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File ID: 2024-00885

6/18/2024

Consent Item 4.

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**An Ordinance Amending Sections 13.04.30 and 13.04.240 of the Sacramento City Code Relating to Cross Connection Control Standards, and Adding Section 13.03.245 Relating to Discontinuance of Water Service for Violation of Cross Connection Control Standards**

File ID: 2024-00885

**Location:** Citywide

**Recommendation:** 1) Review an Ordinance amending Section 13.04.030 and Section 13.04.240 and adding Section 13.03.245 to the Sacramento City Code, relating to the enforcement of Cross Connection Control standards through the discontinuance of water service for violations of Cross Connection Control standards; and 2) pass a **Motion** forwarding the Ordinance to City Council for consideration.

**Contact:** Luis Huerta, Cross Connection Control Specialist, (916) 808-4025, lhuerta@cityofsacramento.org; Cesar Limon, Utilities Construction Coordinator, (916) 808-6277, climon@cityofsacramento.org; David Herrmann, Utilities Operations and Maintenance Manager, (916) 808-5652, dherrmann@cityofsacramento.org; Pravani Vandeyar, Director of Utilities, (916) 808-3765, pvandeyar@cityofsacramento.org; Department of Utilities

**Presenter:** None.

**Attachments:**

- 1-Description/Analysis
- 2-Ordinance, Clean
- 3-Ordinance, Redline

**Description/Analysis**

**Issue Detail:** Staff recommends an ordinance amending and adding sections to the Sacramento City Code to comply with State of California regulatory standards and further protect the City of Sacramento's Public Water System from contamination or pollution from existing or potential cross connections.

The proposed ordinance includes:

- 1) Revising Section 13.04.030 by adding the definition of a Backflow Prevention Assembly to the Sacramento City Code.

- 2) Revising Section 13.04.240 by making administrative clean-up edits; and adding a provision to allow for the discontinuance of water service after a customer is found to be in violation of Cross Connection Control standards; and
- 3) Adding Section 13.04.245, which specifies which water uses and conditions violate the City's Cross Connection control standards and constitute a danger to potable water supply, the procedures for enforcing cross connection control standards through the discontinuance of water service for violations, issuing a notice of violation to customers, providing for a customer appeal process, and restoring water service after the customer has corrected or eliminated the violation.

**Policy Considerations:** Section 13.04.010 of the City Code establishes that the Department of Utilities shall, "furnish a safe and potable water supply", meeting the standards of the California Health and Safety Code and Title 22 of the California Code of Regulations.

**Economic Impacts:** None.

**Environmental Considerations:** The Community Development Department, Environmental Services Manager has determined that the proposed activity is not a project pursuant to the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15378(b). The activity is a continuing administrative activity and is not subject to CEQA. CEQA Guidelines Section 15060(c)(3). Activities related to the ordinance that are a project are exempt pursuant to CEQA Guidelines Section 15307 that consist of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

**Sustainability:** The proposed ordinance is consistent with the 2040 General Plan's goals and policies related to public facilities and safety, including providing: (PFS-4) A reliable supply of high-quality water that meets projected needs within the city's place of use.

**Commission/Committee Action:** Not applicable.

**Rationale for Recommendation:** The proposed amendments and additions to the Sacramento City Code are necessary to ensure compliance with the standards, laws, and guidelines adopted, and/or modified by the City of Sacramento Cross Connection Control Section Policy, the State of California's Cross Connection Policies, and applicable regulatory agencies.

Cross Connection Control standards are vital to the City of Sacramento:

- To protect the City of Sacramento public water system against cross-connections by isolating within premises, contamination or pollution that may occur because of undiscovered or unauthorized cross-connections on premises.

- To eliminate existing connections between public water systems and other sources of water that are not approved as safe and potable for human consumption.
- To prevent the creation of cross-connections in the future; and
- To provide a means to assure compliance with a comprehensive cross-connection control program.

**Financial Considerations:** Not applicable.

**Local Business Enterprise (LBE):** Not applicable.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

June 18, 2024

**AN ORDINANCE AMENDING SECTIONS 13.04.030 AND 13.04.240 OF, AND ADDING SECTION 13.04.245 TO, THE SACRAMENTO CITY CODE, RELATING TO CROSS-CONNECTION CONTROL**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

**SECTION 1.**

- A. Section 13.04.030 of the Sacramento City Code is hereby amended to add the following definition:

“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 or, for an air-gap separation backflow prevention assembly, inspected and evaluated.

- B. Except as amended by subsection A above, all provisions of section 13.04.030 remain unchanged and in full effect.

**SECTION 2**

Section 13.04.240 of the Sacramento City Code is hereby amended to read as follows:

**13.04.240 Cross-connection control standards.**

The city council shall from time to time by resolution adopt cross-connection control standards that establish the city’s requirements for design, construction, installation, and maintenance of backflow prevention assemblies. These standards protect the potable water supply of the city from the possibility of contaminants, pollutants, or water from unapproved sources entering the city’s water distribution system through cross-connections. Any customer shall comply with all provisions of the city’s cross-connection control standards. The violation of any provision of those standards constitutes an infraction. If the director or a Sacramento County environmental health officer finds that a customer is violating the cross-connection control standards, the customer’s water service may be discontinued pursuant to section 13.04.245. The foregoing provisions are cumulative and in addition to any other remedy provided under applicable law or regulation, including without limitation the administrative penalty provisions of section 1.28.010.

**SECTION 3.**

Section 13.04.245 is hereby added to the Sacramento City Code to read as follows:

**13.04.245 Discontinuance of water service for violation of cross-connection control standards.**

- A. The following water uses and conditions violate the city's cross-connection control standards and constitute a clear and immediate hazard to the city's potable water supply, and the city will discontinue water service after making a reasonable effort to notify the customer of the discontinuance of the service:
  - 1. Direct or indirect connection between the city water distribution system and a sewer line;
  - 2. Unprotected direct or indirect connection between the city water distribution system and a system or equipment containing contaminants; and
  - 3. Unprotected direct or indirect connection between the city water distribution system and an auxiliary water system.
  
- B. Water uses and conditions that constitute a basis for water service discontinuance include, but are not limited to, the following:
  - 1. The customer refuses to install or to test a backflow prevention assembly; or
  - 2. The customer refuses to repair or replace a faulty backflow prevention assembly.
  
- C. The City shall comply with the following procedure before discontinuing water service due to water uses and conditions described in subsection B.
  - 1. The director shall cause a written notice of violation and impending discontinuance to be mailed to the customer, at the customer's address. If the customer's address is not the address of the property to which the water service is provided, the notice also shall be sent to the address of the property to which water service is provided, addressed to "Occupant."
  - 2. The notice shall be mailed not less than 30 days prior to the proposed discontinuance.
  - 3. The notice must include all of the following in a clear and legible format:
    - a. The customer's name and address;
    - b. The nature of the violation;

- c. The date by which compliance with the cross-connection control standard is required to avoid discontinuance of water service;
  - d. A description of the opportunity to file a complaint or to request an extension of time to achieve compliance; and
  - e. The telephone number of a department representative authorized to provide additional information.
4. A customer desiring to file a complaint concerning the violation or to request an extension of time to achieve compliance must file a written complaint or request with the director not later than 15 days after the date of the mailed notice of violation.
  5. A department employee designated by the director shall schedule a meeting to review and investigate a timely complaint or request for an extension of time to achieve compliance.
  6. After the meeting required by subsection C.5, the designated employee shall render a written decision, which may include additional time to achieve compliance. A copy of the decision shall be mailed to the customer at the customer's address.
  7. The decision of the designated employee may be appealed pursuant to chapter 1.24, by filing a notice of appeal with the city clerk no later than ten days after the date the decision is mailed to the customer.
  8. If a complaint is not filed or a request for an extension of time to correct the violation is not made, as specified in subsection C.4, or if a complaint is filed or a request is made as specified in subsection C.4, but the customer filing the complaint or making the request fails to appear at the meeting scheduled pursuant to subsection C.5, the city shall have the right to discontinue water service.
  9. If a complaint has been filed or a request has been made as specified in subsection C.4, and the customer filing the complaint or making the request has appeared at the meeting scheduled pursuant to subsection C.5, and any action determined to be required by the designated employee holding the meeting is not completed within the deadline imposed by the designated employee or 30

days after the date that the designated employee's decision is mailed, whichever is later, the city shall have the right to discontinue water service.

10. Not less than 48 hours prior to a scheduled discontinuance of water service, a final notice shall be posted in a conspicuous location on the premises where service is to be discontinued and shall also be mailed to the customer, at the customer's address. The final notice must include all the following in a clear and legible format:
  - a. The customer's name and address;
  - b. The nature of the violation;
  - c. The date by which compliance was required to avoid discontinuance of water services; and
  - d. The telephone number of a department representative authorized to provide additional information.
- D. Water service to any premises where service has been discontinued pursuant to this section shall not be restored until the customer has corrected or eliminated such conditions or defects in conformance with this section and to the satisfaction of the director.
- E. The city shall not be held liable to any customer for any injury, damages, or lost revenues that may result from discontinuance of the customer's water service in accordance with the terms of this section.
- F. The customer is responsible for back-siphoned pollutants or contaminants through backflow, if contamination of the city water distribution system occurs through an illegal cross-connection or an improperly installed, maintained, or repaired backflow assembly device or bypassing a backflow assembly device. The customer shall be liable for the cost of clean-up of the city water distribution system and shall be liable for damage or injury that occurs as a result of the contamination.

#### **SECTION 4.**

If any provision of this ordinance or its application to any person or circumstance is held invalid or ineffective by any court of competent jurisdiction, or by reason of any preemptive legislation, that invalidity shall not affect the validity of the remaining provisions of this ordinance. The City Council declares that it would have passed this ordinance and each section, subsection,

subdivision, sentence, clause, phrase, and word, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or words be declared invalid.



**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTIONS 13.04.030 AND 13.04.240 OF, AND ADDING SECTION 13.04.245 TO, THE SACRAMENTO CITY CODE, RELATING TO CROSS-CONNECTION CONTROL**

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- B. Except as amended by subsection A above, all provisions of section 13.04.030 remain unchanged and in full effect.

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Section 13.04.240 of the Sacramento City Code is hereby amended to read as follows:

**13.04.240 Cross-connection control standards.**

The city council shall from time to time by resolution adopt cross-connection control standards that establish the city’s requirements for design, construction, installation, and maintenance of backflow prevention assemblies. ~~The purpose of t~~These standards ~~is~~ ~~to~~ protect the potable water supply of the city ~~of Sacramento~~ from the possibility of contaminants, pollutants, or water from unapproved sources entering the city’s water distribution system through cross-connections. Any ~~customer~~~~person receiving or using water from the city’s water distribution system~~ shall comply with all provisions of the city’s ~~then current~~ cross-connection control standards. ~~The~~~~and the~~ violation of any provision ~~of those standards thereof shall~~ constitutes an infraction. ~~If the director or a Sacramento County environmental health officer finds in the event that a water customer is found is violating to be in violation of~~ the cross-connection control standards ~~by the director or by a Sacramento County Environmental Health Officer~~, the customer’s water service may be ~~terminated~~~~discontinued pursuant to section 13.04.245~~. The foregoing provisions ~~are~~~~shall be~~ cumulative and in addition to any other remedy provided under ~~any~~ applicable law or regulation, including without limitation the administrative penalty provisions of ~~s~~Section 1.28.010.

### **SECTION 3.**

Section 13.04.245 is hereby added to the Sacramento City Code to read as follows:

#### **13.04.245 Discontinuance of water service for violation of cross-connection control standards.**

A. The following water uses and conditions violate the city's cross-connection control standards and constitute a clear and immediate hazard to the city's potable water supply, and the city will discontinue water service after making a reasonable effort to notify the customer of the discontinuance of the service:

1. Direct or indirect connection between the city water distribution system and a sewer line;
2. Unprotected direct or indirect connection between the city water distribution system and a system or equipment containing contaminants; and
3. Unprotected direct or indirect connection between the city water distribution system and an auxiliary water system.

B. Water uses and conditions that constitute a basis for water service discontinuance include, but are not limited to, the following:

1. The customer refuses to install or to test a backflow prevention assembly; or
2. The customer refuses to repair or replace a faulty backflow prevention assembly.

C. The City shall comply with the following procedure before discontinuing water service due to water uses and conditions described in subsection B.

1. The director shall cause a written notice of violation and impending discontinuance to be mailed to the customer, at the customer's address. If the customer's address is not the address of the property to which the water service is provided, the notice also shall be sent to the address of the property to which water service is provided, addressed to "Occupant."

~~1.2.~~ The notice shall be mailed not less than 30 days prior to the proposed discontinuance.

3. The notice must include all of the following in a clear and legible format:

- a. The customer's name and address;
  - b. The nature of the violation;
  - c. The date by which compliance with the cross-connection control standard is required to avoid discontinuance of water service;
  - d. A description of the opportunity to file a complaint or to request an extension of time to achieve compliance; and
  - a.e. The telephone number of a department representative authorized to provide additional information.
4. A customer desiring to file a complaint concerning the violation or to request an extension of time to achieve compliance must file a written complaint or request with the director not later than 15 days after the date of the mailed notice of violation.
  5. A department employee designated by the director shall schedule a meeting to review and investigate a timely complaint or request for an extension of time to achieve compliance.
  6. After the meeting required by subsection C.5, the designated employee shall render a written decision, which may include additional time to achieve compliance. A copy of the decision shall be mailed to the customer at the customer's address.
  7. The decision of the designated employee may be appealed pursuant to chapter 1.24, by filing a notice of appeal with the city clerk no later than ten days after the date the decision is mailed to the customer.
  8. If a complaint is not filed or a request for an extension of time to correct the violation is not made, as specified in subsection C.4, or if a complaint is filed or a request is made as specified in subsection C.4, but the customer filing the complaint or making the request fails to appear at the meeting scheduled pursuant to subsection C.5, the city shall have the right to discontinue water service.
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appeared at the meeting scheduled pursuant to subsection C.5, and any action determined to be required by the designated employee holding the meeting is not completed within the deadline imposed by the designated employee or 30 days after the date that the designated employee's decision is mailed, whichever is later, the city shall have the right to discontinue water service.

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d. The telephone number of a department representative authorized to provide additional information.

D. Water service to any premises where service has been discontinued pursuant to this section shall not be restored until the customer has corrected or eliminated such conditions or defects in conformance with this section and to the satisfaction of the director.

E. The city shall not be held liable to any customer for any injury, damages, or lost revenues that may result from discontinuance of the customer's water service in accordance with the terms of this section.

F. The customer is responsible for back-siphoned pollutants or contaminants through backflow, if contamination of the city water distribution system occurs through an illegal cross-connection or an improperly installed, maintained, or repaired backflow assembly device or bypassing a backflow assembly device. The customer shall be liable for the cost of clean-up of the city water distribution system and shall be liable for damage or injury that occurs as a result of the contamination.

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that invalidity shall not affect the validity of the remaining provisions of this ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, subdivision, sentence, clause, phrase, and word, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or words be declared invalid.

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