

Change to R309-500 – May 8, 2015, Drinking Water Board Meeting

1. The division is requesting authorization to adopt changes to rule R309-500, *Facility Design and Operation: Plan Review, Operation and Maintenance Requirements*
2. Background leading to today's request:
 - a. On January 9, 2015, the Drinking Water Board authorized the division to initiate rule-making to amend R309-500
 - b. 30-day comment period was held from February 1, 2015, to March 3, 2015
 - c. Two persons submitted comments during the comment period
 - d. In response to comments received, the division is proposing changes to the rule
3. Summary of changes:
 - (Page 3) Currently subparagraph R309-500-5(1)(c)(v) includes two examples of public drinking water projects: replacement of a well pump and deepening a well. Move deepening a well to its own new subparagraph R309-500-5(1)(c)(vi) – **this minor change was not made in response to a comment and is not shown in the DWB packet**
 - (Page 3) Add a phrase to paragraph R309-500-5(2)(b) that narrows the definition of water line replacement that can occur without plan approval; the new phrase excludes substantial distribution system upgrades that involve long-term planning and complex design – **this change was made in response to a comment**
 - (Page 4) Invert the order of the first two words of paragraph R309-500-6(2)(b); change “submittals required may include” to “required submittals may include” – **this minor change was made in response to a comment**
 - (Page 4) In paragraph R309-500-6(2)(c) delete the proposed sentence: “In some cases, a profile drawing may be required to show potential water line conflicts and clearances” and replace it with: “Plans and specifications shall also adequately identify and address any conflicts or interferences” – **this change was made in response to a comment**
 - (Page 5) In paragraph R309-500-6(2)(f) add words to clarify when the window for starting construction after plan approval begins: “If construction or the ordering of substantial equipment has not commenced within one year of Plan Approval, a renewal of the Plan Approval shall be obtained prior to proceeding with construction” – **this change was made in response to a comment**
 - (Page 5) Reword paragraph R309-500-6(3)(b) to more clearly state the eligibility requirements for a categorical plan submittal waiver – **this change was made in response to an informal internal comment**
 - (Page 7) In section R309-500-8, delete the word “Director’s” from “Director’s approval” because it is redundant – **this change was made in response to an informal internal comment**
 - (Page 8) Rewrite section R309-500-11 concerning the fee schedule and delete the guidance paragraph concerning the potential for assessing a penalty fee. Since the amendments to R309-500 were first proposed, a new DEQ fee schedule has been adopted. The new language simply states that the division is authorized to assess fees according to the DEQ fee schedule – **this change was prompted by a comment**
4. Anticipated schedule for adoption of proposed changes to R309-500:
 - June 1, 2015 – publish changes in Utah State Bulletin; begin 30-day comment period
 - July 1, 2015 – end 30-day comment period
 - July 10, 2015 – return to the board to request authorization to adopt rule changes
5. In summary, the division requests authorization from the board to adopt changes to rule R309-500, *Facility Design and Operation: Plan Review, Operation and Maintenance Requirements*

(d) No new public drinking water facility shall be put into operation until the Director has issued an Operating Permit or a Plan Submittal Waiver.

(2) Minimum Quantity and Quality Requirements for Existing Facilities.

All existing public drinking water systems shall be capable of reliably delivering water that meets current drinking water minimum quantity and quality requirements. The Director may require modification of existing systems in accordance with R309-500 through R309-550 when such modifications are needed to reliably achieve minimum quantity and quality requirements.

(3) Operation and Maintenance.

Public drinking water system facilities shall be operated and maintained in a manner that protects public health. As a minimum, operation and maintenance procedures described in R309-500 through R309-550 shall be met.

R309-500-5. Public Drinking Water Project

(1) Definition.

A public drinking water project, requiring submittal of a Project Notification Form and plans and specifications, is any of the following:

- (a) Construction of any facility for a proposed drinking water system.
- (b) Any addition to, or modification of, the facilities of an existing public drinking water system that may affect the quality or quantity of water delivered.
- (c) Any activity, other than on-going operation and maintenance procedures, that may affect the quality or quantity of water delivered by an existing public drinking water system. Such activities may include:
 - (i) the interior re-coating or re-lining of any raw or drinking water storage tank, or water storage chamber within any treatment facility,
 - (ii) the in-situ re-lining of any pipeline,
 - (iii) a change or addition of a water treatment process,

(iv) the re-development of any spring or well source, and

(v) replacement of a well pump with one of different capacity, and

(vi) ~~or~~ deepening a well.

(2) On-going Operation and Maintenance Procedures.

On-going operation and maintenance procedures are not considered public drinking water projects and, accordingly, are not subject to the project notification, plan approval and operating permit requirements of this rule. However, these activities shall be carried out in accordance with all requirements contained in R309-500 through R309-550 and specifically the design, construction, disinfection, flushing and bacteriological sampling and testing requirements before the facilities are placed back into service. The following activities are considered to be on-going operation and maintenance procedures:

(a) pipeline leak repair,

(b) replacement of existing deteriorated pipeline where the new pipeline segment is the same size as the old pipeline or the new segment is upgraded to meet the minimum pipeline sizes required by R309-550-5(4) or larger sizes as determined by a hydraulic analysis in accordance with R309-550-5(3), excluding substantial distribution system upgrades that involve long-term planning and complex design,

(c) tapping existing water mains with corporation stops so as to make connection to new service laterals to individual structures,

(d) distribution pipeline additions where the pipeline size is the same as the main supplying the addition or the pipeline addition meets the minimum pipeline sizes required by R309-550-5(4) or larger sizes as determined by a hydraulic analysis in accordance with R309-550-5(3), the length is less than 500 feet and contiguous segments of new pipe total less than 1000 feet in any fiscal year,

(e) entry into a drinking water storage facility for the purposes of inspection, cleaning and maintenance, and

(f) replacement of equipment or pipeline appurtenances with the same type, size and rated capacity (fire hydrants, valves, pressure regulators, meters, service laterals, chemical feeders and booster pumps including deep well pumps).