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ADOPTION **INTRODUCTION**

CITY OF COVINGTON
ORDINANCE NUMBER 2011-35

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: CHAPTER 98, UTILITIES, AND CHAPTER 50, HEALTH AND SANITATION

WHEREAS, certain amendments and additions have been suggested to the sections of the Code addressing grease traps and cross connection controls; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

WHEREAS, the City Council has held its public hearing in accordance with law,

NOW, THEREFORE, be it ordained by the City Council of the City of Covington, at its regular session convened, that Chapter 98, Utilities, Article III. Utility Services, be amended to include the following divisions:

Division 3. Sewage – Grease Control

Sec. 98-94. Introduction.

The City of Covington Sanitary Sewer Department, under the direction of the Public Works Director, has the responsibility to collect, transport, and treat sanitary sewage in the city limits of the City of Covington, LA. When sewer lines are blocked, wastewater backs up until it overflows from manholes or building plumbing fixtures into storm drains, directly into creeks or into buildings. These overflows are termed Sanitary Sewer Overflows (SSOs). SSOs violate the Clean Water Act and render the City of Covington subject to fines and other legal actions. Investigations by the Public Works Department have shown that grease is the leading cause of dry weather SSOs in the sanitary sewer system and many of these dry weather SSOs have been determined to be caused by Fats, Oils and Grease (FOG) from Food Service Facilities (FSFs). When grease is disposed of directly into the sewer system, it cools, solidifies, and combines with other foreign materials in sewer lines and restricts flow through the pipe. In some cases the grease completely blocks the sewer lines.

In 2010, approximately 70% of SSOs were found to be caused by grease from Food Service Facilities. In response, the City of Covington is implementing this Grease Control Program for Food Service Facilities.

The Grease Control Program is one of many steps taken by the City of Covington to eliminate SSOs and comply with the Clean Water Act and the Consent Decree. The Clean Water Act requires the elimination of ALL SSOs in the City of Covington sanitary sewer systems. The purpose of this Program is to decrease the amount of FOG discharged into the sanitary sewer system and thereby reduce the number of dry weather Sanitary Sewer Overflows and backups.

The Grease Control Program will be evaluated periodically and will be modified as necessary to maximize its effectiveness.

Sec. 98-95. Definitions.

The following words, terms, and phrases shall have the meaning ascribed to them in this section, except where context clearly indicates a different meaning:

Alternative grease removal technology means an automatically operated mechanical device specifically designed to remove grease from the waste stream.

Applicant means the Owner or Agent of any food service facility submitting an application for a Food Service Facility Grease Control Permit to the City of Covington Sanitary Sewer Department.

Best Management Practices means any program, process, operating method, or measure that controls, prevents, removes, or reduces discharge of fats, oils and grease (FOG).

Mayor means the Mayor for the City of Covington.

Department means the City of Covington Sanitary Sewer Department.

Director means the Director of the Public Works Department, his designee, or the person the Director may designate to carry out the functions set forth in the Grease Control Program.

FOG means fats, oils and grease.

Food means any raw, cooked or processed edible substance, ice, beverage, or ingredient intended for human consumption.

Food Service Facility means any facility engaged in the preparation of food for human consumption and/or serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products. The term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, and similar facilities by whatever named called.

Fryer oil means oil that is used and/or reused in fryers for the preparation of foods such as fried chicken and French fries. Discharge of fryer oil into the City sewer system is prohibited.

Grease means fats, oils, and grease used for the purpose of preparing food, or resulting from food preparation and includes all elements of fats, oils and grease (FOG). The term grease and fats, oils and grease (FOG) may be used interchangeably.

Grease Interceptor means an indoor device located in a food service facility or under a sink designed to collect, contain and remove food wastes and grease from the waste stream.

Grease Trap means an outdoor device located underground and outside of a food service facility designed to collect, contain, and remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

Maintenance means the complete removal of all grease including floatable materials, wastewater, sludges, and solids. The traps must be thoroughly cleaned to remove grease and scum from the inner walls and baffles. Traps must be filled with cold potable water to complete the maintenance operation.

Mobile food unit means a self-propelled or vehicle mounted unit intended to be used as a food service facility. Mobile food units are not regulated by this program.

Permit means written authorization to discharge into the City's wastewater collection system granted by the Department to the Owner or Agent of a Food Service Facility or his/her authorized agent. Permit is also referred to a Food Service Facility Grease Control Program Permit. Permits are non-transferable. A new Owner or operator of an existing Food Service Facility (FSF) shall apply for and obtain a new Permit.

Sampling Vault means the last point downstream of a grease trap that is specially constructed to allow inspection and sampling prior to discharge of effluent into the City's sanitary sewer collection system.

Temporary Food Service Facility means a Food Service Facility that has no permanent sewer connection and operates at the same location for a period of time not to exceed fourteen (14) days in conjunction with a single event, such as a fair, carnival, circus, exhibition, or similar temporary gathering. Temporary Food Service Facilities are not regulated by this program.

User means the owner or operator of a Food Service Facility that discharges wastewater into the City sanitary sewer.

Sec. 98-96. Grease control program requirements.

(a) *Permit requirements for Food Service Facilities.*

Each Food Service Facility shall obtain a Grease Control Program Permit to enable the inspection and monitoring of facilities which have the potential to discharge FOG into the City sewer system. New installations must show proof that sewer impact fees have been paid. There will be an annual permit fee of $50.00. A re-inspection fee of $200.00 per trap shall be charged each time a facility fails a grease trap inspection and must be re-inspected. The Director will evaluate these fees annually and adjust fees administratively based on the cost to the City for the operation of the Grease Control Program.

All information contained in the Food Service Facility Grease Control Program Permit Application shall be certified by the applicant as true and complete prior to the City's review for approval. The application shall include all grease traps located at a facility which are operated by the same Owner or Manager. Each trap shall be identified individually on the application by a unique identifier. The Director shall review completed applications for approval within fifteen (15) days of receipt.

Permit conditions may include, but are not limited to the following:

(1) Permit duration;

(2) Permit fee;

(3) Non-transferable permit;

(4) Frequency of inspections;

(5) Maintenance requirements;

(6) Compliance schedules;

(7) Requirements for retaining records;

(8) Statement of permission for the Director and other duly authorized employees of the City to enter upon the User's property without prior notification for the purpose of inspection, observation, photography, record examination and copying, measurement, sampling or testing; and

(9) Other conditions deemed by the Director necessary to ensure compliance with this program and other applicable ordinances, laws and regulations.

If a permit application is denied:

(1) The Applicant will be advised in writing of the specific cause for the denial within thirty (30) calendar days of the decision to deny the permit application.

(2) The Applicant who is denied a permit under this program shall have the right to appeal such denial to the Director. Such appeal may be

in the form of re-submitting the denied permit with problem resolution. The appeal shall be filed within fifteen (15) business days of receipt of the notice of denial.

Sec. 98-97. Exemption from grease control program permit requirements.

Food Service Facilities which do not discharge FOG into the sanitary sewer systems may file an application for exemption from permit requirements. Food Service Facilities which are granted an exemption from the permit requirements are subject to inspection by DPW and/or Code Enforcement inspectors and are required to notify the City if changes are made which generate grease waste. The application for exemption requires a $200.00 fee to cover the cost of initial inspection and processing the request. This is a one time fee based on the exemption being granted. The exemption will be in effect until there is a change in food service operations.

Sec. 98-98. Requirements for Best Management Practices (BMPs).

All Food Service Facilities shall develop and implement Best Management Practices (BMPs) to minimize the discharge of FOG into the sanitary sewer system.

Sec. 98-99. Requirements for Grease Control Devices.

All new Food Service Facilities that discharge FOG into the sanitary sewer system shall install, operate, and maintain properly sized grease traps as indicated below. Existing Food Service Facilities may be required to modify existing grease control devices, or to install new or additional grease control devices, and operate and maintain proper traps as indicated below:

(a) Grease traps (outdoors).

(1) Grease traps shall have a capacity sized for the Food Service Facility but no less than 500 gallons.

(2) The Director may approve the use of a single 1,000 gallon trap for Food Service Facilities having a seating capacity of 100 persons or less.

(b) Grease interceptors (indoor).

(1) Grease interceptors will not be approved as a primary grease control device. Grease interceptors can be used in conjunction with grease traps.

(c) Grease control device sampling vault.

All Food Service Facilities may be required by the City of Covington Sanitary Sewer Department to provide a sampling vault to allow inspectors to collect random samples as deemed necessary.

Sec. 98-100. Alternative grease removal technologies.

The Director may approve the use of alternative grease removal technologies, e.g., skimmers, for controlling FOG discharge into the sanitary sewer system in lieu of a standard grease trap if the Sanitary Sewer Department determines the device employing such technology to be at least as effective as a standard grease trap. The approved device shall be wired directly to a circuit breaker and shall contain audio and visual alarms that can only be reset by opening and servicing the device.

The User shall provide the following information to allow the Sanitary Sewer Department to evaluate the proposed technology:

(1) A proposal that is specific to the Food Service Facility submitting the information. The Director will not consider a general or generic proposal.

(2) Complete information regarding the performance of the technology and proof of effectiveness in removing FOGs from the waste stream.

(3) Specifications for maintenance service and frequency.

(4) The manufacturer's installation and operation manuals.

If the alternative technology is approved, the User shall install and maintain the device in accordance with the manufacturer's installation and operation specifications. Maintenance shall be performed at least as often as stipulated in the permit, even if the manufacturer specifies less frequent maintenance.

Sec. 98-101. Maintenance requirements for grease interceptors and traps.

The 25 Percent Rule requires that the depth of oil and grease (floating and settled) in a trap shall be less than 25 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the trap.

Maintenance of outdoor grease traps shall be performed as frequently as necessary to protect the sanitary sewer system against the accumulation of FOG. Maintenance shall be performed as determined by inspection and application of the 25 Percent Rule, or at intervals specified in the Permit, whichever is more frequent. Maintenance shall be performed at least every ninety (90) days.

Food Service Facilities which operate infrequently or only for special events may request a modification to the maintenance schedule specified above. The Director may authorize a maintenance frequency related to the operation of the Food Service Facility. The User shall submit a request for a modified maintenance schedule which includes all details of operation for the Director to review.

The User shall be responsible for the proper removal and disposal of the grease trap waste. All waste removed from each grease trap must be disposed of properly at an appropriate facility designed to receive trap waste.

Maintenance shall include the complete removal of all trap contents including floatable material, wastewater, sludge and solids. Grease and scum shall be removed from interior walls and baffles. Traps must be filled with cold potable water after cleaning to complete maintenance operations. Grease traps shall be operated in accordance with the manufacturer's specifications and/or in accordance with generally accepted engineering standards and practices.

The User shall be responsible for retaining records of maintenance of grease traps including manifests, permits, permit applications and correspondence, sampling data and any other documentation that may be requested by the Director and/or Sanitary Sewer Department. These records shall include the dates of service, volume of waste removed, waste hauler and disposal site of waste. These records shall be kept on-site at the location of the grease trap for a period of three (3) years and are subject to review without prior notification.

Sec. 98-102. Compliance with grease control program.

Compliance with the Grease Control Program shall be evaluated based on the following criteria:

(1) Implementation of Best Management Practices (BMPs);

(2) Grease control device(s) kept in compliance with 25% Rule;

(3) Regularly scheduled maintenance of grease control devices(s);

(4) Documentation of maintenance and proper disposal; and

(5) Employee education and training.

Sec. 98-103. Prohibitions.

The following activities are specifically prohibited:

(1) Introduction of bacteriological, chemical or enzymatic elements into the grease interceptor or trap or any element of the plumbing system is specifically prohibited.

(2) Disposal of fryer oil into the City sanitary system is specifically prohibited.

Sec. 98-104. Grease haulers.

All grease haulers shall be licensed by the State of Louisiana and approved by the Department of Health.

Sec. 98-105. Inspections by City of Covington Sanitary Sewer Department.

Grease traps shall be inspected a minimum of once a year. Frequency of inspection may be increased in order to protect the sanitary sewer collection system against the accumulation of grease.

If a grease trap fails an inspection, the inspector shall notify the User that maintenance must be performed on the grease trap within three (3) days. The inspector will return within seven (7) calendar days to re-inspect the grease trap. The fee for the re-inspection shall be $200.00 per grease trap. If the grease trap is found to be in compliance, the inspector shall schedule the next inspection within ninety (90) calendar days.

If the grease trap fails the re-inspection, a notice of non-compliance shall be issued and maintenance must be performed on the grease trap immediately. A second re-inspection will be scheduled within twenty-four (24) hours. The User shall be assessed a fee of $200.00 for each re-inspection.

Any grease trap which receives three (3) notices of non-compliance within a six (6) month period shall be deemed a nuisance by the Director and shall require corrective actions as determined by the Director to cure the nuisance and non-compliance including, if deemed necessary, termination of all discharges to the City of Covington sanitary sewer system.

If the User is unable to cure the nuisance and non-compliance orders, the installation of an upgraded conventional passive grease trap shall be required.

In addition to the penalties outlined above, the User may be punished as provided in section 1-8 of this Code.

Sec. 98-106. Action plan to address undersized grease interceptors and/or traps.

If the Department of Public Works determines that an existing grease trap has less capacity than is required and violates the Clean Water Act and the Consent Decree regarding Sanitary Sewer Overflows (SSOs), the User shall submit a detailed Action Plan within thirty (30) days of being so notified. The Action Plan shall clearly identify the method which will be used to address the undersized grease trap. Options to address the undersized grease trap include the following:

(1) **Option 1** – Install a grease trap of proper size and install a sampling vault. The Action Plan shall identify the location and size of the existing grease trap, the location and size of the proposed grease trap and sampling vault, and the date by which the proposed grease trap will be in service. The Director and Sanitary Sewer Department will review the proposed location, size and installation schedule and either approve the Action Plan or request modifications and re-submittal of the Action Plan.

(2) **Option 2** – Install one or more additional traps in series with the existing trap to provide the required capacity and install a sampling fault. The Action Plan shall identify the location and size of the existing grease trap, the location and size of the proposed grease and sampling vault, and the date by which the proposed grease trap and sampling vault will be in service. The Director and Sanitary Sewer Department will review the proposed location, size and installation schedule and either approve the Action Plan or request modifications and re-submittal of the Action Plan.

(3) **Option 3** – Install a grease removal device employing alternative technology. The device can be a stand alone device or may be used in combination with a conventional passive grease trap. The Action Plan shall include manufacturer's information on the specific device to be installed and a drawing showing the Food Service plumbing, the proposed location of the device and the location of the sampling vault.

Division 4. Water Backflow Prevention

Sec. 98-107. Cross-connection control device or method required.

Each existing or new structure is required to implement and maintain an adequate cross-connection control device or method for backflow prevention as mandated under state law and state regulations.

Sec. 98-108. Definitions.

The following definitions shall apply only to this Division. For those terms not defined in this Division, the definitions contained in the Louisiana State Plumbing Code 2000 edition (LSPC, 2000 Edition), and as amended, shall apply.

Administrative authority means the City of Covington Public Works Department, or any agent, employee, officer, department, or board of the City designated to enforce this ordinance.

Approved means accepted or acceptable under an applicable specification or standard stated or cited in the Code, or accepted as suitable for the proposed use under procedures and authority of the administrative authority.

Approved backflow prevention assembly for containment means an air gap meeting ASME Standard A 112.1.2 - 1991 (R 1998) Air Gaps in Plumbing Systems or a backflow prevention assembly which is listed by the University of Southern California-Foundation for Cross Connection Control and Hydraulic Research (USC-FCCCHR) as having met the requirements of ANSI/AWWA Standard C510-97 or ASSE Standard 1015-1993, Double Check Valve Backflow-Prevention Assemblies, or ANSI/AWWA Standard C511-97 or ASSE Standard 1013-1993, Reduced-Pressure Principle Backflow Assemblies for containment. The listing shall

include the limitations of use based on the degree of hazard. The backflow prevention assembly must also be listed by the ASSE in Table 606 of the LSPC, 2000 Edition or other testing agency approved by the administrative authority. This term shall additionally include those backflow prevention assemblies meeting ANSI/ASSE Standard 1047-1995, Backflow Preventer, Reduced Pressure Detector Assembly, or ANSI/ASSE Standard 1048-1995, Backflow Preventer, Double Check Detector Assembly. (These detector assembly devices are often times used on fire protection/fire sprinkler systems to detect and monitor unauthorized water usage.)

Approved backflow prevention assembly for containment in fire protection system means a backflow prevention assembly listed in Table 606 of the LSPC, 2000 Edition to be used in a fire protection system which also meets the requirements of Factory Mutual Research Corporation (FM) and Underwriters Laboratory (UL) and the requirement of the standard Codes adopted by the City of Covington. Devices sized smaller than 22 inches which have not been listed by Underwriters Laboratory (UL) and tested by Factory Mutual Research Corporation (FM) may be allowed if approved by the State Fire Marshal, and such device is listed in Table 606 of the LSPC, 2000 Edition. Any such device under this definition shall minimally meet the definition of an approved backflow prevention assembly for containment. In addition, the particular type of device to be used for a particular application/degree of hazard shall be selected and installed in accord with the requirements of Table D104 of the LSPC, 2000 Edition.

Approved testing agency means an organization primarily established for purposes of testing to approved standards and approved by the administrative authority (*e.g.*, American Society of Mechanical Engineers (ASME), American Society of Sanitary Engineers (ASSE), American Water Works Association (AWWA), American National Standards Institute (ANSI), Factory Mutual Research Corporation (FM), Underwriters Laboratory (UL), University of Southern California-Foundation for Cross Connection Control and Hydraulic Research (USC-FCCCHR), etc.).

Auxiliary water supply means any water supply on or available to the premises other than the water purveyor's approved public water supply such as, but not limited to, a private well, pond or river.

Backflow means the flow of water or other liquids, mixtures, or substance into the distribution pipes of a potable supply of water from any sources other than its intended source.

Backflow connection means any arrangement whereby backflow can occur.

Back-pressure backflow means backflow due to an increased pressure above the supply pressure. This may be due to pumps, boilers, gravity or other sources of pressure.

Backflow preventer means a device or method to prevent backflow into the potable water system.

Backflow prevention assembly general tester means those individuals holding a testing certificate from a nationally recognized backflow certification organization approved by the State Health Officer. Such individuals are not required to be a licensed plumber and are authorized to perform tests of backflow prevention devices and methods. When such devices or methods are located on private property, a backflow prevention assembly general tester is not authorized to install, repair, or maintain such devices or methods. A general tester may perform installation, maintenance or repairs, if the backflow prevention device is on public property, after having obtained approval from the water purveyor.

Backflow prevention assembly technician means a water supply protection specialist licensed by the State Plumbing Board of Louisiana pursuant to LA. R.S. 37:1361, *et seq.*, and its implementing regulations (LAC 46:LV.101, *et seq.*). All water supply protection specialists are Louisiana licensed plumbers who hold such a special endorsement on their plumbing license. Such individuals are authorized to test, install, repair, and maintain backflow prevention devices and methods.

Back-siphonage means the flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe. (See backflow)

Code. The word Code or this Code, when used alone, shall mean these regulations, subsequent amendments thereto or any emergency rule or regulation which the administrative authority having jurisdiction may lawfully adopt.

Containment means a method of backflow prevention which requires the installation of an air gap or a backflow prevention assembly immediately following the water meter or as close to that location as deemed practical by the administrative authority.

Contamination means an impairment of the quality of the potable water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids or waste. Also defined as high hazard.

Cross-connection means any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for non-potable, used, unclean, polluted or contaminated water, or other substances, to enter into any part of such potable water system under any condition.

Customer means the owner, operator, or occupant of a building or property which has a water service from a public water system, or the owner or operator of a private water system which has a water service from a public water system. Customer shall not include any residential connection used for dwelling purposes, unless: (i) the residence is also used as a business premises and the home-based business or occupation involves operation of a home-based business or occupation which the water purveyor or City

Inspector deems a potentially significant and high hazard to the City water supply; (ii) the domestic water service provided is also used for a landscape irrigation system; or (iii) a separate water service has been installed for landscape irrigation and other non-domestic purposes.

Degree of hazard means the rating of a cross-connection or water service which indicates if it has the potential to cause contamination or pollution.

Domestic sewage means the liquid and water-borne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system.

Double check valve backflow prevention assembly means a backflow prevention device consisting of two independently acting internally loaded check valves, four properly located test cocks, and two isolation valves.

Existing work means a plumbing system, or any part thereof which has been installed prior to the effective date of this Code.

Fire protection system means any system used for fire protection or suppression with a direct connection to the public water supply, including but not limited to sprinklers, stand-pipes, and Siamese connections.

High hazard. See contamination.

High hazard cross connection means a cross-connection which may cause an impairment of the quality of the potable water by creating an actual hazard to the public health, through poisoning or through the spread of disease by sewage, industrial fluids, or waste.

Industrial waste means any and all liquid or water-borne waste from industrial or commercial processes, except domestic sewage.

Isolation means a method of backflow prevention in which a backflow prevention assembly is located at the cross-connection rather than at the water service entrance.

Labeled means equipment or materials bearing a label or listing agency.

Liquid water means the discharge from any fixture, appliance or appurtenance in connection with a plumbing system which does not receive fecal matter.

Listed means equipment or materials included in a list published by a listing agency that maintains periodic inspection or current production of listed equipment or materials and whose listing states either that the equipment or material complies with approved standards or has been tested and found suitable for use in a specified manner.

Listing agency means an agency accepted by the administrative authority which is in the business of listing or labeling and which maintains a

periodic inspection program on current production of listed models, and which makes available a published report of such listing in which specific information is included that the product has been tested to approved standards and found safe for use in a specific manner. (e.g., USC-FCCCHR, ASSE, etc.)

Low hazard. See pollution.

Low hazard cross-connection means a cross-connection which may cause an impairment of the quality of potable water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.

Main means the principal artery of any system of continuous piping to which branches may be connected.

May is a permissive term.

Pharmaceutical-grade antifreeze means a food-grade antifreeze such as an inhibited propylene glyco-based fluid.

Point of entry means the point of connection to the potable water system.

Point of introduction means the point at which any additive is introduced to the water supply system.

Pollution means an impairment of the quality of the potable water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use. Also defined as low hazard.

Potable water means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the State and City departments of health.

Reduced pressure principle backflow prevention assembly means a backflow prevention device consisting of two independently acting internally loaded check valves, a differential pressure relief valve, four properly located test cocks, and two isolation valves.

Sewage means any liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

Shall. The word shall is a mandatory term.

Table D 104 refers to the table marked D 104 in appendix D of the Louisiana State Plumbing Code, 2000 Edition. (Known as the containment device table).

Table D 105 refers to the table marked D 105 in appendix D of the Louisiana State Plumbing Code, 2000 Edition. (Known as the fixture isolation table).

Section D 106 refers to the Section marked D 106 in appendix D of the Louisiana State Plumbing Code, 2000 Edition.

Water service. Depending on the context, water service means the physical connection between a public water system and a customer's building, property, or private water system, or the act of providing potable water to a customer.

Water supply system means the water supply system of a building or premises consisting of the building supply pipe, the water distributing pipes and the necessary connecting pipes, fittings, control valves, and all appurtenances carrying or supplying potable water in or adjacent to the building or premises.

Water Purveyor means the City of Covington Public Works Department.

Sec. 98-109. Administrative authority.

(a) The Water Purveyor shall have the right to enter, with the consent of the customer, or upon the basis of a suitable warrant issued by a court of appropriate jurisdiction, any property to inspect for cross-connections.

(b) The State of Louisiana will approve training programs for backflow prevention assembly technicians and register backflow prevention assembly technicians who successfully complete a training program approved by the State Plumbing Board of Louisiana as per LA. R.S. 37:1367(G) and LAC 46:LV.310, all of which applies to licensed plumbers.

In addition, the State Health Officer, through the LSPC, 2000 Edition, does accept certain persons as general testers per Section D108.1.1 thereof. Such individuals are known and defined herein as backflow prevention assembly general testers. The limitations of jurisdiction/authority of backflow prevention assembly general testers are described within said definition.

(c) The Administrative Authority shall collect a fee of $25.00 for each inspection done by the Water Purveyor. The inspection will only be for the Water Purveyor to make sure that the air gap or backflow prevention device is in place and is the proper cross-connection control device or method used in accord with Table D104 and Section D106.

(d) The Administrative Authority and the Water Purveyor shall maintain records of cross-connection hazard surveys, and the installation, testing, and repair of all backflow prevention assemblies installed for containment purposes.

(e) Notwithstanding anything herein to the contrary, the Administrative Authority and Water Purveyor are authorized to take additional actions which may not be specifically covered herein that are deemed necessary to protect the City of Covington's water supply from potential or actual cross connections in accord with the requirements of the Louisiana State Plumbing Code, 2000 Edition.

Sec. 98-110. Water services.

(a) *New water services.*

(1) Plans shall be submitted to the Water Purveyor for review on all new water services in order to determine the degree of hazard.

(2) The Water Purveyor shall approve the type of backflow prevention assembly or method required for containment based on the requirement of Table D104 and degree of hazard. If a cross-connection is not listed in Table D104, the Water Purveyor shall use Table B1 of the Manual for the Selection, Installation, Maintenance, and Field Testing of Backflow Prevention Devices (CAN/CSA Standard B64.10-1994) as a guide to determine the type of device to require. (This document is referred to in Table 606 of the LSPC, 2000 Edition.)

(3) The Water Purveyor shall require the installation of the appropriate backflow prevention assembly or method for containment before the initiation of water service.

(b) *Existing water service.*

(1) Any changes of, or additions to, existing water services shall be treated as new water services for the purpose of this ordinance.

(2) Within six (6) months after adoption of this ordinance, the administrative authority shall publish and make available to each customer a copy of the standards used to determine the degree of hazard.

(3) Each Customer shall survey the activities and processes which receives water service and shall report to the Water Purveyor if cross-connections exist and the degree of hazard. Upon a finding of hazard, the Customer shall cause the appropriate backflow prevention assembly or method to be installed in a timely fashion.

(4) For existing water services, the Water Purveyor may inspect the premises to determine the degree of hazard. When high hazard cross-connections are found the Water Purveyor shall:

(i) Develop a schedule of compliance which the customer shall follow; or

(ii) Terminate the water service until a backflow prevention assembly or method for containment required by the Water Purveyor has been installed.

(5) Failure of the Water Purveyor to notify a customer that the customer has a high hazard cross-connection and should install backflow prevention assemblies or methods for containment in no way relieves the Customer of the responsibility to comply with all requirements of this section.

Sec. 98-111. Customer duties.

(a) The Customer shall be responsible for ensuring that no cross-connections exist without approved backflow protection within the Customer's premises starting at the point of service from the public potable water system.

(b) The Customer shall, at the Customer's own expense, cause installation, operation, testing and maintenance of the backflow prevention assemblies required by the administrative authority. The Customer shall advise the Water Purveyor in advance of when a device is to be tested to allow the Water Purveyor the opportunity to witness the test.

(c) Within fifteen (15) days after testing and/or repairs are completed, the Customer shall provide the administrative authority with copies of records of the installation and of all tests and repairs made to the backflow prevention assembly on a form provided by the administrative authority.

(d) In the event of a backflow incident, the Customer shall immediately notify the Water Purveyor of the incident and take steps to confine the contamination or pollution. Water service will not be restored until corrective action is taken and approved after inspection by the Water Purveyor.

(e) In accordance with Section D108.3.4 of the LSPC, 2000 Edition, the Customer shall maintain records of installations, tests, repairs, overhauls, or replacements of backflow prevention devices or methods for at least five (5) years and, upon request, such records shall be made available to the administrative authority.

Sec. 98-112. Requirements.

(a) Water Purveyor requirements:

(1) For premises existing prior to the start of this program, the Water Purveyor will perform evaluations and inspections of plans and/or premises and inform the Customer by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed, however, this time period may be shortened

depending upon the degree of hazard involved and the history of the device(s) in question.

(2) The Water Purveyor will not allow any cross-connection to remain unless it is protected by an approved backflow preventer or an air gap for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

(3) The Water Purveyor shall notify the Customer by letter of any failure to comply at the time of the first re-inspection or immediately following the first re-inspection. The Water Purveyor will allow an additional fifteen (15) days for the correction. In the event the Customer fails to comply with the necessary correction by the time of the second re-inspection, the Water Purveyor will notify the Customer by letter that the water service to the Customer's premises will be terminated within five (5) days from the customer's receipt of such letter. In the event that the Customer informs the Water Purveyor of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Water Purveyor but in no case will exceed an additional thirty (30) days.

(4) Notwithstanding anything to the contrary, if the Water Purveyor determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

(5) The Water Purveyor shall have on file a list of Private Contractors who are certified backflow device testers and/or repairers. All charges for these tests, repairs, etc., will be paid by the Customer of the building or property.

(6) The Water Purveyor will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the city Council and Mayor, during the calendar year. Initial focus will be on high hazard industries and commercial premises.

(b) Customer requirements:

(1) The Customer shall be responsible for the elimination or protection of all cross-connections on his premises.

(2) The Customer, after having been informed by a letter from the Water Purveyor, shall at his expense, install, maintain, and test or have tested, any and all required backflow prevention devices or methods on his premises.

(3) The Customer shall correct any malfunction of the backflow prevention device or method which is revealed by periodic testing.

(4) The Customer shall inform the Water Purveyor of any proposed or modified cross-connection and also any existing cross-connection of which the Customer is aware but has not been found by the Water

Purveyor.

(5) The Customer shall not install a bypass around any backflow prevention device or method unless there is a backflow prevention device or method of the same type on the bypass. Customers who cannot shut down operation for testing of the device(s) or method(s) must supply additional devices or methods necessary to allow testing to take place.

(6) The Customer shall install backflow prevention devices or methods in a manner approved by the Water Purveyor and in conformance with the installation requirements of Section 606 of the LSPC, 2000 Edition. In addition, devices having an atmospheric port or discharge shall be installed such that the port or discharge point is located at least 24 inches above the highest flood level which may have occurred in the previous 10 year period.

(7) The Customer shall install only backflow prevention devices or methods approved by the Water Purveyor.

(8) Any Customer having a private well, auxiliary water supply or other private water source must have a permit if the well, auxiliary water supply or source is cross-connected to the Water Purveyor's system. Permission to cross-connect may be denied by the Water Purveyor. The customer may be required to install a backflow prevention device or method at the service entrance if a private water source is maintained, even if it is not cross-connected to the Water Purveyor's system.

(9) In the event the Customer installs plumbing to provide potable water for domestic purposes which is on the Water Purveyor's side of the backflow prevention device or method, such plumbing must have its own backflow preventer installed.

(10) The Customer shall be responsible for the payment of a $50.00 annual permit fee, annual or semi-annual device or method testing, re-testing in the case that the device or method fails to operate correctly, and second re-inspections for non-compliance with the Water Purveyor's requirements. A re-inspection fee of $200.00 per device shall be charged each time a facility fails an inspection.

Sec. 98-113. Required backflow prevention assemblies or methods for containment.

(a) Water Service Assemblies:

An air gap or an approved reduced pressure principle backflow prevention assembly is required for water services having one or more potential cross-connections which the administrative authority classifies as high hazard as defined by tables D104 and D105.

(b) Fire Protection System Assemblies:

(1) All proposed installations of fire suppression systems shall be reviewed by the City of Covington Department of Inspections to determine the appropriate type of backflow prevention devices or methods required.

(2) For all proposed fire suppression systems using antifreeze, a reduced pressure principle (#10 on Table D104) backflow prevention device shall be installed at the point of entry. The Customer shall provide the City with the design and chemical usage of the fire suppression system.

(3) All existing fire suppression systems shall meet the requirements of Sec. 98.112 above. An inspection by a fire suppression specialist shall be done to determine whether antifreeze has been utilized in the suppression system. The inspection shall be done at the expense of the customer. If it cannot be certified that antifreeze has been used, then a backflow prevention device shall be installed as prescribed by Table D104 and as approved by the City of Covington Department of Inspections. Installation shall be at the expense of the customer. The required backflow prevention devices or methods shall be installed at the time the system is repaired or changed, or within twelve (12) months after adoption of this ordinance, whichever occurs first.

(4) In the event cross-connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents, are necessary for the proper operation of the fire suppression system, then an air gap or a reduced pressure principle backflow prevention device shall be installed in an approved manner.

Sec. 98-114. Registration.

(a) Technician Registration:

Any backflow prevention assembly technician licensed by the State of Louisiana must register with the administrative authority before performing work within the City of Covington. Any licensed backflow prevention assembly technician shall include his or her state registration number on all correspondence and forms required by or associated with this ordinance.

(b) General Tester Registration:

Any backflow prevention assembly general tester shall present a copy of his/her testing certificate from a nationally recognized backflow certification organization and shall register with the administrative authority before performing work within the City of Covington.

Sec. 98-115. Non-compliance by registered technicians or general testers.

(a) The local registration of a technician or general tester may be revoked or suspended for a period of up to two (2) years for non-compliance with this ordinance.

(b) Any of the following conditions constitute non-compliance:

(1) Improper testing or repair of backflow prevention assemblies or methods;

(2) Improper reporting of the results of testing or of repairs made to backflow prevention assemblies or methods;

(3) Failure to meet registration requirements; or

(4) Related unethical practices.

Sec. 98-116. Installation of backflow prevention assemblies or methods.

(a) The required backflow prevention assemblies or methods for containment shall be installed in the manner recommended by the manufacturer and in accord with the requirements of Section 606 of the LSPC, 2000 Edition, immediately following the meter or as close to that location as deemed practical by the administrative authority. In any case, it shall be located upstream from any branch piping. Installation at this point does not eliminate the responsibility of the customer to protect the water supply system from contamination or pollution between the backflow prevention assembly or methods and the water main.

(b) Reduced pressure principle backflow prevention assemblies shall be installed so as to be protected from flooding. The port or discharge point shall be installed such that it is located at least 24 inches above the highest flood level which may have occurred in the previous 10 year period.

(c) Reduced pressure principle backflow prevention assemblies or methods shall not be installed in underground vaults or pits, unless a gravity drainage system (designed by a Louisiana registered engineer) for the particular site has been approved by the State health officer. (The intent of the exception to this section is to possibly allow below grade installations on particular sites or lots having sufficiently hilly ground at the proposed location of the device such that when the vault or pit is constructed it may be equipped with positive gravity drainage openings as to prevent any part of the device from being submerged. A recommended design standard for such an installation may be found in Sections 606.4.1 and 606.4.2 of the 1994 Standard Plumbing Code.)

(d) All backflow prevention assemblies or methods shall be protected from freezing. Those devices used for seasonal services may be removed in lieu of being protected from freezing; however, the

devices must be reinstalled and tested by a registered backflow prevention assembly technician prior to service being reactivated.

(e) If hot water is used within the water supply system, thermal expansion shall be provided for when installing a backflow prevention assembly or method for containment in accordance with Section 613.2 of the LSPC, 2000 Edition.

(f) Provisions shall be made to convey the discharge of water from reduced pressure principle backflow prevention assemblies or methods to a suitable drain through an air gap.

(g) No backflow prevention assemblies or methods shall be installed in a place where they would create a safety hazard, such as, but not limited to, over an electrical panel, or above ceiling level.

(h) If interruption of water service during testing and repair of backflow prevention assemblies or methods for containment is unacceptable to the Customer, another backflow prevention assembly or method of equivalent or higher protection, sized to handle the temporary water flow needed during the time of testing or repair, shall be installed in parallel piping.

(i) All backflow prevention assemblies or methods shall be installed so that they are accessible for testing.

(j) All shut-off valves shall conform with the current edition of the 2000 Edition Louisiana State Plumbing Code requirements for either ball or resilient seat gate valves. Full port ball valves shall be used on assemblies installed in piping two inches or smaller, and full port resilient wedge-type shut off valves on assemblies installed in piping larger than two inches.

Sec. 98-117. Testing of backflow prevention assemblies or methods.

(a) Testing of backflow prevention assemblies or methods shall be performed by a backflow prevention assembly technician or by a backflow prevention assembly general tester registered with the administrative authority. The costs of tests required in the following paragraphs shall be borne by the Customer.

(b) Backflow prevention assemblies or methods shall be tested upon installation; when cleaned, repaired, or overhauled; when relocated; and, shall be tested and inspected at least once annually. Backflow prevention devices shall be tested in accordance with CAN/CSA Standard B64.10-1994 or ASSE Standard 5010-1998.

(c) Backflow prevention assemblies or methods which are in place, but have been out of operation for more than three (3) months, shall be tested before being put back into operation. Backflow prevention assemblies or methods used in seasonal applications shall be tested before being put into operation each season.

(d) Any backflow prevention assembly or method which fails a periodic test shall be repaired or replaced by a backflow prevention assembly technician when such assembly is located on private property. When such a device is located on public property, a backflow prevention assembly general tester may repair or replace the device if authorized by the Water Purveyor. When water service has been terminated for non-compliance, the backflow prevention assembly or method shall be repaired or replaced prior to the resumption of water service. Backflow prevention assemblies or methods shall be re-tested by a registered backflow prevention assembly technician or by a backflow prevention assembly general tester immediately after repair or replacement.

(e) The City of Covington Department of Inspections may require backflow prevention assemblies or methods to be tested at any time in addition to the annual testing requirement.

(f) The registered backflow prevention assembly technician or backflow prevention assembly general tester shall report the testing of backflow prevention assembly or method to the Customer and to the administrative authority within fifteen (15) days of the test.

(g) The administrative authority may require, at its own cost, additional tests of individual backflow prevention assemblies or methods as it shall deem necessary to verify test procedures and results.

Sec. 98-118. Repair of backflow prevention assemblies or methods.

(a) All repairs to backflow prevention assemblies or methods on private property shall be performed by a licensed plumber holding a special water supply protection specialist endorsement on his plumbing license, herein defined as backflow prevention assembly technician.

(b) After obtaining approval from the Water Purveyor, a backflow prevention assembly general tester may perform repairs to backflow prevention assemblies or methods located on public property.

(c) The registered backflow prevention assembly technician or backflow prevention assembly general tester shall not change the design, material, or operational characteristics of a backflow prevention assembly or method during repair or maintenance, and shall use only original manufacturer replacement parts, if available; if not available, shall use replacement parts approved by the Department of Inspections.

(d) The registered backflow prevention assembly technician or backflow prevention assembly general tester shall report the repair, overhaul, or replacement of any backflow prevention assembly or method to the Customer and to the City of Covington Department of Inspections on the form provided by the City of Covington Department of Inspections within fifteen (15) days of the repair.

Sec. 98-119. Customer non-compliance.

(a) The water service may be discontinued in the case of non-compliance with this ordinance. Non-compliance includes, but is not limited to, the following:

(1) Refusal to allow the administrative authority or Water Purveyor access to the property to inspect for cross-connection;

(2) Removal of a backflow prevention assembly or method which has been required by the administrative authority;

(3) Bypassing of a backflow prevention assembly or method which has been required by the administrative authority;

(4) Providing inadequate backflow prevention when potential or actual cross-connections exist;

(5) Failure to install a backflow prevention assembly or method which has been required by the administrative authority;

(6) Failure to test and/or properly repair a backflow prevention assembly or method as required by the administrative authority; or

(7) Failure to comply with the requirements of this ordinance.

Sec. 98-120. Penalty for violation.

Apart from any other penalties or sanctions imposed by local or state laws, any person found guilty of violating any provision of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with Section 1-8 of the Covington Code of Ordinances. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

BE IT FURTHER ORDAINED that all other sections of Chapter 98, Utilities, remain the same and in full force.

BE IT FURTHER ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 50, Health and Sanitation, be amended to include the following section:

Sec. 50-36. Grease trap requirements.

The Grease Control Program is one of many steps taken by the City of Covington to eliminate Sanitary Sewer Overflows and comply with the Clean Water Act and the Consent Decree.

Cross reference—Ch. 98 Utilities, Art. III. Utility Services, Division 3. Sewage – Grease Control

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana.

WHEREUPON, O'Keefe moved for adoption, seconded by Coner, and this ordinance was submitted to a vote and resulted in the following:

YEAS:	7	NAYS:	0
ABSTAIN:	0	ABSENT:	0

PASSED AND ADOPTED this 6th day of December, 2011.

Lee S. Alexius
LEE S. ALEXIUS
PRESIDENT OF THE COUNCIL

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Presented to the Mayor on this 8th day of December, 2011, at 11:35 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Approved ✓ or Vetoed ___ by the Mayor this 8th day of December, 2011.

MICHAEL B. COOPER
MAYOR

Received from the Mayor on this 8th day of December, 2011, at 1:40 o'clock P.M.

BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL