

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

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Bill Wright**

6 **This act modifies the Safe Drinking Water Act. The act clarifies the authority of the**
7 **Drinking Water Board to include the issuance and enforcement of orders, and holding**
8 **administrative hearings. The act makes 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) issue orders necessary to enforce the provisions of this chapter, enforce the orders by



28 appropriate administrative and judicial proceedings, and institute judicial proceedings to secure
29 compliance with this chapter;

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

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

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

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

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

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

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

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

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

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

58 (b) The board may not require certification of operators for a water system serving a

59 population of 800 or less except:

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

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

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

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

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

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

Legislative Review Note

as of 8-9-01 2:01 PM

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

Office of Legislative Research and General Counsel