

Utah County Health Department

**Health Regulation 16-01**

**Nonpublic Water Systems**

Adopted by the Utah County Board of Health

Date: 03-28-2016

Under Authority of Utah Code 26A-1-121

Utah Code Annotated, 1953, as amended

Regulation #16-01 as amended on November 26, 2018

**1.0 PURPOSE**

1.1 The purpose of this regulation is to ensure that nonpublic water systems are properly constructed to provide a potable water supply to the user(s); to ensure that all private wells and springs are located, constructed, developed and maintained in a manner which does not adversely affect public health and the environment; to regulate the use of nonpublic water systems and private water production wells within the Utah County Health Department's jurisdiction; and to provide standards for abandonment of private wells. In furtherance of the objectives listed above, this regulation is also designed to:

- 1.2 Protect and promote the public health, safety and welfare;
- 1.3 Protect and prevent contamination of the aquifer;
- 1.4 Prevent the spread of disease;
- 1.5 Prevent the creation of nuisances;
- 1.6 Prevent groundwater pollution; and provide standards when approval of a water supply is required.

## 2.0 TITLE AND APPLICABILITY

- 2.1 These standards shall be known as the ~~Approval of~~ "nonpublic water systems" and hereinafter referred to as the "regulation."
- 2.2 This regulation shall govern nonpublic water systems as defined below, and any nonpublic water system not regulated by Utah Administrative Code R309-100.
- 2.3 This regulation establishes definitions, sets administrative requirements, and sets potable water supply and quality requirements.

## 3.0 DEFINITIONS

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

- 3.1 Annular Space: The space between the borehole wall and the outside of a water well casing pipe.
- 3.2 Aquifer: An underground geologic formation that contains and transmits groundwater.
- 3.3 Board of Health: The Utah County Board of Health.
- 3.4 Concentrated Sources of Pollution: Sources that include, but are not limited to septic tanks, drain field systems, drain lines, ordinary sewer lines, garbage dumps, pit privies, pesticide or hazardous waste disposal storage locations, feedlots, and anywhere animals congregate causing an accumulation of waste.
- 3.5 Construction of Well: Acts necessary to construct private wells, including the locating, boring, digging, drilling,

or otherwise excavating of a well hole and the installation of casing with or without well screens and well curbing.

- 3.6 Department: The Utah County Health Department.
- 3.7 Director: The executive director of the Utah County Health Department or authorized representative.
- 3.8 Grout: A fluid mixture of Portland cement or bentonite with water of a consistency that can be forced through a pipe and placed as required. Various additives such as sand, bentonite, and hydrated lime may be included in the mixture to meet different requirements.
- 3.9 Grouted Well: A well with the following construction: 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 30 feet below the surface into an effective geologic seal. The well casing shall extend to an elevation greater than the maximum floodwater elevation, but not less than 18 inches above the surrounding ground. (Casings terminated in underground vaults may be approved on a case-by-case basis.)
- 3.10 Individual Wastewater and Drinking Water Approval: A permit to construct an individual wastewater treatment system with an approved on-site supply of potable water.
- 3.11 Individual Wastewater Disposal Treatment Permit: A permit to construct an onsite wastewater treatment system issued by the Department.
- 3.12 Non-Community Water System (NCWS): A public water system that is not a community water system. There are two types of NCWS's: transient and non-transient.
- 3.13 Non-Transient Non-Community Water System (NTNCWS): A public water system that regularly serves at least 25 of the same

nonresidential persons per day for more than six months per year. Examples of such systems are those serving the same individuals (industrial workers, school children, church members) by means of a separate system.

3.14 Nonpublic Water System: Any potable water system which is not regulated by Utah Administrative Code R309-100.

3.15 Owner: Any person who alone, jointly or severally with others who:

(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, administrator, trustee, or guardian of the estate of the owner.

3.16 Peak Instantaneous Flow Conditions: The sum of peak flows for indoor use, outdoor use, and fire flow requirements in accordance with the State of Utah Rules for Public Drinking Water Systems.

3.17 Perpetual Access: Legal ongoing access to the water source and any component of the water system whether by ownership, permanent easement or legal devise.

3.18 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.

3.19 Pollution: 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.

- 3.20 Pollution Source: A point source discharge of contaminants to groundwater or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include but are not limited to: storage facilities that store the liquid forms of extremely hazardous substances, onsite wastewater systems, Class V underground injection wells, landfills, open dumps, land filling of sludge and septage, and other like sources.
- 3.21 Potable Water: Water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements stated in these rules.
- 3.22 Potential Contamination Source: Any facility, site or use that employs an activity or procedure which may potentially contaminate ground water whether it currently does or not.
- 3.23 Private Water Production Well: A privately owned well constructed to supply water for any purpose which has been approved by the state engineer (such as irrigation, stock water, domestic, commercial, industrial, etc.).
- 3.24 Private Spring: Any spring constructed and developed for a person that is intended as a source of drinking water or water for household culinary use and is not intended for use by a public water system.
- 3.25 Private Well: Any water well constructed for a person that is intended as a source of drinking water or water for

household culinary use and is not intended for use by a public water system.

3.26 Public Water System: A system, either publicly or privately owned, providing water through constructed conveyances for human consumption and other domestic uses, which:

(a) Has at least 15 service connections,

(i) Delivery of drinking water, such as by a single well, to a portion of a platted subdivision or a portion of a contiguous development, either of which is under the same ownership or control, shall be considered a single public drinking water system; and

(ii) A platted subdivision or other contiguous development of 15 or more lots, under the same ownership or control, is considered to have the corresponding number of connections as there are lots; or (b) Serves an average of at least 25 individuals daily at least 60 days out of the year.

(i) A ratio of 3.13 persons per connection shall be used to calculate the individuals served unless, at the time of operation, more accurate information is available. The ratio is based on the statewide average persons per residence in the 2000 census.

(ii) Notwithstanding the threshold for the number of service connections set forth in (a), a drinking water system consisting of at least 8 service connections is considered to serve 25 people, based on the ratio in (b)(i), and consequently is classified as a public drinking water system, unless, at the time of operation, more accurate data can be used.

(iii) The ratio in (b)(i) is only to be used to determine whether, prior to construction or modification, any particular water system is considered to be a public water system.

(c) Includes collection, treatment, storage, or distribution facilities under the control of the operator and used primarily in connection with the system.

All public water systems are further categorized into three different types:

- i. Community (CWS),
- ii. Non-transient non-community (NTNCWS), and
- iii. Transient non-community (TNCWS).

These categories are important with respect to required monitoring and water quality testing found in R309-205 and R309-210 (see also 3.13-14, 3.32).

- 3.27 Recreational Property: Property that is primarily intended for recreational use and is not occupied on a year-round basis.
- 3.28 Restrictive Covenant: An ongoing provision in a deed recorded on the title of the property limiting the use of the property and prohibiting certain uses within a described geographical area.
- 3.29 Satisfactory Bacteriologic Sample: A water sample that tests negative for coliform organisms or other indicator organisms. Samples shall be analyzed by a National Environmental Laboratory Accreditation Program or a Laboratory certified by the Utah Department of Environmental Quality.
- 3.30 Service Connection: The constructed conveyance by which a dwelling, commercial or industrial establishment, or other water user obtains water from the supplier's distribution

system. Multiple dwelling units such as condominiums or apartments, shall be considered to have a single service connection, if fed by a single line, for the purpose of microbiological repeat sampling; but shall be evaluated by the supplier as multiple "equivalent residential connections," as that term is defined in R309-110, for the purpose of source and storage capacities.

- 3.31 Spring: A water source issuing from the ground, fed by precipitation traveling from a higher elevation through natural soil.
- 3.32 Transient Non-Community Water System (TNCWS): A non-community public water system that does not serve 25 of the same nonresident persons per day for more than six months per year. Examples of such systems include RV parks, diners or convenience stores where the permanent nonresident staff number less than 25, but the number of people served exceeds 25.
- 3.33 Ungrouted Well: A well that does not meet the criteria for a grouted well as defined in 3.9.
- 3.34 Water System: All lands, property, rights, rights-of-way, easements and related facilities owned by a single entity, which are deemed necessary or convenient to deliver drinking water from source to the service connection of a consumer(s). This includes all water rights acquired in connection with the system, all means of conserving, controlling and distributing drinking water, including but not limited to: diversion or collection works, springs, wells, treatment plants, pumps, lift stations, service meters, mains, hydrants, reservoirs, tanks and associated appurtenances within the property or easement boundaries under the control of or controlled by the entity owning the system.

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

#### **4.0 AUTHORITY**

- 4.1 It is the responsibility of the Department to provide nonpublic water protection standards for the citizens of Utah County as legislated under Section 26A-1-106 and 26A-1-108 of the Utah Code Annotated, 1953 as amended.
- 4.2 The Board of Health is authorized to make standards and regulations pursuant to subsection 26A-1-121(1) of the Utah Code Annotated, 1953 as amended.
- 4.3 The Board of Health is authorized to establish and collect fees pursuant to Section 26A-1-114 of the Utah Code Annotated, 1953 as amended.
- 4.4 The Department may deny approval if it appears that the operation of the nonpublic water system will not comply with this regulation.

#### **5.0 PROHIBITIONS**

- 5.1 It shall be unlawful to install, construct, or place into use any nonpublic water system without meeting the requirements of this regulation.
- 5.2 It shall be unlawful to expand a building or dwelling or change the use of real property to residential use without meeting the requirements in section 10.2 of this regulation.
- 5.3 It shall be unlawful to use or maintain any nonpublic water system that does not meet the standards set forth in this regulation. Nonpublic water systems shall be maintained in :

good working order. There shall be no activities or conditions allowed which would interfere with the proper operation of a nonpublic water system.

## 6.0 GENERAL POWERS AND DUTIES

The Department, through the Utah County Division of Environmental Health, shall be responsible for the administration of this regulation and any other powers vested in it by law and shall:

- 6.1 Require the submission of reports, plans and specifications for any use of nonpublic water systems as necessary to implement the provisions, requirements, and standards of this regulation.
- 6.2 Charge fees to the owner(s) for all inspections and services necessary for the enforcement of this regulation. Fees shall be paid to the Department prior to the inspection or service. Fees shall be set and adjusted as needed by the Board of Health.
- 6.4 Make inspections of public or private property and issue orders as necessary to affect the purposes of this regulation.
  - (a) Inspections will be conducted and samples will be taken upon request of property representative, and upon payment of applicable fees, if any.
- 6.5 Take samples and make analysis of soils, waters and other materials as necessary to affect the purposes of this regulation.
- 6.6 Review and comment on any proposed contract or agreement between any district, city, county, governmental unit, or person for the use of nonpublic water systems within the jurisdiction of the department.

- 6.7 Perform any and all acts permitted by law that are necessary for the effective enforcement of this regulation.
- 6.8 The Department may, at the Department's discretion, require notification regarding the well drilling and well development process and may request to be present during any phase of the construction

## **7.0 EMERGENCY ORDER**

- 7.1 If the Department finds that an emergency requiring immediate action to protect the public's health, safety, or wellbeing, 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.

## **8.0 APPROVED POTABLE WATER SUPPLY REQUIRED**

- 8.1 No person shall occupy, lease or permit the occupancy of any building or structure within the jurisdiction of the Department, and no individual onsite wastewater permit or drinking water approval shall be issued for a property:
- (a) Unless the building will connect to a public water system that has an "Approved" or "Corrective Action" rating by the Utah Department of Environmental Quality (DEQ). Documentation must be provided by the public water system stating that they have the capacity to provide water at all times, that the water system is

in operation, and that the water system agrees to provide the connection.

OR

(b) Unless the building or structure is properly equipped with a nonpublic water system in compliance with this regulation.

8.2 Proposed subdivisions shall have an adequate and safe water supply throughout the subdivision.

(a) When a public water system is available and is reasonable to connect to, the sub-divider shall provide the piped, public water supply to the property line of every lot in any subdivision. The water system shall meet all applicable state and local laws.

(b) When a public water system is not available, the source of potable water may be considered acceptable only upon proof of adequate water rights, availability, perpetual access, quantity, and flow as determined by the applicable planning agency. Verification from the applicable planning agency shall be submitted to the Department for the subdivision feasibility.

(c) The water quality of a minimum of one nonpublic water source within the proposed subdivision must meet the Safe Drinking Water Standards as outlined in this regulation; or

(d) The water quality of a well within 500 feet of the proposed subdivision must meet the Safe Drinking Water Standards as outlined in this regulation, verification from an individual licensed and bonded in the State of Utah in the field of groundwater hydrology, geohydrology, hydrogeology, or a qualified engineer must be submitted to the Department definitively

stating they have done sufficient studies to prove that all lots within the subdivision have the ability to use the same aquifer as the sampled well. Water quality shall be proven by samples taken by the Department or a third party approved by the Department, and have a complete chemical analysis performed by a laboratory certified by the National Environmental Laboratory Accreditation Program or by DEQ and approved by the Department.

8.3 Proposed subdivisions with source water that exceeds the maximum contaminant levels outlined in this regulation shall:

- (a) For each proposed lot within the subdivision, have a water source in place that meets the Safe Drinking Water Standards as outlined in this regulation; or
- (b) For any water source not meeting the Safe Drinking Water Standards as outlined in this regulation, verification from an individual licensed and bonded in the State of Utah in the field of groundwater hydrology, geohydrology, hydrogeology, or a qualified engineer must be submitted to the Department definitively stating they have done sufficient studies to prove that all lots within the subdivision have the ability to use the same aquifer as the sampled well. A report must indicate compliance with 11.0 of this Regulation.

## **9.0 PLANS FOR NONPUBLIC SYSTEMS**

9.1 The applicant shall provide the Department with the location of the nonpublic water source, showing that the location meets the requirement of this regulation.

- 9.2 Where a nonpublic water system is proposed as a water supply, a well drillers log, as issued by the Division of Water Rights, shall be provided to the Department. The source of potable water may be considered acceptable only upon proof of adequate water rights, availability, perpetual access, quantity, and flow as determined by the applicable planning agency. Verification from the applicable planning agency shall be submitted to the Department prior to an onsite wastewater system permit being issued.
- 9.3 Plans showing the existence of any potential contamination sources within the source protection zone for the well or spring as specified in 3.22, 12.9, and 13.2 of this regulation, must be submitted to the Department.
- 9.4 Plans and specifications for development and construction of new nonpublic water systems and existing nonpublic water systems shall comply with all applicable Division of Water Rights rules.
- 9.5 The construction of nonpublic water systems shall be in accordance with the current plumbing code as adopted by the State of Utah and/or the local jurisdiction.
- 9.6 Each homeowner is responsible to ensure nonpublic water quality standards are met, unless otherwise specified in this regulation.

## **10.0 QUALITY REQUIREMENTS FOR NONPUBLIC WATER SYSTEMS**

- 10.1 Source water shall comply with all primary drinking water standards as set forth by the United States Environmental Protection Agency (EPA) in order to meet the requirements for a nonpublic water system. At minimum, all potential contaminants listed in Table 1 shall be tested.

10.2 The following information shall be provided to the Department:

(a) An initial analysis of the water that meets the following requirements as specified in Table 1. These sample results are typically considered valid for a period of 3 years. An extension may be granted by the Department on a case-by-case basis as requested in writing by applicant.

TABLE 1		
INORGANIC ***	MAXIMUM CONTAMINANT LIMIT	UNITS
Fluoride	4	mg/L
Nitrate	10	mg/L
Nitrite	1	mg/L
Sulfate*	1000	mg/L
Total Dissolved Solids (TDS)**	2000	mg/L
Turbidity	5	NTU
METALS ***		
Arsenic	0.01	mg/L
Barium	2	mg/L
Cadmium	0.005	mg/L
Chromium	0.1	mg/L
Lead	0.015	mg/L
Mercury	0.002	mg/L
Selenium	0019	mg/L
Silver	0.1	mg/L
THALLIUM	0.0002	mg/L

MICROBIOLOGY ****		
Chlorine Residual	Absent	mg/L
Coliform	Absent	Org/100 mL
E. Coli	Absent	Org/100 mL

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

\*\* If TDS is greater than 1000mg/L, the supplier shall satisfactorily demonstrate that no better water is available.

\*\*\* Must comply with section 11.0 if any Maximum Contaminant Level is exceeded in order to have source water approval from the department.

\*\*\*\* Source water microbiology levels must meet standards set in Table 1. Section 11 does not apply to these contaminants.

(b) Samples shall be collected by the Department, or a third party approved by the Department for analysis after the water source has been continuously pumped for an appropriate amount of time as determined by the owner and has no residual chlorine present. (Analysis shall be performed by a laboratory certified by the National Environmental Laboratory Accreditation Program or the Utah Department of Environmental Quality and approved by the Department. All associated fees shall be the sole responsibility of the owner(s) requesting the service.

#### 11.0 EXCEEDING THE MAXIMUM CONTAMINANT LIMIT

A nonpublic water system exceeding the quality requirements in section 10.0 shall be considered acceptable if all of the applicable requirements listed below are met:

11.1 A filtration/treatment system, designed and stamped by a professional engineer licensed in the State of Utah, is or will be installed. The engineering of the

filtration/treatment system must provide proof that it is capable of producing water that meets the EPA's primary drinking water standards. The filtration/treatment system must be designed in a fashion that all water entering the home will pass through the filtration/treatment system.

- 11.2 The owner agrees to submit proof that the water meets the standards of this regulation to the Department after the filtration/treatment system is functional. Proof shall conform to the requirements for sampling and testing as contained in this regulation. This sampling requirement only applies to the contaminants that failed to meet the water quality standards in this regulation. Water quality standards shall be met prior to a signature of the pre-final approval form or equivalent.
- 11.3 The owner agrees to enter into a maintenance agreement for a minimum of three years with a maintenance company that complies with the manufacturers' recommended maintenance schedule.
- 11.4 The owner records notice on the property title and a note on the effected lot within the plat and/or buildable parcel showing that the drinking water does not meet primary drinking water standards derived from the EPA and requires a functional filtration/treatment system to meet safe drinking water standards.
- 11.5 If drinking water for a business is supplied by a nonpublic drinking water source, the owner must agree to annual sampling of the drinking water system. The sample results must indicate that water quality standards as stated in this regulation are being met. Sampling will be performed at the owner's expense and in compliance with the sampling and testing standards of this regulation. Complete records of all maintenance and sampling related to the

filtration/treatment system shall be made available to the Department upon request.

- 11.6 An onsite wastewater system or a separate subsurface discharge that does not present a risk to public health must be designed to accommodate the water demands of the filtration/treatment system. The type of discharge must be specified by the engineer designing the filtration/treatment system.

## **12.0 WELL CONSTRUCTION STANDARDS FOR NONPUBLIC WATER SYSTEMS**

If properly developed, water from wells may be suitable for potable use without prior treatment. A determination as to whether treatment may be required can only be made after the source has been developed and evaluated. Construction and development requirements for nonpublic water systems shall be as follows:

- 12.1 The well shall be developed by a certified well driller and drilling procedures shall meet the requirements of the Utah State Division of Water Rights.
- 12.2 Wells shall be grouted to a minimum of 30 feet in depth or pass through an effective geologic seal between the ground surface and the water bearing aquifer.
- 12.3 Well casing material and thickness shall meet the requirements of the State of Utah, Water Well Administrative Rules for Water Well Drillers, R655-4.
- 12.4 Water not meeting the requirements of the Utah Division of Drinking Water shall not be introduced into a well during the drilling operation.
- 12.5 The well casing shall extend to an elevation greater than the 25-year floodwater elevation, but not less than 18 inches above the surrounding ground.

12.6 After drilling is completed, the well shall be pumped free of all sediments 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 Department.

12.7 A sealed cover shall be installed at the upper terminal of the casing that will prevent the entrance of contamination.

12.8 All new wells must be a minimum of 95 feet from any property line.

(a) If a grouted well cannot meet the 95 feet of separation to property lines the owner/developer shall obtain a restrictive covenant that would restrict a pollution source from being placed within 100 feet of the well. Public roads and easements shall be exempt from requiring restrictive covenant.

(b) If the well is not properly grouted, the owner/developer must protect the well for a minimum distance of 200 feet with a restrictive covenant that would restrict pollution sources. Public roads and easements shall be exempt from requiring restrictive covenant. Retroactively grouting a well properly may be a sufficient method of reducing the separation distance to pollution sources.

12.9 All potential contamination sources shall remain 100 feet from any properly grouted well and 200 feet from wells that are not properly grouted.

### **13.0 SPRING CONSTRUCTION AND DEVELOPMENT STANDARDS FOR NONPUBLIC WATER SYSTEMS**

Springs vary greatly in their characteristics and they should be observed for a period of time commensurate with the size and flow of the spring prior to development to determine any flow and quality variations.

13.1 The spring collection device, whether it be collection tile, perforated pipe, imported gravel, infiltration box or tunnels must be covered with a minimum of ten feet of impervious soil cover. Such cover shall extend a minimum of 15 feet in all directions horizontally from the spring collection device;

(a) When it is not possible to achieve the ten feet of impervious soil cover, an acceptable alternative will be the use of an impermeable liner that is acceptable for contact with potable water. There shall be a minimum of two feet of soil cover above the liner.

(b) All junction boxes or collection boxes shall comply with the State of Utah Rules for Public Drinking Water Systems for access manholes, air vents, and overflow piping. 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. Access to the spring collection box shall be locked.

(c) The spring collection area shall be surrounded by a fence located a distance of at least 50 feet uphill from all collection devices on land at an elevation equal to or higher than the collection device, and a distance of at least 15 feet downhill from all collection devices on land at an elevation lower than the collection device. The elevation datum to be used is the surface elevation at the point of collection. The fence shall be at least stock tight. Within the fenced area, all vegetation that has a deep root system shall be removed. In remote areas where no grazing or public access is possible, the fencing requirement may be waived by the department, but vegetation that has a deep root system shall still be removed from the immediate area of the spring collection device(s).

(d) A diversion channel capable of diverting all anticipated surface water runoff away from the spring area must be constructed and should be located immediately inside the fenced 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. Where ponding of spring water is unavoidable, the excess shall be collected by shallow piping or land drain and routed beyond the immediate collection area.

13.2 To ensure that a nonpublic spring source is protected from concentrated sources of chemical or biological pollution, all land at elevations equal to or higher than and within 200 feet horizontally in all directions from the spring source shall be protected. All land at an elevation lower

than and within 100 feet horizontal to the spring sources shall be protected.

(a) The nonpublic water system owner(s) shall own the land for the spring and spring protection zone. Owner(s) must also agree not to locate or allow concentrated sources of pollution within it.

(b) The owner shall record notice of such restriction(s) on the title of the property.

(c) The nonpublic water system owner(s) shall be responsible for the monitoring and enforcement of the protection zone.

#### 14.0 VIOLATION

Any person who is found guilty of violating any of the provisions of these regulations may be subject to the provisions of this section.

14.1 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).

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

14.3 Any person, association, corporation, or the officers of the association or corporation who violates any provision of this section is:

(a) on the first violation, guilty of a class B misdemeanor;

(b) on a subsequent similar violation within two years, guilty of a class A misdemeanor; and

(c) liable for any expense incurred in removing or abating any nuisance, source of filth, causes of sickness, dead animal, health hazard, or sanitation violation.

14.4 Each violation of these regulations may constitute grounds to deny further permitting for the location in question by the Department.

#### **15.0 EXISTING NONPUBLIC WATER SOURCES**

Any nonpublic water systems existing prior to April 12, 2016 are excluded from this regulation, provided that the source water meets the requirements of 9.2 and 10.0 of this regulation. If 10.0 cannot be met, the applicant will be subject to 11.0.

#### **16.0 CONFLICT**

In any case where a provision of this regulation is found to be in conflict with a provision of any ordinance or local law, or with a provision of any statute, rule, or order of the State of Utah, the provision which established the higher standard for the promotion of the health, welfare, and safety of the citizens of Utah County shall prevail. In any case where a provision of this regulation is found to be in conflict with a provision of any other ordinance or local law existing on the effective date of this local law, or with a provision of any statute, rule, or order of the State of Utah, which established a lower standard for the promotion of the health, welfare, and safety of the citizens of the municipality, the provisions of this local law shall be deemed to prevail.

#### **17. SEVERABILITY**

If any provision, clause, sentence, or paragraph of this regulation 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 this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application and to this end the provisions of this regulation are hereby declared to be severable.

**18. 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. This regulation shall become effective 15 days after their enactment by the Board of Health

**THIS AMENDMENT ADOPTED BY UTAH COUNTY BOARD OF HEALTH, this 26th day of November 2018.**

Signed:  \_\_\_\_\_

Title: Chairman, Utah County Board of Health