

Drinking Water Board Packet

August 29, 2017

Agenda



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF DRINKING WATER
Marie E. Owens, P.E.
Director

Drinking Water Board
Betty Naylor
Brett Chynoweth
Jeff Coombs
Tage Flint
Eric Franson, P.E.
Roger G. Fridal
Brad Johnson
David Stevens, Ph.D.
Mark Whitney
Marie E. Owens, P.E.
Executive Secretary

DRINKING WATER BOARD MEETING

August 29, 2017 – 1:30 pm

Davis Conference Center

Zephyr Room

1651 North 700 West

Layton, Utah 84041

Marie Owens' Cell Phone #: (801) 505-1973

1. Call to Order
2. Roll Call
3. Approval of the Minutes:
 - A. July 14, 2017
4. Financial Assistance Committee Report
 - A. Status Report – Michael Grange
 - B. Project Priority List – Michael Grange
 - C. SRF Applications
 - i. STATE:
 - a) Eagle Mountain De-Authorization – Rich Peterson
 - ii. FEDERAL:
 - a) Moab City – Sam Grenlie
 - b) Woodland Mutual – Sam Grenlie
 - c) Hanksville – Julie Cobleigh
 - d) Springdale – Julie Cobleigh
 - iii. Other:
 - a)
5. Request to Begin Rulemaking to Amend:
 - A. R309-300, Certification Rules for Water Supply Operators – Kim Dyches
 - B. R309-605, Delegation of signature authority for concurrence letters – Kate Johnson

6. Additional Rule Analyses for Previously Approved Amendments:
 - A. R309-100, 105, 110 & 500 – Bernie Clark
 - B. R309-600 – Kate Johnson
7. Rural Water Association Report – Dale Pierson
8. Water Development Contract Staff Review – Michael Grange
9. Emergency Response Update
 - A. Hildale – Pete Keers
 - B. Wildfires – Pete Keers
10. Directors Report
 - A. Drinking Water Board’s Proposed 2018 Meeting Schedule
 - B. Lead in Schools Initiative
 - C. Fee Change Proposals
 - D. Election of Board Chair and Vice Chair
11. Other
12. Next Board Meeting:

Date: Friday, November 3, 2017
Time: 1:00 pm
Place: Multi Agency State Office Building
Board Room
195 North 1950 West
Salt Lake City, Utah 84116

13. Adjourn

In compliance with the American Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources, at: (801) 297-3828, TDD (801) 903-3978, at least five working days prior to the scheduled meeting.

Agenda Item

3(A)



State of Utah

GARY R. HERBERT
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Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF DRINKING WATER
Marie E. Owens, P.E.
Director

Drinking Water Board
Paul Hansen, P.E., *Chair*
Betty Naylor, *Vice-Chair*
Brett Chynoweth
Tage Flint
Roger G. Fridal
Alan Matheson
David L. Sakrison
David Stevens, Ph.D.
Mark Stevens, M.D.
Marie E. Owens, P.E.
Executive Secretary

DRINKING WATER BOARD MEETING

July 14, 2017 – 1:00 pm

Multi Agency State Office Building

Board Room

195 North 1950 West

Salt Lake City, Utah 84116

DRAFT MINUTES

- ❖ **A Board Member Training meeting was conducted at 8:30 am, prior to the Board meeting. Directly following the training, lunch was served. Neither discussion of any agenda item nor any Board actions were conducted during this time.**

Board Members present: Betty Naylor.

Board Member Nominees present: Eric Franson, Mark Whitney, and Jeff Coombs.

Division Staff present: Marie Owens, Michael Grange, Sandy Pett, Deidre Beck, Dawnie Jacobo, Colt Smith, Rachael Cassady, Ying-Ying Macauley, Sam Grenlie, and Marianne Booth.

1. **Call to Order**

Betty Naylor, Acting Board Chairman, called the meeting to order at 1:00 pm.

2. **Roll Call**

Board Members present: Betty Naylor, Brett Chynoweth, David Sakrison, and Brad Johnson. Tage Flint joined the meeting at 1:15 pm.

Board Members absent: David Stevens and Roger Fridal.

Board Member Nominees present (audience): Eric Franson, Mark Whitney, and Jeff Coombs.

Division Staff present: Marie Owens, Michael Grange, Nagendra Dev, Ying-Ying Macauley, Bernie Clark, Colt Smith, Dawnie Jacobo, and Marianne Booth.

3. **Approval of the Minutes:**

A. May 12, 2017

This item was bypassed and returned to be acted upon at the end of the meeting.

- Tage Flint moved to approve the minutes. David Sakrison seconded. The motion was carried unanimously by the Board.

❖ **Introduction of Nominated Board Members – Marie Owens**

Marie Owens, Director of the Division of Drinking Water (DDW, the Division) informed the sitting Board members that the Governor has named the four nominees for the open seats on the Drinking Water Board and they are slated to be appointed on July 19, 2017 during an interim session of Legislature. The four nominees are:

- Eric Franson, Franson Civil Engineers, as the representative of Professional Engineers
- Jeff Coombs, Tooele County Health Department, as the representative from a local Health Department
- Mark Whitney, Mayor of Stockton Town, as the Elected Municipal Official involved in the management of a public water system
- Roger Fridal, Mayor of Tremonton, as the Elected Municipal Government representative. (Second Appointment)

Marie thanked them for being willing to commit to and serve on the Drinking Water Board.

4. **Recognition of Mayor David Sakrison – Marie Owens**

On behalf of the Board, the Department of Environmental Quality, and the Division, Marie took a moment to recognize David Sakrison and his contributions to the Board, the Division, and the drinking water community over the past 3 years.

Betty Naylor also expressed her appreciation of David Sakrison's service on the Board and his unique knowledge of the tourist industry and the impact that has on water systems.

5. **Financial Assistance Committee Report**

A. Status Report – Michael Grange

Michael Grange, Construction Assistance Section Manager with the Division, reported that as of June 30, 2017, there is a little over \$10.4 million in the State SRF fund and over the course of the next year the Division is expecting \$4.8 million to come into the fund for a total of approximately \$15,280,000 for project allocation. Michael also noted that the State Hardship fund is out of the red, however Division Staff is continuing to be cautious.

Michael then reported that as of June 30, 2017 there is \$16.9 million in the Federal SRF Fund and over the course of the next year the Division is expecting \$17.9 million to come into the fund for a total of approximately \$35 million for project allocation.

In response to questions from the Board, Michael informed them that Eagle Mountain will be requesting that their loan be de-authorized at the August meeting; and that Springdale Iron Town Property Association, and West Erda Improvement District are scheduled or close to closing their loans.

B. Project Priority List – Michael Grange

Michael Grange proposed that the following projects be added to the project priority list:

- Salina City, with 100 points, and a project consisting of an emergency tank replacement.
- Woodland Mutual, with 29 points, and a project consisting of spring redevelopment, a new tank, water lines, and a pump station.
- North Valley Ranches, with 17.3 points, and a project consisting of a new well and transmission line.
- Thatcher Penrose, with 8.1 points, and a project consisting of water line replacement.

It was noted that with Salina being considered an emergency project, that if needed, the Board could hold an Emergency Teleconference Board Meeting.

- Brett Chynoweth moved to approve the updated project priority list. David Sakrison seconded. The motion was carried unanimously by the Board.

C. SRF Applications

Betty Naylor noted that as Division Staff had been unable to verify that there would be a quorum present prior to the meeting, applicants had been notified not to send representatives; therefore the Board would not be hearing this portion of the agenda, excepting a brief explanation of each item from Michael Grange.

i. STATE:

a) Eagle Mountain De-Authorization – Michael Grange

Michael Grange informed the Board that Eagle Mountain will be requesting their loan be de-authorized.

ii. FEDERAL:

a) Moab City – Michael Grange

Michael Grange informed the Board that Moab City will be requesting a \$90,000 planning advance for a Master Plan.

b) Woodland Mutual – Michael Grange

Michael Grange informed the Board that Woodland Mutual is requesting almost \$3 million in financial assistance for construction of various water system improvements.

c) Hanksville – Michael Grange

Michael Grange informed the Board that Hanksville is requesting additional funding to expand their project scope to include an arsenic treatment plant.

iii. Other:

a) Financial Assistance Committee – Michael Grange

Michael Grange then took a moment to explain that with the departure of Paul Hansen, Former Board Chairman; the Financial Assistance Committee (FAC), a subgroup of the Board comprised of 4 members, is in need of a new member.

He then explained applications must be submitted 60 days prior to the Board meetings they are to be presented at. This allows Division Staff time to prepare the financial evaluation and the feasibility review of the projects. Then 30 days prior to the Board meeting the FAC holds a conference call wherein Division Staff presents the applications for review. This allows time for Division Staff to include any requested additional information to be included in the Board packet, thus allowing Board members to make informed and educated decisions on whether or not to provide funding to the applicant.

Michael then noted that being a member of the FAC is voluntary, and if any of the sitting or nominated Board members are interested to please contact him.

6. Notice of August request to Begin Rulemaking to Amend

There was discussion between the Board, Marie, and Division Staff, and it was determined that the Board could authorize the items in this section that were ready to begin rulemaking in order to commence the public comment periods.

A. R309-500, Plan Review Draft Language – Bernie Clark

Bernie Clark, Environmental Scientist with the Division, requested authorization to begin rulemaking to amend R309-500, Plan Review Operation and Maintenance Requirements. He then explained that the Division would like to amend the current plan submittal waiver program, to make it more streamlined to easier for water systems to use. He went on to explain that this program applies only to water lines and then went through the table included in the packet that shows each change. Division Staff recommends that the Board authorize Division Staff to begin rulemaking to amend R309-500 and file the proposed amendment for publication in the Utah State Bulletin.

- Tage Flint moved to authorize Division Staff to begin rulemaking to amend R309-500 and file the proposed amendment for publication in the Utah State Bulletin. David Sakrison seconded. The motion was carried unanimously by the Board.

B. R309-100, 105, & 600, Plan Review Authorization – Marie Owens

Marie Owens noted that this item would also include R309-110, though not previously listed on the agenda. She then informed the Board that the changes in this system of rules would

allow for delegation of signatory authority from the Division Director to the Engineering, Construction Assistance, and delegated Source Protection section managers for planning review and plan authorization letters. Director recommends that the Board authorize Division Staff to begin remaking to amend R309-100, 105, 110 & 600, and file the proposed amendment for publication in the Utah State Bulletin.

- David Sakrison moved to authorize Division Staff to begin rulemaking to amend R309-100, 105, 110 & 600, and file the proposed amendment for publication in the Utah State Bulletin. Tage Flint seconded. The motion was carried unanimously by the Board.

C. R309-300, Removal of “Specialist” designation – Dawnie Jacobo

Marie Owens noted that this item is not ready for action at this time and will be for the Board’s information only and will come back before the Board in August.

Dawnie Jacobo, Environmental Program Coordinator with the Division, informed the Board that Division Staff would like to remove the specialist designation from R309-300. She noted that the both are required to pass the water operator exam and are required to renew to be certified, The difference is that specialists don’t currently work for a water system.

D. R309-220, Public Notification Draft Language – Colt Smith

Colt Smith, Environmental Scientist with the Division, requested authorization to begin rulemaking to amend R309-220, Public Notification Draft Language. Colt informed the Board that in the wake of recent events in the United States, the EPA issued a proposed Safe Drinking Water Action Plan which included “Strengthened Transparency of Public Information and Risk Communication”, which play a critical role in promoting water system accountability and compliance with regulatory requirements. He then noted that this change would require water systems to notify consumers if their system becomes not-approved or goes into corrective action and will require all 10 elements of the EPA Federal standard for public notice. Division Staff recommends that the Board authorize Division Staff to begin remaking to amend R309-220 and file the proposed amendment for publication in the Utah State Bulletin

There was discussion between the Board, the Director, and Division Staff with regards to this being a proposed EPA action plan, State Primacy not depending on this action, and generally before a water system is rated not-approved or goes into corrective action it has had several notifications from the Division. It was also noted that this information is already available on the Division web site, this change would just require the water system itself to notify its consumers.

- Tage Flint moved to authorize Division Staff to begin rulemaking to amend R309-220 and file the proposed amendment for publication in the Utah State Bulletin. Brett Chynoweth seconded. The motion was carried unanimously by the Board.

7. **Rural Water Association Report – Dale Pierson**

Dale Pierson, Executive Director of the Rural Water Association of Utah (RWAU) took a moment to thank and express his appreciation to David Sakrison for his service on the Drinking Water Board.

8. **Directors Report**

A. Fee Review

Marie Owens referred to Title 19-4-401, which give the Board its authority, and more specifically in sections 2(c) and 4(b) state that the Water Operator Certification Program and the Cross Connection/Backflow Programs of the Division shall be funded from certification and renewal fees. She then informed the Board that in 2017 the Operator Certification program had a revenue from fees of \$107,680 and a total operating cost of \$245,879, the Cross Connection/Backflow Program had a revenue of \$72,615 from fees and a total operating cost of \$121,418; and that the additional funds to run these programs have come from the Federal SRF set aside. Marie then informed the Board that she has spoken with the AG's office, and believes that the intent of this rule is for the programs to be self-funded and is requesting guidance from the Board.

There was discussion between the Board, Marie, and Division Staff with regards to raising the fees, which would not be effective for a year, and what the intent of the rule is.

The Board approved Division Staff to request a fee increase and obtain clarification on the intent of the rule.

B. Septic Tanks in Source Protection Zones

Marie then informed the Board that with regards to private septic tanks and private drinking water wells there is a disconnect between the Divisions rules and county ordinances resulting in the counties denying building permits and several requests from property owners for exceptions to the rule. She then went onto explain that the Division's rule refers to public water system separation and source protection zones, not private. She then informed the Board that the Division is currently working with the AG's office to review the rule language.

C. Lead in School Sampling Update

Marie then moved onto the Lead in School Initiative pilot program that the Division implemented in the spring. She reported that so far they have received approximately 300 samples, which were collected while the schools were still in session, and based on the results would like to roll this initiative out statewide beginning this fall.

Marie noted that the Division does not regulate the School Districts, so this would voluntary on their part, and with regards to funding the Division has an allocation with the State Lab, which can be used for the sample analysis.

9. **Development Specialist Contract – Michael Grange**

Michael Grange reminded the Board that approximately 7 years ago they had entered into a Sole Source contract with RWAU to provide a development specialist who would work with County Commissions and County Planning and Zoning Commissions with regards to Drinking Water Construction Standards education and training. Originally this was a sole source contract; however 5 years ago it was challenged by another 3rd party assistance provider, and a Request For Proposal (RFP) was prepared and the contract opened for bid. That contract, through committee review and approval was awarded to RWAU and is now expiring. Michael then explained that a new RFP will need to be prepared and the Division is requesting guidance from the Board with respect to the program and the direction the Board would like Staff to take.

Curt Ludvigson, Development Specialist with RWAU, then informed the Board that to date there are 15 counties in the State who have implemented rules for non-public drinking water systems that align with Drinking Water Construction Standards. He also noted that he is continuing to work with Wasatch, Summit, Davis, Weber/Morgan, and the Central District counties and District Engineer; and believes they are close to implementation of similar rules.

At the request of the Board, Division Staff will bring this item back before them at the August meeting with a recommendation. This will also give the Board time to review the RFP.

10. **Other**

Betty Naylor expressed her appreciation to Division Staff for presenting the Board Member Training session that morning. She also noted that due to time constraints and the amount of information there would also be additional Board Member training prior to the August meeting.

11. **Next Board Meeting:**

Date: Tuesday, August 29, 2017
Time: 1:30 pm
Place: Davis Conference Center
Zephyr Room
1651 North 700 West
Layton, Utah 84041

12. **Adjourn**

- David Sakrison moved to adjourn the meeting Brett Chynoweth seconded. The motion was carried unanimously by the Board.

The meeting adjourned at 3:00 pm.

In compliance with the American Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources, at: (801) 297-3828, TDD (801) 903-3978, at least five working days prior to the scheduled meeting.

Agenda Item

4(A)

DIVISION OF DRINKING WATER
STATE LOAN FUNDS
AS OF July 31, 2017

SUMMARY		
	Total State Fund:	\$11,662,350
	Total State Hardship Fund:	\$561,022
	Subtotal:	\$12,223,372
LESS AUTHORIZED	Less:	
	Authorized Loans & Closed loans in construction:	\$2,216,000
	Authorized Hardship:	\$492,955
	Subtotal:	\$2,708,955
	Total available after Authorized deducted	\$9,514,417
PROPOSED	Proposed Loan Project(s):	-\$1,800,000
	Proposed Hardship Project(s):	\$0
	Subtotal:	-\$1,800,000
AS OF:		
July 31, 2017	TOTAL REMAINING STATE LOAN FUNDS:	\$11,246,350
	TOTAL REMAINING STATE HARDSHIP FUNDS:	\$68,067

(see Page 2 for details)

(see Page 2 for details)

Total Balance of ALL Funds: \$11,314,417

Projected Receipts Next Twelve Months: and Sales Tax Revenue	
Annual Maximum Sales Tax Projection	\$3,587,500
Less State Match for 2017 Federal Grant	(\$1,720,000)
Less Appropriation to DDW	(\$800,000)
Less Wtr Use Study Appropriation	\$0
Less Administration Fees	(\$153,700)
SUBTOTAL Sales Tax Revenue including adjustments:	\$913,800
Payment:	
Interest on Investments (Both Loan and Hardship Accounts)	\$138,000
Principal payments	\$2,958,754
Interest payments	\$820,144
Total Projections:	\$4,830,698

Receive 80% in January

Total Estimated State SRF Funds Available through 7-31-2018	\$16,145,115
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**DIVISION OF DRINKING WATER
STATE LOAN FUNDS
PROJECTS AUTHORIZED BUT NOT YET CLOSED
AS OF July 31, 2017**

Community	Loan #	Cost Estimate	Date Authorized	Date Closed/Anticipated	Authorized Funding		
					Loan	Grant	Total
Sterling City 2.52% int, 20 yrs	3S239	300,000	May-16		258,000		258,000
Big Plains (Cedar Point) 0%, 20yrs	3S240	176,000	Jul-16		88,000	88,000	176,000
Eagle Mountain 1.4% int 20 yrs (LOF)	3S244	2,300,000	Nov-16		1,800,000		1,800,000
Subtotal Loans and Grants Authorized					2,146,000	88,000	2,234,000
PLANNING LOANS / GRANTS IN PROCESS							
LaVerkin City	3S223P	40,000	Jun-15	Jun-15		19,955	19,955
Weber County General	3S225P	40,000	Jun-15	Sep-15		20,000	20,000
Tropic Town 0% for 5 yrs master plan	3S246P	70,000	Mar-17	May-17	70,000		
					70,000	39,955	39,955
CLOSED LOANS (partially disbursed)							
Daggett Co - Dutch John 0% int 30 yrs	3S216	1,020,000	Jan-15	Feb-16	0	120,000	120,000
Henrieville	3S241	345,000	Aug-16	Nov-16		245,000	245,000
							0
							0
Subtotal Planning Loans/Grants Auth					0	365,000	365,000
Total authorized or closed but not yet funded					\$2,216,000	\$492,955	\$2,638,955
PROPOSED PROJECTS for AUGUST 2017							
Eagle Mountain deauthorization request	3S244	2,300,000	Nov-16		(1,800,000)		(1,800,000)
							0
							0
Total Proposed Projects					(1,800,000)	0	(1,800,000)

DIVISION OF DRINKING WATER
STATE LOAN FUNDS
AS OF July 31, 2017

	5235	5240	
	Loan	Interest	
	Funds	(use for Grants)	Total
Cash:	\$11,662,350	\$561,022	\$12,223,372
Less:			
Loans & Grants authorized but not yet closed (schedule attached)	(2,216,000)	(127,955)	(2,343,955)
Loans & Grants closed but not fully disbursed (schedule attached)	0	(365,000)	(365,000)
Proposed loans & grants	1,800,000	0	1,800,000
Administrative quarterly charge for entire year	(153,700)		(153,700)
Appropriation to DDW	(800,000)		(800,000)
Appropriation to DDW - Wtr Use Study	0		0
FY 2017 Federal SRF 20% match of \$???	(1,720,000)		(1,720,000)
	8,572,650	68,067	8,640,717
Projected repayments during the next twelve months			
Thru 07-31-2018			
Principal	2,958,754		2,958,754
Interest		820,144	820,144
Projected annual investment earnings on invested cash balance		138,000	138,000
Sales Tax allocation thru Jul-31-2018	3,587,500		3,587,500
Total	\$15,118,904	\$1,026,211	\$16,145,115
* All interest is added to the Hardship Fee account.			

**DIVISION OF DRINKING WATER
FEDERAL SRF
AS OF July 31, 2017**

FIRST ROUND FUND		FEDERAL SECOND ROUND FUND		Hardship Fund
1997 thru 2016 SRF Grants		Principal Repayments	Earnings on Invested Cash Balance	Total:
Net Federal SRF Grants:	\$157,144,401	Principal (P):	\$50,133,833	\$1,173,515
Total State Matches:	\$35,108,900	Interest (I):	\$14,092,268	
Closed Loans:	-\$190,792,241	Total P & I:	\$64,226,101	
Total Grant Dollars:	\$1,461,060			\$467,535

SUMMARY								
	Total Federal State Revolving Fund: \$66,860,676							
	Total Federal Hardship Fund: \$467,535							
	Subtotal: \$67,328,211							
LESS AUTHORIZED & PARTIALLY DISBURSED	Less: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Authorized & Partially Disbursed Closed Loans:</td> <td style="text-align: right;">\$44,674,000</td> <td rowspan="3" style="vertical-align: middle;">(see Page 2 for details)</td> </tr> <tr> <td>Authorized Federal Hardship:</td> <td style="text-align: right;">\$324,126</td> </tr> <tr> <td style="text-align: right;">Subtotal:</td> <td style="text-align: right;">\$44,998,126</td> </tr> </table>	Authorized & Partially Disbursed Closed Loans:	\$44,674,000	(see Page 2 for details)	Authorized Federal Hardship:	\$324,126	Subtotal:	\$44,998,126
Authorized & Partially Disbursed Closed Loans:	\$44,674,000	(see Page 2 for details)						
Authorized Federal Hardship:	\$324,126							
Subtotal:	\$44,998,126							
PROPOSED	Proposed Federal Project(s): \$5,997,725 Proposed Federal Hardship Project(s): \$0 Subtotal: \$5,997,725 (see Page 2 for details)							

AS OF:	July 31, 2017	TOTAL REMAINING LOAN FUNDS:	\$16,188,951
		TOTAL REMAINING HARDSHIP FUNDS:	\$143,409

Total Balance of ALL Funds after deducting proposed actions: \$16,332,360

Projected Receipts thru August 1, 2018	
2017 Fed SRF Grant	\$5,800,000
2017 State Match	\$1,720,000
Interest on Investments	\$823,200
Principal Payments	\$6,689,800
Interest	\$1,386,970
Hardship & Technical Assistance fees	\$325,375
Lapsing Water Use Appropriation to Hardship Grant Fund	\$978,388
Total:	<u>\$17,723,733</u>

} Receive 60% in January

Total Estimated Federal SRF Funds Available through: 08/01/2018 **\$34,056,093**

**DIVISION OF DRINKING WATER
FEDERAL STATE REVIVING FUND**

**PROJECTS AUTHORIZED BUT NOT YET CLOSED
AS OF July 31, 2017**

COMMUNITY	Project			Authorized Date	Closing Date Scheduled	Authorized From Loan Funds (1st or 2nd Round)			Hardship Fund
	Total Project	Terms	Loan #			Loan	Forgiveness	Total	
West Erda Improvement District	1,700,600	0% int, 30 yr	3F233	Nov-14	Aug-17	850,000	850,600	1,700,600	
Juab County	27,210,000	2.5% int/hgf, 30 yrs	3F259	Mar-16		21,210,000		21,210,000	
Springdale	5,654,000	1.25% int/hgf, 30 yrs	3F264	May-16	Oct-17	3,856,000	1,652,350	5,508,350	
Virgin Town	1,120,000	0% int, 30 yrs	3F272	Jul-16		1,120,000		1,120,000	
Iron Town Property Owners Assn	474,000	0% int, 30 yrs	3F271	Jul-16	Aug-17	379,000	95,000	474,000	
San Juan Spanish Valley SSD	5,100,000	0% int, 30yrs (combined w/CIB)	3F275	Aug-16		1,785,000	765,000	2,550,000	
Bridge Hollow Water Assoc	225,000	1.0% int, 30 yrs	3F280	Nov-16	Oct-17	158,000	67,000	225,000	
Hanksville Town	601,548	0% int, 30 yrs	3F279	Nov-16	Nov-17	421,000	180,548	601,548	
Monticello	39,000	Eng study 10 yr 0% int	3F281P	Nov-16		39,000		39,000	
Cove SSD	1,085,000	0% int, 30 yrs	3F285	Mar-17		600,000	485,000	1,085,000	
Rocky Ridge Town	1,011,000	2.45% int/hgf, 30 yrs	3F286	Mar-17	Sep-17	606,000	405,000	1,011,000	
Torrey Town	1,700,000	.75% int/hgf, 30 yrs	3F287	Mar-17		1,700,000		1,700,000	
Community Water Company	3,662,000	3.39% int/hgf, 20 yrs	3F291	May-17		3,662,000		3,662,000	
Big Plains SW SSD - Cedar Point	517,125	1% int/hgf, 30 yrs	3F290	May-17		362,000	155,125	517,125	
Cedarview Montwell SSD	2,309,000	.25% int, 28 yrs	3F282	May-17		2,309,000		2,309,000	
Greenwich Water Company	130,000	65K loan at 0%, 30 yrs/ 65K pf hg	3F258	Mar-16				0	65,000
TOTAL CONSTRUCTION AUTHORIZED:						\$ 39,057,000	\$ 4,655,623	\$ 43,712,623	\$ 65,000
COMMITTED ADVANCES / AGREEMENTS or PARTIALLY DISBURSED CLOSED 2ND ROUND AGREEMENTS:									
					Date Closed				
Rural Water Assn of Utah	124,758	5 yr contract for Development Specialist	Ongoing	Nov-12	Jan-13			0	0
Bluffdale City	40,000	pl 100% pf hg	3F242P	Sep-15	Nov-15			0	40,000
Elsinore Town	45,000	pl 100% pf hg	3F243P	Nov-15	Jun-16			0	6,500
Greenwich Water Company	130,000	65K loan at 0%, 30 yrs/ 65K pf hg	3F258	Mar-16	Jun-16			0	65,000
Water Use Study	1,000,000	Legislature Appropriated for FY 2017	n/a	Mar-16	Jul-16			0	0
Forest Glen Plat A HOA	1,438,986	0% int, 30 yrs	3F222	Feb-14	Dec-14	114,000	55,986	169,986	
Taylor West Weber Water Improvement Dist	7,636,391	2.26% int, 30 yr	3F234	Feb-15	Apr-15	629,000	162,391	791,391	
TOTAL PLANNING AUTHORIZED:						\$743,000	\$218,377	\$961,377	\$259,126
TOTAL CONSTRUCTION & PLANNING:								\$44,674,000	\$324,126
AVAILABLE PROJECT FUNDS:									\$22,186,676
AVAILABLE HARDSHIP FUNDS:									\$143,409
PROPOSED PROJECTS FOR AUG 2017:									
Hanksville	467,225	0% int, 30 yrs additional funding	3F279			125,000	364,725	489,725	
Woodland Mutual Water Co	3,257,320	0% int, 30 yrs	3F293			3,000,000	232,000	3,232,000	
Moab	90,000	100% pf	3F292				90,000	90,000	
Springdale	2,186,000	.5 int, 30 yrs	3F264			2,186,000		2,186,000	
TOTAL PROPOSED PROJECTS FOR THIS MEETING:						\$5,311,000	\$686,725	\$5,997,725	\$0
*RWAU hardship grant is being disbursed monthly									
TOTAL FUNDS AFTER PROPOSED PROJECTS ARE FUNDED:									\$16,188,951
TOTAL FUNDS AFTER PROPOSED HS PROJECTS ARE FUNDED:									\$143,409
NOTES OF LOAN CLOSINGS SINCE LAST BOARD MEETING:									
Iron Town Property Owners Assn	474,000	0% int, 30 yrs	3F271	Jul-16	Aug-17	379,000	95,000	474,000	
West Erda Improvement District	1,700,600	0% int, 30 yr	3F233	Nov-14	Aug-17	850,000	850,600	1,700,600	
Total Recent Loan Closings									\$0
						\$1,229,000	\$945,600	\$2,174,600	\$0

DIVISION OF DRINKING WATER
FEDERAL SRF LOAN FUNDS
AS OF July 31, 2017

	Loan Funds 1st Round	Loan Payments			TOTAL
		2nd Round		Hardship Fund	
		Principal	Interest		
Federal Capitalization Grants and State 20% match thru 2015	\$192,253,301				
Earnings on Invested 1st Round Funds			1,173,515		
Repayments (including interest earnings on 2nd round receipts)		50,133,833	14,092,268	467,535	258,120,452
Less:					
Closed loans and grants	-190,792,241				-190,792,241
SUBTOTAL of Funds Available	\$1,461,060	\$50,133,833	\$15,265,783	\$467,535	\$67,328,211
Loans & Grants authorized but not yet closed or fully disbursed	-40,932,623	-3,523,000	-218,377	-324,126	-44,998,126
SUBTOTAL of Funds Available less Authorized	-\$39,471,563	\$46,610,833	\$15,047,406	\$143,409	\$22,330,085
Future Estimates:					
Proposed Loans/Grants for current board package	-5,997,725			0	-5,997,725
SUBTOTAL of Funds Available less Proposed Loans & Grants	-\$45,469,288	\$46,610,833	\$15,047,406	\$143,409	\$16,332,360
PROJECTIONS THRU August-2018					
	0				
2017 SRF Capitalization Grant (Loan Portion)	5,800,000				
2017 SRF Capitalization State Match	1,720,000				
Projected repayments & revenue during the next twelve months		6,689,800	1,386,970	1,303,763	9,380,533
Projected annual investment earnings on invested cash balance		660,000	156,000	7,200	823,200
TOTAL	-\$37,949,288	\$53,960,633	\$16,590,376	\$1,454,372	\$34,056,093

Agenda Item

4(B)

**DRINKING WATER BOARD
PACKET FOR PROJECT PRIORITY LIST**

There are four new projects being added to the Project Priority List:

Salina City is an emergency project and is being added to the Project Priority List with 100 points. Their project consists of an emergency tank replacement.

Woodland Mutual is being added to the Project Priority List with 29 points. Their project consists of a spring redevelopment, new tank, water lines and a pump station.

North Valley Ranches is being added to the Project Priority List with 17.3 points. Their project consists of a new well and transmission line.

Thatcher Penrose is being added to the Project Priority List with 8.1 points. Their project consists of a water line replacement.

FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:

The Drinking Water Board approves the updated Project Priority List.

Agenda Item

4(C)(i)(a)

Eagle Mountain
Presented to the Division of Drinking Water
August 29, 2017

DRINKING WATER BOARD
BOARD PACKET FOR CONSTRUCTION LOAN

STAFF COMMENTS:

Eagle Mountain City was authorized a construction loan of \$1,800,000 in November 2016 for a 2MG tank. The City has decided to use their own funds for this project.

STAFF RECOMMENDATION:

The Drinking Water Board deauthorize the \$1,800,000 construction loan to Eagle Mountain City.



Rich Peterson <richpeterson@utah.gov>

Eagle Mountain EA

Chris Trusty <ctrusty@emcity.org>
To: Rich Peterson <richpeterson@utah.gov>

Thu, Jun 8, 2017 at 8:30 AM

Rich,

Please deauthorize the state loan to Eagle Mountain City, Loan # 35244, Water System 25142, File #10638 in the amount of \$1,800,000 for the construction of a 2.0 MG tank.

Feel free to contact me if you have any additional questions. Thank you.



Chris Trusty

City Engineer
ctrusty@emcity.org
801-789-6671

www.eaglemountaincity.com

EAGLE
M O U N T A I N



From: Rich Peterson [mailto:richpeterson@utah.gov]
Sent: Wednesday, June 07, 2017 8:50 AM
To: Chris Trusty
Cc: Steve Hansen
Subject: Re: FW: Eagle Mountain EA

[Quoted text hidden]

Agenda Item

4(C)(ii)(a)

**DRINKING WATER BOARD
PACKET FOR PLANNING ADVANCE**

APPLICANT'S REQUEST

Moab City is requesting \$90,000 in financial assistance from the Drinking Water Board for an Engineering Planning Study of their water system. The cost to prepare the Engineering Study is estimated at \$80,000, while the Financial Consultant's fee is estimated at \$10,000.

The Engineering Study will include:

- Water System Master Plan including:
 - Hydraulic model for approving future development and water service area expansions
 - Capital needs analysis of the water system to improve the system and/or address existing deficiencies
- Water Rate Study and Water Impact Fee Study
 - Lay out the schedule of rate increases moving forward to meet the capital expense requirements

Moab City's latest population figure in 2015 was estimated to be 5,235 with an approximate municipal area of 4.1 square miles. The project is looking at the Moab City Water System only and is not considering water needs beyond City boundaries. Moab City does not have an existing master plan or hydraulic model - completing the Engineering Study will benefit the City with planning and decision making moving forward.

FINANCIAL ASSISTANCE COMMITTEE COMMENTS:

Moab City has a local Median Adjusted Gross Income (MAGI) of \$32,965, which is approximately 76% of the State MAGI (\$43,196). Their current average monthly water bill is calculated as \$21.46, which is 1.15% of local MAGI.

Due to Moab City's Median Adjusted Gross Income being under the threshold of 80%, Moab City qualifies for additional financial assistance for the proposed Engineering Study.

FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:

The Financial Assistance Committee recommends the Drinking Water Board authorize a \$90,000 planning loan with \$90,000 principal forgiveness to Moab City.

APPLICANT'S LOCATION:

Moab is a city on the southern edge of Grand County in eastern Utah. It is the county seat and largest city in Grand County located on Highway 191. Moab is known for its close proximity to nearby Arches and Canyonlands national parks.



PROJECT DESCRIPTION:

The Engineering Study will include:

- Water System Master Plan including:
 - Hydraulic model for approving future development and water service area expansions
 - Capital needs analysis of the water system to improve the system and/or address existing deficiencies
- Water Rate Study and Water Impact Fee Study
 - Lay out the schedule of rate increases moving forward to meet the capital expense requirements

IMPLEMENTATION SCHEDULE:

Apply to DWB for Funding:	April 24, 2017
DWB Funding Authorization:	July 14, 2017
Planning Study Complete	December 2017

COST ALLOCATION:

The cost allocation proposed for the project is shown below:

<u>Funding Source</u>	<u>Cost Sharing</u>	<u>Percent of Project</u>
DWB Principal Forgiveness	\$90,000	100%

CONTACT INFORMATION:

APPLICANT:

Moab City
217 East Center Street
Moab, UT 84532
(435) 259-5121

PRESIDING OFFICIAL &
CONTACT PERSON:

Dave Everitt
City Manager
217 East Center Street
Moab, UT 84532
(435) 259-5121
deveritt@moabcity.org

CONSULTING ENGINEER:

Bret Reynolds
CIVCO Engineering, Inc.
1256 West 400 South
Suite 1
Vernal, UT 84078
(435) 789-5448
bretreynolds@civcoengineering.com

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Moab Culinary Water System
 COUNTY: Grand
 PROJECT DESCRIPTION: Master Planning

FUNDING SOURCE: Federal SRF

0 % Loan & 100 % P.F.

ESTIMATED POPULATION:	5,235	NO. OF CONNECTIONS:	2060 *	SYSTEM RATING:	APPROVED
CURRENT AVG WATER BILL:	\$20.57 *			PROJECT TOTAL:	\$90,000
CURRENT % OF AGI:	0.75%	FINANCIAL PTS:	41	LOAN AMOUNT:	\$0
ESTIMATED MEDIAN AGI:	\$32,965			PRINC. FORGIVE.:	\$90,000
STATE AGI:	\$43,196			TOTAL REQUEST:	\$90,000
SYSTEM % OF STATE AGI:	76%				

	@ ZERO % RATE 0%	@ RBBI MKT RATE 3.92%		AFTER REPAYMENT PENALTY & POINTS 0.00%
<u>SYSTEM</u>				
ASSUMED LENGTH OF DEBT, YRS:	5	5		5
ASSUMED NET EFFECTIVE INT. RATE:	0.00%	3.92%		0.00%
REQUIRED DEBT SERVICE:	\$0.00	\$0.00		\$0.00
*PARTIAL COVERAGE (15%):	\$0.00	\$0.00		\$0.00
*ADD. COVERAGE AND RESERVE (10%):	\$0.00	\$0.00		\$0.00
ANNUAL NEW DEBT PER CONNECTION:	\$0.00	\$0.00		\$0.00
O & M + FUNDED DEPRECIATION:	\$736,379.00	\$736,379.00		\$736,379.00
OTHER DEBT + COVERAGE:	\$0.00	\$0.00		\$0.00
REPLACEMENT RESERVE ACCOUNT:	\$0.00	\$0.00		\$0.00
ANNUAL EXPENSES PER CONNECTION:	\$357.47	\$357.47		\$357.47
TOTAL SYSTEM EXPENSES	\$736,379.00	\$736,379.00		\$736,379.00
TAX REVENUE:	\$0.00	\$0.00		\$0.00
<u>RESIDENCE</u>				
MONTHLY NEEDED WATER BILL:	\$29.79	\$29.79		\$29.79
% OF ADJUSTED GROSS INCOME:	1.08%	1.08%		1.08%

* Equivalent Residential Connections

Agenda Item

4(C)(ii)(b)

**DRINKING WATER BOARD
BOARD PACKET FOR CONSTRUCTION LOAN
PRESENTED TO THE DRINKING WATER BOARD**

APPLICANT’S REQUEST:

Woodland Mutual Water Company is requesting \$3,200,000 in financial assistance from the Drinking Water Board for construction of various water system improvements including spring and well renovation, transmission and distribution lines, a 500,000 gallon concrete tank, and a booster station. They scored 29 points on the Project Priority List. Total project cost is \$3,225,000. Woodland Mutual is contributing \$25,000 towards the project which brings the request from the Drinking Water Board to \$3,200,000.

FINANCIAL ASSISTANCE COMMITTEE COMMENTS:

The local MAGI for Woodland is \$70,569 which is 163% of the State MAGI. They currently have an average water bill of approximately \$53.38 per month, which is 0.92% of local MAGI. A full loan for 20 years at the calculated interest rate of 3.71% would result in an average water bill of approximately \$249.58, which is 4.24% of their local MAGI. Based on this information, they qualify to be considered for additional subsidization.

Staff explored the following options:

Assistance	Loan	Grant	Terms	Water Bill	% MAGI
\$3,200,000	\$3,200,000	\$0	0.0%, 30 yrs	\$160.27	2.73%
\$3,200,000	\$3,000,000	\$200,000 (6%)	0.0%, 30 yrs	\$152.19	2.59%

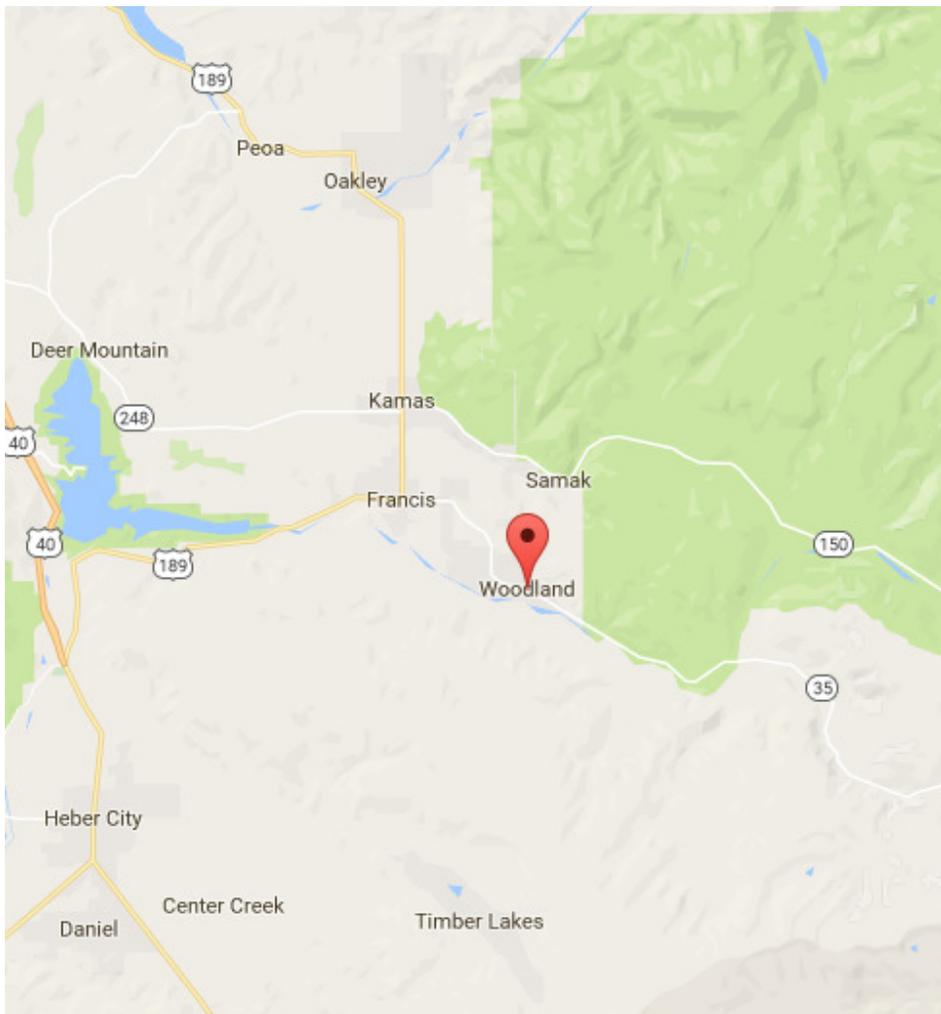
FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:

The Financial Assistance Committee recommends the Drinking Water Board authorize a \$3,200,000 construction loan to Woodland Mutual Water Company with a 0% interest/fee per annum for 30 years with \$200,000 in principal forgiveness for a repayable amount of \$3,000,000 with the condition they resolve any issues on their compliance report.

APPLICANT'S LOCATION:

Woodland Mutual Water Company serves 186 residents of Woodland, Utah, along State Highway 35 in Summit County along the Provo River.

MAP OF APPLICANT'S LOCATION:



PROJECT DESCRIPTION:

The project scope includes:

- Spring Renovation
 - The spring has developed some deep rooted vegetation that needs to be removed. If soil cover has been compromised, a new liner will be installed to prevent surface water influence.

- Distribution and Transmission Line Replacement to meet minimum pressure requirements and fire flows along with removing asbestos cement pipe.
 - 6,900 LF of 6" transmission Line
 - 7,400 LF of 8" Distribution Line
 - 6,800 Lf of 10" Distribution Line
 - 4,300 LF of 12" Distribution Line

- 500,000 gallon concrete tank
 - The proposed tank will be located to provide adequate pressure to all connections and sized to be able to feed the entire system including fire storage requirements while creating a new pressure zone with a pressure reducing valve.

- Booster Station
 - For redundancy of the upper pressure zone a small booster station needs to be constructed near the existing 100,000-gallon tank. This conveys Woodland Spring water into the proposed upper tank if the Woodland Well is out of service.

- Well Improvements
 - The Woodland Well needs to be re-equipped to pump to the higher elevation proposed tank.

POPULATION GROWTH:

The anticipated growth rate for Summit County is approximately 3.1 % per year over the next 30 years. Using the most recent population figures, Woodland has the following current and projected population figures:

	<u>Year</u>	<u>Population</u>
Current:	2017	338
Projected:	2047	848

IMPLEMENTATION SCHEDULE:

Apply to DWB for Construction Funds:	May 2017
SRF Committee Conference Call:	June 14 2017
DWB Funding Authorization:	July 14 2017
Complete Design:	December 2017
Plan Approval:	January 2018
Advertise for Bids:	January 2018
Bid Opening:	March 2018
Loan Closing:	March 2018
Begin Construction:	April 2018
Complete Construction:	November 2018
Receive Operating Permit:	November 2018

COST ESTIMATE:

Environmental Clearances	\$25,000
Engineering- Design	\$170,000
Engineering- CM	\$170,000
Survey	\$25,000
Geotechnical	\$15,000
Construction – Water Source	\$50,000
Construction – Transmission Lines	\$488,966
Construction – Storage Tank	\$415,000
Construction – Pump Station	\$95,000
Construction – Distribution Lines	\$1,511,034
Contingency (~10%)	\$260,000
Total Project Cost	\$3,225,000

COST ALLOCATION:

<u>Funding Source</u>	<u>Cost Sharing</u>	<u>Percent of Project</u>
DWB Loan (0%, 30-yr)	\$3,000,000	93%
DWB Principal Forgiveness	\$200,000	6%
System Contribution	\$25,000	1%
Total Amount	\$3,225,000	100%

ESTIMATED ANNUAL COST OF WATER SERVICE:

Operation and Maintenance plus Depreciation: \$32,064
Existing DW Debt Service: \$0.00
DDW Required Debt Service (0%, 30-yrs): \$100,000
DDW Partial Debt Coverage: \$15,000
DDW Additional Coverage and Reserve: \$10,000
Annual Cost/ERC: \$1,826.28
Monthly Cost/ERC: \$152.19
Cost as % MAGI: 2.59%

CONTACTS:

APPLICANT: Woodland Mutual Water Company
P.O. Box 478
Kamas, Utah 84036
(435) 714-0556

PRESIDING OFFICIAL &
CONTACT PERSON: Phares Gines
3651 South 1000 East
Woodland, Utah 84036
(435) 714-0556

TREASURER/RECORDER: Beaudée Richards
(435) 783-2043

CONSULTING ENGINEER: Cliff Linford
Sunrise Engineering
6875 South 900 East
Salt Lake City, Utah 84047
(801) 523-0100
clinford@sunrise-eng.com

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Woodland Mutual Water Co
 COUNTY: Summit
 PROJECT DESCRIPTION: Water System Improvments

FUNDING SOURCE: Federal SRF

94 % Loan & 6 % P.F.

ESTIMATED POPULATION:	186	NO. OF CONNECTIONS:	86 *	SYSTEM RATING:	APPROVED
CURRENT AVG WATER BILL:	\$53.83 *			PROJECT TOTAL:	\$3,225,000
CURRENT % OF AGI:	0.92%	FINANCIAL PTS:	22	LOAN AMOUNT:	\$3,000,000
ESTIMATED MEDIAN AGI:	\$70,569			PRINC. FORGIVE.:	\$200,000
STATE AGI:	\$43,196			TOTAL REQUEST:	\$3,200,000
SYSTEM % OF STATE AGI:	163%				

	@ ZERO % RATE 0%	@ RBBI MKT RATE 3.92%		AFTER REPAYMENT PENALTY & POINTS 0.00%
<u>SYSTEM</u>				
ASSUMED LENGTH OF DEBT, YRS:	30	30		30
ASSUMED NET EFFECTIVE INT. RATE:	0.00%	3.92%		0.00%
REQUIRED DEBT SERVICE:	\$100,000.00	\$171,809.07		\$100,000.00
*PARTIAL COVERAGE (15%):	\$15,000.00	\$25,771.36		\$15,000.00
*ADD. COVERAGE AND RESERVE (10%):	\$10,000.00	\$17,180.91		\$10,000.00
ANNUAL NEW DEBT PER CONNECTION:	\$1,453.49	\$2,497.22		\$1,453.49
O & M + FUNDED DEPRECIATION:	\$32,064.00	\$32,064.00		\$32,064.00
OTHER DEBT + COVERAGE:	\$0.00	\$0.00		\$0.00
REPLACEMENT RESERVE ACCOUNT:	\$0.00	\$0.00		\$0.00
ANNUAL EXPENSES PER CONNECTION:	\$372.84	\$372.84		\$372.84
TOTAL SYSTEM EXPENSES	\$157,064.00	\$246,825.33		\$157,064.00
TAX REVENUE:	\$0.00	\$0.00		\$0.00
<u>RESIDENCE</u>				
MONTHLY NEEDED WATER BILL:	\$152.19	\$239.17		\$152.19
% OF ADJUSTED GROSS INCOME:	2.59%	4.07%		2.59%

* Equivalent Residential Connections

R309-700-5

Woodland Mutual Water Co
Summit
July 14, 2017

TABLE 2 FINANCIAL CONSIDERATIONS

	POINTS	
1. COST EFFECTIVENESS RATIO (SELECT ONE)		
A. Project cost \$0 to \$500 per benefitting connection	16	
B. \$501 to \$1,500	14	
C. \$1,501 to \$2,000	11	
D. \$2,001 to \$3,000	8	
E. \$3,001 to \$5,000	4	
F. \$5,001 to \$10,000	1	
G. Over \$10,000	0	X
	\$37,500	
2. CURRENT LOCAL MEDIAN ADJUSTED GROSS INCOME (AGI) (SELECT ONE)		
A. Less than 70% of State Median AGI	19	
B. 71 to 80% of State Median AGI	16	
C. 81 to 95% of State Median AGI	13	
D. 96 to 110% of State Median AGI	9	
E. 111 to 130% of State Median AGI	6	
E. 131 to 150% of State Median AGI	3	
F. Greater than 150% of State Median AGI	0	X
	163%	
3. PROJECT FUNDING CONTRIBUTED BY APPLICANT (SELECT ONE)		
a. Greater than 25% of project funds	17	
b. 15 to 25% of project funds	14	
c. 10 to 15% of project funds	11	
c. 5 to 10% of project funds	8	
d. 2 to 5% of project funds	4	
e. Less than 2% of project funds	0	X
	0.8%	
4. ABILITY TO REPAY LOAN		
4. WATER BILL (INCLUDING TAXES) AFTER PROJECT IS BUILT RELATIVE TO LOCAL MEDIAN ADJUSTED GROSS INCOME (SELECT ONE)		
a. Greater than 2.50% of local median AGI	16	X
b. 2.01 to 2.50% of local median AGI	12	
c. 1.51 to 2.00% of local median AGI	8	
d. 1.01 to 1.50% of local median AGI	3	
e. 0 to 1.00% of local median AGI	0	
	2.59%	
5. SPECIAL INCENTIVE POINTS Applicant: (Mark all that apply)		
A. has a replacement fund receiving annual deposits of 5% of the system's drinking water budget been established, and has already accumulated a minimum of 10% of said annual DW budget in this reserve fund.	5	
B. Has a replacement fund equal to at least 15% or 20% of annual DW budget.	5	
C. Is creating or enhancing a regionalization plan	16	
D. Has a rate structure encouraging conservation	6	X
TOTAL POINTS FOR FINANCIAL NEED	22	
TOTAL POSSIBLE POINTS FOR FINANCIAL NEED	100	

Agenda Item

4(C)(ii)(c)

**DRINKING WATER BOARD
BOARD PACKET FOR CONSTRUCTION LOAN
AUTHORIZATION**

APPLICANT'S REQUEST:

Hanksville Town is requesting an additional \$489,725 in funding to expand their project scope to include an arsenic treatment plant to address increasing arsenic levels in their wells. Currently, they do not meet the maximum contaminant level for arsenic.

STAFF COMMENTS:

In November 2016, the Drinking Water Board authorized Hanksville a \$601,548 loan with 0% interest for 30 years with \$180,000 in principal forgiveness. The project scope involved replacing and upgrading their existing distribution system, replacing fire hydrants, adding auto-read water meters and installing a telemetry system. After further review of the system, it was determined that arsenic treatment was necessary to address the increasing arsenic levels in their wells. The Town had a mixing plan in place in 2012; however, it has not proven to be successful in reducing arsenic levels in the system. An arsenic removal plant and new transmission lines from the wells to the plant are being added to the original project scope.

The local MAGI for Hanksville is \$18,623 which is 44% of the State MAGI. They currently have an average water bill of approximately \$23.98 per month, which is 1.54% of local MAGI. A full loan for 20 years at the calculated interest rate of 2.07% would result in an average water bill of approximately \$79, which is 5.09% of their local MAGI. Based on this information, they qualify to be considered for additional subsidization.

Staff explored the following funding options for consideration:

Total Funding	Loan	Grant	Terms	Water Bill	% MAGI
\$1,091,273	\$545,000	\$546,273	0%, 30 yrs	\$44.87	2.88%
\$1,091,273	\$328,000	\$763,273	0%, 30 yrs	\$40.18	2.58%

STAFF RECOMMENDATION:

No recommendation

APPLICANT'S LOCATION:

Hanksville Town is located in Wayne County.

MAP OF APPLICANT'S LOCATION:



PROJECT DESCRIPTION:

The project scope involves replacing their existing old, 6-inch water lines with 8-inch water lines. They will also add a section of 8-inch water line to loop the system, replace hydrants, add auto-read water meters and install a telemetry system. To address high arsenic levels in their wells, they will also install an arsenic removal system. The system identified for arsenic removal is a GEH Granular Ferric Hydroxide Arsenic Removal System.

POPULATION GROWTH:

The anticipated growth rate for Hanksville Town is approximately 1.2 % per year over the next 20 years.

	<u>Year</u>	<u>Population</u>
Current:	2016	219
Projected:	2035	278

IMPLEMENTATION SCHEDULE:

Apply to DWB for Construction Funds:	May 2017
SRF Committee Conference Call:	June 2017
DWB Funding Authorization:	July 2017
Complete Design:	August 2017
Plan Approval:	August 2017
Advertise for Bids:	August 2017
Bid Opening:	September 2017
Loan Closing:	September 2017
Begin Construction:	September 2017
Complete Construction:	April 2018
Receive Operating Permit:	April 2018

COST ESTIMATE:

Legal-Bonding	\$15,000
Environmental	\$25,000
Engineering- Design	\$111,824
Engineering- CMS	\$89,459
Survey/Easements	\$29,950
Construction- Arsenic Treatment Plant	\$254,125
Construction- Distribution Lines	\$402,866
Construction- Fire Hydrants	\$36,000
Construction- Meters	\$22,500
Construction- Telemetry	\$30,000
Contingency 10%	\$74,549
Total Project Cost	<u>\$1,091,273</u>

COST ALLOCATION:

<u>Funding Source</u>	<u>Cost Sharing</u>	<u>Percent of Project</u>
DWB Loan (0%, 30-yr)	\$545,000	50%
DWB Grant	\$546,273	50%
Total Amount	\$1,091,273	100%

ESTIMATED ANNUAL COST OF WATER SERVICE:

Operation and Maintenance plus Depreciation: \$33,569
Existing DW Debt Service: \$22,637.50
DDW Debt Service (0%, 30-yrs): \$18,166.67
DDW Debt Reserve: \$1,816.67
Replacement Reserve Account: \$3,492.28
Annual Cost/ERC: \$538.39
Monthly Cost/ERC: \$44.87
Cost as % MAGI: 2.88%

APPLICANT: Hanksville Town
P.O. Box 127
Hanksville, Utah 84374
435-542-3451

PRESIDING OFFICIAL &
CONTACT PERSON: Kim Wilson
P.O. Box 127
Hanksville, Utah 84734
435-542-6451

TREASURER/RECORDER: Lisa Wells
435-542-3451

CONSULTING ENGINEER: Kelly Crane
Ensign Engineering
225 North 100 East
Richfield, Utah 84701
435-896-2983
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CITY ATTORNEY: Richard Chamberlain
Chamberlain Associates
225 North 100 East
Richfield, Utah 84701
435-896-4461
baxterse@hotmail.com

BOND ATTORNEY: Richard Chamberlain
Chamberlain Associates
225 North 100 East
Richfield, Utah 84701
435-896-4461
baxterse@hotmail.com

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Hanksville
 COUNTY: Wayne
 PROJECT DESCRIPTION: Water line replacement, meters, arsenic treatment

FUNDING SOURCE: Federal SRF

50 % Loan & 50 % P.F.

ESTIMATED POPULATION:	219	NO. OF CONNECTIONS:	148 *	SYSTEM RATING:	APPROVED
CURRENT AVG WATER BILL:	\$23.98 *			PROJECT TOTAL:	\$1,091,273
CURRENT % OF AGI:	1.54%	FINANCIAL PTS:	42	LOAN AMOUNT:	\$545,000
ESTIMATED MEDIAN AGI:	\$18,692			PRINC. FORGIVE.:	\$546,273
STATE AGI:	\$41,923			TOTAL REQUEST:	\$1,091,273
SYSTEM % OF STATE AGI:	45%				

	@ ZERO % RATE 0%	@ RBBI MKT RATE 3.06%		AFTER REPAYMENT PENALTY & POINTS 0.00%
<u>SYSTEM</u>				
ASSUMED LENGTH OF DEBT, YRS:	30	30		30
ASSUMED NET EFFECTIVE INT. RATE:	0.00%	3.06%		0.00%
REQUIRED DEBT SERVICE:	\$18,166.67	\$28,021.58		\$18,166.67
*PARTIAL COVERAGE (15%):	\$0.00	\$4,203.24		\$0.00
*ADD. COVERAGE AND RESERVE (10%):	\$1,816.67	\$2,802.16		\$1,816.67
ANNUAL NEW DEBT PER CONNECTION:	\$135.02	\$236.67		\$135.02
O & M + FUNDED DEPRECIATION:	\$33,569.00	\$33,569.00		\$33,569.00
OTHER DEBT + COVERAGE:	\$22,637.50	\$22,637.50		\$22,637.50
REPLACEMENT RESERVE ACCOUNT:	\$3,492.28	\$0.00		\$3,492.28
ANNUAL EXPENSES PER CONNECTION:	\$403.37	\$379.77		\$403.37
TOTAL SYSTEM EXPENSES	\$79,682.12	\$91,233.48		\$79,682.12
TAX REVENUE:	\$0.00	\$0.00		\$0.00
<u>RESIDENCE</u>				
MONTHLY NEEDED WATER BILL:	\$44.87	\$51.37		\$44.87
% OF ADJUSTED GROSS INCOME:	2.88%	3.30%		2.88%

* Equivalent Residential Connections

R309-700-5

Hanksville

Wayne

October 6, 2016

TABLE 2 FINANCIAL CONSIDERATIONS

	POINTS	
1. COST EFFECTIVENESS RATIO (SELECT ONE)		
A. Project cost \$0 to \$500 per benefitting connection	16	
B. \$501 to \$1,500	14	
C. \$1,501 to \$2,000	11	
D. \$2,001 to \$3,000	8	
E. \$3,001 to \$5,000	4	
F. \$5,001 to \$10,000	1	X
G. Over \$10,000	0	
	\$7,373	
2. CURRENT LOCAL MEDIAN ADJUSTED GROSS INCOME (AGI) (SELECT ONE)		
A. Less than 70% of State Median AGI	19	X
B. 71 to 80% of State Median AGI	16	
C. 81 to 95% of State Median AGI	13	
D. 96 to 110% of State Median AGI	9	
E. 111 to 130% of State Median AGI	6	
E. 131 to 150% of State Median AGI	3	
F. Greater than 150% of State Median AGI	0	
	45%	
3. PROJECT FUNDING CONTRIBUTED BY APPLICANT (SELECT ONE)		
a. Greater than 25% of project funds	17	
b. 15 to 25% of project funds	14	
c. 10 to 15% of project funds	11	
c. 5 to 10% of project funds	8	
d. 2 to 5% of project funds	4	
e. Less than 2% of project funds	0	X
	0.0%	
4. ABILITY TO REPAY LOAN		
4. WATER BILL (INCLUDING TAXES) AFTER PROJECT IS BUILT RELATIVE TO LOCAL MEDIAN ADJUSTED GROSS INCOME (SELECT ONE)		
a. Greater than 2.50% of local median AGI	16	X
b. 2.01 to 2.50% of local median AGI	12	
c. 1.51 to 2.00% of local median AGI	8	
d. 1.01 to 1.50% of local median AGI	3	
e. 0 to 1.00% of local median AGI	0	
	2.88%	
5. SPECIAL INCENTIVE POINTS Applicant: (Mark all that apply)		
A. has a replacement fund receiving annual deposits of 5% of the system's drinking water budget been established, and has already accumulated a minimum of 10% of said annual DW budget in this reserve fund.	5	
B. Has a replacement fund equal to at least 15% or 20% of annual DW budget.	5	
C. Is creating or enhancing a regionalization plan	16	
D. Has a rate structure encouraging conservation	6	X
TOTAL POINTS FOR FINANCIAL NEED	42	
TOTAL POSSIBLE POINTS FOR FINANCIAL NEED	100	

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Hanksville
 COUNTY: Wayne
 PROJECT DESCRIPTION: Water line replacement, meters, arsenic treatment

FUNDING SOURCE: Federal SRF

30 % Loan & 70 % P.F.

ESTIMATED POPULATION:	219	NO. OF CONNECTIONS:	148 *	SYSTEM RATING:	APPROVED
CURRENT AVG WATER BILL:	\$23.98 *			PROJECT TOTAL:	\$1,091,273
CURRENT % OF AGI:	1.54%	FINANCIAL PTS:	42	LOAN AMOUNT:	\$328,000
ESTIMATED MEDIAN AGI:	\$18,692			PRINC. FORGIVE.:	\$763,273
STATE AGI:	\$41,923			TOTAL REQUEST:	\$1,091,273
SYSTEM % OF STATE AGI:	45%				

	@ ZERO % RATE 0%	@ RBBI MKT RATE 3.06%		AFTER REPAYMENT PENALTY & POINTS 0.00%
<u>SYSTEM</u>				
ASSUMED LENGTH OF DEBT, YRS:	30	30		30
ASSUMED NET EFFECTIVE INT. RATE:	0.00%	3.06%		0.00%
REQUIRED DEBT SERVICE:	\$10,933.33	\$16,864.37		\$10,933.33
*PARTIAL COVERAGE (15%):	\$0.00	\$0.00		\$0.00
*ADD. COVERAGE AND RESERVE (10%):	\$1,093.33	\$1,686.44		\$1,093.33
ANNUAL NEW DEBT PER CONNECTION:	\$81.26	\$125.34		\$81.26
O & M + FUNDED DEPRECIATION:	\$33,569.00	\$33,569.00		\$33,569.00
OTHER DEBT + COVERAGE:	\$22,637.50	\$22,637.50		\$22,637.50
REPLACEMENT RESERVE ACCOUNT:	\$3,130.62	\$3,427.17		\$3,130.62
ANNUAL EXPENSES PER CONNECTION:	\$400.93	\$402.93		\$400.93
TOTAL SYSTEM EXPENSES	\$71,363.78	\$78,184.47		\$71,363.78
TAX REVENUE:	\$0.00	\$0.00		\$0.00
<u>RESIDENCE</u>				
MONTHLY NEEDED WATER BILL:	\$40.18	\$44.02		\$40.18
% OF ADJUSTED GROSS INCOME:	2.58%	2.83%		2.58%

* Equivalent Residential Connections

Agenda Item

4(C)(ii)(d)

**DRINKING WATER BOARD
BOARD PACKET FOR CONSTRUCTION LOAN
AUTHORIZATION**

APPLICANT'S REQUEST:

The Town of Springdale is requesting an additional \$1,886,000 in financial assistance resulting from the construction bids coming in over the estimated amount. The total cost of the new project is \$7,840,000 and Springdale is contributing \$445,650 towards the project.

STAFF COMMENTS:

On May 13, 2016, the Drinking Water Board authorized Springdale a \$5,508,350 construction loan at 1.25% interest/fee for 30 years with \$1,652,350 in principal forgiveness for the construction of a new surface water treatment plant.

The increase in construction costs is assumed to be a combination of the length of time between the original application and bidding, project site constraints and by the current economic boom in Southern Utah. In addition, the bid for the building was double the architect's estimate and there were some project improvements that were left out of the original estimate that were added based on plan review comments from the Division of Drinking Water.

The local MAGI for Springdale is \$30,483, which is 75% of the State MAGI. The average residential water bill for Springdale, including an average secondary irrigation bill of \$4.65, is approximately \$46 per month, which is 1.80% of local MAGI. The funding previously authorized required an increase in their water bill to approximately \$72 per connection, which is 2.83% of the local MAGI.

The following options were evaluated:

	Total Funding	Principal Forgiveness	Loan	Term	Interest Rate	Water Bill	% of Local MAGI
Option 1	\$7,394,350	\$2,218,350	\$5,176,000	30 yrs	1.25%	\$76.59	3.01%
Option 2	\$7,394,350	\$1,652,350	\$5,742,000	30 yrs	0.5%	\$76.46	3.01%

Option 1 is consistent with the funding terms that were originally authorized; however, we do not have enough grant funds available to cover the increased amount. Option 2 was evaluated to maintain the same grant amount that was originally authorized in 2016, with a reduction in the interest rate to keep the water bill at the same rate as Option 1.

The Town of Springdale

August 29, 2017

Page 2

STAFF RECOMMENDATION:

The Drinking Water Board amend the original authorization to a loan of \$7,394,350 at .5% interest/fee for 30 years with \$1,652,350 in principal forgiveness to the Town of Springdale.

The Town of Springdale

August 29, 2017

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APPLICANT:

Town of Springdale
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Telephone: (435) 772-3434

PRESIDING OFFICIAL &
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RECORDER:

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dawnsanders@infowest.com

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Springdale
 COUNTY: Washington
 PROJECT DESCRIPTION: Treatment Plant

FUNDING SOURCE: Federal SRF

70 % Loan & 30 % P.F.

ESTIMATED POPULATION:	572	NO. OF CONNECTIONS:	1064 *	SYSTEM RATING:	APPROVED
CURRENT AVG WATER BILL:	\$45.66 *			PROJECT TOTAL:	\$7,840,000
CURRENT % OF AGI:	1.80%	FINANCIAL PTS:	57	LOAN AMOUNT:	\$5,176,000
ESTIMATED MEDIAN AGI:	\$30,483			PRINC. FORGIVE.:	\$2,218,350
STATE AGI:	\$40,489			TOTAL REQUEST:	\$7,394,350
SYSTEM % OF STATE AGI:	75%				

	@ ZERO % RATE 0%	@ RBBI MKT RATE 3.86%		AFTER REPAYMENT PENALTY & POINTS 1.25%
<u>SYSTEM</u>				
ASSUMED LENGTH OF DEBT, YRS:	30	30		30
ASSUMED NET EFFECTIVE INT. RATE:	0.00%	3.86%		1.25%
REQUIRED DEBT SERVICE:	\$172,533.33	\$294,261.38		\$207,964.14
*PARTIAL COVERAGE (15%):	\$0.00	\$0.00		\$0.00
*ADD. COVERAGE AND RESERVE (10%):	\$17,253.33	\$29,426.14		\$20,796.41
ANNUAL NEW DEBT PER CONNECTION:	\$178.37	\$304.22		\$215.00
O & M + FUNDED DEPRECIATION:	\$565,246.00	\$565,246.00		\$565,246.00
OTHER DEBT + COVERAGE:	\$82,500.00	\$82,500.00		\$82,500.00
REPLACEMENT RESERVE ACCOUNT:	\$40,188.97	\$46,275.37		\$41,960.51
ANNUAL EXPENSES PER CONNECTION:	\$646.56	\$652.28		\$648.22
TOTAL SYSTEM EXPENSES	\$877,721.63	\$1,017,708.89		\$918,467.06
TAX REVENUE:	\$0.00	\$0.00		\$0.00
<u>RESIDENCE</u>				
MONTHLY NEEDED WATER BILL:	\$73.39	\$84.36		\$76.59
% OF ADJUSTED GROSS INCOME:	2.89%	3.32%		3.01%

* Equivalent Residential Connections

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Springdale
 COUNTY: Washington
 PROJECT DESCRIPTION: Treatment Plant

FUNDING SOURCE: Federal SRF

78 % Loan & 22 % P.F.

ESTIMATED POPULATION:	572	NO. OF CONNECTIONS:	1064 *	SYSTEM RATING:	APPROVED
CURRENT AVG WATER BILL:	\$45.66 *			PROJECT TOTAL:	\$7,840,000
CURRENT % OF AGI:	1.80%	FINANCIAL PTS:	57	LOAN AMOUNT:	\$5,742,000
ESTIMATED MEDIAN AGI:	\$30,483			PRINC. FORGIVE.:	\$1,652,350
STATE AGI:	\$40,489			TOTAL REQUEST:	\$7,394,350
SYSTEM % OF STATE AGI:	75%				

	@ ZERO % RATE 0%	@ RBBI MKT RATE 3.86%		AFTER REPAYMENT PENALTY & POINTS 0.50%
<u>SYSTEM</u>				
ASSUMED LENGTH OF DEBT, YRS:	30	30		30
ASSUMED NET EFFECTIVE INT. RATE:	0.00%	3.86%		0.50%
REQUIRED DEBT SERVICE:	\$191,400.00	\$326,439.12		\$206,590.95
*PARTIAL COVERAGE (15%):	\$0.00	\$48,965.87		\$0.00
*ADD. COVERAGE AND RESERVE (10%):	\$19,140.00	\$32,643.91		\$20,659.09
ANNUAL NEW DEBT PER CONNECTION:	\$197.88	\$383.50		\$213.58
O & M + FUNDED DEPRECIATION:	\$565,246.00	\$565,246.00		\$565,246.00
OTHER DEBT + COVERAGE:	\$82,500.00	\$82,500.00		\$82,500.00
REPLACEMENT RESERVE ACCOUNT:	\$41,132.30	\$0.00		\$41,891.85
ANNUAL EXPENSES PER CONNECTION:	\$647.44	\$608.78		\$648.16
TOTAL SYSTEM EXPENSES	\$899,418.30	\$1,055,794.89		\$916,887.89
TAX REVENUE:	\$0.00	\$0.00		\$0.00
<u>RESIDENCE</u>				
MONTHLY NEEDED WATER BILL:	\$75.09	\$87.34		\$76.46
% OF ADJUSTED GROSS INCOME:	2.96%	3.44%		3.01%

* Equivalent Residential Connections

Agenda Item

5(A)

Proposed Amendments to R309-300

Certification Rules for Water Supply Operators

The Division is requesting authorization to begin rulemaking to amend and update R309-300, *Certification Rules for Water Supply Operators*. The Division would like to remove the specialist definition and the requirement for converting operator and specialist certificates. This change is due to confusion with renewal, is difficult to track, lack of reporting from operator/specialists, and the amount of work involved from staff.

R309-300

- Removing specialist from R309-300-4 to R309-300-19.

R309-300-3. Extent of Coverage

- Removing the outdated second paragraph due to population requirement changes, the rule is fully in effect, and the first paragraph covers the rule.

R309-300-4. Definitions

- Removing the specialist definition and adding “those who have passed the exam and do not work for a water system” to the operator definition.

R309-300-4. Definitions

- Removing the specialist definition and adding “those who have passed the exam and do not work for a water system” to the operator definition.

R309-300-5. General Policies

- Adding a reference to the IPS Rule to clarify the consequences for failure to comply.

R309-300-7. Examinations

- The Division is moving away from paper exams due to the drop in numbers and the increasing demand of online exams. Online exams are available year-round and are less of a workload for staff.
- Adding 30 days between exams of the same discipline, treatment or distribution, for those who have failed an exam.
- The deficient areas for oral exams are discussed after the exam is completed and written notices are not provided.

R309-300-8. Certificates

- Removing specialist from the certificates.
- Removing the requirement to convert operator and specialist certificates.

R309-300-13. Grandparent Certification

- The population requirement is outdated.

R309-300-14. CEUs and Approved Training

- Removing outdated information and grandparent certificates are no longer issued.

R309-300-19. Drinking Water System Classification

- Removing Table 6, Minimum Certification Qualifications for Water System Specialists.

R309. Environmental Quality, Drinking Water.

R309-300. Certification Rules for Water Supply Operators.

R309-300-1. Objectives.

These certification rules are established to promote use of trained, experienced, and efficient personnel in charge of public waterworks and to establish standards whereby operating personnel can demonstrate competency to protect the public health through proficient operation of waterworks facilities.

R309-300-2. Authority.

Utah's Operator Certification Program is authorized by Section 19-4-104.

R309-300-3. Extent of Coverage - To Whom Rules Apply - Effective Date.

These rules shall apply to all community and non-transient non-community drinking water systems and all public drinking water systems that utilize treatment of the drinking water. This shall include both water treatment and distribution systems.

~~[The certification requirements shall become effective February 1, 2001 for non transient non community drinking water systems and for community water systems serving less than 800 population utilizing only ground water or wholesale sources. These water systems shall have until February 1, 2003 to meet these requirements. For further information on this program, contact the Division of Drinking Water, telephone 536 4200.]~~

R309-300-4. Definitions.

"Commission" see the definition of: Operator Certification Commission.

"Community Water System" means a public drinking water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Continuing Education Unit (CEU)" means ten contact hours of participation in, and successful completion of, an organized and approved continuing education experience under responsible sponsorship, capable direction, and qualified instruction. College credit in approved courses may be substituted for CEUs on an equivalency basis.

"Direct Employment" means that the operator is directly compensated by the drinking water system to operate that drinking water system.

"Direct Responsible Charge" means active on-site charge and performance of operation duties. A person in direct responsible charge is generally an operator of a water treatment plant or distribution system who independently makes decisions during normal operation which can affect the sanitary quality, safety, and adequacy of water delivered to customers. In cases where only one operator is employed by the system, this operator shall be considered to be in direct responsible charge.

"Director" means the Director of the Division of Drinking Water.

"Discipline" means type of certification (Distribution or Treatment).

"Distribution System" means the use of any spring or well source, distribution pipelines, appurtenances, and facilities which carry water for potable use to consumers through a public water supply. Systems which chlorinate groundwater are in this discipline.

"Distribution System Manager" means the individual responsible for all operations of a distribution system.

"Division of Drinking Water" means the Division within the Utah Department of Environmental Quality which regulates public water supplies.

"Grade" means any one of the possible steps within a certification discipline of either water distribution or water

treatment. The water distribution discipline has five steps and the water treatment discipline has four steps. Treatment Grade I and Distribution Small System indicate knowledge and experience requirements for the smallest type of public water supply. Grade IV indicates knowledge and experience levels appropriate for the largest, most complex type of public water supply.

"Grandparent Certificate" means the operator has not been issued an Operator Certificate through the examination process and that a restricted certificate has been issued to the operator which is limited to his current position and system. These certificates cannot be used with any other system should the operator transfer.

"Non-Transient Non-Community Water System" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons for more than six months per year. Examples are separate systems serving workers and schools.

"Operator" means a person who operates, repairs, maintains, and is directly employed by or an appointed volunteer for a public drinking water system or a person who has passed the certification exam.

"Operator Certification Commission" means the Commission appointed by the Director as an advisory Commission on certification.

"Public Drinking Water System" means any drinking water system, either publicly or privately owned, that has at least 15 connections or serves at least 25 people for at least 60 days a year.

"Regional Operator" means a certified operator who is in direct responsible charge of more than one public drinking water system.

"Restricted Certificate" means that the operator has qualified by passing an examination but is in a restricted certification status due to lack of experience as an operator.

"Secretary" means the Secretary to the Operator Certification Commission. This is an individual appointed by the Director to conduct the business of the Commission.

~~["Specialist" means a person who has successfully passed the written certification exam and meets the required experience, but who is not in direct employment with a Utah public drinking water system.]~~

"Training Coordinating Committee" means the voluntary association of individuals responsible for environmental training in the state of Utah.

"Treatment Plant Manager" means the individual responsible for all operations of a treatment plant.

"Treatment Plant" means those facilities capable of delivering complete treatment to any water (the equivalent of coagulation and/or filtration) serving a public drinking water supply.

"Unrestricted Certificate" means that a certificate of competency has been issued by the Director after considering the recommendation of the Commission. This certificate acknowledges that the operator has passed the appropriate level written examination and has met all certification requirements at the discipline and grade stated on his certificate.

R309-300-5. General Policies.

1. In order to become a certified water operator ~~for specialist~~, an individual shall pass an examination administered by the Division of Drinking Water or qualify for the grandparent provisions outlined in R309-300-13.

2. Any properly qualified operator (see Minimum Required Qualifications for Utah Waterworks Operators Table 5) may apply for unrestricted certification.

~~3. Any properly qualified person (see Minimum Required Qualifications for Water System Specialists Table 6) may apply for Specialist certification. A Specialist, regardless of discipline or grade, shall not act as a direct responsible charge operator, or be in direct operation or supervise the direct operation of, any public~~

~~drinking water system.]~~

~~[4. An individual who holds a current Specialist Certificate may apply for an Operator Certificate of the same discipline and grade upon verification of direct employment with a public drinking water system. An individual who holds a current Operator Certificate (Restricted and Unrestricted) may apply for a Specialist Certificate of the same discipline and grade if that operator leaves the direct employment of a drinking water system.]~~

5. All direct responsible charge operators shall be certified at a minimum of the grade level of the water system with an appropriate certificate. Where 24-hour shift operation is used or required, one operator per shift must be certified at the classification of the system operated. Failure to comply would be a significant deficiency and subject to demerit points outlined in R309-400-8.

6. The Director, upon recommendation from the Commission, may waive examination of applicants holding a valid certificate or license issued in compliance with other state certification plans having equivalent standards, and grant reciprocity.

7. A grandparent certificate will require normal renewal as with other certificates and will be restricted to the existing position, person, and system for which it was issued. No further examination will be required unless the grade of the drinking water system increases or the operator seeks to change the certificate discipline or grade. At that time, all normal certification requirements must be met.

8. Every community and non-transient non-community drinking water system and all public systems that utilize treatment/filtration of the drinking water shall have at least one operator certified at the classified grade of the water system. Certification must be appropriate for the type of system operated (treatment and/or distribution).

~~[9. An individual who is issued an Operator Certificate shall be employed by, or an appointed volunteer for, a public drinking water supply located in Utah.]~~

10. If the Distribution Manager, Treatment Plant Manager, or Direct Responsible Charge Operator is changed or leaves a particular water system, the water system management must notify the Secretary to the Operator Certification Commission within ten days by contacting the Division of Drinking Water in writing. Within one year, the person replacing the Distribution Manager, Treatment Plant Manager or Director Responsible Charge Operator must have passed an examination of the appropriate grade and discipline. Direct responsible charge experience may be gained later, together with unrestricted certification as experience is gained. Failure to comply would be a significant deficiency and subject to demerit points outlined in R309-400-8.

11. The Secretary to the Commission may suspend or revoke a certificate after due notice and opportunity for a hearing. See Section R309-300-9 for further details.

12. An operator may have the opportunity to take any grade of examination higher than the rating of the system which he operates. If passed, the operator shall be issued a restricted certificate at that higher grade. This certificate can be used to demonstrate that the operator has successfully passed all knowledge requirements for that discipline and grade, but that experience is lacking. This restricted certificate will become unrestricted when the experience requirements are met with written verification for the appropriate discipline and grade, provided it is renewed at the required intervals.

13. The Commission will review on a periodic basis each system's compliance with these rules and will refer those systems in violation to the Director for appropriate action. Any requirement can be appealed as provided in R305-7.

14. An operator who is acting as the direct responsible

charge operator for more than one drinking water system (regional operator) shall not be a grandparent certified operator.

15. The regional operator must have an unrestricted certificate equal to or higher than the grade and discipline of the rating applied to each system he is operating.

16. If the regional operator is operating any system(s) that have both disciplines involved in their rating, the operator must have unrestricted certificates in both disciplines and at the highest grade of the most complex system he is working with.

17. A regional operator shall be within a one hour travel time, under normal work and home conditions, of each drinking water system for which he is considered in direct responsible charge unless a longer travel time is approved by the Director based on availability of certified operators and the distance between community water systems in the area.

18. If the drinking water system has only one certified operator, with the exception of a drinking water system employing a regional operator, the operator must have a back up operator certified in the required discipline(s). The back up certified operator must be within one hour travel time of the drinking water system.

19. At no time will an uncertified operator be allowed to operate a drinking water system covered by these rules unless the operator is within the one year grace period specified in R309-300-5.10.

R309-300-6. Application for Examination.

1. Prior to taking an examination, the operator ~~for specialist~~ must file a written application with the Division of Drinking Water or apply for an online examination with the appropriate agency, accompanied by evidence of his qualifications for certification in accordance with provisions of this plan (see ~~tables~~ table 5 on minimum qualifications). Such applications shall be made on forms supplied by the Division.

2. An operator may elect to take any written examination which he believes can be successfully passed. Persons passing such an examination shall be issued restricted certificates for the appropriate discipline and grade.

R309-300-7. Examinations.

1. The time and place of the examination to qualify for a certificate shall be determined by the Commission or a proctor designated by the Commission. ~~{All examinations for certification shall be given not less than twice a year, generally at each of 12 district health department offices.}~~ All examinations will be conducted at sites designated by the Commission or designated by a proctor designated by the Commission. The written examinations will be graded, and the applicant notified of the results within 30 days. The online examinations will be graded at the site of the examination. If an operator taking the examination fails to pass, the operator may file an application for reexamination ~~{at the next available date}~~ after 30 days of the exam.

2. The minimum passing grade for all certification exams shall be 70 percent correct on all questions asked.

3. An individual who has failed to pass at least two consecutive written exams, at the same grade level and discipline, may make an application for an oral exam. The oral exam will be administered by at least two Commission members or by other individuals approved by the Director. If the individual fails this exam, ~~the deficient areas will be discussed after the exam is completed he will be given written notice of those areas deficient and asked to reapply for a written examination.~~

4. Examinations will be given in nine grades, four in water treatment and five water distribution. The examinations will cover, but not be limited to, the following areas:

- (a) general water supply knowledge;

- (b) control processes in water treatment or distribution;
 - (c) operation, maintenance, and emergency procedures in treatment or distribution;
 - (d) proper record keeping;
 - (e) laws and requirements, and water quality standards.
- ~~[5. The written examination for specialist certification will be the same examination that is given for operator certification.]~~
6. The written examination question bank and text matrix shall be reviewed periodically by the Commission.

R309-300-8. Certificates.

1. All certificates shall indicate the discipline for which they were issued as follows:

- (a) Water Treatment Plant Operator, Unrestricted;
- (b) Water Treatment Plant Operator, Restricted;
- (c) Water Distribution Operator, Unrestricted;
- (d) Water Distribution Operator, Restricted;
- ~~[(e) Water Treatment Specialist;]~~
- ~~[(f) Water Distribution Specialist;]~~
- (g)e) Grandparent.

2. A restricted certificate will be issued to those operators who have passed a higher grade examination than the grade for which they have qualified in the experience category. Upon accumulating the necessary experience (see R309-300-19. Table 5 ~~and Table 6~~), these restricted certificates will become unrestricted with the same renewal date. Certificates issued in the restricted status will include be stamped with the word RESTRICTED on ~~the bottom left corner of~~ the certificate.

3. Grandparent certificates will be restricted to the person, position, and water system for which they were issued. These certificates will exempt the holder from further examination but will not be transferable to other persons, drinking water systems or positions.

~~[4. A Specialist Certificate will be issued to those persons who have met the experience requirements and have successfully passed the written examination, but who are not in direct employment with a Utah Public Drinking Water System or in the case of requested conversion (see R309-300-8(5)).]~~

~~[5. An individual who currently holds a valid Utah Operator Certificate and who is no longer directly employed by a Utah drinking water system may request his Operator Certificate be converted to a Specialist Certificate with the same expiration date.]~~

6. All certificates shall continue in effect for a period of three years unless suspended or revoked prior to that time. The certificate must be renewed every three years by payment of a renewal fee and evidence of required training (see R309-300-14). Certificates will expire on December 31, three years from the year of issuance.

~~[7. Failure to remain active in the waterworks field during the three year life of the Operator Certificate can be cause for denial of the application renewal.]~~

8. Requests for renewal shall be made on the forms supplied by the Division of Drinking Water.

9. A lapsed certificate may be renewed within 6 months of the expiration date by making an application for renewal. A certificate that lapsed more than 6 months earlier, but less than 18 months earlier may be renewed by making application for renewal and by payment of the reinstatement fee or by passing an examination. A certificate that has lapsed 18 months or more may not be renewed and the former certificate holder will be required to meet all requirements for issuance of a new certificate.

R309-300-9. Certificate Suspension and Revocation Procedures.

1. The Secretary shall inform a certificate holder, in writing, if the certificate is being considered for suspension or

revocation of an Operator's ~~for Specialist's~~ certificate. The communication shall state the reasons for considering such action and allow the individual an opportunity for a hearing.

2. Grounds for suspending or revoking an Operator's ~~for a Specialist's~~ certificate shall be any of the following:

(a) demonstrated disregard for the public health and safety;

(b) misrepresentation or falsification of figures and reports, or both, submitted to the State;

(c) cheating on a certification exam.

3. Suspension or revocation may be imposed when the circumstances and events were under the certificate holder's control. Disasters or "acts of God" which could not be reasonably anticipated will not be grounds for a suspension or a revocation action.

4. Following an appropriate hearing on these matters, the Commission will make a recommendation to the Director. The recommendation shall include a description of the findings of fact and shall be provided to the certificate holder. The information shall also outline the procedures to reapply for certification at the end of the specified disciplinary period.

5. Any suspension or revocation may be appealed as provided in R305-7.

R309-300-10. Fees.

1. Fees for operator ~~and specialist~~ certification shall be submitted in accordance with Section 63-38-3.

2. Examination fees from applicants who are rejected before examination will be returned to the applicant.

3. Application fees will not be returned.

R309-300-11. Facilities Classification System.

1. All treatment plants and distribution systems shall be classified in accordance with R309-300-19.

2. Classification will be made by either the point system or on a population-served basis, whichever results in a higher classification.

3. When the classification of a system is upgraded or added to existing system ratings, the Director shall make a determination on the timing to be allowed for operators to gain certification at the higher or different level.

R309-300-12. Qualifications of Operators.

1. Minimum qualifications are outlined in Minimum Required Qualifications for Utah Waterworks Operators, Table 5, ~~and Minimum Certification Qualifications for Water System Specialists, Table 6,~~ included with these rules (see Section R309-300-19).

2. Approved high school equivalencies can be substituted for the high school graduation requirement.

3. Education of an operator can be substituted for experience, but no more than 50 percent of the experience may be satisfied by education. Note: The exception to this is in grades I and II, where the "one year of experience" requirement cannot be reduced by any amount of education.

~~[4. Education of a specialist cannot be substituted for the required experience (see Minimum Certification Qualifications for Water System Specialists Table 6).]~~

R309-300-13. Grandparent Certification.

Some community and non-transient non-community water systems ~~[that serve a population of 800 or less]~~ have operators with Grandparent Certification. Grandparent Certifications will continue to be sufficient for these operators, with the following restrictions:

1. Grandparent Certificates are valid only for the person, position, water system, and classification of water system for

which they were issued;

2. A Grandparent Certification that expires and is not renewed as provided in R309-300-8(9) may not be renewed and the operator will be required to apply for certification as provided in this rule; and

3. No new Grandparent Certificates will be issued.

R309-300-14. CEUs and Approved Training.

1. CEUs will be required for renewal of all certificates (grandparent, restricted and unrestricted) according to the following schedule:

TABLE 1

CLASSIFICATION	CEUs REQUIRED IN A 3-YEAR PERIOD
Small System	2
Grade 1	2
Grade 2	2
Grade 3	3
Grade 4	3

2. Grandparent certificates are required to have 2.0 or 3.0 CEUs, as per the water system classification, for certificate renewal. ~~[Grandparent certificates issued after the calendar year of 2000 are required to obtain 0.7 CEUs of an approved pre exam training course as part of the 2.0 CEU renewal requirement.]~~ These specific CEUs shall be obtained during the first renewal cycle of said certificate.

3. Groups that currently sponsor approved education activities in Utah are:

The Rural Water Association of Utah;
Salt Lake Community College
Utah Valley State College;
Utah State University at Logan;
Utah Department of Environmental Quality;
Manufacturer's Representatives;
American Water Works Association;
American Backflow Prevention Association.

4. A continuing education unit is defined as 10 contact hours of participation in, and successful completion of, an organized and approved training education experience under qualified instruction.

5. College level education is accepted in drinking water related disciplines upon approval of the Secretary to the Commission as to CEU credits (1 quarter credit hour will equal 1.0 CEU or 1 semester credit hour will equal 1.5 CEUs).

6. All CEUs for certificate renewal shall be subject to review for approval to insure that the training is applicable to waterworks operation and meets CEU criteria. Identification of approved training, appropriate CEU or credit assignment and verification of successful completion is the responsibility of the Secretary to the Commission. Training records will be maintained by the Division of Drinking Water.

7. All in-house or in-plant training which is intended to meet any part of the CEU requirements must be approved by the Secretary to the Commission in writing prior to the training.

8. In-house or in-plant training submitted to the Secretary of the Commission must meet the following general criteria to be approved:

(a) Instruction must be under the supervision of an approved instructor.

(b) An outline must be submitted of the subjects to be covered and the time to be allotted to each area.

(c) A list of the teacher's objectives shall be submitted

which will document the essential points of the instruction ("need-to-know" information) and the methods used to illustrate these principles.

9. One CEU credit will be given for registration and attendance at the annual technical program meeting of the American Water Works Association (AWWA), the Intermountain Section of AWWA, the Rural Water Association of Utah, or the National Rural Water Association.

R309-300-15. Validation of Previously Issued Certificates.

1. All current certificates issued by the Director will remain in effect until their stated date of expiration and may be renewed at any time before this date in accordance with the rules established herein. Certificates will be issued for a three-year period.

2. Those individuals who were issued Grandparent Certificates and subsequently passed an examination within the same discipline, at the same grade, or a higher grade will be issued a new unrestricted certificate which will nullify the existing "Grandparent" certificate.

R309-300-16. Operator Certification Commission.

1. An Operator Certification Commission shall be appointed by the Director from recommendations made by the cooperating agencies. Cooperating agencies are the Utah Department of Environmental Quality, the Utah League of Cities and Towns, the Training Coordinating Committee of Utah, the Intermountain Section of the American Water Works Association, the Civil or Environmental Engineering Departments of Utah's Universities, and the Rural Water Association of Utah.

2. The Commission is charged with the responsibility of conducting all work necessary to promote the program, recommend certification of operators, and oversee the maintenance of records.

3. The Commission shall consist of seven members as follows:

(a) One member shall be a certified operator from a town having a population under 10,000 and will be nominated by the Rural Water Association of Utah.

(b) One member shall be at least a grade III unrestricted certified distribution operator and will be nominated by the American Water Works Association.

(c) One member shall be at least a grade III unrestricted certified water treatment plant operator and will be nominated by the American Water Works Association.

(d) One member shall represent municipal water supply management and will be nominated by the Utah League of Cities and Towns.

(e) One member shall represent the civil or environmental engineering department of a Utah university cooperating with the certification program.

(f) One member shall represent water supply trainers and will be nominated by the Training Coordinating Committee (TCC).

(g) One member shall be a representative for the Division of Drinking Water.

4. Each group represented shall designate its nominee to the Director for a three-year term. Nominations may be accepted or rejected by the Director. Persons may be renominated for successive three-year terms by their sponsor groups. The Director shall notify the sponsoring groups one year in advance of the termination of the Commission member that a nominee will be needed. An appointment to succeed a Commission member who is unable to serve his full term shall be only for the remainder of the unexpired term and shall be submitted by the sponsor groups and approved by the Director as mentioned above.

5. Each year the Commission shall elect from its membership a chairperson and vice-chairperson and such other officers as may be needed to conduct its business.

6. It shall be the duty of the Commission to advise in the preparation of examinations for various grades of operators and

advise on the certification criteria used by the Secretary. In addition to these duties, the Commission shall also advertise and promote the program, distribute applications and notices, maintain a register of certified Operators ~~[and Specialists]~~, set examination dates and locations, and make recommendations regarding each drinking water system's compliance with these rules.

R309-300-17. Secretary to the Commission.

The Director shall designate a non-voting member of the Commission to serve as its Secretary, who shall be a senior public health representative from the Division of Drinking Water. This Secretary shall serve to coordinate the paperwork for the Commission and to bring issues before the Commission. His duties consist of the following:

1. acting as liaison between the Commission and the water suppliers, and generally promote the program;
2. maintaining records necessary to implement these rules;
3. classifying all water treatment plants and distribution systems in accordance with R309-300-19;
4. notifying sponsor groups of Commission nominations needed;
5. coordinating with Utah's Training Coordinating Committee (TCC) to ensure adequate operator training opportunities throughout the state;
6. serving as a source of public information for operator training opportunities and certified operators available for employment;
7. receiving applications for certification and screen, investigate, verify and evaluate all applications;
8. bringing issues to the Commission for their review;
9. developing and administering operator certification examinations.

R309-300-18. Non-compliance with Certification Program.

1. After appropriate consideration by the Commission, cases of non-compliance will be referred to the Director for appropriate enforcement action.
2. Non-compliance with the certification rules is a violation of R309-102-8. Whenever such a violation occurs, the water system management will be notified in writing by the Division of Drinking Water and will be required to correct the situation.

R309-300-19. Drinking Water System Classification.

This system applies only to those public water supplies operating coagulation and/or filtration treatment plants. This classification system does not apply to those systems operating only chlorination facilities on distribution systems.

TABLE 2		
Size	Item	Points
	Maximum population served, peak day	1 pt. per 5,000 or part thereof
	Design flow (avg. day) or peak month's	1 pt. per MGD or part thereof
Water Supply Source	Groundwater	3
	Surface water	5
	Average raw water quality (0 to 10)	
	Little or no variation	0

	Raw water quality (other than turbidity) varies enough to require treatment changes less than 10% of the time	2
	Raw water quality including turbidity varies often enough to require frequent changes in the treatment process	5
	Raw water quality is subject to major changes and may be subject to periodic serious pollution	10
	Aeration for or with CO2	2
	pH adjustment	4
	Packed tower aeration	6
	Stability or corrosion control	4
	Taste and odor control	8
	Color control	4
Treatment		
	Iron or Iron/Mn, removal	10
	Ion exchange softening	10
	Chemical precipitation softening	20
	Coagulant addition	4
	Flocculation	6
	Sedimentation	5
	Upflow clarification	14
	Filtration	10
	Disinfection (0-10)	
	No disinfection	0
	Chlorination or comparable	5
	On-site generation of disinfectant	5
	Special processes (including reverse osmosis, electro-dialysis, etc.)	15
	Sludge/backwash water disposal (0-5)	
	No disposal to raw water source	0
	Any disposal to raw water source	2
	Any disposal to plant raw water	5
	Laboratory control (0-10)	
	Biological (0-10)	
	All lab work done outside of plant	0
	Colilert process	2
	Membrane filter	3
	Multiple tube of fecal determination	5
	Biological identification	7
	Viral studies or similarly complex work done on-site	10
	Chemical/physical	
	All lab work done outside of plant	0
	Push button or colorimetric methods such as chlorine residual or pH	3
	Additional procedures such as titrations or jar	

tests	5
More advanced determinations such as numerous organics	7
Highly sophisticated instru- mentation such as atomic absorption or gas chroma- tography	10

TABLE 3
SUMMARY OF UTAH
WATER UTILITY CLASSIFICATION SYSTEM
WATER TREATMENT PLANT CLASSIFICATION

Grade	1	2	3	4
Population served	1500 or less	1501 5000	5001 15,000	over 15,000
Water plant points	0-40	41-65	66-90	91-UP

TABLE 4
SUMMARY OF UTAH
WATER UTILITY CLASSIFICATION SYSTEM
DISTRIBUTION CLASSIFICATION

Grade	Small System	1	2	3	4
Population served	500 or less	501 to 1500	1501 to 5000	5001 to 15,000	over 15,000
Distribution points	0-10	0-10	10-25	26-50	51-UP

Distribution systems are those which use groundwater sources (springs and wells) and which may or may not use chlorination. Classification will generally be made in accordance with the following five classes. The Director may change the classification of a particular distribution system when there are unusual factors affecting the complexity of transmission, mixing of sources, or potential health hazards.

TABLE 5
MINIMUM REQUIRED QUALIFICATIONS FOR
UTAH WATERWORKS OPERATORS

EDUCATION		EXPERIENCE Direct				
Certification Grade (Both Dist. and Treatment)	Degree	Assoc. Degree	High School	Non High School	Respon. Charge Years	Total Years
4	X				2	4
		X			2	6
			X		4	8
				X	5	10
3	X				1	2
		X			1	2
			X		2	4
				X	3	6
	X				0	2

		X			0	2
2			X		0	2
				X	0	3
	X				0	1
		X			0	1
1 and			X		0	1
Small System				X	0	1

Note:

- (1) Experience requirements apply to all operators except those who have been issued "grandparent" certificates.
- (2) At least one half of all experience must be gained at the grade of certification desired.

~~{TABLE 6~~

~~Minimum Certification Qualifications
For Water System Specialists~~

CERTIFICATION GRADE	EXPERIENCE	
	"Hands On" Experience (Years)	Design or Associated Experience (Years)
4	8	10
3	4	8
2	2	4
1	0	0

~~Note:~~

- ~~1. All experience must be verifiable.~~
- ~~2. All "hands on" experience must be in the area of operation, repair, and maintenance of a public drinking water system.~~
- ~~3. Associated experience may be in the design, construction, and inspection of public drinking water systems and/or direct consultation for public drinking water systems.~~
- ~~4. The required experience, as outlined above, must be either in the "Hands On" category or in the Design or Associated category, not in combination.~~
- ~~5. Persons applying for and passing the specialist exam who do not meet the minimum qualifications will be issued a restricted certificate similar to the water system operator restricted certificate.~~
- ~~6. Restricted Specialist Certificate shall be changed to unrestricted status upon written request of certificate holder after minimum experience qualifications have been met.]~~

KEY: drinking water, environmental protection, administrative procedures

Date of Enactment or Last Substantive Amendment: November 13, 2013

Notice of Continuation: March 13, 2015

Authorizing, and Implemented or Interpreted Law: 19-4-104; 63G-3

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

This change would cost the State budget \$80 a year. During the 2017 Fiscal Year 4 conversion fees at \$20 each were paid to the Division of Drinking Water, totaling \$80 (4X20=\$80). This will save the State on staff time spent on processing the applications and corresponding with customers who submitted the conversion instead of renewal.

B) Local government:

Affected: No Yes

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

The specialists who do report that they no longer work for a water system will save \$20 which is a one time fee.

Compliance Cost Information

8. Compliance costs for affected persons:

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

B) Name and title of department head commenting on the fiscal impacts:

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy

Agenda Item 5(B)

PROPOSED AMENDMENT

TO

R309-605

The Division of Drinking Water is requesting authorization to begin rulemaking to amend R309-605, *Source Protection: Drinking Water Source Protection for Surface Water Sources*, to make minor changes to the rule. The amendment applies primarily to Section R309-605-7, *Drinking Water Source Protection (DWSP) for Surface Sources*, and would add language that authorizes the designated DDW Source Protection Manager to issue a “concur” letter.

The Division wants to improve efficiency of the DWSP plan review process. The proposed amendment would allow the Director to authorize the designated DDW Source Protection Manager to “concur” with DWSP plans submitted by public water systems to the Division for review.

The complete details of the proposed amendment are provided. A marked-up version of R309-605 is attached to this document. The proposed changes are shown in red, new language is underlined and deleted language is struck through.

Staff Recommendation: authorize Division staff to begin the rulemaking process to amend R309-605 and to file the proposed rule for publication in the Utah State Bulletin on September 1, 2017.

R309. Environmental Quality, Drinking Water.

R309-605. Source Protection: Drinking Water Source Protection for Surface Water Sources.

R309-605-1. Purpose.

Public Water Systems (PWSs) are responsible for protecting their sources of drinking water from contamination. R309-605 sets forth minimum requirements to establish a uniform, statewide program for implementation by PWSs to protect their surface water sources of drinking water. PWSs are encouraged to enact more stringent programs to protect their sources of drinking water if they decide additional measures are necessary.

R309-605 applies to PWSs which obtain surface water prior to treatment and distribution and to PWSs obtaining water from ground-water sources which are under the direct influence of surface water. However, compliance with this rule is voluntary for public (transient) non-community water systems to the extent that they are using existing surface water sources of drinking water.

R309-605-2. Authority.

Under authority of Subsection 19-4-104(1)(a)(iv), the Drinking Water Board adopts this rule which governs the protection of surface sources of drinking water.

R309-605-3. Definitions.

(1) The following terms are defined for the purposes of this rule:

(a) "Controls" means the codes, ordinances, rules, and regulations that regulate a potential contamination source. "Controls" also means physical controls which may prevent contaminants from migrating off of a site and into surface or ground water. Controls also means negligible quantities of contaminants.

(b) "Division" means Division of Drinking Water.

(c) "DWSP Program" means the program and associated plans to protect drinking water sources from contaminants.

(d) "DWSP Zone" means the surface and subsurface area surrounding a surface source of drinking water supplying a PWS, over which or through which contaminants are reasonably likely to move toward and reach the source.

(e) "Designated person" means the person appointed by a PWS to ensure that the requirements of R309-605 are met.

(f) "Director" means the Director of the Division of Drinking Water.

(g) "Existing surface water source of drinking water" means a public supply surface water source for which plans and specifications were submitted to DDW on or before June 12, 2000.

(h) "Intake", for the purposes of surface water drinking water source protection, means the device used to divert surface water and also the conveyance to the point immediately preceding treatment, or, if no treatment is provided, at the entry point to the distribution system.

(i) "Land management strategies" means zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development

rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, and written contracts and agreements.

(j) "New surface water source of drinking water" means a public supply surface water source of drinking water for which plans and specifications are submitted to the Director after June 12, 2000.

(k) "Nonpoint source" means any area or conveyance not meeting the definition of point source.

(l) "Point of diversion" (POD) is the location at which water from a surface source enters a piped conveyance, storage tank, or is otherwise removed from open exposure prior to treatment.

(m) "Point source" means any discernible, confined, and discrete location or conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation with more than ten animal units, landfill, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(n) "Pollution source" means point source discharges of contaminants to surface water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11001 et seq. (1986). Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units. The following definitions are part of R309-605 and clarify the meaning of "pollution source:"

(i) "Animal feeding operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(ii) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(iii) "Extremely hazardous substances" means those substances which are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 550-B-96-015). A copy of this document may be obtained from: NCEPI, PO Box 42419, Cincinnati, OH 45202. Online ordering is also available at: <http://www.epa.gov/ncepihom/orderpub.html>.

(o) "Potential contamination source" means any facility or site

which employs an activity or procedure or stores materials which may potentially contaminate ground-water or surface water. A pollution source is also a potential contamination source.

(p) "PWS" means a public water system affected by this rule, as described in R309-605-1.

(q) "Surface water" means all water which is open to the atmosphere and subject to surface runoff (see also R309-515-5(1)).

(r) "Susceptibility" means the potential for a PWS to draw water contaminated above a demonstrated background water quality concentration through any combination of the following pathways: geologic strata and overlying soil, direct discharge, overland flow, upgradient water, cracks/fissures in or open areas of the surface water intake and/or the pipe/conveyance between the intake and the water distribution system. Susceptibility is determined at the point immediately preceding treatment or, if no treatment is provided, at the entry point to the system.

(s) "Watershed" means the topographic boundary, up to the state's border, that is the perimeter of the catchment basin that provides water to the intake structure.

R309-605-4. Implementation.

(1) Existing Surface Water Sources - Each PWS shall submit a Drinking Water Source Protection (DWSP) Plan to the Division of Drinking Water (Division) in accordance with R309-605-7 for each of its existing surface water sources according to the following schedule.

TABLE

Schedule for DWSP Plan Submittal

Population served by PWS	DWSP Plans due by
Greater than 10,000	December 31, 2001
3,300 to 10,000	May 6, 2002
Fewer than 3,300	May 6, 2003

(2) New surface water sources - Each PWS shall submit a Preliminary Evaluation Report (PER) in accordance with R309-605-9 for each of its new surface water sources to the Director.

R309-605-5. Exceptions.

(1) Exceptions to the requirements of R309-605 or parts thereof may be granted by the Director to a PWS if, due to compelling factors (which may include economic factors), a PWS is unable to comply with these requirements, and the granting of an exception will not result in an unreasonable risk to health.

(2) The Director may prescribe a schedule by which the PWS must come into compliance with the requirements of R309-605.

R309-605-6. Designated Person.

(1) Each PWS shall designate a person responsible for demonstrating the PWS's compliance with these rules. A designated

person shall be appointed and reported in writing to the Director by each PWS within 180 days of the effective date of R309-605. The name, address and telephone number of the designated person shall be included in each DWSP Plan and PER that is submitted to the Director, and in all other correspondence with the Division.

(2) Each PWS shall notify the Director in writing within 30 days of any changes in the appointment of a designated person.

R309-605-7. Drinking Water Source Protection (DWSP) for Surface Sources.

(1) DWSP Plans

(a) Each PWS shall develop, submit, and implement a DWSP Plan for each of its surface water sources of drinking water.

(i) Recognizing that more than one PWS may jointly use a source from the same or nearby diversions, the Director encourages collaboration among such PWSs with joint use of a source in the development of a DWSP plan for that source. PWSs who jointly submit an acceptable DWSP plan per R309-605-7 for one surface water source above common point(s) of diversion, will be considered to have met the requirement of R309-605-7(1)(a). The deadline from R309-605-4(1) that would apply to such a collaboration would be associated with the largest population served by the individual parties to the agreement.

(b) Required Sections for DWSP Plans - DWSP Plans should be developed in accordance with the "Standard Report Format for Surface Sources". This document may be obtained from the Division. DWSP Plans must include the following eight sections:

(i) DWSP Delineation Report - A DWSP Delineation Report in accordance with R309-605-7(3) is the first section of a DWSP Plan.

(ii) Susceptibility Analysis and Determination - A susceptibility analysis and determination in accordance with R309-605-7(4) is the second section of a DWSP report.

(iii) Management Program to Control Each Preexisting Potential Contamination Source - Land management strategies to control each not adequately controlled preexisting potential contamination source in accordance with R309-605-7(5) is the third section of a DWSP Plan.

(iv) Management Program to Control or Prohibit Future Potential Contamination Sources - Land management strategies for controlling or prohibiting future potential contamination sources is the fourth section of a DWSP Plan. This must be in accordance with R309-605-7(6), must be consistent with the general provisions of this rule, and implemented to an extent allowed under the PWS's authority and jurisdiction.

(v) Implementation Schedule - The implementation schedule is the fifth section of a DWSP Plan. Each PWS shall develop a step-by-step implementation schedule which lists each of its proposed land management strategies with an implementation date for each strategy.

(vi) Resource Evaluation - The resource evaluation is the sixth section of a DWSP Plan. Each PWS shall assess the financial and other resources which may be required for it to implement each of its DWSP Plans and determine how these resources may be acquired.

(vii) Recordkeeping - Recordkeeping is the seventh section of a DWSP Plan. Each PWS shall document changes in each of its DWSP Plans

as they are updated to show significant changes in conditions in the protection zones. As a DWSP Plan is executed, the PWS shall document any land management strategies that are implemented. These documents may include any of the following: ordinances, codes, permits, memoranda of understanding, public education programs, and so forth.

(viii) Public Notification - A method for, schedule for and example of the means for notifying the public water system's customers and consumers regarding the drinking water source water assessment and the results of that assessment is the last section of a DWSP plan.

This must be in accordance with R309-605-7(7).

(ix) Existing watershed or resource management plans - In lieu of some or all of the report sections described in R309-605-7(1)(b), the PWS may submit watershed or resource management plans that in whole or in part meet the requirements of this rule. Such plans shall be submitted to the Director with a cover letter that fully explains how they meet the requirements of the current DWSP rules. Any required section described in R309-605-7(1)(b) that is not covered by the watershed or resource management plan must be addressed and submitted jointly. The watershed or resource management plans will be subject to the same review and approval process as any other section of the DWSP plan.

(c) DWSP Plan Administration - DWSP Plans shall be submitted, corrected, retained, implemented, updated, and revised according to the following:

(i) Submitting DWSP Plans - Each PWS shall submit a DWSP Plan to the Director in accordance with the schedule in R309-605-4(2) for each of its surface water sources of drinking water (a joint development and submittal of a DWSP plan is acceptable for PWSs with the joint use of a source, per R309-605-7(1)(a)(i).)

(ii) Correcting Deficiencies - Each PWS shall correct any deficiencies in a disapproved DWSP Plan and resubmit it to the Director within 90 days of the disapproval date.

(iii) Retaining DWSP Plans - Each PWS shall retain on its premises a current copy of each of its DWSP Plans. DWSP Plans shall be made available to the public upon request.

(iv) Implementing DWSP Plans - Each PWS shall begin implementing each of its DWSP Plans in accordance with its schedule in R309-605-7(1)(b)(v), within 180 days after submittal if they are not disapproved by the Director.

(v) Updating and Resubmitting DWSP Plans - Each PWS shall review and update its DWSP Plans as often as necessary to ensure that they show current conditions in the DWSP zones, but at least annually after the original due date (see R309-605-4(1)). Updated plans also document the implementation of land management strategies in the recordkeeping section. Updated DWSP Plans will be resubmitted to the Director every six years from their original due date, which is described in R309-605-4.

(vi) Revising DWSP Plans - Each PWS shall submit a revised DWSP Plan to the Director within 180 days after the reconstruction or redevelopment of any surface water source of drinking water which causes changes in source construction, source development, hydrogeology, delineation, potential contamination sources, or proposed land management strategies.

(2) DWSP Plan Review.

(a) The Director shall review each DWSP Plan submitted by PWSs and "concur," "conditionally concur" or "disapprove" the plan. The Director may also authorize the designated DDW Source Protection Manager to issue the following actions: "concur."

(b) The Director may "disapprove" DWSP Plans for good cause, including any of the following reasons:

(i) A DWSP Plan that is missing the delineation report or any of the information and data required in it (refer to R309-605-7(3));

(ii) An inaccurate Susceptibility Analysis or a DWSP Plan that is missing this report or any of the information required in it (refer to R309-605-7(4));

(iii) An inaccurate Prioritized Inventory of Potential Contamination Sources or a DWSP Plan that is missing this report or any of the information required in it (refer to R309-605-7(4)(c));

(iv) An inaccurate assessment of current controls (refer to R309-605-7(4)(a)(iii)(B));

(v) A missing or incomplete Management Program to Control Each Preexisting Potential Contamination Source which has been assessed as "not adequately controlled" by the PWS (refer to R309-605-7(5));

(vi) A missing or incomplete Management Program to Control or Prohibit Future Potential Contamination Sources (refer to R309-605-7(6));

(vii) A missing Implementation Schedule, Resource Evaluation, Recordkeeping Section, or Contingency Plan (refer to R309-605-7(1)(b)(v-vii) and R309-605-9);

(viii) A missing or incomplete Public Notification Section (refer to R309-605-7(7)).

(c) If the Director conditionally concurs with a DWSP Plan, the PWS must implement the conditions and report compliance the next time the DWSP Plan is due and submitted to the Director.

(3) Delineation of Protection Zones

(a) The delineation section of the DWSP plan for surface water sources may be obtained from the Division upon request. A delineation section prepared and provided by the Division would become the first section of the submittal from the PWS. The delineation section provided by the Division will consist of a map or maps showing the limits of the zones described in R309-605-7(3)(b)(i-iv), and will include an inventory of potential contamination sources on record in the Division's Geographic Information System.

(b) Alternatively, the PWS may provide their own delineation report. Such a submittal must either describe the zones as defined in R309-605-7(3)(b)(i-iv), or must comply with the requirements and definitions of R309-605-7(3)(c). The delineation report must include a map or maps showing the extent of the zones.

(i) Zone 1:

(A) Streams, rivers and canals: zone 1 encompasses the area on both sides of the source, 1/2 mile on each side measured laterally from the high water mark of the source (bank full), and from 100 feet downstream of the POD to 15 miles upstream, or to the limits of the watershed or to the state line, whichever comes first. If a natural stream or river is diverted into an uncovered canal or aqueduct for the purpose of delivering water to a system or a water treatment facility, that entire canal will be considered to be part of zone

1, and the 15 mile measurement upstream will apply to the stream or river contributing water to the system from the diversion.

(B) Reservoirs or lakes: zone 1 is considered to be the area 1/2 mile from the high water mark of the source. Any stream or river contributing to the lake/reservoir will be included in zone 1 for a distance of 15 miles upstream, and 1/2 mile laterally on both sides of the source. If a reservoir is diverted into an uncovered canal or aqueduct for the purpose of delivering water to a system or a water treatment facility, that entire canal will be considered to be part of zone 1, and the 15 mile measurement upstream will apply to the reservoir and tributaries contributing water to the system.

(ii) Zone 2: Zone 2 is defined as the area from the end of zone 1, and an additional 50 miles upstream (or to the limits of the watershed or to the state line, whichever comes first), and 1000 feet on each side measured from the high water mark of the source.

(iii) Zone 3: Zone 3 is defined as the area from the end of zone 2 to the limits of the watershed or to the state line, whichever comes first, and 500 feet on each side measured from the high water mark of the source.

(iv) Zone 4: Zone 4 is defined as the remainder of the area of the watershed (up to the state line, if applicable) contributing to the source that does not fall within the boundaries of zones 1 through 3.

(v) Special case delineations:

(A) Basin Transfer PODs: Where water supplies are received from basin transfers, the water from the extraneous basin will be treated as a separate source, and will be subject to its own DWSP plan, starting from zone 1 at the secondary POD.

(c) If the PWS is able to demonstrate that a different zone configuration is more protective than those defined in R309-605-7(3)(b), that different configuration may be used upon prior review and approval by the Director. An explanation of the method used to obtain and establish the dimensions of the zones must be provided. The delineation report must include a map or maps showing the extent of the zones. The entire watershed boundary contributing to a source must be included in the delineation.

(4) Susceptibility Analysis and Determination:

(a) Susceptibility Analysis:

(i) Structural integrity of the intake: The PWS will evaluate the structural integrity of the intake to ensure compliance with the existing source development rule (R309-515-5) on a pass or fail basis.

The pass-fail rating will be determined by whether the intake meets minimum rule requirements, and whether the physical condition of the intake is adequate to protect the intake from contamination events.

The integrity evaluation includes any portion of the conveyance from the point of diversion to the distribution systems that is open to the atmosphere or is otherwise vulnerable to contamination, including distribution canals, etc.

(ii) Sensitivity of Natural Setting: The PWS will evaluate the sensitivity of the source based on physiographic and/or hydrogeologic factors. Factors influencing sensitivity may include any natural or man-made feature that increases or decreases the likelihood of contamination. Sensitivity does not address the question of whether contamination is present in the watershed or recharge area.

(iii) Assessment of management of potential contamination sources:

(A) Potential Contamination Source Inventory

(I) Each PWS shall identify and list all potential contamination sources within DWSP zones 1, 2 and 3, as applicable for individual sources. The name and address of each non-residential potential contamination source is required, as well as a list of the chemical, biological, and/or radiological hazards associated with each potential contamination source. Additionally, each PWS shall identify each potential contamination source as to its location in zone one, two, or three and plot it on the map required in R309-605-7(3)(a and b). The PWS may rely on the inventory provided by the Division for zone 4.

(II) List of Potential Contamination Sources - A List of Potential Contamination Sources may be obtained from the Division. This list may be used by PWSs as an introduction to inventorying potential contamination sources within their DWSP zones. The list is not intended to be all-inclusive.

(III) Refining, Expanding, Updating, and Verifying Potential Contamination Sources - Each PWS shall update its list of potential contamination sources to show current conditions within DWSP zones according to R309-605-7(1)(c)(v). This includes adding potential contamination sources which have moved into DWSP zones, deleting potential contamination sources which have moved out, improving available data about potential contamination sources, and all other appropriate refinements.

(B) Identification and Assessment of Controls: The PWS will identify and assess the hazards at each potential contamination source, including those in the inventory provided by the Division that are located in zone 4, as "adequately controlled" or "not adequately controlled".

(I) If controls are not identified, the potential contamination source will be considered "not adequately controlled." Additionally, if the hazards at a potential contamination source cannot be or are not identified, the potential contamination source must be assessed as "not adequately controlled."

(II) Types of controls: For each hazard deemed to be controlled, one of the following controls shall be identified: regulatory, best management/pollution prevention, or physical controls. Negligible quantities of contaminants are also considered a control. The assessment of controls will not be considered complete unless the controls are completely evaluated and discussed in the DWSP report, using the following criteria:

Regulatory Controls - Identify the enforcement agency and verify that the hazard is being regulated by them; cite and/or quote applicable references in the regulation, rule or ordinance which pertain to controlling the hazard; explain how the regulatory controls affect the potential for surface water contamination; assess the hazard; and set a date to reassess the hazard. For assistance in identifying regulatory controls, refer to the "Source Protection User's Guide" Appendix D for a list of government agencies and the programs they administer to control potential contamination sources.

This guide may be obtained from the Division.

Best Management/Pollution Prevention Practice Controls - List

the specific best management/pollution prevention practices which have been implemented by potential contamination source management to control the hazard and indicate that they are willing to continue the use of these practices; explain how these practices affect the potential for surface water contamination; assess the hazard; and set a date to reassess the hazard.

Physical Controls - Describe the physical control(s) which have been constructed to control the hazard; explain how these controls affect the potential for contamination; assess the hazard; and set a date to reassess the hazard.

Negligible Quantity Control - Identify the quantity of the hazard that is being used, disposed, stored, manufactured, and/or transported; explain why this amount is a negligible quantity; assess the hazard; and set a date to reassess the hazard.

(III) PWSs may assess controls on Potential Contamination Sources collectively, when the Potential Contamination Sources have similar characteristics, or when the Potential Contamination Sources are clustered geographically. Examples may include, but are not limited to, abandoned mines that are part of the same mining districts, underground storage tanks that are in the same zone, or leaking underground storage tanks in the same city. However, care should be taken to avoid collectively assessing Potential Contamination Sources to the extent that the assessments become meaningless. The Director may require an individual assessment for a Potential Contamination Source if the Director determines that the collective assessment does not adequately assess controls.

(C) A potential contamination source which is covered by a permit or approval under one of the regulatory programs listed below shall be considered to be adequately controlled unless otherwise determined by the Director. The PWS must provide documentation establishing that the Potential Contamination Source is covered by the regulatory program. For all other state regulatory programs, the PWS's assessment is subject to review by the Director; as a result, a PWS's DWSP Plan may be disapproved if the Director does not concur with its assessment(s).

(I) The Utah Ground-Water Quality Protection program established by Section 19-5-104 and Rule R317-6;

(II) Closure plans or Part B permits under authority of the Resource Conservation and Recovery Act (RCRA) of 1984 regarding the monitoring and treatment of ground-water;

(III) The Utah Pollutant Discharge Elimination System (UPDES) established by Section 19-5-104 and Rule R317-8; at the discretion of the PWS, this may include Confined Animal feeding Operations/Animal Feeding Operations (CAFO/AFO) assessed under the Utah DWQ CAFO/AFO Strategy.

(IV) The Underground Storage Tank Program established by Section 19-6-403 and Rules R311-200 through R311-208; and

(V) the Underground Injection Control (UIC) Program for classes I-IV established by Sections 19-5-104 and 40-6-5 and Rules R317-7 and R649-5.

(b) Susceptibility determination:

(i) The PWS will assess the drinking water source for its susceptibility relative to each potential contamination source. The determination will be based on the following four factors: 1) the

structural integrity of the intake, 2) the sensitivity of the natural setting, 3) whether a Potential Contamination Source is considered controlled or not, and 4) how the first three factors are interrelated.

The PWS will provide an explanation of the method or judgement used to weigh the first three factors against each other to determine susceptibility.

(ii) Additionally, each drinking water source will be assessed by the PWS for its overall susceptibility to potential contamination events. This will result in a qualitative assessment of the susceptibility of the drinking water source to contamination. This assessment of overall susceptibility allows the PWS and others to compare the susceptibility of one drinking water source to another.

(iii) Each surface water drinking water source in the state of Utah is initially considered to have a high susceptibility to contamination, due to the intrinsic unprotected nature of surface water sources. An assumption of high susceptibility will be used by the Director unless a PWS or a group of PWSs demonstrates otherwise, per R309-605, and receives concurrence from the Director under R309-605-7(2).

(c) Prioritized Potential Contamination Source Inventory: The PWS will prepare a prioritized inventory of potential contamination sources based on the susceptibility determinations in R309-605-7(4)(b)(i). The inventory will rank potential contamination sources based on the degree of threat posed to the drinking water source as determined in R309-605-7(4)(b)(i).

(5) Management Program to Control Each Preexisting Potential Contamination Source.

(a) PWSs are not required to plan and implement land management strategies for potential contamination source hazards that are assessed as "adequately controlled."

(b) With the first submittal of the DWSP Plan, PWSs shall include management strategies to reduce the risk of contamination from, at a minimum, each of the three highest priority uncontrolled Potential Contamination Sources in the protection zones for the source. The Director may require land management strategies for additional Potential Contamination Sources to assure adequate protection of the source. A management plan may be for one specific Potential Contamination Source (i.e., a sewage lagoon discharging into a stream), or for a group of similar or related Potential Contamination Sources that were assessed jointly under R309-605-7(4)(a)(iii)(B)(III) (i.e., one management plan for septic systems within one residential development would be acceptable, and would count as one of the three Potential Contamination Source management strategies).

PWSs shall plan land management strategies to control preexisting uncontrolled potential contamination sources in accordance with their existing authority and jurisdiction. Land management strategies must be consistent with the provisions of R309-605, designed to control or reduce the risk of potential contamination, and may be regulatory or non-regulatory. Land management strategies must be implemented according to the schedule required in R309-605-7(1)(b)(v).

(c) PWSs with overlapping protection zones may cooperate in controlling a particular preexisting potential contamination source if one PWS will agree to take the lead in planning and implementing

land management strategies. The remaining PWS(s) will assess the preexisting potential contamination source as "adequately controlled."

(d) At each six year cycle for revising and resubmitting the DWSP Plan, under the schedule in R309-605-7(1)(c)(v), the PWS shall prioritize their inventory again, and shall propose a management program to control preexisting Potential Contamination Sources for the three highest priority Potential Contamination Sources, which may include uncontrolled Potential Contamination Sources not previously managed. The PWS shall also continue existing management programs, unless justification is provided that demonstrates that a Potential Contamination Source that was previously managed is now considered controlled.

(6) Management Program to Control or Prohibit Future Potential Contamination Sources for Existing Drinking Water Sources.

(a) PWSs shall plan land management strategies to control or prohibit future potential contamination sources within each of its DWSP zones consistent with the provisions of R309-605 and to the extent allowed under its authority and jurisdiction. Land management strategies must be designed to control or reduce the risk of potential contamination and may be regulatory or non-regulatory. Additionally land management strategies must be implemented according to the schedule required in R309-605-7(1)(b)(v).

(b) Protection areas may extend into neighboring cities, towns, and counties. Since it may not be possible for some PWSs to enact regulatory land management strategies outside of their jurisdiction, except for municipalities as described below, it is recommended that these PWSs contact their neighboring cities, towns, and counties to see if they are willing to implement protective ordinances to prevent surface water contamination under joint management agreements.

(c) Cities and towns have extraterritorial jurisdiction in accordance with Section 10-8-15 of the Utah Code Annotated to enact ordinances to protect a stream or "source" from which their water is taken... " for 15 miles above the point from which it is taken and for a distance of 300 feet on each side of such stream...."

(d) Zoning ordinances are an effective means to control potential contamination sources that may want to move into protection areas. They allow PWSs to prohibit facilities that would discharge contaminants directly to surface water. They also allow PWSs to review plans from potential contamination sources to ensure there will be adequate spill protection and waste disposal procedures, etc.

If zoning ordinances are not used, PWSs must establish a plan to contact potential contamination sources individually as they move into protection areas, identify and assess their controls, and plan land management strategies if they are not adequately controlled.

(7) Public Notification:

Within their DWSP report, each PWS shall specify the method and schedule for notifying their customers and consumers that an assessment of their surface water source has been completed and what the results of that assessment are. Each PWS shall provide the proposed public notification material as an appendix to the DWSP report. The public notification material shall include a discussion of the general geologic and physical setting of the source, the sensitivity of the setting, general types of potential contamination

sources in the area, how susceptible the drinking water source is to potential contamination and a map showing the location of the drinking water source and generalized areas of potential concern (it is not mandatory to show the location of the intake itself). The public notification material will be in plain English. The purpose of this public notification is to advise the public regarding how susceptible their drinking water source is to potential contamination sources. Examples of means of notifying the public, and examples of acceptable public notification materials, are available from the Division. The public notification materials must be approved by the Director prior to distribution.

R309-605-8. DWSP for Ground-Water Sources Under the Direct Influence of Surface Water Sources.

(1) DWSP for ground-water sources under the direct influence of surface water sources will be accomplished through delineation of both the ground-water and surface water contribution areas. The requirements of R309-600 will apply to the ground-water portion, and the requirements of R309-605 will apply to the surface water portion, except that the schedule for such DWSP plans under this section will be based on the schedule shown in R309-605-4(1).

R309-605-9. New Surface Water Sources of Drinking Water.

(1) Prior to constructing a new surface water source of drinking water, each PWS shall develop a preliminary evaluation report (PER) which demonstrates that the source location has been chosen such that the number of uncontrolled sources in zones 1 and 2 is minimized. If the source water is not currently classified as Class 1C under UAC R317-2, the PWS must request such a classification from the Water Quality Board for zones 1 and 2. The PWS must also request that the source water be categorized as High Quality Waters - Category 1 or 2 under UAC R317-2-3 (Antidegradation Policy), if applicable. In addition, engineering information in accordance with R309-515-4 and R309-515-5 (general source development and surface water source development requirements) must be submitted to the Director concurrent with the PER. A complete DWSP plan is required, one year after approval of the PER and after construction of the source intake, following the requirements of R309-605-7.

(2) Preliminary Evaluation Report (PER) for New Sources of Drinking Water - PERs shall cover all four zones. PERs should be developed in accordance with the "Standard Report Format for New Surface Sources." This document may be obtained from the Division.

PWSs shall include the following four sections in each PER:

(a) Delineation Report for Estimated DWSP Zones - The same requirements apply as in R309-605-7(3).

(b) Susceptibility Analysis and determination (including inventory)- The same requirements apply as in R309-605-7(4).

(c) Land Use Map - A land use map which includes all land within zones one and two and the primary use of the land (residential, commercial, industrial, recreational, crops, animal husbandry, etc). Existing maps or GIS data may be used to satisfy this requirement.

(d) Documentation of Division of Water Quality classification of source water - with reference to R317-2, provide documentation of the classification of the source waters by the Water Quality

Board/Division of Water Quality (see also R309-605-9(1)), and of any associated petition for a change in classification.

(3) DWSP Plan for New Sources of Drinking Water - The PWS shall submit a DWSP Plan in accordance with R309-605-4 for any new surface water source of drinking water within one year after the date of the Director's concurrence letter with the PER. In developing this DWSP Plan, PWSs shall refine the information in the PER by applying any new characteristics of the source.

R309-605-10. Contingency Plans.

PWSs shall submit a Contingency Plan which includes all sources of drinking water (groundwater and surface water) for their entire water system to the Director concurrently with the submission of their first DWSP Plan. The Contingency Plan shall address emergency response, rationing, water supply decontamination, and development of alternative sources.

KEY: drinking water, environmental health

Date of Enactment or Last Substantive Amendment: ~~August 27, 2001~~

Notice of Continuation: March 13, 2015

Authorizing, and Implemented or Interpreted Law: 19-4-104(1)(a)(iv)

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 159267
 Utah Admin. Code ref. (R no.): R309-605-7

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Drinking Water
 Room no.: Third Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144830
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4830

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Melissa Noble	801-536-4224		mnoble@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Drinking Water Source Protection (DWSP) for Surface Sources

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The rule is being amended to improve efficiency of the drinking water source protection (DWSP) plan review process.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No Yes

Rule Summary

6. Summary of the rule or change:

The proposed amendment would allow the Director to authorize the designated DDW Source Protection Manager to “concur” with DWSP plans submitted by public water systems to the Division for review.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to the state budget because it does not affect the state budget. It only affects operational procedures within the Division of Drinking Water.

B) Local government:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to local governments because it does not affect them. It only affects operational procedures within the Division of Drinking Water.

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

In aggregate, the proposed amendment is anticipated to have no cost or savings to small businesses because it does not affect them. It only affects operational procedures within the Division of Drinking Water.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

In aggregate, the proposed amendment is anticipated to have no cost or savings to persons other than small businesses, businesses, or local government entities because it does not affect such persons. It only affects operational procedures within the Division of Drinking Water.

Compliance Cost Information

8. Compliance costs for affected persons:

The proposed amendment imposes no compliance costs on anyone.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The proposed amendment would not result in a fiscal impact to businesses because it does not affect any business; it only affects operational procedures within the Division of Drinking Water.

B) Name and title of department head commenting on the fiscal impacts:

Alan Matheson, Executive Director Utah DEQ

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Utah Code: Title 19, Chapter 4, Subsection 104

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page)
Publisher
Date Issued (mm/dd/yyyy)
Issue, or version (including partial dates)
ISBN Number
ISSN Number
Cost of Incorporated Reference
Adds, updates, removes-- SELECT ONE --

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
drinking water, environmental health, source protection

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and Alan Matheson
title: Executive Director

Date (mm/dd/yyyy):

R309-605-7. Drinking Water Source Protection (DWSP) for Surface Sources.

(1) DWSP Plans

(a) Each PWS shall develop, submit, and implement a DWSP Plan for each of its surface water sources of drinking water.

(i) Recognizing that more than one PWS may jointly use a source from the same or nearby diversions, the Director encourages collaboration among such PWSs with joint use of a source in the development of a DWSP plan for that source. PWSs who jointly submit an acceptable DWSP plan per R309-605-7 for one surface water source above common point(s) of diversion, will be considered to have met the requirement of R309-605-7(1)(a). The deadline from R309-605-4(1) that would apply to such a collaboration would be associated with the largest population served by the individual parties to the agreement.

(b) Required Sections for DWSP Plans - DWSP Plans should be developed in accordance with the "Standard Report Format for Surface Sources". This document may be obtained from the Division. DWSP Plans must include the following eight sections:

(i) DWSP Delineation Report - A DWSP Delineation Report in accordance with R309-605-7(3) is the first section of a DWSP Plan.

(ii) Susceptibility Analysis and Determination - A susceptibility analysis and determination in accordance with R309-605-7(4) is the second section of a DWSP report.

(iii) Management Program to Control Each Preexisting Potential Contamination Source - Land management strategies to control each not adequately controlled preexisting potential contamination source in accordance with R309-605-7(5) is the third section of a DWSP Plan.

(iv) Management Program to Control or Prohibit Future Potential Contamination Sources - Land management strategies for controlling or prohibiting future potential contamination sources is the fourth section of a DWSP Plan. This must be in accordance with R309-605-7(6), must be consistent with the general provisions of this rule, and implemented to an extent allowed under the PWS's authority and jurisdiction.

(v) Implementation Schedule - The implementation schedule is the fifth section of a DWSP Plan. Each PWS shall develop a step-by-step implementation schedule which lists each of its proposed land management strategies with an implementation date for each strategy.

(vi) Resource Evaluation - The resource evaluation is the sixth section of a DWSP Plan. Each PWS shall assess the financial and other resources which may be required for it to implement each of its DWSP Plans and determine how these resources may be acquired.

(vii) Recordkeeping - Recordkeeping is the seventh section of a DWSP Plan. Each PWS shall document changes in each of its DWSP Plans as they are updated to show significant changes in conditions in the protection zones. As a DWSP Plan is executed, the PWS shall document any land management strategies that are implemented. These documents may include any of the following: ordinances, codes, permits, memoranda of understanding, public education programs, and so forth.

(viii) Public Notification - A method for, schedule for and example of the means for notifying the public water system's customers

and consumers regarding the drinking water source water assessment and the results of that assessment is the last section of a DWSP plan. This must be in accordance with R309-605-7(7).

(ix) Existing watershed or resource management plans - In lieu of some or all of the report sections described in R309-605-7(1)(b), the PWS may submit watershed or resource management plans that in whole or in part meet the requirements of this rule. Such plans shall be submitted to the Director with a cover letter that fully explains how they meet the requirements of the current DWSP rules. Any required section described in R309-605-7(1)(b) that is not covered by the watershed or resource management plan must be addressed and submitted jointly. The watershed or resource management plans will be subject to the same review and approval process as any other section of the DWSP plan.

(c) DWSP Plan Administration - DWSP Plans shall be submitted, corrected, retained, implemented, updated, and revised according to the following:

(i) Submitting DWSP Plans - Each PWS shall submit a DWSP Plan to the Director in accordance with the schedule in R309-605-4(2) for each of its surface water sources of drinking water (a joint development and submittal of a DWSP plan is acceptable for PWSs with the joint use of a source, per R309-605-7(1)(a)(i).)

(ii) Correcting Deficiencies - Each PWS shall correct any deficiencies in a disapproved DWSP Plan and resubmit it to the Director within 90 days of the disapproval date.

(iii) Retaining DWSP Plans - Each PWS shall retain on its premises a current copy of each of its DWSP Plans. DWSP Plans shall be made available to the public upon request.

(iv) Implementing DWSP Plans - Each PWS shall begin implementing each of its DWSP Plans in accordance with its schedule in R309-605-7(1)(b)(v), within 180 days after submittal if they are not disapproved by the Director.

(v) Updating and Resubmitting DWSP Plans - Each PWS shall review and update its DWSP Plans as often as necessary to ensure that they show current conditions in the DWSP zones, but at least annually after the original due date (see R309-605-4(1)). Updated plans also document the implementation of land management strategies in the recordkeeping section. Updated DWSP Plans will be resubmitted to the Director every six years from their original due date, which is described in R309-605-4.

(vi) Revising DWSP Plans - Each PWS shall submit a revised DWSP Plan to the Director within 180 days after the reconstruction or redevelopment of any surface water source of drinking water which causes changes in source construction, source development, hydrogeology, delineation, potential contamination sources, or proposed land management strategies.

(2) DWSP Plan Review.

(a) The Director shall review each DWSP Plan submitted by PWSs and "concur," "conditionally concur" or "disapprove" the plan. The Director may also authorize the designated DDW Source Protection Manager to issue the following actions: "concur."

(b) The Director may "disapprove" DWSP Plans for good cause, including any of the following reasons:

(i) A DWSP Plan that is missing the delineation report or any

of the information and data required in it (refer to R309-605-7(3));

(ii) An inaccurate Susceptibility Analysis or a DWSP Plan that is missing this report or any of the information required in it (refer to R309-605-7(4));

(iii) An inaccurate Prioritized Inventory of Potential Contamination Sources or a DWSP Plan that is missing this report or any of the information required in it (refer to R309-605-7(4)(c));

(iv) An inaccurate assessment of current controls (refer to R309-605-7(4)(a)(iii)(B));

(v) A missing or incomplete Management Program to Control Each Preexisting Potential Contamination Source which has been assessed as "not adequately controlled" by the PWS (refer to R309-605-7(5));

(vi) A missing or incomplete Management Program to Control or Prohibit Future Potential Contamination Sources (refer to R309-605-7(6));

(vii) A missing Implementation Schedule, Resource Evaluation, Recordkeeping Section, or Contingency Plan (refer to R309-605-7(1)(b)(v-vii) and R309-605-9);

(viii) A missing or incomplete Public Notification Section (refer to R309-605-7(7)).

(c) If the Director conditionally concurs with a DWSP Plan, the PWS must implement the conditions and report compliance the next time the DWSP Plan is due and submitted to the Director.

(3) Delineation of Protection Zones

(a) The delineation section of the DWSP plan for surface water sources may be obtained from the Division upon request. A delineation section prepared and provided by the Division would become the first section of the submittal from the PWS. The delineation section provided by the Division will consist of a map or maps showing the limits of the zones described in R309-605-7(3)(b)(i-iv), and will include an inventory of potential contamination sources on record in the Division's Geographic Information System.

(b) Alternatively, the PWS may provide their own delineation report. Such a submittal must either describe the zones as defined in R309-605-7(3)(b)(i-iv), or must comply with the requirements and definitions of R309-605-7(3)(c). The delineation report must include a map or maps showing the extent of the zones.

(i) Zone 1:

(A) Streams, rivers and canals: zone 1 encompasses the area on both sides of the source, 1/2 mile on each side measured laterally from the high water mark of the source (bank full), and from 100 feet downstream of the POD to 15 miles upstream, or to the limits of the watershed or to the state line, whichever comes first. If a natural stream or river is diverted into an uncovered canal or aqueduct for the purpose of delivering water to a system or a water treatment facility, that entire canal will be considered to be part of zone 1, and the 15 mile measurement upstream will apply to the stream or river contributing water to the system from the diversion.

(B) Reservoirs or lakes: zone 1 is considered to be the area 1/2 mile from the high water mark of the source. Any stream or river contributing to the lake/reservoir will be included in zone 1 for a distance of 15 miles upstream, and 1/2 mile laterally on both sides of the source. If a reservoir is diverted into an uncovered canal or aqueduct for the purpose of delivering water to a system or a water

treatment facility, that entire canal will be considered to be part of zone 1, and the 15 mile measurement upstream will apply to the reservoir and tributaries contributing water to the system.

(ii) Zone 2: Zone 2 is defined as the area from the end of zone 1, and an additional 50 miles upstream (or to the limits of the watershed or to the state line, whichever comes first), and 1000 feet on each side measured from the high water mark of the source.

(iii) Zone 3: Zone 3 is defined as the area from the end of zone 2 to the limits of the watershed or to the state line, whichever comes first, and 500 feet on each side measured from the high water mark of the source.

(iv) Zone 4: Zone 4 is defined as the remainder of the area of the watershed (up to the state line, if applicable) contributing to the source that does not fall within the boundaries of zones 1 through 3.

(v) Special case delineations:

(A) Basin Transfer PODs: Where water supplies are received from basin transfers, the water from the extraneous basin will be treated as a separate source, and will be subject to its own DWSP plan, starting from zone 1 at the secondary POD.

(c) If the PWS is able to demonstrate that a different zone configuration is more protective than those defined in R309-605-7(3)(b), that different configuration may be used upon prior review and approval by the Director. An explanation of the method used to obtain and establish the dimensions of the zones must be provided. The delineation report must include a map or maps showing the extent of the zones. The entire watershed boundary contributing to a source must be included in the delineation.

(4) Susceptibility Analysis and Determination:

(a) Susceptibility Analysis:

(i) Structural integrity of the intake: The PWS will evaluate the structural integrity of the intake to ensure compliance with the existing source development rule (R309-515-5) on a pass or fail basis.

The pass-fail rating will be determined by whether the intake meets minimum rule requirements, and whether the physical condition of the intake is adequate to protect the intake from contamination events.

The integrity evaluation includes any portion of the conveyance from the point of diversion to the distribution systems that is open to the atmosphere or is otherwise vulnerable to contamination, including distribution canals, etc.

(ii) Sensitivity of Natural Setting: The PWS will evaluate the sensitivity of the source based on physiographic and/or hydrogeologic factors. Factors influencing sensitivity may include any natural or man-made feature that increases or decreases the likelihood of contamination. Sensitivity does not address the question of whether contamination is present in the watershed or recharge area.

(iii) Assessment of management of potential contamination sources:

(A) Potential Contamination Source Inventory

(I) Each PWS shall identify and list all potential contamination sources within DWSP zones 1, 2 and 3, as applicable for individual sources. The name and address of each non-residential potential contamination source is required, as well as a list of the chemical, biological, and/or radiological hazards associated with each

potential contamination source. Additionally, each PWS shall identify each potential contamination source as to its location in zone one, two, or three and plot it on the map required in R309-605-7(3)(a and b). The PWS may rely on the inventory provided by the Division for zone 4.

(II) List of Potential Contamination Sources - A List of Potential Contamination Sources may be obtained from the Division. This list may be used by PWSs as an introduction to inventorying potential contamination sources within their DWSP zones. The list is not intended to be all-inclusive.

(III) Refining, Expanding, Updating, and Verifying Potential Contamination Sources - Each PWS shall update its list of potential contamination sources to show current conditions within DWSP zones according to R309-605-7(1)(c)(v). This includes adding potential contamination sources which have moved into DWSP zones, deleting potential contamination sources which have moved out, improving available data about potential contamination sources, and all other appropriate refinements.

(B) Identification and Assessment of Controls: The PWS will identify and assess the hazards at each potential contamination source, including those in the inventory provided by the Division that are located in zone 4, as "adequately controlled" or "not adequately controlled".

(I) If controls are not identified, the potential contamination source will be considered "not adequately controlled." Additionally, if the hazards at a potential contamination source cannot be or are not identified, the potential contamination source must be assessed as "not adequately controlled."

(II) Types of controls: For each hazard deemed to be controlled, one of the following controls shall be identified: regulatory, best management/pollution prevention, or physical controls. Negligible quantities of contaminants are also considered a control. The assessment of controls will not be considered complete unless the controls are completely evaluated and discussed in the DWSP report, using the following criteria:

Regulatory Controls - Identify the enforcement agency and verify that the hazard is being regulated by them; cite and/or quote applicable references in the regulation, rule or ordinance which pertain to controlling the hazard; explain how the regulatory controls affect the potential for surface water contamination; assess the hazard; and set a date to reassess the hazard. For assistance in identifying regulatory controls, refer to the "Source Protection User's Guide" Appendix D for a list of government agencies and the programs they administer to control potential contamination sources.

This guide may be obtained from the Division.

Best Management/Pollution Prevention Practice Controls - List the specific best management/pollution prevention practices which have been implemented by potential contamination source management to control the hazard and indicate that they are willing to continue the use of these practices; explain how these practices affect the potential for surface water contamination; assess the hazard; and set a date to reassess the hazard.

Physical Controls - Describe the physical control(s) which have been constructed to control the hazard; explain how these controls

affect the potential for contamination; assess the hazard; and set a date to reassess the hazard.

Negligible Quantity Control - Identify the quantity of the hazard that is being used, disposed, stored, manufactured, and/or transported; explain why this amount is a negligible quantity; assess the hazard; and set a date to reassess the hazard.

(III) PWSs may assess controls on Potential Contamination Sources collectively, when the Potential Contamination Sources have similar characteristics, or when the Potential Contamination Sources are clustered geographically. Examples may include, but are not limited to, abandoned mines that are part of the same mining districts, underground storage tanks that are in the same zone, or leaking underground storage tanks in the same city. However, care should be taken to avoid collectively assessing Potential Contamination Sources to the extent that the assessments become meaningless. The Director may require an individual assessment for a Potential Contamination Source if the Director determines that the collective assessment does not adequately assess controls.

(C) A potential contamination source which is covered by a permit or approval under one of the regulatory programs listed below shall be considered to be adequately controlled unless otherwise determined by the Director. The PWS must provide documentation establishing that the Potential Contamination Source is covered by the regulatory program. For all other state regulatory programs, the PWS's assessment is subject to review by the Director; as a result, a PWS's DWSP Plan may be disapproved if the Director does not concur with its assessment(s).

(I) The Utah Ground-Water Quality Protection program established by Section 19-5-104 and Rule R317-6;

(II) Closure plans or Part B permits under authority of the Resource Conservation and Recovery Act (RCRA) of 1984 regarding the monitoring and treatment of ground-water;

(III) The Utah Pollutant Discharge Elimination System (UPDES) established by Section 19-5-104 and Rule R317-8; at the discretion of the PWS, this may include Confined Animal feeding Operations/Animal Feeding Operations (CAFO/AFO) assessed under the Utah DWQ CAFO/AFO Strategy.

(IV) The Underground Storage Tank Program established by Section 19-6-403 and Rules R311-200 through R311-208; and

(V) the Underground Injection Control (UIC) Program for classes I-IV established by Sections 19-5-104 and 40-6-5 and Rules R317-7 and R649-5.

(b) Susceptibility determination:

(i) The PWS will assess the drinking water source for its susceptibility relative to each potential contamination source. The determination will be based on the following four factors: 1) the structural integrity of the intake, 2) the sensitivity of the natural setting, 3) whether a Potential Contamination Source is considered controlled or not, and 4) how the first three factors are interrelated. The PWS will provide an explanation of the method or judgement used to weigh the first three factors against each other to determine susceptibility.

(ii) Additionally, each drinking water source will be assessed by the PWS for its overall susceptibility to potential contamination

events. This will result in a qualitative assessment of the susceptibility of the drinking water source to contamination. This assessment of overall susceptibility allows the PWS and others to compare the susceptibility of one drinking water source to another.

(iii) Each surface water drinking water source in the state of Utah is initially considered to have a high susceptibility to contamination, due to the intrinsic unprotected nature of surface water sources. An assumption of high susceptibility will be used by the Director unless a PWS or a group of PWSs demonstrates otherwise, per R309-605, and receives concurrence from the Director under R309-605-7(2).

(c) Prioritized Potential Contamination Source Inventory: The PWS will prepare a prioritized inventory of potential contamination sources based on the susceptibility determinations in R309-605-7(4)(b)(i). The inventory will rank potential contamination sources based on the degree of threat posed to the drinking water source as determined in R309-605-7(4)(b)(i).

(5) Management Program to Control Each Preexisting Potential Contamination Source.

(a) PWSs are not required to plan and implement land management strategies for potential contamination source hazards that are assessed as "adequately controlled."

(b) With the first submittal of the DWSP Plan, PWSs shall include management strategies to reduce the risk of contamination from, at a minimum, each of the three highest priority uncontrolled Potential Contamination Sources in the protection zones for the source. The Director may require land management strategies for additional Potential Contamination Sources to assure adequate protection of the source. A management plan may be for one specific Potential Contamination Source (i.e., a sewage lagoon discharging into a stream), or for a group of similar or related Potential Contamination Sources that were assessed jointly under R309-605-7(4)(a)(iii)(B)(III) (i.e., one management plan for septic systems within one residential development would be acceptable, and would count as one of the three Potential Contamination Source management strategies).

PWSs shall plan land management strategies to control preexisting uncontrolled potential contamination sources in accordance with their existing authority and jurisdiction. Land management strategies must be consistent with the provisions of R309-605, designed to control or reduce the risk of potential contamination, and may be regulatory or non-regulatory. Land management strategies must be implemented according to the schedule required in R309-605-7(1)(b)(v).

(c) PWSs with overlapping protection zones may cooperate in controlling a particular preexisting potential contamination source if one PWS will agree to take the lead in planning and implementing land management strategies. The remaining PWS(s) will assess the preexisting potential contamination source as "adequately controlled."

(d) At each six year cycle for revising and resubmitting the DWSP Plan, under the schedule in R309-605-7(1)(c)(v), the PWS shall prioritize their inventory again, and shall propose a management program to control preexisting Potential Contamination Sources for the three highest priority Potential Contamination Sources, which

may include uncontrolled Potential Contamination Sources not previously managed. The PWS shall also continue existing management programs, unless justification is provided that demonstrates that a Potential Contamination Source that was previously managed is now considered controlled.

(6) Management Program to Control or Prohibit Future Potential Contamination Sources for Existing Drinking Water Sources.

(a) PWSs shall plan land management strategies to control or prohibit future potential contamination sources within each of its DWSP zones consistent with the provisions of R309-605 and to the extent allowed under its authority and jurisdiction. Land management strategies must be designed to control or reduce the risk of potential contamination and may be regulatory or non-regulatory. Additionally land management strategies must be implemented according to the schedule required in R309-605-7(1)(b)(v).

(b) Protection areas may extend into neighboring cities, towns, and counties. Since it may not be possible for some PWSs to enact regulatory land management strategies outside of their jurisdiction, except for municipalities as described below, it is recommended that these PWSs contact their neighboring cities, towns, and counties to see if they are willing to implement protective ordinances to prevent surface water contamination under joint management agreements.

(c) Cities and towns have extraterritorial jurisdiction in accordance with Section 10-8-15 of the Utah Code Annotated to enact ordinances to protect a stream or "source" from which their water is taken... " for 15 miles above the point from which it is taken and for a distance of 300 feet on each side of such stream...."

(d) Zoning ordinances are an effective means to control potential contamination sources that may want to move into protection areas. They allow PWSs to prohibit facilities that would discharge contaminants directly to surface water. They also allow PWSs to review plans from potential contamination sources to ensure there will be adequate spill protection and waste disposal procedures, etc.

If zoning ordinances are not used, PWSs must establish a plan to contact potential contamination sources individually as they move into protection areas, identify and assess their controls, and plan land management strategies if they are not adequately controlled.

(7) Public Notification:

Within their DWSP report, each PWS shall specify the method and schedule for notifying their customers and consumers that an assessment of their surface water source has been completed and what the results of that assessment are. Each PWS shall provide the proposed public notification material as an appendix to the DWSP report. The public notification material shall include a discussion of the general geologic and physical setting of the source, the sensitivity of the setting, general types of potential contamination sources in the area, how susceptible the drinking water source is to potential contamination and a map showing the location of the drinking water source and generalized areas of potential concern (it is not mandatory to show the location of the intake itself). The public notification material will be in plain English. The purpose of this public notification is to advise the public regarding how susceptible their drinking water source is to potential contamination sources. Examples of means of notifying the public, and examples of acceptable

public notification materials, are available from the Division. The public notification materials must be approved by the Director prior to distribution.

Agenda Item

6(A)

RULE ANALYSIS FOR PROPOSED AMENDMENTS TO R309-100-5 through -11, R309-105-6, and R309-110-4

At the July 14, 2017, Drinking Water Board Meeting, the Board authorized the Division to begin rulemaking to amend R309-100-5 through 11, R309-105-6, and R309-110-4. The Division, however, did not provide a rule analysis for each rule for review by the Board. A review of the rule analysis by the Board is now required for all rulemaking because of a recent Executive Order: *Establishing Effective Oversight over State Agency Rulemaking* (February 9, 2017). Therefore, the Division is now returning to the Board to comply with this review requirement before filing the proposed amendments.

Draft copies of the rule analysis forms (entitled *Notice of Proposed Rule Amendment*) for the three rules are attached for your review. Because the rule amendments involve operating procedures within the Division of Drinking Water, the Division does not anticipate any cost or savings to the state budget, local governments, small businesses, or other persons. The proposed amendments will also impose no compliance costs and will have no fiscal impacts on businesses.

Also attached are marked-up versions of the proposed amendments to R309-100, -105, and -110. (Proposed changes are shown in red. New language is underlined and deleted language struck through.)

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 159294
 Utah Admin. Code ref. (R no.): R309-100

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Drinking Water
 Room no.: Third Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144830
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4830

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Bernie Clark	801-536-0092		bernieclark@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Administration: Drinking Water Program

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The rule is being amended in conjunction with another rule, R309-105, to improve the efficiency of the plan review process and to remove an unnecessary review requirement imposed upon the division.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No Yes

Rule Summary

6. Summary of the rule or change:

The proposed amendment applies to R309-100-5 through -11. It would eliminate the requirement that the Director approve all engineering plans and specifications for public drinking water projects from R309-100-5. Instead, it would require only that plans and specifications be approved in writing prior to construction and would not specify who must approve them. This would bring the rule into conformance with a simultaneously proposed amendment to R309-105, which would allow the Director to authorize the Engineering Manager to approve plans and specifications. The proposed amendment would also eliminate the requirement that the Department of Environmental Quality determine the feasibility of adequate water supply for proposed public water systems if requested by the local health department. Because this section of the rule, R-309-100-6, will be deleted, the proposed amendment also renumbers five subsequent rule sections, R309-100-7 through -11.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to the state budget because it does not affect the state budget. It only affects operational procedures within the Division of Drinking Water.

B) Local government:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to local governments because it does not affect them. It only affects operational procedures within the Division of Drinking Water.

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

In aggregate, the proposed amendment is anticipated to have no cost or savings to small businesses because it does not affect them. It only affects operational procedures within the Division of Drinking Water.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

In aggregate, the proposed amendment is anticipated to have no cost or savings to persons other than small businesses, businesses, or local government entities because it does not affect such persons. It only affects operational procedures within the Division of Drinking Water.

Compliance Cost Information

8. Compliance costs for affected persons:

The proposed amendment imposes no compliance costs on anyone.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The proposed amendment would not result in a fiscal impact to businesses because it does not affect any business; it only affects operational procedures within the Division of Drinking Water.

B) Name and title of department head commenting on the fiscal impacts:

Alan Matheson, Executive Director Utah DEQ

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Utah Code: Title 19, Chapter 4, Subsection 104

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page)
Publisher
Date Issued (mm/dd/yyyy)
Issue, or version (including partial dates)
ISBN Number
ISSN Number
Cost of Incorporated Reference
Adds, updates, removes-- SELECT ONE --

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 10/16/2017

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 10/23/2017

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
drinking water / administrative procedures

File Information

15. Attach an RTF document containing the text of this rule change (filename):
No document is associated with this filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and Alan Matheson
title: Executive Director Date (mm/dd/yyyy):

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
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- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 159293
 Utah Admin. Code ref. (R no.): R309-105-6

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Drinking Water
 Room no.: Third Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144830
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4830

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Bernie Clark	801-536-0092		bernieclark@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Administration: General Responsibilities of Public Water Systems

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The rule is being amended to improve the efficiency of the plan review process and the process for reviewing requests for exceptions to the rule requiring minimum separation distances between water and sewer lines.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No Yes

Rule Summary

6. Summary of the rule or change:

The proposed amendment would allow the Director to authorize the Engineering Manager to approve plans and specifications. It would allow the Division of Drinking Water, in place of the Director, to require modifications to plans and specifications.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to the state budget because it does not affect the state budget. It only affects operational procedures within the Division of Drinking Water.

B) Local government:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to local governments because it does not affect them. It only affects operational procedures within the Division of Drinking Water.

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

In aggregate, the proposed amendment is anticipated to have no cost or savings to small businesses because it does not affect them. It only affects operational procedures within the Division of Drinking Water.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

In aggregate, the proposed amendment is anticipated to have no cost or savings to persons other than small businesses, businesses, or local government entities because it does not affect such persons. It only affects operational procedures within the Division of Drinking Water.

Compliance Cost Information

8. Compliance costs for affected persons:

The proposed amendment imposes no compliance costs on anyone.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The proposed amendment would not result in a fiscal impact to businesses because it does not affect any business; it only affects operational procedures within the Division of Drinking Water.

B) Name and title of department head commenting on the fiscal impacts:

Alan Matheson, Executive Director Utah DEQ

Citation Information

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Date Issued (mm/dd/yyyy)
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ISBN Number
ISSN Number
Cost of Incorporated Reference
Adds, updates, removes-- SELECT ONE --

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 10/16/2017

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 10/23/2017

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
drinking water / watershed management

File Information

15. Attach an RTF document containing the text of this rule change (filename):
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To the Agency

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Agency Authorization

Agency head or designee, and Alan Matheson Date (mm/dd/yyyy):
title: Executive Director

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 159295
 Utah Admin. Code ref. (R no.): R309-110-4

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Drinking Water
 Room no.: Third Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144830
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4830

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Bernie Clark	801-536-0092		bernieclark@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Definitions

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The rule is being amended to bring the definition of “Plan Approval” into conformance with a simultaneously proposed amendment to R309-105 concerning who may approve plans and specifications for a public drinking water project.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No Yes

Rule Summary

6. Summary of the rule or change:

The proposed amendment would delete the reference to the Director from the definition of “Plan Approval” thereby not prohibiting the Director from authorizing the Engineering Manager to approve plans and specifications. The proposed amendment would also add a reference to R309-105 concerning plan approval and correct a reference to a section of R309-500.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to the state budget because it does not affect the state budget. It only affects operational procedures within the Division of Drinking Water.

B) Local government:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to local governments because it does not affect them. It only affects operational procedures within the Division of Drinking Water.

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

In aggregate, the proposed amendment is anticipated to have no cost or savings to small businesses because it does not affect them. It only affects operational procedures within the Division of Drinking Water.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

In aggregate, the proposed amendment is anticipated to have no cost or savings to persons other than small businesses, businesses, or local government entities because it does not affect such persons. It only affects operational procedures within the Division of Drinking Water.

Compliance Cost Information

8. Compliance costs for affected persons:

The proposed amendment imposes no compliance costs on anyone.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The proposed amendment would not result in a fiscal impact to businesses because it does not affect any business; it only affects operational procedures within the Division of Drinking Water.

B) Name and title of department head commenting on the fiscal impacts:

Alan Matheson, Executive Director Utah DEQ

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Utah Code: Title 19, Chapter 4, Subsection 104

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page)
Publisher
Date Issued (mm/dd/yyyy)
Issue, or version (including partial dates)
ISBN Number
ISSN Number
Cost of Incorporated Reference
Adds, updates, removes-- SELECT ONE --

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 10/16/2017

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 10/23/2017

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
drinking water / definitions

File Information

15. Attach an RTF document containing the text of this rule change (filename):
No document is associated with this filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and Alan Matheson
title: Executive Director

Date (mm/dd/yyyy):

R309-100. Administration: Drinking Water Program.

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R309-100. Administration: Drinking Water Program.

R309-100-1. Purpose.

The purpose of this rule is to set forth the water quality and drinking water standards for public water systems.

R309-100-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with 63G-3 of the same, known as the Administrative Rulemaking Act.

R309-100-3. Definitions.

Definitions for certain terms used in this rule are given in R309-110 but may be further clarified herein.

R309-100-4. General.

These rules shall apply to all public drinking water systems within the State of Utah.

(1) A public drinking water system is a system, either publicly or privately owned, providing water for human consumption and other domestic uses, which:

(a) Has at least 15 service connections,

(i) Delivery of drinking water, such as by a single well, to a portion of a platted subdivision or a portion of a contiguous development, either of which is under the same ownership or control, shall be considered a single public drinking water system; and

(ii) A platted subdivision or other contiguous development of 15 or more lots, under the same ownership or control, is considered to have the corresponding number of connections as there are lots; or

(b) Serves an average of at least 25 individuals daily at least 60 days out of the year.

(i) A ratio of 3.13 persons per connection shall be used to calculate the individuals served unless, at the time of operation, more accurate

information is available. The ratio is based on the statewide average persons per residence in the 2000 census.

(ii) Notwithstanding the threshold for the number of service connections set forth in (a), a drinking water system consisting of at least 8 service connections is considered to serve 25 people, based on the ratio in (b)(i), and consequently is classified as a public drinking water system, unless, at the time of operation, more accurate data can be used.

(iii) The ratio in (b)(i) is only be used to determine whether, prior to construction or modification, any particular water system is considered to be a public water system.

(c) Any person or entity may request a review of the designation of a public water system by submitting documentation to the Director showing that the drinking water system, upon complete build out, falls below both thresholds listed in (a) and (b) above. All decisions made by the Director under this provision may be challenged as provided in Section 19-1-301.5 and R305-7.

(2) Submetered Properties.

(a) Submetered Properties means a billing process by which a property owner (or association of property owners, in the case of co-ops or condominiums) bills tenants based on metered total water use; the property owner is then responsible for payment of a water bill from a public water system.

(b) A property owner who installs submeters to track usage of water by tenants on his or her property shall not be subject to these rules solely as a result of taking the administrative act of submetering and billing.

(c) Owners of submetered properties shall receive all their water from a regulated public water system to qualify under the terms of R309-105-5 for exemption from monitoring requirements, except as to the selling of water.

(d) This is not intended to exempt systems where the property in question has a large distribution system (piping in excess of 500 feet in length and sized larger than the normal service lateral based on a fixture unit analysis) serves a large population or serves a mixed (commercial/residential) population (e.g. many military installations/facilities or large mobile home parks or P.U.D's) from regulation as a public drinking water system as pertains to notifying the Division of the persons indicated below in (5) or plan review of modifications or changes to their systems (refer to R309-500).

(3) The term public drinking water system includes collection, treatment, storage or distribution facilities under control of the operator and used primarily in connection with the system. Additionally, the term includes collection, pretreatment or storage facilities used

primarily in connection with the system but not under such control (see 19-4-102 of the Utah Code Annotated).

(4) Categories of Public Drinking Water Systems

Public drinking water systems are divided into three categories, as follows:

(a) "Community water system" (CWS) means a public drinking water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(b) "Non-transient, non-community water system" (NTNCWS) means a public water system that is not a community water system and that regularly serves at least 25 of the same nonresident persons over six months per year. Examples of such systems are those serving the same individuals (industrial workers, school children, church members) by means of a separate system.

(c) "Transient non-community water system" (TNCWS) means a non-community public water system that does not serve 25 of the same nonresident persons per day for more than six months per year. Examples of such systems are those, RV park, diner or convenience store where the permanent nonresident staff number less than 25, but the number of people served exceeds 25.

(d) The distinctions between "Community", "Non-transient, non-community", and "Transient Non-community" water systems are important with respect to monitoring and water quality requirements.

(5) Responsibility

(a) All public drinking water systems must have a person or organization designated as the owner of the system. The name, address and phone number of this person or organization shall be supplied, in writing, to the Director.

(b) The name of the person to be contacted on issues concerning the operation and maintenance of the system shall also be provided, in writing, to the Director.

R309-100-5. Approval of Plans and Specifications for Public Water Supply Projects.

(1) ~~The Director must approve, in writing, a~~All engineering plans and specifications for public drinking water projects must be approved in writing prior to construction, in accordance with-

~~(2) Refer to R309-105-6 and/or R309-500-6 for further requirements.~~

~~(32) A public water system shall obtain an~~ Operating Permits ~~shall be obtained by the public water system~~ prior to placing any public drinking water facility into operation as required in R309-500-9.

~~R309-100-6. Feasibility Reviews.~~

~~(1) Upon the request of the local health department, the Department of Environmental Quality will conduct a review to determine the "feasibility" of adequate water supply for any proposed public water system (e.g. subdivisions, industrial plants or commercial facilities). Information submitted to the Department for consideration must be simultaneously submitted to the local health department. This feasibility review is a preliminary investigation of the proposed method of water supply and is done in conjunction with a review of proposed methods of wastewater disposal.~~

~~(2) Refer to the Department of Environmental Quality publication "Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions" available at the Division of Drinking Water.~~

R309-100-76. Sanitary Survey, Evaluation, and Corrective Action of Existing Facilities.

(1) The Director, after considering information gathered during sanitary surveys and facility evaluations, may make determinations of regulatory significance including: monitoring reductions or increases, treatment, variances and exemptions.

(2) CONDUCTING SANITARY SURVEYS

(a) The Director shall ensure a sanitary survey is conducted at least every three years on all public water systems. The Director may reduce this frequency to once every five years based on outstanding performance on prior sanitary surveys.

(b) Sanitary surveys conducted by the following individuals under the circumstances as listed, may be used by the Director for the above determinations:

- (i) Division of Drinking Water personnel;
- (ii) Utah Department of Environmental Quality District Engineers;
- (iii) local health officials;
- (iv) Forest Service engineers;
- (v) Utah Rural Water Association staff;

(vi) consulting engineers; and

(vii) other qualified individuals authorized in writing by the Director.

(3) Public water systems must provide the Director, at the Director's request, any existing information that will enable the State to conduct a sanitary survey.

(4) For the purposes of this subpart, a "sanitary survey", as conducted by the Director, includes but is not limited to, an onsite review of the water source(s) (identifying sources of contamination by using results of source water assessments or other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.

(5) The sanitary survey must include an evaluation of the applicable components listed in paragraphs (5)(a) through (h) of this section:

(a) Source,

(b) Treatment,

(c) Distribution system,

(d) Finished water storage,

(e) Pumps, pump facilities, and controls,

(f) Monitoring, reporting, and data verification,

(g) System management and operation, and

(h) Operator compliance with State requirements.

(6) CONDITIONS ON CONDUCT OF SANITARY SURVEYS

In order for the groups of individuals listed in R309-100-7(2)(b) to conduct sanitary surveys acceptable for consideration by the Director, the following criteria must be met:

(a) Surveys of all systems involving complete treatment plants must be performed by Division of Drinking Water staff or others authorized in writing by the Director;

(b) Local Health officials may conduct surveys of systems within their respective jurisdictions;

(c) U.S. Forest Service (USFS) engineers may conduct surveys of water systems if the system is owned and operated by the USFS or USFS concessionaires;

- (d) Utah Rural Water Association staff may conduct surveys of water systems if the system's population is less than 10,000;
- (e) Consulting Engineers under the direction of a Registered Professional Engineer;
- (f) Other qualified individuals who are authorized in writing by the Director may conduct surveys.

(7) SANITARY SURVEY REPORT CONTENT

The Director will prescribe the form and content of sanitary survey reports and be empowered to reject all or part of unacceptable reports.

(8) ACCESS TO WATER FACILITIES

Department of Environmental Quality employees after reasonable notice and presentation of credentials, may enter any part of a public water system at reasonable times to inspect the facilities and water quality records, conduct sanitary surveys, take samples and otherwise evaluate compliance with Utah's drinking water rules. All others who have been authorized by the Director to conduct sanitary surveys must have the permission of the water system owner or designated representative before a sanitary survey may be conducted.

(9) CORRECTIVE ACTION

Public water systems must comply with requirements found in R309-215-16(3)(a)(iii), R309-215-16(3)(a)(iv), R309-215-16(3)(a)(v), R309-215-16(3)(a)(vi), and R309-215-16(3)(a)(vii).

(10) Refer to R309-100-8 and R309-105-6 for further requirements.

R309-100-87. Rating System.

The Director shall assign a rating to each public water supply in order to provide a concise indication of its condition and performance. The criteria to be used for determining a water system's rating shall be as set forth in R309-400.

R309-100-98. Orders and Emergency Actions.

(1) In situations in which a public water system fails to meet the requirements of these rules, the Director may issue an order to a water supplier to take appropriate protective or corrective measures.

(2) Failure to comply with these rules or with an order issued by the Director may result in the imposition of penalties as provided in the Utah Safe Drinking Water Act and R309.

(3) The Director may respond to emergency situations involving public drinking water, including emergency situations as described in R309-105-18, in a manner appropriate to protect the public health. The Director's response may include the following:

(a) Issuing press releases to inform the public of any confirmed or possible hazards in their drinking water.

(b) Ordering water suppliers to take appropriate measures to protect public health, including issuance of orders pursuant to 63G-4-502, if warranted.

R309-100-~~109~~. Variances.

(1) Variances to the requirements of R309-200 of these rules may be granted by the Board to water systems which, because of characteristics of their raw water sources, cannot meet the required maximum contaminant levels despite the application of best technology and treatment techniques available (taking costs into consideration).

(2) The variance will be granted only if doing so will not result in an unreasonable risk to health.

(3) No variance from the maximum contaminant level for total coliforms are permitted.

(4) No variance from the minimum filtration and disinfection requirements of R309-525 and R309-530 will be permitted for sources classified by the Director as directly influenced by surface water.

(6) Within one year of the date any variance is granted, the Board shall prescribe a schedule by which the water system will come into compliance with the maximum contaminant level in question. The requirements of Section 1415 of the Federal Safe Drinking Water Act, PL 104-182, are hereby incorporated by reference. The Board shall provide notice and opportunity for public hearing prior to granting any variance or determining the compliance schedule. Procedures for giving notice and opportunity for hearing will be as outlined in 40 CFR Section 142.44.

R309-100-~~110~~. Exemptions.

(1) The Board may grant an exemption from the requirements of R309-200 or from any required treatment technique if:

- (a) Due to compelling factors (which may include economic factors), the public water system is unable to comply with contaminant level or treatment technique requirements, and
 - (b) The public water system was in operation on the effective date of such contaminant level or treatment technique requirement, and
 - (c) The granting of the exemption will not result in an unreasonable risk to health.
- (2) No exemptions from the maximum contaminant level for total coliforms are permitted.
- (3) No exemptions from the minimum disinfection requirements of R309-200-5(7) will be permitted for sources classified by the Director as directly influenced by surface water.
- (4) Within one year of the granting of an exemption, the Board shall prescribe a schedule by which the water system will come into compliance with contaminant level or treatment technique requirement. The requirements of Section 1416 of the Federal Safe Drinking Water Act, PL 104-182, are hereby incorporated by reference.
- (5) The Board shall provide notice and opportunity for an exemption hearing as provided in 40 CFR Section 142.54.

KEY: drinking water, environmental protection, administrative procedures

Date of Enactment or Last Substantive Amendment: ~~February 3, 2011~~

Notice of Continuation: March 13, 2015

Authorizing, and Implemented or Interpreted Law: 19-4-104

R309-105. Administration: General Responsibilities of Public Water Systems.

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R309-105-6. Construction of Public Drinking Water Facilities.

The following requirements pertain to the construction of public water systems.

(1) Approval of Engineering Plans and Specifications

(a) Complete plans and specifications for all public drinking water projects, as described in R309-500-5, shall be approved in writing (Plan Approval) by the Director prior to the commencement of construction. The Director may also authorize the Engineering Manager for the Division to issue Plan Approvals. A minimum 30-day review time should be assumed.

(b) Appropriate engineering reports, supporting information and master plans may also be required by the Director as needed to evaluate the proposed project. A certificate of convenience and necessity or an exemption therefrom, issued by the Public Service Commission, shall be filed with the Director prior to approval of any plans or specifications for projects described in R309-500-4(1) as new or previously un-reviewed water system.

(2) Acceptable Design and Construction Methods

(a) The design and construction methods of all public drinking water facilities shall conform to the applicable standards contained in R309-500 through R309-550 of these rules. The Director/Division may require modifications to plans and specifications before approval is granted.

(b) There may be times in which the requirements of the applicable standards contained in R309-500 through R309-550 are not appropriate. Thus, the Director may grant an "exception" to portions of these standards if it can be shown that the granting of such an exception will not jeopardize the public health. The Director may also authorize the Engineering Manager for the Division to grant exceptions to the separation requirements under R309-550-7 if the requirements of this rule are met. In order for the Director/Division to consider such a request, the public drinking water system shall submit a written request directly from the management of the public drinking water system, preferably on system letterhead, that includes the following:

(i) citation of the specific rule for which the "exception" is being requested;

(ii) a detailed explanation, drawings may be included, of why the conditions of rule cannot be met;

(iii) what the system proposes, drawings may be included, in lieu of rule;

(iv) justification the proposed alternative will protect the public health to a similar or better degree than required by rule.

Physical conditions as well as cost may be justification for requesting an "exception-to-rule."

(c) Alternative or new treatment techniques may be developed which are not specifically addressed by the applicable standards contained in R309-500 through R309-550. These treatment techniques may be accepted by the Director if it can be shown that:

(i) They will result in a finished water meeting the requirements of R309-200 of these regulations.

(ii) The technique will produce finished water which will protect public health to the same extent provided by comparable treatment processes outlined in the applicable standards contained in R309-500 through R309-550.

(iii) The technique is as reliable as any comparable treatment process governed by the applicable standards contained in R309-500 through R309-550.

(3) Description of "Public Drinking Water Project"

Refer to R309-500-5 for the description of a public drinking water project and R309-500-6 for required items to be submitted for plan approval.

(4) Specifications for the drilling of a public water supply well

may be prepared and submitted by a licensed well driller holding a current Utah Well Driller's Permit if authorized by the Director.

(5) Drawing Quality and Size

Drawings which are submitted shall be compatible with Division of Drinking Water Document storage. Drawings which are illegible or of unusual size will not be accepted for review. Drawing size shall not exceed 30" x 42" nor be less than 8-1/2" x 11".

(6) Requirements After Approval of Plans for Construction

After the approval of plans for construction, and prior to operation of any facilities dealing with drinking water, the items required by R309-500-9 shall be submitted and an operating permit received.

KEY: drinking water, watershed management

Date of Enactment or Last Substantive Amendment: ~~November 22, 2016~~

Notice of Continuation: March 13, 2015

Authorizing, and Implemented or Interpreted Law: 19-4-104

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R309-110. Administration: Definitions.

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R309-110-4. Definitions.

As used in R309:

...

"Plan Approval" means written approval, ~~by the Director,~~ of contract plans and specifications for any public drinking water project which have been submitted for review prior to the start of construction pursuant to (see also R309-105-6 and R309-500-76).

...

KEY: drinking water, definitions

Date of Enactment or Last Substantive Amendment: ~~May 1, 2016~~

Notice of Continuation: March 13, 2015

Authorizing, and Implemented or Interpreted Law: 19-4-104

RULE ANALYSIS FOR PROPOSED AMENDMENT TO R309-500

At the July 14, 2017, Drinking Water Board Meeting, the Board authorized the Division to begin rulemaking to amend R309-500. Subsequent to the meeting, the Division became aware of a recent Executive Order: *Establishing Effective Oversight over State Agency Rulemaking* (see attached copy). The order, in part, requires each agency to review the rule analysis for a proposed rule with “the board or commission with rulemaking or advisory authority prior to submitting the rule filing.” Therefore, the Division is now returning to the Board to comply with this requirement before filing the proposed amendment to R309-500.

Before the executive order was issued, the Division had relied on the Division Director and the DEQ Executive Director to review the rule analysis before filing a proposed rule. Because of the executive order, the Division will in the future include the rule analysis in the proposed rulemaking package that it submits to the Board when requesting authorization to begin rulemaking. However, because R309-500 got caught in between the old and new ways of handling the rule analysis, the Division has to come before the Board for a second time before initiating rulemaking.

A draft copy of the rule analysis form (entitled *Notice of Proposed Rule Amendment*) for R309-500 is attached for your review. In general, it finds that the proposed amendment will have no cost to the state budget, local governments, small businesses, or other persons. The amendment is likely to provide a small savings to certain public water systems and to have no meaningful fiscal impact on businesses.

EXECUTIVE ORDER

Establishing Effective Oversight Over State Agency Rulemaking

WHEREAS, the public is best served by clear and concise administrative rules that protect public health, safety, and welfare; promote economic development; protect against officials' abuse of power; promote needed public programs; enhance public understanding of legal requirements; and facilitate the implementation of law; and

WHEREAS, state agencies promulgate administrative rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to execute state and federal statutory mandates; and

WHEREAS, the Legislature often mandates new administrative rules, or changes to existing administrative rules; and

WHEREAS, agencies' continual review of existing rules coupled with a process of careful consideration and assessment for new rules will improve state agencies' responsiveness to the public.

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby order that:

All executive branch agencies implement the following procedures for promulgating administrative rules in accordance with and in addition to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1. An agency shall write administrative rules that are clear and concise. It shall not impose unnecessary burdens on the economy, on individuals, on public or private organizations, or on local governments. To achieve these objectives, an agency shall develop its administrative rules through a process which ensures that:

- a. there is full opportunity for public participation in the rulemaking process as prescribed by state law;
- b. the need for and purpose of each administrative rule is clearly established and articulated as part of the rule analysis submitted with each notice of proposed rule;
- c. the head of the agency and policy officials exercise effective oversight; and
- d. compliance costs, paperwork, and other burdens on the public are minimized.

2. In addition to the requirements of Section 63G-3-301, each agency shall include as part of the rule analysis the anticipated costs or savings in terms of the fiscal and non-fiscal impacts and burdens a rule may have directly or indirectly to state government, local government, small business, and persons other than small businesses, businesses, or local governmental entities, and shall review this analysis with the board or commission with rulemaking or advisory authority prior to submitting the rule filing. Each agency shall utilize the analysis tool created by the Governor's Office of Management and Budget.

3. Each cabinet level administrator, or other official of similar responsibility, who answers to the Governor shall designate and adequately train an administrative rules coordinator and report that person's name to the Office of Administrative Rules as staff changes necessitate.

4. Each administrative rules coordinator, or designee, shall:

a. examine each administrative rulemaking action prepared by an agency within the coordinator's scope of responsibility prior to the action's submission to the Office of Administrative Rules to determine:

i. that the administrative rule contains language that is necessary, and fits within the scope of a rule as defined in Subsection 63G-3-102(17);

ii. that the administrative rule has been drafted using logical, understandable, and concise language to facilitate compliance and enforcement;

iii. that interested parties have been given opportunity to participate in the development of the administrative rule pursuant to Subsection 63G-3-301(3);

iv. that standards reflect consistent and sound public regulatory policies; and

v. that the rule is formatted as prescribed in the current edition of the Office of Administrative Rules' *Rule*

Writing Manual for Utah;

b. work with administrators within the coordinator's scope of responsibility to see that written documents meeting the definition of a rule are promulgated as administrative rules pursuant to Utah Code Ann., Title 63G, Chapter 3;

c. assess enacted legislation by June 1 of each year to ensure that new regulatory obligations are discovered and met in a timely manner by appropriate rulemaking action;

d. send a copy of the proposed rule and the rule analysis required by law to the Governor's Office and the Governor's Office of Economic Development;

e. recommend revised or, if necessary, new administrative rules to an agency head within the coordinator's scope of responsibility for the purpose of adequately supporting agency action, informing affected persons, and protecting the state and the public from unwarranted litigation and loss; and

f. notify the Office of Administrative Rules of staffing changes in agencies within the coordinator's scope of authority that affect who may file or authorize rules, and who the Office and the Governor's Office may contact with questions.

5. To ensure rules are consistent with statute and policy, the Governor's Office shall:

a. review administrative rules for legal authority, policy;

b. assist state entities in their role of defining public regulatory policy;

c. act as a liaison with members of the legislature on administrative rulemaking issues, and assist with the resolution of issues identified;

d. coordinate strategies to resolve regulatory questions and provide consistency among agencies;

e. receive and review the rule analysis required by law.

6. Each state agency may obtain assistance from:

a. the Attorney General to ensure that its rules meet legal and constitutional requirements as provided in Subsection 63G-3-201(9),

b. the Office of Administrative Rules for assistance with the rulemaking process as provided in Subsection 63G-3-402(1)(k), and

c. the Governor's Office of Economic Development for assistance determining and calculating fiscal and non-fiscal, direct and indirect impacts,

d. the Office of the Governor's General Counsel for assistance with coordinating rule content and policy;

7. State agency directors and department heads shall cooperate with the Governor's Office as it conducts an executive review of rules; and the Office of Administrative Rules as it implements filing, publication, and hearing procedures pursuant to Title 63G, Chapter 3.

8. This order replaces and supersedes Executive Order 13/2011, Establishing Effective Oversight Over State Agency Rulemaking, and any prior Executive Order establishing oversight over the administrative rulemaking process.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, on this, the 9th day of February, 2017.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2017/001/EO

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NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 159206
 Utah Admin. Code ref. (R no.): R309-500

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Drinking Water
 Room no.: Third Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144830
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4830

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Bernie Clark	801-536-0092		bernieclark@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Facility Design and Operation: Plan Review, Operation and Maintenance Requirements

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The rule is being amended to reduce the regulatory burden on public water systems and the review burden on the Division of Drinking Water. The proposed amendment is primarily intended to replace the current Plan Submittal Waiver program with a similar but simplified program of Approved Standard Installation Drawings and Specifications for construction of water transmission and distribution lines.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No Yes

Rule Summary

6. Summary of the rule or change:

Primarily, the proposed amendment would eliminate the requirement for water systems with Approved Standard Installation Drawings and Specifications to obtain Plan Submittal Waivers, individually or at year's end, from the Division for the installation of water lines. Instead, it would allow a water system with Approved Standard Installation Drawings and Specifications to install water lines up to and including 16-inches in diameter for a five-year period without any further interaction with the Division. The proposed amendment also makes minor revisions to the rule by eliminating redundant requirements, providing additional examples of public drinking water projects, providing an additional example of operation and maintenance, clarifying some plan submittal requirements, reordering some requirements, renumbering some paragraphs, and eliminating the term Plan Submittal Waivers.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to the state budget. Although the amendment is expected to reduce the amount of time that the Division of Drinking Water spends reviewing plans and specifications for water line projects, the time saved would be reallocated to the review of other kinds of drinking water facilities. Therefore, it would not result in a reduction in the number of full time employees needed for plan review.

B) Local government:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost to local governments and minor savings to a subset of local governments that own or operate public water systems and have obtained Approved Standard Installation Drawings and Specifications to install water lines. These local governments would save time and money by not submitting plans and specifications to the Division of Drinking Water and by not obtaining Plan Approval, an Operating Permit, or a Plan Submittal Waiver from the Division. The savings to a properly qualified public water system is estimated to be \$150 per eligible water line project. Since May of 2014, such water systems have submitted an average of 48 Plan Submittal Waiver requests per year. Therefore, the aggregate savings per year for public water systems is estimated to be \$7,200 (\$150 times 48).

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

In aggregate, the proposed amendment is anticipated to have no cost or savings to small businesses. The amendment applies only to public water systems and is anticipated to provide minor savings only to certain public water systems. Small businesses that operate their own public water systems do not typically install the number of water lines that would make Approved Standard Installation Drawings useful. Small businesses that are customers of public water systems are unlikely to see any savings as a result of the amendment because of the small savings that the water systems themselves would realize.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

In aggregate, persons other than small businesses, businesses, or local government entities are anticipated to see no cost or savings as a result of the proposed amendment. Although the proposed amendment is anticipated to provide a small savings to certain public water systems, it wouldn't be worth a water system's time to calculate the insignificant savings per customer and to pass on that savings.

Compliance Cost Information

8. Compliance costs for affected persons:

The proposed amendment directly affects public water systems and indirectly affects its customers. It is anticipated to have no additional compliance costs because no additional regulations are being imposed by the amendment.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

After conducting a thorough analysis, it was determined that the proposed amendment would not result in a fiscal impact to businesses. The proposed amendment would impose no costs upon businesses. Theoretically, a business that was supplied water from a public water system with Approved Standard Installation Drawings to install water lines would realize a small savings in its water bill. The savings would probably be so small, however, that it would not be worthwhile for the water system to calculate the savings per customer and to pass it on. Therefore, it is reasonable to expect that in such circumstances the proposed amendment would not result in a fiscal impact to businesses. The savings to a properly qualified public water system are estimated to be \$150 per eligible water line project. Since May of 2014, such water systems have submitted an average of 48 Plan Submittal Waiver requests per year. Therefore, the aggregate savings per year for public water systems are estimated to be \$7,200 (\$150 times 48).

B) Name and title of department head commenting on the fiscal impacts:

Alan Matheson, Executive Director Utah DEQ

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Utah Code: Title 19, Chapter 4, Subsection 104(1)(

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page)
Publisher
Date Issued (mm/dd/yyyy)
Issue, or version (including partial dates)
ISBN Number
ISSN Number
Cost of Incorporated Reference
Adds, updates, removes-- SELECT ONE --

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 10/16/2017

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 10/23/2017

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
drinking water / plan review

File Information

15. Attach an RTF document containing the text of this rule change (filename):

No document is associated with this filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and Alan Matheson
title: Executive Director

Date (mm/dd/yyyy):

PROPOSED AMENDMENT TO R309-500

This document provides background information to assist the Board in its review of the rule analysis for R309-500. No action by the Board is necessary. It authorized the Division to begin rulemaking to amend R309-500 at the July 14, 2017, meeting.

The proposed amendment applies primarily to Section R309-500-6, *Plan Approval Procedure*, and R309-500-7, *Approval of Standard Installation Drawings and Specifications for Water Transmission and Distribution Lines*, and would replace the current Plan Submittal Waiver program with a similar program of Approved Standard Installation Drawings and Specifications for construction of water transmission and distribution lines.

The Division wants to replace the Plan Submittal Waiver program with something simpler and easier to use. The Division expects that a greater number of public water systems will use the proposed program than use the current waiver program (44 water systems). The Division also expects a substantial reduction in the amount of time spent by water systems and the Division to accomplish the same outcome.

Although there are a number of details that differ between the current waiver program and its proposed replacement, the major difference concerns the interaction between water systems and the Division of Drinking Water once the Division has approved standard installation drawings and specifications. Currently, the waiver program requires frequent interaction between a water system and the Division. A water system first applies for and is granted waiver eligibility and then must continually obtain individual or year-end plan submittal waivers from the Division.

The proposed program would eliminate the requirement for water systems to obtain waivers individually or at year's end from the Division. Once a water system has Approved Standard Installation Drawings and Specifications, it would be authorized to install water lines up to and including 16 inches in diameter for a five-year period without any further interaction with the Division.

Attached are three documents to help understand the proposed amendment to R309-500:

1. A marked-up version of R309-500 (Proposed changes are shown in red. New language is underlined and deleted language struck through. This DDW version of the rule includes guidance paragraphs. The guidance paragraphs are not formally part of the rule and will not be published in the Utah State Bulletin or in the final Division of Administrative Rules version of the rule.)
2. A paragraph-by-paragraph summary with explanations for each proposed revision to the rule
3. A table comparing the current Plan Submittal Waiver program with the proposed program

R309-500. Facility Design and Operation: Plan Review, Operation and Maintenance Requirements.

R309-500-1. Purpose.

The purpose of this rule is to describe plan review procedures and requirements, clarify projects requiring review, and inspection requirements for drinking water projects. It is intended to be applied in conjunction with rules R309-500 through R309-550. Collectively, these rules govern the design, construction, operation and maintenance of public drinking water system facilities. These rules are intended to assure that such facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health.

R309-500-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104(1)(a)(ii) of the Utah Code and in accordance with 63G, Chapter 3 of the same, known as the Administrative Rulemaking Act.

R309-500-3. Definitions.

Definitions for certain terms used in this rule are given in R309-110 but may be further clarified herein.

R309-500-4. General.

(1) Construction of New Facilities and Modification of Existing Facilities.

(a) Plans, specifications, and other data pertinent to new facilities, or existing facilities of public drinking water systems not previously reviewed, shall be submitted to the Director for review for conformance with rules R309-500 through R309-550. All submittals shall be from the public water system or its agent.

(b) The Director has the authority to grant an exception to R309-500 through R309-550 per R309-105-6(2)(b).

(c) ~~Construction of a public drinking water project shall not begin until complete plans and specifications have received Plan Approval or a Plan Submittal Waiver has been issued by the Director. A public water system may not begin construction of~~

a public drinking water project without Plan Approval unless it meets the requirements of R309-500-7.

~~(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. A public water system may not begin operation of a drinking water facility without an Operating Permit unless it meets the requirements of R309-500-7.~~

(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 a~~ public drinking water ~~facilitysystem~~ 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 ing:

(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,
- (v) replacement of a well pump with one of different capacity, ~~and~~
- (vi) deepening a well,
- (vii) well rehabilitation or cleaning using a chemical other than a disinfectant previously approved for drinking water use, and
- (viii) replacement of pipeline not due to on-going operation and maintenance.

(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); and

(g) mechanical well rehabilitation or cleaning using a disinfectant previously approved for drinking water use.

R309-500-6. Plan Approval Procedure.

(1) Project Notification.

The Division shall be notified prior to the construction of any "public drinking water project" as defined in R309-500-5(1) above. The notification may be prior to or simultaneous with submission of construction plans and specifications as required by R309-500-6(2) below. Notification shall be made on a form provided by the Division.

Guidance: In addition to the Project Notification Form, new public water systems should submit a New Public Water System Supplemental Form to the Director.

(2) Pre-Construction Requirements.

All of the following shall be accomplished before construction of any public drinking water project begins:

(a) Plans and specifications for a public drinking water project shall be submitted to the Division at least 30 days prior to the date on which ~~action is desired~~ Plan Approval is required.

Guidance: Review of complicated projects, especially water treatment facilities, may require more than 30 days and should be submitted well in advance of the date on which ~~action is desired~~ approval is required.

(b) Required submittals may include engineering reports, hydraulic analyses of the existing system and additions, local requirements for fire flow and duration, proximity of sewers and other utilities, water consumption data, supporting information, evidence of rights-of-way and reference to any previously submitted master plans pertinent to the project, a description of a program for keeping existing water works facilities in operation during construction so as to minimize interruption of service, etc.

(c) Plans and specifications submitted shall be complete and sufficiently detailed for actual construction. Plans and specifications shall also adequately identify and address any conflicts or interferences.

Guidance: It is recommended that an inspector familiar with these rules be retained to observe all construction.

(d) Drawings that are illegible or of unusual size will not be accepted for review.

(e) The plans and specifications shall be stamped and signed by a licensed professional engineer as required by Section 58-22-602(2) of the Utah Code licensed by the state of Utah.

(f) 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.

(3) Changes to Approved Plans or Specifications.

(a) Changes to approved plans or specifications affecting capacity, hydraulic conditions, operating units, the functioning of water treatment processes, or the quality of water to be delivered, shall be reported to the Division before the start of construction.

(b) The Division may require revised plans and specifications be submitted for review. If required, revised plans or specifications shall be submitted to the Division in time to permit review and approval before the start of construction affected by the changes.

(3) Eligibility for Plan Submittal Waivers.

~~In lieu of submitting plans and specifications for Plan Approval and obtaining Operating Permits, public water systems may request Plan Submittal Waivers for two types of water line projects (excluding booster pump stations) after first becoming eligible to request the waivers. The Director will issue written notification that a public water system is eligible to request the Plan Submittal Waivers described in R309-500-6(3)(a) and (3)(b) if the information provided is acceptable.~~

~~(a) Water Line Projects Included in an Approved Master Plan. To become eligible to request this type of waiver, a public water system must submit standard installation drawings, which meet the requirements in R309-550, and a master plan, which is supported by a hydraulic analysis, to the Director for approval.~~

~~(b) Water Line Projects Included in (i) through (iii) below. To become eligible to request this type of waiver, a public water system must submit the following in~~

~~writing to the Director: standard installation drawings that meet the requirements of R309-550, the name of the professional engineer responsible for design of the entire water system, and the name of the professional engineer responsible for oversight of the hydraulic analysis for the entire water system.~~

~~(i) Water lines less than or equal to 8 inches in diameter in water systems providing water to a population less than 3,300;~~

~~(ii) Water lines less than or equal to 12 inches in diameter in water systems providing water to a population between 3,300 and 50,000; or~~

~~(iii) Water lines less than or equal to 16 inches in diameter in water systems providing water to a population greater than 50,000.~~

~~Public water systems eligible for Plan Submittal Waivers per R309-500-6(3)(b) may request an after-the-fact Plan Submittal Waiver for multiple water line projects by submitting the required information to the Director annually per R309-500-6(4)(b).~~

~~***Guidance: When a water line project requires an exception to rule, the exception-to-rule request must be submitted to the Division prior to construction. If the exception is granted, the project itself can then be included in the after-the-fact waiver request, which is due by January 31 of the following year.***~~

~~**(4) Using Plan Submittal Waivers.**~~

~~(a) Plan Submittal Waivers Prior to Construction:~~

~~After becoming eligible to request Plan Submittal Waivers per R309-500-6(3), a public water system must complete the following when requesting a Plan Submittal Waiver for an individual water line project prior to construction:~~

~~(i) Submit a complete Project Notification Form describing the project, including pipe length, diameter, material, and joint type; project location; number of new service connections; whether minimum separation requirements between water lines and sewer lines in R309-550-7 will be met for the proposed water line project; and specifying which Plan Submittal Waiver, R309-500-6(3)(a) or R309-500-6(3)(b), is being requested;~~

~~(ii) For projects that will have a hydraulic impact, submit a certification of hydraulic analysis by a professional engineer per R309-511-6(1) indicating that the design will not result in unacceptable pressure and flow conditions (including fire flow if fire hydrants are installed);~~

~~(iii) Submit a certification by a professional engineer, who is responsible for the design and construction of the project or has been designated by the water system in writing as the professional engineer directly responsible for the design of the entire water system, indicating that design and construction will meet the requirements of R309-500 through 550, that proper flushing and disinfection will be completed according to the appropriate ANSI/AWWA standard, that satisfactory bacteriological sample results will be obtained prior to placing the facilities into service, and that the water system will receive a copy of as-built or record drawings;~~

~~(iv) Obtain a written Plan Submittal Waiver, in lieu of Plan Approval, from the Director prior to the start of construction; and~~

~~(v) Comply with the conditions in R309-500-6(4)(a)(iii) prior to placing the new facilities into service.~~

~~**Guidance: A template for Certification of Hydraulic Analysis & Plan Submittal Waiver Conditions is available from the Division for use by the water system or its agent.**~~

~~(b) After the Fact Plan Submittal Waivers:~~

~~After becoming eligible to request Plan Submittal Waivers per R309-500-6(3)(b), a public water system may choose to obtain an after the fact waiver for multiple water line projects by complying with the following requirements:~~

~~(i) Water systems shall submit a single copy of each item listed above in R309-500-6(4)(a)(i) through (iii) to the Director by January 31 of each year.~~

~~(ii) The single Project Notification Form and the required certifications shall include the information required per R309-500-6(4)(a)(i) for each water line project completed during the previous calendar year that has not received a Plan Submittal Waiver.~~

~~(iii) Water systems shall maintain an up-to-date record tracking the water line project information required per R309-500-6(4)(a)(i) through (iii) for each project completed during the year that has not received a Plan Submittal Waiver but will be included in the annual after the fact waiver request. Water systems shall make the water line project tracking record available for Division review upon request.~~

~~**Guidance: A template for tracking and summarizing the qualified water line projects constructed during a calendar year is available from the Division for use by the water system or its agent requesting after the fact Plan Submittal Waivers.**~~

~~Projects that are eligible for and obtain after-the-fact Plan Submittal Waivers, or are documented and tracked by public water systems in preparation of requesting after-the-fact Plan Submittal Waivers in accordance with this rule, are not subject to the penalty fee.~~

R309-500-7. Approval of Standard Installation Drawings and Specifications for Water Transmission and Distribution Lines.

(1) A public water system with approved standard installation drawings and specifications may install water transmission and distribution lines up to and including 16 inches in diameter and is not required to:

- (a) submit project notification, plans, or specifications or obtain Plan Approval per R309-500-6;
- (b) obtain an Operating Permit per R309-500-9; or
- (c) submit a certification of hydraulic modeling per R309-511.

(2) To obtain or renew approved standard installation drawings and specifications, a public water system shall submit to the Director:

- (a) an application form;
- (b) standard installation drawings and specifications meeting the requirements of R309-550 for construction of water transmission and distribution lines;
- (c) the name and license number of a professional engineer designated to oversee design of the water system;
- (d) the name and license number of a professional engineer designated to oversee hydraulic analysis of the water system; and
- (e) a statement from the designated water system contact acknowledging that:
 - (i) a hydraulic analysis will be completed for each water line project to assure compliance with minimum sizing, pressure, and flow requirements;
 - (ii) flushing, disinfection, and coliform sampling will be completed according to ANSI/AWWA standards for each water line before use; and
 - (iii) as-built or record drawings will be maintained for each water line constructed.

(3) Approved standard installation drawings and specifications are valid for construction of water transmission and distribution lines for the five-year period specified in the approval.

(4) Before or upon the expiration of approved standard installation drawings and specifications, a public water system may submit an application to renew the approval.

(5) A public water system that installs water transmission and distribution lines with approved standard installation drawings and specifications shall:

(a) construct each water line according to plans and specifications stamped and signed by a professional engineer licensed by the state of Utah;

(b) notify the Director of a change in approved standard installation drawings and specifications, a change in the designated water system contact, or a change in the designated professional engineer for system design or hydraulic analysis;

(c) obtain Plan Approval for each booster pump installed as part of a water line; and

(d) obtain an exception prior to construction for any requirement in R309-500 through R309-550 that cannot be met.

R309-500-78. Inspection during Construction.

Staff from the Division, the Department of Environmental Quality, or the local health department, after reasonable notice and presentation of credentials, may make visits to the work site to assure compliance with these rules.

~~R309-500-8. Change Orders.~~

~~Any deviations from approved plans or specifications affecting capacity, hydraulic conditions, operating units, the functioning of water treatment processes, or the quality of water to be delivered, shall be reported to the Director. The Director may require that revised plans and specifications be submitted for review. If required, revised plans or specifications shall be submitted to the Division in time to permit the review and approval of such plans or specifications before any construction work, which will be affected by such changes, is begun.~~

R309-500-9. Operating Permit.

(1) The Division shall be informed when a public drinking water project, or a well-defined phase thereof, is at or near completion.

~~(2)~~ The new or modified facility shall not be placed into service until an Operating Permit ~~or a Plan Submittal Waiver~~ is issued by the Director unless it meets the requirements of R309-500-7.

~~(3)~~ The Operating Permit will not be issued until all of the following items are submitted and found to be acceptable for all projects. ~~Distribution lines (not including in-line booster pump stations), may be placed into service prior to submittal of all items if the professional engineer responsible for the entire system, as identified to the Director, has received items (1) and (4):~~

~~(1a)~~ Certification of Rule Conformance by a professional engineer that all conditions of Plan Approval were accomplished and if applicable, changes made during construction were in conformance with rules R309-500 through 550,

~~(2b)~~ as-built or record drawings incorporating all changes to approved plans and specifications, unless no changes are made from previously submitted and approved plans during construction,

~~(3c)~~ confirmation that a copy of the as-built or record drawings has been received by the water system owner,

~~(4d)~~ evidence of proper flushing and disinfection in accordance with the appropriate ANSI/AWWA Standard,

~~(5e)~~ where appropriate, water quality data,

Guidance: Water quality data for finished and raw water samples will be required as evidence of effective performance of new or modified water treatment plants prior to issuing an Operating Permit.

~~(6f)~~ all other documentation which may have been required during the plan review process, and

~~(7g)~~ confirmation that the water system owner has been provided with an Operation and Maintenance manual for the new facility if applicable.

(4) Distribution lines (not including in-line booster pump stations) requiring Plan Approval may be placed into service prior to submittal of all of the above items and receipt of an Operating Permit if the public water system has received items (3)(a) and (3)(d).

R309-500-10. Waste and Wastewater Disposal.

Approval of plans and specifications may require evidence showing that the methods of waste and wastewater disposal have been approved or accepted by the Utah Division of Water Quality, the local health agency, or the local authority for:

(1) new drinking water facilities, including discharges from treatment facilities, discharges related to construction, etc., and

(2) new drinking water facilities serving proposed developments.

R309-500-11. Fee Schedule.

The Division is authorized to assess fees according to the Department of Environmental Quality fee schedule. ~~The fee schedule is available from the Division.~~

R309-500-12. Other Permits.

Local, county, federal, and other state authorities may impose different, more stringent, or additional requirements for public drinking water projects. Water systems may be required to comply with other permitting requirements before beginning construction of drinking water projects or placing new facilities into service.

KEY: drinking water, plan review, operation and maintenance requirements, permits

Date of Enactment or Last Substantive Amendment: ~~November 16, 2015~~

Notice of Continuation: March 13, 2015

Authorizing, and Implemented or Interpreted Law: 19-4-104

Summary with Explanations of Proposed Revisions to R309-500 (August 2017):

R309-500-4(1)(c) – reworded the prohibition that construction may not begin without Plan Approval or a Plan Submittal Waiver because the term Plan Submittal Waiver is no longer used in the proposed amendment.

R309-500-4(1)(d) - reworded the prohibition that a public drinking water facility may not be put into operation without an Operating Permit or Plan Submittal Waiver because the term Plan Submittal Waiver is no longer used in the proposed amendment.

R309-500-5(1) – in the definition of a public drinking water project, removed the phrase requiring submittal of a Project Notification Form and Plans and Specifications because the requirements are a repetition of requirements more appropriately included in R309-500-6, Plan Approval Procedure.

R309-500-5(1)(b)(vii) – added well rehabilitation or chemical cleaning using a disinfectant *not* previously approved as an example of a public drinking water project, which requires plan approval.

R309-500-5(1)(b)(viii) - added pipeline replacement, which is not done as a result of ongoing and maintenance, as an example of a public drinking water project, which requires plan approval.

R309-500-5(2)(b) – deleted the phrase excluding substantial distribution system upgrades involving long-term planning and complex design from the description of pipeline replacement as an example of ongoing operation and maintenance because it is too general and subject to individual interpretation.

R309-500-5(2)(g) – added mechanical well rehabilitation or cleaning using an approved disinfectant as an example of operation and maintenance.

R309-500-6(2)(a) – clarified when plans and specifications must be submitted.

R309-500-6(2)(e) – reworded the licensing requirement for professional engineers.

R309-500-6(3)&(4) – deleted the Plan Submittal Waiver paragraphs.

R309-500-6(3) – now contains slightly reworded requirements that were included in R309-500-8, Change Orders. The new title of the paragraph is Changes to Approved Plans or Specifications, which is more accurate than Change Orders.

R309-500-7 – is the new program for approved Standard Installation Drawings and Specifications for Water Transmission and Distribution Lines that replaces the Plan Submittal Waiver program for water line installation.

R309-500-7 – renumbered as R309-500-8.

R309-500-8 – is deleted and its contents moved to R309-500-6(3).

R309-500-9 – unnumbered paragraphs were numbered and subparagraphs were renumbered.

R309-500-9(2) – the reference to Plan Submittal Waiver is deleted because the term is no longer used in the proposed amendment.

R309-500-9(3) – the provision that allowed distribution lines to be placed into service before completing all of the Operating Permit requirements is deleted from this paragraph and moved to R309-500-9(4).

R309-500-9(4) – the provision that allowed distribution lines to be placed into service before completing all of the Operating Permit requirements from R309-500-9(3) was moved here to its own paragraph.

R309-500-11 – the statement that the fee schedule is available from the division is deleted because it is informational and is not appropriate as a rule (it does not restrict activities or provide a benefit).

Plan Submittal Waiver
Versus
Approved Standard Installation Drawings and Specifications

	Plan Submittal Waiver [R309-500-6(3)(a) & (3)(b), prior to July 2017]	Approved Standard Installation Drawings and Specifications [Revision proposed in July 2017]
1	Two waiver types	A single approval
2	Master plan-based waiver available [(3)(a)]	Unavailable
3	Various pipe diameter limits based on PWS population [(3)(b)]	One pipe diameter limit (≤16") for all; not population based
4	PWS must obtain waiver eligibility first	PWS must submit application for approved Standard Installation Drawings and Specs
5	Waiver eligibility does not expire	Approval must be renewed every 5 years (or whenever standard installation drawings and specifications change)
6	Required for waiver eligibility : <ol style="list-style-type: none"> 1. Letter requesting eligibility 2. Standard installation drawings and specs meeting R309-550 requirements [(3)(a) & (3)(b)] 3. PE designation for system design by PWS [(3)(b)] 4. PE designation for hydraulic analysis by PWS [(3)(b)] 	Required for approval : <ol style="list-style-type: none"> 1. Application form 2. Standard installation drawings and specs (with effective date) meeting R309-550 requirements 3. PE designation for system design by PWS (notify DDW of change) 4. PE designation for hydraulic analysis by PWS (notify DDW of change) 5. Statement with application form acknowledging hydraulic analysis, flushing, disinfection, coliform sampling, and as-built/record drawings
7	Obtain waiver for each water line project prior to construction [(3)(a) & (3)(b)]	Not required
8	Submit with each water line waiver request: <ol style="list-style-type: none"> 1. Project Notification Form (PNF) 2. Certification by designated PEs for (1) hydraulic analysis and (2) flushing, disinfection, coliform sampling, as-built/record drawings 	Not required
9	May obtain year-end after-the-fact waiver for multiple water line projects [(3)(b)]	Not required
10	Must maintain a tracking sheet for year-end, after-the-fact waivers [(3)(b)]	Not required
11	Water line projects with pump stations ineligible for waivers	Same
12	Water lines >16" ineligible for waivers	Same
13	Water line projects not meeting water/sewer separation must obtain exception to R309-550-7	Same

Agenda Item

6(B)

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 159274
 Utah Admin. Code ref. (R no.): R309-600-8

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Drinking Water
 Room no.: Third Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144830
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4830

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Melissa Noble	801-536-4224		mnoble@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 DWSP Plan Review

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The rule is being amended to improve efficiency of the drinking water source protection (DWSP) plan review process.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No Yes

Rule Summary

6. Summary of the rule or change:

The proposed amendment would allow the Director to authorize the designated DDW Source Protection Manager to “concur” and “concur with recommendations” with DWSP plans submitted by public water systems to the Division for review.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to the state budget because it does not affect the state budget. It only affects operational procedures within the Division of Drinking Water.

B) Local government:

Affected: No Yes

In aggregate, the proposed amendment is anticipated to have no cost or savings to local governments because it does not affect them. It only affects operational procedures within the Division of Drinking Water.

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

In aggregate, the proposed amendment is anticipated to have no cost or savings to small businesses because it does not affect them. It only affects operational procedures within the Division of Drinking Water.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

In aggregate, the proposed amendment is anticipated to have no cost or savings to persons other than small businesses, businesses, or local government entities because it does not affect such persons. It only affects operational procedures within the Division of Drinking Water.

Compliance Cost Information

8. Compliance costs for affected persons:

The proposed amendment imposes no compliance costs on anyone.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The proposed amendment would not result in a fiscal impact to businesses because it does not affect any business; it only affects operational procedures within the Division of Drinking Water.

B) Name and title of department head commenting on the fiscal impacts:

Alan Matheson, Executive Director Utah DEQ

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Utah Code: Title 19, Chapter 4, Subsection 104

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page)
Publisher
Date Issued (mm/dd/yyyy)
Issue, or version (including partial dates)
ISBN Number
ISSN Number
Cost of Incorporated Reference
Adds, updates, removes-- SELECT ONE --

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
drinking water, environmental health, source protection

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and Alan Matheson
title: Executive Director

Date (mm/dd/yyyy):

R309-600-8. DWSP Plan Review.

(1) The Director shall review each DWSP Plan submitted by PWSs and "concur," "concur with recommendations," "conditionally concur" or "disapprove" the plan. The Director may also authorize the designated DDW Source Protection Manager to issue the following actions: "concur" and "concur with recommendations."

(2) The Director may "disapprove" DWSP Plans for any of the following reasons:

(a) An inaccurate DWSP Delineation Report, a report that uses a non-applicable delineation method, or a DWSP Plan that is missing this report or any of the information and data required in it (refer to R309-600-9(6));

(b) an inaccurate Prioritized Inventory of Potential Contamination Sources or a DWSP Plan that is missing this report or any of the information required in it (refer to R309-600-10(1));

(c) an inaccurate assessment of current controls (refer to R309-600-10(2));

(d) a missing Management Program to Control Each Preexisting Potential Contamination Source which has been assessed as "not adequately controlled" by the PWS (refer to R309-600-11(1));

(e) a missing Management Program to Control or Prohibit Future Potential Contamination Sources (refer to R309-600-12);

(f) a missing or incomplete Implementation Schedule, Resource Evaluation, Recordkeeping Section, Contingency Plan, or Public Notification Plan (refer to R309-600-7(1)(e)-(g), R309-600-14, and R309-600-15).

(3) The Director may "concur with recommendations" when PWSs propose management programs to control preexisting potential contamination sources or management programs to control or prohibit future potential contamination sources for existing or new drinking water sources which appear inadequate or ineffective.

(4) The Director may "conditionally concur" with a DWSP Plan or PER. The PWS must implement the conditions and report compliance the next time the DWSP Plan is due and submitted to DDW.

Agenda Item

10(A)

Proposed DWB 2018 Meeting Schedule

Drinking Water Board Meetings have historically been held on the 2nd Friday of the month in January, May, July, and November. Meetings are also held in conjunction with Rural Water Association of Utah conferences.

For calendar year 2018 the corresponding dates are as follows:

Friday, January 12

Thursday, March 1 (RWAU Annual Conference, St. George)

Friday, May 11

Friday, July 13

Friday, October 12 (AWWA IMS Annual Conference, Midway)

Friday, November 9

Friday, January 11, 2019

Agenda Item

10(B)

Lead in Schools Update 08/16/2017

- 399 samples have been collected by 10 school districts
- In May/June 291 samples were collected by the following districts: South Summit, North Summit, Park City, Granite, Box Elder
- Nebo School District conducted sampling in early August
- Dagget, Duchesne, Uintah, Salt Lake, and Murray have lead samples from past programs. They account for 90 samples

District	Sample Count
BOX ELDER DISTRICT	44
DAGGETT DISTRICT	7
DUCHESNE DISTRICT	12
GRANITE DISTRICT	214
MURRAY DISTRICT	22
NEBO DISTRICT	18
NORTH SUMMIT DISTRICT	7
PARK CITY DISTRICT	20
SALT LAKE DISTRICT	20
SOUTH SUMMIT DISTRICT	6
UINTAH DISTRICT	29
Grand Total	399

- There are about 900 schools in the state (this may include technical centers). We have data from 188 schools
- If every remaining school (about 712 schools) was to collect two samples and have them analyzed at the State Lab it would cost approximately \$28,480

- 3.50% of samples are over 15 ppb

- 50.88% of samples under 1 ppb

- 45.61% of samples between 1 ppb and 15 ppb

Agenda Item

10(C)

PUBLIC NOTICE

The Utah Department of Environmental Quality has completed a draft of the 2019 fiscal year Fee Schedule for the Department.

The public comment for the Draft Fee Schedule will commence on August 14, 2017 with a notification being published in the Salt Lake Tribune and the Deseret Morning News. The comment period will end on September 12, 2017 at 5 p.m. A public hearing has been scheduled to receive oral comment on the Draft Fee Schedule on Tuesday, Sept. 12, 2017, 2 p.m., Department of Environmental Quality Board Room, 195 North 1950 West, Salt Lake City, Utah, 84116.

Written comments must be received no later than 5 p.m. on Sept. 12, 2017 and should be addressed to:

Craig Silotti
Utah Department of Environmental Quality
Office of Support Services/ Finance
195 North 1950 West
P.O. Box 144810
SLC, Utah 84114-4810

A copy of the Draft Fee Schedule is available for review between the hours of 8 a.m. and 5 p.m., Monday through Friday, at the following address:

Department of Environmental Quality
1st Floor Reception Desk
195 North 1950 West
SLC, Utah 84114-4810

In addition, a copy of the Draft Fee Schedule is available on UDEQ's website at https://deq.utah.gov/FeesGrants/fees/fee_schedules.htm

A question and answer session will be held before the Fee Hearing at 1 p.m

For further details or questions concerning the Draft Fee Schedule, contact Laurie Leib at the Department of Environmental Quality, 801-536-4440.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify Larene Wyss, 801-503-5618, 195 North 1950 West, 4th Floor, SLC, UT, at least three working days prior to the hearing.

OPERATOR CERTIFICATION

3 Year Renewal Cycle	Current	Proposed	Change
Op Cert Online Exam*	\$100	\$120	Inc \$20 (total cost \$150)
Op Cert Exam (Paper)	\$100	\$200	Inc \$100
Op Cert Renewal	\$100	\$150	Inc \$50
Op Cert Reinstatement, plus renewal fee for each missed year	\$200	\$300	Inc \$100
Reciprocity	\$100	\$150	Inc \$50
Current Program Expense: \$236,000			Inc by \$53,700 still
Estimated Revenue	\$107,680	\$161,400	underfunded by \$75,000

*requires an additional \$30 fee to RWUA to administer the online test

CROSS CONNECTION

Annual Renewal Cycle	Current	Proposed	Change
Program Administrator Online Test*	\$175	\$175	No change (total cost may inc \$30)
Program Administrator Test (Paper)	\$175	\$225	Inc \$50
Program Administrator Renewal (new requirement of Community systems)	\$175	\$125	Dec \$50 annually vs. every 3 yrs
3 Year Renewal Cycle			
Tester and Class III Renewals	\$225	\$225	No change
Retest	\$145	\$0	Paid directly to 3rd party (currently \$165)
Reciprocity	\$225	\$225	No change
Current Program Expense: \$82,000			Inc of \$28,000, anticipate program cost inc with
Estimated Revenue	\$72,615	\$100,000	Program Admin changes

*will likely also require an additional \$30 fee to administer the online test

Current News

[CLICK HERE to print this page](#)



2 years later, mandatory boil order still in place for some Goshen residents

July 31, 2017



GOSHEN — For the past two years some residents in a small Utah County town have been stuck with dangerous drinking water, and it seems there’s no end in sight.

Five residents in the town of Goshen were issued a [boil-water advisory on July 28, 2015](#). Since then, nothing has changed.

“Out of sight, out of mind,” resident Richard Wolf said. “They don’t care about us up here or they’d had something done quicker.”

For the majority of the townspeople, the tap water is perfectly fine. But for Wolf and his neighbors, up the ‘hill’ toward Goshen Canyon, their water is contaminated and has been for 24 months.

The spring that supplies drinking water to the town was considered “unacceptable for human use” in 2015 after water samples returned to the Department of Environmental Quality tested positive for E. coli and other bacteria. The DEQ then issued a mandatory boil-water advisory on July 28 of the same year, [alerting residents the boil order may be in effect for months](#).

“What can we do other than boil the water and keep doing what we’re doing?” Wolf said.

According to Goshen Mayor Fred Jensen, the five households living under the boil order “ought to be happy they’ve got water at all.”

In an interview with Jensen on July 19, KSL asked when the water situation is going to be fixed. “If I knew that, I’d be in heaven now, wouldn’t I?” the mayor said.

Jensen, blamed the state officials for the delay, saying, “If the state is mad at what I say to you, that will be a delay.”

He also blamed the media: “Every time someone brings in the media that puts us off.”



Goshen Mayor Fred Jensen said residents of the five households living under the 24-month mandatory boil order “ought to be happy they’ve got water at all.” (Photo: KSL TV)

Jensen even blamed the residents who are living under the boil order. “The people themselves are causing the delay, a lot of it,” he said. “We do not have to supply the drinking water up there at all. By law, we don’t have to supply them with it.”

“The water is clean and fit to use if they boil it,” Jensen added. “We don’t have to furnish them water. We’re doing it to be good.”

However, officials at Utah’s Department of Environmental Quality sees things much differently.

“Our perception is those homes are customers of Goshen and they deserve clean drinking water,” said Maria Owens, with DEQ’s Division of Drinking Water. “It’s detrimental to their well-being to have to be on a boil order for that long.”

Since 2015, water samples from the spring above Wolf’s home have sporadically come back contaminated. Tests show traces of rat waste, fecal coliform and E. coli.

To fix that, Owens said one option is for Goshen officials to fund and install a water chlorination system at the spring source above the homes in question. However, DEQ records indicate it took Goshen officials nine months to submit an initial plan to the state — a plan that fell short and the spring still tested positive for E. coli.

In June 2016, a different plan was submitted that didn’t work either. On July 21 of this year, two days after KSL’s interview with Jensen, the state received a third plan from Goshen.

“They keep trying the cheapest way to resolve the problem, to be fiscally responsible to their residents, but it’s not solving the problem,” Owens said.



For the past two years residents in Richard Wolf’s small Goshen, Utah County, neighborhood have been stuck with dangerous drinking water, and it seems there’s no end in sight. (Photo: KSL TV)

After 24 months, DEQ critics point to politics, penny-pinching and procrastination. Owens said Goshen officials need to move forward with a feasible fix.

“At this point, they have approval from us to proceed with their plans. They just actually need to proceed with their plans,” Owens said.

KSL uncovered funding isn’t really the problem. An award letter from the U.S. Department of Housing and Development dated March 19, 2015, indicates a grant in the amount of \$125,000 was given the town of Goshen for “an infrastructure and water line upgrade” — four full months before the 2015 boil order was issued.

“We have got enough money to proceed with it, yes,” Jensen said.

It was federal funding allocated to install a chlorination system. It’s money the issuer of the grant, Mountainland Association of Governments, said has “not been used.”

Asked about this, Jensen laughed as he said, “Chlorination is just a poison anyway.”

In 2015, the Goshen Town Council voted to provide water to residents of the five households until the water war is resolved. However, the bottled-water supply was recently cut off.

“Because they’ve been mean to us,” Jensen said. “Payback’s a son of a bugger.”

Meanwhile, residents like Wolf are still waiting for a fix.

“When one person can take into their own hands the lives of other families up here, that’s not right,” Wolf said.

Only July 26, 2017, the DEQ kicked back the plan Goshen officials submitted on July 21, citing they have some “comments that need to be addressed.”

DEQ officials also explained they won’t be able to collect good water samples until after 2018’s spring runoff season, which means the boil order for the five households in Goshen likely isn’t ending anytime soon.

However, late Monday night, Lt. Gov. Spencer Cox tweeted @KSL5TV saying he "heard this today and I'm looking into it."

□

State urges all Utah schools to test water systems for lead after detecting contamination

After voluntary spot testing, drinking water at 10 Utah schools found to exceed EPA guidelines; dozens more contain poisonous lead below the federal limit

10



(Al Hartmann | Tribune file photo) A school official taking water samples from a hallway drinking fountain in early 2016. An orange residue had been discovered on the school's toilets, prompting the school to test for contamination from metals such as iron, copper and lead in the drinking water. In 2017 state officials asked several Utah school districts to conduct voluntary lead tests. A high incidence of elevated lead levels in those initial samples has prompted state officials to urge testing at all schools statewide.



By [Emma Penrod](#)

· 13 hours ago

State officials have asked Utah’s public schools to test their drinking water for lead contamination — preferably before Labor Day — after spot tests over the summer found high levels of lead at several schools.

Of the 188 schools sampled this spring and summer, drinking water at 10 schools contained lead concentrations that exceeded guidelines established by the U.S. Environmental Protection Agency, set at 15 micrograms per liter.

Nearly half of the tested schools showed some levels of lead, between one and 15 micrograms per liter, state results show.

Overall, water collected from the 188 schools was nearly twice as likely to exceed the EPA’s thresholds compared to more routine samples collected from homes, prompting state officials to recommend testing for all Utah schools.

“These results show that we should look,” said Marie Owens, director of the state Division of Drinking Water. “Children are a vulnerable population, and they’re at school longer than they are at home, so we should look.”

Exposure to lead can cause developmental delays in young children. Most lead exposure occurs in the home and is associated with lead-based paint, according to the EPA, but drinking water can become contaminated with lead [when the metal leaches out of old pipes and plumbing fixtures](#).

The EPA does not consider any level of lead in drinking water to be safe, but does not require remedial action until the water is found to contain more than 15 micrograms of lead per liter, due in

part to technical difficulties of eliminating all lead from drinking water in some situations.

Lead in the water: [What Utahns should know about their homes.](#)

Using lead in drinking-water pipes was permitted prior to 1986. According a 2011 seismic risk survey, more than half of Utah's schools were built before to 1975 — a decade before the Safe Drinking Water Act went into effect.

Despite the relative age of school buildings, their drinking water systems [are tested only sporadically](#). Federal regulations focus on residential testing, meaning that contamination isolated within a school building can go undetected.

Owens said the state Division of Drinking Water began contacting area schools about the need for water-quality tests last spring, after recommendations from the EPA that all U.S. schools be tested. State regulators began with schools located on or near the Wasatch Front because their location made coordinating with district officials more convenient, Owens said.

But based on the disproportionate number of schools with high levels of lead in their water, the state has already begun contacting other districts statewide and is offering money in cases where tests might require school overhauls.

Though it hopes to test as many as 900 school statewide, the Division of Drinking Water has no legal authority to require the tests, Owens said. However, she said, the division is offering technical assistance with the sampling and testing requirements, and so far, none of the schools asked to participate have refused.

The Box Elder School District, which saw two schools with high lead test results — Bear River Middle School and Willard Elementary — launched the testing at the state's urging, according to Jim Christensen, district director of facilities management. Unlike many other school districts, some Box Elder schools rely

on private water sources that are already regularly tested for lead, but Christensen said the district welcomed the invitation to do additional tests, partly to be responsive and transparent about its facilities.

“We’ve tried to be proactive to make sure we are doing the right thing for the life of the buildings, and for the cleanliness of the water for the students,” Christensen said.

Seven of the ten schools that have exceeded the federal limit so far are located in the Granite School District, one of the first to agree to conduct the tests. They were Beehive Elementary; Calvin S. Elementary; Gerald Wright Elementary; Granite Technical Institute; Magna Elementary; Silver Hills Elementary; and William Penn Elementary.

District spokesman Ben Horsley said parents should rest assured that the problems have been or will be addressed before school starts next week. The district also plans to pursue a bond this fall in order to fund a large-scale remodeling effort, he said.

Granite school officials were quick to sign on with the testing initiative when it was first proposed, Horsley said, partly because they had already begun testing their drinking water as part of a broader effort to evaluate conditions of the district’s school buildings.

“We have some of the oldest buildings on average in the state, which means older piping systems and older faucets that tend to lend themselves to a variety of issues,” Horsley said. “Over half of our buildings are over 50 years old, and frankly that is where you see a lot of those kinds of issues.”

According to the state’s database, Granite school district flushed out the pipes at all seven facilities with high lead results and those schools have since tested below the 15 microgram per liter limit. Flushing out the system is an effective but temporary remedy, Owens said.

“The ones that have flushed so that it’s safe for students to go back to school, we’re not done with that yet,” she said. “Flushing is not a long-term solution. Flushing the building can make it safe to use right away, but that doesn’t mean that the next long weekend or holiday isn’t going to bring the situation right back.”

At North Summit Elementary, which had one test result come back above the EPA’s standard, a single sink was identified as the source of the problem. The plumbing beneath the utility sink was replaced, and subsequent tests confirmed that eliminated the lead problems, said North Summit School District superintendent Jerre Holmes.

Check [your school’s drinking water test results](#) on the Division of Drinking Water’s public database.

Holmes said participating in the tests, and mitigating problem the results identify, was the obvious approach.

“I get that there could be a concern that it could be a costly fix, depending on the worst case scenario,” Holmes said, “but any time there’s a chance to make your buildings a better place, I think we should all be diligent.”

Schools with more building-wide lead problems may be forced to completely revamp their plumbing systems, leading the state to pledged support in the event lead testing calls for significant repairs.

Alan Matheson, executive director of the state Department of Environmental Quality, sent a letter to state superintendents last month in which he strongly urged each school to check for lead-contaminated water, and promised to back the districts up in exchange for participation.

“If you find elevated levels in the drinking water at your school that require significant resources to resolve, we will work with you to identify funding sources to correct the problem,” the letter

stated. “The state will stand with you throughout this process. Protecting the health of our children and school staff is our top priority.”

Participating schools may also post their results [at a public database](#) the Division of Drinking Water has built to inform parents of the testing initiative’s progress.

However, the database only indicates whether those water tests came in above the EPA’s recommended maximum, not the actual concentration of lead in the school’s samples, even though nearly half of the samples submitted to the state contain between 1 and 15 micrograms of lead per liter of water.

“There is lead that naturally occurs in water,” Owens said. “To expect that there would be no lead in any water is unreasonable, and water degrades over time. The longer it’s in a distribution system, the longer it’s stagnant in a building — things can happen.”

Owens said they chose not to include specific test results in their database because they did not want to confuse or overwhelm the public. She said the division would willingly share more specific data with those who request it.

Parents need not panic if their child attends a school with a high test result, Owens added. If there are concerns about a child’s wellbeing, she urged parents to contact their pediatrician for further guidance.