



SPONSOR: Rep. Lynn & Sen. Pardee
Reps. Burns, Hilovsky, Spiegelman

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 458
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO BACKFLOW.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § Chapter 79, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7911A. Backflow.

(a) For purposes of this section:

(1) "Backflow" means the movement of water back in the direction from which it was flowing.

(2) "Backflow preventer" means a device that prevents backflow.

(3) "Backsiphonage" means backflow caused by negative pressure, which occurs when there is a drop in water pressure resulting in the water flowing back into the water service line.

(4) "Low hazard building" means a building in which any backflow that does occur meets the following conditions:

a. Occurs only by backsiphonage.

b. Does not create a health risk or health hazard.

c. Does not disrupt the service of piped water for human consumption or impair the potability of that water.

d. Does not pose a risk to any fresh water supply.

e. The pumping system involved does not connect to a treatment system used to convey wastewater, fertilizers, or chemicals, or that is used to provide fire protection.

f. The water system involved does not draw from more than 1 aquifer without a backflow preventer on the discharge line of each well.

(b) Subject to subsection (c) of this section, a county or municipality may not require backflow preventers to be installed or, if already installed, to be subject to inspections, in low hazard buildings of any of the following types:

(1) Single-family residences.

(2) Single-family residences with conditional uses that permit professional offices.

(3) Professional offices.

(4) Commercial buildings.

(c) If a low hazard building has fresh water supplied by a public well, backflow preventers must be installed in compliance with 7 Del. Admin. Code, Regulation 7301, governing the construction and use of wells.

Section 2. This Act expires 10 days after notice by the Department of Health and Social Services published in the Register of Regulations that Regulation 4462 of Title 16 of the Delaware Administrative Code has been updated to address backflow preventer requirements for low hazard buildings.