

## **R309-400. Improvement Priority System and Public Water System Ratings.**

### ***R309-400-1. Purpose.***

The purpose of this rule is to establish the Improvement Priority System used by the division to assign compliance ratings to public water systems and to prioritize enforcement action based on points assessed for noncompliance with drinking water rules.

### ***R309-400-2. 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, Chapter 3 of the same, known as the Administrative Rulemaking Act.

### ***R309-400-3. Definitions.***

“Improvement Priority System (IPS)” is a point system used by the division to evaluate a public water system’s performance and compliance with the drinking water rules in Title 309, *Environmental Quality, Drinking Water*.

“Public Water System Rating” is assigned to a public water system by the director to characterize the water system’s compliance with drinking water rules and overall operation and performance.

### ***R309-400-4. Improvement Priority System – Assessment of Points.***

1. The division shall:
  - a. maintain and make public an [improvement priority system \(IPS\) program](#) that includes:
    - i. a table specifying the number of points associated with each instance of noncompliance with a drinking water rule requirement and noncompliance with a directive or order issued by the director, and
    - ii. the point thresholds for assigning an Approved or Not Approved rating to each type of public water system; and
  - b. obtain approval from the Drinking Water Board for substantive revisions to the [IPS program](#).
2. The division incorporates by reference the [IPS program dated August 27, 2019](#).

3. Implementation of the IPS program approved by Drinking Water Board starts on January 1, 2020.
4. The director may assess points to a public water system and take enforcement action in accordance with the implementation policy and the table of points based on:
  - a. noncompliance with Title R309 of the Utah Administrative Code;
  - b. noncompliance with a directive or order issued by the director; or
  - c. operational practices or performance that may result in a threat to public health.

### ***R309-400-5. Public Water System Ratings.***

1. The director may assign a rating to a public water system of:
  - a. Approved based on the total number of points assessed for noncompliance;
  - b. Not Approved based on:
    - i. the total number of points assessed for noncompliance, or
    - ii. an immediate public health threat; or
  - c. Corrective Action based on a current, written agreement with the division to resolve underlying noncompliance according to a compliance schedule.
2. A public water system shall maintain an Approved rating.
3. A public water system with a Not Approved rating shall:
  - a. take immediate action to resolve the noncompliance that resulted in the Not Approved rating; or
  - b. enter into a written agreement with the division to resolve the noncompliance that resulted in the Not Approved rating according to a compliance schedule.

### ***R309-400-6. Administrative Appeals.***

1. The assessment of points does not constitute a permit order per R305-7-102(1)(l) and may not be appealed pursuant to R305-7.
2. The assignment of a rating to a public water system constitutes an initial order per R305-7-102(1)(g) and may be appealed by submitting, filing, and serving a written Request for Agency Action pursuant to R305-7-303 within 30 days of the date of the order issued by the director.

**KEY: drinking water, environmental protection, penalties**

**Date of Enactment or Last Substantive Amendment:**

**Notice of Continuation: March 22, 2010**

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