



Meeting Date: June 20, 2018

Staff Contact: Mark Kelly, Compliance Division Manager

TITLE: O-18-6 - Amendment to the Cross Connection Prevention and Control Ordinance of the Albuquerque Bernalillo County Water Utility Authority.

ACTION: Recommend Approval

BACKGROUND:

The Water Authority last updated the Cross Connection Prevention and Control Ordinance in 2008. The ordinance protects the public water supply from actual or potential contamination hazards. The New Mexico Environment Department, which administers the Safe Drinking Water Act in New Mexico requires the prevention of cross connections in the drinking water regulations.

SUMMARY:

The Cross Connection Prevention and Control Ordinance is being changed to provide clarity and options for contractors and installers. The ordinance is now clear that backflow prevention devices may be installed inside of a building as long as there are no tees or branches between a device and the service connection. The ordinance is now in compliance with the Construction Industries Licensing Act and allows devices that are independently certified by organizations accredited by the American National Standards Institute (ANSI). Fees for late test reports and not having a backflow preventer were added for non-compliance with the ordinance. Previously the only recourse for the Water Authority was to terminate service.

FISCAL IMPACT:

A nominal increase in revenue may be seen from the collection of additional fees. It is the goal of the Cross Connection Program to work with customers to bring them into compliance before fees are needed.

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1 submission of test reports; and provides for the setting of fees for inspection and
2 administration.

3 ~~The purpose of this ordinance is to protect the public health, safety and welfare through~~
4 ~~the prevention and control of cross connections by:~~

5 ~~—— (A) — Protecting the public water system from contamination or pollution due to~~
6 ~~cross connections by containing the hazards at the service connection;~~

7 ~~—— (B) — Providing for the maintenance of a continuing program of cross-~~
8 ~~connection control that will systematically and effectively reduce the risk of the~~
9 ~~contamination of the public water system.~~

10 8-1-4. DEFINITIONS.

11 For the purpose of this Ordinance, the following definitions shall apply unless the
12 context clearly indicates or requires a different meaning.

13 APPROVED BACKFLOW PREVENTION ASSEMBLY. An assembly or other
14 means designed to prevent backflow. The assembly shall either be listed by the
15 Foundation for Cross Connection Control and Hydraulic Research of the University of
16 Southern California, or listed accepted by an ANSI Accredited Listing Agency. All
17 devices must be in compliance with the State of New Mexico Drinking Water
18 Regulations. The device ~~the Water Authority~~ and shall be limited to the following
19 method and four (4) five types of assemblies unless otherwise stated:

20 (1) AIR-GAP. The unobstructed vertical distance through the free
21 atmosphere between the lowest opening from any pipe or faucet conveying potable
22 water into a tank, plumbing fixture, receptor and the flood level rim of the receptacle. An
23 approved air gap shall be at least double the effective opening of the supply pipe or
24 faucet and in no case, less than one (1) inch above the flood level. An Air-Gap is the
25 only Backflow Prevention method approved between potable water and sewage, and
26 between reclaimed water and sewage.

27 (2) PRESSURE VACUUM BREAKER. Shall consist ~~Consists~~ of one
28 independently operating spring-loaded check valve and an independently operating
29 spring-loaded air inlet valve located on the discharge side of the check valve, two (2)
30 full-ported, resilient seated shut-off valves and equipped with two (2) properly located
31 resilient seated test cocks.

32 (3) REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION
33 ASSEMBLY. Shall consist ~~Consists~~ of two (2) independently acting check valves

1 together with a hydraulically operating, mechanically independent pressure differential
2 relief valve located between the check valves, including two (2) full-ported, resilient
3 seated shut-off valves at each end of the assembly, and equipped with four (4) properly
4 located resilient seated test cocks. A reduced pressure principle backflow prevention
5 assemble is approved for containment backflow prevention assembly.

6 (4) SPILL-RESISTANT PRESSURE VACUUM BREAKER. Shall consist
7 ~~Consists~~ of one independently operating spring-loaded check valve and an
8 independently operating spring-loaded air inlet valve located on the discharge side of
9 the check valve, two (2) full-ported, resilient seated shut-off valves and equipped with
10 properly located resilient seated test cock and vent valve.

11 (5) DOUBLE CHECK VALVE ASSEMBLY. Shall consist ~~Consists~~ of two (2)
12 independently acting, approved check valves, including two (2) full-ported, resilient
13 seated shut-off valves at each end of the assembly and equipped with four (4) properly
14 located resilient seated test cocks. ~~Any existing double check valve assemblies are~~
15 ~~approved to continue in service provided that the assemblies can be maintained, tested~~
16 ~~and repair parts are available through the manufacturer.~~

17 ALTERNATE WATER SOURCE. Non-potable source of water that includes, but
18 not limited to, gray water, on-site treated non-potable water, rainwater, and reclaimed
19 (recycled) water.

20 AUXILIARY WATER SUPPLY. Any water source on or available to a premises
21 other than the public water potable water from the Water Authority. Auxiliary water
22 supply may include water from another purveyor's public potable water supply or any
23 natural source such as a well.

24 BACKFLOW PREVENTION ASSEMBLY, CONTAINMENT. An approved
25 assembly installed in a customer's water system to protect the public water system from
26 an actual or potential threat of contamination or pollution of the public water system.

27 BACKFLOW PREVENTION ASSEMBLY, ISOLATION. An assembly installed
28 within the customer's water system at the point of each cross connection to protect the
29 customer's potable water system from other non-potable water sources within the
30 customer's water system.

31 BACKFLOW. The undesirable reversal of water flow.

32 BUILDING SUPPLY. The pipe carrying water from the public system or other
33 source of water supply to a building or other point of use or distribution on the premises.

1 CERTIFIED BACKFLOW PREVENTION ASSEMBLY TESTER. A person who is
2 currently certified by the Water Authority to test backflow prevention assemblies.

3 CERTIFIED BACKFLOW PREVENTION ASSEMBLY REPAIRMAN. A person
4 who is a certified backflow prevention assembly tester and licensed by the appropriate
5 mechanical classification to repair or replace backflow prevention devices in accordance
6 with the New Mexico Construction Industries Licensing Act, NMSA 1978, §§60-13-1
7 through 60-13-59, NMSA 1978 and is holds a current certificate issued certified
8 backflow prevention assembly tester by the Water Authority.

9 ~~HAZARD,~~ CONTAMINATION. Contamination is any a hazardous substance that
10 may cause death, illness, injury, or the spread of disease if introduced into a potable
11 water system. Contamination includes, but is not limited to, corrosion inhibitors; anti-
12 freeze solutions; chemical water treatment for boilers and cooling systems; fertilizers,
13 herbicides and pesticides used in irrigation systems; heavy metals and total coliform
14 bacteria found in fire systems; and other hazardous substances.

15 CROSS CONNECTION. An actual or potential connection between a potable
16 water system and a non-potable water source.

17 CROSS CONNECTION CONTROL CONTAINMENT. The protection of the
18 public water system by the installation of an approved backflow prevention assembly at
19 each service connection to a customer's water system from the public water system.
20 No tees, branches or possible connection fittings or openings are allowed between the
21 containment backflow prevention assembly and the service connection, unless
22 protected by a Backflow Prevention Assembly, and accepted by the Water Authority.

23 ~~CROSS CONNECTION CONTROL ISOLATION. The protection of the~~
24 ~~customer's water system by the installation of an approved backflow prevention~~
25 ~~assembly within the customer's water system at the point of each and every cross-~~
26 ~~connection.~~

27 ~~CROSS CONNECTION ADMINISTRATOR. The person designated by the~~
28 ~~Water Authority to administer the cross connection control program and who is charged~~
29 ~~with certain duties and responsibilities by this Ordinance.~~

30 CROSS CONNECTION ENGINEER. The person designated by the Executive
31 Director of the Water Authority as a technical expert in cross connection matters
32 responsible for enforcing the Cross Connection Control Ordinance, and to help the
33 Cross Connection Program Manager enforce the cross connection control ordinance.

1 The Cross Connection Engineer shall be a registered professional engineer in
2 accordance with the State of New Mexico Board of Licensure for Professional
3 Engineers and Surveyors, pursuant to the Engineering and Surveying Practice Act,
4 NMSA 1978, §§ 61-23-1 through 61-23-32, NMSA 1978 and meet all the requirements
5 of the job description approved by the Executive Director and be a certified backflow
6 prevention assembly tester.

7 CROSS CONNECTION OPERATIONS AND MAINTENANCE SUPERVISOR/
8 INSPECTOR. The person(s) designated by the Water Authority to assist the Cross
9 Connection ~~Program~~ Manager in the enforcement of the ~~cross connection control~~
10 Ordinance and who is charged with certain duties and responsibilities by this Ordinance.
11 The Cross Connection Operations and Maintenance Supervisor/Inspector shall be a
12 certified Water Operator Level IV and be a certified backflow prevention assembly
13 tester.

14 CROSS CONNECTION ~~PROGRAM~~ MANAGER. The person designated by the
15 Water Authority to enforce the ~~cross connection control~~ Ordinance and who is charged
16 with certain duties and responsibilities by this Ordinance. The Cross Connection
17 ~~Program~~ Manager shall be a certified Water Operator Level IV and be a certified
18 backflow prevention assembly tester.

19 CUSTOMER. Any person, association, corporation, or entity receiving Water
20 Utility service, related products or services in the Service Area. Any ~~The person~~
21 ~~responsible for payment of fees as determined pursuant to the Albuquerque Bernalillo~~
22 ~~County Water Utility Authority Water and Sewer Rates Ordinance as it may be~~
23 ~~amended.~~

24 CUSTOMER'S WATER SYSTEM. The water system on a customer's premises
25 beginning at the service connection.

26 DOMESTIC SERVICE. Service line for potable drinking water.

27 EXECUTIVE DIRECTOR. The Executive Director of the Water Authority or
28 his/her designee.

29 NON-RESIDENTIAL WATER CUSTOMER. Any water customer who is served
30 by the public water system and is classified in the Albuquerque Bernalillo County Water
31 Utility Authority Water and Sewer Rates Ordinance as follows:

32 (1) Commercial. Retail, offices, hotels, motels, shopping centers, none
33 of which use process water in the conduct of business.

(2) Industrial. Manufacturing or process facility, which is engaged in producing a product.

(3) Institutional. Government buildings, hospitals, schools, and other facilities that provide public and quasi-public services.

(4) Multifamily dwelling of three (3) or more stories.

~~HAZARD~~, POLLUTION. A low hazard substance that will degrade the taste, color, odor or other aesthetic quality of the water if introduced into a potable water system, but will not cause death, injury or spread of disease. Pollution includes, but is not limited to, backflow of domestic water from tall buildings; backflow of domestic hot water from water heaters; and other similar low hazard substances.

PREMISES. A building, a tract of land with buildings, or parts of buildings thereon.

PRIVATE FIRE PROTECTION SYSTEM. A Private Fire Protection System begins at the property boundary or at the water utility easement boundary to a customer's premises. The Private Fire Protection System includes sprinkler, hose connections, hydrants, reservoirs, tanks, standpipes, pumps, distribution pipes, and other appurtenances within premises that are owned, operated and maintained by the customer for the purpose of fire suppression.

PUBLIC WATER SYSTEM. The potable water system that supplies water service to residential and non-residential water customers ~~users~~ within the service area of the Water Authority.

RESIDENTIAL WATER CUSTOMER. Any water customer who is served by the public water system and classified in the Albuquerque Bernalillo County Water Utility Authority Water and Sewer Rates Ordinance as follows:

- (1) single-family detached,
- (2) townhouses served by individual meters,
- (3) duplexes served by individual meters
- (4) condominiums served by individual meters.
- (5) ~~triplexes served by common or individual meters,~~
- (5) mobile homes served by individual meters or for the purpose of the

Cross Connection Ordinance

- (6) multi-family dwelling of less than three (3) stories

1 SERVICE AREA. Those parts of Bernalillo County and contiguous territory
2 served by the Water Authority.

3 SERVICE CONNECTION. The terminal end of the water service from the public
4 water system and point of delivery to the customer's water system, more particularly
5 defined as follows:

6 (1) The service connection for a metered water service is the
7 downstream end of the water meter or meter setter;

8 (2) The service connection for un-metered water services and ~~fire lines~~
9 ~~which serve~~ private fire protection systems is located at the property boundary or at the
10 water utility easement boundary to a customer's premises; or and

11 (3) The service connection for a fire hydrant and all other temporary or
12 emergency water services that is located at the point of connection to the public water
13 system.

14 SEWAGE. Wastewater and excrement conveyed in sewers.

15 WATER AUTHORITY. The Albuquerque Bernalillo County Water Utility
16 Authority.

17 WATER, NONPOTABLE. Water that does not meet federal and state drinking
18 water standards. Water that is not safe for human consumption or that is of
19 questionable quality. Any water delivered by the non-potable water system and
20 intended for irrigation, industrial or used for ~~or~~ other allowable non-potable applications.

21 WATER, POTABLE. Water delivered by the public water system intended for
22 human consumption and meeting federal and state drinking water standards.

23 WATER, USED. Any water delivered by the public water system to a customer's
24 water system after it has passed the service connection.

25 8-1-5. ADOPTION OF TECHNICAL SPECIFICATIONS.

26 The Water Authority ~~shall~~ may adopt technical specifications to define backflow
27 prevention assembly installation standards from, but not limited to, the International
28 Association of Plumbing and Mechanical Officials (IAPMO) Uniform Plumbing Code
29 (UPC), and the University of Southern California Manual of Cross Connection Control.
30 ~~guidelines and criteria.~~ The Water Authority shall update the ~~current Manual of~~
31 ~~Procedures and the Water Authority's~~ portion of the City of Albuquerque's Standards
32 and Specifications for Public Works Construction to incorporate the provisions of this
33 Ordinance.

1 8-1-6. RESPONSIBILITY.

2 It shall be the responsibility of the Water Authority to administer and enforce the
3 provisions of this Ordinance. This Ordinance also assigns responsibilities to customers,
4 ~~and to~~ certified backflow prevention assembly testers and repairmen as described in
5 this section.

6 (A) Water Authority. The Water Authority shall be responsible for the
7 protection of the public water system from contamination or pollution due to the
8 backflow of contaminants or pollutants through the water service connection. The
9 Water Authority shall enforce all ~~the~~ provisions of this Ordinance that relate to cross
10 connection control by containment; shall approve all cross connection control backflow
11 prevention assemblies; shall administer a continuing cross connection containment
12 control program; maintain a customer and current backflow prevention assembly data
13 base; and shall not knowingly install, maintain or approve installation of a water service
14 connection unless the public water system is protected as required by this Ordinance.

15 (B) Customer. All customers shall be responsible, without further notice, for
16 the prevention of contaminants, pollutants, water from alternate sources, or water from
17 auxiliary water supplies from entering the ~~customer's potable water system and the~~
18 public water system. Customers shall provide approved backflow prevention
19 assemblies as required by local plumbing codes and this Ordinance. Regardless of the
20 location of the containment backflow prevention assembly, the customer's responsibility
21 begins at the service connection and extends throughout the entire length of the water
22 system within the premises. No tees, branches or possible connection fittings or
23 openings are allowed between the containment backflow prevention assembly and the
24 service connection. Customers shall install, have tested, and maintain, at their own
25 expense, backflow prevention assemblies as directed by the Water Authority. ~~Test~~
26 ~~reports shall be delivered to the Water Authority within seven (7) calendar days of~~
27 ~~testing. Accurate records of all inspections, tests, repairs and replacement of backflow~~
28 ~~prevention assemblies shall be maintained by the customer for a period of three (3)~~
29 ~~years.~~

30 (C) Certified backflow prevention assembly tester. Only certified backflow
31 prevention assembly testers are permitted to inspect and test backflow prevention
32 assemblies. They shall complete and provide accurate test reports to the Cross
33 Connection Manager and Customer. ~~They shall Water Authority within seven (7)~~

1 ~~calendar days of the test, submit test gauge reports to the customer and submit~~
2 ~~calibration test reports annually to the Cross Connection Manager Water Authority.~~
3 ~~They shall report to the customer and the Cross Connection Manager Water Authority~~
4 ~~any discovered discrepancies or violations that ~~which~~ the tester may have observed~~
5 ~~during the course of testing a backflow prevention assembly.~~

6 (D) Certified backflow prevention assembly repairman. Only certified backflow
7 prevention assembly repairmen are permitted to inspect, repair, replace, and test
8 backflow prevention assemblies. They shall complete and provide accurate test reports
9 to the Cross Connection Manager and customer. ~~They shall Water Authority within~~
10 ~~seven (7) calendar days of the test, submit test gauge calibration certification reports~~
11 ~~annually to the Cross Connection Manager. They shall report to the customer and the~~
12 ~~Cross Connection Manager submit calibration test reports annually to the Water~~
13 ~~Authority. Report to the customer and the Water Authority any discovered discrepancies~~
14 ~~or violations which the repairman may have observed during the course of testing and~~
15 ~~or repairing a backflow prevention assembly. Such repairman shall not change the~~
16 ~~design, material or operational characteristics of a backflow prevention assembly~~
17 ~~without prior approval of the Cross Connection Manager Water Authority.~~

18 8-1-7. REQUIREMENTS.

19 (A) Mandatory cross connection control by containment:

20 (1) Effective February 15, 2009 all new non-residential premises ~~must~~
21 ~~shall~~ have a containment reduced pressure principle backflow prevention assembly
22 approved by the Water Authority installed after the ~~at each~~ domestic service connection
23 ~~to the customer's water system or at a location approved by the Water Authority, as set~~
24 ~~forth in the UPC and this Ordinance. No tees, branches or possible connection fittings~~
25 ~~or openings are allowed between the containment backflow prevention assembly and~~
26 ~~the service connection unless protected by a Backflow Prevention Assembly Uniform~~
27 ~~Plumbing Code.~~

28 (2) Effective February 15, 2009 all remodeled non-residential
29 premises, when the work area of the building undergoing repairs, alterations or
30 rehabilitation, as defined in the International Existing Building Code, exceeds 50 percent
31 of the aggregate area of the building regardless of the costs of repairs, alteration, or
32 rehabilitation, ~~shall must~~ have a containment reduced pressure principle backflow
33 prevention assembly approved by the Water Authority installed after the ~~at each~~

1 domestic service connection ~~to the customer's water system or at a location approved~~
2 ~~by the Water Authority, as set forth in the UPC and this Ordinance.~~ No tees, branches
3 or possible connection fittings or openings are allowed between the containment
4 backflow prevention assembly and the service connection unless protected by a
5 Backflow Prevention Assembly Uniform Plumbing Code.

6 (3) All construction premises with temporary service connection shall
7 have a containment reduced pressure principle backflow prevention assembly approved
8 by the Water Authority installed at each temporary service connection to the
9 construction site, as set forth in the UPC and this Ordinance.

10 (43) All non-residential irrigation water systems connected to the public
11 water system shall ~~must~~ have a pressure vacuum breaker, spill-resistant pressure
12 vacuum breaker or a reduced pressure principle backflow prevention assembly installed
13 after ~~at~~ the service connection ~~on the public water system.~~ Such devices shall be
14 approved by the Water Authority. No tees, branches or possible connection fittings or
15 openings are allowed between the containment backflow prevention assembly and the
16 service connection.

17 ~~at the potable service connection.~~

18 (45) All non-residential customers connected via piping to an alternative
19 ~~a non-potable water source or an auxiliary water supply system~~ and the public water
20 system shall install a containment reduced pressure principle backflow prevention
21 assembly approved by the Water Authority after the potable service connection.

22 (56) All fire hydrants used for drawing water for filling tanks and tank
23 trucks and for temporary irrigation systems must have an air-gap or approved
24 containment reduced pressure principle backflow prevention assembly ~~in accordance to~~
25 ~~the Manual of Procedures and~~ approved by the Water Authority, as set forth in the UPC
26 and this Ordinance.

27 (67) Any residential premises having existing private wells and who
28 desire to connect to the public water system shall have two (2) options as follows:

29 (a) Customers shall permanently abandon the use of private
30 wells by plugging the wells as accepted by the Water Authority prior to connecting to the
31 public water system; or

32 (b) Customers who choose to maintain their private wells shall
33 completely sever the private well from the premises' potable plumbing system. ~~and~~

1 ~~shall install a reduced pressure principle backflow prevention assembly approved by the~~
2 ~~Water Authority at the terminal end of the water service from the public water system~~
3 ~~(e.g., service connection)~~

4 (78) Effective February 15, 2009, all new ~~fire line~~ services to private
5 fire protection systems shall be equipped with a containment reduced pressure principal
6 backflow prevention assembly approved by the Water Authority and Fire Marshal having
7 jurisdiction installed after the at each service connection. No tees, branches or possible
8 connection fittings or openings are allowed between the containment backflow
9 prevention assembly and the service connection. A double check valve assembly
10 approved by the Water Authority and Fire Marshal having jurisdiction may be installed
11 instead of a reduced pressure backflow prevention assembly provided the private fire
12 protection system meets or exceed ~~contains~~ ANSI/NSF Standard 60 and or 61 ~~water~~
13 ~~pipng~~ throughout the entire private fire protection system, the fire sprinkler drain
14 discharges into atmosphere, and there are no reservoirs, fire department connections
15 nor-connections from auxiliary water supplies, ~~antifreeze nor other additives.~~

16 (89) Premises with existing private fire protection systems containing
17 double check valve assemblies installed and approved by the Water Authority prior to
18 2009 are approved to continue in service as long as the device tests and functions
19 properly.

20 (910) Effective February 15, 2009 all remodeled non-residential
21 premises, when the work area of the building undergoing repairs, alterations or
22 rehabilitation, as defined in the International Existing Building Code, exceeds 50 percent
23 of the aggregate area of the building regardless of the costs of repairs, alteration, or
24 rehabilitation with existing private fire protection systems without a containment ~~any~~
25 backflow prevention assemblies shall must be retrofitted with an approved reduced
26 pressure principle backflow prevention ~~double check valve~~ assembly approved by the
27 Water Authority and Fire Marshal having jurisdiction. Assembly shall be installed at
28 each private fire protection after the service connection to the customers water system.
29 Approved reduced pressure principle backflow prevention assembly shall ~~double check~~
30 ~~valve assemblies must~~ be installed by a person who is licensed by the appropriate
31 mechanical classification in accordance with the New Mexico Construction Industries
32 Licensing Act. Fire sprinkler system hydraulic performance shall must be verified by an
33 engineer registered in accordance with the State of New Mexico Board of Licensure for

Professional Engineers and Surveyors, pursuant to the Engineering and Surveying Practice Act, NMSA 1978 §§ 61-23-1 through 61-23-32, ~~NMSA 1978~~.

~~(4011)~~ Once an approved backflow prevention assembly is ~~for~~ ~~containment has been~~ installed at a premises, as a cross connection control containment assembly, the assembly shall not be removed without prior approval from the Water Authority, customer, Containment the backflow prevention tester or the backflow prevention repairman shall not have the device removed. Permanent removal of a containment backflow prevention assembly will result in termination of water service and/or revocation of backflow certification. Backflow prevention assemblies that cannot be repaired must be replaced in-kind per the terms of this Ordinance.

~~(4412)~~ Once an approved backflow prevention assembly ~~assemblies may~~ be for containment has been properly installed the assembly shall not be modified ~~inside or outside the premise~~.

(B) Inspection of premises.

(1) Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this Ordinance, or whenever the Water Authority or its authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which may endanger the public water supply ~~makes such building or premises unsafe as defined in this Ordinance~~, the Water Authority or its authorized representative may enter such building or premises at reasonable times to inspect the same or to perform any duty imposed upon the Water Authority by this Ordinance; provided that if such building or premises be occupied, the Water Authority representative will ~~he/she shall~~ first present proper credentials and demand entry; and if such building or premises be unoccupied, the Water Authority representative will ~~shall~~ first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If entry and or inspection is refused, the Water Authority may ~~shall~~ immediately terminate water service to the premises.

(2) Inspection of premises. ~~The Water Authority shall schedule an inspection at a reasonable date and time and give the customer written notice prior to an inspection.~~ The purpose and authority to conduct such an inspection shall be disclosed to ~~in the~~ customer notice. If actual or potential cross connections, which could result in backflow of contaminants, pollutants, and water from auxiliary water supplies or

1 water from the non potable water systems ~~through the water service connection and~~
2 ~~into the public water system~~, are determined to exist during the premises inspection, the
3 Water Authority shall ~~evaluate the hazards and~~ proceed as follows:

4 (a) In the event a contamination of the public water supply
5 ~~hazard~~ is determined to exist, the Water Authority shall immediately terminate water
6 service to the premises. The Water Authority shall restore water service to the
7 premises once the contamination hazard has been controlled or eliminated.

8 (b) In the event no contamination ~~is hazard or substantial~~
9 ~~dangers are~~ determined to exist, but actual or potential cross connections require
10 control by containment, the Water Authority shall give the customer written notice to
11 install an approved ~~reduced pressure principle~~ backflow prevention assembly as a cross
12 connection control containment assembly after at the service connection at the
13 customer's own expense. The backflow assembly shall be installed, inspected and
14 tested within ~~fifteen (15)~~ calendar days from the date of the notice. For good cause, the
15 Water Authority may extend the time to comply with the requirements of this Ordinance.

16 (C) Re-inspection. Re-inspection of premises shall be conducted by the
17 Water Authority to verify corrective action has been implemented as required by this
18 Ordinance.

19 (D) Installation of backflow prevention assemblies. Any contractor licensed by
20 the appropriate mechanical classification in accordance with the New Mexico
21 Construction Industries Licensing Act may install backflow prevention assemblies in
22 accordance with the UPC and this Ordinance ~~Manual of Procedures~~. The contractor
23 shall be responsible for obtaining all required approvals, such as approved plans,
24 permits and inspections. Such contractor shall not change the design, material or
25 operational characteristics of a backflow prevention assembly without prior approval of
26 the Water Authority.

27 (E) Tests and maintenance of backflow prevention assemblies. Customers
28 shall have their existing containment and isolation backflow prevention assemblies
29 tested at least once a year by a certified backflow prevention assembly tester.
30 Assemblies that fail a test shall be repaired or replaced by a certified backflow
31 prevention assembly repairman and immediately retested by a certified backflow
32 prevention assembly ~~tester repairman~~. A test report shall be submitted to the customer
33 and the Water Authority within seven (7) calendar days of test, or the test will be void,

1 and retesting will be required. Tests and repairs shall be at the expense of the
2 customer.

3 All new installations of backflow prevention assemblies shall be tested
4 immediately upon installation (if/when water service is available) and test reports
5 submitted to the Water Authority within seven (7) calendar days or the tests will become
6 void and retesting would be required. Once the backflow prevention assembly is tested
7 and operating properly, water service to the premises may continue. Water Authority
8 shall inspect all newly installed containment backflow prevention assemblies.

9 The repairman and tester shall use separate tools and gauges for testing
10 backflow prevention assemblies on potable water systems, such tools and gauges are
11 never to be used on non-potable water, including alternate water sources. They shall
12 submit all test reports to the Water Authority and customer with seven (7) calendar days
13 of the test, or the test becomes void, and retesting of assembly would be required. ~~The~~
14 ~~customer shall submit all test reports to the Water Authority.~~ The Water Authority shall
15 provide the test report form to customers, certified backflow prevention assembly
16 testers, and repairmen upon request. They shall submit test gauge calibration test
17 report annually to the Cross Connection Manager. Tests performed with a test gauge
18 that has not had a yearly calibration certification are void. Accurate records of all
19 inspections, tests, repairs, and replacement of backflow prevention assemblies shall be
20 maintained by the customer for a period of three (3) years. ~~and repairmen.~~

21 (F) Existing previously approved backflow prevention assemblies. Any
22 existing backflow prevention assemblies that were previously ~~are not on the current list~~
23 ~~of approved backflow prevention assemblies~~ may be approved to continue in service
24 provided that the assemblies test and function properly. When required, ~~can be~~
25 ~~maintained, tested and repaired with parts available through the manufacturer.~~
26 ~~Whenever~~ obsolete assemblies ~~are replaced,~~ they shall be replaced with current,
27 approved backflow prevention assemblies.

28 (G) Certification of testers and repairmen. To be certified as a backflow
29 prevention assembly tester, a person shall attend a training course that has been
30 approved by the Water Authority and successfully complete the written and practical
31 examinations administered as part of the approved training course. A person who is
32 licensed by the appropriate mechanical classification in accordance with the New
33 Mexico Construction Industries Licensing Act and attends and successfully completes

1 the approved training course may be certified as a backflow prevention assembly
2 repairman.

3 (H) Re-certification of testers and repairmen. A certified tester or repairman
4 who wishes ~~wants~~ to remain active as a backflow assembly tester or repairman shall
5 renew their certification every three (3) years. To re-certify, prior to existing certification
6 expiring, testers and repairmen must complete ~~have the following options:~~ (1) Complete
7 ~~an approved 40-hour training course;~~ or (2) Complete an approved eight (8) hour
8 training course and accrue ~~sixteen (16)~~ hours of approved continuing education credits.
9 Otherwise, the certified tester or repairman must complete an approved 40-hour training
10 course. Testers or repairmen with non-expired certifications shall provide proof of
11 training credits earned and training course attended prior to re-certification.

12 (I) Approved training courses. The Water Authority shall approve training
13 courses. The approved course shall be conducted by an instructor who is a certified
14 tester and ~~or~~ repairman; duration of the course shall be at least ~~forty (40)~~ hours; and the
15 minimum material covered shall either be based on the University of Southern
16 California's Foundation for Cross Connection Control and Hydraulic Research training
17 course or an ANSI accredited listing agency.

18 The approved re-certification training course shall be conducted by an instructor
19 who is a certified tester and ~~or~~ repairman; duration of the course shall be at least eight
20 (8) hours and the course shall include rules, regulations, the Cross Connection
21 Ordinance, ~~and minimum of six (6) hours~~ practical training and practical examinations.

22 The instructor conducting the certification and re-certification courses shall
23 administer the written and practical examinations. A performance of over 70% on the
24 written examination and satisfactory completion of the practical examination constitutes
25 successful completion of the course.

26 Administrator of the approved training course or approved recertification training
27 course shall submit the course syllabus once a year, or upon any changes to the
28 syllabus for approval by the Water Authority.

29 (J) ~~Revocation.~~ The Water Authority shall ~~revoke certification of any certified~~
30 ~~backflow prevention assembly tester or repairman for any of the following reasons:~~

- 31 (1) ~~falsification of tests, records or reports;~~
32 (2) ~~failure to properly maintain test equipment;~~
33 (3) ~~failure to submit calibration test report annually;~~

1 ~~(4) alterations of an existing backflow prevention assembly without the~~
2 approval of the Water Authority; or

3 ~~(5) failure to inform the Water Authority of an existing cross connection or~~
4 ~~a fire protection system without an approved backflow prevention assembly.~~

5 8-1-8. FEES.

6 The Water Authority shall assess fees associated with the implementation of this
7 Ordinance as determined and set by the Water Authority Water and Sewer Rate
8 Ordinance. The fees imposed by this Ordinance are as follows:

9 (A) Inspection fees. An inspection fee plus applicable gross receipts tax ~~may~~
10 shall be assessed for an inspection conducted on the customer's premises. The fee
11 shall be assessed only to those customers whose premises are not in compliance with
12 this Ordinance at the time of inspection and to recover the expenses incurred by the
13 Water Authority to inspect the premises.

14 (B) Administrative fees. All customers shall be assessed an annual
15 administrative fee plus applicable gross receipts tax for each backflow prevention
16 assembly located at the premises. The fee shall recover the expenses incurred by the
17 Water Authority to maintain records, process notices, enter test results and maintain the
18 database.

19 (C) Late report fees. If a passing test report is not submitted by the due date,
20 a late report fee may be assessed, beginning 30 days after the due date. (Per the
21 Requirement Section above, the test report is only valid for seven (7) days after testing.

22 (D) Non-existent containment backflow preventer assembly fee. Non-exempt
23 service connections, which do not have a containment backflow preventer assembly, or
24 have an unapproved backflow preventer assembly, may be assessed a containment
25 backflow preventer assembly fee when the second notice of violation is issued for lack
26 of an approved containment backflow preventer assembly.

27 (E) Unauthorized connection fee. Unauthorized tees, branches, connection
28 fittings, or openings between the containment backflow prevention assembly and the
29 service connection, may be assessed an unauthorized connection fee when the second
30 notice of violation is issued for an unauthorized connection.

1 (F) Ordinance documents. Copies of this Ordinance may be obtained at the
2 Water Authority website. ~~City Treasurer, Albuquerque/Bernalillo County Government~~
3 ~~Center for a fee.~~

4 ~~Manual of Procedures. Copies of the Manual of Procedures may be obtained at~~
5 ~~the City Treasurer, Albuquerque/Bernalillo County Government Center, and~~
6 ~~Albuquerque, New Mexico for a fee.~~

7 (GE) Payment. All fees shall be payable to the office of the Water Authority
8 Customer Services Division, Albuquerque/Bernalillo County Government Center,
9 Albuquerque, New Mexico, and will become delinquent fifteen (15) days following the
10 due date on the customer's statement.

11 (HF) Penalty. A penalty of 1.5% per month shall be imposed on all delinquent
12 accounts.

13 (IG) Responsibility of payment, liens and deposit. The persons responsible for
14 payment of the fees included in this Ordinance shall be the customer upon whom
15 charges are imposed under with the Water Utility Authority Water and Sewer Rates
16 Ordinance as it may be amended.

17 8-1-9. PENALTIES AND VIOLATIONS ~~ALTERNATE METHODS TO ACHIEVE~~
18 ~~COMPLIANCE.~~

19 (A) Notice of Violation. When the Cross Connection Manager finds that
20 a customer has violated, or continues to violate, any provision of this Ordinance or order
21 issued by the Cross Connection Manager or Engineer, the Cross Connection Engineer
22 may serve upon the customer a written notice of violation. Within fifteen (15) days after
23 receipt of the notice of violation, the customer shall give the Cross Connection Engineer
24 an explanation of the violation and a plan for correcting and preventing the violation,
25 including the specific actions that may be required. Submission of a plan shall not
26 relieve the customer of liability for any violations occurring before or after receipt of the
27 notice of violation.

28 (B) Customers issued a third notice of violation may be required to relocate
29 the containment backflow prevention assembly next to the water meter, property line or
30 easement line.

31 (C) Revocation. The Water Authority may suspend or revoke a tester's
32 certification for any of the following:

33 (1) falsification of tests, records or reports;

- 1 (2) failure to properly maintain test equipment;
2 (3) failure to submit test gauge calibration test report annually;
3 (4) recurrent submittal of inaccurate or incomplete test reports;
4 (5) alterations or removal of an existing backflow prevention assembly
5 without the approval of the Water Authority;
6 (6) failure to inform the Water Authority of an observed cross
7 connection; or
8 (7) certified backflow prevention assembly tester/repairman is working
9 outside of his/her certification.

10 ~~(A) Remote installations of containment backflow prevention assemblies. In~~
11 ~~instances where the containment backflow prevention assembly(ies) cannot be installed~~
12 ~~at the service connection, the customer may install the approved backflow prevention~~
13 ~~assembly(ies) at a remote location with the approval of the Cross Connection Engineer~~
14 ~~or the Cross Connection Program Manager.~~

15 8-1-10. GROUNDS FOR TERMINATION OF WATER SERVICE UNDER THIS
16 ORDINANCE.

17 (A) Any person who willfully removes, modifies or bypasses any approved
18 backflow prevention assembly without prior approval of the Water Authority, falsifies
19 tests records or reports, obtains water from a fire hydrant in violation of cross
20 connection control requirements, connects an alternate water source to potable water a
21 building fire protection service, connects an auxiliary water supply to potable to a normal
22 water service, or connects Water Authority reclaimed water to non-potable water without
23 approved backflow protection, thus creating a cross connection, or otherwise violates
24 any provision of this Ordinance may have water service terminated.

25 (B) In the event the Cross Connection Engineer or Cross Connection ~~Program~~
26 Manager determines that a potential contamination exists and may be a threat to the
27 public water system, water service to the premises shall be terminated immediately.
28 The Water Authority shall restore water service to the premises once the customer has
29 controlled or eliminated the contamination hazard.

30 (C) Failure to install required backflow prevention assemblies as directed by
31 the Water Authority, failure to conduct required tests, failure to submit accurate test
32 reports within seven (7) calendar days of the test, failure to perform testing and
33 maintenance of backflow prevention assemblies, or failure to allow the Water Authority

1 entry into a premises shall constitute grounds for termination of water service to the
2 premises. Service shall not be restored until such conditions or defects are corrected.
3 If water service is terminated for any of these reasons, a turn-off and turn-on water
4 service fee will be assessed to the customer as per the Albuquerque Bernalillo County
5 Water Utility Authority Water and Sewer Rates Ordinance.

6 (D) The Water Authority may terminate water service for non-payment of the
7 fees included in this Ordinance and in accordance with the Albuquerque Bernalillo
8 County Water Utility Authority Water and Sewer Rates Ordinance as it may be
9 amended.

10 8-1-11. TERMINATION OF WATER SERVICE; HEARING.

11 (A) The Cross Connection Engineer or the Cross Connection ~~Program~~
12 Manager may terminate the water service to the property for failure on the part of the
13 customer to comply with any provision of this Ordinance.

14 (B) In order to terminate service, a written notice shall be sent to the customer
15 giving him/her at least ten (10) calendar days' notice of the proposed termination of
16 water service and notice of his/her right to protest the Cross Connection Engineer's or
17 Cross Connection ~~Program~~ Manager's action at a hearing.

18 (C) In the event a hearing is requested, the water service shall not be
19 terminated until and in accordance with the decision of the hearing officer. However the
20 Cross Connection Engineer or Cross Connection ~~Program~~ Manager shall immediately
21 terminate water service to the premises in the event that contamination is determined to
22 exist or entry for an inspection to a premises is denied.

23 (D) The customer must request that a hearing be held by delivering such
24 request in writing to the Executive Director on or before the date the water services are
25 to be terminated. In the case of immediate termination, such written request shall be
26 delivered within ten (10) calendar days after the date of termination.

27 (E) At such hearing, the customer may present evidence as the Hearing
28 Officer finds relevant. The Hearing Officer shall make findings, conclusions and
29 recommendations to the Executive Director. The Executive Director may affirm, overrule
30 or modify the decision to terminate the services. The decision shall be final.

31 (F) A non-refundable hearing fee of \$50.00 shall accompany each request for
32 hearing pursuant to this Section.

1 Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
2 clause, work or phrase of this Ordinance is for any reason held to be invalid or
3 unenforceable by any court of competent jurisdiction, such decision shall not affect the
4 validity of the remaining provisions of this Ordinance. The Authority hereby declares
5 that it would have passed this Ordinance and each Section, paragraph, sentence,
6 clause, word or phrase thereof irrespective of any provision being declared
7 unconstitutional or otherwise invalid.

8 Section 3. EFFECTIVE DATE AND PUBLICATION. This Ordinance shall
9 become effective August 1, 2018, after publication by title and general summary.