

**Drinking Water
Board Packet**

April 28, 2026

Agenda



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Executive Director

DIVISION OF DRINKING WATER
Nathan Lunstad, Ph.D., P.E.
Director

Drinking Water Board
Justin Maughan, Chair
Blake Tullis, Ph.D., Vice-Chair
Corinna Harris
Shazelle Terry
Phil Bondurant, Dr.PH, LEHS
Jason Luettinger, P.E
Bryan Cox
Hollie McKinney
Tim Davis
Nathan Lunstad, Ph.D.
Executive Secretary

DRINKING WATER BOARD MEETING

April 28, 2026 1:00 - 4:00pm

Via Zoom Webinar & In Person:

Multi-Agency State Office Building

195 North 1950 West Rm 1015

Salt Lake City, UT 84116

Russell Seeley Cell # 435-650-8519

AGENDA - FINAL

1. Call to Order
2. Roll Call – Russell Seeley
3. Approval of Meeting Minutes
February 28, 2026
4. Disclosure for Conflict of Interest
5. Directors' Report – Russell Seeley
 - A. Enforcement Report (Board Packet Item Only)
 - B. New Division of Drinking Water Staff
 - a. Misty Woods - Field Services: Environmental Program Coordinator
 - b. Ken Hoffman - Infrastructure Funding Manager
 - i. Motion to award Ken the title of Assistant Executive Secretary
 - C. Intended Use Plan Draft - 30-Day Public Comment Period
6. Rural Water Association Report – Dale Pierson
7. Rule Changes
 - A. R309-210 - Lead and Copper Rule Improvement - Sarah Romero
 - B. R309-225 Consumer Confidence Reports and R309-220 Public Notification Requirements
- Colt Smith
 - C. R309-400 Water System Rating Criteria (Improvement Priority System) - Colt Smith
8. Financial Assistance Committee Report

- A. Status Report and Cash Flow – Chris Ledding
- B. Project Priority List – Ken Hoffman
- C. SRF Applications
 - i. Federal
 - a. Ogden City - Heather Pattee
 - b. Taylor-West Weber Water Improvement District -Allyson Spevak
 - c. Hi-Country Estates HOA - Allyson Spevak

9. Moratorium Check-in

10. UWIP Information and Q&A - Rachel Valek

11. Attorney General’s Office Training - Marisa Heiling

- A. Roles & Open Meetings

12. Public Comment Period

13. Open Board Discussion

14. Other

15. Next Board Meeting

Date: June 30, 2026
Time: 1:00 - 4:00pm MST
Place: Multi-Agency State Office Building
195 North 1950 West Rm 1015
Salt Lake City, UT 84116

16. Adjourn

Agenda Item

3



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Executive Secretary

DRINKING WATER BOARD MEETING

February 26, 2026 9:00am - 12:00pm

Via Zoom Webinar & In Person:

Dixie Convention Center
1835 S Convention Center Dr
St. George, UT 84790

Nathan Lunstad Cell # 385-239-5974

MINUTES - DRAFT

1. Call to Order

Justin Maughan, called the Drinking Water Board (Board, DWB) meeting to order at 9:02AM.

2. Roll Call – Nathan Lunstad

Board Members present at Roll Call: Justin Maughan, Corinna Harris, Shazelle Terry, Jason Luettinger, Phil Bondurant, Bryan Cox, and Hollie McKinney.

Division of Drinking Water (DDW, Division) Staff Present: Nathan Lunstad, Steph Alpizar, Chris Ledding, Jessica Fitzgerald, Kris Hunter, Michelle Deras, Michael Grange, Allyson Spevak, Russell Seeley, Heather Pattee, Andrea Thurlow, Nathan Hall, John Chartier, Rebecca Yoo, Sarah Romero, Kjori Shelley, and Cadence Hernandez.

Other Attendees: Dale Pierson, Shannon Rasmussen, Janelle Braithwaite, James Saunders, Parker Vereimak, AJ Kendall, Bret Randall, Wesley Hanberg, Ben Nielson, Josh Byrues, Cole Allen, Jacob Sharp, Daniel Hawley, Ben Coray, Clyde Watkins, Raeleen Maxfield, Robert Jenkins, Matthew Harames, Rory Swensen, Kacee John, Brady Herd, BJ Miller, Cliff Linford, Derek Johnson, Dalton Bradshaw, Tom Nielson, Jesse Ralphs, Mike Bleazard, Rod Dastrup, Jerry Postema, Riley Vane, Patricia Bigler, and Dan Fechner.

**3. Approval of Meeting Minutes
January 6, 2026**

- Jason Luettinger mentioned that some edits were given to Steph Alpizar which will reflect on the final version posted to the public. Jason Leuttinger moved to approve the Drinking Water Board meeting minutes on January 6, 2026. Corinna Harris seconded. The motion was carried unanimously by the Board.

4. Disclosure for Conflict of Interest

Philip Bondurant announced that he has a conflict of interest with the Coalville application and will be abstaining from the vote.

5. Directors Report – Nathan Lunstad

A. Enforcement Report (Board Packet Item Only)

The Enforcement Report can be found in the Drinking Water Board Packet

Nathan Lunstad briefed the Board on several Division updates.

Thanks

Nathan thanked RWAU for hosting the DWB Meeting and gave thanks to Dale Pierson. He also gave recognition to all of the Water Operators and gave thanks for their continued support.

House Bill 19

Nathan explained that this bill covers cybersecurity and would require water systems to report security breaches within 2 hours. This bill has passed and the Division will be reaching out to support systems with this change.

House Bill 69

Nathan explained that this bill covers water system restructuring. This bill has passed and the Division will be reaching out to support systems with this change.

Rule Changes, 100 Series

Nathan reminded everyone of the 100 Series rules that were approved for improvement by the board previously. He gave an update that the Division is in the informal outreach phase. The Division will be providing more details to the Board regarding these rules.

Michael Grange

Nathan gave thanks for Michael's years of service to the Division and announced this would be his last DWB Meeting before his retirement in April.

6. Rural Water Association Report – Shannon Rasmussen

Justin Maughan explained that over the past year the Rural Water Board put a transition plan in place to transition Shannon, current Deputy Director, into Dale Pierson's role as Executive Director for the Rural Water Association of Utah (RWAU). Shannon thanked the Board for continuing to hold one of their meetings at the RWAU Annual Conference. She gave an updated explanation of who RWAU is and what they do. Shannon gave a brief overview of the items RWAU has been working on.

7. Rule Changes

A. LCRI Rule - Sarah Romero

Sarah Romero explained that the proposed changes to the LCRI Rule will enable the Division to reapply for the Lead and Copper Federal Rule for primacy. Their team plans to present the amendments at the next Board meeting in order to meet the EPA's deadline of October 30, 2026. Romero notified the Board that on February 9, 2026 they distributed the rule to stakeholders for public comment, this period will end on March 11, 2026.

Board Discussion

Justin Maughan asked if, in order to keep primacy, the Board has much say in what the rules are changed to. Romero clarified that they do not. Justin asked if the public will have access to the drafts before April. Romero explained that they will distribute the drafts for another public comment period before the Board meeting in April. Nathan Lunstad explained that it is a great opportunity to get primacy with the EPA for these rules.

- Jason Luettinger motioned that the Board authorize Division staff to begin the rulemaking process for the LCRI rules. Shazelle Terry seconded. The motion was carried unanimously by the Board.

B. R309-225 Consumer Confidence Reports and R309-220 Public Notification Requirements - Michelle Deras

Michelle Deras presented the proposed rules changes to Consumer Confidence Reports and Public Notification Requirements. She explained that these edits are necessary in order to retain primacy for federal funding, the state rules need to reflect the federal requirements. They intend to release the draft to the public for a comment period soon. They plan to present the proposed changes at the next Board meeting.

Board Discussion

Corinna Harris asked how individuals who do not have access to the internet will be made aware of these changes. Deras explained that they will utilize multiple methods of communication such as letters and postcards via mail as well as on public websites. Shazelle Terry asked what the timeline for reporting to the public will be. Deras explained that they will maintain the current annual reporting requirement, and will not start the biannual reporting until 2027. Corinna asked if they will be able to meet the May 25, 2026 deadline. Deras responded that they likely will not meet that deadline but will be able to submit a draft version which will enable them to receive an extension and will still be eligible for primacy.

- Justin Maughan motioned that the Board authorize Division staff to begin the rulemaking process for Consumer Confidence Reports and Public Notification Requirements rules. Jason Luettinger seconded. The motion was carried unanimously by the Board.

C. R309-400 Water System Rating Criteria (Improvement Priority System) - Michelle Deras

Michelle Deras presented the proposed rules changes to the Water System Rating Criteria. Deras explained that this process will improve the current point system to enable the Division to step in and support water systems before they reach enough points to be on the federal system's radar as the federal penalties are more severe.

- Jason Luettinger motioned that the Board authorize Division staff to begin the rulemaking process for Water System Rating Criteria (Improvement Priority System) rules. Corinna Harris seconded. The motion was carried unanimously by the Board.

Board Discussion

8. Financial Assistance Committee Report

A. Status Report and Cash Flow – Chris Ledding

Chris Ledding, DDW Financial Manager, provided an overview of the Status Report and Cash Flow included in the packet. This report covers various financial aspects such as Federal SRF, ARPA, Authorized Projects, Lead Service Line, Emerging Contaminants, and State SRF.

Chris highlighted the current SRF funds remaining is about \$14.9 million. This amount includes current awards plus expected future funding.

The ARPA Funds remaining that need to be obligated is about \$183,379. About \$8.2 million is the current unspent balance.

The Federal Lead Funds availability is at about -\$20.3 million. However, after the 2025 EPA grant of about \$28 million has been utilized, the remaining funds should be about \$4.8 million.

The Federal Emerging Contaminants Funds availability is at about \$8.4 million.

The State SRF availability is at about \$40.8 million.

B. Project Priority List – Michael Grange

Michael Grange reported there are four (4) new projects being added to the Project Priority list:

1. **Eureka Town** scored 28.2 points on the project priority list. Replace booster pumps, move chlorinator.
2. **Trenton Town Water System** scored 23.3 points on the project priority list. Replace meters with digital read meters.
3. **Manderfield Culinary Water Company** scored 17.0 points on the project priority list. Replace failing service lines and install backflow devices and meters.
4. **Coalville City** scored 9.9 points on the project priority list. Replacement of lead jointed, copper service line.

The Financial Assistance Committee recommends the Drinking Water Board approve the updated Project Priority List.

- Corinna Harris moved that the Board approve the updated Project Priority List. Phil Bondurant seconded. The motion was carried unanimously by the Board.

C. SRF Applications

i. Federal

a. Holden Town - Heather Pattee

Representing Holden Town was Jesse Ralphs, Mike Bleazard, and Rod Dastrup.

Heather Pattee presented Holden Town's financial assistance request. Project details can be found in the Drinking Water Board Packet.

Board Discussion

Justin Maughan asked how many wells they've drilled so far. Jesse replied they've drilled two so far. Ralphs gave an overview of what they've discerned so far with testing target location sites and what that process has been like.

- Jason Luettinger moved that the Board authorize a one-year extension to authorization to Holden Town. Justin Maughan seconded. The motion was carried unanimously by the Board.

b. Manderfield Culinary Water Company - Cadence Hernandez

Representing Manderfield Culinary Water Company was Dalton Bradshaw and Parker Vercimak.

Cadence Hernandez presented the Manderfield Culinary Water Company's financial assistance request. Project details can be found in the Drinking Water Board Packet.

Board Discussion

Corinna Harris asked about the status of the Cross-Connection Control and Backflow programs. Dalton explained that they have a program in place but it will take a few months for it to be fully up and running. Jason Luettinger asked if any of the failing service lines contained lead. Bradshaw responded that they did not contain lead. Phil Bondurant asked Michael Grange the precedent for applications not presented to the Financial Assistance Committee (FAC). Grange explained that they are presenting it due to the time sensitivity of allocating ARPA funds and in this case it is being allowed.

- Corinna Harris moved that the Board authorize a \$200,000 ARPA construction grant to Manderfield Culinary Water Company. Bryan Cox seconded. The motion was carried unanimously by the Board.

c. Coalville City - Andrea Thurlow

Representing Coalville City was Mayor Rory Swenson, Kyle Clark and Justin Atkinson.

Andrea Thurlow presented Coalville City's financial assistance request. Project details can be found in the Drinking Water Board Packet.

Board Discussion

Hollie McKinney asked if the estimated cost of \$83,000 is only for 135 feet. Mayor Swenson replied that it is. McKinney asked if they could come back with an updated estimate. Shazelle Terry asked if the estimate was for construction and design. Justin Atkinson replied that it is for the contract bid. Mayor McKinney expressed concern for the large sum of the contracting bid as they have a similar project taking place that does not cost as much despite being a larger project. She recommended Coalville City return when they have a different estimate.

Justin Maughan asked if Coalville representatives could speak to the time sensitivity of the project. Mayor Swenson stated that this is one of the final portions of piping that needs to be replaced from the time the school was first constructed before the lead and copper pipe regulations were in place. He also stated they'd like to get it done while school is out for the summer. Hollie McKinney asked if the extra cost is due to it being on school grounds. Justin Atkinson said that it would not be the reason for the extra cost. McKinney asked if they could return to the April DWB Meeting with a new cost proposal.

Bryan Cox asked Michael Grange what sort of oversight the Division has throughout the project. Grange explained that throughout the process they see a line item invoice to see the cost of everything and have some oversight there and the Board can choose to change their decision at that time such as changing the amount of funding that is approved. Jason Luettinger asked if the engineering contract was a cost plus or one lump sum. Atkinson stated that he is not sure. Bryan Cox shared that the engineering costs may be due to EPA requirements.

- Shazelle Terry moved that the Board authorize a construction loan of \$83,000 with \$83,000 in principal forgiveness to Coalville City Corporation. Hollie McKinney seconded. The motion was carried unanimously by the Board.

d. Trenton Town - Allyson Spevak

Representing Trenton Town was Kacee John.

Allyson Spevak presented Trenton Town's financial assistance request. Project details can be found in the Drinking Water Board Packet.

- Corinna Harris moved that the Board authorize an American Rescue Plan Act (ARPA) grant of \$127,000 to Trenton Town to replace meters. Bryan Cox seconded. The motion was carried unanimously by the Board.

e. Ogden City - Heather Pattee

Representing Ogden City was Justin Anderson, Brady Herd, BJ Miller, Cliff Linford, Matthew Herbie, and Derek Johnson.

Heather Pattee presented Ogden City's financial assistance request. Project details can be found in the Drinking Water Board Packet.

Board Discussion

Jason Luettinger asked for clarification on the \$20 million that was previously approved and is simply being applied to different projects moving forward. Matthew Herbie confirmed that is correct. Justin Maughan asked what their timeline is. Herbie stated they have a deadline for all projects to be completed February 2029. Brady Herd expanded on the projects. Corinna Harris asked for clarification on the total estimated cost of \$26 million. Derek Johnson explained that it is an estimate and they are going to try to stretch the funds as far as they will go to get all of the proposed projects completed but they understand that they may not be able to do so given the funds provided.

- Jason Luettinger moved that the Board authorize the change in scope of work to Ogden City. Corinna Harris seconded. The motion was carried unanimously by the Board.

ii. State

a. Oak City (Additional Funds) - Kjori Shelley

Representing Oak City was Tom Neilson, James Saunders, and Ben Nielson.

Kjori Shelley presented Oak City's financial assistance request. Project details can be found in the Drinking Water Board Packet.

Board Discussion

Tom Neilson, Oak City City Councilmember, explained their need for the funds. Justin Maughan stated his understanding that the methods for calculating the State MAGI are not always the most accurate at representing the community. He suggested a few options for Oak City to consider. Kjori Shelley also shared that she provided a few other financial options in the packet that could be considered. Corinna Harris asked if they qualify for principal forgiveness. Shelley clarified that would be equivalent to a grant which is not an option for this application. Michael Grange provided additional financial insight. Corinna Harris asked if the residents are aware of their water bill being doubled as a result of the loan. Neilson stated that they are not yet aware. Corinna Harris asked Shelley if Oak City would qualify for Water Infrastructure, Finance, and Innovation Act funding. Shelley replied that she did not know. Heather Pattee advised that WIFIA funding is only granted to large sum projects. Corinna Harris asked Grange if they would qualify for any other grants. Grange replied that they would not unless they got a third party income survey.

- Justin Maughan moved that the Board approve option 3 that has been presented to us for the loan amount of \$1,263,000 at 1% interest. Shazelle Terry seconded. The motion was carried unanimously by the Board.

b. ARPA - Hildale City - Michael Grange

Representing Hildale City was Jerry Postema and Riley Vane.

Michael Grange presented Hildale City's financial assistance request. Project details can be found in the Drinking Water Board Packet.

- Jason Luettinger moved that the Board deauthorize the \$257,000 ARPA construction grant to Hildale City. As well as to re-authorize the \$257,000 construction grant from the DWSRF Program to Hildale City. Justin Maughan seconded. The motion was carried unanimously by the Board.

c. ARPA - Eureka Town - Heather Pattee

Representing Eureka Town was Robert Jenkins, Patricia Bigler, and Dan Fechner.

Heather Pattee presented Eureka Town's financial assistance request. Project details can be found in the Drinking Water Board Packet.

- Corinna Harris moved that the Board authorize an ARPA Grant of \$158,000 to Eureka Town. Shazelle Terry seconded. The motion was carried unanimously by the Board.

9. Public Comment Period

A. Ethics and General Training - Marisa Heiling

Marisa Heiling, Assistant Attorney General, suggested having a 10-15 minute training session for the Board members at the end of each Board meeting rather than a separate meeting once a year.

10. Open Board Discussion

11. Other

12. Next Board Meeting

Date: April 28, 2026
Time: 1:00pm - 4:00pm MST
Place: Multi-Agency State Office Building
195 North 1950 West Rm 1015
Salt Lake City, UT 84116

13. Adjourn

- Jason Luettinger moved to adjourn the meeting. Justin Maughan seconded. The motion was carried unanimously by the Board.

The Meeting adjourned at 11:42 am MST.

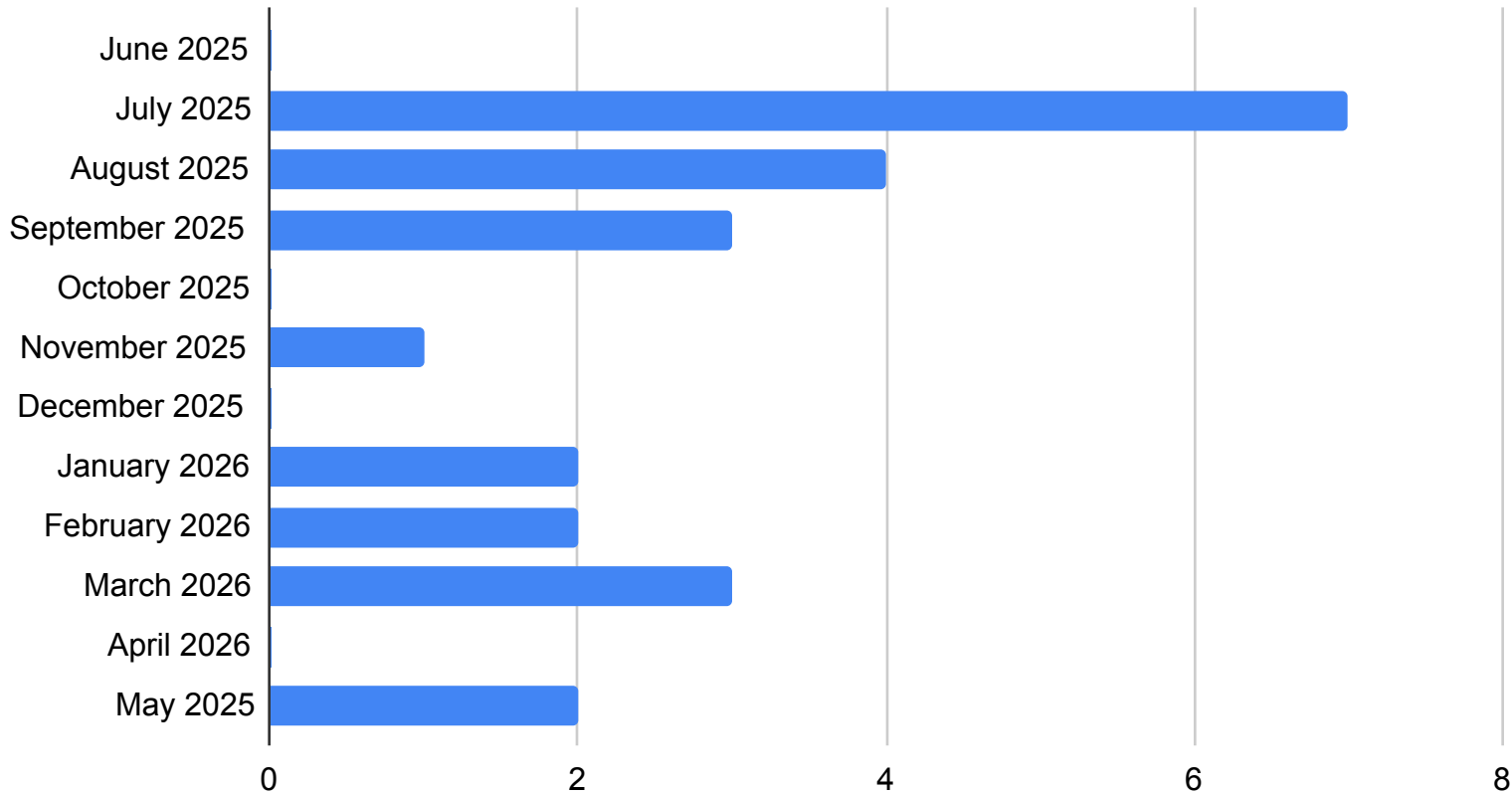
Agenda Item

5(A)

Board Report As of April 17, 2026

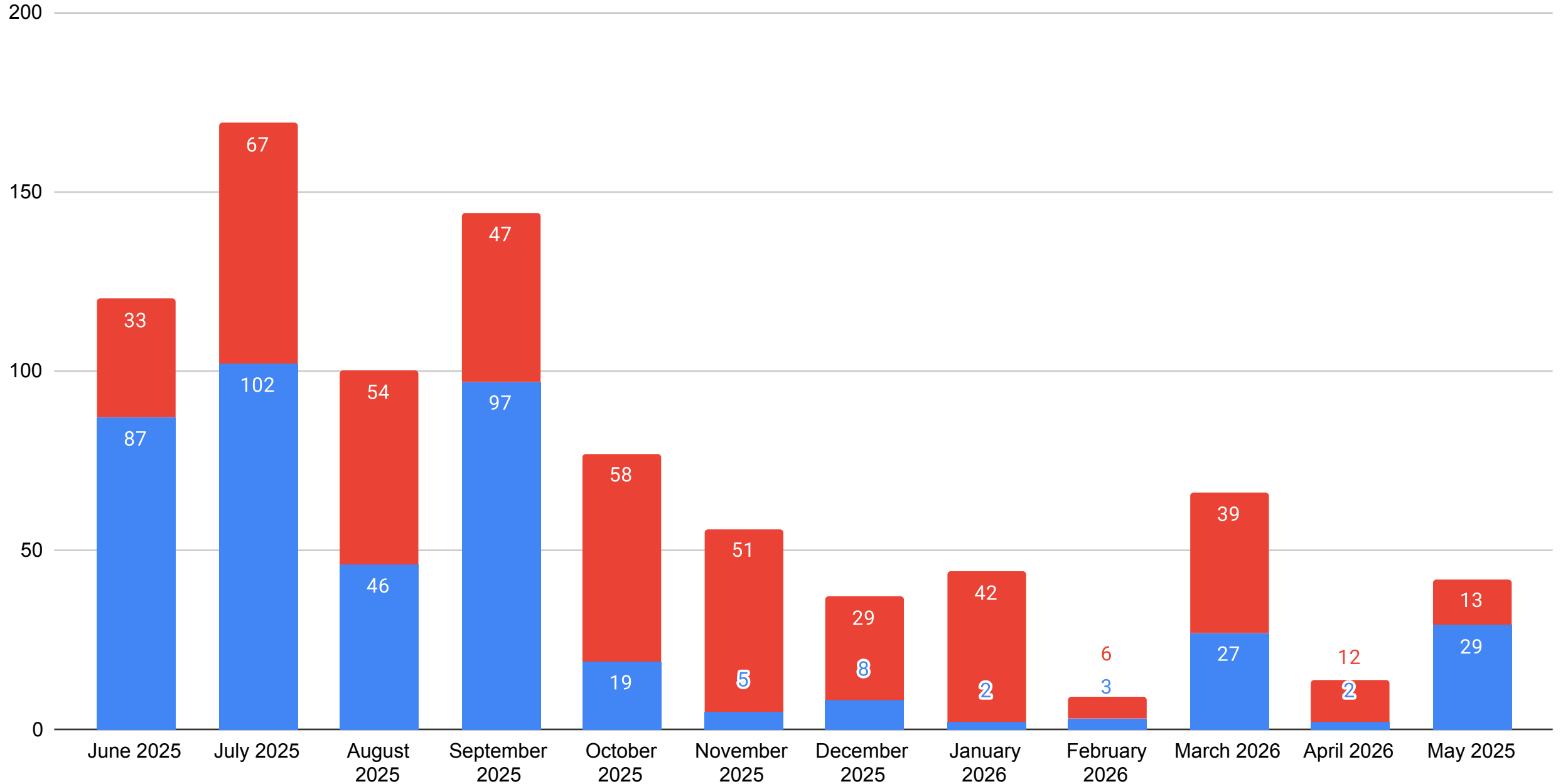
PWS ID	PWS Name	PWS Type	Pop Served	IPS Pts	Rating	Rating Date
Corrective Action Systems						
UTAH25190	CANYON CREEK EVENTS	Transient Non-Community	203	0	Corrective Action	9/30/2025
UTAH10012	DAY STAR ADVENTIST ACADEMY	Community	35	465	Corrective Action	4/24/2025
UTAH14051	DESERET - OASIS SSD	Community	490	135	Corrective Action	1/3/2024
UTAH22072	ECHO STATE PARK	Transient Non-Community	250	60	Corrective Action	1/13/2020
UTAH22004	FRANCIS TOWN WATER SYSTEM	Community	1700	0	Corrective Action	3/7/2025
UTAH29053	GREEN HILLS COUNTRY ESTATES	Community	237	515	Corrective Action	1/2/2024
UTAH18055	MT HAVEN OWNERS ASSOCIATION	Transient Non-Community	85	75	Corrective Action	4/12/2023
UTAH26043	OAK HAVEN WATER COMPANY	Community	388	860	Corrective Action	5/8/2025
UTAH22080	PINES RANCH	Transient Non-Community	100	75	Corrective Action	4/11/2024
Not Approved Systems						
UTAH09024	ASPEN COVE RESORT	Transient Non-Community	58	1050	Not Approved	7/12/2024
UTAH11099	FOOTHILL WATER USERS ASSOCIATION	Community	28	590	Not Approved	3/27/2023
UTAH22062	ASPEN MOUNTAIN WATER CO	Transient Non-Community	160	20	Not Approved	4/9/2026
UTAH25184	BATEMANS MOSIDA FARMS	Community	90	600	Not Approved	10/30/2023
UTAH25077	RIVERBEND GROVE INC	Transient Non-Community	25	865	Not Approved	2/10/2021
UTAH19071	SAND ISLAND RECREATION SITE	Transient Non-Community	50	150	Not Approved	4/9/2026
UTAH09104	SLOT CANYONS INN	Transient Non-Community	30	50	Not Approved	4/9/2026

New Systems Activated



Significants Identified and Significants Resolved

Significants Resolved Significants Identified



Agenda Item

5(B)(b)(i)

Financial Assistance Program Official Signatory
Presented to the Drinking Water Board
April 28, 2026

**DRINKING WATER BOARD
BOARD PACKET FOR FINANCIAL ASSISTANCE PROGRAM**

BACKGROUND:

Kenneth (Ken) Hoffman has assumed the position of Infrastructure Funding Section Manager. In this position, Ken will be responsible for administering the Financial Assistance Program on behalf of the Drinking Water Board such as closing loans and executing hardship grant agreements. This request is for the Drinking Water Board to designate Ken Hoffman as a signatory for official documents related to the Drinking Water Board's Financial Assistance Program.

MOTION:

For official documents associated with the Drinking Water Board's Financial Assistance Program Kenneth Hoffman is a designated signatory and will be conducting this role under the title of the Assistant Executive Secretary of the State of Utah Department of Environmental Quality Drinking Water Board.

Agenda Item

6

PHEASANT RUN OUTFITTERS

ASSET MANAGEMENT

Overview: *Pheasant Run Outfitters received a WTTC letter in 2024 and has struggled to meet compliance since. Janell arranged a meeting with District Engineer, John Chartier, RWAU Compliance Circuit Rider, Jake Wood, and the system owner, Robert Jensen, to review the list of compliance needs, hoping to make this process more palatable to Mr. Jensen, knowing there was technical assistance available. Needs were broken down with time schedules and assignments given.*



Key Discussion Points:

- Multiple Significant Deficiencies
- Engineering Needs
- Emergency Response Plan
- Cross Connection Program
- Water Sampling

Impact:

Owner working with engineer for PER
Started Emergency Response Plan
Cross Connection Program started
Water Sampling in progress

EAST GROUSE CREEK

Overview: East Grouse Creek is a small Ranching Community in Northwestern Box Elder County. Grouse Creek has a population of roughly 70 people. Grouse Creek has open Cross Connection Violations and has had a previous Backflow incident. After some discussion about fixing several water troughs that contributed to the backflow incident. Rural Water reached out to Alan Smith, Grouse Creek's operator to offer assistance in fixing the systems water troughs that discharge and are valved below the flood rim.

Alan Smith mentioned that many troughs are used year-round and would need to be replaced with frost free troughs. After meeting onsite to view the system, Jake followed up by sending several options to Alan that would be frost free and also how to ensure backflow protection. They discussed the public notification templates, Record keeping, Information on Creating a cross connection control Ordinance, Inspections enforcement and education material.



Agenda Item

7(A)

DRINKING WATER BOARD PACKET **(Request to Begin Rulemaking)**

PROPOSAL: Staff is proposing that the Board approve for public comment amendments to Rule Sections R309-210-1 through R309-210-6 of R309-210. Monitoring and Water Quality: Distribution System Monitoring Requirements; R309-110-4. Administration: Definitions. Definitions; and R309-200-5. Monitoring and Water Quality: Drinking Water Standards. Primacy Drinking Water Standards.

Presented to the Drinking Water Board

April 28, 2026

BACKGROUND:

On October 8, 2024, the U.S. Environmental Protection Agency (EPA) issued a final rule, the [Lead and Copper Rule Improvements \(LCRI\)](#), requiring drinking water systems nationwide to identify and replace lead service lines by 2037. The LCRI also strengthens drinking water testing requirements and lowers action thresholds that trigger protective measures to reduce lead exposure. In addition, the rule requires PWS to implement additional public communication measures so communities are better informed about the presence of lead service lines, associated risks, and replacement plans.

The deadline for Utah to apply for primacy over the LCRI is October 30, 2026. In order to be granted primacy, one thing Utah must do is adopt state rules that are at least as stringent as the federal requirements.

DDW is proposing amendments to the following rules to implement the LCRI and qualify for State primacy:

- **R309-210-1 through R309-210-6:** Some non-substantial amendments and adoption by reference of the LCRI CFR rule.
- **R309-110-4:** Update the definition of Action Level with the new Lead Action Levels
- **R309-200-5:** Update the definition of Action Level with the new Lead Action Levels

On February 9, DDW distributed draft proposed rules to key stakeholders for a 30-day informal comment period. No opposing comments were received.

RULEMAKING SCHEDULE:

Drinking Water Board Proposes LCRI Rules for Public Comment:	04/28/2026
Staff Files Proposed Rules with the Office of Administrative Rules (OAR):	06/01/2026
Rules Published in the <i>Bulletin</i> Beginning Public Comment Period:	06/15/2026
End of 30-Day Comment Period:	07/15/2026
Board Final Adoption of LCRI Rules:	08/25/2026
Staff Files the Final Rule with the OAR:	08/26/2026
Anticipated Effective Date of Final LCRI Rules:	11/01/2027

COST ESTIMATE:

As stated previously, these amendments are required for the State to receive primacy of the federal LCRI, for which EPA conducted a '[Benefits and Costs](#)' analysis to determine that the benefits of the rule change to protect the health of the public outweighs the actual cost of implementation.

Because the LCRI is federally enforceable and all affected water systems are required to comply with its requirements whether or not Utah receives primacy, the passing of these rules will not result in any additional costs to the water systems affected by the LCRI. However, in addition to the EPA analysis, staff have provided an additional cost analysis below.

The exact number of public water systems that may experience a direct financial impact from the requirement of the LCRI is currently unknown as there are various factors that determine the cost. Only community or non-transient community water systems are required to meet the requirements of this rule.

Inventory Replacement and Treatment

DDW cannot estimate a single cost range for LCRI implementation regarding service line replacement or treatment due to variability in system size, funding sources, infrastructure conditions, and treatment needs.

However, approximately 98-99% of Utah's water systems are expected to incur no costs, as most do not have lead service lines or exceed lead action levels.

For the small percentage of systems (estimated 1-2%) that may require action, costs will primarily be associated with lead service line replacement (up to ~\$10,000 per line depending on site conditions) and corrosion control treatment, with costs varying widely based on system size and complexity.

Service Line Inventory, Sampling and Public Education

Costs associated with service line inventory, sampling, and public education also vary and cannot be precisely estimated. Many systems have already completed these requirements, resulting in no additional costs for these systems.

Water systems in Utah are at varying stages of completing their service line inventories. While some have successfully identified all unknown service lines, many still have significant work remaining. Identifying these unknown lines will continue to incur costs over the next several years, with expenses varying widely depending on factors such as the quality of existing records, the need for field verification, and system size. Most systems are not expected to rely on costly excavation methods; instead, they will primarily use more cost-effective approaches such as records review, customer surveys, and visual inspection at the meter box. To support this effort, Bipartisan Infrastructure Law funding is being used to provide small public water systems with technical assistance providers to help complete these requirements.

Costs for education and sampling are expected to be modest.

Several will benefit from existing statewide efforts, including Utah's Lead-Free Learning Initiative, which provided free sampling and remediation for K-12 schools, and Division-developed outreach templates to minimize administrative burden.

RECOMMENDATION:

Staff recommends that the Drinking Water Board approve the proposed amendments to R309-210-1 through R309-210-6; R309-110-4; and R309-200-5 for a 30-day public comment period.

R309. Environmental Quality, Drinking Water.

R309-210. Monitoring and Water Quality: Distribution System Monitoring Requirements.

R309-210-1. Purpose.

The purpose of this rule is to outline the monitoring, public education, inventory, replacement, and treatment requirements for each supplier public water systems with regard to its their distribution systems.

~~R309-210-2. Authority. ¶~~

~~R309-210-3. Definitions. ¶~~

~~R309-210-4. General distribution system monitoring requirements. ¶~~

~~R309-210-5. Microbiological Monitoring. ¶~~

~~R309-210-6. Lead and Copper Monitoring. ¶~~

~~R309-210-7. Asbestos Distribution System Monitoring. ¶~~

~~R309-210-8. Disinfection Byproducts - Stage 1 Requirements. ¶~~

~~R309-210-9. Disinfection Byproducts - Initial Distribution System Evaluations (IDSE). ¶~~

~~R309-210-10. Disinfection Byproducts - Stage 2 Requirements. ¶~~

R309-210-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with 63G-3 of the same, known as the Administrative Rulemaking Act.

R309-210-3. Definitions.

Definitions for Section R309-210-6 are defined in 40 CFR 141.2 (2025). Definitions for all other sections in Rule R309-210 are defined in Rule R309-110. ~~certain terms used in this rule are given in Rule R309-110 and 40 CFR 141.2 (2025) but may be further clarified herein. ¶~~

R309-210-4. General.

(1) ~~Each public water systems are~~ supplier shall ~~required to~~ monitor its ~~their~~ water to determine compliance if they ~~comply with the requirements for water quality requirements stated in~~ according to Rule R309-200. In exceptional circumstances the ~~d~~Director may modify the monitoring requirements ~~given~~ herein as is deemed appropriate.

(2) The ~~d~~Director may determine compliance or initiate compliance actions based upon analytical results and other information compiled by authorized representatives.

(3) ~~(a) If a supplier the water fails to meet minimum standards, it then that public water system shall carry out certain public notification procedures must be carried out, as outlined in~~ outlined in Rule R309-220.

(b) A supplier ~~Water suppliers must also~~ keep analytical records in their possession, ~~for a required length of time as outlined in~~ outlined in Subsection R309-105-17.

(4) A supplier ~~All samples~~ shall take samples ~~be taken~~ at representative sites as specified in Rule R309-210 ~~herein~~ for each contaminant or group of contaminants.

(5) For the purpose of determining compliance, ~~the Divisions samples may only be considered~~ consider samples if they have been analyzed by the State of Utah primacy laboratory or a laboratory certified by the Utah State Health Laboratory.

(6) Measurements for pH, temperature, turbidity, and disinfectant residual may, under the direction of the direct responsible operator, be performed by any water supplier or ~~water supplier's their~~ representative.

(7) ~~Each supplier All samples must be marked~~ each sample either: routine, repeat, check, or investigative before submission of such samples to a certified laboratory. ~~Each supplier shall consider r~~ Routine, repeat, and check samples ~~as shall be considered~~ compliance purpose samples.

(8) ~~Suppliers Public water systems All~~ may send each sample results ~~can be sent~~ to the Division of Drinking Water either electronically or in hard copy form.

(9) Unless otherwise required by the ~~d~~Director, each supplier shall ~~the effective dates on which required monitoring shall be initiated~~ required monitoring ~~are~~ identical to the dates published in 40 CFR 141 ~~on (July 1 July 1, 2025) by the Office of the Federal Register.~~

(10) The Division may grant an ~~e~~Exemptions from monitoring requirements ~~only shall only be granted~~ in accordance with Section R309-105-5.

R309-210-5. Bacteriological Monitoring.

Refer to Rule R309-211 for bacteriological monitoring requirements. ¶

~~R309-210-6. Lead and Copper Monitoring.~~

~~(1) General requirements. ¶~~

~~(a) Applicability and effective dates ¶~~

~~(i) The requirements of R309-210-6, unless otherwise indicated, apply to community water systems and non-transient non-community water systems (hereinafter referred to as water systems or systems). ¶~~

~~(b) R309-210-6 establishes a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.¶~~

~~(c) Corrosion control treatment requirements¶~~

~~(i) All water systems shall install and operate optimal corrosion control treatment. However, any water system that complies with the applicable corrosion control treatment requirements specified by the Director under R309-210-6(2) and R309-210-6(4)(a) shall be deemed in compliance with this treatment requirement.¶~~

~~(d) Source water treatment requirements¶~~

~~Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the Director under R309-210-6(4)(b).¶~~

~~(e) Lead service line replacement requirements¶~~

~~Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in R309-210-6(4)(c).¶~~

~~(f) Public education requirements¶~~

~~Pursuant to R309-210-6(7), all water systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested. Any system exceeding the lead action level shall implement the public education requirements.¶~~

~~(g) Monitoring and analytical requirements¶~~

~~Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results shall be completed in compliance with R309-210-6(3), R309-210-6(5), R309-210-6(6) and R309-200-8.¶~~

~~(h) Reporting requirements¶~~

~~Systems shall report to the Director any information required by the treatment provisions of this subpart and R309-210-6(8).¶~~

~~(i) Recordkeeping requirements¶~~

~~Systems shall maintain records in accordance with R309-105-17(2).¶~~

~~(j) Violation of primary drinking water rules¶~~

~~Failure to comply with the applicable requirements of R309-210-6., including requirements established by the Director pursuant to these provisions, shall constitute a violation of the primary drinking water regulations for lead and/or copper.¶~~

~~(2) Applicability of corrosion control treatment steps to small, medium-size and large water systems.¶~~

~~(a) Systems shall complete the applicable corrosion control treatment requirements described in R309-210-6(4)(a) by the deadlines established in this section.¶~~

~~(i) A large system (serving greater than 50,000 persons) shall complete the corrosion control treatment steps specified in R309-210-6(2)(d), unless it is deemed to have optimized corrosion control under R309-210-6(2)(b)(ii) or (b)(iii).¶~~

~~(ii) A small system (serving less than 3300 persons) and a medium-size system (serving greater than 3,300 and less than 50,000 persons) shall complete the corrosion control treatment steps specified in R309-210-6(2)(c), unless it is deemed to have optimized corrosion control under R309-210-6(2)(b)(i), (b)(ii), or (b)(iii).¶~~

~~(b) A system is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the system satisfies one of the criteria in paragraphs (b)(i) through (b)(iii) of this section. Any such system deemed to have optimized corrosion control under this paragraph, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Director determines appropriate to ensure optimal corrosion control treatment is maintained.¶~~

~~(i) A small or medium-size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with R309-210-6(3).¶~~

~~(ii) Any water system may be deemed by the Director to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the Director that it has conducted activities equivalent to the corrosion control steps applicable to such system under this section. If the Director makes this determination, it shall provide the system with written notice explaining the basis for its decision and shall specify the water quality control parameters representing optimal corrosion control in accordance with R309-210-6(4)(a)(vi). Water systems deemed to have optimized corrosion control under this paragraph shall operate in compliance with the Director designated optimal water quality control parameters in accordance with R309-210-6(4)(a)(vii) and continue to conduct lead and copper tap and water quality parameter sampling in accordance with R309-210-6(3)(d)(iii) and R309-210-6(5)(d), respectively. A system shall provide the Director with the following information in order to support a determination under this paragraph:¶~~

~~(A) the results of all test samples collected for each of the water quality parameters in R309-210-6(4)(a)(iii)(C).¶~~

~~(B) a report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in R309-210-6(4)(a)(iii)(A), the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment;¶~~

~~(C) a report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps; and¶~~

~~(D) the results of tap water samples collected in accordance with R309-210-6(3) at least once every six months for one year after corrosion control has been installed.¶~~

~~(iii) Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with R309-210-6(3) and source water monitoring conducted in accordance with R309-210-6(6) that demonstrates for two consecutive six-month monitoring periods that the difference between the 90th percentile tap water lead level computed under R309-200-5(2)(c), and the highest source water lead concentration, is less than the Practical Quantitation Level (PQL) for lead as specified in R309-104-8.¶¶~~

~~(A) Those systems whose highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead level is less than or equal to the Practical Quantitation Level for lead for two consecutive 6-month monitoring periods.¶¶~~

~~(B) Any water system deemed to have optimized corrosion control in accordance with this paragraph shall continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in R309-210-6(3)(c) and collecting the samples at times and locations specified in R309-210-6(3)(d)(iv)(D). Any such system that has not conducted a round of monitoring pursuant to R309-210-6(3)(d) since September 30, 1997, shall complete a round of monitoring pursuant to this paragraph no later than September 30, 2000.¶¶~~

~~(C) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the Director in writing pursuant to R309-210-6(8)(a)(iii) of any upcoming long-term change in treatment or addition of a new source as described in that section. The Director must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Director may require any such system to conduct additional monitoring or to take other action the Director deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.¶¶~~

~~(D) As of July 12, 2001, a system is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment pursuant to paragraph (b)(iii)(E) of this section unless it meets the copper action level.¶¶~~

~~(E) Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in paragraph (c) of this section. Any such large system shall adhere to the schedule specified in that paragraph for medium-size systems, with the time periods for completing each step being triggered by the date the system is no longer deemed to have optimized corrosion control under this paragraph.¶¶~~

~~(c) Any small or medium-size water system that is required to complete the corrosion control steps due to its exceedance of the lead or copper action level may cease completing the treatment steps whenever the system meets both action levels during each of two consecutive monitoring periods conducted pursuant to R309-210-6(3) and submits the results to the Director. If any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system (or the Director, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The Director may require a system to repeat treatment steps previously completed by the system where the Director determines that this is necessary to implement properly the treatment requirements of this section. The Director shall notify the system in writing of such a determination and explain the basis for its decision. The requirement for any small or medium size system to implement corrosion control treatment steps in accordance with paragraph (c) of this section (including systems deemed to have optimized corrosion control under paragraph (b)(i) of this section) is triggered whenever any small or medium size system exceeds the lead or copper action level.¶¶~~

~~(d) Treatment steps and deadlines for large systems¶¶~~

~~Except as provided in R309-210-6(2)(b)(ii) and (b)(iii), large systems shall complete the following corrosion control treatment steps by the indicated dates.¶¶~~

~~(i) Step 1: The system shall conduct initial monitoring (R309-210-6(3)(d)(i) and R309-210-6(5)(b)) during two consecutive six-month monitoring periods by January 1, 1993.¶¶~~

~~(ii) Step 2: The system shall complete corrosion control studies (R309-210-6(4)(a)(iii)) by July 1, 1994.¶¶~~

~~(iii) Step 3: The Director shall designate optimal corrosion control treatment (R309-210-6(4)(a)(iv)) by January 1, 1995.¶¶~~

~~(iv) Step 4: The system shall install optimal corrosion control treatment (R309-210-6(4)(a)(v)) by January 1, 1997.¶¶~~

~~(v) Step 5: The system shall complete follow-up sampling (R309-210-6(3)(d)(ii) and R309-210-6(5)(c)) by January 1, 1998.¶¶~~

~~(vi) Step 6: The Director shall review installation of treatment and designate optimal water quality control parameters (R309-210-6(4)(a)(vi)) by July 1, 1998.¶¶~~

~~(vii) Step 7: The system shall operate in compliance with the Director specified optimal water quality control parameters (R309-210-6(4)(a)(vii)) and continue to conduct tap sampling (R309-210-6(3)(d)(iii) and R309-210-6(5)(d)).¶¶~~

~~(e) Treatment steps and deadlines for small and medium size systems¶¶~~

~~Except as provided in R309-210-6(2)(b), small and medium-size systems shall complete the following corrosion control treatment steps by the indicated time periods.¶¶~~

~~(i) Step 1: The system shall conduct initial tap sampling (R309-210-6(3)(d)(i) and R309-210-6(5)(b) until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring under R309-210-6(3)(d)(iv). A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment (R309-210-6(4)(a)) within six months after the end of the monitoring period during which it exceeds one of the action levels.¶¶~~

~~(ii) Step 2: Within 12 months after the end of the monitoring period during which a system exceeds the lead or copper action level, the Director may require the system to perform corrosion control studies (R309-210-6(4)(b)). If the Director does~~

~~not require the system to perform such studies, the Director shall specify optimal corrosion control treatment (R309-210-6(4)(a)(iv)) within the following time frames:¶~~

~~(A) for medium size systems, within 18 months after the end of the monitoring period during which such system exceeds the lead or copper action level;¶~~

~~(B) for small systems, within 24 months after the end of the monitoring period during which such system exceeds the lead or copper action level.¶~~

~~(iii) Step 3: If the Director requires a system to perform corrosion control studies under step 2, the system shall complete the studies (R309-210-6(4)(a)(iii)) within 18 months after the Director requires that such studies be conducted.¶~~

~~(iv) Step 4: If the system has performed corrosion control studies under step 2, the Director shall designate optimal corrosion control treatment (R309-210-6(4)(a)(iv)) within 6 months after completion of step 3.¶~~

~~(v) Step 5: The system shall install optimal corrosion control treatment (R309-210-6(4)(a)(v)) within 24 months after the Director designates such treatment.¶~~

~~(vi) Step 6: The system shall complete follow-up sampling (R309-210-6(3)(d)(ii) and R309-210-6(5)(c)) within 36 months after the Director designates optimal corrosion control treatment.¶~~

~~(vii) Step 7: The Director shall review the system's installation of treatment and designate optimal water quality control parameters (R309-210-6(4)(a)(vi)) within 6 months after completion of step 6.¶~~

~~(viii) Step 8: The system shall operate in compliance with the Director designated optimal water quality control parameters (R309-210-6(4)(a)(vii)) and continue to conduct tap sampling (R309-210-6(3)(d)(iii) and R309-210-6(5)(d)).¶~~

~~(3) Monitoring requirements for lead and copper in tap water.¶~~

~~(a) Sample site location¶~~

~~(i) By the applicable date for commencement of monitoring under R309-210-6(3)(d)(i), each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in R309-210-6(3)(c). All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.¶~~

~~(ii) A water system shall use the information on lead, copper, and galvanized steel when conducting a materials evaluation. When an evaluation of this information is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in R309-210-6(3)(a), the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).¶~~

~~(A) all plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;¶~~

~~(B) all inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and¶~~

~~(C) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.¶~~

~~(iii) The sampling sites selected for a community water system's sampling pool ("tier 1 sampling sites") shall consist of single family structures that:¶~~

~~(A) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or¶~~

~~(B) are served by a lead service line.¶~~

~~When multiple family residences comprise at least 20 percent of the structures served by a water system, the system may include these types of structures in its sampling pool.¶~~

~~(iv) Any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "tier 2 sampling sites", consisting of buildings, including multiple family residences that:¶~~

~~(A) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or¶~~

~~(B) are served by a lead service line.¶~~

~~(v) Any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with "tier 3 sampling sites", consisting of single family structures that contain copper pipes with lead solder installed before 1983. A community water system with insufficient tier 1, tier 2 and tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.¶~~

~~(vi) The sampling sites selected for a non-transient non-community water system ("tier 1 sampling sites") shall consist of buildings that:¶~~

~~(A) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or¶~~

~~(B) are served by a lead service line.¶~~

~~(vii) A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in R309-210-6(3)(a)(vi) shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete its sampling pool, the non-transient non-community water system shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.¶~~

~~(viii) Any water system whose distribution system contains lead service lines shall draw 50 percent of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of the samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by a lead service line shall collect first draw samples from all of the sites identified as being served by such lines.¶¶~~

~~(b) Sample collection methods¶¶~~

~~(i) All tap samples for lead and copper collected in accordance with this section, with the exception of lead service line samples collected under R309-210-6(4)(c)(iii) and samples collected under (b)(v) of this section, shall be first draw samples.¶¶~~

~~(ii) Each first draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap. First draw samples from a nonresidential building shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non-first draw samples collected in lieu of first draw samples pursuant to paragraph (b)(v) of this section shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the system or the system may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems with residents handling nitric acid, acidification of first draw samples may be done up to fourteen days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in R309-200-4(3). If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.¶¶~~

~~(iii) Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:¶¶~~

~~(A) at the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;¶¶~~

~~(B) tapping directly into the lead service line; or¶¶~~

~~(C) if the sampling site is a building constructed as a single family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.¶¶~~

~~(iv) A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.¶¶~~

~~(v) A non-transient non-community water system, or a community water system that meets the criteria for R309-210-6(7)(b)(vii), that does not have enough taps that can supply first draw samples, as defined in R309-110, may apply to the Director in writing to substitute non-first draw samples. Such systems must collect as many first draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites. The Director herein waives the requirement for prior Director approval of non-first draw samples sites selected by the system.¶¶~~

~~(c) Number of samples¶¶~~

~~Water systems shall collect at least one sample during each monitoring period specified in R309-210-6(3)(d) from the number of sites listed in the first column (standard monitoring) in Table 210-3. A system conducting reduced monitoring under R309-210-6(3)(d)(iv) may collect one sample from the number of sites specified in the second column (reduced monitoring) in Table 210-3 during each monitoring period specified in R309-210-6(3)(d)(iv). Such reduced monitoring sites shall be representative of the sites required for standard monitoring. A public water system that has fewer than five drinking water taps, that can be used for human consumption meeting the sample site criteria of R309-210-6(6)(a) to reach the required number of sample sites listed in paragraph (c) of this section, must collect at least one sample from each tap and then must collect additional samples from those taps on different days during the monitoring period to meet the required number of sites. Alternatively the Director may allow these public water systems to collect a number of samples less than the number of sites specified in paragraph (c) of this section, provided that 100 percent of all taps that can be used for human consumption are sampled. The Director must approve this reduction of the minimum number of samples in writing based on a request from the system or onsite verification by the Director. The Director may specify sampling locations when a system is conducting reduced monitoring to ensure that fewer number of sampling sites are representative of the risk to public health as outlined in R309-210-6(3)(a).¶¶~~

¶¶
TABLE 210-3¶¶
NUMBER OF LEAD AND COPPER SAMPLING SITES¶¶

System Size (# People Served)	# of sites	
	(Standard Monitoring)	(Reduced Monitoring)¶¶
Greater than 100,000	100	50¶¶
10,001 to 100,000	60	30¶¶
3,301 to 10,000	40	20¶¶
501 to 3,300	20	10¶¶
101 to 500	10	5¶¶
100 or less	5	5¶¶

~~(d) Timing of monitoring¶¶~~

~~(i) Initial tap sampling¶¶~~

~~The first six-month monitoring period for small, medium-size and large systems shall begin on the following dates in Table 210-4.~~

~~¶~~

~~TABLE 210-4
INITIAL LEAD AND COPPER MONITORING PERIODS~~

System Size (# People Served)	First six-month Monitoring Period Begins On
Greater than 50,000	January 1, 1992
3,301 to 50,000	July 1, 1992
3,300 or less	July 1, 1993

~~¶~~

~~(A) All large systems shall monitor during two consecutive six-month periods.~~

~~(B) All small and medium-size systems shall monitor during each six-month monitoring period until:~~

~~(I) the system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under R309-210-6(2), in which case the system shall continue monitoring in accordance with R309-210-6(3)(d)(ii), or~~

~~(II) the system meets the lead and copper action levels during two consecutive six-month monitoring periods, in which case the system may reduce monitoring in accordance with R309-210-6(3)(d)(iv).~~

~~(ii) Monitoring after installation of corrosion control and source water treatment~~

~~(A) Any large system which installs optimal corrosion control treatment pursuant to R309-210-6(2)(d)(iv) shall monitor during two consecutive six-month monitoring periods by the date specified in R309-210-6(2)(d)(v).~~

~~(B) Any small or medium-size system which installs optimal corrosion control treatment pursuant to R309-210-6(2)(e)(v) shall monitor during two consecutive six-month monitoring periods by the date specified in R309-210-6(2)(e)(vi).~~

~~(C) Any system which installs source water treatment pursuant to R309-210-6(4)(b)(i)(C) shall monitor during two consecutive six-month monitoring periods by the date specified in R309-210-6(4)(b)(i)(D).~~

~~(iii) Monitoring after Director specifies water quality parameter values for optimal corrosion control~~

~~After the Director specifies the values for water quality control parameters under R309-210-6(4)(a)(vi), the system shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the Director specifies the optimal values under R309-210-6(4)(a)(vi).~~

~~(iv) Reduced monitoring~~

~~(A) A small or medium-size water system that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with R309-210-6(3)(e), Table 210-3, and reduce the frequency of sampling to once per year. A small or medium water system collecting fewer than five samples as specified in paragraph (e) of this section, that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.~~

~~(B) Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Director under R309-210-6(4)(a)(vi) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with paragraph (c) of this section if it receives written approval from the Director. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. The Director shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with R309-210-6(8), and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The Director shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.~~

~~(C) A small or medium-size water system that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Director under R309-210-6(4)(f) during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if it receives written approval from the Director. Samples collected once every three years shall be collected no later than every third calendar year. The Director shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with R309-210-6(8), and shall notify the system in writing when it determines the system is eligible to reduce the frequency of monitoring to once every three years. The Director shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.~~

~~(D) A water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in R309-210-6(3)(a). Systems sampling annually or less frequently~~

~~shall conduct the lead and copper tap sampling during the months of June, July, August or September unless the Director has approved a different sampling period in accordance with paragraph (d)(iv)(D)(I) of this section.¶~~

~~(I) The Director, at its discretion, may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a non-transient non-community water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Director shall designate a period that represents a time of normal operation for the system. This sampling shall begin during the period approved or designated by the State in the calendar year immediately following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual monitoring for systems initiating triennial monitoring.¶~~

~~(II) Systems monitoring annually, that have been collecting samples during the months of June through September and that receive Director approval to alter their sample collection period under paragraph (d)(iv)(D)(I) of this section, must collect their next round of samples during a time period that ends no later than 21 months after the previous round of sampling. Systems monitoring triennially that have been collecting samples during the months of June through September, and receive Director approval to alter the sampling collection period as per (d)(iv)(D)(I) of this section, must collect their next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or triennially, as required by this section. Small systems with waivers, granted pursuant to paragraph (g) of this section, that have been collecting samples during the months of June through September and receive Director approval to alter their sample collection period under paragraph (d)(iv)(D)(I) of this section must collect their next round of samples before the end of the 9-year period.¶~~

~~(E) Any water system that demonstrates for two consecutive 6 month monitoring periods that the tap water lead level computed under R309-200-5(2)(c) is less than or equal to 0.005 mg/L and the tap water copper level computed under R309-200-5(2)(c) is less than or equal to 0.65 mg/L may reduce the number of samples in accordance paragraph (c) of this section and reduce the frequency of sampling to once every three calendar years.¶~~

~~(F)(I) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance R309-210-6(3)(d)(iii) and collect the number of samples specified for standard monitoring under R309-210-6(3)(c), Table 210-3. Such system shall also conduct water quality parameter monitoring in accordance with R309-210-6(5)(b), (c) or (d) (as appropriate) during the monitoring period in which it exceeded the action level. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (c) of this section after it has completed two subsequent consecutive six month rounds of monitoring that meet the criteria of paragraph (d)(iv)(A) of this section or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (d)(vi)(C) or (d)(iv)(D) of this section.¶~~

~~(H) Any water system subject to the reduced monitoring frequency that fails to meet the lead action level during any four-month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Director under R309-210-6(4)(a)(vi) for more than nine days in any six-month period specified in R309-210-6(5)(d) shall conduct tap water sampling for lead and copper at the frequency specified in paragraph (d)(iii) of this section, collect the number of samples specified for standard monitoring under paragraph (c) of this section, and shall resume monitoring for water quality parameters within the distribution system in accordance with R309-210-6(5)(d). This standard tap water sampling shall begin no later than the six-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:¶~~

~~(aa) The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (c) of this section after it has completed two subsequent six month rounds of monitoring that meet the criteria of paragraph (d)(iv)(B) of this section and the system has received written approval from the Director that it is appropriate to resume reduced monitoring on an annual frequency. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.¶~~

~~(bb) The system may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (d)(iv)(C) or (d)(iv)(E) of this section and the system has received written approval from the Director that it is appropriate to resume triennial monitoring.¶~~

~~(cc) The system may reduce the number of water quality parameter tap water samples required in accordance with R309-210-6(5)(c)(i) and the frequency with which it collects such samples in accordance with R309-210-6(5)(c)(ii). Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of R309-210-6(5)(c)(ii), that it has requalified for triennial monitoring.¶~~

~~(G) Any water system subject to a reduced monitoring frequency under paragraph (d)(iv) of this section shall notify the Director in writing in accordance with R309-210-6(8)(a)(iii) of any upcoming long-term change in treatment or addition of a new source as described in that section. The Director must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Director may require the system to resume sampling in accordance with paragraph (d)(iii) of this section and collect the number of samples specified for standard monitoring under paragraph (c) of this section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.¶~~

~~(e) Additional monitoring by systems.~~

~~The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Director in making any determinations (i.e., calculating the 90th percentile lead or copper level).~~

~~(f) Invalidation of lead or copper tap water samples. A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under Sec. 141.80 (c) (3) or toward meeting the minimum monitoring requirements of paragraph (e) of this section.~~

~~(i) The Director may invalidate a lead or copper tap water sample at least if one of the following conditions is met.~~

~~(A) The laboratory establishes that improper sample analysis caused erroneous results.~~

~~(B) The Director determines that the sample was taken from a site that did not meet the site selection criteria of this section.~~

~~(C) The sample container was damaged in transit.~~

~~(D) There is substantial reason to believe that the sample was subject to tampering.~~

~~(ii) The system must report the results of all samples to the Director and all supporting documentation for samples the system believes should be invalidated.~~

~~(iii) To invalidate a sample under paragraph (f)(i) of this section, the decision and the rationale for the decision must be documented in writing. The Director may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.~~

~~(iv) The water system must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the system has too few samples to meet the minimum requirements of paragraph (e) of this section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Director invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.~~

~~(g) Monitoring waivers for small systems. Any small system that meets the criteria of this paragraph may apply to the Director to reduce the frequency of monitoring for lead and copper under this section to once every nine years (i.e., a full waiver) if it meets all of the materials criteria specified in paragraph (g)(i) of this section and all of the monitoring criteria specified in paragraph (g) (ii) of this section. Any small system that meets the criteria in paragraphs (g) (i) and (ii) of this section only for lead, or only for copper, may apply to the Director for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a partial waiver).~~

~~(i) Materials criteria. The system must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials and/or copper-containing materials, as those terms are defined in this paragraph, as follows:~~

~~(A) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a lead waiver), the water system must provide certification and supporting documentation to the Director that the system is free of all lead-containing materials, as follows:~~

~~(I) It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers; and~~

~~(II) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of any standard established pursuant to 42 U.S.C. 300g-6(c) (SDWA section 1417 (c)).~~

~~(B) Copper. To qualify for a full waiver, or waiver of the tap water monitoring requirements for copper (i.e., a copper waiver), the water system must provide certification and supporting documentation to the Director that the system contains no copper pipes or copper service lines.~~

~~(ii) Monitoring criteria for waiver issuance. The system must have completed at least one 6-month round of standard tap water monitoring for lead and copper at sites approved by the Director and from the number of sites required by paragraph (e) of this section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria.~~

~~(A) Lead levels. To qualify for a full waiver, or a lead waiver, the system must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.~~

~~(B) Copper levels. To qualify for a full waiver, or a copper waiver, the system must demonstrate that the 90th percentile lead level does not exceed 0.65 mg/L.~~

~~(iii) Director approval of waiver application. The Director shall notify the system of its waiver determination, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the Director may require the system to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system must continue monitoring for lead and copper at the tap as required by paragraphs (d) (i) through (d) (iv) of this section, as appropriate, until it receives written notification from the Director the waiver has been approved.~~

~~(iv) Monitoring frequency for systems with waivers.~~

~~(A) A system with a full waiver must conduct tap water monitoring for lead and copper in accordance with paragraph (d)(iv)(D) of this section at the reduced number of sampling sites identified in paragraph (e) of this section at least once every nine years and provide the materials certification specified in paragraph (g)(i) of this section for both lead and copper to the~~

~~Director along with the monitoring results. Samples collected every nine years shall be collected no later than every ninth calendar year.¶¶~~

~~(B) A system with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with paragraph (d)(iv)(D) of this section at the reduced number of sampling sites specified in paragraph (c) of this section at least once every nine years and provide the materials certification specified in paragraph (g)(i) of this section pertaining to the waived contaminant along with the monitoring results. Such a system also must continue to monitor for the non-waived contaminant in accordance with requirements of paragraph (d)(i) through (d)(iv) of this section, as appropriate.¶¶~~

~~(C) Any water system with a full or partial waiver shall notify the Director in writing in accordance with R309-210-6(8)(a)(iii) of any upcoming long-term change in treatment or addition of a new source, as described in that section. The Director must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Director has the authority to require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.¶¶~~

~~(D) If a system with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the system shall notify the Director in writing no later than 60 days after becoming aware of such a change.¶¶~~

~~(v) Continued eligibility. If the system continues to satisfy the requirements of paragraph (g)(iv) of this section, the waiver will be renewed automatically, unless any of the conditions listed in paragraph (g)(v)(A) through (g)(v)(C) of this section occurs. A system whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of paragraphs (g)(i) and (g)(ii) of this section.¶¶~~

~~(A) A system with a full waiver or lead waiver no longer satisfies the materials criteria of paragraph (g)(i)(A) of this section or has a 90th percentile lead level greater than 0.005 mg/L.¶¶~~

~~(B) A system with a full waiver or a copper waiver no longer satisfies the materials criteria of paragraph (g)(i)(B) of this section or has a 90th percentile copper level greater than 0.65 mg/L.¶¶~~

~~(C) The Director notifies the system, in writing, that the waiver has been revoked, setting forth the basis of its decision.¶¶~~

~~(vi) Requirements following waiver revocation. A system whose full or partial waiver has been revoked by the Director is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows.¶¶~~

~~(A) If the system exceeds the lead and/or copper action level, the system must implement corrosion control treatment in accordance with the deadlines specified in R309-210-6(2)(c), and any other applicable requirements of this subpart.¶¶~~

~~(B) If the system meets both the lead and the copper action level, the system must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in paragraph (c) of this section.¶¶~~

~~(vii) Pre-existing waivers. Small system waivers approved by the Director in writing prior to April 11, 2000 shall remain in effect under the following conditions.¶¶~~

~~(A) If the system has demonstrated that it is both free of lead-containing and copper-containing materials, as required by paragraph (g)(i) of this section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of paragraph (g)(ii) of this section, the waiver remains in effect so long as the system continues to meet the waiver eligibility criteria of paragraph (g)(v) of this section. The first round of tap water monitoring conducted pursuant to paragraph (g)(iv) of this section shall be completed no later than nine years after the last time the system has monitored for lead and copper at the tap.¶¶~~

~~(B) If the system has met the materials criteria of paragraph (g)(i) of this section but has not met the monitoring criteria of paragraph (g)(ii) of this section, the system shall conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of paragraph (g)(ii) of this section no later than September 30, 2000. Thereafter, the waiver shall remain in effect as long as the system meets the continued eligibility criteria of paragraph (g)(v) of this section. The first round of tap water monitoring conducted pursuant to paragraph (g)(iv) of this section shall be completed no later than nine years after the round of monitoring conducted pursuant to paragraph (g)(ii) of this section.¶¶~~

~~(4) Corrosion Control for Control of Lead and Copper¶¶~~

~~(a) Description of corrosion control treatment requirements.¶¶~~

~~Each system shall complete the corrosion control treatment requirements described below which are applicable to such system under R309-210-6(2).¶¶~~

~~(i) System recommendation regarding corrosion control treatment¶¶~~

~~Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium-size water systems exceeding the lead or copper action level shall recommend installation of one or more of the corrosion control treatments listed in R309-210-6(4)(a)(iii)(A) which the system believes constitutes optimal corrosion control for that system. The Director may require the system to conduct additional water quality parameter monitoring in accordance with R309-210-6(5)(b) to assist the Director in reviewing the system's recommendation.¶¶~~

~~(ii) Studies of corrosion control treatment required for small and medium-size systems.¶¶~~

~~The Director may require any small or medium-size system that exceeds the lead or copper action level to perform corrosion control studies under R309-210-6(4)(a)(iii) to identify optimal corrosion control treatment for the system.¶¶~~

~~(iii) Performance of corrosion control studies¶¶~~

~~(A) Any public water system performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that system.¶¶~~

~~(I) alkalinity and pH adjustment;¶¶~~
~~(II) calcium hardness adjustment; and¶¶~~
~~(III) the addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.¶¶~~

~~(B) The water system shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on documented analogous treatments with other systems of similar size, water chemistry and distribution system configuration.¶¶~~

~~(C) The water system shall measure the following water quality parameters in any tests conducted under this paragraph before and after evaluating the corrosion control treatments listed above.¶¶~~

~~(I) lead;¶¶~~
~~(II) copper;¶¶~~
~~(III) pH;¶¶~~
~~(IV) alkalinity;¶¶~~
~~(V) calcium;¶¶~~
~~(VI) conductivity;¶¶~~
~~(VII) orthophosphate (when an inhibitor containing a phosphate compound is used);¶¶~~
~~(VIII) silicate (when an inhibitor containing a silicate compound is used);¶¶~~
~~(IX) water temperature.¶¶~~

~~(D) The water system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following.¶¶~~

~~(I) data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality characteristics; and/or¶¶~~

~~(II) data and documentation demonstrating that the water system has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.¶¶~~

~~(E) The water system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.¶¶~~

~~(F) On the basis of an analysis of the data generated during each evaluation, the water system shall recommend to the Director in writing the treatment option that the corrosion control studies indicate constitutes optimal corrosion control treatment for that system. The water system shall provide a rationale for its recommendation along with all supporting documentation specified in R309-210-6(4)(a)(iii)(A) through R309-210-6(4)(a)(iii)(E).¶¶~~

~~(iv) Designation of optimal corrosion control treatment¶¶~~

~~(A) Based upon consideration of available information including, where applicable, studies performed under R309-210-6(4)(a)(iii) and a system's recommended treatment alternative, the Director shall either approve the corrosion control treatment option recommended by the system, or designate alternative corrosion control treatment(s) from among those listed in R309-210-6(4)(a)(iii)(A). When designating optimal treatment the Director shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.¶¶~~

~~(B) The Director shall notify the system of its decision on optimal corrosion control treatment in writing and explain the basis for this determination. If the Director requests additional information to aid its review, the water system shall provide the information.¶¶~~

~~(v) Installation of optimal corrosion control¶¶~~

~~Each system shall properly install and operate throughout its distribution system the optimal corrosion control treatment designated by the Director under R309-210-6(4)(a)(iv).¶¶~~

~~(vi) Review of treatment and specification of optimal water quality control parameters¶¶~~

~~The Director shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the water system and determine whether the system has properly installed and operated the optimal corrosion control treatment designated by the Director in R309-210-6(4)(a)(iv). Upon reviewing the results of tap water and water quality parameter monitoring by the system, both before and after the system installs optimal corrosion control treatment, the Director shall designate.¶¶~~

~~(A) A minimum value or a range of values for pH measured at each entry point to the distribution system;¶¶~~

~~(B) A minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the Director determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control;¶¶~~

~~(C) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Director determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;¶¶~~

~~(D) If alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;¶¶~~

~~(E) If calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.¶¶~~

~~The values for the applicable water quality control parameters listed above shall be those that the Director determines to reflect optimal corrosion control treatment for the system. The Director may designate values for additional water quality~~

~~control parameters determined by the Director to reflect optimal corrosion control for the system. The Director shall notify the system in writing of these determinations and explain the basis for the decisions.¶¶~~

~~(vii) Continued operation and monitoring. All systems optimizing corrosion control shall continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameters at or above minimum values or within ranges designated by the Director under paragraph (vi) of this section, in accordance with this paragraph for all samples collected under R309-210-6(5)(d) through (f). Compliance with the requirements of this paragraph shall be determined every six months, as specified under R309-210-6(5)(d). A water system is out of compliance with the requirements of this paragraph for a six-month period if it has excursions for any Director specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the Director. Daily values are calculated as follows. The Director has discretion to delete results of obvious sampling errors from this calculation.¶¶~~

~~(A) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day regardless of whether they are collected through continuous monitoring, grab sampling, or combination of both.¶¶~~

~~(B) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the result of that measurement.¶¶~~

~~(C) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.¶¶~~

~~(viii) Modification of treatment decisions¶¶~~

~~Upon its own initiative or in response to a request by a water system or other interested party, the Director may modify its determination of the optimal corrosion control treatment under R309-210-6(4)(a)(iv) or optimal water quality control parameters under R309-210-6(4)(a)(vi). A request for modification by a system or other interested party shall: be in writing, explain why the modification is appropriate, and provide supporting documentation. The Director may modify its determination where it concludes that such change is necessary to ensure that the system continues to optimize corrosion control treatment. A revised determination shall: be made in writing, set forth the new treatment requirements, explain the basis for the Director's decision, and provide an implementation schedule for completing the treatment modifications.¶¶~~

~~(b) Source water treatment requirements.¶¶~~

~~Systems shall complete the applicable source water monitoring and treatment requirements (described in the referenced portions of R309-210-6(4)(b)(ii), and in R309-210-6(3), and R309-210-6(6)) by the following deadlines.¶¶~~

~~(i) Deadlines for Completing Source Water Treatment Steps¶¶~~

~~(A) Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (R309-210-6(6)(b)) and make a treatment recommendation to the Director (R309-210-6(4)(b)(i)) no later than 180 days after the end of the monitoring period during which the lead or copper action level was exceeded.¶¶~~

~~(B) Step 2: The Director shall make a determination regarding source water treatment (R309-210-6(4)(b)(ii)(B)) within 6 months after submission of monitoring results under step 1.¶¶~~

~~(C) Step 3: If the Director requires installation of source water treatment, the system shall install the treatment (R309-210-6(4)(b)(ii)(C)) within 24 months after completion of step 2.¶¶~~

~~(D) Step 4: The system shall complete follow-up tap water monitoring (R309-210-6(3)(d)(ii)) and source water monitoring (R309-210-6(6)(c)) within 36 months after completion of step 2.¶¶~~

~~(E) Step 5: The Director shall review the system's installation and operation of source water treatment and specify maximum permissible source water levels (R309-210-6(4)(b)(ii)(D)) within 6 months after completion of step 4.¶¶~~

~~(F) Step 6: The system shall operate in compliance with the Director specified maximum permissible lead and copper source water levels (R309-210-6(4)(b)(ii)(D)) and continue source water monitoring (R309-210-6(6)(d)).¶¶~~

~~(ii) Description of Source Water Treatment Requirements¶¶~~

~~(A) System treatment recommendation¶¶~~

~~Any system which exceeds the lead or copper action level shall recommend in writing to the Director the installation and operation of one of the source water treatments listed in R309-210-6(4)(b)(ii)(B). A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.¶¶~~

~~(B) Determination regarding source water treatment¶¶~~

~~The Director shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the Director determines that treatment is needed, the Director shall either require installation and operation of the source water treatment recommended by the system (if any) or require the installation and operation of another source water treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the Director requests additional information to aid in its review, the water system shall provide the information by the date specified by the Director in its request. The Director shall notify the system in writing of the determination and set forth the basis for the decision.¶¶~~

~~(C) Installation of source water treatment¶¶~~

~~Each system shall properly install and operate the source water treatment designated by the Director under R309-210-6(4)(b)(ii)(B).¶¶~~

~~(D) Review of source water treatment and specification of maximum permissible source water levels¶¶~~

~~The Director shall review the source water samples taken by the water system both before and after the system installs source water treatment, and determine whether the system has properly installed and operated the source water treatment designated by the Director. Based upon its review, the Director shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The Director shall notify the system in writing and explain the basis for the decision.~~

~~(E) Continued operation and maintenance~~

~~Each water system shall maintain lead and copper levels below the maximum permissible concentrations designated by the Director at each sampling point monitored in accordance with R309-210-6(6). The system is out of compliance with this paragraph if the level of lead or copper at any sampling point is greater than the maximum permissible concentration designated by the Director.~~

~~(F) Modification of treatment decisions~~

~~Upon its own initiative or in response to a request by a water system or other interested party, the Director may modify its determination of the source water treatment under R309-210-6(4)(b)(ii)(B), or maximum permissible lead and copper concentrations for finished water entering the distribution system under R309-210-6(4)(b)(ii)(D). A request for modification by a system or other interested party shall: be in writing, explain why the modification is appropriate, and provide supporting documentation. The Director may modify the determination where it concludes that such change is necessary to ensure that the system continues to minimize lead and copper concentrations in source water. A revised determination shall: be made in writing, set forth the new treatment requirements, explain the basis for the decision, and provide an implementation schedule for completing the treatment modifications.~~

~~(c) Lead service line replacement requirements~~

~~(i)(A) Systems that fail to meet the lead action level in tap samples taken pursuant to R309-210-6(3)(d)(ii), after installing corrosion control and/or source water treatment (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this section. If a system is in violation of R309-210-6(2) or R309-210-6(4)(b) for failure to install source water or corrosion control treatment, the Director may require the system to commence lead service line replacement under this section after the date by which the system was required to conduct monitoring under R309-104-4.2.3.d.2. has passed. The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded under paragraph (a) of this section. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs. If the Director has established an alternate monitoring period, then the end of the monitoring period will be the last day of that period.~~

~~(B) Any water system resuming a lead service line replacement program after the cessation of its lead service line replacement program as allowed by paragraph (f) of this section shall update its inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under paragraph (c) of this section. The system will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (7 percent lead service line replacement is based on a 15-year replacement program, so, for example, systems resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by 13). For those systems that have completed a 15-year lead service line replacement program, the Director will determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the system re-exceeds the action level.~~

~~(ii) A system shall replace annually at least 7 percent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system, including an identification of the portion(s) owned by the system, based upon a materials evaluation, including the evaluation required under R309-210-6(3)(a) and relevant legal authorities (e.g., contracts, local ordinances) regarding the portion owned by the system. The first year of lead service line replacement shall begin on the date the action level was exceeded in tap sampling referenced in R309-210-6(4)(c)(i).~~

~~(iii) A system is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to R309-210-6(3)(b)(iii), is less than or equal to 0.015 mg/L.~~

~~(iv) A water system shall replace that portion of the lead service line that it owns. In cases where the system does not own the entire lead service line, the system shall notify the owner of the line, or the owner's authorized agent, that the system will replace the portion of the service line that it owns and shall offer to replace the owner's portion of the line. A system is not required to bear the cost of replacing the privately owned portion of the line, nor is it required to replace the privately owned portion where the owner chooses not to pay the cost of replacing the privately owned portion of the line, or where replacing the privately owned portion would be precluded by State, local or common law. A water system that does not replace the entire length of the service line also shall complete the following tasks.~~

~~(A) At least 45 days prior to commencing with the partial replacement of a lead service line, the water system shall provide notice to the resident(s) of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The Director may allow the water system to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where such replacement is in conjunction with emergency repairs. In addition, the water system shall inform the resident(s) served by the line that the system will, at the system's expense, collect a sample from each partially replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed under R309-210-6(3)(b)(iii), within 72 hours after the completion of the partial replacement of the service line. The system shall~~

~~collect the sample and report the results of the analysis to the owner and the resident(s) served by the line within three business days of receiving the results. Mailed notices post-marked within three business days of receiving the results shall be considered on time.~~

~~(B) The water system shall provide the information required by paragraph (c)(iv)(A) of this section to the residents of individual dwellings by mail or by other methods approved by the Director. In instances where multi-family dwellings are served by the line, the water system shall have the option to post the information at a conspicuous location.~~

~~(v) The Director shall require a system to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the system, where such a shorter replacement schedule is feasible. The Director shall make this determination in writing and notify the system of its finding within 6 months after the system is triggered into lead service line replacement based on monitoring referenced in R309-210-6(4)(c)(i).~~

~~(vi) Any system may cease replacing lead service lines whenever first draw samples collected pursuant to R309-210-6(3)(b)(ii) meet the lead action level during each of two consecutive monitoring periods and the system submits the results to the Director. If first draw tap samples collected in any such water system thereafter exceeds the lead action level, the system shall recommence replacing lead service lines, pursuant to R309-210-6(4)(c)(ii)(B).~~

~~(vii) To demonstrate compliance with R309-210-6(4)(c)(i) through R309-210-6(4)(c)(iv), a system shall report to the Director the information specified in R309-210-6(8)(c).~~

~~(5) Monitoring requirements for water quality parameters.~~

~~All large water systems and all small and medium-size systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section.~~

~~(a) General Requirements~~

~~(i) Sample collection methods~~

~~(A) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the system, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under R309-210-6(3)(a).~~

~~(B) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).~~

~~(ii) Number of samples~~

~~(A) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period specified under R309-210-6(5)(b) through R309-210-6(5)(c) from the following number of sites in Table 210-5.~~

~~¶~~

~~TABLE 210-5
NUMBER OF WATER QUALITY PARAMETER SAMPLE SITES~~

System Size (# People Served)	# of Sites For Water Quality Parameters
Greater than 100,000	25
10,001 to 100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
100 or less	1

~~¶~~

~~(B) Except as provided in paragraph (c)(iii) of this section, Systems shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in R309-210-6(5)(b). Systems shall collect one sample for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in R309-210-6(5)(c) through R309-210-6(5)(e).~~

~~(b) Initial Sampling~~

~~All large water systems shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six-month monitoring period specified in R309-210-6(3)(d)(i). All small and medium-size systems shall measure the applicable water quality parameters at the locations specified below during each six-month monitoring period specified in R309-210-6(3)(d)(i) during which the system exceeds the lead or copper action level.~~

~~(i) At taps.~~

~~(A) pH;~~

~~(B) alkalinity;~~

~~(C) orthophosphate, when an inhibitor containing a phosphate compound is used;~~

~~(D) silica, when an inhibitor containing a silicate compound is used;~~

~~(E) calcium;~~

~~(F) conductivity; and~~

~~(G) water temperature.~~

~~(ii) At each entry point to the distribution system: all of the applicable parameters listed in R309-210-6(5)(b)(i).~~

~~(c) Monitoring after installation of corrosion control~~

~~Any large system which installs optimal corrosion control treatment pursuant to R309-210-6(2)(d)(iv) shall measure the water quality parameters at the locations and frequencies specified below during each six-month monitoring period specified in R309-210-6(3)(d)(ii)(A). Any small or medium-size system which installs optimal corrosion control treatment shall conduct such monitoring during each six-month monitoring period specified in R309-210-6(3)(d)(ii)(B) in which the system exceeds the lead or copper action level.~~

- ~~(i) At taps, two samples for:

 - ~~(A) pH;~~
 - ~~(B) alkalinity;~~
 - ~~(C) orthophosphate, when an inhibitor containing a phosphate compound is used;~~
 - ~~(D) silica, when an inhibitor containing a silicate compound is used;~~
 - ~~(E) calcium, when calcium carbonate stabilization is used as part of corrosion control.~~~~
- ~~(ii) Except as provided in Paragraph (c)(iii) of this section, at each entry point to the distribution system, at least one sample no less frequently than every two weeks (bi-weekly) for:

 - ~~(A) pH;~~
 - ~~(B) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and~~
 - ~~(C) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).~~~~
- ~~(iii) Any ground water system can limit entry point sampling described in paragraph (c)(ii) of this section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated ground water sources mixes with water from treated ground water sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this paragraph, the system shall provide to the Director written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.~~
- ~~(d) Monitoring after Director specifies water quality parameter values for optimal corrosion control.~~

~~After the Director specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under R309-210-6(4)(a)(vi), all large systems shall measure the applicable water quality parameters in accordance with paragraph (c) of this section and determine compliance with the requirements of R309-210-6(4)(a)(vii) every six months with the first six-month period to begin on either January 1 or July 1, whichever comes first, after the Director specifies the optimal values under R309-210-6(4)(a)(vi). Any small or medium-size system shall conduct such monitoring during each six-month period specified in this paragraph in which the system exceeds the lead or copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to R309-210-6(3)(d)(iv) at the time of the action level exceedance, the start of the applicable six-month monitoring period under this paragraph shall coincide with the start of the applicable monitoring period under R309-210-6(3)(d)(iv). Compliance with Director-designated optimal water quality parameter values shall be determined as specified under R309-210-6(4)(a)(vii).~~

- ~~(e) Reduced monitoring

 - ~~(i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Director under R309-210-6(4)(a)(vi) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in this paragraph (e)(i) of this section from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Director under R309-210-6(4)(a)(vi), during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in paragraph (e)(i) of this section from annually to every three years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.~~~~

~~TABLE 210-6
REDUCED NUMBER OF WATER QUALITY PARAMETER SAMPLE SITES~~

System Size (# People Served)	Reduced # of Sites for Water Quality Parameters
Greater than 100,000	10
40,001 to 100,000	7
3,301 to 40,000	3
501 to 3,300	2
401 to 500	1
400 or less	1

- ~~(ii)(A) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under R309-210-6(4)(a)(vi) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in this paragraph (e)(i) of this section from every six months to annually. This sampling begins during the calendar year immediately~~

~~following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under R309-210-6(4)(a)(vi), during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in paragraph (c)(i) of this section from annually to every three years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.¶¶~~

~~(B) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in paragraph (c)(i) of this section to every three years if it demonstrates during two consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in R309-200-4(3), that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in R309-200-5(2)(c), and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Director under R309-210-6(4)(a)(vi). Monitoring conducted every three years shall be done no later than every third calendar year.¶¶~~

~~(iii) A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.¶¶~~

~~(iv) Any water system subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Director in R309-210-6(4)(a)(vi) for more than 9 days in any six-month period specified in R309-210-6(4)(a)(vii) shall resume distribution system tap water sampling in accordance with the number and frequency requirements in paragraph (d) of this section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (c)(i) of this section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that paragraph or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (c)(ii)(A) or (c)(ii)(B) of this section.¶¶~~

~~(f) Additional monitoring by systems¶¶~~

~~The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Director in making any determinations (i.e., determining concentrations of water quality parameters) under this section or R309-210-6(4)(a).¶¶~~

~~(g) The Director has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected in accordance with this section and analyzed in accordance with R309-104-8.¶¶~~

~~(6) Monitoring requirements for lead and copper in source water.¶¶~~

~~(a) Sample location, collection methods, and number of samples¶¶~~

~~(i) A water system that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with R309-210-6(3) shall collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods.¶¶~~

~~(A) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). The system shall take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.¶¶~~

~~(B) Surface water systems shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point). The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.¶¶~~

~~(C) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).¶¶~~

~~(D) The Director may reduce the total number of samples which must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then either.¶¶~~

~~(I) A follow up sample shall be taken and analyzed within 14 days at each sampling point included in the composite, or¶¶~~

~~(II) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the system may use these instead of resampling.¶¶~~

~~(ii) Where the results of sampling indicate an exceedance of maximum permissible source water levels established under R309-210-6(4)(b)(ii)(D), the Director may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.¶¶~~

~~(b) Monitoring frequency after system exceeds tap water action level.¶¶~~

~~Any system which exceeds the lead or copper action level at the tap shall collect one source water sample from each entry point to the distribution system no later than six months after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is~~

~~September 30 of the calendar year in which the sampling occurs, or if the Director has established an alternate monitoring period, the last day of that period.~~

~~(c) Monitoring frequency after installation of source water treatment.~~

~~Any system which installs source water treatment pursuant to R309-210-6(4)(b)(i)(C) shall collect an additional source water sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in R309-210-6(4)(b)(i)(D).~~

~~(d) Monitoring frequency after Director specifies maximum permissible source water levels or determines that source water treatment is not needed.~~

~~(i) A system shall monitor at the frequency specified below in cases where the Director specifies maximum permissible source water levels under R309-210-6(4)(b)(ii)(D) or determines that the system is not required to install source water treatment under R309-210-6(4)(b)(ii)(B).~~

~~(A) A water system using only groundwater shall collect samples once during the three-year compliance period in effect when the applicable determination under R309-210-6(6)(d)(i) is made. Such systems shall collect samples once during each subsequent compliance period. Triennial samples shall be collected every third calendar year.~~

~~(B) A water system using surface water (or a combination of surface and ground water) shall collect samples once during each calendar year, the first annual monitoring period to begin during the year in which the applicable Director determination is made under paragraph (d)(i) of this section.~~

~~(ii) A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under R309-210-6(6)(d)(i)(A) or (B).~~

~~(e) Reduced monitoring frequency.~~

~~(i) A water system using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle (as that term is defined in R309-110-4) provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:~~

~~(A) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Director in R309-210-6(4)(b)(ii)(D) during at least three consecutive compliance periods under paragraph (d)(i) of this section; or~~

~~(B) The Director has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under paragraph (d)(i) of this section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.~~

~~(ii) A water system using surface water (or a combination of surface water and ground water) may reduce the monitoring frequency in paragraph (d)(i) of this section to once during each nine-year compliance cycle (as that term is defined in R309-110-4) provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:~~

~~(A) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Director in R309-210-6(4)(b)(ii)(D) for at least three consecutive years; or~~

~~(B) The Director has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.~~

~~(iii) A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the Director in R309-210-6(4)(b)(i)(E).~~

~~(iv) The Director has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected in accordance with this section and analyzed in accordance with R309-104-8.~~

~~(7) Public education and supplemental monitoring requirements.~~

~~All water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in paragraph (d) of this section. A water system that exceeds the lead action level based on tap water samples collected in accordance with R309-210-6(3) shall deliver the public education materials contained in paragraph (a) of this section in accordance with the requirements in paragraph (b) of this section. Water systems that exceed the lead action level must sample the tap water of any customer who requests it in accordance with paragraph (c) of this section.~~

~~(a) Content of written public education materials.~~

~~(i) Community water systems and Non-transient non-community water systems. Water systems must include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed below. In addition, paragraphs (a)(i)(A) through (B) and (a)(i)(F) must be included in the materials, exactly as written, except for the text in brackets in these paragraphs for which the water system must include system specific information. Any additional information presented by a water system must be consistent with the information below and be in plain language that can be understood by the general public. Water systems must submit all written public education materials to the Director prior to delivery. The Director may require the system to obtain approval of the content of written public materials prior to delivery.~~

~~(A) IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER. (INSERT NAME OF WATER SYSTEM) found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems,~~

~~especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.¶¶~~

~~(B) Health effects of lead. Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.¶¶~~

~~(C) Sources of Lead.¶¶~~

~~(I) Explain what lead is.¶¶~~

~~(II) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home/building plumbing materials and service lines that may contain lead.¶¶~~

~~(III) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).¶¶~~

~~(D) Discuss the steps the consumer can take to reduce their exposure to lead in drinking water.¶¶~~

~~(I) Encourage running the water to flush out the lead.¶¶~~

~~(II) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.¶¶~~

~~(III) Explain that boiling water does not reduce lead levels.¶¶~~

~~(IV) Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.¶¶~~

~~(V) Suggest that parents have their child's blood tested for lead.¶¶~~

~~(E) Explain why there are elevated levels of lead in the system's drinking water (if known) and what the water system is doing to reduce the lead levels in homes/buildings in this area.¶¶~~

~~(F) For more information, call us at (INSERT YOUR NUMBER) ((IF APPLICABLE), or visit our Web site at (INSERT YOUR WEB SITE HERE)). For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's Web site at "http://fwwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklogandto=http://www.epa.gov/lead" or contact your health care provider.¶¶~~

~~(ii) Community water systems. In addition to including the elements specified in paragraph (a)(i) of this section, community water systems must:¶¶~~

~~(A) Tell consumers how to get their water tested.¶¶~~

~~(B) Discuss lead in plumbing components and the difference between low lead and lead free.¶¶~~

~~(b) Delivery of public education materials.¶¶~~

~~(i) For public water systems serving a large proportion of non-English speaking consumers, as determined by the Director, the public education materials must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the public education materials or to request assistance in the appropriate language.¶¶~~

~~(ii) A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with R309-210-6(3), and that is not already conducting public education tasks under this section, must conduct the public education tasks under this section within 60 days after the end of the monitoring period in which the exceedance occurred.¶¶~~

~~(A) Deliver printed materials meeting the content requirements of paragraph (a) of this section to all bill paying customers.¶¶~~

~~(B)(I) Contact customers who are most at risk by delivering education materials that meet the content requirements of paragraph (a) of this section to local public health agencies even if they are not located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users. The water system must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community-based organizations serving target populations, which may include organizations outside the service area of the water system. If such lists are provided, systems must deliver education materials that meet the content requirements of paragraph (a) of this section to all organizations on the provided lists.¶¶~~

~~(II) Contact customers who are most at risk by delivering materials that meet the content requirements of paragraph (a) of this section to the following organizations listed in aa through ff that are located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users.¶¶~~

~~(aa) Public and private schools or school boards.¶¶~~

~~(bb) Women Infants and Children (WIC) and Head Start programs.¶¶~~

~~(cc) Public and private hospitals and medical clinics.¶¶~~

~~(dd) Pediatricians.¶¶~~

~~(ee) Family planning clinics.¶¶~~

~~(ff) Local welfare agencies.¶¶~~

~~(III) Make a good faith effort to locate the following organizations within the service area and deliver materials that meet the content requirements of paragraph (a) of this section to them, along with an informational notice that encourages~~

~~distribution to all potentially affected customers or users. The good faith effort to contact at-risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the water system's service area.¶~~

~~— (aa) Licensed childcare centers.¶~~

~~— (bb) Public and private preschools.¶~~

~~— (cc) Obstetricians Gynecologists and Midwives.¶~~

~~(C) No less often than quarterly, provide information on or in each water bill as long as the system exceeds the action level for lead. The message on the water bill must include the following statement exactly as written except for the text in brackets for which the water system must include system-specific information: (INSERT NAME OF WATER SYSTEM) found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call (INSERT NAME OF WATER SYSTEM) (or visit (INSERT YOUR WEB SITE HERE)). The message or delivery mechanism can be modified in consultation with the Director; specifically, the Director may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.¶~~

~~— (D) Post material meeting the content requirements of paragraph (a) of this section on the water system's Web site if the system serves a population greater than 100,000.¶~~

~~— (E) Submit a press release to newspaper, television and radio stations.¶~~

~~— (F) In addition to paragraphs (b)(ii)(A) through (E) of this section, systems must implement at least three activities from one or more categories listed below. The educational content and selection of these activities must be determined in consultation with the Director.¶~~

~~— (I) Public Service Announcements.¶~~

~~— (II) Paid advertisements.¶~~

~~— (III) Public Area Information Displays.¶~~

~~— (IV) Emails to customers.¶~~

~~— (V) Public Meetings.¶~~

~~— (VI) Household Deliveries.¶~~

~~— (VII) Targeted Individual Customer Contact.¶~~

~~— (VIII) Direct material distribution to all multi-family homes and institutions.¶~~

~~— (VIII) Other methods approved by the Director.¶~~

~~(G) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Director has established an alternate monitoring period, the last day of that period.¶~~

~~— (iii) As long as a community water system exceeds the action level, it must repeat the activities pursuant to paragraph (b)(ii) of this section as described in paragraphs (b)(iii)(A) through (D) of this section.¶~~

~~— (A) A community water system shall repeat the tasks contained in paragraphs (b)(ii)(A), (B) and (F) of this section every 12 months.¶~~

~~— (B) A community water system shall repeat tasks contained in paragraph (b)(ii)(C) of this section with each billing cycle.¶~~

~~— (C) A community water system serving a population greater than 100,000 shall post and retain material on a publicly accessible Web site pursuant to paragraph (b)(ii)(D) of this section.¶~~

~~— (D) The community water system shall repeat the task in paragraph (b)(ii)(E) of this section twice every 12 months on a schedule agreed upon with the Director. The Director can allow activities in paragraph (b)(ii) of this section to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the Director in advance of the 60-day deadline.¶~~

~~— (iv) Within 60 days after the end of the monitoring period in which the exceedance occurred (unless it already is repeating public education tasks pursuant to paragraph (b)(v) of this section), a non-transient non-community water system shall deliver the public education materials specified by paragraph (a) of this section as follows:¶~~

~~— (A) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and¶~~

~~— (B) Distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the non-transient non-community water system. The Director may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.¶~~

~~— (C) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Director has established an alternate monitoring period, the last day of that period.¶~~

~~— (v) A non-transient non-community water system shall repeat the tasks contained in paragraph (b)(iv) of this section at least once during each calendar year in which the system exceeds the lead action level. The Director can allow activities in (b)(iv) of this section to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the Director in advance of the 60-day deadline.¶~~

~~— (vi) A water system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period conducted pursuant to R309-210-6(3). Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.¶~~

~~(vii) A community water system may apply to the Director, in writing, (unless the Director has waived the requirement for prior Director approval) to use only the text specified in paragraph (a)(i) of this section in lieu of the text in paragraphs (a)(i) and (a)(ii) of this section and to perform the tasks listed in paragraphs (b)(iv) and (b)(v) of this section in lieu of the tasks in paragraphs (b)(ii) and (b)(iii) of this section if:~~

~~(A) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and~~

~~(B) The system provides water as part of the cost of services provided and does not separately charge for water consumption.~~

~~(viii) A community water system serving 3,300 or fewer people may limit certain aspects of their public education programs as follows:~~

~~(A) With respect to the requirements of paragraph (b)(ii)(F) of this section, a system serving 3,300 or fewer must implement at least one of the activities listed in that paragraph.~~

~~(B) With respect to the requirements of paragraph (b)(ii)(D) of this section, a system serving 3,300 or fewer people may limit the distribution of the public education materials required under that paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.~~

~~(C) With respect to the requirements of paragraph (b)(ii)(E) of this section, the Director may waive this requirement for systems serving 3,300 or fewer persons as long as system distributes notices to every household served by the system.~~

~~(c) Supplemental monitoring and notification of results. A water system that fails to meet the lead action level on the basis of tap samples collected in accordance with R309-210-6(3) shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, nor is the system required to collect and analyze the sample itself.~~

~~(d) Notification of results.~~

~~(i) Reporting requirement. All water systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of R309-210-6(3) to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).~~

~~(ii) Timing of notification. A water system must provide the consumer notice as soon as practical, but no later than 30 days after the system learns of the tap monitoring results.~~

~~(iii) Content. The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from R309-225-5(3).~~

~~(iv) Delivery. The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the Director. For example, upon approval by the Director, a non-transient non-community water system could post the results on a bulletin board in the facility to allow users to review the information. The system must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.~~

~~(8) Reporting requirements.~~

~~All water systems shall report all of the following information to the Director in accordance with this section.~~

~~(a) Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring~~

~~(i) Except as provided in paragraph (a)(i)(H) of this section, a water system shall report the information specified below for all tap water samples specified in R309-210-6(3) and for all water quality parameter samples specified in R309-210-6(5) within the first 10 days following the end of each applicable monitoring period specified in R309-210-6(3) and (5) (i.e., every six months, annually, every 3 years, or every 9 years). For monitoring periods with a duration less than six months, the end of the monitoring period is the last date samples can be collected during that period as specified in R309-210-6(3) and R309-210-6(5).~~

~~(A) the results of all tap samples for lead and copper including the location of each site and the criteria under R309-210-6(3)(a)(iii), (iv), (v), (vi), and (vii) under which the site was selected for the system's sampling pool;~~

~~(B) Documentation for each tap water lead or copper sample for which the water system request invalidation pursuant to R309-210-6(3)(f)(ii);~~

~~(D) the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, (calculated in accordance with R309-200-5(2)(c)) unless the Director calculates the system's 90th percentile lead and copper levels under paragraph (h) of this section;~~

~~(E) with the exception of initial tap sampling conducted pursuant to R309-210-6(3)(d)(i), the system shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed;~~

~~(F) the results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under R309-210-6(5)(b) through (e);~~

~~(G) the results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under R309-210-6(5)(b) through (e).~~

~~(H) A water system shall report the results of all water quality parameter samples collected under R309-210-6(5)(c) through (f) during each six month monitoring period specified in R309-210-6(5)(d) within the first 10 days following the end of the monitoring period unless the Director has specified a more frequent reporting requirement.~~

~~(ii) For a non-transient non-community water system, or a community water system meeting the criteria of R309-210-6(7)(b)(vii), that does not have enough taps that can provide first draw samples, the system must identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to R309-210-6(3)(b)(v) and include this information with the lead and copper tap sample results required to be submitted pursuant to paragraph (a)(i)(A) of this section. The Director has waived prior Director approval of non-first draw samples sites selected by the system pursuant to R309-210-6(3)(b)(v).¶¶~~

~~(iii) At a time specified by the Director, or if no specific time is designated by the Director, then as early as possible prior to the addition of a new source or any long-term change in water treatment, a water system deemed to have optimized corrosion control under R309-210-6(2)(b)(iii), a water system subject to reduced monitoring pursuant to R309-210-6(3)(d)(iv), or a water system subject to a monitoring waiver pursuant to R309-210-6(3)(g), shall submit written documentation to the Director describing the change or addition. The Director must review and approve the addition of a new source or long-term change in treatment before it is implemented by the water system. Examples of long-term treatment changes include the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants (e.g., alum to ferric chloride), and switching corrosion inhibitor products (e.g., orthophosphate to blended phosphate). Long-term changes can include dose changes to existing chemicals if the system is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes would not include chemical dose fluctuations associated with daily raw water quality changes.¶¶~~

~~(iv) Any small system applying for a monitoring waiver under R309-210-6(3)(g), or subject to a waiver granted pursuant to R309-210-6(3)(g)(iii), shall provide the following information to the Director in writing by the specified deadline:~~

~~(A) By the start of the first applicable monitoring period in R309-210-6(3), any small system applying for a monitoring waiver shall provide the documentation required to demonstrate that it meets the waiver criteria of R309-210-6(3)(g)(i) and (ii).¶¶~~

~~(B) No later than nine years after the monitoring previously conducted pursuant to R309-210-6(3)(g)(ii) or (g)(iv)(A), each small system desiring to maintain its monitoring waiver shall provide the information required by R309-210-6(3)(g)(iv)(A) and (B).¶¶~~

~~(C) No later than 60 days after it becomes aware that it is no longer free of lead-containing or copper-containing material, as appropriate, each small system with a monitoring waiver shall provide written notification to the Director, setting forth the circumstances resulting in the lead-containing or copper-containing materials being introduced into the system and what corrective action, if any, the system plans to remove these materials.¶¶~~

~~(D) By October 10, 2000, any small system with a waiver granted prior to April 11, 2000 and that has not previously met the requirements of R309-210-6(3)(g)(ii) shall provide the information required by that paragraph.¶¶~~

~~(v) Each ground water system that limits water quality parameter monitoring to a subset of entry points under R309-210-6(5)(c)(iii) shall provide, by the commencement of such monitoring, written correspondence to the Director that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.¶¶~~

~~(b) Source water monitoring reporting requirements¶¶~~

~~(i) A water system shall report the sampling results for all source water samples collected in accordance with R309-210-6(6) within the first 10 days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in R309-210-6(6).¶¶~~

~~(ii) With the exception of the first round of source water sampling conducted pursuant to R309-210-6(6)(b), the system shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.¶¶~~

~~(c) Corrosion control treatment reporting requirements¶¶~~

~~By the applicable dates under R309-210-6(2), systems shall report the following information:¶¶~~

~~(i) for systems demonstrating that they have already optimized corrosion control, information required in R309-210-6(2)(b)(ii) or R309-210-6(2)(b)(iii).¶¶~~

~~(ii) for systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under R309-210-6(4)(a)(i).¶¶~~

~~(iii) for systems required to evaluate the effectiveness of corrosion control treatments under R309-210-6(4)(a)(iii), the information required by that paragraph.¶¶~~

~~(iv) for systems required to install optimal corrosion control designated by the Director under R309-210-6(4)(a)(iv), a letter certifying that the system has completed installing that treatment.¶¶~~

~~(d) Source water treatment reporting requirements¶¶~~

~~By the applicable dates in R309-210-6(4)(b), systems shall provide the following information to the Director:¶¶~~

~~(i) if required under R309-210-6(4)(b)(ii)(A), their recommendation regarding source water treatment;¶¶~~

~~(ii) for systems required to install source water treatment under R309-210-6(4)(b)(ii)(B), a letter certifying that the system has completed installing the treatment designated by the Director within 24 months after the Director designated the treatment.¶¶~~

~~(e) Lead service line replacement reporting requirements¶¶~~

~~Systems shall report the following information to the Director to demonstrate compliance with the requirements of R309-210-6(4)(c).¶¶~~

~~(i) No later than 12 months after the end of a monitoring period in which a system exceeds the lead action level in sampling referred to in R309-210-6(4)(c)(i), the system must submit written documentation to the Director of the material~~

~~evaluation conducted as required in R309-210-6(3)(a), identify the initial number of lead service lines in its distribution system at the time the system exceeds the lead action level, and provide the system's schedule for annually replacing at least 7 percent of the initial number of lead service lines in its distribution system.¶~~

~~(ii) No later than 12 months after the end of a monitoring period in which a system exceeds the lead action level in sampling referred to in R309-210-6(4)(c)(i), and every 12 months thereafter, the system shall demonstrate to the Director in writing that the system has either:¶~~

~~(A) replaced in the previous 12 months at least 7 percent of the initial lead service lines (or a greater number of lines specified by the Director under R309-210-6(4)(c)(v)) in its distribution system, or¶~~

~~(B) conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to R309-210-6(3)(b)(iii), is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which meet the criteria in R309-210-6(4)(c)(iii) shall equal at least 7 percent of the initial number of lead lines identified under paragraph (c)(i) of this section (or the percentage specified by the Director under R309-210-6(4)(c)(v)).¶~~

~~(iii) The annual letter submitted to the Director under R309-210-6(8)(c)(ii) shall contain the following information:¶~~

~~(A) the number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule;¶~~

~~(B) the number and location of each lead service line replaced during the previous year of the system's replacement schedule;¶~~

~~(C) if measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.¶~~

~~(iv) Systems shall also report any additional information as specified by the Director, and in a time and manner prescribed by the Director, to verify that all partial lead service line replacement activities have taken place.¶~~

~~(f) Public education program reporting requirements¶~~

~~(i) Any water system that is subject to the public education requirements in R309-210-6(7) shall, within ten days after the end of each period in which the system is required to perform public education in accordance with R309-210-6(7)(b), send written documentation to the Director that contains:¶~~

~~(A) A demonstration that the system has delivered the public education materials that meet the content requirements in R309-210-6(7)(a) and the delivery requirements in R309-210-6(7)(b); and¶~~

~~(B) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the system delivered public education materials during the period in which the system was required to perform public education tasks.¶~~

~~(ii) Unless required by the Director, a system that previously has submitted the information required by paragraph (f)(i)(B) of this section, as long as there have been no changes in the distribution list and the system certifies that the public education materials were distributed to the same list submitted previously.¶~~

~~(iii) No later than 3 months following the end of the monitoring period, each system must mail a sample copy of the consumer notification of tap results to the Director along with a certification that the notification has been distributed in a manner consistent with the requirements of R309-210-6(7)(d).¶~~

~~(g) Reporting of additional monitoring data¶~~

~~Any system which collects sampling data in addition to that required by this subpart shall report the results to the Director within the first ten day following the end of the applicable monitoring period under R309-210-6(3), R309-210-6(5) and R309-210-6(6) during which the samples are collected.¶~~

~~(h) Reporting of 90th percentile lead and copper concentrations where the Director calculates a system's 90th percentile concentrations. A water system is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples during each monitoring period, as required by paragraph (a)(i)(D) of this section if:¶~~

~~(i) The Director has previously notified the water system that it will calculate the water system's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to paragraph (h)(ii)(A) of this section, and has specified a date before the end of the applicable monitoring period by which the system must provide the results of lead and copper tap water samples;¶~~

~~(ii) The system has provided the following information to the Director by the date specified in paragraph (h)(i) of this section:¶~~

~~(A) The results of all tap samples for lead and copper including the location of each site and the criteria under R309-210-6(3)(a)(iii), (iv), (v), (vi), and/or (vii) under which the site was selected for the system's sampling pool, pursuant to paragraph (a)(i)(A) of this section; and¶~~

~~(B) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and¶~~

~~(iii) The Director has provided the results of the 90th percentile lead and copper calculations, in writing, to the water system before the end of the monitoring period.¶~~

¶

¶

R309-210-6. Lead and Copper Monitoring and Service Line Inventory and Replacement.

(1) The requirements of Section R309-210-6 and the lead and copper requirements of 40 CFR 141 Subpart I (2025), unless otherwise indicated, apply to community water systems and non-transient non-community water systems.

- (2) This section incorporates by reference 40 CFR 141 Subpart I (2025), with the following modifications:
- (a) the phrases “the State, States, State, or the applicable State,” are replaced with “the Division”.
 - (b) the following sections are exempted from the changes listed in Subsection (a):
 - (i) 40 CFR 141.85(a)(1)(iv)(G);
 - (ii) 40 CFR 141.85(i);
 - (iii) 40 CFR 141.86(a)(4)(iv);
 - (iv) 40 CFR 141.87(b)(4)(iv)
 - (v) 40 CFR 141.90(i)(3)(vi);
 - (vi) 40 CFR 141.92(a)(1)(i);
 - (vii) 40 CFR 141.92(g)(1)(ii); and
 - (viii) wherever the term “State health agency”, “State health agencies”, “State or local law” or “a State” is used.
 - (c) the phrase “State-approved” is replaced with “Division-approved”.
 - (d)(i) the Division does not incorporate by reference the lead and copper analysis requirement under 40 CFR

141.89(a)(1).

(ii) Each supplier shall complete tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results shall be completed in compliance with Section R309-200-8.

R309-110-4. Definitions.

As used in R309:

"Action Level" means the concentration of lead or copper in drinking water tap samples, which determines requirements under R309-210-6. The lead action level is 0.010 mg/L, and the copper action level is 1.3 mg/L. ~~which determines requirements under R309-210-6. The lead action level is 0.010 mg/L, and the copper action level is 1.3 mg/L. (0.015 mg/l for lead and 1.3 mg/l for copper) which determines, in some cases, the corrosion treatment, public education and lead line replacement requirements that a water system is required to complete.~~

R309-200-5.

(2) The lead and copper action levels are defined as follows: ~~Lead and copper~~

(a) The lead action level is exceeded if the concentration of lead in more than 10% ~~percent~~ of tap water samples collected during any monitoring period conducted in accordance with Section R309-210-6(3) is greater than 0.0105 mg/L, as an example, ~~(i.e., if the "90th percentile" lead level is greater than 0.0105 mg/L.)~~

(b) The copper action level is exceeded if the concentration of copper in more than 10% ~~percent~~ of tap water samples collected during any monitoring period conducted in accordance with Section R309-210-6(3) is greater than 1.3 mg/L, as an example, ~~(i.e., if the "90th percentile" copper level is greater than 1.3 mg/L.)~~

(c) The 90th percentile lead and copper levels shall be computed ~~per Section R309-210-6.~~

~~(i) The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.~~

~~(ii) The number of samples taken during the monitoring period shall be multiplied by 0.9.~~

~~(iii) The contaminant concentration in the numbered sample yielded by the calculation in paragraph (c)(ii) above is the 90th percentile contaminant level.~~

~~(iv) For water systems serving fewer than 100 people that collect 5 samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.~~

~~(v) For a public water system that has been allowed by the Director to collect fewer than five samples in accordance with R309-210-6(3)(c), the sample result with the highest concentration is considered the 90th percentile value.~~

Agenda Item

7(B)

State of Utah
Administrative Rule Analysis
 Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or section number:	R309-225	Filing ID: OFFICE USE ONLY
Date of previous publication (only for CPRs):	Click or tap to enter a date.	

Agency Information

1. Title catchline:	Department of Environmental Quality (Division of Drinking Water)	
Building:	Multi Agency State Building	
Street address:	195 North 1950 West	
City, state:	Salt Lake City, Utah 84116	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, Utah 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Brandi Smith	385-515-1650	brandismith@utah.gov
Helen Lau	801-247-7416	hlau@utah.gov
Jennifer Yee	385-515-1501	jyee@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R309-225 Monitoring and Water Quality: Consumer Confidence Reports	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
The Division of Drinking Water is proposing updates to Rule R309-220 through an amendment to reflect updates to the required health advisory language made by the Environmental Protection Agency. This will ensure consistency with federal requirements and allow primacy in administering the drinking water program. Additional changes include replacing the existing rule with a modernized version that has been reorganized, restructured, and aligned with formatting requirements from the Utah Office of Administrative Rules (OAR).	
5. Summary of the new rule or change:	
The Division of Drinking Water is proposing an amendment of Rule R309-220 to update public notification requirements to align with recent federal rule changes and improve clarity and consistency in risk communication.	
Updates include incorporating new public notification requirements associated with the Lead and Copper Rule Revisions (LCRR) and Per- and Polyfluoroalkyl Substances (PFAS) National Primary Drinking Water Regulation (NPDWR) regulations, adding federally required health advisory language for contaminants such as lead, copper, PFAS, and other emerging contaminants, and clarifying notification requirements for formal enforcement actions.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
The Division anticipates no fiscal impact on the state budget as a result of the revised rule. Updates to the rule, as well as maintaining, managing and running its implementation will be handled by current staff.	
B. Local governments:	
Local governments that operate water systems are expected to experience a fiscal impact from this rule revision.	

The proposed changes update public notification requirements to align with recent federal rule changes, including the Lead and Copper Rule Revisions (LCRR) and the Per- and Polyfluoroalkyl Substances (PFAS) National Primary Drinking Water Regulation (NPDWR), incorporate federally required health advisory language, and clarify notification requirements for formal enforcement actions. These updates may result in limited administrative costs associated with revising notification templates and internal processes. However, because the Division will provide the required health advisory language and guidance, associated costs are expected to be minimal.

The total fiscal impact is considered inestimable because the necessary data are unavailable, including the number of affected systems and the variability in how systems implement these requirements.

C. Small businesses ("small business" means a business employing 1-49 persons):

Small businesses that operate water systems are expected to experience a fiscal impact from this rule revision.

The proposed changes update public notification requirements to align with recent federal rule changes, including the Lead and Copper Rule Revisions (LCRR) and the Per- and Polyfluoroalkyl Substances (PFAS) National Primary Drinking Water Regulation (NPDWR), incorporate federally required health advisory language, and clarify notification requirements for formal enforcement actions. These updates may result in limited administrative costs associated with revising notification templates and internal processes. However, because the Division will provide the required health advisory language and guidance, associated costs are expected to be minimal.

The total fiscal impact is considered inestimable because the necessary data are unavailable, including the number of affected systems and the variability in how systems implement these requirements.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

Non-small businesses that operate water systems are expected to experience a fiscal impact from this rule revision.

The proposed changes update public notification requirements to align with recent federal rule changes, including the Lead and Copper Rule Revisions (LCRR) and the Per- and Polyfluoroalkyl Substances (PFAS) National Primary Drinking Water Regulation (NPDWR), incorporate federally required health advisory language, and clarify notification requirements for formal enforcement actions. These updates may result in limited administrative costs associated with revising notification templates and internal processes. However, because the Division will provide the required health advisory language and guidance, associated costs are expected to be minimal.

The total fiscal impact is considered inestimable because the necessary data are unavailable, including the number of affected systems and the variability in how systems implement these requirements.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Persons other than small businesses, non-small businesses, state, or local government entities that operate water systems are expected to experience a fiscal impact from this rule revision.

The proposed changes update public notification requirements to align with recent federal rule changes, including the Lead and Copper Rule Revisions (LCRR) and the Per- and Polyfluoroalkyl Substances (PFAS) National Primary Drinking Water Regulation (NPDWR), incorporate federally required health advisory language, and clarify notification requirements for formal enforcement actions. These updates may result in limited administrative costs associated with revising notification templates and internal processes. However, because the Division will provide the required health advisory language and guidance, associated costs are expected to be minimal.

The total fiscal impact is considered inestimable because the necessary data are unavailable, including the number of affected systems and the variability in how systems implement these requirements.

F. Compliance costs for affected persons:

This rule is not expected to result in direct fiscal impacts to other persons, including individual consumers.

Non-fiscal benefits include improved access to clearer and more understandable drinking water information, which supports informed public health decisions.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 This step has not yet been completed on this draft. The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-4-104	Subsection 63G-3-403(3)	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	40 CFR 141, Subpart Q, Appendix A, B, and C
Publisher	Environmental Protection Agency
Issue Date	October 30, 2024
Issue or Version	October 30, 2024

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 06/16/2026

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		

To the agency: If more than one hearing is planned to take place, continue to add rows.

10. This rule change MAY become effective on: 07/01/2026

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Nathan Lunstad, Ph.D., P.E., Director	Date:	Click or tap to enter a date.
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R309. Environmental Quality, Drinking Water.

R309-220. Monitoring and Water Quality: Public Notification Requirements.

R309-220-1. Purpose.

The purpose of this rule is to outline the public notification requirements for public water systems.

- ~~R309-220-2 Authority;~~
- ~~R309-220-3 Definitions.~~
- ~~R309-220-4 General public notification requirements.~~
- ~~R309-220-5 Tier 1 Public Notice – Form, manner, and frequency of notice.~~
- ~~R309-220-6 Tier 2 Public Notice – Form, manner, and frequency of notice.~~
- ~~R309-220-7 Tier 3 Public Notice – Form, manner, and frequency of notice.~~
- ~~R309-220-8 Content of the public notice.~~
- ~~R309-220-9 Notice to new billing units or new customers.~~
- ~~R309-220-10 Special notice of the availability of unregulated contaminant monitoring results.~~
- ~~R309-220-11 Special notice for exceedance of the SMCL for fluoride.~~
- ~~R309-220-12 Special notice for nitrate exceedances above MCL by non-community water systems (NCWS), where granted permission by the Director.~~
- ~~R309-220-13 Special Notice for Repeated Failure to Conduct Monitoring of the Source Water for Cryptosporidium and for Failure to Determine Bin Classification or Mean Cryptosporidium Level.~~
- ~~R309-220-14 Notice by Director on behalf of the public water system.~~
- ~~R309-220-15 Standard Health Effects Language.~~

R309-220-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by ~~Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with 63G-3 of the same, known as the Section 19-4-104 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

R309-220-3. Definitions.

Definitions for certain terms used in this rule are given in [Rule R309-110](#) but may be further clarified [herein in this Rule](#).

R309-220-4. General Public Notification Requirements.

(1) Violation Categories and Other Situations Requiring a Public Notice:

Each owner or operator of a public water system, ~~(community water systems, non-transient non-community water systems, and transient non-community water systems.)~~ must give notice for all violations of ~~these rules Title R309~~ and for other situations, as listed ~~below in this Subsection~~. The term "UPDWR violations" is used in this subpart to include violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures contained in [Rules R309-100 through R309-215](#).

(a) UPDWR Violations:

- (i) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).
- (ii) Failure to comply with a prescribed treatment technique (TT).
- (iii) Failure to perform water quality monitoring, as required by the drinking water regulations.
- (iv) Failure to comply with testing procedures as prescribed by a drinking water regulation.

(b) Variance and Exemptions ~~Under R309-10 and R309-11 under Sections R309-100-10 and R309-105-5.~~

- (i) Operation under a variance or an exemption.
- (ii) Failure to comply with the requirements of any schedule that has been set under a variance or exemption.

(c) Special Public Notices

- (i) Occurrence of a waterborne disease outbreak or other waterborne emergency.
- (ii) Exceedance of the nitrate MCL by non-community water systems (NCWS), where granted permission by the ~~Director-director~~ under [Subsection R309-200-5\(1\)\(c\), Table 200-1, note \(4\)\(b\)](#).
- (iii) Exceedance of the secondary maximum contaminant level (SMCL) for fluoride.
- (iv) Availability of unregulated contaminant monitoring data.
- (v) Other violations and situations determined by the ~~Director-director~~ to require a public notice under this subpart.
- (vi) ~~Exceedance of the lead action level per 40 CFR 141.80 (c) (October 30, 2024).~~

(2) Definition of Public Notice Tiers:

Public notice requirements are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in [paragraph Subsection \(1\)](#) of this section are determined by the tier to which it is assigned. Each tier is defined [below in this Subsection](#):

- (a) Tier 1 public notice -- required for UPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.
 - (b) Tier 2 public notice -- required for all other UPDWR violations and situations with potential to have serious adverse effects on human health.
 - (c) Tier 3 public notice -- required for all other UPDWR violations and situations not included in Tier 1 and Tier 2.
- (3) Required Distribution of Notice
- (a) Each public water system must provide public notice to persons served by the water system, in accordance with this rule. Public water

systems that sell or otherwise provide drinking water to other public water systems ~~such as a (f.e., to consecutive systems)~~, are required to give public notice to the owner or operator of the consecutive system; the consecutive system is responsible for providing public notice to the persons it serves.

(b) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the ~~Director-director~~ may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the ~~Director-director~~ for limiting distribution of the notice must be granted in writing.

(c) A copy of the notice must also be sent to the ~~Director-director~~, in accordance with the requirements under [Section R309-105-16 and Subsection R309-220-5\(2\)\(d\)](#).

(4) Utah Division of Drinking Water adopts ~~and incorporates by reference~~ 40 CFR, ~~Part~~ 141, Subpart Q, Appendix A, ~~and B, and C~~ as published on ~~July 1, 2018~~ [October 30, 2024](#).

R309-220-5. Tier 1 Public Notice – Form, Manner, and Frequency of Notice.

(1) Violation Categories and Other Situations Requiring a Tier 1 Public Notice:

(a) Violation of the MCL for total coliforms when E. coli are present, as defined in [Subsection R309-211-9\(1\)](#);

(b) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in [Subsection R309-200-5\(1\)\(c\)](#), Table 200-1, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in [Subsection R309-205-5\(1\)\(e\)\(ii\)](#);

(c) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the ~~Director-director~~ under [Subsection R309-200-5\(1\)\(c\)](#), Table 200-1, note (4)(b), as required under [Section R309-220-12](#);

(d) Violation of the MRDL for chlorine dioxide, as defined in 40 CFR ~~section~~-141.65(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in 40 CFR ~~section~~-141.133(c)(2)(i);

(e) Violation of the turbidity MCL under [Subsection R309-200-5\(5\)\(a\)](#), where the ~~Director-director~~ determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;

(f) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment rule (LT1ESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit, where the ~~Director-director~~ determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;

(g) Occurrence of a waterborne disease outbreak, as defined in [Rule R309-110](#), or other waterborne emergency, (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

(h) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the ~~Director-director~~ either in its rules or on a case-by-case basis.

(i) Detection of E. coli, enterococci, or coliphage in source water samples as specified in [Subsections R309-215-16\(2\)\(a\) and R309-215-16\(2\)\(b\)](#).

(j) [Exceedance of the Action Level for lead as specified in 40 CFR 141.80\(c\) \(October 30, 2024\)](#).

(2) Frequency of the Tier 1 Public Notice and Additional Steps Required:

Public water systems must:

(a) Provide a public notice as soon as practical but no later than 24 hours after the system learns of the violation ~~or situation requiring Tier 1 public notice~~;

(b) Initiate consultation with the ~~Director-director~~ as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and

(c) Comply with any additional public notification requirements, (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the ~~Director-director~~. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

(d) [For Tier 1 notices for a lead action level exceedance, public water systems must provide a copy of the Tier 1 notice to the director of the Division as soon as practicable, but not later than 24 hours after the public water system learns of the exceedance.](#)

(3) Form and Manner of the Public Notice:

Public water systems must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. ~~In order to~~ reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:

(a) Appropriate broadcast media, (such as radio and television);

(b) Posting of the notice in conspicuous locations throughout the area served by the water system;

(c) Hand delivery of the notice to persons served by the water system; or

(d) Another delivery method approved in writing by the ~~Director-director~~.

R309-220-6. Tier 2 Public Notice – Form, Manner, and Frequency of Notice.

(1) Violation Categories And Other Situations Requiring a Tier 2 Public Notice:

(a) All violations of the MCL, MRDL, seasonal system treatment technique requirements, and treatment technique requirements, except where a Tier 1 notice is required under [Subsection R309-220-5\(1\)](#) or where the ~~Director-director~~ determines that a Tier 1 notice is required;

(b) Violations of the monitoring and testing procedure requirements, where the ~~Director-director~~ determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and

(c) Failure to comply with the terms and conditions of any variance or exemption in place.

(d) Failure to take corrective action or failure to maintain at least 4-log treatment of viruses (using through inactivation, removal, or an ~~Director-director~~-approved combination of 4-log virus inactivation and removal) before or at the first customer under [Subsection R309-215-16\(3\)\(a\)](#).

(e) [A public water system that is subject to any formal enforcement action issued by the director, including a Compliance Agreement Enforcement Order \(CAEO\), Not Approved Order \(NAO\), Stipulated Order to Disinfect \(SOTD\), Groundwater Under the Direct Influence Determination and Order to Treat \(OTT\), or New System Order \(NSO\) shall provide public notice to all consumers served by the system in](#)

Commented [1]: 40 CFR 141.201(c)(3) states that "notice must also be sent to the [primacy agency/director] and the Administrator (as applicable) in accordance with the requirements of 141.31(d)." Then 131.31(d) has two paragraphs (d)(1), which is at R309-105-16(3) and (d)(2) which is the new R309-220-5(2)(d). This should mirror the CFR language from 141.31(d) to include the EPA Administrator. Specify that it is the EPA Administrator because Administrator is not defined in 110-4.

Commented [2]: @mheiling@agutah.gov it says as applicable. This is not applicable in UTAH. We do NOT send EPA notices so we do not need to add EPA Administrator

Commented [3]: Why does this not include fecal coliform to mirror the CFR? It also doesn't have the second part of the clause "or when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in § 141.21(e)); Violation of the MCL for E. coli (as specified in § 141.63(e))". Why?

Commented [4]: @sfederico@utah.gov @mberger@utah.gov one of you will need to answer this for the AG

Commented [5]: I know neither of you were here during RTCR primacy, and although I filed it...I didn't write it. This may have been left out because we don't have reduced monitoring, we'll need to go look and see what this is referencing in the CFR. Sorry!!

Commented [6]: We do not do any fecal coliform testing for anything related to RTCR, since April 1, 2016. Its widely not used across many states and also EPA. I hope this helps. Are you referring to RTCR or TCR? It appears to me that EPA just incorporated RTCR in TCR and no one follows TCR anymore, its strictly RTCR, which does not relate to fecal coliform. R309-211 is strictly RTCR, it doesnt relate back to TCR, which it appears the CFR has both incorporated.

Commented [7]: We adopted our rules after the 2016 date so we did not keep any of the rules that were only used before that.

Commented [8]: @mheiling@agutah.gov Please let me know if this answers your questions so we can close this item.

Commented [9]: Anyone opposed to removing "if any"?

Commented [10]: @sepage@utah.gov We are updating the public notice rule, because it has updates from the CCR rule. Admin rules is having us fix all the things they don't like in our rules as we do this. We are no longer supposed to put words in "parentheticals". I've put two ways we can possibly update this section to and wanted your opinion.
Assigned to sepage@utah.gov

accordance with this section.

(2) Frequency of the Tier 2 Public Notice:

(a) Public water systems must provide the public notice as soon as practical, but no later than 30 days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The ~~Director-director~~ may, in appropriate circumstances, allow additional time for the initial notice of up to three months from the date the system learns of the violation. It is not appropriate for the ~~Director-director~~ to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the ~~Director-director~~ must be in writing.

(b) The public water system must repeat the notice every three months as long as the violation or situation persists, unless the ~~Director-director~~ determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the ~~Director-director~~ to allow less frequent repeat notice for an MCL or treatment technique violation under the Total Coliform Rule or Rule R309-211 or a treatment technique violation under the Surface Water Treatment Rule, Interim Enhanced Surface Water Treatment Rule or Filter Backwash Recycling Rule. It is also not appropriate for the ~~Director-director~~ to allow through its rules or policies across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. Director determinations allowing repeat notices to be given less frequently than once every three months must be in writing.

(c) For the turbidity violations specified in this paragraph, public water systems must consult with the ~~Director-director~~ as soon as practical but no later than 24 hours after the public water system learns of the violation, to determine whether a Tier 1 public notice under Subsection R309-220-5(1) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours ~~(i.e., no later than 48 hours after the system learns of the violation)~~, following the requirements under Subsections R309-220-5(2) and (3). Consultation with the ~~Director-director~~ is required for:

- (i) Violation of the turbidity MCL under Subsection R309-200-5(5)(a); or
- (ii) Violation of the SWTR, IESWTR, or LTIESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

(3) Form and Manner of the Public Notice:

Public water systems must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(a) Unless directed otherwise by the ~~Director-director~~ in writing, community water systems must provide notice by:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph-Subsection (3)(a)(i) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses ~~(e.g., such as house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.)~~. Other methods may include: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others ~~(e.g., such as apartment building owners or large private employers)~~; posting in public places served by the system or on the ~~Internet-internet~~; or delivery to community organizations.

(b) Unless directed otherwise by the ~~Director-director~~ in writing, non-community water systems must provide notice by:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection, ~~(where known)~~; and

(ii) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in paragraph-Subsection (3)(b)(i) of this section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: publication in a local newspaper or newsletter distributed to customers; use of ~~E-mail-email~~ to notify employees or students; or, delivery of multiple copies in central locations ~~(e.g., such as community centers)~~.

R309-220-7. Tier 3 Public Notice -- Form, Manner, and Frequency of Notice.

(1) Violation Categories And Other Situations Requiring a Tier 3 Public Notice:

(a) Monitoring violations under Rules R309-205, R309-210, and R309-215, except where a Tier 1 notice is required under Subsection R309-220-5(1) or where the ~~Director-director~~ determines that a Tier 2 notice is required;

(b) Failure to comply with a testing procedure established in Rules R309-205, R309-210, and R309-215, except where a Tier 1 notice is required under Subsection R309-220-5(1) or where the ~~Director-director~~ determines that a Tier 2 notice is required;

(c) Operation under a variance granted under Section R309-100-10;

(d) Availability of unregulated contaminant monitoring results, as required under Section R309-220-10; and

(e) Exceedance of the fluoride secondary maximum contaminant level (SMCL), as required under Section R309-220-11; and

(f) Reporting and Recordkeeping violations under Rule R309-211.

(2) Frequency of the Tier 3 Public Notice:

(a) Public water systems must provide the public notice not later than one year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days, ~~(even if the violation or situation is resolved)~~.

(b) Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous ~~twelve-12~~ months, as long as the timing requirements of paragraph-Subsection (2)(a) of this section are met.

(3) Form and Manner of the Public Notice:

Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(a) Unless directed otherwise by the ~~Director-director~~ in writing, community water systems must provide notice by:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached

Commented [11]: Why is this only in Tier 2 as opposed to Tier 1 and 3? If there is no direct authority for this addition, it will need to be contemplated as more stringent.

Commented [12]: @jyee@utah.gov @acsmith@utah.gov I am not sure why this is only on Tier 2 and not Tier 1, I know on three's they can just put it in the CCR but I am not sure how to answer this

Commented [13]: Tier 1 would be for an immediate health risk, e.g., a boil order or a Tier 1 contaminant MCL exceedance. The way we structured this was to give the director discretion to require either Tier 2 for systems that were placed under a unilateral order or Tier 3 for less serious infractions.

Broadly, doesn't CFR 40 require water systems to provide notice for any violation of drinking water standards? They are also required to provide notice for ongoing situations like variances or exemptions, which I think should also apply to ongoing compliance issues that result in formal orders. I am also happy to work on a stringency analysis if needed, because I think you can pretty easily make the case that any issuance of a formal order shows the need to protect public health.

Commented [14]: @mheiling@agutah.gov Please let us know if this resolves this comment.

by the notice required in [paragraph-Subsection \(3\)\(a\)\(i\)](#) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., such as house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., such as apartment building owners or large private employers); posting in public places or on the [Internet-internet](#); or delivery to community organizations.

(b) Unless directed otherwise by the [Director-director](#) in writing, non-community water systems must provide notice by:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection, (where known); and

(ii) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in [paragraph-Subsection \(3\)\(b\)\(i\)](#) of this section. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include: publication in a local newspaper or newsletter distributed to customers; use of [E-mail email](#) to notify employees or students; or, delivery of multiple copies in central locations (e.g., such as community centers).

(4) Use of the Consumer Confidence Report to meet the Tier 3 public notice requirements:

For community water systems, the Consumer Confidence Report (CCR) required under [Rule R309-225](#) may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as:

(a) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation as required under [Subsection R309-220-7\(2\)](#);

(b) The Tier 3 notice contained in the CCR follows the content requirements under [Section R309-220-8](#); and

(c) The CCR is distributed following the delivery requirements under [Subsection R309-220-7\(3\)](#).

R309-220-8. Content of the Public Notice.

(1) When a public water system violates a UPDWR or has a situation requiring public notification, each public notice must include the following elements:

(a) A description of the violation or situation, including the contaminant(s) of concern, and, (as applicable), the contaminant level(s);

(b) When the violation or situation occurred;

(c) Any potential adverse health effects from the violation or situation, including the standard language under [paragraph-Subsection \(4\)\(a\)](#) or (4)(b) of this section, whichever [is applicable applies](#);

(d) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;

(e) Whether alternative water supplies should be used;

(f) What actions consumers should take, including when they should seek medical help, if known;

(g) What the system is doing to correct the violation or situation;

(h) When the water system expects to return to compliance or resolve the situation;

(i) The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and

(j) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under [paragraph-Subsection \(4\)\(c\)](#) of this section, where applicable.

(2) Required elements to be included in the public notice for public water systems operating under a variance or exemption:

(a) If a public water system has been granted a variance or an exemption, the public notice must contain:

(i) An explanation of the reasons for the variance or exemption;

(ii) The date on which the variance or exemption was issued;

(iii) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and

(iv) A notice of any opportunity for public input in the review of the variance or exemption.

(b) If a public water system violates the conditions of a variance or exemption, the public notice must contain the ten elements listed in [paragraph-Subsection \(1\)](#) of this section.

(3) Presentation of the public notice.

(a) Each public notice required by this section:

(i) Must be displayed in a conspicuous way when printed or posted;

(ii) Must not contain overly technical language or very small print;

(iii) Must not be formatted in a way that defeats the purpose of the notice;

(iv) Must not contain language which nullifies the purpose of the notice.

(b) Each public notice required by this section must comply with multilingual requirements, as follows:

(i) For public water systems serving a large proportion of non-English speaking consumers, as determined by the [Director-director](#), the public notice must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the notice or to request assistance in the appropriate language.

(ii) In cases where the [Director-director](#) has not determined what constitutes a large proportion of non-English speaking consumers, the public water system must include in the public notice the same information as in [paragraph-Subsection \(3\)\(b\)\(i\)](#) of this section, where appropriate to reach a large proportion of non-English speaking persons served by the water system.

(4) Public water systems are required to include the following standard language in their public notice:

(a) Standard health effects language for MCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption. Public water systems must include in each public notice the health effects language specified in [Section R309-220-14](#) corresponding to each MCL, MRDL, and treatment technique violation and for each violation of a condition of a variance or exemption.

(b) Standard language for monitoring and testing procedure violations.

Public water systems must include the following language in their notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During (compliance period), we (did not monitor or test' or 'did not complete all monitoring or testing') for (contaminant(s)), and therefore cannot be sure of the quality of your drinking water during that time."

(c) Standard language to encourage the distribution of the public notice to all persons served. Public water systems must include in their notice the following language, (where applicable): "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail."

R309-220-9. Notice to New Billing Units or New Customers.

(1) Community water systems must give a copy of the most recent public notice for any continuing violation, the existence of a variance or exemption, or other ongoing situations requiring a public notice to all new billing units or new customers ~~prior to before~~ or ~~at the time when~~ service begins.

(2) Non-community water systems must continuously post the public notice in conspicuous locations ~~in order~~ to inform new consumers of any continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.

R309-220-10. Special Notice of the Availability of Unregulated Contaminant Monitoring Results.

(1) Applicability of the special notice: The owner or operator of a community water system or non-transient, non-community water system required to monitor under 40 CFR section 141.40 must notify persons served by the system of the availability of the results of such sampling no later than 12 months after the monitoring results are known.

(2) Required form and manner of the special notice: The form and manner of the public notice must follow the requirements for a Tier 3 public notice prescribed in [Subsections R309-220-7\(3\)](#), (4)(a), and (4)(c). The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.

R309-220-11. Special Notice for Exceedance of the Secondary MCL for Fluoride.

(1) Applicability of the special notice: Community water systems that exceed the fluoride secondary maximum contaminant level (SMCL) of 2 mg/l as specified in [Section R309-200-6](#), (determined by the last single sample taken in accordance with [Section R309-205-5](#)), but do not exceed the maximum contaminant level (MCL) of 4 mg/l for fluoride, (as specified in [Section R309-200-5](#)), must provide the public notice in ~~paragraph~~ [Subsection \(3\)](#) of this section to persons served. Public notice must be provided as soon as practical but no later than 12 months from the day the water system learns of the exceedance. A copy of the notice must also be sent to all new billing units and new customers ~~at the time when~~ service begins and to the ~~State-state~~ public health officer. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven days, (even if the exceedance is eliminated). On a case-by-case basis, the ~~Director-director~~ may require an initial notice sooner than 12 months and repeat notices more frequently than annually.

(2) Required form and manner of the special notice: The form and manner of the public notice, (including repeat notices), must follow the requirements for a Tier 3 public notice in [Subsections R309-220-7\(3\)](#), (4)(a), and (4)(c).

(3) Required mandatory language to be contained in the special notice: The notice must contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system (name) has a fluoride concentration of (insert value) mg/l.

Dental fluorosis, in its moderate or severe forms, may result in a brown staining, ~~and/or~~ pitting, or both of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/l of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem.

For more information, please call (name of water system contact) of (name of community water system) at (phone number). Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP.

R309-220-12. Special Notice for Nitrate Exceedances above MCL by Non-Community Water Systems (NCWS), where Granted Permission by the Director.

(1) Applicability of the special notice: The owner or operator of a non-community water system granted permission by the ~~Director~~ [director](#) under [Subsection R309-200-5\(1\)\(c\)](#), Table 200-1, note (4)(b) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under [Subsections R309-220-5 \(1\) and \(2\)](#).

(2) Required form and manner of the special notice: Non-community water systems granted permission by the ~~Director-director~~ to exceed the nitrate MCL under [Subsection R309-200-5\(1\)\(c\)](#), Table 200-1, note (4)(b) must provide continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under [Subsection R309-220-5\(3\)](#) and the content requirements under [Section R309-220-8](#).

R309-220-13. Special Notice for Repeated Failure to Conduct Monitoring of the Source Water for Cryptosporidium and for Failure to Determine Bin Classification or Mean Cryptosporidium Level.

(1) Applicability of the special notice for repeated failure to monitor: The owner or operator of a community or non-community water system that is required to monitor source water under [Subsection R309-215-15\(2\)](#) must notify persons served by the water system that monitoring has not been completed as specified no later than 30 days after the system has failed to collect any 3 months of monitoring as specified in [Subsection R309-215-15\(2\)\(c\)](#). The notice must be repeated as specified in [Subsection R309-220-6\(2\)](#).

(2) Applicability of the special notice for failure to determine bin classification: The owner or operator of a community or non-community water system that is required to determine a bin classification under [Subsection R309-215-15\(11\)](#) must notify persons served by the water system that

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the determination has not been made as required no later than 30 days after the system has failed report the determination as specified in [Subsection R309-215-15\(11\)\(e\)](#). The notice must be repeated as specified in [Subsection R309-220-6\(2\)](#). The notice is not required if the system is complying with a ~~Director-director~~-approved schedule to address the violation.

(3) Required form and manner of the special notice: The form and manner of the public notice must follow the requirements for a Tier 2 public notice prescribed in [Subsection R309-220-6\(3\)](#). The public notice must be presented as required in [Subsection R309-220-8\(3\)](#).

(4) Required mandatory language to be contained in the special notice: The notice must contain the following language, including the language necessary to fill in the blanks.

(a) The special notice for repeated failure to conduct monitoring must contain the following language: We are required to monitor the source of your drinking water for Cryptosporidium. Results of the monitoring are to be used to determine whether water treatment at the (treatment plant name) is sufficient to adequately remove Cryptosporidium from your drinking water. We are required to complete this monitoring and make this determination by (required bin determination date). We "did not monitor or test" or "did not complete all monitoring or testing on schedule" and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made to ensure adequate Cryptosporidium removal. Missing this deadline may, in turn, jeopardize our ability to have the required treatment modifications, if any, completed by the deadline required, (date). For more information, please call (name of water system contact) of (name of water system) at (phone number).

(b) The special notice for failure to determine bin classification or mean Cryptosporidium level must contain the following language: We are required to monitor the source of your drinking water for Cryptosporidium ~~in order~~ to determine by (date) whether water treatment at the (treatment plant name) is sufficient to adequately remove Cryptosporidium from your drinking water. We have not made this determination by the required date. Our failure to do this may jeopardize our ability to have the required treatment modifications, if any, completed by the required deadline of (date). For more information, please call (name of water system contact) of (name of water system) at (phone number).

(c) Each special notice must also include a description of what the system is doing to correct the violation and when the system expects to return to compliance or resolve the situation.

R309-220-14. Notice by Director on behalf ~~Behalf~~ of the Public Water System.

(1) The ~~Director-director~~ may give the notice required by this rule on behalf of the owner and operator of the public water system if the ~~Director-director~~ complies with the requirements of this rule.

(2) The owner or operator of the public water system remains responsible for ensuring that the requirements of this rule are met.

R309-220-15. Standard Health Effects Language.

Microbiological Contaminants:

(1) Total Coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.

(2) Coliform Assessment and ~~or~~ Corrective Action Violation. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that are found. (THE SYSTEM MUST USE THE FOLLOWING APPLICABLE SENTENCES.) We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment(s).

(3) E.Coli Assessment and ~~or~~ Corrective Action Violations. E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We violated the standard for E. coli, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct a detailed assessment to identify problems and to correct any problems that are found. (THE SYSTEM MUST USE THE FOLLOWING APPLICABLE SENTENCES.) We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment that we conducted.

(4) E. coli. E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems.

(5) Seasonal System TT Violations. When this violation includes the failure to monitor for total coliforms or E. coli ~~prior to before~~ serving water to the public, the mandatory language found at [Subsection R309-220-8\(4\)\(b\)](#) must be used. When this violation includes failure to complete other actions, the appropriate elements found in [Subsection R309-220-8\(1\)](#) to describe the violation must be used.

(6) Total organic carbon. Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

(7) Turbidity. Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may ~~indicate show~~ the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1) and Filter Backwash Recycling Rule (FBRR) violations.

(8) Giardia lamblia. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(9) Viruses. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(10) Heterotrophic plate count (HPC) bacteria. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(11) Legionella. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(12) Cryptosporidium. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(13) Fecal Indicators. Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these ~~waste-wastes~~ can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

Radioactive Contaminants:

(14) Alpha emitters. Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

(15) Beta/photon emitters. Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

(16) Combined Radium 226/228. Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

(17) Uranium. Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

Inorganic Contaminants:

(18) Antimony. Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

(19) Arsenic. Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

(20) Asbestos. Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

(21) Barium. Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

(22) Beryllium. Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

(23) Cadmium. Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

(24) Chromium. Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

(25) Copper. Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

(26) Cyanide. Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

(27) Fluoride. Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining, ~~and/or~~ pitting, or both of the teeth, and occurs only in developing teeth before they erupt from the gums.

(28) Lead. ~~Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure. There is no safe level of lead in drinking water. Exposure to lead in drinking water can cause serious health effects in all age groups, especially pregnant people, infants, both formula-fed and breastfed, and young children. Some of the health effects to infants and children include decreases in IQ and attention span. Lead exposure can also result in new or worsened learning and behavior problems. The children of persons who are exposed to lead before or during pregnancy may be at increased risk of these harmful health effects. Adults have increased risks of heart disease, high blood pressure, kidney or nervous system problems. Contact your health care provider for more information about your risks.~~

(29) Mercury (inorganic). Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

(30) Nitrate. Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

(31) Nitrite. Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

(32) Selenium. Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

(33) Thallium. Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic organic contaminants including pesticides and herbicides:

(34) 2,4-D. Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

(35) 2,4,5-TP (Silvex). Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

(36) Acrylamide. Some people who drink water containing high levels of acrylamide over a long period ~~of time~~ could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

(37) Alachlor. Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

(38) Atrazine. Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

(39) Benzo(a)pyrene (PAH). Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

(40) Carbofuran. Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

(41) Chlordane. Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

(42) Dalapon. Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

(43) Di (2-ethylhexyl) adipate. Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.

(44) Di (2-ethylhexyl) phthalate. Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

(45) Dibromochloropropane (DBCP). Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

(46) Dinoseb. Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

(47) Dioxin (2,3,7,8-TCDD). Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

(48) Diquat. Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

(49) Endothal. Some people who drink water containing endothal in excess of the MCL over many years could experience problems with their stomach or intestines.

(50) Endrin. Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

(51) Epichlorohydrin. Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

(52) Ethylene dibromide. Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

(53) Glyphosate. Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

(54) Hazard Index PFAS (HFPO-DA, PFBS, PFHxS, and PFNA) (unitless) . . . Per- and polyfluoroalkyl substances (PFAS) can persist in the human body and exposure may lead to increased risk of adverse health effects. Low levels of multiple PFAS that individually would not likely result in increased risk of adverse health effects may result in adverse health effects when combined in a mixture. Some people who consume drinking water containing mixtures of PFAS in excess of the Hazard Index (HI) MCL may have increased health risks such as liver, immune, and thyroid effects following exposure over many years and developmental and thyroid effects following repeated exposure during pregnancy and childhood.

(5455) Heptachlor. Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

(5556) Heptachlor epoxide. Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

(5657) Hexachlorobenzene. Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

(5758) Hexachlorocyclopentadiene. Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

(59) HFPO-DA. Some people who drink water containing HFPO-DA in excess of the MCL over many years may have increased health risks such as immune, liver, and kidney effects. There is also a potential concern for cancer associated with HFPO-DA exposure. In addition, there may be increased risks of developmental effects for people who drink water containing HFPO-DA in excess of the MCL following repeated exposure during pregnancy and childhood.

(5860) Lindane. Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

(5961) Methoxychlor. Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

(6062) Oxamyl (Vydate). Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

(6462) PCBs (Polychlorinated biphenyls). Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

(6263) Pentachlorophenol. Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

(64) PFHxS. Some people who drink water containing PFHxS in excess of the MCL over many years may have increased health risks such as immune, thyroid, and liver effects. In addition, there may be increased risks of developmental effects for people who drink water containing PFHxS in excess of the MCL following repeated exposure during pregnancy and childhood.

(65) PFNA. Some people who drink water containing PFNA in excess of the MCL over many years may have increased health risks such as elevated cholesterol levels, immune effects, and liver effects. In addition, there may be increased risks of developmental effects for people who drink water containing PFNA in excess of the MCL following repeated exposure during pregnancy and childhood.

(66) PFOA. Some people who drink water containing PFOA in excess of the MCL over many years may have increased health risks such as cardiovascular, immune, and liver effects, as well as increased incidence of certain types of cancers including kidney and testicular cancer. In addition, there may be increased risks of developmental and immune effects for people who drink water containing PFOA in excess of the MCL following repeated exposure during pregnancy and childhood.

(67) PFOS. Some people who drink water containing PFOS in excess of the MCL over many years may have increased health risks such as cardiovascular, immune, and liver effects, as well as increased incidence of certain types of cancers including liver cancer. In addition, there may be increased risks of developmental and immune effects for people who drink water containing PFOS in excess of the MCL following repeated exposure during pregnancy and childhood.

(6368) Picloram. Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

(6469) Simazine. Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

(6570) Toxaphene. Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

Volatile Organic Contaminants:

(6671) Benzene. Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

(6772) Bromate. Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

(6873) Carbon Tetrachloride. Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

(6974) Chloramines. Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

(7075) Chlorine. Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

(7176) Chlorite. Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

(7277) Chlorine dioxide. Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

(7378) Chlorobenzene. Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

(7479) o-Dichlorobenzene. Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

(7580) p-Dichlorobenzene. Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

(7681) 1,2-Dichloroethane. Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

(7782) 1,1-Dichloroethylene. Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

(7883) cis-1,2-Dichloroethylene. Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

(7984) trans-1,2-Dichloroethylene. Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

(8085) Dichloromethane. Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

(8186) 1,2-Dichloropropane. Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

(8287) Ethylbenzene. Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

(8388) Haloacetic Acids (HAA). Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

(8489) Styrene. Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

(8590) Tetrachloroethylene. Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

(8691) 1,2,4-Trichlorobenzene. Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

(8792) 1,1,1-Trichloroethane. Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

(8893) 1,1,2-Trichloroethane. Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

(8994) Trichloroethylene. Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

(9095) TTHMs (Total Trihalomethanes). Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.

(9196) Toluene. Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

(9297) Vinyl Chloride. Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

(9398) Xylenes. Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

KEY: drinking water, public notification, health effects
Date of Last Change: January 15, 2019

Notice of Continuation: March 12, 2020
Authorizing, and Implemented or Interpreted Law: 19-4-104

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R309-225

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

Click or tap to enter a date.

Agency Information

1. Title catchline:	Department of Environmental Quality (Division of Drinking Water)	
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Mailing address:	PO Box 144830	
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R309-225 Monitoring and Water Quality: Consumer Confidence Reports	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
The Division of Drinking Water is proposing updates to Rule R309-225 through an amendment to reflect updates made by the Environmental Protection Agency's (EPA) revisions to the Consumer Confidence Rule (CCR). This will ensure consistency with federal requirements and allow primacy in administering the drinking water program. Additional changes include replacing the existing rule with a modernized version that has been reorganized, restructured, and aligned with formatting requirements from the Utah Office of Administrative Rules (OAR).	
5. Summary of the new rule or change:	
The Division of Drinking Water is proposing an amendment of Rule R309-225 to incorporate EPA's revisions to make annual drinking water quality reports more understandable and accessible to the public while updating and modernizing the rule to align with formatting standards from the Utah Office of Administrative Rules. The new EPA requirements include water systems serving a population of 10,000 or more to provide a Consumer Confidence Report twice a year, systems serving a population of 100,000 or more will need to provide a language access plan and provide updated information on lead in drinking water and other updates to the health advisory language.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
The Division anticipates no fiscal impact on the state budget as a result of the revised rule. Updates to the rule, as well as maintaining, managing and running its implementation will be handled by current staff.	
B. Local governments:	
The total fiscal impact to local governments that operate a community water system is considered inestimable because, while the Division maintains records of public water systems, it does not have precise data identifying how many community systems fall into each impact category associated with the rule amendments. Local governments are expected to experience a fiscal cost associated with updating Consumer Confidence Reports, producing additional reports, and, where applicable, developing language access plans.	

Utah currently has 511 community water systems statewide. Of these, approximately 80 serve populations greater than 10,000, and 8 systems serve populations greater than 100,000.

The Division conducted a voluntary survey of community water systems to estimate potential impacts; however, responses were limited and provided as cost ranges rather than exact values allowing respondents to account for uncertainty and provide more realistic estimates where precise figures were not available. Survey responses indicate that systems required to produce a second CCR reported one-time redesign costs of approximately \$2,500–\$5,000 and recurring annual costs of \$500–\$1,500, while systems required to develop a language access plan reported annual costs of approximately \$2,000–\$3,000.

The full fiscal impact cannot be estimated because the necessary data are unavailable, including the number of affected systems within each category and the reliance on limited survey responses with variable cost ranges. The extent of these costs will vary depending on system size, existing resources, and whether work is completed in-house or through contracted services.

C. Small businesses ("small business" means a business employing 1-49 persons):

The total fiscal impact to small businesses that operate a community water system is considered inestimable because, while the Division maintains records of public water systems, it does not have precise data identifying how many community systems fall into each impact category associated with the rule amendments. Local governments are expected to experience a fiscal cost associated with updating Consumer Confidence Reports, producing additional reports, and, where applicable, developing language access plans.

Utah currently has 511 community water systems statewide. Of these, approximately 80 serve populations greater than 10,000, and 8 systems serve populations greater than 100,000.

The Division conducted a voluntary survey of community water systems to estimate potential impacts; however, responses were limited and provided as cost ranges rather than exact values allowing respondents to account for uncertainty and provide more realistic estimates where precise figures were not available. Survey responses indicate that systems required to produce a second CCR reported one-time redesign costs of approximately \$2,500–\$5,000 and recurring annual costs of \$500–\$1,500, while systems required to develop a language access plan reported annual costs of approximately \$2,000–\$3,000.

The full fiscal impact cannot be estimated because the necessary data are unavailable, including the number of affected systems within each category and the reliance on limited survey responses with variable cost ranges. The extent of these costs will vary depending on system size, existing resources, and whether work is completed in-house or through contracted services.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

The total fiscal impact to non-small businesses that operate a community water system is considered inestimable because, while the Division maintains records of public water systems, it does not have precise data identifying how many community systems fall into each impact category associated with the rule amendments. Local governments are expected to experience a fiscal cost associated with updating Consumer Confidence Reports, producing additional reports, and, where applicable, developing language access plans.

Utah currently has 511 community water systems statewide. Of these, approximately 80 serve populations greater than 10,000, and 8 systems serve populations greater than 100,000.

The Division conducted a voluntary survey of community water systems to estimate potential impacts; however, responses were limited and provided as cost ranges rather than exact values allowing respondents to account for uncertainty and provide more realistic estimates where precise figures were not available. Survey responses indicate that systems required to produce a second CCR reported one-time redesign costs of approximately \$2,500–\$5,000 and recurring annual costs of \$500–\$1,500, while systems required to develop a language access plan reported annual costs of approximately \$2,000–\$3,000.

The full fiscal impact cannot be estimated because the necessary data are unavailable, including the number of affected systems within each category and the reliance on limited survey responses with variable cost ranges. The extent of these costs will vary depending on system size, existing resources, and whether work is completed in-house or through contracted services.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The total fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities that operate a community water system is considered inestimable because, while the Division maintains records of public water systems, it does not have precise data identifying how many community systems fall into each impact category associated with the rule amendments. Local governments are expected to experience a fiscal cost associated with updating Consumer Confidence Reports, producing additional reports, and, where applicable, developing language access plans.

Utah currently has 511 community water systems statewide. Of these, approximately 80 serve populations greater than 10,000, and 8 systems serve populations greater than 100,000.

The Division conducted a voluntary survey of community water systems to estimate potential impacts; however, responses were limited and provided as cost ranges rather than exact values allowing respondents to account for uncertainty and provide more realistic estimates where precise figures were not available. Survey responses indicate that systems required to produce a second CCR reported one-time redesign costs of approximately \$2,500–\$5,000 and recurring annual costs of \$500–\$1,500, while systems required to develop a language access plan reported annual costs of approximately \$2,000–\$3,000.

The full fiscal impact cannot be estimated because the necessary data are unavailable, including the number of affected systems within each category and the reliance on limited survey responses with variable cost ranges. The extent of these costs will vary depending on system size, existing resources, and whether work is completed in-house or through contracted services.

F. Compliance costs for affected persons:

This rule is not expected to result in direct fiscal impacts to other persons, including individual consumers.

Non-fiscal benefits include improved access to clearer and more understandable drinking water information, which supports informed public health decisions.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

This step has not yet been completed on this draft. The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-4-104	Subsection 63G-3-403(3)	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	40 CFR 141, Subpart O, Appendix A
Publisher	Environmental Protection Agency
Issue Date	October 30, 2024
Issue or Version	October 30, 2024

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 06/16/2026

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		

To the agency: If more than one hearing is planned to take place, continue to add rows.

10. This rule change MAY become effective on: 07/01/2026

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Nathan Lunstad, Ph.D., P.E., Director	Date:	Click or tap to enter a date.
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R309. Environmental Quality, Drinking Water.

R309-225. Monitoring and Water Quality: Consumer Confidence Reports.

R309-225-1. Purpose.

This rule establishes the minimum requirements for the content of ~~annual~~ reports that community water systems must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks₁ (if any)₂ from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

~~R309-225-2 Authority.~~

~~R309-225-3 Definitions.~~

~~R309-225-4 General Requirements.~~

~~R309-225-5 Content of the reports.~~

~~R309-225-6 Required additional health information.~~

~~R309-225-7 Report delivery and recordkeeping.~~

~~R309-225-8 Major Sources of Contaminants in Drinking Water.~~

This subpart also includes requirements for systems serving more than 100,000 persons to develop and annually update a plan for providing assistance to consumers with limited English proficiency.

R309-225-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by ~~Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with 63G-3 of the same, known as the Section 19-4-104 and in accordance with Title 63G, Chapter 3, Utah~~ Administrative Rulemaking Act.

R309-225-3. Definitions.

~~Definitions for certain terms used in this rule are given in R309-110 but may be further clarified herein.~~

~~(1) For the purpose of R309-225, customers are defined as billing units or service connections to which water is delivered by a community water system.~~

~~(2)(a) For the purpose of R309-225, detected means: at or above the levels prescribed by R444-14-4(2).~~

~~(1) The terms used in this rule are defined in Rule R309-110, and additional terms for Rule R309-225 are defined this Section:~~

~~(a) consumers means people served by the water system, including customers, and people that do not receive a bill.~~

~~(b) customers means billing units or service connections to which water is delivered by a community water system.~~

~~(c) detected means:~~

~~(i) at or above the levels prescribed by Subsection R444-14-4(2) for all [NOUN] except regulated per- and polyfluroalkyl substances~~

~~(PFAS); or~~

~~(ii) at or above the levels prescribed in 40 CFR 141.902(a)(5) and 40 CFR 141.61(c) (June 11, 2024) for regulated PFAS.~~

R309-225-4. General Requirements for Community Water Systems.

~~(1) This rule applies only to community water systems.~~

~~(2) Effective dates: This rule is effective, as amended, beginning January 1, 2027. Between June 24, 2024 and December 31, 2026, community water systems must comply with Section R309-225 as promulgated on January 15, 2019.~~

~~(a) Each existing community water system must deliver its first report by October 19, 1999, its second report by July 1, 2000, and subsequent reports by July 1 annually thereafter. The first report reports according to Section R309-225-7 by July 1 each year. Each report delivered by July 1 must contain data collected during, or prior to, calendar year 1998 as prescribed in R309-225-5(4)(c). Each report thereafter must contain data collected during, or prior to, the the previous calendar year or the most recent calendar year before the previous calendar year.~~

~~(b) A new community water system must deliver its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.~~

~~(c) A community water system that sells water to another community water system must deliver the applicable information required in Section R309-225-5 to the buyer system:~~

~~(i) no later than April 19, 1999, by April by April 1, 2000-2027, and by April 1 annually thereafter; or~~

~~(ii) on a date mutually agreed upon by the seller and the purchaser, and specifically included in a written contract between the parties; and~~

~~(iii) a community water system that sells water to another community water system that is required to provide reports biannually according to Section R309-225-7 must provide the applicable information required in Section R309-225-5 by October 1, 2027 to the buyer system and annually thereafter, or on a date mutually agreed upon by the seller and the purchaser, included in a written contract between the parties.~~

~~(3) Utah Division of Drinking Water adopts and incorporates by reference 40 CFR, Part 141, Subpart O, Appendix A as published on July 1, 2018 October 30, 2024.~~

R309-225-5. Content of the Reports.

~~(1) Each community water system must provide to its customers an annual a report or reports that contains the information specified in this section, and Section R309-225-6, and include a summary as specified in this section.~~

~~(2) Information on the source of the water delivered.~~

~~(a) Each report must identify the source(s) sources of the water delivered by the community water system by providing information on:~~

~~(i) The type of the water: e.g., water source type surface water or ground water; and~~

~~(ii) The commonly used name, (if any), and location of the body (or bodies) of water.~~

~~(b) If a source water assessment has been completed, the report must notify consumers of the availability of this information, the year it was completed or most recently updated, and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the Director-director, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the Director-director or written by the operator.~~

~~(3) Definitions.~~

~~(a) Each report must include the following definitions:~~

~~(i) Maximum Contaminant Level Goal or MCLG: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.~~

~~(ii) Maximum Contaminant Level or MCL: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.~~

~~(iii) Contaminant: Any physical, chemical, biological, or radiological substance or matter in water.~~

~~(b) A report for a community water system operating under a variance or an exemption issued under Section R309-100-10 or R309-100-11 must include the following definition: Variances and Exemptions: Director-director or EPA permission not to meet an MCL or a treatment technique under certain conditions.~~

~~(c) A report which that contains data on a contaminant that EPA regulates using any of the following terms must include the applicable definitions:~~

~~(i) Treatment Technique: A required process intended to reduce the level of a contaminant in drinking water.~~

~~(ii) Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.~~

~~(iii) Maximum residual disinfectant level goal or MRDLG: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.~~

~~(iv) Maximum residual disinfectant level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.~~

~~(v) Hazard Index or HI. The Hazard Index is an approach that determines the health concerns associated with mixtures of certain PFAS in finished drinking water. Low levels of multiple PFAS that individually would not likely result in adverse health effects may pose health concerns when combined in a mixture. The Hazard Index MCL represents the maximum level for mixtures of PFHxS, PFNA, HFPO-DA, or PFBS allowed in water delivered by a public water system. A Hazard Index greater than one requires a system to take action.~~

~~(d) After April 1, 2016, a A report that contains information regarding a Level 1 or Level 2 Assessment required under Rule R309-211 must include the applicable definitions:~~

~~(i) Level 1 Assessment: A Level 1 assessment is a study of the water system to identify potential problems and determine, (if possible), why total coliform bacteria have been found in our water system.~~

~~(ii) Level 2 Assessment: A Level 2 assessment is a very detailed study of the water system to identify potential problems and determine, (if possible), why an E. coli MCL violation has occurred and/or why total coliform bacteria have been found in our water system on multiple occasions.~~

~~(e) Systems must use the following definitions for the terms listed in Subsections R309-225-5(3)(e)(i) and (ii) if the terms are used in the report unless the system obtains written approval from the state to use an alternate definition:~~

~~(i) Pesticide: Generally, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.~~

~~(ii) Herbicide: Any chemicals used to control undesirable vegetation.~~

~~(4) Information on Detected Contaminants.~~

~~(a) This sub-section-subsection specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except Cryptosporidium). It applies to:~~

(i) Contaminants subject to an MCL, action level, maximum residual disinfectant level, or treatment technique are (regulated contaminants); and

(ii) Contaminants for which monitoring is required by 40 CFR ~~section 141.40~~ January 25, 2022, are (unregulated contaminants); and.

~~(iii) Disinfection by products or microbial contaminants for which monitoring is required by R309-210, R309-215 and R309-211, except as provided under paragraph (e)(1) of this section, and which are detected in the finished water.~~

(b) The data relating to these contaminants must be presented in the reports in a manner that is clear and understandable for consumers. For example, the data may be displayed in one table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.

(c) The data must be derived from data collected to comply with EPA and State-state monitoring and analytical requirements during the previous calendar year ~~1998 for the first report and subsequent calendar years thereafter, or the most recent calendar year before the previous calendar year~~ except that:

(i) Where a system is allowed to monitor for regulated contaminants less often than once a year, the table(s) contaminant data section must include the date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than 5 years need be included.

~~(ii) Results of monitoring in compliance with federal Information Collection Rule, (40 CFR sections 141.142 and 141.143) need only be included for 5 years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.~~

(d) For each detected regulated ~~contaminants-contaminant~~, the table(s) contaminant data sections must contain:

(i) The MCL for that contaminant expressed as a number equal to or greater than 1.0;

(ii) The MCLG for that contaminant expressed in the same units as the MCL;

(iii) If there is no MCL for a detected contaminant, the table contaminant data sections must indicate-state that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique ~~and/or~~ action level, as appropriate, specified in paragraph-Subsection (3)(c) of this section;

(iv) For contaminants subject to an MCL, except turbidity, ~~total coliform, fecal coliform~~ and E. coli, the contaminant data sections must contain the highest contaminant level used to determine compliance with the quality standards listed in Rule R309-200 and the range of detected levels, as follows:

(A) When compliance with the MCL is determined annually or less frequently: the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

(B) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of individual sample results for all sampling points expressed in the same units as the MCL. For the MCLs for TTHM and HAA5 in Subsection R309-200-5(3)(c)~~(v)(iii)~~, systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than one location exceeds the TTHM and HAA5 MCL, the system must include the locational running annual averages for all locations that exceed the MCL.

~~(C) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all monitoring locations: the average and range of detection expressed in the same units as the MCL. The system is required to include individual sample results for the IDSE conducted under R309-210-9 when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar year that the IDSE samples were taken.~~

~~(DC)~~ When rounding of results to determine compliance with the MCL is allowed by the rules, rounding should be done prior to before converting the number ~~in order~~ to express it as a number equal to or greater than 1.0.

(v) For turbidity.

(A) When it is reported pursuant to Sections R309-205-8 and R309-215-9: the highest average monthly value.

(B) When it is reported pursuant to Section R309-215-9: the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in Subsections R309-200-5(5)(a) and (b) for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity.

~~(vi) For lead and copper: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level in Section R309-210-6. For lead and copper: the 90th percentile concentration of the most recent rounds of sampling, the number of sampling sites exceeding the action level in Section R209-210-6, and the range of tap sampling results;~~

~~(vii) Before March 31, 2016, For total coliform:~~

~~(A) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or~~

~~(B) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month.~~

~~(viii) Before March 31, 2016, For fecal coliform: the total number of positive samples.~~

~~(vii) After April 1, 2016, for E. coli analytical results under R309-211: The total number of positive samples.~~

~~(vii) [Reserved]~~

(viii) The likely source(s) sources of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Section R309-225-8 that is most applicable to the system: and

~~(ix) For E. coli analytical results under Rule R309-211: The total number of E. coli positive samples.~~

(e) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table should contain a separate column-contaminant data sections should differentiate contaminant data for each service area and the report should identify each separate distribution system. For example, if displayed in a table, it should contain a separate column for each service area. Alternatively, systems could produce separate reports tailored to include data for each service area.

(f) The table(s) detected contaminant data sections must clearly identify any data indicating violations of MCLs, MRDLs or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language in Section R309-220-15.

(g) For detected unregulated contaminants for which monitoring is required ~~(except Cryptosporidium)~~, the table(s) must contain reports must present the average and range at which the contaminant was detected. The report may-must include a brief explanation of the reasons for

monitoring for unregulated contaminants ~~such as:~~

~~(i) Unregulated contaminant monitoring helps EPA to determine where certain contaminants occur and whether the Agency should consider regulating those contaminants in the future.~~

~~(ii) May use an alternative educational statement in the CCR if approved by the Primacy Agency.~~

~~(h) For systems that exceeded the lead action level in Section R309-210-6, the detected contaminant data section must clearly identify the exceedance if any corrective action has been required by the director during the monitoring period covered by the report. The report must include a clear and readily understandable explanation of the exceedance, the steps consumers can take to reduce their exposure to lead in drinking water, and a description of any corrective actions the system has or will take to address the exceedance.~~

(5) Information on Cryptosporidium, radon, and other contaminants.

(a) If the system has performed any monitoring for Cryptosporidium, ~~including monitoring performed to satisfy the requirements of the federal Information Collection Rule (40 CFR section 141.143), which indicates shows~~ that Cryptosporidium may be present in the source water or the finished water, the report must include:

(i) A summary of the results of the monitoring; and

(ii) An explanation of the significance of the results.

(b) If the system has performed any monitoring for radon which ~~indicates shows~~ that radon may be present in the finished water, the report must include:

(i) The results of the monitoring; and

(ii) An explanation of the significance of the results.

(c) If the system has performed additional monitoring which indicates the presence of other contaminants in the finished water, EPA strongly encourages systems to report any results which may indicate a health concern. To determine if results may indicate a health concern, EPA recommends that systems find out if EPA has proposed ~~a a National Primary Drinking Water Regulation (NPDWR) regulation~~ or issued a health advisory for that contaminant by ~~calling contacting the Agency the by calling the~~ Safe Drinking Water Hotline (800-426-4791) ~~or an alternative method identified on the website epa.gov/safewater~~. EPA considers detects above a proposed MCL or health advisory level to ~~indicate states~~ possible health concerns. For such contaminants, EPA recommends that the report include:

(i) The results of the monitoring; and

(ii) An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

(6) Compliance with ~~UNPDWR~~. In addition to the requirements of Subsection R309-225-5(4)(f), the report must note any violation that occurred during the year period covered by the report of a requirement listed below in Subsections R309-225-5(6)(a) through (g), and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation.

(a) Monitoring and reporting of compliance data;

(b) Filtration and disinfection prescribed by ~~R309-505 of this part Rule R309-215~~. For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(c) Lead and copper control requirements prescribed by Section R309-210-6. For systems ~~which that~~ fail to take one or more actions prescribed by ~~Section R309-210-6(1)(e), R309-210-6(2), or R309-210-6(4)~~, the report must include the applicable language in Section R309-220-14 15 for lead, copper, or both.

(d) Treatment techniques for Acrylamide and Epichlorohydrin prescribed by Subsection R309-215-8(3). For systems which violate the requirements of Section R309-215-8, the report must include the relevant language from Section R309-220-14.

(e) Recordkeeping of compliance data.

(f) Special monitoring requirements prescribed by 40 CFR 141.40 and 40 CFR 141.41 (January 25, 2022) (unregulated contaminants); and

(g) Violation of the terms of a variance, an exemption, or an administrative or judicial order.

(7) Variances and Exemptions. If a system is operating under the terms of a variance or an exemption issued under Section R309-100-10 or R309-100-11, the report must contain:

(a) An explanation of the reasons for the variance or exemption;

(b) The date on which the variance or exemption was issued;

(c) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and

(d) A notice of any opportunity for public input in the review, or renewal, of the variance or exemption.

(8) Additional information.

(a) The report must contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water including bottled water. This explanation may include the language of ~~paragraphs Subsections (8)(a)(i) through (iii) of this section~~ or systems may use their own comparable language. The report also must include the language of ~~paragraph Subsection (8)(a)(iv) of this section~~.

(i) ~~The sources of drinking water (both Both tap water and bottled water) include come from~~ rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, ~~and can pick up substances resulting from the presence of animals or from human activity. The water can also pick up and transport substances resulting from the presence of animals or from human activity. These substances are also called contaminants.~~

(ii) Contaminants ~~are any physical, chemical, biological, or radiological substance or matter in water. Contaminants~~ that may be present in source water include:

(A) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(B) Inorganic contaminants, such as salts and metals, which can ~~be naturally occurring or occur naturally in the soil or groundwater or~~ may result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(C) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.

(D) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

(E) Radioactive contaminants, which can ~~be occur~~ naturally ~~occurring~~ or be the result of oil and gas production and mining activities.

(iii) ~~In order to ensure that tap water is safe to drink, EPA-To protect public health, the Environmental Protection Agency- EPA~~ prescribes regulations which limit the amount of certain contaminants in ~~tap~~ water provided by public water systems. ~~FDA The Food and Drug Administration~~ regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

(iv) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily ~~indicate mean~~ that water poses a health risk. More information about contaminants and potential health effects can be obtained by ~~calling- contacting~~ the ~~Environmental Protection Agency's EPA by calling the~~ Safe Drinking Water Hotline (800-426-4791) ~~or visiting the website epa.gov/safewater.~~

(b) The report must include the telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report. ~~If a system uses a website or social media to share additional information, EPA recommends including information about how to access such media platforms in the report.~~

(c) In communities with a large proportion of ~~non-English speaking residents consumers with limited English proficiency~~, as determined by the ~~Director-director~~, the report must contain information in the appropriate ~~language(s) languages~~ regarding the importance of the report ~~or contain a telephone number or address and either contain information~~ where such ~~residents consumers~~ may ~~contact the system to~~ obtain a translated copy of the report, or assistance in the appropriate ~~language languages, or the report must be in the appropriate languages.~~

(d) The report must include information ~~(e.g., time and place of regularly scheduled board meetings)~~ about opportunities for public participation in decisions that may affect the quality of the water.

(e) The systems may include such additional information as they ~~deem-determine~~ necessary for public education consistent with, and not detracting from, the purpose of the report.

(f) Systems required to comply with [Section R309-215-16](#).

(i) Any ground water system that receives notice from the ~~Director-director~~ of a significant deficiency or notice from a laboratory of a fecal indicator-positive ground water source sample that is not invalidated by the ~~Director-director~~ under [Subsection R309-215-16\(2\)\(d\)](#) must inform its customers of any significant deficiency that is uncorrected at the time of the next ~~report-reporting period~~ or of any fecal indicator-positive ground water source sample in the next report ~~or 6-month update according to Section R309-225-7~~. The system must continue to inform the public annually until the ~~Director-director~~ determines that a particular significant deficiency is corrected or the fecal contamination in the ground water source is addressed under [Subsection R309-215-16\(3\)\(a\)](#). Each report must include the following elements:

(A) The nature of the particular significant deficiency or the source of the fecal contamination, ~~(if the source is known)~~, and the date the significant deficiency was identified by the ~~Director-director~~ or the dates of the fecal indicator-positive ground water source samples;

(B) If the fecal contamination in the ground water source has been addressed under [Subsection R309-215-16\(3\)\(a\)](#) and the date of such action;

(C) For each significant deficiency or fecal contamination in the ground water source that has not been addressed under [Subsection R309-215-16\(3\)\(a\)](#), the ~~Director-director~~-approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

(D) If the system receives notice of a fecal indicator-positive ground water source sample that is not invalidated by the ~~Director-director~~ under [Subsection R309-215-16\(2\)\(d\)\(c\)](#), the potential health effects using the health effects language of ~~Appendix A of subpart O-Subsection R309-220-4(4)~~.

(ii) If directed by the ~~Director-director~~, a system with significant deficiencies that have been corrected before the next report is issued must inform its customers of the significant deficiency, how the deficiency was corrected, and the date of correction under ~~paragraph-Subsection~~ (8)(f)(i) of this section.

(9) Requirement to Report System Rating.

~~Each community water system shall include in its annual CCR its current rating under the Improvement Priority System (IPS), as assigned by the director in accordance with Rule R309-400. The rating shall be clearly displayed and identified as: Approved, Not Approved, Corrective Action, or Unrated.~~

(a) Explanation of Rating.

~~The CCR shall also contain a brief explanation describing the meaning of each rating category, including:~~

~~(i) Approved – the system meets the sanitary survey, monitoring, and operational requirements necessary to provide an adequate and reliable supply of drinking water and is not currently subject to formal enforcement under Rule R309-400;~~

~~(ii) Not Approved – the system has exceeded the IPS point threshold established in Section R309-400-5, failed to correct significant deficiencies within required timelines, or is otherwise determined by the director to pose potential or actual risk to public health;~~

~~(iii) Corrective Action – the system has entered into a director-approved bilateral compliance agreement or formal enforcement order under Rule R309-400, and is actively working toward meeting the requirements for an Approved rating; or~~

~~(iv) Unrated – the system is newly regulated or lacks sufficient sanitary survey or compliance information for the Division to assign a rating.~~

(b) Contextual Information.

~~The CCR shall include a brief statement describing the purpose of the IPS program, including that it is used by the Division to evaluate system compliance, prioritize risks to public health, and determine enforcement actions in accordance with Rule R309-400 and Section 19-4-104.~~

(c) Accuracy of Information.

~~The rating published in the CCR must reflect the system's rating in effect as of the date the CCR is issued. A system shall verify its rating using a Division approved online resource or by contacting the Division before publishing its CCR.~~

R309-225-6. Required Additional Health Information.

(1) All reports must prominently display the following language:

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791) ~~or on EPA's website epa.gov/safewater.~~

(2) ~~A system which detects arsenic at levels above 5 micrograms per liter, but below the MCL: A system that detects arsenic above 0.005 mg/L and up to and including 0.010 mg/L:~~

(a) Must include in its report a short informational statement about arsenic, using language such as: ~~While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs. Arsenic is known to cause cancer in humans. Arsenic also may cause other health effects such as skin damage and circulatory problems. [NAME OF UTILITY] meets the EPA arsenic drinking water standard, also known as a Maximum Contaminant Level (MCL). However, you should know that EPA's MCL for arsenic balances the scientific community's understanding of arsenic-related health effects and the cost of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems. The highest concentration of arsenic found in [YEAR] was [INSERT MAX ARSENIC LEVEL per Subsection R309-225-5 (4) (d)(iv)] ppb.~~

(b) ~~May write its own educational statement, but only in consultation with the~~ May use an alternative educational statement in the CCR if ~~approved by Director~~ director.

(3) A system which detects nitrate at levels above 5 mg/L, but below the MCL:

(a) Must include a short informational statement about the impacts of nitrate on children using language such as: ~~Nitrate in drinking water at~~ Even though [NAME OF UTILITY] meets the EPA nitrate drinking water standard, also known as a Maximum Contaminant Level (MCL), if you are caring for an infant and using tap water to prepare formula, you may want to use alternate sources of water or ask for advice from your health care provider. Nitrate levels above 10 ppm ~~is pose~~ a particularly high health risk concern for infants of less than six under 6 months of age. High nitrate ~~and can interfere with the capacity of the infant's blood to carry oxygen, resulting in a serious illness. Symptoms of serious illness include shortness of breath and blueness of the skin, known as "blue baby syndrome."~~ Nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly ~~increase~~ for short periods of time ~~because due to high levels~~ of rainfall or agricultural activity. ~~If you are caring for an infant you should ask advice from your health care provider. ,~~ therefore we test for nitrate [INSERT APPLICABLE SAMPLING FREQUENCY]. The highest level for nitrate found during [YEAR] was [INSERT MAX NITRATE LEVEL per Section R309-210-5] ppm.

(b) ~~May write its own educational statement, but only in consultation with~~ May use an alternative educational statement in the CCR if ~~approved by the director~~.

(4) Every report must include the following lead-specific information:

(a) A short informational statement about lead in drinking water and its effects on children. The statement must include the following information:

~~Lead can cause serious health effects in people of all ages, especially pregnant people, infants (both formula-fed and breastfed), and young children. Lead in drinking water is primarily from materials and parts used in service lines and in home plumbing. [INSERT NAME OF SYSTEM] is responsible for providing high quality drinking water and removing lead pipes but cannot control the variety of materials used in the plumbing in your home. Because lead levels may vary over time, lead exposure is possible even when your tap sampling results do not detect lead at one point in time. You can help protect yourself and your family by identifying and removing lead materials within your home plumbing and taking steps to reduce your family's risk. Using a filter, certified by an American National Standards Institute accredited certifier to reduce lead, is effective in reducing lead exposures. Follow the instructions provided with the filter to ensure the filter is used properly. Use only cold water for drinking, cooking, and making baby formula. Boiling water does not remove lead from water. Before using tap water for drinking, cooking, or making baby formula, flush your pipes for several minutes. You can do this by running your tap, taking a shower, doing laundry or a load of dishes. If you have a lead service line or galvanized requiring replacement service line, you may need to flush your pipes for a longer period. If you are concerned about lead in your water and wish to have your water tested, contact [INSERT NAME OF SYSTEM and CONTACT INFORMATION]. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available at <https://www.epa.gov/safewater/lead>. If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. (NAME OF UTILITY) is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.~~

(b) ~~A system may write its own~~ May use an alternative educational statement in the CCR, ~~but only in consultation with~~ if approved by the ~~Director~~ director.

(5) Community water systems that detect TTHM above 0.080 mg/L (milligrams per liter), but below the MCL in R309-200-5(3)(c), as an annual average, monitored and calculated under the provisions of R309-210-8, must include health effects language for TTHMs prescribed in R309-220-14.

(6) Beginning in the report due by July 1, 2002 and ending January 22, 2006, a community water system that detects arsenic above 0.01 milligrams per liter and up to and including 0.05 milligrams per liter must include the arsenic health effects language prescribed in R309-220-14.

~~(7)~~ After April 1, 2016, Systems required to comply with Rule R309-211.

(a) Any system required to comply with the Level 1 assessment requirement or a Level 2 assessment requirement that is not due to an E. coli MCL violation must include in the report the text found in ~~paragraph Subsections (7)(5)(a)(i) and paragraphs (7)(a)(ii) and through~~ (iii) of this section as appropriate, filling in the blanks accordingly and the text found in ~~paragraphs Subsections (7)(5)(a)(iv)(A) and (B) of this section~~ if appropriate. ~~Systems may use an alternative statement with equivalent information for Subsections (a)(iii) and (iv) of this section.~~

(i) Coliforms are bacteria that ~~are occur~~ naturally ~~present~~ in the environment and are used as an indicator that other, potentially harmful, waterborne ~~pathogens~~ organisms may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct ~~assessment(s) assessments~~ to identify problems and to correct any problems that were found during these assessments.

(ii) ~~During the past year we~~ Because we found coliforms during sampling, we were required to conduct (INSERT NUMBER OF LEVEL 1 ASSESSMENTS) ~~Level 1 assessment(s) assessments~~ of the system, also known as a Level 1 assessment, to identify possible sources of contamination. (INSERT NUMBER OF LEVEL 1 ASSESSMENTS) Level 1 ~~assessment(s) assessments~~ were completed. In addition, we were required to take (INSERT NUMBER OF CORRECTIVE ACTIONS) corrective actions and we completed (INSERT NUMBER OF CORRECTIVE ACTIONS) of these actions.

(iii) ~~During the past year~~ Because we found coliforms during sampling, we were required to conduct (INSERT NUMBER OF LEVEL 2 ASSESSMENTS) ~~detailed assessments, also known as a Level 2 assessments were required to be completed for our water system; assessment, to~~ identify possible sources of contamination. (INSERT NUMBER OF LEVEL 2 ASSESSMENTS) Level 2 assessments were completed. In addition, we were required to take (INSERT NUMBER OF CORRECTIVE ACTIONS) corrective actions and we completed (INSERT NUMBER OF CORRECTIVE ACTIONS) of these actions.

(iv) Any system that has failed to complete all the required assessments or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

(A) During the past year we failed to conduct all ~~of the required assessment(s)~~ assessments.

(B) During the past year we failed to correct all identified defects that were found during the assessment.

(b) Any system required to conduct a Level 2 assessment due to an E. coli MCL violation must include in the report the text found in ~~paragraphs Subsections (7)(5)(b)(i) and (ii) of this section, and health effects language in Subsection R309-220-4(4)~~, filling in the blanks accordingly and the text found in ~~paragraphs Subsections (7)(5)(b)(iii)(A) and (B) of this section, if appropriate. Systems may use an alternative statement with equivalent information for Subsection~~

~~(i) E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. (5)(b)(i) through (iii) of this section.~~

~~(i) We found E. coli bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) assessments, also known as a Level 2 assessment, to identify problems and to correct any problems that were found during these assessments.~~

~~(ii) We were required to complete a detailed assessment of our water system, also known as a Level 2 assessment, because we found E. coli in our water system. In addition, we were required to take (INSERT NUMBER OF CORRECTIVE ACTIONS) corrective actions and we completed (INSERT NUMBER OF CORRECTIVE ACTIONS) of these actions.~~

(iii) Any system that has failed to complete the required assessment or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

(A) We failed to conduct the required assessment.

(B) We failed to correct all ~~sanitary~~ defects that were identified during the assessment that we conducted.

(c) If a system detects E. coli and has violated the E. coli MCL, in addition to completing the table as required in Subsection R309-225-5(4)(d), the system must include one or more of the following statements to describe any noncompliance, as applicable:

(i) We had an E. coli-~~positive~~ repeat sample following a total coliform-positive routine sample.

(ii) We had a total coliform-positive repeat sample following an E. coli-~~positive~~ routine sample.

(iii) We failed to take all required repeat samples following an E. coli-~~positive~~ routine sample.

(iv) We failed to test for E. coli when any repeat sample ~~tests tested~~ positive for total coliform.

(d) If a system detects E. coli and has not violated the E. coli MCL, in addition to completing the table as required in Subsection R309-225-5(4)(d), the system may include a statement that explains that although they have detected E. coli, they are not in violation of the E. coli MCL.

~~(6) Systems required to comply with Section R309-210-6.~~

~~(a) The report must notify consumers that complete lead tap sampling data are available for review and must include information on how to access the data.~~

~~(b) The report must include a statement that a service line inventory, including inventories consisting only of a statement that there are no lead, galvanized requiring replacement, or lead status unknown service lines, has been prepared and include instructions to access the publicly available service line inventory. If the service line inventory is available online, the report must include the direct link to the inventory.~~

~~(c) For systems with lead, galvanized requiring replacement, or lead status unknown service lines in the system's inventory pursuant to 40 CFR 141.84(a) (October 30, 2024) and 40 CFR 141.84 (b) (October 30, 2024), the report must include information on how to obtain a copy of the service line replacement plan or a direct link to the plan if the system is required to make the service line replacement plan available online.~~

~~(d) The report must contain a plainly worded explanation of the corrosion control efforts the system is taking in accordance with Section R309-210-6. Corrosion control efforts consist of treatment such as pH adjustment, alkalinity adjustment, or corrosion inhibitor addition, and other efforts contributing to the control of the corrosivity of water, such as, monitoring to assess the corrosivity of water. The system may use one of the following templates or use their own explanation that includes equivalent information.~~

~~(e) The report must include a statement that the water system is required to sample for lead in schools and licensed child care facilities as requested by the facility and directs the public to contact the school or child care facility for further information about potential sampling results.~~

~~(i) For systems with state or EPA designated Optimal Corrosion Control Treatment:~~

~~(A) Corrosion of pipes, plumbing fittings and fixtures may cause lead and copper to enter drinking water. To assess corrosion of lead and copper, [name of system] conducts tap sampling for lead and copper at selected sites [insert frequency at which system conducts tap sampling]. [Name of system] treats water using [identify treatment method] to control corrosion, which was designated as the optimal corrosion control treatment by [the state or EPA, as applicable]. To ensure the treatment is operating effectively, [name of system] monitors water quality parameters set by the [state or EPA, as applicable] [insert frequency at which system conducts water quality parameter monitoring].~~

~~(B) If applicable add: [Name of system] is currently conducting a study of corrosion control to determine if any changes to treatment methods are needed to minimize the corrosivity of the water.~~

~~(ii) For systems without state or EPA designated Optimal Corrosion Control Treatment:~~

~~(A) Corrosion of pipes, plumbing fittings and fixtures may cause metals, including lead and copper, to enter drinking water. To assess corrosion of lead and copper, [name of system] conducts tap sampling for lead and copper at selected sites [insert frequency at which system conducts tap sampling].~~

~~(B) If applicable, add: [Name of system] treats water using [identify treatment method] to control corrosion.~~

~~(C) If applicable add: [Name of system] is currently conducting a study of corrosion control to determine if any changes to treatment methods are needed to minimize the corrosivity of the water.~~

R309-225-7. Report ~~Deliver-Delivery, Reporting, and Recordkeeping.~~

(1) Except as provided in ~~paragraph Subsection (7) of this section~~, each community water system must ~~mail or otherwise~~ directly deliver ~~one a~~ copy of the report to each customer.

~~(a) Systems must use at a minimum, one of the following forms of delivery:~~

~~(i) Mail or hand deliver a paper copy of the report;~~

~~(ii) Mail a notification that the report is available on a website via a direct link;~~

~~(iii) Email a direct link or electronic version of the report; or~~

~~(iv) Another direct delivery method approved in writing by the Division.~~

~~(b) Systems using electronic delivery methods in Subsection (1)(a)(ii), (iii), or (iv) of this section must provide a paper copy of the report to~~

any customer upon request. The notification method must prominently display directions for requesting such copy.

(c) For systems that choose to electronically deliver the reports by posting the report to a website and providing a notification either by mail or email:

(i) The report must be publicly available on the website at time notification is made;

(ii) Notifications must prominently display the link and include an explanation of the nature of the link; and

(iii) Systems may use a web page to convey the information required in Sections R309-225-5, R309-225-6, and R309-225-7.

(d) Systems that use a publicly available website to provide reports must maintain public access to the report for no less than 3 years.

(2) The system must make a good faith effort to reach consumers who do not get water bills, using means recommended by the ~~Director~~ director. EPA expects that an adequate good faith effort will be tailored to the consumers who are served by the system but are not bill-paying customers, such as renters or workers. A good faith effort to reach consumers ~~would include a~~ includes a mix of methods ~~appropriate to the particular~~ reach the broadest possible range of persons served by the water system such as: Posting the reports on the ~~Internet~~ internet; mailing reports or post cards with links to postal patrons in metropolitan areas ~~the reports to all service addresses or postal customers; using an opt in notification for the system to send emails or texts with the links to the reports to interested consumers;~~ advertising the availability of the report in the news media and on social media; publication in a local newspaper or newsletter; posting a copy of the report or notice of availability with links (or equivalent, such as Quick Response (QR) codes) in public places such as cafeterias or lunch rooms of public buildings; delivery of multiple copies for distribution by single-biller customers such as apartment buildings or large private employers; delivery to community organizations; holding a public meeting to educate consumers on the reports.

(a) Where a system is aware that it serves a substantial number of non-bill-paying consumers, the system is encouraged to directly deliver the reports or notices of availability of the reports to service addresses.

(b) Where a system is aware of a substantial number of bill-paying consumers without access to electronic forms of the report, the system should use at least one non-electronic form of delivery.

(3) No later than 10 days after than the date the system is required to distribute the report to its customers, each community water system must mail provide a copy of the report to the ~~Director~~ director, followed within 3 months by and a certification that the ~~report~~ reports has have been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the ~~Director~~ director.

(4) No later than the date the system is required to distribute the report to its customers, each community water system must deliver the report to any other agency or clearinghouse identified by the ~~Director~~ director.

(5) Each community water system must make its reports available to the public upon request. Systems should make a reasonable effort to provide the reports in an accessible format to anyone who requests an accommodation.

(6) Each community water system serving ~~100,000~~ 50,000 or more persons must post its current year's report to a publicly-accessible site on the ~~Internet~~ internet.

(7) The ~~Governor~~ director has waived the requirement of ~~paragraph Subsection (a)(1)~~ of this section for community water systems serving fewer than 10,000 persons.

(a) Such systems must:

(i) Publish the reports in one or more local newspapers or on one or more local online news sites serving the area in which the system is located;

(ii) Inform the customers that the reports will not be mailed, either in the newspapers in which the reports are published or by other means approved by the ~~Director~~ director; and

(iii) Make the reports available to the public upon request.

(b) Systems serving 500 or fewer persons may ~~forego~~ forgo the requirements of ~~paragraphs Subsections~~ (7)(a)(i) and (ii) of this section if they provide notice that the report is available upon request at least once per year to their customers by mail, door-to-door delivery, or by posting in an appropriate location that the report is available upon request one or more locations where persons served by the system can reasonably be expected to see it

(8) Any system subject to this rule must retain copies of its consumer confidence report for no less than 3 years.

(9) Systems serving 100,000 or more persons must develop a plan for providing assistance to consumers with limited English proficiency. The system must evaluate the languages spoken by persons with limited English proficiency served by the water system, and the system's anticipated approach to address translation needs. The first plan must be provided to the state with the first report in 2027. Plans must be evaluated annually and updated as necessary and reported with the certification required in Subsection (c) of this section.

(10) Delivery timing and biannual delivery:

(a) Each community water system must distribute reports by July 1 each year. Each report distributed by July 1 must use data collected during, or before, the previous calendar year using methods described in Subsection (a) of this section.

(b) Each community water system serving 10,000 or more persons must distribute the report biannually, or twice per calendar year, by December 31 using methods described in Subsection (a) of this section.

(c) Systems required to comply with Subsection (j)(2) of this section, with a violation or action level exceedance that occurred between January 1 and June 30 of the current year, or have received monitoring results from required monitoring under the Unregulated Contaminant Monitoring Rule in 40 CFR 141.40 (January 25, 2022), must include a 6-month update with the second report with the following:

(i) A short description of the nature of the 6-month update and the biannual delivery.

(ii) If a system receives an MCL, MRDL, or treatment technique violation, the 6-month update must include the applicable contaminant section information in Subsection R309-225-4(5)(d), and a readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, actions taken by the system to address the violation, and timeframe the system expects to complete those actions. To describe the potential health effects, the system must use the relevant language of Section R309-220-15.

(iii) If a system receives any other violation, the 6-month update must include the information in Section R309-225-5.

(iv) If a system exceeded the lead action level in Section R309-210-6 following monitoring conducted between January 1 and June 30 of the current year, the system must include information identified in Subsections R309-225-5(4)(d)(vi) and R309-225-5(4)(h).

(v) For systems monitoring under Subsections R309-225-5(4)(d)(vi) and R309-225-5(4)(h) that become aware of results for samples collected during the reporting year but were not included in the reports distributed by July 1, the system must include information as required by Subsection R309-225-5(4)(g).

(vi) Systems serving 100,000 or more persons, must develop a plan for providing assistance to consumers with limited English proficiency. The system must evaluate the languages spoken by persons with limited English proficiency served by the water system, and the system's anticipated

approach to address translation needs. The first plan must be provided to the state with the first report in 2027. Plans must be evaluated annually and updated as necessary and reported with the certification required in Subsection (3) of this section.

(11) Delivery timing and biannual delivery:

(a) Each community water system must distribute reports by July 1 each year. Each report distributed by July 1 must use data collected during, or before, the previous calendar year using methods described in Subsection (a) of this section.

(b) Each community water system serving 10,000 or more persons must distribute the report biannually, or twice per calendar year, by December 31 using methods described in Subsection (a) of this section.

(c) Systems required to comply with Subsection (j)(2) of this section, with a violation or action level exceedance that occurred between January 1 and June 30 of the current year, or have received monitoring results from required monitoring under the Unregulated Contaminant Monitoring Rule in 40 CFR 141.40 (January 25, 2022), must include a 6-month update with the second report with the following:

(i) A short description of the nature of the 6-month update and the biannual delivery.

(ii) If a system receives an MCL, MRDL, or treatment technique violation, the 6-month update must include the applicable contaminant section information in 40 CFR 141.153(d)(4) (October 30, 2024), and a readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, actions taken by the system to address the violation, and timeframe the system expects to complete those actions. To describe the potential health effects, the system must use the relevant language of appendix A to this subpart.

(iii) If a system receives any other violation, the 6-month update must include the information in 40 CFR 141.153(f) (October 30, 2024).

(iv) If a system exceeded the lead action level in Section R309-210-6 following monitoring conducted between January 1 and June 30 of the current year, the system must include information identified in Subsections R309-225-5(4)(d)(vi) and R309-225-5(4)(h).

(v) For systems monitoring under 40 CFR 141.40 (January 25, 2022) that become aware of results for samples collected during the reporting year but were not included in the reports distributed by July 1, the system must include information as required by 40 CFR 141.153(d)(7) (October 30, 2024).

R309-225-8. Summary of Report Contents

(1) Each report must include a summary displayed prominently at the beginning of the report, including a brief description of the nature of the report.

(2) Systems must include, at a minimum, the following information in the summary:

(a) Summary of violations and compliance information included in the report required by Section R309-225-5.

(b) Contact information for owner, operator, or designee of the community water system as a source of additional information concerning the report, per Subsection R309-225-5(8)(b).

(3) If applicable, systems must include the following in the summary:

(a) For systems using delivery methods in Subsection R309-225-7(1)(a)(i), (iii), or (iv), the summary must include directions for consumers to request a paper copy of the report, as described in Subsection R309-225-7(1)(b).

(b) For systems subject to Subsection R309-225-5(8)(c) because they serve a large proportion of consumers with limited English proficiency, the summary must include information where consumers may obtain a translated copy of the report, or get assistance in the appropriate languages.

(c) For systems using the report to also meet the public notification requirements of Subsection R309-220-4(4) of this part, the summary must specify that it is also serving to provide public notification of one or more violations or situations, provide a brief statement about the nature of the notices, and a brief description of how to locate the notices in the report.

(d) The summary should be written in plain language and may use infographics.

(e) For those systems required to include a 6-month update with the second report under Subsection R309-225-7(10)(b), the summary should include a brief description of the nature of the report and update, noting the availability of new information for the current year (between January and June).

(f) The report summary must include the following standard language to encourage the distribution of the report to all persons served: Please share this information with anyone who drinks this water, or their guardians, especially those who may not have received this report directly, for example, people in apartments, nursing homes, schools, and businesses. You can do this by posting this report in a public place or distributing copies by hand, mail, email, or another method.

R309-225-89. Major Sources of Contaminants in Drinking Water.

Microbiological Contaminants

(1) Total Coliform Bacteria - Naturally present in the environment.

(2) E. coli - Human and animal fecal waste.

(3) Fecal Indicators ~~such as~~ (enterococci or coliphage) - Human and animal fecal waste.

(4) Turbidity- Soil runoff.

(5) Total organic carbon - Naturally present in the environment.

Radioactive Contaminants

(6) Alpha emitters (pCi/l) - Erosion of natural deposits.

(7) Beta/photon emitters (mrem/yr) - Decay of natural and ~~man-made~~ artificial deposits.

(8) Combined radium (pCi/l) - Erosion of natural deposits.

(9) Uranium (ug/l) - Erosion of natural deposits.

Inorganic Contaminants

(10) Antimony (ppb) - Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.

(11) Arsenic (ppb) - Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.

(12) Asbestos (MFL) - Decay of asbestos cement water mains; Erosion of natural deposits.

(13) Barium (ppm) - Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.

(14) Beryllium (ppb) - Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries.

(15) Cadmium (ppb) - Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; runoff from waste batteries and paints.

(16) Chromium (ppb) - Discharge from steel and pulp mills; Erosion of natural deposits.

- (17) Copper (ppm) - Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives.
- (18) Cyanide (ppb) - Discharge from steel~~/or~~ metal factories; Discharge from plastic and fertilizer factories.
- (19) Fluoride (ppm) - Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.
- (20) Lead (ppb) - Corrosion of household plumbing systems; Erosion of natural deposits.
- (21) Mercury (inorganic) (ppb) - Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland.
- (22) Nitrate (as Nitrogen) (ppm) - Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
- (23) Nitrite (as Nitrogen) (ppm) - Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
- (24) Selenium (ppb) - Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.
- (25) Thallium (ppb) - Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories. Synthetic Organic Contaminants including Pesticides and Herbicides
- (26) 2,4-D (ppb) - Runoff from herbicide used on row crops.
- (27) 2,4,5-TP (Silvex)(ppb) - Residue of banned herbicide.
- (28) Acrylamide - Added to water during sewage~~/or~~ wastewater treatment.
- (29) Alachlor (ppb) - Runoff from herbicide used on row crops.
- (30) Atrazine (ppb) - Runoff from herbicide used on row crops.
- (31) Benzo(a)pyrene (PAH) (nanograms/l) -Leaching from linings of water storage tanks and distribution lines.
- (32) Carbofuran (ppb) - Leaching of soil fumigant used on rice and alfalfa.
- (33) Chlordane (ppb) - Residue of banned termiticide.
- (34) Dalapon (ppb) - Runoff from herbicide used on rights of way.
- (35) Di(2-ethylhexyl) adipate (ppb) - Discharge from chemical factories.
- (36) Di(2-ethylhexyl) phthalate (ppb) - Discharge from rubber and chemical factories.
- (37) Dibromochloropropane (ppt) - Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
- (38) Dinoseb (ppb) - Runoff from herbicide used on soybeans and vegetables.
- (39) Diquat (ppb) - Runoff from herbicide use.
- (40) Dioxin (2,3,7,8-TCDD) (ppq) - Emissions from waste incineration and other combustion; Discharge from chemical factories.
- (41) Endothall (ppb) - Runoff from herbicide use.
- (42) Endrin (ppb) - Residue of banned insecticide.
- (43) Epichlorohydrin - Discharge from industrial chemical factories; An impurity of some water treatment chemicals.
- (44) Ethylene dibromide (ppt) - Discharge from petroleum refineries.
- (45) Glyphosate (ppb) - Runoff from herbicide use.
- (46) Hazard Index PFAS (HFPO-DA, PFBS, PFHxS, and PFNA) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (467) Heptachlor (ppt) - Residue of banned pesticide.
- (478) Heptachlor epoxide (ppt) - Breakdown of heptachlor.
- (489) Hexachlorobenzene (ppb) - Discharge from metal refineries and agricultural chemical factories.
- (4950) Hexachlorocyclopentadiene (ppb) - Discharge from chemical factories.
- (51) HFPO-DA (hexafluoropropylene oxide dimer acid) (ng/l) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (502) Lindane (ppt) - Runoff~~/or~~ leaching from insecticide used on cattle, lumber, gardens.
- (513) Methoxychlor (ppb) - Runoff~~/or~~ leaching from insecticide used on fruits, vegetables, alfalfa, livestock.
- (524) Oxamyl (Vydate)(ppb) - Runoff~~/or~~ leaching from insecticide used on apples, potatoes and tomatoes.
- (535) PCBs (Polychlorinated biphenyls) (ppt) - Runoff from landfills; Discharge of waste chemicals.
- (546) Pentachlorophenol (ppb) - Discharge from wood preserving factories.
- (57) PFHxS (perfluorohexane sulfonic acid) (ng/l) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (58) PFNA (perfluorononanoic acid) (ng/l) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (59) PFOA (perfluorooctanoic acid) (ng/l) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (60) PFOS (perfluorooctane sulfonic acid) (ng/l) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (~~5561~~) Picloram (ppb) - Herbicide runoff.
- (~~5662~~) Simazine (ppb) - Herbicide runoff.
- (~~5763~~) Toxaphene (ppb) - Runoff~~/or~~ leaching from insecticide used on cotton and cattle. Volatile Organic Contaminants
- (~~5864~~) Benzene (ppb) - Discharge from factories; Leaching from gas storage tanks and landfills.
- (~~5965~~) Bromate (ppb) - By-product of drinking water chlorination.
- (~~6066~~) Carbon tetrachloride (ppb) - Discharge from chemical plants and other industrial activities.
- (~~6167~~) Chloramines (ppm) - Water additive used to control microbes.
- (~~6268~~) Chlorine (ppm) - Water additive used to control microbes.
- (~~6369~~) Chlorite (ppm) - By-product of drinking water chlorination.
- (~~6470~~) Chlorine dioxide (ppb) - Water additive used to control microbes.
- (~~6571~~) Chlorobenzene (ppb) - Discharge from chemical and agricultural chemical factories.
- (~~6672~~) o-Dichlorobenzene (ppb) - Discharge from industrial chemical factories.
- (~~6773~~) p-Dichlorobenzene (ppb) - Discharge from industrial chemical factories.
- (~~6874~~) 1,2-Dichloroethane (ppb) - Discharge from industrial chemical factories.
- (~~6975~~) 1,1-Dichloroethylene (ppb) - Discharge from industrial chemical factories.
- (~~7076~~) cis-1,2-Dichloroethylene (ppb) - Discharge from industrial chemical factories.

- (~~7177~~) trans-1,2-Dichloroethylene (ppb) - Discharge from industrial chemical factories.
- (~~7278~~) Dichloromethane (ppb) - Discharge from pharmaceutical and chemical factories.
- (~~7379~~) 1,2-Dichloropropane (ppb) - Discharge from industrial chemical factories.
- (~~7480~~) Ethylbenzene (ppb) - Discharge from petroleum refineries.
- (~~7581~~) Haloacetic Acids (HAA) (ppb) - By-product of drinking water disinfection.
- (~~7682~~) Styrene (ppb)- Discharge from rubber and plastic factories; Leaching from landfills.
- (~~7783~~) Tetrachloroethylene (ppb) - Discharge from factories and dry cleaners.
- (~~7884~~) 1,2,4-Trichlorobenzene (ppb) - Discharge from textile-finishing factories.
- (~~7985~~) 1,1,1-Trichloroethane (ppb) - Discharge from metal degreasing sites and other factories.
- (~~8086~~) 1,1,2-Trichloroethane (ppb) - Discharge from industrial chemical factories.
- (~~8187~~) Trichloroethylene (ppb) - Discharge from metal degreasing sites and other factories.
- (~~8288~~) TTHMs (Total trihalomethanes)(ppb) - By-product of drinking water chlorination.
- (~~8389~~) Toluene (ppm) - Discharge from petroleum factories.
- (~~8490~~) Vinyl Chloride (ppb) - Leaching from PVC piping; Discharge from plastics factories.
- (~~8591~~) Xylenes (ppm) - Discharge from petroleum factories; Discharge from chemical factories.

KEY: drinking water, consumer confidence report, water quality

Date of Last Change: January 15, 2019

Notice of Continuation: March 12, 2020

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

Agenda Item

7(C)

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R309-400

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

Click or tap to enter a date.

Agency Information

1. Title catchline:	Department of Environmental Quality (Division of Drinking Water)	
Building:	Multi Agency State Building	
Street address:	195 North 1950 West	
City, state:	Salt Lake City, Utah	
Mailing address:	P.O. Box 144830	
City, state and zip:	Salt Lake City, Utah 84114	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yee	385-515-1501	jyee@utah.gov
Helen Lau	801-247-7416	hlau@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R309-400 Improvement Priority System and Public Water System Ratings	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
This rule change revises the deficiency and violation tables to improve clarity, consistency, and administrative effectiveness. The changes refine and standardize descriptions, update deficiencies and violations to reflect current regulatory requirements, and adjust classifications and point values. These revisions align more closely with the EPA's Enforcement Targeting Tool and support consistent compliance determinations and effective enforcement prioritization.	
5. Summary of the new rule or change:	
Updated deficiencies and violations to reflect rule updates and better align with EPA's enforcement. Added the violation and deficiency tables into the rule, instead of adopting by reference.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
This rule change does not add any new requirements to the existing rules in R309. It only enforces them. The proposed amendment to R309-400 is not expected to result in costs or savings to the state budget.	
B. Local governments:	
This rule change does not add any new requirements to the existing rules in R309. It only enforces them. The proposed amendment to R309-400 is not expected to result in costs or savings to local governments.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
This rule change does not add any new requirements to the existing rules in R309. It only enforces them. The proposed amendment to R309-400 is not expected to result in costs or savings to small businesses.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	
This rule change does not add any new requirements to the existing rules in R309. It only enforces them. The proposed amendment to R309-400 is not expected to result in costs or savings to non-small businesses.	

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change does not add any new requirements to the existing rules in R309. It only enforces them. The proposed amendment to R309-400 is not expected to result in costs or savings to persons other than small businesses, non-small businesses, or state or local government entities.

F. Compliance costs for affected persons:

This rule does not add any new requirements to the existing rules in R309. It only enforces them. The proposed amendment to R309-400 is not expected to result in costs or savings.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

This step has not yet been completed on this draft. The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-4-104	Subsection 63G-3-403(3)	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
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Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:	06/16/2026	
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	07/01/2026
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.		
Agency head or designee and title:	Date:	Click or tap to enter a date.

R309. Environmental Quality, Drinking Water.

R309 400. Improvement Priority System and Public Water System Ratings.

R309 400 1. Purpose.

(1) The purpose of this rule is to establish the Improvement Priority System used by the division to assign compliance ratings to public water systems and to prioritize enforcement action based on points assessed for noncompliance with drinking water rules.

R309 400 2. Authority.

(1) This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104, of the Utah Code and in accordance with 63G, Chapter 3 of the same, known as the Administrative Rulemaking Act.

R309 400 3. Definitions.

(1) "Improvement Priority System (IPS)" is a point system used by the division to evaluate a public water system's performance and compliance with the drinking water rules in Title 309, Environmental Quality, Drinking Water.

(2) "Public Water System Rating" is assigned to a public water system by the director to characterize the water system's compliance with drinking water rules and overall operation and performance.

R309 400 4. Improvement Priority System — Assessment of Points.

- (1) The division shall:
- (a) maintain and make public an improvement priority system (IPS) program that includes:
 - (i) a table specifying the number of points associated with each instance of noncompliance with a drinking water rule requirement and noncompliance with a directive or order issued by the director, and
 - (ii) the point thresholds for assigning an Approved or Not Approved rating to each type of public water system; and
 - (b) obtain approval from the Drinking Water Board for substantive revisions to the IPS program.
- (2) The division incorporates by reference the IPS program dated August 27, 2019.
- (3) Implementation of the IPS program approved by Drinking Water Board starts on January 1, 2020.
- (4) The director may assess points to a public water system and take enforcement action in accordance with the implementation policy and the table of points based on:

- (a) noncompliance with Title R309 of the Utah Administrative Code;
- (b) noncompliance with a directive or order issued by the director; or
- (c) operational practices or performance that may result in a threat to public health.

R309 400 5. Public Water System Ratings.

- (1) The director may assign a rating to a public water system of:
- (a) Approved based on the total number of points assessed for noncompliance;
 - (b) Not Approved based on:
 - (i) the total number of points assessed for noncompliance, or
 - (ii) an immediate public health threat; or
 - (c) Corrective Action based on a current, written agreement with the division to resolve underlying noncompliance according to a compliance schedule.
 - (2) A public water system shall maintain an Approved rating.
 - (3) A public water system with a Not Approved rating shall:
 - (a) take immediate action to resolve the noncompliance that resulted in the Not Approved rating; or

_____ (b) enter into a written agreement with the division to resolve the noncompliance that resulted in the Not Approved rating according to a compliance schedule.

R309-400-6. Administrative Appeals.

_____ (1) The assessment of points does not constitute a permit order per R305-7-102(1)(l) and may not be appealed pursuant to R305-7-

_____ (2) The assignment of a rating to a public water system constitutes an initial order per R305-7-102(1)(g) and may be appealed by submitting, filing, and serving a written Request for Agency Action pursuant to R305-7-303 within 30 days of the date of the order issued by the director.

R309. Environmental Quality, Drinking Water.

R309-400. Improvement Priority System and Public Water System Ratings.

R309-400-1. Purpose.

_____ (1) The purpose of this rule is to establish the Improvement Priority System (IPS) used by the Division to assign compliance ratings to public water systems and to prioritize enforcement action based on points assessed for noncompliance with drinking water rules.

_____ (2) IPS program is used by the Division to evaluate public water system compliance with Title R309 and to prioritize noncompliance for enforcement action. Under IPS, the Division assesses points for noncompliance or public health risk and assigns ratings to public water systems. This Rule directly correlates with the EPA's Enforcement Targeting Tool (ETT), as outlined in the EPA Enforcement Response Policy (ERP, 2009), and is used nationally to identify systems with the most serious or persistent violations. State primacy agencies are required to maintain an enforcement program consistent with federal guidance under the Safe Drinking Water Act, 42 U.S.C Sec 300g-2(a)(1), and implementing regulations at 40 C.F.R. 142.10(b)(2) (January 11, 2006), which requires states to adopt and enforce regulations at least as stringent as federal requirements. Utah's this Rule is not more stringent than federal regulations, but it fulfills this primacy requirement by providing a state-level framework to ensure enforcement is consistent with the federal program. IPS is also used to track compliance across all Division rules, aligning Utah's enforcement priorities with EPA's national strategy to protect public health.

R309-400-2. Authority.

_____ (1) This rule is promulgated by the Board as authorized by Section 19-4-104 and in accordance with Title 63G, Chapter 3 Utah Administrative Rulemaking Act.

R309-400-3. Definitions.

_____ (1) "Improvement Priority System (IPS)" is a point system used by the Division to evaluate a public water system's performance and compliance with the drinking water rules in Title R309.

_____ (2) "Public Water System Rating" is assigned to a public water system by the director to characterize the water system's compliance with drinking water rules and overall operation and performance.

R309-400-4. Assessment of Points.

_____ (1) The Division will assess points based on noncompliance with Title R309, noncompliance with a directive or order issued by the director, or operational practices or performance that may result in a threat to public health.

_____ (2) Table 1 of this rule contains a table specifying the number of points associated with each instance of noncompliance with a drinking water rule requirement and noncompliance with a directive or order issued by the Director.

_____ (3) Table 2 of this rule contains a table specifying the number of points associated with each instance of noncompliance with a drinking water rule requirement when a violation is issued.

_____ (4) The points assessed for each category of health threat are as follows:

_____ (a) Recommendations, with little to no risk to public health - 0;

_____ (b) Low health risk - 5 points;

_____ (c) Minor potential to cause harm - 15 points;

_____ (d) Moderate potential to cause harm - 25 points;

_____ (e) Serious potential to cause harm - 50 points;

_____ (f) Critical risk to public health - 100 points; and

_____ (g) Imminent health threat - 200 Points.

_____ (5) The Division may remove points when a water system submits written documentation of correction of a deficiency or violation with supporting evidence or when the noncompliance is resolved. In some cases, a site inspection by the Division staff may be required.

R309-400-5. Quality, Monitoring and Public Notification Violations.

_____ (1) Bacteriologic Violations: All points assessed to public water systems via this subsection are based on violations of the quality standards in Subsection R309-200-5(6), the monitoring requirements in Rule R309-211, and the associated public notification requirements in Rule R309-220. The bacteriological assessments shall be updated on a monthly basis with the total number of points reflecting the most recent 12-month period.

_____ (2) Chemical Violations: All points assessed to public water systems via this subsection are based on violations of the quality standards in Section R309-200-5, the monitoring requirements in Rules R309-205, R309-210, and R309-215, and the associated public notification requirements in Rule R309-220. The chemical assessments shall be updated on a quarterly basis, with the total number of points reflecting the most recent compliance period unless otherwise specified. Points for any chemical MCL violation shall remain on record until the quality issue is resolved. Points for any monitoring violation shall be deleted as the required chemical samples are taken and the analytical results are reported to the director.

_____ (3) Surface Water Treatment Violations: Surface Water Treatment violations will remain on a system's IPS report until the director determines that the system's treatment operation no longer poses a critical risk to public health.

R309-400-6. Public Water System Ratings.

_____ (1) The Division will rate a public water system based on the point thresholds shown in Subsection R309-400-6(3) or based on a written agreement with the director.

_____ (2) All system ratings are based on the total IPS points relative to a system's allotted threshold identified in this section.

_____ (3) The point thresholds for rating a public water system as Approved or Not Approved are different for each type of water system:

- (a) Community Water System – 150 points;
- (b) Non-transient Non-community Water System – 120 points; and
- (c) Transient Non-community Water System – 100 points.
- (4) The director may assign a rating to a public water system of:
 - (a) a system shall maintain an Approved rating if its total IPS points are below the allotted threshold;
 - (b) a system shall be rated Not Approved if it exceeds its allotted threshold and does not enter into a formal agreement with the director to ensure a Corrective Action rating;
 - (i) a system may be rated Not Approved if the director determines the system’s water poses a serious risk to public health;
 - (ii) an immediate public health threat; or
 - (c) a Corrective Action rating is issued when a current, written agreement or other formal order between the Division and a public water system is executed to resolve noncompliance in accordance with a reasonable timeline that does not present an undue risk to public health.
- (5) An Unrated water system is a new or newly regulated public water system that is under a new system order and has not met the criteria to be rated Approved or Not Approved.
 - (a) The director can consider an unrated system as equivalent to Approved if the unrated system is in compliance with an executed Initial Order for a New Public Water System.

R309-400-7. Administrative Appeals.

- (1) The assessment of points does not constitute a permit order per Subsection R305-7-102(1)(l) and may not be appealed pursuant to Rule R305-7.
- (2) The assignment of a rating to a public water system constitutes an initial order per Subsection R305-7-102(1)(g) and may be appealed by submitting, filing, and serving a written Request for Agency Action pursuant to Section R305-7-303 within 30 days of the date of the order issued by the director.

R309-400-8. Associated Deficiency and Violation Points Tables.

<u>TABLE 1</u> <u>Deficiencies</u>			
<u>Code</u>	<u>Description</u>	<u>Type</u>	<u>Points</u>
A025	Administrative Issues	Minor	15
A050	Administrative Issues	Significant	25
A075	Administrative Issues	Significant	50
A100	Administrative Issues	Significant	100
A150	Administrative Issues	Significant	200
A225	System lacks a permanent operating permit. See notes for details.	Significant	25
C001	System lacks Direct Responsible Charge operator certified at required distribution level	Significant	50
C002	Operator not available within 1 hour of travel time and no other onsite assistance or alternative support available	Minor	15
C011	System lacks a Direct Responsible Charge operator certified at required treatment level	Significant	50
C012	System lacks Direct Responsible Charge operator certified at required distribution and treatment levels	Significant	50
C013	System employs operators but lacks a designated Direct Responsible Charge operator	Significant	25
C014	System has Direct Responsible Charge operator that has met exam and application requirements but lacks required experience	Minor	15
C015	System employs operators short term resulting in Direct Responsible Charge gaps	Significant	25
D001	Distribution piping, fittings, or material not ANSI/NSF 61 certified	Significant	25
D002	Water lines lack required minimum separation from sewer	Significant	25
D003	Distribution system unable to provide 20 pounds per square inch (PSI) minimum pressure for water lines constructed before January 1, 2007	Significant	50
D004	Air relief valve pipe lacks the No. 14 screen	Significant	25
D006	Air relief valve pipe not downturned	Significant	25
D007	Air relief valve or chamber subject to flooding	Significant	25
D009	Water mains are susceptible to nearby contamination sources	Significant	50
D010	Distribution system unable to provide 40 PSI during peak day and 20 PSI during fire flow for water lines installed after January 1, 2007	Significant	50
D011	Inadequate protection for distribution line crossing under a surface water body	Significant	25
D013	Distribution blowoffs, fire hydrant, air relief valve, pipeline, or chamber connected to storm drain or sanitary sewer	Significant	50
D014	Distributing piping and fittings installed after January 1, 2014, no lead free or not ANSI/NSF 372 or 61G certified	Minor	15
D016	Distribution water line connected to or subject to contamination	Significant	50
D018	Fail to follow AWWA C651 for water line disinfection	Significant	25
D019	Undersized water main serving fire hydrants	Min	15
G001	Unapproved facility in service	Significant	50

G004	<u>Insufficient system ownership information</u>	Minor	15
G006	<u>Using unapproved treatment process or chemical</u>	Significant	50
G007	<u>Construction without prior approval</u>	Significant	50
L014	<u>Spring collection box is not present</u>	Minor	5
M003	<u>Cross Connection Control (CCC)-Lacks local authority</u>	Significant	25
M004	<u>CCC-No annual public education or awareness</u>	Minor	15
M005	<u>CCC-TNC and NTNC system lacks required backflow 101 training certificate</u>	Minor	15
M006	<u>CCC-Lacks written records of CCC activities</u>	Minor	15
M007	<u>CCC-Lacks on-going enforcement implementation</u>	Minor	15
M008	<u>System is not providing adequate distribution system pressure and is reliant on home booster pumps to meet pressure demands</u>	Significant	50
M009	<u>Improper bacteriological sample collecting and handling</u>	Minor	15
M011	<u>Community system is using unapproved water hauling as a water source</u>	Significant	200
M013	<u>Failed to submit an Engineering Evaluation Report</u>	Significant	50
M014	<u>Confirmed pattern of unsatisfactory drinking water quality samples</u>	Significant	25
M015	<u>Confirmed water-borne illness as a result of public drinking water contamination</u>	Significant	50
M016	<u>History of verified customer complaints regarding drinking water quality or quantity</u>	Significant	50
M017	<u>Water stagnation, biofilm, or sediments contributes to drinking water contamination</u>	Significant	50
M018	<u>Interruption of treatment process contributes to drinking water contamination</u>	Significant	50
M019	<u>Failure to submit required water use data annually or verify data accuracy</u>	Minor	15
M020	<u>Cross connection exists in water system</u>	Significant	50
M021	<u>Individual home booster pumps connected to water main directly</u>	Significant	50
M022	<u>CCC-Com system lacks CCC Program Administrator</u>	Minor	15
M023	<u>CCC-Program Administrator required by director</u>	Significant	25
M024	<u>Community system's Emergency Response Plan (ERP) lacks cybersecurity measures</u>	Significant	25
M025	<u>Unapproved interconnection with another water system</u>	Significant	50
M026	<u>Lacks operational records</u>	Significant	25
M027	<u>System lacks a required emergency response plan</u>	Significant	25
M028	<u>Community system failed to certify their ERP annually</u>	Minor	15
M029	<u>Failure to be available for scheduled site visit without timely notice</u>	Significant	100
M030	<u>Missing Capacity Development Assessment</u>	Minor	15
M031	<u>Missing Asset Management Plan</u>	Minor	15
M032	<u>Shallow distribution lines causing impaired water quality</u>	Significant	25
M033	<u>Willfully non-compliant system</u>	Significant	100
M034	<u>Failure to report an emergency</u>	Significant	50
M035	<u>Failure to supply an updated Administrative Contact</u>	Significant	50
M036	<u>Missing New Public Water System Application</u>	Minor	15
M037	<u>Failure to update population or service connections</u>	Significant	25
M038	<u>Failure to follow approved water hauling practices</u>	Significant	100
M039	<u>Unapproved water hauling source in service</u>	Significant	200
M040	<u>Failure to follow an approved sample site plan</u>	Significant	50
M041	<u>Failure to conduct consistent bacteriological sampling requirement</u>	Significant	100
M042	<u>Hose threads lack required backflow prevention device</u>	Minor	15
M043	<u>Assessment monitoring required</u>	Significant	25
PS01	<u>Pump facility not protected from flooding or surface runoff</u>	Minor	15
PS03	<u>Pump facility lacks pressure gauge on discharge line</u>	Minor	15
PS05	<u>Pump facility lacks shutoff valves for operations and maintenance (O & M) and repair</u>	Minor	15
PS06	<u>Pump station building interior floor not drained or not sloped to drain</u>	Minor	15
PS07	<u>Pump electrical controls not protected against flooding</u>	Significant	25
PS10	<u>Pump station or hydropneumatics tank air inlet valve (A/V) relief piping lacks No. 14 screen</u>	Significant	25
PS11	<u>A/V valve relief piping of pump station or hydropneumatics tank not protected from contamination or not at least six inches above floor</u>	Significant	25
PS12	<u>Pump station or hydropneumatics tank A/V valve relief piping not downturned</u>	Significant	25
PS13	<u>Pump station building floor elevation not protected from flooding or less than six inches above finish grade</u>	Minor	15
PS14	<u>Pump station building not properly heated, lighted, or ventilated</u>	Minor	5
PS15	<u>Pump facility has cross connection or subject to contamination</u>	Significant	50
PS18	<u>Community System's in-line booster pump station lacks redundancy to meet</u>	Significant	25

	<u>peak demand with one pump out of service</u>		
PS19	<u>Pump facility lacks capacity to meet demand</u>	<u>Significant</u>	<u>25</u>
PS31	<u>Improper lubrication oil used for drinking water pump facility</u>	<u>Significant</u>	<u>25</u>
PS33	<u>Pump facility not protected from vandalism or unauthorized entry</u>	<u>Minor</u>	<u>15</u>
PS34	<u>Community system relies on diaphragm or air pressure tanks for finished water storage or fire protection</u>	<u>Minor</u>	<u>15</u>
PT08	<u>Hydropneumatic tank lacks a pressure gauge</u>	<u>Minor</u>	<u>15</u>
PT13	<u>Pump station or hydropneumatic tank and controls not protected against hazard</u>	<u>Significant</u>	<u>25</u>
PT14	<u>Hydropneumatic tank not protected from flooding</u>	<u>Minor</u>	<u>15</u>
R003	<u>Asbestos cement pipe in use</u>	<u>Recommendation</u>	<u>0</u>
R006	<u>Failure to make the lead service line inventory publicly accessible</u>	<u>Minor</u>	<u>15</u>
R007	<u>Lead service line (LSL) inventory deficiency</u>	<u>Minor</u>	<u>15</u>
R008	<u>System failed to provide the certificate of delivery for LSL public notice</u>	<u>Minor</u>	<u>15</u>
S001	<u>Unapproved source in service</u>	<u>Significant</u>	<u>200</u>
S002	<u>Well house not protected against vandalism</u>	<u>Significant</u>	<u>25</u>
S003	<u>Well casing terminates less than 12 inches above floor or less than 18 inches above ground surface</u>	<u>Significant</u>	<u>25</u>
S005	<u>Well with pitless adaptor not watertight or not protected against vandalism</u>	<u>Significant</u>	<u>50</u>
S006	<u>End of well casing vent lacks No. 14 screen</u>	<u>Significant</u>	<u>25</u>
S007	<u>Well casing vent not downturned</u>	<u>Significant</u>	<u>25</u>
S008	<u>Well casing vent lacks air gap against contamination</u>	<u>Significant</u>	<u>25</u>
S009	<u>Well pump-to-waste line lacks a clearance of at least 12 inches</u>	<u>Significant</u>	<u>25</u>
S010	<u>End of well pump-to-waste line lacks No. 4 screen</u>	<u>Significant</u>	<u>25</u>
S011	<u>Well pump-to-waste line not downturned</u>	<u>Significant</u>	<u>25</u>
S013	<u>Well lacks the required well seal</u>	<u>Significant</u>	<u>50</u>
S015	<u>Well lacks a means to measure water levels periodically</u>	<u>Recommendation</u>	<u>0</u>
S020	<u>Well head or well house not protected from flooding</u>	<u>Significant</u>	<u>25</u>
S021	<u>Cross connection exists in well house or at well head</u>	<u>Significant</u>	<u>50</u>
S022	<u>Well house lacks a means of providing drainage</u>	<u>Minor</u>	<u>5</u>
S023	<u>No smooth nosed sampling tap on well discharge piping</u>	<u>Minor</u>	<u>5</u>
S024	<u>No check valve on well discharge piping</u>	<u>Minor</u>	<u>5</u>
S025	<u>No pressure gauge on well discharge piping</u>	<u>Minor</u>	<u>5</u>
S026	<u>No flow meter on well discharge piping</u>	<u>Minor</u>	<u>5</u>
S027	<u>No shutoff valve on well discharge piping</u>	<u>Minor</u>	<u>5</u>
S028	<u>Air release vacuum relief valve piping not downturned</u>	<u>Significant</u>	<u>25</u>
S029	<u>End of air release vacuum relief valve piping lacks No. 14 screen</u>	<u>Significant</u>	<u>25</u>
S030	<u>End of air release vacuum relief valve piping lacks a clearance of at least six inches</u>	<u>Significant</u>	<u>25</u>
S031	<u>Pump lubricants not ANSI/NSF 60 certified mineral oil</u>	<u>Significant</u>	<u>25</u>
S033	<u>Community system without naturally flowing sources lacks backup power for at least one water source</u>	<u>Significant</u>	<u>25</u>
S034	<u>New source safe yield not yet met</u>	<u>Minor</u>	<u>15</u>
S035	<u>Source shows evidence of potential contamination</u>	<u>Minor</u>	<u>15</u>
S036	<u>Unsealed opening in the well head</u>	<u>Significant</u>	<u>50</u>
S090	<u>Transient system – Insufficient source capacity</u>	<u>Minor</u>	<u>15</u>
S091	<u>System lacks up to 20% of required source capacity</u>	<u>Minor</u>	<u>15</u>
S094	<u>Community or NTNC system lack more than 20% of required source capacity</u>	<u>Significant</u>	<u>50</u>
S095	<u>Unfinished well not capped securely</u>	<u>Significant</u>	<u>50</u>
S150	<u>GWUDI or surface water source lacks surface water treatment</u>	<u>Significant</u>	<u>200</u>
S151	<u>Suspected UDI source – Assessment needed</u>	<u>Minor</u>	<u>15</u>
SL01	<u>Well that pumps directly to distribution lacks a means to release trapped air</u>	<u>Minor</u>	<u>5</u>
SP02	<u>Preliminary Evaluation Report (PER) for active source not upgraded to full DWSP plan</u>	<u>Significant</u>	<u>25</u>
SP03	<u>DWSP plan not implemented according to management strategies in DWSP plan</u>	<u>Significant</u>	<u>25</u>
SP04	<u>Active source lacks approved updates to DWSP plan</u>	<u>Minor</u>	<u>5</u>
SP05	<u>Lacks land use agreement for part of required zones</u>	<u>Significant</u>	<u>25</u>
SP06	<u>New water source lacks approved PER</u>	<u>Significant</u>	<u>50</u>
SP07	<u>Active source lacks an approved DWSP plan</u>	<u>Significant</u>	<u>25</u>
SP09	<u>Redeveloped source lacks a revised DWSP plan</u>	<u>Minor</u>	<u>15</u>
SP10	<u>Pollution source lacks design standards within source protection zones</u>	<u>Significant</u>	<u>50</u>
SS01	<u>Lacks a permanent device for measuring spring flow</u>	<u>Minor</u>	<u>5</u>
SS02	<u>Spring collection area not fenced</u>	<u>Minor</u>	<u>15</u>
SS03	<u>Spring lacks a diversion channel or berm to divert runoff away from spring</u>	<u>Minor</u>	<u>15</u>

	collection area		
SS04	Spring box overflow lacks No. 4 screen	Significant	25
SS06	Ponding within spring collection area	Significant	25
SS07	Deep rooted vegetation in spring collection area	Significant	25
SS08	Roots in spring collection pipes	Significant	25
SS09	Spring box lid not shoebox style	Significant	25
SS10	Spring box lid lacks a gasket	Significant	25
SS11	Spring box lacks a means of venting	Minor	5
SS12	Spring box entry not elevated at least 18 inches above earthen cover	Minor	15
SS13	Spring box lid not locked	Significant	25
SS14	Spring box overflow or drain lacks a free fall of 12 to 24 inches	Significant	25
SS15	Height of spring box vent not sized to prevent blockage in winter	Significant	25
SS16	Spring box vent not downturned	Significant	25
SS17	Spring box vent lacks No. 14 screen	Significant	25
SS18	End of spring box vent is at least 24 inches above earthen cover	Significant	25
SS19	Spring impermeable liner inadequate or not intact	Significant	50
SS20	Unsealed openings in spring collection box	Significant	50
SS22	Spring impervious soil cover inadequate or not intact	Significant	50
SS23	Spring box lacks a means of providing overflow	Minor	15
SS24	Herbicide, pesticides, or algicides applied are not ANSI/NSF 60 certified and without approval	Significant	50
T001	Plan lacks provision for bypassing pre-sedimentation basins	Minor	15
T002	Primary coagulant not used properly	Significant	50
T004	Filtration basins lack safety handrails	Significant	25
T005	Multi-media filter not provided with continuous turbidity monitoring	Significant	100
T006	No sample tap or a means to sample raw water or finished water	Significant	50
T007	No means to monitor media filter head loss	Significant	25
T008	No means to monitor or record flow rate of each filter	Significant	50
T009	Slow sand process does not have at least three filter units	Minor	15
T018	Clear well lacks an overflow and vent	Significant	25
T019	Lacks sufficient laboratory equipment for proper O & M of the plant	Significant	25
T021	Instrumentation and controls in treatment plant not maintained, operable, or functioning properly	Significant	100
T027	In-plant water supply to laboratory and sanitary facilities not of finished water quality	Significant	100
T028	Incorrect compliance chlorine residual sampling location	Significant	100
T029	Chemical dosing not proportional to flow changes	Significant	25
T032	GW system operating filter above approved loading rate	Minor	15
T033	Media depths not meeting requirements	Significant	50
T034	SW system operating filter above approved loading rate	Significant	100
T035	Missing surface water treatment plant records	Significant	50
T036	Inconsistent process control testing	Significant	50
T037	Filter loading rate not verified	Significant	50
T038	Unapproved treatment plant in service	Significant	100
T043	Filter or media not cleaned, inspected, maintained, or otherwise does not meet required specifications	Significant	50
T074	No filter-to-waste provision for each filter	Significant	25
T075	Backwash water supply not of finished drinking water quality	Significant	50
T076	Inadequate water supply or flow rate to meet filter backwash needs	Significant	25
T080	Chemicals used for drinking water treatment not ANSI/NSF 60 certified	Significant	50
T081	Flash mix process functions improperly or chemical for flash mixing added improperly	Minor	15
T082	Flocculation process functions improperly	Minor	15
T083	No means to determine anticipated coagulant dose	Significant	25
T084	Required disinfectant not added to finished water	Significant	50
T085	Multi-media filter not equipped to initiate automatic shutdown or backwash	Significant	50
T086	Slow sand filters are not protected to prevent freezing	Minor	15
T087	Slow sand filters do not have at least 24 inches of sand that meets rule requirements	Significant	50
T088	Slow sand filters are not maintained or operated properly	Significant	50
T089	Slow sand filters do not have filter-to-waste provision	Significant	25
T090	Source water quality or turbidity unsuitable for slow sand treatment	Significant	100
T091	Inadequate direct integrity testing to monitor membrane integrity for each membrane unit	Significant	100
T092	Inadequate continuous indirect integrity testing to monitor membrane integrity for each unit	Significant	100

T093	<u>Incorrect control limit of membrane direct integrity test sensitivity to show log removal</u>	<u>Significant</u>	<u>100</u>
T094	<u>Incorrect trigger for membrane continuous indirect integrity testing</u>	<u>Significant</u>	<u>50</u>
T095	<u>Insufficient backwash water supply to allow backwashing two membrane units consecutively</u>	<u>Minor</u>	<u>15</u>
T096	<u>Clear well inadequately designed to provide required disinfection CT</u>	<u>Significant</u>	<u>25</u>
T097	<u>Lacks monitoring or records of recycled water</u>	<u>Minor</u>	<u>15</u>
T098	<u>Fail to meet giardia, virus, or cryptosporidium treatment requirements</u>	<u>Significant</u>	<u>200</u>
T099	<u>Incorrect surface water treatment compliance water quality sampling location</u>	<u>Significant</u>	<u>50</u>
TC07	<u>Activated carbon application point not appropriate (before oxidant addition)</u>	<u>Minor</u>	<u>15</u>
TC10	<u>Activated carbon not stored separately or away from incompatible chemicals</u>	<u>Significant</u>	<u>25</u>
TC15	<u>Piping not color coded or labeled to show contained liquid and flow direction</u>	<u>Minor</u>	<u>5</u>
TC17	<u>Activated carbon storage and operation area not clean, dry, or safe for operator safety</u>	<u>Significant</u>	<u>25</u>
TD01	<u>Continuous disinfection is required but chlorinator lacks automatic switchover</u>	<u>Significant</u>	<u>50</u>
TD02	<u>Lacks equipment to measure chlorine feed rate</u>	<u>Significant</u>	<u>50</u>
TD04	<u>150-pound cylinder facility lacks immediate access to Niosh respirator</u>	<u>Minor</u>	<u>15</u>
TD05	<u>1-ton cylinder facility lacks a leak repair kit approved by chlorine institute</u>	<u>Significant</u>	<u>25</u>
TD06	<u>1-ton cylinder facility lacks immediate access to Niosh self-contained breathing apparatus</u>	<u>Significant</u>	<u>25</u>
TD07	<u>Gas chlorine area in treatment plant not separate from other areas</u>	<u>Significant</u>	<u>25</u>
TD08	<u>Chlorinator building not heated, lighted, or ventilated</u>	<u>Minor</u>	<u>15</u>
TD09	<u>Chlorine room exhaust fan suction not located near floor</u>	<u>Minor</u>	<u>15</u>
TD10	<u>Chlorine room air inlet not located near ceiling through wall louvers</u>	<u>Minor</u>	<u>15</u>
TD12	<u>Lack separate switches for fan and lights near chlorine room entrance</u>	<u>Minor</u>	<u>15</u>
TD13	<u>Chlorine vent line not discharged outside above grade or lacks No. 14 screen</u>	<u>Significant</u>	<u>25</u>
TD14	<u>No ammonia hydroxide solution for chlorine leak detection</u>	<u>Minor</u>	<u>15</u>
TD15	<u>Chlorine cylinders not restrained</u>	<u>Significant</u>	<u>25</u>
TD16	<u>Inadequate disinfection for ground water source required to disinfect</u>	<u>Significant</u>	<u>200</u>
TD17	<u>Chlorine cylinders are exposed to direct sun or excessive heat</u>	<u>Significant</u>	<u>25</u>
TD18	<u>1-ton cylinder chlorine room ventilation not independent or separate from ventilation for the rest of the treatment plant</u>	<u>Significant</u>	<u>25</u>
TD19	<u>1-ton cylinder facility lacks continuous chlorine leak detection equipment</u>	<u>Significant</u>	<u>25</u>
TD21	<u>Cross connection exists in chlorine makeup water supply line</u>	<u>Significant</u>	<u>25</u>
TD22	<u>Lacks backup power supply for required disinfection</u>	<u>Significant</u>	<u>50</u>
TD23	<u>1-ton cylinder facility lacks alarms on continuous chlorine leak detector</u>	<u>Significant</u>	<u>25</u>
TD24	<u>Hypochlorite tank lacks a liquid level indicator</u>	<u>Significant</u>	<u>25</u>
TD25	<u>Disinfection is required but disinfection is intermittent or not continuous</u>	<u>Significant</u>	<u>100</u>
TD26	<u>Fail to achieve disinfection CT or report inaccurate CT for required treatment</u>	<u>Significant</u>	<u>100</u>
TD28	<u>Combustible or reactive materials stored in chlorine dioxide operating area</u>	<u>Significant</u>	<u>50</u>
TD29	<u>Hypochlorite facility does not have adequate spill containment</u>	<u>Minor</u>	<u>5</u>
TD30	<u>Personal protective equipment not available near and outside of chlorine dioxide operating area</u>	<u>Significant</u>	<u>25</u>
TD31	<u>Chlorine dioxide facility lacks emergency eyewash and safety shower</u>	<u>Significant</u>	<u>25</u>
TD32	<u>No emergency shutoff for chlorine dioxide generator</u>	<u>Significant</u>	<u>25</u>
TD33	<u>Chlorine dioxide operating area and solution tanks not properly vented</u>	<u>Minor</u>	<u>15</u>
TD34	<u>No ambient chlorine dioxide sensor or alarm or warning light</u>	<u>Significant</u>	<u>25</u>
TD35	<u>Chlorine dioxide operating area lacks wash down water</u>	<u>Minor</u>	<u>15</u>
TD36	<u>Chlorine dioxide operating area temperatures not maintained between 60 and 100 degrees fahrenheit</u>	<u>Minor</u>	<u>15</u>
TD37	<u>Chlorine dioxide facility lacks safety and emergency manual, or operators lacks safety and emergency training</u>	<u>Significant</u>	<u>25</u>
TD39	<u>UV facility lacks standard operating procedures</u>	<u>Minor</u>	<u>15</u>
TD41	<u>Cleaning chemicals do not meet ANSI/NSF 60 standards</u>	<u>Significant</u>	<u>50</u>
TD42	<u>Unable to isolate UV reactor for maintenance</u>	<u>Minor</u>	<u>15</u>
TD43	<u>Lacks backup power supply for required UV disinfection</u>	<u>Significant</u>	<u>50</u>
TD44	<u>Lacks redundant primary disinfection method if UV reactor is off specification</u>	<u>Significant</u>	<u>100</u>
TD46	<u>Ozone facility lacks adequate ozone residual analyzers for CT determination</u>	<u>Significant</u>	<u>100</u>
TD47	<u>Quenching chemicals do not meet ANSI/NSF 60 standards</u>	<u>Significant</u>	<u>50</u>
TD48	<u>Ozone off gas blowers not functioning</u>	<u>Significant</u>	<u>50</u>
TD49	<u>Ozone off gas destruction units not provided or not functioning</u>	<u>Significant</u>	<u>50</u>

TD56	Gas chlorine room in treatment plant lacks shatter resistant inspection window(s)	Significant	25
TD58	Standby power not available for primary treatment process for surface water treatment	Significant	50
TD59	Backup equipment or spare parts not available for critical treatment items	Significant	50
TD62	No sample tap for each unit operation of treatment	Minor	15
TD64	Chemical solution not covered or tank access openings not covered	Minor	5
TD66	Hypochlorite facility lacks a means of emergency eyewash	Significant	25
TD67	Hypochlorite liquid not protected from excessive heat or direct sunlight	Minor	5
TD68	No records kept to minimize use of decayed hypochlorite solution	Minor	5
TD69	Incompatible chemicals stored in chlorine room	Significant	25
TD70	Chlorine solution makeup water not of drinking water quality	Significant	25
TD71	Hydrogen gas from onsite hypochlorite generation electrolytic cell not vented upward to outside	Significant	50
TD72	Hypochlorite tablets not stored in cool, dry, and vented area	Minor	5
TD73	Hypochlorite tablets stored with combustible materials or acids	Significant	25
TD74	Personal protective equipment, safety shower, or eyewash not provided	Significant	25
TD75	System required to disinfect lacks ability or equipment to properly maintain or repair treatment systems	Significant	25
TD76	Inadequate means to maintain disinfectant residual in the water entering the distribution system	Significant	100
TD78	Lacks equipment for chlorine residual testing	Significant	100
TD79	No means to measure flow rate of water treated	Significant	50
TD81	Instrumentation used to verify operation or rule compliance not calibrated monthly	Minor	15
TD82	Instrumentation used to verify operation or rule compliance not maintained per manufacturer requirements	Minor	15
TD83	System required to achieve CT (GWRD-Primary or SWT) has a missing or insufficient POE chlorine sampling location	Significant	50
TD84	Missing or insufficient designated POE chlorine sample location	Significant	25
TD85	Missing or nonfunctional chlorine analyzer	Significant	25
TD86	Distribution system lacks required disinfection	Significant	100
TD87	Source lacks required disinfection - primary	Significant	200
TD88	Source lacks required disinfection - secondary	Significant	100
TD89	System is batch-disinfection outside approved batch practices, such as operations and maintenance or seasonal start-up	Significant	50
TD90	Adding chemicals that do not meet ANSI/NSF 60 standards	Significant	50
TD91	Chlorinator lacks a means to measure flow of treated water	Significant	50
TD92	Gas chlorination equipment not secure or lacking proper housing	Significant	25
TD93	1-ton cylinder operating area lacks gas scrubber	Significant	25
TD94	Pre-sedimentation basins not equipped for sludge removal	Minor	15
TD95	Gas chlorine room in treatment plant lacks outward-opening exit door with panic bar	Significant	25
TD96	Gas chlorine room in treatment plant has floor drains that connect to other drains in the plant	Significant	25
TD97	Insufficient UV dose for required treatment	Significant	100
TD98	Lacks operational records for chemical dosing	Significant	25
TD99	No means to measure quantities of chemicals used	Significant	50
TG03	Solution tanks and chemical refill lines not labeled	Minor	15
TG05	Safety data sheet information including chemical name, purity, concentration, and supplier is not available for all chemicals	Significant	25
TG09	No means to measure liquid level in solution tank	Significant	25
TG10	Solution tank lacks an inverted J vent or a means of venting	Minor	5
TG13	Acid solution not kept in closed acid-resistant containers	Minor	15
TG17	Dust control and ventilation not adequate for handling dry chemicals	Minor	15
TG18	Solution tank not protected against backflow or not provided with a valved drain	Significant	50
TG19	Incompatible chemicals are fed, stored, or handled together	Significant	25
TG20	Daily records do not reflect dosages accurately	Significant	25
TG21	Chemical feeder not accurate, calibrated, or functioning	Significant	25
TG31	No sample tap for testing finished water	Significant	25
TG35	Cross connection between untreated water and finished water	Significant	100
TG53	No backflow protection on in-plant water supply line	Significant	50
TG55	Community system serving 100 or more connections lacks redundant sources but has a plan to address emergency loss of source	Minor	15
TG59	Lacks containment provisions to handle solution tank spills or overflows	Minor	15

TG60	Acid tank not vented to outside	Minor	15
<u>TG62</u>	<u>Discharging without a permit</u>	<u>Minor</u>	<u>15</u>
TG64	In-plant water supply lacks cross connection control	Significant	50
TGR2	Trigger for backwash recycling review	Minor	15
TGR3	Trigger for undocumented facility or process	Minor	15
<u>TGR5</u>	<u>Hazardous, flammable, or toxic chemicals storage presents risk to source water</u>	<u>Significant</u>	<u>25</u>
TGR7	Community system serving 100 or more connections lacks redundant source	Significant	50
TGR9	Trigger for technical assistance follow-up to address concerns	Minor	15
TI05	Polyphosphate sequestration used for iron manganese control when iron or manganese or combination exceeds 1 mg/L	Significant	25
TQ04	Apply polyphosphate <u>before</u> iron manganese treatment or after aeration, oxidation, or disinfection	Significant	25
TQ06	Total phosphate applied exceeds 10 mg/L as PO4 for iron manganese control	Significant	25
TQ08	Lacks chlorine residual in distribution system when using polyphosphate sequestration for iron manganese control	Significant	25
TT01	Turbidimeter not calibrated or maintained for accurate continuous monitoring of treatment processes	Significant	100
TX07	No backflow protection on chemical makeup water supply line	Significant	50
TX08	Solution tank overflow pipe not downturned or lacking a clearance of six inches or more	Significant	50
TX09	Backup or standby chemical feeder not available	Minor	15
V001	Storage tank surrounding area not graded to prevent standing water within 50 feet of the tank	Significant	25
V003	Water ponding on storage tank roof or tank roof not sloped to drain	Minor	15
V004	Storage tank ladders in excess of 20 feet lack safety features such as safe gate, harness, or platform	Minor	15
V005	Storage facility vent not downturned at least two inches below any opening	Significant	25
V006	End of storage tank vent lacks a clearance of at least 24 inches from earthen cover	Minor	15
V007	Storage tank vent lacks No. 14 screen	Significant	25
V008	Tank access height less than four inches above tank roof or less than 18 inches above earthen cover	Minor	15
V009	Storage tank lid lacks a functioning gasket between the lid and frame	Significant	25
V010	Storage tank lid not shoebox style	Minor	15
V011	End of storage tank overflow lacks a clearance of between 12 and 24 inches from ground surface	Significant	25
V012	End of storage tank overflow pipe lacks No. 4 screen	Significant	25
V013	Storage tank overflow pipe is connected to or discharges to sanitary sewer	Significant	50
V014	Storage tank interior coatings lack ANSI/NSF 61 certification	Significant	25
V016	End of tank drain line lacks a clearance of at least 12 inches	Significant	25
V017	Storage tank subject to contamination due to unsealed openings on tank roof or sidewalls	Significant	100
<u>V019</u>	<u>Storage facility interior peeling or cracked</u>	<u>Minor</u>	<u>15</u>
V021	Storage tank roof or sidewalls show signs of mild or moderate deterioration	Minor	15
V022	Storage tank roof or sidewalls show signs of severe deterioration	Significant	50
V025	Storage tank within 50 feet of sewers or contamination sources	Significant	25
V026	No means to isolate storage tank for O & M	Significant	25
V027	Drinking water storage tank separated from wastewater compartment by a single wall	Significant	50
V028	System runs out of water due to storage tank lacking level control mechanism	Significant	25
V029	Storage tank access opening lacks a lock	Significant	25
V031	System lacks up to 20% of required storage capacity (fire demand not included)	Minor	15
V034	Community or NTNC system lacks more than 20% of required storage capacity (fire demand not included)	Significant	50
V035	Storage Tank vent larger than six inches in diameter lacks protective screen	Minor	5
V036	Tank drain is connected to or discharges to sanitary sewer	Significant	50
V037	Storage tank internal catwalks not designed with a solid floor and raised edges	Significant	25
V038	Storage tank overflow discharge is not directed away from tank to protect tank foundation	Significant	25
V039	Storage tank access not watertight or not sealed to prevent contamination	Significant	50
V040	Storage tank vent not sized or located to prevent blockage during winter	Minor	15
V041	Elevated storage tank lacks railings or handholds	Significant	25
V042	No means to drain a storage tank for O & M	Significant	25

V043	TNC system lacks required storage capacity (fire demand not included)	Minor	15
V044	Storage tank lid does not adequately protect finished water from contamination	Significant	25
VF34	System lacks required storage capacity due to fire demand but has SOP for following fire incident	Minor	15
VF35	System lacks required storage capacity due to fire flow demand and lacks SOP for following fire incident	Significant	25
VF36	TNC system lacks required storage capacity due to fire flow demand and lacks SOP for flowing fire incident	Minor	15
VL01	Storage tank lacks an overflow	Significant	25
VL02	Storage tank lacks an air vent	Significant	25
VL03	Storage tank lacks an access opening located above the level of the overflow for tank O & M	Minor	15
VL05	Storage tank vent inadequately sized	Significant	25

TABLE 2
Violations

Code	Violation	Analyte	Type	Points
01	Nitrate or nitrite maximum contaminant level exceedance, based on a single sample	1038 Nitrate-Nitrite, 1040 Nitrate, or 1041 Nitrite	Acute	100
01	Maximum contaminant level exceedance based on a single sample	All Other Analytes	Acute	50
02	Maximum contaminant level exceedance, based on a locational running annual average of sample results	2456 Total Haloacetic Acids or 2950 TTHM	Chronic	15
02	Maximum contaminant level exceedance, based on a running annual average of sample results	All Analytes	Acute	50
03	Failure to collect any of the required samples in accordance with a nitrate and nitrite monitoring schedule	1038 Nitrate-Nitrite, 1040 Nitrate, or 1041 Nitrite	Monitoring	50
03	Failure to collect any of the required samples in accordance with a monitoring schedule	All Other Analytes	Monitoring	25
03	Failure to collect the specified amount of required samples in accordance with a monitoring schedule	All Analytes	Monitoring	15
05	Failure to submit 4-log virus treatment report within 30 days of total coliform-positive sample for PWS with triggered source sampling exemption	0700 Groundwater Rule	Reporting	15
10	Failure to submit a monthly operating report	0200 SWTR	Reporting	50
10	Failure to provide required monitoring information in a monthly operating report	0200 SWTR	Reporting	50
11	Acute violation for exceeding maximum residual disinfectant level for chlorine dioxide	1008 Chlorine Dioxide	Chronic	25
11	Non-acute violation for exceeding maximum residual disinfectant level for chlorine dioxide	1008 Chlorine Dioxide	Chronic	25
19	Failure to take any monthly routine source assessment sample	3014 E. coli	Monitoring	15
19	Failure to collect the specified amount of required source assessment samples	3014 E. coli	Monitoring	5
1A	E. coli maximum contaminant level exceedance	3014 E. coli	Acute	50
1A	E. coli maximum contaminant level exceedance	8000 RTCR	Acute	50
20	Failure to consult with DDW about significant deficiencies or E.coli positive samples	0700 Groundwater Rule	Reporting	15
20	Failure to consult about significant deficiencies after EPA survey	0800 EPA Survey	Reporting	15
27	Failure to collect any of the required chlorine residual readings	0999 Chlorine	Reporting	15
27	Failure to collect any of the required DBP samples in accordance with a DBP monitoring schedule	2456 Total Haloacetic Acids (HAA5), 2950 TTHM	Monitoring	15
27	Failure to have a DBP monitoring plan	400 DBP State 1	Monitoring	5
27	Failure to report DBP sample results in a timely manner	DBP2, 2456 Total Haloacetic Acids (HAA5), 2950 TTHM	Monitoring	5
28	Failure to permit DDW to conduct a sanitary survey	SS	Acute	50
29	Failure to conduct and submit a triggered filter assessment	0300 IESWTR/LT1	Monitoring	25

2A	Failure to conduct and submit a Level One Assessment	8000 RTCR	Chronic	50
2B	Failed to cooperate with the Division in completing the Level Two Assessment	8000 RTCR	Acute	100
2C	Failure to address significant deficiency identified during an assessment	8000 RTCR	Acute	50
2D	Failure to conduct and complete Seasonal Start Up Procedures	8000 RTCR	Reporting	50
2E	Failure to complete initial LSLI	5200 LCRR	Reporting	50
2E	Failure to complete updated LSLI	5200 LCRR	Reporting	50
2E	Failure to complete baseline inventory	LCRI	Reporting	50
31	Late reporting of chlorine residuals for unfiltered GW source with 4-log treatment	0700 Groundwater Rule/0999	Monitoring	15
31	Failure of continuous chlorine monitoring for systems serving >3300	0200 SWTR	Monitoring	50
31	Failure of continuous chlorine monitoring for systems doing 4-log treatment of unfiltered GW source	0700 Groundwater Rule/0999	Monitoring	50
32	Failure to submit a required LT2 monitoring plan	LT2ESWTR	Reporting	25
32	Failure to collect any of the required LT2 samples in accordance with a monitoring schedule	LT2ESWTR	Monitoring	25
34	Failure to take any required triggered source sample after total coliform-positive routine sample	0700 Groundwater Rule	Monitoring	25
34	Failure to take all required triggered source samples after total coliform-positive routine sample	0700 Groundwater Rule	Monitoring	15
35	Failure to submit an OEL report for DBPs (Haloacetic Acids)	2456 HAA5	Reporting	15
35	Failure to submit an OEL report for DBPs (Trihalomethanes)	2950 TTHM	Reporting	15
36	Failure to monitor chlorine residual measurements	0800 LT2ESWTR	Monitoring	50
37	Failure to consult the Division as required	TT	Reporting	50
3A	Failure to take any routine monthly total coliform sample	3014 RTCR	Monitoring	25
3A	Failure to take all routine monthly total coliform samples	3014 RTCR	Monitoring	15
3E	Failure to monitor for PFAS, initial monitoring	PFAS	Monitoring	25
3F	Failure to monitor for PFAS, compliance monitoring	PFAS	Monitoring	25
40	Failure to practice proper recycling	0500 Filter Backwash Rule	Acute	50
41	Exceedance of 95th percentile turbidity limit at the combined filter effluent	0100 Turbidity	Acute	100
41	Failure to meet required disinfectant residual to achieve treatment	0999 Chlorine	Acute	100
41	Exceedance of the not-to-exceed single turbidity limit at the combined filter effluent	0200 SWTR	Acute	100
41	Failure to achieve the required log removal credits for complete treatment	0800 LT2ESWTR	Acute	100
42	Failure to filter a surface water source that requires filtration	0200 SWTR	Chronic	100
42	Failure to provide required treatment for a groundwater source	0700 Groundwater Rule	Chronic	100
42	Failure to provide required additional cryptosporidium removal as established in the bin determination	0800 LT2ESWTR	Chronic	100
45	GW system failure to address significant deficiency	0700 Groundwater Rule	Chronic	50
45	SW system failure to address significant deficiency	0300 IESWTR	Chronic	50
45	Failure to address significant deficiency from EPA survey	0800 EPA Survey	Chronic	50
46	Failure to adequately remove DBP precursors	2920 DBP Stage 1	Chronic	15
4A	Submitted Level One Assessment late	8000 RTCR	Reporting	15
4B	Submitted monthly total coliform samples late	8000 RTCR	Reporting	5
4C	Submitted seasonal start up form late	8000 RTCR	Reporting	15
4D	Failure to report E. coli positive sample within 24 hours	8000 RTCR	Reporting	25
4G	Failure to submit a complete LSLI	5200 LCRR	Reporting	15
4G	Failure to submit updated SLI	5200 LCRR	Reporting	15
4G	Failure to submit baseline inventory	5200 LCRR	Reporting	15

4H	<u>Failure to submit certificate of delivery for PN</u>	<u>5200 LCRR</u>	<u>Reporting</u>	<u>15</u>
4J	<u>Failure to submit initial monitoring for PFAS data</u>	<u>PFAS</u>	<u>Reporting</u>	<u>15</u>
4K	<u>Failure to notify the state following a MCL violation for PFAS or failure to submit compliance monitoring data</u>	<u>PFAS</u>	<u>Reporting</u>	<u>25</u>
51	<u>Failure to conduct initial monitoring for lead and copper</u>	<u>5000 Lead & Copper Rule</u>	<u>Monitoring</u>	<u>25</u>
52	<u>Failure to conduct routine lead and copper monitoring</u>	<u>5000 Lead & Copper Rule</u>	<u>Monitoring</u>	<u>25</u>
52	<u>Failure to collect the specified amount of required lead and copper samples</u>	<u>5000 Lead & Copper Rule</u>	<u>Monitoring</u>	<u>15</u>
53	<u>Failure to monitor for water quality parameters</u>	<u>5000 Lead & Copper Rule</u>	<u>Monitoring</u>	<u>25</u>
57	<u>Failure to provide optimal corrosion control treatment recommendation</u>	<u>5000 Lead & Copper Rule</u>	<u>Chronic</u>	<u>50</u>
58	<u>Failure to install optimal corrosion control treatment</u>	<u>5000 Lead & Copper Rule</u>	<u>Chronic</u>	<u>50</u>
59	<u>Water quality parameter excursion</u>	<u>5000 Lead & Copper Rule</u>	<u>Chronic</u>	<u>50</u>
5A	<u>Failure to submit RTCR Sample Site Plan</u>	<u>8000 RTCR</u>	<u>Reporting</u>	<u>15</u>
64	<u>Failure to submit replacement form</u>	<u>5000 Lead & Copper Rule</u>	<u>Chronic</u>	<u>50</u>
65	<u>Failure to provide public education for lead and copper</u>	<u>5000 Lead & Copper Rule</u>	<u>Chronic</u>	<u>50</u>
66	<u>Failure to provide consumer notice for lead and copper samples</u>	<u>5000 Lead & Copper Rule</u>	<u>Reporting</u>	<u>5</u>
71	<u>Failure to submit CCR Report</u>	<u>7000 Consumer Confidence Rule</u>	<u>Reporting</u>	<u>15</u>
72	<u>Failure to submit a timely or adequate CCR distribution certification</u>	<u>7000 Consumer Confidence Rule</u>	<u>Reporting</u>	<u>15</u>
73	<u>Failure to notify wholesale system of total coliform-positive sample</u>	<u>0700 Groundwater Rule</u>	<u>Reporting</u>	<u>15</u>
75	<u>Failure to provide tier three public notice</u>	<u>All Analytes Tier 3</u>	<u>Reporting</u>	<u>15</u>
75	<u>Failure to provide tier two public notice</u>	<u>All Analytes Tier 2</u>	<u>Reporting</u>	<u>25</u>
75	<u>Failure to provide tier one public notice</u>	<u>All Analytes Tier 1</u>	<u>Reporting</u>	<u>100</u>
76	<u>Incomplete public notice</u>	<u>7500 Public Notice</u>	<u>Reporting</u>	<u>15</u>
77	<u>Failure to provide tier one public notice following a lead action level exceedance</u>	<u>7500 Public Notice</u>	<u>Reporting</u>	<u>100</u>
FA	<u>Failure to take required repeat samples within 24 hours</u>	<u>All Analytes</u>	<u>Reporting</u>	<u>5</u>
MR	<u>Failure to collect any of the required samples in accordance with a monitoring schedule. Applied for analytes that do not have primary MCLs in Rule R309-200</u>	<u>All Analytes</u>	<u>Reporting</u>	<u>15</u>
MR	<u>Failure to collect the specified amount of required samples in accordance with a monitoring schedule. Applied for analytes that do not have primary MCLs in Rule R309-200</u>	<u>All Analytes</u>	<u>Reporting</u>	<u>5</u>
PN	<u>Failure to provide public notice for enforcement orders</u>	<u>7600 Public Notice for IPS</u>	<u>Reporting</u>	<u>5</u>

KEY: drinking water, environmental protection, water system rating, penalties

Date of Last Change: November 8, 2019

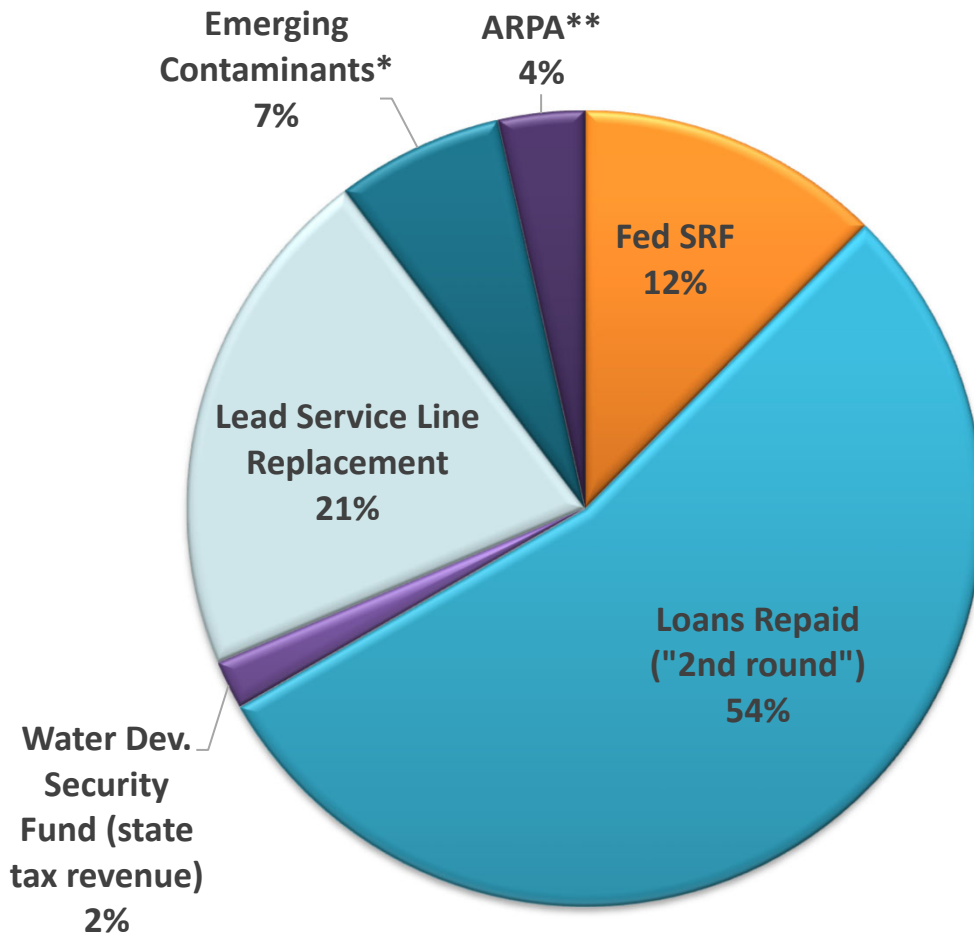
Notice of Continuation: February 10, 2025

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

Agenda Item

8(A)

DIVISION OF DRINKING WATER
DRINKING WATER SRF
Current Year Funding Snapshot



**pollutants that may become regulated by the US Environmental Protection Agency (EPA); such as PFAS (aka forever chemicals)*

***American Rescue Plan Act passed by the US Congress in 2021*

DIVISION OF DRINKING WATER FEDERAL SRF SUMMARY

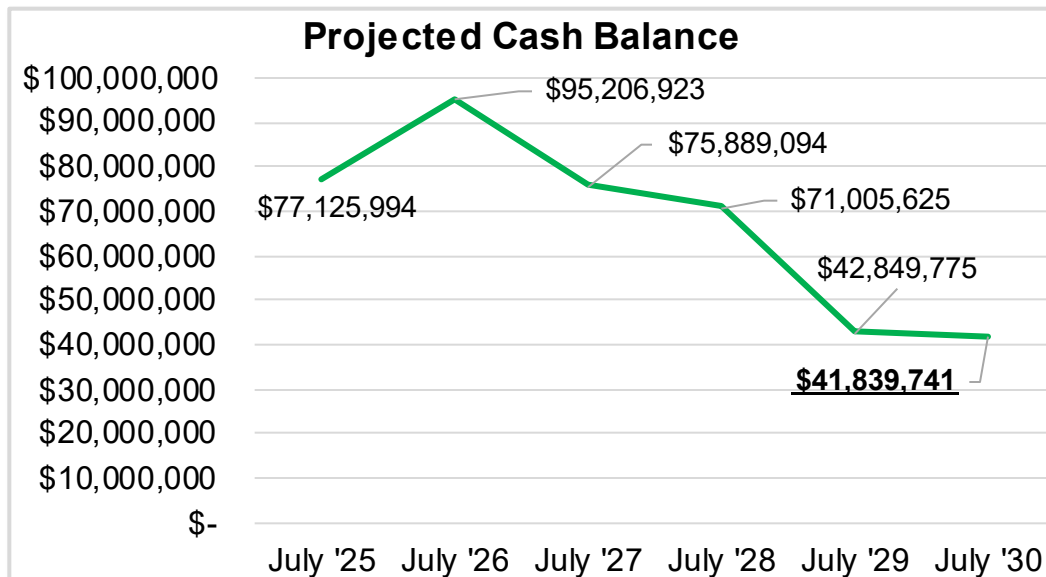
Funding Projection | As of Mar 31, 2026

FISCAL YEAR FUNDING (estimate)	
Beginning Cash (Regular)	\$ 71,119,684
Beginning Cash (Harship)	\$ (292,288)
<u>New Funding (estimate)</u>	
Unused Fed Grants & State Match	22,666,936
Interest Earnings (cash on-hand)	660,796
Loan Repayments (141 Loans)	4,157,678
Hardship & Technical Assistance Fees	-
FY Funding	\$ 98,312,807

FISCAL YEAR SPENDING (estimate)	
Contractors (Rural Water Assoc)	(37,962)
Project/Planning Disbursements (80 projects)	(3,067,922)
FY Spending	\$ (3,105,884)
Current FY-end Balance (6/30)	\$ 95,206,923

FUTURE YEARS ESTIMATE (to 6/30/31)	
Loan Repayments (SRF)	86,097,615
Loan Repayments (Hardship)	7,956,158
Contractors (Rural Water Assoc)	-
Projects not fully funded	(147,420,955)
Proposed Projects	-
Future Funding(Spending)	\$ (53,367,182)

AVAILABLE TO AUTHORIZE \$ 41,839,741



FEDERAL SRF DETAIL

Authorizations | As of Mar 31, 2026

Water System	Project #	Terms	Authorize Date	Contract Date	Authorized \$	Undisbursed
AWARDED - Contract Not Signed						
Fremont Waterworks Co	3F2016	30% PF, 1% 30 yr	Aug-23		\$ 1,425,000	\$ 1,425,000
Hi-Country Estates	3F3758	30% PF, 1% 39 yr	Oct-25		\$ 1,270,000	\$ 1,270,000
Holden (less planning \$)	3F1847	40% PF, 0% 40 yr	Aug-24		\$ 8,291,000	\$ 8,291,000
Holiday Hills	3F2025	30% PF, 0% 40 yr	Nov-23		\$ 855,830	\$ 855,830
Hooper ID	3F3899	2% 30 yr	Nov-25		\$ 12,000,000	\$ 12,000,000
Huntsville Town	3F3898	30% PF, 1.5% 30 yr	Nov-25		\$ 1,698,000	\$ 1,698,000
Irontown	3F3032	30% PF, 0% 40 yr	Jan-25		\$ 883,000	\$ 883,000
KCWCD Johnson Canyon	3F3299	30% PF, 0% 30 yr	Jun-25		\$ 3,059,000	\$ 3,059,000
Mutton Hollow	3F2438	30% PF, 0% 30 yr	Aug-24		\$ 1,300,000	\$ 1,300,000
Nibley City	3F3362	0% 20 yr	Jun-25		\$ 3,500,000	\$ 3,500,000
Paragonah Town	3F1913	30% PF, 0% 40 yr	May-23		\$ 7,300,000	\$ 7,300,000
Parowan Town	3F3297	10% PF, 0% 30 yr	Jun-25		\$ 10,750,000	\$ 10,750,000
Price Municipal	3F3329	30% PF, 0% 40 yr	Jun-25		\$ 15,197,000	\$ 15,197,000
Roosevelt City	3F1854	100% PF	Jun-22		\$ 2,841,000	\$ 2,841,000
Sigurd Town	3F2867	30% PF, 0% 40 yr	Nov-24		\$ 1,460,000	\$ 1,460,000
Summit Service Area #3	3F2075	31% PF, .5% 39 yr	May-24		\$ 6,771,000	\$ 6,771,414
Wanship	3F2108	30% PF, 0% 40 yr	Jun-24		\$ 6,165,000	\$ 6,165,000
TOTAL Contract Not Signed					\$ 84,765,830	\$ 84,766,244

CONSTRUCTION or PLANNING In-progress						
Ballard WID	3F1896	49% PF, 0% 40 yr	Aug-22	Mar-26	\$ 2,215,000	\$ 1,465,000
Blanding - West Water	3F1897A	100% PF	Jan-22	Jul-22	\$ 457,000	\$ 116,016
Brian Head	3F1910	30% PF, 0% 40 yr	Mar-23	Nov-24	\$ 5,483,748	\$ 775,000
Cornish Town	3F1812	50% PF, 0% 30 yr	Nov-21	Aug-24	\$ 1,504,922	\$ 837,922
Leeds Domestic Users	3F1892	45% PF, 0% 40 yr	May-23	May-24	\$ 7,792,500	\$ 5,400,000
Ogden City	3F1908	1% 30 years	Jan-23	Oct-24	\$ 34,370,000	\$ 34,320,000
Salt Lake City DPU	3F2028	1.5% 39 yr	Feb-24	Dec-24	\$ 19,762,500	\$ 19,762,500
Virgin Town	3F1909	30% PF, 0% 40 yr	May-23	Jan-26	\$ 3,070,489	\$ 2,012,838
Wallsburg Town	3F1889	50% PF, 0% 40 yr	Aug-22	Apr-24	\$ 6,933,000	\$ 500,000
Planning (<\$100k)	11	varies	varies		\$ 898,512	\$ 533,357
Fully funded, not completed	43	varies	varies			\$ -
TOTAL Under-Construction					\$ 82,487,671	\$ 65,722,633

PROPOSED PROJECTS			
Water System	Points	Terms	\$
TOTAL Proposed			\$ -

Federal SRF Cash Flow

Fiscal Year Forecast (as of Mar 31, 2026)

Federal SRF (Hardship not included)

Fund	FY26 (remain.)	FY27	FY28	FY29	FY30
Current Funds					
Fund 5210 Cash Balance	\$ 71,119,684	\$ 91,207,652	\$ 70,054,735	\$ 63,279,699	\$ 33,144,813
Interest - cash on-hand	642,774	1,824,153	1,401,095	1,265,594	662,896
Loan Repayments	4,157,678	11,289,854	11,552,934	11,552,934	11,780,569
Current Construction entering repayment					
Available Funds (awarded, not drawn)					
2024 Supplemental not drawn	18,315,438	3,027,922	-	-	-
Potential Funding (applications submitted)					
EPA Grants	-	-	26,449,720	-	-
State Match (20% of grants)	-	-	5,289,944	-	-
Fed SRF Available	94,235,574	107,349,581	114,748,428	76,098,227	45,588,278
Contract - none	-	-	-	-	-
UNDER CONSTRUCTION					
Ballard WID - 3F1896	(215,000)	(1,000,000)	(250,000)	-	-
Blanding - West Water - 3F1897A	-	(116,016)	-	-	-
Brian Head - 3F1910	(275,000)	(500,000)	-	-	-
Cornish - #3F1812	(337,922)	(500,000)	-	-	-
Leeds DWUA - 3F1892	(1,000,000)	(1,000,000)	(1,400,000)	(2,000,000)	-
Ogden - 3F1908	-	(5,000,000)	(10,000,000)	(10,000,000)	(9,320,000)
Payson - 3F2003	-	(50,000)	(52,891)	-	-
Salt Lake City DPU - 3F2028	(500,000)	(2,000,000)	(5,000,000)	(7,500,000)	(4,762,500)
San Juan - La Sal 3F1871P	-	(60,000)	-	-	-
Virgin Town - 3F1909	(200,000)	(1,250,000)	(562,838)	-	-
Wallsburg - 3F1889	(500,000)	-	-	-	-
PENDING (contract not executed)					
Fremont Waterworks - 3F2016	-	(1,000,000)	(425,000)	-	-
Hi-Country Estates - 3F3758	-	(250,000)	(750,000)	(270,000)	-
Holden (less planning \$) - 3F1847	-	(1,000,000)	(2,500,000)	(3,500,000)	(1,291,000)
Holiday Hills HOA - 3F2025	-	(855,830)	-	-	-
Hooper - 3F3899	-	(2,250,000)	(5,000,000)	(4,750,000)	-
Huntsville - 3F3898	-	(1,000,000)	(698,000)	-	-
Irontown - 3F3033	-	(883,000)	-	-	-
KCWCD Johnson Canyon - 3F3299	-	(1,500,000)	(1,559,000)	-	-
Mutton Hollow - 3F2438	-	(650,000)	(650,000)	-	-
Nibley City - 3F3362	-	(2,000,000)	(1,500,000)	-	-
Paragonah Town - 3F1913	-	(2,000,000)	(3,000,000)	(2,300,000)	-
Parowan Town - 3F3297	-	(2,750,000)	(4,000,000)	(4,000,000)	-
Price Municipal - 3F3329	-	(3,000,000)	(6,000,000)	(6,197,000)	-
Roosevelt City - 3F1854	-	(1,400,000)	(1,441,000)	-	-
Sigurd - 3F2867	-	(780,000)	(680,000)	-	-
Summit Area #3 - 3F2075	-	(2,000,000)	(3,000,000)	(1,771,414)	-
Wanship - 3F2108	-	(2,500,000)	(3,000,000)	(665,000)	-
Proposed Authorizations	-	-	-	-	-
Fed SRF Outflow	(3,027,922)	(37,294,846)	(51,468,729)	(42,953,414)	(15,373,500)
Fed SRF FY-End Balance	\$ 91,207,652	\$ 70,054,735	\$ 63,279,699	\$ 33,144,813	\$ 30,214,778

Federal SRF Cash Flow Continued

FEDERAL Hardship

Fund	FY26 (remain.)	FY27	FY28	FY29	FY30
Current Funding					
Fund 5215 Cash Balance	\$ (292,288)	\$ 3,999,271	\$ 5,834,359	\$ 7,725,926	\$ 9,704,962
Interest - cash on-hand	18,022	79,985	116,687	154,519	194,099
Loan Repayments	-	1,965,569	1,894,880	1,824,517	1,725,902
Undrawn ARPA reimbursements	4,351,498	-	-	-	-
Current Construction entering repayment					
Hardship & Tech Support Fees	-	-	-	-	-
Hardship Available	4,077,233	6,044,825	7,845,926	9,704,962	11,624,963
Contract - Rural Water Assoc	(37,962)	-	-	-	-
UNDER CONSTRUCTION					
Greenwich 3F3892P	-	(20,000)	(20,000)	-	-
Hi-Country 3F2240P	-	(39,000)	(39,000)	-	-
Piute-Sevier - 3F2178P	-	(18,866)	-	-	-
Price 3F2769P	-	(30,000)	(41,000)	-	-
San Juan - NTUA West 3F1817P	-	(20,000)	(20,000)	-	-
Virgin - 3F3893P	(40,000)	(55,000)	-	-	-
Wanship - 3F1916P	-	(27,600)	-	-	-
PENDING (contract not executed)					
none	-	-	-	-	-
Proposed Authorizations	-	-	-	-	-
Hardship Outflow	(77,962)	(210,466)	(120,000)	-	-
Hardship FY-End Balance	\$ 3,999,271	\$ 5,834,359	\$ 7,725,926	\$ 9,704,962	\$ 11,624,963

DIVISION OF DRINKING WATER
Fed - ARPA Rural & Schools Summary

Status | As of Mar 31, 2026

Obligation Status*	
FY21 ARPA Appropriation - Rural	\$ 25,000,000
FY22 ARPA Appropriation - Rural	21,500,000
FY22 ARPA Appropriation - Schools	3,500,000
LESS: returned to State Treasurer	(300,000)
LESS: authorized projects	(49,868,871)
Proposed Projects	-
Unobligated*	\$ (168,871)

Spending (66 projects)	
Spent-To-Date (87%)	(43,292,362)
Unspent*	\$ 6,407,638

**Funding must be fully spent by 12/31/26 (85% by 6/30)*

DIVISION OF DRINKING WATER

Fed - ARPA Detail

Authorizations | As of Mar 31, 2026

Project	Contract	Author. Date	Contract Date	Authorized \$	Remainder \$
AUTHORIZED, Contract Not Signed					
Eureka	3F4121A	Feb-26		\$ 158,000	\$ 158,000
Junction	3S1915A	Dec-24		120,000	120,000
Manderfield	3F4187A	Feb-26		200,000	200,000
Rockville Pipeline Co	3F3894A	Nov-25		92,000	92,000
Trenton	3F4055A	Feb-26		127,000	127,000
TOTAL Contract Not Signed				\$ 697,000	\$ 697,000

School Projects (32)					
Alpine District	205879	Oct-24	Dec-26	\$ 291,984	\$ 156,741
Beaver County District	241872	Mar-24	Dec-26	5,500	5,500
Beehive Science & Tech	250769	Oct-24	Dec-26	1,500	1,500
Box Elder District	250863	Oct-24	Dec-26	40,532	40,532
Cache District	241873	Mar-24	Dec-26	98,680	98,680
Canyons District	242390	May-24	Dec-26	103,092	103,092
Carbon District	250588	Sep-24	Dec-26	14,166	14,166
Dagget District	250956	Nov-24	Dec-26	5,500	5,500
Emery District	232009	Mar-23	Dec-26	17,900	10,767
Garfield District	250844	Oct-24	Dec-26	5,200	5,200
Granite District	251026	Nov-24	Dec-26	158,191	158,191
Iron District	250873	Oct-24	Dec-26	57,452	57,452
Juab District	250881	Oct-24	Dec-26	4,722	1,905
Logan City District	250716	Sep-24	Dec-26	8,657	8,657
Millard District	250898	Oct-24	Dec-26	29,120	21,860
Morgan District	250930	Nov-24	Dec-26	9,444	9,444
Nebo District	241333	Dec-23	Dec-26	107,300	79,457
North Sanpete District	250894	Oct-24	Dec-26	9,838	3,474
Provo District	250864	Oct-24	Dec-26	34,235	34,235
Salt Lake District	250872	Oct-24	Dec-26	40,532	23,310
San Juan District	250258	Jul-24	Dec-26	24,790	9,955
Sevier District	242293	May-24	Dec-26	14,559	14,559
South Sanpete District	250402	Aug-24	Dec-26	16,187	3,208
South Summit District	232010	Mar-23	Dec-26	56,300	54,989
Tooele District	250895	Oct-24	Dec-26	29,907	29,907
Uintah District	232011	Mar-23	Dec-26	13,130	13,130
Walden School of Liberal Arts	241871	Mar-24	Dec-26	3,000	2,701

Weber District	242542	Jun-24	Dec-26	170,700	116,793
<u>Fully funded & spent (4 projects)</u>				<u>437,748</u>	<u>0</u>
Total School/District Contracts				\$ 1,809,866	\$ 1,084,906

Rural Projects (29)					
Antimony	3S3131A	Dec-24	Dec-24	\$ 140,000	\$ 78,785
Axtell Community	3F1845A	Jun-22	Oct-22	3,255,110	1,996,853
Blanding - West Water	3F1897A	Aug-22	Sep-23	3,500,000	1,227,957
Cannonville	3S1838A	Jul-22	Sep-25	26,152	26,152
Daggett Co - Dutch John	3F1857A	Mar-23	Nov-23	3,500,000	143,178
Kane Co WCD - Clark Bench	3F1853A	Jun-22	Nov-22	3,009,828	131,120
Kane Co WCD - New Paria	3F1852A	Jun-22	Oct-22	4,171,007	149,228
Myton City	3S2041A	Apr-24	Apr-25	162,000	162,000
Neola	3S3791	Oct-25	Jan-26	74,000	48,492
Orderville	3F2038A	Apr-24	May-24	479,384	417,701
Ouray Park WID	3F1866A	Jun-22	Mar-23	2,871,000	21,454
South Duchesne	3F1879A	Jul-24	Sep-24	1,500,500	391,683
<u>Fully funded & spent (17 projects)</u>				<u>24,673,024</u>	<u>-</u>
TOTAL Rural Projects				\$ 47,362,005	\$ 4,794,603

PROPOSED PROJECTS	
Total Proposed	\$ -

DIVISION OF DRINKING WATER
Fed Lead Service Line Summary

Status | As of Mar 31, 2026

FUNDING (remainder)	
FY22 EPA LSL Grant	17,184,741
FY23 EPA LSL Grant	21,201,000
TOTAL Funding	\$ 38,385,741

SPENDING (57 projects)	
Current FY estimate	(3,225,417)
Future FY estimate	(55,389,900)
Proposed Projects	-
TOTAL Spending	\$ (58,615,317)

AVAILABLE TO AUTHORIZE* \$ (20,229,576)

*The EPA has \$28M available for DDW to request

DIVISION OF DRINKING WATER

Fed Lead Service Line Detail

Authorizations | As of Mar 31, 2026

Water System	Project #	Terms	Author. Date	Contract Date	Total \$	Undisbursed
AUTHORIZED, Contract Not Signed						
Antimony	3F3765L	100% PF	Oct-25		\$ 41,200	\$ 41,200
Austin SSD	3F3759L	100% PF	Oct-25		\$ 106,000	\$ 106,000
Boulder Farmstead	3F3763L	100% PF	Oct-25		\$ 333,000	\$ 333,000
Brooklyn Tapline	3F2999P	100% PF	Nov-24		\$ 20,000	\$ 20,000
Coalville	3F4022L	100% PF	Feb-26		\$ 83,000	\$ 83,000
Junction Town	3F3766L	100% PF	Oct-25		\$ 41,200	\$ 41,200
La Verkin City	3F3560L	2.5% 20 yr	Nov-25		\$ 2,228,000	\$ 2,228,000
Ogden City	3F3897L	1% 39 yr	Oct-25		\$ 27,285,000	\$ 27,285,000
Paragonah	3F3895L	1% 39 yr	Oct-25		\$ 2,925,000	\$ 2,925,000
Wellington City	3F3762L	100% PF	Oct-25		\$ 1,712,000	\$ 1,712,000
TOTAL Contract Not Signed					\$ 34,774,400	\$ 34,774,400

CONSTRUCTION IN-PROCESS						
Kane County	3F2008P	100% PF	Jun-23	Jul-23	\$ 389,300	\$ -
Magna	3F3164	2% 20 yr	Feb-25	Feb-26	\$ 2,000,000	\$ 1,750,000
Salt Lake City	3F2028	1.5% 39 yr	Apr-24	Dec-24	\$ 19,762,500	\$ 19,062,500
TOTAL CONSTRUCTION In-Process					\$ 22,151,800	\$ 20,812,500

PLANNING IN-PROCESS						
Axtell Community	3F1989P	100% PF	Jul-23	May-24	\$ 73,000	\$ 34,952
Brian Head	3F2010P	100% PF	Jul-23	May-24	\$ 99,000	\$ 84,978
Cannonville	3F2011PL	100% PF	Jul-23	Aug-23	\$ 78,000	\$ 35,387
Cedarview Montwell	3F1979PL	100% PF	Jul-23	Aug-23	\$ 100,000	\$ 88,383
Charleston WC	3F1967P	100% PF	Jul-23	Feb-24	\$ 25,000	\$ 25,000
Corinne	3F1939PL	100% PF	Jul-23	Aug-23	\$ 100,000	\$ 30,276
Daggett Co-Dutch John	3F1959PL	100% PF	Jul-23	Jul-23	\$ 80,000	\$ 23,350
Elsinore	3F2029PL	100% PF	Jan-24	Jul-24	\$ 35,000	\$ 7,688
Fremont Water Works	3F1964PL	100% PF	Jul-23	Jul-23	\$ 88,000	\$ 32,256
Glen Canyon SSD	3F1976P	100% PF	Jul-23	Jan-24	\$ 78,000	\$ 56,840
Goshen	3F1987PL	100% PF	Apr-24	Jun-24	\$ 85,000	\$ 22,429
Green River	3F1978PL	100% PF	May-23	Jul-23	\$ 96,000	\$ 96,000
Hanksville	3F2042PL	100% PF	Apr-24	May-24	\$ 100,000	\$ 51,121
Helper	3F1935P	100% PF	Apr-23	Jan-24	\$ 100,000	\$ 14,678
Holden	3F1992PL	100% PF	Aug-23	Aug-23	\$ 73,000	\$ 31,672
Jensen WID	3F1988PL	100% PF	Jul-23	Sep-23	\$ 96,000	\$ 50,864
Johnson WID	3F1956P	100% PF	Jul-23	Apr-24	\$ 100,000	\$ 83,464
Jordanella	3F1954P	100% PF	Jul-23	Jan-24	\$ 15,500	\$ 15,500
Magna	3F1973PL	100% PF	45,051	Jul-24	\$ 100,000	\$ 100,000
Manti City	3F1952P	100% PF	Aug-23	Jan-24	\$ 100,000	\$ 100,000
Milford	3F1998P	100% PF	May-23	Jan-24	\$ 90,000	\$ 23,349
Moab	3F1977PL	100% PF	May-23	Jun-23	\$ 100,000	\$ 100,000
Moroni	3F1990P	100% PF	May-23	Jan-24	\$ 100,000	\$ 56,451
North Fork SSD	3F2372PL	100% PF	Oct-24	Nov-24	\$ 100,000	\$ 78,243
North Village	3F1953P	100% PF	Jul-23	Jan-24	\$ 8,300	\$ 8,300
Ogden	3F2405PL	100% PF	Oct-24	Oct-24	\$ 100,000	\$ 100,000
Orderville	3F1950PL	100% PF	Apr-23	Jul-23	\$ 87,000	\$ 66,559

Ouray Park	3F1969P	100% PF	Jul-23	Jan-24	\$ 93,000	\$ 77,061
Panguitch	3F1962P	100% PF	Jul-23	Dec-23	\$ 86,000	\$ 59,444
Price	3F1996PL	100% PF	Jul-23	Aug-23	\$ 100,000	\$ 100,000
Rockville Pipeline	3F1966PL	100% PF	Jul-23	Sep-23	\$ 69,000	\$ 40,302
Roosevelt	3F2037PL	100% PF	Apr-24	Jun-24	\$ 100,000	\$ 36,986
Rubys Inn	3F2034PL	100% PF	Mar-24	May-24	\$ 100,000	\$ 64,496
Salina	3F1971P	100% PF	Aug-23	Mar-24	\$ 100,000	\$ 60,701
Salt Lake City	3F1972P	100% PF	Apr-23	Jul-24	\$ 100,000	\$ 2,682
Sandy City	3F1991PL	100% PF	May-23	Aug-23	\$ 100,000	\$ 31,975
Springdale	3F1965PL	100% PF	Jul-23	Oct-23	\$ 94,000	\$ 82,042
Springville	3F2022PL	100% PF	Mar-24	Jul-24	\$ 100,000	\$ 22,700
Storm Haven-Daniel Town	3F2036PL	100% PF	Feb-24	Apr-25	\$ 40,000	\$ 40,000
Sunset	3F1994P	100% PF	May-23	Feb-24	\$ 100,000	\$ 12,999
Tridell Lapoint	3F1957PL	100% PF	Apr-23	Jul-23	\$ 100,000	\$ 87,285
Twin Creeks	3F1955P	100% PF	Jul-23	Jan-24	\$ 17,500	\$ 17,500
Wellington	3F1981PL	100% PF	May-23	Aug-23	\$ 100,000	\$ 63,388
West Corinne	3F1983PL	100% PF	Jul-23	Jul-23	\$ 60,000	\$ 6,892
TOTAL Planning					\$ 3,666,300	\$ 2,224,192

PROPOSED PROJECTS		
Water System	Terms	Total \$
Total Proposed Projects		\$ -

DIVISION OF DRINKING WATER
Fed Emerging Contaminants Summary

Status | As of Mar 31, 2026

FUNDING (remainder)	
FY22 EPA EC Grant	\$ 366,100
FY23 EPA EC Grant	7,341,500
FY24 EPA EC Grant	4,689,600
FY Funding	\$ 12,397,200

SPENDING (8 projects)	
Current FY estimate	\$ (321,700)
Future FY estimate	(3,597,300)
Proposed Projects	-
FY Spending	\$ (3,919,000)

AVAILABLE TO AUTHORIZE \$ 8,478,200

Other EC Funding	
2023 EPA SDC grant	\$ 12,480,190
2024 EPA SDC grant	6,628,235
Under Construction (none)	-
Proposed (Ogden, Taylor-West)	(7,921,700)
Available	\$ 11,186,725

DIVISION OF DRINKING WATER
Fed Emerging Contaminants Detail

Authorizations | As of Mar 31, 2026

Water System	Project #	Author. Date	Contract Date	Total \$	Undisbursed
AUTHORIZED, Contract Not Signed					
Cottonwood Mutual	3F2868E	Nov-24		\$ 762,300	\$ 762,300
Mountain Regional	3F3298E	Jul-25		\$ 2,000,000	\$ 2,000,000
Salt Lake City	3F2900P	Nov-24		\$ 800,000	\$ 800,000
South Davis WD	3F3900E	Jan-26		\$ 335,000	\$ 335,000
Total Contract Not Signed:				\$ 3,897,300	\$ 3,897,300

PROJECTS IN-PROCESS					
Escalante	3F3956PE	Oct-25	Dec-25	\$ 21,700	\$ 13,482
Granger-Hunter ID	3F2017E	Aug-23	Feb-25	\$ 2,500,000	\$ -
Green Hills EC-SDC	3F1930E	May-23	Sep-24	\$ 500,000	\$ -
Green River City	3F1925E	May-23	Dec-24	\$ 3,530,000	\$ -
Total In-Process:				\$ 6,551,700	\$ 13,482

PROPOSED PROJECTS			
System	Points	Terms	Total \$
Total Proposed Projects			\$ -

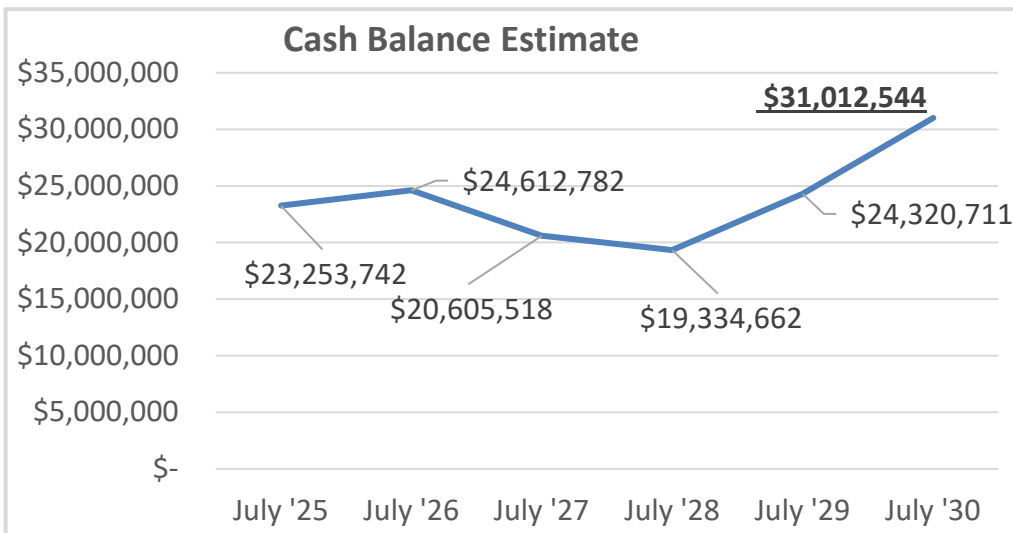
DIVISION OF DRINKING WATER
STATE SRF FUNDING
 Projection | As of Mar 31, 2026

CURRENT FUNDING (estimated)	
Cash Balance (State SRF)	\$ 21,301,067
Cash Balance (Hardship)	4,718,076
<u>New Funding (estimate)</u>	
Water Development Security Fund (sales tax)	-
Interest Earnings (cash on-hand)	441,997
Loan Repayments (76 Loans)	508,092
Hardship Fees (loans < market %)	-
Fiscal Year Funding	\$ 26,969,232

CURRENT SPENDING (estimated)	
Projects Under Construction (x49)	\$ (1,600,000)
Fed Grants Required Match	-
Division Operating Budget	(756,450)
Fiscal Year Spending	\$ (2,356,450)
FY-end Balance (6/30)	\$ 24,612,782

FUTURE ESTIMATE (thru 6/30/30)	
Loan Repayments	\$ 18,683,030
Water Dev Security Fund (sales tax)	14,350,000
Fed Grants Match	-
Division Operating Budget	(6,329,409)
Projects Under Construction	(20,303,859)
Proposed Projects	-
Future Funding(Spending)	\$ 6,399,762

AVAILABLE TO AUTHORIZE \$ 31,012,544



STATE SRF FUNDS

Authorizations | As of Mar 31, 2026

Water System	Project #	Terms	Award Date	Contract Date	Total \$	Remaining Balance
AUTHORIZED, Contract Not Signed						
Angell Springs	3S2801	0%, 40 yr	Nov-24		\$ 1,445,859	\$ 1,445,859
Deseret Oasis	3S2176	2.61%, 20 yr	Jun-24		155,000	\$ 155,000
Elsinore	3S2703P	100% PF	Jan-25		50,000	\$ 50,000
Fayette	3S2018P	100% PF	Sep-23		42,000	\$ 42,000
Hanksville	3S2702P	100% PF	Dec-24		40,000	\$ 40,000
Hildale City	3S2669	1.73% 30 yr	Aug-24		788,500	\$ 788,500
Junction Town	3S1915	1% 30 yrs	May-23		480,000	\$ 480,000
Oak City	3S1902	2.62% 20 yr	Nov-22		245,000	\$ 245,000
Soldier Summit	3S3395	3% 20 yr	Jun-25		585,000	\$ 585,000
Vernon	3S3296	100% PF	Jun-25		88,000	\$ 88,000
TOTAL Contract Not Signed					\$ 3,919,359	\$ 3,919,359

CONSTRUCTION IN-PROGRESS						
Bear River	3S1849	1%, 20 yrs	Jun-22	Aug-24	\$ 2,840,000	\$ 1,817,000
Cannonville	3S1838A	100% PF	Feb-22	Aug-25	86,291	\$ 50,000
Cedarview Montwell	3S1869A	0%, 40 yrs	Jul-22	Sep-25	1,165,000	\$ 1,115,000
Manti	3S1924	0%, 40 yrs	May-23	Feb-25	7,687,000	\$ 6,987,000
North Logan	3S2174	2.25%, 20 yrs	Jun-24	Oct-25	8,030,000	\$ 6,230,000
Powder Mountain	3S1830	2.54%, 30 yrs	Jan-22	Jun-22	1,895,000	\$ 300,000
Snowville	3S3692P	100% PF	Sep-25	Sep-25	17,500	\$ 17,500
Wellsville	3S2040	2.4%, 20 yrs	Apr-24	Dec-24	3,200,000	\$ 1,468,000
Fully funded, not completed	31					
TOTAL Under Construction					\$ 24,920,791	\$ 17,984,500

PROPOSED PROJECTS			
Water System	Points	Terms	Total \$
TOTAL Proposed			\$ -

State SRF Cash Flow

	FY26 (remain.)	FY27	FY28	FY29	FY30
STATE SRF FUND (5235)					
Funds Available					
Cash On-Hand	\$ 21,301,067	\$ 19,321,617	\$ 14,457,217	\$ 12,036,071	\$ 15,880,535
Sales Tax (Water Dev Security Fund)	-	3,587,500	3,587,500	3,587,500	3,587,500
Interest - cash on-hand (deposited into Hardship fund)	-	-	-	-	-
Loan repayment - principal	377,000	3,109,000	3,701,000	3,679,000	3,624,000
Current Construction entering repayment	-	-	-	-	-
Hardship Fees	-	-	-	-	-
State SRF Available	21,678,067	26,018,117	21,745,717	19,302,571	23,092,035
State Match for Fed grants	-	-	-	-	-
Appropriation to DDW Oper. Budget	(756,450)	(1,512,900)	(1,558,287)	(1,605,036)	(1,653,187)
AUTHORIZATIONS, No Contract					
Angell Springs - 3S2801	-	(500,000)	(945,859)	-	-
Deseret Oasis - 3S2176	-	(155,000)	-	-	-
Hildale City - 3S2669	-	(350,000)	(438,500)	-	-
Junction - 3S1915	-	(480,000)	-	-	-
Oak City - 3S1902	-	(245,000)	-	-	-
Soldier Summit - 3S3395	-	-	(585,000)	-	-
New Commitments	-	-	-	-	-
UNDER CONSTRUCTION					
Bear River - 3S1849	-	(1,000,000)	(817,000)	-	-
Cedarview Montwell - 3S1869A	(200,000)	(800,000)	(115,000)	-	-
Manti City - 3S1924	(400,000)	(2,500,000)	(2,500,000)	(1,587,000)	-
North Logan - 3S2174	(500,000)	(2,750,000)	(2,750,000)	(230,000)	-
Powder Mountain - 3S1830	-	(300,000)	-	-	-
Wellsville City - #3S2040	(500,000)	(968,000)	-	-	-
State SRF Outflow	(2,356,450)	(11,560,900)	(9,709,646)	(3,422,036)	(1,653,187)
State SRF (5235) FY-End Balance	\$ 19,321,617	\$ 14,457,217	\$ 12,036,071	\$ 15,880,535	\$ 21,438,848
STATE SRF Hardship (5240)					
Funds Available					
Cash On-Hand	\$ 4,718,076	\$ 5,291,165	\$ 6,148,301	\$ 7,298,592	\$ 8,440,176
Interest - cash on-hand	441,997	222,229	258,229	306,541	354,487
Loan repayment - interest	131,092	922,407	892,062	835,043	779,032
Current Construction entering repayment	-	-	-	-	-
Hardship Fees	-	-	-	-	-
State Hardship Funding	5,291,165	6,435,801	7,298,592	8,440,176	9,573,695
Seven County Infra Coalition	-	-	-	-	-
AUTHORIZATIONS, No Contract					
Elsinore - 3S2703P	-	(50,000)	-	-	-
Fayette - 3S2018P	-	(42,000)	-	-	-
Hanksville - 3S2702P	-	(40,000)	-	-	-
Vernon Waterworks SSD - 3S3296	-	(88,000)	-	-	-
New Commitments	-	-	-	-	-
UNDER CONSTRUCTION					
Cannonville - 3S1838A	-	(50,000)	-	-	-
Snowville - 3S3692P	-	(17,500)	-	-	-
State Hardship Outflow	-	(287,500)	-	-	-
Hardship (5240) FY-End Balance	\$ 5,291,165	\$ 6,148,301	\$ 7,298,592	\$ 8,440,176	\$ 9,573,695
All State SRF & Hardship	\$ 24,612,782	\$ 20,605,518	\$ 19,334,662	\$ 24,320,711	\$ 31,012,544

Agenda Item

8(B)

**DRINKING WATER BOARD
BOARD PACKET FOR PROJECT PRIORITY LIST**

There is one new project added to the project priority list:

Taylor-West Weber Water Improvement District scored 4.5 points on the project priority list.
Install filtration systems to treat iron and manganese.

FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:

The Drinking Water Board approve the updated Project Priority List.

Utah Federal SRF Program

April 28, 2026										Project Priority List															
Date	Bill #	Type	% Green	Priority Points	Total Unmet Needs:			Total Needs, incl. Recent funding			Authorized			Project Segments			Final Eligibility Question	Avg. of App. Prog. Buyl.	Avg. Monthly Water Bill	Median AGI	fire-eligible	growth-eligible	second home-eligible	other-eligible	Principal Forgiveness
					System Name	County	Pop.	Project Title	Project Total	SRF Assistance	BL funds authorized	Funds Authorized	Source	Total	Star	Dist									
N					14.0	Eberta Water Company	Utah	211	Drilling new well	\$825,070	\$825,070							\$80.82	\$45,200						
N					4.5	Taylor-West Weber WID	Weber	1,600	Install filtration systems to treat iron and manganese	\$7,072,000	\$7,072,000				5			\$68.11	\$56,000					\$7,072,000	
A					77.1	Brian Head Town	Iron		New Well drilling and equipping, replace main line, existing well maintenance/improvements, generator for existing central pump station and upgrade to f	\$6,427,292	\$5,141,834	\$5,483,748						\$77.69	\$24,900						
A					65.8	Brian Head Town	Iron	165	Install new transmission line/fire hydrants along Snow Shoe Drive and Toboggan Lane (connect existing cabin owners currently hauling water)	\$857,986	\$507,870	\$507,870			20			\$82.92	\$24,900						
A					64.4	Johnson WID	Uintah	1,880	upgrading 24,000 ft undersized waterlines	\$2,352,000	\$2,352,000	\$2,352,000			40			\$58.80	\$36,120					\$2,352,000	
A					63.6	Roosevelt City	Duchesne	6,800	pipeline replacement, lining of DI pipe, new pipe to bypass tank, PRV	\$2,951,400	\$2,841,400	\$2,841,400			25	35		\$87.92	\$41,000						
A					55.9	Ballard Water ID	Uintah	1,367	800,000 gal tank, well; 3.5 miles of 12" trans line	\$7,287,000	\$7,100,000	\$7,100,000			20	15	30	\$113.10	\$44,100					\$3,500,000	
A					53.5	Virgin Town	Washington		New 500,000 gal water tank and waterline	\$2,248,000	\$1,848,000	\$1,848,000						\$51.00	\$42,700						
A					50.0	Huntsville Town	Weber	573	Replace transmission pipeline from their treatment plant to the Town	\$1,698,000	\$1,188,000							\$91.69	\$86,000					\$510,000	
A					48.9	Roosevelt City	Duchesne	8,461	12000 ft of 12" transmission line, 2 PRV stations	\$2,418,600	\$2,300,000	\$2,300,000						\$92.51	\$53,300						
A					47.2	Pine Valley Mountain Farms	Washington	144	Tank refurbishment, trans line replacement, solar pump, meters	\$418,485	\$348,500	\$630,015			25	30		\$85.00	\$38,300						
A					43.9	Wilson Arch	San Juan	27	New water lines, water meters, booster pump, and 30,000-gallon storage tank	\$1,138,000	\$1,138,000	\$1,138,000			20			\$85.00	\$38,300					\$569,000	
A					40.7	Granger/Hunter ID - Emerging Contami	Salt Lake	132,887	WTP to treat manganese on Wells 16& 18	\$11,457,840	\$2,500,000	\$13,957,840													
A					36.1	Boulder Farmstead Water Co.	Garfield	226	Replace lead and galvanized services lines	\$330,000	\$330,000				15			\$80.19	\$37,000					\$0	
A					29.2	Sigurd Town	Sevier		Pipeline replacement	\$1,462,600	\$1,460,000				30		\$56.78	\$41,600							
A					29.0	Hanna Water and Sewer District	Duchesne	742	200,000 gallon tank, booster pump station, dist line	\$3,483,838	\$3,483,838	\$3,483,838			20			\$44.14	\$30,100						
A					28.7	Parowan City	Iron County	3,200	Pipe replacement, treatment plant and SCADA	\$10,750,000	\$10,750,000				25	25	55	\$47.13	\$47,000						
A					28.2	Eureka Town	Juab	662	Replace booster pumps, move chlorinator	\$158,000	\$158,000				25	30		\$75.45	\$55,000					\$158,000	
A					28.1	Upper Whittemore	Utah	128	chlorinator	\$500,000	\$500,000	\$500,000			10	25		\$75.00	\$46,200					\$250,000	
A					28.0	Payson City	Utah	22,725	Connect Church to City water system	\$346,430	\$346,430	\$346,430						\$27.33	\$45,100						
A					27.2	Anaell Springs	Washington		treatment for well, valves on tank, waterlines to loop system	\$1,450,859	\$1,445,859				25	20	30	\$82.68	\$51,900						
A					26.7	North Emery SSD	Emery	1,500	new 250,000-gallon tank, replace PRV vaults, replace 4000 ft waterline	\$2,550,000	\$2,050,000	\$2,050,000												\$1,538,000	
A					24.2	Ogden City	Salt Lake	25,998	Replacement of galvanized and potential lead service lines and complete lead line inventory	\$27,285,000	\$13,920,000				15			\$101.92	\$51,000					\$13,365,000	
A					24.2	Manderfield	Beaver	50	Replace failing service lines and meters	\$99,500	\$99,500				10	20	20	\$59.48	\$45,000						
A					23.7	Foothill WAU	Iron	30	250,000 tank, meters, hydrants,wellhouse, well & electrical improvements	\$603,030	\$603,030														
A					23.3	Trenton Town WS	Cache	555	Replace meters with digital read meters	\$132,000	\$127,000				20			\$65.10	\$48,000					\$127,000	
A					23.1	Wellington City	Carbon	1,630	Replace lead and galvanized services lines	\$1,712,000	\$1,712,000				15			\$86.44	\$48,000					\$1,712,000	
A					21.7	Wellsville City	Cache			\$3,989,652	\$3,200,000	\$3,200,000						\$39.15	\$66,000						
A					20.7	Magna Water District	Salt Lake	33,424	Lead Service Line Rebate Program	\$4,000,000	\$4,000,000				15			\$79.44	\$47,000						
A					20.3	Salt Lake City DPU	Salt Lake	364,982	Planning & Construction for LSL Inventory & Replacemen	\$39,525,000	\$39,525,000	\$39,525,000						\$95.83	\$46,500					\$19,350,000	
A					20.1	Irontown	Iron	110	New well and wellhouse	\$883,000	\$883,000				10	20		\$48.08	\$39,300						
A					19.4	Austin Special Service District	Sevier	136	Replace lead and galvanized services lines	\$106,000	\$106,000				15			\$66.42	\$46,000					\$106,000	
A					18.9	Rockville Pipeline	Washington	275	Meters	\$97,000	\$92,000				20			\$42.43	\$43,000					\$0	
A					17.2	Junction Town	Piute	223	Replace lead and galvanized services lines	\$41,200	\$41,200				15			\$38.16	\$37,000					\$41,200	
A					17.0	Manderfield Culinary WC	Beaver	50	Replace failing service lines and install backflow devices and meters	\$200,000	\$60,000				10	20	20	\$59.48	\$49,000					\$60,000	
A					16.5	Paragonah	Iron		Waterlines, new well, 250,000 gallon tank	\$7,452,000	\$7,300,000	\$7,300,000						\$31.22	\$40,500						
A					16.4	Mountain Regional Water SSD	Summit	8,245		\$42,845,575	\$2,000,000				30			\$151.34	\$103,000						
A					16.4	Wasatch Mobile home	Wasatch	31	Signal Hill Water Treatment Plant	\$250,000	\$250,000				10	10	10	\$60.00	\$36,000						
A					15.5	Price Municipal Corporation	Carbon	8,262	Water line replacement	\$15,297,000	\$15,197,000				20			\$44.65	\$47,000						
A					15.5	Hi-Country Estates Phase 1	Salt Lake	315	Replace PRV station, fire hydrants, and install pipeline	\$1,270,000	\$1,270,000				10	20		\$141.61	\$75,000					\$381,000	
A					15.3	Fremont Waterworks Company	Wayne	320	3100 ft. line: new master meters, 6 hydrants, radio meters	\$1,429,250	\$1,425,000														
A					15.0	La Verkin City	Washington	4,805	Replace 101 GRR and 3 LSL, as well as meters and mains	\$2,228,000	\$2,228,000				15			\$52.82	\$45,000						
A					13.8	Orderville Town	Kane	645	Replace aging pipeline, new pipeline	\$490,000	\$479,700	\$479,700							\$72.30	\$40,000					
A					13.6	Paragonah Municipal WS	Iron	615	Replacement of galvanized and potential lead service lines and complete lead line inventory	\$2,925,000	\$1,495,000				15			\$57.21	\$51,000					\$1,430,000	
A					13.1	KCWCD - Johnson Canyon	Utah	7,400	Equipping and connecting existing well to system, transmission line, new pump house	\$3,059,000	\$3,059,000				8	5	15	20	\$68.04	\$49,000					
A					10.4	Myton Town	Duchesne	590	New waterline and connections, hydrants,	\$650,000	\$650,000	\$650,000													
A					10.4	Panquitch	Garfield	1,730	9000 ft 10-in mainline, valves, hydrants, connect to existing culinary syst in two locations	\$1,629,000	\$1,609,000	\$1,609,000			10			\$36.46	\$34,600						
A					9.8	Holden Town	Millard	450	New well, tank, dist lines, meters, chlorination upgrades	\$8,841,000	\$8,691,000	\$8,691,000			20	5	15	20	\$29.51	\$44,500					
A					9.8	Coalville City	Summit	1,600	Replacement of lead jointed, copper service line	\$83,000	\$83,000				15			\$85.30	\$74,000					\$83,000	
A					9.5	Wanship	Summit	204	Construct new storage tank, replace spring pipeline, install chlorination system, upgrade rest of system	\$3,806,690	\$3,806,690	\$3,806,690							\$74.19	\$81,600					
A					8.7	Hooper Water Improvement District	Weber	20,820	Construct buildings for new well and equipment and construct a new tank	\$12,000,000	\$12,000,000				15			\$53.60	\$81,000					\$0	
A					8.5	Hidden Lake Association	Summit	364	New well, distribution line, 50,800 gal concrete tank	\$3,838,040	\$3,838,040								\$29.17	\$68,800					
A					7.9	Cottonwood Mutual	Morgan		Treatment for EC	\$162,300	\$162,300				40			\$96.67	\$132,000						
A					7.5	Enoch City	Iron	6,500	New 2M Gallon steel tank	\$1,639,440	\$645,000	\$645,000													
A					5.6	Antimony Town Water System	Garfield	119	Replace lead and galvanized services lines	\$41,200	\$41,200				15			\$48.21	\$46,840					\$41,200	
A					4.5	South Davis	Davis	10,590	Waterline replacement to address emerging contaminants	\$335,000	\$335,000				10			\$59.13	\$71,656					\$335,000	
A					3.2	Summit County Service Area #3	Summit	600	Drill new well, new well house, make system-wide fire flow improvements and conduct well isolation study	\$3,669,003	\$3,469,003							\$105.11	\$103,300						
A					1.8	Mutton Hollow	Davis	560	Pipeline replacements and upgrades	\$1,477,800	\$1,300,000							\$78.90							
A					1.6	Nibley City	Utah	8,271	Drill and equip a new culinary well to supply 2500 gpm	\$5,650,000	\$3,500,000				10	10		\$23.79	\$76,000						

Agenda Item

8(C)(i)(a)

**DRINKING WATER BOARD
BOARD PACKET FOR CONSTRUCTION ASSISTANCE**

APPLICANT’S REQUEST:

Ogden City is requesting financial assistance to support the investigation of legacy manganese in the distribution system, as well as from source waters.

STAFF COMMENTS:

The local MAGI for Ogden City is \$51,000, which is 85% of the State MAGI. The current average water bill is \$86.27/ERC, which is 2.03% of the local MAGI. The estimated after project water bill at full loan would be \$106.25/ERC or 2.50% of the local MAGI. Based on the after project water bill, Ogden City qualifies to be considered for additional subsidy.

Funding for this project will come from the Emerging Contaminant – Small Disadvantaged Community funding. The Emerging Contaminant funding is required to be given as all principal forgiveness.

Option	Loan / Grant	Principal Forgiveness	Loan	Term	Interest Rate	Water Bill	% Local MAGI
1	100% /0%	\$0	\$849,700	20 yrs	2.0%	\$106.25	2.50%
2	0%/100%	\$849,700	\$0			\$106.06	2.50%

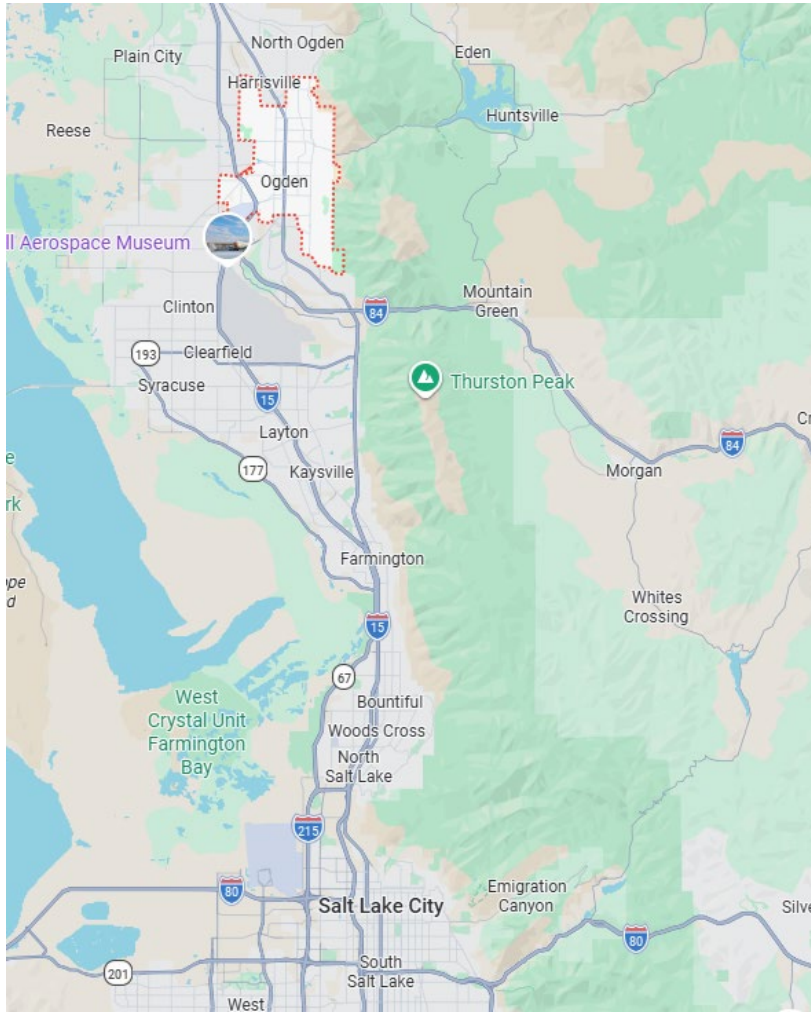
FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:

The Drinking Water Board authorizes a planning loan of \$849,700 with 100% in principal forgiveness to Ogden City.

APPLICANT'S LOCATION:

Ogden City is located in Weber County approximately 35 miles north of Salt Lake City.

MAP OF APPLICANT'S LOCATION:



PROJECT DESCRIPTION:

Ogden City will be conducting water quality investigations at the Pineview Reservoir intake and the Wheeler Creek intake to characterize manganese loading, as well as distribution system planning and investigating.

POPULATION GROWTH:

Population growth is based on Ogden City estimates

Year	Population	Connections
Current	87,267	26,242
2030	91,775	27,581
2040	101,377	30,466

COST ESTIMATE:

Legal/Bonding/Admin	\$100,000
Engineering - Design	\$749,700
Total	\$849,700

COST ALLOCATION:

<u>Funding Source</u>	<u>Cost Sharing</u>	<u>Percent of Project</u>
DWB Loan (%, #-yr)		
DWB Grant	\$849,700	100%
Total	\$849,700	100%

IMPLEMENTATION SCHEDULE:

DWB Funding Authorization:	April 2026
Complete Design	April 2028

CONTACT INFORMATION:

APPLICANT:

Ogden City
133 West 29th Street
Ogden, Utah 84401
Telephone: 801-629-8097

PRESIDING OFFICIAL &
CONTACT PERSON:

Ruston Monson, Production Supervisor
133 West 29th Street
Ogden, Utah 84401
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TREASURER/RECORDER:

Tracy Hansen
801-629-8150

CONSULTING ENGINEER:

Andrew Hill
Confluence Engineering Group
517 NE 92nd St
Seattle, Washington, 98115
Telephone: 206-527-6832
Email: andrew@confluence-engineering.com

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Ogden City
 COUNTY: Weber
 PROJECT DESCRIPTION: Planning for manganese

FUNDING SOURCE: Federal SRF

0 % Loan & 100 % P.F.

ESTIMATED POPULATION:	87,321	NO. OF CONNECTIONS:	26242 *	SYSTEM RATING:	APPROVED
CURRENT AVG WATER BILL:	\$86.27 *			PROJECT TOTAL:	\$849,700
CURRENT % OF AGI:	2.03%	FINANCIAL PTS:	57	LOAN AMOUNT:	\$0
ESTIMATED MEDIAN AGI:	\$51,000			PRINC. FORGIVE.:	\$849,700
STATE AGI:	\$60,000			TOTAL REQUEST:	\$849,700
SYSTEM % OF STATE AGI:	85%				

	@ ZERO % RATE	@ RBI MKT RATE	@ CALCULATED INTEREST RATE
SYSTEM	0%	4.72%	2.00%
ASSUMED LENGTH OF DEBT, YRS:	20	20	20
ASSUMED NET EFFECTIVE INT. RATE:	0.00%	4.72%	2.00%
REQUIRED NEW DEBT SERVICE:	\$0.00	\$0.00	\$0.00
*PARTIAL COVERAGE (15%):	\$0.00	\$0.00	\$0.00
*DEBT SERVICE RESERVE (10%):	\$0.00	\$0.00	\$0.00
ANNUAL NEW DEBT PER CONNECTION:	\$0.00	\$0.00	\$0.00
O & M + FUNDED DEPRECIATION:	\$25,171,403.00	\$25,171,403.00	\$25,171,403.00
OTHER DEBT + COVERAGE:	\$6,701,963.75	\$6,701,963.75	\$6,701,963.75
REPLACEMENT RESERVE ACCOUNT:	\$1,526,648.70	\$1,526,648.70	\$1,526,648.70
ANNUAL EXPENSES PER CONNECTION:	\$1,272.77	\$1,272.77	\$1,272.77
TOTAL SYSTEM EXPENSES	\$33,400,015.45	\$33,400,015.45	\$33,400,015.45
TAX REVENUE:	\$0.00	\$0.00	\$0.00
RESIDENCE			
MONTHLY NEEDED WATER BILL:	\$106.06	\$106.06	\$106.06
% OF ADJUSTED GROSS INCOME:	2.50%	2.50%	2.50%

\$0.00

Agenda Item

8(C)(i)(b)

**DRINKING WATER BOARD
BOARD PACKET FOR CONSTRUCTION ASSISTANCE
PRESENTED TO THE DRINKING WATER BOARD**

APPLICANT'S REQUEST:

Taylor-West Weber Water Improvement District is requesting financial assistance to install two filtration systems to treat iron and manganese.

This project scored 4.5 points on the Project Priority List.

The total project cost is \$7,072,000 and Taylor-West Weber WID is requesting the full amount from the Drinking Water Board.

STAFF COMMENTS:

The local MAGI for the Taylor-West Weber WID is \$56,000, which is 93% of the State MAGI. The current average water bill is \$68.11/ERC, which is 1.46% of the local MAGI. The estimated after project water bill at full loan would be \$105.63/ERC or 2.26% of the local MAGI. Based on the after-project water bill, Taylor-West Weber WID qualifies to be considered for additional subsidy from the Emerging Contaminants Small and Disadvantaged Communities fund.

Upon review of the project, the Utah Division of Drinking Water's Emerging Contaminants Team recommends authorization of \$7,072,000 in EC-SDC funding.

Option	Loan / Grant	Principal Forgiveness	Loan	Term	HGA	Water Bill	% Local MAGI
1	100% / 0%	\$0	\$7,072,000	20 yrs	2.00%	105.63	2.26%
2	0% / 100%	\$7,072,000	\$0	n/a	n/a	93.11	2.00%

FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:

The Drinking Water Board authorize a construction loan of \$7,072,000 with \$7,072,000 in principal forgiveness from the Emerging Contaminants Small and Disadvantaged Communities fund to Taylor-West Weber Water Improvement District.

Taylor-West Weber WID has no points on their IPS report.

POPULATION GROWTH:

Population is based on Taylor-West Weber Water Improvement District’s estimates.

Year	Population	Connections
Current	9,040	3,390
2036	14,125	5,297
2046	22,070	8,276

COST ESTIMATE:

Legal & Bonding	\$80,000
Rights of Way & Easements	\$16,000
Site (2) Land Purchase	\$100,000
Environmental Clearances	\$25,000
Contracting-Funding Coordination	\$180,000
Engineering – Design	\$439,500
Engineering – CMS	\$291,500
Engineering – Other (pilot study, boundary adjustment/survey & Geotech)	\$38,000
Construction – Construction	\$5,302,000
Contingency (~10%)	\$600,000
Total	\$7,072,000

COST ALLOCATION:

<u>Funding Source</u>	<u>Cost Sharing</u>	<u>Percent of Project</u>
DWB EC-SDC	\$7,072,000	100%
Total	\$7,072,000	100%

IMPLEMENTATION SCHEDULE:

DWB Funding Authorization:	April 2026
Complete Design	June 2026
DDW Plan Approval:	May 2026
Advertise for Bids:	July 2026
Bid Opening:	August 2026
Loan Closing:	August 2026
Begin Construction:	September 2026
Complete Construction:	September 2028

CONTACT INFORMATION:

APPLICANT: Taylor-West Weber Water Improvement District
2815 W 3300 S
West Haven, UT 84401
(801) 731-1668

PRESIDING OFFICIAL &
CONTACT PERSON: Ryan Rogers, General Manager
2815 W 3300 S
West Haven, UT 84401
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ryan@taylorwestweberwater.com

TREASURER/RECORDER: Shelley Hadley
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shelley@taylorwestweberwater.com

CONSULTING ENGINEER/
ENVIROMENTAL CONSULTANT: Mike Durtschi
Gardner Engineering
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(801) 476-0202
miked@gecivil.com

CITY ATTORNEY: Liam Keogh
Lone Pine Law
985 W 7850 S
Willard, UT 84340
(801) 645-8951
mrliamk@gmail.com

BOND ATTORNEY: Eric Johnson
Johnson and Yellow Horse
PO Box 831
Pleasant Grove, UT 84062
(801) 520-5333
eric@publicprivatelaw.com

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Taylor-West Weber WID
 COUNTY: Weber
 PROJECT DESCRIPTION: Filtration systems to treat iron & manganese

FUNDING SOURCE: Federal SRF

0 % Loan & 100 % P.F.

ESTIMATED POPULATION:	9,040	NO. OF CONNECTIONS:	3310 *	SYSTEM RATING:	APPROVED
CURRENT AVG WATER BILL:	\$68.11 *			PROJECT TOTAL:	\$7,072,000
CURRENT % OF AGI:	1.46%	FINANCIAL PTS:	45	LOAN AMOUNT:	\$0
ESTIMATED MEDIAN AGI:	\$56,000			PRINC. FORGIVE.:	\$7,072,000
STATE AGI:	\$60,000			TOTAL REQUEST:	\$7,072,000
SYSTEM % OF STATE AGI:	93%				

	@ ZERO % RATE	@ RBI MKT RATE	@ CALCULATED INTEREST RATE
SYSTEM	0%	4.72%	2.00%
ASSUMED LENGTH OF DEBT, YRS:	20	20	20
ASSUMED NET EFFECTIVE INT. RATE:	0.00%	4.72%	2.00%
REQUIRED NEW DEBT SERVICE:	\$0.00	\$0.00	\$0.00
*PARTIAL COVERAGE (15%):	\$0.00	\$0.00	\$0.00
*DEBT SERVICE RESERVE (10%):	\$0.00	\$0.00	\$0.00
ANNUAL NEW DEBT PER CONNECTION:	\$0.00	\$0.00	\$0.00
O & M + FUNDED DEPRECIATION:	\$1,690,250.00	\$1,690,250.00	\$1,690,250.00
OTHER DEBT + COVERAGE:	\$1,219,375.00	\$1,219,375.00	\$1,219,375.00
REPLACEMENT RESERVE ACCOUNT:	\$133,287.50	\$133,287.50	\$133,287.50
ANNUAL EXPENSES PER CONNECTION:	\$919.31	\$919.31	\$919.31
TOTAL SYSTEM EXPENSES	\$3,042,912.50	\$3,042,912.50	\$3,042,912.50
TAX REVENUE:	\$0.00	\$0.00	\$0.00
RESIDENCE			
MONTHLY NEEDED WATER BILL:	\$93.11	\$93.11	\$93.11
% OF ADJUSTED GROSS INCOME:	2.00%	2.00%	2.00%

\$0.00

Agenda Item

8(C)(i)(c)

**DRINKING WATER BOARD
BOARD PACKET FOR AMENDED AUTHORIZATION**

APPLICANT'S REQUEST:

On October 1, 2025, the Drinking Water Board authorized a construction loan of \$1,270,000 with \$381,000 in principal forgiveness to Hi-Country Estates Phase 1, for a repayable loan amount of \$889,000 at 1.00% for 39 years, with a design advance of \$99,000 for water system improvements.

Since authorization, it has been discovered that the water system has several versions of its name being used in various regards. The entity is registered with the State of Utah as Hi-Country Estates Homeowners Association. The system will be filing an affidavit of name correction with the Division of Water Rights to match its State registration.

STAFF RECOMMENDATION:

For consistency's sake, staff recommend that the Drinking Water Board amend their authorization to be a construction loan of \$1,270,000 with \$381,000 in principal forgiveness with a repayable loan amount of \$889,000 at 1.00% for 39 years, and a design advance of \$99,000 to Hi-Country Estates Homeowners Association.

Agenda Item

10

Salt Lake City, Utah

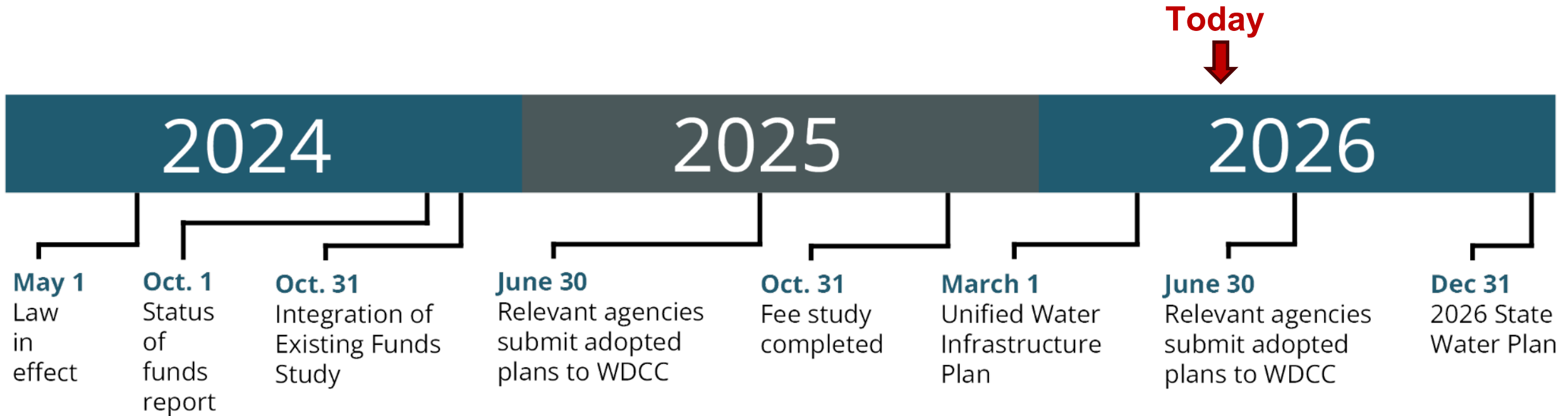


Unified Water Infrastructure Plan - UWIP

H.B. 280 (2024) and H.B. 285 (2025)

- Water Infrastructure Fund
- Unified Water Infrastructure Plan (UWIP):
 - Proactive infrastructure planning
 - Greater collaboration between funding agencies
 - Comprehensive prioritized list of water infrastructure projects
- Studies
 - Integration of Existing Funds Study
 - Infrastructure Fee Study

Timeline



Studies and UWIP available online

Key Decision Makers

Specific
Projects
Funded



DRINKING WATER



WATER QUALITY

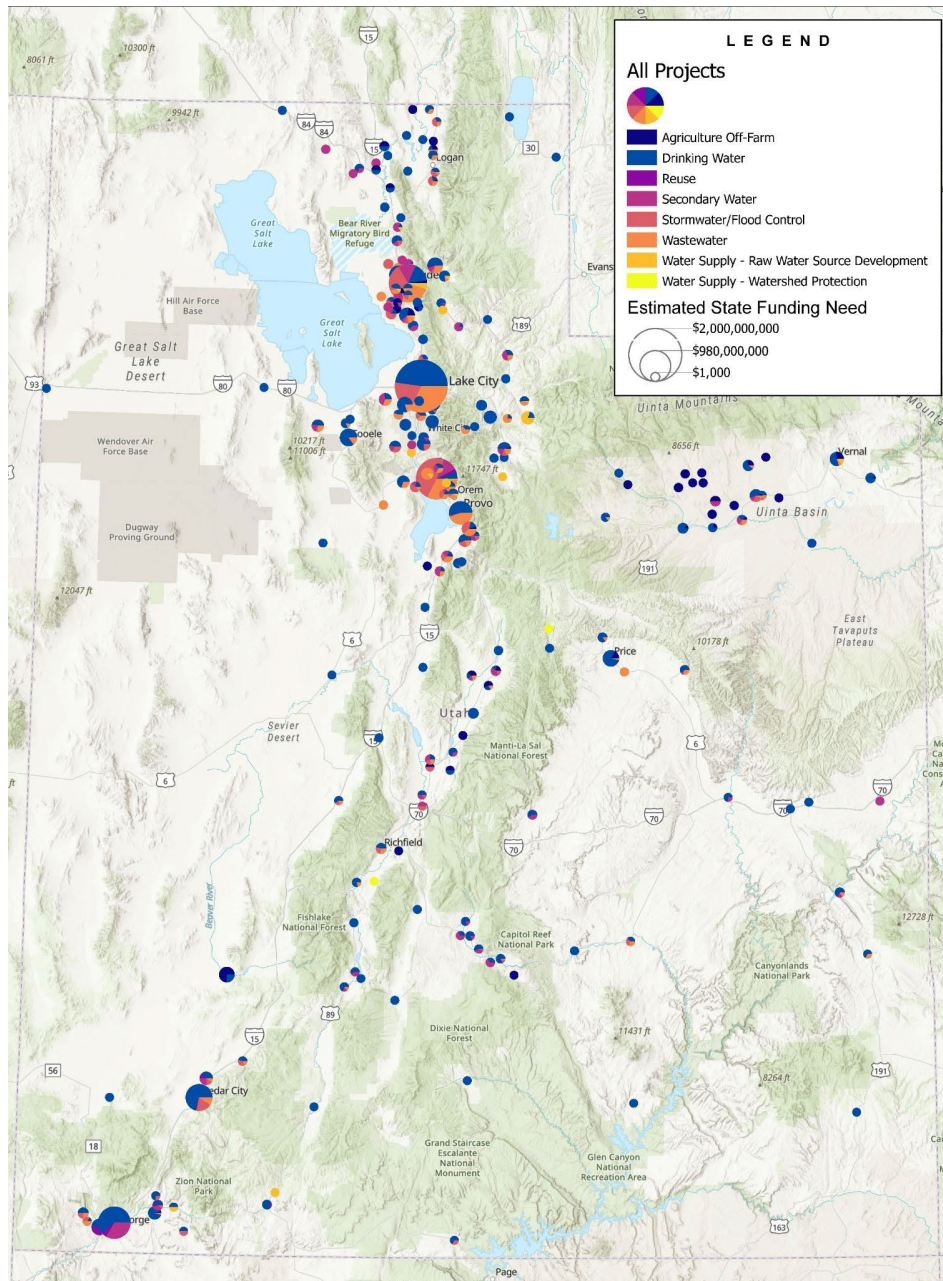


Funding Level
and Distribution






FY 2027 UWIP Data

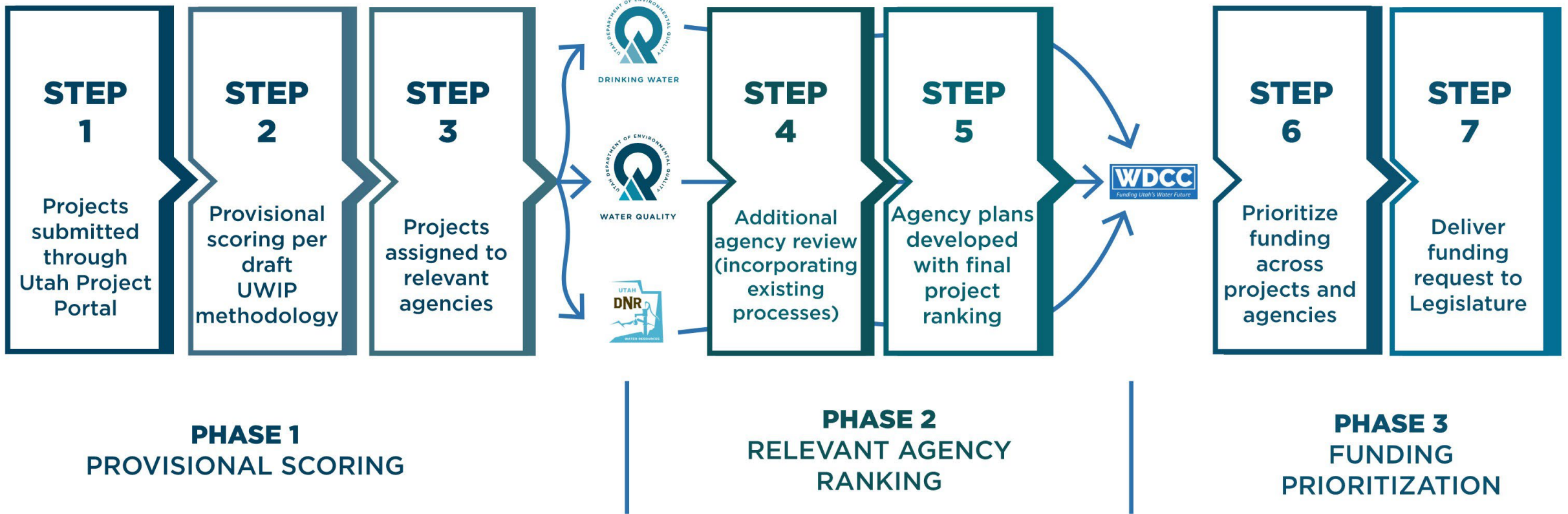
- Project Submission Data Summary for the Next 20 Years:
 - Total projects: 4,167
 - Number of entities: 263
 - Estimated total project cost: \$24 Bn
 - Estimated state funding need: \$6 Bn



Projects Assigned to Agencies

	Lead Entity	Infrastructure Type
	WRe	Agriculture Off-Farm
		Secondary Water
		Water Supply – Raw Water Source Development
	DDW	Drinking Water
	DWQ	Reuse
		Stormwater
		Wastewater
		Water Supply – Watershed Protection

UWIP Prioritization Process



Legislative Recommendations

- Current typical funding = \$100 Mn
- \$100 Mn in additional funds to WIF (loan or grant)
- Distribute additional funds amongst relevant agencies based on near- and long-term needs as identified in UWIP database

Agency	First \$50 Million (50% of WIF Funds)		Second \$50 Million (second 50 percent of WIF Funds)		Total Funding From WIF	
DDW	40%	\$20 Mn/yr	50%	\$25 Mn/yr	45%	\$45 Mn/yr
DWQ	30%	\$15 Mn/yr	40%	\$20 Mn/yr	35%	\$35 Mn/yr
WRe	30%	\$15 Mn/yr	10%	\$5 Mn/yr	20%	\$20 Mn/yr
	Total	\$50 Mn/yr		\$50 Mn/yr		\$100 Mn/yr

Impacted Funds

Funds Available to the Drinking Water, Water Quality, & Water Resources Boards

Funds Subject to the UWIP Process

Grants or Loans

- Water Infrastructure Fund (created in HB 280 2024)
- DW & WQ State HGF

Loans

- Drinking Water Security – Drinking Water Loan Program Subaccount
- Water Quality Security – Utah Wastewater Loan Program Subaccount
- Water Resources Conservation & Development Loan Funds

“Water infrastructure fund money”
73-10g-304.(6)

Funds Not Subject to the UWIP Process

Grants

- Drinking Water and Water Quality Funds with Federal Ties
- Dam Safety Grants
- Federal DW & WQ HGF

Loans

- Water Resources Water Infrastructure Restricted Account (WIRA)
- Water Resources Revolving Construction Fund
- Drinking Water & Water Quality Funds with Federal Ties

Impacts to Board

- **For New WIF Funding (if any)**
 - To receive a loan or grant from the WIF, a project must be included in the most recent Agency Plan
 - Agency Boards will review Agency Plan project rankings (due annually by June 30)
 - Upon review by WDCC and Legislative approval of funding, agencies will administer WIF funding
- **For Existing Revolving Loan Funds**
 - Impacts to existing Board processes expected to be minimal
 - To receive a loan from the Boards, a project must be included in the most recent Agency Plan
 - To avoid interfering with existing board processes, projects could be amended into the Agency Plans

Additional Considerations

- WRe will no longer fund drinking water (to be funded by DDW Board) or reuse projects (to be funded by DWQ Board) with WIF funds
 - WRe can fund these projects with non WIF funds
- Excess money (unobligated) by the end of the FY (starting FY 2027) will be consolidated into the WIF

Questions?

Provisional Scoring

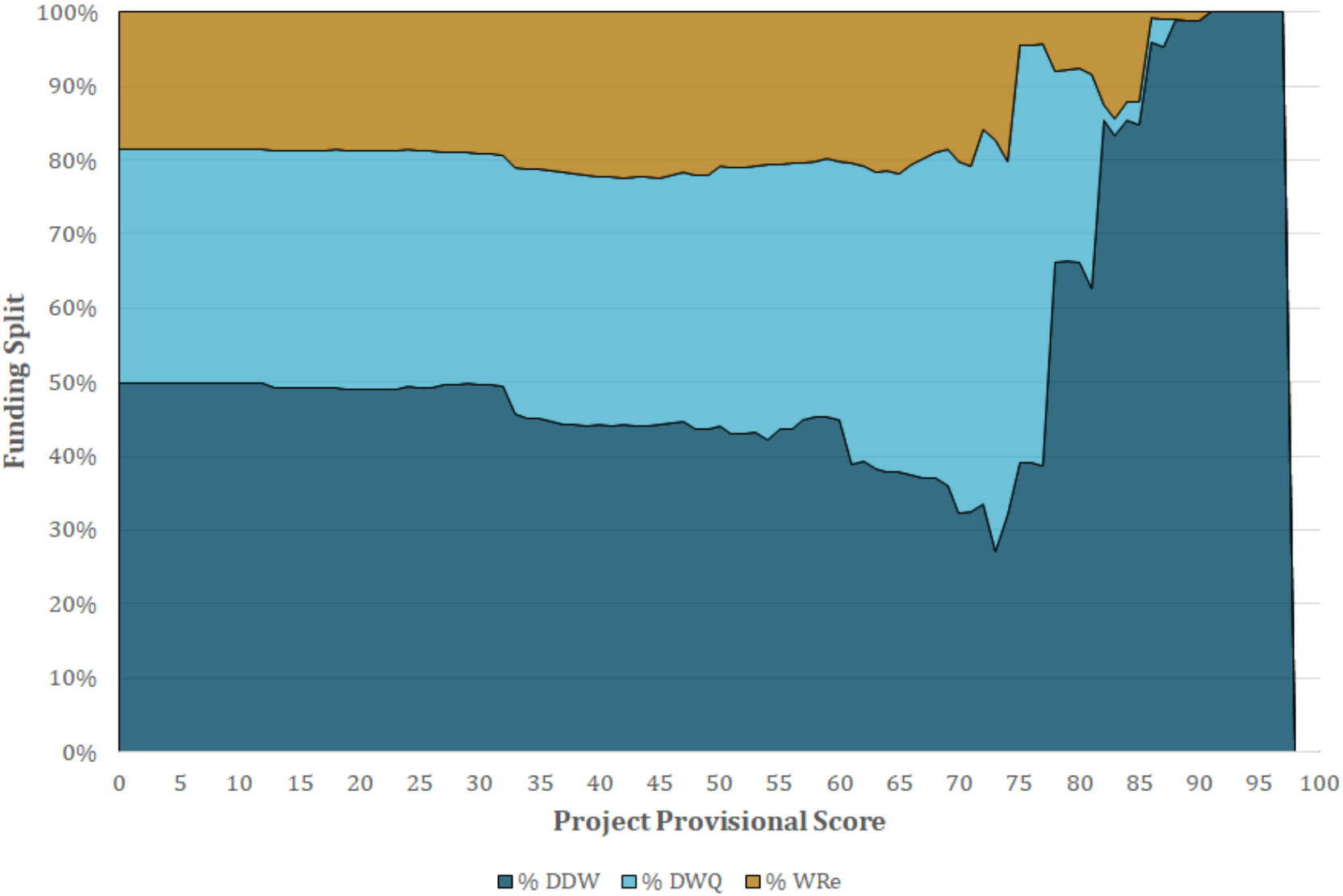
Project Scoring Criteria	Weight
Hardship	18%
Critical issue	22%
Water efficiency	18%
Sound design	14%
Applicant priority	16%
Population benefited and non-state funding	12%
Total:	100%

Summary of Typical Relevant Agency Funding

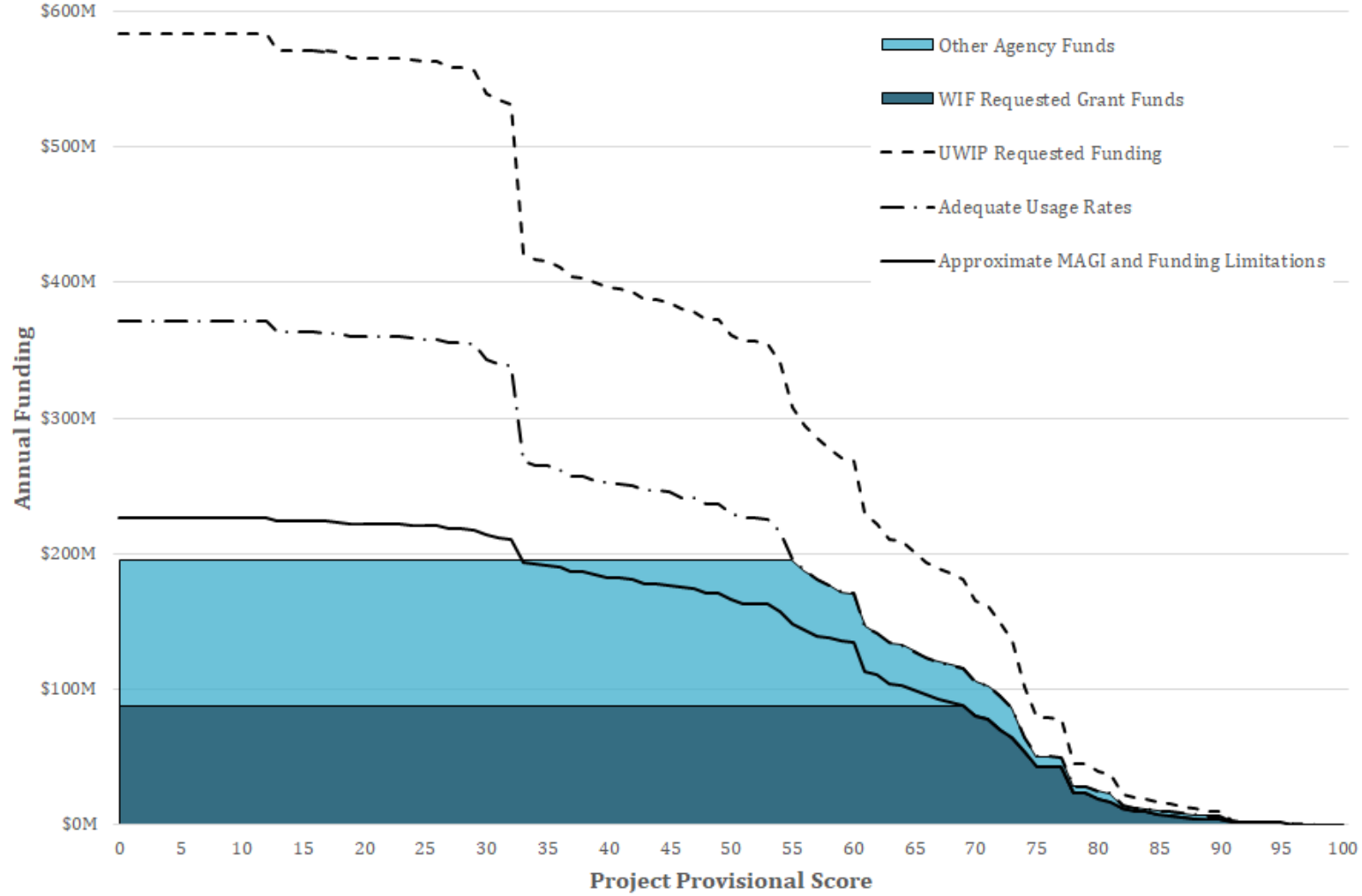
Source	1/16 th of a Percent Sales Tax*	State Loan Repayment	Federal Loan Repayment	Total
DDW	\$1.6 Mn	\$2.5 Mn	\$17.2 Mn	\$21.3 Mn
DWQ	\$1.6 Mn	\$2.5 Mn	\$17.2 Mn	\$21.3 Mn
WRe	\$42.4 Mn	\$18 Mn	—	\$60.4 Mn
Total	\$45.6 Mn	\$23 Mn	\$34.4 Mn	\$103 Mn

*Total less administrative costs

Funding Split by Agency 1-2 Year Projects



Annual Funding by Provisional Score (FY 2027)



Legislative Deadlines

- Agency Plans – June 30, 2026
 - Prioritized list of projects within each agency
- Unified Water Infrastructure Plan (UWIP) – March 1, 2030
 - Prioritized list of project across agencies
- WDCC Report To LWDC – October Interim Meeting
 - Annual report of funding levels available for projects and unfunded projects
 - LWDC to recommend additional funding allocation and funding source
- Status of Funds Report – September 1, 2026
 - Beginning and ending FY balance revenues received and projected revenues
- WDCC Compilation of Status of Funds Reports – October 1, 2026