

R309. Environmental Quality, Drinking Water.

R309-305. Cross Connection Control and Backflow Prevention Certification.

R309-305-1. Purpose.

The purpose of this rule is to:

- (1) adopt standards for the training, examination, and certification of persons engaged in:
 - (a) administration of cross connection control programs for public water systems;
 - (b) repair and testing of backflow prevention assemblies at public water systems; and
 - (c) instruction or examination monitoring for backflow assembly tester certification.
- (2) establish certification fee requirements; and
- (3) establish the Cross Connection Control Commission and its responsibilities.

R309-305-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104(4)(a) of the Utah Code and in accordance with 63G-3 of the same, known as the Administrative Rulemaking Act.

R309-305-3. Definitions.

- (1) Definitions for certain terms used in this rule are given in R309-110.
- (2) In addition to terms defined in R309-110:
 - (a) "Accredited Agency" means a third-party organization approved by the Cross Connection Control Commission to provide written and performance examinations for Backflow Assembly Tester certification;
 - (b) "Backflow Assembly Tester" means a person certified under this rule to conduct testing of backflow prevention assemblies;
 - (c) "Backflow Proctor/Trainer" means a person qualified to instruct cross connection control certification courses and to act as a proctor or exam monitor for cross connection control certification examinations;
 - (d) "Cross Connection Control Program Administrator" means a person certified under this rule to administer a cross connection control program for a public drinking water system;
 - (e) "Performance examination" means a closed-book, hands-on demonstration of an applicant's ability to conduct an accurate field test of backflow assemblies; and
 - (f) "Written examination" means a closed-book examination for record to determine the competency and ability of an applicant to understand the requirements.

R309-305-4. Cross Connection Control Commission.

- (1) Cross Connection Control Commission Organization and Members.
 - (a) The Director may establish a Cross Connection Control Commission.
 - (b) The Commission shall consist of seven members representing the following sectors:
 - (i) One member who represents community water systems.
 - (ii) One member who represents the plumbing trade and is a licensed Journeyman Plumber.
 - (iii) One member who represents the mechanical trade contractors.
 - (iv) One member who represents the non-union plumbing and mechanical contractors and plumbers.
 - (v) One member who represents small public water systems.
 - (vi) One member who represents Backflow Assembly Testers and Cross Connection Control Program Administrators and is certified as either:
 - (vii) One member who represents plumbing inspection officials and is a licensed plumbing inspector.
 - (c) Commission members shall be appointed by the Director. The Director may consider or accept nominations made by entities representing specific sectors.
 - (2) Cross Connection Control Commission Responsibilities. The Cross Connection Control Commission may:
 - (a) advise the Director concerning the training, examination, and certification of persons engaged in cross connection control and backflow prevention for public water systems;
 - (b) review findings and recommend to the Director suspension or revocation of certificates; and
 - (c) review and accept certification training courses.
 - (3) Cross Connection Control Commission Operations.
 - (a) Each appointed Commission member shall serve a two-year term.
 - (b) The Commission shall annually elect, at a minimum, a chairperson and a vice chairperson to conduct the business of the Commission.
 - (c) The Commission shall meet at least twice a year.
 - (d) Four members shall be present to constitute a quorum to conduct the Commission's business.
 - (e) A vote by a majority of the members present shall be required for the Commission to take an action.

R309-305-5. Secretary to the Cross Connection Control Commission.

- (1) The Director shall appoint a Secretary to the Commission.
- (2) The Secretary's responsibilities may include:

- (a) coordinating the Commission's business;
- (b) bringing pertinent issues before the Commission;
- (c) being a liaison between the Commission and persons certified under this rule, public water systems, and the public;
- (d) maintaining records to implement and enforce the requirements of this rule;
- (e) coordinating nominations to the Commission;
- (f) coordinating and reviewing public water system cross connection control programs and training and certifications in the cross connection control and backflow prevention program;
- (g) processing applications for certification and renewals;
- (h) investigating and verifying all complaints against or concerning certified Backflow Assembly Testers, Cross Connection Control Program Administrators, and Backflow Proctor/Trainers, and inform the Director regarding any enforcement actions that are being recommended by the Commission;
- (i) administering examinations; and
- (j) making recommendations to the Director regarding cross connection control certifications.

R309-305-6. Cross Connection Control and Backflow Prevention Certifications.

- (1) Two types of certification may be obtained by persons engaged in cross connection control or backflow prevention for public water systems:
 - (a) Cross Connection Control Program Administrator; and
 - (b) Backflow Assembly Tester.
- (2) To obtain either of the above certifications, a person must comply with the training and examination requirements specified in the following sections.

R309-305-7. Cross Connection Control Program Administrator Certification.

- (1) Application for a Certificate.
 - (a) To obtain a Program Administrator Certificate, a person shall:
 - (i) complete a certification course of at least 18 hours, including examination time, approved by the Cross Connection Control Commission;
 - (ii) pass a written examination accepted by the Cross Connection Control Commission by correctly answering 70% or more of the questions;
 - (iii) submit a complete application to the Director; and
 - (iv) pay the required fee.
 - (b) A Program Administrator Certificate issued by the Director is valid for one year from the date of issuance.
 - (c) A Program Administrator Certificate may be renewed annually by meeting the renewal requirements below.
- (2) Certificate Renewal.
 - (a) A Program Administrator Certificate may be renewed:
 - (i) for a period of one year; and
 - (ii) an unlimited number of times.
 - (b) To renew a certificate, a person shall:
 - (i) complete a minimum of 0.6 Continuing Education Units (CEU's) annually;
 - (ii) submit evidence of CEU's completed to the Commission Secretary; and
 - (iii) pay the required fee.
 - (c) Continuing Education Units shall:
 - (i) be specific to cross connection control or backflow prevention; and
 - (ii) be approved by the Commission Secretary.
- (3) Certificate Expiration. A Program Administrator Certificate expires if a person fails to fulfill the requirements to maintain the certification.
- (4) Program Administrator Responsibilities.
 - (a) A person with a valid Program Administrator Certificate may perform the following specifically regarding cross connection control and backflow prevention:
 - (i) review plans and designs for compliance;
 - (ii) investigate and assess hazards;
 - (iii) inspect facilities for compliance;
 - (iv) enforce local laws, codes, rules, and policies; and
 - (v) provide technical assistance.
 - (b) A Program Administrator may test a backflow assembly only for the purpose of assuring that proper testing techniques are being used within a water system's jurisdiction.
- (5) Program Administrator Certificate Restrictions.

A person with a valid Program Administrator Certificate may not perform the following specifically regarding a backflow prevention assembly:

 - (a) test, maintain, or repair the assembly for the purpose of legally documenting the operational status of the assembly; or
 - (b) perform a test for record demonstrating compliance of the assembly with required standards.

R309-305-8. Backflow Assembly Tester Certification.

- (1) Application for a Certificate.
 - (a) To obtain a Backflow Assembly Tester Certificate, a person shall:
 - (i) complete a certification course accepted by the Cross Connection Control Commission;
 - (ii) pass a written examination offered by an Accredited Agency accepted by the Cross Connection Control Commission;
 - (iii) successfully demonstrate competence and ability in a performance examination offered by an Accredited Agency accepted by the Cross Connection Control Commission for the testing of:
 - (A) a pressure vacuum breaker assembly,
 - (B) a spill resistant pressure vacuum breaker assembly,
 - (C) a double check valve assembly, and
 - (D) a reduced pressure principal backflow prevention assembly;
 - (iv) submit a complete application, including a valid certificate issued by an Accredited Agency accepted by the Cross Connection Control Commission, to the Commission Secretary; and
 - (v) pay the required fee.
 - (b) A Backflow Assembly Tester Certificate issued by the Director is valid for three years from the date of issuance.
 - (c) A Backflow Assembly Tester Certificate may be renewed by meeting the renewal requirements below.
 - (2) Certificate Renewal.
 - (a) A Backflow Assembly Tester Certificate may be renewed:
 - (i) for a period of three years; and
 - (ii) an unlimited number of times.
 - (b) To renew a certificate, a person shall:
 - (i) complete the written and performance examination requirements of R309-305-8(1)(a)(ii) and (iii);
 - (ii) submit a renewal application; and
 - (iii) pay the required fee.
 - (3) Certificate Expiration.
 - (a) A Backflow Assembly Tester Certificate expires if a person fails to complete the certificate renewal requirements of R309-305-8(2).
 - (b) A Backflow Assembly Tester with an expired certificate may not test, maintain, or repair a backflow assembly for the purpose of legally documenting the operational status of the assembly.
 - (4) Backflow Assembly Tester Obligations. A person with a valid Backflow Assembly Tester Certificate shall:
 - (a) notify the Division of Drinking Water, local health department, and the appropriate public water system of any backflow incident as soon as possible and within eight hours of discovery;
 - (b) notify the appropriate public water system of a failing backflow prevention assembly within five days;
 - (c) ensure that acceptable and approved procedures are used for testing, repairing, and maintaining a backflow prevention assembly;
 - (d) report backflow prevention assembly test results to the appropriate public water system within 30 days;
 - (e) include, on the test report form, any materials or replacement parts used to repair or to perform maintenance on a backflow prevention assembly;
 - (f) ensure that the quality of a replacement part is equal to or greater than the quality of the part originally supplied within the backflow prevention assembly and is supplied only by the assembly manufacturer or its agent;
 - (g) perform each test and be responsible for the competency and accuracy of all testing and reporting;
 - (h) ensure that Backflow Assembly Tester certification is current;
 - (i) be equipped with and competent in the use of all tools, gauges, and equipment necessary to properly test, repair, and maintain a backflow prevention assembly; and
 - (j) be responsible for any additional licensure.
 - (5) Backflow Assembly Tester Restrictions.

A person with a valid Backflow Assembly Tester Certificate may not change the design, material, or operational characteristics of the assembly during any repair or maintenance.

R309-305-9. Proctor/Trainer for Backflow Assembly Tester Qualifications.

A proctor or trainer for Backflow Assembly Tester Certification shall maintain a current proctor certificate issued by an Accredited Agency accepted by the Cross Connection Control Commission.

R309-305-10. Certification Suspension and Revocation.

- (1) A certificate may be suspended or revoked for unacceptable or unprofessional conduct, including:
 - (a) acting in disregard for public health or safety;
 - (b) engaging in activities beyond the scope of certification;
 - (c) misinterpreting or falsifying figures or reports concerning backflow prevention assembly or test results;
 - (d) failing to notify proper authorities of a known backflow incident, as required by R309-305-8(4)(a);
 - (e) failing to notify proper authorities of a failed backflow prevention assembly within five days, as required by R309-305-8(4)(b);
 - (f) installing or repairing a backflow prevention assembly that is not certified; or

- (g) implementing a change in the design, material, or operational characteristics of a certified backflow prevention assembly thereby invalidating the backflow assembly certification.
- (2) The Commission Secretary shall investigate unprofessional or unacceptable conduct.
- (3) The Commission shall evaluate the investigation findings and make a recommendation to the Director regarding certification suspension or revocation.
- (4) The Commission Secretary shall notify a person in writing of the Commission's recommendation if certification is being considered for suspension or revocation.
- (5) The Director may suspend or revoke a certificate based on the Commission's recommendation.

R309-305-11. Certification Fees.

- (1) Certification fees shall be:
 - (a) paid by the applicant to the Division of Drinking Water prior to issuance or renewal of a certificate according to the Department of Environmental Quality fee schedule; and
 - (b) used for administering the Cross Connection Control and Backflow Prevention Certification program.
- (2) Certification fees are non-refundable.

KEY: drinking water, cross connection control, backflow assembly tester

Date of Enactment or Last Substantive Amendment: January 1, 2019

Notice of Continuation: March 12, 2020

Authorizing, and Implemented or Interpreted Law: 19-4-104(4)(a); 63G-3