

Exhibit D

21.12.320 Contamination of the City Water Supply and Requirements for Backflow Protection.

- A. Except as required for operation of the water system, it is unlawful for any person to introduce or permit the introduction of any substance, pollutant or contamination of any kind into the City water supply system.
- B. The property owner or tenant may be required to install premises-isolation backflow protection in order to protect the water system. The Portland Water Bureau operates a premises isolation cross-connection control program as outlined in Oregon Administrative Rule (OAR) 333-061-0070. Premises-isolation backflow protection is to be installed at the “Point of Delivery” to a premises, refer to Subsection 21.04.010 Z.
 - 1. Per OAR 333, the Portland Water Bureau requires an approved backflow prevention assembly when the Portland Water Bureau determines that:
 - a. a complete physical separation from the City water system is not practicable or necessary;
 - b. adequate inspection for cross-connection may not be readily made; or,
 - c. there exists a possibility of backflow contamination resulting from special conditions, use or equipment.

The Portland Water Bureau may require an approved backflow prevention assembly to be installed where premises are developed for new construction, where buildings or structures are remodeled or where property owner or tenant improvements are made.

No City building permit may be issued without the prior review and approval of the Portland Water Bureau for premises-isolation backflow protection. The Portland Water Bureau may approve such building permits with proof of adequate premises isolation backflow protection is or are to be installed subsequent to building permit issuance. Refer to the Portland Water Bureau document “Backflow Assembly Installation Requirements” for more detailed premises-isolation backflow assembly installation criteria or Title 28, Subsection 28.08.020 F. for additional backflow assembly requirements for floating structures.

It is the responsibility of the building permit applicant to ensure that required backflow protection is clearly noted and shown on all permitted construction drawings. Portland Water Bureau-required premises-isolation backflow protection is a condition of water service for new construction or continued service when required. Backflow protection required under a building permit must be installed prior to receiving a Building Inspector

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certificate of temporary or final occupancy depending on permit issued. Regardless of whether a premises has structures or whether structures are occupied or vacant, the property owner is responsible for maintaining required premises isolation backflow protection.

2. All assemblies must be tested immediately after installation or whenever the assembly is moved or repaired. Assemblies must also be tested at least once a year, on a schedule determined by the Portland Water Bureau, or more frequently as deemed necessary to ensure adequate backflow protection is achieved. Tests must be performed by a tester who is certified by the State of Oregon. Copies of the test results must be provided to the property owner and to the Portland Water Bureau. Backflow prevention assemblies that are not functioning properly must be repaired promptly and retested or replaced. The property owner and the owner of the backflow assembly, if different than the property owner, are responsible for all associated costs of repair, testing and replacement. Upon request from the Portland Water Bureau, backflow assembly testers must submit valid State of Oregon certification credentials and Oregon Construction Contractors Board licensing documents prior to testing backflow assemblies within City boundaries.
3. When the Portland Water Bureau has reasonable cause to believe that an existing or potential cross-connection is located on a property owner's premises, the Portland Water Bureau will terminate water service to the premises. The Portland Water Bureau may also deny or discontinue water service to premises whenever it is found that required premises isolation backflow protection has not been installed, is malfunctioning or is not being properly maintained, or has not been tested or repaired and retested.

Water service may not be provided or reestablished until adequate approved backflow protection has been installed, tested and inspected by the Portland Water Bureau or the cause of the cross-connection hazard has otherwise been eliminated.

As established in the Annual Rates Ordinance, charges must be applied when required backflow protection is not being maintained or is missing. Charges or water service shutoff actions may be applied to the property owner if the premises are supplied water by the Portland Water Bureau.

As established in the Annual Rates Ordinance, a charge must be applied to the water service account for each required premises isolation backflow assembly installed. This charge will be based on the total number of water service accounts equipped with required premises isolation backflow protection and be payable by the property owner, tenant, or party who has agreed with the Portland Water Bureau to accept responsibility for payment of water bills.

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Prior to water service being shut off for not maintaining required backflow protection, the Portland Water Bureau will notify the property owner or tenant.

As established in the Annual Rates Ordinance, charges must be applied to the property owner or tenant water bills for each subsequent written notification to the first annual reminder letter requesting annual backflow assembly testing be completed within 30 days of mailing.

A notification must be sent to the service address and to the address of the property owner or tenant who agreed to accept responsibility for payment of water bills.

The notification must state the anticipated date that water service is to be shut off. Annual Rates Ordinance charges must be applied to the property owner or tenants who had agreed with the Portland Water Bureau to accept responsibility for payment of water bills and for activities associated with water service shutoff and reactivation as established in the Annual Rates Ordinance.

Once a water service has been shut off, it must not be reactivated until all applied charges have been paid and required backflow protection is compliant with Oregon Health Authority Cross-Connection Control Requirements and this Title.

It is the obligation of the property owner or tenant to ensure that the Portland Water Bureau has the most current and accurate address of record. There is no obligation on the part of the Portland Water Bureau to determine if the address of record provided is the best or most current.