

RESOLUTION NO. 800

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
PUBLIC UTILITY DISTRICT NO. 1 OF WHATCOM COUNTY ("DISTRICT")
ADOPTING CROSS-CONNECTION CONTROL POLICY**

WHEREAS, where applicable in its adopted Drinking Water Supply Plan, it is the responsibility of Public Utility District No. 1 of Whatcom County, (hereinafter referred to as the "District") to provide water that meets Washington State drinking water quality standards, to the customer at the meter, and

WHEREAS, where applicable in its adopted Drinking Water Supply Plan, it is the District's responsibility to prevent the contamination of the public water system from the source of supply (i.e., to the customer's connection to the service pipe or meter), and

WHEREAS, it is a requirement of the Washington State Department of Health (DOH) for the District to establish a cross connection-control program satisfactory to DOH and consistent with the regulations provided in Chapter 246-290 WAC (the "Cross-Connection Control Program"), and

WHEREAS, cross-connections within the customer's plumbing system pose a potential source for the contamination of the public water supply system;

WHEREAS, in order to continue to provide for the public health and safety of its customers, the Board of Commissioners of the District shall authorize the District's General Manager to establish and implement the Cross-Connection Control Policy to protect the District-owned water system from the risk of contamination that shall apply to all new and existing customers.

NOW, THEREFORE, BE IT RESOLVED that the District establishes the cross connection control set forth in Exhibit A, attached hereto.

ADOPTED by the Commission of the Public Utility District No. 1 of Whatcom County at its regular meeting held on the 14th day of September 2021.

**Public Utility District No. 1
of Whatcom County**

Atul Deshmane, President/Commissioner

Christine Grant, Secretary/Commissioner

Mike Murphy, Commissioner

APPROVED: SEPTEMBER 14, 2021

EXHIBIT A
PUBLIC UTILITY DISTRICT NO. 1 OF WHATCOM COUNTY
CROSS CONNECTION CONTROL POLICY
(September 2021)

I. Definitions

Unless otherwise defined, all terms used in this resolution pertaining to cross connection control have the same definitions as those contained in WAC 246-290-010 of the Washington State Drinking Water Regulations.

II. Prevention of Contamination

The customer's plumbing system, starting from the termination of the District's water service pipe, shall be considered a potential high-health hazard requiring the isolation of the customer's premises by a DOH-approved, customer-installed and maintained reduced-pressure principle backflow assembly (RPBA) or reduced-pressure detector assembly (RPDA). The RPBA or RPDA shall be located at the end of the District's water service pipe (i.e., immediately downstream of the meter). Water shall only be supplied to the customer through a DOH-approved, customer-installed and maintained RPBA or RPDA.

Notwithstanding the aforesaid, the District, upon an assessment of the risk of contamination posed by the customer's plumbing system and use of water, may allow:

- A single-family or duplex residential customer to connect directly to the water service pipe, i.e., without a DOH-approved double-check valve assembly (DCVA) or RPBA.
- Any customer other than a single-family or duplex residential customer, as a minimum, to be supplied through a DOH-approved, customer-installed and maintained double-check valve assembly (DCVA) or double-check detector assembly (DCDA).
- Any customer, other than a single-family or duplex residential customer to connect directly to the water service pipe (i.e., without a District-approved DCVA or RPBA), PROVIDED THAT the customer installs and maintains backflow preventers, at the point of hazard, that are commensurate with the degree of hazard assessed by the District.

III. Conditions for Providing Service

Water service is provided based on the following terms, conditions, requirements and limitations:

1. The customer shall take all measures necessary to prevent the contamination of the plumbing system within his/her premises and the District's distribution system that may occur from backflow through a cross connection. These measures shall include the prevention of backflow under any backpressure or backsiphonage condition, including the disruption of the water supply from the District's system that may occur during routine system maintenance or during emergency conditions, such as a water main break.
2. The customer shall install, operate, and maintain at all times the customer's plumbing system in compliance with the current edition of the Uniform Plumbing Code having jurisdiction as it pertains to the prevention of contamination and protection from thermal expansion, due to a closed system that could occur with the present or future installation of backflow preventers on the customer's service and/or at plumbing fixtures.
3. For cross-connection control or other public health-related surveys, the customer agrees to provide for the District's employees or agents free access to all parts of the premises during reasonable working hours of the day for routine surveys and at all times during emergencies.

Where agreement for free access for the District's survey is denied, the District may supply water service provided that premises isolation is provided through a DOH-approved reduced-pressure principle backflow assembly (RPBA).

4. The customer agrees to install all backflow prevention assemblies requested by the District and to maintain those assemblies in good working order. The assemblies shall be of a type, size, and make approved by DOH and acceptable to the District. The assemblies shall be installed in accordance with the recommendations given in the most recently published edition of the Cross Connection Control Manual, Accepted Procedures and Practice, published by the Pacific Northwest Section, American Water Works Association, or latest edition thereof.

5. The customer shall:
 - a. Have all assemblies (e.g., RPBAs and/or DCVAs) that the District relies upon to protect the public water distribution system tested upon installation, annually thereafter and/or more frequently if requested by the District, after repair, and after relocation;
 - b. Have all testing done by a District-approved and currently DOH-certified Backflow Assembly Tester (BAT);
 - c. Have the RPBA or DCVA tested in accordance with DOH-approved test procedures; and
 - d. Submit to the District the results of the test(s) on test report forms acceptable to the District within the time period specified by the District.
6. The customer shall bear all costs for the aforementioned installation, testing, repair, maintenance and replacement of the RPBA, RPDA, DCVA or DCDA installed to protect the District's distribution system.
7. At the time of application for service, if required by the District, the customer shall submit to the District plumbing plans and/or a cross-connection control survey of the premises conducted by a District-approved and DOH-certified Cross-Connection Control Specialist (CCS). The cross-connection control survey shall assess the cross-connection hazards and list the backflow preventers provided within the premises. The results of the survey shall be submitted prior to the District turning on water service to a new customer. The cost of the survey shall be borne by the customer.
8. For classes of customers other than single-family residential, when required by the District, the customer agrees to periodically submit a cross-connection control re-survey of the premises by a DOH-certified CCS acceptable to the District. The District may require the re-survey to be performed in response to changes in the customer's plumbing or water use, or performed periodically (annually or less frequently) where the District considers the customer's plumbing system to be complex or subject to frequent changes in water use. The cost of the re-survey shall be borne by the customer.
9. Within 30 days of a request by the District, a residential customer shall agree to complete and submit to the District a "Water Use Questionnaire" for the purpose of surveying the health hazard posed by the customer's plumbing system on the District's distribution system. Further, the residential customer agrees to provide within 30 days of a request by the District a cross-connection control survey of the premises by a DOH-certified CCS acceptable to the District.
10. The customer shall obtain the prior approval from the District for all changes in water use, and alterations and additions to the plumbing system, and shall comply with any additional requirements imposed by the District for cross-connection control.
11. The customer shall immediately notify the District and the local health jurisdiction of any backflow incident occurring within the customer's premises (i.e., entry of any contaminant/pollutant into the drinking water) and shall cooperate fully with the District to determine the reason for the backflow incident.
12. The customer acknowledges the right of the District to discontinue the water supply within 72 hours of giving notice to the customer, or a lesser period of time if required to protect public health, if the customer fails to cooperate with the District in the survey of premises, in the installation, maintenance, repair, inspection, or testing of backflow prevention assemblies or air gaps required by the District, or in the District's effort to contain a contaminant or pollutant that is detected in the customer's system.

Without limiting the generality of the foregoing, in lieu of discontinuing water service, the District may install an RPBA on the service pipe to provide premises isolation, and recover all costs for the installation and subsequent maintenance and repair of the assembly, appurtenances, and enclosure from the customer as fees and charges for water. The failure of the customer to pay these fees and charges may result in termination of water service in accordance with the District's water billing policies.

13. The District will require premises isolation for a customer that is of the high-hazard type or category requiring "Mandatory Premises Isolation" established by the DOH regulations (Table 9, WAC 246-290-490).
14. Where the District imposes mandatory premises isolation in compliance with DOH regulations, or agrees to the customer's voluntary premises isolation through the installation of a RPBA immediately downstream of the District's water meter, the customer acknowledges his obligation to comply with the other cross-connection control regulations having jurisdiction (i.e., Uniform

Plumbing Code). Although the District's requirements for installation, testing, and repair of backflow assemblies may be limited to the RPBA's used for premises isolation, the customer shall comply with the other terms herein as a condition of allowing a direct connection to the District's service pipe.

15. The customer shall indemnify and hold harmless the District for all contamination of the customer's plumbing system or the District's distribution system that results from an unprotected or inadequately protected cross connection within the customer's premises. This indemnification shall pertain to all backflow conditions that may arise from the District's suspension of water supply or reduction of water pressure, recognizing that the air gap separation otherwise required would require the customer to provide adequate facilities to collect, store, and pump water for his/her premises.
16. The customer shall, in the event legal action is required and commenced between the District and the customer to enforce the terms and conditions herein, the substantially prevailing party shall be entitled to reimbursement of all incurred costs and expenses including, but not limited to, reasonable attorney's fees as determined by the Court.
17. The customer acknowledges that the District's survey of a customer's premises is for the sole purpose of establishing the District's minimum requirements for the protection of the public water supply system, commensurate with the District's assessment of the degree of hazard.

It shall not be assumed by the customer or any regulatory agency that the District's survey, requirements for the installation of backflow prevention assemblies, lack of requirements for the installation of backflow prevention assemblies, or other actions by the District's personnel constitute an approval of the customer's plumbing system or an assurance to the customer of the absence of cross connections therein.

18. The customer acknowledges the right of the District, in keeping with changes to Washington State regulations, industry standards, or the District's risk management policies, to impose retroactive requirements for additional cross-connection control measures.

The District will record the customer's agreement to the above terms for service on an "Application for Water Service," "Application for Change of Water Service," or other such form prepared by the District and signed by the customer.

IV. Implementation of the Cross-Connection Control Policy

The District will employ or otherwise engage the services of a DOH-certified CCS to develop, implement and be in responsible charge of the District's cross-connection control program.

The District, under the direction of the aforementioned CCS, will prepare a written cross-connection control program plan to implement the requirements of this resolution. The written program shall be consistent with this resolution and shall comply with the requirements of Chapter 246-290 WAC (Group A Drinking Water Regulations).

The District will use the most recently published editions of the following publications as references and technical aids:

1. Cross-Connection Control Manual, Accepted Procedures and Practice, published by the Pacific Northwest Section, American Water Works Association, or latest edition thereof.
2. Manual of Cross-Connection Control, published by the Foundation for Cross- Connection Control and Hydraulic Research, University of Southern California, or latest edition thereof.
3. Cross-Connection Control Guidance Manual for Small Water Systems, published by the DOH Office of Drinking Water.

The District will incorporate the written program plan into all Drinking Water System Plans and will submit the plan to DOH for approval when requested.

The District, in consultation with the aforementioned CCS, shall have the authority to make reasonable decisions related to cross connections in cases and situations not provided for in the resolution or written program.

If any provision in this resolution, or in the written cross-connection control program is found to

be less stringent than or inconsistent with the Drinking Water Regulations (Chapter 246-290 WAC), or other Washington state statutes or rules, the more stringent state statute, rule, or regulation shall apply.