

P03-11
City of West Richland, Washington
Civil Penalties for Cross Connection
April 2011



Policy:

The water users or owner of the premises where one or more backflow assemblies have been installed to protect the City's water system shall have the assembly or assemblies tested immediately after installation, repair, relocation and at least once every 12 months per Ordinance 7-08, codified as West Richland Municipal Code 13.50.070. For the annual testing, backflow assemblies are assigned a testing month by the City's Cross Connection Specialist.

Systems identified in WAC 246-290-490(7)(c) that have been installed in conformity with the International Plumbing Code and that otherwise meet all requirements of WAC 246-290-490 are not subject to this annual testing requirement.

The intent of this policy is to establish consistent criteria for City staff to use in applying civil penalties per West Richland Municipal Code Section 13.50.080 for any person who violates an order of the City, or who fails to comply with any provision of West Richland Municipal Code Chapter 13.50 or any regulation, rule or permit of the City, issued pursuant to this chapter.

Any person who has been issued a civil penalty by the Public Works Director shall have the right to appeal to the Mayor per West Richland Municipal Code Section 13.50.090.

Annual Backflow Assembly Test Requirement Summary:

WAC 246-290-490 and West Richland Municipal Code Section 13.50.070 require backflow assemblies to be tested, at a minimum, once every 12 months. As a courtesy, approximately 30 days prior to the due date of the annual test report (annual test reports will be due on the 15th of the month), the City will mail a reminder notice to water users or owners of the premises where one or more backflow assemblies have been installed reminding them of the requirement to have their backflow device tested and a satisfactory test report submitted to the City.

Satisfactory backflow test reports due on the 15th but not received by the 15th will be considered late on the 20th. The Cross Connection Specialist shall provide to the City's Finance Department a list of premises which failed to comply with the annual backflow testing requirement.

The Finance Department shall post notice of cross connection civil penalty and notice of termination of water service and also apply the following cross connection civil penalty to the premises utility bill for failing to provide the required annual satisfactory test results to the City according to the due dates aforementioned:

Low Hazard (i.e. double check valve assembly) - \$35

High Hazard (i.e. reduced pressure backflow assembly) - \$75

Once a cross connection civil penalty has been applied to the premises utility bill, it may not be removed or adjusted unless warranted by special circumstances as determined by the Public Works Director or his/her designee.

Notice of cross connection civil penalty and termination of water service shall include the following:

- 1) Name of the customer and address.
- 2) Account number.
- 3) Notice that a cross connection fine / civil penalty has been applied to their utility bill account.
- 4) Reason cross connection fine / civil penalty was applied.
- 5) Notice that City water service will be discontinued upon failure to provide a satisfactory backflow assembly test to the City by the 15th of the month.

Premises not providing a satisfactory backflow assembly test to the City on or before the 15th of the month, following tests original due date, will have their water service disconnected for non-compliance. Water Service may be reconnected after a satisfactory backflow test report is received by the City (or the Cross Connection Specialist can confirm that the premise owner has hired a certified backflow tester to complete the work).

If the water service is disconnected for non-compliance, reconnection fees per West Richland Municipal Code Section 13.90.130 shall be applied to their utility account.

Backflow Assembly Corrections or Modifications Summary:

WAC 246-290-490 and West Richland Municipal Code Chapter 13.50 specifies that the type of backflow assemblies to be installed shall be commensurate with the degree of hazard, shall be an approved model approved by the Washington State Department of Health, and installed in a location approved by the City.

The City shall provide written notification to the water user or owner of the premise outlining the corrections and modifications that need to be completed to protect the City's water system.

Premises with required low hazard (vacuum breaker or double check valve assembly) corrections or modifications will have a minimum of 30 days to complete the required work. Premises with required high hazard (reduced pressure backflow assembly) corrections or modifications will be determined on a case by case basis. Typically low hazard backflow corrections and modifications will be required to be completed by the 15th and will be considered late on the 20th. The Cross Connection Specialist shall provide to the City's Finance Department a list of premises which failed to comply with corrections and modifications.

The Finance Department shall post notice of cross connection civil penalty and notice of disconnection of water service and also apply the following cross connection civil penalty to the premises utility bill

for failing to complete the required corrections or modifications and submit satisfactory test results to the City:

Low Hazard (i.e. vacuum breaker or double check valve assembly) - \$100

High Hazard (i.e. reduced pressure backflow assembly) - \$250

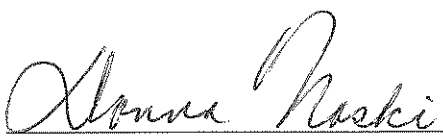
Once a cross connection civil penalty has been applied to the premises utility bill, it may not be removed or adjusted unless warranted by special circumstances as determined by the Public Works Director or his/her designee.

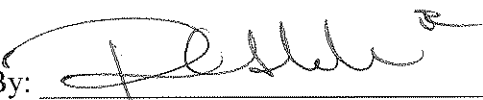
Notice of cross connection civil penalty and termination of water service shall include the following:

- 1) Name of the customer and address.
- 2) Account number.
- 3) Notice that a cross connection civil penalty has been applied to their utility bill account.
- 4) Reason cross connection civil penalty was applied.
- 5) Notice that City water service will be terminated upon failure to complete the required corrections and modifications and provide a satisfactory backflow assembly test to the City by the due date.

Premises not completing the required corrections and modifications and providing a satisfactory backflow assembly test to the City on or before the 15th of the month, following original due date, will have their water service disconnected for non-compliance. Water Service may be reconnected after the corrections and modifications have been completed and a satisfactory backflow test report is received by the City (or the Cross Connection Specialist can confirm that the premise owner has hired a certified backflow tester to complete the work).

If the water service is disconnected for non-compliance, reconnection fees per West Richland Municipal Code Section 13.90.130 shall be applied to their utility account.

Approved By:  Date: 4/27/11
 Donna Noski
 City of West Richland Mayor

Approved By:  Date: 4/27/11
 Roscoe C. Slade III, P.E.
 Director of Public Works