

CITY COUNCIL PUBLIC HEARING

November 19, 2013

COUNCIL CHAMBERS

7:00 PM

MEMBERS PRESENT

Councilor Gray
Councilor Hervey
Councilor Keans
Councilor LaBranche
Councilor Larochelle
Councilor Lauterborn
Councilor Reed-Erickson
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

Dan Wensley, City Solicitor
City Manager Dan Fitzpatrick
Deputy City Manager Blaine Cox

MEMBERS EXCUSED

Councilor Lachapelle

MINUTES

1. Call to Order

Mayor Jean called the Public Hearing to order at 7:00 PM. Deputy City Clerk Marcia Roddy took a silent roll call. All members were present, with the exception of Councilor Lachapelle, who had been excused.

Mayor Jean read the following proposed Amendment and Resolutions:

2. Amendment to Chapter 18 of the General Ordinances of the City of Rochester Entitled "Regulation of Cross-Connection Between Potable and Non-potable Systems."

**AMENDMENT TO CHAPTER 18 OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER
ENTITLED "REGULATION OF CROSS-CONNECTION
BETWEEN POTABLE AND NON-POTABLE SYSTEMS"**

THE CITY OF ROCHESTER ORDAINS:

That the Chapter 18 of the General Ordinances of the City of Rochester, entitled "Regulation of Cross-Connection Between Potable and Non-Potable Systems", as presently enacted, shall be repealed in its entirety, and the following Chapter, to be known as Chapter 18, and entitled "Regulation of Cross-Connections Between Potable

and Non-Potable Systems”, shall be inserted in its stead, and shall provide as follows, to wit:

CHAPTER

18

REGULATION OF CROSS-CONNECTION BETWEEN POTABLE AND NON-POTABLE SYSTEMS

ARTICLE I GENERAL PROVISIONS

Section 1.1 Purpose

New Hampshire Code of Administrative Rules, Env-Ws 364, requires that the City of Rochester take appropriate actions to prevent the reverse flow of water previously delivered to customers, or, the backflow of harmful substances into the public water system. Each public water system serving 1,000 or more persons must have a written Cross-Connection Control Program Ordinance.

Cross-connections between water supplies and non-potable sources of contamination represent one of the most significant threats to health in the water supply industry. This program is designed to accomplish the following:

- A. To protect the City of Rochester, New Hampshire public potable water supply from contamination by isolating, within its customers' internal distribution systems, contaminants that could backflow or backsiphon into the public water system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable and non-potable water systems by isolating those contaminants that could backflow or backsiphon into the customer's internal distribution system.
- C. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination of potable water systems via cross connections.
- D. To supplement the regulations promulgated and revised by the New Hampshire Department of Environmental Services as listed in Section 1.2 below.

Section 1.2 Authority.

New Hampshire Administrative Rules Env-Ws 364 *Backflow Prevention* Section 2.3 Responsibilities of the Water Treatment Chief Operator. The City of Rochester public water system rules and regulations, adopted.

Section 1.3 Responsibilities of the Department

The Department is responsible for protecting the public potable water distributions system from contamination due to the backflow or backsiphon of contaminants through the water service connection.

Section 1.4 Definitions

A. Air Gap (approved for both high and low hazard protection): An 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 the receptacle. Physically defined as a distance equal to twice the diameter of the supply side pipe but never less than one inch.

B. Approved Backflow Prevention Device: A backflow prevention device that has been

(1) Manufactured to allow for accurate testing and inspection so as to allow verification of performance; and

(2) Tested and certified by the University of Southern California, Foundation for Cross-Connection control and Hydraulic Research.

C. Approved Source: A source of water utilized by a public water system for distribution to the public for consumption purposes and which is approved by the NHDES Water Supply Division for said use following a required and/or approved treatment process.

D. Auxiliary Water Supply: Any water supply on, or available to, a premises other than the Town's approved public potable water supply.

E. Backflow: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any source or sources other than the intended source.

F. Backflow Prevention Device: A device or means designed to prevent backflow or back siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

G. Reduced Pressure Zone Principle Backflow Prevention Device or "RPZ" (approved for both high and low hazard protection): An assembly consisting of two (2) independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the two (2) check valves and below the first check valve. These units are located between two tightly closing, resilient-seated shut off valves as an assembly and equipped with properly located resilient-seated test cocks for the testing of the check valves and the relief valve.

H. Double Check Valve Assembly or "DCA" (approved for low hazard protection only): An assembly of two independently operating spring-loaded 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.

I. Pressure Vacuum Breaker or "PVB" (approved for low hazard protection only): A device containing one or two independently operating spring-loaded check valves and an independently operating spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shut off valves on each side of the check valves plus properly located test cocks for the testing of each of the check valve(s).

J. Atmospheric Vacuum Breaker: A device which prevents back siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

K. Hose Bibb Vacuum Breaker: A device which is attached to a hose bib and which acts as an atmospheric permanently vacuum breaker.

L. Residential #7 Dual Check: An assembly of two independently operating, spring-loaded check valves without tightly closing shut off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device. This is a non-testable device.

M. Backflow preventer with Intermediate Atmospheric Vent: A device having two (2) independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere. The check valves are force loaded to a normally closed position and the venting means is force loaded to abnormally open position.

N. Barometric Loop: A section of pipe rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against back siphonage (only).

O. Backflow Prevention Device Inspector - Certified: A person who has proven his competency to inspect and test backflow prevention devices by the possession of a valid backflow prevention device certification issued by the New England Water Works Association, or other equivalent certification approved by NHDES.

P. Back Pressure: Pressure created by mechanical means or other means causing water, liquids, or other substances to flow or move in a direction opposite of what is intended.

Q. Back Siphonage: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than its intended source, that is caused by negative or reduced pressure in the potable water system.

R. Check Valve: A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal flow.

S. Containment Philosophy: The method and philosophy of backflow prevention which requires a backflow preventer at the service entrance which isolates the customer's facility from the public water supply.

T. Fixture Isolation Philosophy: A more complex isolation approach whereby protective devices are placed at individual fixtures within a facility as well as where cross connections exist at the last free flowing outlet to ensure occupants of a facility are protected within.

U. Contaminant: As defined in RSA 485: I-a, II, any physical, chemical, biological or radiological substance or matter in water.

V. Cross Connection: Any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other of which contains water of unknown or questionable safety and/or steam, chemicals, gasses, or other contaminants whereby there may be a flow of an unapproved water or other substance to a potable water system.

W. Customer (Owner): Any person who has legal title to, or license to operate or habitat in a property at which a cross-connection Inspection is to be made or at which a cross-connection is present.

X. Department: The City of Rochester Department Public Works.

Y. Division: Division of Water, New Hampshire Department of Environmental Services.

Z. [Reserved]

AA. High Degree of Hazard: A condition where, if a backflow were to occur, the resulting effect on the water supply could cause injury, illness or death if consumed by humans. The foreign substance may be hazardous to humans from a chemical, biological, physical, or radiological standpoint. The effects of the contaminant may result from short- or long-term exposure.

BB. Low Degree of Hazard: A condition where, if a backflow were to occur, the resulting effect on the water supply would be a change in aesthetic qualities. The foreign substance must be nontoxic and non-hazardous to humans.

CC Device Upgrade: The replacement of an existing backflow prevention device with another appropriate device designed for a higher hazard duty when the degree of hazard is increased.

DD. Person: As defined in RSA 485:I-a, XIII, any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

EE. Permit: A document issued by the Department that allows the use of a backflow preventer.

FF. Potable Water: Water from a source that has been approved by the Division for human Consumption.

GG. Public Water System: As defined by RSA 485:1-a, XV, a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system: (a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities); (b) Obtains all of its water from, but is not owned or operated by, a public water system; and (c) Does not sell water to any person.

HH. Supplier: Any person who controls, owns, or generally manages a public water supply system.

II. Water Service Entrance: The point in the customer's water system beyond the sanitary control of the Department; generally considered to be the outlet end of the water meter and always before unprotected branch.

JJ. Water Treatment Chief Operator: The Water Treatment Chief Operator of the City of Rochester, New Hampshire Water Treatment Facility, Department of Public Works, or his designated representative, who is vested with the authority and responsibility for implementation of a cross-connection control program and for enforcement of the provisions of the Municipal Water System Ordinance and these regulations.

KK. Water Utility: The suppliers of water.

LL. Site Surveys: Initial site Surveys of existing commercial and industrial properties are required to determine degree of compliance with the regulations herein. Such activities shall be executed by the Department either using its own resources or contracted resources. Activities shall include on site surveys of commercial and industrial users of the public water supply which in the judgment of the Department may present risk of cross contamination.

MM Premises: The industrial, commercial or residential facility or dwelling subject connected to the public water supply.

ARTICLE II **REQUIREMENTS**

Section 2.1 **Department**

A. The Department will determine if an approved backflow prevention device is required at the City's water service connection to any customer's premises.

B. The Department may, directly or through a designated representative, give notice in writing to any such customer to install an approved backflow prevention device at each water service connection to their premises.

C. The Department will issue permits for all new backflow prevention devices and amended permits for any upgrades to such devices for higher hazard duty. No permit will be issued by the Department without an application from the Owner.

D. Permits shall have a duration based upon degree of hazard for the protective device. High hazard device permits shall have a duration of 6 months to coincide with semi-annual inspection and testing requirements. Low hazard device permits shall have a duration of 12 months to coincide with annual inspection and testing requirements. All permits shall automatically renew following certification from Owner that periodic inspection and testing has been completed on schedule.

E. There will be no fees for permits issued.

F. Existing commercial and industrial properties at the time of the issuance of this ordinance shall be the subject of site surveys conducted by the Department to determine the need for backflow prevention devices.

G. The department will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested per required schedule to ensure satisfactory operation.

H. If the Department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

I. The Department will maintain records to include all applications for backflow prevention devices, installation, inspection and testing certification forms, notices of inspection/test requirement and permits.

J. The Department will monitor for permit compliance. Permits shall lapse and become void if inspection and testing are not certified on schedule. A void permit shall constitute grounds for discontinuation of water.

K. The Department will inform the Owner by letter of any failure to comply with scheduled inspection and testing and resulting permit violation. The Department will allow an additional 14 days past the original due date for completion of inspection and testing and Owner certification. In the event that the Owner fails to provide the certification within the additional 14 days, the Department will inform the Owner by letter, that the water service to the Owner's premises will be terminated. In the event that the Owner informs the Department of extenuating circumstances as to why the certification has not been made on schedule, a time extension may be granted by the

Department, but in no case will exceed an additional thirty (30) days.

L. All new residential water services will be required to install a residential #7 dual check device immediately downstream of the water meter.

M. Installation of a residential dual check valve results in a potential closed plumbing system within the residence. As such, provisions shall be made by the Owner to provide for thermal expansion within the closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

N. New and retrofit installations of reduced pressure zone principle devices and double check valve backflow preventer include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic flushing and cleaning of mains, etc. These occurrences may stir up debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

Section 2.2 Owner

NOTE: Homeowners are permitted to work on their own residential plumbing. A licensed plumber with a valid New Hampshire license is required for work on all industrial, commercial, and rental properties.

A. The Owner shall be responsible for the elimination or protection of all cross-connections on their premises.

B. The Owner shall ensure the protection of the water supply within their premises by the installation of approved backflow prevention devices, where necessary, or by Fixture Isolation techniques. All testing inspection and maintenance shall be the responsibility of the Owner. These devices internal to the facility will not be regulated by the Department.

C. The Owner, after having been informed by letter from the Department, shall at their expense install, maintain, and test, or have tested, any and all backflow preventers on their premises.

D. On new commercial and industrial installations, the Owner or their qualified agent supplying the device(s) shall propose the type of backflow preventer, if any, that will be required. The Owner shall supply a complete application for the installation of a backflow prevention device and provide to the Department for permit issuance. The Department shall approve proposed devices.

E. The Owner shall inform the Department of any proposed or modified cross-connections and also of existing cross-connections of which the Owner is aware but may not be known by the Department.

F. The Owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary for testing to take place.

G. The Owner shall install backflow devices with the minimum requirements as provided herein in a manner approved by the Department, or its Designee and in accordance with approved plumbing regulations. All new devices shall be tested satisfactorily upon installation.

H. The Owner shall install only a backflow preventer approved by the Department and the Division.

I. Any Owner having a private well or other private water source shall not connect ("hard pipe") to the Department's system. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the Department's system.

J. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Department's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

K. The Owner shall be responsible for the payment of all fees for device installation or replacement, annual or semi-annual device inspection and testing, re-testing in the case that the device fails to operate correctly, and second reinsertions for non-compliance with Department rules and regulations.

L. Should a backflow prevention device be required or an upgraded device whether determined by the Department or otherwise the Owner, the Owner shall be responsible for submitting an application for such device to the Department.

M. There will be no fee for applications submitted.

N. Owners shall certify the installation of new or upgraded backflow prevention devices in writing to the Department within 90 days of issuance by the Department of the permit.

O. Failure, refusal, or inability on the part of the Owner to install the required initial or upgrade device(s) and provide certification to the Department within 90 days shall constitute grounds for discontinuing water service to the premises until such time as the required certification of compliance is received by the Department.

P. Owner shall be responsible for providing certification of inspection and testing to the Department within 14 days of regularly scheduled periodic inspection and testing, and re-testing following initial test failure if applicable. Failure to submit the certification within 14 days shall void the permit and constitute grounds for discontinuing water service to the premises.

Q. The Owner shall correct at their cost any malfunction of the backflow preventer, which is revealed by periodic testing. Corrections that impact the required certification schedule above shall be communicated to the Department at the earliest possible time.

Section 2.3 Administration

A. The Department will operate a cross-connection control program, to include keeping of necessary records, which fulfills the requirements of the Division's Backflow Prevention Regulations and is approved by the Division.

B. Philosophy. The City will administer the program on the theory of Containment, the approach of which utilizes a minimum of backflow devices and isolates the customer from the public water supply so that contamination of the public water system does not occur. If they so desire, the owner may utilize public health officials or private consultants to assist in the survey of their facilities and to assist in the selection of proper fixture isolation devices and the proper installation of these devices.

C. The Owner shall allow their property to be inspected for possible cross-connections and shall follow the provisions of the Department's program and the Division's regulations if a cross connection is required.

ARTICLE III DEGREE OF HAZARD

The Department recognizes the threat to the public water system arising from cross-connections. These threats are classified as follows in this Article:

Section 3.1 Low-Hazard

If a backflow were to occur, the resulting effect on the water supply would, at the most, be a change in its aesthetic qualities. The foreign substance(s) must be non-toxic to humans. All threats classified as "low hazards" will require, at a minimum, the installation of approved double check valve assembly.

Section 3.2 High-Hazard

If a backflow were to occur, the resulting effect on the water supply could cause illness, injury or death if consumed by humans. The foreign substances may be hazardous to humans from a physical, chemical, biological, and/or radiological standpoint. The effects of the contaminants may result from short or long-term exposure. All threats classified as "high-hazard" will require the installation of approved reduced pressure zone principle backflow prevention devices or air gaps.

ARTICLE III-a AUXILIARY WATER SOURCES

Where a single or dual family residential customer served by public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring , etc.), the

supplier of the water shall protect the public water supply against backflow by requiring the customer to perform one of the following:

A. Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by the supplier of the water, local plumbing or building code enforcement official, or his designee. The frequency of the inspections shall be at the time of the disconnection and at periodic intervals thereafter (i.e. every three to five years).

B. Abandon the auxiliary water supply in a manner acceptable by the water supplier.

C. Install an approved reduced pressure zone (RPZ) device at the public water supply service connection.

D. The customer shall provide the water supplier with backflow prevention device test results per required schedule or the customer's water service from the water provider will be shut off until the data is supplied to the water supplier.

ARTICLE IV PERMITS

The Department shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

Section 4.1 Permits

A. Cross-connection permits that are required for backflow prevention devices are obtained from the Department. A permit will be issued for each individual device. There will be no fees for initial permits and subsequent renewals. Permits shall be issued with a duration which coincides with the inspection and testing schedule of the device. High hazard devices shall have permits with durations of 6 months; low hazard devices shall have durations of 12 months. Failure of the Owner to provide certification of inspections and testing on required schedule shall void the permit and constitute grounds for discontinuation of water.

B. Amended permits shall be issued for any premises whereby there are any increases in degree of hazard such as to supersede the effectiveness of the present backflow preventer. Owners are responsible for submitting applications for the amended permits.

C. The permit shall contain the information required in Env-Ws 364, Backflow Prevention.

D. Permits are subject to revocation for cause by the Department and become immediately revoked if the Owner should so change the type of cross-connection or degree of hazard associated with the service without proper notification to the Department.

E. Fixture Isolation devices internal to a facility will not be regulated by the Department and permits are not required.

ARTICLE V **EXISTING IN-USE BACKFLOW PREVENTION DEVICES**

Section 5.1 **Existing Backflow Prevention Devices**

Any existing backflow preventer shall be allowed by the Department to continue in service if in good working order unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Permits for existing devices shall be issued with durations to coincide with the required schedule of inspection and testing. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, an existing backflow preventer must be upgraded to a reduced pressure zone principle device, or a reduced pressure zone principle device must be installed in the event that no backflow device is present.

ARTICLE VI **INSTALLATION**

Section 6.1 **Installation Requirements**

Initial installations, replacements and upgrades shall be performed by a plumber licensed in the state of New Hampshire with a current Backflow Prevention Device Inspector/Tester Certification from the New England Water Works Association (NEWWA).

Section 6.2 **Reduced Pressure Zone Backflow Prevention Devices**

A. The reduced pressure zone backflow prevention device shall be installed on the Owner's side of the water meter on the potable water supply line.

B. For "in-plant" protection, lines for safety showers, and lines for eye-wash units must be taken off the upstream side of the reduced pressure zone backflow prevention device.

C. The reduced pressure zone backflow prevention device shall be located so as to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.

D. The reduced pressure zone backflow prevention device and shut-off valves must be installed in a horizontal alignment between three and four feet from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Water Department or its Designee, for vertical installations.

E. Tightly closing valves must be installed at each end of the device and must be immediately accessible unless otherwise approved by the Water Department or its

Designee.

F. If a drain is to be provided for a relief valve port, there must be an approved air gap separation between the port and the drain line. To be approved, the air gap must be at least twice the internal diameter of the discharge line, or two (2) inches minimum.

Section 6.3 Double Check Valve Assemblies

A. The double check valve assembly shall be installed on the Owner's side of the water meter on the potable water supply line.

B. For "in-plant" protection, lines for safety showers, and lines for eye wash units must be taken off the upstream side of the double check valve assembly.

C. The double check valve assembly shall be located so as to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.

D. The double check valve assembly and shut-off valves must be installed in a horizontal alignment and the top of the double check valve assembly must be between 30 inches and 53 inches from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Water Treatment Department Chief Operator or his Designee.

E. Tightly closing valves must be installed at each end of the device and be immediately accessible unless otherwise approved by the Water Treatment Department Chief Operator or His Designee.

F. Double check valve assemblies must be provided with suitable connections and appurtenances for testing.

G. Pit installations shall be approved only as, *but* not limited to the requirements provided in Section 6.4 below.

Section 6.4 Pit Installations

No backflow prevention device shall be installed in pits.

ARTICLE VII PERIODIC TESTING

A. Backflow prevention devices shall be inspected and tested at least semi-annually for high hazard applications and at least annually for low hazard applications. All new devices in new facilities shall be tested for positive operation upon installation. Responsibility for ensuring inspections and testing and providing certification to the Department shall be the Owner's. Failure to certify inspections and testing on the required schedule shall void the permit and be grounds for discontinuation of water service.

B. Testing and Inspection of all devices to include reduced pressure principle backflow devices, testable double check valve assemblies, and testable pressure vacuum breakers shall be performed by a New Hampshire with a current Backflow Prevention Device Inspector/Tester Certification from the New England Water Works Association (NEWWA)..

C. Any backflow preventer, which fails during a periodic test, shall be repaired or replaced. When repairs are necessary, upon completion of the repair, the device shall be re-tested at Owner's expense to ensure correct operation. High hazard situations shall not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of ensuring that uninterrupted water service during testing and repair of devices is maintained; and is strongly recommended when the Owner desires such continuity.

D. Backflow devices will be tested more frequently than specified in "A" above, in cases where there is a history of test failures and the Department feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional testing will be borne by the Owner.

E. Failure to test a backflow prevention device as required, or failure to repair a device when needed shall result in termination of the water service.

ARTICLE VIII **RECORDS AND REPORTS**

Section 8.1 **Records**

The Department will initiate and maintain the following:

A. Master files on existing and new properties requiring backflow prevention devices.

B. Master files on customer cross-connection tests and/or inspections for all applicable properties.

C. Master files on cross-connection permits.

D. Copies of permits and permit applications.

E. Master files on backflow prevention device installation/inspection and testing certification forms.

F. Copies of lists and summaries supplied to the Division.

Section 8.2 **Reports**

The Department will submit the following to the Division:

- A. Initial listing of low-hazard cross-connections on New Hampshire Department of Environmental Services, Water Supply Division Low-Hazard form X-I (L).
- B. Initial listing of high-hazard cross-connections on New Hampshire Department of Environmental Services, Water Supply Division High-Hazard form X-I (H).
- C. Annual update lists of Items 1 and 2, above.
- D. Annual summary of cross-connection inspections and tests . This report shall be submitted to the department no later than April 1st of the year following the inspection year.
- E. Additionally, the Department will submit to the Division:
 - The permit number of the backflow prevention device
 - The name of the Owner of the backflow prevention device
 - The location of the backflow prevention device
 - The date of each inspection and test performed during the year of reporting
 - The name, certifying organization, and certification number of the certified backflow prevention device inspector who performed the inspection and test on the device
 - The result of each inspection and test
 - If the inspection or test result is unsatisfactory, the date at which the backflow prevention device was found to be satisfactory following a subsequent inspection and test in that calendar year period.

ARTICLE IX VALIDITY

- A. If a provision of this Ordinance is found to be in conflict with any provision of zoning, building, safety or health or other Ordinance or code of the City of Rochester, or the State of New Hampshire, or the Federal government existing on or subsequent to the effective date of this Ordinance, that provision, which in the judgment of the City of Rochester, establishes the higher standard of safety and protection shall prevail.
- B. The validity of any article, section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or part

ARTICLE X INTERPRETATION OF REQUIREMENTS

Section 10.1 Interpretation

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different plumbing devices, the regulations with respect to installing, inspecting, or testing backflow prevention equipment, and other technical matters shall be interpreted and administered by the Department acting in and for the City of Rochester , New Hampshire .

Section 10.2 Appeals

Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right to appeal said decision to the Department who shall issue a decision within 30 calendar days of the appeal. If said appeal is denied by Department, then the aggrieved party shall have the right to appeal to the Utilities Advisory Board and then to the City Manager.

ARTICLE XI MODIFICATIONS

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to control and management of cross-connections, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations. Future changes to this ordinance will be submitted to NHDES for approval prior to City adoption.

ARTICLE XII ORDINANCE IN FORCE

This Ordinance shall be in full force and effect immediately following its passage, as provided by law. The adoption of this Ordinance specifically repeals any previously adopted cross-connection ordinance or rules of the City of Rochester New Hampshire with regard to cross-connections between water supplies of potable non-potable systems and/or sources.

3. Resolution to Authorize Borrowing (from the NH Clean Water Revolving Loan Fund) in an Amount of up to \$183,984.27 for the Purpose of Providing Funds for the So-called NH Rte. 125 Pump Station Project.

**RESOLUTION CHANGING FUNDING SOURCE OF
FY 2011-2012 SEWER WORKS CAPITAL IMPROVEMENTS BUDGET FOR NH
RTE. 125 PUMP STATION PROJECT,
AND REPURPOSING FUNDS AND TAKING ADDITIONAL ACTIONS
IN CONNECTION THEREWITH**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF THE CITY OF ROCHESTER, AS FOLLOWS:

WHEREAS, by action of the Mayor and City Council of the City of Rochester in June 2011 a capital improvements budget for the City of Rochester, Department of Public Works, Sewer Works for fiscal year 2011-2012 was adopted, which included funds for the so-called NH Rte. 125 Pump Station project (the "Project"), which Project was funded by an appropriation of Five Hundred Forty-Five Thousand Dollars (\$545,000.00) of funding for costs associated with such Project, which Project funding was originally designated to be drawn, to the extent of Five Hundred Twenty-Five Thousand Dollars (\$525,000.00), from the proceeds from bonding by the City of

Rochester, Sewer Works, and, to the extent of Twenty-Thousand Dollars (\$20,000.00) from cash from the so-called Sewer Works, Sewer Fund; and

WHEREAS, the Mayor and City Council have been advised that there are Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73) available US EPA so-called Stag Grant funds, which were originally to be used for the so-called NH Rte. 108 sewer extension project (Homemakers), but which are no longer necessary for such project, but are nevertheless eligible for use with regard to the Project, and that borrowing of NH CWSRF funds for the Project, to the extent of One Hundred Eighty-Three Thousand Nine Hundred Eighty-Four Dollars and Twenty-Seven Cents (\$183,984.27) are also available for the Project, thus making a total of US EPA Stag Grant funds and NH CWSRF funds available for the Project in the total amount of Five Hundred Forty-Five Thousand Dollars (\$545,000.00); and

WHEREAS, the Mayor and City Council of the City of Rochester are desirous of taking advantage of these less costly funding sources, from the US EPA Stag Grant funds and the NH CWSRF funds, to complete the Project;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the Project from the proceeds of bonding, to the extent of Five Hundred Twenty-Five Thousand Dollars (\$525,000.00) and, to the extent of Twenty-Thousand Dollars, from cash from the so-called Sewer Works, Sewer Fund, to Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73) from the above referenced repurposed US EPA Stag grant funds, and from the proceeds from by the City of Rochester, Sewer Works borrowing from State of NH CWSRF, to the extent of One Hundred Eighty-Three Thousand Nine Hundred Eighty-Four Dollars and Twenty-Seven Cents (\$183,984.27), thereby bring the funding for the above referenced existing appropriation for the Project to a full funding balance of Five Hundred Forty-Five Thousand Dollars (\$545,000.00).

Furthermore, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby take, and/or, to the extent necessary, authorize the City Manager, or his designee(s) to take, the following steps and/or actions necessary to implement the transactions contemplated by this Resolution, to wit;

- (a) Withdraw and deauthorize bonding authority in connection with the Project;
- (b) Deauthorize the use of Twenty-Thousand Dollars (\$20,000.00) from cash from the so-called Sewer Works, Sewer Fund for the Project, and transfer such cash back the so-called Sewer Works, Sewer Fund; and
- (c) Repurpose funds from the so-called NH Rte. 108 sewer extension project (Homemakers) to the Project in the manner, and to the extent, set forth above.

Additionally, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or

account numbers as are necessary to implement the transactions contemplated by this Resolution.

4. Resolution to Transfer, Reallocate, and Invest \$30,000.00 of CDBG Funds in the So-called Gonic School Playground Project.

**RESOLUTION AUTHORIZING AND APPROVING A TRANSFER WITHIN
THE FISCAL YEAR 2013-2014 COMMUNITY BLOCK GRANT BUDGET
AND MAKING A SUPPLEMENTAL APPROPRIATION IN CONNECTION
THEREWITH FOR GONIC SCHOOL PLAYGROUND PROJECT**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the sum of Thirty Thousand Dollars (\$30,000) presently appropriated in line items below

| | |
|----------------------------------|-----------------|
| <u>FY14 CDBG (Fund 61QQ) :::</u> | <u>\$30,000</u> |
| | \$30,000 |

in the Community Development Block Grant Budgets for the Department of Planning and Development for the above indicated fiscal years be, and hereby is, transferred to a "Public Facilities" line item of the corresponding fiscal year's Community Development Block Grant Budget, for the purpose of providing funds necessary for the so-called Gonic School Playground Project. Additionally, the appropriations in the line item account from which the above transfer is to be made as specified above are hereby withdrawn and deauthorized to the extent of \$30,000.

Further, the sum of Thirty Thousand Dollars (\$30,000) hereby transferred to the "Public Facilities" line items of the various Community Development Block Grant Budgets referred to above, be, and hereby are, appropriated as supplemental appropriations to the corresponding fiscal year various Community Development Block Grant Budgets for the Department of Planning and Development Budget for the purpose of providing sums necessary for the so-called Gonic School Playground Project, such appropriations to be drawn in their entirety from the herein above funds transferred to the "Public facilities" line item of the various Community Development Block Grant Budgets referred to above.

To the extent necessary and/or appropriate, the Finance Director is hereby authorized to assign account numbers to accounts and/or to establish accounts necessary to implement this resolution

Mayor Jean invited anyone in the community who wished to speak to come forward. No one came forward.

5. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Public Hearing at 7:03 PM. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy

Deputy City Clerk