PROPOSED SUBSTANTIVE RULE CHANGES
TO
R309-500-6

Changes to Rule R309-500 became effective on July 15, 2015. Based on the feedback received during a recent meeting among the Director of the Division of Drinking Water, the Southwest District Engineer, and several public water systems from Washington County, the Division wants to refine this rule to allow water systems eligible for R309-500-6(3)(b) waivers to cover multiple water line projects, typically the addition of new subdivisions in rapidly growing areas, by actively tracking new water line projects and submitting an annual waiver request to the Division.

Instead of obtaining individual waivers prior to construction of each water line project, at the end of each year, an eligible water system would be able to submit an annual list of waiver-eligible projects constructed during the previous calendar year. Such multi-project after-the-fact waivers would reduce the burden on public water systems to obtain individual waivers and reduce review time for the Division, while assuring accountability and compliance with the notification requirements of the waiver rule by the water systems.

The proposed revisions include the following:

- Revise R309-500-6(3)(b), *Eligibility for Plan Submittal Waivers*, to permit public water systems that are eligible for Plan Submittal Waivers based on water line size and system population to request after-the-fact waivers for multiple water line projects by submitting required information about the projects to the Director.
- In the Division of Drinking Water (DDW) version of the rule, add guidance to R309-500-6(3)(b) that informs water systems that water line projects that require an exception to drinking water rules are not eligible for after-the-fact waivers.
- Revise R309-500-6(4)(a)(i) to list the basic information required to be included in the project description of all water line projects for which waivers are requested. This information is required for individual waivers requested before construction and for multiple-project waivers submitted after construction.
- Revise R3090-500-6(4), *Using Plan Submittal Waivers*, to add a new paragraph (b) to describe the process required for using after-the-fact waivers, including what must be submitted, when it must be submitted, how it must be submitted, and what records must be kept during the year while the projects are being constructed.
- In the DDW version of the rule, add guidance to R309-500-6(4)(b) to notify water systems that the Division has a template for recording projects included in after-the-fact waivers and informing water systems that water line projects included in after-the-fact waivers are not subject to a monetary penalty for construction without prior plan approval.

Two versions of the proposed amendment to R309-500-6 are attached:

- The Division of Administrative Rules (DAR) Version: DAR maintains the official version of rules and oversees the rulemaking process. The official rulemaking document for the R309-500-6 amendment is in the specific format required by DAR. In the DAR format new words are underlined and deleted words are stuck out. First sentences are indented but not full paragraphs.

- The Division of Drinking Water (DDW) Version: In addition to the DAR version, DDW provides a separate version of the rule to the public. The content of the DDW version is the same as the DAR version. However, the DDW version is formatted for easier reading (with paragraph indentation) and contains DDW's interpretations of the rule (in the form of guidance paragraphs). The guidance paragraphs are not part of the official rule.

Staff Recommendation: Division staff believes that the above substantive amendment is necessary and asks the Board to authorize the staff to start the rulemaking process and to file the proposed amendment to R309-500-6 for publication in the Utah State Bulletin.

R309-500-6. Plan Approval Procedure.

(1) Project Notification.

The Division shall be notified prior to the construction of any "public drinking water project" as defined in R309-500-5(1) above. The notification may be prior to or simultaneous with submission of construction plans and specifications as required by R309-500-6(2) below. Notification shall be made on a form provided by the Division.

Guidance: In addition to the Project Notification Form, new public water systems should submit a New Public Water System Supplemental Form to the Director.

(2) Pre-Construction Requirements.

All of the following shall be accomplished before construction of any public drinking water project begins:

(a) Plans and specifications for a public drinking water project shall be submitted to the Division at least 30 days prior to the date on which action is desired.

Guidance: Review of complicated projects, especially water treatment facilities, may require more than 30 days and should be submitted well in advance of the date on which action is desired.

(b) Required submittals may include engineering reports, hydraulic analyses of the existing system and additions, local requirements for fire flow and duration, proximity of sewers and other utilities, water consumption data, supporting information, evidence of rights-of-way and reference to any previously submitted master plans pertinent to the project, a description of a program for keeping existing water works facilities in operation during construction so as to minimize interruption of service, etc.

(c) Plans and specifications submitted shall be complete and sufficiently detailed for actual construction. Plans and specifications shall also adequately identify and address any conflicts or interferences.

Guidance: It is recommended that an inspector familiar with these rules be retained to observe all construction.

(d) Drawings that are illegible or of unusual size will not be accepted for review.

(e) The plans and specifications shall be stamped and signed by a licensed professional engineer as required by Section 58-22-602(2) of the Utah Code.

(f) If construction or the ordering of substantial equipment has not commenced within one year of Plan Approval, a renewal of the Plan Approval shall be obtained prior to proceeding with construction.

(3) Eligibility for Plan Submittal Waivers.

In lieu of submitting plans and specifications for Plan Approval and obtaining Operating Permits, public water systems may request Plan Submittal Waivers for two types of water line projects (excluding booster pump stations) after first becoming eligible to request the waivers. The Director will issue written notification that a public water system is eligible to request the Plan Submittal Waivers described in R309-500-6(3)(a) and (3)(b) if the information provided is acceptable.

(a) Water Line Projects Included in an Approved Master Plan. To become eligible to request this type of waiver, a public water system must submit standard installation drawings, which meet the requirements in R309-550, and a master plan, which is supported by a hydraulic analysis, to the Director for approval.

(b) Water Line Projects Included in (i) through (iii) below. To become eligible to request this type of waiver, a public water system must submit the following in writing to the Director: standard installation drawings that meet the requirements of R309-550, the name of the professional engineer responsible for design of the entire water system, and the name of the professional engineer responsible for oversight of the hydraulic analysis for the entire water system.

(i) Water lines less than or equal to 8 inches in diameter in water systems providing water to a population less than 3,300;

(ii) Water lines less than or equal to 12 inches in diameter in water systems providing water to a population between 3,300 and 50,000; or

(iii) Water lines less than or equal to 16 inches in diameter in water systems providing water to a population greater than 50,000.

Public water systems eligible for Plan Submittal Waivers per R309-500-6(3)(b) may request an after-the-fact Plan Submittal Waiver for multiple water line projects by submitting the required information to the Director annually per R309-500-6(4)(b).

Guidance: When a project requires an exception to a rule, it will not be eligible for an after-the-fact waiver and must be submitted to the Division with an exception request prior to construction.

(4) Using Plan Submittal Waivers.

(a) Plan Submittal Waivers Prior to Construction.
After becoming eligible to request Plan Submittal Waivers per R309-500-6(3), a public water system must complete the following when requesting a Plan Submittal Waiver for an individual water line project prior to construction:

(~~a~~i) Submit a complete Project Notification Form describing the project, including pipe length, diameter, material, and joint type; project location; number of new service connections; whether minimum separation requirements between water lines and sewer lines in R309-550-7 will be met for the proposed water line project; and specifying which Plan Submittal Waiver, R309-500-6(3)(a) or R309-500-6(3)(b), is being requested;

(~~b~~ii) For projects that will have a hydraulic impact, submit a certification of hydraulic analysis by a professional engineer per R309-511-6(1) indicating that the design will not result in unacceptable pressure and flow conditions (including fire flow if fire hydrants are installed);

(~~c~~iii) Submit a certification by a professional engineer, who is responsible for the design and construction of the project or has been designated by the water system in writing as the professional engineer directly responsible for the design of the entire water system, indicating that design and construction will meet the requirements of R309-500 through 550, that proper flushing and disinfection will be completed according to the appropriate ANSI/AWWA standard, that satisfactory bacteriological sample results will be obtained prior to placing the facilities into service, and that the water system will receive a copy of as-built or record drawings;

(~~d~~iv) Obtain a written Plan Submittal Waiver, in lieu of Plan Approval, from the Director prior to the start of construction; and

(~~e~~v) Comply with the conditions in R309-500-6(4)(~~c~~a)(iii) prior to placing the new facilities into service.

Guidance: A template for Certification of Hydraulic Analysis & Plan Submittal Waiver Conditions is available from the Division for use by the water system or its agent.

(b) After-the-Fact Plan Submittal Waivers.
After becoming eligible to request Plan Submittal Waivers per R309-500-6(3)(b), a public water system may choose to obtain an after-the-fact waiver for multiple water line projects by complying with the following requirements:

(i) Water systems shall submit a single copy of each item listed above in R309-500-6(4)(a)(i) through (iii) to the Director by January 31 of each year.

(ii) The single Project Notification Form and the required certifications shall include the information required per R309-500-6(4)(a)(i) for each water line project completed during the previous calendar year that has not received a Plan Submittal Waiver.

(iii) Water systems shall maintain an up-to-date record tracking the water line project information required per R309-500-6(4)(a)(i) through (iii) for each project completed during the year that has not received a Plan Submittal Waiver but will be included in the annual after-the-fact waiver request. Water systems shall make the water line project tracking record available for Division review upon request.

Guidance: A template for tracking and summarizing the qualified water line projects constructed during a calendar year is available from the Division for use by the water system or its agent requesting after-the-fact Plan Submittal Waivers.

Projects that are eligible for and obtain after-the-fact Plan Submittal Waivers, or are documented and tracked by public water systems in preparation of requesting after-the-fact Plan Submittal Waivers in accordance with this rule, are not subject to the penalty fee.

KEY: drinking water, plan review, operation and maintenance requirements, permits
Date of Enactment or Last Substantive Amendment: July 15, 2015
Notice of Continuation: March 13, 2015
Authorizing, and Implemented or Interpreted Law: 19-4-104

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(c) Plans and specifications submitted shall be complete and sufficiently detailed for actual construction. Plans and specifications shall also adequately identify and address any conflicts or interferences.

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water system, and the name of the professional engineer responsible for oversight of the hydraulic analysis for the entire water system.

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([~~c~~]iii) Submit a certification by a professional engineer, who is responsible for the design and construction of the project or has been designated by the water system in writing as the professional engineer directly responsible for the design of the entire water system, indicating that design and construction will meet the requirements of R309-500 through 550, that proper flushing and disinfection will be completed according to the appropriate ANSI/AWWA standard, that satisfactory bacteriological sample results will be obtained prior to placing the facilities into service, and that the water system will receive a copy of as-built or record drawings;

([~~d~~]iv) Obtain a written Plan Submittal Waiver, in lieu of Plan Approval, from the Director prior to the start of construction; and

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(iii) Water systems shall maintain an up-to-date record tracking the water line project information required per R309-500-6(4)(a)(i) through (iii) for each project completed during the year that has not received a Plan Submittal Waiver but will be included in the annual after-the-fact waiver request. Water systems shall make the water line project tracking record available for Division review upon request.

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This form is used for tracking the information of water line projects by public water systems in preparation for the after-the-fact Plan Submittal Waiver request per R309-500-6(4)(b). The information in this form shall be up to date. The water systems shall make this form available to DDW for review any time during the year.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Year	Construction Period (Month or Date)	Water Line Project Name	Project Location	Subdivision Name (if applicable)	# of Added ERCs (if applicable)	Pipe Length & Diameter	Pipe Material & Joint Type	# of New Fire Hydrants	# of PRVs	Meet the Min. Separation Req'ts?	If Not, Exception to Rule Obtained?	Name of Hydraulic Analysis PE	Acceptable Flow and Pressure per Hydraulic Analysis?	Name of PE Certifying Waiver Conditions	Waiver Conditions Are Met?	Notes