

ORDINANCE NO. 1578

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING
CHAPTER 3, WATER, OF TITLE VII, PUBLIC WORKS, OF THE ARCATA
MUNICIPAL CODE**

WHEREAS, The California State Water Resources Control Board (the State Water Board), exercising its authority under the California Safe Drinking Water Act (SDWA), adopted regulations in the Cross-Connection Control Policy Handbook (CCCPH) to establish enforceable standards applicable to California Public Water Systems (PWSs); and

WHEREAS, amendments to Articles 2 and 16, Chapter 3(Water), of Title VII (Public Works), are necessary for the City of Arcata to comply with the regulations of the CCCPH.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCATA DOES
ORDAIN AS FOLLOWS:**

SECTION 1. Sections 7632, 7633, and 7634 are hereby added to Article 2 (Definitions), Chapter 3 (Water), Title VII (Public Works), of the Arcata Municipal Code as shown in the following double underscore text:

SEC. 7632 Backflow Prevention Assembly (BPA)

A device or means designed to prevent backflow or back-siphonage.

SEC. 7633 Public Water System (PWS)

A system that provides water for human consumption to 15 or more connections or regularly serves 25 or more people daily for at least 60 days out of the year, specifically the “City of Arcata.”

SEC. 7634 Cross Connection Control Program Coordinator (CCCPC)

The official, or their delegated representative, in charge of the Public Water System, who is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

SECTION 2. Sections 7976, 7977, 7978.1, 7978.2, 7978.3, 7978.4, 7978.5, and 7978.6, of Article 16 (Backflow Prevention), Chapter 3(Water), Title VII (Public Works), of the Arcata Municipal Code are hereby amended as shown in the following strike through and double underscore text:

SEC. 7976 Purpose and Policy

Pursuant to the Safe Drinking Water Act Amendments of 1986, Public Law 99-339, and the California Code of Regulations, Title 17, Public Health, the City of Arcata as a water supplier has primary responsibility for preventing water from unapproved sources or any other substance from entering and thereby contaminating the public potable water system. Accordingly, the purpose of this ordinance is to: ~~prevent backflow from occurring by requiring the installation of backflow prevention assemblies at residential, commercial and industrial cross-connections where~~

the potential for contamination exists. The type of assembly required will be commensurate with the degree of hazard posed by the specific potential contamination.

1. Protect the public water supply of the Public Water System for the possibility of contamination by isolating contaminants which could backflow or back-siphon into the public water system within its customers' internal distribution system(s);
2. To promote the elimination or control of the cross-connections, actual or potential, between its customers' in-plant drinking water system(s) and anything that could contaminate or pollute it; and
3. Provide for the maintenance of a cross-connection control program to effectively prevent the contamination or pollution of all drinking water systems.

To meet this goal, this Ordinance adopts as its cross-connection control program, industry standards for the design, construction, installation, maintenance, inspection and repair of backflow prevention assemblies as developed by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California and described in the Cross Connection Control Policy Handbook, Standards and Principles for California's Public Water Systems, (further referred to as the "Policy Handbook"), Adopted by the California Environmental Protection Agency on December 19, 2023 and became effective on July 1, 2024. Said industry standards are updated regularly and satisfy the statutory requirements referenced herein for backflow prevention.

SEC. 7977. Implementation.

~~—The Director of Environmental services ("Director"), or designee, shall be responsible for implementing this Ordinance. The Department of Environmental Services shall employ at least one (1) person trained in cross-connection control.~~ **Cross Connection Control Program Coordinator (CCCPC):** Pursuant to Article 3.13 of the Policy Handbook, the City of Arcata must designate at least one individual involved in the development of and be responsible for the reporting, tracking, and other administration duties of its cross-connection control program. Pursuant to Article 3.4.2(b), the CCCPC must have valid certification as a Cross-Connection Control Specialist (CCCS) from a certifying organization recognized by the State Water Board. The CCCPC shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollution through the water service connection. The CCCPC shall develop a plan for thorough cleaning or flushing of the system to minimize the risk of drawing contaminants into uncontaminated areas.

SEC. 7978.1. Cross-Connection Control Standards.

The City hereby adopts as its program for cross-connection control, all standards, guidelines and requirements set forth in the ~~most current edition of the Manual of Cross-Connection Control prepared by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California~~ Policy Handbook. The design, construction, installation and maintenance of backflow prevention assemblies shall be in accordance with Article 3 in said the Manual Policy Handbook. The Policy Handbook provides the basis for regulating the use and

management of cross-connection control programs and backflow prevention assemblies (BPAs) in Public Water Systems (PWS), and related requirements for supporting programs and policies. Activities or uses outside of the scope of the authority of the State Water Board to regulate PWS are not regulated by the Policy Handbook, including California Plumbing Code requirements and definitions not related to PWS. Said Manual is generally updated every eighteen months or two years, hence ~~The water user shall be responsible for following the standards, guidelines and requirements of the appropriate edition~~ the Policy Handbook. A copy of ~~said Manual~~ the Policy Handbook shall be on file with the CCCPC ~~Director~~ and available for public use. To the extent any provision is inconsistent with regulations adopted by the State Department of Health Services and located in California Code of Regulation, Title 17, the provision found in Title 17 shall control.

SEC. 7978.2. Director's Cross Connection Control Plan Coordinator's Discretion.

In the event a particular cross-connection or unapproved water source is not governed by the requirements and provisions of the ~~Manual of Cross-Connection Control~~ the Policy Handbook, the CCCPC ~~Director~~ shall determine whether a backflow prevention assembly is necessary to protect the City's water supply and, if so, the level of protection needed. Said determination shall be made in the best judgment of the CCCPC ~~Director~~ and in accordance with the standards set forth in the ~~Manual of Cross-Connection Control~~ Policy Handbook.

If the CCCPC determines at any time that a serious threat to public health exists, the water service shall be terminated immediately.

Sec. 7978.3 Approved Backflow Prevention Assembly Requirement.

If, in accordance with the ~~Manual of Cross-Connection Control~~ Policy Handbook Article 3 or in the CCCPC ~~Director's~~ judgment, an approved backflow prevention assembly is required for the safety of the City's water system, the CCCPC ~~Director's~~ shall give notice in writing to the owner of the premises where the cross-connection exists of the backflow prevention assembly requirement. An approved backflow assembly is a backflow prevention device that has been:

1. Manufactured to allow for accurate testing and inspection so as to allow verification of performance; and
2. tested and approved by a recognized agency using standards from California Plumbing Code Section 603.2.

If the water use is domestic/residential, the ~~Director~~ PWS shall install said backflow prevention assembly. If the water use is commercial/industrial, the owner of the property and owner of the commercial/industrial enterprise shall be responsible, jointly and severally, to ensure that an approved backflow prevention assembly is immediately installed at his, her or their own expense. Failure, refusal, or inability to install such assembly immediately, and in no case more than thirty days after notice, shall constitute grounds for discontinuing water service to the premises until compliance with this Ordinance is achieved.

Sec. 7978.4 Approval of Backflow Prevention Assemblies.

All backflow prevention assemblies, whether installed by the City water user, or owner of property shall be assemblies approved by the CCCPC Director or a person or entity who is competent and possesses the necessary facilities and certifications, as determined by the CCCPC Director, to investigate and evaluate backflow prevention assemblies and is employed independently of backflow prevention assembly manufacturing companies.

Sec. 7978.5 Certified Annual Inspection and Testing.

A. Annual Inspection and Testing: Pursuant to Article 3.3.3 of the Policy Handbook, At least once per year the CCCPC Director shall conduct, or cause to conduct, a certified inspection and operational test of each backflow prevention assembly installed. In those instances where the CCCPC Director deems the degree of hazard to warrant more frequent testing, he/she may perform, or cause to perform, certified testing and inspection of the backflow prevention assembly as necessary. The City of Arcata Director shall immediately repair or replace, or cause to repair or replace, defective backflow prevention assemblies located at domestic/residential water services within 30 days of notification of the failure. If the water use is commercial/industrial, the owner of the property or owner of the commercial/industrial enterprise shall be responsible, jointly and severally, for repair or replacement of defective backflow prevention assemblies within 30 days of notification of the failure. Extensions of this 30 day period may be granted by the CCCPC on a case-by-case basis considering the justification. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question. The owner of a commercial/industrial enterprise may assume responsibility to conduct or cause to conduct the required inspection and testing by following the procedure specified in Section 7978.5(B). For BPAs tested by a third-party tester, backflow prevention assembly testers are required to notify the PWS as soon as possible within 24 hours if a backflow incident or an unprotected cross-connection is observed at the BPA or prior to the user premises during field testing. PWS must immediately conduct an investigation and discontinue service to the user premises if a backflow incident is confirmed, and water service must not be restored to that user premises until the PWS receives a confirmation of a passing BPA field test from a backflow prevention assembly tester and the assembly is protecting the PWS.

B. Alternative Procedure for Commercial/Industrial: As an alternative to the CCCPC's Director's undertaking to conduct inspection and operational testing required herein, the owner of a commercial/industrial enterprise may conduct, or cause to conduct, the inspection and operational testing after providing written notice to the CCCPC Director at least five (5) business days in advance, specifying the date, time and person or entity expected to conduct the inspection and test. Pursuant to Article 4, section 3.4.1 of the Policy Handbook, inspection and testing must be conducted by ~~an American Waterworks Association~~ a certified backflow tester from a certifying organization recognized by the State Water Board. The CCCPC Director reserves the right to observe the testing or inspection. If the CCCPC determines any procedural irregularity exists, he/she may conduct or cause to conduct an additional inspection and test, at the owner's expense. Written inspection, test and/or repair results must be provided to the CCCPC Director in a timely fashion. Backflow prevention assemblies shall be repaired or replaced immediately upon discovery of a defective condition.

The CCCPC shall inform the owner in writing of any failure to comply, and the time allowed for the correction to be made. If upon re-inspection the owner has not complied, the CCCPC may allow an additional 30 days for the correction. In the event the owner fails to comply with the necessary correction by the time of the second re-inspection, the CCCPC will inform the owner, by certified letter, that the water service to the owner's premises will be terminated within a period not to exceed five days. In the event that the owner informs the CCCPC of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the CCCPC.

Sec. 7978.6 Record Keeping.

The CCCPC Director shall maintain records of locations, tests and repairs of backflow prevention assemblies pursuant to Article 5 section 3.5.1 of the Policy Handbook.

SECTION 3. Section 7978.7 (Backflow Charges and Fees) of Article 16 (Backflow Prevention), Chapter 3 (Water), Title VII (Public Works) of the Arcata Municipal Code is hereby recodified as Section 7978.8, Chapter 3 (Water), Title VII (Public Works).

SECTION 4. Section 7978.7 is hereby added to Article 16 (Backflow Prevention), Chapter 3 (Water), Title VII (Public Works) of the Arcata Municipal Code as shown in the following double underscore text:

Sec. 7978.7 Bypass of Fire Lines Prohibited

Fire lines are meant for use for fire suppression only. The bypassing of the Double Check Detector Assembly (DCDA) on fire lines for the purpose of operating the fire line as an unmetered water source is prohibited and subject to penalties up to and including disconnecting of service for the fire line.

SECTION 5. Section 7978.8 (Collection by Suit) of Article 16 (Backflow Prevention), Chapter 3 (Water), Title VII (Public Works) of the Arcata Municipal Code is hereby recodified as Section 7978.9.

SECTION 6.

SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Council hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 7.

California Environmental Quality Act (CEQA). The proposed ordinance amendments clarify definitions and rationale, roles and responsibilities, and standards to implement an existing program designed to protect the municipal water supply from contamination. The amendments do not impose new requirements that would alter the baseline impacts associated with the existing program. Because the program is intended for the protection of the environment by reducing the likelihood of draining the municipal water system to flush contaminants, which would impact

natural resources, and because the amendments do not change the baseline associated with the existing regulatory program, the Arcata City Council finds the proposed action does not have the potential to have a significant effect on the environment and adopts the common sense exemption (CEQA Guidelines 15061(b)(3)).

SECTION 8.

LIMITATION OF ACTIONS. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within thirty (30) days of the date of adoption of this ordinance.

SECTION 9.

EFFECTIVE DATE. This ordinance shall become effective thirty (30) days from and after its final passage, provided it is published pursuant to Government Code section 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

DATE:

ATTEST:

APPROVED:

City Clerk, City of Arcata

Mayor, City of Arcata

CLERK’S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1578, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the __ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

City Clerk, City of Arcata