



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Dec. 11, 2023
Department:	Utilities
Agenda Section:	Regular
Public hearing:	No
Date of public hearing:	N/A

PRESENTER/INFORMATION CONTACT

Utilities Director K. Marie Strandwitz, PE

ITEM TO BE CONSIDERED

Subject: Modifications to Town Code Section 14-56 – Cross Connection Control

Attachments:

1. Redlined Section 14-56
2. Ordinance amending Section 14-56 per redlines

Summary:

Town staff, following established town code, sent letters in early 2023 to several customers having existing in-ground swimming pools and asked them to install a reduced pressure zone backflow assembly to meet such code, which has been in place since 2008. In town code and generally across the state and nation, the installation of backflow devices at the request of a water purveyor due to known or potential contamination is paid for by the customer. The customer privately owns and maintains such devices.

Customers receiving the compliance letter presented to the town manager and board their displeasure with the requirement and asked for relief. The town board motioned for the Water and Sewer Advisory Committee and staff to present a less invasive and costly option, and to recommend changing the code to the selected option, if favorable. After presentation of the advisory committee recommendation, the board signaled the desirability to allow an air gap as an alternate option for backflow protection for the subject customer group. The air gap is an allowable industry method and relies solely on the customer to follow and maintain a proper physical separation of the potable water system when filling a tank or vessel that could have harmful consequences if its contents backflow into the public water supply.

The air gap is a no-cost option. While other conditions were discussed amongst the impacted customers, advisory committee and the board at various times, staff has chosen to keep the requirement as simple as possible. Staff also does not have the resources or desire to obtain and maintain detailed records about homeowners having such potential backflow scenarios or perform routine inspections. This is why we presume the reduced pressure zone assembly was the code standard for all swimming pools (it is testable, accessible, and fully protective). Thus, there is NO signed and notarized air gap agreement, notifications to the town upon change of home ownership, no time restrictions on filling, or requirement for hose bibb vacuum breakers or routine observation or replacement of such (by the town – this could still be a requirement of plumbing code). *Reimbursement of those who complied with the code requiring an reduced pressure zone assembly before the matter was paused for evaluation is covered under a separate agenda item at this same meeting.*

These code modifications are intended to address the resident concerns and to update the code in other areas to reflect current references and policy.

Code highlights:

- Allowance of an air gap for swimming pools not directly connected to domestic plumbing.
 - This is effectively a cost-free solution of maintaining a physical separation between the potable water system and the pool (or any other vessel that could potentially backflow with contaminated contents) during filling.
 - Air gap agreements and other devices previously considered related to testing, monitoring, or inspections such as the hose bibb vacuum breaker will NOT be required by the town (plumbing code may still require devices or assemblies as ordered by the Orange County building inspector).
 - The code revisions also clarify an air gap option for other bodies of water that are filled using the town's potable water supply such as spas, manmade ponds, and fountains.
- Defines a swimming pool, spa, small manmade pond, and fountains or any body of water as above or in-ground greater than 24-inches deep that is connected to or filled by the potable water system.
- Corrects older/outdated statutory and regulatory references and updates state regulatory authority department name.
- Adds to Degree of Hazard definition the terminology having the same meaning that is present in regulations and industry references (e.g., pollutional = moderate = non-health and contamination=severe=health when referring to hazards).
- Adds that entering any structure or building includes a residence for clarification although intent is present.
- Clarifies that denial of right of entry leaves no choice but to assume a health (severe) hazard and adds that appointments will be made for entry unless an emergency exists (already refusal can result in disconnection of water service).
- Adds that test records be submitted to the town or its delegated third-party management company (not related to swimming pool issue but needs to be added).
- References that assemblies be installed per town specifications and detect meters be purchased from the town (not related to swimming pool issue but needs to be added).
- Minor editorial changes.

Staff will provide education to those utilizing an air gap as to how to effectively maintain the air gap. Educational outreach has already been posted in the annual water quality report and online.

Financial impacts:

None to the town unless a significant backflow event occurred from an improperly maintained air gap.

Staff recommendation and comments:

Nothing further

Action requested:

Consider whether to allow the town to pay certain customers for installation of backflow assemblies due to the code requiring such being modified for a less invasive and costly solution. If payment is voted upon, state the conditions and timeframe for payment.