

MARINA COAST WATER DISTRICT
ORDINANCE NO. 64

AN ORDINANCE AMENDING TITLE 3, WATER SERVICE SYSTEM
CHAPTER 3.28, SECTIONS 3.28.010, 3.28.020, 3.28.030, 3.28.040, 3.28.050, 3.28.060
AND, ADDING SECTION 3.28.025, TO THE DISTRICT CODE

Be it ordained by the Board of Directors of
Marina Coast Water District
as follows:

Section 1. Authority. This Ordinance is enacted pursuant to Sections 30000 and following the California Water Code, and Section 6 of Article XIII D of the California Constitution.

Section 2. Findings.

- A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted in accordance with the Brown Act with an opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Board. The District has complied with the publication, notice, and hearing requirements of Section 50022.3 of the California Government Code.
- B. The protection, conservation, and replenishment of the underground water supplies are one of the main functions of a County Water District. (Atchison Etc. Ry. Co. v. Kings Co. Water Dist. (1956) 47 Cal.2d 140,146.) The District has the power generally to perform all acts necessary to carry out fully the provisions of the County Water District Law (Water Code § 31001), may establish rules and regulations for the distribution and use of water (Water Code § 31024), may undertake a water conservation program to reduce water use (Water Code § 31035), and may commence and maintain actions and proceedings to prevent interference with or diminution of any natural subterranean supply of waters which may (a) be used or be useful for any purpose of the District, (b) be of common benefit to the land or its inhabitants, (c) endanger the inhabitants or land (Water Code § 31082).
- C. The Board of Directors finds that it is in the best interests of the District to adopt this ordinance.

Section 3. Purpose of Ordinance. The purpose of this Ordinance is to amend sections 3.28.010, 3.28.020, 3.28.025, 3.28.030, 3.28.040, 3.28.050, and 3.28.060.

Section 4. General Provisions. Chapter 3.28 is hereby amended to read as follows:

3.28.010 Purpose.

- A. The purpose of this chapter is:
 - 1. To protect the public water supply against actual or potential contamination through cross-connections by isolating sources of contamination that may occur within a water user's premises because of some undiscovered or unauthorized cross-connection on the premises; and

2. To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; and
 3. To eliminate cross-connections between drinking water systems and sources of contamination; and
 4. To prevent the making of cross-connections in the future.
- B. These regulations are adopted pursuant to the California Code of Regulations, Health and Safety, Codes 116407 and 116555.5, State Water Resources Control Board Cross-Connection Control Policy Handbook (as it may be amended from time to time) and entitled Regulations Relating to Cross-Connections.
- C. It is unlawful for any person, firm, agency or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the district and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which, by reason of their construction, may cause or allow backflow of water or other substances into the water supply system of the district.

3.28.020 Cross-connection protection requirements.

A. General provisions.

1. Cross-connections with the public water supply which are capable of contamination or backflow are prohibited.
2. Whenever the district determines backflow protection as provided herein is required, the water user shall install an approved backflow prevention assembly by and at their expense in order to be eligible to receive continued service or before a new service will be granted.
 - a. A backflow prevention assembly means a mechanical assembly designed and constructed to prevent backflow, such that while in-line it can be maintained and its ability to prevent backflow, as designed, can be field tested, inspected and evaluated.
3. Wherever the district determines backflow protection is required on a water supply line entering a water user's premises, then any and all water supply lines from the district's mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention assembly. The type of assembly to be installed will be in accordance with the requirements of this chapter.
4. It shall be the responsibility of every owner and/or water user to comply with the provisions of this chapter. The term owner and/or water user may be used interchangeably as the case may be.

B. Where protection is required.

1. Each service connection from the district water system for supplying water to a premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system
2. Each service connection from the district water system for supplying water to any premises, where (a) any substance (including, but not limited to process water) is handled in such a manner that may allow its entry into the district water system or (b) water originating from the district water system may be subjected to deterioration in sanitary quality and then may allow reentry into the district water system, shall be protected against backflow of the water from the premises into the district water system. This requirement shall also apply to water meters that are not

located at the premises property line and are served by an excessively long water service line from the meter to the building connection.

3. Any commercial account that does not have an operable backflow assembly installed must install an approved assembly upon the following occurrences:
 - a. Change in ownership.
 - b. Change in business type or use.
 - c. The determination by the district that a significant degree of hazard exists which necessitates the installation of a backflow assembly.
4. Backflow prevention assemblies shall be installed on the service connection to any premises: (a) having internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state, local health department or the district; or (b) having intricate plumbing and piping arrangements; or (c) where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist; or (d) which are multifamily residential units with three or more separate dwelling units.
5. In order to comply with the State Water Resources Control Board's Cross-Connection Control Policy Handbook requirements, existing residential dwellings with private fire service lines shall have until December 19, 2034, to install an approved backflow assembly. An approved backflow assembly shall not be required for private fire service systems on residential dwellings if the premises can satisfy all of the following criteria:
 - a. the premises has only one service connection to the public water system;
 - b. a single service line onto the premises exists that subsequently splits on the property for domestic flow and fire protection system flow, such that the fire protection system may be isolated from the rest of the user premises;
 - c. a single, water industry standard, water meter is provided to measure combined domestic flow and fire protection system flow;
 - d. the fire protection system is constructed of piping materials certified as meeting NSF/ANSI Standard 61;
 - e. the fire protection system's piping is looped within the premises and is connected to one or more routinely used fixtures (such as a water closet) to prevent stagnant water;
 - f. the premises qualifies under a future alternative method of backflow prevention approved by the district and SWRCB, which provides the same level of protection to public health.

All new dwellings units with private fire sprinklers shall have an approved backflow or meet the exemptions in (a) through (f) prior to setting of a district meter.

C. Type of protection required.

1. The type of protection that shall be required to prevent backflow into the district's water supply shall be commensurate with the degree of hazard for contamination that exists on the water user's premises as determined by the district. The types of backflow protection assemblies that may be required (listed in an increasing level of protection) include: Double check valve assembly (DC), Reduced pressure principle backflow prevention assembly (RP), and an Air-gap separation (AG). The water user may choose a higher level of protection than required by the district. The minimum protection required for a high hazard can be found in Appendix D of the Cross-Connection Control Policy Handbook. Situations which are not addressed in Appendix D shall be evaluated on a case-by-case basis and the

appropriate backflow protection shall be determined by the district or appropriate health agency.

3.28.025 Hazard Assessments and Cross-Connection Surveys.

- A. In order to determine the potential hazard or the status of an existing cross-connection, the district may require a hazard assessment or cross-connection survey of any premises. In order to perform the assessment the district may require access to the inside of any buildings and outbuildings within the parcel to determine the existence of any cross-connections and to determine if a backflow assembly is required, or if installed whether the backflow assembly is adequately providing the appropriate level of system protection. Access to the premises and buildings shall not be denied. Hazard assessments will be required under the following criteria:
 - 1. If a premises changes account holder, excluding single-family residences;
 - 2. If a premises is newly or re-connected to the district's water supply;
 - 3. If evidence exists of changes in the activities or materials on a premises;
 - 4. If a backflow event from a premises occurs;
 - 5. Periodically, as identified in the district's Cross-Connection Control Plan
 - 6. If the State Water Board requests a hazard assessment of a premises;
 - 7. If the district concludes an existing hazard assessment may no longer accurately assess the degree of hazard.
- B. If access to a premise or building within a premise is denied for the purposes of a cross-connection survey or hazard assessment, the District will require the property owner to install the highest level of backflow protection as deemed necessary. Should the owner refuse installation, service to the property may be terminated in accordance with section 3.28.060.

3.28.030 Backflow prevention assemblies.

- A. Approved backflow prevention assemblies.
 - 1. Only backflow prevention assemblies which have been approved by the district shall be acceptable for installation on a premises connected to the district's potable water system. Backflow prevention assemblies for the applicable level of protection approved by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC) shall be deemed acceptable for installation.
 - 2. Lead free backflow assemblies must be installed on any potable water service.
 - 3. The district will provide, upon request, a list of approved backflow prevention assemblies for each level of protection.
 - 4. Prior to installation, the water user must provide, for the districts' approval, a submittal indicating the size, make and model of the proposed assembly the water user will install.
 - 5. The district must inspect all piping, from meter to backflow, before backfilling is approved and after the installation of the assembly is completed.
- B. Backflow prevention assembly installation.
 - 1. Backflow prevention assemblies shall be installed in the manner prescribed in Article 3, 3.3.2 of the Cross-Connection Control Policy Handbook and in accordance with district standard details. Location of the assemblies should be as close as practical to the premises meter connection. The district shall have the final authority in determining the required location of a backflow prevention assembly. Building renovations may require the installation of a backflow assembly. This applies to fire sprinklers or domestic water services as determined by district staff. If a customer is required to install an approved backflow prevention assembly on a

fire sprinkler system, the customer must submit a letter of approval from the local fire jurisdiction stating the fire sprinkler system will still operate as originally designed with the new assembly in place. Any modifications to the premises' piping needed to provide for a backflow assembly installation, including but not limited to increasing the service line to meet adequate fire flows, shall be at the owner's expense.

- a. AG: The approved air-gap separation shall be located on the water user's side of and as close to the service connection as is practical. No water connections shall be provided from any point between the service connection and the air-gap separation. The water inlet fill piping to the vessel shall terminate at a distance of at least two times the inside diameter of the supply inlet pipe, but in no case less than one inch above the overflow/flood rim level of the receiving tank. Any system protection required through an approved air-gap shall have a Reduced Pressure Assembly located upstream of the air-gap.
- b. RP: The approved reduced pressure principle backflow prevention assembly shall be installed on the water user's side and as close to the service connection as is practical. The assembly shall be installed a minimum of twelve inches above grade and not more than thirty-six inches above grade measured from the bottom of the assembly and with a minimum of twelve inches side clearance, and a minimum of twenty-four inches of side clearance on the side of the assembly that contains the test cocks. The assembly shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP assembly shall be protected in a manner approved by the district.
- c. DC: The approved double check valve assembly shall be located as close as practical to the water user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. The assembly shall have a minimum of twelve inches of side clearance and a minimum of twenty-four inches of side clearance on the side of the assembly that contains the test cocks.

C. Backflow prevention assembly testing and maintenance.

1. The owner of any premises on which, or on account of which, backflow prevention assemblies are installed, shall have the assemblies tested by a person who has demonstrated his or her competency to the district in the testing of these assemblies, and is certified through a State Water Resources Control Board recognized organization. Backflow prevention assemblies must be tested at least annually and immediately after installation, re-piping, relocation, replacement, depressurization for winterization or repair. Newly installed backflow prevention assemblies must receive a passing test before providing continuous water service to the premises. The district may require a more frequent testing schedule if it is determined to be necessary. No assembly shall be placed back in service unless it is functioning as required. Air-gap separations shall be visually inspected at least annually by an approved tester. A report in a form acceptable to the district shall be filed with the district each time an assembly or air-gap is tested, relocated, replaced, or repaired. These assemblies shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user. If an assembly fails to pass the test and is no longer on the USC list of approved assemblies, it must be replaced by an assembly that is on the current USC list of approved assemblies and installed according to the most recent district

installation detail. Any backflow tester that observes a backflow occurrence or finds an unprotected cross-connection during a test must immediately notify the district in writing, no later than 24 hours from the observed incident.

2. The district will provide a list of persons or organizations acceptable to the district to test backflow prevention assemblies. The district will notify affected customers by mail or email when annual testing of an assembly is needed. Testers will be required to submit test forms to the District through its software system.
- D. Backflow prevention assembly removal. Approval must be obtained from the district before a backflow prevention assembly is removed, relocated, or replaced:
1. Removal. The use of an assembly may be discontinued and the assembly removed from service upon presentation of sufficient evidence to the district to verify that a hazard no longer exists and is not likely to re-occur in the future;
 2. Relocation. An assembly may be relocated following confirmation by the district that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly;
 3. Repair. An assembly may not be removed for repair, unless the water use is either discontinued until repair is completed and the assembly is returned to service, or the service connection is equipped with another adequate backflow protection assembly approved by the district. A retest will be required following the repair of the assembly; and
 4. Replacement. An assembly may be removed and replaced provided the water user is discontinued until the replacement assembly is installed. All replacement assemblies must be on the USC list of approved assemblies, approved by the district and must commensurate with the degree of hazard involved.

3.28.040 User supervisor.

The district and/or health agency may, at their discretion, require an industrial water user to designate a user supervisor, at the water user's expense, when the water user's premises has a multi-piping system that conveys various types of fluids, some of which may be hazardous and where changes in the piping system are frequently made. The user supervisor shall be responsible for the avoidance of cross-connections during the installation, operation and maintenance of the water user's pipelines and equipment. Any premises receiving recycled or reclaimed water from the district shall have a designated user supervisor per 4.28.070 of the district's code.

3.28.050 Administrative procedures.

A. Water system inspection.

1. The district shall review all requests for new service to determine if backflow protection is required. Plans and specifications must be submitted to the district upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the district water system, the required assembly must be installed before service will be granted.
2. The district may require an on-premises inspection of any existing water service connections. The district will transmit a written notice requesting an inspection appointment to each affected water user.
3. If the inspection/survey reveals that cross-connection hazards do exist on any premises, the district and/or the health agency shall conduct a detailed inspection to evaluate the existing hazards. The district will transmit a written notice requesting an inspection appointment to each affected water user.

4. Any water user who cannot or will not allow an on-premises inspection of water user's piping system shall be required to install the backflow prevention assembly the district or health agency considers necessary.
5. Based on findings of the detailed inspection, the district will prepare a report outlining the findings of the inspection and list the required actions of the water user.

B. Customer notification—Assembly installation.

1. The district will notify the water user of the inspection findings, listing the corrective actions to be taken. A period of thirty calendar days will be given to complete all required corrective actions, including installation of backflow prevention assemblies.
2. The district will re-inspect the premises at the end of that time period to verify compliance or noncompliance.
3. If the water user does not comply within the time period allowed, the district will issue a final notice. The final notice will give the water user fifteen calendar days to take the required corrective action.
4. If the water user fails to comply within the fifteen-day period, the district may terminate water service to the affected premises until compliance is obtained.

C. Customer notification—Testing

1. The district will provide written notice to each water user of the date by which an annual backflow prevention assembly testing must be completed. This notice shall be provided at least thirty calendar days prior to the due date. Testing of assemblies is required annually, and the testing window will remain the same for each assembly regardless of the actual test(s) dates. The district reserves the right to change the test window in its discretion.
2. A final notice shall be sent to each water user who fails to have the backflow prevention assembly tested as prescribed in the initial thirty-day notice. The final notice will require the water user to complete assembly testing within fifteen calendar days from the date of the final notice.
3. If the water user fails to have the assembly testing completed within the date specified in the final notice, the district may, in the district's discretion, either cause a test of the assembly to be performed or terminate water service to the premises in accordance with Section 3.28.060.
- a. Should the district cause the assembly to be tested because of the failure or refusal of the water user after written notice has been provided herein the water user shall reimburse the district at the district's then-in-effect rates and charges for equipment, material and labor at the time. Labor costs shall be a minimum of one hour. All charges will be placed on the subsequent water bill for the premises.
4. Reports of testing and maintenance shall be maintained by the district for a minimum of three years.

D. Repairs and faulty assemblies.

1. If an assembly fails to pass its annual test, the owner or water user shall have the assembly repaired within 15 days from the date of the failed test. If the owner or water user fails or refuses to have the assembly repaired within 15 calendar days, then the district will terminate water service per section 3.28.060 of the district code. The district may grant additional time on a case-by-case basis should there be exigent circumstances and a low degree of hazard risk associated with the failed assembly.
2. If an assembly is otherwise found to be faulty (i.e., a relief valve visibly leaking or other nonconforming operation), and the assembly is not due to be tested, the district will send a notice requesting the assembly to be repaired and tested and give

the owner or water user thirty calendar days to comply. If the user or owner fails to have the backflow prevention assembly repaired as prescribed in the initial notice, a final notice shall be sent advising the owner or water user that unless compliance is achieved within fifteen calendar days from the date of the final notice, the district will terminate water service per section 3.28.060. The district may grant additional time on a case-by-case basis should there be exigent circumstances and a low degree of hazard risk associated with the failed assembly.

3. If a potable backflow assembly fails and it is not a certified lead-free assembly, the owner or water user will be required to replace the assembly with a lead-free assembly.
- E. Costs of Installation, Testing and Repairs. All costs for compliance with all obligations under this chapter, including but not limited to expenses for inspection, testing and installation of any backflow assembly or related facilities shall be paid by the owner and/or water user of the premises for which the costs and expense are incurred.

3.28.060 Water service termination.

- A. General. When the district encounters water uses that represent clear and immediate hazards to the potable water supply that cannot be immediately abated, the district shall discontinue water service as described in subsection C of this section.
- B. Basis for termination. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following:
 1. Refusal to install a required backflow prevention assembly within the time prescribed herein;
 2. Refusal to test a backflow prevention assembly within the time prescribed herein;
 3. Refusal to repair a faulty backflow prevention assembly within the time prescribed herein;
 4. Refusal to replace a faulty backflow prevention assembly within the time prescribed herein;
 5. Direct or indirect connection between the public water system and a sewer line;
 6. Unprotected direct or indirect connection between the public water system and a system or equipment containing pollutants or contaminants;
 7. Unprotected direct or indirect connection between the public water system and an auxiliary water system;
 8. A faulty assembly with an observed active backflow condition; and
 9. A situation which presents an immediate health hazard to the public water system.
- C. Water service termination procedures.
 1. In the event of an occurrence of any condition or conditions listed in subsections (B)(1), (2), (3), or (4) of this section, the district will terminate service to a customer's premises after the final notice is given to the water user specifying the corrective action needed and the time period in which it must be taken. If no action is taken within the time period provided, the district may terminate water service as authorized herein. If the assembly(s) that are in need of corrective action is a separate fire service, the district will terminate the domestic service in order to keep the fire system in service.
 2. In the event of an occurrence of any condition or conditions of subsections (B)(5), (6), (7), (8) or (9) of this section, the district will take the following steps:
 - a. Make reasonable efforts to advise the water user of its intent to terminate water service; however, actual notice to the water user is not required in the event the condition constitutes a potential immediate threat to public health;

- b. Immediately terminate water service and lock the service valve. The water service will remain inactive until the condition has been corrected to the satisfaction of the district.
- c. The district will investigate and perform a cross-connection survey on the premises.
- d. Restoration of water service can only occur when the condition(s) have been corrected, and an approved backflow prevention assembly has been installed or repaired and has received a passing test.
- e. Reconnection fees will apply. (See section 3.20.160.G)

Section 5. Enforcement and Administration. The General Manager and all officers and employees of the District, including all ex-officio officers and employees, shall enforce all the provisions of this Ordinance. The General Manager shall implement and administer this Ordinance. The General Manager shall report to the Board all factors which affect the implementation of this Ordinance and shall maintain a separate file of violations of this Ordinance and a file of any requests for variances from this Ordinance.

Section 6. Effective Date. All sections of this Ordinance shall be in full force and effect 30 days after its final passage in accordance with section 36937 of the California Government Code.

Section 7. Publication and Posting. Within 15 days after adoption, the district shall publish, in a newspaper published in Monterey County and circulated within the district, this ordinance with the names of those directors voting for and against adoption, and shall post in the district office a certified copy of the full text of this ordinance as adopted along with the names of those directors voting for and against adoption.

Section 8. Interpretation. Words and phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior district ordinances and the district Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

On motion of Director Moore, seconded by Director Smith; the foregoing Ordinance is enacted and shall take effect upon adoption by the following roll call of the Board:

Ayes: _____ Imamura, Moore, Smith, Shriner, Morton

Nays: _____ None

Absent: _____ None

Abstained: _____ None

By _____
Gail Morton, President

ATTEST:

Remleh Scherzinger, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance No. 64 was adopted and approved by the Board of Directors at their regular meeting on April 21, 2025.



Remick Scherzinger, Secretary