

**TITLE 64
LEGISLATIVE RULES
BOARD OF HEALTH**

**SERIES 15
CROSS-CONNECTION AND BACKFLOW PREVENTION**

§64-15-1. General

1.1. Scope - These legislative rules govern cross-connections and backflow prevention for public water supply systems.

1.2. Authority - W. Va. Code §16-1-7 and §16-1-9

1.3. Filing Date - February 13, 1976

1.4. Effective Date - April 1, 1976

§64-15-2. Application and Enforcement

2.1. Application - These legislative rules apply to any owner or operator of a public water supply system.

2.2. Enforcement - The enforcement of these legislative rules is vested with the director of the West Virginia department of health or his lawful designee.

§64-15-3. Definitions

The following definitions shall apply in the interpretation and enforcement of these regulations.

3.1. Air Gap Separation - A physical separation between the free-flowing discharge end of a water supply pipe and an open to atmosphere receiving vessel having a minimum unobstructed vertical distance between the supply diameter of the supply pipe or one inch (2.54 cm), whichever is greater.

3.2. Approved - As used in these legislative regulations shall mean accepted by the division of sanitary engineering as being suitable for the proposed use.

3.3. Approved Backflow Prevention Device - An air gap separation, barometric loop, double check valve

assembly, reduced pressure backflow prevention device, vacuum breaker device, or other device or means approved by the division of sanitary engineering for preventing backflow.

3.4. Auxiliary Water Supply - Any water source or system available within the building or premises other than the public water supply, including, but not limited to individual wells, springs and cisterns. A private water storage tank supplied by a public water supply system is considered an auxiliary water supply unless its design meets the minimum design standards required for storage tanks for public water supplies and the water contained therein is potable.

3.5. Backflow - The entry or flow into a public or potable water supply system of liquids, gases or substances from any other source.

3.6. Backsiphonage - Backflow caused by less than atmospheric pressure in a water system.

3.7. Barometric Loop - A loop of pipe rising at least thirty-five (35) feet (10.67 m) above the highest outlet served by the pipe.

3.8. Check Valve - A mechanical self-closing device designed to permit the flow of fluids in one direction only and to close upon reversal of flow.

3.9. Cross-Connection - Any physical connection or other arrangement whereby backflow of liquids, gases or other substances into any public or potable water supply may occur.

3.10. Degree of Hazard - As used in these legislative regulations shall mean the potential risk to health and potential adverse effects upon the public water supply based on the probability of backflow occurring and the type or nature of the contaminant.

3.11. **Division of Sanitary Engineering** - As used in these regulations shall mean the division of sanitary engineering, West Virginia state department of health.

3.12. **Double Check Valve Assembly** - An assembly consisting of two single independently acting check valves with watertight valves located at each end of the assembly, and suitable pressure gauges and/or connections for testing the watertightness of each check valve.

3.13. **Flood Level Rim** - The edge of the vessel or receptacle from which water overflows.

3.14. **Health Hazard** - Any condition, device or practice which in the judgment of the health officer or the division of sanitary engineering creates or may create a danger to the health and well-being of the water consumer.

3.15. **Health Officer** - The state director of health or his authorized representative.

3.16. **Interchangeable Connection** - An arrangement or device which allows the alternate but not simultaneous use of two sources of water.

3.17. **Low Pressure Cut-Off Device** - A switch or device designed to shut off a pump when the pressure at the suction side of the pump falls below a specified level.

3.18. **Nonremovable Device** - A device requiring special tools for removal or where removal will result in damage to the device or the connection thereto.

3.19. **Person** - Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, or any entity recognized by law.

3.20. **Potable Water** - Water free from impurities in amounts sufficient to cause disease or harmful physiological effects, with bacteriological, chemical, physical and radiological quality conforming to applicable regulations and standards of the state department of health.

3.21. **Public Water Supply** - Any water supply or

system subject to regulation and control of the public service commission of this state or which supplies or offers to supply water to the general public.

3.22. **Public Water Supply System** - Includes the works and auxiliaries for the collection, treatment, storage and distribution of the water from the source of supply to the ultimate consumer's premises.

3.23. **Reduced Pressure Backflow Prevention Device** - An assembly containing a minimum of two independently acting check valves, an automatically operated pressure differential relief valve located between the two check valves, and watertight valves located at each end of the assembly, together with suitable pressure gauges and/or connections for testing the operation of the device.

3.24. **Water Consumer** - The owner or person in charge of any building or premises supplied by or in any manner connected to a public water system.

3.25. **Water Purveyor** - The person operating a public water supply.

3.26. **Water Service Line** - A pipe or water line, with or without a meter and valves, whereby water is conveyed from the public water supply system to the initial point of use by the consumer.

3.27. **Vacuum Breaker Device** - A device consisting of a moveable disc or check valve and an atmospheric vent designed so that a pressure less than atmospheric in the supply line will open the vent and prevent backsiphonage.

§64-15-4. Cross-Connections

4.1. No person shall install or maintain a cross-connection between a public water supply system or service line connected to a public water supply system, and any other source whereby nonpotable water or other contaminating substances may enter the public water supply system.

4.2. No person shall install or maintain a cross-connection between public water supply system or service line connected to a public water system and that of any auxiliary or other water supply unless such supply and the inter-connection have been approved in writing by both the purveyor and the

division of sanitary engineering.

4.3. The water purveyor shall not install a water service connection to any premises where a violation of Section 4.1 or 4.2 of these legislative regulations exists.

4.4. The water purveyor shall discontinue, after written notice to the occupants, water service to any premises where a cross-connection or unauthorized connection to an auxiliary supply exists or where required backflow prevention devices have not been installed or have been removed or by-passed, or where the water purveyor, health officer, or division of sanitary engineering is denied entry to confirm compliance with these regulations. Water service to the premises shall not be restored until the deficiencies have been corrected.

4.5. No person shall install or maintain any cross-connection between any water supply system serving a public use facility or business establishment and any nonpotable source whereby nonpotable water may be dispensed to or be used by the general public.

4.6. Where an investigation by the division of sanitary engineering, health officer, or purveyor discloses that a cross-connection exists, the owner or person occupying or having charge of the premises where such cross-connection exists, shall remove such cross-connection or install an approved backflow prevention device as directed by the health officer or division of sanitary engineering.

§64-15-5. Where Protection is Required

5.1. An approved backflow prevention device shall be installed on each service line to a premises where, the health officer or the division of sanitary engineering has determined that a potential or actual health hazard or other degradation of the public water supply exists.

5.2. An approved backflow prevention device shall be installed on each service line serving, but not necessarily limited to, the following types of facilities unless investigation by the division of sanitary engineering determines that no potential or actual health hazard or other degradation of:

5.2.1. Hospitals, mortuaries, clinics, nursing homes, animal hospitals;

5.2.2. Laboratories;

5.2.3. Sewage treatment plants, sewage pumping stations, storm water pumping stations;

5.2.4. Chemical plants, dyeing plants, metal plating industries, tanneries;

5.2.5. Petroleum processing or storage plants;

5.2.6. Slaughterhouses, poultry processing plants, food or beverage processing plants;

5.2.7. Piers, docks, waterfront facilities;

5.2.8. Photo development plants;

5.2.9. Car washes, laundermats;

5.2.10. Public swimming pools;

5.2.11. Farms where the water is used for other than household purposes;

5.2.12. Other facilities specified by the division of sanitary engineering.

5.3. An approved backflow prevention device shall be installed on each service line serving premises where any of the following conditions exist:

5.3.1. Premises having internal cross-connections that, in the judgement of the water purveyor, health officer, or the division of sanitary engineering, are not correctable or having intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;

5.3.2. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a cross-connection survey;

5.3.3. Premises having a repeated history of cross-connections being established or re-established;

5.3.4. Others specified by the division of sanitary engineering.

5.4. An approved backflow prevention device shall be installed to isolate the following systems or facilities, from potable or public water supply systems unless the division of sanitary engineering

determines that no health hazard to the public water supply system exists. Such installation may be required regardless of other protective devices required by these legislative regulations.

5.4.1. Lawn sprinkler systems, irrigation systems;

5.4.2. Fire service systems;

5.4.3. Laboratory facilities.

§64-15-6. Type of Protection Required

6.1. The type of protection required under these regulations shall depend on the degree of hazard which exists or may exist as determined by the division of sanitary engineering. 6.1.1. An approved air gap separation shall be installed where, in the judgement of the division of sanitary engineering, a public water supply may be contaminated with substances that could cause severe health hazard.

6.1.2. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where in the judgement of the purveyor or the division of sanitary engineering, a public water supply may be contaminated with any substance that could cause a health hazard.

6.1.3. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where in the judgement of the purveyor or the division of sanitary engineering, a public water supply may be contaminated with any substance that could degrade the water quality or adversely affect the public water supply system.

6.1.4. An approved nonremovable vacuum breaker device or barometric loop may be installed where the degree of hazard is low and where backflow can occur by backsiphonage only. Such installation shall be as close as practical to the potential contaminating source.

6.1.5. Barometric loops or vacuum breakers are not acceptable as backflow prevention devices where backflow due to back pressure may occur.

6.2. An approved air gap separation or an approved interchangeable connection with a

nonremovable reduced pressure backflow prevention device shall be installed at any point of connection between a public water supply and any auxiliary water supply not approved by the purveyor and the division of sanitary engineering.

6.3. Any booster pump installed within a premises served by a public water supply or on the service line to such premises shall be equipped with a check valve on the discharge line and low pressure cutoff designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty-five (25) pounds per square inch gauge (129.25 cm Hg) or less, unless it is determined by the division of sanitary engineering that an adequate supply exists to prevent the creation of a negative pressure in the service line.

6.4. Pumping stations within the public water supply distribution system shall be equipped with a low pressure cutoff designed to shut off the booster pump when the pressure in the distribution line on the suction side of the pump drops to twenty-five (25) pounds per square inch (129.25 cm Hg) or less, unless it is determined by the division of sanitary engineering that an adequate supply exists to prevent the creation of a negative pressure in the distribution system.

6.5. The requirements of Section 8.4 shall apply to the low pressure cutoff device.

6.6. At premises where backflow prevention devices are required by this legislative regulation and the public interest requires continuous uninterrupted service, two approved backflow prevention devices shall be installed in parallel and properly valved to permit continuous operation, or service to the premises shall be from two separate service lines protected by approved backflow prevention devices.

§64-15-7. Backflow Prevention Devices

7.1. Any backflow prevention device required by these legislative regulations shall be installed at a location and in such manner as to facilitate testing and servicing and at a location and in a manner approved by the purveyor and the division of sanitary engineering.

7.2. Any backflow prevention device required by these legislative regulations shall be purchased, installed, maintained, and tested by, and at the

expense of the consumer except as provided for in Section 7.3.

7.3. Nothing in these legislative regulations shall prohibit the purveyor from installing or testing backflow prevention devices at his own expense or prohibit mutual agreement between the purveyor and the consumer for such installation.

7.4. When any backflow prevention device required by these legislative regulations is found to be defective, the consumer shall immediately notify the purveyor and the division of sanitary engineering of such defect and shall at his own expense within ten (10) days repair, replace, or overhaul such device.

§64-15-8. Plans, Surveys, Investigations, and Testing

8.1. Where backflow prevention or other devices are required by these legislative regulations the consumer shall provide the division of sanitary engineering any drawings, plans, specifications and other data required to insure compliance with these legislative regulations.

8.2. The water purveyor shall establish a cross-connection and backflow prevention program acceptable to the division of sanitary engineering and consistent with the extent of the public water supply system.

8.3. On request by the water purveyor, or the division of sanitary engineering, the water consumer shall furnish the water purveyor information on water use practices and facilities within the consumer's premises including plumbing diagrams, drawings, or plans as required.

8.4. The water consumer on any premises on which backflow prevention devices required by these regulations are installed, shall have inspections and operational tests made of the devices at intervals and in a manner as required by the water purveyor or the division of sanitary engineering. Inspections and tests shall be performed by a person certified by the division of sanitary engineering as qualified to inspect and test backflow prevention devices. Records of all inspections and tests shall be provided to the water purveyor.

8.5. The water purveyor shall maintain records of all inspections, surveys, tests and corrective actions

taken. Records shall be maintained for a period of at least two years and shall be furnished upon request to the division of sanitary engineering.

8.6. The water purveyor and authorized representatives of the health officer or the division of sanitary engineering shall have the right to enter premises served by the public water supply, except private dwellings, at all reasonable times for the purpose of making surveys and investigations of water use practices within the premises.

8.7. Where new water service connections are being furnished to private dwellings formerly served by individual wells, or to dwellings where there is reason to believe that cross-connections exist, the purveyor shall request permission to inspect the premises to determine if violations of these regulations may exist. Water service shall not be provided until such inspection is made and violations corrected.

8.8. No provision of these legislative regulations shall relieve the water consumer of the responsibility for conducting surveys of water use practices on his premises to determine whether there are actual or potential cross-connections.

8.9. Activities required by these regulations shall be in accordance with all applicable guidelines and design standards contained in the division of sanitary engineering bulletin, EW-114, "Cross-Connection and Backflow Prevention Manual".

§64-15-9. Prohibited Devices

No person shall install, maintain, sell, or distribute for sale any device of a type which has been determined by the division of sanitary engineering to contain actual or potential cross-connections.

§64-15-10. Repeal of Former Regulations

All regulations previously adopted by the West Virginia state board of health, which are in conflict with the provisions of these regulations are hereby repealed.

§64-15-11. Severability

Each section of these regulations and every part of each section is an independent section and a part of a section, and the holding of any section or part thereof

to be unconstitutional, void, or ineffective for any cause does not affect the validity or constitutionality of any other section or part thereof.

§64-15-12. Penalties

Any person who violates any provision of these regulations or any regulation adopted by the West Virginia state board of health pursuant to the

authority granted by these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment as provided in Chapter 16, Article 1, Section 20 of the public health laws of West Virginia, West Virginia Code. Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

February 11, 1976

The Honorable James R. McCartney
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Sir:

Enclosed are two copies of "Cross-Connection and Backflow Prevention Regulations", designated Chapter 16-1, Series VIII of the West Virginia Administrative Regulations. These regulations cancel and supersede Section 11.0 of the "Public Water Supply Regulations" dated December 1, 1969.

I hereby certify that the attached regulations are true and accurate copies of official regulations adopted by the West Virginia State Board of Health on January 21, 1976.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "N.H. Dyer".

N.H. Dyer, M.D., M.P.H.
State Director of Health

NHD/JHH/lm

Enclosures

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE FEB 13 1976

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Health

Chapter 16-1
Series VIII

Subject: Public Water Supply Operator Regulations

1. This regulation is filed in the odd size file as item
number 13.

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FILING OF ADMINISTRATIVE REGULATIONS

References are to sections in West Virginia Administrative Regulations 16-1, Series VIII.

Section	1.0	General
Section	2.0	Definitions
Section	3.0	Cross-Connections
Section	4.0	Where Protection Is Required
Section	5.0	Type of Protection Required
Section	6.0	Backflow Prevention Devices
Section	7.0	Plans, Surveys, Investigations, and Testing
Section	8.0	Prohibited Devices
Section	9.0	Repeal of Former Regulations
Section	10.0	Severability
Section	11.0	Penalties
Section	12.0	Certification and Filing of the Regulations

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WEST VIRGINIA STATE BOARD OF HEALTH

CHAPTER 1, ARTICLE 5B

CROSS-CONNECTIONS AND BACKFLOW PREVENTION REGULATIONS

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WEST VIRGINIA STATE BOARD OF HEALTH

CHAPTER 1, ARTICLE 5B

CROSS-CONNECTIONS AND BACKFLOW PREVENTION REGULATIONS

SECTION 1.0 GENERAL

1.1 Scope

1.1.1 This article replaces Section 11.0 of Article 5, Chapter 1, "Public Water Supply Regulations". Section 11.0 of Article 5, Chapter 1 is hereby repealed.

1.1.2 These regulations establish the rules and requirements of the West Virginia State Board of Health governing cross-connections and backflow prevention.

1.2 Authority - The authority for these regulations is provided under Chapter 16, Article 1, Public Health Laws, Code of West Virginia.

1.3 Filing Date - On _____, as prescribed by State Law, these regulations were filed with the Office of the Secretary of State, State of West Virginia.

1.4 Certification - These regulations were certified as being received and on file in the Office of the Secretary of State, State of West Virginia on _____

1.5 Effective Date - These regulations shall be in full force and effect on April 1, 1976.

SECTION 2.0 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations.

2.1 AIR GAP SEPARATION - A physical separation between the free-flowing discharge end of a water supply pipe and an open to atmosphere receiving vessel having a minimum unobstructed vertical distance between the supply pipe discharge point and the flood level rim of the receptacle of twice the diameter of the supply pipe or one inch (2.54 cm), whichever is greater.

2.2 APPROVED - As used in these regulations shall mean accepted by the Division of Sanitary Engineering as being suitable for the proposed use.

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- 2.3 APPROVED BACKFLOW PREVENTION DEVICE - An air gap separation, barometric loop, double check valve assembly, reduced pressure backflow prevention device, vacuum breaker device, or other device or means approved by the Division of Sanitary Engineering for preventing backflow.
- 2.4 AUXILIARY WATER SUPPLY - Any water source or system available within the building or premises other than the public water supply, including, but not limited to individual wells, springs and cisterns. A private water storage tank supplied by a public water supply system is considered an auxiliary water supply unless its design meets the minimum design standards required for storage tanks for public water supplies and the water contained therein is potable.
- 2.5 BACKFLOW - The entry or flow into a public or potable water supply system of liquids, gases or substances from any other source.
- 2.6 BACKSIPHONAGE - Backflow caused by less than atmospheric pressure in a water system.
- 2.7 BAROMETRIC LOOP - A loop of pipe rising at least thirty-five (35) feet (10.67 m) above the highest outlet served by the pipe.
- 2.8 CHECK VALVE - A mechanical self-closing device designed to permit the flow of fluids in one direction only and to close upon reversal of flow.
- 2.9 CROSS-CONNECTION - Any physical connection or other arrangement whereby backflow of liquids, gases or other substances into any public or potable water supply may occur.
- 2.10 DEGREE OF HAZARD - As used in these regulations shall mean the potential risk to health and potential adverse effects upon the public water supply based on the probability of backflow occurring and the type or nature of the contaminant.
- 2.11 DIVISION OF SANITARY ENGINEERING - As used in these regulations shall mean the Division of Sanitary Engineering, West Virginia State Department of Health.
- 2.12 DOUBLE CHECK VALVE ASSEMBLY - An assembly consisting of two single independently acting check valves with watertight valves located at each end of the assembly, and suitable pressure gauges and/or connections for testing the watertightness of each check valve.
- 2.13 FLOOD LEVEL RIM - The edge of the vessel or receptacle from which water overflows.
- 2.14 HEALTH HAZARD - Any condition, device or practice which in the judgment of the Health Officer or the Division of Sanitary Engineering creates or may create a danger to the

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health and well being of the water consumer.

- 2.15 HEALTH OFFICER - The State Director of Health or his authorized representative.
- 2.16 INTERCHANGEABLE CONNECTION - An arrangement or device which allows the alternate but not simultaneous use of two sources of water.
- 2.17 LOW PRESSURE CUT-OFF DEVICE - A switch or device designed to shut off a pump when the pressure at the suction side of the pump falls below a specified level.
- 2.18 NON REMOVABLE DEVICE - A device requiring special tools for removal or where removal will result in damage to the device or the connection thereto.
- 2.19 PERSON - Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, or any entity recognized by law.
- 2.20 POTABLE WATER - Water free from impurities in amounts sufficient to cause disease or harmful physiological effects, with bacteriological, chemical, physical and radiological quality conforming to applicable regulations and standards of the State Department of Health.
- 2.21 PUBLIC WATER SUPPLY - Any water supply or system subject to regulation and control of the Public Service Commission of this state, or which supplies or offers to supply water to the general public.
- 2.22 PUBLIC WATER SUPPLY SYSTEM - Includes the works and auxiliaries for the collection, treatment, storage and distribution of the water from the source of supply to the ultimate consumer's premises.
- 2.23 REDUCED PRESSURE BACKFLOW PREVENTION DEVICE - An assembly containing a minimum of two independently acting check valves, an automatically operated pressure differential relief valve located between the two check valves, and watertight valves located at each end of the assembly, together with suitable pressure gauges and/or connections for testing the operation of the device.
- 2.24 WATER CONSUMER - The owner or person in charge of any building or premises supplied by or in any manner connected to a public water system.
- 2.25 WATER PURVEYOR - The person operating a public water supply.
- 2.26 WATER SERVICE LINE - A pipe or water line, with or without

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a meter and valves, whereby water is conveyed from the public water supply system to the initial point of use by the consumer.

- 2.27 VACUUM BREAKER DEVICE - A device consisting of a moveable disc or check valve and an atmospheric vent designed so that a pressure less than atmospheric in the supply line will open the vent and prevent backsiphonage.

SECTION 3.0 CROSS-CONNECTIONS

- 3.1 No person shall install or maintain a cross-connection between a public water supply system or service line connected to a public water supply system, and any other source whereby non-potable water or other contaminating substances may enter the public water supply system.
- 3.2 No person shall install or maintain a cross-connection between public water supply system or service line connected to a public water supply system and that of any auxiliary or other water supply unless such supply and the inter-connection have been approved in writing by both the purveyor and the Division of Sanitary Engineering.
- 3.3 The water purveyor shall not install a water service connection to any premises where a violation of Sections 3.1 or 3.2 of these regulations exists.
- 3.4 The water purveyor shall discontinue, after written notice to the occupants, water service to any premises where a cross connection or unauthorized connection to an auxiliary supply exists or where required backflow prevention devices have not been installed or have been removed or by-passed, or where the water purveyor, Health Officer, or Division of Sanitary Engineering is denied entry to confirm compliance with these Regulations. Water service to the premises shall not be restored until the deficiencies have been corrected.
- 3.5 No person shall install or maintain any cross-connection between any water supply system serving a public use facility or business establishment and any non potable source whereby non potable water may be dispensed to or be used by the general public.
- 3.6 Where an investigation by the Division of Sanitary Engineering, Health Officer, or purveyor discloses that a cross-connection exists, the owner or person occupying or having charge of the premises where such cross-connection exists, shall remove such cross connection or install an approved backflow prevention device as directed by the Health Officer or Division of Sanitary Engineering.

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SECTION 4.0 WHERE PROTECTION IS REQUIRED

- 4.1 An approved backflow prevention device shall be installed on each service line to a premises where, the Health Officer or the Division of Sanitary Engineering has determined that a potential or actual health hazard or other degradation of the public water supply exists.
- 4.2 An approved backflow prevention device shall be installed on each service line serving, but not necessarily limited to, the following types of facilities unless investigation by the Division of Sanitary Engineering determines that no potential or actual health hazard or other degradation of the public water supply exists.
- 4.2.1 Hospitals, mortuaries, clinics, nursing homes, animal hospitals;
 - 4.2.2 Laboratories;
 - 4.2.3 Sewage treatment plants, sewage pumping stations, storm water pumping stations;
 - 4.2.4 Chemical plants, dyeing plants, metal plating industries, tanneries;
 - 4.2.5 Petroleum processing or storage plants;
 - 4.2.6 Slaughterhouses, poultry processing plants, food or beverage processing plants;
 - 4.2.7 Piers, docks, waterfront facilities;
 - 4.2.8 Photo development plants;
 - 4.2.9 Car washes, laundermats;
 - 4.2.10 Public swimming pools;
 - 4.2.11 Farms where the water is used for other than household purposes;
 - 4.2.12 Other facilities specified by the Division of Sanitary Engineering.
- 4.3 An approved backflow prevention device shall be installed on each service line serving premises where any of the following conditions exist:
- 4.3.1 Premises having internal cross-connections that, in the judgement of the water purveyor, Health Officer, or the Division of Sanitary Engineering,

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are not correctable or having intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;

- 4.3.2 Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a cross-connection survey;
 - 4.3.3 Premises having a repeated history of cross-connections being established or re-established;
 - 4.3.4 Others specified by the Division of Sanitary Engineering.
- 4.4 An approved backflow prevention device shall be installed to isolate the following systems or facilities, from potable or public water supply systems unless the Division of Sanitary Engineering determines that no health hazard to the public water supply system exists. Such installation may be required regardless of other protective devices required by these regulations.
- 4.4.1 Lawn sprinkler systems, irrigation systems;
 - 4.4.2 Fire service systems;
 - 4.4.3 Laboratory facilities.

SECTION 5.0 TYPE OF PROTECTION REQUIRED

- 5.1 The type of protection required under these Regulations shall depend on the degree of hazard which exists or may exist as determined by the Division of Sanitary Engineering.
- 5.1.1 An approved air gap separation shall be installed where, in the judgement of the Division of Sanitary Engineering, a public water supply may be contaminated with substances that could cause a severe health hazard.
 - 5.1.2 An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where in the judgement of the purveyor or the Division of Sanitary Engineering, a public water supply may be contaminated with any substance that could cause a health hazard.

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- 5.1.3 An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where in the judgment of the purveyor or the Division of Sanitary Engineering, a public water supply may be contaminated with any substance that could degrade the water quality or adversely affect the public water supply system.
- 5.1.4 An approved non removable vacuum breaker device or barometric loop may be installed where the degree of hazard is low and where backflow can occur by backsiphonage only. Such installation shall be as close as practical to the potential contaminating source.
- 5.1.5 Barometric loops or vacuum breakers are not acceptable as backflow prevention devices where backflow due to back pressure may occur.
- 5.2 An approved air gap separation or an approved interchangeable connection with a non removable reduced pressure backflow prevention device shall be installed at any point of connection between a public water supply and any auxiliary water supply not approved by the purveyor and the Division of Sanitary Engineering.
- 5.3 Any booster pump installed within a premises served by a public water supply or on the service line to such premises shall be equipped with a check valve on the discharge line and low pressure cut-off designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty-five (25) pounds per square inch gauge (129.25 cm Hg) or less, unless it is determined by the Division of Sanitary Engineering that an adequate supply exists to prevent the creation of a negative pressure in the service line.
- 5.4 Pumping stations within the public water supply distribution system shall be equipped with a low pressure cut-off designed to shut off the booster pump when the pressure in the distribution line on the suction side of the pump drops to twenty-five (25) pounds per square inch (129.25 cm Hg) or less, unless it is determined by the Division of Sanitary Engineering that an adequate supply exists to prevent the creation of a negative pressure in the distribution system.

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- 5.5 The requirements of Section 7.4 shall apply to the low pressure cut-off device.
- 5.6 At premises where backflow prevention devices are required by this regulation and the public interest requires continuous uninterrupted service, two approved backflow prevention devices shall be installed in parallel and properly valved to permit continuous operation, or service to the premises shall be from two separate service lines protected by approved backflow prevention devices.

SECTION 6.0 BACKFLOW PREVENTION DEVICES

- 6.1 Any backflow prevention device required by these Regulations shall be installed at a location and in such manner as to facilitate testing and servicing and at a location and in a manner approved by the purveyor and the Division of Sanitary Engineering.
- 6.2 Any backflow prevention device required by these Regulations shall be purchased, installed, maintained, and tested by, and at the expense of the consumer except as provided for in Section 6.3.
- 6.3 Nothing in these Regulations shall prohibit the purveyor from installing or testing backflow prevention devices at his own expense or prohibit mutual agreement between the purveyor and the consumer for such installation.
- 6.4 When any backflow prevention device required by these Regulations is found to be defective, the consumer shall immediately notify the purveyor and the Division of Sanitary Engineering of such defect and shall at his own expense within ten (10) days repair, replace, or overhaul such device.

SECTION 7.0 PLANS, SURVEYS, INVESTIGATIONS, AND TESTING

- 7.1 Where backflow prevention or other devices are required by these regulations the consumer shall provide the Division of Sanitary Engineering any drawings, plans, specifications and other data required to insure compliance with these regulations.
- 7.2 The water purveyor shall establish a cross-connection and backflow prevention program acceptable to the Division of Sanitary Engineering and consistent with the extent of the public water supply system.
- 7.3 On request by the water purveyor, or the Division of Sanitary Engineering the water consumer shall furnish the water purveyor information on water use practices and facilities within the consumer's premises, in-

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cluding plumbing diagrams, drawings, or plans as required.

- 7.4 The water consumer on any premises on which backflow prevention devices required by these regulations are installed, shall have inspections and operational tests made of the devices at intervals and in a manner as required by the water purveyor or the Division of Sanitary Engineering. Inspections and tests shall be at the expense of the water consumer and shall be performed by a person certified by the Division of Sanitary Engineering as qualified to inspect and test backflow prevention devices. Records of all inspections and tests shall be provided to the water purveyor.
- 7.5 The water purveyor shall maintain records of all inspections, surveys, tests and corrective actions taken. Records shall be maintained for a period of at least two years and shall be furnished upon request to the Division of Sanitary Engineering.
- 7.6 The water purveyor and authorized representatives of the Health Officer or the Division of Sanitary Engineering shall have the right to enter premises served by the public water supply, except private dwellings, at all reasonable times for the purpose of making surveys and investigations of water use practices within the premises.
- 7.7 Where new water service connections are being furnished to private dwellings formerly served by individual wells, or to dwellings where there is reason to believe that cross-connections exist, the purveyor shall request permission to inspect the premises to determine if violations of these regulations may exist. Water service shall not be provided until such inspection is made and violations corrected.
- 7.8 No provision of these regulations shall relieve the water consumer of the responsibility for conducting surveys of water use practices on his premises to determine whether there are actual or potential cross-connections.
- 7.9 Activities required by these regulations shall be in accordance with all applicable guidelines and design standards contained in the Division of Sanitary Engineering Bulletin, EW-114, "Cross-Connection and Backflow Prevention Manual".

SECTION 8.0 PROHIBITED DEVICES

No person shall install, maintain, sell, or distribute for sale any device of a type which has been determined by the Division of Sanitary Engineering to contain actual or potential cross-connections.

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SECTION 9.0 REPEAL OF FORMER REGULATIONS

All regulations previously adopted by the West Virginia State Board of Health, which are in conflict with the provisions of these regulations are hereby repealed.

SECTION 10.0 SEVERABILITY

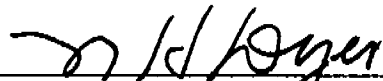
Each section of these regulations and every part of each Section is an independent Section and a part of a Section, and the holding of any Section or part thereof to be unconstitutional, void, or ineffective for any cause does not affect the validity or constitutionality of any other Section or part thereof.

SECTION 11.0 PENALTIES

Any person who violates any provision of these regulations or any regulation adopted by the West Virginia State Board of Health pursuant to the authority granted by these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment as provided in Chapter 16, Article 1, Section 20 of the Public Health Laws of West Virginia, West Virginia Code. Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

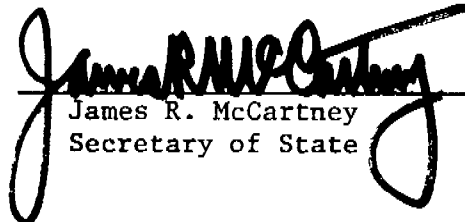
SECTION 12.0 CERTIFICATION AND FILING OF THE REGULATIONS

I hereby certify that the foregoing regulations constitute the official regulations adopted by the State Board of Health on January 21, 1976, and filed pursuant to law in the office of Secretary of State, State of West Virginia.



N.H. Dyer, M.D., M.P.H.
State Director of Health

Acknowledgement, that the above regulations were filed with the Office of Secretary of State on 2/13/76.



James R. McCartney
Secretary of State

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Cross-Connection and Backflow Prevention

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Cross-Connection and Backflow Prevention

Chapter 16-1
Series XV
(1983)

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WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Chapter 16-1
Series 15
(1983)

Subject: Cross-Connection and Backflow Prevention

Section 1. General

1.1. Scope - These legislative rules govern cross-connections and backflow prevention for public water supply systems.

1.2. Authority - These legislative rules are issued under the authority of Chapter 16, Article 1, Section 7 and are related to Chapter 16, Article 1, Section 9 of the West Virginia Code of 1931, as amended.

1.3. Filing Date - These legislative rules were filed on the 13th day of February, 1976 in the Secretary of State's office.

1.4. Effective Date - These legislative rules became effective on the 1st day of April, 1976.

1.5. Refiling Date - These legislative rules were refiled pursuant to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931, as amended on the 30th day of December, 1982, in the Secretary of State's office.

Section 2. Application and Enforcement

2.1. Application - These legislative rules apply to any owner or operator of a public water supply system.

2.2. Enforcement - The enforcement of these legislative rules is vested with the director of the West Virginia department of health or his lawful designee.

Section 3. Definitions - The following definitions shall apply in the interpretation and enforcement of these regulations.

3.1. Air Gap Separation - A physical separation between the free-flowing discharge end of a water supply pipe and an open to atmosphere receiving vessel having a minimum unobstructed vertical distance between the supply pipe discharge point and the flood level rim of the receptacle of twice the diameter of the supply pipe or one inch (2.54 cm), whichever is greater.

3.2. Approved - As used in these legislative regulations shall mean accepted by the division of sanitary engineering as being suitable for the proposed use.

3.3. Approved Backflow Prevention Device - An air gap separation, barometric loop, double check valve assembly, reduced pressure backflow prevention device, vacuum breaker device, or other device or means approved by the division of sanitary engineering for preventing backflow.

3.4. Auxiliary Water Supply - Any water source or system available within the building or premises other than the public water supply, including, but not limited to individual wells, springs and cisterns. A private water storage tank supplied by a public water supply system is considered an auxiliary water supply unless its design meets the minimum design standards required for storage tanks for public water supplies and the water contained therein is potable.

3.5. Backflow - The entry or flow into a public or potable water supply system of liquids, gases or substances from any other source.

3.6. Backsiphonage - Backflow caused by less than atmospheric pressure in a water system.

3.7. Barometric Loop - A loop of pipe rising at least thirty-five (35) feet (10.67 m) above the highest outlet served by the pipe.

3.8. Check Valve - A mechanical self-closing device designed to permit the flow of fluids in one direction only and to close upon reversal of flow.

3.9. Cross-Connection - Any physical connection or other arrangement whereby backflow of liquids, gases or other substances into any public or potable water supply may occur.

3.10. Degree of Hazard - As used in these legislative regulations shall mean the potential risk to health and potential adverse effects upon the public water supply based on the probability of backflow occurring and the type or nature of the contaminant.

3.11. Division of Sanitary Engineering - As used in these regulations shall mean the division of sanitary engineering, West Virginia state department of health.

3.12. Double Check Valve Assembly - An assembly consisting of two single independently acting check valves with watertight valves located at each end of the assembly, and suitable pressure gauges and/or connections for testing the watertightness of each check valve.

3.13. Flood Level Rim - The edge of the vessel or receptacle from which water overflows.

3.14. Health Hazard - Any condition, device or practice which in the judgment of the health officer or the division of sanitary engineering cre-

ates or may create a danger to the health and well-being of the water consumer.

3.15. Health Officer - The state director of health or his authorized representative.

3.16. Interchangeable Connection - An arrangement or device which allows the alternate but not simultaneous use of two sources of water.

3.17. Low Pressure Cut-Off Device - A switch or device designed to shut off a pump when the pressure at the suction side of the pump falls below a specified level.

3.18. Nonremovable Device - A device requiring special tools for removal or where removal will result in damage to the device or the connection thereto.

3.19. Person - Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, or any entity recognized by law.

3.20. Potable Water - Water free from impurities in amounts sufficient to cause disease or harmful physiological effects, with bacteriological, chemical, physical and radiological quality conforming to applicable regulations and standards of the state department of health.

3.21. Public Water Supply - Any water supply or system subject to regulation and control of the public service commission of this state or which supplies or offers to supply water to the general public.

3.22. Public Water Supply System - Includes the works and auxiliaries for the collection, treatment, storage and distribution of the water from the source of supply to the ultimate consumer's premises.

3.23. Reduced Pressure Backflow Prevention Device - An assembly containing a minimum of two independently acting check valves, an automatically operated pressure differential relief valve located between the two check valves, and watertight valves located at each end of the assembly, together with suitable pressure gauges and/or connections for testing the operation of the device.

3.24. Water Consumer - The owner or person in charge of any building or premises supplied by or in any manner connected to a public water system.

3.25. Water Purveyor - The person operating a public water supply.

3.26. Water Service Line - A pipe or water line, with or without a meter and valves, whereby water is conveyed from the public water supply system to the initial point of use by the consumer.

3.27. Vacuum Breaker Device - A device consisting of a moveable disc or check valve and an atmospheric vent designed so that a pressure less than atmospheric in the supply line will open the vent and prevent backsiphonage.

Section 4. Cross-Connections

4.1. No person shall install or maintain a cross-connection between a public water supply system or service line connected to a public water supply system, and any other source whereby nonpotable water or other contaminating substances may enter the public water supply system.

4.2. No person shall install or maintain a cross-connection between public water supply system or service line connected to a public water system and that of any auxiliary or other water supply unless such supply

and the inter-connection have been approved in writing by both the purveyor and the division of sanitary engineering.

4.3. The water purveyor shall not install a water service connection to any premises where a violation of Section 4.1 or 4.2 of these legislative regulations exists.

4.4. The water purveyor shall discontinue, after written notice to the occupants, water service to any premises where a cross-connection or unauthorized connection to an auxiliary supply exists or where required backflow prevention devices have not been installed or have been removed or by-passed, or where the water purveyor, health officer, or division of sanitary engineering is denied entry to confirm compliance with these regulations. Water service to the premises shall not be restored until the deficiencies have been corrected.

4.5. No person shall install or maintain any cross-connection between any water supply system serving a public use facility or business establishment and any nonpotable source whereby nonpotable water may be dispensed to or be used by the general public.

4.6. Where an investigation by the division of sanitary engineering, health officer, or purveyor discloses that a cross-connection exists, the owner or person occupying or having charge of the premises where such cross-connection exists, shall remove such cross-connection or install an approved backflow prevention device as directed by the health officer or division of sanitary engineering.

Section 5. Where Protection is Required

5.1. An approved backflow prevention device shall be installed on

each service line to a premises where, the health officer or the division of sanitary engineering has determined that a potential or actual health hazard or other degradation of the public water supply exists.

5.2. An approved backflow prevention device shall be installed on each service line serving, but not necessarily limited to, the following types of facilities unless investigation by the division of sanitary engineering determines that no potential or actual health hazard or other degradation of:

5.2.1. Hospitals, mortuaries, clinics, nursing homes, animal hospitals;

5.2.2. Laboratories;

5.2.3. Sewage treatment plants, sewage pumping stations, storm water pumping stations;

5.2.4. Chemical plants, dyeing plants, metal plating industries, tanneries;

5.2.5. Petroleum processing or storage plants;

5.2.6. Slaughterhouses, poultry processing plants, food or beverage processing plants;

5.2.7. Piers, docks, waterfront facilities;

5.2.8. Photo development plants;

5.2.9. Car washes, laundermats;

5.2.10. Public swimming pools;

5.2.11. Farms where the water is used for other than household purposes;

5.2.12. Other facilities specified by the division of sanitary engineering.

5.3. An approved backflow prevention device shall be installed on each service line serving premises where any of the following conditions exist:

5.3.1. Premises having internal cross-connections that, in the judgment of the water purveyor, health officer, or the division of sanitary engineering, are not correctable or having intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;

5.3.2. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a cross-connection survey;

5.3.3. Premises having a repeated history of cross-connections being established or re-established;

5.3.4. Others specified by the division of sanitary engineering.

5.4. An approved backflow prevention device shall be installed to isolate the following systems or facilities, from potable or public water supply systems unless the division of sanitary engineering determines that no health hazard to the public water supply system exists. Such installation may be required regardless of other protective devices required by these legislative regulations.

5.4.1. Lawn sprinkler systems, irrigation systems;

5.4.2. Fire service systems;

5.4.3. Laboratory facilities.

Section 6. Type of Protection Required

6.1. The type of protection required under these regulations shall

depend on the degree of hazard which exists or may exist as determined by the division of sanitary engineering.

6.1.1. An approved air gap separation shall be installed where, in the judgement of the division of sanitary engineering, a public water supply may be contaminated with substances that could cause severe health hazard.

6.1.2. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where in the judgement of the purveyor or the division of sanitary engineering, a public water supply may be contaminated with any substance that could cause a health hazard.

6.1.3. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where in the judgement of the purveyor or the division of sanitary engineering, a public water supply may be contaminated with any substance that could degrade the water quality or adversely affect the public water supply system.

6.1.4. An approved nonremovable vacuum breaker device or barometric loop may be installed where the degree of hazard is low and where backflow can occur by backsiphonage only. Such installation shall be as close as practical to the potential contaminating source.

6.1.5. Barometric loops or vacuum breakers are not acceptable as backflow prevention devices where backflow due to back pressure may occur.

6.2. An approved air gap separation or an approved interchangeable connection with a nonremovable reduced pressure backflow prevention

device shall be installed at any point of connection between a public water supply and any auxiliary water supply not approved by the purveyor and the division of sanitary engineering.

6.3. Any booster pump installed within a premises served by a public water supply or on the service line to such premises shall be equipped with a check valve on the discharge line and low pressure cutoff designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty-five (25) pounds per square inch gauge (129.25 cm Hg) or less, unless it is determined by the division of sanitary engineering that an adequate supply exists to prevent the creation of a negative pressure in the service line.

6.4. Pumping stations within the public water supply distribution system shall be equipped with a low pressure cutoff designed to shut off the booster pump when the pressure in the distribution line on the suction side of the pump drops to twenty-five (25) pounds per square inch (129.25 cm Hg) or less, unless it is determined by the division of sanitary engineering that an adequate supply exists to prevent the creation of a negative pressure in the distribution system.

6.5. The requirements of Section 8.4 shall apply to the low pressure cutoff device.

6.6. At premises where backflow prevention devices are required by this legislative regulation and the public interest requires continuous uninterrupted service, two approved backflow prevention devices shall be installed in parallel and properly valved to permit continuous operation, or

service to the premises shall be from two separate service lines protected by approved backflow prevention devices.

Section 7. Backflow Prevention Devices

7.1. Any backflow prevention device required by these legislative regulations shall be installed at a location and in such manner as to facilitate testing and servicing and at a location and in a manner approved by the purveyor and the division of sanitary engineering.

7.2. Any backflow prevention device required by these legislative regulations shall be purchased, installed, maintained, and tested by, and at the expense of the consumer except as provided for in Section 7.3.

7.3. Nothing in these legislative regulations shall prohibit the purveyor from installing or testing backflow prevention devices at his own expense or prohibit mutual agreement between the purveyor and the consumer for such installation.

7.4. When any backflow prevention device required by these legislative regulations is found to be defective, the consumer shall immediately notify the purveyor and the division of sanitary engineering of such defect and shall at his own expense within ten (10) days repair, replace, or overhaul such device.

Section 8. Plans, Surveys, Investigations, and Testing

8.1. Where backflow prevention or other devices are required by these legislative regulations the consumer shall provide the division of sanitary engineering any drawings, plans, specifications and other data required to insure compliance with these legislative regulations.

8.2. The water purveyor shall establish a cross-connection and

backflow prevention program acceptable to the division of sanitary engineering and consistent with the extent of the public water supply system.

8.3. On request by the water purveyor, or the division of sanitary engineering, the water consumer shall furnish the water purveyor information on water use practices and facilities within the consumer's premises including plumbing diagrams, drawings, or plans as required.

8.4. The water consumer on any premises on which backflow prevention devices required by these regulations are installed, shall have inspections and operational tests made of the devices at intervals and in a manner as required by the water purveyor or the division of sanitary engineering. Inspections and tests shall be performed by a person certified by the division of sanitary engineering as qualified to inspect and test backflow prevention devices. Records of all inspections and tests shall be provided to the water purveyor.

8.5. The water purveyor shall maintain records of all inspections, surveys, tests and corrective actions taken. Records shall be maintained for a period of at least two years and shall be furnished upon request to the division of sanitary engineering.

8.6. The water purveyor and authorized representatives of the health officer or the division of sanitary engineering shall have the right to enter premises served by the public water supply, except private dwellings, at all reasonable times for the purpose of making surveys and investigations of water use practices within the premises.

8.7. Where new water service connections are being furnished to private dwellings formerly served by individual wells, or to dwellings where

there is reason to believe that cross-connections exist, the purveyor shall request permission to inspect the premises to determine if violations of these regulations may exist. Water service shall not be provided until such inspection is made and violations corrected.

8.8. No provision of these legislative regulations shall relieve the water consumer of the responsibility for conducting surveys of water use practices on his premises to determine whether there are actual or potential cross-connections.

8.9. Activities required by these regulations shall be in accordance with all applicable guidelines and design standards contained in the division of sanitary engineering bulletin, EW-114, "Cross-Connection and Backflow Prevention Manual".

Section 9. Prohibited Devices - No person shall install, maintain, sell, or distribute for sale any device of a type which has been determined by the division of sanitary engineering to contain actual or potential cross-connections.

Section 10. Repeal of Former Regulations - All regulations previously adopted by the West Virginia state board of health, which are in conflict with the provisions of these regulations are hereby repealed.

Section 11. Severability - Each section of these regulations and every part of each section is an independent section and a part of a section, and the holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause does not affect the validity or constitutionality of any other section or part thereof.

Section 12. Penalties - Any person who violates any provision of these

regulations or any regulation adopted by the West Virginia state board of health pursuant to the authority granted by these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment as provided in Chapter 16, Article 1, Section 20 of the public health laws of West Virginia, West Virginia Code. Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.