

Effective 5/10/2016

19-4-104 Powers of board.

- (1)
 - (a) The board may make rules in accordance with Title 63G, Chapter 3, 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. Sec. 300f et seq.;
 - (b) The board may:
 - (i) order the director to:
 - (A) issue orders necessary to enforce the provisions of this chapter;
 - (B) enforce the orders by appropriate administrative and judicial proceedings; or
 - (C) institute judicial proceedings to secure compliance with this chapter;
 - (ii)
 - (A) hold a hearing that is not an adjudicative proceeding relating to the administration of this chapter; or
 - (B) appoint hearing officers to conduct a hearing that is not an adjudicative proceeding; or
 - (iii) request and accept financial assistance from other public agencies, private entities, and the federal government to carry out the purposes of this chapter.
 - (c) The board shall:
 - (i) require the submission to the director 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;
 - (ii) 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, and others necessary to carry out the purposes of this chapter and to support the laws, ordinances, rules, and regulations of local jurisdictions;
 - (iii) 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;
 - (iv) require a certified operator of a public water supplier to verify by signature and certification number, or a professional engineer performing the duties of a certified water operator to verify by signature and stamp, the accuracy of any data on water use and water supply submitted by the public water supplier to the division; and
 - (v) meet the requirements of federal law related or pertaining to drinking water.
- (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. Sec. 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)(c)(i).
- (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.
- (5) A board member may not speak or act for the board unless the board member is authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.

Amended by Chapter 58, 2016 General Session