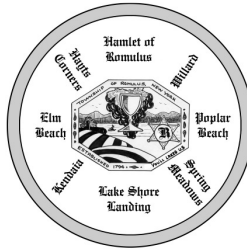


# TOWN OF ROMULUS

David Kaiser, Supervisor  
Terry Rose-Smith, Town Clerk  
James I. Williamson, Superintendent of Highways  
Kyle Collinsworth, Councilman  
Robert Duke Gerlach, Councilman  
Ralph Walborn, Jr., Councilman  
Barbara McCall, Councilwoman



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## **ADOPTING PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2011: RESOLUTION 22-11**

“A local law establishing the cross connection control and backflow prevention program to protect the public water system of the Town of Romulus.”

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Romulus for a Public Hearing to be held by said Town at the Town Office Building, 1435 Prospect Street, Willard, New York 14588 at 7:30 p.m. on the 16 day of March, 2011; and

WHEREAS, notice of said public hearing was duly posted on the official bulletin board(s) of the Town and published in the official newspaper of the Town at least ten (10) days prior thereto; and

WHEREAS, said public hearing was duly held at the Town Office Building on the date and time noted above and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local law, or any part thereof; and

WHEREAS, the Town Board of the Town of Romulus, after due deliberation, finds it in the best interests of the Town of Romulus to adopt said Local Law as follows:

### **ARTICLE I.**

#### **LEGISLATIVE INTENT**

The purpose of this Local Law is to safeguard potable water supplies from potential contamination by preventing backflow from a water user's system into the public water system. It is the intent of this Local Law to recognize that there are varying degrees of hazard and to apply the principal that the degrees of protection should be commensurate with the degrees of hazard. Further, it is the intent of the Town of Romulus, New York, to comply with the requirements of New York State Sanitary Code, Part 5, Section 5- 1.31, which section mandates that the supplier of water protect their water system in accordance with procedures acceptable to the Commissioner of Health. These mandated requirements are set forth in the Cross Connection Control Manual published by the New York State Department of Health (NYSDOH), and to that extent, the terms, conditions and provisions of the New York State Sanitary Code, Part 5, Section 5-1.31, and the cross Connection Control Manual are incorporated in this Local Law by reference as if more fully stated.

## ARTICLE II

### DEFINITIONS

1. Cross Connections — The term "cross connection" as used in this Local Law means any unprotected connection between any part of a water system used or intended to be used as a supply of water for drinking purposes in a source or systems containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.
2. Approved Water Supply — The term "approved water supply" means any water supply approved by the New York State Department of Health.
3. Auxiliary Supply — The term "auxiliary supply" means any water supply on or available to the premises other than the approved public water supply.
4. Vacuum Breaker — Pressure Type and Non-Pressure Type — A vacuum breaker which can only be used for internal plumbing control, and, therefore, not acceptable as a containment device.
5. Approved Check Valve — The term "approved check valve" means a check valve that seats readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seat must be bronze, composition, or other non-corrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze and other non-corrodible, non-sticking material, machined for easy dependable operation. The closure element shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.
6. Approved Double Check Valve Assembly — The term "approved double check valve assembly" means two single, independently acting check valves, including tightly closing shut off valves located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.
7. Approved Reduced Pressure Zone Device — The term "approved reduced pressure zone device" means a minimum of two independently acting check valves together with automatically operated pressure differential relief valve located between the two check valves. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly closing shut off valves located at each end of the device, and each device shall be fitted with properly located test cocks. This device must also be approved as a complete assembly.
8. Air Gap Separation — The term "air gap separation" means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.
9. Water Supervisor — The term "water supervisor" means the consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the consumer's water system free from cross connections and other sanitary defects, as required by this Local Law and all other required regulations and laws.

10. Certified Backflow Prevention Device Tester — The term "certified backflow prevention device tester" is an individual who has successfully completed a New York State Department of Health approved course in the testing of back flow prevention devices and has been issued a certificate by the New York State Department of Health.

### **ARTICLE III**

A. Where Protection is Required — The water system shall be required to maintain a degree of protection commensurate with the degree of hazard regardless of whether the hazard is immediate or potential. To that extent, the Cross Connection Control Manual published by NYSDOH shall be used as a guide to determine where protection is required. It shall be the responsibility of the water user to provide and maintain such required protection devices and such devices shall be of a type acceptable to the New State Department of Health.

B. Type of Protection — The protective device required shall depend on the degree of hazard as tabulated below:

1. At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross connection, the public water supply shall be protected by an approved backflow reduced pressure zone device.
2. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health if adopted into the public water supply) is handled so as to constitute a cross connection, the public water supply shall be protected by an approved double check valve assembly.
3. At the service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled, but not under pressure, the public water supply shall be protected by an air gap separation or an approved reduced pressure zone backflow prevention device. If an air gap is installed, it shall be located as close as practical to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. A reduced pressure zone device, when installed, shall be located as close as possible to the property line.
4. At the service connection to any premises on which any material dangerous to health, or toxic substance and toxic concentration, is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practical to the water meter, and any piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with an approved reduced pressure zone backflow prevention device, and it shall be located as close as possible to the property line.
5. At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions

cannot be reasonably met, the public water supply shall be protected by an approved reduced pressure zone backflow prevention device and it shall be located as close as possible to the property line.

C. Frequency of Inspection of Protective Devices — It shall be the duty of the water user on any premises on account of which backflow protective devices are installed, to have competent inspections made at least once a year, or more often in instances where successive inspections indicate repeated failure. Devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. These tests shall be performed by a qualified backflow prevention device tester and all test results will be provided to the water user within 72 hours after the test is made. Records of such tests, repairs and overhaul shall also be kept and made available to the water user and the local health department upon request.

#### **ARTICLE IV.** **SUBMITTALS & APPLICATION FEE**

A) Five sets of the Engineer's Report as detailed in Section 6, NYS Department of Health (NYSDOH) Application for Approval Form DOH 347 or its equivalent successor, and Plans and Specifications for Cross Connection Control Device Installation shall be submitted to the Town for review and endorsement.

(1) The Engineer's Report shall be prepared by a Professional Engineer, licensed in the State of New York, in accordance with the requirements of the State Education Law.

(2) The Engineer's report shall include the following information, additional information may be required to satisfy the New York State Department of Health requirements:

- i) Detailed description of the project and proposed facility use(s),
- ii) General use of water within the facility (domestic, process, fire),
- iii) Size and description of water services (material type, location and use),
- iv) Number of floors and approximate square footage of each floor within the facility,
- v) Actual/Estimated average day and maximum day water demand,
- vi) Water pressures, before and after the Cross Connection Control Device and at the extremities of the facilities system (highest elevation and most remote fixture unit),
- vii) Description of the fire fighting system including the AWWA classification of the sprinkler system.
- viii) Detailed description of the proposed installation of the Cross Connection Control Device including but not limited to: location, accessibility, drainage, manufactures data (make, model and cut sheets), lighting and heating.

- ix) Description of existing or proposed booster pump system including answers to the following questions:
    - a) Will the Net Positive Suction Head (NPSH) required for the proper operation of the booster pump system be adequate after the installation of the Cross Connection Control Device?
    - b) After the installation of the Cross Connection Control Device in the suction line of the booster pump system, will the booster pump system operate properly at peak demand to deliver adequate pressure to the highest elevation, the most remote fixture unit or any process requiring a specific pressure?
    - c) Does the booster pump system have a pressure cutoff switch in the suction line?
    - d) What is the pressure setting of the switch?
  - x) Documentation of a need for continuous water supply. A facility needing continuous water supply must install dual Cross Connection Control Devices.
  - xi) Documentation of the location of the 100 year flood plain. If applicable, the elevation of the 100 year flood plain shall be provided.
- (3) The Plans shall be prepared by a Professional Engineer, licensed in the State of New York, in accordance with the requirements of the State Education Law.
- (4) The Plans shall include the following information, additional information may be required to satisfy the New York State Department of Health requirements:
- i) A General Location Map indicating the location of the site
  - ii) A Site Plan of the facility containing location and size of existing utilities (water, sewer, gas, electric, etc), existing and proposed buildings, proposed water services (location, type and size), pumper connections, private fire hydrants and the location of the proposed Cross Connection Control Device. The Site Plan shall be drawn at a scale no larger than 1 inch - 50 feet.
  - iii) A Plumbing Floor Plan or Partial Floor Plan (Plan View) indicating the water service, water meter layout, proposed Cross Connection Control Device(s), booster pump system, floor drain(s) and all nearby objects/obstructions (including but not limited to electrical panels, boilers, fire protection systems, water closets, etc). The Floor Plan shall be drawn to scale no larger than 1/4 inch - 1 foot. Dimensions to nearby walls and objects shall be included on the plan. Proposed materials of Construction shall be indicated on the plan view.
  - iv) A Vertical Cross Section of the proposed installation including elevation from the floor to the centerline of the device, elevation from the centerline of the device to the ceiling, outside grade and nearby objects. Proposed materials of Construction shall be indicated on the section view.

B) Applications will be received by the Town's water systems operator and, if approved by the Town's water systems operator, forwarded to the Seneca County Health Department for review and approval. Submissions that are not found to meet Town specifications will be returned to the Owner.

C) An application fee of seventy five dollars (\$75.00) must accompany the submission.

## **ARTICLE V**

### **PENALTIES AND RECOURSE FOR NON-COMPLIANCE**

- A. No water service connection to any premises shall be installed or maintained by the water user unless the water supply is protected as required by this Local Law, and such other applicable local, state and federal laws, rules and regulations.
- B. If any facility served by a water system denies a water department person access to their premises for the purposes of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.
- C. The following penalties shall be applicable for a violation of this Local Law:
1. Failure to install the appropriate backflow prevention device within a prescribed timeframe after first notice:  
\$250.00
  2. Failure to install the appropriate backflow prevention device within prescribed timeframes after second notice:  
Termination of service
  3. Failure to at least annually test the backflow prevention device:  
\$300.00 and/or termination of water service
  4. Failure to replace or repair a backflow prevention device as required:  
\$1,000.00 and/or termination of water service

## **ARTICLE VI.**

### **SEVERABILITY CLAUSE**

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law. The Town of Romulus hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**ARTICLE VII.**

**PRECEDENCE AND COMPATIBILITY WITH LOCAL LAWS**

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations and shall be read in such a manner as to effectuate consistency with any and all such laws rules and/or regulations.

**ARTICLE VIII.**

**EFFECTIVE DATE**

This Local Law shall be effective upon passage and filing with the New York Secretary of State. Further, such a measure may be rendered effective against particular persons at an earlier date through personal service upon such persons certified by the clerk and notation of the date of passage and entry into the minutes.

**AND BE IT FURTHER RESOLVED** that the Town Clerk be and hereby is directed to enter said Local law in the minutes of this meeting and in the Local Law Book of the Town of Romulus, and to give due notice of the adoption of said local law to the Secretary of the State of New York.

These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by: Councilman Ralph Walborn, Jr.

Seconded by: Councilman Robert Gerlach

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Gerlach	[ xx ]	[     ]	[     ]	[     ]
Councilman Walborn	[ xx ]	[     ]	[     ]	[     ]
Councilwoman McCall	[ xx ]	[     ]	[     ]	[     ]
Councilman Collinsworth	[ xx ]	[     ]	[     ]	[     ]
Supervisor Kaiser	[ xx ]	[     ]	[     ]	[     ]

Carried

The Resolutions were thereupon duly adopted.

March 16, 2011

*Terry L. Smith*

Terry L. Smith, Town Clerk  
Town of Romulus