Intro. Res. No. 1465-2011 Laid on Table 5/10/2011
Introduced by Legislators Cooper, Horsley and Muratore

RESOLUTION NO. 590 -2011, ADOPTING LOCAL LAW NO. 37 -2011, A LOCAL LAW TO ENSURE SAFE BACKFLOW TESTING IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 10, 2011, a proposed local law entitled, "**A LOCAL LAW TO ENSURE SAFE BACKFLOW TESTING IN SUFFOLK COUNTY**;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 37 -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ENSURE SAFE BACKFLOW TESTING IN SUFFOLK COUNTY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that backflow prevention devices prevent contamination from entering potable water distribution systems and thereby protect the public water supply system.

This Legislature also finds and determines that such devices must be tested annually to ensure they are in proper working order.

This Legislature further finds and determines that the water supply must be shut off while a backflow prevention system is tested. The water supply must be restored to the system after successful testing of the device has been completed.

This Legislature finds that the improper shut-off or restoration of water to a system can have serious negative consequences, including dangerously low water pressure.

This Legislature determines that the New York State Department of Health requires individuals to take a course on backflow testing before they may be certified to perform this work.

This Legislature also finds that this course, while a minimum of four days in length, only provides a basic overview of State and Local plumbing and building codes applicable to backflow prevention devices, with no requirement for more extensive instruction on plumbing.

This Legislature determines that licensed Master Plumbers have the requisite knowledge and skills to ensure that a system's access to water is turned off and restored safely.

This Legislature further finds that certified backflow prevention testers should be licensed Master Plumbers or employed by licensed Master Plumbers that are also certified

backflow prevention testers, who can address any problems which may arise during or after testing.

This Legislature also determines that a certified backflow prevention tester employed by a public water supplier in Suffolk County is exempt from the requirements of this law, provided they are conducting backflow prevention device tests as authorized by the public water supplier for whom they are employed.

Therefore, the purpose of this law is to require that a certified backflow prevention tester conduct tests only while they are a licensed Master Plumber who has been certified as a backflow prevention tester or are employed by a licensed Master Plumber who has been certified as a backflow prevention tester.

Section 2. Definitions.

As used in this law, the following terms shall have the meaning indicated:

"BACKFLOW PREVENTION DEVICE" shall mean any mechanical device installed on water supply piping used to prevent backflow or back-siphonage from a property or dwelling into a public water distribution system, private water main or internal water piping system. This definition shall include, but not be limited to, reduced pressure zone assemblies and double check valve assemblies.

"CERTIFIED BACKFLOW PREVENTION TESTER" shall mean any person who has completed coursework and holds a certificate in backflow testing from a program approved by the State of New York.

"DEPARTMENT" shall mean the Suffolk County Department of Consumer Affairs.

Section 3. Registration.

A. It shall be unlawful for any certified backflow prevention tester to test backflow prevention devices within the County of Suffolk without first obtaining an identification card from the Department, subject to and in accordance with this law. A certified backflow prevention tester shall obtain an identification card for each licensed Master Plumber for whom he is employed.

B. Any person seeking to register as a certified backflow prevention tester must provide documentation certifying that they are currently certified to test backflow prevention devices pursuant to State law.

C. No identification card shall be issued unless a valid license has been issued to the Master Plumber by whom such certified backflow tester is employed.

D. A transfer or assignment of a Master Plumber's license pursuant to the provisions of § 345-6F shall be deemed to transfer or assign without charge the identification cards of certified backflow prevention testers employed by the original licensee.

E. The fee for each identification card or renewal thereof shall be $50 per annum.

Section 4. Requirements.

All backflow prevention devices in Suffolk County must be tested at least once annually. Testing shall be performed by a certified backflow prevention tester who is certified pursuant to the New York State Department of Health regulations, 10 NYCRR 5-1.31, and either is a licensed Master Plumber or is employed by a licensed Master Plumber. Certified backflow prevention testers employed by a public water supplier in Suffolk County are exempt from the licensed Master Plumber requirements when conducting backflow prevention device tests within the scope of their employment.

Section 5. Penalties.

Violation of this or any portion of this law shall be punishable by a civil penalty of $250 for the first violation. Any subsequent violations shall be punishable by a civil penalty of $500.

Section 6. Enforcement.

This law shall be enforced by the Department of Consumer Affairs.

Section 7. Rules and Regulations.

The Commissioner of the Department of Consumer Affairs is hereby authorized and empowered to establish all rules and regulations necessary for the implementation of this law.

Section 8. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality

(CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 11. Effective Date.

This law shall take effect one hundred eighty (180) days after filing in the Office of the Secretary of State.

DATED: August 2, 2011

APPROVED BY:

County Executive of Suffolk County

Date: AUG 1 7 2011

After a public hearing duly held on August 17, 2011
Filed with the Secretary of State on September 13, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 2, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1465 Res. No. 590 August 2, 2011

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	✓				
2	Jay H. SCHNEIDERMAN	✓				
3	Kate M. BROWNING	✓				
4	Thomas MURATORE	✓				
6	Sarah S. ANKER	✓				
7	Jack EDDINGTON	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
11	Thomas F. BARRAGA	✓				
12	John M. KENNEDY, JR.	✓				
13	Lynne C. NOWICK	✓				
14	Wayne R. HORSLEY	✓				
15	DuWayne GREGORY	✓				
16	Steven H. STERN	✓				
17	Lou D'AMARO	✓				
18	Jon COOPER	✓				
5	Vivian VILORIA-FISHER, D.P.O.	✓				
8	William J. LINDSAY, P.O.	✓				
	Totals	18				

MOTION
X Approve
____Table:_____
____Send To Committee
____Table Subject To Call
____Lay On The Table
____Discharge
____Take Out of Order
____Reconsider
____Waive Rule ____
____Override Veto
____Close
____Recess
APPROVED X FAILED____
No Motion___ No Second___

RESOLUTION DECLARED
X ADOPTED
____NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call____Voice Vote X