The following is a sample Enabling Ordinance (or Authority) for a small water system. In this instance a “small” water system is one that has less than 300 connections. If your system has 300 or more connections your Specialist should be able to draft an Enabling Ordinance. Contact the Cross Connection/Backflow Prevention Program if you need help. The following is an example and may not be appropriate for your system. Contact your local legal representative if you need legal help.

Small Water System Enabling Ordinance
or Enabling Authority

Per OAR 333-061-0070, water suppliers shall develop and implement cross connection control programs that meet the minimum requirements set forth in the appropriate Oregon Administrative Rules. This written program must be on file with the Drinking Water Program. It defines and details the water system’s Cross Connection Program Rules and processes for compliance. This document is normally called an enabling ordinance or enabling authority. Some water systems put this information in their customer’s water system’s requirements for service, bylaws, resolutions or homeowner’s association rules. The Drinking Water Program is not a source for legal advice and every water system needs to conform to their system’s legal structure. The purpose of a backflow program is to protect the health of customers by preventing contaminants from flowing backwards and contaminating their water system.

The following items should be included in your Enabling Ordinance:

1. Table 48 in OAR 333-061-0070 lists “High” or “Health Hazards”. These are the most serious cases to be addressed. The majority of small systems (especially under 50 connections) do not have these; but if they do, they must require a RP (Reduced Pressure Backflow Prevention Assembly) for protection.

2. Installation of backflow assembly devices and assemblies are to be installed per Oregon’s Plumbing Specialty Code. There are pictures and general requirements in our rules at OAR 333-061-0071.

3. All backflow devices and assemblies are to be tested:
   a. Upon installation, and
   b. After a backflow incident, and
   c. If the device is moved or repaired, and
   d. At least yearly.

These devices may be part of the water system well or distribution system or on customer’s property. There are no “grandfathering” clauses for these rules to allow customers to not have and test these devices.

4. When these backflow devices and assemblies are tested and do not pass, the water system must require the water user or property owner to repair or replace the device and have it tested again.

5. Table 48 (as of 9-1-2010) may not list all high hazards. It is the water supplier’s responsibility to evaluate situations and specify proper protection. They can request assistance from the Drinking Water Program.

6. No cross connections are allowed. This may be possible in some systems; but if a potential exists, the water system must be protected by an appropriate backflow preventer.

7. A list of “High Hazard” installations in your system. There may be none, if so, state this.

8. If any backflow prevention devices or assemblies are in your system, maintain a list and have them tested every year.
OTHER ITEMS

1. On page 2 of your annual summary report you will see a section titled “7. Written Backflow Prevention Program”. This is different from the enabling ordinance, but you can combine them if you want. It has three sections:
   [b.] It asks for “a master list of facilities”. Simply copy any list you already have with all customers listed and head it “Master List of Facilities”.
   [c.] It asks for “designates hazard level”. Simply check or put a star by high hazards. If appropriate, simply state “we have no high hazards”.
   [d.] Record of yearly inspection. If you have no devices or assemblies, simply write this on the list.

2. Do NOT outlaw either DCs (Double Check Backflow Devices) or RPs (Reduced Pressure Backflow Prevention Assemblies). You may not have anything now that require these two types of preventers, but they are specified in the Plumbing Code and in our rules and may be demanded in the future.

3. It is not recommended to refer to a section in the current rules, such as “We adopt 333-061-0070 numbers (1) to (5) and Table 48 from 2010 OAR”. Our rules change frequently and our Tables and rule numbers change. Your rules would not say what you want.

4. Do not mail any test reports with your Annual Summary Report.

5. Make sure to keep a copy of your Annual Summary Report to reference in the future and for water system surveys.

On the next page is a sample ordinance for small water systems. A “small system” means fewer than 300 connections for this rule. You may model yours after this or you may continue using your existing one if you have one and if it meets the criteria in this document. Please change where necessary to fit your system and your rules. Please feel free to contact the Cross Connection/Backflow Prevention Program at 971-673-1220 or email Michael.Perry@state.or.us. You can always call for assistance on your Annual Summary Report at the above phone or email.
Enabling Ordinance or Enabling Authority for Small Water Systems

Water System Name: _______________________________

Water System PWS ID # ___________________________

Date of Water System approval of this document ______________

The purpose of this ordinance is to protect the health of the people served by this water system by preventing contaminants from flowing backwards into the water supply. To accomplish this, these rules are in compliance with OAR 333-061-0070 thru 333-061-0074. This includes installation, maintenance and testing of backflow prevention devices and assemblies; as well as other rules to report backflow data to the Oregon Health Authority every year.

Actual or potential cross connections are prohibited. If a potential exists for a cross connection and this is necessary, the water system must be protected by an appropriate backflow prevention device or assembly. Most high hazards or health hazard are specified in the above listed Oregon Administrative Rules. They should be given the highest priority by this water system.

( Water System Name ) has the right to refuse or terminate water service to any customer who does not install a backflow device or assembly, when necessary, test at least annually and repair if necessary the backflow devices on the customer’s property.

( Water System Name ) reserves the right to demand a backflow device at the customer’s side of the water meter if access is not allowed to determine if a backflow device or assembly is necessary.

( Water System Name ) will allow a reasonable time to achieve compliance with our rules, but should a backflow incident occur, the water system has the right to terminate service immediately and restore it only after compliance.

( Signatures )
The water system will meet their requirements for signing and dating this document, if the water system’s rules or ordinances require it. (This may not be necessary)