

UNITED WATER IDAHO INC.

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To: Paula Wilson, Idaho Department of Environmental Quality
From: United Water Idaho
Subject: Proposed Drinking Water Rule Change
Date: January 13, 2012

Dear Ms. Wilson:

United Water Idaho appreciates this opportunity to offer input on proposed Idaho State Drinking Water Rules currently under consideration. Specifically, we are commenting on provisions 552.06 (c) and (d), concerning backflow prevention devices that fail annual inspections.

As the largest water provider in the State of Idaho, United Water Idaho has nearly 84,000 connections in its system. Protecting public health and safety by promoting annual backflow prevention device testing is a high priority for our company.

We are concerned about the proposed rule changes as presented. In concept, we are in agreement with the intent of the rule change. It is appropriate to limit the time that a backflow device that has failed an inspection is allowed to remain in service. However, the changes as outlined in the proposed rule are, in our opinion, unrealistic and will cause a burden to our company and other domestic water providers.

As proposed, a backflow device that fails its annual inspection must be repaired within 48 hours. We feel this is an unacceptable amount of time. The reality is, that in Southern Idaho, it is often difficult to rapidly obtain parts to repair a defective backflow assembly. Once a part (or parts) is found, it would be an undue cost to the backflow tester or the consumer to have the parts sent via overnight delivery to comply with the 48-hour requirement.

We also believe that the 48-hour requirement could create enforcement problems. As a private utility regulated by the Idaho Public Utilities Commission, we have specific rules and regulations governing our operations, including terms under which we can discontinue water service to a customer. Our current tariff does allow for termination of service without prior notice if “a situation exists that is immediately dangerous to life, physical safety or property,” and to “prevent a violation of federal, state, or local safety or health codes.”

The tariff also states that “failure to properly install, maintain or test the required device will result in termination of service to the customer in accordance with the IPUC’s Customer Relations Rules and Regulations.” The IPUC does not indicate whether that termination would be with or without prior notice. Proper notification to a customer would take greater than the 48 hours proposed in the rule changes. To the extent that there may be an inconsistency between DEQ and IPUC rules, an amendment to our tariff may be necessary to fully comply with this proposed rule change.

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We suggest modifying the proposed rule to allow any backflow device that fails inspection to remain in service for up to five business days from receipt of the failed test report by the water provider. We feel that would provide sufficient time for all parties involved to be in compliance with the new rule.

Thank you for the opportunity to comment on the proposed rule. If you have any questions about these comments, please contact Bill Thompson, Cross-Connection Specialist, at 362-7383.