such water is continually threatened by contamination or pollution and the possible subsequent creation of health hazards. The Town of Pendleton desires to do all that is practicable to prevent such contamination and pollution through the use of safeguard devices. This chapter assists in the effectuation of such purpose by requiring the installation of backflow prevention devices where these exist. Cross-connections between private and public water systems should avoid backflow into the public water system.

§ 236-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AIR-GAP SEPARATION — A physical break between a supply pipe and a receiving vessel. Said air gap shall be at least double the diameter of the supply pipe, as measured vertically above the top rim of the vessel, and in no case be less than one inch.

APPROVED CHECK VALVE — A check valve that seats readily and completely, carefully machined to have free moving parts and assured watertightness. The face of the closure element and valve seat shall be bronze, composition, or another noncorrodible material which will seat tightly under all prevalent conditions of field use. Pins and bushings shall be made of bronze or another noncorrodible, nonsticking material machined for easy, dependable operation. The closure element, e.g., the clapper, shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is possible. It must be approved by New York State Department of Health.

APPROVED DOUBLE CHECK VALVE ASSEMBLY — An assembly of at least two independently acting check valves, including tightly closing shutoff valves on each side of the check valve assembly, suitable leak-detector drains, and connections for testing the watertightness of each check valve. This device must be approved by New York State Department of Health.

APPROVED REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE — A device incorporating two or more check valves and an automatically operating differential relief valve located between the two check valves, two shutoff valves, and those appurtenances necessary for testing. The device shall operate to maintain the pressure in the zone between the two check valves at less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In the event of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere thereby providing an air gap in the device. In order to be approved, these devices must be readily accessible for maintenance and testing, and installed in a location where no part of the valve will be submerged. The enclosure must be self-draining, so that the large amount of water which the relief valve may vent will be disposed of reliably without submergence of the relief valve. This device must be approved by the New York State Department of Health.

APPROVED WATER SUPPLY — Any water supply approved by the New York State Department of Health.

AUXILIARY SUPPLY — Any water supply on or available to the premises, other than the approved water supply.

BAROMETRIC LOOP — A loop of pipe which at its topmost point rises approximately 35 feet above the highest fixture it supplies.

CERTIFIED BACKFLOW PREVENTION DEVICE TESTER — A person who is certified by the State Health Department to be competent in the testing of backflow prevention devices. Said person shall be provided with an appropriate identification card which must be renewed annually. Said person will hereafter be referred to as "Certified Inspector."

CROSS-CONNECTION — Any unprotected connection between a water system used or intended to be used to supply water for drinking purposes, and any source or system containing water or a substance which is not or cannot be approved as equally safe, wholesome and potable for human consumption.

LOCAL HEALTH DEPARTMENT — Niagara County Health Department.

VACUUM BREAKER, NONPRESSURE TYPE — A vacuum breaker which is designed not to be reactive to static line pressure.

VACUUM BREAKER, PRESSURE TYPE — A vacuum breaker designed to operate under conditions of static line pressure.

WATER DEPARTMENT — Town of Pendleton Water Department.

WATER USER — The consumer, or the 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 consumer's water system free from cross-connections and other sanitary deficiencies pursuant to regulations and laws. It shall be the responsibility of the water users to provide and maintain these protective devices, and

each one must be of a type acceptable to the New York State Department of Health.

§ 236-3. Protection of public water system at service connection.

A. Where protection is required.

- (1) Each service connection between a public water system and premises which have an auxiliary water supply shall be protected against backflow of water from said auxiliary water supply into the public water system, unless said water supply is approved as an additional source by the Water Department, and is satisfactory to the public health agency having jurisdiction with regard to quality and safety.
- (2) Each service connection between a public water system and premises where a substance is handled under pressure in such a manner as to permit entry into the premises' water system shall be protected against the backflow of such premises' water system into the public system. This includes the handling of process waters, and those waters originally provided by the public water system which may have deteriorated in sanitary or chemical quality.
- (3) Each service connection between a public water system and premises where a substance of unusually toxic concentration or danger to health is handled in liquid form, even when not under pressure, shall be protected against the backflow of the water from the premises into the public water system. Examples are plating factories, premises using cyanide, and hospitals. This is not intended to apply to normal household installations.
- (4) Backflow prevention devices shall be installed on the service connection to any premises that have internal cross-connections, unless such cross-connections are abated to the satisfaction of the Water Department. It shall be the responsibility of the water users to provide and maintain these protective devices, and each one must be of a type acceptable to the New York State Department of Health.
- (5) Backflow prevention devices shall be installed on all trucks or other equipment used for the purpose of spraying fertilizers, insecticides, pesticides, or fungicides. Said devices shall prevent the introduction of such chemicals into the public water system when said equipment is being filled with water at fire hydrants or other service connections of the public water system.

B. Type of protection.

- (1) At the service connection to any premises on which 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 double check valve assembly.
- (2) At the service connection to any premises on which there is an auxiliary water supply where cross-connections are known to exist which cannot be presently eliminated, the public water supply system shall be protected by an air-gap

separation or an approved reduced pressure principle backflow prevention device.

- (3) 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.
 - (4) 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 principle backflow prevention device. This device shall be located as close as practicable to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible.
 - (5) At the service connection to any premises on which any material dangerous to health, or any toxic substance in toxic concentration, 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 all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with an approved reduced pressure principal backflow device which is acceptable to the Water Department.
 - (6) At the service connection at 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 tanks shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected with an approved reduced pressure principle backflow prevention device.
 - (7) Trucks or equipment used for the purpose of spraying fertilizers, insecticides, pesticides and fungicides shall be equipped with a backflow prevention device which is determined to be reasonable and acceptable to the Water Department.
- C. Frequency of inspection of protective devices. It shall be the duty of the water user on any premises where backflow prevention devices are installed to have inspections made at least once a year, or more often in those instances where successive inspections indicated repeated failure. Said devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. Tests shall be performed by a Certified Inspector at the user's expense and all test results will be delivered to the Water Department within 72 hours after the test is made. Records of such tests, repairs and overhauls shall be kept and made available to the Water Department and the Local Health Department upon request.

§ 236-4. Protection of potable water systems within premises.

- A. Separate drinking water systems. If the Water Department determines that it is not practicable to protect drinking water systems on premises against entry of water from a source or piping system or equipment that cannot be approved as safe or potable for human use, an entirely separate drinking water system shall be installed to supply water at points convenient for consumers.
- B. Fire systems. Water systems for fire-fighting, derived from a supply that cannot be approved as safe or potable for human use, shall, wherever practicable, be kept wholly separate from drinking water pipelines and equipment. In situations where the domestic water system is used for both drinking and fire-fighting purposes, approved backflow prevention devices shall be installed to protect those individual drinking water lines not used for fire-fighting purposes. Any auxiliary fire-fighting water supply which is not approved for potable purposes, but which is so connected that it may be introduced into potable water piping during an emergency, shall be equipped with an approved chlorination machine. It is hereby declared to be the responsibility of the person or persons causing the introduction of said unapproved or unsafe water into the pipelines to develop a procedure and utilize such to notify and protect users of this potable water piping system during the emergency; and to effectuate measures to disinfect thoroughly and flush out all pipelines which may become contaminated, prior to the resumption of their use to provide drinking water. If the means used to protect water consumers is disinfection of the auxiliary fire-fighting supply, said installation and its use shall be thoroughly reliable. The public water supply must be protected against backflow from such dual domestic fire systems.
- C. Process waters. Potable water pipelines connected to equipment for industrial processes or operations shall be protected by a suitable backflow prevention device located beyond the last point from which drinking water may be taken, which said device shall be installed on the feed line to process piping or equipment. In the event the particular process liquid is particularly corrosive, or apt to prevent reliable action of the backflow prevention device, air-gap separation shall be provided. All devices shall be tested by the water user at least once a year, or more often in those instances where successive inspections indicate repeated failure. The devices shall be repaired, overhauled or replaced whenever they are found to be defective. Tests must be performed by a certified inspector at the user's expense and records of tests, repairs, and replacements shall be kept and made available to the Water Department and the health department upon request.
- D. Sewage treatment plants and pumping stations. Sewage pumps shall not have priming connections which are directly connected to any drinking water systems. No connections shall exist between the drinking water system and any other piping, equipment, or tank in any sewage treatment plant or sewage pumping station.
- E. Plumbing connections.
 - (1) Where circumstances are such that there exists a special danger to health from the backflow of sewage into a drinking water system from sewers, toilets, hospital bedpans and the like, a dependable device or devices shall be installed to prevent such a backflow.

- (2) These regulations do not transcend local plumbing regulations, but only are directed at those extraordinary situations where sewage may be forced into, or drawn into, potable drinking water piping. These same regulations do not attempt to eliminate, at the present time, the hazards of back-siphonage through flushometer valves on all toilets but only are directed at those situations where the likelihood of vacuum conditions in a drinking system is definite and thus there is a special danger to health. Devices which avoid back-siphonage from plumbing fixtures are roof tanks, barometric loops or separate pressure systems separately piped to supply such fixtures, recognized approved vacuum or siphon breakers, and other backflow prevention devices which have been proven by appropriate tests to be dependable in the destruction of a vacuum.
- (3) Inasmuch as many serious hazards of this kind are caused by water supply piping which is too small, thereby causing vacuum conditions when various fixtures are flushed or water is drawn from the system in other ways, it is recommended that water supply piping which is determined to be too small be enlarged whenever possible.

F. Marking safe and unsafe water lines.

- (1) Where premises contain dual or multiple water systems and piping, the exposed portions of pipelines shall be painted, banded or marked at sufficient intervals to distinguish clearly which water is safe and which is not safe. All outlets from secondary or other potentially contaminated systems shall be posted as being contaminated and unsafe for drinking purposes. All outlets intended for drinking purposes shall be plainly marked to indicate such.
- (2) The local Health Department and the Water Department shall be kept informed of the identity of all persons responsible for the water piping on all premises concerned with these regulations. At each premise where it is necessary, in the opinion of the Water Department, a water supervisor shall be designated. The water user shall be responsible for the installation and use of pipelines and equipment and for the avoidance of cross-connections.
- (3) In the event of contamination or pollution of the drinking water system due to a cross-connection of the premises, the local Health Department and Water Department shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to eliminate the contamination.

§ 236-5. Recourse for noncompliance.

- A. No water service connection to any premises shall be installed or maintained by the Water Department until the water supply is protected pursuant to state regulations and this rule.
- B. The providing of water to any premises may be discontinued at the discretion of the Water Department if a backflow prevention device required by this rule and

regulation is not installed, tested, and maintained. If any defect is found in an installed backflow prevention device, or if it is found that a backflow prevention device has been removed or bypassed, or if unprotected cross-connections exist on the premises, service will be terminated and not be restored until such conditions or defects are corrected.

§ 236-6. Certified inspector's fees.

The water user may opt to employ the service of a certified operator employed by the Water Department. The Town Board shall by resolution from time to time set the fees for inspections by said certified inspectors. All such fees will be billed by and be paid to the Water Department on the next quarterly or the final water bill, as the case may be.

§ 236-7. Penalties for offenses.

- A. Any person found violating any provision of this chapter shall be served with a written notice, stating the nature of the violation and providing a specified time within which the violation shall cease and satisfactory corrective action shall be taken by the violator.
- B. In the event that such violation is not terminated within the time specified within said notice, the violator shall be liable to the people of the Town of Pendleton for a penalty of not more than \$1,000.
- C. Every week that a violation is allowed to continue beyond the time specified in said notice shall constitute a separate violation.
- D. Nothing contained herein shall prevent the Town of Pendleton from exercising such other and additional remedies as are available to it under other local law, or state or federal law.

§ 236-8. Reasonable interpretation required; service shut off; charges.

- A. These regulations are to be reasonably interpreted; it is their intent to recognize that there are varying degrees of hazard and to apply the degree of protection should be commensurate with the degree of hazard.
 - (1) In case of a violation of this chapter, the Water Department may shut off the service until the violation is removed and all charges paid, including a charge for turning off or turning on the service.
 - (2) Service charges for turning off or turning on the service shall be set by the Town Board by resolution.
 - (3) Service charges will be added to the quarterly statement or the final billing, as the case may be.