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MEMORANDUM

TO: **City of Beacon City Council**

FROM: **Keane & Beane, P.C.**

RE: **Proposed Local Law on Water Cross-Connection Control Program**

DATE: **August 7, 2017**

On June 12, 2017, the City Council reviewed the draft local law regarding water cross-connections. The proposed local law has been revised to address the Council's concerns and incorporate recommendations discussed by the City Council and by City staff. This memorandum is a follow-up to our memorandum dated June 9, 2017 (copy attached) and focuses on the revisions made to the proposed local law.

Under the revised local law, the City will not be issuing permits for the construction of backflow devices. Staff believed that the permitting requirement imposed a significant burden on the City's Building and Water and Sewer Departments to issue the permits and set and collect any associated fees. The City's role under the revised local law is to determine whether a backflow device is needed and to determine what backflow device is required. Property owners are still required to obtain a permit from the New York State Department of Health (NYSDOH) to construct and install the City approved backflow preventer device. In addition, property owners are required to submit to the NYSDOH certification from an engineer which states that the installation of the work is in compliance with the approved plans and certification from an approved tester of backflow prevention devices that the installation was tested and is working as designed. Under the revised local law, these certifications must also be submitted to the City of Beacon.

The proposed local law applies to all properties in the City of Beacon that have a cross-connection. Under the proposed law, the Water and Sewer Department has the ability to determine whether an approved backflow device is required. The Water and Sewer Department will perform on-site evaluations and review plans for both new and existing installations to determine the type of backflow preventer required. The Building Department and the Water and Sewer Department will work together to carry out the Cross-Connection Control Program.

The revised local law also includes an exemption to the periodic testing requirement. All backflow preventer devices must be periodically tested, however, the revised local law provides that such testing is not required when the fixture isolation is achieved with the utilization of a non-testable backflow preventer. This revision came as a

recommendation from the Building Inspector and the Water and Wastewater Superintendent.

In addition, the revised local law adds a provision (Section 223-12.J) to specifically address new residential developments. All new residential buildings, which includes one-family, two-family, multiple dwelling, and mixed occupancy buildings, must install a residential dual check assembly. While residential properties are generally covered by the law, this provision clearly establishes a standard for new residential properties. In addition, please note that Section 135-29.A. provides that the water supply used for filling or for cleaning of swimming pools shall be clean and shall be protected against potential pollution from all sources, including cross-connection and backflow.

Under the revised local law, the penalties for any violation of the proposed local law are now the same as prescribed in City Code § 1-3. A violation shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding 15 days. Each day any violation continues constitutes a separate offence. The first draft of the local law did not reference City Code § 1-3 and only imposed a fine of $250.

ecc: Anthony Ruggiero, City Administrator
Tim Dexter, Building Inspector
Ed Balicki, Water and Wasterwater Superintendent
John Russo, P.E.