

Drinking Water Board – August 28, 2018

Amend R309-105-12 (Alternative)

DRINKING WATER BOARD PACKET
(to begin rulemaking, changes to proposed rules, Final adoption of rule amendment)

PROPOSAL:

We propose the following changes be made to R309-105-12, *Cross Connection Control*, to outline specific requirements for “adequately trained staff” in regards to cross connection control programs for public drinking water systems:

- 1) R309-105-12(1) - remove section and version in the reference to International Plumbing Code.
- 2) R309-105-12(2)(c)(i) - add specific requirements for all community water systems to have a certified Cross Connection Control Program Administrator on staff or access to one (contractual agreement); **CWS \geq 500 by December 31, 2020 and CWS $<$ 500 by December 31, 2022.**
- 3) R309-105-12(2)(c)(ii) – add a requirement that all other classifications of water systems may be required to have certified Cross Connection Control Program Administrator subject to Director’s discretion.
- 4) R309-105-12(4) – change the term “certification” to “approval.”
- 5) R309-105-12(5) – change the term “device” to “assembly.”

HISTORY/CONTEXT:

This rule gives the guidelines and requirements for public drinking water systems in implementing a cross connection control program.

DIVISION STAFF/DIRECTOR RECOMMENDATION:

Division staff recommends that the Board authorize it to begin rulemaking to amend R309-105-12 as the alternative presented to the board today (which requires Community Water Systems serving a population of 500 or greater to have a Cross Connection Control Program Administrator by December 31, 2020, and Community Water Systems serving a population of less than 500 to have a Cross Connection Control Program Administrator by December 31, 2022) and to file the proposed rule amendment with the Office of Administrative Rules for publication in the Utah State Bulletin.

IMPLEMENTATION SCHEDULE:

The Division anticipates making the amendment effective in January of 2019. The schedule for starting the rulemaking process is as follows:

1. Drinking Water Board Authorizes Rulemaking to Amend Rule – August 28, 2018
2. File Proposed Rule Amendment with Office of Administrative Rules – August 31, 2018
3. Begin 30-Day Comment Period (Utah State Bulletin Publication) – September 15, 2018
4. End 30-Day Comment Period – October 15, 2018
5. Return to Drinking Water Board - November 6, 2018

COST ESTIMATE:

The proposed amendment is not expected to result in costs or savings to the state budget, small businesses, or other persons. The amendment would increase costs for local governments that own or operate community water systems that do not currently employ a Cross Connection Control Administrator.

R309-105-12. Cross Connection Control.

(1) The water supplier shall not allow a connection to his system which may jeopardize its quality and integrity. Cross connections are not allowed unless controlled by an approved and properly operating backflow prevention assembly or device. The requirements of [Chapter 6 of] the [2009] International Plumbing Code and its amendments as adopted by the Department of Commerce under R156-56 shall be met with respect to cross connection control and backflow prevention.

(2) Each water system shall have a functioning cross connection control program. The program shall consist of five designated elements documented on an annual basis. The elements are:

(a) a legally adopted and functional local authority to enforce a cross connection control program (i.e., ordinance, bylaw or policy);

(b) providing public education or awareness material or presentations;

(c) an [operator] individual with adequate training in the area of cross connection control or backflow prevention;

(i) Community water systems serving a population of 500 or greater shall have a certified Cross Connection Control Program Administrator by December 31, 2020. Refer to R309-305 for specific requirements.

(ii) Community water systems serving a population less than 500 shall have a certified Cross Connection Control Program Administrator by December 31, 2022. Refer to R309-305 for specific requirements.

(iii) Non-transient non-community and transient non-community water systems may be required to have a certified Cross Connection Control Program Administrator at the Director's discretion.

(d) written records of cross connection control activities, such as, backflow assembly inventory; and

(e) test history and documentation of on-going enforcement (hazard assessments and enforcement actions) activities.

(3) Suppliers shall maintain, as proper documentation, an inventory of each pressure atmospheric vacuum breaker, spill resistant pressure vacuum breaker, double check valve, reduced pressure zone principle assembly, and high hazard air gap used by their customers, and a service record for each such assembly.

(4) Backflow prevention assemblies shall be in-line serviceable (repairable), in-line testable and have approval [certification] through third party [certifying] approval agencies to be used within a public drinking water system. Third party [certification] approval shall consist of any combination of two approvals [certifications], laboratory or field, performed by a recognized testing organization which has demonstrated competency to perform such tests.

(5) Backflow prevention assemblies shall be inspected and tested at least once a year, by an individual certified for such work as specified in R309-305. Suppliers shall maintain, as proper documentation, records of these inspections. This testing responsibility may be borne by the water system or the water system management may require that the customer having the backflow prevention assembly be responsible for having the [device] assembly tested.

(6) Suppliers serving areas also served by a pressurized irrigation system shall prevent cross connections between the two. Requirements for pressurized irrigation systems are outlined in Section 19-4-112 of the Utah Code.

KEY: drinking water, watershed management

Date of Enactment or Last Substantive Amendment: [~~November 8, 2017~~]

Notice of Continuation: March 13, 2015

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

Summary of Fiscal Analysis

Proposed Amendment: R309-105-12 (Alternative), Cross Connection Control

Aggregate Anticipated Cost or Savings:

I. State Budget:

1. Expected direct fiscal impact to state budget for two Community Water Systems (CWS) operated by the state of Utah
 - a. **\$880** total one time expenditure (**\$480 in FY21; \$400 in FY23**)
 - \$480 (initial Cross Connection Control Program Administrator Certificate (CCC-PA) for 1 water system)
 - \$400 (initial contract with certified CCC-PA for 1 water system)
 - b. **\$310** total annual ongoing expenditure for CCC-PA certificate renewal and contract maintenance (**\$110 in FY21; \$200 in FY23**)
 - \$110 (annual CCC-PA certificate renewal for 1 water system)
 - \$200 (annual contract with CCC-PA @ \$50/hr)
2. Fiscal impact results from requirement that all CWS's have a Cross Connection Control Program Administrator
3. Fiscal impact not expected to state revenues or expenditures due to administration of the rule by Division of Drinking Water – no additional employees or resources needed

II. Local Government:

1. Expected direct fiscal impact to 309 Community Water Systems operated by Local Governments
 - a. **\$140,480** total one time expenditure (**\$101,280 in FY21; \$39,200 in FY23**)
 - \$480/CWS (initial CCC-PA for 211 water systems)
 - \$400/CWS (initial contract with certified CCC-PA for 98 water systems)
 - b. **\$42,810** total annual ongoing expenditure for CCC-PA certificate renewal and contract maintenance (**\$23,210 in FY21; \$19,600 in FY23**)
 - \$110 (annual CCC-PA certificate renewal for 211 water systems)
 - \$200 (annual contract with CCC-PA @ \$50/hr for 98 water systems)
2. Fiscal impact results from requirement that all CWS's have a Cross Connection Control Program Administrator

III. Small Businesses:

1. Expected direct fiscal impact to 163 privately-operated Community Water Systems (small businesses)
 - c. **\$67,600** total one time expenditure (**\$14,400 in FY21; \$53,200 in FY23**)
 - \$480/CWS (initial CCC-PA for 30 water systems)
 - \$400/CWS (initial contract with certified CCC-PA for 133 water systems)
 - d. **\$29,900** total annual ongoing expenditure for CCC-PA certificate renewal and contract maintenance (**\$3,300 in FY21; \$26,600 in FY23**)
 - \$110 (annual CCC-PA certificate renewal for 30 water systems)
 - \$200 (annual contract with CCC-PA @ \$50/hr for 133 water systems)

2. Fiscal impact results from requirement that all CWS's have a Cross Connection Control Program Administrator

IV. Persons Other than Small Businesses, Businesses, or Local Government Entities:

1. Expected direct fiscal impact to Other Persons – 10 Community Water Systems operated by the federal government
 - a. **\$4,560** total one time expenditure (**\$3,360 in FY21; \$1,200 in FY23**)
 - \$480/CWS (initial CCC-PA for 7 water systems)
 - \$400/CWS (initial contract with certified CCC-PA for 3 water systems)
 - b. **\$1,370** total annual ongoing expenditure for CCC-PA certificate renewal and contract maintenance (**\$770 in FY21; \$600 in FY23**)
 - \$110 (annual CCC-PA certificate renewal for 7 water systems)
 - \$200 (annual contract with CCC-PA @ \$50/hr for 3 water systems)
2. Fiscal impact results from requirement that all CWS's have a Cross Connection Control Program Administrator

V. Total Fiscal Costs

- **\$146,910** in FY2021 (CWS \geq 500)
- **\$141,000** in FY2023 (CWS <500)
- Includes total one-time expenditures and total ongoing expenditures for FY2021 and FY2023