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CORPORATION

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COMMISSIONER/CEO

MEMORANDUM

To: All Processing Staff & Attorneys

From: Paul K. Fuller, Bureau Chief *PKF*
Property Management Bureau, Enforcement/Compliance/Mediation

Subject: Processing Directive – MCI (backflow prevention devices)

Date: June 1, 2012

Clean drinking water is essential for human life and contaminated water supplies have been known to spread disease and death over large populations. In an effort to ensure our water supply is safe New York State as well as some municipalities and towns have enacted laws which protect the water supply. One method of protecting the water supply is the installation of backflow prevention devices. I have attached a copy of a brochure from the City of New York which explains the use of backflow prevention devices.

Many buildings subject to the rent laws are required to have backflow prevention devices installed pursuant to law. The installation of these devices requires the hiring of an architect or engineer to evaluate the water supply system in a building and prepare plans for approval. A licensed plumber must install the device and a separate test of the device must be conducted upon installation. The City of New York estimates that depending on the size of a structure, the cost of installation can range from a low of about \$3,000 to a high of over \$30,000.

While there was at least one decision in the past that found such devices did not qualify as an MCI, review of the current laws clearly shows that certain buildings are required to install such devices. Therefore, according to the regulations, rent increases are authorized for the installation of such devices when required by law, whether in connection with re-piping of a premises or simply in an effort to comply with the law.

When processing cases the following items should be included in the approved cost of the installation: 1. Cost of an architect/engineer preparing backflow prevention plans, 2. Installation costs by a plumber, 3. The cost of testing by the certified tester (annual testing is not eligible for rent increases).

In the event any cases have been recently denied for backflow prevention devices, the matters should be remanded for processing if at the PAR level or reopened if a request for reconsideration is timely filed.

Partnering to improve and preserve our homes and communities.

PROTECTING OUR WATER:

New York City's Cross Connection Control Program

INTRODUCTION:

The New York City Department of Environmental Protection (DEP) is responsible for providing a continuous supply of safe, clean drinking water to more than nine million residents and visitors throughout the City and New York State. To protect New York City's drinking water supply systems from contamination, DEP has a robust water quality monitoring program and regularly performs sampling throughout the City to ensure all relevant State and federal standards are met.

DEP also works to prevent contamination before it occurs by ensuring that local businesses comply with all relevant City and State codes. A key component of this enforcement and inspection initiative is DEP's Cross Connection Control Program, which requires certain businesses to

install and operate approved backflow prevention devices and enforces Part 5 Section 5-1.31 of the State Sanitary Code and Title 15, Chapter 20 of the Rules of the City of New York.

WHAT IS A BACKFLOW PREVENTION DEVICE?

Backflow devices prevent contaminated water or chemicals from flowing back into the drinking water supply if there is a sudden or unexpected change in water pressure. If a property requires a backflow prevention device, they must be installed on all water service lines to the property. Appropriate backflow prevention devices can be identified by a Professional Engineer (PE), Registered Architect (RA) or Licensed Master Plumber (LMP).



WHAT PROPERTY TYPES MUST INSTALL BACKFLOW PREVENTION DEVICES?

Unless they receive a specific exemption from DEP, the following types of businesses are required to use backflow preventers:

- Metal Plating Operations
- Photo-Processing Facilities
- Laundries and Dry Cleaners
- Commercial Car Washes
- Greenhouses
- Hospitals, Clinics and Laboratories (Including Veterinary Hospitals)
- Medical and Dental Offices
- Funeral Parlors
- Food Processing Plants, and Meat or Fish Packers
- Dye Plants
- Paper Processors
- Auto Repair Shops
- Breweries
- Tanneries
- Exterminators
- Large Residential Dwellings with Treated Water Boilers
- Sewage Treatment Plants or Handling Facilities
- Premises with Multiple Water Service Lines
- Premises with Roof Tanks and Elevated Storage Lines
- Canneries
- Shipyards and Marinas
- Schools and Colleges
- Food Processing Facilities
- Nursing Homes
- Barber Shops and Beauty Salons
- Properties with In-Ground Irrigation Sprinklers

If your property or business type is not included in the above list and you have a specific question about your legal requirements, please call 311 and you will be directed to an appropriate DEP representative.

HOW DO I COMPLY WITH THE LAW?

1. First, you must hire a Professional Engineer (PE) or Registered Architect (RA) to prepare two sets of backflow prevention plans for your property. These must be submitted with two application forms to DEP's Cross Connection Control Unit for approval. If approved, DEP will notify you via mail and return a copy of the plans to your PE or RA.
2. The backflow prevention device must then be installed by a Licensed Master Plumber (LMP) in accordance with the DEP-approved plans. Installation must comply with NYC Department of Buildings regulations and requirements.

3. Once installed, the device must be tested by a New York State Certified Backflow Prevention Device Tester. For a list of State Certified Testers, contact the State Department of Health at (800) 458-1158 ext. 27650.
4. Once testing is completed, a test report must be filed immediately with DEP (within 30 days of device installation). In the event of an improper installation, DEP will notify you or your PE/RA. The device will need to be fixed and then resubmitted for inspection and certification.
5. Your backflow prevention device must be properly maintained, and will be subject to annual testing and inspection by a certified tester.

If you believe your property is exempt from backflow prevention requirements, you must hire a PE, RA, or an LMP to submit a formal exemption request.

All relevant application, test reporting and exemption forms are available online at www.nyc.gov/dep.

FURTHER QUESTIONS

If you have any questions about DEP's Cross Connection Control Program, please call 311.

Si a usted le gustaría una copia de este folleto en español, por favor visite el sitio Web de DEP en www.nyc.gov/dep, o llame al 311.

Если Вы хотите получить копию данной брошюры на русском языке, посетите, пожалуйста, сайт Управления охраны окружающей среды (DEP) www.nyc.gov/dep, или позвоните по номеру 311.

Si ou ta renmen jwenn yon kopi tiliv sa a nan lang Kreyòl Ayisyen, tanpri ale sou sit wèb DEP, www.nyc.gov/dep, oswa rele 311.

如果您想要這份冊子的中文本，請訪問 DEP 的網站 www.nyc.gov/dep，或者撥打 311。

본 안내서의 한국어 버전이 필요하시면 DEP 웹사이트 www.nyc.gov/dep 를 방문하시거나 311 번으로 전화해 주십시오.

Se desiderate una copia in italiano del presente opuscolo, siete pregati di visitare il sito di DEP: www.nyc.gov/dep, o di chiamare il 311.

New York City Department of Environmental Protection
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Michael R. Bloomberg, Mayor
Carter H. Strickland, Jr., Commissioner