



## Staff Report

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**File #:** 17-556

**Version:** 1

**Date:** 12/11/2017

**Item #:** 6. b.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Peter Fernandez, PE, Public Works Director

### **SUBJECT:**

Notice of proposed amendments to Administrative Rule 109-500-003 for the cross-connection control program.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

### **ISSUE:**

Notice of proposed amendments to Administrative Rule 109-500-003, Cross Connection Control. This notice is given pursuant to SRC 20J.040(a)(3).

### **RECOMMENDATION:**

Information only.

### **SUMMARY AND BACKGROUND:**

Administrative Rule 109-500-003, Cross Connection Control, was adopted on June 22, 2017. The administrative rule establishes the City's policies and procedures for the cross connection control program. *Salem Revised Code* (SRC) 72.150 requires certain connections to the City's water system to have a backflow prevention device installed to prevent cross connections. *Oregon Administrative Rules* (OAR) Chapter 333 Division 61 set forth the minimum elements the City must develop and implement to protect the public water system from pollution and contamination.

The proposed amendments will clarify the backflow prevention assembly required based on the identified degree of hazard. OAR outlines the assemblies required for certain identified hazards; however, in some cases, the City is requiring more stringent protection than what is identified in state regulations. Specifically, the proposed amendments identify the circumstances under which either a

double check backflow assembly or a reduced pressure backflow assembly are required.

## **FACTS AND FINDINGS:**

The Notice of Administrative Rule Making (Attachment 1) will be posted December 12 through December 27, 2017. Interested parties will have 15 days to provide comment to staff. Subject to review by Council, the amended rule will become effective on December 28, 2017.

Adopting Administrative Rules does not require Council approval. Council may elect to review the proposed Administrative Rule; however, the scope of Council's review is limited to: (1) whether the rule is within the scope of the provision of the section of the SRC authorizing adoption; and (2) whether the rule is duplicative of, or conflicts with, another rule or other federal, state or local law or regulation, or is outside of the range of staff's rulemaking authority. The Legal Department has reviewed the proposed rules for consistency with the code pursuant to SRC 20J.080.

Robert D. Chandler, PhD, PE  
Assistant Public Works Director

### **Attachments:**

1. Notice of Amendments to Administrative Rule 109-500-03 Cross Connection Control
2. Administrative Rule-109-500-3-cross-connection-control - Amended with Redline
3. Administrative Rule-109-500-3-cross-connection-control - Amended