

**LOCAL LAW NO. ___ OF 2019 OF THE INCORPORATED TOWN OF MONROE,
NEW YORK TOWN BOARD ADDING ARTICLE VIII TO CHAPTER 53 OF THE
CODE OF THE TOWN OF MONROE**

A LOCAL LAW to add Article VIII to Chapter 53 of the Code of the Town of Monroe.

BE IT ENACTED AS FOLLOWS:

Section 1. Authority

This local law is adopted pursuant to Section 10 of the New York State Municipal Home Rule Law, Article 2 of the New York State Statutes of Local Governments, and the New York State Sanitary Code, Title 10 of the New York Code of Rules and Regulations, Part 5, Section 5-1.31.

Section 2. Title, Purpose, and Intent

This Local Law shall be known as and may be cited as "Local Law No. ___ of 2019."

It is the primary purpose of this local law to protect the public potable water supply of the Town of Monroe from the possibility of contamination or pollution which could backflow from a water users' internal distribution system or a private water system by contaminants. This local law is also intended are also to promote the elimination or control of cross-connections, actual or potential, temporary or permanent, to provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems, and to comply with the requirements of the New York State Sanitary Code, Title 10 of the New York Code of Rules and Regulations, Part 5, § 5-1.31.

Section 3. Amendment

The Town Code of the Town of Monroe shall be amended to add Article VIII to Chapter 53 as follows:

Chapter 53, Article VIII Cross-Connection Control

§ 53-27 Definitions

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

Air gap: 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.

Approved: accepted by the Town or any water district within the Town, meeting applicable specifications stated or cited in this regulation, or as suitable for the proposed use.

Atmospheric vacuum breaker: a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

Auxiliary water supply: any water supply on or available to the premises other than the purveyor's approved public potable water supply.

Backflow: the flow of water or other liquids, mixtures or substances and/or positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

Backflow preventer: a device or means designed to prevent backflow or backsiphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose Bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

Back pressure: a condition in which the owner's system pressure is greater than the supplier's system pressure.

Back-siphon: 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 a sudden reduction of pressure in the potable water supply system.

Barometric loop: 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 backsiphonage.

Containment: a method of backflow prevention which requires a backflow prevention device at the water service entrance immediately after the water meter or, in the event of no meter, immediately after the point of entry.

Contaminant: any physical, chemical, microbiological or radiological substance or matter in water.

Cross-connection: any actual or potential connection between the public water supply and a source of contamination or pollution.

Department of Health: the State of New York Health Department and its agent, the Orange County Department of Health.

District: any water district within the Town.

Double check valve assembly (DCV): an assembly of two (2) independently operating spring-loaded check valves with tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

Double-check valve with intermediate atmospheric vent: a device having two (2) spring-loaded check valves separated by an atmospheric vent chamber.

Fixture isolation: 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.

Hose Bibb vacuum breaker: a device which is permanently attached to a hose Bibb and which acts as an atmospheric vacuum breaker.

Owner: any person who has a legal title to or license to operate or habitat in a property upon which a cross connection is present.

Permit: a document issued by the Town which allows the use of a backflow preventer. A permit to construct and a completed work permit are also required from the State of New York Department of Health.

Person: any individual, partnership, company, public or private corporation, political subdivision or agency of the State Department, agency or instrumentality of the United States or any other legal entity.

Pollutant: 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 affect such water for domestic use.

Pressure vacuum breaker: a device containing one (1) or two (2) 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. Such device includes tightly closing shutoff valves on each side of the check valves and properly located test cocks for the testing of the check valves.

Reduced-pressure-principle backflow preventer (RPZ): an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between two (2) check valves, tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valve.

Town: the Town of Monroe, its officials, employee, and authorized agents.

Water service entrance: the point in the owner's water system beyond the sanitary control of the districts; generally considered to the outlet end of the water meter and always before any unprotected branch.

§ 53-28 Requirements

- A. The Town shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphon of contaminants or pollutants through the water service connection and any other piping system within the premises. If, in the judgment of the Town, an approved backflow device is required at the water service connection to any owner's premises, the Town or its designated agent shall give written notice to said owner to install an approved backflow prevention device at each service connection to said premises. The owner shall, within ninety (90) days, install such approved device, or devices, at his or her own expense. Failure or refusal or inability on the part of the owner to install said device or devices within ninety (90) days shall constitute grounds for discontinuing water service until such device or devices have been properly installed. Hazardous conditions shall be addressed immediately.
- B. The following measures shall be required by each water user based on the degree of hazard posed to the public water supply system:
- 1) An approved backflow prevention device such as air gap, reduced pressure zone device, double check valve assembly or approved equivalent protective device shall be installed in potential backflow conditions depending on the degree of hazard posed by service connection.
 - 2) Users shall submit an application on a form approved by the State of New York Department of Health and plans for the installation of protective devices to the Town for approval.
 - 3) All protective devices shall be tested initially and at least annually thereafter. Such tests shall be conducted by certified backflow prevention device testers. Testers shall meet the requirements listed in § 53-38, Certified testers.

§ 53-29 Administration

- A. The Town shall implement, administer and operate a cross-connection control program in accordance with this Chapter. Notwithstanding the requirements of this Chapter, the cross-connection control program shall include the following requirements:
- 1) a protective device commensurate with the degree of hazard posed by any service connection;
 - 2) the user of such connections to submit plans for the installation of protective devices to the supplier of water and/or the State for approval; and
 - 3) all protective devices are inspected and tested by a certified backflow prevention device tester, as prescribed in subdivision (b) of this section, at the time of initial installation, after each repair, and annually thereafter. Records of such tests shall be made available to, reviewed by, and maintained by the supplier of water. All

protective device tests and inspections shall be conducted by a certified backflow prevention device tester ("tester").

- B. The owners shall allow their property to be inspected for possible cross-connections and follow the provisions of this local law as well as any other applicable federal, state, and local laws, ordinances, and regulations relating to cross-connection controls.
- C. If the Town requires that the public supply be protected by containment, the owners shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose.
- D. The owners shall be responsible for having a licensed New York State engineer certify that the installation is in accordance with the approved plans and a certification from an approved tester that the installation is in accordance with the approved design. Certifications shall be provided on New York State Department of Health approved forms.
- E. Records and reports.
 - 1) Records. The Town will initiate and maintain the following:
 - a. Master files on customer cross-connection tests and/or inspections.
 - b. Master files on cross-connection permits.
 - c. Copies of permits and permit applications.
 - d. Copies of lists and summaries supplied to the Department of Health.
 - 2) Reports. The Town will submit the following to the Department of Health:
 - a. Initial listing of low hazard cross-connections.
 - b. Initial listing of high hazard cross-connections.
 - c. Annual update lists of above two (2) items.
 - d. Annual summary of cross-connection inspections to the Department of Health.
- F. Fees and Charges. The Town Board will publish a list of fees for the initial application and renewal fees.

§ 53-30 Enforcement

- A. The Town Engineer, or his or her designee, shall be authorized to enforce this Chapter and the cross-connection and backflow protection requirements, specifications, guidelines, and facility classifications of the New York State Department of Health and the Orange County Department of Health. Specifications, guidelines, facilities, classifications and other administrative requirements and information which shall be used to implement the requirements shall be on file in the Town and available for review.

§ 53-31 Requirements

A. Town.

- 1) The Town shall not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation. On any new installation, the Town shall provide on-site evaluation and review of plans for the type and installation of a protective device in order to determine the type of backflow preventer, if any, that will be required. Plans shall be signed and sealed by a currently licensed New York State professional engineer. The owner, after receiving approval of the backflow prevention device from the Town, shall submit an application to State of New York Department of Health to obtain a permit to construct. The work shall be completed within ninety (90) days from receipt of the permit to construct issuance. After completion of installation of the backflow prevention device, the owner shall apply for a completed works permit by submitting to the State of New York Health Department a certification from the engineer which states that the installation of the work is in compliance with the approved plans. The owner shall also submit a certification from an approved tester of backflow prevention devices that the installation was tested and is working as designed and approved and in accordance with the intent of these regulations.
- 2) Existing Properties. The Town shall perform evaluations and review of plans and/or inspection of premises, and if necessary, inform the owner by written notice of any corrective action, the method of achieving the correction, and the time allowed for the correction to be made. All correction actions must be made within ninety (90) days from the date of written notice unless the Town otherwise determines that the time period may be extended or shortened based upon the degree of hazard posed by any service connection.
- 3) The Town shall inform the owners, by written notice, of any failure to comply by the time of the first reinspection. The Town may allow an additional fifteen (15) days for the correction. In the event that the owners fail to comply with the necessary correction by the time of the second reinspection, the Town shall inform the owners, by written notice, that the water service to the owner's premises will be terminated within a period not to exceed five (5) days. In the event that the owners inform the Town of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Town but in no case will it exceed an additional thirty (30) days.

- 4) If the Town determines at any time that a serious threat to the public health exists, the water service shall be terminated immediately. If the Town determines that terminating water service is not feasible, the owner will be subject to fines as provided herein.
- 5) The Town shall have on file a list of private contractors who are certified backflow device testers. The owner is responsible for all costs associated with the installation of backflow prevention devices.
- 6) The Town shall begin initial premises inspections to determine the nature of existing or potential hazards following the effective date of this Chapter.

B. Owners.

- 1) The owners shall be responsible for the elimination or protection of all cross-connections on their premises.
- 2) The owners, after having been informed by written notice from the Town, shall at their expense install, maintain, and test, or have tested, any and all backflow preventers on their premises.
- 3) The owners shall correct any malfunction of the backflow preventer which is revealed by periodic testing.
- 4) The owners shall inform the Town of any proposed or modified cross-connections of which the owners are aware but have not been found by the Town.
- 5) The owners shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to occur.
- 6) The owners shall install backflow preventers in a manner approved by the Town.
- 7) The owners shall install only backflow preventers which are shown on a State of New York Department of Health list of approved backflow prevention devices.
- 8) Any owners having a private well or other private water source must have a permit if the well or source is cross-connected to the Town's system. Permission to cross-connect may be denied by the Town. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the Town's system.

- 9) In the event that the owners install plumbing to provide potable water for domestic purposes which is on the Town's side of the backflow preventer, such plumbing must have its own backflow preventer installed.
- 10) The owners shall be responsible for the payment of all permit fees, penalties, annual or semiannual device testing, retesting in the case that the device fails to operate correctly, and second reinspections for noncompliance with Town and Department of Health requirements.

§ 53-32 Degree of Hazard

- A. The Town recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved reduced-pressure-principle backflow prevention devices (RPZ) or double check valves (DCV). To achieve containment, an acceptable backflow prevention device must be installed in every service connection to a facility.
- B. The degree of hazard shall be determined by the Town together with the guidelines published by the New York State Department of Health or any revisions or amendments thereto. Based on degree of hazard determination, a facility shall be rated as either hazardous, aesthetically objectionable, or nonhazardous. A hazardous facility shall be contained through the use of an RPZ or an air gap. An aesthetically objectionable facility shall be contained through the use of a DCV. All facilities should be protected through an internal plumbing control program to ensure that plumbing cross-connections inside a facility are adequately protected or eliminated. The internal control program will be the coordinated effort between the Town, Town Engineer, and the Town's Water Department to eliminate all existing internal cross-connection and prevent future cross-connections.
- C. The following three (3) categories will be considered when determining the degree of hazard posed by a facility and making subsequent determinations of the type of protective device required:
 - 1) Use, toxicity and availability of contaminants;
 - 2) Availability of a supplementary supply of water; and
 - 3) Fire-fighting system evaluation.
- D. Hazardous facilities. The following non-exhaustive listing provides examples of the types of facilities which will require an acceptable RPZ or air gap to be installed in the service connection to the public water distribution system:

Type of Facility	Potential Hazard
Sewage and industrial wastewater treatment plants and pumping stations, sewer flushers, etc.	Sewage and industrial wastewater, contaminated water, toxic chemicals, etc.
Paper manufacturing or processing, dye plants,	Toxic chemicals, water conditioning

petroleum processing, printing plants, chemical manufacturing or processing, industrial fluid systems, steam generation, rubber processing, tanneries

Canneries, breweries, food processing, milk processing, ice manufacturing, meat packers, poultry processing, rendering companies, etc.

Hospitals, clinics, laboratories veterinary hospitals, mortuaries, embalmers, etc.

Shipyards, marinas, etc.

Metal-plating, photo processing, laundries, commercial car washes, commercial refrigeration systems, dry cleaning establishments, etc.

Commercial greenhouses, spraying and irrigation systems using weedicides, herbicides, exterminators

Boiler systems, cooling towers or internal firefighting systems using conditioners, inhibitors, corrosion control chemicals, etc.

E. Aesthetically objectionable facilities. The following non-exhaustive listings provides examples of the types of facilities which will require an acceptable DCV to be installed in the service connection to the public water distribution system:

Type of Facility	Potential Hazard
Customer fire protection loops, fire storage tanks, with no chemical additives	Stagnant water, objectionable tastes, odors.
High-temperature potable water	Objectionable temperatures
Utilization of good grade dyes	Objectionable color
Complex plumbing systems in commercial buildings. Typically: barbershops, beauty salons, churches, apartment buildings, gas stations, supermarkets, nursing homes, construction sites, carnivals	Plumbing errors, obsolete plumbing equipment, poor plumbing inspection/correction programs

compounds. Examples: toxic dyes, acids, alkalis, solvents, quaternary ammonia compounds, mercury, chromium, etc.

Process wastewater, steam, detergents, acids, caustics, refrigeration lines

Bacterial cultures, laboratory solutions, blood and tissue waste, toxic materials, etc.

Sea water, sewage, contaminated water, etc.

Toxic chemicals, concentrated cleaning agents, solvents, etc. Examples: cyanides, fluorides, copper, chromium, caustic and acid solutions, etc.

Toxic chemicals. Examples: ammonium salts, phosphates, 2,4 disodium arsenide, lindane, Malathion, etc.

Typically: apartment buildings, cooling towers, warehouses Toxic chemicals. Examples: hydrazine, sodium compounds, antifreeze solutions, etc.

- F. Nonhazardous facilities. The containment approach does not apply. The following non-exhaustive listing indicates the type of facility that would qualify:

Type of Facility	Potential Hazard
Private homes	None; rely on internal plumbing control
Dry commercial establishments without complex plumbing systems	None; rely on internal plumbing control

§ 53-33 Permits

- A. The Town shall not permit a cross-connection within the public water supply system unless it is considered necessary, and it cannot be eliminated.
- B. The Town Board shall determine the applicable permit fees at its sole discretion.
- C. Permits shall be renewed every year and are nontransferable. Permits are subject to revocation and become immediately revoked if the owner should so change the type of cross-connection or degree of hazard associated with the service.
- D. A permit is not required when fixture isolation is achieved with the utilization of a nontestable backflow preventer.

§ 53-34 Existing In-Use Backflow Prevention Devices

- A. Any existing backflow preventer shall be allowed by the Town to continue in service unless the degree of hazard is such as to supersede 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.

§ 53-35 Periodic Testing

- A. Reduced-pressure-principle backflow devices shall be tested and inspected as required.
- B. Periodic testing shall be performed by a certified backflow preventer device tester as defined by Title 10 of the New York Code of Rules and Regulations, Part 5, § 5-1.31. Testing results shall be provided to the Town. Testing shall be at the owner's sole expense.
- C. Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, and upon completion of the repair, the device shall be retested at the owner's expense to ensure 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 owner is responsible for spare parts, repair tools or a replacement device.

- D. Backflow prevention devices will be tested more frequently than specified where there is a history of test failures and the Town determines that, due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the owners.

§ 53-36 Residential dual check assembly

- A. Upon the effective date of this Chapter, all new residential buildings shall install a residential dual check assembly immediately downstream of the water meter. Installation of this residential dual check assembly on the retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Town.

§ 53-37 Certified Testers

- A. All testers of backflow prevention devices shall be approved by the New York State Department of Health. Prior to performing certification tests in the Town, each backflow prevention device tester must demonstrate to the Town Engineer and the Town Water Department that he or she is currently authorized to conduct such tests as approved by the Department of Health.

§ 53-38 Penalties

- A. Any person violating any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of two hundred fifty dollars (\$250.00) and/or imprisonment for no more than fifteen (15) days, or both. Each day shall constitute a separate and distinct offence, punishable by a like fine or penalty as herein set forth.
- B. Notwithstanding the penalties provided above, the Town may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this chapter.
- C. The foregoing provisions are not exclusive and are in addition to any and all laws applicable thereto.

Section 4. State Environmental Quality Review Act

Pursuant to 6 NYCRR §§ 617.5 (26) and (33), this local law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 5. Invalidity

If any section or article of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder hereof.

Section 6. Repeal, Amendment, and Supersession of other Laws.

All other resolutions, ordinances, or local laws of the Town of Monroe, which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law full force and effect.

Section 7. Effective Date

This local law shall take effect upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.