



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF DRINKING WATER
Marie E. Owens, P.E.
Director

Drinking Water Board
Betty Naylor, *Chair*
Roger G. Fridal, *Vice-Chair*
Brett Chynoweth
Jeff Coombs
Tage Flint
Eric Franson, P.E.
Brad Johnson
David Stevens, Ph.D.
Marie E. Owens, P.E.
Executive Secretary

DRINKING WATER BOARD TRAINING

October 12, 2018 – 2:00 pm
Grindelwald Room (2nd Floor)
784 Resort Drive
Midway, Utah 84049

FINAL MINUTES

1. Call to Order

Betty Naylor, Board Chairman called the training to order at 2:00 p.m.

2. Roll Call

Board Members present: Betty Naylor, Roger Fridal, Tage Flint, Eric Franson, David Stevens, and appointed, not yet confirmed member, Kristi Bell.

Division Staff present: Marie Owens, Ying Ying Macauley, Hayley Shaffer, Michael Grange, and Lisa Nelson.

Marie Owens introduced Alane Boyd with the American Water Works Association Intermountain Section (AWWA-IMS) to those in attendance and thanked her for her willingness to facilitate the Board training.

Alane thanked the Drinking Water Board for holding the training at this year's conference. She expressed her appreciation to Division staff for their assistance working on the water audit program, and stated her willingness to provide a presentation to the Board once the audit is complete.

3. Overview of Utah's Rulemaking Process

Marie introduced the Division's Assistant Director, Ying Ying Macauley, who provided the following training to the Board. (See attached presentation titled "Rulemaking Process").

4. Roles, Responsibilities, and Authorities

- Drinking Water Board
- Division of Drinking Water
- Office of Administrative Rules (OAR)
- US EPA

5. Rulemaking Examples

- Cross Connection Control Rules
- Revised Total Coliform Rules
- Public Water System Identification Rule

6. Next Board Meeting:

Date: Tuesday, November 13, 2018
Time: 1:00 pm
Place: Multi-Agency State Office Building
Room 1015
195 North 1950 West
Salt Lake City, Utah 84116

7. Adjourn

- Betty Naylor moved to adjourn the training. The motion was carried unanimously by the Board.

The training adjourned at 3:00 p.m.



UTAH DEPARTMENT of
ENVIRONMENTAL QUALITY
**DRINKING
WATER**

Rulemaking Process

October 12, 2018



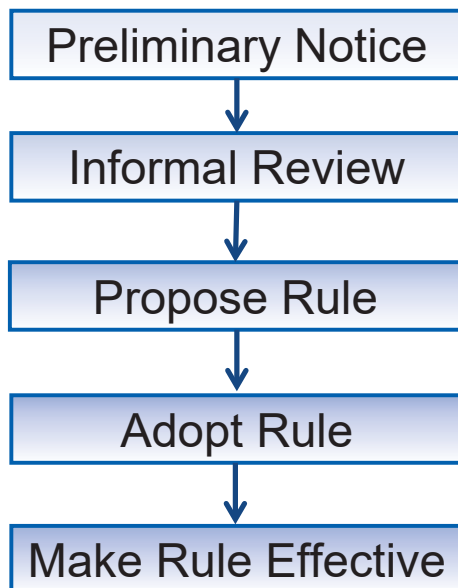
Today's Topics

1. Overview of Utah's Rulemaking Process
2. Roles, Responsibilities and Authorities
 - **Drinking Water Board (DWB)**
 - Division of Drinking Water (DDW)
 - Office of Administrative Rules (OAR)
 - US Environmental Protection Agency (EPA)
3. Rulemaking Examples
 - Cross Connection Control Rules
 - Revised Total Coliform Rule (RTCR)
 - Public Water System Identification Rule

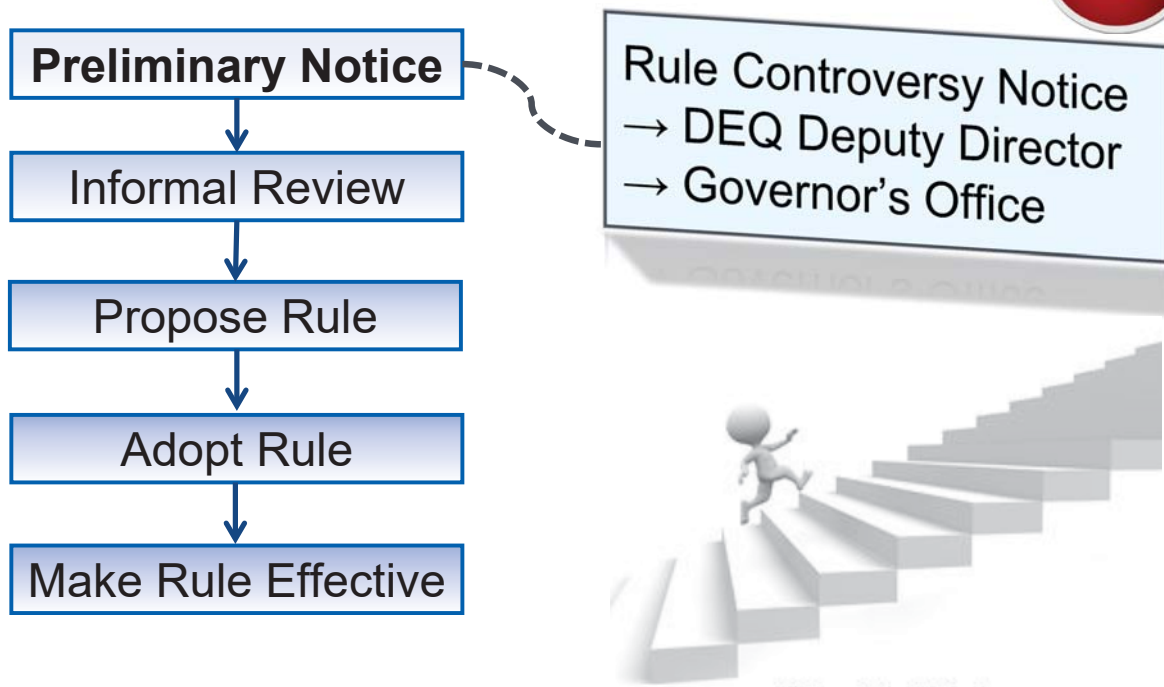
Overview of Rulemaking Process



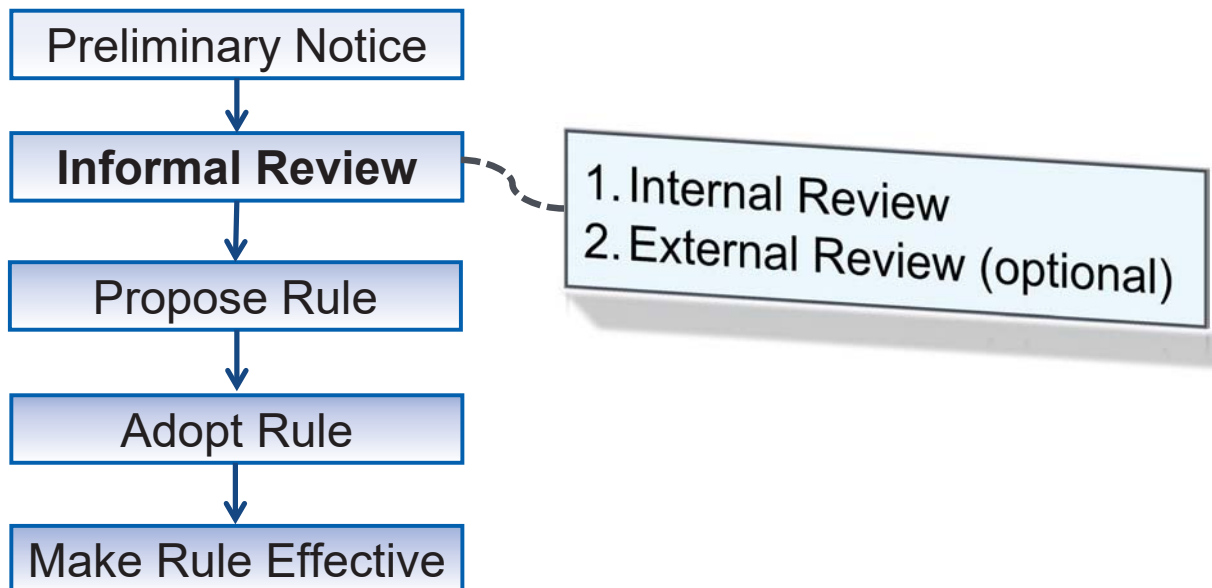
Utah Rulemaking Process



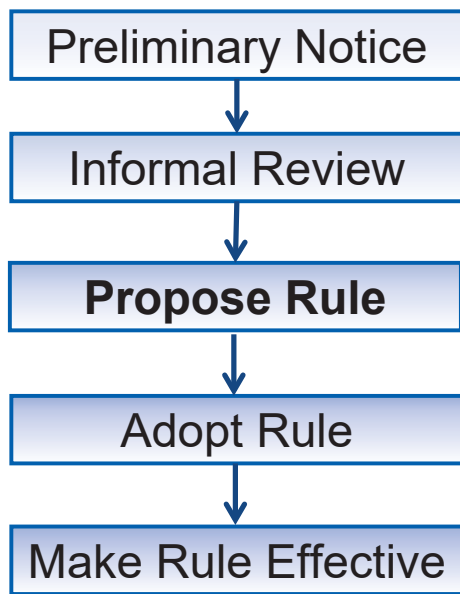
Utah Rulemaking Process



Utah Rulemaking Process

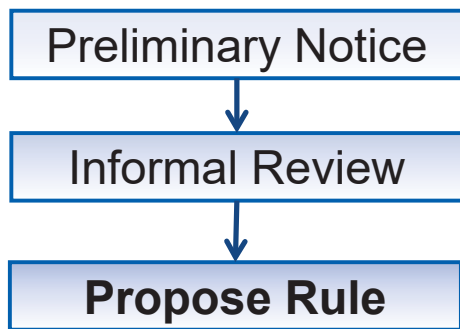


Utah Rulemaking Process



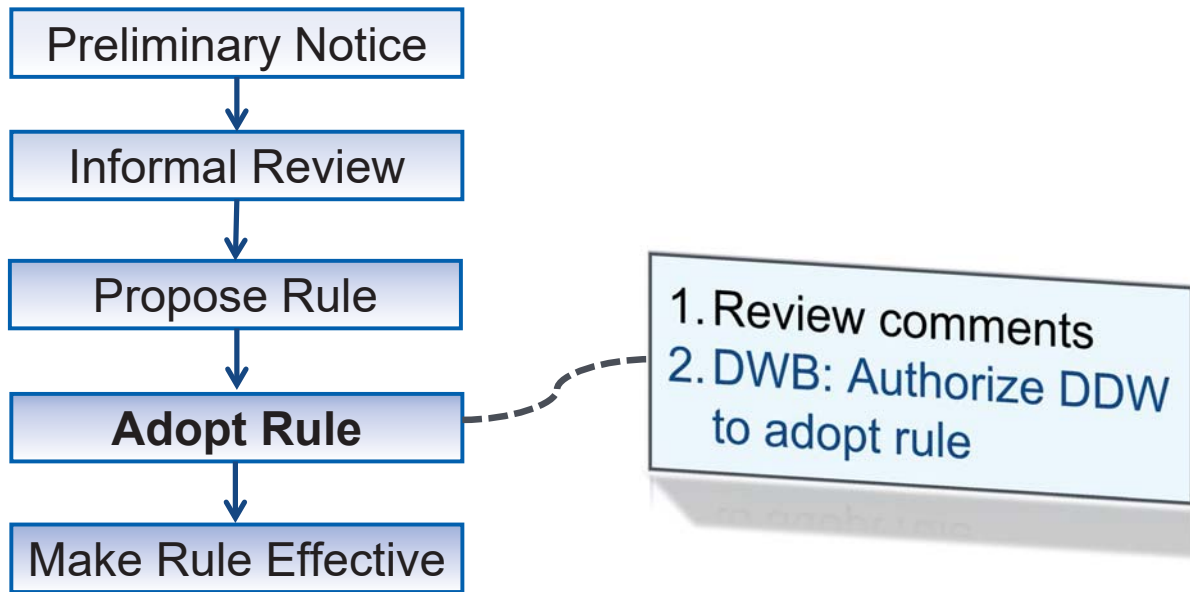
1. Prepare "Drinking Water Board (DWB) packet"
2. DWB: Authorize DDW to initiate rulemaking
3. File proposed rule with Office of Administrative Rules (OAR)
4. Publish in Utah Bulletin
5. Start the 30-day public comment period

Utah Rulemaking Process

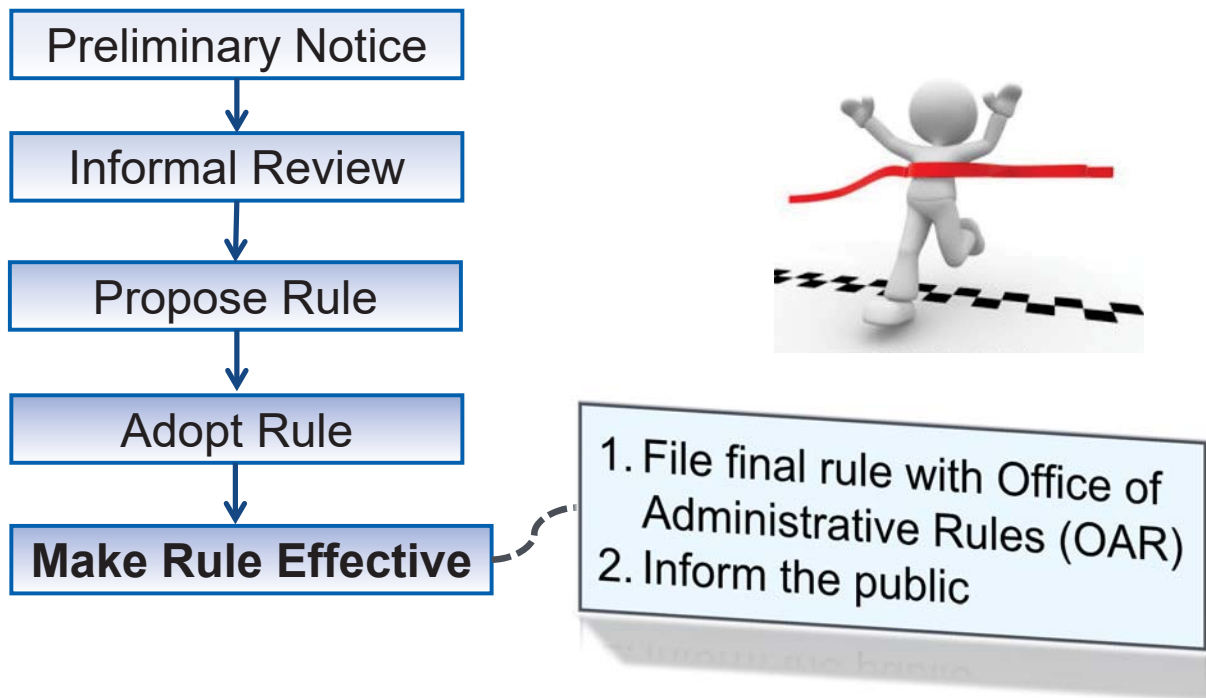


NEW	Propose Rule					
	DWB Packet (incl. Fiscal Analysis)	DWB Mtg: Begin Rule-making	Rule Analysis - DDW Director	Rule Analysis - DEQ Director	File Proposed Rule w/ OAR	Utah State Bulletin

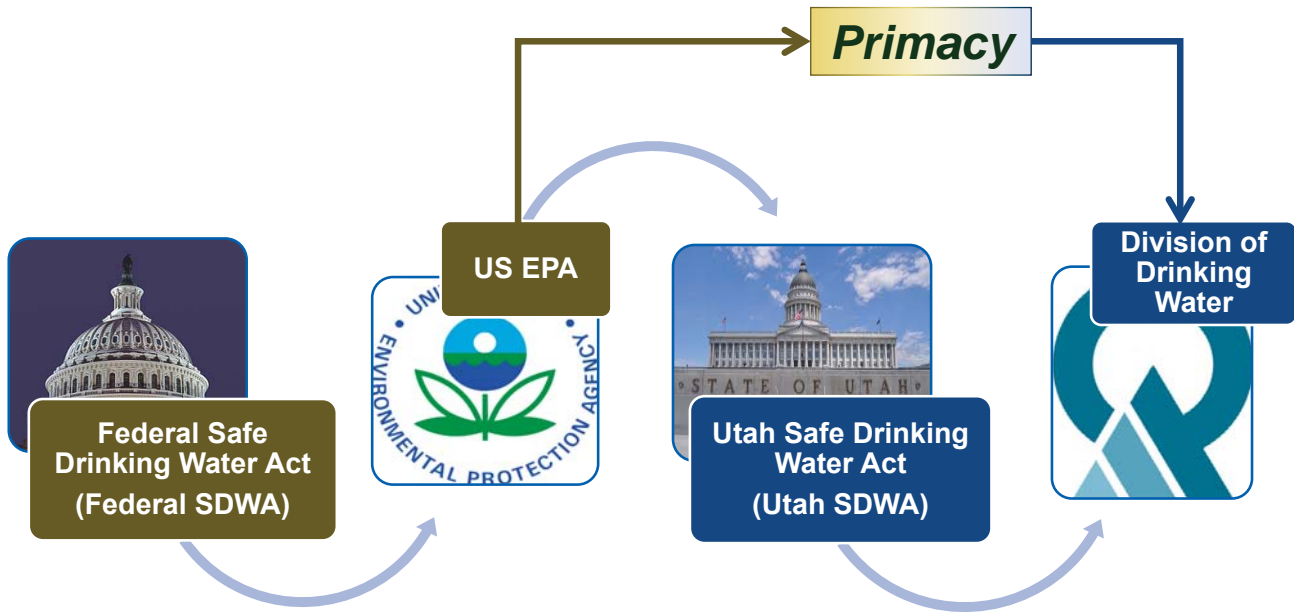
Utah Rulemaking Process



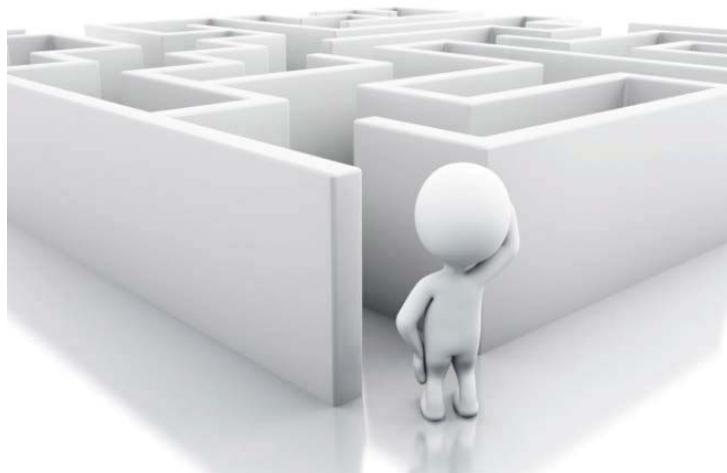
Utah Rulemaking Process



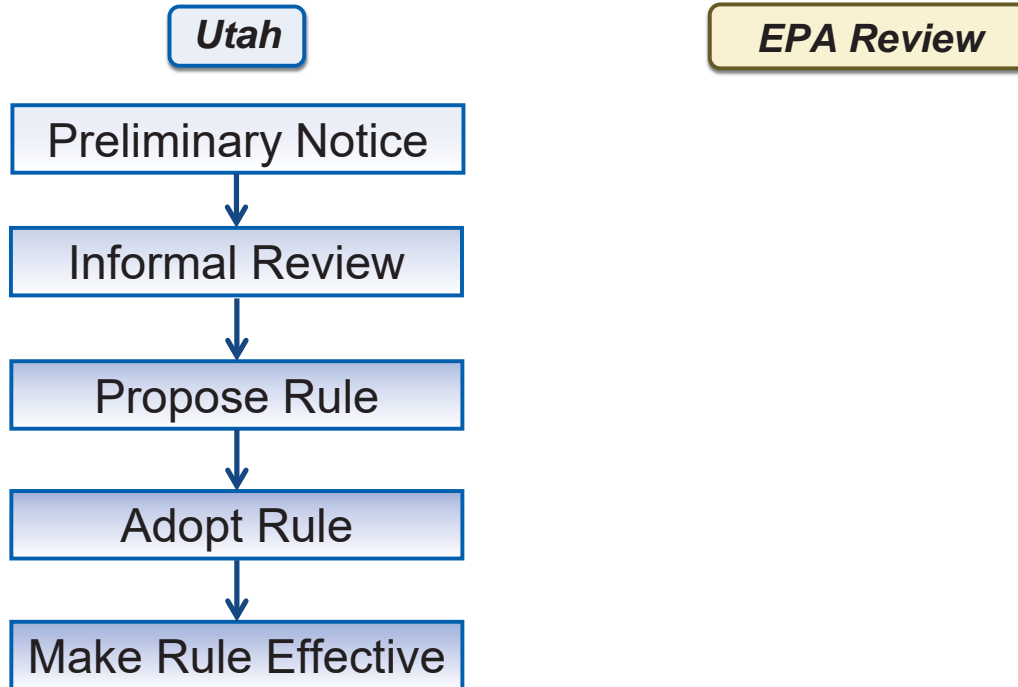
Safe Drinking Water Act – Primacy



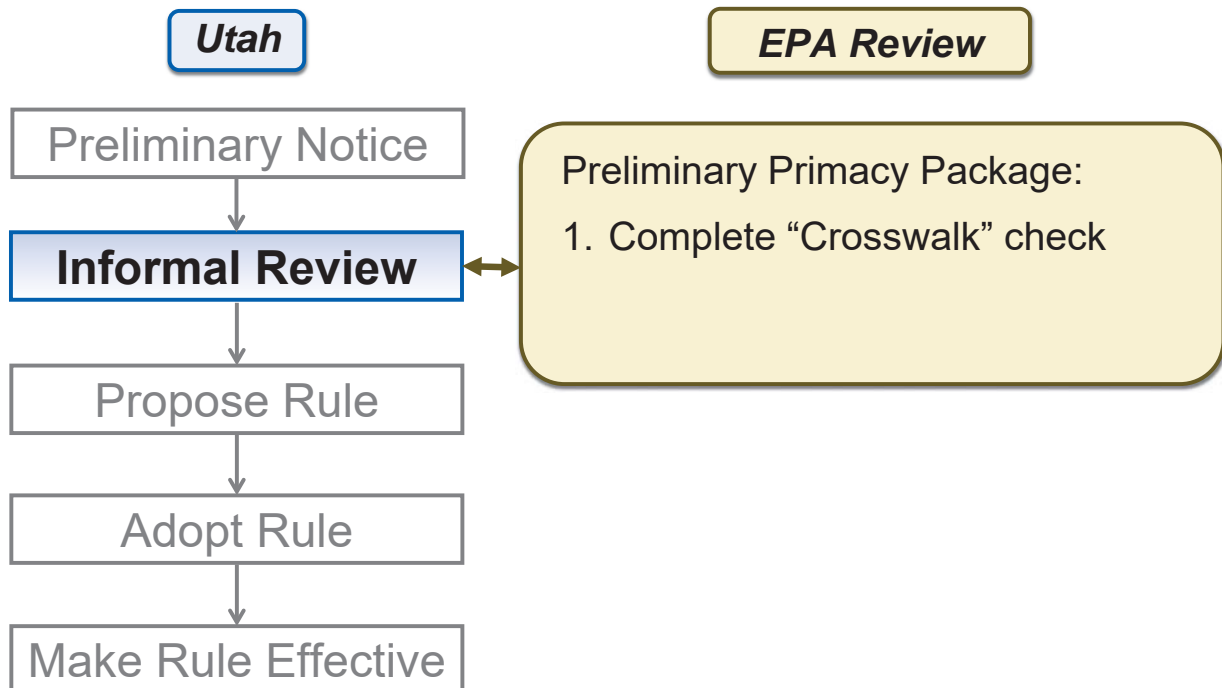
Rulemaking Involving Primacy Rules



Rulemaking Process – Primacy Rules



Rulemaking Process – Primacy Rules

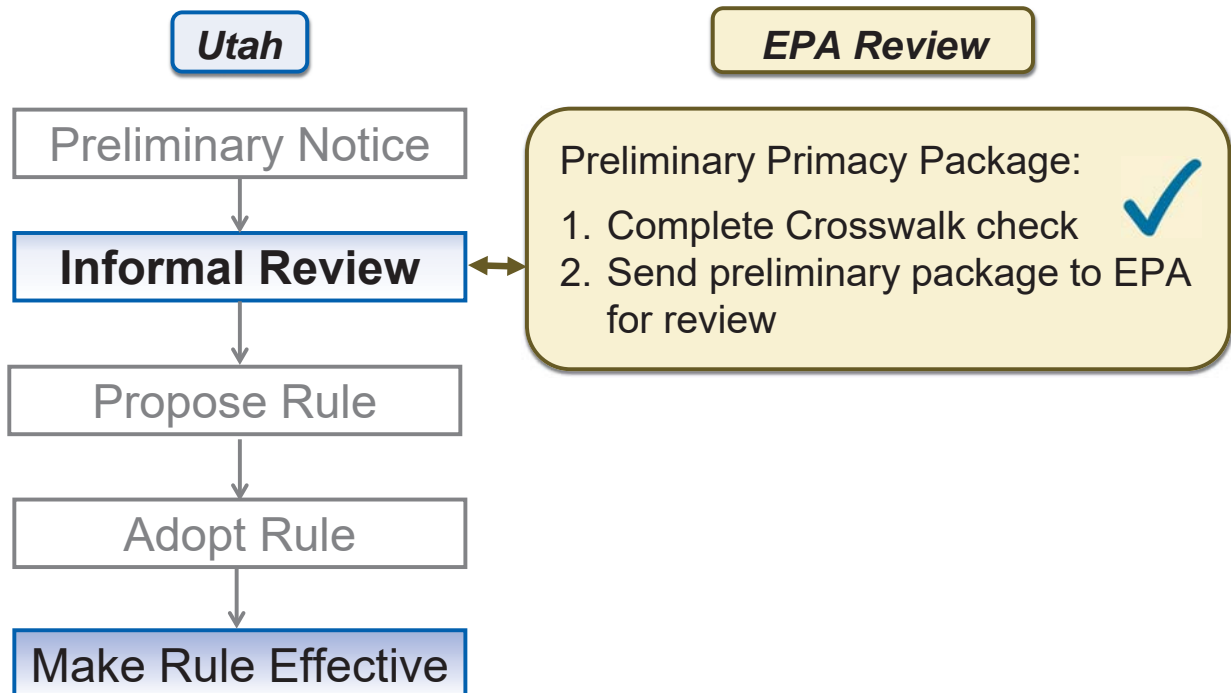


“Crosswalk” Example in Primacy Package

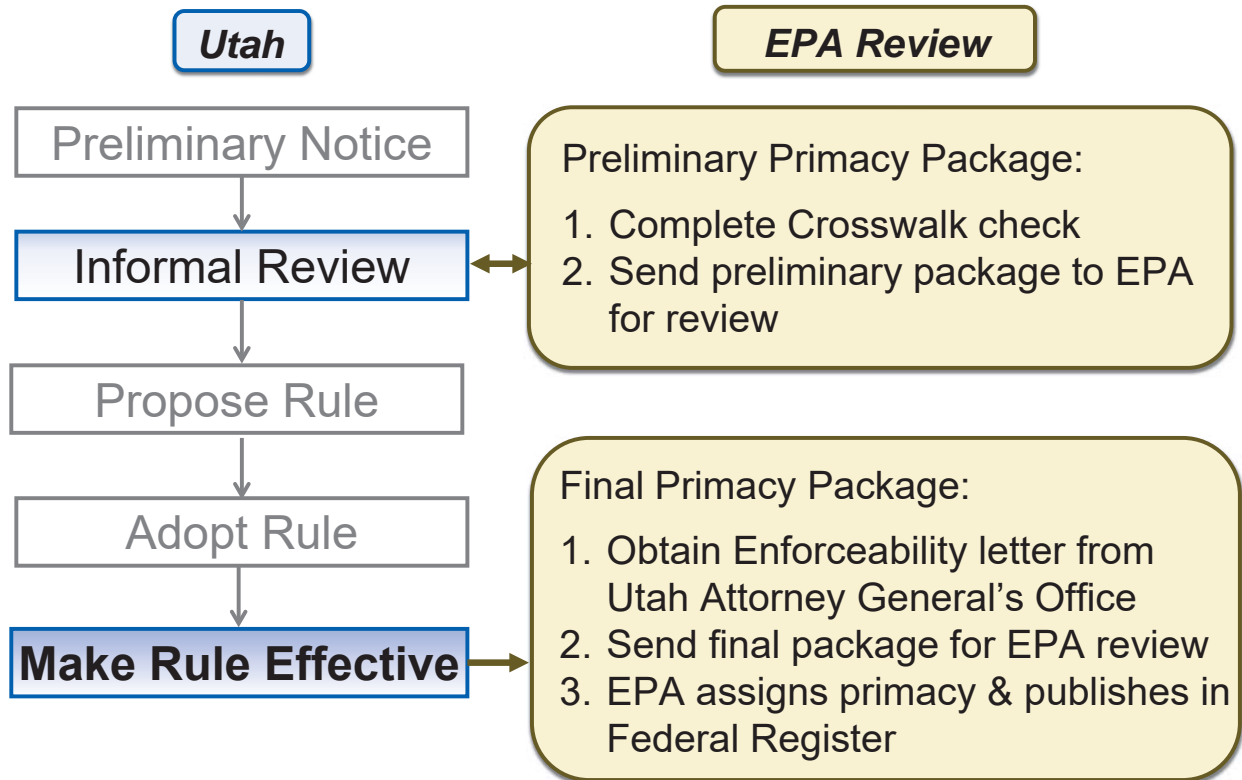
Summary of Federal Requirement	Federal Citation	State Citation	Difference
SUBPART C MONITORING AND ANALYTICAL REQUIREMENTS			
§ 141.30 TOTAL TRIHALOMETHANES SAMPLING, ANALYTICAL AND OTHER REQUIREMENTS.			
Section 141.30 is removed.	§ 141.30		
SUBPART D REPORTING AND RECORD KEEPING			
§ 141.32 PUBLIC NOTIFICATION.			
Section 141.32 is removed and reserved.	§ 141.32		
' 141.33 RECORD MAINTENANCE			
Records of microbiological analyses and turbidity analyses made pursuant to this part shall be kept for not less than 5 years.	' 141.33(a)	R3	
Copies of monitoring plans developed pursuant to this part shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under paragraph (a) of this section, except as specified elsewhere in this part.	' 141.33(f)	R3	



Rulemaking Process – Primacy Rules



Rulemaking Process – Primacy Rules



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Drinking Water Board

Utah Code 19-4-104. Powers of Board.

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



- Authorize DDW to initiate rulemaking
- Authorize DDW to adopt the rule

Utah Division of Drinking Water

Utah Administrative Code R309
Environmental Quality, Drinking Water



- Administer Utah's Public Drinking Water Rules (R309-100 through 800)
- Maintain Utah's primacy to implement Safe Drinking Water Act

Utah Office of Administrative Rules



Utah Code Title 63 G. General Government.

Chapter 3. Utah Administrative Rulemaking Act

- Administer Utah Administrative Rulemaking Act
- Establish rulemaking schedule and guidelines
- Maintain the official records of all adopted rules

US Environmental Protection Agency



Federal Safe Drinking Water Act

- Administer Federal Safe Drinking Water Act
- Provide oversight of Utah's primacy

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Cross Connection Control Rules

- **R309-105-12**: Amend existing rule
- **R309-305**: Repeal & reenact



Rule Information		Preliminary Notice	Informal Review				Propose Rule					Adopt Rule	Make Rule Effective	
Rule No.	Rule Description	Rule Controversy Notice to DEQ Deputy Director	Internal Review Start	Internal Review End	External Review Start	External Review End	DWB Mtg: Begin Rule-making	File Proposed Rule w/ OAR	Utah State Bulletin Pub.	30-Day Comm. Start	30-Day Comm. End	DWB Mtg: Adopt Rule	File Final Rule w/ OAR	Rule Effective Date
R309-105-12	Cross Connection Control	10/2/18	4/1/18	8/10/18	N/A	N/A	8/28/18	9/14/18	10/1/18	10/1/18	10/31/18	11/13/18		
R309-305	Cross Connection Control & Backflow Technicians	10/2/18	4/1/18	8/10/18	N/A	N/A	8/28/18	9/14/18	10/1/18	10/1/18	10/31/18	11/13/18		

If no substantial comments

If receiving substantial comments → “Change to Proposed Rule”

EPA Revised Total Coliform Rule (RTCR)

Affecting a Total of 9 Utah Rules

Rule Information		Preliminary Notice	Informal Review				Propose Rule					Adopt Rule	Make Rule Effective	
Rule No.	Rule Description	Rule Controversy Notice to DEQ Deputy Director	Internal Review Start	Internal Review End	External Review Start	External Review End	DWB Mtg: Begin Rule-making	File Proposed Rule w/ OAR	Utah State Bulletin Pub.	30-Day Comm. Start	30-Day Comm. End	DWB Mtg: Adopt Rule	File Final Rule w/ OAR	Rule Effective Date
R309-100, 105-4, 110, 200, 211, 210, 215, 220, and 225	Administration: DW Program	10/2/18	9/27/18				11/13/18	11/15/18	12/1/18	12/1/18	1/2/19	1/15/19		

Preliminary Primacy Package		
Complete Crosswalk	Send Prel. Package to EPA	Expected EPA Review Completion
	5/1/18	Completed

Final Primacy Package			
AG Enforceability Letter	Final Package Sent to EPA	Expected EPA Review Completion	Primacy Assignment & CFR Publication



Utah's PWS Identification Rule (R309-100)

Affecting Utah's Primacy

Rule Information		Preliminary Notice	Informal Review				Propose Rule					Adopt Rule	Make Rule Effective	
Rule No.	Rule Description	Rule Controversy Notice to DEQ Deputy Director	Internal Review Start	Internal Review End	External Review Start	External Review End	DWB Mtg: Begin Rule-making	File Proposed Rule w/ OAR	Utah State Bulletin Pub.	30-Day Comm. Start	30-Day Comm. End	DWB Mtg: Adopt Rule	File Final Rule w/ OAR	Rule Effective Date
R309-100	Administration: DW Program	10/2/18	10/1/18	10/5/18	N/A	N/A	1/15/19	10/15/18	11/1/18	11/1/18	12/3/18			

Long walks start with one step.

Preliminary Primacy Package		
Complete Crosswalk	Send Prel. Package to EPA	Expected EPA Review Completion
	10/8/18	

Final Primacy Package			
AG Enforceability Letter	Final Package Sent to EPA	Expected EPA Review Completion	Primacy Assignment & CFR Publication



Current Trend of Rulemaking Processes

Utah & EPA

- ✓ Adding New Steps
- ✓ More Oversight
- ✓ More Complex
- ✓ More Manpower
- ✓ More Time-Consuming



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