

## ORDINANCE NO. 12

### AN ORDINANCE OF THE SAN BENITO COUNTY WATER DISTRICT ESTABLISHING A BACKFLOW PREVENTION SYSTEM AND REGULATIONS RELATING THERETO

The Board of Directors of the San Benito County Water District does ordain as follows:

#### I. PURPOSE

The purpose of this Ordinance is to establish reasonable precautions for the protection of San Benito County Water District's agricultural and nonagricultural water users from a potential hazard of receiving or consuming water that may contain chemicals, while continuing to allow (1) chemigation practices (the injection of necessary plant nutrients and agricultural chemicals into the farmer's on-farm irrigation facilities), (2) tailwater reuse, and drainage recycling, (3) delivery of water to commercial facilities (such as manufacturers, food and fiber processing facilities, and other businesses), (4) agricultural chemical tank filling operations, and (5) commingling well water with District water.

Water pressure in the District's system is greater than the pressure in a water user's system when water is being delivered under normal operating conditions. However, water pressure in the District's pipeline may suddenly drop below the pressure in a water user's system in the event of a break in the District's pipeline or a power failure causing a shutdown of the District's pumps. This drop in pressure may reverse the pressure gradient, thereby making it possible for the water in the water user's system to be drawn or flow back into the District's pipeline. If a water user is injecting chemicals into an on-farm pipeline system or mixing chemicals with water from the District's system or recycling tailwater or drainwater or operating a well connected to the same system when the pressure in the District's system drops below the pressure in his on-farm system, the diluted chemical and/or well water may be drawn into the District's pipeline. The same problem may occur in connection with certain deliveries of nonagricultural (M&I) water.

#### II. PERMITS

A. Chemigation. All agricultural water users either (1) conducting chemigation practices (the injection of necessary plant nutrients, agricultural chemicals, or any other materials into the farmer's on-farm irrigation facilities), or (2) reusing tailwater or drainage recycling or (3) commingling well water through facilities or equipment interconnected with the District's water distribution system shall be required to install a District approved backflow prevention device and obtain a Chemigation Permit from the District. A separate backflow prevention device shall be required at each location where any of the above practices are taking place. Moving of the device from one location to another shall not be permitted. Permit applications shall be made on forms to be provided by the District, which forms shall include the Delivery Meter No., Assessor's Parcel No., Well No., the type of activity (chemigation, tailwater reuse, or commingling of well water) to be conducted at the site, and such other terms and conditions as the District deems advisable and in the best interest of the District. Installation, operation, and maintenance of any equipment required by this Ordinance shall comply with the permit. Such permit shall have a term of five years unless (1) delivery of water to the site by the District is discontinued, or (2) the nature of the service category is changed, or (3) specified otherwise therein, or (4) it is revoked in accordance with this Ordinance.

#### B. Chemical Tank Filling.<sup>1</sup>

All agricultural water users and commercial agricultural chemical applicators conducting agricultural chemical tank filling or mixing with water supplied from the District's distribution system shall obtain a permit from the District for each site to be used for such activities. Permit applications shall be made on forms to be provided by the District, which forms shall include the Delivery Meter No., Assessor's Parcel No., Well No., and such other terms and conditions as the District deems advisable and in the best interest of the District. Installation, operation, and maintenance of any equipment required by this Ordinance shall comply with the permit. Such permit shall have a term of five years unless (1) delivery of water to the site by the District is discontinued, or (2) the nature of the service category is changed, or (3) specified otherwise

therein, or (4) it is revoked in accordance with this Ordinance.

C. Nonagricultural (M&I). All nonagricultural (M&I) water users within categories 3 through 11 of Section III. B shall obtain a permit from the District for each M&I delivery location. Permit applications shall be made on forms to be provided by the District, which forms shall include the Delivery Meter No., Assessor's Parcel No., Well No., the type of activity to be conducted at the site, and such other terms and conditions as the District deems advisable and in the best interest of the District. Installation, operation, and maintenance of any equipment required by this Ordinance shall comply with the permit. Such permit shall have a term of five years unless (1) delivery of water to the site by the District is discontinued, or (2) the nature of the service category is changed, or (3) unless specified otherwise therein, or (4) it is revoked in accordance with this Ordinance.

<sup>1</sup> All agricultural water users and commercial agricultural chemical applicators conducting agricultural chemical tank filling or mixing with water supplied from the District's distribution system are also required to do so only in compliance with Section 6610 of Title 3 of the California Administrative Code, as the same may now or hereafter be amended, regarding backflow prevention. Commercial (for hire) applicators are also required to comply with Section 6630, Title 3 of that code, as the same may now or hereafter be amended, regarding conspicuous and legible marking of spray and mixing equipment.

As of the effective date of this Ordinance, Sections 6610 and 6630 provide as follows:

Section 6610. "Each service rig and piece of application equipment that handles pesticides and draws water from an outside source shall be equipped with an air gap separation, reduced pressure principle backflow prevention device, or double check valve assembly. Backflow protection must be acceptable to both the water purveyor and the local health department."

Section 6630. "Each person engaged for hire in the business of pest control shall keep each ground rig, service rig, and similar equipment used for mixing or applying pesticides conspicuously and legibly marked with either the business' name, or with "licensed Pest Control Operator," "Fumigation Division," "Licensed Fumigator" or substantially similar wording, and the pest control operator license number of the person or firm. The markings shall be large enough to be readable at a distance of 25 feet.

### **III. EQUIPMENT REQUIREMENTS**

A. General. Except as otherwise provided in Paragraph B of this Section III, the following table specifies the type of backflow prevention device or equipment required to be installed by the permittee in the specified conditions. All equipment installed pursuant to permits issued under this Ordinance shall be (1) as specified and approved by the District, (2) installed within 25 feet upstream of any other piped connections or injection point(s) whichever is closer to the District's delivery for which the permit is granted, (3) a permanent fixture at the location for which the permit is issued for a period of not less than one (1) year, and (4) be installed by the water user.

1. Distance from District Delivery Upon special application by the water user and a written finding by the District Manager that the circumstances warrant a variance from the standard distance requirement (25 feet) set forth herein, the District Manager may issue permits allowing a device to be installed at a distance greater than 25 feet providing (a) that such distance shall at no time exceed 75 feet from the District's delivery, (b) that both the water user and landowner(s) certify and attest that there are no piped connections of any size or type upstream of the proposed installation point, and (c) that the device is visible and readily accessible.

### III. SPECIFIED EQUIPMENT

#### Water or Service Category And Protection Device Required

##### WATER SERVICE CATEGORY

##### PROTECTION DEVICE REQUIRED<sup>2</sup> TO BE INSTALLED BY THE WATER USER

1. Agricultural deliveries discharging into on-farm pipelines injecting agricultural chemicals, reusing tailwater, recycling drainage water, or commingling well water.

A. Air Gap Separation, or  
B. Double Chemigation Valve Assembly.<sup>3</sup>

2. User owned piped facilities capable of being used for tank filling for the Purpose of mixing or applying chemicals.

A. Air Gap Separation, or  
B. Double Chemigation Valve Assembly.<sup>4</sup>

3. Motels, restaurants, apartments, public and private meeting places, schools, hospitals, medical buildings, nursing and convalescent homes, clinics and offices.

A. Air Gap Separation, or  
B. Approved Double Check Valve Assembly.

4. Public or private parks, playgrounds, cemeteries, golf courses.

A. Air Gap Separation, or  
B. Approved Double Check Valve Assembly.

5. Canneries, packing houses, gins, reduction plants, food processors, cold storage facilities, vehicle washing facilities, feed lots, feed processors and animal containment facilities.

A. Approved Air Gap Separation, or  
B. Reduced Pressure Principle Backflow Preventer.

6. Chemical plants - supplying, manufacturing, processing, compounding or treating.

A. Air Gap Separation.

7. Metal manufacturing, cleaning, processing, or fabrication plants or shops.

A. Approved Air Gap Separation, or  
B. Reduced Pressure Principle Backflow Preventer.

8. Oil or gas production, storage or transmission properties or facilities.

A. Approved Air Gap Separation, or  
B. Reduced Pressure Principle Backflow Preventer.

9. Sewage treatment and storm drain facilities.

A. Approved Air Gap Separation, or  
B. Reduced Pressure Principle Backflow Preventer.

10. Vehicle maintenance or repair facilities.

A. Approved Air Gap Separation, or  
B. Reduced Pressure Principle Backflow Preventer.

11. Any facility, structure or operation not covered above or a private water system, upon a finding by the District Manager that a protection device of the type he specifies is necessary to provide the protection required by these Regulations.

A. Approved Air Gap Separation, or  
B. Reduced Pressure Principle Backflow Preventer or Approved Double Check Valve Assembly.

<sup>2</sup> If a single delivery provides more than one category of service from a single outlet, the protection device required shall be that as required for the high hazard use. Required backflow prevention devices for service categories 3-11 were obtained from the State of California, Health and Welfare Agency, Department of Health Services' Manual of Cross Connection Control Procedures and Practices. An "approved" device for these categories shall be one which has been tested, approved and listed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research Requirements for all service categories are subject to review and revision.

<sup>3</sup> The term "chemigation valve" shall mean a specially equipped flanged check valve that permits no leakage in a direction reverse to the normal flow. The closure element (e.g. clapper, disc, poppet, or other design) shall be internally weighted or loaded to promote rapid and positive closure. The valve shall be additionally equipped with: (1) A nominal 2" diameter combination air vent/vacuum relief and minimum 4" diameter inspection port located on the top of the valve upstream of the closure element, (2) a minimum 3/4" orifice size automatic low pressure drain located on the bottom of the valve upstream of the closure element, and (3) 1 nominal 3/4" diameter female thread test port located on the side of the valve downstream of the closure element. The approval of the chemigation valve by the District will be based on a favorable laboratory evaluation report by an approved independent testing laboratory. A double chemigation valve assembly means two chemigation valves in series, the second (downstream) valve need not be equipped with the 2" vacuum relief valve.

<sup>4</sup> Chemical tank filling at delivery sites identified as low pressure deliveries pursuant to Appendix A. shall be done only through the use of an Air Gap Separation--direct hose connections are not allowed.

#### **IV. IMPLEMENTATION AND INSTALLATION SCHEDULE**

A. Effective immediately, any water user or his designee who desires to conduct chemigation practices (the injection of necessary plant nutrients and agricultural chemicals into the farmer's on-farm irrigation facilities), or reuse tailwater or recycle drainwater, or commingle well water or fill his chemical tank or conduct any of the M&I water service activities listed in Section III. B shall obtain a permit and install the equipment required by this Ordinance prior to any such activity.

B. All backflow prevention devices shall be installed no later than July 1, 1990.

C. Applications for the permits required by this Ordinance shall be filed with the District office at 30 Mansfield Road, Hollister, California (P. O. Box 899, Hollister, CA 95024) at least 60 days prior to (1) the scheduled installation date or (2) the chemigation or reuse of tailwater or commingling of well water, whichever comes first, so that the permit can be issued by the District and the equipment can be timely acquired and installed by the water user.

#### **V. DEVICES PROVIDED BY DISTRICT**

Chemigation valves, approved double check valves and reduced pressure principal backflow preventers required by this Ordinance shall be made available by the District at the District's cost which cost shall be billed to the installing water user. Title to such devices shall remain in the District.

#### **VI. INSTALLATION, MAINTENANCE, AND REPAIR**

A. The purchase and installation of the devices on facilities required under this Ordinance shall be at the sole expense of the permittee (water users).

B. Normal maintenance and repair of the devices or facilities required under this Ordinance will be performed by the District provided however, that damage inflicted by abuse shall be billed to the water user.

## **VII. INSPECTIONS AND TESTING**

- A. The District will inspect all new equipment installations for compliance with this Ordinance.
- B. All equipment installed pursuant to this Ordinance shall be inspected and tested at least annually pursuant to a schedule established by the District.
- C. All permittees shall assist and cooperate with District testing and inspection personnel to the extent reasonably necessary.

## **VIII. ENFORCEMENT**

### **A. Lack of Equipment or Permit**

1. Water deliveries to sites and for activities subject to requirements established by this Ordinance, including installation deadlines, and specified equipment as listed in Section III. B above, but for which there is no permit on file and no equipment installed pursuant to this Ordinance, shall be terminated upon 15 days written notice, except that the termination for (1) prohibited tank filling activities or (2) a water user's second failure to obtain a required permit and install the required equipment shall be effective immediately. When the user obtains the required permit, water service will be restored, but the activities covered by this Ordinance shall continue to be prohibited until installation of the equipment required under this Ordinance.
2. Water deliveries to sites and for activities covered by this Ordinance and for which the required equipment has been installed without the required permit shall be terminated upon 30 days written notice.
3. In addition to the termination of water service as provided in paragraphs 1 and 2 above, chemical tank filling which does not comply with this Ordinance shall be reported to the appropriate regulatory agency.

B. Improper Equipment. Upon a finding by the District that improper equipment has been installed or the equipment has been deficiently installed, the water user shall be given 30 days written notice to install the proper equipment or otherwise correct the deficiency. If the water user fails to correct the deficiency within the 30 day period, water service to the delivery site shall be terminated.

### **C. Equipment Test Failure**

1. Upon a finding by the District that equipment required by this Ordinance has been bypassed, altered, or otherwise made nonfunctional, the provision of Section VIII. A.1 (Lack of Equipment) shall be applicable and water service shall be terminated upon five days written notice (immediately in the case of chemical tank filling) until proper functioning is restored and the equipment is retested and recertified.
2. Where equipment is found to be operational but otherwise fails its periodic test by the District, the water user shall cease regulated activities until repairs have been made and the device has been retested and recertified..

## **IX. MISCELLANEOUS**

- A. The District Manager is hereby authorized and directed to do any and all things necessary to implement and effectuate this Ordinance.
- B. All District rules and Regulations pertaining to the delivery of, use of, and payment for water shall remain in full force and effect, except as otherwise provided herein.
- C. An appeal from any decision or determination made pursuant to this Ordinance may be made to the

Board of Directors. Any such appeal shall be in writing and shall be filed with the Secretary of the District within 15 days after the decision or determination of the District Manager. In the absence of such an appeal, the decision or determination shall be final. In the event of an appeal, the decision of the Board shall be final.

D. The District Manager shall provide a general summary of the provisions of this Ordinance to all landowners and water users within the District.

**X. INVALIDITY**

Should any provision of this ordinance be found by a court of law to be unconstitutional, unlawful, or invalid, such court decision shall not affect the validity of the remaining provisions of this ordinance. XI. EFFECTIVE DATE

This ordinance shall be in full force and effect at 12:01 a.m. on the 30th day after its passage and shall be published once in the Pinnacle, a newspaper of general circulation published and printed in the County of San Benito, State of California, together with the names of the members of the Board of Directors voting for and against same prior to 15 days from passage hereof.

Passed and adopted this 9th day of APRIL, 1990, by the following vote.

AYES: DIRECTORS: Swanson, Porteur, Gabriel and Cullum

NOES: DIRECTORS: None

ABSENT: DIRECTORS: Overfelt

SAN BENITO COUNTY WATER DISTRICT

\_\_\_\_\_  
*/s/Robert M. Swanson*

Robert M. Swanson, President

ATTEST: \_\_\_\_\_  
*/s/Kathleen Kramer*

Kathleen Kramer, District Secretary