

Water Purveyor Responsibilities of Backflow Assembly Testing

[WAC 246-290-490](#) specifically requires water purveyors to ensure the inspection and testing of backflow assemblies that protect the public water systems.

Water system purveyors, including both system owners and operators, are responsible for assuring delivery of safe and reliable drinking water to their customers. Purveyors that fail to carry out this responsibility:

- Violate Washington State drinking water laws and rules.
- May be subject to Washington State Department of Health (DOH) compliance actions.

Backflow Assembly Tester (BAT) Responsibilities

BATs are responsible for inspecting and testing backflow assemblies and accurately recording the results of their field tests on assembly test report forms. BATs failing to properly inspect and test backflow assemblies may jeopardize the integrity of the public distribution system and place water system customers at risk of receiving contaminated drinking water.

If a purveyor suspects a BAT of fraudulent testing on an assembly that protects the public water system, it is the responsibility of the purveyor to take appropriate action to address the problem. Such actions *must* include ensuring that the assembly gets properly inspected and tested, and should also include notifying the DOH of the suspected fraudulent testing.

Liability Issues

A purveyor's failure to resolve a suspected or known dangerous condition or violation of state drinking water statutes or rules creates liability for the public water system/ municipality. As stated in the [Guidance Document: Cross Connection Control for Small Water Systems](#), "If a case involving damages from contamination came before the courts, assessing liability may be reduced to a question of whether the defendant:

- Knew (or ought to have known) about the dangerous condition; and
- Took reasonable steps within his/her control to prevent contamination of the water system."

Enforcement Options

The DOH has the authority to take enforcement action against water system owners and operators for violations of state drinking water rules. The DOH has a number of enforcement options available including:

- Issuing fines to the water system and its operators.
- Revoking or suspending an operator's certifications.
- Issuing the system a "red" operating permit which limits the system's ability to add connections.

Appropriate Action/ Notification Expected

If a water system suspects or has direct knowledge that a BAT has committed fraud (including falsifying test reports) or gross negligence in the inspecting and testing of an assembly that protects the public water system, the DOH expects the water system owners/ operators to:

- Ensure that the assembly in question gets properly tested.
- Notify DOH Operator Certification staff and neighboring public water systems of the allegations.
- File a complaint with the DOH with documenting the alleged violations.

Purveyors must provide such notifications so that the DOH (and neighboring water systems) can take appropriate steps to help ensure the BAT's actions don't jeopardize the health of consumers served by affected water systems.

Questions and concerns related to the above matters should be directed to Deni Gray, Waterworks Operator Certification Program Manager at Washington State Department of Health: 360-236-3140 or deni.gray@doh.wa.gov.