

## LEGISLATIVE DIGEST

[Health Code - Public Water System Cross-Connection Control and Backflow Prevention]

**Ordinance amending the Health Code to regulate cross-connection and backflow prevention requirements to protect the public water system by replacing obsolete requirements with requirements consistent with current state and federal drinking water quality laws; by reorganizing, updating, and clarifying procedures for implementing such requirements; and by authorizing remedies and penalties for violations and providing enforcement criteria and procedures; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### Existing Law

Article 12A of the Health Code establishes requirements for backflow prevention to supplement those imposed by the State pursuant to Title 17, Sections 7583, et seq., of the California Administrative Code, and prohibits any water consumer or property owner to have, keep, maintain, install or permit the existence of a cross-connection that is unprotected from actual or potential backflow of water into the public water system due to the absence of approved and properly functioning backflow prevention devices.

Article 12A established a committee consisting of San Francisco Public Utilities Commission, Health Department and Department of Building Inspection staff to review of operations of the City's Cross-Connection Control Program, which was established within the Department of Public Health to provide for certification of qualified testers and the development of a schedule to assure annual inspection of all backflow prevention devices within the City.

Under Article 12A, the San Francisco Public Utilities Commission has primary responsibility for the prevention of any unauthorized substances or water from unapproved sources from entering the public water supply system. The Department of Public Health has the overall and ultimate responsibility under Article 12A for preventing water from unapproved sources or other unauthorized substances from entering the potable water system.

Article 12A provides for the disconnection of water services to a customer directly responsible for noncompliance, until the cross-connection has been eliminated and necessary payments have been made for turn-on services in the same manner as specified under the San Francisco Public Utilities Commission rules and regulations governing water service to customers.

### Amendments to Current Law

The existing Article 12A will be repealed in its entirety, and replaced with the proposed Article 12A. The ordinance clarifies that the San Francisco Public Utilities Commission, as the City department responsible under the Charter for providing water services, has primary responsibility for regulating and abating cross connections between customers' properties and the City's public water service system. The ordinance requires property owners to install approved backflow prevention devices on their properties in specified circumstances, and defines installation requirements and device configuration requirements. The ordinance also imposes testing, inspection and reporting obligations on the part of the property owner. The new ordinance retains authority for terminating water service for noncompliance and adds abatement procedures and administrative penalties authority through Chapter 100 of the Administrative Code, as modified in the proposed ordinance.

### Background Information

The State of California's safe drinking water regulations require public water system operators to protect the public water supply from contamination by implementation of a cross-connection control program. A cross-connection is an unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, are "cross-connections."

In 1984, the Board of Supervisors codified the City's cross-connection control program by adopting Article 12A of the Health Code. Since that ordinance was adopted, conditions in San Francisco have significantly changed. Mixed-use development is now common, with non-potable water systems actively promoted. The number of backflow prevention assemblies has steadily increased at an annual rate of 5 percent, with approximately 25,000 assemblies now in service.

Backflow prevention assemblies must be tested annually. The ordinance is intended to help the departments improve the annual compliance rate for assembly testing. The primary tool for enforcing the testing and inspection requirement currently is service shut-off, enforced against the account holder, frequently a landlord, which is labor intensive and unavoidably impacts tenants. In addition to adding clearer testing and inspection definitions and requirements, the proposed ordinance also provides a process for issuing administrative enforcement orders in those instances when service shutoff is not appropriate.