

1 **DRINKING WATER TECHNICIAN**

2 **CERTIFICATION**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Howard C. Nielson**

6 AN ACT RELATING TO THE ENVIRONMENTAL QUALITY CODE; SETTING
7 STANDARDS FOR THE EXAMINATION REQUIREMENT OF PERSONS CERTIFIED BY
8 THE DRINKING WATER BOARD; AND MAKING TECHNICAL CHANGES.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **19-4-104**, as last amended by Chapter 71, Laws of Utah 1997

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **19-4-104** is amended to read:

14 **19-4-104. Powers of board.**

15 (1) The board may:

16 (a) make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking

17 Act:

18 (i) establishing standards that prescribe the maximum contaminant levels in any public
19 water system and provide for monitoring, record-keeping, and reporting of water quality related
20 matters;

21 (ii) governing design, construction, operation, and maintenance of public water systems;

22 (iii) granting variances and exemptions to the requirements established under this chapter
23 that are not less stringent than those allowed under federal law;

24 (iv) protecting watersheds and water sources used for public water systems; and

25 (v) governing capacity development in compliance with Section 1420 of the federal Safe
26 Drinking Water Act, 42 U.S.C.A. 300f et seq.;

27 (b) require the submission to the executive secretary of plans and specifications for

28 construction of, substantial addition to, or alteration of public water systems for review and
29 approval by the board before that action begins and require any modifications or impose any
30 conditions that may be necessary to carry out the purposes of this chapter;

31 (c) advise, consult, cooperate with, provide technical assistance to, and enter into
32 agreements, contracts, or cooperative arrangements with state, federal, or interstate agencies,
33 municipalities, local health departments, educational institutions, or others necessary to carry out
34 the purposes of this chapter and to support the laws, ordinances, rules, and regulations of local
35 jurisdictions;

36 (d) request and accept financial assistance from other public agencies, private entities, and
37 the federal government to carry out the purposes of this chapter;

38 (e) develop and implement an emergency plan to protect the public when declining
39 drinking water quality or quantity creates a serious health risk and issue emergency orders if a
40 health risk is imminent;

41 (f) authorize employees or agents of the department, after reasonable notice and
42 presentation of credentials, to enter any part of a public water system at reasonable times to inspect
43 the facilities and water quality records required by board rules, conduct sanitary surveys, take
44 samples, and investigate the standard of operation and service delivered by public water systems;

45 (g) meet the requirements of federal law related or pertaining to drinking water; and

46 (h) exercise all other incidental powers necessary to carry out the purpose of this chapter.

47 (2) (a) The board may adopt and enforce standards and establish fees for certification of
48 operators of any public water system.

49 (b) The board may not require certification of operators for a water system serving a
50 population of 800 or less except:

51 (i) to the extent required for compliance with Section 1419 of the federal Safe Drinking
52 Water Act, 42 U.S.C.A. 300f et seq.; and

53 (ii) for a system that is required to treat its drinking water.

54 (c) The certification program shall be funded from certification and renewal fees.

55 (3) Routine extensions or repairs of existing public water systems that comply with the
56 rules and do not alter the system's ability to provide an adequate supply of water are exempt from
57 the provisions of Subsection (1)(b).

58 (4) (a) (i) The board may adopt and enforce standards and establish fees for certification

59 of persons engaged in administering cross connection control programs or backflow prevention
60 assembly training, repair, and maintenance testing.

61 (ii) The certification standards established by the board under Subsection (4)(a)(i) shall
62 include an examination requirement for initial certification, but shall not require an examination
63 requirement for the renewal of an existing certification.

64 (b) The certification program shall be funded from certification and renewal fees.

Legislative Review Note
as of 2-3-00 11:21 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel