

## **Mandated Residential Backflow Valves - An Update**

**Oooops!** Since this Update was published in the SCC Observer News on February 20, Hillsborough County has clarified that it will provide testing, maintenance and replacement of all backflow valves **except** Pressure Vacuum Breakers. These are the valves that look like a door knob on two PVC pipes up near the house. Please see the italicized paragraphs and photo on page 3 for more information.

### **Where We've Been**

Under Ordinance 03-6, Hillsborough County has been forcing certain local residents in older homes on a hit-or-miss basis to install expensive backflow control devices near their front yard water meters. Backflow control devices are one-way valves. The purpose, the county maintains, is to keep non-potable water from alternative sources such as irrigation systems drawing from lakes, ponds or wells from entering and polluting the county's public water supply. The public water supply can be contaminated by a number of different means besides irrigation systems. But there has never been a known instance of illness arising from a potential cross connection of irrigation and public water in the history of Hillsborough County.

To learn more about how backflow valves work, go to [www.suncitydave.info](http://www.suncitydave.info) and click on "Backflow Valve Controversy."

The current ordinance, as enforced by county personnel, requires citizens first to prove, at their expense, there is no cross connection between their irrigation systems and the public water system. The ordinance then requires them to install backflow devices, again at homeowner expense, even though there is no cross connection of the two systems and therefore no contamination of the public water supply, on the premise that a potential cross connection could exist in the future. Residents have had to pay whatever a certified plumber opted to charge and those who resist the mandate face either disabling and relinquishing their irrigation systems or fines and possibly jail, according to the ordinance.

Using questionable tactics and violating provisions of the ordinance, county staff under the Planning and Growth Management Department in 2007 zeroed in on sections of South Hillsborough, specifically Apollo Beach and Sun City Center. In previous years, the same "enforcement" was foisted on homeowners in sections of Brandon. Since May, 2007, some homeowners in both Apollo Beach and Sun City Center, like those earlier in Brandon, have attempted to point out to county authorities the inequities of the ordinance and its enforcement as well as problems with the backflow device itself.

### **Where We Are**

In response to these problems, on February 6, 2008, Hillsborough's Board of County Commissioners voted to proceed with a program designed to make the mandate more palatable. My understanding of the basic components of the program, to become effective this October, is:

- \* Responsibility for the program has been taken away from Building Services and has been given to the Water Resource Services (WRS) department, who appears to be more user friendly;
- \* WRS will conduct a census to determine which homes must install the above-the-ground RPBA valves (also known as RPZ valves);
- \* All homeowners in the county with alternative water systems, i.e. that pump from a pond or well, will be required to install a backflow device and given the opportunity to join the county program;
- \* WRS will solicit bids from certified plumbers and select the official installer(s) for members of the program, with the previously charged fees ranging from \$650 to \$850 expected to decrease by several hundred dollars;
- \* Payment by members of the program for the device and its installation can be made on an installment basis over 12 months;
- \* If homeowners decide to join the county's backflow valve program, they then sign an agreement which turns the ownership of the valve over to the county (can this be claimed as a charitable contribution?);
- \* The agreement gives Hillsborough County the right to annually trespass on the property because they will assume full responsibility for testing, maintaining and replacing the devices, relieving individual homeowners in the program of those routine expenses. Once the valve is turned over to the county, the homeowner will have no more individual costs, ever. The costs will be spread over the entire 138,000 residential water customers;
- \* Water meters are replaced every ten years. The agreement also provides that the next time the meter is replaced, the county will move "their" valve out to their easement, which is just outside of the homeowner's property line, if it isn't already there. That way, they will be testing, maintaining and replacing their valve on their property;
- \* Do not buy a backflow valve now just for the sake of buying the valve! Wait until this fall after the county gets its program in place, has selected the plumber who will install the valve for the lowest price and has notified homeowners;
- \* Between now and this fall when the program gets going, the county will enforce the current code/ordinance. If you as a homeowner should get cited before fall, raise hell with your County Commissioners and file an appeal;

The next two italicized statements are corrections to the full-page article that appeared in the February 20 issue of the SCC Observer.

*\* If a property already has an above-the-ground backflow valve (the brass valve between two copper riser pipes) called a Reduced Pressure Backflow Assembly (RPBA or RPZ valve), like those in St. Andrews, the homeowner will have to pay for any test scheduled between now and the fall. But, in the fall, just sign the agreement and after that, the testing, maintenance and replacement will be done by the county.*

*\* The county will be installing a new meter at all homes within the next ten years that will have a double-check backflow valve and a radio transmitter (for Automated Meter Reading - "AMR") built into it. There will be no charge for that unit. And they will be responsible for testing, maintaining and replacing the meter/valve/transmitter unit, henceforth.*

*\* **However**, if you have the valve that looks like a door knob on two PVC pipes (a Pressure Vacuum Breaker) up near the house, like down in Renaissance, it will not be tested or maintained by the county.*



*The reasoning is that the county's responsibility is to protect the public water supply, whereas, these valves are supposed to protect the homeowner from himself from cross-connecting his drinking and irrigation water. Bummer! The valves that the county plans to install at curb-side don't work 15 to 20% of the time. And yet, the valve that you have up beside your house is the last line of defense against backflow contamination. It just doesn't seem quite right that the county forces you to install the valve which sometimes protects their system but then isn't willing to test and maintain it. Maybe this is where homeowners' associations need to band together to pressure the County Commissioners for the*

*Water Resources Service to assume responsibility for these valves also. This is an election year for three of the Commissioners, so maybe the policy can be changed.*

On the downside: Homeowners still are stuck with the numerous disadvantages of these valves, including the facts that as brass or copper devices, they are proven targets of thieves who redeem them for cash at scrap metal yards, they are subject to tampering and can freeze under sustained cold weather conditions, and as they age to dirty metal they become increasingly unsightly. Additionally, a proposed senior discount to assist older residents on fixed incomes with the costs has been scrapped.

### **Where We're Going**

During the next 90 days, the county, through WRS, is to develop the various aspects of implementing its program and present that to the Commissioners. Simultaneously, the county's legal department will be reviewing and revising the ordinance for presentation to the Commissioners since it will become the law to implement the program this fall.

### **What Are The Options?**

The Board of County Commissioners had three options to choose from. First, they could have stuck with the present system (the homeowner buys the valve and pays for the annual testing) which was becoming a public relations disaster. Second, they could choose that the homeowner buys the valve but the county takes over the responsibility for its testing, maintenance and replacement. This is what they unanimously voted to do. The third option would have been to go to a simple program in which a homeowner would certify that no cross-connection existed and that would have been the end of it. Unfortunately, the third option was not chosen.

Homeowners that pump their own irrigation water from a pond or well have three choices. First is to sign-up for the program in the fall, buy the valve for \$300 to \$400, turn it over to the county, let them assume responsibility for its testing, maintenance and replacement, and continue to irrigate from the pond or well. The second option for a homeowner is to get rid of the pump and start using expensive county water with dual water meters. This will increase the cost of watering a lawn by a factor of four. And it will force the county to find new water sources and build additional infrastructure to accommodate the additional load on the system. The third option is to get rid of the pump and stop watering. We're down to being allowed to water only once a week even if we use our own pond or well, so there won't be all that much difference in lawn appearance, anyway.

Homeowners also have another choice! If you are unhappy with the Commissioners' failure to select simple certification and since this happens to be an election year for three of them (the other four are up for reelection in 2010), vote the incumbents out of office. This would be in line with the political adage that politicians are like diapers - they should be changed often - and for the same reason.

## **A Personal View**

As a Hillsborough County citizen, I am pleased that county officials eventually began to listen to resident pleas for relief from the highly questionable enforcement of the ordinance and mandated installation of an expensive device that put them at the mercy of greedy plumbers. I recognize county leaders are trying to effect a compromise that meets multiple objectives.

On the other hand, as a taxpayer, I regret that any backflow valves must be installed at all, either at older homes or at newer dwellings. I remain convinced the valves cause more problems than they solve and that the county seems to believe it is compelled to solve a problem that actually does not exist -- all, ultimately, at our expense. I believe programs initiated in neighboring counties have proved to be more effective at a lesser cost.

Undeniably, however, we are working our way gradually toward what hopefully will be an improved and somewhat more equitable mandated backflow control situation in Hillsborough County.

I want, personally, to thank all of you who have supported this effort. Your letters, emails, telephone calls and appearances have led to a somewhat better county policy. Had we done nothing, we would still be experiencing the tyranny of awful enforcement of a poorly drafted ordinance, and paying for it, year-after-year, too.

And I certainly want to thank all of the media which listened and understood. We got good press from Bill Hodges' "Spotlight on Government," John Bowker's eNews, the News of Sun City Center, the St. Petersburg Times and Channel 9 News.

In particular, I want to express appreciation to the SCC Observer, editor Brenda Knowles and Melody Jameson, contributing writer. Her four feature articles on the backflow controversy were well researched, highlighted a number of the problems and caused county staff to finally start paying attention.

And finally, I got involved in this whole backflow valve thing because I was seeking a discount for senior citizens who were forced to install the above-the-ground valves. The county is going to take over the testing, maintaining and replacement of the valves once they are installed. That amounts to a discount for everybody, including senior citizens. So I achieved my goal. I've spent a lot of time and money over the past ten months on that crusade. I need to move on!

Now the question of who pays for the testing and maintaining of Pressure Vacuum Breakers (see photo above) has come up. Is there some citizen, Homeowners Association or community out there that is willing to take on that battle for the common good?

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P.S. By the way, if any of you are looking for a retirement job that doesn't require any heavy lifting, you might want to think about becoming a backflow valve tester and repairer. You don't need a plumber's license. It just requires a two-week course (one week for testing and one week for repairing) in Gainesville and you have to buy an \$800 test gauge rig - and you're in business! You are your own boss, and can set your own hours. If you live locally and charge less than the greedy plumbers, you'll do well! It takes about 10 minutes to test a valve and you can get \$20 per valve. That's \$120 per hour if you're doing a street. To find out more, go to [www.treeo.ufl.edu](http://www.treeo.ufl.edu) on the web. On the right side of their page about half-way down is information about the courses.

### **Hillsborough County Press Release:**

#### **"Future Backflow Prevention and Cross-Connection Control Program Revision"**

On February 6, 2008, the Hillsborough County Board of County Commissioners took formal action to address concerns about the safety and protection of the potable water supply. Among other actions, the Board instructed the Water Resource Services Department to initiate an elective installation, inspection, maintenance and replacement program for all residential customers requiring a Reduced Pressure Principle Backflow Prevention Assembly (RPBA).

This device is required at locations where an alternative water source is available, for example an irrigation system that pumps water from a well or a retention pond. This action means that residents choosing to use an alternative water source can ask the county to install this backflow device with the costs of the device and installation spread over a 12-month period. The county will maintain, annually inspect, and replace these devices at no further cost to the resident.

The primary goals of this program revision are to: 1) meet all Federal and State rules, 2) protect our system and customers from harm associated with backflow and back siphonage issues, 3) offer customers needing RPBA's a program where WRS would have these assemblies installed at a guaranteed price and the customers could reimburse WRS over 12 months, and 4) customers could also elect to avoid any further maintenance, testing, and replacement costs by electing to participate in a RPBA maintenance program.

Additionally, Water Resource Services will install, inspect, maintain and replace Double Check Valve Assemblies on all residential service connections not requiring a RPBA over a 10-year period. This installation will coincide with a roll-out of the county's new automatic meter reading program, which will reduce costs associated with reading meters.

The approval of this recommendation moves this planning effort into a development phase. Over the next 90 days WRS will develop an implementation plan that will again depend upon the BOCC's approval. This plan will better define the processes and associated costs needed to execute this program.

Until this new program is activated, currently scheduled for October of this year, the existing Backflow Prevention and Cross Connection Control Program will continue to be in effect. Therefore, all customers who either have or are constructing systems that require backflow prevention systems need to continue to adhere to the current regulations.

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