

TriCounty Health Department
RULES FOR NON-PUBLIC WATER SYSTEMS
(1-7 connections)

May 21, 2008

1. CONTENTS	Page
Section 2: PURPOSE	1
Section 3: DEFINITIONS	2
Section 4: GENERAL POWERS AND DUTIES	4
Section 5: APPROVED POTABLE WATER SUPPLY REQUIRED	4
Section 6: WATER HAULING	5
Section 7: APPLICATION AND APPROVAL PROCESS	6
Section 8: PROTECTION BUFFER AREAS AND SHARING AGREEMENTS	6
Section 9: REQUIREMENTS FOR 1 TO 3 CONNECTIONS	7
Section 10: REQUIREMENTS FOR 4 TO 7 CONNECTIONS	9
Section 11: CONSTRUCTION STANDARDS FOR 4-7 CONNECTIONS	10
Section 12: EMERGENCY ORDERS	13
Section 13: NOTICE.....	13
Section 14: ENFORCEMENT	14
Section 15: VARIANCES	14
Section 16: RIGHT TO APPEAL	14
Section 17: PENALTY	15
Section 18: SEVERABILITY	15
Section 19: "GRANDFATHER" CLAUSE	15
Section 20: AUTHORITY AND EFFECTIVE DATE	16

2. PURPOSE

It is the purpose of these rules to regulate non-public water systems within the TriCounty Health Department's jurisdiction (Daggett, Duchesne and Uintah Counties) to:

- 2.1 protect and promote the public health, safety, and welfare,
- 2.2 prevent damage to property,
- 2.3 prevent the spread of disease,
- 2.4 prevent the creation of nuisances, and
- 2.5 prevent water pollution.

3. DEFINITIONS

For the purpose of these rules and unless defined in other sections, the terms, phrases, and words shall have the following meanings:

- 3.1 Aquifer: An underground geologic formation that contains and transmits groundwater.
- 3.2 Concentrated Sources of Pollution: Pollution sources that include, but are not limited to, on-site wastewater systems, drain field systems, drain lines, ordinary sewer lines, garbage dumps, pit privies, pesticide or hazardous waste storage, and feedlots.
- 3.3 Department: The TriCounty Health Department.
- 3.4 Director: The Director/Health Officer of the TriCounty Health Department or authorized representative.
- 3.5 Grouted Well: A well that has the following construction:
 - A. the annular space between the drilled hole and the well casing shall be grouted or otherwise sealed to eliminate water of questionable quality from seeping alongside the casing into the water-bearing aquifer. Such grouting shall be at least two inches thick, and extend a minimum of 100 feet below the surface, or into an effective geologic seal, and
 - B. the well casing shall extend to an elevation not less than 18 inches above the surrounding ground.
- 3.6 Non-public Water System: Any potable water system that is not subject to regulation by the Utah Drinking Water Board (a non-public water system would serve less than 25 people, or less than 8 connections).
- 3.7 Owner: as pertaining to real property is any person who alone, jointly, or severally with others:
 - A. has legal title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof, or
 - B. has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.
- 3.8 Person: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law.
- 3.9 Pollution: Pollution means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, or such discharge of any

liquid, gaseous, or solid substance into any waters of the state as will create a nuisance or render such waters harmful, detrimental or injurious to public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

- 3.10 Potable Water: Water which is satisfactory for drinking, culinary, and domestic purposes.
- 3.11 Protection Buffer Area: A protective buffer area around a well or spring in which certain pollution sources are restricted or prohibited in order to minimize the risk of accidental contamination of a well or a spring. Protection buffer areas established under this rule are not considered “Drinking Water Source Protection (DWSP) zones. DWSP zones are governed by the Division of Drinking Water under UAC R309-600, and are subject to additional requirements described in R309-600. A drinking water source that may become part of a public water system in the future must comply with UAC R309-600, or risk being unapprovable as a public drinking water source.
- 3.12 Public Drinking Water System: A water system, either publicly or privately owned, providing water for human consumption and other domestic uses, which:
- (a) Has at least 15 service connections, or
 - (b) Serves an average of at least 25 individuals daily at least 60 days out of the year.
 - (c) A ratio of 3.13 persons per connection shall be used to calculate the population served unless more accurate information is available. The ratio is based on the statewide average persons per residence in the 2000 census. Therefore, notwithstanding the above stated threshold for the number of service connections, a drinking water system consisting of at least 8 service connections shall be deemed to serve 25 people and consequently be classified as a public drinking water system. This ratio shall only be used to determine whether any particular water system is considered a public water system. Any person or entity may challenge this provision by submitting documentation to the Executive Secretary of the Drinking Water Board showing that the drinking water system, upon complete build out, falls below both thresholds listed in (a) and (b) above.
- 3.13 Satisfactory Bacteriologic Sample: A water sample that tests negative for coliform organisms, as tested by a laboratory certified by the Utah State Department of Health.
- 3.14 On-site Wastewater System Permit: A permit to construct an onsite wastewater treatment system issued by the TriCounty Health Department.
- 3.15 Shall: The word "shall" is a mandatory term.
- 3.16 Spring: A water source issuing from the ground that is fed by precipitation that travels from a higher elevation through natural soil.

3.17 Ungrouded Well: A well that does not meet the criteria for a grouted well as defined in definition 3.5.

3.18 Well: Any excavation that is drilled, cored, bored, driven, dug, fitted, or otherwise constructed and the intended use of the excavation is to acquire ground water.

4. GENERAL POWERS AND DUTIES

The Department shall be responsible for the administration of these rules and shall:

4.1 Require the submission of reports, plans, and specifications for any use of non-public potable water systems as necessary to implement the provisions, requirements, and standards of these rules.

4.2 Issue permits and charge fees as necessary to implement the provisions, requirements, and standards of these rules.

4.3 Make inspections of public or private property and issue orders as necessary to effect the purposes of these rules.

4.4 Take samples and make analysis of soils, waters, and other materials as necessary to effect the purposes of these rules.

4.5 Coordinate with local jurisdictions to avoid conflicts. Local ordinances may be more restrictive than these rules, in which case the more restrictive rules shall apply. The local jurisdiction shall be responsible for administering their own rules, however the Department shall coordinate with the local jurisdictions as much as possible.

5. APPROVED POTABLE WATER SUPPLY REQUIRED

No person shall occupy or permit the occupancy of any building within the jurisdiction of the TriCounty Health Department, and no on-site wastewater system permit shall be issued by the Department for any building:

5.1 unless the building is to be connected to a public water system, or

5.2 unless the building is to be connected to a non-public water system that is in compliance with the rules stated herein, or

5.3 unless the building is to be serviced by water hauling in conformance with Section 6.

6. WATER HAULING

In general, water hauling is not an acceptable permanent method for culinary water supply

for full-time residential use. However, water hauling may be allowed under the following circumstances, unless otherwise prohibited by the local jurisdiction:

- 6.1 Recreational Properties. Water hauling will be allowed for a single recreational property that is seasonal in nature and/or does not have year-round road access.
- 6.2 Emergencies. Water hauling may be approved by the Director as necessary as a temporary means of providing potable water in an emergency.
- 6.3 Large Lots. Water hauling may be allowed for a non-public water system proposed to serve a subdivision if the proposed lots are 40 acres or larger in size. Such a proposal for water hauling must be submitted to and approved by the Director and the local jurisdiction.
- 6.4 Water Hauling for a Full-time Residence. Water hauling is discouraged for a full-time residence, but is allowed in cases where consumers could not otherwise be supplied with potable water. These situations shall be considered on a case-by-case basis in consultation with the local jurisdiction, City or County. Application shall be made with the Department detailing the justification for water hauling, with supporting documentation that a well or spring or other neighboring water supply is not a feasible water source for the property. Such documentation may consist of, but is not limited to, information from the Utah Division of Water Rights, the Utah Geological Survey, the Department of Agriculture, or other State or local agency, or other historical, geologic or hydrogeologic information supporting the conclusion that an on-site source of water (drilled well or developed spring) is not available.
- 6.5 Water Hauling Requirements.

Where allowed, water hauling shall comply with the following requirements, except that these requirements may be waived in an emergency:

 - A. All water hauling shall comply with the procedures and requirements specified in the document "*Recommended Procedures for Hauling Culinary Water*", authored by the Division of Drinking Water and dated February 8, 1999, or as revised.
 - B. A water storage capacity of at least 1,000 gallons in a tank that is approved for culinary water storage must be provided, in compliance with the plumbing code and building code as adopted by the State of Utah and/or the local jurisdiction.
 - C. Water must be drawn from an established public water supply rated as "Approved" by the Utah Division of Drinking Water. Satisfactory proof of a water hauling contract or other water hauling capability from such an approved source shall be provided to the Department as part of the approval process.

7. APPLICATION AND APPROVAL PROCESS

- 7.1 For non-public water systems proposed to serve 1-3 connections, the information required in Section 9 shall be provided to the Department as part of the on-site wastewater system application form. After an on-site wastewater system permit has been issued, final approval of the system shall not be granted by the Department until a final inspection has been made and documentation has been submitted to the Department that the requirements of Section 9 have been met.
- 7.2 For non-public water systems proposed to serve 4-7 connections, the information required in Section 10 shall be submitted to the Department. The applicant shall also submit to the Department two sets of plans and specifications for the proposed water system, in accordance with the construction requirements of Section 11. Such plans shall be approved and stamped by a Professional Engineer licensed to practice in Utah.
- 7.3 ***Potential regulation by the Utah Public Service Commission.*** The Public Service Commission (PSC) regulates public utilities in the State of Utah, and a non-public water system serving two or more connections in some cases could be a regulated utility subject to the authority of the PSC. Notwithstanding these rules, any non-public water system serving two or more connections is advised to contact the Division of Public Utilities (an agency of the PSC) to determine if they are a regulated utility, and to determine what PSC rules may apply to them.

8. PROTECTION BUFFER AREAS AND SHARING AGREEMENTS

To ensure that potable ground water is protected from concentrated sources of chemical or biological pollution, minimum allowable separation distances between a well or spring and pollution sources are specified herein. In addition, the water supplier shall either own the protection buffer area and agree not to locate or permit concentrated sources of pollution within it; or, if the water supplier does not own the land in question, he shall obtain a land use agreement with the owner of the land by which the land owner agrees not to locate or permit concentrated sources of pollution within the protection buffer area. In all cases, said restriction(s) shall be binding on all heirs, successors, and assigns. Said land use agreement must be notarized and recorded with the appropriate county recorder. This applies to all wells and springs proposed to be used as a source of potable water, from a single connection up to 7 connections (eight or more connections are regulated separately by the Division of Drinking Water). For a well or spring that is proposed to serve two or more lots or residences, a shared well or shared spring agreement will be required as specified in Section 8.4.

- 8.1 A **grouted well** shall be protected from concentrated pollution sources for a distance of at least 100 horizontal feet from the well head. At the discretion of the Director, protective sewer lines that are specially constructed in a manner consistent with the State of Utah Rules for Public Drinking Water Systems may be located within the protection buffer area no less than ten feet from the well head.

- 8.2 An **ungroued well** shall be protected from concentrated pollution sources for a distance of at least 200 horizontal feet from the well head. At the discretion of the Director, specially constructed sewer lines consistent with the State of Utah Rules for Public Drinking Water Systems may be located within the protection buffer area no less than 100 feet from the well head.
- 8.3 For a **spring**, all land at elevations equal to or higher than and within 500 feet horizontally in all directions from the spring source shall be protected against concentrated sources of pollution. All land at an elevation lower than and within 100 horizontal feet to the spring source shall be protected against concentrated sources of pollution.
- 8.4 Water sources shared by 2 or more residences or lots must submit a shared well or shared spring agreement to the Dept. that has been signed, notarized, and recorded with the appropriate County. Easements for piping and access to the well/spring must also be provided. Guidelines for the shared well/spring use agreement are available from the TriCounty Health Department.

9. **REQUIREMENTS FOR A NON-PUBLIC WATER SYSTEM SERVING ONE TO THREE CONNECTIONS**

An on-site wastewater system permit shall not be issued until one of the requirements 9.1, 9.2, 9.3, or 9.4 following for the proposed water source has been met.

- 9.1 Public Water System. If the proposed source of potable water is a public water supply, then documentation shall be provided to the Department that the public water system agrees to the connection.
- 9.2 Existing Non-public Water System. If the proposed source of potable water is an existing non-public water supply, the following information shall be provided to the Department and must receive a satisfactory review:
- A. documentation that the owner(s) of the water system agrees to the connection, and also documentation of a shared well or shared spring agreement as described in Section 8.4.
 - B. documentation of sufficient water rights to supply the new connection, as issued by the Utah Division of Water Rights,
 - C. at the discretion of the Department, documentation may be required that the system is able to reliably supply sufficient water quantity and water pressure to the new connection, as evidenced by a pressure test and/or flow measurement at the connection,

- D. evidence must be submitted to the Department that the water is of acceptable quality in accordance with Section 9.5 (A. and B.), and
- E. evidence of a protection buffer area, as specified in Section 8.

9.3 New or Renovated Well or Spring. If the proposed source of potable water is a new or renovated private well or spring, the following information shall be provided to the Department and must receive a satisfactory review:

- A. evidence of sufficient water rights, as issued by the Utah Division of Water Rights,
- B. evidence of a protection buffer area for the well or spring as specified in Section 8, and
- C. a property map showing the site of the well or spring, established protection buffer area, and any existing situations within the area that could concentrate pollution sources within 500 feet of the well or spring.
- D. for two or more connections, a shared well or shared spring agreement as described in Section 8.4.

9.4 Water Hauling. If it is proposed to haul water as a water source, then documentation shall be provided to the Department that the requirements of Section 6 have been met.

9.5 Final Approval. Final approval for a constructed on-site wastewater system supplied by a well or spring source from a non-public water system shall not be granted by the Department until the following has been submitted and received a favorable review:

- A. a chemical analysis of the well or spring water performed by a laboratory certified by the Utah State Department of Health that meets the following requirements (water treatment will be allowed for a single dwelling to meet these requirements):

<u>Chemical</u>	<u>Maximum Contaminant Limit (mg/l)</u>
-----------------	---

Antimony	0.006
Arsenic	0.01
Barium	2.0
Beryllium	0.004
Cadmium	0.005
Chromium	0.1
Copper	1.3 (action level from EPA guidance)
Cyanide (as free Cyanide).....	0.2
Fluoride	4.0
Lead	0.015 (action level from EPA)
Mercury	0.002
Nickel	0.1
Nitrate (as N)	10.0
Nitrite (as N)	1.0
Total Nitrate and Nitrite (as N)	10.0
Selenium	0.05
Sodium*	No MCL, for information only
Sulfate**	1000 (500 for commercial use)
Thallium	0.002
Total Dissolved Solids (TDS).....	2000 (1000 for commercial use)
Turbidity	5 NTU

* No Maximum Contaminant Limit, but sodium content information is useful to those on a salt-restricted diet.

** Sulfate levels over 500 mg/l may cause gastric distress in some people.

- B. results of a bacteriological sample taken from the water system, and
- C. a copy of the "Report of Well Driller" (well log), if the water source is a well.

10. REQUIREMENTS FOR A NON-PUBLIC WATER SYSTEM SERVING 4-7 CONNECTIONS

The following information shall be provided to the Department and must receive a satisfactory review:

- 10.1 Evidence of sufficient water rights, as issued by the Utah Division of Water Rights.
- 10.2 Evidence of a protection buffer area for the well or spring as specified in Section 8.
- 10.3 Evidence a shared well or shared spring agreement as described in Section 8.4.
- 10.4 An initial chemical analysis of the water performed by a laboratory certified by the Utah State Department of Health that meets the requirements of Section 9.5.A.
- 10.5 A satisfactory bacteriological sample taken from the water system.
- 10.6 A copy of the "Report of Well Driller" (well log).
- 10.7 A property map showing the site of the well or spring, established protection buffer area, and any existing situations within the area that could concentrate pollution sources within 500 feet of the well or spring.

10.8 Plans and specifications for development and construction of the water system, or as-built drawings of the existing water system, in accordance with the Construction Standards of Sec.11. The plans and specifications or as-built drawings must be prepared and stamped by a Utah-licensed Professional Engineer (P.E.).

11. CONSTRUCTION STANDARDS FOR NON-PUBLIC WATER SYSTEMS SERVING FROM 4 TO 7 CONNECTIONS

11.1 Well Construction and Development. Construction and development requirements for wells serving 4-7 connections shall be as follows:

- A. Well casing material and thicknesses shall meet the requirements of the State of Utah Rules for Public Drinking Water Systems.
- B. The well must be grouted as specified in the State Of Utah Rules for Public Drinking Water Systems, including witnessing of the grouting procedure by a representative of the TriCounty Health Department or a representative of the Division of Drinking Water. A variance from this grouting requirement may be granted by the Director based on geology of the aquifer and susceptibility of the well to surface water runoff.
- C. The well casing shall extend to an elevation greater than the 25-year flood water elevation. In all cases the well casing shall extend at least 18 inches above the surrounding ground level. However, pitless adaptors and well casings that terminate in underground vaults may be permitted on a case-by-case basis.
- D. After drilling is completed, the well shall be pumped free of all mud and sand and then disinfected by the introduction of sufficient chlorine solution into the well to produce a chlorine residual of at least 50 mg/l. After the chlorine solution has remained in the well for at least eight hours, it shall be pumped out and the well water tested for bacteriological purity or repeated treatment and testing to ensure satisfactory bacteriological purity. Concentrated chlorine solution is harmful to fish and other aquatic wildlife and shall not be discharged to any waterways unless the chlorine solution is first neutralized. Alternative methods of disinfection may be approved by the Director.
- E. The results of a pump test performed by a qualified person showing the firm yield of the well must be submitted to the Department.

11.2 Required Plans for Submission Before Spring Development. Before construction of spring development or spring improvements the following information shall be submitted to the Department and approved in writing by the Director:

- A. detailed plans and specifications covering the spring development work, in

accordance with Section 11.4., and

- B. a copy of a statement by a qualified person indicating the measured or anticipated flow from the spring source.

11.3 Required Information for Submission After Spring Development. Spring water may be introduced into a non-public water system serving 4-7 connections only after it has been approved, in writing, for such use by the Director. Approval shall be given only if the following information has been submitted to the Department and the Department has determined that the water is and can be reasonably expected to remain of satisfactory quality:

- A. Proof of satisfactory bacteriological quality.
- B. Information on the rate of flow developed from the spring.
- C. As-built plans of spring development.

11.4 Spring Construction and Development. The construction and development of a spring supplying a non-public water system serving 4-7 connections shall be as follows:

- A. The spring collection device shall be covered with a minimum of ten feet of relatively impervious soil cover, or shall be covered with a synthetic liner with a minimum of two feet of relatively impervious soil cover on top of the liner. The soil cover or liner shall extend a minimum of 15 feet in all directions horizontally from the spring collection device. If a liner is utilized, the liner and liner installation shall comply with the State of Utah Rules for Public Drinking Water Systems.
- B. All access boxes or collection boxes shall substantially comply with the State of Utah Rules for Public Drinking Water Systems for access manholes, air vents, and overflow piping. Access to the spring collection box shall be locked. All lids for spring boxes shall have a gasket and the chamber adequately vented. Each spring collection area shall be provided with at least one access box to permit spring inspection and testing.
- C. The spring collection area shall be surrounded by a fence located a distance of at least 50 feet uphill from all collection devices, and a distance of at least 15 feet downhill from all collection devices. The fence shall be at least stock tight. Within the fenced area all vegetation that has a deep root system shall be removed. In areas where there is little or no grazing, the fencing requirement maybe waived by the Director, but vegetation that has a deep root system shall still be removed from the immediate area of the spring collection device/s.

- D. Where practical, a diversion channel capable of diverting all anticipated surface water runoff away from the spring area shall be constructed immediately above the spring collection area.
 - E. The spring shall be developed in such a manner as to minimize the possibility of excess spring water ponding within the collection area. If the ponding of spring water is unavoidable, the excess shall be collected by shallow piping or french drain and routed beyond the immediate collection area.
- 11.5 Water Storage Requirements. Water storage requirements for non-public water systems serving 4-7 connections shall be as follows:
- A. Water storage amounts for indoor use shall be 400 gallons per connection.
 - B. Where there is outside water use, water storage amounts for outside use shall be calculated in accordance with the State of Utah Rules for Public Drinking Water Systems.
 - C. Water storage requirements for fire flows shall be determined by the local jurisdiction, and shall be included in the total storage amount if the fire flows are to be delivered through the culinary distribution system.
 - D. The total water storage requirement shall be the sum of the indoor use requirement, the outdoor use requirement, and the fire flow requirement.
 - E. Water storage shall otherwise be in compliance with the State of Utah Rules for Public Drinking Water Systems and water storage reservoirs shall be constructed in accordance with those rules.
- 11.6 Distribution System. The distribution system for non-public water systems with 4-7 connections shall be constructed in accordance with the State of Utah Rules for Public Drinking Water Systems. Fire flows shall be determined by the local jurisdiction, and shall be included in sizing the distribution lines for peak flows.
- 11.7 Compliance with Plumbing Code. The construction of non-public water systems shall be in compliance with the current plumbing code as adopted by the State of Utah and/or the local jurisdiction.

12. EMERGENCY ORDERS

If the Director finds that an emergency exists, requiring immediate action to protect the public's health, safety, or well-being, the Director may issue an order declaring the existence of an emergency and requiring that remedial action be taken. The order shall be effective immediately. Upon application to the Department, the recipient of the order shall be granted a hearing before the Director within 48 hours. On the basis of the hearing, and

not more than 24 hours after the adjournment of the hearing, the Director shall continue, modify, or revoke the order.

13. NOTICE

13.1 Department to Notify Owner/s or Others of Violations. If the Department inspects any property and finds it to be in violation of these rules, or has reasonable grounds to believe that there has been a violation of any part of these rules the Department shall give notice of violation of any part of these rules to the owner/s or other responsible person(s) thereof.

13.2 Director to Issue Written Notice of Violations. Prior to initiating a court complaint for the violation of these rules, the Director shall issue a notice pursuant to Section 13.1 and shall:

- A. describe the property,
- B. give a statement of the cause for its issuance,
- C. set forth an outline of the remedial action necessary to correct the violations, and
- D. set a reasonable time for the performance of any required remedial act.

13.3 Department to Serve Notice. The Department shall serve notice pursuant to Sections 13.1 and 16.2 upon the owner(s) of the property or other responsible person(s). Service shall be deemed complete if the notice is served in one of the following ways:

- A. served in person in written form, or
- B. after a reasonable effort to locate the individual, sent by certified mail to the last known address of the owner or other responsible person with address correction requested, and also published in a newspaper of general circulation at least once a week for two weeks.

14. ENFORCEMENT

14.1 Department to Ensure Compliance. It shall be the duty of the Department, upon the presentation of proper credentials, to make inspections of any property containing a non-public water system as is necessary to ensure compliance with these rules.

14.2 Inspection Made With Consent. Departmental inspections may be made with the consent of the owner/s or other responsible person(s). If consent is not granted, an inspection may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction based upon probable cause.

14.3 Owner/s May Request a Factual Report of Inspections. The owner/s of any property may request and shall be provided a report setting forth all facts found that relate to compliance with these rules.

15. VARIANCES

A variance may be granted from the provisions of this rule when the result of the variance meets the purpose and intent of this rule, and the variance will not create a health hazard. The variance shall not constitute a grant of special privilege, be based upon reason of hardship caused by previous actions of the property owner, nor be granted for financial reasons alone. A variance will not be granted when it would be detrimental to the public health, safety or welfare, or injurious to other property. In granting variances, the Director may require such conditions as will, in the Director's judgment, secure substantially the objectives of this rule. Applicants or their representative have the right to appeal any decision on a variance request in accordance with the appeals procedure described in Section 16 following.

16. RIGHT TO APPEAL

Within ten calendar days after the Department has given a notice of violation(s) under this rule, any persons aggrieved by the notice may request, in writing, a hearing before the Director. Similarly, within 10 days of notice of a staff decision in the interpretation of these rules, an aggrieved person may appeal the staff decision in writing to the Director. The aggrieved person cites or describes the decision they wish to appeal and includes a brief statement of the reasons for seeking an appeal. A hearing shall take place within ten calendar days after the request. A written notice of the Director's final determination shall be given within ten calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action or order.

17. PENALTY

17.1 Any person who is found guilty of violating any of the provisions of these rules, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor. If a person is found guilty of a subsequent similar violation within two years, he/she is guilty of a class A misdemeanor.

17.2 Each day such violation is committed or permitted to continue shall constitute a separate violation, unless the responsible party is legitimately attempting to correct the deficient condition(s).

17.3 The county attorney may initiate legal action, civil or criminal, requested by the Director to abate any condition that exists in violation of these rules.

17.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

18. SEVERABILITY

If any provision, clause, sentence, or paragraph of these rules or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these rules. The valid part of any clause, sentence, or paragraph of these rules shall be given independence from the invalid provisions or application and to this end the provisions of these rules are hereby declared to be severable.

19. "GRANDFATHER" CLAUSE

Any non-public water system existing prior to the enactment date of these rules is excluded from these rules, provided that there are no additional connections added to the existing non-public water system, except connections may be added to an existing system in conformance with the following:

- 19.1 An existing non-public water system of one or two connections may grow to a total of three connections in accordance with Section 8.2.
- 19.2 An existing non-public water system of four or more connections will not be required to meet the construction standards of Section 11 due to connections being added to the system (up to a total of seven connections), as long as the Department can be reasonably assured that the system can reliably supply water in sufficient quantity and quality.
- 19.3 An existing non-public water system of three or fewer connections that grows to four to seven connections will be required to fully comply with these rules, including the Construction Standards of Section 11. If an existing non-public water system of three or fewer connections grows to eight or more connections it will become regulated by the Division of Drinking Water and will have to comply with the Division's rules for a public system.

20. AUTHORITY AND EFFECTIVE DATE

This regulation is adopted under the authority of Title 26A, Local Health Authorities. Enforcement of this regulation is under the authority of 26A-1-114, Utah Code Annotated, 1953, as amended. These rules shall become effective 15 days after their enactment by the TriCounty Health District Board. After adoption, three copies of this code shall be filed for

use and examination by the public in the offices of the clerks of Daggett, Duchesne and Uintah Counties.

ADOPTED BY THE TRICOUNTY BOARD OF HEALTH,

This 21st day of May, 2008

Signed:

Chairman, TriCounty Board of Health