

Backflow Prevention and Cross-connection Control Guidance Stakeholder Comments Analysis

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Purpose:

This document was created to document the proposed changes to the Department's Backflow Prevention and Cross-connection Control Guidance which was made available to stakeholders October 15, 2015 through December 15, 2015. During that time the Department received comments from five stakeholders. This document demonstrates the Department response to the incorporated comments

Key:

~~Strikethrough with no highlight means comment was editorial in nature, evaluated and incorporated.~~

Highlighted yellow means comment was substantive and incorporated. Updated incorporated language is provided.

Highlighted blue means comment was not incorporated. If comments was not incorporated a reason explaining decision is provided.

Stakeholder Comments:

Serenity Valdez, East Cherry Creek Valley:

Backflow Prevention and Cross-connection Control Guidance Document

Line/comment

~~36/extra colon at the end~~

~~49/ hyphen is end dash not a hyphen~~

~~50/ colon instead of hyphen after "APPENDIX H"~~

~~56/ missing forward slash between "and or", the acronym PWS is not used in the document~~

~~61/ change "is responsible to ensure" to "is responsible for ensuring"~~

~~69/ non-surveyed should be hyphenated~~

~~74/ capital B in "backflow", capital I in "inspections"~~

~~97/ Statutes is spelled wrong~~

~~103/ comma after 2015~~

~~104/ comma after Rule and 11~~

~~105/ delete "that is" before "effective January"~~

107/ ~~supplier should be suppliers~~

108/ ~~easier to read "Therefore, the purposes...are to:"~~

114/ ~~remove "Section 11.39" to read "...comply with Regulation 11."~~

116/ ~~italicize "Colorado Plumbing Code"~~

125/ ~~hyphenate up-to-date~~

131/ ~~add "an" between "allow for" and "unintended"~~

141/ ~~add comma between "incident" and "which"~~

142/ ~~add comma between "connection" and "to"~~

144/ ~~delete extra "the" between "available" and "as"~~

146-155/ ~~list should have semicolons and a period~~

165/ ~~who should be contacted, how should they be contacted~~

190/ ~~missing final parenthesis after (b)~~

195/ ~~add "non-community" between "BPCCC" and "written"~~

226/ ~~add comma between "action" and "the"~~

240/ ~~remove "in" after "provided"~~

252/ ~~remove spaces around hyphen in "single-family"~~

338/ ~~change "sites" to "site's"~~

398/ ~~change "largely" to "greatly"~~

477/ ~~change "compliance rations the wants to propose"~~

522/ ~~change "(ix)" to "(xi)"~~

544/ ~~add comma between "criteria" and "the"~~

550/ ~~add comma between "criteria" and "it"~~

552/ ~~add comma between "situation" and "the"~~

650/ ~~remove "s" from "Connections"~~

652/ ~~list doesn't end, add "and" between "Pools," and "Display", add a period~~

654/ ~~add "distribution" between "water" and "system"~~

655/ ~~add "to" between "potentially" and "your"~~

659/ ~~remove "s" from "Environments"~~

663/ ~~add comma between "circumstances" and "a"~~

665/ ~~add "s" to "require"~~

706/ ~~remove "s" from "questions", add comma between "questions" and "are"~~

708/ run-on sentence. add period after "assembly", begin new sentence, add comma after "If so"

709/ replace "system" with "backflow prevention measure"

758/ remove "s" from "questions", add comma between "questions" and "are"

760/ run-on sentence. add period after "assembly", begin new sentence, add comma after "If so"

761/ replace "system" with "backflow prevention measure"

808/ remove "s" from "questions", add comma between "questions" and "are"

809/ comma should be a question mark, begin new sentence with "Please explain..."

874/ first letter of "Backflow" should not be bold

Alan Platt, City of Longmont

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401 – 402 If a water system performs a survey and no cross connections are identified then there will be no further tracking requirements

I disagree with this statement in the guidance.

Yesterday I went out to a remodeled building that has put in a batting cages. They have a men's and women's restroom. Nothing else so I am not requiring backflow device to be installed. If I use the above statement I will not track this address. But in two years a new company buy's the building and starts sterilizing used medical equipment. Now a RP is required. What happens if our Building Inspection forgets to notify me of the change of use or remodel and/or falls thru the cracks?

I think this should say something like:

If a water system performs a survey and no cross connections are identified the water system needs to develop a way to track the address and checkup on possible changes on a schedule to be determined by the water system. Changed to:

If a water system performs a survey and no cross connections are identified then there will be no further tracking requirements, however the supplier's survey process will need to include an evaluation process which will capture potential changes in customers at surveyed service connections. New customers may create new cross connections which are required to be controlled.

Tara Kratzer City of Arvada

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Line 144 – Remove the second "the" from the sentence

Line 398 – replace "largely" with "greatly" or remove the work altogether

Line 401 & 402 – I have concern that only one survey is required. A property can easily change use to a high hazard situation that would require containment. If there is no requirement to survey again, how would the water purveyor know? Changed to:

If a water system performs a survey and no cross connections are identified then there will be no further tracking requirements, however the supplier's survey process will need to include an evaluation

process which will capture potential changes in customers at surveyed service connections. New customers may create new cross connections which are required to be controlled

ine 414 - "has" should be "as"

Line 440 - "processes" should be "process"

Line 441 - add a hyphen to "cross connection"

Appendix A

Page 3 - End of first paragraph, remove extra period

Page 3 - next line, remove second "the" in the sentence.

Page 4 - Second paragraph, second line, "or" should be "of"

Page 6 - First paragraph, second line, remove the second "the supplier must"

Page 6 - Second paragraph, second line, add "the" between control and identified. -Note*** (replaced with an not the).

Page 6 - Certified Cross-Connection Control Technician information: add letter "d" from Guidance 3.8 ii d "As an alternative to a-c, suppliers may provide documentation of an alternative validation process such as electronic login to reporting software where only current, certified cross-connection control technicians (or their companies) are given a login."

Appendix B

Line 116 - remove "devices" - The terminology "assembly" and "method" have been used throughout the documents. Don't add another term to confuse the issue.

Line 118 - replace "devices" with "assemblies"

Line 118 & 119 - How can an assembly be tested if it hasn't been activated? There must be water pressure to test the assembly. Arvada states that the assembly must be tested within two weeks of starting the system. Most often, it is NOT the tester who turns on the system. The landscaper or owner charges the system then calls the tester to come test. Changed to:

All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The assemblies and methods must be reinstalled and then tested by a certified cross-connection control technician upon reinstallation.

Line 126 - Add comma after "inspection" add "and after "testing" and remove the "and" after "maintenance" (Change not made staying consistent with regulation).

Line 150 - Replace "comprise" with "compromise"

Line 154 - Replace "suspect" with "suspects"

Line 149 - 156 - How is this sample going to be collected? There are no faucets on a fire sprinkler system. Changed to:

In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system will not require the backflow protection. The public water system will measure chlorine residual at location representative of the service connection once a month and perform periodic bacteriological testing at the site. If the public water

system suspects water quality issues the public water system will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

Line 158 - Replace "devices" with "assemblies" See above

Line 161 - Replace "devices" with "assemblies"

Line 164 - Replace "devices" with "assemblies"

Line 199 - Remove hyphen from "cross-connection"

Line 205 - Remove "with the order"

Line 207 - Replace "devices" with "assemblies"

Appendix C

~~Question about item number 1 - There isn't always a known contaminant. For example, if there was a fire line that was unprotected, what would you list as the contaminant? Dirty water? What about a large apartment complex? There isn't a specific contaminant. Supplier can list fire suppression system as a contaminant. Also supplier can list the use as a contaminant, i.e. commercial, multifamily, industrial etc.)~~

~~Footer - needs a space in the address~~

Appendix G

~~Page 2 - I would add "boiler" to the survey list. Changed to:~~

Boiler added to list

~~Page 2 - Second to the last paragraph - I think the "In questions 4" should be removed. then add a comma before "are you aware". Stylistic change not incorporated~~

~~Remove extra spaces around "backflow prevention assembly"~~

~~Page 2 last paragraph - add an "s" to method, add "a" between "obtain" and "plumbing"~~

~~Page 3 - Still don't understand the point of "Identified Contaminant". Supplier can list fire suppression system as a contaminant. Also supplier can list the use as a contaminant, i.e. commercial, multifamily, industrial etc.)~~

~~Page 4 - (i) remove extra period and close parentheses~~

Eric Abbot, Denver Water

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Line/comment

~~Lines 167-174 / Are violations based per incident or per group of incidents? All violations need to be reported to the Department. The Department's Compliance Assurance Section will evaluate and determine if a notice of violation needs to be issued.~~

~~Line 355 / The application form should be expanded to include testing situations, not just installations. Per the regulation at this time the Department cannot issue alternative schedules for testing.~~

~~Line 356 / The Department must send a receipt of the application submission back to the supplier.~~ If requested the Department may send a confirmation of receipt of the application submission back to the supplier

~~Line 357 / The Department must notify the supplier of its decision within X days.~~ At this time the Department cannot specify the turnaround time period for response.

~~Line 360 / "... requires that the supplier..." instead of "...requires that supplier..."~~

~~Line 477 / "...ratios and wants to propose..." instead of "...ration the wants to propose..."~~

Todd Dahlenberg & Rob Smith, Colorado Springs Utilities

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Line/comment

Note*** editorial comments where provided via word document which included track changes.

~~Line 67 / We recommend this bullet be replaced with, "Do not install uncontrolled cross connections." Water providers are not required (and simply cannot) PREVENT a cross connection from occurring. We can only ensure we 1) don't create one ourselves in our waterworks, and 2) take action upon identification of one in the distribution system. 11.39.3b.~~ Changed to:

- Do not install cross connections at its facilities or throughout the distribution system;
- Do not allow any uncontrolled cross connections to continue to exist once discovered;
- Control the installation of new uncontrolled cross connections;
- Survey all non-single-family-residential connections for cross connections or control non-surveyed non-single-family-residential connections with the most protective backflow prevention assembly or backflow prevention method;

~~Line 73 / We recommend deleting "backflow at" in this bullet. We believe we are to control connections, not control backflow. It may seem like semantics, but we cannot control a hydraulic situation nor prevent device failure. We can only control the connection.~~ Made a change. Controlled per the definition "means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection." Changed to:

Control any identified cross connection in a manner which prevents backflow through the cross connection in to the distribution system or if applicable the water supply system.

~~Line 177 / It may be worth including a statement re: how a water provider can identify who their Department-assigned compliance officer is.~~ Changed to:

Department assigned contacts can be found online at; <https://www.colorado.gov/cdphe/dwcontact> .

~~Line 204-208 / This is missing some words in the first sentence, and the second sentence doesn't really make sense. Could you clarify?~~ Changed to:

Generally, non-community public water systems own their water supply system. When that is the case, the responsibility falls on the water supplier to control identified cross connections. If the supplier serves water to customers through a service connection the water supplier will have to implement a user agreement between the customers or take on full public water system responsibility to ensure that cross connections are controlled.

~~Line 249 / In rule making, the group intended this to apply exclusively to waterworks and not to other buildings owned by a supplier such as office buildings or other industrial processes not used in the treatment of drinking water. My understanding was this would essentially apply only to WTP – I do not recall if this was intended to apply to pump stations etc.~~ No change made:

Waterworks per Regulation 11"means the facilities that are directly involved in the production, treatment, or distribution of water for public water systems." Throughout the rulemaking we intended to include all waterworks as part of the survey process.

~~Line 276 / These diagrams appear to be the same to color blind people like me. Perhaps use squiggly lines or something better to differentiate? Also, printing in black and white will render these useless.~~ Change to address issue.

Line 347 / Bottled Water Advisory. Is it called this. Yes this is called a Bottled Water Advisory.

~~Line 358-362 / Please clarify whether receipt of the application grants automatic extension until a decision is made. In other words, if someone believes install will be done by the 120th day, but unforeseen circumstances prevent completion (a few more days or a week is needed), you may receive it on the 119th day. So, are they covered until a decision is made? Obviously no one wants this to happen, but it would help to eliminate any confusion about whether shut-off must occur on that 120th day if an answer is not received back by the Department yet. This same comment goes for other submittals to the Department – please clarify timing of each of the alternate schedule requests (e.g. testing, repair).~~ At this time the Department cannot specify the turnaround time period for response. Currently receipt of the application does not grant temporary approval. This potential circumstance will be evaluated further by the Department. Change to:

If the supplier is unable to meet the 120-day deadline, the supplier must consult with the Department and the Department may approve an alternative schedule. The Department has created a 120 day deadline application for alternative compliance schedules, See [Appendix C](#). Submittal of the application does not constitute approval. If requested the Department may send a confirmation of receipt of the application submission back to the supplier. Once the Department has reviewed the application the Department will notify the supplier of its decision.

~~Line 457 / Implies that it must be submitted. We recommend "must be completed by" instead.~~ Changed to:

The first report must be completed by May 1, 2017.