

Hillsborough County Public Utilities Department
Cross-Connection Control Plan

COMPONENT I

- A. Hillsborough County Code of Ordinances, Chapter 121 serves as the legal authority for the Hillsborough County Cross-Connection Control Plan (Control Plan).
- B. Terms used herein shall have the meaning set forth in Chapter 121 of the Hillsborough County Code of Ordinances.

COMPONENT II

- A. Tables A1 and A2 specify where Backflow Preventers are required at Water Service Connections to the Public Water System operated by the Hillsborough County Public Utilities Department. The Public Water System is a Community Water System subject to the requirements of Section 62-555.360, Florida Administrative Code (F.A.C.).
- B. Tables A1 and A2 identify the category of Customer and the minimum type of Backflow Preventer required at Water Service Connections to the Public Water System.

COMPONENT III

- A. Ownership and Owner Obligations for Backflow Preventers required at Water Service Connections to the Public Water System.
 - 1. Residential Water Service Connections
 - a. The Hillsborough County Public Utilities Department shall own and be responsible for purchase, installation, inspection, testing, and maintenance of Backflow Preventers required at Residential Water Service Connections, as identified in Table A1.
 - b. The Property Owner shall own and be responsible for the purchase, installation, inspection, testing, and maintenance of Backflow Preventers required at Residential Irrigation and Residential Fire Protection Water Service Connections, as identified in Table A1.
 - 2. The Property Owner shall own and be responsible for the purchase, installation, inspection, testing, and maintenance of Backflow

Preventers required at all Non-Residential Water Service Connections, as identified in Table A2.

3. A County *Point of Service Backflow Assembly Permit* is required for the installation, replacement, or relocation (allowed only at same Water Service Connection) of a Backflow Preventer Assembly at Non-Residential Water Service Connections. A Plumbing Permit with a required backflow approval activity is required by the County for the installation, replacement, or relocation (allowed only at same Water Service Connection) of a Backflow Preventer at Residential Water Service Connections [not maintained by County personnel](#).

B. Design and Performance Standards, and Installation Criteria for Backflow Preventers required at Water Service Connections to the Public Water System.

1. Design and performance standards for Backflow Preventers required at Water Service Connections to the Public Water System.
 - a. All Backflow Preventer Assemblies at Water Service Connections shall be listed in the *List of Approved Backflow Prevention Assemblies* published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.
 - b. All Backflow Preventers at Water Service Connections shall meet both the design and performance requirements in applicable American National Standards Institute/American Water Works Association (ANSI/AWWA) standards.
 - c. Dual Check Devices shall hold an applicable American Society of Sanitary Engineering (ASSE) International certification.
 - d. Air Gap design and performance shall be in compliance with American Water Works Association (AWWA) Manual M14.
 - d. Backflow Preventers that fail to meet performance standards shall be repaired or replaced.
2. Backflow Preventers shall be installed in compliance with Manufacturers' requirements and the installation criteria in AWWA Manual M14.
 - a. Backflow Preventers shall be installed as close as practical to the Water Service Connection meter or Customer's property line, but in all cases before the first distribution line off of the Customer's Private Water System.

- b. [With the exception of Backflow Preventers at Water Service Connections owned and maintained by the County, a](#) repaired Backflow Preventer shall not be installed at another Water Service Connection.
- c. The installation (including replacement or relocation at same Service Address) of all Backflow Preventers at Water Service Connections shall be by a Plumbing Contractor licensed to do business in Hillsborough County.
 - i. Irrigation Contractors licensed to do business in Hillsborough County may install Backflow Preventers [associated with at](#) Water Service Connection dedicated for irrigation, subject to applicable regulations.
 - ii. Fire Protection System Contractors licensed to do business in Hillsborough County may install Backflow Preventers [associated with at](#) Water Service Connection dedicated for fire protection, subject to applicable regulations.
 - iii. Upon written approval by the County Administrator, County personnel may install Backflow Preventers at Water Service Connections where the Backflow Preventer is owned and maintained by the County.
 - iv. Others authorized by law to install Backflow Preventers shall be allowed to install Backflow Preventers at Water Service Connections.
- C. Frequency for inspections of Air Gaps, and qualifications for persons inspecting Air Gaps installed at Water Service Connections to the Public Water System.
 - 1. Air Gaps shall be inspected annually.
 - 2. Persons inspecting Air Gaps shall be Plumbing Contractors licensed to do business in Hillsborough County, or individuals registered with Hillsborough County as a Certified Tester.
 - 3. Air Gap inspection results shall be submitted to the County by the Property Owner or designee within 30 days of the inspection.
- D. Frequency for testing Backflow Preventer Assemblies, qualifications for persons testing and repairing Backflow Preventer Assemblies, and procedures for testing and reporting test results of Backflow Preventer

Assemblies, installed at Water Service Connections to the Public Water System.

1. Frequency for Testing Backflow Preventer Assemblies installed at Water Service Connections to the Public Water System.
 - a. Backflow Preventer Assemblies required at Residential Water Service Connections shall be tested on installation, after a repair, and at least biennially. Backflow Preventer Assemblies required at Residential Water Service Connections shall also be tested after a relocation (allowed only at same Water Service Connection), or after a reported backflow incident.
 - b. Backflow Preventer Assemblies required at Non-Residential Water Service Connections shall be tested on installation, after a repair, and at least annually. Backflow Preventer Assemblies required at Non-Residential Water Service Connections shall also be tested after a relocation (allowed only at same Water Service Connection), or after a reported backflow incident.
2. Qualifications for persons testing Backflow Preventer Assemblies required at Water Service Connections to the Public Water System.
 - a. Persons testing Backflow Preventer Assemblies shall be registered with Hillsborough County as a Certified Tester and be reregistered with the County every two years.
 - i. A Certified Tester shall have and maintain active certification from an acceptable training program in Backflow Preventer Assembly Testing.
 - ii. Acceptable training programs shall at a minimum include the following elements: 32 training hours that include both in-class instruction and hands-on exercises in the testing of Backflow Preventer Assemblies; qualified instructors; current, relevant, and accurate curriculum; current, relevant, and accurate training materials, facilities, and equipment. The County Administrator shall maintain a list of training programs in Backflow Preventer Assembly Testing which are acceptable for qualification as a Certified Tester.
 - b. Testing of Backflow Preventers on Fire Protection Systems may require additional licensing by the State.
 - c. The County may require a Certified Tester to demonstrate their knowledge, skill, and abilities to a representative of the County.

- d. All equipment used in the testing of Backflow Preventer Assemblies shall be calibrated and registered with Hillsborough County.
 - i. All test equipment shall be calibrated and reregistered annually.
3. Qualifications for persons repairing Backflow Preventer Assemblies required at Water Service Connections to the Public Water System.
 - a. The repair of Backflow Preventers at Water Service Connections shall be by a Certified Repair Technician. [A Certified Repair Technician shall also be a Certified Tester.](#)
 - b. Persons repairing Backflow Preventer Assemblies shall be registered with Hillsborough County as a Certified Repair Technician and be reregistered with the County every two years.
 - i. A Certified Repair Technician shall have and maintain active certification from an acceptable training program in Backflow Preventer Assembly Repair.
 - ii. Acceptable training programs shall at a minimum include the following elements: 32 training hours that include both in-class instruction and hands-on exercises in the repair of Backflow Preventer Assemblies; qualified instructors; current, relevant, and accurate curriculum; current, relevant, and accurate training materials, facilities, and equipment. The County Administrator shall maintain a list of training programs in Backflow Preventer Assembly Repair which are acceptable for qualification as a Certified Repair Technician.
 - c. Repair of Backflow Preventers on Fire Protection Systems may require additional licensing by the State.
 - d. Upon written approval by the County Administrator, County personnel who are also Certified Repair Technicians may repair Backflow Preventers at Water Service Connections where the Backflow Preventer is owned and maintained by the County.
 - e. The County may require a Certified Repair Technician to demonstrate their knowledge, skill, and abilities to a representative of the County.

- f. All materials used in the repair of a Backflow Preventer Assembly shall not eliminate or otherwise compromise the design or performance of, or certifications or listings held by, the Assembly. See also Component III(B).
- 4. Procedures for testing of and reporting test results for Backflow Preventer Assemblies, installed at Water Service Connections to the Public Water System.
 - a. Backflow Preventer Assemblies shall be tested in compliance with Manufacturers' requirements and applicable testing procedures in AWWA Manual M14.
 - b. Backflow Preventer Assembly test results performed by a Certified Tester (Certified Test Report) shall be submitted to the County by the Property Owner or designee within 30 days of the test.
 - i. The Certified Tester shall notify the County within 48 hours of any Backflow Preventer Assembly that failed a test.
- E. Frequency for refurbishing or replacing Dual Check Devices required at Residential Water Service Connections to the Public Water System.
 - 1. Dual Check Devices shall be installed at Non-Health Hazard (low hazard) Residential Water Service Connections as identified in Table A1, and shall be refurbished or replaced at least every ten years.
 - 2. In accordance with Table 62-555.360-1.III.E., F.A.C., the Hillsborough County Public Utilities Department may conduct a study and document the performance of Dual Check Devices and, if appropriate, the County Administrator may adjust the refurbishment or replacement frequency to not more than every fifteen years.

COMPONENT IV

- A. Before supplying water to a new Water Service Connection, the County shall evaluate the Customer's premises to establish the category of Customer, the degree of hazard, and the required Backflow Preventer.
 - 1. The County will evaluate the Customer's premises using questionnaires, construction plan reviews, on-site inspections, reviews of pertinent records, or any other relevant information.
- B. Existing Water Service Connections shall be evaluated by the County whenever one of the following actions occurs, or whenever one of the

following conditions is discovered on a Customer's premises: there is a reported backflow incident; connection to a Reclaimed Water system is made; an Auxiliary Water System or other Potential Cross-Connection is discovered; a Cross-Connection is discovered; a well construction permit is issued; or, the Customer's premises is altered under a building permit in a manner that could change the type of, or need for, a Backflow Preventer.

1. The County will evaluate the Customer's premises using questionnaires, construction plan reviews, on-site inspections, reviews of pertinent records, or any other relevant information.

COMPONENT V

A. Procedures for maintaining Cross-Connection Control Program records.

1. The County shall maintain a current inventory of Backflow Preventers required at all Water Service Connections.
2. The Cross-Connection Control Program records shall include but not be limited to:
 - i. Information about the Backflow Preventer, such as: type; serial number; model; installation dates; testing dates; inspection dates; replacement ~~and~~, repair, ~~and refurbishment~~ dates; repair information; relocation information; ~~and, refurbishment information;~~
 - ii. Information about and status of Certified Testers and Certified Repair Technicians; and the status of certification programs and test equipment;
 - iii. Information about the Water Service Connection, such as Customer Category, and other information about the Customer.

Table A1 – Residential Water Service Connections

Category of Customer and ownership and maintenance responsibility of Backflow Preventer		Water Service Connection Type, Degree of Hazard, and Customer Category Descriptions		Specific Examples or Additional Clarification ¹	Minimum Backflow Protection ² at or for Service Connection from the Public Water System to the Customer
Residential Any Water Service Connection where the building or premises contains only dwelling units and the Water Service Connection is less than or equal to two inches in diameter ³	Owned and maintained by County	Water Service N-HH ⁴	Any connection other than dedicated irrigation and fire protection, unless it includes an Auxiliary Water System other than a Regulated Reclaimed Water system, and does not otherwise contain a Potential Cross-connection	Installation of a DuC device may result in a closed-loop Private Water System. In such cases, Property Owner is responsible to make provision, at the Property Owner's expense, for thermal expansion within the Private Water System. Property Owner shall notify the County in the event the premises is altered in a manner that may change the minimum Backflow Protection at the Water Service Connection	DuC [Dual Check Valve]
		Water Service HH ⁴	Contains an Auxiliary Water System other than a Regulated Reclaimed Water system, or contains another Potential Cross-connection	Installation of a DC may result in a closed-loop Private Water System. In such cases, Property Owner is responsible to make provision, at the Property Owner's expense, for thermal expansion within the Private Water System. Property Owner shall notify the County in the event the premises is altered in a manner that may change the minimum Backflow Protection at the Water Service Connection	DC [Double Check Valve]
	Owned and maintained by Property Owner	Dedicated Irrigation N-HH	Backpressure cannot develop in the Private Water System, and does not otherwise contain a Potential Cross-connection	No exceptions; PVB Backflow Preventer installed on irrigation system per Plumbing Code, in addition to the DuC at the Service Connection	DuC
		Dedicated Irrigation HH	Backpressure can develop in the Private Water System, or contains another Potential Cross-connection	No exceptions. Specifically includes, but not limited to, systems where pesticides, herbicides, fertilizers, or other landscape maintenance chemicals can be directly introduced into the irrigation system; PVB Assembly Backflow Preventer installed on irrigation system as required by Plumbing Code	RP
		Dedicated Fire Protection N-HH	Fire Protection System contains no chemical additives, is not connected to an Auxiliary Water System, and does not otherwise contain a Potential Cross-connection	No exceptions	DuC
		Dedicated Fire Protection HH	Fire Protection System contains chemical additives, is connected to an Auxiliary Water System, or contains another Potential Cross-connection	No exceptions	RPDA

Notes:

- (1) Except as specifically noted in Chapter 121 and the Control Plan, the County shall utilize Table 62-555.360-2, FAC, for determining the minimum required backflow protection and level of hazard at the Water Service Connection.
- (2) DuC – dual check device; DC – double check valve assembly; RP – reduced-pressure principle assembly; PVB – Pressure vacuum breaker assembly; RPDA – reduced-pressure principle detector assembly. [Installation of a backflow device or assembly may result in a closed loop Private Water System. In such cases the Property Owner is responsible to make provision, at the Property Owner's expense, for thermal expansion within the Private Water System.](#)

- (3) Regardless of Water Service Connection type or diameter of Water Service Connection, Residential category does not include: temporary or emergency Water Service Connections; master-metered Residential Water Service Connections serving five or more Dwelling Units; and Water Service Connections to [any](#) building with five or more floors at or above ground level.
- (4) N-HH – Non-Health Hazard; HH – Health Hazard.

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Table A2 – Non-Residential Water Service Connections

Category of Customer and ownership and maintenance responsibility		Water Service Connection Type, Degree of Hazard, and Customer Category Description		Specific Examples or Additional Clarification ¹	Minimum Backflow Protection ² at or for Service Connection from the Public Water System to the Customer
Non-Residential Any Water Service Connection other than a Residential Water Service Connection	Backflow Preventer Owned and Maintained by Property Owner	Water Service N-HH ³	Any connection other than dedicated irrigation, dedicated fire protection, and temporary or emergency service, unless it includes an Auxiliary Water System other than a Regulated Reclaimed Water system, and does not otherwise contain a Potential Cross-connection	DC shall be installed above ground	DC
		Water Service HH ³	Contains an Auxiliary Water System other than a Regulated Reclaimed Water system, or contains another Potential Cross-connection	Specifically includes, but not limited to, all Water Service Connections to wastewater treatment plants and wastewater pumping stations	RP
		Dedicated Irrigation N-HH	Backpressure cannot develop in the Private Water System, and does not otherwise contain a Potential Cross-connection	No exceptions; PVB Assembly Backflow Preventer installed on irrigation system per Plumbing Code in addition to the DC at Service Connection; DC shall be installed above ground	DC
		Dedicated Irrigation HH	Backpressure can develop in the Private Water System, or contains another Potential Cross-connection	No exceptions. Specifically includes, but not limited to, systems where pesticides, herbicides, fertilizers, or other landscape maintenance chemicals can be directly introduced into the irrigation system; PVB Assembly Backflow Preventer installed on irrigation system as required by Plumbing Code	RP
		Dedicated Fire Protection N-HH	Fire Protection System contains no chemical additives, is not connected to an Auxiliary Water System, and does not otherwise contain a Potential Cross-connection	No exceptions; DCDA shall be installed above ground	DCDA
		Dedicated Fire Protection HH	Fire System contains chemical additives, is connected to an Auxiliary Water System, or contains another Potential Cross-connection	No exceptions	RPDA
		Temporary or Emergency Water Service HH	Includes but is not limited to, temporary construction; service trucks; hydrant meters	RP required regardless of category of Customer or diameter of Water Service Connection	RP

Notes:

- (1) Except as specifically noted in Chapter 121 and the Control Plan, the County shall utilize Table 62-555.360-2, FAC, for determining the minimum required backflow protection and level of hazard at the Water Service Connection.
- (2) DC – double check valve assembly; RP – reduced-pressure principle assembly; PVB – Pressure vacuum breaker assembly; DCDA – double check detector assembly; RPDA – reduced-pressure principle detector assembly. [Installation of a backflow device or assembly may result in a closed loop Private Water System. In such cases the Property Owner is responsible to make provision, at the Property Owner's expense, for thermal expansion within the Private Water System.](#)
- (3) N-HH – Non-Health Hazard (low hazard); HH – Health Hazard (high hazard)

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Chapter 121 - CROSS-CONNECTION AND BACKFLOW CONTROL

- Sec. 121-1. Short Title.
- Sec. 121-2. Definitions.
- Sec. 121-3. Purpose and intent.
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- Sec. 121-10. Prohibited acts.
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- Sec. 121-13. Fees and charges.
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- Sec. 121-15. Enforcement.

Sec. 121-1. - Short title.

This Chapter shall be known and may be cited as the "Hillsborough County Cross-Connection and Backflow Control Ordinance."

Sec. 121-2. - Definitions.

The following words, terms and phrases, when used in this Chapter, whether capitalized or uncapitalized, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assembly means any Backflow Preventer other than a dual check device (DuC) or air gap.

Auxiliary Water System means a pressurized system of piping and appurtenances at a service address using auxiliary water, which is water other than the potable water being supplied by the County and which includes water from any natural source such as a well, pond, lake, spring, stream, river, etc., includes reclaimed water, and includes other used water or industrial fluids described in AWWA Manual M14; however, "Auxiliary Water System" specifically excludes any water recirculation or treatment system for a swimming pool, hot tub, or spa. **An Auxiliary Water System with no cross-connection constitutes a potential cross-connection.**

Backflow means the undesirable reversal of flow of water or mixtures of waters and other liquids, gases or other substances into the Public Water System from any source.

Backflow Preventer means the following: a dual check device (DuC); a double check valve assembly (DC) or double check detector assembly (DCDA); a pressure vacuum breaker

assembly (PVB); a reduced-pressure principle assembly (RP) or reduced-pressure principle detector assembly (RPDA); and an air gap; all as further described in AWWA M14.

Contamination means the presence in potable water of a physical, chemical, biological or radiological substance or matter in concentrations prohibited under County, state or federal standards.

County means the Board of County Commissioners of Hillsborough County, Florida, or any designee.

County Administrator means the Hillsborough County Administrator, or any designee.

Cross-Connection means any physical arrangement at a service address whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste, or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as the result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross-connections.

Customer means a person which receives water service from the County for a particular service address and which is financially responsible for the payment of all charges legally assessed by the County for that water service.

Dwelling Unit means any building ~~or premises~~ constructed as a residence, or any portion thereof forming a single habitable unit, whether occupied or unoccupied, which is not used wholly for business purposes.

~~Hazard~~Hazard means a Health Hazard or Non-health Hazard.

Health Hazard (high hazard) means a cross-connection or potential cross-connection involving any substance that could, if introduced into the public water system, cause death or illness, spread disease, or have a high probability of causing such effects.

Inspection Agency means the County Departments involved in the implementation and enforcement of this chapter.

Non-health Hazard (low hazard) means a cross-connection or potential cross-connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water system.

Non-Residential Customer means a customer other than a residential customer.

Non-Residential Service Connection means any water service connection other than a residential service connection.

Person means individuals, children, firms, associations, joint ventures, partnerships, limited liability companies, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups and legal entities or combinations thereof.

Potable Water means water that is suitable for human consumption.

Potential Cross-Connection means a condition, which through possible error, accident, omission, or neglect poses an increased probability for a hazard to occur due to a cross-connection between the public water system and a nonpotable source or substance, even though there is no cross-connection between the public water system and the nonpotable source or substance. **An auxiliary water system with no cross-connection constitutes a potential**

cross-connection. A water recirculation or treatment system for a swimming pool, hot tub or spa without a cross-connection does not constitute a potential cross-connection.

Private Water System means all piping and appurtenances downstream from the water service connection, whether residential or non-residential.

Property Owner means the title holder of record for a parcel of land or building, and includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of any part of a building or land.

Public Water System means the potable water system which is owned or controlled by the County, including all facilities utilized for the production, treatment, storage, transmission, distribution and delivery of potable water.

Reclaimed Water means water which has received at least secondary treatment and is reused after flowing out of a wastewater treatment facility.

Reclaimed Water System means an auxiliary water system containing reclaimed water.

Regulated Reclaimed Water means reclaimed water regulated and treated in accordance with Part III of Chapter 62-610, Florida Administrative Code, provided such water is not subsequently stored with surface water in a pond. Regulated Reclaimed Water is a non-health hazard (low hazard).

Residential Customer means the customer for a residential service address.

Residential Service Connection means any water service connection, including any dedicated irrigation or fire service connection, that is two inches or less in diameter and that supplies water to a building, or premises, containing only dwelling units.

Service Address means the property which is served by one or more residential or non-residential water service connections.

Water Service means the supplying of potable water by the Public Water System to a customer, whether residential or non-residential.

Water Service Connection means the point of connection of the private water system to the public water system, whether metered or nonmetered. The term "water service connection" includes connections to fire hydrants and other temporary or emergency water service.

Sec. 121-3. - Purpose and intent.

The purpose of this chapter is to establish minimum requirements for the control of cross-connections with and the prevention of backflow into the County's public water system. It is the intent of the Board of County Commissioners that no water service connection to this system be made or retained which would impair or threaten the quality and/or potability of the public water system.

Sec. 121-4. - Authority.

This chapter has been enacted by the Board of County Commissioners pursuant to the authority granted under Article VIII of the Constitution of the State and F.S. ch. 125, and in furtherance of the policy and intent declared by the State in the Florida Safe Drinking Water Act (F.S. §§ 403.850—et seq.).

Sec. 121-5. - Administration.

This chapter shall be administered by the County Administrator. Until such authority is revoked or amended by the County Administrator, the Director of the County's Public Utilities Department and the County Building Official are authorized to act in all matters related to the administration and enforcement of this chapter. It is the intent of Board of County Commissioners that there be no conflicting requirements between the Director of the County Public Utilities Department or the County Building Official in their interpretation and enforcement. If conflict should occur, the more restrictive shall apply. If agreement still cannot be achieved, the conflict shall be resolved by the Cross-Connection and Backflow Control Board.

Sec. 121-6. - Jurisdiction.

This chapter shall apply to the County's public water system.

Sec. 121-7. – Cross-Connection and Backflow Control Board.

- (a) The Cross-Connection and Backflow Control Board established herein and hereinafter referred to as the "Board" shall assist the Board of County Commissioners, County Administrator, Public Utilities Director, Building Official and their designees in the enforcement of this Chapter. Complaints of any citizen shall be brought before the Board for review and recommendation to the appropriate authority. The Board shall also serve as an appeals board in the manner hereinafter set forth.
- (b) The Board shall be composed of the following: One representative of the water purveyor, one member of the plumbing inspection department, one member of the building and housing department, one member from the health department, one attorney licensed to practice law in Florida, one representative of industry at large, one citizen and any other appropriate representative which may be appointed. The term of office for these members shall be established under the applicable procedure of the government authority.
- (c) The Board shall select annually a chairman from among its members. The Board shall hold at least four regular meetings each year and such additional meetings as deemed necessary. All hearings shall be held before not less than a majority of the Board.
- (d) Appeals
 - (1) In addition to the other duties set forth in this Section, the Board is hereby vested with the authority to decide appeals from any decision, ruling, or determinations of the inspection agency.
 - (2) Any person seeking a variance from the provisions of this Chapter or any person taking exception to and who is uniquely affected by any decision, ruling, requirement, rule, regulation, or order of the inspection agency may take an appeal to the Board as established by this section. Such appeals shall be made within 15 days after receiving notice of such decision, ruling, requirement, rule, regulation, or order by filing a written notice of appeal directly to the Board specifying the ground thereof and the relief requested. Such an appeal shall act

as a stay of the decision, ruling, requirement, rule, regulation or order in question until the Board has taken final action on the appeal, except when a health hazard (high hazard) exists. The Board, not less than 30 days after the date of filing an appeal, shall set a date for the hearing and shall give notice thereof by mail to the interested parties.

(e) Hearings

Hearings before the Board shall be conducted in the following manner:

- (1) Any person making an appeal who is uniquely affected by the action of the inspection agency may appear in person or by agent or attorney and present evidence, both written and oral, pertinent to the questions and issues involved and may examine and cross-examine witnesses.
- (2) All testimony shall be under oath and recorded. The Board is authorized to have all the testimony transcribed and a transcript of such testimony, if transcribed, shall be made available to the respondents or any party to the hearing upon payment of the normal fee, which shall not exceed the cost of transcribing such testimony.
- (3) After due consideration of the written and oral statements, the testimony and arguments submitted at the hearing upon such complaint, or upon default in appearance of the respondent on the return date specified in the formal notice of complaint, the Board shall issue and enter such final order or make such final determination as it shall deem appropriate, and shall immediately notify the respondent thereof, in writing, by certified mail. Such order or determination shall be approved by at least a majority of members of the Board.
- (4) Upon failure of the Board to enter a final order or determination within 60 days after the final argument of any such hearing, the respondent shall be entitled to treat for all purposes such failure to act as a finding favorable to the respondent.
- (5) Any person aggrieved by any final order or determination of the Board hereunder may seek judicial review thereof by common law writ of certiorari. No judicial review shall be available until and after all administrative remedies have been exhausted.

Sec. 121-8. – Cross-Connection Control Plan incorporated by reference; intent and periodic review; conflict resolution.

- (a) Additional regulations developed pursuant to this Chapter shall be embodied in a Cross Connection Control Plan (the Control Plan). Said Control Plan is incorporated herein by reference and made a part hereof. Amendments to the Control Plan shall require public notice and the Board of County Commissioners' approval in the same manner as an amendment of this chapter.
- (b) It is the intent of the Board of County Commissioners that this Chapter comply with and implement the requirements of Section 62-555.360, Florida Administrative Code, as amended, which is incorporated herein by reference. Unless modified by this Chapter the provisions of Section 62-555.360, F.A.C., applicable to Community Water Systems shall

apply to the County's cross-connection and backflow control program. It is further the intent of the Board of County Commissioners that this Chapter comply with the applicable provisions of Recommended Practice for Backflow Prevention and Cross Connection Control, AWWA Manual M14, American Water Works Association (3d ed.,2004), or latest edition (AWWA Manual M14), incorporated herein by reference, and with the State Building Codes as adopted by the County. The County Administrator shall periodically review and recommend revisions to this Chapter to ensure compliance with applicable laws, rules, and regulations of the State and of all other regulatory agencies having jurisdiction over the matters concerned therein.

- (c) If any conflict should exist between a provision of the Control Plan and the provisions of this chapter, the County's Building Codes, the State Building Codes as adopted by the County, the Florida Safe Drinking Water Act (F.S. §§ 403.850et seq.), or any other State, County or Federal statute, ordinance, rule or regulation applicable to the public water system, the more restrictive provision shall apply. Unless otherwise provided in this Chapter, in the event of any conflict between AWWA Manual M14 and any applicable statute, ordinance, rule or regulation, the statute, ordinance, rule or regulation shall apply.

Sec. 121-9. - Responsibility for compliance.

- (a) Except as otherwise provided in this Chapter, each property owner shall be responsible for complying with the provisions of this chapter which are applicable to that service address. The County shall be similarly responsible with respect to its public water system.
- (b) Except as otherwise provided in this Chapter, all expenses incurred by the County or by a property owner to achieve compliance herewith shall be the responsibility of the party whose facilities were the cause of such expenditures.
- (c) The County Administrator shall develop and implement a schedule for installation by the County of County-owned backflow preventers required by this Chapter.

Sec. 121-10. - Prohibited acts.

- (a) No person shall apply for or obtain water service or complete or maintain a water service connection to the public water system unless the appropriate backflow preventer as specified in the Control Plan is installed at the water service connection, and the service address is otherwise in compliance with the provisions of this Chapter. Notwithstanding this provision, no person shall be denied water service or be held in violation of this Chapter solely because the County has not installed a County-owned backflow preventer required by this Chapter at the service address.
- (b) No person shall complete or maintain any cross-connection to the public water system.
- (c) No person shall complete or maintain any auxiliary water system or other potential cross-connection unless the appropriate backflow preventer as specified in the Control Plan is installed at the water service connection.
- (d) Modification of any backflow preventer or backflow installation which results in bypass or failure of the backflow preventer to perform as designed shall be prohibited.

(e) No person shall remove any backflow preventer required by Hillsborough County Ordinance 03-6 until installation of the backflow preventer required by this Chapter, if a different type of backflow preventer is required by this Chapter.

Sec. 121-11. - Inspections.

- (a) Inspection personnel may, with the property owner's or lawful occupant's permission, inspect the private water system of each service address to determine the degree of hazard, if any, which exists at that service address and to ascertain compliance with the provisions of this chapter and of related codes and regulations.
- (b) If the property owner or lawful occupant denies inspection personnel reasonable access for such inspections, the County may cause the installation at the property owner's expense of the backflow preventer(s) required by this Chapter. If the property owner or lawful occupant denies reasonable access to perform such installations, the County may interrupt potable water service to any private water system connected to its public water system until such time that access for either the aforesaid installation or inspection is provided by the property owner or lawful occupant.

Sec. 121-12. - Certified Backflow Assembly Tester and Certified Backflow Assembly Repair Technician Requirements.

- (a) The testing or repair of each mandatory backflow preventer shall be performed only by an individual who is currently certified through one of the comprehensive ~~tester~~ training programs further described in the Control Plan. Each individual meeting the applicable requirements of the Control Plan shall be known as a "Certified Tester" or "Certified Repair Technician."
- (b) The County Administrator shall maintain a list of training programs which are acceptable under this Chapter for qualification as a Certified Tester or Certified Repair Technician. The County Administrator shall be the final authority for the addition to or deletion from the list of any certification training programs.
- (c) To test or repair backflow preventers in Hillsborough County, testers or repair technicians shall be registered with the County and be reregistered every two years.
- (d) Backflow preventer testing equipment shall be calibrated and registered with the County and recalibrated and reregistered annually.

Sec. 121-13. - Fees and charges.

The fees and charges which the County shall assess ~~property owners~~ to carry out the provisions of this chapter shall be established at properly advertised public hearings conducted by the Board of County Commissioners and shall be set by a resolution of the Board of County Commissioners.

Sec. 121-14. - Emergency acts.

- (a) The County may interrupt water service to any private water system connected to its public water system when necessary to prevent the continued violation of this chapter, until such

time that a resumption of service to the private water system is deemed appropriate by the County.

- (b) The County Administrator may take whatever emergency action that he deems necessary and appropriate to protect persons or property from any injury, loss, or damage which may reasonably be expected to result from a specific violation of this chapter or of any related regulation. The County Administrator shall not authorize any entry into a building or structure under such emergency powers without first obtaining the authorization of either:
 - (1) The property owner or lawful occupant of the structure; or
 - (2) A court of competent jurisdiction.
- (c) Advance notice of each interruption of service which is exercised pursuant to this section shall to the extent practicable be provided to the affected customers.
- (d) In the event of known contamination of the public water system or a private water system due to backflow on or from the service address, the customer and property owner shall promptly take reasonable steps to confine contamination of the public water system and shall immediately notify the County.

Sec. 121-15. - Enforcement.

- (a) The person(s) responsible for a violation of this chapter shall be liable for all expenses, losses or damage, including attorneys' fees and legal costs, incurred by the County by reason of such violation, including all costs and expenses associated with the interruption and restoration of water service for the service address where the violation occurred.
- (b) If the County Administrator determines that a violation of this chapter has occurred, the County Administrator may:
 - (1) Determine the actions necessary and appropriate to correct such violation;
 - (2) Determine the person(s) responsible either in whole or in part for such violation and require correction thereof;
 - (3) Determine the amount of any expense, loss, or damage incurred by the County as a result of such violation;
 - (4) Assess the responsible person(s) for such amounts; and
 - (5) Receive payment thereof for deposit in appropriate County accounts.
- (c) In order to require any such correction or payment and prior to pursuing any other remedy or enforcement action on behalf of the County, the County Administrator shall provide each responsible party with written notice of:
 - (1) The aforesaid determinations;
 - (2) The specific corrections and/or payment required from that party; and

- (3) Any other liability or penalty which may be applicable to such a violation hereunder.
- (d) In addition to any penalty or remedy provided by law for a violation of the provisions of this chapter, the County may petition a court of competent jurisdiction to enjoin, restrain, or otherwise prevent any such violation or to recover expenses, losses, or damages pursuant to Subsection (a) of this section.
- (e) If any property owner fails to install the backflow preventer(s) required hereunder for a water service connection, the County may cause the installation of, at the property owner's expense, the required backflow preventer(s). If the property owner or lawful occupant denies reasonable access to perform such installations, the County may interrupt water service to the private water system at the service address until such time that either access for or evidence of the installations is provided by the property owner or lawful occupant, as applicable.
- (f) If any property owner fails to provide the County with the documentation prescribed by this Chapter to evidence performance of each test required hereunder for a water service connection, the County may cause the test to be performed, such testing to be at the property owner's expense. If the property owner or lawful occupant denies reasonable access to perform such testing, the County may interrupt water service to the private water system at the service address until such time that either access for or evidence of the testing is provided by the property owner or lawful occupant, as applicable.
- (g) If any property owner fails to provide the County with the documentation prescribed by this Chapter to evidence the performance of the repair or replacement of a backflow preventer where such repairs or replacement are necessary for that backflow preventer to comply with this chapter, the County may cause the performance of such repairs or replacement at the property owner's expense. If the property owner or lawful occupant denies reasonable access to perform such repairs or replacement, the County may interrupt water service to the private water system at the service address until such time that either access for or evidence of such repairs or replacement is provided by the property owner or lawful occupant, as applicable.