

Backflow Prevention Program Enforcement Policy

Arapahoe County Water and Wastewater Authority

Purpose

In accordance with the Safe Drinking Water Program Policy 7, the Colorado Department of Public Health and Environment (CDPHE) authorizes ACWWA to develop an escalation and enforcement process, including internal deadlines and a plan for addressing non-compliance with all applicable backflow prevention rules and regulations. The following policy outlines ACWWA's enforcement procedures to ensure that the annual testing requirements for backflow prevention devices and the safety of potable water and public health are upheld.

As stated in the Colorado Primary Drinking Water Regulations (11.39), "The supplier must ensure that backflow prevention assemblies used to control cross-connections are tested annually by a Certified Cross-Connection Control Technician and maintained."

Enforcement Process

ACWWA will proactively communicate with customers to ensure compliance with annual backflow device testing requirements. The enforcement process includes the following steps:

1. Reminder Letter:

Before the backflow device test expiration date, the Backflow Program Coordinator will create and send a *Letter of Reminder* to customers prior to the due date. The due date will be calculated as one full calendar year after the previous year's backflow test.

2. Scheduling a Test:

Once customers receive the reminder letter, they should schedule a backflow test with an ASSE or ABPA certified cross-connection control specialist. Please refer to [the list of certified backflow testers](#) posted on ACWWA's website. The test results should be forwarded to the Backflow Program Coordinator at BACKFLOW@ACWWA.COM. If all tests indicate that the backflow prevention devices are functioning properly, the annual testing requirements will be considered complete.

3. Notice of Violation

If a passing test report as not been received by the due date, the customer will receive a “Notice of Violation” letter explaining that the backflow device is non-compliant with ACWWA’s deadline for annual testing requirements. The customer will have 60 days from the missed due date to schedule a test and/or repair the backflow device before a penalty fee up to \$1000 is added to their account and a 14-day shut-off notice is issued.

If the device was tested on or before the due date, but the device failed the testing requirements, the customer will have the 60-day warning period to schedule a repair and send in a passing test. The 60 days following the given due date act as a warning and grace period for customers to ensure annual testing is completed before enforcement and escalation measures are implemented.

4. Failed Test Notification:

If a test result indicates failure, the Backflow Program Coordinator will notify the customer of the failed device. The customer can have up to 105 days (45-day reminder + 60-day grace period) to repair the backflow device and ensure a passing report is forwarded to Backflow@ACWWA.com. If the customer fails to comply with the annual testing requirements, they will receive a penalty letter. If there is legitimate reasoning that the testing requirements cannot be fulfilled before the end of the 60-day grace period, the customer may request an extension prior to the end of the grace period. The granting of any such extension shall be at ACWWA’s sole discretion depending on the existence of a valid reason for extension as set forth below.

5. Failure to Comply after 60-Days – Penalty Notice:

If a passing test is not submitted by the due date stated in the *Notice of Violation*, the Backflow Program Coordinator will issue a *Penalty Letter* signed by the Field Operations Superintendent the following business day. This letter serves to notify the customer of a fine of up to \$1,000 that will be applied to their next monthly bill and a 14-day notice that termination of service will occur if the passed test report is not sent to Backflow@ACWWA.com. This letter will be hand delivered to the customer by either the Backflow Program Coordinator or a Field Operations Technician. The customer will be asked to sign for the letter to ensure that communication was received.

6. 75-Days Past Due – Termination of Service:

If a passing test report is not received by the 14-day shut-off deadline, the

Backflow Program Coordinator will issue a work order for shut-off. A field operations technician will conduct the shut-off.

- a. If the non-compliant backflow device is connected to the fire line, the Fire Marshall will need to be notified, and the field tech conducting the shut-off will follow any instructions given by the fire safety authority.
- b. If the non-compliant backflow device is connected to a domestic or irrigation line, the shut-off can be conducted as usual. Service will only be reinstated in the presence of a backflow tester on site.

The customer will receive an additional \$100 fee on top of the non-compliance penalty. This additional charge is a standard shut-off fee that covers the operations cost to shut-off and eventually reinstate service. The shut-off service line will remain off until a passing backflow test report is provided to the Water Authority.

Extension Process

The CDPHE has granted water suppliers the authority to self-file extensions for backflow testing. According to Regulation 11, reasons for filing an extension include but are not limited to:

1. Large Assemblies – For service lines 6 inches or larger that require substantial installation and planning
2. Change in site owner/manager/contact -- Communication difficulties due to change in ownership or site personnel
3. Resource issues – For issues related to delays caused by availability of required resources such as parts, certified tester, or plumber
4. Complex or inadequate installations and/or repairs – For complex installations and/or repairs (i.e. fire suppression systems) that require additional steps in the design, review and installation process or when access is difficult. Or for inadequate installations and/or repairs (i.e. RP in pit)
5. Economic Hardships – for situations where financial resources are not reasonably available or where financial approval of funding is required
6. Other – For other situations not listed that are still considered to have a reasonable justification for why the extension should be issued. Details about why the situation is reasonably justified must be documented.

If a customer's backflow device falls under any of the reasons listed, they can request an extended due date for repair and retesting of a failed backflow device. If the extension

does not pose a public health risk to the water supply as determined by the Authority in its sole discretion, the Backflow Program Coordinator will issue a new due date to the customer for repair based on the reason for the delay. As long as the integrity of the water supply is maintained, this extension process can be repeated at ACWWA's discretion until the device is repaired.

The Backflow Program Coordinator will document the date the extension was requested as well as the new due date issued. All documented communication between the customer, the certified tester, and the Authority will be saved with the extension documentation.

The Authority reserves the right to deny an extension request if the failed device poses a significant hazard to the public water system or for any other public health or safety related reason as determined in the Authority's sole discretion, and service will be terminated.

Conclusion

This enforcement process is not intended to be punitive but to protect the integrity of the public water system. The Authority prioritizes education and collaboration, using enforcement only when compliance cannot otherwise be achieved. Customers are encouraged to take prompt action upon receiving reminder notifications to avoid penalties and potential service interruptions. To promote backflow and cross connection education, please read through the FAQs page at the end of this policy. Should further questions arise, customers are encouraged to reach out to the Backflow Program Coordinator.

ACWWA's Backflow Testing Enforcement Process

Enforcement Process Timeline Chart		
Phase	Length of Time per phase	Description
Reminder Letter	Before due	The customer will receive a reminder letter prior to the due date with the date the backflow test needs to be retested and the date they will be charged a penalty fee if they fail to comply
Notice of Violation (period after due date)	60-Days	If a passing test is not received prior to the due date, the customer will be in violation for 60 days. A passing test should be sent in within the 60-day period.
Penalty Letter (61-days after due date)	14-days	If a passing test is not received within the 60-day Violation period, the customer will receive a Penalty letter with a 14-day shut-off notice and notification of a non-compliance fee added to their monthly bill
Termination of Service	Indefinite	If the customer does not have the backflow device tested or repaired before Shut-Off is due, a field operations technician will arrive on site to terminate service. Service will be reinstated when a certified tester can meet with a field technician on-site.

Penalty Fee Determination		
Type of Offense	Amount	Reasoning
First Violation	\$250	The first time the customer violates annual testing requirements and reaches the shut-off notice phase
Repeat	\$500	Multiple violations in one year and/or violating the annual testing requirements consecutively for multiple years
Chronic	\$1000	Multiple violations of testing requirements for more than one year

