



ORDINANCE

Modification to Town Code Section I4-56 (Cross Connection Control)

WHEREAS, Section 14-56 of the town code was established in May 2008 and has been without revision since that time; and,

WHEREAS, the town desires to update the code to correct outdated or incorrect regulatory citations and the state authority name, correct grammar, expound on certain definitions and policy, and add an air-gap protection option for swimming pools not directly connected to the potable water system with a potential contamination hazard.

NOW, THEREFORE, the Hillsborough Board of Commissioners ordains:

Section 1. The following sections of Section 14-56 of town code are edited as presented below:

(a) Section (a)(1) as redlined:

Introduction. The purpose of this cross-connection control section is to define the town as the water purveyor in the ~~prevention and~~ elimination of all ~~existing or potential~~ cross-connections within its public potable water supply.

This section shall apply to all consumers connected to the town public potable water supply.

This section will comply with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 18C), and the North Carolina State Building Code (~~Volume II currently adopted edition~~) as they pertain to cross-connections with the public water supply.

In accordance with General Statute 160A-174 and 160A-1752A-9.1, the town is authorized and empowered to adopt this section.

(b) Section (a)(3)(a.) as redlined

Health agency's responsibility. The North Carolina Department of Environmental ~~Natural Resources (division of environmental health)~~ ~~Quality and~~ has the responsibility for promulgating and enforcing laws, rules regulations, and policies applicable to all water purveyors in the State of North Carolina in carrying out an effective cross-connection control program.

The ~~division of environmental health~~ ~~Department of Environmental Quality~~ also has the primary responsibility of ensuring that the water purveyor operates a public potable water system free of actual or potential sanitary hazards including unprotected cross-connections. The ~~division of environmental health~~ ~~Department of Environmental Quality~~ also has the responsibility of ensuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that the purveyor requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

(c) Section (a)(3(d.) as redlined

Consumer responsibility. The consumer has the primary responsibility of preventing pollutants and contaminants from entering his/her potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his/her water system. It is the consumer's responsibility to install and maintain a continuous operable assembly to this end per subsections (e) through (g). The consumer, at his/her expense shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the town. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by the town and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping, or relocation of an assembly, the consumer shall have it tested to ensure that it is in good operating condition and will prevent backflow. Tests, maintenance, and repairs of backflow prevention assemblies shall be made by a town-approved certified backflow prevention assembly tester. Consumer shall follow the specifications of the town regarding configuration and placement of backflow prevention assemblies. Bypass detection meters shall be purchased from the town.

(d) Section (b) Definitions

- (1) Add the acronym "(AG)" after *Air gap*.
- (2) Add a comma after the word "polluted" under *Auxiliary water supply*.
- (3) Add a comma after the word "gases" under *Backflow*.
- (4) Add the word "of" between years and experience under *Certified backflow prevention assembly tester*.
- (5) Add to end of *Consumer* the sentence, "A person includes residential water customers."
- (6) Add the words "health/severe" between the words "actual hazard" to read "actual health/severe hazard" under *Contamination*.
- (7) Under *Degree of Hazard*, add the words "or moderate" after the word non-health within parentheses and the words "or severe" after the word health within parentheses. Change contaminations to contamination and put in quotes.
- (8) Under *Health agency* change "Environment and Natural Resources" to "Environmental Quality".
- (9) Change the word "usage's" to "usage" under *Isolation*.
- (10) As redlined under *Pollutional hazard*, "The term "pollutional hazard" shall mean a moderate actual or potential threat to the quality or the potability of the public or the consumer's potable water system but which would not constitute a health or a severe system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance

or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.”

(e) Section (c)(1) as redlined

Upon presentation of proper credentials and identification, authorized representatives from the town shall have the right to enter any building, structure, residence, or premises during normal business hours, or at any time during the event of an emergency to perform any duty imposed by this section. The town shall schedule in advance with the owner or authorized representative if no emergency is imminent. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected or suspected to be connected to the public water supply. Where a consumer has security measures in force which would require proper identification and clearance before entry into their premises, the consumer shall make necessary arrangements with the security guards so that upon presentation of suitable identification, the town personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service and the assumption of a health hazard and requirement to install a reduce pressure principle backflow prevention assembly.

(f) Section (d)(3) as redlined

All facilities which pose a potential health hazard to the potable water system must have an approved air gap or reduced pressure principle backflow prevention assembly within 60 days of notification by the town.

(g) Section (d)(6) as redlined

In the event that the town personnel do not have sufficient access to every portion of a non-residential private water system (~~i.e., classified research and development facilities; federal government property~~) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle backflow prevention assembly shall be required as a minimum of protection.

(h) Section (e)(2) change “North Carolina Division of Environmental Health” to “North Carolina Department of Environmental Quality”.

(i) Section (f)(1) add “, or its identified third-party manager,” to the last sentence after “provided to the town...”

(j) Section (g) second paragraph as redlined

The following types of facilities or services have been identified by the town as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly may shall be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the town. As a minimum requirement, all commercial-non-residential services will shall be required to install a double-check valve assembly, unless otherwise listed below.

(k) Section (g)(32) as redlined

Swimming pools, spas, small manmade ponds, and fountains or any body of water above or in-ground greater than 24-inches deep that is connected to or filled by the potable water system:

a. Community or non-residential: RP

b. Residential without direct piping: AG

c. Residential with direct piping from potable supply: RP

(l) Section (h)(1) as redlined

No person shall connect or cause to be connected any supply of water not approved by ~~the~~ NCDENRany regulating authority to the water system supplied by the town. Any connections allowed by the town ~~must~~ shall be in conformance with the backflow prevention requirements of this section.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote, and was duly adopted this 11th day of December in the year 2023.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk