

EXHIBIT “A”

EXHIBIT A Amending Chapter 13.08

ORDINANCE SECTION 2. Napa Municipal Code Chapter 13.08 (“Water Contamination Prevention Regulations”) is hereby amended by repealing the previous language in its entirety, and adopting language to read as follows:

“13.08. WATER CONTAMINATION PREVENTION REGULATIONS

§ 13.08.010. Purpose.

The purpose of this chapter is:

- A. To protect the public potable water supply of the City from the possibility of contamination or pollution by isolating within its customers' internal plumbing system(s) or its customers' private water system(s) such contaminants or pollutants which could backflow or back-siphon into the public water supply system; and
- B. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' on-premise potable water system(s) and non-potable water systems, plumbing fixtures and industrial piping systems; and
- C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the public potable water system.

§ 13.08.020. Definitions.

As used in this chapter:

Unless otherwise defined, all terms used in this chapter pertaining to cross-connection control have the same definitions as those contained in the City's Cross-Connection Control Program (CCCP).

Auxiliary water supply is any water supply on or available to the premises other than the public potable water supply. These waters constitute a water source over which the utility does not have sanitary control.

Backflow is the flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than its intended source.

Backflow Prevention Assembly is an assembly device or means designed to prevent backflow or back-siphonage. Assemblies acceptable for protection of the utility's water system are defined in the CCCP. There are three main types of assemblies:

1. **Air-Gap Separation Assembly (AG).** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. An approved AG shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and, in no case, less than one inch.
2. **Reduced Pressure Principle Assembly (RP).** An assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves.
3. **Double Check Valve Assembly (DC).** An assembly of two independently operating approved

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check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

Back-siphonage is the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Contamination means an impairment of the quality of the potable water by stagnant non-potable water such as that contained in fire sprinkler systems, sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

Cross-connection is any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids of questionable safety through which, or because of which, backflow or back-siphonage may occur into the potable water system.

Cross-Connection Control Program (CCCP) is a public water system program as required by the California State Water Resources Control Board to prevent cross-connection and backflow prevention to protect the public water system.

Cross-Connection Control Program Coordinator (CCCPC) is designated by the Utilities Director to implement the City’s CCCP.

Cross-Connection Control Policy Handbook (CCCPCPH) is the policy that serves as the regulation adopted December 19, 2023, effective July 1, 2024, and amended June 17, 2025, by the California State Water Resources Control Board.

Cross-connections, controlled is a connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed that will continuously afford the protection of the potable water system commensurate with the degree of hazard.

Degree of hazard is the term derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. **High Hazard.** Any condition, device, or practice in the water supply system and its operation, which could create danger to the health and wellbeing of the water consumer or have a protracted effect on the quality of the potable water in the public water system.
2. **Low Hazard.** An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.

Utilities Director is in charge of the City’s Water Division, is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this chapter.

Water, non-potable is water which is not safe for human consumption or is of questionable potability or is not subject to routine testing to confirm compliance with California Safe Drinking Water Laws standards.

Water, potable is any water which, according to testing and requirements of California Safe Drinking Water Laws standards, is safe for human consumption.

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Water service connection means the terminal end of a service connection from the public potable water system; i.e., where the utility loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. Where a meter is installed at the end of the service connection, the service connection means the downstream end of the meter. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Water, used means any water supplied by utility from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the utility.

§ 13.08.030. Water system.

- A. The water system shall be considered as made up of two parts: the public system and the customer system.
- B. The public system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.
- C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.
- D. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system up to and including the water meter.
- E. The customer's system shall include those parts of the facilities beyond the termination of the public distribution system which are utilized in conveying utility-delivered domestic water to points of use.
- F. The point of service connection shall be defined as the fitting between the water meter and the customer's service line, unless a different arrangement was defined and agreed to in writing by the Utilities Director at the time of construction.

§ 13.08.040 Responsibility.

The Utilities Director shall be responsible for the City's Cross-Connection Control Program (CCCP). The goal of the CCCP is protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection through execution. Back-siphonage may be caused by circumstances such as main breaks, flushing, pump failure, or emergency firefighting water demand.

- A. The Utilities Director will designate a Cross-Connection Control Program Coordinator (CCCPC) to maintain a written CCCP.
- B. The CCCPC, will implement, oversee, and enforce the adopted CCCP consistent with this Chapter, and as required by the: California State Water Resources Control Board's Cross-Connection Control Policy Handbook (CCCPCPH) as defined in California's Health and Safety Code (CHSC, section 116275 (h)); City's CCCP; and this Chapter 13.08 of City of Napa Municipal Code.
- C. It is the responsibility of the customer to install and maintain the backflow prevention assembly on the customer's system at the expense of the customer.

§ 13.08.050 Conditions requiring backflow prevention.

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- A. An approved backflow prevention assembly must be installed on the water supply service line at the customer's expense, appropriate to the degree of hazard wherever any of the following conditions exist on a property, so the public water system is protected from possible backflow:
1. New water service installations to a property.
 2. Increased size of water service to a property with existing service.
 3. Residential or multi-family properties that have closed loop fire sprinkler systems.
 4. Commercial or industrial closed loop fire sprinkler systems.
 5. Presence of an auxiliary water supply, or a supply that is not, or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Utilities Director.
 6. Handling of industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system including process waters and waters originating from the utility system that have deteriorated water quality.
 7. Internal cross-connections that cannot be permanently corrected and controlled.
 8. Intricate plumbing and piping arrangements that complicate hazard assessment.
 9. Repeated history of cross-connections at the property.
 10. Restricted property access that prevents full inspection for dangerous cross-connections.
 11. Security restrictions or other limitations that make full internal surveys impossible
 12. Buildings 40 feet or more in height above the water connection point.
 13. High Hazard facilities as listed in Appendix D of the California State Water Resources Control Board's Cross-Connection Control Policy Handbook (CCCPH)
- B. Existing backflow assemblies. If a backflow prevention assembly is already installed but it is not appropriate for the degree of hazard present, then the backflow prevention assembly must be upgraded or replaced with a compliant assembly that matches the required protection level, per the CCCPH, at the customer's expense.

§ 13.08.060. Type of backflow protection required.

- A. The type of protection that shall be provided to prevent backflow into the public water supply shall be commensurate with the degree of hazard that exists on the consumer's premises.
- B. A backflow prevention assembly shall be installed on each service line to a system.
- C. The type of protective assembly that may be required includes:
1. Double Check Valve Assembly (DC),
 2. Reduced Pressure Principle Backflow Prevention Assembly (RP), and
 3. Air-Gap Separation (AG).
- D. The customer may choose a higher level of protection than required by the City. The minimum types of backflow protection required to protect the public water supply at the customer's connection to premises with various degrees of hazard are covered in subsection C above.
- E. All approved backflow prevention assemblies, prior to installation, shall have passed laboratory and field evaluation tests performed by a recognized testing organization that has demonstrated competency to perform such tests and is acceptable to the State Water Resources Control Board and the Utilities Director.

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- F. Approved backflow prevention assemblies, as installed, shall be field tested to determine that they are functioning properly before being placed into service.
- G. Approved backflow prevention assemblies that have been modified or installed in a manner that differs from the configuration in which they were tested and approved are prohibited.
- H. Situations which are not covered in Section 13.08.060 shall be evaluated on a case-by-case basis and appropriate backflow protection shall be determined by the City's Cross-Connection Control Program Coordinator (CCCPC).

§ 13.08.070. Location of backflow prevention assemblies.

Backflow prevention assemblies shall be installed on the customer's water service line at the service connection in accordance with California State Water Resources Control Board's Cross-Connection Control Policy Handbook (CCCPC) and City's Cross-Connection Control Program (CCCP).

- A. Any assembly located downstream of the meter and not adjacent to the private side of the meter will need prior approval and visual inspection of the entire pipe from the meter to the backflow prevention assembly by the Water Division.
- B. In no case shall a cut, tee, or tap be made between the user's service connection and the backflow prevention assembly.

§ 13.08.080. Inspection of customer's system.

The Utilities Director shall enact a survey program as required by California State Water Resources Control Board's Cross-Connection Control Policy Handbook (CCCPC) and defined in the City's Cross-Connection Control Program (CCCP) to identify customers who may have cross-connections on their premises and to inspect such premises.
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- A. Right of Entry. Customer's system shall be made available for inspection during City business hours 8:00 am to 5:00 pm on weekdays, or in emergency at any hour, to authorized personnel of the Water Division to determine whether unprotected cross-connections or other structural or sanitary hazards that do not comply with water system protections as recognized in this Chapter, exist or may occur.
- B. When such a condition becomes known, the Water Division shall notify the customer of non-compliance and inform the customer of the appropriate level of backflow protection assembly required to protect the public water system.
- C. City may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) and conforms with the CCCP.
- D. At the time of application for service, if required by the Water Division, customer shall submit to the Water Division plumbing plans and/or a cross-connection control survey of the premises conducted by the City's Cross-Connection Control Specialist (CCCS) or by a certified CCCS acceptable to the Water Division.
 - 1. The cross-connection control survey shall assess the cross-connection hazards and list the backflow preventers provided within the premises.
 - 2. The results of the survey shall be submitted prior to the utility turning on water service to a new customer.
- E. For existing customers, when required by the CCCP, customer agrees to submit at own expense, an initial

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cross-connection control survey of the premises conducted by the City's CCCS or by a certified CCCS acceptable to the Water Division.

- F. When required by the CCCP, customer agrees to periodically submit a cross-connection control re-survey of the premises conducted by the City's CCCS or by a certified CCCS acceptable to the Water Division. The City may require the re-survey to be performed in response to changes in the customer's plumbing or water use or performed periodically (annually or less frequently) where the Utilities Director considers the customer's plumbing system to be complex or subject to frequent changes in water use. The cost of the re-survey shall be at the customer's expense.
- G. It shall not be assumed by the customer or any regulatory agency that the City's survey, requirements for the installation of backflow prevention assembly, lack of requirements for the installation of backflow prevention assembly, or other actions by the City's personnel constitute an approval of the customer's plumbing system or an assurance to the customer of the absence of cross-connections therein.
- H. Customer acknowledges the right of the City, in keeping with changes to California State regulations, industry standards, or the City's risk management policies, to impose retroactive requirements for additional cross-connection control measures.

§ 13.08.090. Enforcement and Basis for Water Service Termination.

- A. When water uses are found that pose a clear and immediate hazard to the potable water supply, and these hazards cannot be abated at once, the Utilities Director or designated personnel may immediately isolate or turn off service to the premises by closing a valve to the service or create a physical breach in the service line until the hazard is abated in conformance with 13.08.050 relating to protection of the public water supply and the regulations adopted pursuant thereto.
- B. Where practicable, the customer shall be given verbal notice of the danger and shut off.
- C. The Utilities Director or designated personnel shall give customer written notice of the danger and shut off.
- D. After shutoff, where practicable, customer shall be entitled to an emergency meeting with the Utilities Director or designated personnel.
- E. Conditions requiring immediate action include the following:
 - 1. A direct or indirect connection between the public water supply and a system or equipment containing contaminants; or
 - 2. Unprotected direct or indirect connection between the public water supply and a system or equipment containing contaminants; or
 - 3. Unprotected direct or indirect connection between the public water supply and an auxiliary water supply; or
 - 4. A situation which presents an immediate health hazard to the public water supply.
- F. Where conditions pose an existing danger to the public water supply and do not meet those conditions set forth in Section 13.08.050, water service shall be terminated and the customer notified of the requirements to reinstate service. Conditions resulting in termination include, but are not limited to, the following:
 - 1. An approved backflow prevention assembly required by this Chapter is not installed in an approved location; or
 - 2. Refusal to install a backflow prevention assembly that provides the required level of protection; or

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3. Refusal to test a backflow prevention assembly; or
4. Refusal to repair a faulty backflow prevention assembly; or
5. A required backflow prevention assembly has been removed or bypassed.

§ 13.08.100. Water service restoration procedure.

- A. Water service shall promptly be restored following:
1. a successful inspection and submittal of positive test results showing compliance with this Chapter; and
 2. payment in full of applicable service re-activation fees, if implemented after hours.

§ 13.08.110. Maintenance and testing.

- A. Customer Responsibilities.
1. Testing. It shall be the duty of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests done immediately upon the installation, repair, or relocation of such assembly.
 2. It shall be the duty of the customer to have their backflow prevention assembly tested at least once per year after the year of installation.
 3. In instances where the Utilities Director determines that there is High Hazard, customer shall have the backflow prevention assembly tested by a Qualified Tester at more frequent intervals as required by the Utilities Director.
 4. Inspection and Testing Costs. Certified inspections and operational tests shall be at the expense of the customer.
 5. Repair Cost. Backflow prevention assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective.
 6. Record Keeping. Copies of records of such tests, repairs, and overhaul shall be kept by the customer for a period of three (3) years and shall be provided to the Cross-Connection Control Program Coordinator (CCCPC) and maintained by the City for a period of no less than three (3) years.
- B. Notice of Testing Due.
1. City shall notify each affected customer when it is time for the backflow prevention assembly installed on the customer system to be tested. The written notice shall inform customer to have the backflow prevention assembly tested by a Qualified Tester in a prescribed time period per the Cross-Connection Control Program (CCCP) and to have results submitted to the City.
 2. If necessary, the City shall send a second notice to a customer who does not submit their test results as prescribed in the first notice. The second notice shall give customer a prescribed time period to have their backflow prevention assembly tested and to have test results submitted to the City.
 3. Failure to submit required test results within the time required by the second notice is a violation of this Chapter subjecting customer to the remedies and penalties provided herein.
- C. Test Reporting. Customer shall submit to the City a record of each backflow prevention test, within the prescribed time period after the test to which such record pertains in a format predetermined as acceptable by the City.
- D. Billing for Testing. The cost of any certified inspection or operational test performed by Water Division personnel or by hired contractor shall be included as part of the next ensuing municipal water bill presented to the customer.

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- E. Frequency of Testing. Tests shall be made immediately upon the installation or relocation of backflow prevention assembly and at least once per year thereafter. In instances where the Utilities Director determines that there is High Hazard, testing of the backflow prevention assembly by a Qualified Tester may be required at more frequent intervals as directed in writing.
- F. Test Failure. For backflow prevention assemblies which fail to pass certified inspection or operational testing, customer shall, immediately after notification of test results, provide for maintenance and repair of the assembly at their own expense and have the assembly retested.
- G. Qualified Testers.
 - 1. Only Qualified Testers pursuant to the City’s CCCP shall submit results on backflow prevention assembly.
 - 2. However, to mitigate risk to the water system, required operational tests may also be performed by certified City personnel or hired contractors of the Utilities Department.
 - 3. Customers are responsible for the expense of the tests performed.
- H. Upon request, the Utilities Director shall supply each affected customer with a list of Qualified Testers on file with the Utilities Department and California State Water Board recognized certification organizations such as CA-NV AWWA, to test backflow prevention assemblies.

§ 13.08.120. Tester competency requirements.

- A. Any person interested in testing backflow prevention assemblies may request the Utilities Director to include them on a list of Qualified Testers that meet the City’s Cross-Connection Control Program (CCCP) requirements. Competency in all phases of backflow prevention assembly testing and repair must be demonstrated by means of education and/or experience to be included on the list.
- B. Each tester shall be responsible for the competency and accuracy of all tests and reports prepared by them.
- C. The minimum competency requirements are:
 - 1. Testers must hold a valid general testers certification from a California State Water Board recognized certification organization.
 - 2. Each tester shall furnish evidence to show that he or she has available the necessary tools and equipment to properly test backflow prevention assembly.
 - 3. Testers must obtain a City business license prior to conducting any test.
- D. After notification in writing, a tester may be omitted from the Qualified Testers list due to improper testing or repairs, reporting inaccuracies or delays, or any action such as that indicates a lack of knowledge or support of the CCCP. Such omissions are based on performance at the discretion of the Utilities Director.”