

Drinking Water Board – August 28, 2018

Repeal and Reenact R309-305

[R309-305. Certification Rules for Backflow Technicians.

~~R309-305-1. Purpose.~~

These rules are established:

- (1) In order to promote the use of trained, experienced professional personnel in protecting the public's health;

- (2) To establish standards for training, examination, and certification of those personnel:

- (a) involved with cross connection control program administration

- (b) testing, maintaining and repairing backflow prevention assemblies; and

- (3) To establish standards for the instruction of Backflow Technicians.

~~R309-305-2. 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(4)(a) of the Utah Code and in accordance with 63G-3 of the same, known as the Administrative Rulemaking Act.

~~R309-305-3. Extent of Coverage.~~

These rules shall apply to all personnel who will be:

- (1) involved with the administration or enforcement of any cross connection control program being administered by a drinking water system; or

- (2) testing, maintaining and/or repairing any backflow prevention assembly; or

- (3) instructors within the certification program, regardless of institution or program.

~~R309-305-4. Definitions.~~

Definitions for certain terms used in this rule are given in R309-110 but may be further clarified herein.

~~(1) Backflow Technician—An individual who has met the requirements and successfully completed the course of instruction and certification requirements for Class I, II or III backflow technician certification as outlined herein.~~

~~(a) Class I Backflow Technician is a Cross Connection Control Program Administrator.~~

~~(b) Class II Backflow Technician is a Backflow Assembly Tester.~~

~~(c) Class III Backflow Technician is a Backflow Instructor Trainer.~~

~~(2) Class—means the level of certification for a Backflow Technician.~~

~~(3) Director—means the Director of the Division of Drinking Water.~~

~~(4) Performance Examination—means a closed book, hands on demonstration of an individual applicant's ability to conduct an accurate field test on backflow prevention assemblies.~~

~~(5) Proctor—means a Class III Backflow Technician authorized to administer the written or the performance examination.~~

~~(6) Renewal Course—means a course of instruction, approved by the Commission, which is a prerequisite to the renewal of a Backflow Technician's Certificate.~~

~~(7) Secretary to the Commission—means that individual appointed by the Director to conduct the business of the Commission and to make recommendations to the Director regarding the backflow technician certification program.~~

~~(8) Written Examination—means a closed book examination for record used to determine the competency and ability of an individual applicant's understanding of the required course of instruction.~~

R309-305-5. General.

~~(1) Certification Application: Any individual may apply for certification.~~

~~(2) Certification Classes: The classes of certificates shall be: Class I, Class II, and Class III.~~

~~(a) Class I Backflow Technician—Cross Connection Control Program Administrator: This certificate shall be issued to those individuals who are involved in administering a cross connection control program, who have demonstrated their knowledge and ability by successfully completing the approved certification examination.~~

~~(i) These individuals may NOT test, maintain or repair any backflow prevention assembly for purposes of submitting legal documentation of the operational status of a backflow prevention assembly, including performance of any record test demonstrating backflow prevention assembly compliance with required standards. These individuals may test to insure proper testing techniques are being utilized within their jurisdiction.~~

~~(ii) These individuals may conduct plan/design reviews, hazard assessment investigations, compliance inspections, and enforce local laws, codes, rules and regulations and policies within their jurisdictions, and offer technical assistance as needed.~~

~~(b) Class II Backflow Technician – Backflow Assembly Tester: This certificate shall be issued to those individuals who have demonstrated their knowledge and ability by successfully completing the approved written and performance certification examinations.~~

~~(c) Class III Backflow Technician – Backflow Instructor Trainer:~~

~~(i) This certificate shall be issued to those individuals who have successfully completed a 3-year renewal cycle as a Class II Technician and in addition have proven qualified and competent to instruct approved Backflow Technician Certification classes by participating in and successfully completing an approved Class III certification course.~~

~~(ii) In order to successfully complete a Class III certification course, the applicant shall be required to make a presentation about one or more randomly picked topics in backflow prevention, successfully demonstrating the applicant's knowledge of the subject. The applicant shall also successfully complete a performance examination in a manner that demonstrates knowledge and skill with randomly selected available testing equipment; the applicant shall identify, diagnose and document malfunctions of the backflow assembly and verify the design operating criteria are achieved.~~

~~(iii) Class III Backflow Technicians will also be required to attend additional training provided periodically by the Division to ensure knowledge of any regulatory changes and to ensure consistency in the evaluation of applicants.~~

~~(3) Certification Requirements: Those individuals seeking certification as a Backflow Technician must participate in an approved Technician's course of instruction and successfully complete the examination required per class of certification.~~

~~(4) Backflow Technician Course Instructors: All individuals who instruct Backflow Technician training courses must hold a current Class III Backflow Technician certificate.~~

~~(5) (a) No person shall install, replace or repair a backflow prevention assembly unless that person holds a Class II or Class III Certification.~~

~~(b) This requirement shall not apply when the Backflow Technician is the assembly owner or an employee of the assembly owner.~~

~~(c) No person shall install, replace or repair a backflow prevention assembly that has not been certified as provided in R309-105-12(4).~~

~~R309-305-6. Technician Responsibilities.~~

~~(1) All technicians shall notify the Division of Drinking Water, local health department and the appropriate public water system of any backflow incident as soon as possible, but within eight hours. The Division can be reached during business hours at 801-536-4200 or after hours at 801-536-4123;~~

~~(2) All technicians shall notify the appropriate public water system of a failing backflow prevention assembly within five days;~~

~~(3) All technicians shall ensure that acceptable and approved procedures are used for testing, repairing and maintaining any backflow prevention assembly;~~

~~(4) All technicians shall report the backflow prevention assembly test results to the appropriate public water system within 30 days;~~

~~(5) All technicians shall include, on the test report form, any materials or replacement parts used to repair or to perform maintenance on a backflow prevention assembly;~~

~~(6) All technicians shall ensure that any replacement part is equal to or greater than the quality of parts originally supplied within the backflow prevention assembly and are supplied only by the assembly manufacturer or their agent;~~

~~(7) All technicians shall not change the design, material, or operational characteristics of the assembly during any repair or maintenance;~~

~~(8) All technicians shall perform each test and shall be responsible for the competency and accuracy of all testing and reports thereof;~~

~~(9) All technicians shall ensure the status of their technician certification is current; and~~

~~(10) All technicians shall be equipped with and competent in the use of all tools, gauges, and equipment necessary to properly test, repair and maintain a backflow prevention assembly.~~

~~(11) All technicians shall be responsible for any additional licensure.~~

~~R309-305-7. Examinations.~~

~~(1) Examination Issuance:~~

~~(a) The examination recognized by the Commission for certification shall be issued through the Division of Drinking Water for both initial certification and renewal of certification.~~

~~(b) If an individual fails an examination, the individual may submit an application for reexamination on the next available scheduled test date.~~

~~(c) Examinations (both written and performance) that are used to determine competency and ability shall be approved by the Cross Connection Control Commission prior to being issued.[]~~

~~(2) Exam Scoring: Class I, Class II and Class III Technician's must successfully complete a written exam with a score of 70% or higher. Class II Technician's must also successfully demonstrate competence and ability in the performance examination, for the testing of a Pressure Vacuum Breaker Assembly, a Spill Resistant Pressure Vacuum Breaker Assembly, a Double Check Valve Assembly, and a Reduced Pressure Principal Backflow Prevention Assembly.~~

~~(a) The performance examination shall be conducted by a minimum of two Class III Technicians.~~

~~(b) Each candidate must demonstrate competence. Competence shall be evaluated by a proctor and determined with a pass or fail grade in each of the following areas:~~

~~(i) Properly identify backflow assembly;~~

~~(ii) Properly identify test equipment needed;~~

~~(iii) Properly connect test equipment;~~

~~(iv) Properly test assembly;~~

~~(v) Properly identify assembly malfunctions;~~

~~(vi) Properly diagnose assembly malfunctions; and~~

(vii) Properly record test results.

The candidate must receive a pass grade from the proctor in all areas listed above for each assembly tested in order to successfully complete the performance examination.

(e) An individual may apply for reexamination of either portion of the examination a maximum of two times. After a third failing grade, the individual must register for and complete another technician's training course prior to any further reexamination.

(3) Class III Technicians: Class III Technicians shall participate in and successfully complete a Class III Certification course, approved by the Cross Connection Control Commission. Class III Technicians shall maintain their Class II Technician certification.

R309-305-8. Certificates.

(1) Certificate Issuance: For a certificate to be issued, the individual must complete a Technician's training course and pass with a minimum score of 70% the written examination. For Class II and III certificates, successful completion of the performance examination shall also be required.

(2) Certificate Renewal: The Backflow Technician's certificate is issued by the Director and shall expire December 31, three years from the year of issuance.

(a) Backflow Technician certificates shall be issued by the Director after considering the recommendation of the Commission Secretary.

(b) The Backflow Technician's certificate may be renewed up to six months in advance of the expiration date.

(c) A Backflow Technician may retain the Technician's certification number when the Technician renews certification within twelve months after the certification's expiration date. The technician shall not test, maintain or repair any backflow prevention assembly for purposes of submitting legal documentation of the operational status of a backflow prevention assembly as described in R305-5(2)(a)(i).

(d) To renew a Class I or II Technician certificate, the Technician must register for and participate in an approved backflow prevention renewal course, and successfully complete the renewal examination (minimum score of 70%) which shall include a performance portion for Class II Certification.

(e) To renew a Class III Technician certificate, the following criteria shall be met:

~~(i) In the 3-year certification period a total of three events from the following list shall be obtained in any combination:~~

~~(A) Instruction at a Commission-approved backflow technician certification or renewal course.~~

~~(B) Serve as a proctor for the performance examination at a Commission-approved backflow technician certification or renewal course.~~

~~(ii) Attendance at a minimum of two of the annual Class III coordination meetings or receive a meeting update from the Commission Secretary.~~

~~(iii) Attendance and successful review at a Class III renewal course, as approved by the Cross Connection Control Commission.~~

~~(f) Should the applicant fail the renewal written examination (minimum score of 70%), renewal of that existing license shall not be allowed until a passing score is obtained. If the applicant fails to successfully complete the test after three attempts, the applicant shall be required to participate in an approved Backflow Technician's course before retaking the written and performance examinations. Class I Technicians only need to successfully complete the written examination.~~

R309-305-9. Certification Revocation.

~~(1) The Director may suspend or revoke a Backflow Technician's certification, for good cause, including any of the following:~~

~~(a) The certified person has acted in disregard for public health or safety;~~

~~(b) The certified person has engaged in activities beyond the scope of their certification;~~

~~(c) The certified person has misrepresented or falsified figures or reports concerning backflow prevention assembly or test results;~~

~~(d) The certified person has failed to notify proper authorities of a failing backflow prevention assembly within five days, as required by R309-305-6(2);~~

~~(e) The certified person has failed to notify proper authorities of a backflow incident for which the technician had personal knowledge, as required by R309-305-6(1);~~

~~(f) The certified person has installed or repaired a backflow prevention assembly that is not certified or has implemented a change in the design, material or~~

~~operational characteristics of a certified backflow prevention assembly thereby invalidating the backflow assembly certification.~~

~~(2) Disasters or "Acts of God", which could not be reasonably anticipated or prevented, shall not be grounds for suspension or revocation actions.~~

~~(3) The Commission Secretary shall inform the technician, in writing, if the certification is being considered for suspension or revocation. The communication shall state the reasons for considering suspension or revocation, and the technician shall be given an opportunity for a hearing.~~

~~R309-305-10. Fees.~~

~~(1) Fees: The fees for certification shall be submitted in accordance with Section 63-38-3.2.~~

~~(2) All fees shall be deposited in a special account to defray the costs of administering the Cross Connection Control and Certification programs.~~

~~(3) Renewal Fees: The renewal fee for all classes of Technicians shall be in accordance with Section 63-38-3.2.~~

~~(4) All fees shall be deposited in a special account to defray the cost of the program.~~

~~(5) All fees are non-refundable.~~

~~R309-305-11. Training.~~

~~(1) Training: Minimum training course curriculum, written tests and performance tests shall be established by the Commission and implemented by the Secretary of the Commission for both the Technician Class I and Class II courses and the renewal courses.~~

~~(a) The length of the initial certification course for a Class I cross connection control program administrator shall be a minimum of 32 hours, including examination time.~~

~~(b) The length of the initial certification course for a Class II backflow assembly tester shall be a minimum of 32 hours, excluding examination time.~~

~~(c) The length of each renewal course shall be a minimum of 16 hours including the renewal examination times, for both written and performance.~~

~~R309-305-12. Cross Connection Control Commission.~~

~~(1) Appointment of Members: A Cross Connection Control Commission shall be appointed by the Director from nominations made by cooperating agencies.~~

~~(2) Responsibility: The Commission is charged with the responsibility of conducting all work necessary to promote the cross connection program as well as recommending qualified individuals for certification, and overseeing the maintenance of necessary records.~~

~~(3) Representative Agencies: The Commission shall consist of seven members:~~

~~(a) One member (nominated by the League of Cities and Towns) shall represent a community drinking water supply.~~

~~(b) One member (nominated by the Utah Pipes Trades Education Program) shall represent the plumbing trade and must be a licensed Journeyman Plumber.~~

~~(c) One member (nominated by the Utah Mechanical Contractors Association) shall represent the mechanical trade contractors.~~

~~(d) One member (nominated by the Utah Plumbing and Heating Contractors Association) shall represent the non-union plumbing and mechanical contractors and plumbers.~~

~~(e) One member (nominated by the Rural Water Association of Utah) shall represent small water systems.~~

~~(f) One member (nominated by the Utah Chapter American Backflow Prevention Association) shall represent Class II Backflow Technicians and shall be a Backflow Technician.~~

~~(g) One member (nominated by the Utah Association of Plumbing and Mechanical Officials) shall represent plumbing inspection officials and shall be a licensed plumbing inspector.~~

~~(4) Term: Each member shall serve a two year term.~~

~~(5) Nominations of Members: All nominations of Commission members shall be presented to the Director, who may refuse any nomination.~~

~~(6) Unexpired Term: An appointment to succeed a Commission member who is unable to complete his full term shall be for the unexpired term only, and shall be nominated to, and appointed by, the Director in accordance with R309-305-11(1).~~

~~(7) Quorum: At least four Commission members shall be required to constitute a quorum to conduct the Commission's business.~~

~~(8) Officers: Each year the Commission shall elect officers as needed to conduct its business.~~

~~(a) The Commission shall meet at least once a year.~~

~~(b) All actions taken by the Commission shall require a minimum of four affirmative votes.~~

~~R309-305-13. Secretary of the Commission.~~

~~(1) Appointment: The Director shall appoint, with the consent of the Commission, a staff member to function as the Secretary to the Commission. This Secretary shall serve to coordinate the business of the Commission and to bring issues before the Commission.~~

~~(2) Duties: The Secretary's duties shall be to:~~

~~(a) act as a liaison between the Commission, certified Technicians, public water suppliers, and the public at large;~~

~~(b) maintain records necessary to implement and enforce these rules;~~

~~(c) notify sponsor agencies of Commission nominations as needed;~~

~~(d) coordinate and review all cross-connection control programs, certification training and the certification of Backflow Technicians;~~

~~(e) serve as a source of public information for Certified Technicians, water purveyors, and the public at large;~~

~~(f) receive and process applications for certification;~~

~~(g) investigate and verify all complaints against or concerning certified Backflow Prevention Technicians, and advise the Director regarding any enforcement actions that are being recommended by the Commission;~~

~~(h) develop and administer examinations;~~

~~(i) review and correct examinations.~~

~~(3) The Secretary to the Commission is also responsible for making recommendations to the Director regarding backflow technician certification as provided in these rules.]~~

R309-305 Cross Connection Control and Backflow Prevention Certification.

R309-305-1 Purpose.

The purpose of this rule is to:

- (1) adopt standards for the training, examination, and certification of persons engaged in:
 - (a) administration of cross connection control programs for public water systems;
 - (b) repair and testing of backflow prevention assemblies at public water systems; and
 - (c) instruction or examination monitoring for backflow assembly tester certification.
- (2) establish certification fee requirements; and
- (3) establish the Cross Connection Control Commission and its responsibilities.

R309-305-2 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(4)(a) of the Utah Code and in accordance with 63G-3 of the same, known as the Administrative Rulemaking Act.

R309-305-3 Definitions.

- (1) Definitions for certain terms used in this rule are given in R309-110.
- (2) In addition to terms defined in R309-110:
 - (a) “Accredited Agency” means a third party organization approved by the Cross Connection **Control** Commission to provide written and performance examinations for Backflow Assembly Tester certification;
 - (b) “Backflow Assembly Tester” means a person certified under this rule to conduct testing of backflow prevention assemblies;
 - (c) “Backflow Proctor/Trainer” means a person qualified to instruct cross connection control certification courses and to act as a proctor or exam monitor for cross connection control certification examinations;
 - (d) “Cross Connection Control Program Administrator” means a person certified under this rule to administer a cross connection control program for a public drinking water system;

(e) "Performance examination" means a closed-book, hands-on demonstration of an applicant's ability to conduct an accurate field test of backflow assemblies; and

(f) "Written examination" means a closed-book examination for record to determine the competency and ability of an applicant to understand the requirements.

R309-305-4 Cross Connection Control Commission.

(1) Cross Connection Control Commission Organization and Members

(a) The Director may establish a Cross Connection Control Commission.

(b) The Commission shall consist of seven members representing the following sectors:

(i) One member who represents community water systems.

(ii) One member who represents the plumbing trade and is a licensed Journeyman Plumber.

(iii) One member who represents the mechanical trade contractors.

(iv) One member who represents the non-union plumbing and mechanical contractors and plumbers.

(v) One member who represents small public water systems.

(vi) One member who represents Backflow Assembly Testers and Cross Connection Control Program Administrators and is certified as either.

(vii) One member who represents plumbing inspection officials and is a licensed plumbing inspector.

(c) Commission members shall be appointed by the Director. The Director may consider or accept nominations made by entities representing specific sectors.

(2) Cross Connection Control Commission Responsibilities

(a) The Cross Connection Control Commission may:

(i) advise the Director concerning the training, examination, and certification of persons engaged in cross connection control and backflow prevention for public water systems;

(ii) review findings and recommend to the Director suspension or revocation of certificates; and

(iii) review and accept certification training courses.

(3) Cross Connection Control Commission Operations

(a) Each appointed Commission member shall serve a two-year term.

(b) The Commission shall annually elect, at a minimum, a chairperson and a vice chairperson to conduct the business of the Commission.

(c) The Commission shall meet at least twice a year.

(d) Four members shall be present to constitute a quorum to conduct the Commission's business.

(e) A vote by a majority of the members present shall be required for the Commission to take an action.

R309-305-5 Secretary to the Cross Connection Control Commission.

(1) The Director shall appoint a Secretary to the Commission.

(2) The Secretary's responsibilities may include:

(a) coordinating the Commission's business;

(b) bringing pertinent issues before the Commission;

(c) being a liaison between the Commission and persons certified under this rule, public water systems, and the public;

(d) maintaining records to implement and enforce the requirements of this rule;

(e) coordinating nominations to the Commission;

(f) coordinating and reviewing public water system cross connection control programs and training and certifications in the cross connection control and backflow prevention program;

(g) processing applications for certification and renewals;

(h) investigating and verifying all complaints against or concerning certified Backflow Assembly Testers, Cross Connection Control Program Administrators, and Backflow

Proctor/Trainers, and inform the Director regarding any enforcement actions that are being recommended by the Commission;

(i) administering examinations; and

(j) making recommendations to the Director regarding cross connection control certifications.

R309-305-6 Cross Connection Control and Backflow Prevention Certifications.

(1) Two types of certification may be obtained by persons engaged in cross connection control or backflow prevention for public water systems:

(a) Cross Connection Control Program Administrator; and

(b) Backflow Assembly Tester.

(2) To obtain either of the above certifications, a person must comply with the training and examination requirements specified in the following sections.

R309-305-7 Cross Connection Control Program Administrator Certification.

(1) Application for a Certificate.

(a) To obtain a Program Administrator Certificate, a person shall:

(i) complete a certification course of at least 18 hours, including examination time, approved by the Cross Connection Control Commission;

(ii) pass a written examination accepted by the Cross Connection Control Commission by correctly answering 70% or more of the questions;

(iii) submit a complete application to the Director; and

(iv) pay the required fee.

(b) A Program Administrator Certificate issued by the Director is valid for one year from the date of issuance.

(c) A Program Administrator Certificate may be renewed annually by meeting the renewal requirements below.

(2) Certificate Renewal.

(a) A Program Administrator Certificate may be renewed:

- (i) for a period of one year; and
- (ii) an unlimited number of times.

(b) To renew a certificate, a person shall:

- (i) complete a minimum of 0.6 Continuing Education Units (CEU's) annually;
- (ii) submit evidence of CEU's completed to the Commission Secretary; and
- (iii) pay the required fee.

(c) Continuing Education Units shall:

- (i) be specific to cross connection control or backflow prevention; and
- (ii) be approved by the Commission Secretary.

(3) Certificate Expiration.

(a) A Program Administrator Certificate expires if a person fails to fulfill the requirements to maintain the certification.

(4) Program Administrator Responsibilities.

(a) A person with a valid Program Administrator Certificate may perform the following specifically regarding cross connection control and backflow prevention:

- (i) review plans and designs for compliance;
- (ii) investigate and assess hazards;
- (iii) inspect facilities for compliance;
- (iv) enforce local laws, codes, rules, and policies; and
- (v) provide technical assistance.

(b) A Program Administrator may test a backflow assembly only for the purpose of assuring that proper testing techniques are being used within a water system's jurisdiction.

(5) Program Administrator Certificate Restrictions.

A person with a valid Program Administrator Certificate may not perform the following specifically regarding a backflow prevention assembly:

- (a) test, maintain, or repair the assembly for the purpose of legally documenting the operational status of the assembly; or
- (b) perform a test for record demonstrating compliance of the assembly with required standards.

R309-305-8 Backflow Assembly Tester Certification.

(1) Application for a Certificate.

(a) To obtain a Backflow Assembly Tester Certificate, a person shall:

- (i) complete a certification course accepted by the Cross Connection Control Commission;
- (ii) pass a written examination offered by an Accredited Agency accepted by the Cross Connection Control Commission;
- (iii) successfully demonstrate competence and ability in a performance examination offered by an Accredited Agency accepted by the Cross Connection Control Commission for the testing of:
 - (A) a pressure vacuum breaker assembly,
 - (B) a spill resistant pressure vacuum breaker assembly,
 - (C) a double check valve assembly, and
 - (D) a reduced pressure principal backflow prevention assembly;
- (iv) submit a complete application, including a valid certificate issued by an Accredited Agency accepted by the Cross Connection Control Commission, to the Commission Secretary; and
- (v) pay the required fee.

(b) A Backflow Assembly Tester Certificate issued by the Director is valid for three years from the date of issuance.

(c) A Backflow Assembly Tester Certificate may be renewed by meeting the renewal requirements below.

(2) Certificate Renewal.

(a) A Backflow Assembly Tester Certificate may be renewed:

- (i) for a period of three years; and
- (ii) an unlimited number of times.

(b) To renew a certificate, a person shall:

- (i) complete the written and performance examination requirements of R309-305-8(1)(a)(ii) and (iii);
- (ii) submit a renewal application; and
- (iii) pay the required fee.

(3) Certificate Expiration.

(a) A Backflow Assembly Tester Certificate expires if a person fails to complete the certificate renewal requirements of R309-305-8(2).

(b) A Backflow Assembly Tester with an expired certificate may not test, maintain, or repair a backflow assembly for the purpose of legally documenting the operational status of the assembly.

(4) Backflow Assembly Tester Obligations.

(a) A person with a valid Backflow Assembly Tester Certificate shall:

(i) notify the Division of Drinking Water, local health department, and the appropriate public water system of any backflow incident as soon as possible and within eight hours of discovery;

(ii) notify the appropriate public water system of a failing backflow prevention assembly within five days;

(iii) ensure that acceptable and approved procedures are used for testing, repairing, and maintaining a backflow prevention assembly;

(iv) report backflow prevention assembly test results to the appropriate public water system within 30 days;

(v) include, on the test report form, any materials or replacement parts used to repair or to perform maintenance on a backflow prevention assembly;

(vi) ensure that **the quality of** a replacement part is equal to or greater than the quality of **the** part originally supplied within the backflow prevention assembly and is supplied only by the assembly manufacturer or its agent;

(vii) perform each test and be responsible for the competency and accuracy of all testing and reporting;

(viii) ensure that Backflow Assembly Tester certification is current;

(ix) be equipped with and competent in the use of all tools, gauges, and equipment necessary to properly test, repair, and maintain a backflow prevention assembly;
and

(x) be responsible for any additional licensure.

(5) Backflow Assembly Tester Restrictions.

A person with a valid Backflow Assembly Tester Certificate may not change the design, material, or operational characteristics of the assembly during any repair or maintenance.

R309-305-9 Proctor/Trainer for Backflow Assembly Tester Qualifications.

A proctor or trainer for Backflow Assembly Tester Certification shall maintain a current proctor certificate issued by an Accredited Agency accepted by the Cross Connection Control Commission.

R309-305-10. Certification Suspension and Revocation.

(1) A certificate may be suspended or revoked for unacceptable or unprofessional conduct, including:

(a) acting in disregard for public health or safety;

(b) engaging in activities beyond the scope of certification;

(c) misinterpreting or falsifying figures or reports concerning backflow prevention assembly or test results;

(d) failing to notify proper authorities of a known backflow incident, as required by R309-305-8(4)(a)(i);

(e) failing to notify proper authorities of a failed backflow prevention assembly within five days, as required by R309-305-8(4)(a)(ii);

- (f) installing or repairing a backflow prevention assembly that is not certified; or
 - (g) implementing a change in the design, material, or operational characteristics of a certified backflow prevention assembly thereby invalidating the backflow assembly certification.
- (2) The Commission Secretary shall investigate unprofessional or unacceptable conduct.
 - (3) The Commission shall evaluate the investigation findings and make a recommendation to the Director regarding certification suspension or revocation.
 - (4) The Commission Secretary shall notify a person in writing of the Commission's recommendation if certification is being considered for suspension or revocation.
 - (5) The Director may suspend or revoke a certificate based on the Commission's recommendation.

R309-305-11. Certification Fees.

- (1) Certification fees shall be:
 - (a) paid by the applicant to the Division of Drinking Water prior to issuance or renewal of a certificate according to the Department of Environmental Quality fee schedule; and
 - (b) used for administering the Cross Connection Control and Backflow Prevention Certification program.
- (2) Certification fees are non-refundable.

KEY: drinking water, cross connection control, backflow assembly tester
Date of Enactment or Last Substantive Amendment: ~~November 13, 2013~~
Notice of Continuation: March 22, 2010
Authorizing, and Implemented or Interpreted Law: 19-4-104(4)(a); 63G-3

Summary of Fiscal Analysis

Proposed Rule Repeal and Reenactment: R309-305, Backflow Technicians

Aggregate Anticipated Cost or Savings:

I. State Budget:

1. No expected fiscal impact to state revenues or expenditures
2. No additional state employees or resources need to oversee reenacted rule

II. Local Government:

1. No expected direct fiscal impact to local government revenues or expenditures
2. Creates no new requirements for local governments

III. Small Businesses:

1. No expected direct fiscal impact to small business revenues or expenditures
2. Creates no new requirements for small businesses

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

1. Expected direct fiscal benefit to Other Persons:
 - a. Cross Connection Control Program Administrators (Class I Backflow Technicians under current rule)
 - b. Backflow Assembly Testers (Class II Backflow Technicians under current rule)
2. Estimated Total Annual Savings to Cross Connection Control Program Administrators:
 - **\$8,663** (226 Certificates x \$38.33 Savings/Certificate)
 - Annual savings due to elimination of classroom courses for certificate renewal
 - Continuing Education Units required for certificate renewal in place of classroom courses
 - CEU costs assumed to be zero because free courses are available statewide
3. Estimated Total Annual Savings to Backflow Assembly Testers:
 - **\$49,420** (706 Certificates x \$70.00 Savings/Certificate)
 - Annual savings due to elimination of classroom courses for certificate renewal
 - Continuing Education Units required for certificate renewal in place of classroom courses
 - CEU costs assumed to be zero because free courses are available statewide
4. Estimated Total Savings per Fiscal Year for Other Persons:
 - **\$58,083** (\$8,663 + \$49,420)

