



Karla Johnson
Kane County Clerk/Auditor
76 N. Main
Kanab, UT 84741
435-644-2458

April, 23, 2021

Re: 2018 Water Hauling Rule and Commercial Use

DEAR PROPERTY OWNERS,

On December 12, 2019 Southwest Utah Public Health Department amended their Non-Public Drinking Water System Regulations regarding water hauling. Under the amended rule, water hauling allowed for seasonal recreational property and is **prohibited for any commercial use**. Any business owner that was in operation with a valid and active Kane County business license for that specific property prior to the effective date of the new rule will be considered grandfathered and may operate so long as all water hauling safety measures and regulations are in place. Any business owner that is not grandfathered must immediately cease any commercial activity on the property. This includes properties that operate a vacation rental.

If you have questions about the 2019 rule or other health department regulations you may contact Sandra Thevenin, the Environmental Health Specialist for Southwest Utah Public Health Department, at 445 N Main Street, Kanab, UT 84741 or sthevenin@swuhealth.org. Attached to this letter is a copy of the 2018 rule from Southwest Utah Public Health Department.

To determine if you have a grandfathered business license please contact the Kane County Clerk/Auditor's office at 76 N Main, Kanab, UT 84741; (435) 644-2458 or cbrown@kane.utah.gov.

Thank you for your attention to this important matter in our County.

Sincerely,

A handwritten signature in blue ink that reads "Karla Johnson".

Karla Johnson
Kane County Clerk/Auditor

Attachment: Water Hauling and Non-Public Drinking Water System Regulation

Cc: Candice Brown; Business License department
Robert Van Dyke; Kane County Attorney;
Sandra Thevenin; Environmental Health Specialist

SOUTHWEST UTAH PUBLIC HEALTH DEPARTMENT

NON-PUBLIC DRINKING WATER SYSTEM REGULATION



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landfilling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units.

"Potential Contamination Source" means any facility or site which employs an activity or procedure which may potentially contaminate ground or surface water. A pollution source is also a potential contamination source.

"Protection Zone" means the surface and subsurface area surrounding a ground-water or surface water source of drinking water, over which or through which contaminants are reasonably likely to move toward and reach such water source.

"Public Water System" means a system, either publicly or privately owned, providing water through constructed conveyances for human consumption and other domestic uses, which has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days out of the year (the Utah Department of Environmental Quality – Division of Drinking Water interprets this rule to mean that 8 residential connections, at the state average of 3.14 people per household, is equal to 25 individuals unless the water system operator can demonstrate otherwise.)

"Waterborne Disease Outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system, as determined by the appropriate local or State agency.

3.0 GENERAL POWERS AND DUTIES

3.1 The Department shall administer this rule and shall:

- 3.1.1 Require the submission of reports, plans, and design specifications for any proposed non-public drinking water system prior to construction; and
- 3.1.2 Review non-public drinking water system records, inspect a non-public drinking water distribution system, or collect samples for bacterial analysis only in conjunction with onsite wastewater (septic) system permit applications or potential waterborne disease outbreaks.

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4.0 APPROVED POTABLE WATER SUPPLY REQUIRED

4.1 No person shall occupy or permit the occupancy of any building and no onsite wastewater (septic) system permit may be issued for any building unless the building is connected to:

4.1.1 A public water system;

4.1.2 An acceptable non-public drinking water system; or

4.1.3 The building is to be serviced by water hauling in conformance with Section 6.0.

5.0 APPLICATION FOR NON-PUBLIC DRINKING WATER SYSTEM

5.1 When submitting an onsite wastewater (septic) system application proposing a non-public drinking water, a person shall submit:

5.1.1 Documentation of sufficient water rights:

(1) Issued in the name of the property owner; and

(2) Assigned for domestic use.

5.1.2 Documentation that the owner of the non-public drinking water system agrees to the connection, if applicable;

5.1.3 Documentation of an established ground water source protection zone:

(1) Wells meeting the requirements of R655-4. *Water Wells*. shall be protected from potential contamination sources including onsite wastewater systems for a distance of one-hundred (100) horizontal feet minimum from the well head; or

(2) All other ground water sources shall be protected from potential contamination sources including onsite wastewater systems for a

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distance of two-hundred (200) horizontal feet minimum from the ground water source.

- (3) A property owner shall own the land where a protection zone surrounding a ground water source exists or shall provide documentation of land use agreement(s) with the land owner(s) documenting that the land owner(s) agree(s) to maintain an adequate protection zone surrounding the ground water source. Such land use agreements shall be binding on all heirs, successors, and assigns and shall be recorded on property title(s) with the appropriate local county government.
- 5.1.4 Any non-public drinking water system serving multiple properties shall provide documentation verifying that the applicant has access to the distribution system by means of recorded easements or other legal means as approved by the local county government.
 - 5.1.5 A property map showing the location of any ground water source(s), protection zone(s), drinking water distribution system, any existing or proposed buildings, and potential contamination source(s);
 - 5.1.6 If available, a copy of the "Report of Well Driller", or well log; and
 - 5.1.7 Documentation of suitable water quality:
 - (1) Bacteriological sample results performed by a Utah State certified laboratory demonstrating the absence of coliform bacteria; and
 - (2) Chemical sample analysis results performed by a Utah State certified laboratory demonstrating that nitrate and nitrite levels do not exceed maximum contaminant levels as listed in Table 1: Chemical Analytical Requirements.

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TABLE 1: CHEMICAL ANALYTICAL REQUIREMENTS

I) REQUIRED CHEMICAL ANALYSIS

<u>ANALYTE</u>	<u>MAXIMUM CONTAMINANT LEVEL (mg/L)</u>
Nitrate	10.0
Nitrite	1.0
Total Nitrate and Nitrite as N	10.0

II) RECOMMENDED CHEMICAL ANALYSIS (for Non-Public Drinking Water Systems Serving Multiple Properties)

<u>ANALYTE</u>	<u>MAXIMUM CONTAMINANT LEVEL (mg/L)</u>
Antimony	0.006
Arsenic	0.05
Barium	2.0
Beryllium	0.004
Cadmium	0.005
Chromium	0.1
Cyanide (as free Cyanide)	0.2
Fluoride	4.0
Mercury	0.002
Nickel	0.1
Selenium	0.05
Sodium	NONE
(Sodium content is useful information for people on diets limiting sodium)	
Sulfate	1000.0
Thallium	0.002
Total Dissolved Solids (TDS)	2000.0

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6.0 WATER HAULING

- 6.1 Water hauling is not a preferred method for culinary water supply for full-time residential use due to the effort and expense necessary to provide adequate volume of water for domestic usage. Unless prohibited by a local municipality or county, water hauling may be approved for recreational property that is seasonal in nature or does not have year-round access. Water hauling may be approved on a case-by-case basis in other situations where consumers could not otherwise be supplied suitable culinary at a reasonable cost and in consultation with the local municipality or county. Individuals hauling water should follow the Utah Department of Environmental Quality - Division of Drinking Water *Guidance for Hauling Drinking Water* document (Available on DEQ-DDW Web site.)
- 6.2 Hauled water shall be drawn from a public water system rated "Approved" by the Utah Department of Environmental Quality - Division of Drinking Water.

7.0 CONSTRUCTION STANDARDS

- 7.1 Ground Water Sources – Development of any non-public drinking water system ground water source should meet the requirements of R309-500. *Drinking Water Facility Construction Design and Operation*. A non-public drinking water system operator should submit plans to the Department for approval prior to construction;
- 7.2 Storage – Water storage requirements including indoor use, outdoor use, and fire flow requirements should be determined by the local municipality or county having jurisdiction and the local fire authority. Facilities for drinking water storage shall comply with the requirements of R309-500. *Drinking Water Facility Construction Design and Operation*;
- 7.3 Distribution System - Improvement of any non-public drinking water system distribution system should meet the requirements of R309-500. *Drinking Water Facility Construction Design and Operation*. Fire protection requirements shall be determined by the local fire authority. A non-public drinking water system operator should submit plans to the Department for approval prior to construction;

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- 7.4 Compliance with Plumbing Code – The operator of a non-public drinking water system shall ensure that any connections to the system are in compliance with the current plumbing code as adopted by applicable local municipality, county, or state code; and
- 7.5 Any non-public drinking water system that may become a public water system due to additional development should have all plans for development of ground water sources or facility construction or improvement reviewed, inspected, and approved by the Utah Department of Environmental Quality - Division of Drinking Water prior to construction to verify that all facilities will meet public water system standards.

8.0 EMERGENCY ORDERS

- 8.1 The Director may issue an order declaring an emergency and require corrective action if the Director finds that a situation threatens public health of non-public drinking water system users. The Department shall notify non-public drinking water system users that an emergency exists. Such notification may be made verbally, in writing, or by posting emergency notification on any buildings served by the system. Any such emergency order shall be effective immediately. Any emergency order shall be removed once the operator can demonstrate that the system meets the requirement of this rule.

9.0 PENALTY

- 9.1 Any Person who is found guilty of violating the provisions of this regulation is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated. A Person found guilty of a subsequent violation within two years is guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated.

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10.0 SEVERABILITY

- 10.1 In the event any court of competent jurisdiction should declare any particular clause or sentence of this regulation invalid or unconstitutional, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

IN WITNESS WHEREOF, the Southwest Utah Public Health Department has passed, approved and adopted this regulation

Effective date: December 9, 2015

Signed: _____

Jim Matson, Commissioner

Board Chairman

Signed: _____

David Blodgett, MD, MPH

Executive Director / Health Officer