

ADOPTION OF AMENDMENT TO R309-500-6

On September 1, 2015, the Drinking Water Board authorized Division staff to initiate the rulemaking process to amend rule R309-500-6, *Facility Design and Operation: Plan Approval Procedure*.

The proposed amendment to R309-500-6 would permit public water systems to obtain after-the-fact plan submittal waivers annually for multiple water line projects that qualify for waivers under R309-500-6(3)(b); these waivers are based on water system population and water line size. The current rule requires water systems to obtain a waiver for each project prior to construction. The proposed amendment to the waiver provision is a result of requests from public water systems that obtain multiple plan submittal waivers for subdivisions constructed throughout the year.

The 30-day comment period for the proposed amendment was held from October 1, 2015, through November 2, 2015. One person submitted a comment in support of the amendment and a question about how the Division would handle a project constructed under an after-the-fact waiver but later found to ineligible for the waiver. (See attached Response to Comments for Proposed Rule Making.)

Under such circumstances, the Division would require the water system to submit plans and obtain after-the-fact *plan approval* for the waiver ineligible project. Neither the comment nor the question requires changes to the proposed rule amendment. Therefore, it can be adopted as originally proposed.

Two versions of the amendment to R309-500-6, showing revisions to be adopted, are attached:

- The Division of Administrative Rules (DAR) Version: DAR maintains the official version of rules and oversees the rulemaking process. 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: DDW provides a separate version of the rule to the public. The rule 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 recommends that the Board adopt the amendment to R309-500-6 and authorize staff to make the amended rule effective on November 16, 2015.

Response to Comments for Proposed Rule Making

Division of Drinking Water Utah Department of Environmental Quality

R309-500-6, Facility Design and Operation: Plan Approval Procedure

Published October 1, 2015, in the Utah State Bulletin

Formal Comment Period: October 1, 2015, through November 2, 2015

Public Hearing: There was no public hearing

One person submitted a comment and a question to the Division of Drinking Water (DDW) during the 30-day comment period concerning the proposed amendment to R309-500-6. The comment and question are reproduced below along with the Division's response.

I. The following comment and question were submitted by Keith Larson, P.E., Bowen Collins & Associates, Draper, Utah:

Comment: *This email is to provide comment regarding the proposed changes to R309-500-6 to allow waivers to be obtained on an annual basis (instead of for each project). In general, I am very supportive of this proposal. As you know, we are constantly having to submit PNF forms for small additions to our water systems as individual streets and cul-de-sacs are developed. It would be much more efficient for both you and I if we could just keep track of these (which we already do) and submit at the end of the year. It looks like the proposed language would accomplish this objective.*

Question: *I do have one question. On a recent PNF we submitted, there was a small section of 14-inch pipe that we inadvertently overlooked making the project ineligible for a waiver. This was caught by your staff and we worked through the regular review process before it was constructed. However, if this had been under the proposed rule, we may not have caught our error until the end of the year and after the project was constructed. My question is this – In the event of any type of mistake/misunderstanding/etc. that makes a project ineligible for the waiver, how will you deal with that after the fact?*

Response: The division agrees that the new waiver process would be more efficient. As to the question about a project constructed under a waiver but later found to be ineligible, the division would ask the water system to submit plans for the project and issue an after-the-fact plan approval.

R309-500. Facility Design and Operation: Plan Review, Operation and Maintenance Requirements.

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:

(ai) 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;

(bii) 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);

(eiii) 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;

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

(ey) Comply with the conditions in R309-500-6(4)(ea)(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

R309-500-6. Plan Approval Procedure.

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(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.

(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.

(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.

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(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.

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(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).

(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)([e]a)(iii) prior to placing the new facilities into service.

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