Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to backflow prevention device reporting and certification.

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Indexes:

Attachments: 1. Int. No. 935 - 2/26/09, 2. Committee Report 11/19/09, 3. Hearing Transcript 11/19/09, 4. Hearing Testimony 11/19/09, 5. Committee Report 11/30/09, 6. Hearing Transcript 11/30/09, 7. Fiscal Impact Statement, 8. Hearing Transcript - Stated Meeting 11/30/09, 9. Local Law

Date	Ver.	Action By	Action	Result
2/26/2009	*	City Council	Introduced by Council	
2/26/2009	*	City Council	Referred to Comm by Council	
11/19/2009	*	Committee on Environmental Protection	Hearing Held by Committee	
11/19/2009	*	Committee on Environmental Protection	Laid Over by Committee	
11/30/2009	*	Committee on Environmental Protection	Hearing Held by Committee	
11/30/2009	*	Committee on Environmental Protection	Amendment Proposed by Comm	
11/30/2009	*	Committee on Environmental Protection	Amended by Committee	
11/30/2009	A	Committee on Environmental Protection	Approved by Committee	Pass
11/30/2009	A	City Council	Approved by Council	Pass
11/30/2009	A	City Council	Sent to Mayor by Council	
12/7/2009	A	Mayor	Hearing Held by Mayor	
12/7/2009	A	Mayor	Signed Into Law by Mayor	
12/7/2009	A	City Council	Recved from Mayor by Council	

Int. No. 935-A

By Council Members Gennaro, Comrie, Fidler, James, Koppell, Nelson, Weprin, Gerson, White Jr., Jackson, Recchia Jr., Vallone Jr., Liu, Sears, Crowley and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to backflow prevention device reporting and certification.

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Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that plumbing cross-connections, points in the plumbing system where it is possible for wastewater, industrial fluids, gas or substances other than the intended potable water, to come into contact with the potable drinking water supply, are a significant public health risk. Backflow of non-potable water or other substances from cross connections may take place when water flows in the opposite direction than that intended because a potable system is connected to a nonpotable supply under higher pressure than the distribution system as a result of a pump, boiler or elevation difference. Backsiphonage of nonpotable water from cross connections may take place when negative pressure in a portion of the distribution system is below ambient pressure in the distribution system as a result of water main breaks, firefighting efforts or any high demand situation.

According to the United States Environmental Protection Agency (EPA), plumbing is often installed by persons who are "unaware of the inherent dangers of cross connections". Backflow and backsiphonage into the public water distribution system can be prevented by not creating cross-connections, by eliminating existing cross connections, and by educating the public to prevent cross-connections. However, because new cross-connections are routinely created, it is also useful to create impediments to backflow or backsiphonage by installation of backflow prevention devices and assemblies. The Council further finds that an annual filing of proof that an approved backflow prevention device was installed by any owner or operator of a facility that uses hazardous materials or that is legally required to install such a device would help to reduce the potential adverse impacts from cross-connections.

§2. Chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-343.1 to read as follows:

§24-343.1 Backflow prevention device reporting. a. For purposes of this section the following terms shall have the following meanings:

(1) "Backflow" shall mean a flow condition, induced by a differential in pressure, that causes the flow

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of water or other liquids and/or gases into the distribution of pipes of a city water main, private water main, or to an internal water main from any source other than its intended source.

(2) “Backsiphonage” shall mean the backflow of contaminated or polluted water, or water of questionable quality from a plumbing fixture or other source, into a city water main, private water main, or to an internal water main due to a temporary negative or sub-atmospheric pressure within the public water supply system.

(3) "Backflow prevention device" shall mean an approved air gap, reduced pressure zone device or double check valve assembly used to contain potential contamination within a facility.

(4) "Cross connection" shall mean a physical connection or arrangement between two separate piping systems where one system contains potable water and the other contains steam, gas, a chemical, or water of questionable safety, and there may be a flow from one system to the other.

(5) "Hazardous facility" shall mean a facility in which substances may be present that may endanger the health of other water users if introduced into the public water system, including but not limited to, laboratories, sewage treatment plants, chemical plants, hospitals and mortuaries.

b. When the department or the owner or operator of a building or structure has determined that there is a cross connection and no backflow prevention device, or a defective or unapproved device, such that there is a possibility of backflow or backsiphonage from such building or structure into a city water main, private water main, or to an internal water main, the owner or operator of such building or structure shall be under a duty to correct such potential or actual backflow or backsiphonage and provide the proper documentation to certify to the department that a backflow prevention device has been installed and where appropriate, that a backflow prevention device has been replaced. Where removal of a cross-connection or installation or replacement of a backflow prevention device has been performed as part of a project for which a licensed professional engineer or registered architect has submitted plans that have been approved by the department, such licensed professional engineer or registered architect shall inspect and submit to the department a certification that the

cross-connection has been removed or a backflow prevention device installed or replaced in conformity with plans approved by the department or the department of buildings.

c. The department shall send out a mailing to or shall otherwise notify owners or operators of facilities identified by the department as potentially requiring backflow prevention devices informing them of the potential need for such a device and of the process for installation of backflow prevention devices under the auspices of the cross connection control program. The materials contained in such mailing shall be translated into such languages provided for in section 8-1002 of this code.

d. On or before January 1, 2010, the department shall submit a report to the council setting forth the number of hazardous facilities and all other facilities which the department knows have had required backflow prevention devices installed and the number of facilities in each category that have been notified by the department of the need to install one or more backflow prevention devices. Every July first and January first thereafter, the department shall submit a report to the council setting forth the number of facilities in each category for which one or more backflow prevention devices were installed since the last report was required, the number of facilities in each category that have been newly notified by the department of the need to install such devices, and the number of violations issued by the department for the failure to install a required backflow prevention device.

§3. This local law shall take effect ninety days after enactment.

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