

RESOLUTION NO. 2024-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO WATER DISTRICT AMENDING ARTICLE 18 (CROSS-CONNECTION AND BACKFLOW PREVENTION) OF THE SAN DIEGUITO WATER DISTRICT ADMINISTRATIVE CODE

WHEREAS, on May 20, 2020, the San Dieguito Water District Board of Directors ("Board") adopted Resolution No. 2020-02, rescinding, readopting, and establishing the San Dieguito Water District Administrative Code ("Administrative Code"); and

WHEREAS, on April 19, 2023, the Board adopted Resolution No. 2023-05, which updated and amended Article 18 (Cross-Connection and Backflow Prevention) of the Administrative Code to further comply with State law; and

WHEREAS, on December 19, 2023, the State Water Resources Control Board adopted a Cross-Connection Control Policy Handbook, which updated State regulations governing cross-connection control effective on July 1, 2024; and

WHEREAS, in order to comply with the Cross-Connection Control Policy Handbook, the Board now desires to update and amend Article 18 (Cross-Connection and Backflow Prevention) of the Administrative Code to read as set forth in **Exhibit A**, which is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Board of Directors of the San Dieguito Water District does, hereby, amend Article 18 of the Administrative Code to read as written in **Exhibit A**, which shall become effective on July 1, 2024.

PASSED, APPROVED AND ADOPTED this 15th day of May 2024, by the Board of Directors of the San Dieguito Water District Board, State of California.

DocuSigned by:
Allison Blackwell
Allison Blackwell, President

ATTEST:

DocuSigned by:
Pamela Antil
Pamela Antil, Secretary to the Board

APPROVED AS TO FORM:

DocuSigned by:
Tarquin Preziosi
Tarquin Preziosi, Agency Attorney

CERTIFICATION: I, Kathy Hollywood, Clerk of the Board of the San Dieguito Water District, Encinitas, California, do hereby certify under penalty of perjury that the following Resolution was duly adopted at a regular meeting of the Board on the 15th day of May 2024 by the following vote:

AYES: **Blackwell, Ehlers, Hinze, Kranz, Lyndes**

NAYS: **None**

ABSENT: **None**

ABSTAIN: **None**

DocuSigned by:

Kathy Hollywood

Kathy Hollywood, Board Clerk

EXHIBIT A

ARTICLE 18 — CROSS-CONNECTION AND BACKFLOW PREVENTION.

Section 18.1 Rules and Regulations

Section 18.1.1 State and Local Regulations. This cross-connection control policy ("Policy") contained in Article 18 of the San Dieguito Water District ("District") Administrative Code is intended to comply with the State Water Resources Control Board ("SWRCB") Cross-Connection Control Policy Handbook ("CCCPH") and implement a cross-connection control program ("Program"). To the extent anything in this Policy conflicts with applicable laws or regulations, including without limitation the provisions of the CCCPH, as may be amended from time to time, the provisions of such laws or regulations, including the CCCPH, shall control.

Section 18.1.2 Purpose. This Policy, as well as the Program and CCCPH, are intended to protect the District's water system from the possibility of contamination or pollution, by isolating within customer systems such contaminants or pollutants which could backflow or back-siphonage into the District system. This Policy and the Program are also intended to provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the District system.

Section 18.2 Plan for Cross-Connection Control

Prior to the deadline set forth by the CCCPH, the District will submit a written Cross-Connection Control Plan ("Plan") to the SWRCB in accordance with the requirements set forth in CCCPH Section 3.1.4 and other applicable sections of the CCCPH. The District will ensure its Plan remains updated and representative of its Program and will resubmit the Plan to the SWRCB when substantive revisions are made.

Section 18.3 Definitions

Except as otherwise specified herein, the terms used in this Policy shall have the meanings ascribed to them in Section 3.1.1. of the CCCPH.

Section 18.4 Failure to Comply

Section 18.4.1 Compliance. Failure to comply with this Policy or the CCCPH shall constitute a violation of the District's rules and regulations for service. The District may implement corrective actions in the event a water user fails to comply in a timely manner with the District's provisions regarding installation, inspection, field testing, or maintenance of backflow prevention assemblies ("BPAs") required by this Policy. Such corrective actions include but are not limited to: (1) denial or discontinuation of water service; (2) installation, inspection, field testing, or maintenance of a BPA at a water user's premises at the water user's cost; and (3) instituting legal action to require compliance.

Section 18.4.2 Discontinuation of Service. If an approved BPA required by this Policy and applicable State law or regulation (including the CCCPH) is not installed, tested,

and maintained, or if it is found that a BPA has been removed, by-passed, or if an unprotected cross-connection exists on the premises, service of water to any premises shall be discontinued by the District. Without limiting the generality of the foregoing or other provisions of this Policy, water service shall be discontinued if District or County Health Department personnel determine that any of the following have occurred:

- (a) The District's water system is being polluted or is in immediate danger of contamination from a cross-connection;
- (b) The BPA has not been installed after due notice has been given;
- (c) A defect found in the BPA has not been corrected after due notice has been given to make repairs; or
- (d) The owner of the property has failed to submit written test results after receipt of the District's letter requesting annual certification of the backflow prevention device.

The District may discontinue or terminate water service for violations of this Policy that do not create an immediate health risk to the public water system after providing 48 hours' notice of the scheduled discontinuance. The District will post such notice in a conspicuous location on the property and make a good faith effort to contact an adult person at the property by telephone or in person. Notwithstanding the above, the District may discontinue or terminate water service without advanced notice anytime a condition exists which creates an immediate health risk to the public water system.

Section 18.4.3 Restoration of Service. Service will not be restored until the BPA has been installed or repaired at the customer's expense and is in good working order, the cross-connection is abated to the satisfaction of the District, or the violation is otherwise corrected or remediated. The District may require a fee to reinstate service after such a turnoff.

Section 18.5 Coordinator; Administration and Enforcement

Cross Connection Control Specialist is hereby designated as the program coordinator ("Coordinator"), responsible for being involved in the development of, and the reporting, tracking, and other administrative duties of the Program. The Coordinator shall maintain status as a cross-connection control specialist. The Coordinator and the General Manager (or designee) are authorized to administer and enforce this Policy and the Program.

Section 18.6 Hazard Assessments

The District will survey its service area and conduct a hazard assessment as required by Chapter 3, Article 2 of the CCCPH.

Section 18.7 Backflow Prevention

Section 18.7.1 Backflow Prohibited. No person is permitted to cause, permit, facilitate or maintain an actual or potential cross-connection or any type of connection that permits an actual or potential backflow of water to the District's system. All installations are subject to

inspection and regulation by the District for the purpose of avoiding the possibility of backflow. Backflow prevention devices shall be installed by customers when required by State law or regulation, the State Health Department, or by the District, in accordance with this Policy and State law or regulation (including the CCCPH). The cost thereof shall be borne by the customer.

Section 18.7.2 Installation of Approved BPA. No person is permitted to install, maintain, or allow a metered water service connection to any premises served by the District unless the District system is protected in conformance with applicable State law or regulation (including the CCCPH) and this Policy. Any person who is required to install an approved BPA pursuant must install, maintain, inspect, and test such assembly in accordance with applicable State law or regulation (including the CCCPH) and this Policy at the customer's own expense and within the time specified for installation. Every BPA required by law, regulation, or this Policy must be of model and size approved by the District. Failure, refusal, or inability on the part of the customer to install said assembly or assemblies constitutes grounds for discontinuing water service to such metered or non-metered water service connections until such assembly or assemblies have been properly installed.

Section 18.7.3 Entry and Inspection. All customer systems and premises shall be open for inspection at all reasonable times to authorized representatives of the District to enable the District to ascertain the existence of cross-connections or other structural or sanitary hazards, including violations of the cross-connection rules and regulations in this Policy. When such a condition becomes known, the General Manager or designee shall deny or discontinue service to the premises, in accordance with this Policy. Water service will be discontinued until the customer has corrected the condition(s) in conformance with State laws and District requirements relating to plumbing and water supplies, and with regulations adopted pursuant thereto.

Section 18.7.4 Levels of Protection Required

(a) Customers shall install BPAs as required in this Section. BPAs installed must be no less protective than that which is commensurate with the degree of hazard at a user premises, as specified in this Policy and the CCCPH (see CCCPH Appendix D) and as determined based on the results of the hazard assessment conducted pursuant to CCCPH section 3.2.1. The hazard assessment conducted pursuant to CCCPH Section 3.2.1, once complete, is incorporated herein by reference to establish hazard levels for which customers must account.

(b) Customers shall at all times protect the District system from high hazard cross-connections through premises containment, through the use of air gap separation ("AG") or a reduced pressure principle backflow prevention assembly ("RP"). Customers shall comply with any additional requirements or degrees of protection for particular high hazard cross-connections set forth in CCCPH Appendix D.

(c) A swivel-ell may be appropriate for use instead of an AG, subject to District approval at District's discretion, if all of the criteria listed in CCCPH section 3.2.2(d) are met.

(d) Unless an exception applies, customers shall protect the District system with no less than double check valve backflow prevention assembly ("DC") protection for a user

premises with a fire protection system, within 10 years of adoption of the CCCPH. Exceptions are as follows:

(1) A high hazard cross-connection fire protection system (including those that may utilize chemical additions or an auxiliary water supply) must have at least RP protection.

(2) A BPA is not needed for a low hazard fire protection system on a residential user premises if the District determines all of the criteria listed in CCCPH section 3.2.2(e)(3) are satisfied.

(3) If the District identifies alternatives in its Plan, pursuant to CCCPH section 3.2.2(e)(2), for existing premises that cannot timely comply with DC protection requirements, such alternatives may apply unless the SWRCB disapproves.

Section 18.7.5 Backflow Prevention Assembly Standards.

(a) Each AG must meet the requirements in Table 1, Minimum Air Gaps for Generally used Plumbing Fixtures, page 4 of the American Society of Mechanical Engineers (ASME) A112.1.2- 2012(R2017) (See Appendix B of CCCPH).

(b) Each replaced or newly installed pressure vacuum breaker backsiphonage prevention assembly ("PVB"), spill-resistant pressure vacuum breaker backsiphonage prevention assembly ("SVB"), DC, and RP must be approved through both laboratory and field evaluation tests performed in accordance with at least one of the following: (a) Standards found in Chapter 10 of the Manual of Cross-Connection Control, Tenth Edition, published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research; or (b) certification requirements for BPAs in the Standards of ASSE International current as of 2022 that include ASSE 1015-2021 for the DC, ASSE 1048-2021 for the DCDA & DCDA-II, ASSE 1013-2021 for the RP, and ASSE 1047-2021 for the RPDA & RPDA-II and must have the IYT mark. BPAs must not be modified following approval. A BPA tester shall notify the District if a BPA has been modified from the CCCPH section 3.3.1(b) approval.

Section 18.7.6 Backflow Prevention Assembly Installation Criteria.

(a) BPAs must be installed in accordance with any and all criteria set forth in CCCPH Section 3.3.2.

(b) Except as otherwise provided and required by the CCCPH, approved BPAs shall be installed and located as close as practical to the customer's service connection, or at a location approved by the General Manager or designee, and all approved BPAs shall be installed before the first branch line leading off the service.

Section 18.8 Certification of Specialists and Testers

All BPA testers and cross-connection control specialists shall be certified per CCCPH Chapter 3, Article 4.

Section 18.9 Backflow Prevention Assembly Testing

Section 18.9.1 General Provisions. Through implementation of this section, the District will ensure compliance with CCCPH section 3.3.3, governing field testing and repair of BPAs and inspection of air-gap separations. The District will also comply with and ensure compliance with the procedures for testing identified in its Plan.

Section 18.9.2 Customer Testing

(a) **Testing by Customer.** The customer will own the approved BPA and will have full responsibility for annual testing (or more often if required by the District) and other testing in compliance with this Policy and CCCPH section 3.3.3, as well as maintenance, repair, and retesting, and for providing the District with proper records and test data. The customer shall also field test all BPAs following installation, repair, depressurization for winterizing, or permanent relocation. Air-gap separations must be visually inspected at least annually. Testing and inspection reports must be submitted on District test forms.

(b) **Service is Contingent.** The District will not provide continuous water service to a water user with a newly installed BPA until the District receives passing field tests. The water user is responsible for providing the District with passing field tests to receive service.

(c) **Annual Testing Notices.** Annual testing/inspection notices will be mailed to the District's customers giving them 60 days to test/inspect, and repair, if necessary, their assembly and furnish the test/inspection and repair data to the District. After 30 days, if no test/inspection data is furnished to the District, the District will mail a second notice of the due date. If no test/inspection data is furnished to the District within the 60-day period, the District will commence proceedings to terminate water service in accordance with this Policy. Nothing in this section precludes the District from terminating service without notice, where the District determines that a condition exists that creates an immediate health risk to the public water system.

(d) **Certified Testers.** Air-gap separations must be visually inspected by certified backflow prevention assembly testers or certified cross-connection control specialists. Other tests required by this section must be conducted by certified BPA testers approved by the District.

(e) **Additional Tests.** Additional tests shall be conducted as frequently as necessary to ensure the effectiveness of the BPAs and in any event not less frequently than once a year.

(f) **Failed Tests.** In the event a BPA is found to be unsatisfactory, the General Manager or his/her designee shall take immediate steps to ensure that corrective measures are accomplished and/or service terminated in accordance with the provisions of this Policy. BPAs that fail field tests/inspections must be repaired or replaced by the customer within 30 days of notification from the tester of the failure. The District may allow extensions if included as part of the District's Plan.

(g) **Backflow Incidents.** BPA testers shall notify the District as soon as possible (within 24 hours maximum) if a backflow incident or an unprotected cross-connection is

observed at the BPA or prior to the user premises during field testing. The District will immediately conduct an investigation and discontinue service to the user premises pursuant to this Policy if a backflow incident is confirmed, and water service will not be restored to that user premises until the District receives a confirmation of a passing BPA field test from a BPA tester and the District determines the BPA is protecting the District.

Section 18.9.3 Approved Testers

(a) The District shall maintain a list of approved certified BPA testers ("Approved Tester List"). Only testers from the Approved Tester List may be used for any testing and inspection. Only test results received from testers on the Approved Tester List will be considered valid. Any other testing results will not be accepted.

(b) For a tester to be eligible for inclusion on the Approved Tester List, a tester must meet all of the following criteria:

- (1) Possess sufficient qualification and certification to be considered a certified BPA tester under the CCCPH;
- (2) Possess a current valid Backflow Prevention Tester's Certificate issued by the CA/NV Section of the American Water Works Association/ABPA/ASSE;
- (3) Maintain a valid City of Encinitas business license;
- (4) Provide accurate test results;
- (5) File with the District a signed acknowledgment of these listed requirements and compliance with this Policy, the CCCPH, and other applicable law.

(c) Testers must maintain eligibility at all times in order to remain on the Approved Testers List.

Section 18.9.4 Testing, Inspection and Repair Records. Each customer who is required to install, test, inspect, maintain, or repair an approved backflow prevention device must maintain records of such tests, inspections, repairs, and overhaul for three years and must provide a copy of the records to the District on request.

Section 18.10 Recordkeeping

The District will maintain records in accordance with CCCPH Section 3.5.1.

Section 18.11 Backflow Incident Response, Reporting and Notification

Section 18.11.1 Inclusion in District Plan. Pursuant to Chapter 3, Article 5 of the CCCPH, the District will include backflow incident response procedures in its Plan, and the District will comply with such procedures.

Section 18.11.2 Notification of SWRCB and Local Health Agency. The District will notify the SWRCB and local health agencies of any known or suspected incidents of backflow within 24 hours of the District's determination and comply with applicable reporting and/or notification requirements, including those contained at CCCPH Section 3.5.3.

Section 18.12 Public Outreach and Education

The District will implement a public outreach and education program, identified in its Plan, that includes educating staff, customers, and the community about backflow protection and cross-connection control. Methods may include providing information on cross-connection control and backflow protection in periodic water bill inserts, pamphlet distribution, new customer documentation, email, and consumer confidence reports.

Section 18.13 Local Entity Coordination

The District will coordinate with applicable local entities that are involved in either cross-connection control or public health protection (including plumbing, permitting, or health officials, law enforcement, fire departments, maintenance, and public and private entities) to ensure hazard assessments can be performed, to ensure appropriate backflow protection is provided, and to provide assistance in the investigation of backflow incidents.

Section 18.14 Appeals

Section 18.14.1 Initial Appeal. A customer may appeal any determination made pursuant to this Policy by filing in writing with the General Manager within 10 days after the determination, setting forth the following:

- (1) The appealing customer's full name, address, and phone number;
- (2) The determination subject to the appeal;
- (3) The date of the determination;
- (4) The appealing customer's interest in the challenged determination;

and

(5) Each issue which the appealing customer alleges was wrongly determined together with every argument and a copy of every item of evidence that supports the customer's allegations.

Section 18.14.2 Appeals Relating to New Meters or Service. If an appeal involves a new meter installation, the District will not commence water service until after a written decision is made. The written decision of the General Manager will be final.

Section 18.14.3 Appeals of Matters Involving Immediate Health Risk. If an appeal concerns a matter involving an immediate health risk to the public water system, the District shall be entitled to take any action authorized by this Policy, its rules and regulations, or State law for the benefit of the public water system while such appeal is pending and proceeding.