

ORDINANCE NO. 2062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 12: UTILITIES, SECTION 5: WATER SERVICE RATES BY THE ADDITION OF SECTION 5A: WATER WHICH SHALL HEREINAFTER READ AS FOLLOWS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED \$2,000 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

Be it ordained by the City Council of the City of Terrell, Texas:

Section 1: That the Code of Ordinances of the City of Terrell shall be amended in Chapter 12: Utilities; Section 5: Water Service Rates, by the addition of Section 5a: Water which shall read in its entirety as follows:

Section 5A: Water

DIVISION 1: GENERALLY

Chapter 12 Section 5A Water,. Compliance with TNRCC Rules and Regulations.

Section 290.44 Water Distribution and 290.46 Minimum Acceptable Operating Practices for Public Drinking Water Systems set out in the TNRCC Rules and Regulations for Public Water Supply Systems dated September, 2000 (30 TAC Chapter 290 Subchapter D) are hereby adopted in pertinent subsections as set forth on Exhibit A attached hereto and made part hereof as if set out in their entirety. Any further amendments to this section may be done by exhibit.

Section 2: Any person, firm, or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense and each and everyday such offense shall continue shall be deemed to constitute a separate offense.

Section 3: This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.

Section 4: If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation, or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

Section 5: That this ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

PASSED AND APPROVED this the 17th day of April, 2001
PASSED AND ADOPTED this the 1st day of May, 2001.

APPROVED:

Henry C. Madgwick, Sr., Mayor

ATTEST:

John Rounsavall, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney

Exhibit A

Title 30. ENVIRONMENTAL QUALITY
Part I. TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Chapter 290. WATER HYGIENE
Subchapter D. RULES AND REGULATIONS FOR PUBLIC WATER SYSTEMS.

290.44(h) Backflow, siphonage.

290.44(h)(1) No water connection from any public drinking water supply system shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination.

290.44(h)(1)(A) At any residence or establishment where an actual or potential contamination hazard exists, additional protection shall be required at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified in 290.47(i) of this title (relating to Appendices).

290.44(h)(1)(B) At any residence or establishment where an actual or potential contamination hazard exists and an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter is not required.

290.44(h)(1)(B)(i) An adequate internal cross-connection control program shall include an annual inspection and testing by a certified backflow prevention assembly tester on all backflow prevention assemblies used for health hazard protection.

290.44(h)(1)(B)(ii) Copies of all such inspection and test reports must be obtained and kept on file by the water purveyor.

290.44(h)(1)(B)(iii) It will be the responsibility of the water purveyor to ensure that these requirements are met.

290.44(h)(2) No water connection from any public drinking water supply system shall be allowed to any condensing, cooling, or industrial process or any other system of nonpotable usage over which the public water supply system officials do not have sanitary control, unless the said connection is made in accordance with the requirements of paragraph (1) of this subsection. Water from such systems cannot be returned to the potable water supply.

290.44(h)(3) Overhead bulk water dispensing stations must be provided with an air gap between the filling outlet hose and the receiving tank to protect against back siphonage and cross-contamination.

290.44(h)(4) All backflow prevention assemblies that are required according to this section and associated with table 290.47(i) of this title shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specification. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.

290.44(h)(4)(A) Recognized backflow prevention assembly testers shall have completed a executive director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the TNRCC or its designated agent and hold current professional certification as a backflow prevention assembly tester.

290.44(h)(4)(A)(i) Backflow prevention assembly testers are qualified to test and repair assemblies on any domestic, commercial, industrial, or irrigation service.

290.44(h)(4)(A)(ii) Backflow prevention assembly testers may test and repair assemblies on firelines only if they are permanently employed by an Approved Fireline Contractor. The State Fire Marshall's office requires that any person performing maintenance on firelines must be employed by an Approved Fireline Contractor.

290.44(h)(4)(B) Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14). Public water systems shall require testers to include test gauge serial numbers on "Test and Maintenance" report forms and ensure testers have gauges tested for accuracy.

290.44(h)(4)(C) A Test Report must be completed by the recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the public water supplier for record keeping purposes. Any form which varies from the form specified in Appendix F of this title (relating to Backflow Prevention Assembly Test and Maintenance Report) must be approved by the executive director prior to being placed in use.

290.44(h)(5) The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection in internal hazards as outlined and enforced by local plumbing codes.

290.44(h)(6) At any residence or establishment where there is no actual or potential contamination hazard, a backflow prevention assembly is not required.

290.46. Minimum Acceptable Operating Practices for Public Drinking Water Systems.

290.46(i) Plumbing ordinance. Public water systems must adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted. See 290.47(b) of this title (relating to Appendices). Should sanitary control of the distribution system not reside with the purveyor, the entity retaining sanitary control shall be responsible for establishing and enforcing adequate regulations in this regard. The use of pipes and pipe fittings that contain more than 8.0% lead or solders and flux that contain more than 0.2% lead is prohibited for installation or repair of any public water supply and for installation or repair of any plumbing in a residential or nonresidential facility providing water for human consumption and connected to a public drinking water supply system. This requirement may be waived for lead joints that are necessary for repairs to cast iron pipe.

290.46(j) Customer service inspections. A customer service inspection certificate shall be completed prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. Any customer service inspection certificate form which varies from the format found in 290.47(d) of this title (relating to Customer Service Inspection Certificate) must be approved by the executive director prior to being placed in use.

290.46(j)(1) Individuals with the following credentials shall be recognized as capable of conducting a customer service inspection certification.

290.46(j)(1)(A) Plumbing Inspectors and Water Supply Protection Specialists licensed by the Texas State Board of Plumbing Examiners.

290.46(j)(1)(B) Customer service inspectors who have completed a commission approved course, passed an examination administered by the TNRCC or its designated agent and hold current professional certification or endorsement as a customer service inspector.

290.46(j)(2) As potential contaminant hazards are discovered, they shall be promptly eliminated to prevent possible contamination of the water supplied by the public water system. The existence of a health hazard, as identified in 290.47(i) of this title, shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the health hazard no longer exists, or until the health hazard has been isolated from the public water system in accordance with 290.44(h) of this title (relating to Water Distribution).

290.46(j)(3) These customer service inspection requirements are not considered acceptable substitutes for and shall not apply to the sanitary control requirements stated in 290.102 (a)(5) of this title (relating to Definitions).

290.46(j)(4) A customer service inspection is an examination of the private water distribution facilities for the purpose of providing or denying water service. This inspection is limited to the identification and prevention of cross connections, potential contaminant hazards and illegal lead materials. The customer service inspector has no authority, and no obligation, beyond the scope of the commission's regulations. A customer service inspection is not a plumbing inspection as defined and regulated by the Texas State Board of Plumbing Examiners (TSBPE). A customer service inspector is not permitted to perform plumbing inspections. State statutes and TSBPE adopted rules require that TSBPE licensed plumbing inspectors perform plumbing inspections of all new plumbing and alterations or additions to existing plumbing within the municipal limits of all cities, town, and villages, with 5000 or more inhabitants or within smaller, like entities which have adopted the Plumbing License Law by ordinance. Such entities may stipulate that the customer service inspection be performed by the plumbing inspector as a part of the more comprehensive plumbing inspection. Where such entities permit customer inspectors to perform customer service inspections, the customer service inspector shall report any violations immediately to the local entity's plumbing inspection department.

290.46(k) Interconnection. No physical connection between the distribution system of a public drinking water supply and that of any other water supply shall be permitted unless the other water supply is of a safe, sanitary quality and the interconnection is approved by the executive director.