

**SAFE DRINKING WATER ACT -  
ADMINISTRATIVE PROCEDURE AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Bill Wright**

**This act modifies the Safe Drinking Water Act. The act clarifies the authority of the Drinking Water Board to include the issuance and enforcement of orders, and holding administrative hearings. The act makes technical changes.**

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

AMENDS:

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

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

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

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

(1) The board may:

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

Act:

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

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

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

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

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

(b) issue orders necessary to enforce the provisions of this chapter, enforce the orders by appropriate administrative and judicial proceedings, and institute judicial proceedings to secure compliance with this chapter;

(c) (i) hold hearings relating to the administration of this chapter and compel the attendance of witnesses, the production of documents and other evidence, administer oaths and take testimony, and receive evidence as necessary; or

(ii) appoint hearing officers and authorize them to exercise powers under this Subsection (1)(c);

~~(b)~~ (d) require the submission to the executive secretary of plans and specifications for construction of, substantial addition to, or alteration of public water systems for review and approval by the board before that action begins and require any modifications or impose any conditions that may be necessary to carry out the purposes of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

(4) (a) The board may adopt and enforce standards and establish fees for certification of persons engaged in administering cross connection control programs or backflow prevention assembly training, repair, and maintenance testing.

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