

# **Drinking Water Board Packet**

**June 30, 2026**

# Agenda



State of Utah

SPENCER J. COX  
Governor

DEIDRE HENDERSON  
Lieutenant Governor

## Department of Environmental Quality

Tim Davis  
Commissioner

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

June 30, 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

Nathan Lunstad Cell # 385-239-5974

### AGENDA - FINAL

1. Call to Order
2. Roll Call – Nathan Lunstad
3. Approval of Meeting Minutes  
April 28, 2026
4. Disclosure for Conflict of Interest
5. Directors' Report – Nathan Lunstad
  - A. Enforcement Report (Board Packet Item Only)
6. Rural Water Association Report – Shannon Rasmussen
7. Rule Changes
  - A. R309-225 Consumer Confidence Reports and R309-220 Public Notification Requirements  
- Colt Smith
  - B. R309-400 Water System Rating Criteria (Improvement Priority System) - Colt Smith
  - C. Adoption of R309-540 updated rule - Russell Seeley
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. Town of Apple Valley: Additional funds - Allyson Spevak

ii. State

- a. Hilldale: Additional funds - Allyson Spevak
- b. Junction Town: Deauthorization - Kjori Shelley
- c. State Hardship Grant funds: Town of Apple Valley Drought Conditions Request - Allyson Spevak

9. Public Comment Period

10. Emerging Contaminants Program Presentation - Ken Hoffman and Sarah Romero

11. Open Board Discussion

12. Other

13. Next Board Meeting

Date: August 25, 2026  
Time: 1:00 - 4:00pm MST  
Place: Multi-Agency State Office Building  
195 North 1950 West Rm 1015  
Salt Lake City, UT 84116

14. Adjourn

# Agenda Item

3



State of Utah

SPENCER J. COX  
Governor

DEIDRE HENDERSON  
Lieutenant Governor

## Department of Environmental Quality

Tim Davis  
Commissioner

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 1:00pm - 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

### MINUTES - DRAFT

#### 1. Call to Order

Justin Maughan, called the Drinking Water Board (Board, DWB) meeting to order at 1:07PM.

#### 2. Roll Call – Nathan Lunstad

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

Division of Drinking Water (DDW, Division) Staff Present: Steph Alpizar, Chris Ledding, Jessica Fitzgerald, Kcris Hunter, Michelle Deras, Ken Hoffman, Allyson Spevak, Russell Seeley, Heather Pattee, Kjori Shelley, Helen Lau, Colt Smith, Sarah Romero, and Misty Woods.

Other Attendees: Dale Pierson, Shannon Rasmussen, Janelle Braithwaite, Jake Wood, Eric Dixon, Marisa Heiling, Ruston Monson, Andrew Hill, Michael Hallett, Brady Herd, Ryan Roger, Bren Edwards, Mike Durtschi, and Leo Brancheau.

#### 3. Approval of Meeting Minutes February 26, 2026

- Shazelle Terry moved to approve the Drinking Water Board meeting minutes on February 26, 2026. Holly McKinney seconded. The motion was carried unanimously by the Board.

#### 4. Disclosure for Conflict of Interest

There were no conflicts of interest

## **5. Directors Report – Nathan Lunstad**

### **A. Enforcement Report (Board Packet Item Only)**

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

Russell Seeley briefed the Board on several Division updates.

### New Division of Drinking Water Employees

Russell introduced Misty Woods, Field Services Environmental Program Coordinator, and Ken Hoffman, Infrastructure Funding Manager.

- Justin Maughan motioned to award Ken Hoffman the title of Assistant Executive Secretary of the State of Utah Department of Environmental Quality Drinking Water Board. Hollie McKinney seconded. The motion was carried unanimously by the Board.

### Intended Use Plan Draft

Russell explained that this plan is open to public comment until May 28th and hopes to support funding for the state's water infrastructure projects.

## **6. Rural Water Association Report – Dale Pierson and Janell Braithwaite**

Dale Pierson announced this would be his last DWB Meeting as Shannon Rasmussen will soon be taking over the role of Executive Director of RWAU. Janell 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 requested approval to begin the rule making in order to meet the EPA's primacy deadline of October 30, 2026. Romero gave a brief overview of the SCRI and commented that there were no comments received by stakeholders. The formal public comment period will begin in mid-June and will be presented again at the June 30th DWB Meeting. They hope to present the final adoption of the rule at the August 25th DWB Meeting with an effective date of November 1, 2027. Romero explained the cost estimate that was conducted. She shared that about 98-99% of water systems in Utah will not have to perform any lead line replacement costs but will have to incur treatment and corrosion control treatment costs. DW Staff is assisting water systems that are still working on service line inventories. There may be additional small costs for sampling and education.

- Shazelle Terry motioned that the Board authorize proposed amendments to the LCRI rules. Corinna Harris seconded. The motion was carried unanimously by the Board.

**B. R309-225 Consumer Confidence Reports and R309-220 Public Notification Requirements - Colt Smith**

Colt Smith presented the proposed rules changes to Consumer Confidence Reports and Public Notification Requirements. He explained where the rules changes stem from.

- Shazelle Terry motioned that the Board authorize proposed amendments to the 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) - Colt Smith**

Colt Smith presented the proposed rules changes to the Water System Rating Criteria. He explained how the new rule would function.

Board Discussion

Justin Maughan asked if it had been discussed to include a method for systems to challenge the inspector's evaluation of IPS points. Smith explained that systems have always had a method of appealing their assessments and typically have a timeline of 30 days to do so after the assessment has been made.

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

**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 \$41.8 million. This amount includes current awards plus expected future funding. This amount includes what is being requested in the current IUP.

The ARPA Funds remaining that need to be obligated is about \$168,871. About \$6.4 million is the current unspent balance.

The Federal Lead Funds availability is at about -\$20.2 million. However, after the 2025 EPA grant of about \$28 million has been utilized, the remaining funds should be about \$7.8 million.

The Federal Emerging Contaminants Funds availability is at about \$8.5 million.

The State SRF availability is at about \$31 million.

## **B. Project Priority List – Ken Hoffman**

Ken Hoffman reported there is one (1) new project being added to the Project Priority list:

1. **Taylor West Weber Water Improvement District** scored 4.5 points on the project priority list. Install filtration system to treat iron and manganese.

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. Shazzelle seconded. The motion was carried unanimously by the Board.

## **C. SRF Applications**

### **i. Federal**

#### **a. Ogden City - Heather Pattee**

Representing Ogden City was Ruston Monson, Andrew Hill, Michael Hallett, and Brady Herd.

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

### Board Discussion

Shazelle Terry asked if the project was solely for surface water. Heather Pattee confirmed that was the case. Terry asked if there are any groundwater sources. Pattee confirmed there are. Justin Maughan asked for clarification of Ogden City's plan for the construction. Ruston Monson explained their priority for Phase II is focused on finding out what kind of manganese possible loading could be occurring from their source waters, and investigate distribution system monitoring. They also intend to create a roadmap for areas that will need further treatment. Maughan asked where the manganese levels are currently at. Monson stated there are some areas that have higher than desirable levels, they're in the secondary level of the EPA guidelines and want to stay ahead of things so it does not get worse.

Jason Luettinger asked if the construction would be monitored or if they have a final deliverable as part of the contract. Monson stated that the Phase II priorities are as follows; source water quality monitoring, the investigative distribution system monitoring to assess the release risks, source water quality monitoring, the investigative distribution system monitoring to assess the release risks, and then, ultimately, there'll be journals created for planned unidirectional flushing throughout the distribution system. The deliverables are, developing a treatment process basis of design and advised that representatives from the engineering group could provide further information. Monson explained parts of Phase III. Michael Rustin with Confluence Engineering gave an overview of the project goals. Justin Maughan asked for the best and worst case scenarios for Phase III. Rustin stated that the best case would be to line up the city with a really robust mains cleaning program that they can implement in most of their system. Worst case scenario would be that the city can't really get at the legacy deposits in their system effectively. they can't flush well enough to remove it.

Blake Tullis asked if there is some sense of how widespread manganese problems are, and if there is a threshold for the allowable amount. Pattee stated they were not sure of the limits off the top of their head, but there has been a significant increase in systems requesting assistance with manganese. Shazelle Terry added that from Jordanelle's perspective, residents complain about the discoloration and fear that the water is unsafe to drink, regardless of the allowable levels, causing consumer discontent. Jason Luettinger asked Shazelle if it is common for the manganese to be in surface water. Michael Rustin explained that it is more common than one would expect, as Confluence Engineering has worked on other projects in the Pacific Northwest with high manganese surface water, he spoke about the science behind it.

Hollie McKinney expressed concern for the amount of money being asked for without clear details about the engineering plan and deliverables in the funding application. Shazelle Terry asked if the costs include sampling costs and analytical work. Ruston Monson explained that they would pay for the sampling themselves. Michael Rustin stated that the financing plan has set aside a budget of \$50,000 for lab work. He explained that due to the size of Ogden City, a large portion of the budget will be for planning Phase IV tasks. Shazelle Terry shared that in comparison to projects that Jordanelle has completed, this cost is reasonable considering all of the costs included for sampling and the flushing and the hydraulic modeling and the piloting that need to take place.

Justin Maughan asked why emerging contaminant funding was attached to this application. Pattee explained that there are federal funds specifically for projects like this one. Hollie McKinney expressed concern for the lack of details in the application for the engineering plan and cost breakdown.

- Shazelle Terry moved that the Board authorize a planning loan of \$849,700 with 100% in principal forgiveness to Ogden City. Corinna Harris seconded. The motion passed with six 'ayes' and one 'nay'.

#### **b. Taylor-West Weber WID - Allyson Spevak**

Representing Taylor-West Weber WID was Ryan Roger, Bren Edwards, and Mike Durtschi.

Allyson Spevak presented the Taylor-West Weber WID's financial assistance request. Project details can be found in the Drinking Water Board Packet.

Ryan Rogers and Bren Edwards shared more background information regarding their application. Bren explained that even flushing the system is becoming challenging. Mike Durtschi, Ryan, and Bren all thanked the Division staff for their support through this process.

#### **Board Discussion**

Justin Maughan asked why the water bill would go up if the loan is all principal forgiveness. Allyson Spevak explained that upon review, Division staff recognized that the water system is not charging enough in general. Edwards explained that the cost will go up due to other projects that they have yet to charge consumers for. He explained that they've been hesitant to do so since it is such a large jump and majority of the land is used for dairies. Corinna Harris asked if they expect the manganese issue to be worse in two years. Edwards stated that with the proposed improvements, they hope it will not be worse but without them they do expect it to be worse.

Jason Luettinger asked where they are currently in terms of engineering planning. Edwards explained they've completed a pilot study as well as majority of the engineering designs. Durtschi elaborated that they will have two buildings, the planning for one has been completed, the other has a pilot study already scheduled that will determine if the engineering design will work. Luettinger asked if they have contingency plans for the project, any other bids and so forth. Edwards explained that once they present the final pilot study to the city and county, they can move forward with the bidding process.

Jason Luettinger asked Division staff how emergent contaminants are defined. Sarah Romero explained that the EPA has a list of substances ranked with different priority levels and manganese has risen to the secondary level. Manganese research specifically has shown to cause neurotoxicity especially in children and babies. Hollie McKinney expressed relief that this application contained more detailed information regarding what the funding was for and the water system representatives were able to thoroughly answer the Board's questions.

- Corinna Harris moved that the 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. Jason Luettinger seconded. The motion was carried unanimously by the Board.

#### **c. High Country Estates - Allyson Spevak**

Representing High Country Estates was Leo Brancheau.

Allyson Spevak presented High Country Estates' financial assistance request. Project details can be found in the Drinking Water Board Packet.

#### **Board Discussion**

Hollie McKinney asked

- Hollie McKinney moved that the 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. Shazelle Terry seconded. The motion was carried unanimously by the Board.

#### **9. Moratorium Update - Ken Hoffman**

Ken Hoffman presented the moratorium update to the Board. He suggested having all new project applications for SRF and Federal funding be submitted on an annual basis to keep a clear understanding of what funds are available. He also mentioned that the Mid-Year Rural Water Conference is the first week of September. That is typically a primary outreach item for the funding program. With this in mind, Hoffman recommends having the annual project application due date be September 15, 2026. He clarified that all other funding such as ECSDC funding applications can continue to submit throughout the year.

- Justin Maughan moved that the Board approve the next round of applications be submitted by September 15th. Jason Luettinger seconded. The motion was carried unanimously by the Board.

Hoffman asked the Board if there's any helpful information to add to future funding applications and suggested having the scope of work detailed as well as other information. Justin Maughan agreed that would be a helpful improvement.

#### **10. UWIP Information and Q&A - Eric Dixon**

Eric Dixon presented the UWIP information to the Board. Justin Maughan asked for clarification on the submittal process. Dixon explained that their initial submission does not have to be a full application. The application will receive an automated score, including consideration for how soon they will need the funds, that will then go to the WDCC for evaluation. The Division will receive 45% of funding from WIF to distribute to project proposals. Dixon explained that there are a couple exemptions from going through this whole process. One is emergencies, and the other is small projects, which we've determined to be classified as under \$300,000. Chris Ledding explained a bit of the history behind the evolution of this initiative.

#### **11. Attorney General's Office Training - Marisa Heiling**

##### **A. Roles and Open Meetings**

Marisa Heiling presented the information to the Board.

#### **12. Public Comment Period**

None.

#### **13. Open Board Discussion**

The Board requested future training be placed after the Public Comment Period at future meetings.

#### **14. Other**

#### **15. Next Board Meeting**

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

#### **16. Adjourn**

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

The Meeting adjourned at 3:54 pm MST.

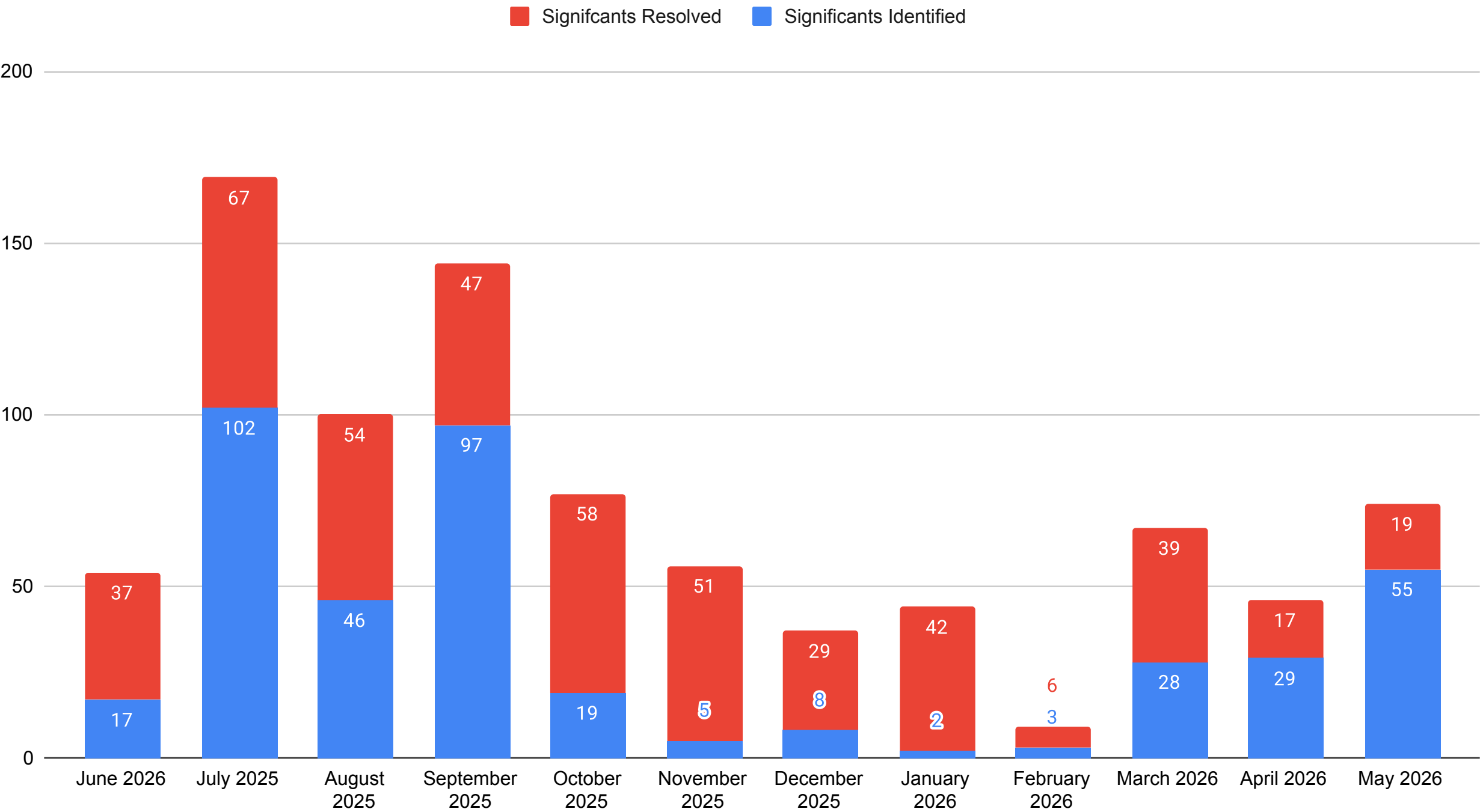
# Agenda Item

5

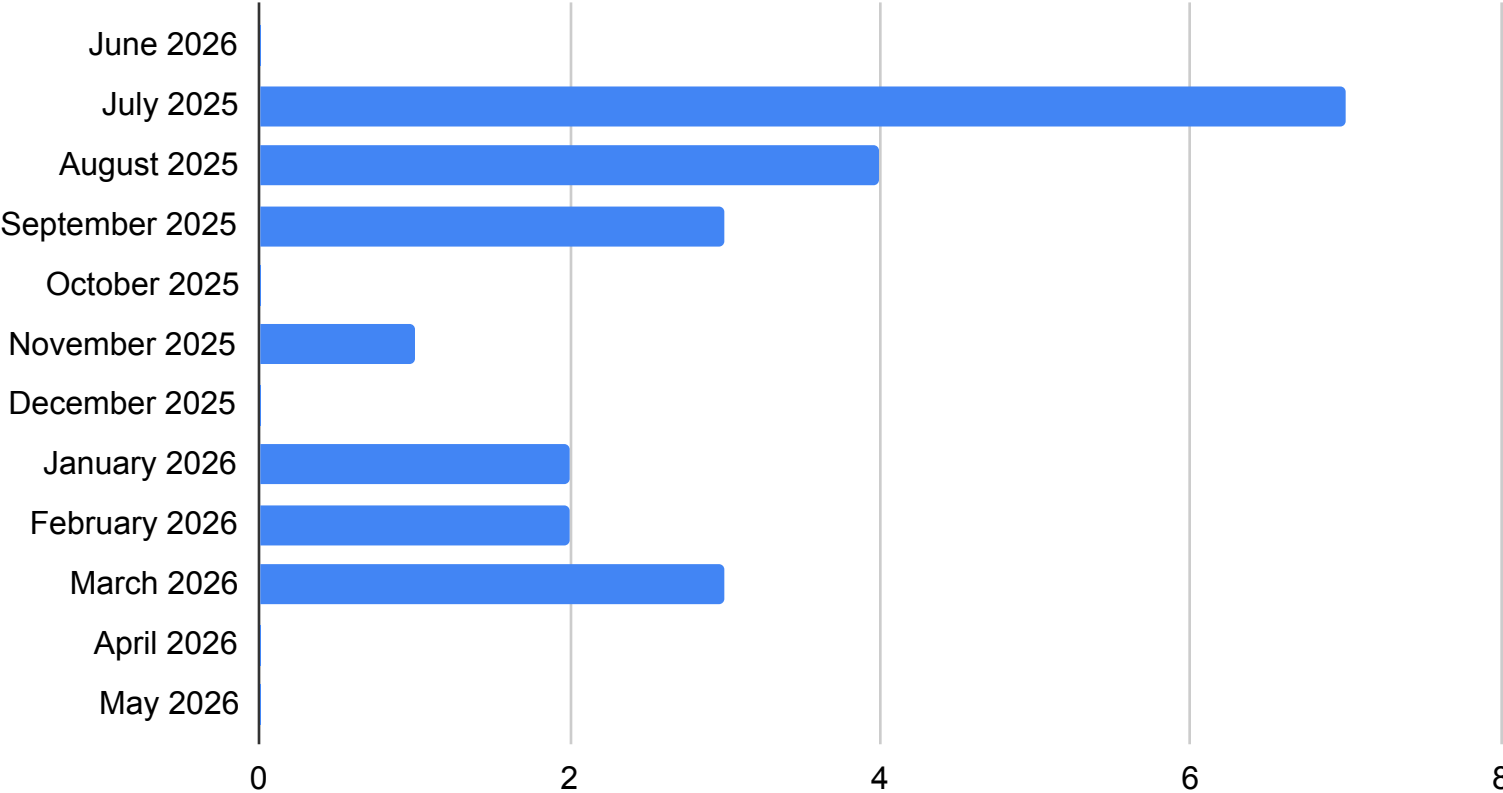
## Board Report As of June 17, 2026

| PWS ID                           | PWS Name                         | PWS Type                | Pop Served | IPS Pts | Rating            | Rating Date |
|----------------------------------|----------------------------------|-------------------------|------------|---------|-------------------|-------------|
| <b>Corrective Action Systems</b> |                                  |                         |            |         |                   |             |
| UTAH25190                        | CANYON CREEK EVENTS              | Transient Non-Community | 203        | 0       | Corrective Action | 9/30/2025   |
| UTAH10012                        | DAY STAR ADVENTIST ACADEMY       | Community               | 35         | 510     | 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        | 110     | Corrective Action | 5/8/2025    |
| UTAH22080                        | PINES RANCH                      | Transient Non-Community | 100        | 75      | Corrective Action | 4/11/2024   |
| <b>Not Approved Systems</b>      |                                  |                         |            |         |                   |             |
| UTAH09024                        | ASPEN COVE RESORT                | Transient Non-Community | 58         | 1150    | Not Approved      | 7/12/2024   |
| UTAH11099                        | FOOTHILL WATER USERS ASSOCIATION | Community               | 28         | 545     | Not Approved      | 3/27/2023   |
| 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         | 100     | Not Approved      | 4/9/2026    |
| UTAH09104                        | SLOT CANYONS INN                 | Transient Non-Community | 30         | 35      | Not Approved      | 4/9/2026    |

# Significants Identified and Signifcants Resolved



# New Systems Activated



# Agenda Item

6

# MORONI CITY

## ASSET MANAGEMENT

*Overview: Moroni City requested a water rate analysis from RWAU once their new mayor and council were in place. Janell Braithwaite presented the prepared rate analysis to the Mayor, Council, and Staff during a scheduled work session to help them understand the financial and operational needs of the system, assess current and projected revenue needs, and the steps required to prepare for future sustainability. The goal of outlining recommended rate structures and funding strategies to balance affordability with the system's ability to serve the community effectively was met. Non-compliance findings were also addressed with proposed resolutions.*

### Key Discussion Points:

- Costly billing errors were found during the analysis
    - Staff will work with billing system to ensure future accurate billing practices
  - Annual incremental rate increases will be instituted
  - Future funding and importance of maintaining depreciation, emergency, and capital improvement accounts
- WaterLink IPS points were reviewed
    - Registered Staff member for water op cert training
    - Contacted Chris Bowles for Staff member's Cross Connection Admin Certification
    - Requested assistance from Jenny at RWAU to clear up outstanding CCR



## WEBER COUNTY AND DAVIS COUNTY WATER FAIR'S

Jake Wood assisted with Weber County and Davis County Water Fairs. The purpose of these fairs is to help promote Outreach and Education to younger generations. Rural Water's Source Water Model helps to provide a visual process of contaminant plumes, how they affect the aquifer and the Quality of the Drinking Water that we depend on daily. It plays a key role in protecting source water from pollution by building awareness and encouraging responsible habits early in life. These Programs often use age-appropriate lessons, interactive activities, and hands-on demonstrations to teach kids where their drinking water comes from, how pollution occurs, and simple ways they can help—such as properly disposing of waste, conserving water, and avoiding harmful chemicals. School presentations, community events, and partnerships with youth organizations help reinforce these messages, empowering children to become advocates for clean water in their homes and communities.



Agenda Item

7(A)

## **Amendments to R309-225 Consumer Confidence Report and R309-220 Public Notice Requirements**

### **Background:**

On June 24, 2024, the U.S. Environmental Protection Agency issued a final rule revising the Consumer Confidence Report (CCR) requirements. The revised CCR rule requires community water systems to make annual drinking water reports clearer and easier to understand and access. Systems must include plain-language summaries and provide information on contaminant levels, corrosion control efforts, and lead risks, including identifying lead or unknown service lines. The rule also expands electronic delivery options and requires systems serving more than 10,000 people to issue reports twice per year starting in 2027.

Utah's Public Notification Rule will also be revised to incorporate changes associated with the CCR, PFAS, and Lead and Copper Rule Improvements (LCRI) requirements, ensuring alignment with federal updates.

Utah must demonstrate rules consistent with federal requirements in order to apply for primacy by the EPA's May 25, 2026 deadline. We plan to provide the draft rule or apply for an extension if needed to meet this requirement.

We are proposing amendments to the following rules to incorporate the new Consumer Confidence Report requirements and 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:

- R309-225 Monitoring and Water Quality: Consumer Confidence Reports
- R309-220 Monitoring and Water Quality: Public Notification Requirements

The Division distributed a draft of the proposed rules to key stakeholders for an informal comment period. A few concerns were made regarding the increased burden of issuing two Consumer Confidence Reports; however, these amendments are required to meet federal guidelines and must be implemented to retain Utah's primacy.

### **Rulemaking Schedule:**

Drinking Water Board Proposes Rules for Formal Public Comment: 04/28/2026

Staff Files Proposed Rules with the Office of Administrative Rules (OAR): 04/29/2026

Rules Published in the Bulletin Beginning Public Comment Period: 05/15/2026

End of 30-Day Comment Period: 06/15/2026

Board Final Adoption of Rules: 06/30/2026

Staff Files the Final Rule with the OAR: 06/30/2026

### **Cost Estimate:**

These amendments are required to meet federal requirements. Because the rule is federally enforceable, water systems must comply regardless of state primacy; therefore, these changes do not create new costs beyond federal requirements.

### *R309-225 – Consumer Confidence Reports (CCR)*

Utah has 511 community water systems; approximately 80 serve populations over 10,000 and 8 serve over 100,000. To estimate potential impacts, the Division conducted a voluntary survey and responses were limited to a cost range to account for uncertainty and provide a realistic response. Based on available responses, systems required to issue a second CCR reported one-time redesign costs of approximately \$2,500–\$5,000 and ongoing annual costs of \$500–\$1,500. Systems required to develop a language access plan reported annual costs of approximately \$2,000–\$3,000. A precise fiscal impact cannot be determined due to limited response data and variability across community water systems.

### *R309-220 – Public Notification*

Proposed updates align with federal requirements under LCRR and PFAS NPDWR, incorporate required health advisory language, and clarify notification requirements for formal enforcement actions. Any associated costs are expected to be minimal, as the Division will provide standardized language and implementation guidance.

**Public Comment:** The formal public comment ran for 30 days from 05/15/26 - 06/15/26. No comments were received.

### **Recommendation:**

Staff recommends that the Drinking Water Board adopt the proposed amendments to R309-225 Consumer Confidence Report Rule and R309-220 Public Notice Requirements.

**State of Utah**  
**Administrative Rule Analysis**  
Revised May 2025

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or section number:**

**R309-220**

**Filing ID: OFFICE USE ONLY**

**Date of previous publication (only for CPRs):** [Click or tap to enter a date.](#)

**Agency Information**

|                      |  |                                       |                      |
|----------------------|--|---------------------------------------|----------------------|
| 1. Title catchline:  |  | Environmental Quality, 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**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <b>2. Rule or section catchline:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |
| R309-220 Monitoring and Water Quality: Public Notification Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                               |
| <b>3. Are any changes in this filing because of state legislative action?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Changes are not because of legislative action.                |
| <b>If yes, any bill number and session:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | HB 1 (2025 General Session), SB 25 (2024 3rd Special Session) |
| <b>4. Purpose of the new rule or reason for the change:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                               |
| 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). |                                                               |
| <b>5. Summary of the new rule or change:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                               |
| 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**

|                                                                                                                                                                                                                       |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>                                                                                                                |  |
| <b>A. State budget:</b>                                                                                                                                                                                               |  |
| 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>B. Local governments:</b>                                                                                                                                                                                          |  |
| 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           |
| <b>Total Fiscal Cost</b>     | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>       | <b>FY2026</b> | <b>FY2027</b> | <b>FY2028</b> | <b>FY2029</b> | <b>FY2030</b> |
| 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           |
| <b>Total Fiscal Benefits</b> | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**

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*):

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

|                                                                   |  |
|-------------------------------------------------------------------|--|
| <b>Official Title of Materials Incorporated (from title page)</b> |  |
| <b>Publisher</b>                                                  |  |
| <b>Issue Date</b>                                                 |  |
| <b>Issue or Version</b>                                           |  |

**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.):

|                               |                            |                                         |
|-------------------------------|----------------------------|-----------------------------------------|
| <b>Date:</b>                  | <b>Time (hh:mm AM/PM):</b> | <b>Place (physical address or URL):</b> |
| 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.

|                                           |                                       |              |            |
|-------------------------------------------|---------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Nathan Lunstad, Ph.D., P.E., Director | <b>Date:</b> | 04/23/2026 |
|-------------------------------------------|---------------------------------------|--------------|------------|

## **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 ~~[i.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]~~incorporates by reference 40 CFR~~[, Part]~~ 141, Subpart Q, Appendix A<sub>2</sub> ~~[and]~~ B<sub>2</sub> 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]~~ 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 treat[~~e~~]ment of viruses [~~(using)through~~] inactivation, removal, or an [~~Director~~]director-approved combination of 4-log virus inactiv[~~i~~]ation and removal[~~y~~] 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 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~~]subsection, 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[~~y~~], 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 LT1ESWTR 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 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, [~~(c)~~ 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, [~~(c)~~ 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, [~~(c)~~ 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, [~~(c)~~ 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 [~~W~~] 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 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~~for~~ 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~~for~~ 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 acid~~e~~s (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 fluor[~~i~~]osis, 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) Endothall. Some people who drink water containing endothall 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.

~~([54]~~55) 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.

~~([55]~~56) 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.

~~([56]~~57) 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.

~~([57]~~58) 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.

~~([58]~~60) Lindane. Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

~~([59]~~61) Methoxychlor. Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

~~([60]~~62) Oxamyl (Vydate). Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

~~([61]~~62) 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.

~~([62]~~63) 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.

([63]68) Picloram. Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

([64]69) Simazine. Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

([65]70) 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:

([66]71) 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.

([67]72) Bromate. Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

([68]73) 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.

([69]74) 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.

([70]75) 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.

([71]76) 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.

([72]77) 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.

([73]78) Chlorobenzene. Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

([74]79) 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.

([75]80) 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.

([76]81) 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.

([77]82) 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.

([78]83) 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.

([79]84) 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.

([80]85) 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.

([81]86) 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.

([82]87) 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.

([83]88) 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.

([84]89) 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.

([85]90) 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.

([86]91) 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.

([87]92) 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.

([88]93) 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.

([89]94) 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.

([90]95) 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.

([91]96) 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.

([92]97) 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.

([93]98) 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: 2026[January 15, 2019]**

**Notice of Continuation: February 10, 2025**

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

Agenda Item

7(B)

## **Water System Rating Criteria (Improvement Priority System)**

### **Repeal and Reenact R309-400**

#### **Background:**

The Board adopted the current Water System Rating Criteria (Improvement Priority System) on November 8, 2019. To support continuous improvement while minimizing impacts to Utah's public water systems, our goal is to update the IPS rule on a five-year cycle.

The purpose of the amendments are to revise the deficiency table to improve clarity of descriptions, add or remove deficiencies to reflect rule updates, and adjust deficiency types and point values to better align with the EPA's Enforcement Targeting Tool, which weights violations based on severity, duration, and time since the issue was first identified.

The Division distributed a draft of the proposed rules to key stakeholders for an informal comment period. We received comments from four individuals regarding the proposed rule change and have provided responses to each submission. All comments were carefully reviewed, and where appropriate, updates were made to reflect the feedback received. This process helped ensure that the final rule is more clear, effective, and responsive to stakeholder input.

#### **Rulemaking Schedule:**

Drinking Water Board Proposes Rule for Formal Public Comment: 04/28/2026

Staff Files Proposed Rule with the Office of Administrative Rules (OAR): 04/29/2026

Rules Published in the Bulletin Beginning Public Comment Period: 05/15/2026

End of 30-Day Comment Period: 06/16/2026

Board Final Adoption of Rule: 06/30/2026

Staff Files the Final Rule with the OAR: 06/30/2026

#### **Cost Estimate:**

These amendments reflect current requirements therefore, these changes do not create new costs.

**Public Comment:** The formal public comment ran for 30 days from 05/15/26 - 06/16/26. One comment was received and is attached.

#### **Recommendation:**

Staff recommends that the Drinking Water Board adopt the proposed repeal and reenact to R309-400 Improvement Priority System.

# Formal Comment on Proposed Rule R309-400

The following is the one formal comment received regarding the proposed changes to Rule R309-400, "Improvement Priority System and Public Water System Ratings," as of Jun 16, 2026.

**Commenter (Affiliation):** Michael Goodman, Mt. Tabby Springs

**Section Referenced:** R309-400

**Comment Summary:** In regard to the above request, I had reviewed both the old and proposed IPS Rule R309-400. It appears the proposed rule simplifies the old rule in some respects but complicates it at the same time by adding additional deficiencies and violations. The other problem I see is that there is no demarcation as to large, medium, small, or very small water systems. They are all thrown into the same pot, so to speak or they are all put into the same shoe size, where one size fits all.

**DDW Response:** Regarding the proposed changes to the Improvement Priority System (IPS) Rule (R309-400).

While the proposed rule introduces more specific deficiencies, it does not add new regulations. Rather, it breaks down existing, broad categories into more precise definitions. This added specificity is designed to provide greater clarity and transparency, allowing both the water systems, drinking water stakeholders, technical assistance providers, and the general public to understand exactly what the issue is and how to fix it.

It is correct that the population count of a water system was not a primary criterion for establishing deficiencies; instead, the rule focuses on the risk to public health. If a specific deficiency poses a risk that a consumer could become immediately ill from the water, that risk is identical whether the system serves 25 people or 25,000.

However, the rule explicitly recognizes that a "one size fits all" approach does not work, which is why we use a tiered framework based on system type rather than population size. First, we define the total IPS point thresholds by system classification, allowing greater flexibility for seasonal and non-residential systems: Transient Non-Community (TNC) systems have a threshold of 100 points, Non-Transient Non-Community (NTNC) systems have 120 points, and Community (C) systems have 150 points.

Second, the rule aligns with the structural protections already in the federal and state Safe Drinking Water Acts (SDWA). For example, TNC systems are not required to monitor for or adhere to Maximum Contaminant Levels (MCLs) for most chronic contaminants that pose long-term health risks, as their consumers are transient. Instead, the regulations require them to focus heavily on acute risks. The Division to apply this philosophy is directly represented in this rule change. As an example to better reflect this balance of public health risk, we have reclassified storage and source capacity deficiencies from "significant" to "minor." This adjustment ensures systems are not unfairly penalized for long-term capacity constraints while still alerting the general public and water system personnel to potential capacity issues.

The Division believes these changes strike the appropriate balance between protecting public health and providing a fair, transparent regulatory framework for all water system types. Regulations. Rather, it breaks down existing, broad categories into more precise definitions. This added specificity is designed to provide greater clarity and transparency, allowing both the water systems and the general public to understand exactly what the issue is and how to fix it.

**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:  | Environmental Quality, 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**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <b>2. Rule or section catchline:</b>                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               |
| R309-400. Improvement Priority System and Public Water System Ratings                                                                                                                                                                                                                                                                                                                                                                                  |                                                               |
| <b>3. Are any changes in this filing because of state legislative action?</b>                                                                                                                                                                                                                                                                                                                                                                          | Changes are not because of legislative action.                |
| <b>If yes, any bill number and session:</b>                                                                                                                                                                                                                                                                                                                                                                                                            | HB 1 (2025 General Session), SB 25 (2024 3rd Special Session) |
| <b>4. Purpose of the new rule or reason for the change:</b>                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |
| These revisions align more closely with the EPA's Enforcement Targeting Tool and support consistent compliance determinations and effective enforcement prioritization.                                                                                                                                                                                                                                                                                |                                                               |
| <b>5. Summary of the new rule or change:</b>                                                                                                                                                                                                                                                                                                                                                                                                           |                                                               |
| 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. This will better align with EPA's enforcement. Added the violation and deficiency tables into the rule, instead of adopting by reference. |                                                               |

**Fiscal Information**

|                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>                                                                                                                                                                                                                                                                                                                                   |
| <b>A. State budget:</b>                                                                                                                                                                                                                                                                                                                                                                                                                  |
| R309-400 does not create any new regulatory burdens or requirements for Utah water systems or the Utah Division of Drinking Water. It creates a holistic rule to track and assess the risk to public health posed by violations of the other R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.                                                                                        |
| The addition of the table to the rule does not incur any additional costs or savings for the regulated community or the state budget because the table has been included by reference from 2020 through 2026. However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties. |
| <b>B. Local governments:</b>                                                                                                                                                                                                                                                                                                                                                                                                             |
| R309-400 does not create any new regulatory burdens or requirements for Utah water systems. It creates a holistic rule to track and assess the risk to public health posed by violations of the other R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.                                                                                                                               |

The addition of the table to the rule does not incur any additional costs or savings for the regulated community because the table has been included by reference from 2020 through 2026. However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.

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

R309-400 does not create any new regulatory burdens or requirements for Utah water systems. It creates a holistic rule to track and assess the risk to public health posed by violations of the other R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.

The addition of the table to the rule does not incur any additional costs or savings for the regulated community because the table has been included by reference from 2020 through 2026. However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.

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

R309-400 does not create any new regulatory burdens or requirements for Utah water systems. It creates a holistic rule to track and assess the risk to public health posed by violations of the other R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.

The addition of the table to the rule does not incur any additional costs or savings for the regulated community because the table has been included by reference from 2020 through 2026. However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.

**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**):

R309-400 does not create any new regulatory burdens or requirements for Utah water systems. It creates a holistic rule to track and assess the risk to public health posed by violations of the other R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.

The addition of the table to the rule does not incur any additional costs or savings for the regulated community because the table has been included by reference from 2020 through 2026. However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.

**F. Compliance costs for affected persons:**

This rule is not expected to result in direct fiscal impacts to other persons, including individual consumers. R309-400 does not create any new regulatory burdens or requirements for Utah water systems. It creates a holistic rule to track and assess the risk to public health posed by violations of the other R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.

The addition of the table to the rule does not incur any additional costs or savings for the regulated community because the table has been included by reference from 2020 through 2026. However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.

**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        |
| <b>Total Fiscal Cost</b>        | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

#### H. Department head comments on fiscal impact and approval of regulatory impact analysis:

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*):

|                                                                   |  |
|-------------------------------------------------------------------|--|
| <b>Official Title of Materials Incorporated (from title page)</b> |  |
| <b>Publisher</b>                                                  |  |
| <b>Issue Date</b>                                                 |  |
| <b>Issue or Version</b>                                           |  |

##### 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*):

|                                                                   |  |
|-------------------------------------------------------------------|--|
| <b>Official Title of Materials Incorporated (from title page)</b> |  |
| <b>Publisher</b>                                                  |  |
| <b>Issue Date</b>                                                 |  |
| <b>Issue or Version</b>                                           |  |

#### 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.

|                                           |                                      |              |            |
|-------------------------------------------|--------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Russell Seeley, P.E, Acting Director | <b>Date:</b> | 04/29/2026 |
|-------------------------------------------|--------------------------------------|--------------|------------|

## **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)(f) 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.]~~

#### **R309-400-1. 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 (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 CFR 142.10(b)(2) (January 11, 2006), which requires states to adopt and enforce regulations at least as stringent as federal requirements. Utah's 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 each Division rule, aligning Utah's enforcement priorities with EPA's national strategy to protect public health.

#### **R309-400-2. Authority.**

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 are points assessed to public water systems 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.

(a) The bacteriological assessments shall be updated on a monthly basis.

(b) Points for bacteriologic violations will reflect the most recent 12-months of operation.

(2) Chemical violations are points assessed to public water systems 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.

(a) 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.

(b) Points for any chemical MCL violation shall remain on record until the quality issue is resolved.

(c) 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 are points assessed to a public water system operating a surface water treatment plant or water type designation of surface water, purchased surface water, or groundwater under the influence of surface water based on violations of the quality standards and monitoring requirements in Rule R309-215 and the associated public notification requirements in Rule R309-220.

(a) The surface water treatment violations shall be updated on a monthly basis.

(b) 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) Each system rating is 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) Approved if its total IPS points are below the allotted threshold;

(b) Not Approved if its total IPS points is equal to or 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 or immediate risk to public health; or

(c) Corrective Action if 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. 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.**

|         |
|---------|
| TABLE 1 |
|---------|

| Deficiencies |                                                                                                                                           |             |        |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|
| Code         | Description                                                                                                                               | Type        | Points |
| 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 on-site 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                                                                                               | Minor       | 15     |
| G001         | Unapproved facility in service                                                                                                            | Significant | 50     |
| G004         | Insufficient system ownership information                                                                                                 | Minor       | 15     |
| G006         | Using unapproved treatment process or chemical                                                                                            | Significant | 50     |
| G007         | Construction without prior approval                                                                                                       | Significant | 50     |
| L014         | Spring collection box is not present                                                                                                      | Minor       | 5      |
| M003         | Cross Connection Control (CCC) - Lacks local authority                                                                                    | Significant | 25     |
| M004         | CCC - No annual public education or awareness                                                                                             | Minor       | 15     |
| M005         | CCC - TNC and NTNC system lacks required backflow 101 training certificate                                                                | Minor       | 15     |
| M006         | CCC - Lacks written records of CCC activities                                                                                             | Minor       | 15     |
| M007         | CCC - Lacks ongoing enforcement implementation                                                                                            | Minor       | 15     |
| M008         | System is not providing adequate distribution system pressure and is reliant on home booster pumps to meet pressure demands               | Significant | 50     |
| M009         | Improper bacteriological sample collecting and handling                                                                                   | Minor       | 15     |
| M011         | Community system is using unapproved water hauling as a water source                                                                      | Significant | 200    |
| M013         | Failed to submit an Engineering Evaluation Report                                                                                         | Significant | 50     |
| M014         | Confirmed pattern of unsatisfactory drinking water quality samples                                                                        | Significant | 25     |
| M015         | Confirmed water-borne illness as a result of public drinking water contamination                                                          | Significant | 50     |
| M016         | History of verified customer complaints regarding drinking water quality or quantity                                                      | Significant | 50     |
| M017         | Water stagnation, biofilm, or sediments contributes to drinking water contamination                                                       | Significant | 50     |
| M018         | Interruption of treatment process contributes to drinking water contamination                                                             | Significant | 50     |
| M019         | Failure to submit required water use data annually or verify data accuracy                                                                | Minor       | 15     |
| M020         | Cross connection exists in water system                                                                                                   | Significant | 50     |

|      |                                                                                                                                         |                |     |
|------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------|-----|
| M021 | Individual home booster pumps connected to water main directly                                                                          | Significant    | 50  |
| M022 | CCC - Community system lacks CCC Program Administrator                                                                                  | Minor          | 15  |
| M023 | CCC - Program Administrator required by director                                                                                        | Significant    | 25  |
| M024 | Community system's Emergency Response Plan (ERP) lacks cybersecurity measures                                                           | Significant    | 25  |
| M025 | Unapproved interconnection with another water system                                                                                    | Significant    | 50  |
| M026 | Lacks operational records                                                                                                               | Significant    | 25  |
| M027 | System lacks a required emergency response plan                                                                                         | Significant    | 25  |
| M028 | Community system failed to certify their ERP annually                                                                                   | Minor          | 15  |
| M029 | Failure to be available for scheduled site visit without timely notice                                                                  | Significant    | 100 |
| M030 | Missing Capacity Development Assessment                                                                                                 | Minor          | 15  |
| M031 | Missing Asset Management Plan                                                                                                           | Minor          | 15  |
| M032 | Shallow distribution lines causing impaired water quality                                                                               | Significant    | 25  |
| M033 | Willfully non-compliant system                                                                                                          | Significant    | 100 |
| M034 | Failure to report an emergency                                                                                                          | Significant    | 50  |
| M035 | Failure to supply an updated Administrative Contact                                                                                     | Significant    | 50  |
| M036 | Missing New Public Water System Application                                                                                             | Minor          | 15  |
| M037 | Failure to update population or service connections                                                                                     | Significant    | 25  |
| M038 | Failure to follow approved water hauling practices                                                                                      | Significant    | 100 |
| M039 | Unapproved water hauling source in service                                                                                              | Significant    | 200 |
| M040 | Failure to follow an approved sample site plan                                                                                          | Significant    | 50  |
| M041 | Failure to conduct consistent bacteriological sampling requirement                                                                      | Significant    | 100 |
| M042 | Hose threads lack required backflow prevention device                                                                                   | Minor          | 15  |
| M043 | Assessment monitoring required                                                                                                          | Significant    | 25  |
| PS01 | Pump facility not protected from flooding or surface runoff                                                                             | Minor          | 15  |
| PS03 | Pump facility lacks pressure gauge on discharge line                                                                                    | Minor          | 15  |
| PS05 | Pump facility lacks shutoff valves for operations and maintenance (O & M) and repair                                                    | Minor          | 15  |
| PS06 | Pump station building interior floor not drained or not sloped to drain                                                                 | Minor          | 15  |
| PS07 | Pump electrical controls not protected against flooding                                                                                 | Significant    | 25  |
| PS10 | Pump station or hydropneumatics tank air inlet valve (A/V) relief piping lacks No. 14 screen                                            | Significant    | 25  |
| PS11 | A/V valve relief piping of pump station or hydropneumatics tank not protected from contamination or not at least six inches above floor | Significant    | 25  |
| PS12 | Pump station or hydropneumatics tank A/V valve relief piping not downturned                                                             | Significant    | 25  |
| PS13 | Pump station building floor elevation not protected from flooding or less than six inches above finish grade                            | Minor          | 15  |
| PS14 | Pump station building not properly heated, lighted, or ventilated                                                                       | Minor          | 5   |
| PS15 | Pump facility has cross connection or subject to contamination                                                                          | Significant    | 50  |
| PS18 | Community system's in-line booster pump station lacks redundancy to meet peak demand with one pump out of service                       | Significant    | 25  |
| PS19 | Pump facility lacks capacity to meet demand                                                                                             | Significant    | 25  |
| PS31 | Improper lubrication oil used for drinking water pump facility                                                                          | Significant    | 25  |
| PS33 | Pump facility not protected from vandalism or unauthorized entry                                                                        | Minor          | 15  |
| PS34 | Community system relies on diaphragm or air pressure tanks for finished water storage or fire protection                                | Minor          | 15  |
| PT08 | Hydropneumatic tank lacks a pressure gauge                                                                                              | Minor          | 15  |
| PT13 | Pump station or hydropneumatic tank and controls not protected against hazard                                                           | Significant    | 25  |
| PT14 | Hydropneumatic tank not protected from flooding                                                                                         | Minor          | 15  |
| R003 | Asbestos cement pipe in use                                                                                                             | Recommendation | 0   |
| R006 | Failure to make the lead service line inventory publicly accessible                                                                     | Minor          | 15  |
| R007 | Lead service line (LSL) inventory deficiency                                                                                            | Minor          | 15  |
| R008 | Failure to provide the certificate of delivery for LSL public notice                                                                    | Minor          | 15  |
| S001 | Unapproved source in service                                                                                                            | Significant    | 200 |
| S002 | Well house not protected against vandalism                                                                                              | Significant    | 25  |
| S003 | Well casing terminates less than 12 inches above floor or less than 18 inches above ground surface                                      | Significant    | 25  |
| S005 | Well with pitless adaptor not watertight or not protected against vandalism                                                             | Significant    | 50  |
| S006 | End of well casing vent lacks No. 14 screen                                                                                             | Significant    | 25  |
| S007 | Well casing vent not downturned                                                                                                         | Significant    | 25  |
| S008 | Well casing vent lacks air gap against contamination                                                                                    | Significant    | 25  |
| S009 | Well pump-to-waste line lacks a clearance of at least 12 inches                                                                         | Significant    | 25  |
| S010 | End of well pump-to-waste line lacks No. 4 screen                                                                                       | Significant    | 25  |
| S011 | Well pump-to-waste line not downturned                                                                                                  | Significant    | 25  |

|      |                                                                                                            |                       |            |
|------|------------------------------------------------------------------------------------------------------------|-----------------------|------------|
| 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 collection area</u>          | <u>Minor</u>          | <u>15</u>  |
| SS04 | <u>Spring box overflow lacks No. 4 screen</u>                                                              | <u>Significant</u>    | <u>25</u>  |
| SS06 | <u>Ponding within spring collection area</u>                                                               | <u>Significant</u>    | <u>25</u>  |
| SS07 | <u>Deep rooted vegetation in spring collection area</u>                                                    | <u>Significant</u>    | <u>25</u>  |
| SS08 | <u>Roots in spring collection pipes</u>                                                                    | <u>Significant</u>    | <u>25</u>  |
| SS09 | <u>Spring box lid not shoebox style</u>                                                                    | <u>Significant</u>    | <u>25</u>  |
| SS10 | <u>Spring box lid lacks a gasket</u>                                                                       | <u>Significant</u>    | <u>25</u>  |
| SS11 | <u>Spring box lacks a means of venting</u>                                                                 | <u>Minor</u>          | <u>5</u>   |
| SS12 | <u>Spring box entry not elevated at least 18 inches above earthen cover</u>                                | <u>Minor</u>          | <u>15</u>  |
| SS13 | <u>Spring box lid not locked</u>                                                                           | <u>Significant</u>    | <u>25</u>  |
| SS14 | <u>Spring box overflow or drain lacks a free fall of 12 to 24 inches</u>                                   | <u>Significant</u>    | <u>25</u>  |
| SS15 | <u>Height of spring box vent not sized to prevent blockage in winter</u>                                   | <u>Significant</u>    | <u>25</u>  |
| SS16 | <u>Spring box vent not downturned</u>                                                                      | <u>Significant</u>    | <u>25</u>  |
| SS17 | <u>Spring box vent lacks No. 14 screen</u>                                                                 | <u>Significant</u>    | <u>25</u>  |
| SS18 | <u>End of spring box vent is at least 24 inches above earthen cover</u>                                    | <u>Significant</u>    | <u>25</u>  |
| SS19 | <u>Spring impermeable liner inadequate or not intact</u>                                                   | <u>Significant</u>    | <u>50</u>  |
| SS20 | <u>Unsealed openings in spring collection box</u>                                                          | <u>Significant</u>    | <u>50</u>  |
| SS22 | <u>Spring impervious soil cover inadequate or not intact</u>                                               | <u>Significant</u>    | <u>50</u>  |
| SS23 | <u>Spring box lacks a means of providing overflow</u>                                                      | <u>Minor</u>          | <u>15</u>  |
| SS24 | <u>Herbicide, pesticides, or algicides applied are not ANSI/NSF 60 certified and without approval</u>      | <u>Significant</u>    | <u>50</u>  |
| T001 | <u>Plan lacks provision for bypassing pre-sedimentation basins</u>                                         | <u>Minor</u>          | <u>15</u>  |
| T002 | <u>Primary coagulant not used properly</u>                                                                 | <u>Significant</u>    | <u>50</u>  |
| T004 | <u>Filtration basins lack safety handrails</u>                                                             | <u>Significant</u>    | <u>25</u>  |
| T005 | <u>Multi-media filter not provided with continuous turbidity monitoring</u>                                | <u>Significant</u>    | <u>100</u> |

|      |                                                                                                        |             |     |
|------|--------------------------------------------------------------------------------------------------------|-------------|-----|
| 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 | Incorrect control limit of membrane direct integrity test sensitivity to show log removal              | Significant | 100 |
| T094 | Incorrect trigger for membrane continuous indirect integrity testing                                   | Significant | 50  |
| T095 | Insufficient backwash water supply to allow backwashing two membrane units consecutively               | Minor       | 15  |
| T096 | Clear well inadequately designed to provide required disinfection CT                                   | Significant | 25  |
| T097 | Lacks monitoring or records of recycled water                                                          | Minor       | 15  |
| T098 | Fail to meet giardia, virus, or cryptosporidium treatment requirements                                 | Significant | 200 |
| T099 | Incorrect surface water treatment compliance water quality sampling location                           | Significant | 50  |
| TC07 | Activated carbon application point not appropriate (before oxidant addition)                           | Minor       | 15  |
| TC10 | Activated carbon not stored separately or away from incompatible chemicals                             | Significant | 25  |
| TC15 | Piping not color coded or labeled to show contained liquid and flow direction                          | Minor       | 5   |
| TC17 | Activated carbon storage and operation areas not clean, dry, or safe for operator safety               | Significant | 25  |
| TD01 | Continuous disinfection is required but chlorinator lacks automatic switchover                         | Significant | 50  |
| TD02 | Lacks equipment to measure chlorine feed rate                                                          | Significant | 50  |
| TD04 | 150-pound cylinder facility lacks immediate access to Niosh respirator                                 | Minor       | 15  |
| TD05 | 1-ton cylinder facility lacks a leak repair kit approved by chlorine institute                         | Significant | 25  |
| TD06 | 1-ton cylinder facility lacks immediate access to Niosh self-contained breathing apparatus             | Significant | 25  |
| TD07 | Gas chlorine area in treatment plant not separate from other areas                                     | Significant | 25  |
| TD08 | Chlorinator building not heated, lighted, or ventilated                                                | Minor       | 15  |

|      |                                                                                                                                  |                    |            |
|------|----------------------------------------------------------------------------------------------------------------------------------|--------------------|------------|
| 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 | <u>Gas chlorine room in treatment plant lacks shatter resistant inspection windows</u>                                           | <u>Significant</u> | <u>25</u>  |
| TD58 | <u>Standby power not available for primary treatment process for surface water treatment</u>                                     | <u>Significant</u> | <u>50</u>  |
| TD59 | <u>Backup equipment or spare parts not available for critical treatment items</u>                                                | <u>Significant</u> | <u>50</u>  |
| TD62 | <u>No sample tap for each unit operation of treatment</u>                                                                        | <u>Minor</u>       | <u>15</u>  |
| TD64 | <u>Chemical solution not covered or tank access openings not covered</u>                                                         | <u>Minor</u>       | <u>5</u>   |
| TD66 | <u>Hypochlorite facility lacks a means of emergency eyewash</u>                                                                  | <u>Significant</u> | <u>25</u>  |
| TD67 | <u>Hypochlorite liquid not protected from excessive heat or direct sunlight</u>                                                  | <u>Minor</u>       | <u>5</u>   |
| TD68 | <u>No records kept to minimize use of decayed hypochlorite solution</u>                                                          | <u>Minor</u>       | <u>5</u>   |
| TD69 | <u>Incompatible chemicals stored in chlorine room</u>                                                                            | <u>Significant</u> | <u>25</u>  |
| TD70 | <u>Chlorine solution makeup water not of drinking water quality</u>                                                              | <u>Significant</u> | <u>25</u>  |
| TD71 | <u>Hydrogen gas from on-site hypochlorite generation electrolytic cell not vented upward to outside</u>                          | <u>Significant</u> | <u>50</u>  |
| TD72 | <u>Hypochlorite tablets not stored in cool, dry, and vented area</u>                                                             | <u>Minor</u>       | <u>5</u>   |
| TD73 | <u>Hypochlorite tablets stored with combustible materials or acids</u>                                                           | <u>Significant</u> | <u>25</u>  |
| TD74 | <u>Personal protective equipment, safety shower, or eyewash not provided</u>                                                     | <u>Significant</u> | <u>25</u>  |
| TD75 | <u>System required to disinfect lacks ability or equipment to properly maintain or repair treatment systems</u>                  | <u>Significant</u> | <u>25</u>  |
| TD76 | <u>Inadequate means to maintain disinfectant residual in the water entering the distribution system</u>                          | <u>Significant</u> | <u>100</u> |
| TD78 | <u>Lacks equipment for chlorine residual testing</u>                                                                             | <u>Significant</u> | <u>100</u> |
| TD79 | <u>No means to measure flow rate of water treated</u>                                                                            | <u>Significant</u> | <u>50</u>  |
| TD81 | <u>Instrumentation used to verify operation or rule compliance not calibrated monthly</u>                                        | <u>Minor</u>       | <u>15</u>  |

|      |                                                                                                                                      |             |     |
|------|--------------------------------------------------------------------------------------------------------------------------------------|-------------|-----|
| TD82 | <u>Instrumentation used to verify operation or rule compliance not maintained per manufacturer requirements</u>                      | Minor       | 15  |
| TD83 | <u>System required to achieve CT (GWRD-Primary or SWT) has a missing or insufficient POE chlorine sampling location</u>              | Significant | 50  |
| TD84 | <u>Missing or insufficient designated POE chlorine sample location</u>                                                               | Significant | 25  |
| TD85 | <u>Missing or nonfunctional chlorine analyzer</u>                                                                                    | Significant | 25  |
| TD86 | <u>Distribution system lacks required disinfection</u>                                                                               | Significant | 100 |
| TD87 | <u>Source lacks required disinfection - primary</u>                                                                                  | Significant | 200 |
| TD88 | <u>Source lacks required disinfection - secondary</u>                                                                                | Significant | 100 |
| TD89 | <u>System is batch-disinfection outside approved batch practices, such as operations and maintenance or seasonal start-up</u>        | Significant | 50  |
| TD90 | <u>Adding chemicals that do not meet ANSI/NSF 60 standards</u>                                                                       | Significant | 50  |
| TD91 | <u>Chlorinator lacks a means to measure flow of treated water</u>                                                                    | Significant | 50  |
| TD92 | <u>Gas chlorination equipment not secure or lacking proper housing</u>                                                               | Significant | 25  |
| TD93 | <u>1-ton cylinder operating area lacks gas scrubber</u>                                                                              | Significant | 25  |
| TD94 | <u>Pre-sedimentation basins not equipped for sludge removal</u>                                                                      | Minor       | 15  |
| TD95 | <u>Gas chlorine room in treatment plant lacks outward-opening exit door with panic bar</u>                                           | Significant | 25  |
| TD96 | <u>Gas chlorine room in treatment plant has floor drains that connect to other drains in the plant</u>                               | Significant | 25  |
| TD97 | <u>Insufficient UV dose for required treatment</u>                                                                                   | Significant | 100 |
| TD98 | <u>Lacks operational records for chemical dosing</u>                                                                                 | Significant | 25  |
| TD99 | <u>No means to measure quantities of chemicals used</u>                                                                              | Significant | 50  |
| TG03 | <u>Solution tanks and chemical refill lines not labeled</u>                                                                          | Minor       | 15  |
| TG05 | <u>Safety data sheet information including chemical name, purity, concentration, and supplier is not available for each chemical</u> | Significant | 25  |
| TG09 | <u>No means to measure liquid level in solution tank</u>                                                                             | Significant | 25  |
| TG10 | <u>Solution tank lacks an inverted J vent or a means of venting</u>                                                                  | Minor       | 5   |
| TG13 | <u>Acid solution not kept in closed acid-resistant containers</u>                                                                    | Minor       | 15  |
| TG17 | <u>Dust control and ventilation not adequate for handling dry chemicals</u>                                                          | Minor       | 15  |
| TG18 | <u>Solution tank not protected against backflow or not provided with a valved drain</u>                                              | Significant | 50  |
| TG19 | <u>Incompatible chemicals are fed, stored, or handled together</u>                                                                   | Significant | 25  |
| TG20 | <u>Daily records do not reflect dosages accurately</u>                                                                               | Significant | 25  |
| TG21 | <u>Chemical feeder not accurate, calibrated, or functioning</u>                                                                      | Significant | 25  |
| TG31 | <u>No sample tap for testing finished water</u>                                                                                      | Significant | 25  |
| TG35 | <u>Cross connection between untreated water and finished water</u>                                                                   | Significant | 100 |
| TG53 | <u>No backflow protection on in-plant water supply line</u>                                                                          | Significant | 50  |
| TG55 | <u>Community system serving 100 or more connections lacks redundant sources but has a plan to address emergency loss of source</u>   | Minor       | 15  |
| TG59 | <u>Lacks containment provisions to handle solution tank spills or overflows</u>                                                      | Minor       | 15  |
| TG60 | <u>Acid tank not vented to outside</u>                                                                                               | Minor       | 15  |
| TG62 | <u>Discharging without a permit</u>                                                                                                  | Minor       | 15  |
| TG64 | <u>In-plant water supply lacks cross connection control</u>                                                                          | Significant | 50  |
| TGR2 | <u>Trigger for backwash recycling review</u>                                                                                         | Minor       | 15  |
| TGR3 | <u>Trigger for undocumented facility or process</u>                                                                                  | Minor       | 15  |
| TGR5 | <u>Hazardous, flammable, or toxic chemicals storage presents risk to source water</u>                                                | Significant | 25  |
| TGR7 | <u>Community system serving 100 or more connections lacks redundant source</u>                                                       | Significant | 50  |
| TGR9 | <u>Trigger for technical assistance follow-up to address concerns</u>                                                                | Minor       | 15  |
| TI05 | <u>Polyphosphate sequestration used for iron manganese control when iron or manganese or combination exceeds 1 mg/L</u>              | Significant | 25  |
| TO04 | <u>Apply polyphosphate before iron manganese treatment or after aeration, oxidation, or disinfection</u>                             | Significant | 25  |
| TO06 | <u>Total phosphate applied exceeds 10 mg/L as PO4 for iron manganese control</u>                                                     | Significant | 25  |
| TQ08 | <u>Lacks chlorine residual in distribution system when using polyphosphate sequestration for iron manganese control</u>              | Significant | 25  |
| TT01 | <u>Turbidimeter not calibrated or maintained for accurate continuous monitoring of treatment processes</u>                           | Significant | 100 |
| TX07 | <u>No backflow protection on chemical makeup water supply line</u>                                                                   | Significant | 50  |
| TX08 | <u>Solution tank overflow pipe not downturned or lacking a clearance of six inches or more</u>                                       | Significant | 50  |
| TX09 | <u>Backup or standby chemical feeder not available</u>                                                                               | Minor       | 15  |
| V001 | <u>Storage tank surrounding area not graded to prevent standing water within 50 feet of the tank</u>                                 | Significant | 25  |
| V003 | <u>Water ponding on storage tank roof or tank roof not sloped to drain</u>                                                           | Minor       | 15  |

|      |                                                                                                            |             |     |
|------|------------------------------------------------------------------------------------------------------------|-------------|-----|
| V004 | Storage tank ladders more than 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 |
| V019 | Storage facility interior peeling or cracked                                                               | Minor       | 15  |
| 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 is 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<br>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                     | Any Other Analytes                                  | Acute | 50     |

|           |                                                                                                                                                         |                                                            |                   |            |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-------------------|------------|
| <u>02</u> | <u>Maximum contaminant level exceedance, based on a locational running annual average of sample results</u>                                             | <u>2456 Total Haloacetic Acids or 2950 TTHM</u>            | <u>Chronic</u>    | <u>15</u>  |
| <u>02</u> | <u>Maximum contaminant level exceedance, based on a running annual average of sample results</u>                                                        | <u>Any Analyte</u>                                         | <u>Acute</u>      | <u>50</u>  |
| <u>03</u> | <u>Failure to collect any of the required samples in accordance with a nitrate and nitrite monitoring schedule</u>                                      | <u>1038 Nitrate-Nitrite, 1040 Nitrate, or 1041 Nitrite</u> | <u>Monitoring</u> | <u>50</u>  |
| <u>03</u> | <u>Failure to collect any of the required samples in accordance with a monitoring schedule</u>                                                          | <u>Any Other Analytes</u>                                  | <u>Monitoring</u> | <u>25</u>  |
| <u>03</u> | <u>Failure to collect the specified amount of required samples in accordance with a monitoring schedule</u>                                             | <u>Any Analyte</u>                                         | <u>Monitoring</u> | <u>15</u>  |
| <u>05</u> | <u>Failure to submit 4-log virus treatment report within 30 days of total coliform-positive sample for PWS with triggered source sampling exemption</u> | <u>0700 Groundwater Rule</u>                               | <u>Reporting</u>  | <u>15</u>  |
| <u>10</u> | <u>Failure to submit a monthly operating report</u>                                                                                                     | <u>0200 SWTR</u>                                           | <u>Reporting</u>  | <u>50</u>  |
| <u>10</u> | <u>Failure to provide required monitoring information in a monthly operating report</u>                                                                 | <u>0200 SWTR</u>                                           | <u>Reporting</u>  | <u>50</u>  |
| <u>11</u> | <u>Acute violation for exceeding maximum residual disinfectant level for chlorine dioxide</u>                                                           | <u>1008 Chlorine Dioxide</u>                               | <u>Chronic</u>    | <u>25</u>  |
| <u>11</u> | <u>Non-acute violation for exceeding maximum residual disinfectant level for chlorine dioxide</u>                                                       | <u>1008 Chlorine Dioxide</u>                               | <u>Chronic</u>    | <u>25</u>  |
| <u>19</u> | <u>Failure to take any monthly routine source assessment sample</u>                                                                                     | <u>3014 E. coli</u>                                        | <u>Monitoring</u> | <u>15</u>  |
| <u>19</u> | <u>Failure to collect the specified amount of required source assessment samples</u>                                                                    | <u>3014 E. coli</u>                                        | <u>Monitoring</u> | <u>5</u>   |
| <u>1A</u> | <u>E. coli maximum contaminant level exceedance</u>                                                                                                     | <u>3014 E. coli</u>                                        | <u>Acute</u>      | <u>50</u>  |
| <u>1A</u> | <u>E. coli maximum contaminant level exceedance</u>                                                                                                     | <u>8000 RTCR</u>                                           | <u>Acute</u>      | <u>50</u>  |
| <u>20</u> | <u>Failure to consult with DDW about significant deficiencies or E.coli positive samples</u>                                                            | <u>0700 Groundwater Rule</u>                               | <u>Reporting</u>  | <u>15</u>  |
| <u>20</u> | <u>Failure to consult about significant deficiencies after EPA survey</u>                                                                               | <u>0800 EPA Survey</u>                                     | <u>Reporting</u>  | <u>15</u>  |
| <u>27</u> | <u>Failure to collect any of the required chlorine residual readings</u>                                                                                | <u>0999 Chlorine</u>                                       | <u>Reporting</u>  | <u>15</u>  |
| <u>27</u> | <u>Failure to collect any of the required DBP samples in accordance with a DBP monitoring schedule</u>                                                  | <u>2456 Total Halocetic Acids (HAA5), 2950 TTHM</u>        | <u>Monitoring</u> | <u>15</u>  |
| <u>27</u> | <u>Failure to have a DBP monitoring plan</u>                                                                                                            | <u>400 DBP State 1</u>                                     | <u>Monitoring</u> | <u>5</u>   |
| <u>27</u> | <u>Failure to report DBP sample results in a timely manner</u>                                                                                          | <u>DBP2, 2456 Total Halocetic Acids (HAA5), 2950 TTHM</u>  | <u>Monitoring</u> | <u>5</u>   |
| <u>28</u> | <u>Failure to permit DDW to conduct a sanitary survey</u>                                                                                               | <u>SS</u>                                                  | <u>Acute</u>      | <u>50</u>  |
| <u>29</u> | <u>Failure to conduct and submit a triggered filter assessment</u>                                                                                      | <u>0300 IESWTR/LT1</u>                                     | <u>Monitoring</u> | <u>25</u>  |
| <u>2A</u> | <u>Failure to conduct and submit a Level One Assessment</u>                                                                                             | <u>8000 RTCR</u>                                           | <u>Chronic</u>    | <u>50</u>  |
| <u>2B</u> | <u>Failed to cooperate with the Division in completing the Level Two Assessment</u>                                                                     | <u>8000 RTCR</u>                                           | <u>Acute</u>      | <u>100</u> |
| <u>2C</u> | <u>Failure to address significant deficiency identified during an assessment</u>                                                                        | <u>8000 RTCR</u>                                           | <u>Acute</u>      | <u>50</u>  |
| <u>2D</u> | <u>Failure to conduct and complete seasonal start-up procedures</u>                                                                                     | <u>8000 RTCR</u>                                           | <u>Reporting</u>  | <u>50</u>  |
| <u>2E</u> | <u>Failure to complete initial LSLI</u>                                                                                                                 | <u>5200 LCRR</u>                                           | <u>Reporting</u>  | <u>50</u>  |
| <u>2E</u> | <u>Failure to complete updated LSLI</u>                                                                                                                 | <u>5200 LCRR</u>                                           | <u>Reporting</u>  | <u>50</u>  |
| <u>2E</u> | <u>Failure to complete baseline inventory</u>                                                                                                           | <u>LCRI</u>                                                | <u>Reporting</u>  | <u>50</u>  |
| <u>31</u> | <u>Late reporting of chlorine residuals for unfiltered GW source with 4-log treatment</u>                                                               | <u>0700 Groundwater Rule/0999</u>                          | <u>Monitoring</u> | <u>15</u>  |
| <u>31</u> | <u>Failure of continuous chlorine monitoring for systems serving a population greater than 3300</u>                                                     | <u>0200 SWTR</u>                                           | <u>Monitoring</u> | <u>50</u>  |
| <u>31</u> | <u>Failure of continuous chlorine monitoring for systems doing 4-log treatment of unfiltered GW source</u>                                              | <u>0700 Groundwater Rule/0999</u>                          | <u>Monitoring</u> | <u>50</u>  |
| <u>32</u> | <u>Failure to submit a required LT2 monitoring plan</u>                                                                                                 | <u>LT2ESWTR</u>                                            | <u>Reporting</u>  | <u>25</u>  |
| <u>32</u> | <u>Failure to collect any of the required LT2 samples in accordance with a monitoring schedule</u>                                                      | <u>LT2ESWTR</u>                                            | <u>Monitoring</u> | <u>25</u>  |
| <u>34</u> | <u>Failure to take any required triggered source sample after total coliform-positive routine sample</u>                                                | <u>0700 Groundwater Rule</u>                               | <u>Monitoring</u> | <u>25</u>  |

|    |                                                                                                                |                           |            |     |
|----|----------------------------------------------------------------------------------------------------------------|---------------------------|------------|-----|
| 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 | Failure to submit certificate of delivery for PN                                                               | 5200 LCRR                 | Reporting  | 15  |
| 4J | Failure to submit initial monitoring for PFAS data                                                             | PFAS                      | Reporting  | 15  |
| 4K | Failure to notify the state following a MCL violation for PFAS or failure to submit compliance monitoring data | PFAS                      | Reporting  | 25  |
| 51 | Failure to conduct initial monitoring for lead and copper                                                      | 5000 Lead & Copper Rule   | Monitoring | 25  |
| 52 | Failure to conduct routine lead and copper monitoring                                                          | 5000 Lead & Copper Rule   | Monitoring | 25  |
| 52 | Failure to collect the specified amount of required lead and copper samples                                    | 5000 Lead & Copper Rule   | Monitoring | 15  |
| 53 | Failure to monitor for water quality parameters                                                                | 5000 Lead & Copper Rule   | Monitoring | 25  |
| 57 | Failure to provide optimal corrosion control treatment recommendation                                          | 5000 Lead & Copper Rule   | Chronic    | 50  |
| 58 | Failure to install optimal corrosion control treatment                                                         | 5000 Lead & Copper Rule   | Chronic    | 50  |
| 59 | Water quality parameter excursion                                                                              | 5000 Lead & Copper Rule   | Chronic    | 50  |
| 5A | Failure to submit RTCR Sample Site Plan                                                                        | 8000 RTCR                 | Reporting  | 15  |
| 64 | Failure to submit replacement form                                                                             | 5000 Lead & Copper Rule   | Chronic    | 50  |
| 65 | Failure to provide public education for lead and copper                                                        | 5000 Lead & Copper Rule   | Chronic    | 50  |
| 66 | Failure to provide consumer notice for lead and copper samples                                                 | 5000 Lead & Copper Rule   | Reporting  | 5   |

|           |                                                                                                                                                                                  |                                      |                  |            |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------|------------|
| <u>71</u> | <u>Failure to submit CCR Report</u>                                                                                                                                              | <u>7000 Consumer Confidence Rule</u> | <u>Reporting</u> | <u>15</u>  |
| <u>72</u> | <u>Failure to submit a timely or adequate CCR distribution certification</u>                                                                                                     | <u>7000 Consumer Confidence Rule</u> | <u>Reporting</u> | <u>15</u>  |
| <u>73</u> | <u>Failure to notify wholesale system of total coliform-positive sample</u>                                                                                                      | <u>0700 Groundwater Rule</u>         | <u>Reporting</u> | <u>15</u>  |
| <u>75</u> | <u>Failure to provide tier three public notice</u>                                                                                                                               | <u>Any Analyte Tier 3</u>            | <u>Reporting</u> | <u>15</u>  |
| <u>75</u> | <u>Failure to provide tier two public notice</u>                                                                                                                                 | <u>Any Analyte Tier 2</u>            | <u>Reporting</u> | <u>25</u>  |
| <u>75</u> | <u>Failure to provide tier one public notice</u>                                                                                                                                 | <u>Any Analyte Tier 1</u>            | <u>Reporting</u> | <u>100</u> |
| <u>76</u> | <u>Incomplete public notice</u>                                                                                                                                                  | <u>7500 Public Notice</u>            | <u>Reporting</u> | <u>15</u>  |
| <u>77</u> | <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> |
| <u>FA</u> | <u>Failure to take required repeat samples within 24 hours</u>                                                                                                                   | <u>Any Analyte</u>                   | <u>Reporting</u> | <u>5</u>   |
| <u>MR</u> | <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>Any Analyte</u>                   | <u>Reporting</u> | <u>15</u>  |
| <u>MR</u> | <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>Any Analyte</u>                   | <u>Reporting</u> | <u>5</u>   |
| <u>PN</u> | <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: 2026~~November 8, 2019~~**

**Notice of Continuation: February 10, 2025**

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

!-dar--

Agenda Item

7(C)

## **DRINKING WATER BOARD PACKET**

### **Request for Rule Adoption for Rule R309-540**

#### **R309-540: Facility Design and Operation: Pump and Hydropneumatic Pressure Facilities**

Presented to the Drinking Water Board

June 30, 2026

#### **PROPOSAL:**

The Division of Drinking Water proposes that the Drinking Water Board adopts the changes to Rule R309-540. There are two items that are replaced and updated. The first is to fine tune an update to the rule in 2024 concerning a Public Water System (PWS) having redundant pumps installed and in operation for a system that solely uses pumps to maintain distribution pressure. This has been adjusted in this update to only apply to Community Water Systems. The second change was made to allow home booster pumps contingent on several factors. This should reduce the permitting burden on Division staff and on home owners. Because of reformatting, a small change is needed in Section R309-105-9. Other small non-substantive changes were made in the section.

#### **HISTORY/CONTEXT:**

Changes to R309-540 were filed with the Office of Administrative Rules on 03/31/2026. The public comment period was open from 05/16/2026 to 06/14/2026.

During the public comment period the Division received no comments from the public.

#### **DIVISION STAFF/DIRECTOR RECOMMENDATION:**

The Division recommends that the Drinking Water Board approve adoption of the amendment to R309-540 and make the reenacted rule effective on 07/01/2026.

## **R309. Environmental Quality, Drinking Water.**

### **R309-540. Facility Design and Operation: Pump and Hydropneumatic Pressure Facilities.**

#### **R309-540-6. Pumps.**

(1) ~~[Capacity and Minimum Distribution System Pressure.]~~A pump used to provide minimum distribution system pressure shall:

- (a) have the capacity to meet the maximum demand of the specific portion of the distribution system served; and
- (b) be capable of providing the minimum pressures required by Section R309-105-9.

~~[(2) Number of Pumps.]~~

~~[(2)(a)] [A water supplier shall have at least two pumps installed and in operation at a booster pump facility that provides the only means available to meet the minimum distribution system pressure requirements of Section R309-105-9 for the water distribution pipeline served by the facility.]If a pump station provides the only means available for a community PWS water supplier with a pump station that provides the only means available to meet the minimum distribution system pressure requirements of Section R309-105-9, there shall be for at least two pumps installed and in operation. The director may require at least two pumps installed and in use to meet the minimum distribution pressure requirements of Section R309-105-9 for transient or non-transient non-community PWSs if the director finds that unplanned closures could cause harm to public health.~~

~~[(3)(b)]~~ A ~~[booster]pump station[facility]~~ that requires at least two pumps shall meet the maximum demand of the water distribution pipeline served by the ~~pump station[facility]~~ with the largest pump out of service.

~~[(4)(3)]~~ Booster ~~[P]pumps[-];~~

~~(a) [A booster pump]shall be equipped with an automatic shutoff or low-pressure controller as recommended by the pump manufacturer;[-]~~

~~(b) [A booster pump]that withdraw[ing] water from a distribution line shall maintain an intake pressure of at least 20 psi when the pump is in normal operation;[-]~~

~~(c) [A booster pump] that withdraw[ing] water directly from a water storage tank shall be provided with net positive suction head.~~

~~[(5)(4)] [Pump Motor.-]~~A pump motor shall:

- (a) be sized to meet operating conditions without overloading; and
- (b) provide the maximum horsepower required by the pump without the use of a service factor.

~~[(5) Certification of Drinking Water Treatment Chemicals and System Components.~~

~~[(a) Chemicals added to drinking water at pump facilities shall be certified to meet NSF/ANSI 60.]~~

~~[(6)(b)]~~ Products, components, and materials used in pump facilities that may impart chemical contaminants or impurities to drinking water shall be certified to meet NSF/ANSI 61.

~~[(7)(6)] [Suction Lift.-]~~When a pump provides suction lift:

- (a) the maximum lift shall be within the pump manufacturer's recommended limits; and
- (b) ~~[tanks]~~priming shall be provided for the pump.

~~[(7) Priming.]~~

~~[(8)(a)]~~ When a pump requires priming, the priming system shall:

- ~~[(a)(i)]~~ use water of at least the same quality as the water being pumped; and
- ~~[(b)(ii)]~~ include a means to prevent back siphoning.

~~[(9)(b)]~~ When an air-operated ejector is used for vacuum priming, it shall draw clean air through a screened intake:

- ~~[(a)(i)]~~ at least ten feet above the ground; and
- ~~[(b)(ii)]~~ at least ten feet away from a point of contamination.

~~[(8) Water Seal.]~~

~~[(10)(a)]~~ Water used as a seal for a pump shall be of at least the same quality of the water being pumped.

~~[(b)-]~~ A water line supplying drinking water used as a seal for a pump that pumps non-potable water shall be protected from backflow.

~~[(9) Individual Home Booster Pumps. Individual home booster pumps shall not be allowed for any individual service from the public water supply main. Exceptions may be granted by the Director if it can be shown that the granting of an exception will not jeopardize public health.]~~

(11) A pump located within the premise plumbing of a building or on the service lateral connection, including a home booster pump, is allowed if:

(a) the pump is not needed to resolve deficiencies related to the required minimum pressures at the point of connection for the service lateral per subsection R309-105-9;

(b) the pump is approved by the PWS; and

(c) the pump installation and operation meet the applicable requirements in the International Plumbing Code and its amendments as adopted by the Department of Commerce.

**KEY: drinking water, pumps, hydropneumatic systems, individual home booster pumps**

**Date of Last Change: [June 26, 2024]2026**

**Notice of Continuation: February 10, 2025**

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

Agenda Item

8(A)

**DIVISION OF DRINKING WATER**  
**FEDERAL SRF SUMMARY**

Funding Status | As of May 31, 2026

| FISCAL YEAR FUNDING (estimate)     |    |               |
|------------------------------------|----|---------------|
| Beginning Cash (Regular)           | \$ | 73,240,376    |
| Beginning Cash (Harship)           |    | 4,168,053     |
| Unused Fed Grants & State Match    |    | -             |
| Interest Earnings (cash on-hand)   |    | 660,796       |
| Loan Repayments & Fees (190 Loans) |    | 1,940,842     |
| FY Funding                         |    | \$ 80,010,068 |

| FISCAL YEAR SPENDING (estimate)     |    |               |
|-------------------------------------|----|---------------|
| Contractors (Rural Water Assoc)     | \$ | (12,654)      |
| Project Disbursements (60 projects) |    | -             |
| FY Spending                         |    | \$ (12,654)   |
| Current FY-end Balance (6/30)       |    | \$ 79,997,414 |

| FUTURE YEARS ESTIMATE (to 6/30/31) |    |                 |
|------------------------------------|----|-----------------|
| Regular Fund                       | \$ | 115,771,340     |
| Hardship Fund                      |    | 7,980,435       |
| Contractors                        |    | -               |
| Project Disbursements              |    | (150,284,221)   |
| Proposed Projects                  |    | (118,000)       |
| Future Funding(Spending)           |    | \$ (26,650,446) |

AVAILABLE TO AUTHORIZE **\$ 53,346,968**

# FEDERAL SRF DETAIL

## Authorizations | As of May 31, 2026

| Water System                    | Project # | Terms            | Aurhorize Date | Contract Date | Authorized \$        | Undisbursed          |
|---------------------------------|-----------|------------------|----------------|---------------|----------------------|----------------------|
| <b>CONSTRUCTION IN-PROGRESS</b> |           |                  |                |               |                      |                      |
| Ballard WID                     | 3F1896    | 49% PF, 0% 40 yr | Aug-22         | Mar-26        | \$ 2,215,000         | \$ 1,355,000         |
| Blanding - West Water           | 3F1897A   | 100% PF          | Jan-22         | Jul-22        | \$ 457,000           | \$ 457,000           |
| Brian Head                      | 3F1910    | 30% PF, 0% 40 yr | Mar-23         | Nov-24        | \$ 5,483,748         | \$ 775,000           |
| Cornish                         | 3F1812    | 50% PF, 0% 30 yr | Nov-21         | Aug-24        | \$ 1,504,922         | \$ 837,922           |
| Holiday Hills                   | 3F2025    | 30% PF, 0% 40 yr | Nov-23         | Jun-26        | \$ 855,830           | \$ 455,830           |
| 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         | \$ 2,295,489         |
| Wallsburg                       | 3F1889    | 50% PF, 0% 40 yr | Aug-22         | Apr-24        | \$ 6,933,000         | \$ 500,000           |
| Planning (<\$100k)              | 12        | varies           | varies         |               | \$ 1,328,491         | \$ 678,066           |
| Fully funded, not completed     | 22        | varies           | varies         |               |                      | \$ -                 |
| <b>TOTAL Under-Construction</b> |           |                  |                |               | <b>\$ 83,773,480</b> | <b>\$ 66,836,807</b> |

|                                        |        |                    |        |  |                      |                      |
|----------------------------------------|--------|--------------------|--------|--|----------------------|----------------------|
| <b>AUTHORIZED, Contract Not Signed</b> |        |                    |        |  |                      |                      |
| 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 advance)                  | 3F1847 | 40% PF, 0% 40 yr   | Aug-24 |  | \$ 8,291,000         | \$ 8,291,000         |
| Hooper ID                              | 3F3899 | 2% 30 yr           | Nov-25 |  | \$ 12,000,000        | \$ 12,000,000        |
| Huntsville                             | 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           |
| Kane-Johnson (less advance)            | 3F3299 | 30% PF, 0% 30 yr   | Jun-25 |  | \$ 3,059,000         | \$ 2,896,000         |
| 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 (less advance)               | 3F1913 | 30% PF, 0% 40 yr   | May-23 |  | \$ 7,300,000         | \$ 7,000,000         |
| Parowan Town                           | 3F3297 | 10% PF, 0% 30 yr   | Jun-25 |  | \$ 10,750,000        | \$ 10,750,000        |
| Price (less advance)                   | 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                                 | 3F2867 | 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         |
| <b>TOTAL Contract Not Signed</b>       |        |                    |        |  | <b>\$ 83,910,000</b> | <b>\$ 83,447,414</b> |

| <b>PROPOSED PROJECTS</b>                |        |       |                   |
|-----------------------------------------|--------|-------|-------------------|
| Water System                            | Points | Terms | \$                |
| Apple Valley-Big Plains (add to 3F2032) | 100%   | PF    | \$ 118,000        |
| <b>TOTAL Proposed</b>                   |        |       | <b>\$ 118,000</b> |

# Federal SRF Cash Flow

## Fiscal Year Forecast (as of May 31, 2026)

| Federal SRF (Regular)               | FY26                 | FY27                 | FY28                 | FY29                 | FY30                 |
|-------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <b>Funding</b>                      |                      |                      |                      |                      |                      |
| Fund 5210 Cash Balance              | \$ 73,240,376        | \$ 75,480,293        | \$ 69,978,585        | \$ 43,440,883        | \$ 27,116,970        |
| Interest - cash on-hand             | 642,774              | 1,509,606            | 1,399,572            | 868,818              | 542,339              |
| Loan Repayments                     | 1,597,142            | 11,289,854           | 11,552,934           | 11,483,769           | 11,780,569           |
| Current projects entering repayment | -                    | -                    | -                    | -                    | -                    |
| 2024 EPA grants (unspent portion)   | -                    | 19,733,360           | -                    | -                    | -                    |
| <b>Potential Funding</b>            |                      |                      |                      |                      |                      |
| 2025 EPA grants (submitted May '26) | -                    | 26,449,720           | -                    | -                    | -                    |
| State Match (20% of EPA grant)      | -                    | 7,160,800            | 8,000,000            | 2,000,000            | 2,000,000            |
| <b>Fed SRF Available</b>            | <b>75,480,293</b>    | <b>141,623,633</b>   | <b>90,931,090</b>    | <b>57,793,470</b>    | <b>41,439,878</b>    |
| <b>Contract - none</b>              | -                    | -                    | -                    | -                    | -                    |
| <b>UNDER CONSTRUCTION</b>           |                      |                      |                      |                      |                      |
| Ballard WID - 3F1896                | -                    | (1,355,000)          | -                    | -                    | -                    |
| Blanding - West Water - 3F1897A     | -                    | (457,000)            | -                    | -                    | -                    |
| Brian Head - 3F1910                 | -                    | (775,000)            | -                    | -                    | -                    |
| Cornish - #3F1812                   | -                    | (837,922)            | -                    | -                    | -                    |
| Holiday Hills - 3F2025 (advance)    | -                    | (455,830)            | -                    | -                    | -                    |
| Leeds DWUA - 3F1892                 | -                    | (2,700,000)          | (2,700,000)          | -                    | -                    |
| Ogden - 3F1908                      | -                    | (11,440,000)         | (11,440,000)         | (11,440,000)         | -                    |
| Salt Lake City DPU - 3F2028         | -                    | (6,587,500)          | (6,587,500)          | (6,587,500)          | -                    |
| San Juan - La Sal 3F1871P           | -                    | (60,000)             | -                    | -                    | -                    |
| Virgin Town - 3F1909                | -                    | (2,295,489)          | -                    | -                    | -                    |
| Wallsburg - 3F1889                  | -                    | (500,000)            | -                    | -                    | -                    |
| Wanship - 3F1916P                   | -                    | (27,600)             | -                    | -                    | -                    |
| <b>AUTHORIZED, No Contract</b>      |                      |                      |                      |                      |                      |
| Fremont Waterworks - 3F2016         | -                    | (1,425,000)          | -                    | -                    | -                    |
| Hi-Country Estates - 3F3758         | -                    | (1,270,000)          | -                    | -                    | -                    |
| Holden (less planning \$) - 3F1847  | -                    | (4,145,500)          | (4,145,500)          | -                    | -                    |
| Hooper - 3F3899                     | -                    | (4,000,000)          | (4,000,000)          | (4,000,000)          | -                    |
| Huntsville - 3F3898                 | -                    | (1,698,000)          | -                    | -                    | -                    |
| Irontown - 3F3032                   | -                    | (883,000)            | -                    | -                    | -                    |
| KCWCD Johnson Canyon - 3F3299       | -                    | (2,896,000)          | -                    | -                    | -                    |
| Mutton Hollow - 3F2438              | -                    | (1,300,000)          | -                    | -                    | -                    |
| Nibley City - 3F3362                | -                    | (3,500,000)          | -                    | -                    | -                    |
| Paragonah Town - 3F1913             | -                    | (3,500,000)          | (3,500,000)          | -                    | -                    |
| Parowan Town - 3F3297               | -                    | (3,583,333)          | (3,583,333)          | (3,583,333)          | -                    |
| Price Municipal - 3F3329            | -                    | (5,065,667)          | (5,065,667)          | (5,065,667)          | -                    |
| Roosevelt City - 3F1854             | -                    | (2,841,000)          | -                    | -                    | -                    |
| Sigurd - 3F2867                     | -                    | (1,460,000)          | -                    | -                    | -                    |
| Summit Area #3 - 3F2075             | -                    | (3,385,707)          | (3,385,707)          | -                    | -                    |
| Wanship - 3F2108                    | -                    | (3,082,500)          | (3,082,500)          | -                    | -                    |
| <b>PROPOSED</b>                     | -                    | (118,000)            | -                    | -                    | -                    |
| <b>Fed SRF Outflow</b>              | -                    | (71,645,048)         | (47,490,207)         | (30,676,500)         | -                    |
| <b>Fed SRF FY-End Balance</b>       | <b>\$ 75,480,293</b> | <b>\$ 69,978,585</b> | <b>\$ 43,440,883</b> | <b>\$ 27,116,970</b> | <b>\$ 41,439,878</b> |

## Federal SRF Cash Flow Continued

| Federal SRF (Hardship)              | FY26                | FY27                | FY28                | FY29                | FY30                 |
|-------------------------------------|---------------------|---------------------|---------------------|---------------------|----------------------|
| <b>Funding</b>                      |                     |                     |                     |                     |                      |
| Fund 5215 Cash Balance              | \$ 4,168,053        | \$ 4,517,122        | \$ 5,982,568        | \$ 7,997,098        | \$ 9,981,558         |
| Interest - cash on-hand             | 18,022              | 90,342              | 119,651             | 159,942             | 199,631              |
| Loan Repayments                     | 343,700             | 1,965,569           | 1,894,880           | 1,824,517           | 1,725,902            |
| Current projects entering repayment | -                   | -                   | -                   | -                   | -                    |
| Undrawn ARPA reimbursements         | -                   | -                   | -                   | -                   | -                    |
| <b>Potential Funding</b>            |                     |                     |                     |                     |                      |
| Hardship Fees                       | -                   | -                   | -                   | -                   | -                    |
| <b>Hardship Available</b>           | <b>4,529,776</b>    | <b>6,573,033</b>    | <b>7,997,098</b>    | <b>9,981,558</b>    | <b>11,907,091</b>    |
| <b>Contract - Rural Water Assoc</b> | (12,654)            | -                   | -                   | -                   | -                    |
| <b>UNDER CONSTRUCTION</b>           |                     |                     |                     |                     |                      |
| Greenwich 3F3892P                   | -                   | (40,000)            | -                   | -                   | -                    |
| Hi-Country 3F2240P                  | -                   | (78,000)            | -                   | -                   | -                    |
| High Valley - 3F3263P               | -                   | (94,600)            | -                   | -                   | -                    |
| Johnson - 3F3461P                   | -                   | (73,000)            | -                   | -                   | -                    |
| New Castle - 3F3826P                | -                   | (40,000)            | -                   | -                   | -                    |
| Old Meadows - 3F3264P               | -                   | (40,000)            | -                   | -                   | -                    |
| Piute-Sevier - 3F2178P              | -                   | (18,866)            | -                   | -                   | -                    |
| Price 3F2769P                       | -                   | (71,000)            | -                   | -                   | -                    |
| San Juan - NTUA West 3F1817P        | -                   | (40,000)            | -                   | -                   | -                    |
| Virgin - 3F3893P                    | -                   | (95,000)            | -                   | -                   | -                    |
| <b>AUTHORIZED, No Contract</b>      |                     |                     |                     |                     |                      |
| none                                | -                   | -                   | -                   | -                   | -                    |
| <b>PROPOSED</b>                     |                     |                     |                     |                     |                      |
| <b>Hardship Outflow</b>             | <b>(12,654)</b>     | <b>(590,466)</b>    | <b>-</b>            | <b>-</b>            | <b>-</b>             |
| <b>Hardship FY-End Balance</b>      | <b>\$ 4,517,122</b> | <b>\$ 5,982,568</b> | <b>\$ 7,997,098</b> | <b>\$ 9,981,558</b> | <b>\$ 11,907,091</b> |

## DIVISION OF DRINKING WATER

### Fed - ARPA Summary

Funding Status | As of May 31, 2026

| Funding                           |    |              |
|-----------------------------------|----|--------------|
| FY21 ARPA Appropriation - Rural   | \$ | 25,000,000   |
| FY22 ARPA Appropriation - Rural   |    | 21,500,000   |
| FY22 ARPA Appropriation - Schools |    | 3,500,000    |
| LESS: returned to Treasurer       |    | (300,000)    |
| LESS: authorized projects         |    | (48,987,625) |
| LESS: proposed projects           |    | (712,375)    |
| Unobligated*                      |    | \$ (0)       |

| Spending (101 projects) |  |              |
|-------------------------|--|--------------|
| Spent-To-Date (90%)     |  | (44,669,984) |
| Unspent*                |  | \$ 5,030,016 |

*\*Funding must be fully spent by 12/31/26*

# DIVISION OF DRINKING WATER

## Fed - ARPA Detail

Authorizations | As of May 31, 2026

| Project                                | Contract | Author.<br>Date | Contract<br>Date | Authorized<br>\$  | Remainder<br>\$   |
|----------------------------------------|----------|-----------------|------------------|-------------------|-------------------|
| <b>AUTHORIZED, Contract Not Signed</b> |          |                 |                  |                   |                   |
| Eureka (Rural)                         | 3F4121A  | Feb-26          |                  | \$ 158,000        | \$ 158,000        |
| Manderfield (Rural)                    | 3F4187A  | Feb-26          |                  | 200,000           | 200,000           |
| <b>TOTAL Contract Not Signed</b>       |          |                 |                  | <b>\$ 358,000</b> | <b>\$ 358,000</b> |

|                                              |        |        |        |                     |                   |
|----------------------------------------------|--------|--------|--------|---------------------|-------------------|
| <b>School Projects (25)</b>                  |        |        |        |                     |                   |
| Alpine District                              | 205879 | Oct-24 | Dec-26 | \$ 135,243          | \$ 3,871.79       |
| Box Elder District                           | 250863 | Oct-24 | Dec-26 | 30,000              | \$ 9,419.69       |
| Cache District                               | 241873 | Mar-24 | Dec-26 | 30,000              | \$ 30,000.00      |
| Canyons District                             | 242390 | May-24 | Dec-26 | 55,000              | \$ 55,000.00      |
| Carbon District                              | 250588 | Sep-24 | Dec-26 | 6,000               | \$ 6,000.00       |
| Granite District                             | 251026 | Nov-24 | Dec-26 | 79,096              | \$ 79,095.50      |
| Iron District                                | 250873 | Oct-24 | Dec-26 | 17,539              | \$ 7,500.00       |
| Juab District                                | 250881 | Oct-24 | Dec-26 | 3,817               | \$ 1,000.00       |
| Logan City District                          | 250716 | Sep-24 | Dec-26 | 6,200               | \$ 2,238.34       |
| Morgan District                              | 250930 | Nov-24 | Dec-26 | 9,444               | \$ 9,444.24       |
| North Sanpete District                       | 250894 | Oct-24 | Dec-26 | 6,364               | \$ 0.50           |
| Salt Lake District                           | 250872 | Oct-24 | Dec-26 | 18,421              | \$ 1,200.00       |
| Sevier District                              | 242293 | May-24 | Dec-26 | 6,329               | \$ 6,329.28       |
| South Sanpete District                       | 250402 | Aug-24 | Dec-26 | 13,979              | \$ 181.03         |
| Tooele District                              | 250895 | Oct-24 | Dec-26 | 2,600               | \$ 2,600.00       |
| Weber District                               | 242542 | Jun-24 | Dec-26 | 139,292             | \$ 85,385.00      |
| <u>Fully funded &amp; spent (9 projects)</u> |        |        |        | <u>489,296</u>      | <u>\$ -</u>       |
| <b>Total School/District Contracts</b>       |        |        |        | <b>\$ 1,048,621</b> | <b>\$ 299,265</b> |

|                            |         |        |        |            |           |
|----------------------------|---------|--------|--------|------------|-----------|
| <b>Rural Projects (31)</b> |         |        |        |            |           |
| Antimony                   | 3S3131A | Dec-24 | Dec-24 | \$ 140,000 | \$ 78,785 |
| Axtell Community           | 3F1845A | Jun-22 | Oct-22 | 3,255,110  | 1,649,795 |
| Blanding - West Water      | 3F1897A | Aug-22 | Sep-23 | 3,500,000  | 658,819   |
| Cannonville                | 3S1838A | Jul-22 | Sep-25 | 26,152     | 17,452    |
| 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  | 117,257   |
| 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   |
| Orderville                 | 3F2038A | Apr-24 | May-24 | 479,384    | 417,701   |
| Ouray Park WID             | 3F1866A | Jun-22 | Mar-23 | 2,871,000  | 21,454    |
| Rockville Pipeline Co      | 3F3894A | Nov-25 | Jan-26 | 92,000     | 87,974    |

|                                    |         |        |        |               |              |
|------------------------------------|---------|--------|--------|---------------|--------------|
| South Duchesne                     | 3F1879A | Jul-24 | Sep-24 | 1,500,500     | 131,857      |
| Trenton                            | 3F4055A | Feb-26 | Apr-26 | 127,000       | 24,875       |
| Fully funded & spent (18 projects) |         |        |        | 24,747,024    | -            |
| TOTAL Rural Projects               |         |        |        | \$ 47,581,005 | \$ 3,660,376 |

| PROPOSED PROJECTS            |        |       |  |            |  |
|------------------------------|--------|-------|--|------------|--|
| Apple Valley (additional \$) | 3F2032 | Rural |  | \$ 118,000 |  |
| Ballard (rev existing award) | 3F1896 | Rural |  | 594,375    |  |
| Total Proposed               |        |       |  | \$ 712,375 |  |

## DIVISION OF DRINKING WATER

### Fed Lead Service Line Summary

Funding Status | As of May 31, 2026

| FUNDING                |            |
|------------------------|------------|
| FY22 Grant unspent     | 16,086,805 |
| FY23 Grant unspent     | 21,201,000 |
| FY25 Grant application | 19,768,500 |
| TOTAL Funding \$       | 57,056,305 |

| SPENDING (49 projects) |              |
|------------------------|--------------|
| Current FY estimate    | -            |
| Future FY estimate     | (57,492,554) |
| Proposed Projects      | -            |
| TOTAL Spending \$      | (57,492,554) |

**AVAILABLE TO AUTHORIZE \$ (436,249)**

**DIVISION OF DRINKING WATER**  
**Fed Lead Service Line Detail**  
Authorizations | As of May 31, 2026

| Water System                   | Project # | Terms      | Author.<br>Date | Contract<br>Date | Total<br>\$   | Undisbursed   |
|--------------------------------|-----------|------------|-----------------|------------------|---------------|---------------|
| <b>CONSTRUCTION IN-PROCESS</b> |           |            |                 |                  |               |               |
| Kane County                    | 3F2008L   | 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 |

|                            |          |         |        |        |              |              |
|----------------------------|----------|---------|--------|--------|--------------|--------------|
| <b>PLANNING IN-PROCESS</b> |          |         |        |        |              |              |
| Brian Head                 | 3F2010P  | 100% PF | Jul-23 | May-24 | \$ 99,000    | \$ 84,978    |
| 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    | \$ 5,120     |
| 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    |
| 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    |
| 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    |
| Jordanelle                 | 3F1954P  | 100% PF | Jul-23 | Jan-24 | \$ 15,500    | \$ 15,500    |
| 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   |
| 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    |
| 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    |
| Wasatch/Twin Creeks        | 3F1955P  | 100% PF | Jul-23 | Jan-24 | \$ 17,500    | \$ 17,500    |
| Wellington                 | 3F1981PL | 100% PF | May-23 | Aug-23 | \$ 100,000   | \$ 46,817    |
| West Corinne               | 3F1983PL | 100% PF | Jul-23 | Jul-23 | \$ 60,000    | \$ 6,892     |
| TOTAL Planning             |          |         |        |        | \$ 2,988,300 | \$ 1,905,654 |

|                                        |         |         |        |  |           |           |
|----------------------------------------|---------|---------|--------|--|-----------|-----------|
| <b>AUTHORIZED, Contract Not Signed</b> |         |         |        |  |           |           |
| 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 |

| PROPOSED PROJECTS       |       |          |
|-------------------------|-------|----------|
| Water System            | Terms | Total \$ |
|                         |       |          |
| Total Proposed Projects |       | \$ -     |

**DIVISION OF DRINKING WATER**  
**Fed Emerging Contaminants Summary**

Funding Status | As of May 31, 2026

---

| FUNDING                  |            |
|--------------------------|------------|
| FY22 Grant unspent       | \$ 357,882 |
| FY23 Grant unspent       | 7,341,500  |
| FY24 Grant unspent       | 6,417,600  |
| FY25 Grant application   | 5,737,640  |
| FY Funding \$ 19,854,622 |            |

| SPENDING (8 projects)      |             |
|----------------------------|-------------|
| Current FY estimate        | \$ -        |
| Future FY estimate         | (3,910,782) |
| Proposed Projects          | -           |
| FY Spending \$ (3,910,782) |             |

**AVAILABLE TO AUTHORIZE \$ 15,943,840**

**DIVISION OF DRINKING WATER**  
**Fed Emerging Contaminants Detail**  
 Authorizations | As of May 31, 2026

| Water System                   | Project # | Authorize Date | Contract Date | Total \$     | Undisbursed |
|--------------------------------|-----------|----------------|---------------|--------------|-------------|
| <b>CONSTRUCTION IN-PROCESS</b> |           |                |               |              |             |
| Escalante                      | 3F3956PE  | Oct-25         | Dec-25        | \$ 21,700    | \$ 13,482   |
| Granger-Hunter ID              | 3F2017E   | Aug-23         | Feb-25        | 2,500,000    | -           |
| Green Hills                    | 3F1930E   | May-23         | Sep-24        | 500,000      | -           |
| Green River                    | 3F1925E   | May-23         | Dec-24        | 3,530,000    | -           |
| Total In-Process:              |           |                |               | \$ 6,551,700 | \$ 13,482   |

|                                        |         |        |  |              |              |
|----------------------------------------|---------|--------|--|--------------|--------------|
| <b>AUTHORIZED, Contract Not Signed</b> |         |        |  |              |              |
| 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 |

| <b>PROPOSED PROJECTS</b> |        |       |          |
|--------------------------|--------|-------|----------|
| System                   | Points | Terms | Total \$ |
|                          |        |       |          |
| Total Proposed Projects  |        |       | \$ -     |

# DIVISION OF DRINKING WATER

## STATE SRF FUNDING

Projection | As of May 31, 2026

| CURRENT FUNDING (estimated)                 |               |
|---------------------------------------------|---------------|
| Cash Balance (State SRF)                    | \$ 21,323,747 |
| Cash Balance (Hardship)                     | 4,930,017     |
| Water Development Security Fund (sales tax) | -             |
| Interest Earnings (cash on-hand)            | 136,226       |
| Loan Repayments (34 Loans)                  | 206,800       |
| Hardship Fees (loans < market %)            | -             |
| Fiscal Year Funding                         | \$ 26,596,790 |

| CURRENT SPENDING (estimated)      |               |
|-----------------------------------|---------------|
| Projects Under Construction (x24) | \$ -          |
| Fed Grants Required Match         | -             |
| Division Operating Budget         | (378,225)     |
| Fiscal Year Spending              | \$ (378,225)  |
| FY-end Balance (6/30)             | \$ 26,218,565 |

| FUTURE ESTIMATE (thru 6/30/30)      |                 |
|-------------------------------------|-----------------|
| Loan Repayments                     | \$ 18,062,117   |
| Water Dev Security Fund (sales tax) | 14,350,000      |
| Fed Grants Match                    | (19,160,800)    |
| Division Operating Budget           | (6,360,292)     |
| Project Disbursements (32 projects) | (17,406,859)    |
| Proposed Projects (1)               | (522,000)       |
| Net Funding(Spending)               | \$ (11,037,835) |

**AVAILABLE TO AUTHORIZE \$ 15,180,731**

# STATE SRF FUNDS

Authorizations | As of May 31, 2026

| Water System                    | Project # | Terms         | Authorize Date | Contract Date | Total \$             | Remaining Balance    |
|---------------------------------|-----------|---------------|----------------|---------------|----------------------|----------------------|
| <b>CONSTRUCTION IN-PROGRESS</b> |           |               |                |               |                      |                      |
| Bear River                      | 3S1849    | 1%, 20 yrs    | Jun-22         | Aug-24        | \$ 2,840,000         | \$ 1,817,000         |
| Cannonville                     | 3S1838A   | 100% grant    | Feb-22         | Aug-25        | 86,291               | \$ 50,000            |
| Fayette                         | 3S2018P   | 100% grant    | Sep-23         | Oct-23        | 42,000               | \$ 10,000            |
| 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            | \$ 3,230,000         |
| Snowville                       | 3S3692P   | 100% grant    | 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 complete      | 17        |               |                |               | -                    | \$ -                 |
| <b>TOTAL Under Construction</b> |           |               |                |               | <b>\$ 21,902,791</b> | <b>\$ 13,579,500</b> |

|                                        |         |              |        |  |                     |                     |
|----------------------------------------|---------|--------------|--------|--|---------------------|---------------------|
| <b>AUTHORIZED, Contract Not Signed</b> |         |              |        |  |                     |                     |
| 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          |
| Hanksville                             | 3S2702P | 100% grant   | 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% grant   | Jun-25 |  | 88,000              | \$ 88,000           |
| <b>TOTAL Contract Not Signed</b>       |         |              |        |  | <b>\$ 3,827,359</b> | <b>\$ 3,827,359</b> |

| <b>PROPOSED PROJECTS</b>      |        |             |                   |
|-------------------------------|--------|-------------|-------------------|
| Water System                  | Points | Terms       | Total \$          |
| Hildale (add funds to 3S2669) |        | 1.73% 30 yr | \$ 522,000        |
| <b>TOTAL Proposed</b>         |        |             | <b>\$ 522,000</b> |

## State SRF Cash Flow

|                                                        | FY26 (remain.)       | FY27                 | FY28                | FY29                 | FY30                 |
|--------------------------------------------------------|----------------------|----------------------|---------------------|----------------------|----------------------|
| <b>STATE SRF FUND (5235)</b>                           |                      |                      |                     |                      |                      |
| <b>FUNDING</b>                                         |                      |                      |                     |                      |                      |
| Cash On-Hand                                           | \$ 21,323,747        | \$ 21,075,522        | \$ 4,838,205        | \$ (940,816)         | \$ 2,720,182         |
| 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 only                        | 130,000              | 3,109,000            | 3,701,000           | 3,679,000            | 3,624,000            |
| Current Construction entering repayment                |                      | -                    | -                   | -                    | -                    |
| Hardship Fees (discounted % rate)                      | -                    | -                    | -                   | -                    | -                    |
| <b>State SRF Available</b>                             | <b>21,453,747</b>    | <b>27,772,022</b>    | <b>12,126,705</b>   | <b>6,325,684</b>     | <b>9,931,682</b>     |
| State Match for Fed grants                             | -                    | (7,160,800)          | (8,000,000)         | (2,000,000)          | (2,000,000)          |
| Appropriation to DDW Oper. Budget                      | (378,225)            | (1,543,158)          | (1,574,021)         | (1,605,502)          | (1,637,612)          |
| <b>UNDER CONSTRUCTION</b>                              |                      |                      |                     |                      |                      |
| Bear River - 3S1849                                    | -                    | (1,817,000)          | -                   | -                    | -                    |
| Manti City - 3S1924                                    | -                    | (3,493,500)          | (3,493,500)         | -                    | -                    |
| North Logan - 3S2174                                   | -                    | (3,230,000)          | -                   | -                    | -                    |
| Wellsville City - #3S2040                              | -                    | (1,468,000)          | -                   | -                    | -                    |
| <b>AUTHORIZED, No Contract</b>                         |                      |                      |                     |                      |                      |
| Angell Springs - 3S2801                                | -                    | (1,445,859)          | -                   | -                    | -                    |
| Deseret Oasis - 3S2176                                 | -                    | (155,000)            | -                   | -                    | -                    |
| Hildale City - 3S2669                                  | -                    | (788,500)            | -                   | -                    | -                    |
| Junction - 3S1915                                      | -                    | (480,000)            | -                   | -                    | -                    |
| Oak City - 3S1902                                      | -                    | (245,000)            | -                   | -                    | -                    |
| Soldier Summit - 3S3395                                | -                    | (585,000)            | -                   | -                    | -                    |
| <b>PROPOSED</b>                                        |                      | (522,000)            | -                   | -                    | -                    |
| <b>State SRF Outflow</b>                               | <b>(378,225)</b>     | <b>(22,933,817)</b>  | <b>(13,067,521)</b> | <b>(3,605,502)</b>   | <b>(3,637,612)</b>   |
| <b>State SRF (5235) FY-End Balance</b>                 | <b>\$ 21,075,522</b> | <b>\$ 4,838,205</b>  | <b>\$ (940,816)</b> | <b>\$ 2,720,182</b>  | <b>\$ 6,294,070</b>  |
| <b>STATE SRF Hardship (5240)</b>                       |                      |                      |                     |                      |                      |
| <b>FUNDING</b>                                         |                      |                      |                     |                      |                      |
| Cash On-Hand                                           | \$ 4,930,017         | \$ 5,143,044         | \$ 5,962,811        | \$ 6,974,130         | \$ 7,948,655         |
| Interest - cash on-hand                                | 136,226              | 102,861              | 119,256             | 139,483              | 158,973              |
| Loan repayment (fund 5210 loans)                       | 76,800               | 922,407              | 892,062             | 835,043              | 779,032              |
| Current Construction entering repayment                |                      | -                    | -                   | -                    | -                    |
| Hardship Fees                                          | -                    | -                    | -                   | -                    | -                    |
| <b>State Hardship Funding</b>                          | <b>5,143,044</b>     | <b>6,168,311</b>     | <b>6,974,130</b>    | <b>7,948,655</b>     | <b>8,886,660</b>     |
| <b>UNDER CONSTRUCTION</b>                              |                      |                      |                     |                      |                      |
| Cannonville - 3S1838A                                  | -                    | (50,000)             | -                   | -                    | -                    |
| Fayette - 3S2018P                                      | -                    | (10,000)             | -                   | -                    | -                    |
| Snowville - 3S3692P                                    | -                    | (17,500)             | -                   | -                    | -                    |
| <b>AUTHORIZED, No Contract</b>                         |                      |                      |                     |                      |                      |
| Hanksville - 3S2702P                                   | -                    | (40,000)             | -                   | -                    | -                    |
| Vernon Waterworks SSD - 3S3296                         | -                    | (88,000)             | -                   | -                    | -                    |
| <b>PROPOSED</b>                                        |                      | -                    | -                   | -                    | -                    |
| <b>State Hardship Outflow</b>                          | <b>-</b>             | <b>(205,500)</b>     | <b>-</b>            | <b>-</b>             | <b>-</b>             |
| <b>Hardship (5240) FY-End Balance</b>                  | <b>\$ 5,143,044</b>  | <b>\$ 5,962,811</b>  | <b>\$ 6,974,130</b> | <b>\$ 7,948,655</b>  | <b>\$ 8,886,660</b>  |
| <b>All State SRF Balance</b>                           | <b>\$ 26,218,565</b> | <b>\$ 10,801,016</b> | <b>\$ 6,033,313</b> | <b>\$ 10,668,837</b> | <b>\$ 15,180,731</b> |

Agenda Item

8(B)

**DRINKING WATER BOARD  
BOARD PACKET FOR PROJECT PRIORITY LIST**

**There are no new projects added to the project priority list:**

**FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:**

**The Drinking Water Board approve the updated Project Priority List.**

## Utah Federal SRF Program

[illegible]

N = New Application  
A = Authorized  
P = Potential Project- no application

E= Energy Efficiency  
W= Water Efficiency  
G= Green Infrastructure

Agenda Item

8(C)(i)(a)

**DRINKING WATER BOARD  
BOARD PACKET FOR CONSTRUCTION ASSISTANCE**

**APPLICANT’S REQUEST:**

On February 29, 2024, the Drinking Water Board authorized a construction loan of \$3,370,000 with \$3,370,000 in principal forgiveness to Big Plains Water Special Service District for the construction of a 4.5-mile transmission line to connect Apple Valley Water System with the Cedar Point Water System to resolve a source capacity issue in the Cedar Point System. Washington County Water Conservancy District was appointed to be the fiscal agent for this project.

On October 1, 2025, the Drinking Water Board authorized a transaction by which the Town of Apple Valley will assume the water revenue bond obligations of Big Plains Special Service District.

Construction on the pipeline project has been completed. On May 11, 2026, the Division received a letter (see attached) from WCWCD requesting additional grant funding for the Town of Apple Valley in the amount of \$118,000 from the Drinking Water Board to cover excess costs related to the project. See the attached letter detailing the request.

**STAFF COMMENTS:**

The following figures are based on the original funding evaluation as the Town’s data hasn’t changed much over the last 2 years. The local MAGI for the Town is \$38,300, which is 74.2% of the State MAGI. The current average water bill is \$81.29/ERC, which is 2.55% of the local MAGI. The estimated after project water bill at full loan would be \$115.58/ERC or 3.62% of the local MAGI. Based on the local MAGI and after project water bill, the Town of Apple Valley qualifies to be considered for additional subsidy.

| Option | Loan  | ARPA Grant | Loan | Term  | Interest Rate | Water Bill | % Local MAGI |
|--------|-------|------------|------|-------|---------------|------------|--------------|
| 1      | 0/100 | \$118,000  | \$0  | 0 yrs | 0.00%         | \$81.29    | 2.55%        |

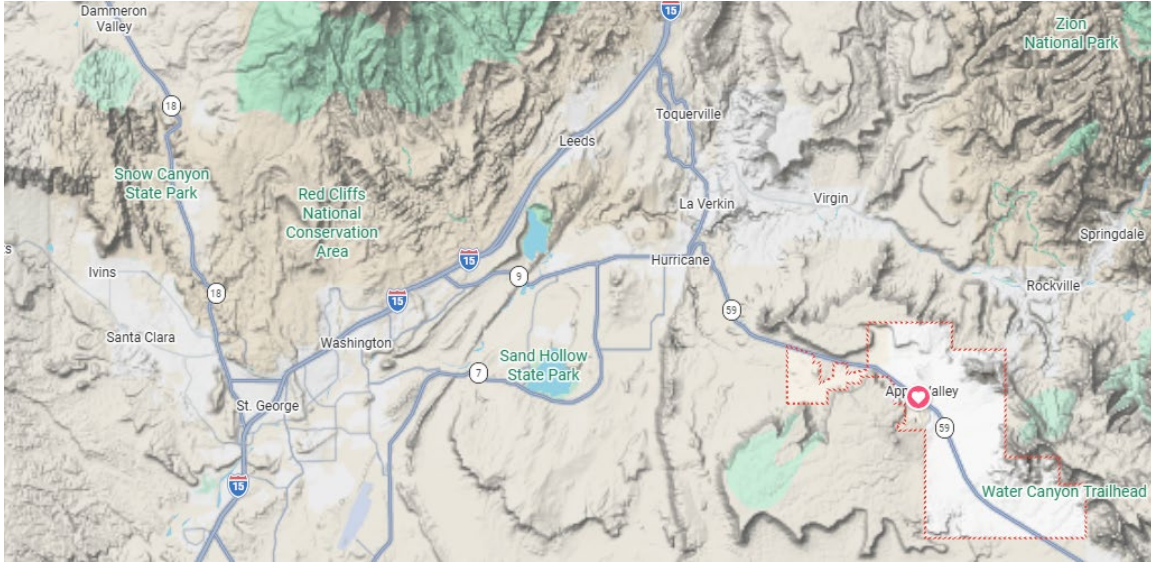
**FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:**

**The Drinking Water Board authorize an ARPA grant of \$118,000 to the Town of Apple Valley.**

**APPLICANT'S LOCATION:**

The Town of Apple Valley is located in Washington County approximately 30 miles east from St George.

**MAP OF APPLICANT'S LOCATION:**



**PROJECT DESCRIPTION:**

Additional construction funding is being requested because work to complete the project went beyond the original authorized amount. In the Cedar Point area, details of the location and function of the buried system were largely unknown. The connections to the existing system were modified because of the unknowns of the system. A fire hydrant had to be relocated. The pipeline route/road up to the existing tank was widened and connections to users required changes. Excess rock encountered required disposal. The Cedar Point tank was cleaned, and the SCADA controls were updated. Stock impoundments impacted by the pipeline were restored and improved. SCADA controls in the Apple Valley wells were improved.

**POPULATION GROWTH:**

The Town estimates growth over the next several years as follows.

| Year    | Population | Connections |
|---------|------------|-------------|
| Current | 763        | 371         |
| 2036    | 1,211      | 484         |
| 2046    | 1,973      | 789         |

**COST ESTIMATE:**

|                              |                  |
|------------------------------|------------------|
| Construction – cost overruns | \$118,000        |
| <b>Total</b>                 | <b>\$118,000</b> |

**COST ALLOCATION:**

| <u>Funding Source</u> | <u>Cost Sharing</u> | <u>Percent of Project</u> |
|-----------------------|---------------------|---------------------------|
| ARPA Grant            | \$118,000           | 100%                      |
| <b>Total</b>          | <b>\$118,000</b>    | <b>100%</b>               |

**IMPLEMENTATION SCHEDULE:**

DWB Funding Authorization: June 2026

**CONTACT INFORMATION:**

**APPLICANT:**

Town of Apple Valley  
1777 N Meadowlark Ln.  
Apple Valley, UT 84737  
Telephone: (435) 877-1190  
Fax: (435) 877-1192  
Email: [clerk@applevalleyut.gov](mailto:clerk@applevalleyut.gov)

**PRESIDING OFFICIAL &  
CONTACT PERSON:**

Mayor Mike Farrar  
Telephone: (435) 877-1190  
Fax: (435) 877-1192  
Email: [mayor@applevalleyut.gov](mailto:mayor@applevalleyut.gov)

**TREASURER/RECORDER:**

Jenna Vizcardo  
Telephone: (435) 877-1190  
Fax: (435) 877-1192  
Email: [clerk@applevalleyut.gov](mailto:clerk@applevalleyut.gov)

**CONSULTING ENGINEER:**

Nathan Wallentine  
Sunrise Engineering, Inc.  
11 North 300 West  
Washington, UT 84780  
Telephone: (435) 767-0990  
Fax: (435) 652-8416  
Email: [nwallentine@sunrise-eng.com](mailto:nwallentine@sunrise-eng.com)



May 11, 2026

Dear Allyson Spevak,

The Washington County Water Conservancy District (WCWCD) is requesting additional funds from Utah's Division of Drinking Water for excess costs in the Cedar Point pump station and pipeline project.

The project was completed by the Water District to address emergency water quality and quantity issues in the Cedar Point part of Apple Valley's water system. The wells in Cedar Point exhibited unacceptable concentrations of contaminants in its source wells. In addition, the water tank was running dry for users in that portion of its service system.

The system added a redundant pipeline from the towns' existing wells in Apple Valley to the water tank in Cedar Point. A pump station was required to boost the water to higher elevations at Cedar Point.

Work to complete the project went beyond the original grant funding amounts. In the Cedar Point area, details of the location and function of the buried system were largely unknown. The connections to the existing system were modified because of the unknowns of the system. A fire hydrant had to be relocated. The pipeline route/road up to the existing tank was widened and connections to users required changes. Excess rock encountered required disposal. The Cedar Point tank was cleaned, and the SCADA controls were updated. Stock impoundments impacted by the pipeline were restored and improved. SCADA controls in the Apple Valley wells were improved.

While the project had costs that went beyond the grant funding amount, it should be considered a great success and an example of state government working to solve local problems with the assistance of the WCWCD. The system implemented has provided good water quality from the Town's wells and delivered it to Cedar Point. The improved water source, along with the new SCADA monitoring system controls the wells, booster pump station, and tank have provided consistent, good quality water to the town's residents. Prior to the system improvements, summer water levels in the water tank hovered near the bottom and the water had unacceptable chemical constituents.

WCWCD asks that costs in the amount of \$118,019.52 be granted to cover costs outlined above that went above the contracted amount. The town of Apple Valley and its residents are very appreciative of the work. WCWCD was willing to manage the project, engineering and construction and implement the grant to solve a local problem.

Respectfully,

*Kristy Jackson*

Kristy Jackson  
Grants Specialist  
[Kristy@wcwcd.gov](mailto:Kristy@wcwcd.gov)

cc: Mayor Mike Farrar

Agenda Item

8(C)(ii)(a)

**DRINKING WATER BOARD  
BOARD PACKET FOR CONSTRUCTION ASSISTANCE**

**APPLICANT'S REQUEST:**

On August 28, 2024, the Drinking Water Board (Board) authorized a construction loan of \$551,000 at 1.73% interest for 30 years and a construction grant of \$237,500 to Hildale City for system infrastructure improvements for a total of \$788,500. This was a 70% loan/30% grant mix of funding.

The initial Board funding request was made on an emergency basis and included only preliminary construction costs. Furthermore, bids for the booster pump station construction and pipeline improvements have come back higher than initially projected. Upon reviewing the project on June 10, the Financial Assistance Committee requested that the cost to install a spring collection box be added to address the associated IPS points. The new estimated project total is \$1,563,500. Since the 2024 authorization, Hildale has received a grant from Garkane Power for \$52,500 and Hildale will contribute \$100,000 toward the project. Hildale is requesting financial assistance from the Drinking Water Board to cover the additional costs of \$623,000, for a total Board request of \$1,411,000.

**STAFF COMMENTS:**

The local MAGI for Hildale City is \$30,000, which is 50% of the State MAGI. The current average water bill is \$80.24/ERC, which is 3.21% of the local MAGI. The estimated after project water bill at full loan would be \$96.91/ERC or 3.88% of the local MAGI. Based on the low MAGI and average monthly water bill, Hildale qualifies to be considered for additional subsidy.

| Option | Loan / Grant | Grant     | Loan        | Term   | Interest Rate | Water Bill | % Local MAGI |
|--------|--------------|-----------|-------------|--------|---------------|------------|--------------|
| 1      | 100 /0       | \$0       | \$1,411,000 | 20 yrs | 2.00%         | \$96.91    | 3.88%        |
| 2      | 70/30        | \$423,000 | \$988,000   | 30 yrs | 1.00%         | \$92.50    | 3.70%        |
| 3      | 70/30        | \$423,000 | \$988,000   | 30 yrs | 0.5%          | \$92.25    | 3.69%        |
| 4      | 70/30        | \$423,000 | \$988,000   | 39 yrs | 0.5%          | \$91.55    | 3.66%        |
| 5      | 70/30        | \$423,000 | \$988,000   | 39 yrs | 0%            | \$91.31    | 3.65%        |

**FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:**

**The Drinking Water Board deauthorize a construction loan of \$551,000 at 1.73% interest for 30 years and a construction grant of \$237,500 and**

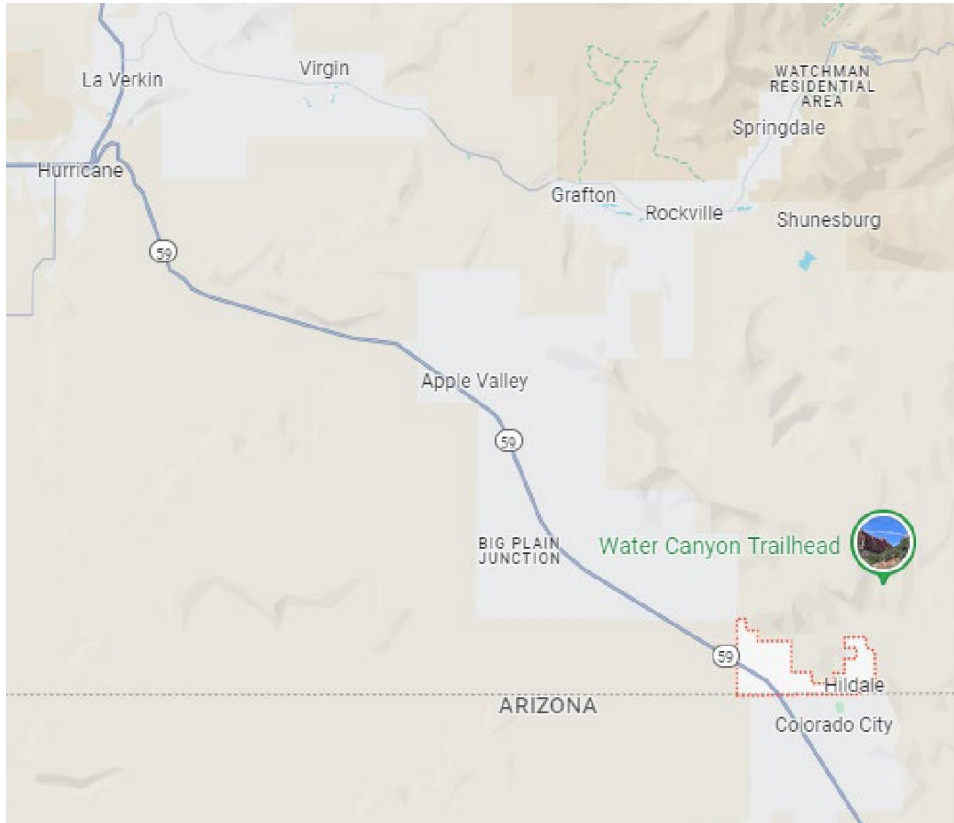
**The Drinking Water Board authorize a construction loan of \$988,000 at 0.5% for 39 years and a construction grant of \$423,000 to Hildale City.**

**Conditions include that they resolve all points on their IPS report.**

**APPLICANT'S LOCATION:**

Hildale City is located in Washington County approximately 25 miles east-southeast of St George.

**MAP OF APPLICANT'S LOCATION:**



**PROJECT NEED:**

The northwest section of Hildale City is plagued by low water pressure. In some cases, as much as 20 pounds per square inch below state requirements. The proposed booster pump station will bring the pressure in this part of the water system into compliance with state rule.

A hydraulic model was created for the proposed Short Creek Subdivision development in the Hildale/Colorado City culinary water system. The model was used to evaluate the capacity of the preliminarily proposed booster station to determine what improvements are necessary to meet the minimum pressure and flow requirements based on the applicable State (Division of Drinking Water) rules, codes, and guidelines.

**PROJECT DESCRIPTION:**

Construction of a new booster station, equipped with a booster pump, fire pump, and backup generator. Installation of 2,280 L.F. of PVC culinary water line and associated work. Installation of a spring collection box.

**POPULATION GROWTH:**

Population growth is based on Hildale's estimates.

| Year    | Population | Connections |
|---------|------------|-------------|
| Current | 5,300      | 1,215       |
| 2036    | 7,123      | 1,633       |
| 2046    | 9,572      | 2,194       |

**COST ESTIMATE:**

|                      |                    |
|----------------------|--------------------|
| Legal/Bonding        | \$25,000           |
| Engineering - Design | \$138,200          |
| Engineering - CMS    | \$84,800           |
| Utilities            | \$105,000          |
| Construction         | \$866,000          |
| Land Acquisition     | \$200,000          |
| Contingency (~15%)   | \$144,500          |
| <b>Total</b>         | <b>\$1,563,500</b> |

**COST ALLOCATION:**

| <u>Funding Source</u>      | <u>Cost Sharing</u> | <u>Percent of Project</u> |
|----------------------------|---------------------|---------------------------|
| DWB Loan (1.73%, 30-yr)    | \$988,000           | 62%                       |
| DWB Grant                  | \$423,000           | 27%                       |
| Local Contribution         | \$100,000           | 7%                        |
| Garkane Power Contribution | \$52,500            | 4%                        |
| <b>Total</b>               | <b>\$1,563,500</b>  | <b>100%</b>               |

**IMPLEMENTATION SCHEDULE:**

|                            |                |
|----------------------------|----------------|
| DWB Funding Authorization: | June 2026      |
| Complete Design            | November 2024  |
| DDW Plan Approval:         | November 2024  |
| Advertise for Bids:        | April 2026     |
| Bid Opening:               | April 2026     |
| Loan Closing:              | September 2026 |
| Begin Construction:        | September 2026 |
| Complete Construction:     | September 2027 |

**IPS SUMMARY:**

| Code | Description                                       | Physical Facilities | Quality & Monitoring |
|------|---------------------------------------------------|---------------------|----------------------|
| SP04 | ACTIVE SOURCE LACKS APPROVED UPDATES TO DWSP PLAN | 5                   |                      |
| LO14 | SPRING COLLECTION BOX NOT PRESENT                 | 5                   |                      |
| SP04 | ACTIVE SOURCE LACKS APPROVED UPDATES TO DWSP PLAN | 5                   |                      |
| 34   | MONITOR GWR TRIGGERED/ADDITIONAL, MAJOR           |                     | 25                   |
|      | <b>Total =</b>                                    | <b>15</b>           | <b>25</b>            |

**CONTACT INFORMATION:**

**APPLICANT:**

Hildale City  
320 East Newel Avenue  
P.O. Box 840490  
Hildale, UT 84784  
Telephone: 435-874-2323

**PRESIDING OFFICIAL &  
CONTACT PERSON:**

Donia Jessop, Mayor  
Email: [mayor@hildalecity.gov](mailto:mayor@hildalecity.gov)

**TREASURER:**

Jessica Bistline  
Telephone: 435-874-1160  
Email: [jessicab@hildalecity.com](mailto:jessicab@hildalecity.com)

**CONSULTING ENGINEER:**

Riley Vane  
Jones & DeMille Engineering  
Telephone: 435-986-3622  
Email: [riley.v@jonesanddemille.com](mailto:riley.v@jonesanddemille.com)

**BOND ATTORNEY:**

Randall Larsen  
Gilmore & Bell  
Telephone: 801-258-2722  
Email: [rlarsen@gilmorebell.com](mailto:rlarsen@gilmorebell.com)

## DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Hildale City  
 COUNTY: Washington  
 PROJECT DESCRIPTION: Booster Pump Station & Spring Collection Box

FUNDING SOURCE: State SRF

### 70 % Loan & 30 % Grant

|                         |           |                     |        |                |             |
|-------------------------|-----------|---------------------|--------|----------------|-------------|
| ESTIMATED POPULATION:   | 5,300     | NO. OF CONNECTIONS: | 1043 * | SYSTEM RATING: | APPROVED    |
| CURRENT AVG WATER BILL: | \$80.24 * |                     |        | PROJECT TOTAL: | \$1,563,500 |
| CURRENT % OF AGI:       | 3.21%     | FINANCIAL PTS:      | 73     | LOAN AMOUNT:   | \$988,000   |
| ESTIMATED MEDIAN AGI:   | \$30,000  |                     |        | GRANT AMOUNT:  | \$423,000   |
| STATE AGI:              | \$60,000  |                     |        | TOTAL REQUEST: | \$1,411,000 |
| SYSTEM % OF STATE AGI:  | 50%       |                     |        |                |             |

|                                        | @ ZERO %<br>RATE<br>0% | @ RBI<br>MKT RATE<br>4.97% |  | @ CALCULATED<br>INTEREST RATE<br>0.50% |
|----------------------------------------|------------------------|----------------------------|--|----------------------------------------|
| <b><u>SYSTEM</u></b>                   |                        |                            |  |                                        |
| ASSUMED LENGTH OF DEBT, YRS:           | 39                     | 39                         |  | 39                                     |
| ASSUMED NET EFFECTIVE INT. RATE:       | 0.00%                  | 4.97%                      |  | 0.50%                                  |
| REQUIRED NEW DEBT SERVICE:             | \$25,333.33            | \$57,824.69                |  | \$27,946.64                            |
| *PARTIAL COVERAGE (15%):               | \$0.00                 | \$0.00                     |  | \$0.00                                 |
| *DEBT SERVICE RESERVE (10%):           | \$2,533.33             | \$5,782.47                 |  | \$2,794.66                             |
| <b>ANNUAL NEW DEBT PER CONNECTION:</b> | <b>\$26.72</b>         | <b>\$60.98</b>             |  | <b>\$29.47</b>                         |
| O & M + FUNDED DEPRECIATION:           | \$1,052,011.00         | \$1,052,011.00             |  | \$1,052,011.00                         |
| OTHER DEBT + COVERAGE:                 | \$0.00                 | \$0.00                     |  | \$0.00                                 |
| REPLACEMENT RESERVE ACCOUNT:           | \$53,867.22            | \$55,491.78                |  | \$53,997.88                            |
| <b>ANNUAL EXPENSES PER CONNECTION:</b> | <b>\$1,060.29</b>      | <b>\$1,061.84</b>          |  | <b>\$1,060.41</b>                      |
| TOTAL SYSTEM EXPENSES                  | \$1,133,744.88         | \$1,171,109.94             |  | \$1,136,750.18                         |
| TAX REVENUE:                           | \$0.00                 | \$0.00                     |  | \$0.00                                 |
| <b><u>RESIDENCE</u></b>                |                        |                            |  |                                        |
| <b>MONTHLY NEEDED WATER BILL:</b>      | <b>\$91.31</b>         | <b>\$94.30</b>             |  | <b>\$91.55</b>                         |
| <b>% OF ADJUSTED GROSS INCOME:</b>     | <b>3.65%</b>           | <b>3.77%</b>               |  | <b>3.66%</b>                           |

\$0.00

# Agenda Item

## 8(C)(ii)(b)

**DRINKING WATER BOARD  
BOARD PACKET FOR DEAUTHORIZATION**

**APPLICANT'S REQUEST:**

On May 16, 2023, the Drinking Water Board authorized a construction loan of \$480,000 at 1% interest for 30 years and a construction grant of \$120,000 to Junction Town. The project was to install a new 350,000-gallon concrete tank, upgrade multiple water supply lines, and complete upgrades to resolve their IPS points.

On December 26, 2024, the Drinking Water Board approved switching out the state grant award of \$120,000 to an ARPA grant of \$120,000 because some extra ARPA funds became available.

On May 11, 2026, staff were notified that Junction no longer needed financial assistance.

**STAFF RECOMMENDATION:**

**The Drinking Water Board deauthorize a construction loan of \$480,000 at 1% interest for 30 years and an ARPA grant of \$120,000 to Junction Town.**

# Agenda Item 8(C)(ii)(c)

**DRINKING WATER BOARD  
BOARD PACKET FOR AUTHORIZATION**

**APPLICANT'S REQUEST:**

On June 22, 2026, the Mayor of the Town of Apple Valley (Town) held a meeting with the Division of Drinking Water, Division of Emergency Management (DEM), Division of Water Rights, and local water officials to outline a critical water emergency, requesting urgent help from multiple agencies. The Town's groundwater drinking water wells are drying up. They were seeking help with waivers, expedited aquifer study reports, guidance on drilling new wells, clarification on water rights, emergency provisions regarding a farmer's water use, and emergency funding options. Immediate funding is needed for a \$150,000-\$200,000 temporary fix, and the Mayor emphasized the importance of completing the long-term pipeline project for sustainable water supply. During the meeting, DEM indicated they might have funding available for an emergency.

Currently, the Town has a \$2,000,000 Community Project Funding (CPF) grant from EPA which requires a \$400,000 match. The Town has yet to secure these matching funds. Unfortunately, these funds are too slow-moving with federal encumbrments to be utilized for an emergency situation. Matching funding requirements also carry full federal encumbrments so emergency funding could not be utilized as matching funds.

**STAFF RECOMMENDATION:**

**Staff does not have a recommendation. Given the emergency, staff felt it best to facilitate a discussion with the Drinking Water Board. Staff are hopeful the Town can provide more information regarding the temporary fix during the June Board meeting.**

Agenda Item

10



# Utah DWB's Emerging Contaminants Program

Sarah Romero, MS, PE  
Emerging Contaminants Program Manager



# Emerging Contaminants: Funding Sources

Both the EC-SRF and EC-SDC programs were established through the Bipartisan Infrastructure Law to help public water systems address emerging contaminants and emerging regulatory requirements.

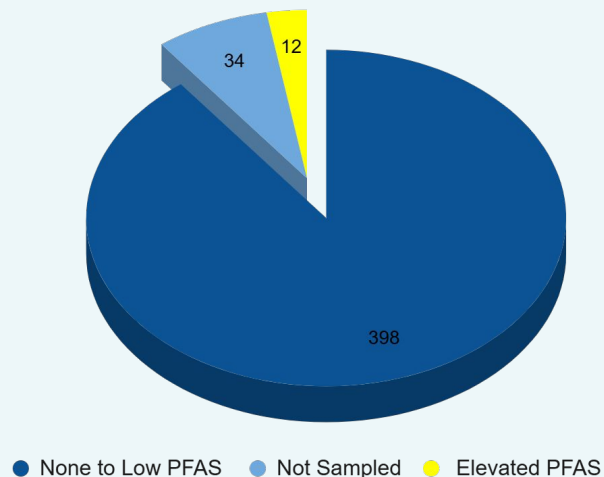
| Emerging Contaminants - State Revolving Fund (EC-SRF)                                                                                                                                                                                                                                                                                                                                                                                                                                        | Emerging Contaminants - Small or Disadvantaged Communities (EC-SDC)                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Available through Drinking Water State Revolving Fund</li><li>• Must address a contaminant from the EPA's CCL lists.</li><li>• Primary purpose is to address PFAS treatment.</li><li>• Must be given as forgivable loans.</li><li>• Must be SRF eligible.</li><li>• <b>25% of funding for disadvantaged water systems or water systems serving fewer than 25,000 people.</b></li><li>• <b>75% is available to any public water system.</b></li></ul> | <ul style="list-style-type: none"><li>• Targeted grant program for small or disadvantaged communities</li><li>• Must address a contaminant from the EPA's CCL lists.</li><li>• Primary purpose is to address PFAS treatment.</li><li>• Must be given as grants.</li><li>• <b>Must be water systems serving less than 10,000 people or qualify as disadvantaged.</b></li></ul> |

# — PFAS in Utah's Drinking Water

EPA recommends prioritizing EC funding for **PFAS treatment** to support water systems to meet new federal regulations.

Utah water systems have a **low occurrence of PFAS**. Systems are expected to complete initial sampling by **April 2027**.

Community Water Systems



# — Utah Water Systems - Emerging Contaminants

## Proposed/Anticipated Emerging Contaminant Projects

- **Perchlorate** – Future drinking water regulation in 2027; occurrence in Utah appears limited.
- **Manganese** – Increasing customer complaints of brown water, legacy metals in distribution system, health concerns and treatment challenges.
- **Cyanotoxins** – Surface Water systems with occurrence of Harmful Algal Blooms (HABs) may need to treat for cyanotoxins.
- **Unregulated Disinfection Byproducts (DBPs)** – Anticipated future regulatory review and potential new requirements.
- **Other Emerging Contaminants** – Identified through the UCMR requirements or investigative sampling.



While **PFAS** remains the primary federal funding priority, Utah public water systems would benefit from flexibility to address additional emerging contaminant challenges.

# Utah Water Systems: Emerging Contaminants Projects

**DDW board has currently awarded 10 EC projects for PFAS, Manganese and Unregulated DBPs**

## **Anticipated Applications**

**12 water systems currently evaluating treatment/remediation solutions for PFAS or Manganese**

Because emerging contaminants are currently unregulated, public water systems are not routinely monitoring for them.

## **Future Outlook**

- Additional treatment/infrastructure needs may be identified as initial PFAS monitoring is completed.
- Potential needs if future regulations (e.g., perchlorate) are established.
- **Year 2026 is the last EPA award cycle for States.**

# Programs to support Water Systems to apply for Emerging Contaminant Funding

## Sampling Assistance

No cost sampling for priority emerging contaminants.

## EPA TEC

TA for small or disadvantaged PWSs with emerging contaminants, including feasibility studies and application assistance.

## DDW TA- Arcadis

TA for small or disadvantaged PWSs with emerging contaminants, including feasibility studies and application assistance.

## Outreach

Water system outreach to encourage participation in sampling programs and inform systems of available funding opportunities.

## Co-Contaminants Analysis

Review of co-occurring contaminants in PWSs to target sampling and outreach.

## Collaborative Partnerships

Rural Water, RCAC, Local Health Departments, DWQ, DHHS, UDAF, PWSs, Consultants, University of Utah and Utah State University



# Questions?