

**DRINKING WATER SOURCE SIZING REQUIREMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill amends provisions related to drinking water source and storage requirements.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions;
- ▶ amends powers of the Drinking Water Board;
- ▶ requires the Drinking Water Board to withhold approval of plans for the substantial addition to a community water system under certain circumstances;
- ▶ requires certain public water systems to provide certain water use data;
- ▶ requires the director of the Division of Drinking Water to establish water source sizing requirements for certain public water systems; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**19-4-102**, as last amended by Laws of Utah 2012, Chapter 360

**19-4-104**, as last amended by Laws of Utah 2016, Chapter 58



28 ENACTS:

29 [19-4-114](#), Utah Code Annotated 1953



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

32 Section 1. Section **19-4-102** is amended to read:

33 **19-4-102. Definitions.**

34 As used in this chapter:

35 (1) "Board" means the Drinking Water Board appointed under Section [19-4-103](#).

36 (2) "Community water system" means a public water system that serves residents  
37 year-round.

38 [~~(2)~~] (3) "Contaminant" means a physical, chemical, biological, or radiological  
39 substance or matter in water.

40 [~~(3)~~] (4) "Director" means the director of the Division of Drinking Water.

41 [~~(4)~~] (5) "Division" means the Division of Drinking Water, created in Subsection  
42 [19-1-105\(1\)\(b\)](#).

43 [~~(5)~~] (6) (a) "Groundwater source" means an underground opening from or through  
44 which groundwater flows or is pumped from a subsurface water-bearing formation.

45 (b) "Groundwater source" includes:

46 (i) a well;

47 (ii) a spring;

48 (iii) a tunnel; or

49 (iv) an adit.

50 [~~(6)~~] (7) "Maximum contaminant level" means the maximum permissible level of a  
51 contaminant in water that is delivered to a user of a public water system.

52 [~~(7)~~] (8) (a) "Public water system" means a system providing water for human  
53 consumption and other domestic uses that:

54 (i) has at least 15 service connections; or

55 (ii) serves an average of 25 individuals daily for at least 60 days of the year.

56 (b) "Public water system" includes:

57 (i) a collection, treatment, storage, or distribution facility under the control of the  
58 operator and used primarily in connection with the system; and

59 (ii) a collection, pretreatment, or storage facility used primarily in connection with the  
60 system but not under the operator's control.

61 [~~8~~] (9) "Retail water supplier" means a person that:

62 (a) supplies water for human consumption and other domestic uses to an end user; and

63 (b) has more than 500 service connections.

64 [~~9~~] (10) "Supplier" means a person who owns or operates a public water system.

65 [~~10~~] (11) "Wholesale water supplier" means a person that provides most of that  
66 person's water to a retail water supplier.

67 Section 2. Section **19-4-104** is amended to read:

68 **19-4-104. Powers of board.**

69 (1) (a) The board may make rules in accordance with Title 63G, Chapter 3, Utah  
70 Administrative Rulemaking Act:

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

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

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

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

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

81 (b) The board may:

82 (i) order the director to:

83 (A) issue orders necessary to enforce the provisions of this chapter;

84 (B) enforce the orders by appropriate administrative and judicial proceedings; or

85 (C) institute judicial proceedings to secure compliance with this chapter;

86 (ii) (A) hold a hearing that is not an adjudicative proceeding relating to the  
87 administration of this chapter; or

88 (B) appoint hearing officers to conduct a hearing that is not an adjudicative proceeding;

89 or

90 (iii) request and accept financial assistance from other public agencies, private entities,  
91 and the federal government to carry out the purposes of this chapter.

92 (c) The board shall:

93 (i) require the submission to the director of plans and specifications for construction of,  
94 substantial addition to, or alteration of public water systems for review and approval by the  
95 board before that action begins and require any modifications or impose any conditions that  
96 may be necessary to carry out the purposes of this chapter;

97 (ii) withhold approval of plans for the substantial addition to a community water  
98 system, submitted under Subsection (1)(c)(i) by a community water system serving a  
99 population of more than 500, if the community water system fails to provide:

100 (A) the water use data required under Subsection (1)(c)(v); or

101 (B) water system sizing data described in Subsection 19-4-114(1)(a), (b)(i), or (b)(ii);

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

107 ~~[(iii)]~~ (iv) develop and implement an emergency plan to protect the public when  
108 declining drinking water quality or quantity creates a serious health risk and issue emergency  
109 orders if a health risk is imminent;

110 (v) require a community water system serving a population of more than 500 to  
111 annually collect accurate water use data, described in Subsection (6), and annually report that  
112 data to the Division of Water Rights;

113 ~~[(iv) require a certified operator of a public water supplier to verify by signature and~~  
114 ~~certification number, or a professional engineer performing the duties of a certified water~~  
115 ~~operator to verify by signature and stamp, the accuracy of any data on water use and water~~  
116 ~~supply submitted by the public water supplier to the division; and]~~

117 (vi) require a certified operator of a community water system or a professional engineer  
118 to verify by certification or license number the accuracy of the water use data reported by the  
119 community water system under Subsection (1)(c)(v); and

120 ~~[(v)]~~ (vii) meet the requirements of federal law related or pertaining to drinking water.

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

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

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

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

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

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

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

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

136 (5) A board member may not speak or act for the board unless the board member is  
137 authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.

138 (6) (a) The water use data required to be collected in Subsection (1)(c)(v) shall include  
139 peak day source demand, average annual demand, the number of equivalent residential  
140 connections, and the quantity of non-revenue water.

141 (b) The division may, by rule, establish other types of water use data required to be  
142 collected in addition to that listed in Subsection (6)(a).

143 Section 3. Section **19-4-114** is enacted to read:

144 **19-4-114. Source and storage minimum sizing requirements for public water**  
145 **systems.**

146 (1) (a) Except as provided in Subsection (1)(b) the director shall establish  
147 system-specific source and storage minimum sizing requirements for a community water  
148 system serving a population of more than 500 based on the most recent rolling average of at  
149 least three years of a community water system's actual water use data submitted in accordance  
150 with Subsections [19-4-104](#)(1)(c)(v) and (vi).

151 (b) If the water use data required under Subsections [19-4-104](#)(1)(c)(v) and (vi) is not

152 available to the division, or if the community water system determines that the data submitted  
153 does not represent future system use, the director may establish source and storage minimum  
154 sizing requirements for the community water system based on:

155 (i) an engineering study submitted by the community water system and accepted by the  
156 director; or

157 (ii) at least three years of historical water use data that is:

158 (A) submitted by the community water system; and

159 (B) accepted by the director.

160 (2) The director shall establish system-specific source and storage minimum sizing  
161 requirements for a community water system serving a population of 500 or less based on:

162 (a) the rolling average of the community water system's actual water use data submitted  
163 to the division and accepted by the director;

164 (b) an engineering study submitted by the community water system and accepted by the  
165 director;

166 (c) standards, comparable to those of established community water systems, as  
167 determined by the director; or

168 (d) relevant information, as determined by the director.

169 (3) The director shall:

170 (a) for community water systems described in Subsection (2), establish a schedule to  
171 transition from statewide sizing standards to system-specific standards;

172 (b) establish minimum sizing standards for public water systems that are not  
173 community water systems; and

174 (c) provide for the routine evaluation of changes to the system-specific standards.

175 **Section 4. Effective date.**

176 This bill takes effect on October 1, 2018.