

RULES AND REGULATIONS

PERTAINING TO

PUBLIC DRINKING WATER

(R46-13-DWQ)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

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INTRODUCTION

These amended *Rules and Regulations Pertaining To Public Drinking Water (R46-13-DWQ)* are promulgated pursuant to the authority conferred under section 46-13-18 of the General Laws of Rhode Island, as amended, for the purpose of adopting standards compatible with the 1986 standards of the United States Environmental Protection Agency.

Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, the following were given consideration in arriving at the amended regulations: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact placed on small business as defined in Chapter 42-35 of the General Laws which would result from the regulations. No alternative approach, duplication or overlap, was identified based on available information. The health, safety and welfare of the citizens of this state overrides any economic impact which may result from these amended regulations. Consequently, these rules are adequate in the best interest of the health and safety of the public.

These regulations shall supersede all previous *Rules and Regulations Pertaining to Public Drinking Water* promulgated by the Department of Health and filed with the Secretary of State.

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Section 1.0 **DEFINITIONS**

Wherever used in these rules and regulations the following terms shall be construed as follows:

- 1.1 **"Act"** means Chapter 46-13 of the General Laws of Rhode Island.

"Action level" is the concentration of lead or copper in water specified in section 6.80(c) which determines, in some cases, the treatment requirements contained in section 6 of these regulations that a water system is required to complete.
- 1.2 **"Administrative penalty" - "Penalty"** shall mean a monetary sum assessed by the Director pursuant to these regulations in response to a violation of, or a failure to comply with, 46-13 or any rule, regulation, license, permit or order adopted pursuant to the Director's authority thereunder.
- 1.3 **"Best available technology"** - means the best technology, treatment techniques, or other means which the EPA Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available for a specific contaminant or category of contaminants.
- 1.4 **"Certified laboratory"** means an analytical laboratory licensed by the RI Department of Health under Chapter 16.2 "Laboratories", to perform biological, microbiological, chemical or radiochemical examination of potable water or a laboratory exempt from this law as provided for in 23-16.2-3 but which shall be certified by the State Certification official in accordance with 40 CFR 1422.10b.
- 1.5 **"Change of use"** means a different or expanded activity at an existing public water system which significantly uses more or less water, or changes the duration of consumption between transient and non-transient, than previously approved through application or documented historical use.
- 1.6 **"Coagulation"** means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.
- 1.7 **"Community water system"** - public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- 1.8 **"Compliance cycle"** means the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three-year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011 and ends December 31, 2019.
- 1.9 **"Compliance period"** means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998; the third from January 1, 1999 to December 31, 2001.

1.10 **"Comprehensive performance evaluation (CPE)"** is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purposes of compliance with section 5.0 (f) of these regulations, the comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

1.11 **"Confluent growth"** means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

1.12 **"Connection"** means the water service line connecting a structure to the water distribution line. In the absence of data on the number of service connections, the population served divided by 2.5 shall be used as the default value.

a) The following are excluded from the "connection" component of the public water system definition:

A connection to a system that delivers water through constructed conveyances other than pipes is excluded from consideration as a "connection" under three (3) circumstances:

- (1) Where the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);
- (2) Where the Director determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations is provided for drinking and cooking;
- (3) Where the Director determines that the water provided for drinking, cooking, and bathing is treated (centrally or by point of entry) by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

If the application of one or more of these exclusions reduces the "connections" of a system providing water for human consumption (through construction conveyances other than pipes) to fewer than fifteen (15) service connections that serve fewer than twenty-five (25) individuals, the supplier's water system is not a public water system.

However, if the supplier's remaining connections number fifteen (15) or more, or if its remaining connections [even if they number fewer than fifteen (15)] regularly serve at least twenty-five individuals, then the system is a public water system although the excluded connections are not considered part of the public water system for as long as the exclusions apply and the system complies with any conditions governing their applicability.

- b) An irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential or similar use shall not be considered to be a public water system if the system or the residential or similar users of the system comply with subsections (a)(2) and (3) of this definition.
- 1.13 **"Conventional filtration treatment"** means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.
- 1.14 **"Corrosion inhibitor"** means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.
- 1.15 **"CT" or "CTcalc"** is the product of "residual disinfectant concentration" C in mg/L determined before or at the first customer, and the corresponding disinfectant contact time" (T) in minutes, i.e., "C" x "T". "CT99.9" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT99.9 for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1, and 3.1 of Section 5.6. CTcalc/CT99.9 is the inactivation ratio. The sum of the inactivation ratios, or total inactivation ratio shown as the sum of (CTcalc) /(CT99.9) is calculated by adding together the inactivation ratio for each disinfection sequence. A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.
- 1.16 **"Diatomaceous earth filtration"** means a process resulting in substantial particulate removal in which (1) a precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and (2) while the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.
- 1.17 **"Direct filtration"** means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.
- 1.18 **"Director"** means the Director of the Rhode Island Department of Health or his duly authorized agent.
- 1.19 **"Disinfectant contact time"** ("T" in CT calculations) means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration ("C") is measured. Disinfectant contact time in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe. Disinfectant contact time within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.
- 1.20 **"Disinfection"** means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.
- 1.21 **"Disinfection profile"** is a summary of daily *Giardia lamblia* inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in section 5.

- 1.22 **"Domestic or other non-distribution system plumbing problem"** means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.
- 1.23 **"Dose equivalent"** - The absorbed dose from ionizing radiation expressed in terms of Rads multiplied by such a factor as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).
- 1.24 **"Effective corrosion inhibitor residual"** for the purpose of section 6, means a concentration sufficient to form a passivating film on the interior walls of a pipe.
- 1.25 **"Filter profile"** is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.
- 1.26 **"Enhanced coagulation"** means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.
- 1.27 **"Enhanced softening"** means the improved removal of disinfection byproduct precursors by precipitative softening.
- 1.28 **"Filtration"** means a process for removing particulate matter from water by passage through porous media.
- 1.29 **"First draw sample"** means a one-liter sample of tap water, collected in accordance with section 6.86(b) (2), that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.
- 1.30 **"Flocculation"** means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.
- 1.31 **"GAC10"** means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.
- 1.32 **"Gross alpha particle activity"** - The total radioactivity due to alpha particle emission as determined from measurements on a dry sample.
- 1.33 **"Gross beta particle activity"** - The total radioactivity due to beta particle emission as determined from measurements on a dry sample.
- 1.34 **"Ground water under the direct influence of surface water"** means any water beneath the surface of the ground with (1) significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*, or *Cryptosporidium* or (2) significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH

which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the director. The director's determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation.

- 1.35 **"Haloacetic acids (five) (HAA5)"** mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.
- 1.36 **"Initial compliance period"** means the first full three-year compliance period which begins at least 18 months after promulgation, except for dichloromethane, 1,2,4 trichlorobenzene, 1,1,2-trichloroethane, benzo[a]pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorbenzene, hexachlorocyclopentadiene, oxamyl(Vydate), picloram, simazine, 2,3,7,8-TCDD (Dioxin), antimony, beryllium, cyanide, nickle, and thallium, initial compliance period means January 1993-December 1995 for systems with 150 or more service connections and January 1996-December 1998 for systems having fewer than 150 service connections.
- 1.37 **"Large water system"**, for the purpose of section 6, means a water system that serves more than 50,000 persons.
- 1.38 **"Lead service line"** means a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.
- 1.39 **"Legionella"** means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.
- 1.40 **"License"** means approval as specified in Section 46-13-2.1 of the General Laws of Rhode Island, 1956 as amended.
- 1.41 **"Manmade beta particle and photon emitters"** - All radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium - 232, uranium - 235, and uranium - 238.
- 1.42 **"Maximum contaminant level"** means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.
- 1.43 **"Maximum residual disinfectant level (MRDL)"** means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a PWS is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a PWS is in compliance with the MRDL when daily samples are taken at the entrance to the distribution

system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels under Section 1412 of the Safe Drinking Water Act. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in section 7.2 (a) herein, operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections.

- 1.44 **"Maximum residual disinfectant level goal (MRDLG)"** means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are non-enforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.
- 1.45 **"Medium-size water system"** for the purpose of section 6 only, means a water system that serves greater than 3,300 and less than or equal to 50,000 persons.
- 1.46 **"Near the first service connection"** means at one of the 20 percent of all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system.
- 1.47 **"Non-community water system"** - A public water system that is not a community water system.
- 1.48 **"Noncompliance" - "Nonconformance" - "Failure to comply" - "Violation"** - each mean any act or failure to act which constitutes or results in or from:
- (i) engaging in any activity prohibited by, or not in compliance with the Act or any rule, regulation, permit, approval or order adopted pursuant to the Director's authority thereunder;
 - (ii) engaging in any business or other activity without a necessary permit, or approval that is required by law or regulation;
 - (iii) the failure to perform, or the failure to perform in a timely fashion, anything required by the Act, by a rule, regulation, permit, approval or order adopted pursuant to the Director's authority.
- 1.49 **"Non-transient non-community water system"** - A non-community water system that regularly services at least twenty-five (25) of the same persons over six (6) months per year.
- 1.50 **"Optimal corrosion control treatment"** for the purpose of section 6, means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while insuring that the treatment does not cause the water system to violate any other regulations herein (*Rules and Regulations Pertaining to Public Drinking Water*).

- 1.51 **"Order"** means the whole or a part of a final disposition by the Department, whether affirmative, negative, injunctive, consent or declaratory in form, other than rulemaking but including notices of violation, compliance orders, permits, and approvals issued pursuant to the Director's authority.
- 1.52 **"Permit"** means an authorization, or equivalent control document issued by the Department to implement the requirements of 46-13.
- 1.53 **"Person"** - shall include an individual, partnership, association, or corporation, or any town or city or any agency thereof, or the state or any agency thereof, or any other legal entity.
- 1.54 **"Picrocurie (pCi)"** - A unit of radioactivity equal to 2.22 nuclear transformations per minute.
- 1.55 **"Point of disinfectant application"** is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.
- 1.56 **"Point-of-entry treatment device (POE)"** - means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.
- 1.57 **"Point-of-use treatment device (POU)"** - A treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water.
- 1.58 **"Public water system"** means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes:
- (i) any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and
 - (ii) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.
- 1.59 **"Rad"** - A unit of absorbed dose equal to 100 ergs per gram in any medium. (100 rad = 1 gray)
- 1.60 **"Rem"** - The unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. (100 rem = 1 sievert)
- 1.61 **"Repeat compliance period"** means any subsequent compliance period after the initial compliance period.
- 1.62 **"Requirement"** means any provision of the Act, or any rule, regulation, permit, approval or order adopted pursuant to the Director's authority.
- 1.63 **"Residual disinfectant concentration"** ("C" in CT calculations) means the concentration of disinfectant measured in mg/l in a representative sample of water.

- 1.64 **"Sanitary survey"** - An on-site review of the water source, facilities, equipment, operation, and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation, and maintenance for producing and distributing safe drinking water.
- 1.65 **"Sedimentation"** means a process for removal of solids before filtration by gravity or separation.
- 1.66 **"Service line sample"** means a one-liter sample of water, collected in accordance with section 6.86(b)(3), that has been standing for at least 6 hours in a service line.
- 1.67 **"Single family structure"** for the purpose of section 6 only, means a building constructed as a single-family residence that is currently used as either a residence or a place of business.
- 1.68 **"Slow sand filtration"** means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 m/h or 1 gal./ft²/h resulting in substantial particulate removal by physical and biological mechanisms.
- 1.69 **"Small water system"** for the purpose of section 6 only, means a water system that serves 3,300 persons or fewer.
- 1.70 **"Subpart H systems"** means public water systems using surface water or ground water under the direct influence of surface water as a source that are subject to the requirements of section 5 of these regulations.
- 1.71 **"Surface water"** means all water which is open to the atmosphere and subject to surface runoff.
- 1.72 **"SUVA"** means Specific Ultraviolet Absorption at 254 nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV 254) (in m⁻¹) by its concentration of dissolved organic carbon (DOC) (in mg/L).
- 1.73 **"System with a single service connection"** means a system which supplies drinking water to consumers via a single service line.
- 1.74 **"Too numerous to count"** means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.
- 1.75 **"Total Organic Carbon (TOC)"** means total organic carbon in mg/L measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.
- 1.76 **"Transient non-community water system or TWS"** means a non-community water system that does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year.
- 1.77 **"Uncovered finished water storage facility"** is a tank, reservoir, or other facility used to store water that will undergo no further treatment except residual disinfection and is open to the

atmosphere.

- 1.78 **"Water purveyor"** - Any person who owns or operates a public water system.
- 1.79 **"Waterborne disease outbreak"** means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the appropriate local or State agency.
- 1.80 **"Virus"** means a virus of fecal origin which is infectious to humans by waterborne transmission.

Section 2.0 ***COVERAGE***

2.1 These regulations apply to any public water system unless a public water system meets all of the following conditions:

- a) The system consists only of distribution or storage facilities (and does not have any collection or treatment facilities);
- b) The system obtains all of its water from a public water system to which these regulations apply; and
- c) The system does not sell water to any person.

2.2 ***General Requirements***

- a) No person shall develop, maintain, or operate a public water supply system unless said system is approved by the Director. Further, all public water supply systems must be developed, operated, and maintained in accordance with the requirements and provisions of these regulations in order for a public water supply system to maintain approval by the Director.
- b) Should the Director find that a public water supply system is not developed, maintained, or operated in compliance with regulatory provisions, he/she may revoke, suspend or otherwise limit the approval previously granted.
- c) The director is authorized to enter at all reasonable times in or upon any private or public property for the purpose of carrying out the provisions of these regulations or making an inspection or investigation of a condition which the director believes may be hazardous to the health of the consumers serviced by any public water supply system or in violation of the regulations or orders promulgated under Chapter 46-13.

2.3 ***Licensing Requirement***

a) ***Applicability***

Pursuant to the provisions of Section 46-13-2.1 of the General Laws of Rhode Island, as amended, no person shall operate or maintain a public water supply system unless the system is licensed by the Director under the provisions of this subsection.

Persons subject to licensure shall be assessed initial and annual renewal licensure fees in accordance with the fee schedule listed for each category of public water system in paragraph 2.3 c)2) of this subsection.

b) ***License Application***

- 1) To apply for a license, a public water system shall submit a completed application to the Director on forms provided for this purpose. The application shall include all information required by these regulations, as well as by the form and the accompanying instructions. Applications for a new community or nontransient non-community public water system shall include a water system management plan that demonstrates the financial, managerial, and technical capacity to comply with statutory and regulatory requirements.
- 2) The Director may at any time after filing of the original application require further information in order to determine whether the application should be approved or denied.
- 3) Each application for a public water system license shall be signed by the applicant or a person duly authorized to act on behalf of the applicant.
- 4) No new public water system shall be licensed until: the application has been approved, the public water system has been constructed in accordance with the approved plans, and the water has been sampled and found to be in compliance with the requirements of these regulations.

c) ***License Fees***

- 1) Pursuant to the provisions of Section 46-13-2.1 of the General Laws of Rhode Island, as amended, the Director shall grant a license to a public water system that meets the licensure requirements set forth in these regulations and upon submission of the license fee as listed in paragraph 2.3 c)2) of these regulations made payable by check to the General Treasurer, State of Rhode Island. Said license, unless sooner suspended or revoked, shall expire on the 30th day of June following its issuance and must be renewed from year to year.
- 2) The annual fee for licensure shall be as follows:

Transient non-community water system....\$150.

Nontransient non-community water system...\$250.

Community water system..\$1.10 per connection:
 minimum fee = \$250.
 maximum fee = \$25,000.

d) ***Denial of License***

- 1) The Director may deny an application for a license if s/he determines that the applicant has not demonstrated the ability to comply fully with the applicable requirements established by the Act and/or by these regulations.

- 2) An applicant whose application is denied may request a hearing in accordance with the Administrative Procedures of the Rhode Island Department of Health.

e) ***Suspension or Revocation of a License***

The Director may, for cause or for violation of these regulations, suspend or revoke any license issued under this subsection. The Director may also review the current status of any license with regard to current use of the water supply and any change of use of the public water system.

f) ***Renewal of License***

- 1) All licenses shall expire on the 30th day of June following its issuance except as provided in 2.3 f)5).
- 2) A renewal application must be filed with the Director by the 31st day of May of each year on forms provided for this purpose.
- 3) The appropriate licensing fee must accompany the renewal application.
- 4) Renewal of a license shall be based upon: satisfactory compliance with the regulations, and timely submission of a renewal application and fee.
- 5) In any case in which a public water system not less than 30 days prior to expiration of an existing license, has filed a renewal application and fee in proper form for renewal, such existing license shall not expire until final action on the application has been taken by the Director.

- g) Licenses shall be issued only for the public water supply system and persons named on the application and shall not be transferable or assignable. Existing public water systems which have significant change of use of the water supply shall be reviewed and modified as deemed appropriate by the Director.

Section 3.0 *NEW WATER SOURCES*

- 3.1 No source of water shall be developed for a public water system until a site plan prepared by a professional engineer or land surveyor registered in accordance with Chapter 5-8 of General Laws of Rhode Island, 1956, as amended, has been approved by the Director.
 - a) Approval of plans and specifications granted an applicant shall expire within two years if construction of the approved source has not begun within that period.
 - b) Expired approvals may be renewed if the data provided in the application is unchanged and attested to by the applicant; and the plans conform with all construction standards and testing requirements in effect at the time of application for renewal.
- 3.2 In the case of a proposed gravel packed or gravel developed well, the site plan shall contain pertinent information within at least 1750 feet of the proposed well including, but not limited to, the location of existing and proposed sewage disposal systems and any other existing or proposed potential sources of pollution including but not limited to those listed in Appendix 4. Generally, the land within 400 feet of such wells shall be reserved for protection of the water quality of the well, and shall be delineated on the site plan by a topographic mapping of the 400 feet area to an appropriate scale. This distance may be modified at the discretion of the director taking into consideration such factors as the volume and type of waste material to be disposed or stored in close proximity to the land area reserved for protection of the well, the projected yield of the well, the depth below grade to impervious formation, the depth below grade to the water table, the type of soil in the area, or any other factors the director deems pertinent.
- 3.3 In the case of a proposed drilled (rock), driven, or dug well, the site plan shall show pertinent information within at least 1750 feet of the proposed well including, but not limited to, the location of existing and proposed sewage disposal systems and any other existing or proposed potential sources of pollution including but not limited to those listed in Appendix 4. Generally, the land within 200 feet of such wells shall be reserved for protection of the water quality of the well, and shall be delineated on the site plan by a topographic mapping of the 200 feet area to an appropriate scale. This distance may be modified at the discretion of the director taking into consideration such factors as the volume and type of waste material to be disposed or stored in close proximity to the land area reserved for protection of the well, the depth below grade to impervious formation, the depth below grade to the water table, the type of soil in the area, or any other factors the director deems pertinent.
- 3.4 In the case of a proposed surface water source, the site plan shall show pertinent information within the entire watershed of the proposed surface water supply, but not limited to the location of existing and proposed sewage disposal systems and any other existing or proposed potential sources of pollution including but not limited to those listed in Appendix 4. The portion of the watershed owned or controlled by the water purveyor shall be clearly indicated. All surface water sources shall be provided with water treatment consisting, as a minimum, of coagulation, sedimentation, filtration and disinfection.
- 3.5 All revisions to approved plans must be submitted to the director for approval. The director may require a new application and/or site plan if the revisions are deemed significant.

- 3.6 Land reserved for the protection of the well as (indicated on the plan) approved by the director must remain under the direct control of the water supplier by either continued ownership or recorded easement unless written permission to modify this area is granted by the director.
- 3.7 It is the responsibility of the water supplier to maintain the protective well area free from potential sources of contamination as listed in Appendix 4.
- 3.8 Connection to another Public Water Supply - A new public water supply shall not be approved for use at any facility if another community public water supply is reasonably accessible to such facility as determined by the Director, and permission to connect can be obtained from the authority having jurisdiction.
- 3.9 Applications for approval of new water sources must be accompanied by an assessment of the financial viability for said water system to maintain compliance with the requirements of these regulations. The assessment shall include a discussion of operation costs including: operation, maintenance, monitoring, anticipated future improvements, debt repayment, and unforeseen emergencies or system breakdowns and a discussion of how the necessary revenues to pay for these costs will be raised.

Section 4.0 ***APPROVAL OF TREATMENT WORKS, STORAGE AND PUMPING FACILITIES***

4.1 No new water treatment works or water storage or pumping facilities shall be constructed or such existing works or facilities substantially altered until design plans and specifications prepared by a professional engineer registered in accordance with Chapter 5-8 of the General Laws of Rhode Island, as amended, and a plan for operation and maintenance have been approved by the director.

- a) Any chemical or substance added to a public water supply, any materials used in the manufacture of public water supply components or appurtenances, or any pipe, storage tank, valve, fixture or other materials which come in contact with water intended for use in a public water supply shall meet American National Standards Institute/NSF International standards, specifically ANSI/NSF Standard 60-1988 and ANSI/NSF Standard 61-1991 which are hereby adopted by reference.

Only products which meet the standards adopted in or pursuant to this section shall be used by a supplier of water in a public water supply. Certification that a product meets the standards adopted pursuant to this Section by an organization having a third-party certification program accredited by American National Standards Institute to test and certify products shall be prima facie evidence that a product meets the standards.

<i>Product Type</i>	<i>Standard</i>
Drinking Water Treatment Chemicals	60
Pipes and Related Products	61
Protective (Barrier) Materials	61
Joining and Sealing Materials	61
Process Media	61
Mechanical Devices	61
Plumbing Devices	61

4.2 All newly constructed public water systems or additions to existing systems shall be flushed, adequately disinfected, and the water examined for the presence of coliform organisms in accordance with Appendix 1. No system shall be placed in use until such examination discloses the absence of coliform organisms. Any waste water resulting from disinfection must be disposed of properly, and with proper permits.

4.3 All revisions to approved plans must be submitted to the director for approval. The director may require a new application and/or site plan if the revisions are deemed significant.

4.4 *Use of Non-Centralized Treatment Devices*

- a) Criteria and procedures for public water systems using point-of-entry devices.
 - 1) Public water systems may use point-of-entry devices to comply with maximum contaminant levels only if they meet the requirements of this section and are approved by the director.
 - 2) It is the responsibility of the public water system to operate and maintain the point-of-entry treatment system.
 - 3) The public water system must develop and obtain the Director's approval for a monitoring plan before point-of-entry devices are installed for compliance. Under the plan approved by the Director, point-of-entry devices must provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all MCLS and would be of acceptable quality similar to water distributed by a well-operated central treatment plant. In addition to the VOCs, monitoring must include physical measurements and observations such as total flow treated and mechanical condition of the treatment equipment.
 - 4) Effective technology must be properly applied under a plan approved by the Director and the microbiological safety of the water must be maintained.
 - i) Adequate certification of performance and field testing must be provided as required by the director.
 - ii) The design and application of the point-of-entry devices must consider the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon. It may be necessary to use frequent backwashing, post-contractor disinfection, and Heterotrophic Plate Count monitoring to ensure that the microbiological safety of the water is not compromised.
 - 5) All consumers shall be protected. Every building connected to the system must have a point-of-entry device installed, maintained, and adequately monitored. The Director must be assured that every building is subject to treatment and monitoring, and that the rights and responsibilities of the public water system customer convey with title upon sale of property.

4.5 *Use of bottled water or point of use treatment devices*

Public water systems shall not use bottled water or point-of-use devices to achieve compliance with an MCL. Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health, and only with prior approval of the director.

- a) Where bottled water is used, the public water system is fully responsible for the provision of sufficient quantities of bottled water to every person supplied by the public water system. The water system must use an approved bottled water supply.
- b) Where a point of use device is used, it must comply with the requirements of paragraph 4.4.

Section 5.0 ***FILTRATION AND DISINFECTION:***

5.1 ***General Requirements:***

The requirements of this section constitute Rhode Island's primary drinking water regulations. These regulations establish criteria under which filtration is required as a treatment technique for public water systems supplied by a surface water source, or a ground water source under the direct influence of surface water also referred to as section 5.0 systems.

These regulations establish treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: *Giardia lamblia*, viruses, heterotrophic plate count bacteria, *Legionella*, *Cryptosporidium* and turbidity.

Each section 5.0 system must provide treatment of that source water that complies with these treatment technique requirements.

5.1.1 The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

- 1) At least 99.9 percent (3-log) removal and/or inactivation of *Giardia lamblia* cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer, and
- 2) At least 99.99 percent (4-log) removal and or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.
- 3) At least 99 percent (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems, or *Cryptosporidium* control under the watershed control plan for unfiltered systems. This requirement applies to all systems except those that serve fewer than 10,000 people; they must meet this requirement beginning January 1, 2005.
- 4) Compliance with the profiling and benchmark requirements under the provisions of section 5.3.7.

5.1.2 A section 5.0 system is considered to be in compliance with the requirements of section 5.1.1 if:

- 1) It meets the requirements for avoiding filtration in section 5.2 below and the disinfection requirements in section 5.3 **OR**
- 2) It meets the filtration requirements in section 5.4 and the disinfection requirements in section 5.3.

5.1.3 Each section 5.0 system must be operated by qualified personnel who meet the requirements of the *Rules and Regulations Pertaining to the Certification of Public*

Drinking Water Treatment and Transmission and Distribution Operators promulgated pursuant to the authority set forth in Chapter 23-65 of the General Laws of Rhode Island, as amended.

- 5.1.4 Section 5.0 systems that served fewer than 10,000 people beginning January 1, 2002 but currently serve or will serve at least 10,000 people before January 1, 2005 must comply with all the requirements listed in this Filtration and Disinfection Document for systems serving at least 10,000 people as soon as those systems begin serving at least 10,000 people. These systems must also consult with the Director to establish a disinfection benchmark. If a significant change is made to the disinfection practice these systems must consult with the Director prior to making such change as stated in section 5.3.7 (4) including, but not limited to 5.3.7(4)(a)(i—iv).
- 5.1.5 **Recycle Provisions:** All section 5.0 systems that employ conventional filtration or direct filtration treatment and that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes must meet the requirements in 5.1.5 (1) and section 5.8.4.
 - 1) **Treatment technique requirement.** Any system that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of a system's existing conventional or direct filtration system as defined in section 1.0 or at an alternate location approved by the Director by June 8, 2004. If capital improvements are required to modify the recycle location to meet this requirement, all capital improvements must be completed no later than June 8, 2006.

5.2 **Criteria for avoiding filtration:**

- 5.2.1 A public water system that uses a surface water source must meet all of the conditions of sections 5.2.5 and 5.2.6 and is subject to 5.2.7 of this section beginning December 30, 1991, unless the Director has determined in writing that filtration is required.
- 5.2.2 A public water system that uses a ground water source under the direct influence of surface water must meet all of the conditions of 5.2.5, 5.2.6 of this section and is subject to section 5.2.7 18 months after the Director determines that it is under the direct influence of surface water, unless the Director has determined in writing that filtration is required.
- 5.2.3 If the Director determines in writing before December 30, 1991 that filtration is required, the system must have installed filtration and meet the criteria for filtered systems specified in these regulations by June 29, 1993.
- 5.2.4 Within 18 months of the failure of a system using surface water or a ground water source under the direct influence of surface water to meet any one of the requirements of 5.2.5 or 5.2.6 of this section or after June 29, 1993, whichever is later, the system must have installed filtration and meet the criteria for filtered systems specified in section 5.4.

5.2.5 *Source Water Quality Conditions:*

- 1) The fecal coliform concentration must be equal to or less than 20/100ml or the total coliform concentration must be equal to or less than 100/100 ml (measured as specified in appendix 1) in representative samples of the source water immediately prior to the first or only point of disinfectant application in at least 90 percent of the samples taken for the six (6) previous months that the system served water to the public on an ongoing basis.

If a system measures both fecal and total coliforms, the fecal coliform criterion, but not the total coliform criterion must be met.

- 2) The turbidity level cannot exceed 5 NTU (measured as specified in appendix 1) in representative samples of the source water immediately prior to the first or only point of disinfectant application.

5.2.6 *Site Specific Conditions:*

1) ***Compliance***

- a) The public water system must meet the requirements of 5.3.5(1) at least 11 of the 12 previous months that the system served water to the public on an ongoing basis.
- b) The public water system must meet the requirements of 5.3.5(2) and 5.3.5(3) at all times the system serves water to the public.
- c) The public water system must meet the requirements of 5.3.5(4) on an ongoing basis.

- 2) The public water system must maintain a watershed control program which minimizes the potential for contamination by *Giardia lamblia* cysts, *Cryptosporidium* oocysts (*Cryptosporidium* requirements do not apply to systems serving fewer than 10,000 until January 1, 2005), and viruses in the source water. During the onsite inspection (discussed in 5.2.6 (3)), the adequacy of a watershed control program will be determined by the Director. The adequacy of a program to limit potential contamination by *Giardia lamblia* cysts, *Cryptosporidium* oocysts, and viruses must include but not be limited to the following measures:

- a) The comprehensiveness of the watershed review;
- b) The effectiveness of the system's program to monitor and control detrimental activities occurring in the watershed; and

- c) The extent to which the water system has maximized land ownership and/or controlled land use within the watershed. At a minimum, the watershed control program must:
 - i) characterize the watershed hydrology and land ownership;
 - ii) identify watershed characteristics and activities which may have an adverse effect on source water quality; and
 - iii) monitor the occurrence of activities which may have an adverse effect on source water quality.

The public water system must demonstrate through ownership and/or written agreements with landowners within the watershed that it can control all human activities which may have an adverse impact on the microbiological quality of the source water.

The public water system must submit an annual report to the Director that identifies any special concerns about the watershed and how they are being handled; describes activities in the watershed that affect water quality; and projects what adverse activities are expected to occur in the future and describes how the public water system expects to address them. Approved watershed protection plans or wellhead protection plans may be used to the extent that they are applicable.

- 3) The public water system must be subject to an annual on-site inspection to assess the watershed control program and disinfection treatment process.

A report of the on-site inspection summarizing all findings must be prepared every year. The on-site inspection must indicate to the Director's satisfaction that the watershed control program and disinfection treatment process are adequately designed and maintained. The on-site inspection will include but not be limited to:

- a) A review of the effectiveness of the watershed control program;
- b) A review of the physical condition of the source intake and how well it is protected;
- c) A review of the system's equipment maintenance program to ensure there is low probability for failure of the disinfection process;
- d) An inspection of the disinfection equipment for physical deterioration;
- e) A review of operating procedures;
- f) A review of data records to ensure that all required tests are being conducted and recorded and disinfection is effectively practiced; and

- g) Identification of any improvements which are needed in the equipment, system maintenance and operation or data collection.
- 4) The public water system must not have been identified as a source of a waterborne disease outbreak, or if it has been so identified, the system must have been modified sufficiently to prevent another such occurrence as determined by the Director.
- 5) The public water system must comply with the maximum contaminant level (MCL) for total coliforms in Section 16.4 (c) at least 11 of the 12 previous months that the system served water to the public on an ongoing basis, unless the Director determines that failure to meet this requirement was not caused by a deficiency in treatment of the source water.
- 6) All section 5.0 systems serving at least 10,000 people and, beginning January 1, 2004, systems serving fewer than 10,000 people must comply with the requirements for total trihalomethanes, haloacetic acids (five), bromate, chlorite, chlorine, chloramines, and chlorine dioxide in section 7.0.

5.2.7 *Treatment Technique Violations:*

- 1) A system that fails to meet any one of the criteria in paragraphs 5.2.5 or 5.2.6 of this section or for which the Director has determined that filtration is required in writing and fails to install filtration by the date specified is in violation.
- 2) A system that has not installed filtration is in violation of a treatment technique requirement if:
 - a) the turbidity level in a representative sample of the source water immediately prior to the first or only point of disinfection application exceeds 5 NTU; or
 - b) the system is identified as a source of a waterborne disease outbreak.

5.3 *Disinfection*

- 5.3.1 A public water system that uses a surface water source and does not provide filtration treatment must provide the disinfection treatment specified in 5.3.5 beginning December 30, 1991 unless the Director determines that filtration is required in writing.
- 5.3.2 A public water system that uses a ground water source under the direct influence of surface water and does not provide filtration treatment must provide disinfection treatment specified in paragraph 5.3.5 18 months after the Director determines that the ground water source is under the influence of surface water, unless the Director has determined that filtration is required in writing.

- 5.3.3 If the Director has determined that filtration is required, the system must comply with any interim disinfection requirements the Director deems necessary before filtration is installed. A system that uses a surface water source that provides filtration treatment must provide the disinfection treatment specified in 5.3.6 beginning June 29, 1993 or beginning when filtration is installed, whichever is later.
- 5.3.4 A system that uses a ground water source under the direct influence of surface water and provides filtration treatment must provide disinfection treatment as specified in section 5.3.6, beginning when filtration is installed. Failure to meet any requirement of this section is a treatment technique violation.
- 5.3.5 Disinfection requirements for public water systems that do not provide filtration:

- 1) The disinfection treatment must be sufficient to ensure at least 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts and 99.99 percent (4-log) inactivation of viruses, every day the system serves water to the public, except any one day each month. Each day a system serves water to the public, the public water system must calculate the CT value(s) from the system's treatment parameters, using the procedure specified in Section 5.6.1 (3) and 5.6.1 (4) and determine whether this value is sufficient to achieve the specified inactivation rates for *Giardia lamblia* cysts and viruses.

If a system uses a disinfectant other than chlorine, the system may demonstrate to the Director, through the use of a protocol approved by the Director for on-site disinfection challenge studies or other information satisfactory to the Director, that the CT_{99.9} values other than those specified in Tables 2.1 and 3.1 or other operational parameters are adequate to demonstrate that the system is achieving minimum inactivation rates required by paragraph 5.3.5(1) of this section.

- 2) The disinfection system must have either:
 - a) redundant components, including an auxiliary power supply with automatic start-up and alarm to ensure that disinfectant application is maintained continuously while water is being delivered to the distribution system; or
 - b) automatic shut-off of delivery of water to the distribution system whenever there is less than 0.2 mg/L of residual disinfectant concentration in the water.

If the Director determines that automatic shut-off would cause unreasonable risk to health or interfere with fire protection, the system must comply with paragraph 5.3.5 (2)(a) of this section.

- 3) The residual disinfectant concentration in the water entering the distribution system measured as specified in section 5.5 cannot be less than 0.2 mg/L for more than 4 hours.

- 4) The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine or chlorine dioxide as specified in Section 5.5 cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public.

Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/ml measured as heterotrophic plate count (HPC) as specified in section 5.5 is deemed to have a detectable disinfectant residual for purposes of determining compliance with this requirement. Thus, the value "V" in the following formula cannot exceed 5 percent in one month for any two consecutive months:

$$V = \frac{c+d+e}{a+b} \times 100$$

where:

- a= number of instances where the residual disinfectant concentration is measured;
- b= number of instances where the residual disinfectant concentration is not measured but the heterotrophic bacteria plate count (HPC) is measured;
- c= number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;
- d= number of instances where the residual disinfectant concentration is measured but not detected and where the HPC is >500/ml; and
- e= number of instances where the residual disinfectant concentration is not measured and HPC is >500/ml.

5.3.6 Disinfection requirements for public water systems which provide filtration.

Each public water system that provides filtration treatment must provide disinfection treatment as follows:

- 1) The disinfection treatment must be sufficient to ensure that the total treatment processes of that system achieve at least 99.9 percent (3-log) inactivation and/or removal of *Giardia lamblia* cysts and at least 99.99 percent (4-log) inactivation and/or removal of viruses as determined by the Director.
- 2) The residual disinfectant concentration in the water entering the distribution system measured as specified in section 5.5 cannot be less than 0.2 mg/L for more than 4 hours.
- 3) The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine or chlorine dioxide, as specified in Section 5.5

cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public.

Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/ml, measured as heterotrophic plate count (HPC) as specified in section 5.5 is deemed to have a detectable disinfectant residual for purposes of determining compliance with this requirement. Thus the value of "V" cannot exceed 5 percent in one month for any two consecutive months. [See formula in 5.3.5 (4)].

5.3.7 Disinfection Profiling and Benchmarking:

- 1) A section 5.0 community or non-transient, non-community water system that serves fewer than 10,000 people must develop a disinfection profile, a graphical representation of a system's level of *Giardia lamblia* or virus inactivation measured during the course of a year, under the provisions of paragraphs 5.3.7 (1)(a), (b), (c), (2) and (3) below unless the Director determines that it is unnecessary. At the Director's discretion, a section 5.0 system that serves at least 10,000 people may also be required to develop a disinfection profile. If the Director requires a system serving at least 10,000 people to develop a profile, the Director shall specify procedures for developing that profile.
 - a) The Director may only determine that a system's profile is unnecessary if a system's TTHM and HAA5 levels are below 0.064 mg/L and 0.048 mg/L, respectively.
 - b) If TTHM and HAA5 levels are ≥ 0.064 mg/L or ≥ 0.048 mg/L, respectively, the system must comply with paragraph (2)(a) of this section.
 - c) To determine these levels, TTHM and HAA5 samples must be collected after January 1, 1998, during the month with the warmest water temperature, and at the point of maximum residence time in the distribution system.
- 2) **Disinfection Profile Criteria**
 - a) Any section 5.0 system serving fewer than 10,000 people that meets the criteria in paragraph (1)(b) of this section must develop a disinfection profile of its disinfection practice for a period of up to 1 year. The Director may approve the use of a more representative data set for disinfection profiling than the data set required under 5.3.7 (2)(a)(i) and (3).
 - (i) Systems must collect data for several parameters from the plant, specified in paragraphs (i)(A) through (D) below, once per week on the same calendar day over 12 consecutive calendar months to determine the total logs of inactivation for each day of

operation, based on the $CT_{99,9}$ values in Tables 1.1-1.6, 2.1, and 3.1 of these regulations, as appropriate, through the entire treatment plant. Systems serving between 500 and 9,999 persons must begin to collect data no later than July 1, 2003. Systems serving fewer than 500 persons must begin to collect data no later than January 1, 2004. The system must monitor the parameters listed in paragraphs (i)(A) through (D) below necessary to determine the total inactivation ratio, using analytical methods in section 5.5 and Appendix 1.

- (A) The temperature of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;
 - (B) If the system uses chlorine, the pH of the disinfected water at each chlorine residual disinfectant concentration sampling point during peak hourly flow;
 - (C) The disinfectant contact time(s) ("T") during peak hourly flow; and
 - (D) The residual disinfectant concentration(s) ("C") of the water before or at the first customer and prior to each additional point of disinfection during peak hourly flow.
- (i) Systems must use this data to calculate the inactivation ratios as discussed in sections 5.6.1 (4)(a) and (b). As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system must calculate the inactivation ratio as discussed in section 5.6.1 (4)(a). A system with more than one point of disinfectant application or measures disinfectant residuals at more than one location must calculate the inactivation ratio as discussed in section 5.6.1 (4)(b) for each disinfection segment.
 - (ii) Weekly log inactivations are calculated by multiplying the $CT_{\text{calc}}/CT_{99,9}$ ratio across the entire treatment train by 3.
 - (iii) Systems must use these weekly log inactivations to develop a disinfection profile as specified in paragraph (3)(a) of this section.

3) **Developing a Disinfection Profile**

- a) Each log inactivation serves as a data point in your disinfection profile. Systems serving fewer than 10,000 people will have obtained 52 measurements (one for every week of the year). The system and the Director will evaluate how microbial inactivation varied over the course of the year by looking at all 52 measurements (the Disinfection Profile). Systems must retain the Disinfection Profile data in graphic form, such

as a spreadsheet, which must be available for review by the Director as part of a sanitary survey. Systems must use this data to calculate a benchmark if the system is considering changes to disinfection practices.

- b) A system that uses chloramines, ozone or chlorine dioxide for primary disinfection must also calculate the logs of inactivation for viruses and develop an additional disinfection profile for viruses using a method approved by the Director.

4) **Disinfection Benchmark**

- a) A section 5.0 system serving less than 10,000 people that is required to develop a disinfection profile under the provisions of section 5.3.7 (1), must develop a Disinfection Benchmark as described in paragraph 5.3.7 (4)(c) and (d) and provide the benchmark to the Director if the system decides to make a significant change to its disinfection practice. A section 5.0 system serving at least 10,000 people that is required to develop a disinfection profile under the provisions of section 5.3.7 (1), must develop a Disinfection Benchmark using procedures specified by the Director if the system decides to make a significant change to its disinfection practice. All systems must consult with the Director for approval prior to making such changes. Significant changes to disinfection practice are:

- (i) Changes to the point of disinfection;
- (ii) Changes to the disinfectant(s) used in the treatment plant;
- (iii) Changes to the disinfection process; and
- (iv) Any other modification identified by the Director.

- b) Systems must submit the following information to the State as part of the consultation and approval process:

- (i) A description of the proposed change;
- (ii) The disinfection profile for *Giardia lamblia* (and, if necessary, viruses) and disinfection benchmark;
- (iii) An analysis of how the proposed change will affect the current levels of disinfection; and
- (iv) Any additional information requested by the Director.

- c) Any system that is modifying its disinfection practice must calculate its disinfection benchmark using the procedures specified in paragraphs (c)(i) through (ii) below.

- (i) For one year of profiling data collected weekly and calculated under paragraphs (2) and (3) of this section, the system must determine the lowest average monthly *Giardia lamblia* inactivation for one year. The system must determine the average *Giardia lamblia* inactivation for each calendar month by dividing the sum of all *Giardia lamblia* inactivations for that month by the number of values calculated for that month.
 - (ii) The disinfection benchmark value is the lowest monthly average value out of twelve values of *Giardia lamblia* inactivation in one year of profiling data.
- d) A system that uses chloramines, ozone or chlorine dioxide for primary disinfection must calculate the disinfection benchmark from the data collected for viruses to develop the disinfection profile in addition to the *Giardia lamblia* disinfection benchmark calculated under paragraph (4)(c) of this section. This viral benchmark must be approved by the Director and must be calculated in the same manner used to calculate the *Giardia lamblia* disinfection benchmark in paragraph (4)(c) of this section.

5.4 **Filtration:**

5.4.1 A section 5.0 system that does not meet all of the criteria in section 5.2 for avoiding filtration, must provide treatment consisting of both disinfection, as specified in 5.3.6 and filtration treatment which complies with the requirements of section 5.4 by June 29, 1993, or within 18 months of the failure to meet any one of the criteria for avoiding filtration, whichever is later. Failure to meet any requirement of this section by the date specified in section 5.4.1, shall constitute a treatment technique violation.

5.4.2 Conventional filtration treatment or direct filtration:

Table 5.1 – Summary of Filtered Effluent Turbidity Requirements for Systems that Use Conventional or Direct Filtration

System Size	Effective Date	At least 95% of Turbidity Measurements (NTU)	Maximum Turbidity Measurement (NTU)
Systems serving at least 10,000 people	January 1, 2002	≤ 0.3	1
Systems serving fewer than 10,000 people	Before January 1, 2005	≤ 0.5 or as determined by the Director	5
	Beginning January 1, 2005	≤ 0.3	1

- 1) Systems serving at least 10,000 people that use conventional filtration or direct filtration that do not meet all of the criteria listed in section 5.2 for avoiding

filtration must meet the turbidity requirements listed in Table 5.1 and in (a), (b) and (c) below:

- a) The turbidity level of representative samples of a system's filtered water must be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month, measured as specified in sections 5.5 and 5.7. Monthly reporting must be completed according to section 5.8.
 - b) The turbidity level of representative samples of a system's filtered water must at no time exceed 1 NTU, measured as specified in sections 5.5 and 5.7. Monthly reporting must be completed according to section 5.8.
 - c) A system that uses lime softening may acidify representative combined filter effluent turbidity samples prior to analysis using a protocol approved by the Director.
- 2) Beginning January 1, 2005, systems serving fewer than 10,000 that use conventional or direct filtration and do not meet all of the criteria listed in section 5.2 for avoiding filtration, must meet the turbidity requirements listed in 5.4.2 (1). Until then, they must meet the turbidity requirements listed in (a), (b) and (c) below (refer to Table 5.1 for a summary of the requirements):
- a) The turbidity level of representative samples of a system's filtered water must be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month, measured as specified in section 5.5. However, if the Director determines that the system is capable of achieving at least 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts at some turbidity level higher than 0.5 NTU in at least 95 percent of the measurements taken each month, the Director may substitute this higher turbidity limit for that system.
 - b) In no case will a turbidity limit that allows more than 1 NTU in more than 5 percent of the samples taken each month, measured as specified in Section 5.5 be approved.
 - c) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU measured as specified in section 5.5.

5.4.3 ***Slow Sand Filtration:***

- 1) For systems using slow sand filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, measured as specified in section 5.5.
- 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU measured as specified in section 5.5.

5.4.4 *Diatomaceous Earth Filtration:*

- 1) For systems using diatomaceous earth filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, measured as specified in section 5.5.
- 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU, measured as specified in section 5.5.

5.4.5 *Other Filtration Technologies:*

A public water system may use a filtration technology not listed in sections 5.4.2, 5.4.3 or 5.4.4, if it demonstrates to the Director, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of section 5.3.6 and 5.3.7, consistently achieves 99 percent removal of *Cryptosporidium* oocysts (systems serving fewer than 10,000 are not required to comply with the *Cryptosporidium* oocysts requirement until January 1, 2005), 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts and 99.99 percent removal and/or inactivation of viruses. Upon completion of the demonstration, the director will determine the 95th percentile turbidity value (not to exceed 1 NTU) and the maximum turbidity value (not to exceed 5 NTU) based on the demonstration.

5.5 *Analytical Monitoring Requirements*

- 5.5.1 Only the analytical method(s) specified in this section, or otherwise approved by the Director may be used to demonstrate compliance with the requirements of sections 5.2, 5.3, or 5.4.

Measurements for pH, temperature, turbidity, and residual disinfectant concentrations must be conducted by a party approved by the Director.

Measurements for total coliforms, fecal coliforms and HPC must be conducted by a laboratory certified by the Director or EPA to do such analysis.

- 5.5.2 The following procedures shall be performed in accordance with the methods listed.

- 1) Fecal Coliform/E. Coli Concentration Method, as set forth in Appendix 1.
- 2) Total Coliform Concentration, as set forth in Appendix 1.
- 3) Heterotrophic Plate Count, as set forth in Appendix 1.
- 4) Turbidity, as set forth in Appendix 1.
- 5) Residual Disinfectant Concentration, as set forth in Appendix 1.

- 6) Temperature, Method 212, pp126-127, as set forth in Appendix 1.
- 7) pH Method 423 (pH value) pp 429-437 as set forth in Appendix 1.
- 8) Minimal Medium ONPG-MUG method for simultaneous enumeration of total coliform and E. Coli as set forth in Appendix 1.
- 9) Indigo Method for determination of Ozone in water as set forth in Appendix 1.

5.6 Monitoring Requirements for Systems That Do Not Provide Filtration:

5.6.1 A public water system that uses a surface water source and does not provide filtration treatment must begin monitoring, as specified in this section beginning December 31, 1990, unless the Director has determined that filtration is required in writing, in which case the Director may specify alternative monitoring requirements, until filtration is in place.

A public water system that uses a ground water source under the direct influence of surface water and does not provide filtration treatment must begin monitoring as specified in this section 6 months after the Director determines that the ground water source is under the direct influence of surface water, unless the Director has determined that filtration is required in writing.

- 1) Fecal coliform or total coliform density measurements as required by section 5.2.5 must be performed on representative source water samples immediately prior to the first or only point of disinfectant application. The system must sample for fecal or total coliforms at the following minimum frequency each week the system serves water to the public:

<i>System Size (Persons Served)</i>	<i>Samples/Week *</i>
<500	1
501 to 3,300	2
3,301 to 10,000	3
10,001 to 25,000	4
>25,000	5

*Samples must be taken on separate days

Also, one fecal or total coliform density measurement must be made every day the system serves water to the public and the turbidity of the source water exceeds 1 NTU (these samples count toward the weekly coliform sampling requirement,) unless the Director determines that the system for logistical reasons outside the system's control cannot have the sample analyzed within 30 hours of collection.

- 2) Turbidity measurements as required by section 5.2.5(2) must be performed on representative grab samples of source water immediately prior to the first or only point of disinfectant application every four hours (or more frequently) that the system serves water to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Director.
- 3) The total inactivation ratio for each day that the system is in operation must be determined based on the $CT_{99.9}$ values in Tables 1.1-1.6, 2.1 and 3.1 of this section, as appropriate. The parameters necessary to determine the total inactivation ratio must be monitored as follows:
 - a) The temperature of the disinfected water must be measured at least once per day at each residual disinfectant concentration sampling point.
 - b) If the system uses chlorine, the pH of the disinfected water must be measured at least once per day at each chlorine residual disinfectant concentration sampling point.
 - c) The disinfectant contact time(s) ("T") must be determined for each day during peak hourly flow.
 - d) The residual disinfectant concentration(s) ("C") of the water before or at the first customer must be measured each day during peak hourly flow.
 - e) If a system uses a disinfectant other than chlorine, the system may demonstrate to the Director, through the use of a protocol approved by the Director for on-site disinfection challenge studies or other information satisfactory to the Director that $CT_{99.9}$ values other than those specified in Tables 2.1 and 3.1 in this section or other operational parameters are adequate to demonstrate that the system is achieving the minimum inactivation rates required by section 5.3.5(1).
- 4) The total inactivation ratio must be calculated as follows:
 - a) If the system uses only one point of disinfectant application, the system may determine the total inactivation ratio based on either of the following two methods:
 - i) One inactivation ratio ($CT_{calc}/CT_{99.9}$) is determined before or at the first customer during peak hourly flow and if the $CT_{calc}/CT_{99.9} > 1.0$, the 99.9 percent *Giardia lamblia* inactivation requirement has been achieved; OR
 - ii) Successive $CT_{calc}/CT_{99.9}$ values representing sequential inactivation ratios are determined between the point of

disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the following method must be used to calculate the total inactivation ratio:

- (A) Determine $(CT_{\text{calc}}/CT_{99.9})$ for each sequence
- (B) Add the $(CT_{\text{calc}}/CT_{99.9})$ values together (the sum of all $CT_{\text{calc}}/CT_{99.9}$)
- (C) If the sum of $(CT_{\text{calc}}/CT_{99.9}) > 1.0$

Then the 99.9 percent *Giardia lamblia* inactivation requirement has been achieved.

- b) If the system uses more than one point of disinfectant application before or at the first customer, the system must determine the CT value of each disinfection sequence immediately prior to the next point of disinfectant application during peak hourly flow. The $CT_{\text{calc}}/CT_{99.9}$ value of each sequence and the sum of $CT_{\text{calc}}/CT_{99.9}$ must be calculated using the method in section 5.6.1(4)(a)(ii) of this section to determine if the system is in compliance with section 5.3.5.
- c) Although not required, the total percent inactivation for a system with one or more points of residual disinfectant concentration monitoring may be calculated by solving the following equation:

$$\text{Percent inactivation} = 100 - (100/10^Z)$$

where $Z = 3 \times$ the sum of $(CT_{\text{calc}}/CT_{99.9})$

- 5) The residual disinfectant concentration of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day. In the event of system monitoring failure, grab sampling may be conducted every 4 hours, for no more than 5 working days.

Systems serving 3,300 or fewer persons may take grab samples in lieu of continuous monitoring on an ongoing basis at the frequencies prescribed below:

<i>System Size by Population</i>	<i>Samples/day *</i>
<501	1
501 to 1,000	2
1,001 to 2,500	3
2,501 to 3,300	4

*The day's samples cannot be taken at the same time.
The sampling intervals are subject to the Director's review and approval.

If at any time the residual disinfectant concentration falls below 0.2 mg/L in a system using grab sampling in lieu of continuous monitoring, the system must take a grab sample every 4 hours until the residual concentration is equal to or greater than 0.2 mg/L.

- 6) The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in section 16.4, however the Director may allow a public water system which uses both a surface water source or a ground water source under direct influence of surface water, and a ground water source to take disinfectant residual samples at points other than the total coliform sampling points, if the Director determines that such points are more representative of treated (disinfected) water quality within the distribution system.

Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in section 5.5.2 may be measured in lieu of residual disinfectant concentration.

5.7 *Monitoring Requirements for Systems Using Filtration Treatment*

5.7.1 A public water system that uses a surface water source or a ground water source under the influence of surface water and provides filtration treatment must monitor in accordance with this section, beginning June 29, 1993, or when filtration is installed, whichever is later.

1) Turbidity

a) **Representative Filtered Effluent Turbidity Requirements**

- i) Turbidity measurements as required by section 5.4 must be performed on representative samples of the systems filtered water every four hours (or more frequently) that the system serves water to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis, using a protocol approved by the Director.
- ii) For any systems using slow sand filtration or filtration treatment other than conventional treatment, direct filtration or diatomaceous earth filtration, the Director may reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance.
- iii) For systems serving 500 or fewer persons, the Director may reduce the turbidity sampling frequency to once per day, regardless of the type of filtration treatment used, if the Director determines that less frequent monitoring is sufficient to indicate effective filtration performance.

b) **Individual Filter Turbidity Requirements**

i) Section 5.0 systems that use conventional or direct filtration must conduct continuous monitoring of turbidity for each individual filter in the system, beginning January 1, 2002 for systems serving at least 10,000 people and beginning January 1, 2005 for systems serving fewer than 10,000 people. The following requirements apply to continuous turbidity monitoring:

- (A) Continuous monitoring must be conducted using an approved method in section 5.5;
- (B) Calibration of turbidimeters must be conducted using procedures specified by the manufacturer;
- (C) Results of turbidity monitoring must be recorded at least every 15 minutes; and
- (D) Monthly reporting must be completed and records must be maintained according to section 5.8.

(ii) If there is a failure in the continuous turbidity monitoring equipment, the system must conduct grab sampling every four hours in lieu of continuous monitoring until the turbidimeter is back on-line. Systems serving at least 10,000 people have no more than five working days, following equipment failure, and systems serving fewer than 10,000 people have no more than 14 total days, following equipment failure, to resume continuous monitoring before a violation is incurred.

(iii) For systems serving fewer than 10,000 people, systems that only consist of two or fewer filters, may conduct continuous monitoring of combined filter effluent turbidity in lieu of individual filter effluent turbidity monitoring. Continuous monitoring must meet the same requirements set forth in paragraphs (b)(i) and (b)(ii) of this section.

2) The residual disinfectant concentration of the water entering the distribution system must be monitored as indicated in sections 5.6.1(5) and 5.6.1(6).

5.8 ***Reporting and Record Keeping Requirements:***

5.8.1 A public water system that uses a surface water source and does not provide filtration treatment must report the following information monthly to the Director beginning December 31, 1990 unless the Director has determined that filtration is required in

writing in which case the Director may specify alternate reporting requirements as appropriate until filtration is in place.

A public water system that uses a ground water source under the direct influence of surface water and does not provide filtration treatment must report monthly to the Director, the following information beginning no later than six (6) months after the Director determines that the ground water source is under the direct influence of surface water.

- 1) Source water quality information must be reported to the Director within ten (10) days after the end of each month the system serves water to the public. Information that must be reported:
 - a) The cumulative number of months for which results are reported.
 - b) The number of fecal and/or total coliform samples, whichever are analyzed during the month (if a system monitors for both, only fecal coliforms must be reported,) the dates of sample collection and the dates when the turbidity level exceeded 1 NTU.
 - c) The number of samples during the month that had equal to or less than 20/100 ml fecal coliforms and/or equal to or less than 100/100 ml total coliforms, whichever are analyzed.
 - d) The cumulative number of fecal or total coliform samples, whichever are analyzed during the previous six months the system served water to the public.
 - e) The cumulative number of samples that had equal to or less than 20/100 ml fecal coliforms or equal to or less than 100/100 ml total coliforms, whichever are analyzed during the previous six months the system served water to the public.
 - f) The percentage of samples that had equal to or less than 20/100 ml fecal coliforms or equal to or less than 100/100 ml total coliforms, whichever are analyzed during the previous six months the system served water to the public.
 - g) The maximum turbidity level measured during the month, the date(s) of occurrence for any measurement(s) which exceeded 5 NTU, and the date(s) the occurrence(s) was reported to the Director.
 - h) For the first 12 months of record-keeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU and after one year of record keeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 12 months the system served water to the public.

- i) For the first 120 months of record keeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU and after 10 years of record keeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 120 months they system service water to the public.
- 2) Disinfection information must be reported to the Director within 10 days after the end of each month the system serves water to the public. Information that must be reported:
- a) For each day, the lowest measurement of residual disinfectant concentration in mg/L in water entering the distribution system.
 - b) The date and duration of each period when the residual disinfectant concentration in water entering the distribution system fell below 0.2 mg/L and when the Director was notified of the occurrence.
 - c) The daily residual disinfectant concentration(s) (in mg/L) and disinfectant contact time(s) (in minutes) used for calculating the CT value(s).
 - d) If chlorine is used, the daily measurement(s) of pH of disinfected water following each point of chlorine disinfection.
 - e) The daily measurement(s) of water temperature in degrees centigrade following each point of disinfection.
 - f) The daily CT_{calc} and $CT_{calc}/CT_{99.9}$ values for each disinfectant measurement or sequence and the sum of all $CT_{calc}/CT_{99.9}$ values ($CT_{calc}/CT_{99.9}$) before or at the first customer.
 - g) The daily determination of whether disinfection achieves adequate *Giardia* cyst and virus inactivation, i.e. whether $(CT_{calc}/CT_{99.9})$ is at least 1.0 or where disinfectants other than chlorine are used, other indicator conditions that the Director determines are appropriate, are met.
 - h) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring specified in section 5.3.
 - i) number of instances where the residual disinfectant concentration is measured;
 - ii) number of instances where the residual disinfectant concentration is not measured but heterotrophic bacteria plate count (HPC) is measured;

- iii) number of instances where the residual disinfectant concentration is measured, but not detected and no HPC is measured;
 - iv) number of instances where the residual disinfectant concentration is detected and where HPC is >500/ml;
 - v) number of instances where the residual disinfectant concentration is not measured and HPC is >500/ml;
 - vi) for the current and previous month the system served water to the public, the value of "V", as defined in section 5.3.5.
- i) A system need not report the data listed in section 5.8.1(2)(a) and (c)-(f) if all data listed in 5.8.1(2) (a)-(h) remain on file at the system and the Director determines that:
- i) The system has submitted to the Director all the information required for at least 12 months; and
 - ii) The Director has determined that the system is not required to provide filtration treatment.
- 3) No later than October 10 of each year each system must provide to the Director a report which summarizes its compliance with all watershed control program requirements specified in 5.2.6(2).
- 4) A report on the on-site inspection conducted during that year as specified in 5.2.6(3).
- 5) a) Each system upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred must report that occurrence to the Director as soon as possible, but no later than the end of the next business day.
- b) If at any time the turbidity exceeds 5 NTU, the system must consult with the Director as soon as practical, but no later than twenty-four (24) hours after the exceedance is known, in accordance with the public notification requirements under section 16.8 (3).
- c) If at any time the residual falls below 0.2 mg/L in the water entering the distribution system, the system must notify the Director as soon as possible, but no later than by the end of the next business day. The system must notify the Director by the end of the next business day whether or not the residual was restored to at least 0.2 mg/L within 4 hours.

5.8.2 Section 5.0 systems that provide filtration treatment must report monthly to the Director the following information in 5.8.2 (1) through (4) unless otherwise stated.

- 1) **Turbidity requirements:** Turbidity measurements as required by section 5.4 and 5.7 must be reported within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:
 - a) The total number of filtered water turbidity measurements taken during the month.
 - b) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in sections 5.4 for the filtration technology being used.
 - c) The date and value of any turbidity measurements taken during the month which exceed the maximum allowable turbidity specified in 5.4.
- 2) **Individual filter effluent reporting requirements (Conventional and Direct filtration systems only) :** Systems must maintain the results of individual filter monitoring taken under section 5.7.1 (1)(b) for at least three years. Systems must report that they have conducted individual filter turbidity monitoring under section 5.7.1 (1)(b) within 10 days after the end of each month the system serves water to the public. Systems must report individual filter turbidity measurement results taken under section 5.7.1 (1)(b) within 10 days after the end of each month the system serves water to the public only if measurements demonstrate one or more of the conditions in paragraph (4) of this section.
- 3) Disinfection information must be reported to the Director within 10 days after the end of each month and must include all items specified in sections 5.8.1 (2)(a), (b), (h), and 5.8.1(5).
 - a) Disinfection Profiling: By July 1, 2003, systems serving 500-9,999 people and by January 1, 2004, systems serving fewer than 500 people must report the results of optional monitoring which shows TTHM levels below 0.064 mg/L and HAA5 levels below 0.048 mg/L (only if the system wishes to forgo profiling) or systems must report that they have begun disinfection profiling. If profiling is required by the Director for systems serving at least 10,000 people, the necessary reporting requirements will be specified by the Director. Records of the profile, if required, must be kept indefinitely including raw data and analysis and made available to the Director as part of a sanitary survey.
 - b) Disinfection Benchmarking: If a system serving fewer than 10,000 people was required to produce a disinfection profile and is considering a significant change to its disinfection practices, they must report a description of the proposed change in disinfection, a disinfection profile for *Giardia lamblia* (and, if necessary, viruses) and disinfection benchmark, and an analysis of how the proposed change will affect the current levels of

disinfection. If benchmarking is required by the Director for systems serving at least 10,000 people, the necessary reporting requirements will be specified by the Director. Records of the benchmark, must be kept indefinitely including raw data and analysis and made available to the Director as part of a sanitary survey.

- 4) **Individual filter effluent follow-up actions:** For all systems, reporting to the Director is required by the 10th of the following month for exceedance listed in paragraphs (a) through (d) of this section unless otherwise stated. Systems that use lime softening may apply to the Director for alternative exceedance levels for the levels specified in (a) through (d) if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.
- a) If the individual filter effluent turbidity (or for systems serving fewer than 10,000, the turbidity of combined filter effluent (CFE) for systems with two filters that monitor CFE in lieu of individual filters) exceeded 1.0 NTU in two consecutive measurements taken 15 minutes apart, the system must report the filter number, the turbidity measurement, the date(s) on which the exceedance occurred and the cause (if known) for the exceedance. In addition, systems serving at least 10,000 people must either produce a filter profile for the filter within 7 days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.
 - b) For systems serving at least 10,000 people, if the individual filter effluent turbidity exceeded 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system must report the filter number, the turbidity, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within 7 days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.
 - c) If the individual filter effluent turbidity (or for systems serving fewer than 10,000, the combined filter effluent (CFE) turbidity of systems with two filters that monitor combined filter effluent (CFE) in lieu of individual filters) exceeded 1.0 NTU in two consecutive 15-minute readings for three consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must conduct a self-assessment of the filter(s) within 14 days of the exceedance unless a CPE as specified in (4)(d) of this section was required. Systems with two filters that monitor combined filter effluent in lieu of individual filters must conduct a self-assessment on both filters. The system must

report the date the filter self-assessment was triggered and the date it was completed by the 10th of the following month or 14 days after the self-assessment was triggered only if the self-assessment was triggered during the last four days of the month. The self assessment must consist of at least the following components:

- i) assessment of filter performance;
 - ii) development of a filter profile;
 - iii) identification and prioritization of factors limiting filter performance;
 - iv) assessment of the applicability of corrections; and
 - v) preparation of a filter self-assessment report.
- d) If the individual filter effluent turbidity (or for systems serving fewer than 10,000, the combined filter effluent for systems with two filters that monitor combined filter effluent in lieu of individual filters) exceeded 2.0 NTU in two consecutive recordings 15 minutes apart at the same filter for two consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must arrange to have a comprehensive performance evaluation (CPE) conducted by the Director or a third party approved by Director not later than 30 days (60 days for systems serving fewer than 10,000) following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month. If a CPE has been completed by the Director or a third party approved by the Director within the 12 prior months or the system and Director are jointly participating in an ongoing Comprehensive Technical Assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the Director no later than 90 days (120 days for systems serving fewer than 10,000) following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month. The system must report by the 10th of the following month that a CPE was required and the date it was triggered.

5.8.3 For all filtration technologies, a section 5.0 system that exceeds the maximum turbidity as specified in section 5.4 must inform the Director within 24 hours.

5.8.4 ***Recycle Provisions:***

- 1) ***Reporting.*** A system must notify the Director in writing by December 8, 2003, if the system recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, at a minimum, the information specified in 5.8.4 (1)(a) and (b).

- a) A plant schematic showing the origin of all flows which are recycled (including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance used to transport them, and the location where they are re-introduced back into the treatment plant.
 - b) Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and Director-approved operating capacity for the plant where the Director has made such determinations.
- 2) **Recordkeeping.** The system must collect and retain on file recycle flow information specified in 5.8.4 (2)(a) through (f) for review and evaluation by the Director beginning June 8, 2004.
- a) Copy of the recycle notification and information submitted to the Director under 5.8.4 (1).
 - b) List of all recycle flows and the frequency with which they are returned.
 - c) Average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.
 - d) Typical filter run length and a written summary of how filter run length is determined.
 - e) The type of treatment provided for the recycle flow.
 - f) Data on the physical dimensions of the equalization and/or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

TABLE 1.1 CT VALUES (CT_{99.9}) FOR 99.9 PERCENT INACTIVATION OF *GIARDIA LAMBLIA* CYSTS BY FREE CHLORINE AT 0.5°C OR LOWER¹

<i>Residual (mg/L)</i>				pH			
	<6.0	6.5	7.0	7.5	8.0	8.5	<9.0
<0.4	137	163	195	237	277	329	390
0.6	141	168	200	239	286	342	407
0.8	145	172	205	246	295	354	422
1.0	148	176	210	253	304	365	437
1.2	152	180	215	259	313	376	451
1.4	155	184	221	266	321	387	464
1.6	157	189	226	273	329	397	477
1.8	162	193	231	279	338	407	489
2.0	165	197	236	286	346	417	500
2.2	169	201	242	297	353	426	511
2.4	172	205	247	298	361	435	522
2.6	175	209	252	304	368	444	533
2.8	178	213	257	310	375	452	543
3.0	181	217	261	316	382	460	552

¹These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT_{99.9} value at the lower temperature and at the higher pH.

TABLE 1.2 CT VALUES (CT_{99.9}) FOR 99.9 PERCENT INACTIVATION OF *GIARDIA LAMBLIA* CYSTS BY FREE CHLORINE AT 0.5°C¹

<i>Free Residual (mg/L)</i>				pH			
	<6.0	6.5	7.0	7.5	8.0	8.5	<9.0
<0.4	97	117	139	166	198	236	279
0.6	100	120	143	171	204	244	291
0.8	103	122	146	175	210	252	301
1.0	105	125	149	179	216	260	312
1.2	107	127	152	183	221	267	320
1.4	109	130	155	187	227	274	329
1.6	111	132	158	192	232	281	337
1.8	114	135	162	196	238	287	345
2.0	116	138	165	200	243	294	353
2.2	118	140	169	204	248	300	361
2.4	120	143	172	209	253	306	368
2.6	122	146	175	213	258	312	375
2.8	124	148	178	217	263	318	382
3.0	126	151	182	221	268	324	389

¹These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT_{99.9} value at the lower temperature and at the higher pH.

TABLE 1.3 CT VALUES (CT_{99.9}) FOR 99.9 PERCENT INACTIVATION OF *GIARDIA LAMBLIA* CYSTS BY FREE CHLORINE AT 10.0°C¹

<i>Free Residual (mg/L)</i>				pH			
	<6.0	6.5	7.0	7.5	8.0	8.5	<9.0
<0.4	73	88	104	125	149	177	209
0.6	75	90	107	128	153	183	218
0.8	78	92	110	131	158	189	226
1.0	79	94	112	134	162	195	234
1.2	80	95	114	137	166	200	240
1.4	82	98	116	140	170	206	247
1.6	83	99	119	144	174	211	253
1.8	86	101	122	147	179	215	259
2.0	87	104	124	150	182	221	265
2.2	89	105	127	153	186	225	271
2.4	90	107	129	157	190	230	276
2.6	92	110	131	160	194	234	281
2.8	93	111	134	163	197	239	287
3.0	95	113	137	166	201	243	292

¹These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT_{99.9} value at the lower temperature and at the higher pH.

TABLE 1.4 CT VALUES (CT_{99.9}) FOR 99.9 PERCENT INACTIVATION OF *GIARDIA LAMBLIA* CYSTS BY FREE CHLORINE AT 15.0°C¹

<i>Free Residual (mg/L)</i>				pH			
	<6.0	6.5	7.0	7.5	8.0	8.5	<9.0
<0.4	49	59	70	83	99	118	140
0.6	50	60	72	86	102	122	146
0.8	52	61	73	88	105	126	151
1.0	53	63	75	90	108	130	156
1.2	54	64	76	92	111	134	160
1.4	55	65	78	94	114	137	165
1.6	56	66	79	96	116	141	169
1.8	57	68	81	98	119	144	173
2.0	58	69	83	100	122	147	177
2.2	59	70	85	102	124	150	181
2.4	60	72	86	105	127	153	184
2.6	61	73	88	107	129	156	188
2.8	62	74	89	109	132	159	191
3.0	63	76	91	111	134	162	195

¹These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT_{99.9} value at the lower temperature and at the higher pH.

TABLE 1.5 CT VALUES (CT_{99.9}) FOR 99.9 PERCENT INACTIVATION OF *GIARDIA LAMBLIA* CYSTS BY FREE CHLORINE AT 20.0°C¹

<i>Free Residual (mg/L)</i>				pH			
	<6.0	6.5	7.0	7.5	8.0	8.5	<9.0
<0.4	36	44	52	62	74	89	105
0.6	38	45	54	64	77	92	109
0.8	39	46	55	66	79	95	113
1.0	39	47	56	67	81	98	117
1.2	40	48	57	69	83	100	120
1.4	41	49	58	70	85	103	123
1.6	42	50	59	72	87	105	126
1.8	43	51	61	74	89	108	129
2.0	44	52	62	75	91	110	132
2.2	44	53	63	77	93	113	135
2.4	45	54	65	78	95	115	138
2.6	46	55	66	80	97	117	141
2.8	47	56	67	81	99	119	143
3.0	47	57	68	83	101	122	146

¹These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT_{99.9} value at the lower temperature and at the higher pH.

TABLE 1.6 CT VALUES (CT_{99.9}) FOR 99.9 PERCENT INACTIVATION OF *GIARDIA LAMBLIA* CYSTS BY FREE CHLORINE AT 25°C¹ AND HIGHER

<i>Free Residual (mg/L)</i>	pH						
	<6.0	6.5	7.0	7.5	8.0	8.5	<9.0
<0.4	24	29	35	42	50	59	70
0.6	25	30	36	43	51	61	73
0.8	26	31	37	44	53	63	75
1.0	26	31	37	45	54	65	78
1.2	27	32	38	46	55	67	80
1.4	27	33	39	47	57	69	82
1.6	28	33	40	48	58	70	84
1.8	29	34	41	49	60	72	86
2.0	29	35	41	50	61	74	88
2.2	30	35	42	51	62	75	90
2.4	30	36	43	52	63	77	92
2.6	31	37	44	53	65	78	94
2.8	31	37	45	54	66	80	96
3.0	32	38	46	55	67	81	97

¹These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT_{99.9} value at the lower temperature and at the higher pH.

TABLE 2.1 CT VALUES (CT_{99.9}) FOR 99.9 PERCENT INACTIVATION OF *GIARDIA LAMBLIA* CYSTS BY CHLORINE DIOXIDE AND OZONE¹

<i>Free Residual (mg/L)</i>	<i>Temperature</i>					
	1 °C	5 °C	10 °C	15 °C	20 °C	>25 °C
Chlorine dioxide	63	26	23	19	15	11
Ozone	2.0	1.9	1.4	0.95	0.72	0.46

¹These CT values achieve greater than 99.99 percent inactivation of viruses. CT values between the indicated temperatures may be determined by linear interpolation. If no interpolation is used, use the CT_{99.9} value at the lower temperature for determining CT_{99.9} values between indicated temperatures.

TABLE 3.1 CT VALUES (CT_{99.9}) for 99.9 PERCENT INACTIVATION OF *GIARDIA LAMBLIA* CYSTS BY CHLORAMINES¹

<i>Temperature</i>					
<1 °C	5 °C	10 °C	15 °C	20 °C	>25 °C
2.0	1.9	1.4	0.95	0.72	0.46

¹These values are for pH values of 6 to 9. These CT values may be assumed to achieve greater than 99.99 percent inactivation of viruses only if chlorine is added and mixed in the water prior to the addition of ammonia. If this condition is not met, the system must demonstrate, based on on-site studies or other information, as approved by the State, that the system is achieving at least 99.99 percent inactivation of viruses. CT values between the indicated temperatures may be determined by linear interpolation. If no interpolation is used, use the CT_{99.9} value at the lower temperature for determining CT_{99.9} values between indicated temperatures.

Section 6.0 CONTROL OF LEAD AND COPPER

- §6.80 General requirements
- §6.81 Applicability of corrosion control treatment steps to small, medium-size and large water systems
- §6.82 Description of corrosion control treatment requirements
- §6.83 Source water treatment requirements
- §6.84 Lead service line replacement requirements
- §6.85 Public education and supplemental monitoring requirements
- §6.86 Monitoring requirements for lead and copper in tap water
- §6.87 Monitoring requirements for water quality parameters
- §6.88 Source monitoring requirements for lead and copper in water
- §6.89 Analytical methods
- §6.90 Reporting requirements
- §6.91 Record keeping requirements

§6.80 General Requirements

(a) Applicability and Effective Dates

- (1) The requirements of Section 6 constitute the national primary drinking water regulations for lead and copper. Unless otherwise indicated, each of the provisions of this section applies to community water systems and non-transient, non-community water systems (hereinafter referred to as "water systems" or "systems").
- (2) The requirements set forth in §§6.86-6.91 shall take effect July 7, 1991. The requirements in §§6.80-6.85 shall take effect December 7, 1992.

(b) Scope

These regulations establish a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.

(c) Lead and Copper Action Levels

- (1) The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with §6.86 is greater than 0.015 mg/L (i.e., if the "90th percentile" lead level is greater than 0.015 mg/L).
- (2) The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with §6.86 is greater than 1.3 mg/L (i.e., if the "90th percentile" copper level is greater than 1.3 mg/L).
- (3) The 90th percentile lead and copper levels shall be computed as follows:

- (i) The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.
- (ii) The number of samples taken during the monitoring period shall be multiplied by 0.9.
- (iii) The contaminant concentration in the numbered sample yielded by the calculation in paragraph (c)(3)(ii) is the 90th percentile contaminant level.
- (iv) For water systems serving fewer than 100 people that collect 5 samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

(d) *Corrosion Control Treatment Requirements*

- (1) All water systems shall install and operate optimal corrosion control treatment as defined in Section 1.
- (2) Any water system that complies with the applicable corrosion control treatment requirements specified by the Director under §§6.81 and 6.82 shall be deemed in compliance with the treatment requirement contained in paragraph (d)(1) of this section.

(e) *Source Water Treatment Requirements*

Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the Director under §6.83.

(f) *Lead Service Line Replacement Requirements*

Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in §6.84.

(g) *Public Education Requirements*

Any system exceeding the lead action level shall implement the public education requirements contained in §6.85.

(h) *Monitoring and Analytical Requirements*

Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this subpart shall be completed in compliance with §§6.86, 6.87, 6.88, and 6.89.

(i) ***Reporting Requirements***

Systems shall report to the Director any information required by the treatment provisions of this subpart and §6.90.

(j) ***Record Keeping Requirements***

Systems shall maintain records in accordance with §6.91.

- (k) Failure to comply with the applicable requirements of §§6.80-6.91, including requirements established by the Director pursuant to these provisions, shall constitute a violation of these regulations.

§6.81 *Applicability of Corrosion Control Treatment Steps to Small, Medium-size and Large Water Systems*

- (a) Systems shall complete the applicable corrosion control treatment requirements described in §6.82 by the deadlines established in this section.
- (1) A large system (serving >50,000 persons) shall complete the corrosion control treatment steps specified in paragraph (d) of this section, unless it is deemed to have optimized corrosion control under paragraph (b)(2) or (b)(3) of this section.
- (2) A small system (serving ≤3300 persons) and a medium-size system (serving >3,300 and ≤50,000 persons) shall complete the corrosion control treatment steps specified in paragraph (e) of this section, unless it is deemed to have optimized corrosion control under paragraph (b)(1), (b)(2), or (b)(3) of this section.
- (b) A system is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the system satisfies one of the criteria specified in paragraphs (b)(1) through (b)(3) of this section. Any such system deemed to have optimized corrosion control under this paragraph, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Director determines appropriate to ensure optimal corrosion control treatment is maintained.
- (1) A small or medium-size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with §6.86.
- (2) Any water system may be deemed by the Director to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the Director that it has

conducted activities equivalent to the corrosion control steps applicable to such system under this section. If the Director makes this determination, the Director shall provide the system with written notice explaining the basis for his decision and shall specify the water quality control parameters representing optimal corrosion control in accordance with §6.82(f). Water systems deemed to have optimized corrosion control under this paragraph shall operate in compliance with the Director-designated optimal water quality control parameters in accordance with §6.82(g) and continue to conduct lead and copper tap and water quality parameter sampling in accordance with §6.86(d)(3) and §6.87(d), respectively. A system shall provide the Director with the following information in order to support a determination under this paragraph:

- (i) the results of all test samples collected for each of the water quality parameters in §6.82(c)(3).
 - (ii) a report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in §6.82(c)(1), the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment;
 - (iii) a report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps; and
 - (iv) the results of tap water samples collected in accordance with §6.86 at least once every six months for one year after corrosion control has been installed.
- (3) Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with §6.86 and source water monitoring conducted in accordance with §6.88 that demonstrates for two consecutive six-month monitoring periods that the difference between the 90th percentile tap water lead level computed under §6.80(c)(3), and the highest source water lead concentration, is less than the Practical Quantitation Level for lead specified in §6.89(a)(1)(ii).
- (i) Those systems whose highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead level is less than or equal to the Practical Quantitation Level for lead for two consecutive 6-month monitoring periods.
 - (ii) Any water system deemed to have optimized corrosion control in accordance with this paragraph shall continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in §6.86(c) and collecting the samples at times and locations specified in §6.86(d)(4)(iv). Any such system that has not conducted a round of monitoring pursuant to §6.86(d) since September 30, 1997, shall complete a round of monitoring pursuant to this paragraph no later than September 30, 2000.

- (iii) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the Director in writing pursuant to §6.90(a)(3) of any change in treatment or the addition of a new source. The Director may require any such system to conduct additional monitoring or to take other action the Director deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.
 - (iv) As of July 12, 2001, a system is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment pursuant to paragraph (b)(3)(v) of this section unless it meets the copper action level.
 - (v) Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in paragraph (e) of this section. Any such large system shall adhere to the schedule specified in that paragraph for medium-size systems, with the time periods for completing each step being triggered by the date the system is no longer deemed to have optimized corrosion control under this paragraph.
- (c) Any small or medium-size water system that is required to complete the corrosion control steps due to its exceedance of the lead or copper action level may cease completing the treatment steps whenever the system meets both action levels during each of two consecutive monitoring periods conducted pursuant to §6.86 and submits the results to the Director. If any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The Director may require a system to repeat treatment steps previously completed by the system where the Director determines that this is necessary to implement properly the treatment requirements of this section. The Director shall notify the system in writing of such a determination and explain the basis for its decision. The requirement for any small- or medium-size system to implement corrosion control treatment steps in accordance with paragraph (e) of this section (including systems deemed to have optimized corrosion control under paragraph (b)(1) of this section) is triggered whenever any small- or medium-size system exceeds the lead or copper action level.
- (d) ***Treatment Steps and Deadlines for Large Systems***

Except as provided in paragraph (b)(2) and (3) of this section, large systems shall complete the following corrosion control treatment steps (described in the referenced portions of §§6.82, 6.86, and 6.87) by the indicated dates.

- (1) *Step 1:* The system shall conduct initial monitoring (§6.86(d)(1) and §6.87(b)) during two consecutive six-month monitoring periods by January 1, 1993.
- (2) *Step 2:* The system shall complete corrosion control studies (§6.82(c)) by July 1, 1994.

- (3) *Step 3:* The Director shall designate optimal corrosion control treatment (§6.82(d)) by January 1, 1995.
- (4) *Step 4:* The system shall install optimal corrosion control treatment (§6.82(e)) by January 1, 1997.
- (5) *Step 5:* The system shall complete follow-up sampling (§6.86(d)(2) and §6.87(c)) by January 1, 1998.
- (6) *Step 6:* The Director shall review installation of treatment and designate optimal water quality control parameters (§6.82(f)) by July 1, 1998.
- (7) *Step 7:* The system shall operate in compliance with the Director-specified optimal water quality control parameters (§6.82(g)) and continue to conduct tap sampling (§6.86(d)(3) and §6.87(d)).

(e) ***Treatment Steps and Deadlines for Small and Medium-size Systems***

Except as provided in paragraph (b) of this section, small and medium-size systems shall complete the following corrosion control treatment steps (described in the referenced portions of §§6.82, 6.86 and 6.87) by the indicated time periods.

- (1) *Step 1:* The system shall conduct initial tap sampling (§6.86(d)(1) and §6.87(b)) until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring under §6.86(d)(4). A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment (§6.82(a)) within six months after it exceeds one of the action levels.
- (2) *Step 2:* Within 12 months after a system exceeds the lead or copper action level, the Director may require the system to perform corrosion control studies (§6.82(b)). If the Director does not require the system to perform such studies, the Director shall specify optimal corrosion control treatment (§6.82(d)) within the following time frames:
 - (i) for medium-size systems, within 18 months after such system exceeds the lead or copper action level,
 - (ii) for small systems, within 24 months after such system exceeds the lead or copper action level.
- (3) *Step 3:* If the Director requires a system to perform corrosion control studies under step 2, the system shall complete the studies (§6.82(c)) within 18 months after the Director requires that such studies be conducted.
- (4) *Step 4:* If the system has performed corrosion control studies under step 2, the Director shall designate optimal corrosion control treatment (§6.82(d)) within 6 months after completion of step 3.

- (5) *Step 5:* The system shall install optimal corrosion control treatment (§6.82(e)) within 24 months after the Director designates such treatment.
- (6) *Step 6:* The system shall complete follow-up sampling (§6.86(d)(2) and §6.87(c)) within 36 months after the Director designates optimal corrosion control treatment.
- (7) *Step 7:* The Director shall review the system's installation of treatment and designate optimal water quality control parameters (§6.82(f)) within 6 months after completion of step 6.
- (8) *Step 8:* The system shall operate in compliance with the Director-designated optimal water quality control parameters (§6.82(g)) and continue to conduct tap sampling (§6.86(d)(3) and §6.87(d)).

§6.82 *Description of Corrosion Control Treatment Requirements*

Each system shall complete the corrosion control treatment requirements described below which are applicable to such system under §6.81.

(a) *System Recommendation Regarding Corrosion Control Treatment*

Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium-size water systems exceeding the lead or copper action level shall recommend installation of one or more of the corrosion control treatments listed in paragraph (c)(1) of this section which the system believes constitutes optimal corrosion control for that system. The Director may require the system to conduct additional water quality parameter monitoring in accordance with §6.87(b) to assist the Director in reviewing the system's recommendation.

(b) *Decision to Require Studies of Corrosion Control Treatment (Applicable to Small and Medium-size Systems)*

The Director may require any small or medium-size system that exceeds the lead or copper action level to perform corrosion control studies under paragraph (c) of this section to identify optimal corrosion control treatment for the system.

(c) *Performance of Corrosion Control Studies*

- (1) Any public water system performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that system:
 - (i) alkalinity and pH adjustment;

- (ii) calcium hardness adjustment; and
 - (iii) the addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.
- (2) The water system shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on documented analogous treatments with other systems of similar size, water chemistry and distribution system configuration.
- (3) The water system shall measure the following water quality parameters in any tests conducted under this paragraph before and after evaluating the corrosion control treatments listed above:
 - (i) lead;
 - (ii) copper;
 - (iii) pH;
 - (iv) alkalinity;
 - (v) calcium;
 - (vi) conductivity;
 - (vii) orthophosphate (when an inhibitor containing a phosphate compound is used);
 - (viii) silicate (when an inhibitor containing a silicate compound is used);
 - (ix) water temperature.
- (4) The water system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following:
 - (i) data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality characteristics; and/or
 - (ii) data and documentation demonstrating that the water system has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.

- (5) The water system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.
- (6) On the basis of an analysis of the data generated during each evaluation, the water system shall recommend to the Director in writing the treatment option that the corrosion control studies indicate constitutes optimal corrosion control treatment for that system. The water system shall provide a rationale for its recommendation along with all supporting documentation specified in paragraphs (c)(1) through (5) of this section.

(d) ***Designation of Optimal Corrosion Control Treatment***

- (1) Based upon consideration of available information including, where applicable, studies performed under paragraph c) of this section and a system's recommended treatment alternative, the Director shall either approve the corrosion control treatment option recommended by the system, or designate alternative corrosion control treatment(s) from among those listed in paragraph (c)(1) of this section. When designating optimal treatment the Director shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.
- (2) The Director shall notify the system of its decision on optimal corrosion control treatment in writing and explain the basis for this determination. If the Director requests additional information to aid its review, the water system shall provide the information.

(e) ***Installation of Optimal Corrosion Control***

Each system shall properly install and operate throughout its distribution system the optimal corrosion control treatment designated by the Director under paragraph (d) of this section.

(f) ***Review of Treatment and Specification of Optimal Water Quality Control Parameters***

The Director shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the water system and determine whether the system has properly installed and operated the optimal corrosion control treatment designated by the Director in paragraph (d) of this section. Upon reviewing the results of tap water and water quality parameter monitoring by the system, both before and after the system installs optimal corrosion control treatment, the Director shall designate:

- (1) a minimum value or a range of values for pH measured at each entry point to the distribution system;
- (2) a minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the Director determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control;
- (3) if a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap

samples, that the Director determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;

- (4) if alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;
- (5) if calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.

The values for the applicable water quality control parameters listed above shall be those that the Director determines to reflect optimal corrosion control treatment for the system. The Director may designate values for additional water quality control parameters determined by the Director to reflect optimal corrosion control for the system. The Director shall notify the system in writing of these determinations and explain the basis for its decisions.

(g) *Continued Operation and Monitoring*

All systems optimizing corrosion control shall continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameters at or above minimum values or within ranges designated by the Director under paragraph (f) of this section, in accordance with this paragraph for all samples collected under §§6.87(d)-(f). Compliance with the requirements of this paragraph shall be determined every six months, as specified under §6.87(d). A water system is out of compliance with the requirements of this paragraph for a six-month period if it has excursions for any Director-specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the Director. Daily values are calculated as follows. The Director has the discretion to delete results of obvious sampling errors from this calculation.

- (1) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day regardless of whether they are collected through continuous monitoring, grab sampling, or a combination of both.
- (2) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the result of that measurement.
- (3) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

(h) *Modification of the Director's Treatment Decisions*

Upon his own initiative or in response to a request by a water system or other interested party, the Director may modify its determination of the optimal corrosion control treatment under paragraph (d) of this section or optimal water quality control parameters under paragraph (f) of this section. A request

for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Director may modify its determination where it concludes that such change is necessary to ensure that the system continues to optimize corrosion control treatment. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the Director's decision, and provide an implementation schedule for completing the treatment modifications.

§6.83 *Source Water Treatment Requirements*

Systems shall complete the applicable source water monitoring and treatment requirements (described in the referenced portions of paragraph (b) of this section, and in §§6.86, and 6.88) by the following deadlines.

(a) *Deadlines for Completing Source Water Treatment Steps*

- (1) *Step 1:* A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (§6.88(b)) and make a treatment recommendation to the Director (§6.83(b)(1)) within 6 months after exceeding the lead or copper action level.
- (2) *Step 2:* The Director shall make a determination regarding source water treatment (§6.83(b)(2)) within 6 months after submission of monitoring results under step 1.
- (3) *Step 3:* If the Director requires installation of source water treatment, the system shall install the treatment (§6.83(b)(3)) within 24 months after completion of step 2.
- (4) *Step 4:* The system shall complete follow-up tap water monitoring (§6.86(d)(2)) and source water monitoring (§6.88(c)) within 36 months after completion of step 2.
- (5) *Step 5:* The Director shall review the system's installation and operation of source water treatment and specify maximum permissible source water levels (§6.83(b)(4)) within 6 months after completion of step 4.
- (6) *Step 6:* The system shall operate in compliance with the Director-specified maximum permissible lead and copper source water levels (§6.83(b)(4)) and continue source water monitoring (§6.88(d)).

(b) *Description of Source Water Treatment Requirements*

- (1) System treatment recommendation

Any system which exceeds the lead or copper action level shall recommend in writing to the Director the installation and operation of one of the source water treatments listed in paragraph (b)(2) of this section. A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

- (2) The Director shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the Director determines that treatment is needed, the Director shall either require installation and operation of the source water treatment recommended by the system (if any) or require the installation and operation of another source water treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the Director requests additional information to aid in its review, the water system shall provide the information by the date specified by the Director in its request. The Director shall notify the system in writing of its determination and set forth the basis for its decision.

(3) ***Installation of Source Water Treatment***

Each system shall properly install and operate the source water treatment designated by the Director under paragraph (b)(2) of this section.

- (4) The Director shall review the source water samples taken by the water system both before and after the system installs source water treatment, and determine whether the system has properly installed and operated the source water treatment designated by the Director. Based upon its review, the Director shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The Director shall notify the system in writing and explain the basis for its decision.

(5) ***Continued Operation and Maintenance***

Each water system shall maintain lead and copper levels below the maximum permissible concentrations designated by the Director at each sampling point monitored in accordance with §6.88. The system is out of compliance with this paragraph if the level of lead or copper at any sampling point is greater than the maximum permissible concentration designated by the Director.

(6) ***Modification of Treatment Decisions***

Upon its own initiative or in response to a request by a water system or other interested party, the Director may modify its determination of the source water treatment under paragraph (2) of this section, or maximum permissible lead and copper concentrations for finished water entering the distribution system under paragraph (4) of this section. A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Director may modify his determination where it concludes that such change is necessary to ensure that the system continues to minimize lead and copper concentrations in source water. A revised determination shall be made in writing, set

forth the new treatment requirements, explain the basis for the Director's decision, and provide an implementation schedule for completing the treatment modifications.

§6.84 *Lead Service Line Replacement Requirements*

- (a) Systems that fail to meet the lead action level in tap samples taken pursuant to §6.86(d)(2), after installing corrosion control and/or source water treatment (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this section. If a system is in violation of §6.81 or §6.83 for failure to install source water or corrosion control treatment, the Director may require the system to commence lead service line replacement under this section after the date by which the system was required to conduct monitoring under §6.86(d)(2) has passed.
- (b) A water system shall replace annually at least 7 percent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system, including an identification of the portion(s) owned by the system, based upon a materials evaluation, including the evaluation required under §6.86(a) and relevant legal authorities (e.g., contracts, local ordinances) regarding the portion owned by the system. The first year of lead service line replacement shall begin on the date the action level was exceeded in tap sampling referenced in paragraph (a) of this section.
- (c) A system is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to §6.86(b)(3), is less than or equal to 0.015 mg/L.
- (d) A water system shall replace that portion of the lead service line that it owns. In cases where the system does not own the entire lead service line, the system shall notify the owner of the line, or the owner's authorized agent, that the system will replace the portion of the service line that it owns and shall offer to replace the owner's portion of the line. A system is not required to bear the cost of replacing the privately-owned portion of the line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion of the line, or where replacing the privately-owned portion would be precluded by the State, local or common law. A water system that does not replace the entire length of the service line also shall complete the following tasks.
 - (1) At least 45 days prior to commencing with the partial replacement of a lead service line, the water system shall provide notice to the resident(s) of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The Director may allow the water system to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where such replacement is in conjunction with emergency repairs. In addition, the water system shall inform the resident(s) served by the line that the system will, at the system's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed

under §6.86(b)(3), within 72 hours after the completion of the partial replacement of the service line. The system shall collect the sample and report the results of the analysis to the owner and the resident(s) served by the line within three business days of receiving the results. Mailed notices post-marked within three business days of receiving the results shall be considered "on time."

- (2) The water system shall provide the information required by paragraph (1) of this section to the residents of individual dwellings by mail or by other methods approved by the Director. In instances where multi-family dwellings are served by the line, the water system shall have the option to post the information at a conspicuous location.
- (e) The Director shall require a system to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the system, where such a shorter replacement schedule is feasible. The Director shall make this determination in writing and notify the system of its finding within 6 months after the system is triggered into lead service line replacement based on monitoring referenced in paragraph (a) of this section.
- (f) Any system may cease replacing lead service lines whenever first draw samples collected pursuant to §6.86(b)(2) meet the lead action level during each of two consecutive monitoring periods and the system submits the results to the Director. If the first draw tap samples collected in any such system thereafter exceeds the lead action level, the system shall recommence replacing lead service lines, pursuant to paragraph (b) of this section.
- (g) To demonstrate compliance with paragraphs (a)-(d) of this section, a system shall report to the Director the information specified in §6.90(e).

§6.85 *Public Education and Supplemental Monitoring Requirements*

A water system that exceeds the lead action level based on tap water samples collected in accordance with §6.86 shall deliver the public education materials contained in paragraphs (a) and (b) of this section in accordance with the requirements in paragraph (c) of this section.

(a) *Content of Written Public Education Materials.*

(1) *Community Water Systems*

A community water system shall include the following text in all of the printed materials it distributes through its lead public education program. Systems may delete information pertaining to lead service lines, upon approval by the Director, if no lead service lines exist anywhere in the water system service area. Public education language at paragraphs (a)(1)(iv)(B)(5) and (a)(1)(iv)(D)(2) of this section may be modified regarding building permit record availability and consumer access to these records, if approved by the Director. Systems may also continue to utilize pre-printed materials that meet the public education language requirements in § 6.85, effective December 7, 1991. Any additional information presented by a system shall be consistent with the information below and be in plain English that can be understood by lay people.

(i) ***Introduction***

The United States Environmental Protection Agency (EPA) and [insert name of water supplier] are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

(ii) ***Health Effects of Lead***

Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust --that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(iii) ***Lead in Drinking Water***

(A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.

(B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder

containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

- (C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

(iv) ***Steps You Can Take in The Home to Reduce Exposure to Lead in Drinking Water***

- (A) Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call [insert phone number of water system].

- (B) If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:

- (1) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one or two gallons of water and costs less than [insert a cost estimate based on flushing two times a day for 30 days] per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and for advice on reducing the lead level.

- (2) Try not to cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove.

- (3) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from 3 to 5 minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.
- (4) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he or she replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify the Division of Drinking Water Quality, RI Department of Health about the violation.
- (5) Determine whether or not the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking the city's record of building permits which should be maintained in the files of the [insert name of department that issues building permits]. A licensed plumber can at the same time check to see if your home's plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The public water system that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the portion of the line we own. If the line is only partially owned by the [insert the name of the city, county, or water system that owns the line], we are required to provide the owner of the privately-owned portion of the line with information on how to replace the privately-owned portion of the service line, and offer to replace that portion of the line at the owner's expense. If we replace only the portion of the line that we own, we also are required to notify you in advance and provide you with information on the steps you can take to minimize exposure to any temporary increase in lead levels that may result from the partial replacement, to take a follow-up sample at our expense from the line within 72 hours after the partial replacement, and to mail or otherwise provide you with the results of that sample within three business days of receiving the results. Acceptable replacement alternatives include copper, steel, iron, and plastic pipes.
- (6) Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt

to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.

- (C) The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:
 - (1) Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.
 - (2) Purchase bottled water for drinking and cooking.
- (D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:
 - (1) The Office of Drinking Water Quality within the RI Dept. of Health at 222-6867 can provide you with information about your community's water supply, and a list of local laboratories that have been certified by the Health Department for testing water quality;
 - (2) [insert the name of city of county department that issues building permits] at [insert phone number] can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and
 - (3) The Division of Family Health within the RI Dept. of Health at 222-2312 can provide you with information about the health effects of lead and how you can have your child's blood tested.
- (E) The following is a list of some State approved laboratories in your area that you can call to have your water tested for lead. [Insert names and phone numbers of at least two laboratories].

(2) ***Non-transient Non-community Water Systems***

A non-transient non-community water system shall either include the text specified in paragraph

(a)(1) of this section or shall include the following text in all of the printed materials it distributes through its lead public education program. Water systems may delete information pertaining to lead service lines upon approval by the Director if no lead service lines exist anywhere in the water system service area. Any additional information presented by a system shall be consistent with the information below and be in plain English that can be understood by lay people.

(i) ***Introduction***

The United States Environmental Protection Agency (EPA) and [insert name of water supplier] are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect yourself by reducing your exposure to lead in drinking water.

(ii) ***Health Effects of Lead***

Lead is found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination - like dirt and dust - that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(iii) ***Lead in Drinking Water***

(A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.

(B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials

include lead-based solder used to join copper pipe, brass and chrome-plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to water mains (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

- (C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon if the water has not been used all day, can contain fairly high levels of lead.

(iv) ***Steps You Can Take to Reduce Exposure to Lead in Drinking Water***

- (A) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet for about 15-30 seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your health. It usually uses less than one gallon of water.
- (B) Do not cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and then heat it.
- (C) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.
- (D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:
 - (1) [insert the name or title of facility official if appropriate] at [insert phone number] can provide you with information about your facility's water supply; and
 - (2) The Office of Drinking Water Quality within the Rhode Island Department of Health at 222-6867 can provide you with information about the health effects of lead.

- (b) ***Content of Broadcast Materials:*** A water system shall include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcasting:

- (1) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for [insert free or \$ per sample]. You can contact the [insert the name of the city or water system] for information on testing and on simple ways to reduce your exposure to lead in drinking water.
- (2) To have your water tested for lead, or to get more information about this public health concern, please call [insert the phone number of the city or water system].

(c) ***Delivery of a Public Education Program***

- (1) In communities where a significant proportion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language(s).
- (2) A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with §6.86, and that is not already repeating public education tasks pursuant to paragraph (c)(3), (c)(7), or (c)(8), of this section, shall, within 60 days:
 - (i) insert notices in each customer's water utility bill or do a special mailing containing the information in paragraph (a) of this section, along with the following alert on the water bill itself in large print: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING

WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION." A community water system having a billing cycle that does not include a billing within 60 days of exceeding the action level, or that cannot insert information in the water utility bill without making major changes to its billing system, may use a separate mailing to deliver the information in paragraph (a)(1) of this section as long as the information is delivered to each customer within 60 days of exceeding the action level. Such water systems shall also include the "alert" language specified in this paragraph.

- (ii) submit the information in paragraph (a)(1) to the editorial departments of the major daily and weekly newspapers circulated throughout the community.
 - (iii) deliver pamphlets and/or brochures that contain the public education materials in paragraphs (a)(1)(ii) and (a)(1)(iv) of this section to facilities and organizations, including the following:
 - (A) public schools and/or local school boards;
 - (B) health department;
 - (C) Women, Infants, and Children and/or Head Start Program(s) whenever available;
 - (D) public and private hospitals and/or clinics;
 - (E) pediatricians;
 - (F) family planning clinics; and
 - (G) local welfare agencies.
 - (iv) submit the public service announcement in paragraph (b) of this section to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the water system.
- (3) A community water system shall repeat the tasks contained in paragraphs (c)(2)(I), (ii) and (iii) of this section every 12 months, and the tasks contained in paragraphs (c)(2)(iv) of this section every 6 months for as long as the system exceeds the lead action level.
- (4) Within 60 days after it exceeds the lead action level (unless it already is repeating public education tasks pursuant to paragraph (c)(5) of this section), a non-transient non-community water system shall deliver the public education materials specified by paragraphs (a)(1) of this section or the public education materials specified by paragraph_(a)(2) of this section as follows:

- (i) post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and
 - (ii) distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the non-transient non-community water system. The Director may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.
- (5) A non-transient noncommunity water system shall repeat the tasks contained in paragraph (c)(4) of this section at least once during each calendar year in which the system exceeds the lead action level.
- (6) A water system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period conducted pursuant to §6.86. Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.
- (7) A community water system may apply to the Director, in writing, to use the text specified in paragraph (a)(2) of this section in lieu of the text in paragraph (a)(1) of this section and to perform the tasks listed in paragraphs (c)(4) and (c)(5) of this section in lieu of the tasks in paragraphs (c)(2) and (c)(3) of this section if:
- (i) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and
 - (ii) The system provides water as part of the cost of services provided and does not separately charge for water consumption.
- (8)(i) A community water system serving 3,300 or fewer people may omit the task contained in paragraph (c)(2)(iv) of this section. As long as it distributes notices containing the information contained in paragraph (a)(1) of this section to every household served by the system, such systems may further limit their public education programs as follows:
- (A) Systems serving 500 or fewer people may forego the task contained in paragraph (c)(2)(ii) of this section. Such a system may limit the distribution of the public education materials required under paragraph (c)(2)(iii) of this section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children, unless it is notified by the Director in writing that it must make a broader distribution.
 - (B) If approved by the Director in writing, a system serving 501 to 3,300 people may omit the task in paragraph (c)(2)(ii) of this section and/or limit the distribution of the public education materials required under paragraph

(c)(2)(iii) of this section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

- (ii) A community water system serving 3,300 or fewer people that delivers public education in accordance with paragraph (c)(8)(i) of this section shall repeat the required public education tasks at least once during each calendar year in which the system exceeds the lead action level.

(d) ***Supplemental Monitoring and Notification of Results***

A water system that fails to meet the lead action level on the basis of tap samples collected in accordance with §6.86 shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, nor is the system required to collect and analyze the sample itself.

§6.86 *Monitoring Requirements for Lead and Copper in Tap Water*

(a) ***Sample Site Location***

- (1) By the applicable date for commencement of monitoring under paragraph (d)(1) of this section, each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in paragraph c) of this section. All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.
- (2) A water system shall use the information on lead, copper, and galvanized steel that is required when conducting a materials evaluation (presence of Lead from piping, solder, caulking, interior home plumbing, Copper from piping and alloys, service lines, and home plumbing, and Galvanized piping, service lines, and home plumbing within the distribution system.) When an evaluation of the information collected pursuant to the above is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in paragraph (a) of this section the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):
 - (i) all plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;
 - (ii) all inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and

- (iii) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.
- (3) The sampling sites selected for a community water system's sampling pool ("tier 1 sampling sites") shall consist of single family structures that:
- (i) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or
 - (ii) are served by a lead service line.

When multiple-family residences comprise at least 20 percent of the structures served by a water system, the system may include these types of structures in its sampling pool.

- (4) Any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "tier 2 sampling sites", consisting of buildings, including multiple-family residences that:
- (i) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or
 - (ii) are served by a lead service line.
- (5) Any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with "tier 3 sampling sites", consisting of single family structures that contain copper pipes with lead solder installed before 1983. A community water system with insufficient tier 1, tier 2, and tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.
- (6) The sampling sites selected for a non-transient non-community water system ("tier 1 sampling sites") shall consist of buildings that:
- (i) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or
 - (ii) are served by a lead service line.
- (7) A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in paragraph (a)(6) of this section shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the non-transient non-

community water system shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

- (8) Any water system whose distribution system contains lead service lines shall draw 50 percent of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of the samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by a lead service line shall collect first draw samples from all of the sites identified as being served by such lines.

(b) ***Sample Collection Methods***

- (1) All tap samples for lead and copper collected in accordance with this subpart, with the exception of lead service line samples collected under §6.84(c) and samples collected under paragraph (b)(5) of this section, shall be first draw samples.
- (2) Each first-draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. First-draw samples from a non-residential building shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non-first-draw samples collected in lieu of first-draw samples pursuant to paragraph (b)(5) of this section shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the system or the system may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems of residents handling nitric acid, acidification of first draw samples may be done up to 14 days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved EPA method before the sample can be analyzed. If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.
- (3) Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:
 - (i) at the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;
 - (ii) tapping directly into the lead service line; or

- (iii) if the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.
- (4) A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.
- (5) A non-transient non-community water system, or a community water system that meets the criteria of §§6.85(c)(7)(i) and (ii), that does not have enough taps that can supply first-draw samples, as defined in section 1.24, may apply to the Director in writing to substitute non-first-draw samples. Such systems must collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites. The Director has the discretion to waive the requirement for prior Director approval of non-first-draw sample sites selected by the system, either through State regulation or written notification to the system.

(c) ***Number of Samples***

Water systems shall collect at least one sample during each monitoring period specified in paragraph (d) of this section from the number of sites listed in the first column ("standard monitoring") of the table in this paragraph. A system conducting reduced monitoring under paragraph (d)(4) of this section shall collect at least one sample from the number of sites specified in the second column ("reduced monitoring") of the table in this paragraph during each monitoring period specified in paragraph (d)(4) of this section. Such reduced monitoring sites shall be representative of the sites required for standard monitoring. The Director may specify sampling locations when a system is conducting reduced monitoring. The table is as follows:

<i>System Size (# Number of People Served)</i>	<i># Number of sites (Standard Monitoring)</i>	<i># Number of sites (Reduced Monitoring)</i>
>100,000	100	50
10,001-100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
≤100	5	5

(d) ***Timing of Monitoring***

(1) ***Initial Tap Sampling***

The first six-month monitoring period for small, medium-size and large systems shall begin on the following dates:

<i>System Size (# People Served)</i>	<i>First Six-Month Monitoring Period Begins On</i>
>50,000	January 1, 1992
3,301 to 50,000	July 1, 1992
≤3,300	July 1, 1993

- (i) All large systems shall monitor during two consecutive six-month periods.
- (ii) All small and medium-size systems shall monitor during each six-month monitoring period until:
 - (A) the system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under §6.81, in which case the system shall continue monitoring in accordance with paragraph (d)(2) of this section, or
 - (B) the system meets the lead and copper action levels during two consecutive six-month monitoring periods, in which case the system may reduce monitoring in accordance with paragraph (d)(4) of this section.

(2) ***Monitoring after Installation of Corrosion Control and Source Water Treatment***

- (i) Any large system which installs optimal corrosion control treatment pursuant to §6.81(d)(4) shall monitor during two consecutive six-month monitoring periods by the date specified in §6.81(d)(5).
- (ii) Any small or medium-size system which installs optimal corrosion control treatment pursuant to §6.81(e)(5) shall monitor during two consecutive six-month monitoring periods by the date specified in §6.81(e)(6).
- (iii) Any system which installs source water treatment pursuant to §6.83(a)(3) shall monitor during two consecutive six-month monitoring periods by the date specified in §6.83(a)(4).

(3) ***Monitoring after the Director Specifies Water Quality Parameter Values for Optimal Corrosion Control***

After the Director specifies the values for water quality control parameters under §6.82(f), the system shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the Director specifies the optimal values under §6.82(f).

(4) ***Reduced Monitoring***

- (i) A small or medium-size water system that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with paragraph (c) of this section, and reduce the frequency of sampling to once per year.
- (ii) Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Director under §6.82(f) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with paragraph c) of this section if it receives written approval from the Director. The Director shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with §6.90, and shall notify the system in writing when the Director determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The Director shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.
- (iii) A small or medium-size water system that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Director under §6.82(f) during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if it receives written approval from the Director. The Director shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with §6.90, and shall notify the system in writing, when the Director determines the system is eligible to reduce the frequency of monitoring to once every three years. The Director shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.
- (iv) A water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in paragraph (a) of this section. Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September unless the Director has approved a different sampling period in accordance with paragraph (d)(4)(iv)(A) of this section.

- (A) The Director, at his or her discretion, may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a non-transient non-community water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Director shall designate a period that represents a time of normal operation for the system.
 - (B) Systems monitoring annually, that have been collecting samples during the months of June through September and that receive the Director's approval to alter their sample collection period under paragraph (d)(4)(iv)(A) of this section, must collect their next round of samples during a time period that ends no later than 21 months after the previous round of sampling. Systems monitoring triennially that have been collecting samples during the months of June through September, and receive the Director's approval to alter the sampling collection period as per paragraph (d)(4)(iv)(A) of this section, must collect their next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or triennially, as required by this section.
- (v) Any water system that demonstrates for two consecutive 6-month monitoring periods that the tap water lead level computed under §6.80(c)(3) is less than or equal to 0.005 mg/L and the tap water copper level computed under §6.80(c)(3) is less than or equal to 0.65 mg/L may reduce the number of samples in accordance with paragraph (c) of this section and reduce the frequency of sampling to once every three calendar years.
- (vi) (A) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance paragraph c) of this section and collect the number of samples specified for standard monitoring under paragraph (c) of this section. Such a system shall also conduct water quality parameter monitoring in accordance with 6.87(b),(c) or (d) (as appropriate) during the monitoring period in which it exceeded the action level. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (c) of this section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of paragraph (d)(4)(i) of this section and/or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (d)(4)(iii) or (d)(4)(v) of this section.
- (B) Any water system subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Director under §6.82(f) for more than nine days in any six-month period specified in §6.87(d) shall conduct tap water

sampling for lead and copper at the frequency specified in paragraph (d)(3) of this section, collect the number of samples specified for standard monitoring under paragraph (c) of this section, and shall resume monitoring for water quality parameters within the distribution system in accordance with §6.87(d). Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

- (1) The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (c) of this section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of paragraph (d)(4)(ii) of this section and the system has received written approval from the Director that it is appropriate to resume reduced monitoring on an annual frequency.
 - (2) The system may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (d)(4)(iii) or (d)(4)(v) of this section and the system has received written approval from the Director that it is appropriate to resume triennial monitoring.
 - (3) The system may reduce the number of water quality parameter tap water samples required in accordance with §6.87(e)(1) and the frequency with which it collects such samples in accordance with §6.87(e)(2). Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of §6.87(e)(2), that it has re-qualified for triennial monitoring.
- (vii) Any water system subject to a reduced monitoring frequency under paragraph (d)(4) of this section that either adds a new source of water or changes any water treatment shall inform the Director in writing in accordance with §6.90(a)(3). The Director may require the system to resume sampling in accordance with paragraph (d)(3) of this section and collect the number of samples specified for standard monitoring under paragraph (c) of this section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

(e) ***Additional Monitoring by Systems***

The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Director in making any determinations (i.e., calculating the 90th percentile lead or copper level) under this subpart.

(f) ***Invalidation of Lead or Copper Tap Water Samples***

A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under §6.80(c)(3) or toward meeting the minimum monitoring

requirements of paragraph (c) of this section.

- (1) The Director may invalidate a lead or copper tap water sample at least if one of the following conditions is met.
 - (i) The laboratory establishes that improper sample analysis caused erroneous results.
 - (ii) The Director determines that the sample was taken from a site that did not meet the site selection criteria of this section.
 - (iii) The sample container was damaged in transit.
 - (iv) There is substantial reason to believe that the sample was subject to tampering.
- (2) The system must report the results of all samples to the Director and all supporting documentation for samples the system believes should be invalidated.
- (3) To invalidate a sample under paragraph (f)(1) of this section, the decision and the rationale for the decision must be documented in writing. The Director shall not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.
- (4) The water system must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the system has too few samples to meet the minimum requirements of paragraph (c) of this section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Director invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

§6.87 *Monitoring Requirements for Water Quality Parameters*

All large water systems, and all small and medium-size systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section. The requirements of this section are summarized in the table at the end of this section.

(a) *General Requirements*

(i) *Sample Collection Methods*

- (i) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources

of water, the different treatment methods employed by the system, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under §6.86(a). [Note: Systems may find it convenient to conduct tap sampling for water quality parameters at sites used for coliform sampling.

- (ii) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(2) ***Number of Samples***

- (i) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period specified under paragraphs (b) - (e) of this section from the following number of sites.

<i>System Size (# People Served)</i>	<i># of sites for Water Quality Parameters</i>
>100,000	25
10,001-100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

- (ii) Except as provided in paragraph (c)(3) of this section, systems shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in paragraph (b) of this section. During each monitoring period specified in paragraphs (c)-(e) of this section, systems shall collect one sample for each applicable water quality parameter at each entry point to the distribution system.

(b) ***Initial Sampling***

All large water systems shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six-month monitoring period specified in §6.86(d)(1). All small and medium-size systems shall measure the applicable water quality parameters at the locations specified below during each six-month monitoring period specified in §6.86(d)(1) during which the system exceeds the lead or copper action level.

- (1) At taps:
 - (i) pH;
 - (ii) alkalinity;
 - (iii) orthophosphate, when an inhibitor containing a phosphate compound is used;
 - (iv) silica, when an inhibitor containing a silicate compound is used;
 - (v) calcium;
 - (vi) conductivity; and
 - (vii) water temperature.
- (2) At each entry point to the distribution system: all of the applicable parameters listed in paragraph (b)(1) above.

(c) ***Monitoring after Installation of Corrosion Control***

Any large system which installs optimal corrosion control treatment pursuant to §6.81(d)(4) shall measure the water quality parameters at the locations and frequencies specified below during each six-month monitoring period specified in §6.86(d)(2)(I). Any small or medium-size system which installs optimal corrosion control treatment shall conduct such monitoring during each six-month monitoring period specified in §6.86(d)(2)(ii) in which the system exceeds the lead or copper action level.

- (1) At taps, two samples for:
 - (i) pH;
 - (ii) alkalinity;
 - (iii) orthophosphate, when an inhibitor containing a phosphate compound is used;
 - (iv) silica, when an inhibitor containing a silicate compound is used;
 - (v) calcium, when calcium carbonate stabilization is used as part of corrosion control.
- (2) Except as provided in paragraph (c)(3) of this section, at each entry point to the distribution system, at least one sample no less frequently than every two weeks (bi-weekly) for:
 - (i) pH;

- (ii) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
 - (iii) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).
- (3) Any ground water system can limit entry point sampling described in paragraph (c)(2) of this section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated ground water sources mixes with water from treated ground water sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this paragraph, the system shall provide to the Director written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(d) ***Monitoring after the Director Specifies Water Quality Parameter Values for Optimal Corrosion Control***

After the Director specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under §6.82(f), all large systems shall measure the applicable water quality parameters in accordance with paragraph c) of this section and determine compliance with the requirements of §6.82(g) every six months with the first six-month period to begin on the date the Director specifies the optimal values under §6.82(f). Any small or medium-size system shall conduct such monitoring during each six-month period specified in this paragraph in which the system exceeds the lead or copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to §6.86(d)(4) at the time of the action level exceedance, the end of the applicable six-month period under this paragraph shall coincide with the end of the applicable monitoring period under §6.86(d)(4). Compliance with Director-designated optimal water quality parameter values shall be determined as specified under §6.82(g).

(e) ***Reduced Monitoring***

- (1) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under paragraph (d) of this section shall continue monitoring at the entry point(s) to the distribution system as specified in paragraph (c)(2) of this section. Such system may collect two tap samples for applicable water quality parameters from the following reduced number of sites during each six-month monitoring period.

<i>System Size</i>	<i>Reduced # of Sites for Water</i>
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<i>(# People Served)</i>	<i>Quality Parameters</i>
>100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

- (2)(i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Director under §6.82(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in this paragraph (e)(1) from every six months to annually. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under §6.82(f) during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in paragraph (e)(1) from annually to every three years.
- (ii) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in paragraph (e)(1) of this section to every three years if it demonstrates during two consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in §6.89 (a)(1)(ii), that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in §6.80(c)(2), and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Director under §6.82(f).
- (3) A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.
- (4) Any water system subject to reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Director under §6.82(f) for more than nine days in any six-month period specified in §6.82(g) shall resume distribution system tap water sampling in accordance with the number and frequency requirements in paragraph d) of this section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (e)(1) of this section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that paragraph and/or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (e)(2)(i) or (e)(2)(ii) of this section.

(f) *Additional Monitoring by Systems*

The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Director in making any determinations (i.e., determining concentrations of water quality parameters) under this section or §6.82.

SUMMARY OF MONITORING REQUIREMENTS FOR WATER QUALITY PARAMETERS¹

Monitoring Period	Parameters ²	Location	Frequency
Initial Monitoring	pH, alkalinity, orthophosphate or silica ³ , calcium, conductivity, temperature	Taps and at entry point(s) to distribution system	Every 6 months
After Installation of Corrosion Control	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴	Taps	Every 6 months
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	No less frequently than every two weeks
After Director Specifies Parameter Values For Optimal Corrosion Control	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴	Taps	Every 6 months
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	No less frequently than every two weeks
Reduced Monitoring	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴	Taps	Every 6 months, annually ⁷ or every 3 years ⁸ reduced number of sites
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	No less frequently than every two weeks

¹ Table is for illustrative purposes; consult the text of this section for precise regulatory requirements.

² Small and medium-size systems have to monitor for water quality parameters only during monitoring periods in which the system exceeds the lead or copper action level.

³ Orthophosphate must be measured only when an inhibitor containing a phosphate compound is used. Silica must be measured only when an inhibitor containing silicate compound is used.

⁴ Calcium must be measured only when calcium carbonate stabilization is used as part of corrosion control.

⁵ Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured only when an inhibitor is used.

⁶ Ground water systems may limit monitoring to representative locations throughout the system.

⁷ Water systems may reduce frequency of monitoring for water quality parameters at the tap from every six months to annually if they have maintained the range of values for water quality parameters reflecting optimal corrosion control during 3 consecutive years of monitoring.

⁸ Water systems may further reduce the frequency of monitoring for water quality parameters at the tap from annually to once every 3 years if they have maintained the range of values for water quality parameters reflecting optimal corrosion control during 3 consecutive years of annual monitoring. Water systems may accelerate to triennial monitoring for water quality parameters at the tap if they have maintained 90th percentile lead levels less than or equal to 0.005 mg/L, 90th percentile copper levels less than or equal to 0.65 mg/L, and the range of water quality parameters designated by the Director under §6.82(f) as representing optimal corrosion control during two consecutive six-month monitoring periods.

§6.88 *Monitoring Requirements for Lead and Copper in Source Water*

(a) *Sample Location, Collection Methods, and Number of Samples*

- (1) A water system that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with §6.86 shall collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:
 - (i) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). The system shall take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
 - (ii) Surface water systems shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point). The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. NOTE: For the purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.
 - (iii) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).
 - (iv) The Director may reduce the total number of samples which must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then either:
 - (A) A follow-up sample shall be taken and analyzed within 14 days at each sampling point included in the composite; or
 - (B) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the system may use these instead of resampling.
- (2) Where the results of sampling indicate an exceedance of maximum permissible source water levels established under §6.83(b)(4), the Director may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a Director-required confirmation

sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the Director-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.

(b) ***Monitoring Frequency after System Exceeds Tap Water Action Level***

Any system which exceeds the lead or copper action level at the tap shall collect one source water sample from each entry point to the distribution system within six months after the exceedance.

(c) ***Monitoring Frequency after Installation of Source Water Treatment***

Any system which installs source water treatment pursuant to §6.83(a)(3) shall collect an additional source water sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in §6.83(a)(4).

(d) ***Monitoring Frequency after the Director Specifies Maximum Permissible Source Water Levels or Determines That Source Water Treatment Is Not Needed***

(1) A system shall monitor at the frequency specified below in cases where the Director specifies maximum permissible source water levels under §6.83(b)(4) or determines that the system is not required to install source water treatment under §6.83(b)(2).

(i) A water system using only groundwater shall collect samples once during the three-year compliance period (as that term is defined in Section 1) in effect when the applicable Director determination under paragraph (d)(1) of this section is made. Such systems shall collect samples once during each subsequent compliance period.

(ii) A water system using surface water (or a combination of surface and groundwater) shall collect samples once during each year, the first annual monitoring period to begin on the date on which the applicable Director determination is made under paragraph (d)(1) of this section.

(2) A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under paragraph (d)(1)(i) or (ii) of this section.

(e) ***Reduced Monitoring Frequency***

(1) A water system using only groundwater may reduce the monitoring frequency for lead and/or copper in source water to once during each nine-year compliance cycle (as that term is defined in Section 1) if the system meets one of the following criteria.

- (i) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Director in §6.83(b)(4) during at least three consecutive compliance periods under paragraph (d)(1) of this section; or
 - (ii) The Director has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under paragraph (d)(1) of this section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.
- (2) A water system using surface water (or a combination of surface water and ground water) may reduce the monitoring frequency in paragraph (d)(1) of this section to once during each nine-year compliance cycle (as that term is defined in Section 1) if the system meets one of the following criteria:
- (i) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Director in §6.83(b)(4) for at least three consecutive years; or
 - (ii) The Director has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.
- (3) A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the Director in §6.83(a)(5).

§6.89 *Analytical Methods*

- (a) Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica and temperature shall be conducted with the methods in Appendix 1.
- (1) Analyses under this section shall only be conducted by certified laboratories using the methods specified in Appendix 1. Analyses for pH and temperature shall be conducted using methods specified in Appendix 1 by a party approved by the Director. To obtain certification to conduct analyses for lead and copper, laboratories must:
- (i) Analyze performance evaluation samples which include lead and copper provided by a third party accredited provider or equivalent samples provided by the State; and
 - (ii) Achieve quantitative acceptance limits as follows:

- (A) For lead: + 30 percent of the actual amount in the Performance Evaluation sample when the actual amount is greater than or equal to 0.005 mg/L. The Practical Quantitation Level, or PQL for lead is 0.005 mg/L.
 - (B) For Copper: + 10 percent of the actual amount in the Performance Evaluation sample when the actual amount is greater than or equal to 0.050 mg/L. The Practical Quantitation Level, or PQL for copper is 0.050 mg/L;
 - (iii) Achieve the method detection limit for lead of 0.001 mg/L according to the procedures in appendix B of part 136 of 40 CFR. This need only be accomplished if the laboratory will be processing source water composite samples under §6.88(a)(1)(iii).
 - (iv) Be currently certified by EPA or the State to perform analyses to the specifications described in paragraph (a)(2) of this section.
- (2) The Director may allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected and analyzed in accordance with the requirements of this Section.
 - (3) All lead and copper levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one-half the PQL specified for lead and copper in Appendix 1. All levels below the lead and copper MDLs must be reported as zero.
 - (4) All copper levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one-half the PQL (0.025 mg/L). All levels below the copper MDL must be reported as zero.
- (b) [Reserved]

§6.90 Reporting Requirements

All water systems shall report all of the following information to the Director in accordance with this section.

- (a) ***Reporting Requirements for Tap Water Monitoring for Lead and Copper and for Water Quality Parameter Monitoring***
 - (1) Except as provided in paragraph (a)(1)(viii) of this section, a water system shall report the information specified below for all tap water samples specified in §6.86 and for all water quality parameter samples specified in §6.87 within the first 10 days following the end of each applicable monitoring period specified in §6.86 and §6.87 (i.e., every six-months, annually, every 3 years, or every 9 years).

- (i) the results of all tap samples for lead and copper including the location of each site and the criteria under §6.86(a)(3),(4),(5),(6), and/or (7) under which the site was selected for the system's sampling pool;
 - (ii) Documentation for each tap water lead or copper sample for which the water system requests invalidation pursuant to §6.86(f)(2);
 - (iii) [Reserved];
 - (iv) the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period (calculated in accordance with §6.80(c)(3)) unless the Director calculates the system's 90th percentile lead and copper levels under paragraph (h) of this section;
 - (v) with the exception of initial tap sampling conducted pursuant to §6.86(d)(1), the system shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed;
 - (vi) the results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under §6.87(b)-(e);
 - (vii) the results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under §6.87(b)-(e).
 - (viii) A water system shall report the results of all water quality parameter samples collected under §6.87(c)-(f) during each six-month monitoring period specified in §6.87(d) within the first 10 days following the end of the monitoring period unless the Director has specified a more frequent reporting requirement.
- (2) For a non-transient non-community water system, or a community water system meeting the criteria of §§6.85(c)(7)(i) and (ii), that does not have enough taps that can provide first-draw samples, the system must either:
- (i) Provide written documentation to the Director identifying standing times and locations for enough non-first-draw samples to make up its sampling pool under §6.86(b)(5) by the start of the first applicable monitoring period under §6.86(d) that commences after April 11, 2000, unless the Director has waived prior Director's approval of non-first-draw sample sites selected by the system pursuant to §6.86(b)(5); or
 - (ii) If the Director has waived prior approval of non-first-draw sample sites selected by the system, identify, in writing, each site that did not meet the six-hour

minimum standing time and the length of standing time for that particular substitute sample collected pursuant to §6.86(b)(5) and include this information with the lead and copper tap sample results required to be submitted pursuant to paragraph (a)(1)(i) of this section.

- (3) No later than 60 days after the addition of a new source or any change in water treatment, unless the Director requires earlier notification, a water system deemed to have optimized corrosion control under §6.81(b)(3), a water system subject to reduced monitoring pursuant to §6.86(d)(4), or a water system subject to a monitoring waiver pursuant to §6.86(g), shall send written documentation to the Director describing the change. In those instances where prior Director's approval of the treatment change or new source is not required, water systems are encouraged to provide the notification to the Director beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control.
- (4) Each ground water system that limits water quality parameter monitoring to a subset of entry points under §6.87(c)(3) shall provide, by the commencement of such monitoring, written correspondence to the Director that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(b) ***Source Water Monitoring Reporting Requirements***

- (1) A water system shall report the sampling results for all source water samples collected in accordance with §6.88 within the first 10 days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in §6.88.
- (2) With the exception of the first round of source water sampling conducted pursuant to §6.88(b), the system shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.

(c) ***Corrosion Control Treatment Reporting Requirements***

By the applicable dates under §6.81, systems shall report the following information:

- (1) for systems demonstrating that they have already optimized corrosion control, information required in §6.81(b) (2) or (3).
- (2) for systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under §6.82(a).
- (3) for systems required to evaluate the effectiveness of corrosion control treatments under §6.82(c), the information required by that paragraph.

- (4) for systems required to install optimal corrosion control designated by the Director under §6.82(d), a letter certifying that the system has completed installing that treatment.

(d) ***Source Water Treatment Reporting Requirements***

By the applicable dates in §6.83, systems shall provide the following information to the Director:

- (1) if required under §6.83(b)(1), their recommendation regarding source water treatment;
- (2) for systems required to install source water treatment under §6.83(b)(2), a letter certifying that the system has completed installing the treatment designated by the Director within 24 months after the Director designated the treatment.

(e) ***Lead Service Line Replacement Reporting Requirements***

Systems shall report the following information to the Director to demonstrate compliance with the requirements of §6.84:

- (1) Within 12 months after a system exceeds the lead action level in sampling referred to in §6.84(a), the system shall demonstrate in writing to the Director that it has conducted a materials evaluation, including the evaluation in §6.86(a), to identify the initial number of lead service lines in its distribution system, and shall provide the Director with the system's schedule for replacing annually at least 7 percent of the initial number of lead service lines in its distribution system.
- (2) Within 12 months after a system exceeds the lead action level in sampling referred to in §6.84(a), and every 12 months thereafter, the system shall demonstrate to the Director in writing that the system has either:
 - (i) replaced in the previous 12 months at least 7 percent of the initial lead service lines (or a greater number of lines specified by the Director under §6.84(f)) in its distribution system, or
 - (ii) conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to §6.86(b)(3), is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which meet the criteria in §6.84(c) shall equal at least 7 percent of the initial number of lead lines identified under paragraph (a) of this section (or the percentage specified by the Director under §6.84(f)).
- (3) The annual letter submitted to the Director under paragraph (e)(2) of this section shall contain the following information:
 - (i) the number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule;

- (ii) the number and location of each lead service line replaced during the previous year of the system's replacement schedule;
 - (iii) if measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.
- (4) Any system which collects lead service line samples following partial lead service line replacement required by §6.84 shall report the results to the Director within the first ten days of the month following the month in which the system receives the laboratory results, or as specified by the Director. The Director, at his or her discretion may eliminate this requirement to report these monitoring results. Systems shall also report any additional information as specified by the Director, and in a time and manner prescribed by the Director, to verify that all partial lead service line replacement activities have taken place.

(f) ***Public Education Program Reporting Requirements***

- 1) Any water system that is subject to the public education requirements in §6.85 shall, within ten days after the end of each period in which the system is required to perform public education tasks in accordance with §6.85(c), send written documentation to the Director that contains:
 - (i) A demonstration that the system has delivered the public education materials that meet the content requirements in §6.85(a) and (b) and the delivery requirements in §6.85(c); and
 - (ii) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the system delivered public education materials during the period in which the system was required to perform public education tasks.
- (2) Unless required by the Director, a system that previously has submitted the information required by paragraph (f)(1)(ii) of this section need not resubmit the information required by paragraph (f)(1)(ii) of this section, as long as there have been no changes in the distribution list and the system certifies that the public education materials were distributed to the same list submitted previously.

(g) ***Reporting of Additional Monitoring Data***

Any system which collects sampling data in addition to that required by this subpart shall report the results to the Director within the first ten (10) days following the end of the applicable monitoring period under §§6.86, 6.87 and §6.88 during which the samples are collected.

(h) ***Reporting of 90th Percentile Lead and Copper Concentrations Where the Director Calculates a System's 90th Percentile Concentration***

A water system is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring

period, as required by paragraph (a)(1)(iv) of this section if:

- (1) The Director has previously notified the water system that it will calculate the water system's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to paragraph (h)(2)(i) of this section, and has specified a date before the end of the applicable monitoring period by which the system must provide the results of lead and copper tap water samples;
- (2) The system has provided the following information to the Director by the date specified in paragraph (h)(1) of this section:
 - (i) The results of all tap samples for lead and copper including the location of each site and the criteria under §6.86(a)(3), (4), (5), (6), and/or (7) under which the site was selected for the system's sampling pool, pursuant to paragraph (a)(1)(i) of this section; and
 - (ii) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and
- (3) The Director has provided the results of the 90th percentile lead and copper calculations, in writing, to the water system before the end of the monitoring period.

§6.91 *Record Keeping Requirements*

Any system subject to the requirements of this Section shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, Director determinations, and any other information required by §6.81 through §6.88. Each water system shall retain the records required by this section for no fewer than 12 years.

Section 7.0 ***Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors***

7.1 ***Maximum Contaminant Levels (MCLs) for Disinfection Byproducts***

(a) The maximum contaminant levels (MCLs) for disinfection byproducts are as follows:

Disinfection byproduct	MCL (mg/ L)
Total trihalomethanes (TTHM).....	0.080
Haloacetic acids (five) (HAA5)....	0.060
Bromate.....	0.010
Chlorite.....	1.0

(b) ***Compliance dates.*** (1) CWSs and NTNCWSs. Subpart H systems serving 10,000 or more persons must comply with this section beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with this section beginning January 1, 2004.

(2) A system that is installing GAC or membrane technology to comply with this section may apply to the Director for an extension of up to 24 months past the dates in paragraphs (b)(1) of this section, but not beyond December 31, 2003. In granting the extension, the Director must set a schedule for compliance and may specify any interim measures that the system must take. Failure to meet the schedule or interim treatment requirements constitutes a violation of these regulations.

(c) The following are identified as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for disinfection byproducts identified in paragraph (a) of this section:

Disinfection byproduct	Best available technology
TTHM.....	Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant
HAA5.....	Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant.
Bromate.....	Control of ozone treatment process to reduce production of bromate.
Chlorite.....	Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.

7.2 ***Maximum Residual Disinfectant Levels***

(a) Maximum residual disinfectant levels (MRDLs) are as follows:

Disinfectant residual	MRDL (mg/L)
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Chlorine.....	4.0 (as Cl ₂)
Chloramines.....	4.0 (as Cl ₂)
Chlorine dioxide.....	0.8 (as ClO ₂).

- (b) **Compliance dates.** (1) CWSs and NTNCWSs. Subpart H systems serving 10,000 or more persons must comply with this section beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with this subpart beginning January 1, 2004.
- (2) **Transient NCWSs.** Subpart H systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
- (c) The following are identified as the best technology, treatment techniques, or other means available for achieving compliance with the maximum residual disinfectant levels identified in paragraph (a) of this section: control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.

7.3 **General Requirements**

- (a) The requirements of section 7.0 constitute Rhode Island primary drinking water regulations.
 - (1) The regulations in this section establish criteria under which community water systems (CWSs) and nontransient, noncommunity water systems (NTNCWSs) which add a chemical disinfectant to the water in any part of the drinking water treatment process must modify their practices to meet MCLs and MRDLs in sections 7.1 and 7.2, respectively, and must meet the treatment technique requirements for disinfection byproduct precursors in section 7.8.
 - (2) The regulations in this section establish criteria under which transient NCWSs that use chlorine dioxide as a disinfectant or oxidant must modify their practices to meet the MRDL for chlorine dioxide in section 7.2.
 - (3) EPA has established MCLs for TTHM and HAA5 and treatment technique requirements for disinfection byproduct precursors to limit the levels of known and unknown disinfection byproducts which may have adverse health effects. These disinfection byproducts may include chloroform; bromodichloromethane; dibromochloromethane; bromoform; dichloroacetic acid; and trichloroacetic acid.
- (b) **Compliance Dates.** (1) CWSs and NTNCWSs. Unless otherwise noted, systems must comply with the requirements of this subpart as follows. Subpart H systems serving 10,000 or more persons must comply with this subpart beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with this subpart beginning January 1, 2004.

- (2) **Transient NCWSs.** Subpart H systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide in this subpart beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide in this subpart beginning January 1, 2004.
- (c) Each CWS and NTNCWS regulated under paragraph (a) of this section must be operated by qualified personnel who meet the requirements specified by the Director and be certified in accordance with the *Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Transmission and Distribution Operators (R23-65-DWQ)*, as amended.
- (d) **Control Of Disinfectant Residuals.** Notwithstanding the MRDLs in section 7.2, systems may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

7.4 **Analytical Requirements**

Analytical requirements

- (a) **General.** (1) Systems must use only the analytical method(s) specified in this section, or otherwise approved by EPA for monitoring under this subpart, to demonstrate compliance with the requirements of this section. These methods are effective for compliance monitoring February 16, 1999.
- (2) The following documents are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at EPA's Drinking Water Docket, 401 M St., SW., Washington, DC 20460, or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington DC. EPA Method 552.1 is in Methods for the Determination of Organic Compounds in Drinking Water-Supplement II, USEPA, August 1992, EPA/600/R-92/129 (available through National Information Technical Service (NTIS), PB92-207703). EPA Methods 502.2, 524.2, 551.1, and 552.2 are in Methods for the Determination of Organic Compounds in Drinking Water-Supplement III, USEPA, August 1995, EPA/600/R-95/131. (available through NTIS, PB95-261616). EPA Method 300.0 is in Methods for the Determination of Inorganic Substances in Environmental Samples, USEPA, August 1993, EPA/600/R-93/100. (available through NTIS, PB94-121811). EPA Method 300.1 is titled USEPA Method 300.1, Determination of Inorganic Anions in Drinking Water by Ion Chromatography, Revision 1.0, USEPA, 1997, EPA/600/R-98/118 (available through NTIS, PB98-169196); also available from: Chemical Exposure Research Branch, Microbiological & Chemical Exposure Assessment Research Division, National Exposure Research Laboratory, U.S. Environmental Protection Agency, Cincinnati, OH 45268, Fax Number: 513-569-7757, Phone number: 513-569-7586. Standard Methods 4500-Cl D, 4500-Cl E, 4500-Cl F, 4500-Cl G, 4500-Cl H, 4500-Cl I, 4500-ClO₂ D, 4500-ClO₂ E, 6251 B, and 5910 B shall be followed in accordance with Standard Methods for the Examination of Water and Wastewater, 19th Edition,

American Public Health Association, 1995; copies may be obtained from the American Public Health Association, 1015 Fifteenth Street, NW, Washington, DC 20005. Standard Methods 5310 B, 5310 C, and 5310 D shall be followed in accordance with the Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater, American Public Health Association, 1996; copies may be obtained from the American Public Health Association, 1015 Fifteenth Street, NW, Washington, DC 20005. ASTM Method D 1253-86 shall be followed in accordance with the Annual Book of ASTM Standards, Volume 11.01, American Society for Testing and Materials, 1996 edition; copies may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428.

- (b) **Disinfection Byproducts.** (1) Systems must measure disinfection byproducts by the methods (as modified by the footnotes) listed in the following table:

Approved Methods For Disinfection Byproduct Compliance Monitoring

Methodology ²	EPA method	Standard method		Byproduct measured ¹		
			TTHM	HAA5	Chlorite ⁴	Bromate
P&T/GC/EICD & PID	³ 502.2		X			
P&T/GC/MS	524.2		X			
LLE/GC/ECD	551.1		X			
LLE/GC/ECD		6251 B		X		
SPE/GC/ECD	552.1			X		
LLE/GC/ECD	552.2			X		
Amperometric Titration		4500-ClO ₂ E			X	
IC	300.0				X	
IC	300.1				X	X

- 1 X indicates method is approved for measuring specified disinfection byproduct.
- 2 P&T=purge and trap; GC=gas chromatography; EICD=electrolytic conductivity detector; PID=photoionization detector; MS=mass spectrometer; LLE=liquid/ liquid extraction; ECD=electron capture detector; SPE=solid phase extractor; IC=ion chromatography.
- 3 If TTHMs are the only analytes being measured in the sample, then a PID is not required.
- 4 Amperometric titration may be used for routine daily monitoring of chlorite at the entrance to the distribution system, as prescribed in section 7.5 (b)(2)(i)(A). Ion chromatography must be used for routine monthly monitoring of chlorite and additional monitoring of chlorite in the distribution system, as prescribed in section 7.5 (b)(2)(i)(B) and (b)(2)(ii).
- (2) Analysis under this section for disinfection byproducts must be conducted by laboratories that have received certification by EPA or the Director, except as specified under paragraph (b)(3) of this section. To receive certification to conduct analyses for the contaminants in section 7.1 (a), the laboratory must carry out annual analyses of performance evaluation (PE) samples approved by EPA or the Director. In these analyses of PE samples, the laboratory must achieve quantitative results within the acceptance limit on a minimum of 80% of the analytes included in each PE sample. The acceptance limit is defined as the 95% confidence interval calculated

around the mean of the PE study data between a maximum and minimum acceptance limit of + / - 50% and + / - 15% of the study mean.

- (3) A party approved by EPA or the Director must measure daily chlorite samples at the entrance to the distribution system.
- (c) **Disinfectant Residuals.** (1) Systems must measure residual disinfectant concentrations for free chlorine, combined chlorine (chloramines), and chlorine dioxide by the methods listed in the following table:

Approved Methods for Disinfectant Residual Compliance Monitoring

Methodology	Standard method	ASTM method	Residual Measured ¹			
			Free chlorine	Combined chlorine	Total chlorine	Chlorine dioxide
Amperometric Titration	4500-Cl D	D 1253-86	X	X	X	
Low Level Amperometric Titration	4500-Cl E				X	
DPD Ferrous Titrimetric	4500-Cl F		X	X	X	
DPD Colorimetric	4500-Cl G		X	X	X	
Syringaldazine (FACTS)	4500-Cl H		X			
Iodometric Electrode	4500-Cl I				X	
DPD.	4500-ClO ₂ D					X
Amperometric Method II	4500-ClO ₂ E					X

¹ X indicates method is approved for measuring specified disinfectant residual.

- (2) If approved by the Director, systems may also measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide by using DPD colorimetric test kits.
- (3) A party approved by EPA or the Director must measure residual disinfectant concentration.
- (d) **Additional Analytical Methods.** Systems required to analyze parameters not included in paragraphs (b) and (c) of this section must use the following methods. A party approved by EPA or the Director must measure these parameters.
 - (1) Alkalinity. All methods allowed in Appendix 1 for measuring alkalinity.
 - (2) Bromide. EPA Method 300.0 or EPA Method 300.1.
 - (3) Total Organic Carbon (TOC). Standard Method 5310 B (High-Temperature Combustion Method) or Standard Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method) or Standard Method 5310 D (Wet-Oxidation Method). TOC samples may not be filtered prior to analysis. TOC samples must either be analyzed or must be acidified to achieve pH less than 2.0 by minimal addition of phosphoric or sulfuric acid as soon as practical after sampling, not to exceed 24 hours. Acidified TOC samples must be analyzed within 28 days.

- (4) Specific Ultraviolet Absorbance (SUVA). SUVA is equal to the UV absorption at 254nm (UV₂₅₄) (measured in m⁻¹ divided by the dissolved organic carbon (DOC) concentration (measured as mg/L). In order to determine SUVA, it is necessary to separately measure UV₂₅₄ and DOC. When determining SUVA, systems must use the methods stipulated in paragraph (d)(4)(i) of this section to measure DOC and the method stipulated in paragraph (d)(4)(ii) of this section to measure UV₂₅₄. SUVA must be determined on water prior to the addition of disinfectants/oxidants by the system. DOC and UV₂₅₄ samples used to determine a SUVA value must be taken at the same time and at the same location.
- (i) **Dissolved Organic Carbon (DOC)**. Standard Method 5310 B (High-Temperature Combustion Method) or Standard Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method) or Standard Method 5310 D (Wet-Oxidation Method). Prior to analysis, DOC samples must be filtered through a 0.45 µm pore-diameter filter. Water passed through the filter prior to filtration of the sample must serve as the filtered blank. This filtered blank must be analyzed using procedures identical to those used for analysis of the samples and must meet the following criteria: DOC < 0.5 mg/L. DOC samples must be filtered through the 0.45 µm pore-diameter filter prior to acidification. DOC samples must either be analyzed or must be acidified to achieve pH less than 2.0 by minimal addition of phosphoric or sulfuric acid as soon as practical after sampling, not to exceed 48 hours. Acidified DOC samples must be analyzed within 28 days.
- (ii) Ultraviolet Absorption at 254 nm (UV₂₅₄). Method 5910 B (Ultraviolet Absorption Method). UV absorption must be measured at 253.7 nm (may be rounded off to 254 nm). Prior to analysis, UV₂₅₄ samples must be filtered through a 0.45 µm pore-diameter filter. The pH of UV₂₅₄ samples may not be adjusted. Samples must be analyzed as soon as practical after sampling, not to exceed 48 hours.
- (5) pH. All methods allowed in Appendix 1 for measuring pH.

7.5 **Monitoring Requirements**

(a) **General Requirements**

- (1) Systems must take all samples during normal operating conditions.
- (2) Systems may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required, with approval of the Director in accordance with criteria developed by the Director.
- (3) Failure to monitor in accordance with the monitoring plan required under paragraph (f) of this section is a monitoring violation.
- (4) Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly

samples or averages and the system's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs.

(5) Systems may use only data collected under the provisions of this section subpart or the Information Collection Rule known as subpart M of 40 CFR 141 to qualify for reduced monitoring.

(b) **Monitoring requirements for disinfection byproducts -- (1) TTHMs and HAA5 -**

(i) Routine monitoring. Systems must monitor at the frequency indicated in the following table:

Routine Monitoring Frequency for TTHM and HAA5

<i>Type Of System</i>	<i>Minimum Monitoring Frequency</i>	<i>Sample Location In The Distribution System</i>
Subpart H system serving at least 10,000 persons.	Four water samples per quarter per treatment plant.	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods. ¹
Subpart H system serving from 500 to 9,999 persons.	One water sample per quarter per treatment plant.	Locations representing maximum residence time. ¹
Subpart H system serving fewer than 500 persons.	One sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time. ¹ If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the system meets criteria in paragraph (b)(1)(iv) of this section.
System using only ground water not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons.	One water sample per quarter per treatment plant ² .	Locations representing maximum residence time. ¹
System using only ground water not under direct influence of surface water using chemical disinfectant and serving fewer than	One water sample per year per treatment plant ² during month of warmest water temperature.	Locations representing maximum residence time. ¹ If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum

<i>Type Of System</i>	<i>Minimum Monitoring Frequency</i>	<i>Sample Location In The Distribution System</i>
10,000 persons.		residence time in the distribution system, until the system meets criteria in paragraph (b)(1)(iv) of this section.

1 If a system elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

2 Multiple wells drawing water from a single aquifer may be considered one treatment plant for determining the minimum number of samples required, with Director approval in accordance with criteria developed by the Director.

(ii) Systems may reduce monitoring, except as otherwise provided, in accordance with the following table:

Reduced Monitoring Frequency for TTHM and HAA5

<i>If You Are A . . .</i>	<i>You May Reduce Monitoring If You Have Monitored At Least One Year And Your . .</i>	<i>To This Level</i>
Subpart H system serving at least 10,000 persons which has a source water annual average TOC level, before any treatment, ≤ 4.0 mg/L.	TTHM annual average ≤ 0.040 mg/L and HAA5 annual average ≤ 0.030 mg/L.	One sample per treatment plant per quarter at distribution system location reflecting maximum residence time.
Subpart H system serving from 500 to 9,999 persons which has a source water annual average TOC level, before any treatment, ≤ 4.0 mg/L.	TTHM annual average ≤ 0.040 mg/L and HAA5 ≤ 0.030 mg/L.	One sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: Any Subpart H system serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
System using only ground water not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons.	TTHM annual average ≤ 0.040 mg/L and HAA5 annual average ≤ 0.030 mg/L.	One sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
System using only ground water not under direct influence of surface water using chemical disinfectant	TTHM annual average ≤ 0.040 mg/L and HAA5 distribution annual average ≤ 0.030 mg/L for two consecutive years OR	One sample per treatment plant per three year monitoring cycle at system location reflecting maximum residence time during month of warmest water temperature, with the three- year cycle

<i>If You Are A . . .</i>	<i>You May Reduce Monitoring If You Have Monitored At Least One Year And Your . .</i>	<i>To This Level</i>
and serving fewer than 10,000 persons.	TTHM annual average ≤ 0.020 mg/L and HAA5 annual average ≤ 0.015 mg/L for one year.	beginning on January 1 following quarter in which system qualifies for reduced monitoring.

- (iii) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems which must monitor quarterly) or the result of the sample (for systems which must monitor no more frequently than annually) is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5 respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (b)(1)(i) of this section in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5 respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (b)(1)(i) of this section (minimum monitoring frequency column) in the quarter immediately following the monitoring period in which the system exceeds 0.060 mg/L or 0.045 mg/L for TTHM or HAA5 respectively. For systems using only ground water not under the direct influence of surface water and serving fewer than 10,000 persons, if either the TTHM annual average is >0.080 mg/L or the HAA5 annual average is >0.060 mg/L, the system must go to the increased monitoring identified in paragraph (b)(1)(i) of this section (sample location column) in the quarter immediately following the monitoring period in which the system exceeds 0.080 mg/L or 0.060 mg/L for TTHMs or HAA5 respectively.
- (iv) Systems on increased monitoring may return to routine monitoring if, after at least one year of monitoring their TTHM annual average is ≤ 0.060 mg/L and their HAA5 annual average is ≤ 0.045 mg/L.
- (v) The Director may return a system to routine monitoring at the Director's discretion.
- (2) **Chlorite.** Community and nontransient noncommunity water systems using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.
 - (i) **Routine Monitoring**
 - (A) **Daily monitoring.** Systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the locations required by paragraph (b)(2)(ii) of this section, in addition to the sample required at the entrance to the distribution system.
 - (B) **Monthly monitoring.** Systems must take a three-sample set each month in the distribution system. The system must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three-sample sets, at the specified locations). The system may use the results of additional monitoring conducted

under paragraph (b)(2)(ii) of this section to meet the requirement for monitoring in this paragraph.

- (ii) **Additional monitoring.** On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).
- (iii) **Reduced monitoring**
 - (A) Chlorite monitoring at the entrance to the distribution system required by paragraph (b)(2)(i)(A) of this section may not be reduced.
 - (B) Chlorite monitoring in the distribution system required by paragraph (b)(2)(i)(B) of this section may be reduced to one three-sample set per quarter after one year of monitoring where no individual chlorite sample taken in the distribution system under paragraph (b)(2)(i)(B) of this section has exceeded the chlorite MCL and the system has not been required to conduct monitoring under paragraph (b)(2)(ii) of this section. The system may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under paragraph (b)(2)(i)(B) of this section exceeds the chlorite MCL or the system is required to conduct monitoring under paragraph (b)(2)(ii) of this section, at which time the system must revert to routine monitoring.
- (3) **Bromate**
 - (i) **Routine monitoring.** Community and nontransient noncommunity systems using ozone, for disinfection or oxidation, must take one sample per month for each treatment plant in the system using ozone. Systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.
 - (ii) **Reduced monitoring.** Systems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for one year. The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is ≥ 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is ≥ 0.05 mg/L, the system must resume routine monitoring required by paragraph (b)(3)(i) of this section.
- (c) **Monitoring Requirements For Disinfectant Residuals -- (1) Chlorine And Chloramines**
 - (i) **Routine monitoring.** Community and nontransient noncommunity water systems that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in section 16.0 and 17.0 of these regulations. Subpart H systems may use the results of residual disinfectant concentration sampling conducted under sections 5.6.1 (6) and 5.7.1 (2), in lieu of taking separate samples.

- (ii) **Reduced monitoring.** Monitoring may not be reduced.
- (2) **Chlorine dioxide**
 - (i) **Routine monitoring.** Community, nontransient noncommunity, and transient noncommunity water systems that use chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the system must take samples in the distribution system the following day at the locations required by paragraph (c)(2)(ii) of this section, in addition to the sample required at the entrance to the distribution system.
 - (ii) **Additional monitoring.** On each day following a routine sample monitoring result that exceeds the MRDL, the system is required to take three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the system must take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the system must take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).
 - (iii) **Reduced monitoring.** Chlorine dioxide monitoring may not be reduced.
 - (d) **Monitoring requirements for disinfection byproduct precursors (DBPP).**
 - (1) **Routine monitoring.** Subpart H systems which use conventional filtration treatment (as defined in section 1.0) must monitor each treatment plant for TOC no later than the point of combined filter effluent turbidity monitoring and representative of the treated water. All systems required to monitor under this paragraph (d)(1) must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, all systems must monitor for alkalinity in the source water prior to any treatment. Systems must take one paired sample and one source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.
 - (2) **Reduced monitoring.** Subpart H systems with an average treated water TOC of less than 2.0 mg/L for two consecutive years, or less than 1.0 mg/L for one year, may reduce monitoring for both TOC and alkalinity to one paired sample and one source water alkalinity sample per plant per quarter. The system must revert to routine monitoring in the month following the quarter when the annual average treated water TOC ≥ 2.0 mg/L.
 - (e) **Bromide.** Systems required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide

concentration is less than 0.05 mg/L based upon representative monthly measurements for one year. The system must continue bromide monitoring to remain on reduced bromate monitoring.

- (f) **Monitoring plans.** Each system required to monitor under this subpart must develop and implement a monitoring plan. The system must maintain the plan and make it available for inspection by the Director and the general public no later than 30 days following the applicable compliance dates in section 7.3. All Subpart H systems serving more than 3300 people must submit a copy of the monitoring plan to the Director no later than the date of the first report required under section 7.7. The Director may also require the plan to be submitted by any other system. After review, the Director may require changes in any plan elements. The plan must include at least the following elements.
- (1) Specific locations and schedules for collecting samples for any parameters included in this subpart.
 - (2) How the system will calculate compliance with MCLs, MRDLs, and treatment techniques.
 - (3) If approved by the Director for monitoring as a consecutive system, or if providing water to a consecutive system, the sampling plan must reflect the entire distribution system.

7.6 **Compliance Requirements**

(a) **General Requirements**

- (1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system failure to monitor makes it impossible to determine compliance with MRDLs for chlorine and chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.
- (2) All samples taken and analyzed under the provisions of this section must be included in determining compliance, even if that number is greater than the minimum required.
- (3) If, during the first year of monitoring under section 7.5, any individual quarter's average will cause the running annual average of that system to exceed the MCL, the system is out of compliance at the end of that quarter.

(b) **Disinfection byproducts -- (1) TTHMs and HAA5**

- (i) For systems monitoring quarterly, compliance with MCLs in section 7.1 must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the system as prescribed by section 7.5(b)(1).
- (ii) For systems monitoring less frequently than quarterly, systems demonstrate MCL compliance if the average of samples taken that year under the provisions of section 7.5 (b)(1) does not exceed

the MCLs in section 7.1. If the average of these samples exceeds the MCL, the system must increase monitoring to once per quarter per treatment plant and such a system is not in violation of the MCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the MCL, in which case the system is in violation at the end of that quarter. Systems required to increase monitoring frequency to quarterly monitoring must calculate compliance by including the sample which triggered the increased monitoring plus the following three quarters of monitoring.

- (iii) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to section 16.8, whichever is effective for your system, in addition to reporting to the State pursuant to section 7.7.
 - (iv) If a PWS fails to complete four consecutive quarters of monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.
- (2) ***Bromate***. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as prescribed by section 7.5 (b)(3). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to section 16.8 in addition to reporting to the Director pursuant to section 7.7. If a PWS fails to complete 12 consecutive months' monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.
 - (3) ***Chlorite***. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by section 7.5 (b)(2)(i)(B) and section 7.5 (b)(2)(ii). If the arithmetic average of any three sample set exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to section 16.8, in addition to reporting to the Director pursuant to section 7.7
- (c) ***Disinfectant residuals -- (1) Chlorine and chloramines***
 - (i) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under section 7.5 (c)(1). If the average covering any consecutive four-quarter period exceeds the MRDL, the system is in violation of the MRDL and must notify the public pursuant to section 16.8, in addition to reporting to the Director pursuant to section 7.7.
 - (ii) In cases where systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to section 7.7 must clearly indicate which residual disinfectant was analyzed for each sample.
 - (2) ***Chlorine dioxide***

- (i) **Acute violations.** Compliance must be based on consecutive daily samples collected by the system under section 7.5 (c)(2). If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceed the MRDL, the system is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in section 16.8 in addition to reporting to the Director pursuant to section 7.7. Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the system must notify the public of the violation in accordance with the provisions for acute violations under section 16.8 in addition to reporting to the Director pursuant to section 7.7.
- (ii) **Nonacute violations.** Compliance must be based on consecutive daily samples collected by the system under section 7.5 (c)(2). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the system is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and will notify the public pursuant to the procedures for nonacute health risks in section 16.8 in addition to reporting to the Director pursuant to section 7.7. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the system must notify the public of the violation in accordance with the provisions for nonacute violations under section 16.8 in addition to reporting to the Director pursuant to section 7.7.
- (d) **Disinfection byproduct precursors (DBPP).** Compliance must be determined as specified by section 7.8 (c). Systems may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in section 7.8 (b)(2) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to section 7.8 (b)(3) and is in violation. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For systems required to meet Step 1 TOC removals, if the value calculated under section 7.8 is less than 1.00, the system is in violation of the treatment technique requirements and must notify the public pursuant to section 16.8, in addition to reporting to the State pursuant to section 7.7.

7.7 **Reporting And Recordkeeping Requirements**

- (a) Systems required to sample quarterly or more frequently must report to the Director within 10 days after the end of each quarter in which samples were collected. Systems required to sample less frequently than quarterly must report to the Director within 10 days after the end of each monitoring period in which samples were collected.
- (b) **Disinfection byproducts.** Systems must report the information specified in the following table:

<i>If you are a * * *</i>	<i>You must report ¹* * *</i>
1) System monitoring for TTHMs and HAA5 under the requirements of section 7.5 (b) on a quarterly or more frequent basis.	(i) The number of samples taken during the last quarter. (ii) The location, date, and result of each sample taken during the last quarter. (iii) The arithmetic average of all samples taken in the last quarter. (iv) The annual arithmetic average of the quarterly arithmetic averages of this section for the last four quarters. (v) Whether, based on section 7.6 (b)(1), the MCL was violated
(2) System monitoring for TTHMs and HAA5 under the requirements of section 7.5 (b) less frequently than quarterly (but as least annually).	(i) The number of samples taken during the last year. (ii) The location, date, and result of each sample taken during the last monitoring period. (iii) The arithmetic average of all samples taken over the last year. (iv) Whether, based on section 7.6 (b)(1), the MCL was violated.
(3) System monitoring for TTHMs and HAA5 under the requirements of section 7.5 (b) less frequently than annually.	(i) The location, date, and result of each sample taken. (ii) Whether, based on section 7.6 (b)(1), the MCL was violated.
(4) System monitoring for chlorite under the requirements of section 7.5 (b).	(i) The number of entry point samples taken each month for the last 3 months. (ii) The location, date, and result of each sample (both entry point and distribution system) taken during the last quarter. (iii) For each month in the reporting period, the arithmetic average of all samples taken in each three samples set taken in the distribution system. (iv) Whether, based on section 7.6 (b)(3), the MCL was violated, in which month, and how many times it was violated each month.
(5) System monitoring for bromate under the requirements of section 7.5 (b).	(i)The number of samples taken during the last quarter. (ii)The location, date, and result of each sample taken during the last quarter. (iii) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year. (iv) Whether, based on section 7.6 (b)(2), the MCL was violated.

¹ The State may choose to perform calculations and determine whether the MCL was exceeded, in lieu of having the system report that information

(c) **Disinfectants.** Systems must report the information specified in the following table:

<i>If you are a * * *</i>	<i>You must report¹ * * *</i>
(1) System monitoring for chlorine or chloramines under the requirements of section 7.5(c).	(i) The number of samples taken during each month of the last quarter. (ii) The month arithmetic average of all samples taken in each month for the last 12 months. (iii) The arithmetic average of the monthly averages for the last 12 months. (iv) Whether, based on section 7.6 (c)(1), the MRDL was violated.
(2) System monitoring for chlorine dioxide under the requirements of section 7.5 (c).	(i) The dates, result, and locations of samples taken during the last quarter. (ii) Whether, based on section 7.6 (c)(2), the MRDL was violated. (iii) Whether the MRDL was exceeded in any two consecutive daily samples and whether the resulting violation was acute or nonacute.

¹ The Director may choose to perform calculations and determine whether the MRDL was exceeded, in lieu of having the system report that information.

(d) Disinfection byproduct precursors and enhanced coagulation or enhanced softening. Systems must report the information specified in the following table:

<i>If you are a * * *</i>	<i>You must report¹ * * *</i>
(1) System monitoring monthly or quarterly for TOC under the requirements of section 7.5 (d) and required to meet the enhanced coagulation or enhanced softening requirements in section 7.8 (b) (2) or (3).	(i) The number of paired (source water and treated water) samples taken during the last quarter. (ii) The location, date, and results of each paired sample and associated alkalinity taken during the last quarter. (iii) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal. (iv) Calculations for determining compliance with the TOC percent removal requirements, as provided in section 7.8 (c)(1). (v) Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in section 7.8(b) for the last four quarters.
(2) System monitoring monthly or quarterly for TOC under the requirements of section 7.5 (d) and meeting one or more of the alternative compliance criteria in sections 7.8(a)(2) or (3).	(i) The alternative compliance criterion that the system is using. (ii) The number of paired samples taken during the last quarter. (iii) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter. (iv) The running annual arithmetic average based on

	<p>monthly averages (or quarterly samples) of source water TOC for systems meeting a criterion in section 7.8(a)(2)(i) or (iii) or of treated water TOC for systems meeting the criterion in section 7.8 (a)(2)(ii).</p> <p>(v) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for systems meeting the criterion in section 7.8 (a)(2)(v) or of treated water SUVA for systems meeting the criterion in section 7.8 (a)(2)(vi).</p> <p>(vi) The running annual average of source water alkalinity for systems meeting the criterion in section 7.8 (a)(2)(iii) and of treated water alkalinity for systems meeting the criterion in section 7.8 (a)(3)(i).</p> <p>(vii) The running annual average for both TTHM and HAA5 for systems meeting the criterion in section 7.8 (a)(2)(iii) or (iv).</p> <p>(viii) The running annual average of the amount of magnesium hardness removal (as CaCO₃ in mg/L) for systems meeting the criterion in section 7.8 (a)(3)(ii).</p> <p>(ix) Whether the system is in compliance with the particular alternative compliance criterion in section 7.8 (a)(2) or (3).</p>
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¹ The Director may choose to perform calculations and determine whether the treatment technique was met, in lieu of having the system report that information.

7.8 Treatment Technique For Control Of Disinfection Byproduct (DBP) Precursors

(a) Applicability

- (1) Subpart H systems using conventional filtration treatment (as defined in section 1.0) must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in paragraph (b) of this section unless the system meets at least one of the alternative compliance criteria listed in paragraph (a)(2) or (a)(3) of this section.
- (2) Alternative compliance criteria for enhanced coagulation and enhanced softening systems. Subpart H systems using conventional filtration treatment may use the alternative compliance criteria in paragraphs (a)(2)(i) through (vi) of this section to comply with this section in lieu of complying with paragraph (b) of this section. Systems must still comply with monitoring requirements in section 7.5 (d).
 - (i) The system's source water TOC level, measured according to section 7.4 (d)(3), is less than 2.0 mg/L, calculated quarterly as a running annual average.
 - (ii) The system's treated water TOC level, measured according to section 7.4 (d)(3), is less than 2.0 mg/L, calculated quarterly as a running annual average.
 - (iii) The system's source water TOC level, measured according to section 7.4 (d)(3), is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity, measured

according to section 7.4 (d)(1), is greater than 60 mg/L (as CaCO₃), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance in section 7.3 (b), the system has made a clear and irrevocable financial commitment not later than the effective date for compliance in section 7.3 (b) to use of technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. Systems must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the Director for approval not later than the effective date for compliance in section 7.3 (b). These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation of these regulations.

- (iv) The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.
- (v) The system's source water SUVA, prior to any treatment and measured monthly according to section 7.4 (d)(4), is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.
- (vi) The system's finished water SUVA, measured monthly according to section 7.4 (d)(4), is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.
- (3) Additional alternative compliance criteria for softening systems. Systems practicing enhanced softening that cannot achieve the TOC removals required by paragraph (b)(2) of this section may use the alternative compliance criteria in paragraphs (a)(3)(i) and (ii) of this section in lieu of complying with paragraph (b) of this section. Systems must still comply with monitoring requirements in section 7.5 (d).
 - (i) Softening that results in lowering the treated water alkalinity to less than 60 mg/L (as CaCO₃), measured monthly according to section 7.4 (d)(1) and calculated quarterly as a running annual average.
 - (ii) Softening that results in removing at least 10 mg/L of magnesium hardness (as CaCO₃), measured monthly and calculated quarterly as an annual running average.

(b) ***Enhanced coagulation and enhanced softening performance requirements.***

- (1) Systems must achieve the percent reduction of TOC specified in paragraph (b)(2) of this section between the source water and the combined filter effluent, unless the Director approves a system's request for alternate minimum TOC removal (Step 2) requirements under paragraph (b)(3) of this section.
- (2) Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with section 7.4 (d). Systems practicing softening are required to meet the Step 1 TOC reductions in the far-right column (Source water alkalinity >120 mg/L) for the specified source water TOC:

Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for Subpart H Systems Using Conventional Treatment^{1 2}

Source-water TOC, mg/L	Source-water alkalinity, mg/L as CaCO ₃ (in percentages)		
	0-60	>60-120	>120 ³
>2.0-4.0.....	35.0	25.0	15.0
>4.0-8.0.....	45.0	35.0	25.0
>8.0.....	50.0	40.0	30.0

¹ Systems meeting at least one of the conditions in paragraph (a)(2)(i)- (vi) of this section are not required to operate with enhanced coagulation.

² Softening systems meeting one of the alternative compliance criteria in paragraph (a)(3) of this section are not required to operate with enhanced softening.

³ Systems practicing softening must meet the TOC removal requirements in this column.

- (3) Subpart H conventional treatment systems that cannot achieve the Step 1 TOC removals required by paragraph (b)(2) of this section due to water quality parameters or operational constraints must apply to the Director, within three months of failure to achieve the TOC removals required by paragraph (b)(2) of this section, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the system. If the Director approves the alternative minimum TOC removal (Step 2) requirements, the Director may make those requirements retroactive for the purposes of determining compliance. Until the State approves the alternate minimum TOC removal (Step 2) requirements, the system must meet the Step 1 TOC removals contained in paragraph (b)(2) of this section.
- (4) Alternate minimum TOC removal (Step 2) requirements. Applications made to the Director by enhanced coagulation systems for approval of alternate minimum TOC removal (Step 2) requirements under paragraph (b)(3) of this section must include, at a minimum, results of bench- or pilot-scale testing conducted under paragraph (b)(4)(i) of this section. The submitted bench- or pilot-scale testing must be used to determine the alternate enhanced coagulation level.
 - (i) Alternate enhanced coagulation level is defined as coagulation at a coagulant dose and pH as determined by the method described in paragraphs (b)(4)(i) through (v) of this section such that

an incremental addition of 10 mg/L of alum (or equivalent amount of ferric salt) results in a TOC removal of ≤ 0.3 mg/L. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the Director, this minimum requirement supersedes the minimum TOC removal required by the table in paragraph (b)(2) of this section. This requirement will be effective until such time as the Director approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve Director-set alternative minimum TOC removal levels is a violation of these regulations.

- (ii) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in the following table:

Enhanced Coagulation Step 2 Target pH

Alkalinity (mg/L as CaCO ₃)	Target pH
0-60.....	5.5
>60-120.....	6.3
>120-240.....	7.0
>240.....	7.5

- (iii) For waters with alkalinities of less than 60 mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (or equivalent addition of iron coagulant) is reached.
- (iv) The system may operate at any coagulant dose or pH necessary (consistent with the other requirements of these regulations) to achieve the minimum TOC percent removal approved under paragraph (b)(3) of this section.
- (v) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the Director for a waiver of enhanced coagulation requirements.

(c) ***Compliance Calculations***

- (1) Subpart H systems other than those identified in paragraph (a)(2) or (a)(3) of this section must comply with requirements contained in paragraph (b)(2) or (b)(3) of this section. Systems must calculate compliance quarterly, beginning after the system has collected 12 months of data, by determining an annual average using the following method:
 - (i) Determine actual monthly TOC percent removal, equal to: $(1 - (\text{treated water TOC} / \text{source water TOC})) \times 100$
 - (ii) Determine the required monthly TOC percent removal (from either the table in paragraph (b)(2) of this section or from paragraph (b)(3) of this section).

- (iii) Divide the value in paragraph (c)(1)(i) of this section by the value in paragraph (c)(1)(ii) of this section.
 - (iv) Add together the results of paragraph (c)(1)(iii) of this section for the last 12 months and divide by 12.
 - (v) If the value calculated in paragraph (c)(1)(iv) of this section is less than 1.00, the system is not in compliance with the TOC percent removal requirements.
- (2) Systems may use the provisions in paragraphs (c)(2)(i) through (v) of this section in lieu of the calculations in paragraph (c)(1)(i) through (v) of this section to determine compliance with TOC percent removal requirements.
- (i) In any month that the system's treated or source water TOC level, measured according to section 7.4 (d)(3), is less than 2.0 mg/L, the system may assign a monthly value of 1.0 (in lieu of the value calculated in paragraph (c)(1)(iii) of this section) when calculating compliance under the provisions of paragraph (c)(1) of this section.
 - (ii) In any month that a system practicing softening removes at least 10 mg/L of magnesium hardness (as CaCO₃), the system may assign a monthly value of 1.0 (in lieu of the value calculated in paragraph (c)(1)(iii) of this section) when calculating compliance under the provisions of paragraph (c)(1) of this section.
 - (iii) In any month that the system's source water SUVA, prior to any treatment and measured according to section 7.4 (d)(4), is ≤ 2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in paragraph (c)(1)(iii) of this section) when calculating compliance under the provisions of paragraph (c)(1) of this section.
 - (iv) In any month that the system's finished water SUVA, measured according to section 7.4 (d)(4), is ≤ 2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in paragraph (c)(1)(iii) of this section) when calculating compliance under the provisions of paragraph (c)(1) of this section.
 - (v) In any month that a system practicing enhanced softening lowers alkalinity below 60 mg/L (as CaCO₃), the system may assign a monthly value of 1.0 (in lieu of the value calculated in paragraph (c)(1)(iii) of this section) when calculating compliance under the provisions of paragraph (c)(1) of this section.
- (3) Subpart H systems using conventional treatment may also comply with the requirements of this section by meeting the criteria in paragraph (a)(2) or (3) of this section.
- (d) Treatment technique requirements for DBP precursors. The following are identified as treatment techniques to control the level of disinfection byproduct precursors in drinking water treatment and distribution systems: For Subpart H systems using conventional treatment, enhanced coagulation or enhanced softening.

Section 9.0 *Assurance of Safety in Public Supply*

9.1 Any person maintaining a public water system shall operate and maintain the water supply facilities so that the water furnished the public is safe and potable.

9.2 *Contamination of Tanks*

Connected to Unsafe Supplies

(a) Any person who maintains a public water system connection to a tank which is also supplied with water from a water system found by the Director to be unsafe shall maintain the tank open to atmospheric pressure, and the public water supply pipe shall terminate at least two pipe diameters above the maximum level of water in the tank. The tank overflow shall be of adequate size to fix definitely the maximum level.

Avoidance of Contamination in Tanks

(b) Any person who is furnished water from a public water system and maintains a tank supplied only by such water shall have such tank so constructed and maintained to prevent contaminants from gaining access to the tank interior.

9.3 *Connections Between Distribution Systems*

(a) No person shall maintain a physical connection joining a public water system with any other water system, unless such connection is approved by the Director.

(b) It is the responsibility of the public water system to register all existing or proposed connections between the PWS and any other water supply with the Director on or before January 1, 1992 or as they are proposed or discovered, whichever is later.

Section 10.0 *Correction of Unsafe Conditions*

10.1 When the water from a public water system is not safe or is subject to contamination, as determined by the Director, the person maintaining such public water system shall take immediate action to correct sanitary defects, improve operation, provide necessary water treatment, or make any other changes or additions deemed necessary by the Director to provide safe water.

10.2 Any person maintaining a water system who is aware of an unsafe condition, that the water is not safe or is subject to contamination, shall notify the Director immediately.

Section 11.0 *Reports as to Public Supplies*

11.1 Any person maintaining a public water system shall submit or cause to be submitted by operating personnel such reports of operation pertaining to the sanitary quality, treatment and output as may be required by the Director. Such operation reports shall be submitted within ten (10) days after demand and shall be accurate and complete as required by the Director.

Violations of maximum contaminant levels shall be reported to the Director within 48 hours after such a determination is made unless otherwise required for specific contaminants.

- 11.2 It is the responsibility of the water system to collect, have analyzed, and report the results of all water quality samples required by these regulations. Samples must be collected in accordance with a written sample siting plan. These plans are subject to the Director's review and revision.

Section 12.0 *Certified Laboratories*

- 12.1 For the purpose of determining compliance with these regulations, only analyses carried out by the Department of Health or in a laboratory certified by the Department of Health, EPA, or by reciprocity with another state will be considered with the exception of turbidity pH, temperature, and residual disinfectant concentration determinations, which must be carried out by a party approved by the Director.

Section 13.0 *Ground Water Microbiology*

- 13.1 Ground water sources shall meet the stipulated microbiological standard prior to disinfection where disinfection is practiced.

Section 14.0 *Consecutive Water System Monitoring*

- 14.1 These regulations shall also pertain to a public water system which is supplied by another public water system except as specifically modified by the Director and agreed upon by the EPA Administrator.

Section 15.0 *Variations And Exemptions*

- 15.1 Variations and exemptions to these regulations may be granted by the Director in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended and if deemed applicable by the Director the provisions of Sections 300g-4 and 300g-5 of 42 USC *et seq.* (Section 1415 variations to regulations promulgated pursuant to the SDWA and Section 1416 exemptions to regulations promulgated pursuant to the SDWA of Public Law 93-523 as amended).

15.1.1 Variations pursuant to Section 1415 may be granted as follows:

- (a) The Director may grant variations from an applicable national primary drinking water regulation to a public water system which, because of characteristics of the raw water sources which are reasonably available to the system, cannot meet the requirements respecting the maximum contaminant levels of such drinking water regulation. A variance may be issued to a system on condition that the system install the best technology, treatment techniques, or other means, which the Director finds are available (taking costs into consideration) and based upon an evaluation satisfactory to the Director that indicates that alternative sources of water are not reasonably available to the system.

Before the Director may grant a variance under this subparagraph, the Director must find that the variance will not result in an unreasonable risk to health. If the Director

grants a public water system a variance under this subparagraph, the Director shall prescribe at the time the variance is granted, a schedule for:

- (i) compliance (including increments of progress) by the public water system with each contaminant level requirement with respect to which the variance was granted, and
 - (ii) implementation by the public water system of such additional control measures as the State may require for each contaminant, subject to such contaminant level requirement, during the period ending on the date compliance with such requirement is required. Before a schedule prescribed pursuant to this subparagraph may take effect, the Director shall provide notice and opportunity for a public hearing on the schedule. A schedule prescribed pursuant to this subparagraph for a public water system granted a variance shall require compliance by the system with each contaminant level requirement with respect to which the variance was granted as expeditiously as practicable.
- (b) The Director may grant variances from any provisions of a national primary drinking water regulation which requires the use of a specified treatment technique with respect to a contaminant if the public water system applying for the variance demonstrates to the satisfaction of the Director that such treatment technique is not necessary to protect the health of persons because of the nature of the raw water source of such system. A variance granted under this subparagraph shall be conditioned on such monitoring and other requirements as the Director may prescribe.
- (c) Before a variance proposed to be granted by the Director under subparagraph (a) or (b) may take effect, the Director shall provide notice and opportunity for public hearing on the proposed variance. The Director shall promptly notify the Administrator of all variances that are granted. Such notification shall contain the reason for the variance [and in the case of a variance under subparagraph (a), the basis for the finding required by that subparagraph before the granting of the variance] and documentation of the need for the variance.
- (d) Each public water system's variance granted under subparagraph (a) shall be conditioned upon compliance by the public water system with the schedule prescribed by the Director pursuant to that subparagraph.
- (e) For such variance issued under this subparagraph, the Director
- (1) must document all findings that are required under Section 1415(a) of the SDWA.
 - (2) If the Director prescribes a schedule pursuant to section 15.1.1(a) requiring compliance with a contaminant level for which the variance is granted later than five years from the date of issuance of the variance the Director must
 - (i) Document the rationale for the extended compliance schedule;

- (ii) Discuss the rationale for the extended compliance schedule in the required public notice and opportunity for public hearing; and
- (iii) Provide the shortest practicable time schedule feasible under the circumstances.

(f) ***Variances for Small Systems***

General Provisions

- (1) What is a small system variance?

Small system variances are variances from the requirement to comply with a maximum contaminant level or treatment technique to systems serving fewer than 10,000 persons. The purpose of this subpart is to provide the procedures and criteria for obtaining these variances.

- (2) Who can issue a small system variance?

A small system variance under this subpart may only be issued by the Director.

- (3) Which size public water systems can receive a small system variance?

- (a) The Director may grant a small system variance to public water systems serving 3,300 or fewer persons.
- (b) With the approval of the EPA Regional Administrator, the Director may grant a small system variance to public water systems serving more than 3,300 persons but fewer than 10,000 persons.
- (c) In determining the number of persons served by the public water system, persons served by consecutive systems must be included. A small system variance granted to a public water system would also apply to any consecutive system served by it.

- (4) For which of the regulatory requirements is a small system variance available?

- (a) A small system variance is not available under this subpart for a national primary drinking water regulation for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.
- (b) A small system variance under this subpart is otherwise only available for compliance with a requirement specifying a maximum contaminant level or treatment technique for a contaminant with respect to which:
 - (1) a national primary drinking water regulation was promulgated on or after January 1, 1986; and

- (2) the Administrator has published a small system variance technology pursuant to Section 1412(b)(15) of the Safe Drinking Water Act.

Note to paragraph (b)(1): Small system variances are not available for public water systems above the pre-1986 maximum contaminant level even if subsequently revised. If the agency revises a pre-1986 maximum contaminant level and makes it more stringent, then a variance would be available for that contaminant, but only up to the pre-1986 maximum contaminant level.

- (5) When can a small system variance be granted by the Director?

No small system variance can be granted by the Director until the later of the following:

- (a) 90 days after the Director proposed to grant the small system variance;
- (b) If the Director is proposing to grant a small system variance to a public water system serving 3,300 or fewer persons and the Administrator objects to the small system variance, the date on which the Director makes the recommended modifications or responds in writing to each objection; or
- (c) If the Director is proposing to grant a small system variance to a public water system serving a population more than 3,300 and fewer than 10,000 persons, the date the Administrator approves the small system variance. The Administrator must approve or disapprove the variance within 90 days after it is submitted to the Administrator for review.

Review of Small System Variance Application

- (6) What are the responsibilities of the public water system, Director, and the Administrator in ensuring that sufficient information is available and for evaluation of a small system variance application?
 - (a) A public water system requesting a small system variance must provide accurate and correct information to the Director to issue a small system variance in accordance with this subpart.
 - (b) Based upon an application for a small system variance and other information, and before a small system variance may be proposed under this subpart, the Director must find and document the following:
 - (1) The public water system is eligible for a small system variance pursuant to 15.1.1(f)(3) (i.e., the system serves a population of fewer than 10,000 persons) and (f)(4) (i.e., the contaminant for which the small system variance is sought is not excluded from variance eligibility);

- (2) The public water system cannot afford to comply, in accordance with the affordability criteria established by the Director, with the national primary drinking water regulation for which a small system variance is sought, including by:
 - (i) treatment;
 - (ii) Alternative sources of water supply;
 - (iii) Restructuring or consolidation changes, including ownership change and/or physical consolidation with another public water system; or
 - (iv) Obtaining financial assistance;
 - (3) The public water system meets the source water quality requirements for installing the small system variance technology;
 - (4) The public water system is financially and technically capable of installing, operating, and maintaining the applicable small system variance technology; and
 - (5) The terms and conditions of the small system variance, as developed through compliance with (f)(7) ensure adequate protection of human health, considering the following:
 - (i) The quality of the source water for the public water system; and
 - (ii) Removal efficiencies and expected useful life of the small system variance technology.
- (7) What terms and conditions must be included in a small system variance?
- (a) The Director must clearly specify enforceable terms and conditions of a small system variance.
 - (b) The terms and conditions of a small system variance issued under this subpart must include, at a minimum, the following requirements:
 - (1) Proper and effective installation, operation, and maintenance of the applicable small system variance technology taking into consideration any relevant source water characteristics and any other site-specific conditions that may affect proper and effective operation and maintenance of the technology;
 - (2) Monitoring requirements, for the contaminant for which a small system variance is sought; and

- (3) Any other terms or conditions that are necessary to ensure adequate protection of public health, which may include:
 - (i) Public education requirements; and
 - (ii) Source water protection requirements.
- (c) The Director must establish a schedule for the public water system to comply with the terms and conditions of the small system variance which must include, at a minimum, the following requirements:
 - (1) Increments of progress, such as milestone dates for the public water system to apply for financial assistance and begin capital improvements;
 - (2) Quarterly reporting to the Director of the public water system's compliance with the terms and conditions of the small system variance;
 - (3) Schedule for the Director to review the small system variance under paragraph (d) of this section; and
 - (4) Compliance with the terms and conditions of the small system variance as soon as practicable but not later than 3 years after the date on which the small system variance is granted. The Director may allow up to 2 additional years if the Director determines that additional time is necessary for the public water system to:
 - (i) Complete necessary capital improvements to comply with the small system variance technology, secure an alternative source of water, or restructure or consolidate; or
 - (ii) Obtain financial assistance.
- (d) The Director must review each small system variance granted not less often than every 5 years after the compliance date established in the small system variance to determine whether the public water system continues to meet the eligibility criteria and remains eligible for the small system variance and is complying with the terms and conditions of the small system variance. If the public water system would no longer be eligible for a small system variance, the Director must determine whether continuing the variance is in the public interest. If the Director finds that continuing the variance is not in the public interest, the variance must be withdrawn.

Public Participation

- (8) What public notice is required before the Director proposes to issue a small system variance?
 - (a) At least fifteen (15) days before the date of proposal, and at least thirty (30) days prior to a public meeting to discuss the proposed small system variance, the Director or public water system as directed by the Director, must provide notice

to all persons served by the public water system. For billed customers, identified in paragraph (a)(1) of this section, this notice must include the information listed in paragraph (c) of this section.

For other persons regularly served by the system, identified in paragraph (a)(2) of this section, the notice shall include the information identified in paragraph (d) of this section. Notice must be provided to all persons served by:

- (1) Direct mail or other home delivery to billed customers or other service connections; and
 - (2) Any other method reasonably calculated to notify, in a brief and concise manner, other persons regularly served by the system. Such methods may include publication in a local newspaper, posting in public places, or delivery to community organizations.
- (b) At the time of proposal, the Director must publish a notice in a newspaper or newspapers of wide circulation in the State. This notice shall include the information listed in paragraph (c) of this section.
- (c) The notice in paragraphs (a)(1) and (b) of this section must include, at a minimum, the following:
- (1) Identification of the contaminant(s) for which a small system variance is sought;
 - (2) A brief statement of the health effects associated with the contaminant(s) for which a small system variance is sought using language in section 16.10 of these regulations;
 - (3) The address and telephone number at which interested persons may obtain further information concerning the contaminant and the small system variance;
 - (4) A brief summary, in easily understandable terms, of the terms and conditions of the small system variance;
 - (5) A description of the consumer petition process under section 15.1.1(f)(10) and information on contacting the EPA Regional Office;
 - (6) A brief statement announcing the public meeting required under Section (f)(9)(a), including a statement of the purpose of the meeting, information regarding the time and location for the meeting, and the address and telephone number at which interested persons may obtain further information concerning the meeting; and
 - (7) In communities with a large proportion of non-English-speaking residents, as determined by the Director, information in the appropriate language regarding the content and importance of the notice.

- (d) The notice in paragraph (a)(2) of this section must provide sufficient information to alert readers to the proposed variance and direct them where to receive additional information.
 - (e) At his option, the Director or the Administrator may choose to issue separate notices or additional notices related to the proposed small system variance, provided that the requirements in paragraphs (a) through (d) of this section are satisfied.
 - (f) Prior to promulgating the final variance, the Director must respond in writing to all significant public comments received relating to the small system variance. Response to public comment and any other documentation supporting the issuance of a variance must be made available to the public after final promulgation.
- (9) What are the public meeting requirements associated with the proposal of a small system variance?
- (a) The Director must provide for at least one (1) public meeting on the small system variance no later than 15 days after the small system variance is proposed.
 - (b) At the time of the public meeting, the Director must prepare and make publicly available, in addition to the information listed in 15.1.1(f)(8)(c) either:
 - (1) The proposed small system variance, if the public meeting occurs after proposal of the small system variance; or
 - (2) A draft of the proposed small system variance, if the public meeting occurs prior to proposal of the proposed small system variance.
 - (c) Notice of the public meeting must be provided in the manner required under 15.1.1(f)(8) at least 30 days in advance of the public meeting. This notice must be provided by the Director or the public water system as directed by the Director.
- (10) How can a person served by the public water system obtain EPA review of a small system variance proposed by the Director?
- (a) Any person served by the public water system may petition the Administrator to object to the granting of a small system variance within 30 days after the Director proposes to grant a small system variance for a public water system.
 - (b) The Administrator must respond to a petition filed by any person served by the public water system and determine whether to object to the small system variance no later than 60 days after the receipt of the petition.

EPA Review and Approval of Small System Variances

- (11) What procedures allow the Administrator to object to a proposed small system variance or overturn a granted small system variance for a public water system serving 3,300 or fewer persons?
- (a) At the time the Director proposes to grant a small system variance under this subpart, the Director must submit to the Administrator the proposed small system variance and all supporting information, including any written public comments received prior to proposal.
 - (b) The Administrator may review and object to any proposed small system variance within 90 days of receipt of the proposed small system variance. The Administrator must notify the Director in writing of each basis for the objection and propose a modification to the small system variance to resolve the concerns of the Administrator. The Director must make the recommended modification, respond in writing to each objection, or withdraw the proposal to grant the small system variance.
 - (c) If the Director issues the small system variance without resolving the concerns of the Administrator, the Administrator may overturn the decision to grant the variance if the Administrator determines that the Director's decision does not comply with the Safe Drinking Water Act or this rule.
- (12) What EPA action is necessary when the Director proposes to grant a small system variance to a public water system serving a population of more than 3,300 and fewer than 10,000 persons?
- (a) At the time the Director proposes to grant a small system variance to a public water system serving a population of more than 3,300 and fewer than 10,000 persons, the Director must submit the proposed small system variance and all supporting information, including public comments received prior to proposal, to the Administrator.
 - (b) The Administrator must approve or disapprove the small system variance within 90 days of receipt of the proposed small system variance and supporting information. The Administrator must approve the small system variance if it meets each requirement within the Act and this rule.
 - (c) If the Administrator disapproves the small system variance, the Administrator must notify the Director in writing of the reasons for disapproval and the small system variance does not become effective. The Director may resubmit the small system variance for review and approval with modifications to address the objections stated by the Administrator.

15.1.2 Exemptions Pursuant to Section 1416 of the Safe Drinking Water Act

- (a) Exemptions may be granted by the Director from any requirement respecting a maximum contaminant level or any treatment technique requirement, or from

both, of an applicable national primary drinking water regulation upon a finding that:

- (1) due to compelling factors (which may include economic factors, including qualification of the public water system as a system serving a disadvantaged community), the public water system is unable to comply with such contaminant level or treatment technique requirement or to implement measures to develop an alternative source of water supply;
 - (2) the public water system was in operation on the effective date of such contaminant level or treatment technique requirement or for a system that was not in operation by that date, only if no reasonable alternative source of drinking water is available to such new system;
 - (3) the granting of the exemption will not result in an unreasonable risk to health; and
 - (4) management or restructuring changes (or both) cannot reasonably be made that will result in compliance or, if compliance cannot be achieved, improve the quality of the drinking water.
- (b) If the Director grants a public water system an exemption under subsection (a), the exemption shall include a schedule which includes the items listed in this paragraph. Before a schedule prescribed by the Director pursuant to this subsection may take effect, the Director shall provide notice and opportunity for a public hearing on the schedule.
- (1) Director shall prescribe, at the time the exemption is granted, a schedule for:
 - (A) compliance (including increments of progress or measures to develop an alternative source of water supply) by the public water system with each contaminant level requirement or treatment technique requirement with respect to which the exemption was granted, and
 - (B) implementation by the public water system of such control measures as the Director may require for each contaminant, subject to such contaminant level requirement or treatment technique requirement, during the period ending on the date compliance with such requirement is required.
 - (2) A schedule prescribed pursuant to this subsection for a public water system granted an exemption under subsection (a) shall require the following:
 - (A) compliance by the system with each contaminant level and treatment technique requirement with respect to which the exemption was granted as expeditiously as practicable but not later than 3 years after the otherwise applicable compliance date.

- (B) No exemption shall be granted unless the public water system establishes that the system is taking all practicable steps to meet the standard; and
 - (i) the system cannot meet the standard without capital improvements which cannot be completed prior to the otherwise applicable compliance date;
 - (ii) in the case of a system which needs financial assistance for the necessary improvements, the system has entered into an agreement to obtain such financial assistance or assistance is reasonably likely to be available within the period of the exemption; or
 - (iii) the system has entered into an enforceable agreement to become a part of a regional public water system.
 - (C) In the case of a system which does not serve more than a population of 3,300 and which needs financial assistance for the necessary improvements, an exemption granted under clause (i) or (ii) of subparagraph (B) may be renewed for one or more additional 2-year periods, but not to exceed a total of 6 years, if the system establishes that it is taking all practicable steps to meet the requirements of subparagraph (B).
 - (D) Limitation - A public water system may not receive an exemption under this section if the system was granted a variance under section 15.1.1.
- (3) Each public water system's exemption granted by the Director under subsection (a) shall be conditioned upon compliance by the public water system with the schedule prescribed pursuant to this subsection.
- (c) The Director shall promptly notify the Administrator of the granting of all exemptions. Such notification shall contain the reasons for the exemption and document the need for the exemption.
 - (d) The Director must document all findings that are required under Section 1416 of the Act:
 - (1) Before finding that management and restructuring changes cannot be made, the Director must consider the following measures, and the availability of State Revolving Loan Fund assistance, or any other Federal or State program, that is reasonably likely to be available within the period of the exemption to implement these measures:
 - (A) Consideration of rate increases, accounting changes, the appointment of a State-certified operator under the State's Operator Certification program, contractual agreements for joint operation with one or more public water systems;

- (B) Activities consistent with the State's Capacity Development Strategy to help the public water system acquire and maintain technical, financial, and managerial capacity to come into compliance; and
 - (C) Ownership changes, physical consolidation with another public water system, or other feasible and appropriate means of consolidation which would result in compliance;
- (2) The Director must consider the availability of an alternative source of water, including the feasibility of partnerships with neighboring public water systems, as identified by the public water system or by the Director consistent with the Capacity Development Strategy.

15.2 Variances or exemptions from MCL (Maximum Contaminant Level) to total coliforms or from any of the treatment technique requirements of Section 5 contained herein will not be granted.

15.2.1 Exceptions to section 15.2 with respect to the MCL for total coliforms can be granted if the system can demonstrate to the Director that:

- A. the violation of the total coliform MCL is due to a persistent growth of total coliforms in the distribution system;
- B. no fecal or pathogenic contamination exists;
- C. no treatment lapse or deficiency has occurred;
- D. no problem in the operation or maintenance of the distribution system exists.

15.3 Variances and Exemptions from the maximum contaminant levels for organic and inorganic contaminants, radionuclides, and the treatment technique for lead and copper.

- a) Community water systems and non-transient, non-community water systems shall be required to install and/or use any treatment method identified in 16.1 (t), 16.2 (c) and 16.5(h) as a condition for granting a variance except as provided in paragraph 15.3(a)(1) of this section. If, after the systems's installation of the treatment method, the system cannot meet the MCL, that system shall be eligible for a variance.
 - 1) If a system can demonstrate through comprehensive engineering assessments, which may include pilot plant studies, that the treatment methods identified in 16.1 (t), 16.2 (c) and 16.5(h) would only achieve a de minimis reduction in contaminants, the Director may issue a schedule of compliance that requires the system being granted the variance to examine other treatment methods as a condition of obtaining the variance.
 - 2) If the Director determines that a treatment method identified in paragraph 15.3(a)(1) of this section is technically feasible, the system will be required to install and/or use that treatment method in connection with a compliance

schedule. The Director's determination shall be based upon studies by the system and other relevant information.

- 15.4 In addition to the requirements of 15.3, a public water system may be required to use bottled water, point-of-use devices, point-of-entry devices or other means as a condition of granting a variance or an exemption to avoid an unreasonable risk to health.

The Director may require a public water system to use bottled water and point-of-use devices or other means, but not point-of-entry devices, as a condition for granting an exemption from corrosion control treatment requirements for lead and copper in section 6.81 and 6.82 to avoid an unreasonable risk to health. The Director may require a public water system to use point-of-entry devices as a condition for granting an exemption for the source water and lead service line replacement requirements for lead and copper under section 6.83 or 6.84 to avoid an unreasonable risk to health.

- (a) Public water systems that use bottled water as a condition for receiving a variance or an exemption from the requirements of sections 16.1, 16.2(a) 16.2(b) and 16.5 or an exemption from the requirements of 6.81-6.84 must use bottled water that is approved by the Director.
- (b) In requiring the use of a point-of-entry device as a condition for granting an exemption from the treatment requirements for lead and copper under section 6.83 or 6.84, the Director must be assured that use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.

- 15.5 At the discretion of the Director, nitrate levels not to exceed 20 mg/l may be allowed in a non-community water system if the supplier of water demonstrates to the satisfaction of the Director that:

- (a) Such water will not be available to children under 6 months of age; and
- (b) The non-community water system is meeting the public notification requirements under section 16.8 (9), including continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure; and
- (c) Local and state public health authorities will be notified annually of nitrate levels that exceed 10 mg/l; and
- (d) No adverse health effects shall result.

Section 16.0 *Community Water System Requirements*

16.1 *Inorganic Chemicals*

Maximum Contaminant Levels (MCLs) For Certain Inorganic Chemicals

<i>Contaminant</i>	<i>MCL¹ (mg/L)</i>
(1) Fluoride	4.0
(2) Asbestos	7 million Fibers/liter longer than 10 µm)
(3) Barium	2
(4) Cadmium	0.005
(5) Chromium	0.1
(6) Mercury	0.002
(7) Nitrate	10 (as Nitrogen)
(8) Nitrite	1 (as Nitrogen)
(9) Total Nitrate and Nitrite	10 (as Nitrogen)
(10) Selenium	0.05
(11) Antimony	0.006
(12) Beryllium	0.004
(13) Cyanide (as free Cyanide)	0.2
(14) Nickel	0.1
(15) Thallium	0.002
(16) Arsenic	² 0.010

¹ The MCLs for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, mercury, nickel, selenium, and thallium apply to community and non-transient, non-community water systems.

² The MCL for arsenic is effective January 23, 2006 and applies to community and non-transient, non-community water systems. Until then the MCL is 0.05 mg/L and applies only to community water systems.

- a) Community water systems shall conduct monitoring to determine compliance with the MCLs specified in this section. Monitoring shall be conducted as follows:

- (1) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point) beginning in the initial compliance period. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- (2) Surface water systems shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point) beginning in the initial compliance period. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

Note: For purpose of this paragraph, surface water systems include systems with a combination of surface and ground sources.

- (3) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).
- (4) The Director may reduce the total number of samples which must be analyzed by allowing the use of compositing. Composite samples from a maximum of five samples are allowed, provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Compositing of samples must be done in the laboratory.
 - (i) If the concentration in the composite sample is greater than or equal to one-fifth of the MCL of any inorganic chemical, then a follow-up sample must be taken within 14 days at each sampling point included in the composite. These samples must be analyzed for the contaminants which exceeded one-fifth of the MCL in the composite sample. Detection limits for each analytical method are found in Appendix 1.
 - (ii) If the population served by the system is > 3,300 persons, then compositing may only be permitted by the Director at sampling points within a single system. In systems serving < 3,300 persons, the Director may permit compositing among different systems provided the 5-sample limit is maintained.
 - (iii) If duplicates of the original sample taken from each sampling point used in the composite are available, the system may use these instead of resampling. The duplicates must be analyzed and the results reported to the State within 14 days of collection.
- (5) The frequency of monitoring for asbestos shall be in accordance with 16.1 (b); the frequency of monitoring for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium shall be in accordance with 16.1 (c); the frequency of monitoring for nitrate shall be in accordance with 16.1(d); and the frequency of monitoring for nitrite shall be in accordance with 16.1(e).

- (b) The frequency of monitoring conducted to determine compliance with the maximum contaminant level for asbestos shall be conducted as follows:
- (1) Each community and non-transient, non-community water system is required to monitor for asbestos during the first three-year compliance period of each nine-year compliance cycle beginning in the compliance period starting January 1, 1993.
 - (2) If the system believes it is not vulnerable to either asbestos contamination in its source water or due to corrosion of asbestos-cement pipe, or both, it may apply to the Director for a waiver of the monitoring requirement in paragraph (b)(1) of this section. If the Director grants the waiver, the system is not required to monitor.
 - (3) The Director may grant a waiver based on a consideration of the following factors:
 - (i) Potential asbestos contamination of the water source, and
 - (ii) The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.
 - (4) A waiver remains in effect until the completion of the three-year compliance period. Systems not receiving a waiver must monitor in accordance with the provisions of paragraph (b)(1) of this section.
 - (5) A system vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.
 - (6) A system vulnerable to asbestos contamination due solely to source water shall monitor in accordance with the provision of 16.1(a) of this section.
 - (7) A system vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.
 - (8) A system which exceeds the maximum contaminant levels shall monitor quarterly beginning in the next quarter after the violation occurred.
 - (9) The Director may decrease the quarterly monitoring requirement to the frequency specified in paragraph (b) (1) of this section provided the Director has determined that the system is reliably and consistently below the maximum contaminant level. In no case can the Director make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface (or combined surface/ground) water system takes a minimum of four quarterly samples.
 - (10) If monitoring data collected after January 1, 1990 are generally consistent with the requirements of App. 1 then the Director may allow systems to use that data to satisfy the monitoring requirement for the initial compliance period beginning January 1, 1993.

- (c) The frequency of monitoring conducted to determine compliance with the maximum contaminant levels in 16.1 for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, thallium and selenium shall be as follows:
- (1) Groundwater systems shall take one sample at each sampling point during each compliance period. Surface water systems (or combines surface/ground) shall take one sample annually at each sampling point.
 - (2) The system may apply to the Director for a waiver from the monitoring frequencies specified in paragraph (c) (1) of this section. The Director may grant a public water system a waiver for monitoring of cyanide, provided that the State determines that the system is not vulnerable due to lack of any industrial source of cyanide.
 - (3) A condition of the waiver shall require that a system shall take a minimum of one sample while the waiver is effective. The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).
 - (4) The Director may grant a waiver provided surface water systems have monitored annually for at least three years and groundwater systems have conducted a minimum of three rounds of monitoring. (At least one sample shall have been taken since January 1, 1990). Both surface and groundwater systems shall demonstrate that all previous analytical results were less than the maximum contaminant level. Systems that use a new water source are not eligible for a waiver until three rounds of monitoring from the new source have been completed.
 - (5) In determining the appropriate reduced monitoring frequency, the Director shall consider:
 - (i) Reported concentrations from all previous monitoring;
 - (ii) The degree of variation in reported concentrations; and
 - (iii) Other factors which may affect contaminant concentration such as changes in groundwater pumping rates, changes in the system's configuration, changes in the system's operating procedures, or changes in stream flows or characteristics.
 - (6) A decision by the Director to grant a waiver shall be made in writing and shall set forth the basis for the determination. The determination may be initiated by the Director or upon an application by the public water system. The public water system shall specify the basis for its request. The Director shall review and, where appropriate, revise its determination of the appropriate monitoring frequency when the system submits new monitoring data or when other data relevant to the system's appropriate monitoring frequency become available.
 - (7) Systems which exceed the maximum contaminant levels as calculated in 16.1 (i) of this section shall monitor quarterly beginning in the next quarter after the violation occurred.

- (8) The Director may decrease the quarterly monitoring requirement to the frequencies specified in paragraph (c)(1) and (c)(2) of this section provided it has determined that the system is reliably and consistently below the maximum contaminant level. In no case can a Director make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface water system take a minimum of four quarterly samples.
 - (9) All new water systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL of all contaminants listed in section 16.1 within a period of time specified by the Director. The system must also comply with the initial sampling frequencies specified by the Director to ensure a system can demonstrate compliance with the MCL. Routine and increase monitoring frequencies shall be conducted in accordance with the requirements in this section.
- (d) All public water systems (community; non-transient, non-community; and transient, non-community systems) shall monitor to determine compliance with the maximum contaminant level for nitrate in section 16.1.
- (1) Community and non-transient, non-community water systems served by groundwater systems shall monitor annually; systems served by surface water shall monitor quarterly beginning January 1, 1993.
 - (2) For community and non-transient, non-community water systems, the repeat monitoring frequency for groundwater systems shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. The Director may allow a groundwater system to reduce the sampling frequency to annually after four consecutive quarterly samples are reliably and consistently less than the MCL.
 - (3) For community and non-transient, non-community water systems, the Director may allow a surface water system to reduce the sampling frequency to annually if all analytical results from four consecutive quarters are < 50 percent of the MCL. A surface water system shall return to quarterly monitoring if any sample is greater than or equal to 50 percent of the MCL.
 - (4) After the initial round of quarterly sampling is completed, each community and non-transient non-community system which is monitoring annually shall take subsequent samples during the quarter(s) which previously resulted in the highest analytical result.
- (e) All public water systems (community; non-transient, non-community; and transient, non-community systems) shall monitor to determine compliance with the maximum contaminant level for nitrite.
- (1) All public water systems shall take a minimum of one sample at each sampling point in each compliance period.
 - (2) After the initial sample, systems where an analytical result for nitrite is < 50 percent of the MCL shall monitor at the frequency specified by the Director.

- (3) For community, non-transient, non-community, and transient non-community water systems, the repeat monitoring frequency for any water system shall be quarterly for at least one year following any one sample in which the concentration is > 50 percent of the MCL. The Director may allow a system to reduce the sampling frequency to annually after determining the system is reliably and consistently less than the MCL.
 - (4) Systems which are monitoring annually shall take each subsequent sample during the quarter(s) which previously resulted in the highest analytical result.
- (f) ***Confirmation Samples:***
- (1) Where the results of sampling for asbestos, antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium indicate an exceeding of the maximum contaminant level, the Director may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point.
 - (2) Where nitrate or nitrite sampling results indicate an exceedance of the maximum contaminant level, the system shall take a confirmation sample within 24 hours of the system's receipt of notification of the analytical results of the first sample. Systems unable to comply with the 24-hour sampling requirement must immediately notify persons served by the public water system in accordance with section 16.8 (2) and meet other Tier 1 public notification requirements under section 16.8 or 17.6 of this part. Systems exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.
 - (3) If a required confirmation sample is taken for any contaminant, then the results of the initial and confirmation sample shall be averaged. The resulting average shall be used to determine the system's compliance in accordance with paragraph (i) of this section. The Director has the discretion to delete results of obvious sampling errors.
- (g) The Director may require more frequent monitoring than specified in paragraphs (b), (c), (d) and (e) of this section or may require confirmation samples for positive and negative results at its discretion.
- (h) Systems may apply to the Director to conduct more frequent monitoring than the minimum monitoring frequencies specified in this section.
- (i) Compliance with 16.1 shall be determined based on the analytical result(s) obtained at each sampling point.
- (1) For systems which are conducting monitoring at a frequency greater than annual, compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium is determined by a running annual average at any sampling point. If the average at any sampling point is greater than the MCL, then the system is out of compliance. If any one sample would cause the annual average to be exceeded, then the

system is out of compliance immediately. Any sample below the method detection limit shall be calculated at zero for the purpose of determining the annual average. Beginning January 22, 2004, if a system fails to collect the required number of samples, compliance (average concentration) will be based on the number of samples collected.

- (2) For systems which are monitoring annually, or less frequently, the system is out of compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the Director, the determination of compliance will be based on the annual average of the initial MCL exceedance and any Director-required confirmation samples. Beginning January 22, 2004, if a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.
 - (3) Compliance with the maximum contaminant levels for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate and/or nitrite exceed the MCLs in the initial sample, a confirmation sample is required in accordance with paragraph (f)(2) of this section, and compliance shall be determined based on the average of the initial and confirmation samples.
- (j) Sample collection and analyses for the purpose of determining compliance with arsenic shall be conducted using the requirements specified in Appendix 1.
- (1) Analyses for all community water systems utilizing surface water sources shall be repeated at yearly intervals.
 - (2) Analyses for all community water systems utilizing only ground water sources shall be repeated at three-year intervals.
 - (3) The Director has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by their sanctioned representatives and agencies.
 - (4) Until January 23, 2006, the maximum contaminant level for arsenic is 0.05 mg/L and applies to community water systems only. For analyses and determination of compliance with the 0.05 mg/L maximum contaminant level for arsenic, use the requirements of this section 16.1. Beginning January 23, 2006, the MCL for arsenic for community and non-transient, non-community water systems is 0.010 mg/L.
- (k) If the result of an analysis made under paragraph (j) of this section indicates that the arsenic concentration exceeds the maximum contaminant level, the supplier of the water shall report to the Director within 7 days and initiate three additional analyses at the same sampling point within one month.
- (l) When the average of four analyses made pursuant to paragraph (k) of this section, rounded to the same number of significant figures as the maximum contaminant level for arsenic exceeds the maximum contaminant level, the supplier of water shall notify the Director pursuant to 11.2

and give notice to the public pursuant to 16.8. Monitoring after public notification shall be at a frequency designated by the Director and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(m) *Reserved*

(n) *Reserved*

(o) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Director may allow the system to give public notice to only the area served by that portion of the system which is out of compliance.

(p) Each public water system shall monitor at the time designated by the Director during each compliance period.

(q) ***Mechanical Fluoride Adjustment - Monitoring Frequency and Reporting Requirements***

i) For each source where the fluoride concentration is mechanically adjusted, a fluoride determination of the treated water shall be made and recorded daily by the water purveyor. Fluoride analysis shall be conducted in accordance with Appendix 1. Results shall be reported monthly to the Director within ten (10) days after the end of the month.

ii) Failure to comply with the requirements of this paragraph (q) is not subject to the public notice requirements of section 16.8.

(r) ***Monitoring Protocol for Sodium***

Each community system will sample each of its active sources at the entry point of the source into the distribution system, following any treatment provided to one or more sources of water, as follows:

Surface water sources shall be sampled during the months of January, February, and March of each calendar year:

Six consecutive biweekly samples may be composited into a single sample. Compositing must be done at the laboratory. (Groundwater sources shall be sampled annually during the months of March or April.)

Samples shall be analyzed for sodium. Results shall be reported to the Director within ten (10) days after determination. Sodium sampling requirements may be modified or waived at the discretion of the Director.

(s) ***Analytical Techniques*** - Inorganic chemical analyses shall be made in accordance with Appendix 1 of these regulations.

(t) ***BAT for Inorganic Contaminants***

The following are hereby identified as the best technology, treatment technique, or other means available for achieving compliance with the maximum contaminant level for inorganic contaminants identified in this section, except fluoride:

<i>BAT For Inorganic Contaminants Listed in Section 16.1</i>	
CHEMICAL NAME	BAT(S)
Antimony	2,7
Arsenic ^{4,5}	1,2,5,6,7,9,12 ⁶
Asbestos	2,3,8
Barium	5,6,7,9
Beryllium	1,2,5,6,7
Cadmium	2,5,6,7
Chromium	2,5,6 ² ,7
Cyanide	5,7,10
Mercury	2 ¹ ,4,6 ¹ ,7 ¹
Nickel	5,6,7
Nitrate	5,7,9
Nitrite	5,7
Selenium	1,2 ³ ,6,7,9
Thallium	1,5

¹BAT only if influent Hg concentrations <10µg/L.

²BAT for Chromium III only.

³BAT for Selenium IV only.

⁴BATs for Arsenic V. Pre-oxidation may be required to convert Arsenic III to Arsenic V.

⁵BATs for arsenic become effective January 23, 2006.

⁶To obtain high removals, iron to arsenic ratio must be at least 20:1.

Key to BATS in Table

1=Activated Alumina

2=Coagulation/Filtration (not BAT for systems <500 service connections)

3=Direct and Diatomite Filtration

4=Granular Activated Carbon

5=Ion Exchange

6=Lime Softening (not BAT for systems <500 service connections)

7=Reverse Osmosis

8=Corrosion Control

9=Electrodialysis

10=Chlorine

11=Ultraviolet

- (u) The Director hereby identifies in the following table the affordable technology, treatment technique, or other means available to systems serving 10,000 persons or fewer for achieving compliance with the maximum contaminant level for arsenic effective January 23, 2006:

Small System Compliance Technologies (SSCTS)¹ for Arsenic²	
Small system compliance technology	Affordable for listed small system categories³
Activated Alumina (centralized)	All size categories.
Activated Alumina (Point-of-Use) ⁴	All size categories.
Coagulation/Filtration ⁵	501–3,300, 3,301–10,000.
Coagulation-assisted Microfiltration	501–3,300, 3,301–10,000.
Electrodialysis reversal ⁶	501–3,300, 3,301–10,000.
Enhanced coagulation/filtration	All size categories
Enhanced lime softening (pH > 10.5)	All size categories
Ion Exchange	All size categories
Lime Softening ⁵	501–3,300, 3,301–10,000.
Oxidation/Filtration ⁷	All size categories
Reverse Osmosis (centralized) ⁶	501–3,300, 3,301–10,000.
Reverse Osmosis (Point-of-Use) ⁴	All size categories

¹Section 1412(b)(4)(E)(ii) of SDWA specifies that SSCTs must be affordable and technically feasible for small systems.

²SSCTs for Arsenic V. Pre-oxidation may be required to convert Arsenic III to Arsenic V.

³The Act (ibid.) specifies three categories of small systems: (i) those serving 25 or more, but fewer than 501, (ii) those serving more than 500, but fewer than 3,301, and (iii) those serving more than 3,300, but fewer than 10,001.

⁴When POU or POE devices are used for compliance, programs to ensure proper long-term operation, maintenance, and monitoring must be provided by the water system to ensure adequate performance.

⁵Unlikely to be installed solely for arsenic removal. May require pH adjustment to optimal range if high removals are needed.

⁶Technologies reject a large volume of water—may not be appropriate for areas where water quantity may be an issue.

⁷To obtain high removals, iron to arsenic ratio must be at least 20:1.

16.2 **Organic Chemicals**

- (a) Maximum contaminant levels for organic contaminants

<i>Contaminant</i>	<i>MCL (mg/L)</i>
Alachlor	0.002
Aldicarb	reserved
Aldicarb sulfoxide	reserved
Aldicarb sulfone	reserved
Altrazine	0.003
Carbofuran	0.04

<i>Contaminant</i>	<i>MCL (mg/L)</i>
Chlordane	0.002
Dibromochloropropane	0.0002
2,4-D	0.07
Ethylene dibromide	0.00005
Heptachlor	0.0004
Heptachlor epoxide	0.0002
Lindane	0.0002
Methoxychlor	0.04
Polychlorinated biphenyls	0.0005
Pentachlorophenol	0.001
Toxaphene	0.003
2,4,5-TP	0.05
Benzo[a]pyrene	0.0002
Dalapon	0.2
Di(2-ethylhexyl) adipate	0.4
Di(2-ethylhexyl) phthalate	0.006
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Glyphosate	0.7
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Oxamyl (Vydate)	0.2
Picloram	0.5
Simazine	0.004
2,3,7,8-TCDD (Dioxin)	3×10^{-8}
Total Trihalomethanes	0.10

The maximum contaminant level of 0.10 mg/L for total trihalomethanes (the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform) and trichloromethane (chloroform)) applies to subpart H community water systems

which serve a population of 10,000 people or more until December 31, 2001. After December 31, 2001, section 7.0 will apply. This level also applies to community water systems that use only ground water not under the direct influence of surface water and serve a population of 10,000 people or more until December 31, 2003. Compliance with the maximum contaminant level for total trihalomethanes is calculated pursuant to section 16.2 (a)(19). After December 31, 2003, this section is no longer applicable and section 7.0 will apply.

Analysis of the contaminants listed in 16.2 (a) for the purposes of determining compliance with the maximum contaminant level shall be conducted as follows except that monitoring for the contaminants aldicarb, aldicarb sulfoxide, and aldicarb sulfone shall be conducted in accordance with section 16.7:

- (1) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- (2) Surface water systems shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point.) Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

Note: For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.

- (3) If the system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water representative of all sources is being used).
- (4) **Monitoring frequency:**
 - (i) Each community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in 16.2 (a) during each compliance period beginning with the initial compliance period.
 - (ii) Systems serving more than 3,300 persons which do not detect a contaminant in the initial compliance period may reduce the sampling frequency to a minimum of two quarterly samples in one year during each repeat compliance period.
 - (iii) Systems serving less than or equal to 3,300 persons which do not detect a contaminant in the initial compliance period may reduce the sampling frequency to a minimum of one sample during each repeat compliance period.

- (5) Each community and non-transient non-community water system may apply to the Director for a waiver from the requirement of paragraph (h) (4) of this section. A system must reapply for a waiver for each compliance period.
- (6) The Director may grant a waiver after evaluating the following factor(s): Knowledge of previous use (including transport, storage, or disposal) of the contaminant within the watershed or zone of influence of the system. If a determination by the Director reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted. If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted.
 - (i) Previous analytical results.
 - (ii) The proximity of the system to a potential point or non-point source of contamination. Point sources include spills and leaks of chemicals at or near a water treatment facility or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities. Non-point sources include the use of pesticides to control insect and weed pests on agricultural areas, forest lands, home and gardens, and other land application uses.
 - (iii) The environmental persistence and transport of the pesticide or PCBs.
 - (iv) How well the water source is protected against contamination due to such factors as depth of the well and the type of soil and the integrity of the well casing.
 - (v) Elevated nitrate levels at the water supply source.
 - (vi) Use of PCBs in equipment used in the production, storage, or distribution of water (i.e., PCBs used in pumps, transformers, etc.).
- (7) If an organic contaminant listed in 16.2 (a) is detected (as defined by paragraph (a) (17) of this section) in any sample, then:
 - (i) Each system must monitor quarterly at each sampling point which resulted in a detection.
 - (ii) The Director may decrease the quarterly monitoring requirement specified in paragraph (a) (7) (i) of this section provided it has determined that the system is reliably and consistently below the maximum contaminant level. In no case shall the Director make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface water system takes a minimum of four quarterly samples.
 - (iii) After the Director determines the system is reliably and consistently below the maximum contaminant level the Director may allow the system to monitor

annually. Systems which monitor annually must monitor during the quarter that previously yielded the highest analytical result.

- (iv) Systems which have 3 consecutive annual samples with no detection of a contaminant may apply to the Director for a waiver as specified in paragraph (a) (6) of this section.
 - (v) If monitoring results in detection of one or more of certain related contaminants (aldicarb, aldicarb sulfone, aldicarb sulfoxide and heptachlor, heptachlor epoxide), than subsequent monitoring shall analyze for all related contaminants.
- (8) Systems which violate the requirements of 16.2 (a) as determined by paragraph (a) (11) of this section must monitor quarterly. After a minimum of four quarterly samples show the system is in compliance and the Director determines the system is reliably and consistently below the MCL, as specified in paragraph (a) (11) of this section, the system shall monitor at the frequency specified in paragraph (a) (7) (iii) of this section.
- (9) The Director may require a confirmation sample for positive or negative results. If a confirmation sample is required by the Director, the result must be averaged with the first sampling result and the average used for the compliance determination as specified by paragraph (a) (11) of this section. The Director has discretion to delete results of obvious sampling errors from this calculation.
- (10) The Director may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of five sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Compositing of samples must be done in the laboratory and analyzed within 14 days of sample collection.
- (i) If the concentration in the composite sample is greater than or equal to 0.0005 mg/L for any contaminant listed in section 16.2(a), then a follow-up sample must be taken within 14 days at each sampling point included in the composite and be analyzed for that contaminant.
 - (ii) If duplicates of the original sample taken from each sampling point used in the composite are available, the system may use these duplicates instead of resampling. The duplicate must be analyzed and the results reported to the Director within 14 days of collection.
 - (iii) If the population served by the system is > 3,300 persons, then compositing may only be permitted by the Director at sampling points within a single system. In systems serving less than or equal to 3,300 persons, the Director may permit compositing among different systems provided the 5-sample limit is maintained.
- (11) Compliance with 16.2 (a) shall be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL.

- (i) For systems which are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point. If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately.
 - (ii) Systems monitoring annually or less frequently whose sample result exceeds the regulatory detection level as defined by 16.2 (a)(17) must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling. Effective January 22, 2004, the following statements no longer apply: If monitoring is conducted annually, or less frequently, the system is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the Director, the determination of compliance will be based on the average of two samples.
 - (iii) If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately.
 - (iv) If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.
 - (v) If a sample result is less than the detection limit, zero will be used to calculate the annual average.
 - (vi) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Director may allow the system to give public notice to only that area served by that portion of the system which is out of compliance.
- (12) Analysis for the contaminants listed in 16.2 (a) shall be conducted using the EPA methods or their equivalent as approved by EPA and as described in Appendix 1.
- (13) If monitoring data collected after January 1, 1990, are generally consistent with the requirements of 16.2 (a) then the Director may allow systems to use that data to satisfy the monitoring requirement for the initial compliance period.
- (14) The Director may increase the required monitoring frequency, where necessary, to detect variations within the system (e.g., fluctuations in concentration due to seasonal use, changes in water source).
- (15) The Director has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by their sanctioned representatives and agencies.
- (16) Each public water system shall monitor at the time designated by the Director within each compliance period.

- (17) Detection as used in this paragraph shall be defined as greater than or equal to the following concentrations for each contaminant.

<i>Contaminant</i>	<i>Detection limit (mg/L)</i>
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Benzo[a]pyrene	0.00002
Carbofuran	0.0009
Chlordane	0.0002
Dalapon	0.001
Dibromochloropropane (DBCP)	0.00002
Di (2-ethylhexyl) adipate	0.0006
Di (2-ethylhexyl) phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
2,4-D	0.0001
Endothall	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
Picloram	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.00004
Simazine	0.00007

<i>Contaminant</i>	<i>Detection limit (mg/L)</i>
Toxaphene	0.001
2,3,7,8-TCDD (Dixon)	0.000000005
2,4,5-TP (Silvex)	0.0002

- (18) Notwithstanding paragraphs (1) through (17) of this section, monitoring for endrin shall be as stipulated here.

Monitoring Frequency - Each active drinking water source maintained by a water purveyor shall be analyzed for endrin at least once every three (3) years.

(19) ***Total Trihalomethanes Sampling, Analytical and Other Requirements***

Water systems which practice disinfection of the water shall be monitored for total trihalomethanes.

Notwithstanding paragraphs (1) through (17) of this section, monitoring for total trihalomethanes shall be as stipulated here.

Water systems serving less than 10,000 people shall be monitored for total trihalomethanes at the discretion of the Director. Water systems serving at least 10,000 people shall be monitored in the following manner:

- i) a minimum of four (4) samples per quarter per treatment plant collected on the same day shall be analyzed. Twenty-five percent (25%) of the samples shall reflect maximum storage time of the water in the distribution system while seventy-five (75%) percent shall be collected at representative points in the system. The results of all samples analyzed in any calendar quarter shall be averaged and compliance with the TTHM MCL listed Table 16.2 (a) shall be determined based on this running annual average of quarterly samples collected by the system;
- ii) compliance with the maximum contaminant level for total trihalomethanes shall be based on a running annual average of the findings in any four (4) consecutive calendar quarters. Based on a history of low trihalomethanes, the Director may grant a reduction in monitoring frequency to one sample per treatment plant per quarter collected at a point which reflects maximum storage time of the water in the distribution system;
- iii) additional monitoring shall be required whenever there is reason to believe an organic chemical maximum contaminant level is or may be exceeded.
- iv) Upon written request to the Director, a community water system utilizing only ground water sources may seek to have the monitoring frequency required by paragraph (19)(i) of this section reduced to a minimum of one sample for maximum TTHM potential per year for each treatment plant used by the system taken at a point in the distribution system reflecting maximum residence time of

the water in the system. The system shall submit the results of at least one sample for maximum TTHM potential using the procedure specified in paragraph (19)(vi) of this section. A sample must be analyzed from each treatment plant used by the system and be taken at a point in the distribution system reflecting the maximum residence time of the water in the system. The system's monitoring frequency may only be reduced upon a written determination by the Director that, based upon the data submitted by the system, the system has a maximum TTHM potential of less than 0.10 mg/L and that, based upon an assessment of the local conditions of the system, the system is not likely to approach or exceed the maximum contaminant level for total TTHMs. The results of all analyses shall be reported to the Director within 30 days of the system's receipt of such results. Results shall also be reported to EPA until such monitoring requirements have been adopted by the Director. All samples collected shall be used for determining whether the system must comply with the monitoring requirements of paragraph (19)(i) of this section, unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in paragraph (19)(viii) of this section. If at any time the results from any analysis taken by the system for maximum TTHM potential are equal to or greater than 0.10 mg/L, and such results are confirmed by at least one check sample taken promptly after such results are received, the system shall immediately begin monitoring in accordance with the requirements of paragraph (19)(i) of this section and such monitoring shall continue for at least one year before the frequency may be reduced again. In the event of any significant change to the system's raw water or treatment program, the system shall immediately analyze an additional sample for maximum TTHM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system for the purpose of determining whether the system must comply with the monitoring requirements of paragraph (19)(i) of this section. At the option of the Director, monitoring frequencies may and should be increased above the minimum in those cases where this is necessary to detect variation of TTHM levels within the distribution system.

- v) Before a community water system makes any significant modifications to its existing treatment process for the purposes of achieving compliance with section 16.2 (a), such system must submit and obtain the Director's approval of a detailed plan setting forth its proposed modification and those safeguards that it will implement to ensure that the bacteriological quality of the drinking water served by such system will not be adversely affected by such modification.
- vi) The water sample for determination of maximum total trihalomethane potential is taken from a point in the distribution system that reflects maximum residence time. Procedures for sample collection and handling are given in the methods. No reducing agent is added to "quench" the chemical reaction producing THMs at the time of sample collection. The intent is to permit the level of THM precursors to be depleted and the concentration of THMs to be maximized for the supply being tested. Four experimental parameters affecting maximum THM production are pH, temperature, reaction time and the presence of a disinfectant

residual. These parameters are dealt with as follows: Measure the disinfectant residual at the selected sampling point. Proceed only if a measurable disinfectant residual is present. Collect triplicate 40 ml water samples at the pH prevailing at the time of sampling, and prepare a method blank according to the methods. Seal and store these samples together for seven days at 25 °C or above. After this time period, open one of the sample containers and check for disinfectant residual. Absence of a disinfectant residual invalidates the sample for further analysis. Once a disinfectant residual has been demonstrated, open another of the sealed samples and determine total THM concentration using an approved analytical method.

- vii) The requirements in paragraph (19) of this section apply to subpart H community water systems which serve a population of 10,000 or more until December 31, 2001. After December 31, 2001, section 7.0 will apply. The requirements in paragraph 19 of this section apply to community water systems which use only ground water not under the direct influence of surface water that add a disinfectant (oxidant) in any part of the treatment process and serve a population of 10,000 or more until December 31, 2003. After December 31, 2003, paragraph 16.2(a)(19) is no longer applicable and section 7.0 will apply.
 - viii) **Analytical Techniques** -Sampling and analyses made pursuant to this section shall be conducted by one of the total trihalomethanes methods as directed in Appendix 1 and the *Technical Notes on Drinking Water Methods*, EPA-600/R-94-173, October 1994, which is available from NTIS, PB-104766, or in section 7.4 (b).
- (20) All new systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL in 16.2(a) within a period of time specified by the Director. The system must also comply with the initial sampling frequencies specified by the Director to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this section beginning January 22, 2004.

16.2 (b) ***Volatile Organic Chemicals***

Maximum contaminant levels for certain volatile organic chemicals:

<i>Contaminant</i>	<i>MCL (mg/L)</i>
(1) Vinyl Chloride	0.002
(2) Benzene	0.005
(3) Carbon Tetrachloride	0.005
(4) 1,2-Dichloroethane	0.005
(5) Trichloroethylene	0.005

(6) p-Dichlorobenzene	0.075
(7) 1,1-Dichloroethylene	0.007
(8) 1,1,1-Trichloroethane	0.2
(9) cis-1,2-Dichloroethylene	0.07
(10) 1,2-Dichloropropane	0.005
(11) Ethylbenzene	0.7
(12) Monochlorobenzene	0.1
(13) o-Dichlorobenzene	0.6
(14) Styrene	0.1
(15) Tetrachloroethylene	0.005
(16) Toluene	1
(17) trans-1,2-Dichloroethylene	0.1
(18) Xylenes (total)	10
(19) Dichloromethane	0.005
(20) 1,2,4-Trichlorobenzene	0.07
(21) 1,1,2-Trichloroethane	0.005

Beginning with the initial compliance period, analysis of the contaminants listed in 16.2 (b) (1) through (21) for the purpose of determining compliance with the maximum contaminant level shall be conducted as follows:

- (22) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source, treatment plant, or within the distribution system.
- (23) Surface water systems (or combined surface/ground) shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source, treatment plant, or within the distribution system.
- (24) If the system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water representative of all sources is being used).

- (25) Each community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in 16.2 (b) (2) through (21) during each compliance period, beginning in the initial compliance period.
- (26) If the initial monitoring for contaminants listed in 16.2 (b) (1) through (8) and the monitoring for the contaminants listed in 16.2 (b) (9) through (21) as allowed in paragraph 16.2 (b) (37) has been completed by December 31, 1992, and the system did not detect any contaminant listed in 16.2 (b) (1) through (21), then each ground and surface water system shall take one sample annually beginning with the initial compliance period.
- (27) After a minimum of three years of annual sampling, the Director may allow groundwater systems with no previous detection of any contaminant listed in 16.2 (b) to take one sample during each compliance period.
- (28) Each community and non-transient groundwater system which does not detect a contaminant listed in 16.2 (b) (1) through (21) may apply to the Director for a waiver from the requirements of paragraphs (26) and (27) of this section after completing the initial monitoring. (For the purposes of this section, detection is defined as greater than or equal to 0.0005 mg/L). A waiver shall be effective for no more than six years (two compliance periods). The Director may also issue waivers to small systems for the initial round of monitoring for 1,2,4-trichlorobenzene.
- (29) The Director may grant a waiver after evaluating the following factor(s):
- (i) Knowledge of previous use (including transport, storage, or disposal) of the contaminant within the watershed or zone influence of the system. If a determination by the Director reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted.
 - (ii) If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted.
 - (A) Previous analytical results.
 - (B) The proximity of the system to a potential point or non-point source of contamination. Point sources include spills and leaks of chemicals at or near a water treatment facility or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities.
 - (C) The environmental persistence and transport of the contaminants.
 - (D) The number of persons served by the public water system and the proximity of a smaller system to a larger system.

- (E) How well the water source is protected against contamination, such as whether it is a surface or groundwater system. Groundwater systems must consider factors such as depth of the well, the type of soil, and wellhead protection. Surface water systems must consider watershed protection.
- (30) As a condition of the waiver a groundwater system must take one sample at each sampling point during the time the waiver is effective (i.e., one sample during two compliance periods or six years) and update its vulnerability assessment considering the factors listed in paragraph (29) of this section. Based on this vulnerability assessment the Director must reconfirm that the system is non-vulnerable. If the Director does not make this reconfirmation within three years of the initial determination, then the waiver is invalidated and the system is required to sample annually as specified in paragraph (26) of this section.
- (31) Each community and non-transient surface water system which does not detect a contaminant listed in 16.2 (b) (1) through (21) may apply to the Director for a waiver from the requirements of (26) of this section after completing the initial monitoring. Composite samples from a maximum of five sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Systems meeting this criterion must be determined by the Director to be non-vulnerable based on a vulnerability assessment during each compliance period. Each system receiving a waiver shall sample at the frequency specified by the Director (if any).
- (32) If a contaminant listed in 16.2 (b) (2) through (21) is detected at a level exceeding 0.0005 mg/L in any sample, then:
- (i) The system must monitor quarterly at each sampling point which resulted in a detection.
 - (ii) The Director may decrease the quarterly monitoring requirement specified in paragraph (32) (i) of this section provided it has determined that the system is reliably and consistently below the maximum contaminant level. In no case shall the Director make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface water system takes a minimum of four quarterly samples.
 - (iii) If the Director determines that the system is reliably and consistently below the MCL, the Director may allow the system to monitor annually. Systems which monitor annually must monitor during the quarter(s) which previously yielded the highest analytical result.
 - (iv) Systems which have three consecutive annual samples with no detection of a contaminant may apply to the Director for a waiver as specified in paragraph (28) of this section.
 - (v) Groundwater systems which have detected one or more of the following two-carbon organic compounds: trichloroethylene, tetrachloroethylene, 1,2-

dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each sampling point at which one or more of the two carbon organic compounds was detected. If the results of the first analysis do not detect vinyl chloride, the Director may reduce the quarterly monitoring frequency of vinyl chloride monitoring to one sample during each compliance period. Surface water systems are required to monitor for vinyl chloride as specified by the Director.

- (33) Systems which violate the requirements of 16.2 (b) (1) through (21), as determined by paragraph (36) of this section, must monitor quarterly. After a minimum of four consecutive quarterly samples which show the system is in compliance as specified in paragraph (36) of this section the system and the Director determines the system and the Director determines that the system is reliably and consistently below the maximum contaminant level, the system may monitor at the frequency and time specified in paragraph (32) (iii) of this section.
- (34) The Director may require a confirmation sample for positive or negative results. If a confirmation sample is required by the Director, the result must be average with the first sampling result and the average is used for the compliance determination as specified by paragraph (36). The Director has discretion to delete results of obvious sampling errors from this calculation.
- (35) The Director may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of five sampling points are allowed provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Compositing of samples must be done in the laboratory and analyzed within 14 days of sample collection.
 - (i) If the concentration in the composite sample detects one or more contaminants listed in section 16.2 (b), then a follow-up sample must be taken within 14 days at each sampling point included in the composite, and be analyzed for that contaminant.
 - (ii) If duplicates of the original sample taken from each sampling point used in the composite are available, the system may use these duplicates instead of resampling. The duplicate must be analyzed and the results reported to the State within 14 days of collection.
 - (iii) If the populations served by the system is $>3,300$ persons, then compositing may only be permitted by the Director at sampling points within a single system. In systems serving $\leq 3,300$ persons, the Director may permit compositing among different systems provided the 5-sample limit is maintained.
- (36) Compliance with 16.2 (b) (1) through (21) shall be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL.

- (i) For systems which are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point. If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately.
 - (ii) Systems monitoring annually or less frequently whose sample result exceeds the MCL must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling. Effective January 22, 2004, the following statements no longer apply: If monitoring is conducted annually, or less frequently, the system is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the Director, the determination of compliance will be based on the average of two samples.
 - (iii) If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately.
 - (iv) If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.
 - (v) If a sample result is less than the detection limit, zero will be used to calculate the annual average.
 - (vi) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Director may allow the system to give public notice to only that area served by that portion of the system which is out of compliance.
- (37) Analysis for the contaminants listed in 16.2 (b) (1) through (21) shall be conducted using EPA methods or their equivalent as approved by EPA and as specified in Appendix 1.
- (38) The Director may allow the use of monitoring data collected after January 1, 1988, for purposes of initial monitoring compliance. If the data are generally consistent with the other requirements in this section, the Director may use these data (i.e., a single sample rather than four quarterly samples) to satisfy the initial monitoring requirement of paragraph (4) of this section. Systems which use grand fathered samples and did not detect any contaminant listed in 16.2 (b) (1) through (21) shall begin monitoring annually in accordance with paragraph (26) of this section beginning with the initial compliance period.
- (39) The Director may increase required monitoring where necessary to detect variations within the system.
- (40) Each public water system shall monitor at the time designated by the Director within each compliance period.

- (41) All new systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL in 16(b)(1) through (21) within a period of time specified by the Director. The system must also comply with the initial sampling frequencies specified by the Director to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this section beginning January 22, 2004.
- (42) Reserved.
- (43) Bottled water may be used on a temporary basis to avoid an unreasonable risk to health. If bottled water is used, it must be obtained from an approved source. Public water systems shall not use bottled water to achieve compliance with a maximum contaminant level listed in Section (b) unless required by the Director as a condition for granting an exemption and providing there are reasonable assurances that the bottled water will not exceed maximum contaminant levels.
- (44) Compliance with a maximum contaminant level shall be achieved by installation of central treatment using BAT as stipulated in section (c). Point-of-use or point of entry devices may be used only as a condition for obtaining a variance from the requirement for adoption of central treatment providing the devices and a monitoring plan for their maintenance are approved by the Director prior to their installation, and that every building connected to the water system has a device installed, maintained and adequately monitored by the public water system.
- (45) Reserved.

16.2 (c) ***BAT for Organic Contaminants***

The following table identifies granular activated carbon (GAC), packed tower aeration (PTA), or oxidation (OX) as the best technology, treatment technique, or other means available for achieving compliance with the maximum contaminant level for organic contaminants identified in paragraphs (a) and (b) of this section:

BAT for Organic Contaminants Listed in Sections 16.2(a) and (b)

CAS NO.	CONTAMINANT	GAC	PTA	OX
15972-60-8	Alachlor	X	.....	.....
116-06-3	Aldicarb	X	.....	.....
1646-88-4	Aldicarb sulfone	X	.....	.....
1646-87-3	Aldicarb sulfoxide	X	.....	.....
1912-24-9	Atrazine	X	.....	.....
71-43-2	Benzene	X	X	.....
50-32-8	Benzo[a]pyrene	X	.....	.....
1563-66-2	Carbofuran	X	.....	.....
56-23-5	Carbon tetrachloride	X	X	.....
57-74-9	Chlordane	X	.....	.....
75-99-0	Dalapon	X	.....	.....
94-75-7	2,4-D	X	.....	.....
103-23-1	Di(2-ethylhexyl) adipate	X	X	.....
117-81-7	Di (2-ethylhexyl) phthalate	X	.....	.....
96-12-8	Dibromochloropropane (DBCP)	X	X	.....
95-50-1	o-Dichlorobenzene	X	X	.....
106-46-7	para-Dichlorobenzene	X	X	.....
107-06-2	1,2-Dichloroethane	X	X	.....
75-35-4	1,1-Dichloroethylene	X	X	.....
156-59-2	cis-1,2-Dichloroethylene	X	X	.....
156-60-5	trans-1,2-Dichloroethylene	X	X	.....
75-09-2	Dichloromethane	.....	X	.....
78-87-5	1,2-Dichloropropane	X	X	.....
88-85-7	Dinoseb	X	.....	.....
85-00-7	Diquat	X	.....	.....
145-73-3	Endothall	X	.....	.....
72-20-8	Endrin	X	.....	.....
100-41-4	Ethylbenzene	X	X	.....
106-93-4	Ethylene Dibromide (EDB)	X	X	.....
1071-83-6	Glyphosate	.....	.....	X

CAS No.	CONTAMINANT	GAC	PTA	OX
76-44-8	Heptachlor	X	.....	.....
1024-57-3	Heptachlor epoxide	X	.....	.....
118-74-1	Hexachlorobenzene	X	.....	.....
77-47-3	Hexachlorocyclopentadiene	X	X	.....
58-89-9	Lindane	X	.....	.....
72-43-5	Methoxychlor	X	.....	.....
108-90-7	Monochlorobenzene	X	X	.....
23135-22-0	Oxamyl (Vydate)	X	.....	.....
87-86-5	Pentachlorophenol	X	.....	.....
1918-02-1	Picloram	X	.....	.....
1336-36-3	Polychlorinated biphenyls (PCB)	X	.....	.....
122-34-9	Simazine	X	.....	.....
100-42-5	Styrene	X	X	
1746-01-6	2,3,7,8-TCDD (Dioxin)	X	.....	.....
127-18-4	Tetrachloroethylene	X	X	.....
108-88-3	Toluene	X	X	.....
8001-35-2	Toxaphene	X	.....	.....
93-72-1	2,4,5-TP (Silvex)	X	.....	.....
120-82-1	1,2,4-Trichlorobenzene	X	X	.....
71-55-6	1,1,1-Trichloroethane	X	X	.....
79-00-5	1,1,2-Trichloroethane	X	X	.....
79-01-6	Trichloroethylene	X	X	.....
75-01-4	Vinyl chloride	.....	X	.....
1330-20-7	Xylene	X	X	.....

d) Treatment techniques for acrylamide and epichlorohydrin.

Each public water system must certify annually in writing to the Director (using third party or manufacturer's certification) that when acrylamide and epichlorohydrin are used in drinking water systems, the combination (or product) of dose and monomer level does not exceed the levels specified as follows:

Acrylamide = 0.05% dosed at 1 ppm (or equivalent)

Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent)

Certifications can rely on manufacturers or third parties, as approved by the Director.

16.3 *Turbidity*

- a) ***Applicability*** - The maximum contaminant level for turbidity applies only to surface water sources. The turbidity of the water shall be determined and recorded daily by the water purveyor and measured at a representative entry point into the distribution system. The requirements in section 16.3(a) and (b) apply to unfiltered systems until December 30, 1991 unless the Director has determined prior to that date, in writing pursuant to Section 5 that filtration is required. The requirements in this section apply to filtered systems until June 29, 1993. The requirements in this section apply to unfiltered systems that the Director has determined in writing pursuant to Section 5 must install filtration, until June 29, 1993 or until filtration is installed, whichever is later.
- b) ***Maximum Contaminant Level for Turbidity*** - The maximum contaminant level for turbidity shall not exceed a monthly average of 1 turbidity unit (TU). A turbidity monthly average of two (2) turbidity units may be acceptable provided it is demonstrated the higher turbidities did not interfere with disinfection, and a residual disinfection was maintained throughout the distribution system and did not interfere with microbiological determinations. An average of five (5) turbidity units shall not be exceeded for any 2 consecutive days.
- c) ***Analytical Techniques*** - Turbidity measurements shall be made in accordance with Appendix 1.
- d) A public water system that uses surface water or ground water under the direct influence of surface water, as defined in Section 1 and does not practice filtration in compliance with Section 5.4, must collect at least one sample near the first service connection each day the turbidity level of the source water measured as specified in Section 5, exceeds 1 NTU. This sample must be analyzed for the presence of total coliforms. When one or more turbidity measurements in any day exceed 1 NTU, the system must collect this coliform sample within 24 hours of the first exceedence, unless the Director determines that the system, for logistical reasons outside of the system's control cannot have the sample analyzed within 30 hours of collection. Sample results from this coliform monitoring must be included in determining compliance with the MCL for total coliforms in Section 16.4 c).

16.4 *Microbiological*

- a) ***Routine Monitoring***: Community water systems must collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. These plans are subject to the Director's review and revision.

The monitoring frequency for total coliforms for community water systems is based on the population served by the system as follows:

<i>Total Coliform Monitoring Frequency For Community Water Systems</i>	
<i>Population Served</i>	<i>Minimum Number of Samples per Month</i>
25 to 1,000 ¹	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390

<i>Population Served</i>	<i>Minimum Number of Samples per Month</i>
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

¹ Includes public water systems which have at least 15 service connections, but serve fewer than 25 persons.

- 1) The Director may reduce the monitoring frequency of a community water system serving 25-1000 persons in a written directive to not less than one sample per quarter if:
 - i) A sanitary survey conducted in the past five years shows that the system is supplied solely by a protected ground water source and is free of sanitary defects, and
 - ii) Said water system has no history of total coliform contamination in its current configuration.
 - 2) The public water system must collect samples at regular time intervals throughout the month, *EXCEPT*: a system which uses groundwater not under the direct influence of surface water as determined by the Director, and serves 4,900 persons or less, may collect all required samples on a single day, if they are taken from different sites.
 - 3) A public water system that uses surface water or ground water under the direct influence of surface water, as determined by the Director, and does not practice filtration in compliance with Section 5 must:
 - i) collect at least one sample near the first service connection each day the turbidity level exceeds 1 NTU. This sample must be analyzed for the presence of total coliforms.
 - ii) When one or more turbidity measurements exceed 1 NTU, the system must collect the coliform sample within 24 hours of the first exceedence unless the Director determines that the system for logistical reasons outside the system's control cannot have the sample analyzed within 30 hours of collection. Sample results must be included in determining compliance with the MCL for total coliforms, as indicated in section 16.4 c).
- b) **Analytical Methodology** - Coliform organism examinations shall be made in accordance with Appendix 1.
- 1) the standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 ml.
 - 2) public water systems need only determine the presence or absence of total coliforms: a determination of total coliform density is not required
 - 3) If any routine or repeat sample is total coliform positive, the system must analyze the culture medium to determine if fecal coliforms are present. The system may test for E. Coli in lieu of fecal coliforms.

The Director has the discretion to allow a public water system, on a case-by-case basis, to forgo fecal coliform or E. coli testing on a total coliform positive sample if that system assumes that the total coliform-positive sample is fecal coliform-positive or E. coli-positive. Accordingly, the system must notify the Director as specified in paragraph (e) of this section and the provisions of 16.4 c) 6) c) apply.

c) ***Maximum Contaminant Levels (MCLs) for Microbiological Contaminants:***

- 1) The goal for total Coliforms (including fecal coliforms and Eschereichia coli) is ZERO
- 2) The following constitute the best technology treatment techniques, or other means available for achieving compliance with the MCL:
 - A) Protection of wells from contamination by coliforms by appropriate placement and construction;
 - B) Maintenance of a disinfectant residual throughout the distribution system;
 - C) Proper maintenance of the distribution system;
 - D) Filtration and/or disinfection of surface water as described in Section 5; and
 - E) The development and implementation of an approved wellhead protection program, or watershed protection plan, if applicable.
- 3) The MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.
- 4) A public water system must determine compliance with the MCL for total coliforms for each month in which it is required to monitor for total coliforms.
- 5) Special purpose samples such as those taken to determine disinfection practices, shall not be used to determine compliance with the MCL for total coliforms. Repeat samples must be used in determination of the monthly MCL compliance.
- 6) The following constitutes a violation of the MCL for total coliforms:
 - A) If a system collects at least 40 samples per month, the system is not in compliance with the MCL for total coliforms if more than 5.0 per cent of the samples collected during the month are total coliform positive.
 - B) If a system collects less than 40 samples per month, the system is not in compliance with the MCL for total coliforms if more than ONE sample is total coliform positive.
 - C) *If any repeat sample is fecal coliform or E.coli positive.
 - D) *If any repeat sample is total coliform positive following a fecal coliform or E.Coli positive routine sample.

*For purposes of public notification requirements discussed in section 16.8, this is a violation that may pose an acute health risk.

- 7) The Director must be notified of any total coliform MCL violation by the end of the day on which the system learns of the violation or by the end of the next business day if state offices are closed.
- d) **Repeat monitoring:** If a routine sample is total coliform-positive, the public water system must collect a set of repeat samples for each total coliform positive within 24 hours of being notified of the positive result as follows:
- 1) > 1 routine sample/month: 3 repeat samples
(Total volume collected must be at least 300 ml)
 - 2) 1 or < 1 routine sample/month: 4 repeat samples (Total volume collected must be at least 400 ml)
 - 3) The Director may extend the 24-hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. In the case of an extension, the Director will specify how much time the system has to collect the repeat samples.
 - 4) At least one repeat sample must be collected from the sampling tap where the original positive sample was taken; at least one repeat sample within 5 service connections upstream; and one repeat sample within 5 service connections downstream. If a total coliform-positive sample is at the end of the distribution system, or one away from the end of the distribution system, the Director may waive the requirement to collect at least one repeat sample upstream or downstream of the original sampling site.
 - 5) These repeat samples must be collected on the same day, except that the Director may allow a system with a single service connection to collect the required set of repeat samples over a four-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 400 ml(300 ml for systems which collect more than one routine sample/month).
 - 6) If one or more repeat sample in the set is total coliform-positive, the public water system must collect an additional set of repeat samples as described in this section. The system must repeat this process until either total coliforms are not detected in one complete set of repeat samples, or the system determines that the MCL for total coliforms has been exceeded and notifies the Director.
 - 7) Results of all routine and repeat samples not invalidated by the Director must be included in determining compliance with the MCL for total coliforms in Section 16.4 c).
 - 8) Any system collecting fewer than five routine samples per month must collect at least five samples during the month following repeat sampling for total coliform positive samples. The Director can waive this requirement on a case by case basis.
 - A) The Director may waive the requirement to collect five routine samples the next month the system provides water to the public if the Director performs a site visit before the end of the next month the system provides water to the public.

Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Director to determine whether additional monitoring and/or any corrective action is needed.

- B) The Director may waive the requirement to collect five routine samples the next month the system provides water to the public if the Director has determined in writing why the sample was total coliform positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the system has taken and/or will take to correct this problem. The Director will not waive the requirement to collect five routine samples the next month the system provides water to the public solely on the grounds that all repeat samples are total coliform-negative. Under this paragraph, a system must still take at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with the MCL for total coliforms in section 16.4.

e) ***Fecal Coliforms/E.coli Testing:***

If any routine or repeat sample is total coliform positive, the system must analyze the culture medium to determine if fecal coliforms are present. The system may test for E. Coli in lieu of fecal coliforms. If either are present, the system must notify the Director by the end of that day or the next business day if state offices are closed.

f) ***Invalidation of Samples***

- 1) A total coliform sample invalidated under this paragraph does not count towards meeting the minimum monitoring requirements of this section.
- 2) The Director will invalidate a total coliform-positive sample and document same in writing only if:
 - i) The laboratory establishes that improper sample analysis caused the total coliform-positive result,
 - ii) The Director determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem.
 - iii) The Director has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. (In this case, the system must still collect all repeat samples required.
- 3) A total coliform-positive sample will not be invalidated solely on the grounds that all repeat samples are total coliform negative.
- 4) A laboratory must invalidate a total coliform sample, unless total coliforms are detected, if:

- i) the sample produces a turbid culture in the absence of gas production using the method cited in section 16.4 b) 4) a);
 - ii) the sample produces a turbid culture in the absence of an acid reaction; using the method cited in section 16.4 b) 4) c).
 - iii) it exhibits confluent growth , or produces colonies too numerous to count, using the method cited in section 16.4 b) 4) b).
- 5) If a laboratory invalidates a sample for the above reasons, the system must collect another sample from the same location as the original sample within 24 hours of being notified of the result. The system must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Director may extend the 24-hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. In the case of a extension, the Director will specify how much time the system has to collect the repeat samples.

g) *Sanitary Surveys:*

- 1) Public water systems which do not collect five or more routine samples/month must undergo an initial sanitary survey by June 29, 1994 for community public water systems and June 29, 1999 for non-community water systems. Thereafter, systems must undergo another sanitary survey every five years, except that non-community water systems using only protected and disinfected ground water as defined by the Director must undergo subsequent sanitary surveys at least every ten years after the initial sanitary survey.
- 2) Public water systems are responsible for making all necessary facilities, personnel and records available so that a sanitary survey may be completed.
- 3) Deficiencies listed in a sanitary survey are considered to be unsafe conditions and must be addressed as provided for in Section 10 of these regulations.

h) *Reporting Requirements:*

- 1) The supplier of water must report to the Director any failure to comply with any drinking water regulation within 48 hours, except where different reporting is specified in these regulations.
- 2) A public water system which has exceeded the MCL for total coliforms must report the violation to the Director no later than the end of the next business day, and notify the public in accordance with Section 16.8.
- 3) A public water system which has failed to comply with a coliform monitoring requirement, including the sanitary survey must report the monitoring violation to the Director within ten days after the system discovers the violation, and notify the public in accordance with Section 16.8.

16.5 *Radioactivity*

(a) ***Monitoring and Compliance Requirements for Gross Alpha Particle Activity, Radium 226, Radium 228 and Uranium.***

- (1) Community water systems must conduct initial monitoring to determine compliance with 16.5 (b) and (c) by December 31, 2007. For the purposes of monitoring for gross alpha particle activity, radium-226, radium-228, and uranium in drinking water, "detection limit" is defined as in Appendix 1 Section II D (3).
 - (i) *Applicability and sampling location for existing community water systems or sources* - All existing community water systems using ground water, surface water or systems using both ground and surface water (for the purpose of this section hereafter referred to as systems) must sample at every entry point to the distribution system that is representative of all sources being used (hereafter called a sampling point) under normal operating conditions. The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or the Director has designated a distribution system location, in accordance with 16.5 (a)(2)(ii)(C).
 - (ii) *Applicability and sampling location for new community water systems or sources* - All new community water systems or community water systems that use a new source of water must begin to conduct initial monitoring for the new source within the first quarter after initiating use of the source. Community water systems must conduct more frequent monitoring when ordered by the Director in the event of possible contamination or when changes in the distribution system or treatment processes occur which may increase the concentration of radioactivity in finished water.
- (2) ***Initial monitoring:*** Systems must conduct initial monitoring for gross alpha particle activity, radium-226, radium-228, and uranium as follows:
 - (i) ***Systems without acceptable historical data, as defined in 16.5 (a)(2)(ii), must collect four consecutive quarterly samples at all sampling points before December 31, 2007.***
 - (ii) *Grandfathering of data:* The Director may allow historical monitoring data collected at a sampling point to satisfy the initial monitoring requirements for that sampling point, for the following situations:
 - (A) To satisfy initial monitoring requirements, a community water system having only one entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.
 - (B) To satisfy initial monitoring requirements, a community water system with multiple entry points and having appropriate historical monitoring data for each entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began

between June 2000 and December 8, 2003.

- (C) To satisfy initial monitoring requirements, a community water system with appropriate historical data for a representative point in the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003, provided that the Director finds that the historical data satisfactorily demonstrate that each entry point to the distribution system is expected to be in compliance based upon the historical data and reasonable assumptions about the variability of contaminant levels between entry points. The Director must make a written finding indicating how the data conforms to these requirements.
 - (iii) For gross alpha particle activity, uranium, radium-226, and radium-228 monitoring, the Director may waive the final two quarters of initial monitoring for a sampling point if the results of the samples from the previous two quarters are below the detection limit.
 - (iv) If the average of the initial monitoring results for a sampling point is above the MCL, the system must collect and analyze quarterly samples at that sampling point until the system has results from four consecutive quarters that are at or below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the Director.
- (3) **Reduced monitoring:** Beginning January 1, 2008, the Director may allow community water systems to reduce the future frequency of monitoring from once every three years to once every six or nine years at each sampling point, based on the following criteria.
- (i) If the average of the initial monitoring results for each contaminant (i.e., gross alpha particle activity, uranium, radium-226, or radium-228) is below the detection limit specified in Table B in Appendix 1, the system must collect and analyze for that contaminant using at least one sample at that sampling point every nine years.
 - (ii) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit but at or below 1/2 the MCL, the system must collect and analyze for that contaminant using at least one sample at that sampling point every six years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit but at or below 1/2 the MCL, the system must collect and analyze for that contaminant using at least one sample at that sampling point every six years.
 - (iii) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is above 1/2 the MCL but at or below the MCL, the system must collect and analyze at least one sample at that sampling point every three years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial

monitoring results for radium-226 and radium-228 is above 1/2 the MCL but at or below the MCL, the system must collect and analyze at least one sample at that sampling point every three years.

- (iv) Systems must use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods (e.g., if a system's sampling point is on a nine year monitoring period, and the sample result is above 1/2 MCL, then the next monitoring period for that sampling point is three years).
 - (v) If a system has a monitoring result that exceeds the MCL while on reduced monitoring, the system must collect and analyze quarterly samples at that sampling point until the system has results from four consecutive quarters that are below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the Director.
- (4) **Compositing:** To fulfill quarterly monitoring requirements for gross alpha particle activity, radium-226, radium-228, or uranium, a system may composite up to four consecutive quarterly samples from a single entry point if analysis is done within a year of the first sample. The Director will treat analytical results from the composited sample as the average analytical result to determine compliance with the MCLs and the future monitoring frequency. If the analytical result from the composited sample is greater than 1/2 MCL, the Director may direct the system to take additional quarterly samples before allowing the system to sample under a reduced monitoring schedule.
- (5) A gross alpha particle activity measurement may be substituted for the required radium-226 measurement provided that the measured gross alpha particle activity does not exceed 5 pCi/l. A gross alpha particle activity measurement may be substituted for the required uranium measurement provided that the measured gross alpha particle activity does not exceed 15 pCi/l. The gross alpha measurement shall have a confidence interval of 95% (1.65σ , where σ is the standard deviation of the net counting rate of the sample) for radium-226 and uranium. When a system uses a gross alpha particle activity measurement in lieu of a radium-226 and/or uranium measurement, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, 1/2 the detection limit will be used to determine compliance and the future monitoring frequency.

(b) **Maximum Contaminant Level for Gross Alpha Particle Activity and Radium 226 and 228**

<i>Contaminant</i>	<i>Picocuries per Liter(pCi/l)</i>
Radium 226 and Radium 228 Combined ¹	5

Gross alpha particle activity ²	15
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¹ The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.

² Including radium-226 but excluding radon and uranium.

- (c) **Maximum Contaminant Level for Uranium-** The maximum contaminant level for uranium is 30 µg/L.
- (d) **Maximum Contaminant Level for Manmade Beta Particle and Photon Emitters -** The average annual concentration of manmade beta particle and photon emitters shall not meet or exceed an annual dose equivalent of 4 millirems/year.
- (1) Except for the radionuclides listed in Table A, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of 2 liter per day drinking water intake using the 168 hour data list in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NBS (National Bureau of Standards) Handbook 69 as amended August 1963, U.S. Department of Commerce. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this document are available from the National Technical Information Service, NTIS ADA 280 282, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. The toll-free number is 800-553-6847. Copies may be inspected at EPA's Drinking Water Docket, 401 M Street, SW., Washington, DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.
- (2) If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 mrem/year.

TABLE "A"

Average Annual Concentrations Assumed to Produce a Total Body or Organ Dose of 4 millirem/year

Radionuclide	Critical Organ	pCi/l
tritium	total body	20,000
Strontium-90	bone marrow	8

- (e) **Monitoring and compliance requirements for beta particle and photon radioactivity.** For the purposes of monitoring for beta particle and photon radioactivity in drinking water, "detection limit" is defined as in Appendix 1 Section II D (3). To determine compliance with the maximum contaminant levels in 16.5 (d) for beta particle and photon radioactivity, a system must monitor at a frequency as follows:
- (1) Community water systems (both surface and ground water) designated by the Director as vulnerable must sample for beta particle and photon radioactivity. Systems must collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point),

beginning within one quarter after being notified by the Director. Systems already designated by the Director must continue to sample until the Director reviews and either reaffirms or removes the designation.

- (i) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/L (screening level), the Director may reduce the frequency of monitoring at that sampling point to once every 3 years. Systems must collect all samples required in 16.5 (e)(1) during the reduced monitoring period.
 - (ii) For systems in the vicinity of a nuclear facility, the Director may allow the community water system to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry point(s), where the Director determines if such data is applicable to a particular water system. In the event that there is a release from a nuclear facility, systems which are using surveillance data must begin monitoring at the community water system's entry point(s) in accordance with 16.5 (e)(1).
- (2) Community water systems (both surface and ground water) designated by the Director as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. Systems must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Director. Systems already designated by the Director as systems using waters contaminated by effluents from nuclear facilities must continue to sample until the Director reviews and either reaffirms or removes the designation.
- (i) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. The former is recommended.
 - (ii) For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As ordered by the Director, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.
 - (iii) Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. The latter procedure is recommended.
 - (iv) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/L (screening level), the Director may reduce the frequency of monitoring at that sampling point to every 3 years. Systems must collect all samples required in 16.5 (e)(2) during the reduced monitoring period.
 - (v) For systems in the vicinity of a nuclear facility, the Director may allow the community water system to utilize environmental surveillance data collected by

the nuclear facility in lieu of monitoring at the system's entry point(s), where the Director determines if such data is applicable to a particular water system. In the event that there is a release from a nuclear facility, systems which are using surveillance data must begin monitoring at the community water system's entry point(s) in accordance with 16.5 (e)(2).

- (3) Community water systems designated by the Director to monitor for beta particle and photon radioactivity can not apply to the Director for a waiver from the monitoring frequencies specified in 16.5 (e)(1) or (e)(2).
 - (4) Community water systems may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. Systems are allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/L) by a factor of 0.82.
 - (5) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the appropriate screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with 16.5 (d), using the formula in 16.5 (d)(1). Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.
 - (6) Systems must monitor monthly at the sampling point(s) which exceed the maximum contaminant level in 16.5 (d) beginning the month after the exceedance occurs. Systems must continue monthly monitoring until the system has established, by a rolling average of 3 monthly samples, that the MCL is being met. Systems who establish that the MCL is being met must return to quarterly monitoring until they meet the requirements set forth in 16.5 (e)(1)(i) or (e)(2)(iv) .
- (f) ***General monitoring and compliance requirements for radionuclides.***
- (1) The Director may require more frequent monitoring than specified in 16.5 (a) and (e), or may require confirmation samples at its discretion. The results of the initial and confirmation samples will be averaged for use in compliance determinations.
 - (2) Each public water system shall monitor at the time designated by the Director during each compliance period.
 - (3) ***Compliance:*** Compliance with 16.5 (b) through (d) will be determined based on the analytical result(s) obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL. To judge compliance with the maximum contaminant levels listed in 16.5 (b), (c), and (d), averages of data shall be used and shall be rounded to the same number of significant figures as the maximum contaminant level for the substance in question.
 - (i) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. If the average

of any sampling point is greater than the MCL, then the system is out of compliance with the MCL.

- (ii) For systems monitoring more than once per year, if any sample result will cause the running average to exceed the MCL at any sample point, the system is out of compliance with the MCL immediately.
 - (iii) Systems must include all samples taken and analyzed under the provisions of this section in determining compliance, even if that number is greater than the minimum required.
 - (iv) If a system does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.
 - (v) If a sample result is less than the detection limit, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, 1/2 the detection limit will be used to calculate the annual average.
 - (vi) To judge compliance with the maximum contaminant levels listed in 16.5 (b), (c), and (d), averages of data shall be used and shall be rounded to the same number of significant figures as the maximum contaminant level for the substance in question.
- (4) The Director has the discretion to delete results of obvious sampling or analytic errors.
 - (5) If the MCL for radioactivity set forth in 16.5 (b), (c) or (d) is exceeded, the operator of a community water system must give notice to the Director pursuant to Section 11.0 and to the public as required by Section 16.8.
 - (6) Where monitoring results exceed the MCLs specified in paragraphs 16.5(b), (c), or (d) of this section, compliance shall be achieved by installation of central treatment which is approved by the Director. Point of use or point of entry devices may be used only as a condition of a variance from this paragraph and only if a plan for their maintenance and operation is approved by the Director and every building connected to the water system has a device installed and adequately monitored by the public water system. Requirements for approval of use of non-centralized treatment are contained in Sections 4.4 and 4.5 of these rules.

(g) ***Compliance dates***

Compliance dates for combined radium-226 and -228, gross alpha particle activity, gross beta particle and photon radioactivity, and uranium: Community water systems must comply with the MCLs listed in Section 16.5 (b), (c), and (d) beginning December 8, 2003 and compliance shall be determined in accordance with the requirements of Section 16.5 and Appendix 1. Compliance with reporting requirements for the radionuclides under Section 11.0 and 16.8 is required on December 8, 2003.

(h) **Best Available Technologies (BATs) for Radionuclides.**

The Administrator, pursuant to section 1412 of the Act, hereby identifies as indicated in the following table the best technology available for achieving compliance with the maximum contaminant levels for combined radium-226 and -228, uranium, gross alpha particle activity, and beta particle and photon radioactivity.

Table B.-BAT for Combined Radium-226 and Radium-228, Uranium, Gross Alpha Particle Activity, and Beta Particle and Photon Radioactivity

Contaminant	BAT
1. Combined radium-226 and radium-228	Ion exchange, reverse osmosis, lime softening.
2. Uranium	Ion exchange, reverse osmosis, lime softening, coagulation/filtration.
3. Gross alpha particle activity (excluding Radon and Uranium)	Reverse osmosis.
4. Beta particle and photon radioactivity.....	Ion exchange, reverse osmosis.

(i) *Small systems compliance technologies list for radionuclides*

Table C.-List of Small Systems Compliance Technologies for Radionuclides and Limitations to Use.

Unit Technologies	Limitations (see footnotes)	Operator Skill Level Required ¹	Raw Water Quality Range and Considerations ¹
1. Ion exchange (IE)	(a)	Intermediate	All ground waters.
2. Point of use (POU ²) IE	(b)	Basic	All ground waters.
3. Reverse osmosis (RO)	(c)	Advanced	Surface waters usually require pre-filtration.
4. POU ² RO	(b)	Basic	Surface waters usually require pre-filtration.
5. Lime softening	(d)	Advanced	All waters.
6. Green sand filtration	(e)	Basic	
7. Co-precipitation with Barium sulfate	(f)	Intermediate to Advanced	Ground waters with suitable water quality.
8. Electrodialysis/electrodialysis reversal	.....	Basic to Intermediate	All ground waters.
9. Pre-formed hydrous Manganese oxide filtration.	(g)	Intermediate	All ground waters.
10. Activated alumina	(a), (h)	Advanced	All ground waters; competing anion concentrations may affect regeneration frequency.
11. Enhanced coagulation/filtration..	(i)	Advanced	Can treat a wide range of water qualities.

¹ National Research Council (NRC). Safe Water from Every Tap: Improving Water Service to Small Communities. National Academy Press. Washington, D.C. 1997.

² A POU, or “point-of-use” technology is a treatment device installed at a single tap used for the purpose of reducing contaminants in drinking water at that one tap. POU devices are typically installed at the kitchen tap. See the April 21, 2000 NODA for more details.

Limitations Footnotes: Technologies for Radionuclides:

^a The regeneration solution contains high concentrations of the contaminant ions. Disposal options should be carefully considered before choosing this technology.

^b When POU devices are used for compliance, programs for long-term operation, maintenance, and monitoring must be provided by water utility to ensure proper performance.

^c Reject water disposal options should be carefully considered before choosing this technology. See other RO limitations described in the SWTR Compliance Technologies Table.

^d The combination of variable source water quality and the complexity of the water chemistry involved may make this technology too complex for small surface water systems.

^e Removal efficiencies can vary depending on water quality.

^f This technology may be very limited in application to small systems. Since the process requires static mixing, detention basins, and filtration, it is most applicable to systems with sufficiently high sulfate levels that already have a suitable filtration treatment train in place.

^g This technology is most applicable to small systems that already have filtration in place.

^h Handling of chemicals required during regeneration and pH adjustment may be too difficult for small systems without an adequately trained operator.

ⁱ Assumes modification to a coagulation/filtration process already in place.

Table D.-Compliance Technologies by System Size Category for Radionuclide NPDWR's

Contaminant	Compliance Technologies ¹ for System Size Categories (population served)		
	25-500	501-3,300	3,300-10,000
1. Combined radium-226 and radium-228	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9.
2. Gross alpha particle activity	3, 4	3, 4.....	3, 4.
3. Beta particle activity and photon activity ..	1, 2, 3, 4	1, 2, 3, 4	1, 2, 3, 4.
4. Uranium	1, 2, 4, 10, 11	1, 2, 3, 4, 5, 10, 11	1, 2, 3, 4, 5, 10, 11.

Note: ¹ Numbers correspond to those technologies found listed in Table C of 16.5 (i) above.

16.6 Unregulated Contaminants: Community water systems shall monitor for the following volatile organic contaminants:

- (1) Chloroform
- (2) Bromodichloromethane
- (3) Chlorodibromomethane
- (4) Bromoform
- (5) Dibromomethane
- (6) m-Dichlorobenzene
- (8) 1,1-Dichloropropene
- (9) 1,1-Dichloroethane
- 10) 1,1,2,2-Tetrachloroethane
- (11) 1,3-Dichloropropane
- (12) Chloromethane
- (13) Bromomethane
- (14) 1,2,3-Trichloropropane
- (15) 1,1,1,2-Tetrachloroethane
- (16) Chloroethane
- (17) 2,2-Dichloropropane
- (18) o-Chlorotoluene
- (19) p-Chlorotoluene
- (20) Bromobenzene
- (21) 1,3-Dichloropropane

- (a) **Monitoring Frequency** - Effective January 8, 1999 only community systems serving more than 10,000 persons must comply with section 16.6 herein. Each active drinking water source maintained by a water purveyor shall be analyzed for the unregulated contaminants listed in this section. Systems must sample at each entry point to the distribution system and after any treatment provided to the sources of water. Each entry point must be sampled for four (4) consecutive quarters at least once every five (5) years for each surface water source and at least one sample per entry point to the distribution system every five (5) years for each groundwater source beginning no later than January 1, 1989 for water systems serving 3,300 or more persons, and no later than January 1, 1991 for water systems serving less than 3300 persons.
- (b) **Notification** - Upon completion of the sampling required under this section, the water purveyor shall notify persons served by the system of the availability of the analytical results and shall identify a person and telephone number to contact for information regarding these results. The notification shall be performed by either a notice in the first set of water bills issued by the system after the receipt of the results or written notice within three (3) months.

- (c) **Analytical Techniques** - Analyses shall be conducted in accordance with Appendix 1 and only by a laboratory certified by EPA or the Department of Health to perform volatile organic chemical analyses by the appropriate method.

16.7 Special monitoring for inorganic and organic contaminants*

* Note: Monitoring requirements of section 16.7 were completed as of December 31, 1995.

- (a) Monitoring of the contaminants listed in 16.7 (a) (11) and (12) shall be conducted as follows:

- (1) Each community and non-transient, non-community water system shall take four consecutive quarterly samples at each sampling point for each contaminant listed in paragraph (a) (11) of this section and report the results to the Director. Monitoring must be completed by December 31, 1995.
- (2) Each community and non-transient non-community water system shall take one sample at each sampling point for each contaminant listed in paragraph (a) (12) of this section and report the results to the Director. Monitoring must be completed by December 31, 1995.
- (3) Each community and non-transient non-community water system may apply to the Director for a waiver from the requirements of paragraph (a) (1) and (2) of this section.
- (4) The Director may grant a waiver for the requirement of paragraph (a) (1) of this section based on the criteria specified in 16.2(a)(6). The Director may grant a waiver from the requirement of paragraph (a) (2) of this section if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.
- (5) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- (6) Surface water systems shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

Note: For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.

- (7) If the system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water representative of all sources is being used).
- (8) The Director may require a confirmation sample for positive or negative results.

- (9) The Director may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of five sampling points are allowed. Compositing of samples must be done in the laboratory and the composite sample must be analyzed within 14 days of collection. If the population served by the system is > 3,300 persons, then compositing may only be permitted by the Director at sampling points within a single system. In systems serving less than or equal to 3,300 persons, the Director may permit compositing among different systems provided the 5-sample limit is maintained.
- (10) Instead of performing the monitoring required by this section, a community water system or non-transient non-community water system serving fewer than 150 service connections may send a letter to the Director stating that the system is available for sampling. This letter must be sent to the Director by January 1, 1994. The system shall not send such samples to the Director, unless requested to do so by the Director.
- (11) ***List of Unregulated Organic Contaminants:***

Organic contaminants

Aldrin
Butachlor
Carbaryl
Dicamba
Dieldrin
3-Hydroxycarbofuran
Methomyl
Metolachlor
Metribuzin
Propachlor

- (12) ***List of Unregulated Inorganic Contaminants:***

Contaminant
sulfate

16.8 *Public Notification of Drinking Water Violations*

- Section (1) General public notification requirements.
- Section (2) Tier 1 Public Notice--Form, manner, and frequency of notice.
- Section (3) Tier 2 Public Notice--Form, manner, and frequency of notice.
- Section (4) Tier 3 Public Notice--Form, manner, and frequency of notice.
- Section (5) Content of the public notice.
- Section (6) Notice to new billing units or new customers.
- Section (7) Special notice of the availability of unregulated contaminant monitoring results.
- Section (8) Special notice for exceedance of the SMCL for fluoride.
- Section (9) Special notice for nitrate exceedances above MCL by non-community water systems (NCWS), where granted permission by the Director under 141.11(d)
- Section (10) Notice by the Director on behalf of the public water system.
- Section (11) Reporting
 - Appendix A to section 16.8 --NPDWR Violations and Other Situations Requiring Public Notice
 - Appendix B to section 16.8 --Standard Health Effects Language for Public Notification
 - Appendix C to section 16.8 --List of Acronyms Used in Public Notification Regulation

(1) *General Public Notification Requirements*

- (a) Who must give public notice? Each owner or operator of a public water system (community water systems, non-transient non-community water systems, and transient non-community water systems) must give notice for all violations of National Primary Drinking Water Regulations (NPDWR) and for other situations, as listed in Table 1. The term "NPDWR violations" is used in this subpart to include violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in these regulations. Appendix A to this section identifies the tier assignment for each specific violation or situation requiring a public notice.

Table 1 to Section 16.8(1) --Violation Categories and Other Situations Requiring a Public Notice

- (1) NPDWR violations:
 - (i) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).
 - (ii) Failure to comply with a prescribed treatment technique (TT).
 - (iii) Failure to perform water quality monitoring, as required by the drinking water regulations.
 - (iv) Failure to comply with testing procedures as prescribed by a drinking water regulation.
- (2) Variance and exemptions under sections 1415 and 1416 of SDWA:

- (i) Operation under a variance or an exemption.
 - (ii) Failure to comply with the requirements of any schedule that has been set under a variance or exemption.
- (3) Special public notices:
- (i) Occurrence of a waterborne disease outbreak or other waterborne emergency.
 - (ii) Exceedance of the nitrate MCL by non-community water systems (NCWS), where granted permission by the Director under section 15.5 of this part.
 - (iii) Exceedance of the secondary maximum contaminant level (SMCL) for fluoride.
 - (iv) Availability of unregulated contaminant monitoring data.
 - (v) Other violations and situations determined by the Director to require a public notice under this subpart, not already listed in Appendix A.
- (b) What type of public notice is required for each violation or situation? Public notice requirements are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in Table 1 of this section are determined by the tier to which it is assigned. Table 2 of this section provides the definition of each tier. Appendix A of this part identifies the tier assignment for each specific violation or situation.

Table 2 to Section 16.8(1).--Definition of Public Notice Tiers

-
- (1) Tier 1 public notice--required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.
 - (2) Tier 2 public notice--required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.
 - (3) Tier 3 public notice--required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.
-

- (c) Who must be notified?
- (1) Each public water system must provide public notice to persons served by the water system, in accordance with this subpart. Public water systems that sell or otherwise provide drinking water to other public water systems (i.e., to consecutive systems) are required to give public notice to the owner or operator of the consecutive system; the consecutive system is responsible for providing public notice to the persons it serves.

- (2) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Director may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the Director for limiting distribution of the notice must be granted in writing.
- (3) A copy of the notice must also be sent to the Director, in accordance with the requirements under section 16.8 (11).

(2) ***Tier 1 Public Notice--Form, Manner, and Frequency of Notice***

- (a) Which violations or situations require a Tier 1 public notice? Table 1 of this section lists the violation categories and other situations requiring a Tier 1 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

Table 1 to Section 16.8(2)--Violation Categories and Other Situations Requiring a Tier 1 Public Notice

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- (1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in Section 16.4(c)), or when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in 16.4(e)).
 - (2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in Section 16.1, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in Section 16.1(f)(2);
 - (3) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the Director under Section 16.8 (9), as required under Section 15.5;
 - (4) Violation of the MRDL for chlorine dioxide, as defined in Section 7.2(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in Section 7.6 (c)(2)(i);
 - (5) Violation of the turbidity MCL under Section 16.3, where the Director determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;
 - (6) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), or Long Term 1 Interim Enhanced Surface Water Treatment Rule (LT1ESWTR), Section 5 of these regulations, treatment technique requirements resulting from a single exceedance of the

maximum allowable turbidity limit (as identified in Appendix A), where the Director determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;

- (7) Occurrence of a waterborne disease outbreak, as defined in Section 1, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);
 - (8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Director either in its regulations or on a case-by-case basis.
- (b) When is the Tier 1 public notice to be provided? What additional steps are required? Public water systems must:
- (1) Provide a public notice as soon as practical but no later than 24 hours after the system learns of the violation;
 - (2) Initiate consultation with the Director as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and
 - (3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Director. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.
- (c) What is the form and manner of the public notice? Public water systems must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:
- (1) Appropriate broadcast media (such as radio and television);
 - (2) Posting of the notice in conspicuous locations throughout the area served by the water system;
 - (3) Hand delivery of the notice to persons served by the water system; or
 - (4) Another delivery method approved in writing by the Director.

(3) ***Tier 2 Public Notice -- Form, Manner, And Frequency Of Notice***

- (a) Which violations or situations require a Tier 2 public notice? Table 1 of this section lists the violation categories and other situations requiring a Tier 2 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

Table 1 to Section 16.8 (3)--Violation Categories and Other Situations Requiring a Tier 2 Public Notice

- (1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under Section 16.8(2)(a) or where the Director determines that a Tier 1 notice is required;
- (2) Violations of the monitoring and testing procedure requirements, where the Director determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and
- (3) Failure to comply with the terms and conditions of any variance or exemption in place.
- (b) When is the Tier 2 public notice to be provided?
- (1) Public water systems must provide the public notice as soon as practical, but no later than 30 days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The Director may, in appropriate circumstances, allow additional time for the initial notice of up to three months from the date the system learns of the violation. It is not appropriate for the Director to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the Director must be in writing.
- (2) The public water system must repeat the notice every three months as long as the violation or situation persists, unless the Director determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Director to allow less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule (section 5). It is also not appropriate for the Director to allow through its rules or policies across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. The Director's determinations allowing repeat notices to be given less frequently than once every three months must be in writing.

- (3) For the turbidity violations specified in this paragraph, public water systems must consult with the Director as soon as practical but no later than 24 hours after the public water system learns of the violation, to determine whether a Tier 1 public notice under section 16.8 (2)(a) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (i.e., no later than 48 hours after the system learns of the violation), following the requirements under sections 16.8(2)(b) and (c). Consultation with the Director is required for:
- (i) Violation of the turbidity MCL under section 16.3; or
 - (ii) Violation of the SWTR, IESWTR or LT1ESWTR (section 5) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.
- (c) What is the form and manner of the Tier 2 public notice? Public water systems must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:
- (1) Unless directed otherwise by the Director in writing, community water systems must provide notice by:
 - (i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and
 - (ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (c)(1)(i) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the system or on the Internet; or delivery to community organizations.
 - (2) Unless directed otherwise by the Director in writing, non-community water systems must provide notice by:
 - (i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

- (ii) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in paragraph (c)(2)(i) of this section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

(4) ***Tier 3 Public Notice -- Form, Manner, and Frequency of Notice***

- (a) Which violations or situations require a Tier 3 public notice? Table 1 of this section lists the violation categories and other situations requiring a Tier 3 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

Table 1 to Section 16.8(4).--Violation Categories and Other Situations Requiring a Tier 3 Public Notice

- (1) Monitoring violations, except where a Tier 1 notice is required under Section 16.8(2) or where the Director determines that a Tier 2 notice is required;
 - (2) Failure to comply with a testing procedure established in these regulations, except where a Tier 1 notice is required under Section 16.8(2)(a) or where the Director determines that a Tier 2 notice is required;
 - (3) Operation under a variance granted under Section 1415 or an exemption granted under Section 1416 of the Safe Drinking Water Act (section 15);
 - (4) Availability of unregulated contaminant monitoring results, as required under Section 16.8(7); and
 - (5) Exceedance of the fluoride secondary maximum contaminant level (SMCL), as required under Section 16.8(8).
- (b) When is the Tier 3 public notice to be provided?
 - (1) Public water systems must provide the public notice not later than one year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days (even if the violation or situation is resolved).
 - (2) Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the

previous twelve months, as long as the timing requirements of paragraph (b)(1) of this section are met.

- (c) What is the form and manner of the Tier 3 public notice? Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:
- (1) Unless directed otherwise by the Director in writing, community water systems must provide notice by:
 - (i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and
 - (ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (c)(1)(i) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.
 - (2) Unless directed otherwise by the Director in writing, non-community water systems must provide notice by:
 - (i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and
 - (ii) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in paragraph (c)(2)(i) of this section. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).
- (d) In what situations may the Consumer Confidence Report be used to meet the Tier 3 public notice requirements? For community water systems, the Consumer Confidence Report (CCR) required under section 16.10 of this part may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as:

- (1) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation as required under section 16.8(4)(b);
- (2) The Tier 3 notice contained in the CCR follows the content requirements under section 16.8(5); and
- (3) The CCR is distributed following the delivery requirements under section 16.8(4)(c).

(5) ***Content of the Public Notice***

- (a) What elements must be included in the public notice for violations of National Primary Drinking Water Regulations (NPDWR) or other situations requiring a public notice? When a public water system violates a NPDWR or has a situation requiring public notification, each public notice must include the following elements:
 - (1) A description of the violation or situation, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
 - (2) When the violation or situation occurred;
 - (3) Any potential adverse health effects from the violation or situation, including the standard language under paragraph (d)(1) or (d)(2) of this section, whichever is applicable;
 - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
 - (5) Whether alternative water supplies should be used;
 - (6) What actions consumers should take, including when they should seek medical help, if known;
 - (7) What the system is doing to correct the violation or situation;
 - (8) When the water system expects to return to compliance or resolve the situation;
 - (9) The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and
 - (10) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under paragraph (d)(3) of this section, where applicable.
- (b) What elements must be included in the public notice for public water systems operating under a variance or exemption?

- (1) If a public water system has been granted a variance or an exemption, the public notice must contain:
 - (i) An explanation of the reasons for the variance or exemption;
 - (ii) The date on which the variance or exemption was issued;
 - (iii) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
 - (iv) A notice of any opportunity for public input in the review of the variance or exemption.
 - (2) If a public water system violates the conditions of a variance or exemption, the public notice must contain the ten elements listed in paragraph (a) of this section.
- (c) How is the public notice to be presented?
- (1) Each public notice required by this section:
 - (i) Must be displayed in a conspicuous way when printed or posted;
 - (ii) Must not contain overly technical language or very small print;
 - (iii) Must not be formatted in a way that defeats the purpose of the notice;
 - (iv) Must not contain language which nullifies the purpose of the notice.
 - (2) Each public notice required by this section must comply with multilingual requirements, as follows:
 - (i) For public water systems serving a large proportion of non-English speaking consumers, as determined by the Director, the public notice must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the notice or to request assistance in the appropriate language.
 - (ii) In cases where the Director has not determined what constitutes a large proportion of non-English speaking consumers, the public water system must include in the public notice the same information as in paragraph (c)(2)(i) of this section, where appropriate to reach a large proportion of non-English speaking persons served by the water system.
- (d) What standard language must public water systems include in their public notice? Public water systems are required to include the following standard language in their public notice:

- (1) Standard health effects language for MCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption. Public water systems must include in each public notice the health effects language specified in Appendix B to this subpart corresponding to each MCL, MRDL, and treatment technique violation listed in Appendix A to this subpart, and for each violation of a condition of a variance or exemption.
- (2) Standard language for monitoring and testing procedure violations. Public water systems must include the following language in their notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in Appendix A to this subpart:

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During[compliance period], we "did not monitor or test" or "did not complete all monitoring or testing" for [contaminant(s)], and therefore cannot be sure of the quality of your drinking water during that time.

- (3) Standard language to encourage the distribution of the public notice to all persons served. Public water systems must include in their notice the following language (where applicable):

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail

(6) ***Notice to New Billing Units or New Customers***

- (a) What is the requirement for community water systems? Community water systems must give a copy of the most recent public notice for any continuing violation, the existence of a variance or exemption, or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.
- (b) What is the requirement for non-community water systems? Non-community water systems must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.

(7) ***Special Notice of the Availability of Unregulated Contaminant Monitoring Results***

- (a) When is the special notice to be given? The owner or operator of a community water system or non-transient, non-community water system required to monitor under § 141.40 of the Code of Federal Regulations must notify persons served by the system of

the availability of the results of such sampling no later than 12 months after the monitoring results are known.

- (b) What is the form and manner of the special notice? The form and manner of the public notice must follow the requirements for a Tier 3 public notice prescribed in section 16.8 (4)(c), (d)(1), and (d)(3). The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.

(8) ***Special Notice for Exceedance of 2 mg/L Fluoride***

- (a) When is the special notice to be given? Community water systems that exceed the fluoride secondary maximum contaminant level (SMCL) of 2 mg/L (determined by the last single sample taken in accordance with section 16.1), but do not exceed the maximum contaminant level (MCL) of 4 mg/L for fluoride (as specified in section 16.1), must provide the public notice in paragraph (c) of this section to persons served. Public notice must be provided as soon as practical but no later than 12 months from the day the water system learns of the exceedance. A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the Director. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven days (even if the exceedance is eliminated). On a case-by-case basis, the Director may require an initial notice sooner than 12 months and repeat notices more frequently than annually.
- (b) What is the form and manner of the special notice? The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in section 16.8(c) and (d)(1) and (d)(3).
- (c) What mandatory language must be contained in the special notice? The notice must contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/L.

Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/L of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/L of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/L because of this cosmetic dental problem.

For more information, please call [name of water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."

(9) ***Special Notice for Nitrate Exceedances Above MCL by Non-community Water Systems (NCWS), Where Granted Permission by the Director Under Section 15.5.***

- (a) When is the special notice to be given? The owner or operator of a non-community water system granted permission by the Director under section 15.5 to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under section 16.8(2)(a) and (b).
- (b) What is the form and manner of the special notice? Non-community water systems granted permission by the Director to exceed the nitrate MCL under section 15.5 must provide continuous posting of the fact that nitrate levels exceed 10 mg/L and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under section 16.8(2)(c) and the content requirements under section 16.8 (5).

(10) ***Notice by Director on Behalf of the Public Water System***

- (a) May the Director give the notice on behalf of the public water system? The Director may give the notice required by this subpart on behalf of the owner and operator of the public water system if the Director complies with the requirements of this subpart.
 - (b) What is the responsibility of the public water system when notice is given by the Director? The owner or operator of the public water system remains responsible for ensuring that the requirements of this subpart are met.
- (11) The public water system, within 10 days of completing the public notification requirements under this part for the initial public notice and any repeat notices, must submit to the Director a certification that it has fully complied with the public notification regulations. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

Copies of public notices issued pursuant to this section and certifications made to the Director pursuant to this section must be kept for three (3) years after issuance.

APPENDIX "A" TO SECTION 16.8--NPDWR VIOLATIONS AND OTHER SITUATIONS REQUIRING PUBLIC NOTICE ¹

Contaminant	MCL/MRDL/TT violations ²		Monitoring & testing procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
I. Violations of National Primary Drinking Water Regulations (NPDWR) ³				
A. Microbiological Contaminants	2	16.4(c)	3	16.4
1. Total coliform.....				
2. Fecal coliform/E. coli.....	1	16.4(c)	1, 3 ⁴	16.4
3. Turbidity MCL.....	2	16.3	3	16.3
4. Turbidity MCL (average of 2 days' samples >5 NTU).....	2, 1 ⁵	16.3	3	16.3
5. Turbidity (for TT violations resulting from a single exceedance of maximum allowable turbidity level).....	2, 1 ⁶	5.2.5 (2) 5.2.7 5.4.2 (1)(b) 5.4.2 (2)(c) 5.4.3 (2) 5.4.4 (2) 5.4.5	3	5.6 5.7
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. allowable turbidity level (TT).	2	5.0--5.8	3	5.5
7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. turbidity level (TT).....	2	5.1 5.2 5.3.7 5.4.2 (1) 5.4.2 (2) 5.4.5	3	5.3.7 5.7.1 (1)(b) 5.8.2 (4)
8. Filter Backwash Recycling Rule violations	2	5.1.5 5.8.4	3	5.1.5 5.8.4
9. Long Term 1 Enhanced Surface Water Treatment	2	5.1	3	5.3.7

Contaminant	MCL/MRDL/TT violations ²		Monitoring & testing procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
Rule violations		5.2 5.3.7 5.4.2 (1) 5.4.2 (2) 5.4.5		5.7.1 (1)(b) 5.8.2 (4)
B. Inorganic Chemicals (IOCs)	2	16.1	3	16.1
1. Antimony.....	2	16.1 (j)(4) ⁸	3	16.1(a) and (c) ¹¹
2. Arsenic.....	2	16.1	3	16.1
3. Asbestos (fibers >10 µm)..	2	16.1	3	16.1
4. Barium.....	2	16.1	3	16.1
5. Beryllium.....	2	16.1	3	16.1
6. Cadmium.....	2	16.1	3	16.1
7. Chromium (total).....	2	16.1	3	16.1
8. Cyanide.....	2	16.1	3	16.1
9. Fluoride.....	2	16.1	3	16.1
10. Mercury (inorganic).....	2	16.1	3	16.1
11. Nitrate.....	1	16.1	1, 3 ¹²	16.1
12. Nitrite.....	1	16.1	1, 3 ¹²	16.1
13. Total Nitrate and Nitrite...	1	16.1	3	16.1
14. Selenium.....	2	16.1	3	16.1
15. Thallium.....	2	16.1	3	16.1
C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)				
1. Lead and Copper Rule (TT)....	2	6.8--6.85	3	6.86--6.89
D. Synthetic Organic Chemicals (SOCs)				
1. 2,4-D.....	2	16.2(a)	3	16.2(a)
2. 2,4,5-TP (Silvex).....	2	16.2(a)	3	16.2(a)
3. Alachlor.....	2	16.2(a)	3	16.2(a)

Contaminant	MCL/MRDL/TT violations ²		Monitoring & testing procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
4. Atrazine.....	2	16.2(a)	3	16.2(a)
5. Benzo(a)pyrene (PAHs).....	2	16.2(a)	3	16.2(a)
6. Carbofuran.....	2	16.2(a)	3	16.2(a)
7. Chlordane.....	2	16.2(a)	3	16.2(a)
8. Dalapon.....	2	16.2(a)	3	16.2(a)
9. Di (2-ethylhexyl) adipate....	2	16.2(a)	3	16.2(a)
10. Di (2-ethylhexyl) phthalate.	2	16.2(a)	3	16.2(a)
11. Dibromochloropropane.....	2	16.2(a)	3	16.2(a)
12. Dinoseb.....	2	16.2(a)	3	16.2(a)
13. Dioxin (2,3,7,8-TCDD).....	2	16.2(a)	3	16.2(a)
14. Diquat.....	2	16.2(a)	3	16.2(a)
15. Endothall.....	2	16.2(a)	3	16.2(a)
16. Endrin.....	2	16.2(a)	3	16.2(a)
17. Ethylene dibromide.....	2	16.2(a)	3	16.2(a)
18. Glyphosate.....	2	16.2(a)	3	16.2(a)
19. Heptachlor.....	2	16.2(a)	3	16.2(a)
20. Heptachlor epoxide.....	2	16.2(a)	3	16.2(a)
21. Hexachlorobenzene.....	2	16.2(a)	3	16.2(a)
22. Hexachlorocyclo-pentadiene..	2	16.2(a)	3	16.2(a)
23. Lindane.....	2	16.2(a)	3	16.2(a)
24. Methoxychlor.....	2	16.2(a)	3	16.2(a)
25. Oxamyl (Vydate).....	2	16.2(a)	3	16.2(a)
26. Pentachlorophenol.....	2	16.2(a)	3	16.2(a)
27. Picloram.....	2	16.2(a)	3	16.2(a)
28. Polychlorinated biphenyls (PCBs).....	2	16.2(a)	3	16.2(a)
29. Simazine.....	2	16.2(a)	3	16.2(a)
30. Toxaphene.....	2	16.2(a)	3	16.2(a)
E. Volatile Organic Chemicals (VOCs)	2	16.2(b)	3	16.2(b)
1. Benzene.....				

Contaminant	MCL/MRDL/TT violations ²		Monitoring & testing procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
2. Carbon tetrachloride.....	2	16.2(b)	3	16.2(b)
3. Chlorobenzene (monochlorobenzene).....	2	16.2(b)	3	16.2(b)
4. o-Dichlorobenzene.....	2	16.2(b)	3	16.2(b)
5. p-Dichlorobenzene.....	2	16.2(b)	3	16.2(b)
6. 1,2-Dichloroethane.....	2	16.2(b)	3	16.2(b)
7. 1,1-Dichloroethylene.....	2	16.2(b)	3	16.2(b)
8. cis-1,2-Dichloroethylene.....	2	16.2(b)	3	16.2(b)
9. trans-1,2-Dichloroethylene...	2	16.2(b)	3	16.2(b)
10. Dichloromethane.....	2	16.2(b)	3	16.2(b)
11. 1,2-Dichloropropane.....	2	16.2(b)	3	16.2(b)
12. Ethylbenzene.....	2	16.2(b)	3	16.2(b)
13. Styrene.....	2	16.2(b)	3	16.2(b)
14. Tetrachloroethylene.....	2	16.2(b)	3	16.2(b)
15. Toluene.....	2	16.2(b)	3	16.2(b)
16. 1,2,4-Trichlorobenzene.....	2	16.2(b)	3	16.2(b)
17. 1,1,1-Trichloroethane.....	2	16.2(b)	3	16.2(b)
18. 1,1,2-Trichloroethane.....	2	16.2(b)	3	16.2(b)
19. Trichloroethylene.....	2	16.2(b)	3	16.2(b)
20. Vinyl chloride.....	2	16.2(b)	3	16.2(b)
21. Xylenes (total).....	2	16.2(b)	3	16.2(b)
F. Radioactive Contaminants	2	16.5(c)	3	16.5
1. Beta/photon emitters.....				
2. Alpha emitters.....	2	16.5(b)	3	16.5
3. Combined radium (226 & 228)..	2	16.5(b)	3	16.5
4. Uranium.....	2 ⁹	16.5(c)	3 ¹⁰	16.5(a) and Appendix 1, Section D
G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals. Where disinfection	2			

Contaminant	MCL/MRDL/TT violations ²		Monitoring & testing procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs). 13				
1. Total trihalomethanes (TTHMs)	2	16.2(a) ¹⁴ 7.1(a)	3	16.2 a) (19)
2. Haloacetic Acids (HAA5).....	2	7.1(a)	3	7.5 (a)--(b)
3. Bromate.....	2	7.1(a)	3	7.5 (a)--(b)
4. Chlorite.....	2	7.1(a)	3	7.5 (a)--(b)
5. Chlorine (MRDL).....	2	7.2(a)	3	7.5 (a)--(b)
6. Chloramine (MRDL).....	2	7.2(a)	3	7.5 (a), (c)
7. Chlorine dioxide (MRDL), where any 2 consecutive daily samples at entrance to distribution system only are above MRDL.....	2	7.2(a) 7.6(c)(3)	2, 3 ¹⁵	7.5 (a), (c) 7.6 (c)(2)
8. Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL.....	1 ¹⁶	7.2(a) 7.6(c)(3)	1	7.5 (a), (c) 7.6(c)(2)
9. Control of DBP precursors-- TOC (TT).....	2	7.8(a)--(b)	3	7.5 (9)(d)
10. Bench marking and disinfection profiling.....	N/A	N/A	3	5.3.7
11. Development of monitoring plan.....	N/A	N/A	3	7.5(8)
H. Other Treatment Techniques	2	16.2(d)	N/A	N/A
1. Acrylamide (TT).....				
2. Epichlorohydrin (TT).....	2	16.2(d)	N/A	N/A
II. Unregulated Contaminant Monitoring ¹⁷				
A. Unregulated contaminants.....	N/A	N/A	3	40 CFR 141-40

Contaminant	MCL/MRDL/TT violations ²		Monitoring & testing procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
B. Nickel.....	N/A	N/A	3	16.1
III. Public Notification for Variances and Exemptions:				
A. Operation under a variance or exemption.....	3	1415, 1416 ¹⁸	N/A	N/A
B. Violation of conditions of a variance or exemption.....	2	1415, 1416 142.307 ¹⁹	N/A	N/A
IV. Other Situations Requiring Public Notification:				
A. Fluoride secondary maximum contaminant level (SMCL) exceedance	3	16.8(8)	N/A	N/A
B. Exceedance of nitrate MCL for non- community systems, as allowed by Director.....	1	15.5	N/A	N/A
C. Availability of unregulated contaminant monitoring data.....	3	16.8(7)	N/A	N/A
D. Waterborne disease outbreak.....	1	Section 1 5.2.7 B.2)	N/A	N/A
E. Other waterborne emergency ²⁰ ...	1	N/A	N/A	N/A
F. Other situations as determined by the Director.....	1, 2, 3 ²¹	N/A	N/A	N/A

APPENDIX A -- ENDNOTES

- Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the Director. The Director may, at their option, also require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under sections 16.8(2)(a) and 16.8(3)(a).
- MCL -- Maximum contaminant level, MRDL -- Maximum residual disinfectant level, TT -- Treatment technique

3. The term Violations of National Primary Drinking Water Regulations (NPDWR) is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.
4. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.
5. Systems that violate the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Director within 24 hours after learning of the violation. Based on this consultation, the Director may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the Director in the 24-hour period, the violation is automatically elevated to Tier 1.
6. Systems with treatment technique violations involving a single exceedance of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR), the Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) are required to consult with the Director within 24 hours after learning of the violation. Based on this consultation, the Director may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the Director in the 24-hour period, the violation is automatically elevated to Tier 1.
7. Most of the requirements of the Interim Enhanced Surface Water Treatment Rule (63 FR 69477) (§§141.170-141.171, 141.173-141.174) become effective January 1, 2002 for Subpart H systems (surface water systems and ground water systems under the direct influence of surface water) serving at least 10,000 persons. However, §141.172 has some requirements that become effective as early as April 16, 1999. The Surface Water Treatment Rule remains in effect for systems serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.
8. The arsenic MCL citations are effective January 23, 2006. Until then, refer to 16.1 (j)(4) and (l).
9. The uranium MCL Tier 2 violation citations are effective December 8, 2003 for all community water systems.
10. The uranium MCL Tier 3 violation citations are effective December 8, 2003 for all community water systems.
11. The arsenic Tier 3 violation MCL citations are effective January 23, 2006. Until then, refer to 16.1 (a) and (j).

12. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.
13. Subpart H community and non-transient non-community systems serving $\geq 10,000$ must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. Subpart H transient non-community systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart H transient non-community systems serving fewer than 10,000 persons and using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
14. §141.12 will no longer apply after January 1, 2004.
15. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.
16. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. Failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.
17. Some water systems must monitor for certain unregulated contaminants listed in 40 CFR 141.40.
18. This citation refers to §§1415 and 1416 of the Safe Drinking Water Act. §§1415 and 1416 require that "a schedule prescribed. . . for a public water system granted a variance [or exemption] shall require compliance by the system. . ."
19. In addition to §§1415 and 1416 of the Safe Drinking Water Act, 40 CFR 142.307 specifies the items and schedule milestones that must be included in a variance for small systems.
20. Other waterborne emergencies require a Tier 1 public notice under section 16.8(2)(a) for situations that do not meet the definition of a waterborne disease outbreak given in section 1 but that still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or

distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.

21. The Director may place other situations in any tier they believe appropriate, based on threat to public health.

Appendix B to Section 16.8
Standard Health Effects Language for Public Notification

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
National Primary Drinking Water Regulations (NPDWR)			
A. Microbiological Contaminants			
1a. Total coliform.....	Zero	See footnote 3	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/E. coli.....	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short- term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.
2a. Turbidity (MCL ⁴).....	None	1 NTU ⁵ 5 NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2b. Turbidity (SWTR TT) ⁶	None	TT ⁷	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2c. Turbidity (IESWTR TT and LT1ESWTR TT) ⁸	None	TT	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
B. Surface Water Treatment Rule (SWTR) and Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) and the Filter Backwash Recycling Rule (FBRR) violations			
3. <i>Giardia lamblia</i> (SWTR/IESWTR/LT1ESWTR) 4. Viruses (SWTR/IESWTR/LT1ESWTR) 5. Heterotrophic plate count (HPC) bacteria ⁹ (SWTR/IESWTR/LT1ESWTR) 6. <i>Legionella</i>	Zero	TT ¹⁰	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
(SWTR/IESWTR/LT1ESWTR) 7. <i>Cryptosporidium</i> (IESWTR/FBRR/LT1ESWTR)			
C. Inorganic Chemicals (IOCs)			
8. Antimony.....	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
9. Arsenic ¹¹	Zero	0.010	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
10. Asbestos (>10 µm)....	7 MFL ¹²	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
11. Barium.....	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium.....	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
13. Cadmium.....	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
14. Chromium (total).....	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
15. Cyanide.....	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
16. Fluoride.....	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth, before they erupt from the gums.
17. Mercury (inorganic).....	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
18. Nitrate.....	10	10	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.
19. Nitrite.....	1	1	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
20. Total Nitrate and Nitrite.....	10	10	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium.....	0.05	0.05	Selenium is an essential nutrient. However some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
22. Thallium.....	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
D. Lead and Copper Rule			
23. Lead.....	Zero	TT ¹³	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
24. Copper.....	1.3	TT ¹⁴	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
E. Synthetic Organic Compounds (SOCs)			
25. 2,4-D.....	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
26. 2,4,5-TP (Silvex).....	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
27. Alachlor.....	Zero	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, experience anemia, or may have an increased risk of getting cancer.
28. Atrazine.....	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
29. Benzo(a)pyrene (PAHs).....	Zero	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties or may have an increased risk of getting cancer.
30. Carbofuran.....	0.04	0.04	Some people who drink water containing carbofuran in

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
			excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane.....	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver, or nervous system, and may have an increased risk of getting cancer.
32. Dalapon.....	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
33. Di (2-ethylhexyl) adipate....	0.4	0.4	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
34. Di(2-ethylhexyl) phthalate...	Zero	0.006	Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
35. Dibromochloropropane (DBCP)..	Zero	0.0002	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb.....	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD).....	Zero	3×10^{-8}	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
38. Diquat.....	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
39. Endothall.....	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin.....	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide.....	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
42. Glyphosate.....	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor.....	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
44. Heptachlor epoxide.....	Zero	0.0002	Some people who drink water containing heptachlor

Contaminant	MCLG¹ mg/L	MCL² mg/L	Standard health effects language for public notification
			epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
45. Hexachlorobenzene.....	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachlorocyclo pentadiene...	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach .
47. Lindane.....	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
48. Methoxychlor.....	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate).....	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachlorophenol.....	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
51. Picloram.....	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs)	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine.....	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene.....	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
F. Volatile Organic Chemicals (VOCs)			
55. Benzene.....	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
56. Carbon tetrachloride.....	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Contaminant	MCLG¹ mg/L	MCL² mg/L	Standard health effects language for public notification
57. Chlorobenzene (monochlorobenzene).	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys
58. o-Dichlorobenzene.....	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
59. p-Dichlorobenzene.....	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
60. 1,2-Dichloroethane.....	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene.....	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene.....	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene...	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
64. Dichloromethane.....	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane.....	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene.....	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene.....	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene.....	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene.....	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene.....	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
71. 1,1,1-Trichloroethane.....	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane.....	0.003	0.005	Some people who drink water containing 1,1,2-

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
			trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene.....	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride.....	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total).....	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
G. Radioactive Contaminants			
76. Beta/photon emitters.....	Zero	4 mrem/yr ¹⁵	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
77. Alpha emitters..... (Gross alpha)	Zero	15 pCi/L ¹⁶	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 & 228)..	Zero	5 pCi/L	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
79. Uranium ¹⁷	Zero	30 µg/L	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA also sets standards for controlling the levels of disinfectants and DBPs in drinking water, which include trihalomethanes (THMs) and haloacetic acids (HAAs). ¹⁸			
80. Total trihalomethanes (TTHMs)	N/A	0.10/ 0.080 ^{19,20}	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
81. Haloacetic Acids (HAA5).....	N/A	0.060 ²¹	Some people who drink water containing HAAs in excess of the MCL over many years may have an increased risk of developing cancer.
82. Bromate.....	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of developing cancer.
83. Chlorite.....	0.8	1.0	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant mothers who drink water containing chlorite in excess of the MCL. Some people

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
			may experience anemia.
84. Chlorine.....	4 (MRDLG) ² ₁	4.0 (MRDL) ²³	Some people who contact drinking water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
85. Chloramines.....	4 (MRDLG)	4.0 (MRDL)	Some people who contact drinking water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
86a. Chlorine dioxide, where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant mothers who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.
86b. Chlorine dioxide, where one or more distribution system sample(s) are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant mothers who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.
87. Control of DBP precursors (TOC)	None	TT	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs), which may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
I. Other Treatment Techniques			
88. Acrylamide.....	Zero	TT	Some people who drink water containing high levels of

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
			acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
89. Epichlorohydrin.....	Zero	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Appendix B Endnotes

1. MCLG--Maximum contaminant level goal.
2. MCL--Maximum contaminant level.
3. For water systems analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For systems analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.
4. There are various regulations that set turbidity standards for different types of systems, including 40 CFR 141.13, the 1989 Surface Water Treatment Rule, the 1998 Interim Enhanced Surface Water Treatment Rule, and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for systems that are required to filter but have not yet installed filtration (40 CFR 141.13).
5. NTU--Nephelometric turbidity unit.
6. There are various regulations that set turbidity standards for different types of systems, including 40 CFR 141.13, the 1989 Surface Water Treatment Rule, the 1998 Interim Enhanced Surface Water Treatment Rule, and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule. Systems subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Director.
7. TT--Treatment technique.
8. There are various regulations that set turbidity standards for different types of systems, including 40 CFR 141.13, the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR) and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). For systems subject to the IESWTR (systems serving at least 10,000 people, using surface water or ground water under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. Systems subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits

set by the Director. For systems subject to the LT1ESWTR (systems serving fewer than 10,000 people, using surface water or ground water under the influence of surface water) that use conventional or direct filtration, after January 1, 2005 the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. Systems subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Director.

9. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.
10. SWTR, IESWTR, and LT1ESWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.
11. These arsenic values (MCL, MCLG) are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.
12. Millions of fibers per liter.
13. Action Level=0.015 mg/L.
14. Action Level=1.3 mg/L.
15. Millirems per year.
16. Picocuries per liter.
17. The uranium MCL is effective December 8, 2003 for all community water systems.
18. Surface water systems and ground water systems under the direct influence of surface water are regulated under Subpart H of 40 CFR part 141. Subpart H community and non-transient non-community systems serving $\geq 10,000$ must comply with DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient noncommunity systems must meet the MCLs and MRDLs beginning January 1, 2004. Subpart H transient non-community systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart H transient non-community systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
19. The MCL of 0.10 mg/L for TTHMs is in effect until January 1, 2002 for Subpart H community water systems serving 10,000 or more. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only ground water not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/L. On January 1, 2004, all systems serving less than 10,000 will have to comply with the new MCL as well.

20. The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.
21. The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.
22. MRDLG--Maximum residual disinfectant level goal.
23. MRDL--Maximum residual disinfectant level.

Appendix C to Section 16.8

List of Acronyms Used in Public Notification Regulation

CCR Consumer Confidence Report

CWS Community Water System

DBP Disinfection Byproduct

EPA Environmental Protection Agency

FBRR Filter Backwash Recycling Rule

HPC Heterotrophic Plate Count

IESWTR Interim Enhanced Surface Water Treatment Rule

IOC Inorganic Chemical

LCR Lead and Copper Rule

LT1ESWTR Long Term 1 Enhanced Surface Water Treatment Rule

MCL Maximum Contaminant Level

MCLG Maximum Contaminant Level Goal

MRDL Maximum Residual Disinfectant Level

MRDLG Maximum Residual Disinfectant Level Goal

NCWS Non-Community Water System

NPDWR National Primary Drinking Water Regulation

NTNCWS Non-Transient Non-Community Water System

NTU Nephelometric Turbidity Unit

OGWDW Office of Ground Water and Drinking Water

OW Office of Water

PN Public Notification

PWS Public Water System

SDWA Safe Drinking Water Act

SMCL Secondary Maximum Contaminant Level

List of Acronyms Used in Public Notification Regulation (Continued)

SOC Synthetic Organic Chemical

SWTR Surface Water Treatment Rule

TCR Total Coliform Rule

TT Treatment Technique

TWS Transient Non-Community Water System

VOC Volatile Organic Chemical

16.9 *Records*

- a) Records of analyses shall be maintained by the water purveyor. The records of each sample analyzed to comply with these regulations shall contain the following information:
 - 1. The time, date, and place of sampling and the name of the sample collector;
 - 2. The sampling point and the reason for collection;
 - 3. Date analysis started and completion date if more than one day is needed;
 - 4. Name of laboratory and person responsible for performing the analysis;
 - 5. The analytical technique or method used;
 - 6. The results of the analysis.
- b) Records of microbiological examinations shall be readily available for at least 5 years.
- c) Records of organic and inorganic chemical, radiological, and turbidity analyses shall be readily available for at least 10 years.
- d) Any written document relating to a sanitary survey of a public water system shall be kept for at least 10 years. Records of action taken to correct a violation of these regulations shall be kept for at least 3 years after the last action taken with respect to the particular violation involved.
- e) Records concerning a variance or exemption granted to a system shall be kept for at least 5 years following the expiration date of such variance or exemption.

16.10 *Consumer Confidence Reports*

(1) ***Purpose and Applicability of this Subpart***

- (a) This subpart establishes the minimum requirements for the content of annual reports that community water systems must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.
- (b) Notwithstanding the provisions of section 2, this subpart applies only to community water systems.
- (c) For the purpose of this subpart, customers are defined as billing units or service connections to which water is delivered by a community water system.
- (d) For the purpose of this subpart, detected means: at or above the levels prescribed by Appendix 1 for the inorganic contaminants listed at 16.1(1)—(15), for the synthetic organic contaminants listed in 16.2(a) or the volatile organic contaminants listed in 16.2(b)(1)—(21) or the radioactive contaminants listed at 16.5(b), (c) and (d).

(2) ***Effective Dates***

- (a) The regulations in this subpart shall take effect on January 1, 2000.
- (b) Each existing community water system must deliver a consumer confidence report by July 1, 2000, and subsequent reports by July 1 annually thereafter. The first report must contain data collected during, or prior to, calendar year 1999 as prescribed in 16.10(3)(d)(3). Each report thereafter must contain data collected during, or prior to, the previous calendar year.
- (c) A new community water system must deliver its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.
- (d) A community water system that sells water to another community water system must deliver the applicable information required in 16.10(3) to the buyer system:
 - (1) No later than April 1, 2000, and by April 1 annually thereafter or
 - (2) On a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.

(3) ***Content of the Reports***

- (a) Each community water system must provide to its customers an annual report that contains the information specified in this section and section 16.10(4).
- (b) Information on the source of the water delivered:

- (1) Each report must identify the source(s) of the water delivered by the community water system by providing information on:
 - (i) The type of the water: e.g., surface water, ground water; and
 - (ii) The commonly used name (if any) and location of the body (or bodies) of water.
- (2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the Department, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the Department or written by the operator.

(c) ***Definitions***

- (1) Each report must include the following definitions:
 - (i) **Maximum Contaminant Level Goal or MCLG:** The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
 - (ii) **Maximum Contaminant Level or MCL:** The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
- (2) A report for a community water system operating under a variance or an exemption issued under section 15 of these regulations (excepting a variance pursuant to the requirements of section 3 New Water Sources) must include the following definition: **Variations and Exemptions:** State or EPA permission not to meet an MCL or a treatment technique under certain conditions.
- (3) A report that contains data on contaminants that EPA regulates using any of the following terms must include the applicable definitions:
 - (i) **Treatment Technique:** A required process intended to reduce the level of a contaminant in drinking water.
 - (ii) **Action Level:** The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

- (iii) Maximum residual disinfectant level goal or MRDLG: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.
- (iv) Maximum residual disinfectant level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

(d) ***Information on Detected Contaminants***

- (1) This subsection specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except *Cryptosporidium*). It applies to:
 - (i) Contaminants subject to a MCL, action level, maximum residual disinfectant level, or treatment technique (regulated contaminants).
 - (ii) Contaminants for which monitoring is required by section 16.6 (unregulated contaminants); and
 - (iii) Disinfection byproducts or microbial contaminants for which monitoring is required by the Information Collection Rule, 40 CFR 141.142 and 141.143 except as provided under paragraph (e)(1) of this section, and which are detected in the finished water.
- (2) The data relating to these contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.
- (3) The data must be derived from data collected to comply with EPA and State monitoring and analytical requirements during calendar year 1999 for the first report and subsequent calendar years thereafter except that:
 - (i) Where a system is allowed to monitor for regulated contaminants less often than once a year, the table(s) must include the date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than 5 years need be included.
 - (ii) Results of monitoring in compliance with the Information Collection Rule, 40_CFR 141.142 and 141.143 need only be included for 5 years from the date of last sample or until any of

the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

- (4) For detected regulated contaminants (listed in appendix A to this subpart), the table(s) must contain:
- (i) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in appendix A to this subpart);
 - (ii) The MCLG for that contaminant expressed in the same units as the MCL;
 - (iii) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique and/or action level, as appropriate, specified in paragraph(c)(3) of this section;
 - (iv) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with the MCL and the range of detected levels, as follows:
 - (A) When compliance with the MCL is determined annually or less frequently: The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.
 - (B) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.
 - (C) When compliance with the MCL is determined on a systemwide basis by calculating a running annual average of all samples at all sampling points: the average and range of detection expressed in the same units as the MCL.

Note to paragraph (d)(4)(iv): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in appendix A of this subpart;

(v) ***For turbidity***

- (A) When it is reported pursuant to section 16.3: The highest average monthly value.

- (B) When it is reported pursuant to the requirements of section 5.2: the highest monthly value. The report should include an explanation of the reasons for measuring turbidity.
 - (C) When it is reported pursuant to section 5.4: The highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in section 5.4 for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity.
- (vi) ***For lead and copper:*** the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;
 - (vii) ***For total coliform:***
 - (A) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or
 - (B) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;
 - (viii) ***For fecal coliform:*** The total number of positive samples; and
 - (ix) The likely source(s) of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in appendix A to this subpart which are most applicable to the system.
- (5) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table should contain a separate column for each service area and the report should identify each separate distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area.
 - (6) The table(s) must clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language of appendix A to this subpart.

- (7) For detected unregulated contaminants for which monitoring is required (except *Cryptosporidium*), the table(s) must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

(e) ***Information on Cryptosporidium, Radon, and Other Contaminants:***

- (1) If the system has performed any monitoring for *Cryptosporidium*, including monitoring performed to satisfy the requirements of [RESERVED for future rulemaking 141.143 equivalent], which indicates that *Cryptosporidium* may be present in the source water or the finished water, the report must include:
 - (i) A summary of the results of the monitoring; and
 - (ii) An explanation of the significance of the results.
- (2) If the system has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include:
 - (i) The results of the monitoring; and
 - (ii) An explanation of the significance of the results.
- (3) If the system has performed additional monitoring which indicates the presence of other contaminants in the finished water, the system is strongly encouraged to report any results which may indicate a health concern. To determine if results may indicate a health concern, it is recommended that systems find out if EPA has proposed an NPDWR or issued a health advisory for that contaminant by calling the Safe Drinking Water Hotline (8004264791). Detects above a proposed MCL or health advisory level are considered to indicate possible health concerns. For such contaminants, it is recommended that the report include:
 - (i) The results of the monitoring; and
 - (ii) An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

(f) ***Compliance with NPDWR***

In addition to the requirements of section 16.10(3)(d), the report must note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation.

- (1) Monitoring and reporting of compliance data;
- (2) Filtration and disinfection prescribed by section 5 of these regulations. For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain disease causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
- (3) Lead and copper control requirements prescribed by section 6 of these regulations. For systems which fail to take one or more actions prescribed by sections 6.80(d), 6.81, 6.82, 6.83, or 6.84 herein, the report must include the applicable language of appendix A to this subpart for lead, copper, or both.
- (4) Treatment techniques for Acrylamide and Epichlorohydrin prescribed by section 16.2(d) of these regulations. For systems which violate the requirements of section 16.2(d) herein, the report must include the relevant language from appendix A to this subpart.
- (5) *Recordkeeping of Compliance Data*
- (6) Special monitoring requirements prescribed by sections 16.6, 16.7, and 16.1(r); and
- (7) Violation of the terms of a variance, an exemption, or an administrative or judicial order.

(g) ***Variances and Exemptions***

If a system is operating under the terms of a variance or an exemption issued under Sec. 1415 or 1416 of SDWA, the report must contain:

- (1) An explanation of the reasons for the variance or exemption;
- (2) The date on which the variance or exemption was issued;
- (3) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
- (4) A notice of any opportunity for public input in the review, or renewal, of the variance or exemption.

(h) *Additional Information:*

- (1) The report must contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water including bottled water. This explanation may include the language of paragraphs (h)(1)(i) through (iii) or systems may use their own comparable language. The report also must include the language of paragraph (h)(1)(iv) of this section.
 - (i) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.
 - (ii) Contaminants that may be present in source water include:
 - (A) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
 - (B) Inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
 - (C) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban storm water runoff, and residential uses.
 - (D) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban storm water runoff, and septic systems.
 - (E) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.
 - (iii) In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water which must provide the same protection for public health.
 - (iv) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants.

The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).

- (2) The report must include the telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report.
- (3) In communities with a large proportion of non-English speaking residents, as determined by the Director, the report must contain information in the appropriate language(s) regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.
- (4) The report must include information (e.g., time and place of regularly scheduled board meetings) about opportunities for public participation in decisions that may affect the quality of the water.
- (5) The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

(4) ***Required Additional Health Information***

- (a) All reports must prominently display the following language:

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

- (b) Ending in the report due by July 1, 2001, a system which detects arsenic at levels above 0.025 mg/L, but below the 0.05 mg/L, and beginning in the report due by July 1, 2002, a system that detects arsenic above 0.005 mg/L and up to and including 0.010 mg/L:
- (1) Must include in its report a short informational statement about arsenic, using language such as: While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA

continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health_effects such as skin damage and circulatory problems.

- (2) May write its own educational statement, but only in consultation with the Director.
- (c) A system which detects nitrate at levels above 5 mg/L but below the MCL:
 - (1) Must include a short informational statement about the impacts of nitrate on children using language such as: Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider.
 - (2) May write its own educational statement, but only in consultation with the Director.
- (d) Systems which detect lead above the action level in more than 5%, and up to and including 10%, of homes sampled:
 - (1) Must include a short informational statement about the special impact of lead on children using language such as: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).
 - (2) May write its own educational statement, but only in consultation with the Director.
- (e) Community water systems that detect TTHM above 0.080 mg/L, but below the MCL in paragraph 16.2 (a), as an annual average, monitored and calculated under the provisions of paragraph 16.2 (a)(49) must include health effects language for TTHMs prescribed by Appendix A to section 16.10.
- (f) Beginning in the report due by July 1, 2003 and ending January 22, 2006, a community water system that detects arsenic above 0.010 mg/L and up to and including 0.05 mg/L must include the arsenic health effects language prescribed by Appendix B to section 16.8.

(5) ***Report Delivery and Recordkeeping***

- (a) Except as provided in paragraph (g) of this section, each community water system must mail or otherwise directly deliver one copy of the report to each customer.
- (b) The system must make a good faith effort to reach consumers who do not get water bills, using means recommended by the Director. It is expected that an adequate good faith effort will be tailored to the consumers who are served by the system but are not bill-paying customers, such as renters or workers. A good faith effort to reach consumers would include a mix of methods appropriate to the particular system such as: Posting the reports on the Internet; mailing to postal patrons in metropolitan areas; advertising the availability of the report in the news media; publication in a local newspaper; posting in public places such as cafeterias or lunch rooms of public buildings; delivery of multiple copies for distribution by single-biller customers such as apartment buildings or large private employers; delivery to community organizations.
- (c) No later than the date the system is required to distribute the report to its customers, each community water system must mail a copy of the report to the Director, followed within 3 months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Director.
- (d) No later than the date the system is required to distribute the report to its customers, each community water system must deliver the report to any other agency or clearinghouse identified by the Director.
- (e) Each community water system must make its reports available to the public upon request.
- (f) Each community water system serving 100,000 or more persons must post its current year's report to a publicly-accessible site on the Internet.
- (g) Any system subject to this section must retain copies of its consumer confidence report for no less than three (3) years.
- (h) ***Special Delivery Requirement for Community Water Systems Serving a Population of 10,000 or More***
Any community water system serving a population of 10,000 or more shall directly deliver a full copy of the Consumer Confidence Report to each household within the water system's service area that receives water from that system. The method of delivery shall be determined by the water system but can include delivery via either: (a) postal patron mailing; or (b) a community newsletter that is directly delivered to each household; or (c) a community calendar that is directly delivered to each household or (d) any other method that will directly reach each household within the water system's service area that receives water from that system. In the event that within the service area there are buildings with 5 or more residential units, the system will not be required to deliver directly to each of these units. Instead, the water system shall mail

multiple copies of the report to building manager or other appropriate individual, noting that the reports should be distributed to residents and/or posted in a common area. Additionally, college and universities will be exempted from this paragraph, {16.10 (5)(h)}.

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Appendix A to Section 16.10.--Regulated Contaminants

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
Microbiological contaminants: Total Coliform Bacteria...	MCL: (systems that collect \geq 40 samples/month) 5% of monthly samples are positive; (systems that collect < 40 samples/month) 1 positive monthly sample.	.....	MCL: (systems \geq 40 samples /month) 5% of monthly samples are positive; (systems that collect <40 samples/ month) 1 positive monthly sample	0.....	Naturally present in the environment	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially- harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Fecal coliform and E. coli	0.....	.....	0.....	0.....	Human and animal fecal waste.	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.
Total organic carbon (ppm)	TT.....	.....	TT.....	N/A.....	Naturally present in the environment.	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects,

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
						liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
Turbidity (NTU).....	TT.....	.....	TT.....	N/A..... ..	Soil runoff.....	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
Radioactive contaminants: Beta/photon emitters (mrem/ yr)	4 mrem/yr.....	.....	4.....	0.....	Decay of natural and man-made deposits.	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon radioactivity in excess of the MCL over many years may have an increased risk of getting cancer.
Alpha emitters (pCi/l)....	15 pCi/l.....	.....	15.....	0.....	Erosion of natural deposits.	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Combined radium (pCi/l)...	5 pCi/l.....	.....	5.....	0.....	Erosion of natural deposits.	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
Uranium (ug/L)...	0.030.....	1000....	30.....	0.....	Erosion of natural deposits	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
Inorganic contaminants: Antimony (ppb).....	0.006.....	1000.....	6.....	6.....	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
Arsenic (ppb).....	¹ 0.010.....	1000.....	¹ 10.....	¹ 0....	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
Asbestos (MFL).....	7 MFL.....	.....	7.....	7.....	Decay of asbestos cement water mains; Erosion of natural deposits.	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
Barium (ppm).....	2.....	.....	2.....	2.....	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
Beryllium (ppb).....	0.004.....	1000.....	4.....	4.....	Discharge from metal refineries and coal- burning factories; Discharge from electrical, aerospace, and defense industries.	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
Cadmium (ppb).....	0.005.....	1000.....	.5.....	5.....	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints.	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
Chromium (ppb).....	0.1.....	1000.....	100.....	100.....	Discharge from steel and pulp mills; Erosion of natural deposits.	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
Copper (ppm).....	AL=1.3.....	.....	AL=1.3.....	1.3.....	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives.	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
Cyanide (ppb).....	0.2.....	1000.....	200.....	200.....	Discharge from steel/metal factories Discharge from plastic and fertilizer factories.	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
Fluoride (ppm).....	4.....	.....	4.....	4.....	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling,

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
						also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Lead (ppb).....	AL=0.015.....	1000.....	AL=15.....	0.....	Corrosion of household plumbing systems; Erosion of natural deposits.	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
Mercury [inorganic] (ppb).	0.002.....	1000.....	2.....	2.....	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland.	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
Nitrate (ppm).....	10.....	.....	10.....	10.....	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Nitrite (ppm).....	1.....	.....	1.....	1.....	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Selenium	0.05.....	1000.....	50.....	50.....	Discharge from	Selenium is an essential nutrient. However,

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
(ppb).....					petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.	some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
Thallium (ppb).....	0.002.....	1000.....	2.....	0.5.....	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
Synthetic organic contaminants including pesticides and herbicides: 2,4-D (ppb).....	0.07.....	1000.....	70.....	70.....	Runoff from herbicide used on row crops.	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
2,4,5-TP [Silvex](ppb)....	0.05.....	1000.....	50.....	50.....	Residue of banned herbicide.	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
Acrylamide..... ..	TT.....	.....	TT.....	0.....	Added to water during sewage/wastewater treatment.	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
Alachlor (ppb).....	0.002.....	1000.....	2.....	0.....	Runoff from herbicide used on row crops.	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
Atrazine (ppb).....	0.003.....	1000.....	3.....	3.....	Runoff from herbicide used on row crops	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
Benzo(a)pyrene [PAH] (nanograms/l)	0.0002.....	1,000,000...	200.....	0.....	Leaching from linings of water storage tanks and distribution lines.	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
Carbofuran (ppb).....	0.04.....	1000.....	40.....	40.....	Leaching of soil fumigant used on rice and alfalfa.	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
Chlordane (ppb).....	0.002.....	1000.....	2.....	0.....	Residue of banned termiticide.	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
Dalapon (ppb).....	0.2.....	1000.....	200.....	200.....	Runoff from herbicide used on rights of way.	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
Di(2-ethylhexyl) adipate (ppb).	0.4	1000.....	400.....	400.....	Discharge from chemical factories.	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
Di(2-ethylhexyl) phthalate (ppb).	0.006.....	1000.....	6.....	0.....	Discharge from rubber and chemical factories.	Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
Dibromochloropropane (ppt)	0.0002.....	1,000,000....	200.....	0.....	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
Dinoseb (ppb).....	0.007.....	1000.....	7.....	7.....	Runoff from herbicide used on soybeans and vegetables.	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
Diquat (ppb).....	0.02.....	1000.....	20.....	20.....	Runoff from herbicide use.	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
Dioxin [2,3,7,8-TCDD] (ppq).	0.00000003.....	1,000,000,000...	30.....	0.....	Emissions from waste incineration and other combustion; Discharge from chemical factories.	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
Endothall (ppb).....	0.1.....	1000.....	100.....	100.....	Runoff from herbicide use.	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
Endrin (ppb).....	0.002.....	1000.....	2.....	2.....	Residue of banned insecticide.	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
Epichlorohydrin.....	TT.....	.....	TT.....	0.....	Discharge from industrial chemical factories; An impurity of some water treatment chemicals.	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.
Ethylene dibromide (ppt)..	0.00005.....	1,000,000....	50.....	0.....	Discharge from petroleum refineries.	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
Glyphosate (ppb).....	0.7.....	1000.....	700.....	700.....	Runoff from herbicide use.	Some people who drink water containing glyphosate in excess of the MCL over many

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
						years could experience problems with their kidneys or reproductive difficulties.
Heptachlor (ppt).....	0.0004.....	1,000,000....	400.....	0.....	Residue of banned pesticide.	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
Heptachlor epoxide (ppt)..	0.0002.....	1,000,000...	200.....	0.....	Breakdown of heptachlor.	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
Hexachlorobenzene (ppb)...	0.001.....	1000.....	1.....	0.....	Discharge from metal refineries and agricultural chemical factories.	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
Hexachlorocyclopentadiene (ppb).	0.05.....	1000.....	50.....	50.....	Discharge from chemical factories.	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
Lindane (ppt).....	0.0002.....	1,000,000....	200.....	200.....	Runoff/leaching from insecticide used on cattle, lumber, gardens.	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
Methoxychlor (ppb).....	0.04.....	1000.....	40.....	40.....	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
Oxamyl [Vydate] (ppb).....	0.2.....	1000.....	200.....	200.....	Runoff/leaching from insecticide used on apples,	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
					potatoes and tomatoes.	effects.
PCBs [Polychlorinated biphenyls] (ppt).	0.0005.....	1,000,000....	500.....	0.....	Runoff from landfills; Discharge of waste chemicals.	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
Pentachlorophenol (ppb)...	0.001.....	1000.....	1.....	0.....	Discharge from wood preserving factories.	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
Picloram (ppb).....	0.5.....	1000.....	500.....	500.....	Herbicide runoff.....	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
Simazine (ppb).....	0.004.....	1000.....	4.....	4.....	Herbicide runoff.....	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood
Toxaphene (ppb).....	0.003.....	1000.....	3.....	0.....	Runoff/leaching from insecticide used on cotton and cattle.	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
Volatile organic contaminants: Benzene (ppb).....	0.005.....	1000.....	5.....	0.....	Discharge from factories; Leaching from gas storage tanks and landfills	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
Bromate (ppb).....	0.010.....	1000.....	10.....	0.....	By-product of drinking water	Some people who drink water containing bromate in excess of the MCL over many

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
					chlorination.	years may have an increased risk of getting cancer.
Carbon tetrachloride (ppb)	0.005.....	1000.....	5.....	0.....	Discharge from chemical plants and other industrial activities.	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
Chloramines (ppm).....	MRDL = 4.....	.....	MRDL = 4.....	MRDLG = 4.....	Water additive used to control microbes.	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
Chlorine (ppm).....	MRDL = 4.....	.....	MRDL = 4.....	MRDLG = 4.....	Water additive used to control microbes.	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
Chlorite (ppm).....	1.....	.....	1.....	0.8.....	By-product of drinking water chlorination.	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
Chloride dioxide (ppb)....	MRDL = .8.....	1000.....	MRDL = 800.....	MRDLG = 800.....	Water additive used to control microbes.	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
						MRDL. Some people may experience anemia.
Chlorobenzene (ppb).....	.1.....	1000.....	100.....	100.....	Discharge from chemical and agricultural chemical factories.	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
o-Dichlorobenzene (ppb)...	0.6.....	1000.....	600.....	600.....	Discharge from industrial chemical factories.	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
p-Dichlorobenzene (ppb)...	0.075.....	1000.....	75.....	75.....	Discharge from industrial chemical factories.	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
1,2-Dichloroethane (ppb)..	0.005.....	1000.....	5.....	0.....	Discharge from industrial chemical factories.	Some people who drink water containing 1,2- dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
1,1-Dichloroethylene (ppb)	0.007.....	1000.....	7.....	7.....	Discharge from industrial chemical factories.	Some people who drink water containing 1,1- dichloroethylene in excess of the MCL over many years could experience problems with their liver.
cis-1,2-Dichloroethylene (ppb).	0.07.....	1000.....	70.....	70.....	Discharge from industrial chemical factories.	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
trans-1,2-Dichloroethylene (ppb)	0.1.....	1000.....	100.....	100.....	Discharge from industrial chemical factories.	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
Dichloromethane (ppb).....	0.005.....	1000.....	5.....	0.....	Discharge from pharmaceutical and	Some people who drink water containing dichloromethane in excess of the MCL over

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
					chemical factories.	many years could have liver problems and may have an increased risk of getting cancer.
1,2-Dichloropropane (ppb).	0.005.....	1000.....	5.....	0.....	Discharge from industrial chemical factories.	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
Ethylbenzene (ppb).....	0.7.....	1000.....	700.....	700.....	Discharge from petroleum refineries.	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
Haloacetic Acids (HAA) (ppb).	0.060.....	1000.....	60.....	N/A.....	By-product of drinking water disinfection.	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
Styrene (ppb).....	.1.....	1000.....	100.....	100.....	Discharge from rubber and plastic factories; Leaching from landfills.	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
Tetrachloroethylene (ppb).	0.005.....	1000.....	5.....	0.....	Discharge from factories and dry cleaners.	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
1,2,4-Trichlorobenzene (ppb).	0.07.....	1000.....	70.....	70.....	Discharge from textile-finishing factories.	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
1,1,1-Trichloroethane (ppb).	0.2.....	1000.....	200.....	200.....	Discharge from metal degreasing sites and other factories.	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
1,1,2-Trichloroethane	0.005.....	1000.....	5.....	3.....	Discharge from industrial chemical	Some people who drink water containing 1,1,2-trichloroethane well in excess of the

<i>Contaminant (units)</i>	<i>Traditional MCL in mg/L</i>	<i>To convert for CCR, multiply by</i>	<i>MCL in CCR units</i>	<i>MCLG</i>	<i>Major sources in drinking water</i>	<i>Health effects language</i>
(ppb).					factories.	MCL over many years could have problems with their liver, kidneys, or immune systems.
Trichloroethylene (ppb)...	0.005.....	1000.....	5.....	0.....	Discharge from metal degreasing sites and other factories.	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
TTHMs [Total trihalomethanes] (ppb).	0.10/0.080.....	1000.....	100/80.....	N/A.....	By-product of drinking water chlorination.	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.
Toluene (ppm).....	1.....	.....	1.....	1.....	Discharge from petroleum factories.	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
Vinyl Chloride (ppb).....	0.002.....	1000.....	2.....	0.....	Leaching from PVC piping; Discharge from plastics factories.	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
Xylenes (ppm).....	10.....	.....	10.....	10.....	Discharge from petroleum factories; Discharge from chemical factories.	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

¹ These arsenic values (MCL, MCLG) are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.

Key:

AL= Action Level

MCL= Maximum Contaminant Level

MCLG= Maximum Contaminant Level Goal

MFL= million fibers per liter

MRDL= Maximum Residual Disinfectant Level

MRDLG= Maximum Residual Disinfectant Level Goal
mrem/year= millirems per year (a measure of radiation absorbed by the body)
N/A= Not Applicable
NTU= Nephelometric Turbidity Units (a measure of water clarity)
pCi/l= picocuries per liter (a measure of radioactivity)
ppm= parts per million, or milligrams per liter (mg/l)
ppb= parts per billion, or micrograms per liter ($\mu\text{g/l}$)
ppt= parts per trillion, or nanograms per liter
ppq= parts per quadrillion, or picograms per liter
TT= Treatment Technique

Section 17.0 *Non-community Water System Requirements*

17.1 *Microbiological*

- a) **Routine monitoring:** Public water systems must collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. At least one representative sample shall be collected each calendar quarter when the system is in operation. These plans are subject to review and revision by the director.

Monitoring Frequency: For total coliforms for non-community water systems is as follows:

- i) a non-community water system using only ground water and serving 1,000 persons or fewer must monitor each calendar quarter that the system provides water to the public.
 - ii) a non-community water systems using only ground water, and serving more than 1000 persons during any month must monitor at the same frequency as a like-sized community water system, as specified in section 16.4 a of these regulations.
 - iii) A non-community water system using surface water in total or in part, must monitor at the same frequency as a like-sized community water system as specified in section 16.4 a of these regulations.
 - iv) A non-community water system using ground water under the direct influence of surface water, as determined by the director, in total or in part must monitor at the same frequency as a like-sized community water system, as specified in Section 16.4 a) of these regulations, within 6 months of said determination by the director.
- b) The following requirements for public water systems found in Section 16.4 also apply to non-community water systems. This includes Sections:

16.4(a)(2) and (3)	Routine Monitoring;
16.4(b)	Analytical Methodology;
16.4(c)	Maximum Contaminant Levels for Microbiological Contaminants;
16.4(d)	Repeat Monitoring;
16.4(e)	Fecal Coliforms/E. coli testing;
16.4(f)	Invalidation of Samples;
16.4(g)	Sanitary Surveys
16.4(h)	Reporting Requirements

17.2 *Inorganic Chemicals*

Non-transient non-community water systems shall be required to comply with the requirements of Sections 6 and 16.1 with the following exceptions. (1) Monitoring and compliance with the requirements for sodium shall not be required. (2) Monitoring and compliance requirements for arsenic do not become effective until January 23, 2006.

a) ***Nitrate and Nitrite***

The maximum contaminant levels for nitrate, nitrite and combined nitrate and nitrite are as follows:

<i>Contaminant</i>	<i>MCL (mg/L)</i>
Nitrate	10 (as Nitrogen)
Nitrite	1 (as Nitrogen)
Total Nitrate and Nitrite	10 (as Nitrogen)

When the nitrate or nitrite sampling results indicate an excess of the maximum contaminant level, a second analyses shall be initiated within 24 hours, and if the mean of the two analyses exceeds the maximum contaminant level the supplier shall notify the director and initiate public notification.

Systems unable to comply with the 24-hour sampling requirement must immediately notify the consumers served by the area served by the public water system in accordance with Section 17.6. Systems exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.

b) ***Monitoring Frequency*** - The nitrate concentration of each active drinking water source maintained by a water purveyor shall be determined as required by section 16.1(e) of these regulations. Beginning January 1, 1993 the nitrite and total nitrate/nitrite concentration shall also be determined annually.

c) ***Analytical Techniques*** - Nitrate analyses shall be made in accordance with the methods specified in Appendix 1.

17.3 ***Organic Chemicals***

Non-transient, non-community water systems shall be required to comply with the requirements of Section 16.2 with the following exceptions. Monitoring and compliance with the requirements for total trihalomethanes shall not be required until January 1, 2004 for section 5.0 systems serving fewer than 10,000. Non-transient, non-community section 5.0 systems serving at least 10,000 should currently be meeting the monitoring and compliance requirements for total trihalomethanes.

17.4 ***Turbidity***

Non-community water systems shall comply with the requirements of Section 16.3.

17.5 *Unregulated Contaminants and Special Monitoring*

Non-transient non-community water systems that serve more than 10,000 persons (effective January 8, 1999) shall be required to monitor for unregulated contaminants in conformance with Section 16.6 and 16.7.

17.6 *Public Notification*

Non-community water systems shall comply with the requirements of section 16.8 herein.

17.7 *Records*

- a) Records of analyses performed by the water purveyor shall be maintained by the water purveyor. The records shall contain the following information:
 1. The time, date, and place of sampling and the name of the sample collector;
 2. The sampling point and the reason for collection;
 3. Date analysis started and completion date if more than one day is needed;
 4. Name of laboratory and person responsible for performing the analysis;
 5. The analytical technique or method used; and
 6. The results of the analysis.
- b) Records of microbiological examinations shall be readily available for at least 5 years and records of nitrate analyses and turbidity determinations shall be readily available for 10 years. Any written document relating to a sanitary survey of a public water system shall be kept for at least 10 years.
- c) Records of action taken to correct a violation of these regulations shall be kept for at least 3 years after the last action taken with respect to the particular violation involved.
- d) Records concerning a variance or exemption granted to a system shall be kept for at least 5 years following the expiration date of such variance or grant.

Section 18.0 *Fee Schedule*

- 18.1 Pursuant to the amended section 46-13-3 of the General Laws Chapter 46-13, entitled "Public Drinking Water Supply", the Director is authorized to charge fees to support the collection and analysis of samples that are required to meet the minimum monitoring requirements for public drinking water supplies.
- 18.2 Any Public Drinking Water Supply for which analytical and collection services are provided by the R.I. Department of Health to meet the minimum monitoring requirements for public drinking water is liable for payment of the fee for these services.

- 18.3 The fee for each chemical, radiological and microbiological test required and conducted by the Division of Laboratories shall be reasonable and shall be determined on the basis of current costs for conducting the analysis. Such cost shall include administrative, personnel, equipment and such other related costs which may be incurred in the analysis. The laboratory fee schedule is listed in table 18-1.
- 18.4 The fee for each collection of each sample by the Division of Drinking Water Quality shall be reasonable and shall be determined on the basis of current costs for such service. The current sampling fee is \$21.00. Sampling fees will be assessed for each on-site visit to the supply for the purpose of collecting samples. It is the responsibility of the purveyor to make the necessary operational arrangement for sampling. Scheduled on-site visits canceled in the field because of lack of proper operational arrangement will be assessed the sampling fee for the visit and any subsequent visit.
- 18.5 Payment for scheduled services will be required on the due date. The Department of Health will provide bills approximately six weeks in advance of the due date. Billing will be on a quarterly basis. Payment shall be made payable to the General Treasurer, State of Rhode Island.
- 18.6 Services will be provided only if payment in full has been received. It remains the responsibility of the purveyor to meet all compliance testing requirements.
- 18.7 A surcharge shall be placed on overdue sampling and analysis payments. The surcharge shall be set at the rate of \$5.00 per month.

TABLE 18-1

Laboratory Fee Schedule

<i>Chemical Group</i>	<i>Analysis Code</i>	<i>Test</i>	<i>Fee</i>
<i>Inorganic Chemistry</i>	WL 1	Turbidity	\$ 3.00
	WL 2	Sediment	3.00
	WL 3	Odor	3.00
	WL 4	Color	3.00
	WL 5	Total Solids	15.00
	WL 6	Ignition Solids	15.00
	WL 7	Suspended Solids	15.00
	WL 8	Settleable Solids	10.00
	WL 9	% Moisture	8.00
	WL 10	BOD (5 day)	30.00
	WL 11	Cyanide	35.00
	WL 12	Phosphorous (total)	20.00
	WL 13	pH	5.00
	WL 14 (lab)	Residual Chlorine	15.00
	WL 15	Ammonia Nitrogen	15.00
	WL 16	Nitrate	10.00
	WL 56	Nitrite	10.00
	WL 17	Phosphate (ortho)	20.00
	WL 18	Alkalinity	10.00
	WL 19	Aluminum	12.00
	WL 20	Chloride	10.00
	WL 21	Fluoride	12.00
	WL 22	Hardness	15.00
	WL 23	Iron	12.00
	WL 24	Manganese	12.00
	WL 25	Sodium	12.00

<i>Chemical Group</i>	<i>Analysis Code</i>	<i>Test</i>	<i>Fee</i>
	WL 26	Potassium	12.00
<i>Inorganic Chemistry</i>	WL 27	Calcium	12.00
	WL 28	Magnesium	12.00
	WL 29	Sulfate	15.00
	WL 30	Arsenic	17.00
	WL 31	Barium	12.00
	WL 32	Cadmium	17.00
	WL 33a	Chromium (hex)	15.00
	WL 33b	Chromium (total)	17.00
	WL 34	Copper	12.00
	WL 35	Lead	17.00
	WL 36	Mercury	30.00
	WL 37	Nickel	12.00
	WL 38	Selenium	17.00
	WL 39	Silver	17.00
	WL 40	Zinc	12.00
	WL 41	Specific Conductance	10.00
	WL 42	Oil & Grease	30.00
	WL 43	MBAS	35.00
	WL 44	Antimony	17.00
	WL 45	Beryllium	17.00
	WL 46	Turbidity (screen)	3.00
	WL 47	Thallium	17.00
	WL 49	Total Phenol	30.00
	WL 50	Foam Screen	3.00
	WL A	Inorganic Testing	44.00
	WL J	Limited Metals Testing	110.00
	WL K	Limited IOC Testing	51.00

<i>Chemical Group</i>	<i>Analysis Code</i>	<i>Test</i>	<i>Fee</i>
	WL 55	Composited Sodium	22.00
	WL F	Metals	110.00
<i>Volatile Organic Chemistry</i>	TO 2	4 Trihalomethane (THM) and Total Trihalomethane	100.00
	TO 4	Petroleum Hydrocarbons	180.00
	TO 12	Water Quality Volatile Organics	200.00
	TO 14	Other Base Neutral Extractable	200.00
	TO 17	Petroleum Hydrocarbons and TO 12	200.00
	TO 25	Method 525 Organic Compounds by Liquid- Solid Extraction	250.00
<i>Organic Chemistry</i>	PE 4	Carbamates	75.00
	PE 18	Pesticides/PCB's, Method 508	173.00
	PE 14	EDB and DBCP, Method 504	100.00
	PE 19	Chlorinated Acid Herbicides Method 515.2	200.00
<i>Radiological</i>	RA 1	Gross Alpha	27.00
	RA 2	Gross Beta	27.00
<i>Microbiology</i>	SM 1	Total and Fecal Coliform (Non Potable)	25.00
	SM 1a	Total and Fecal Coliform (Potable)	25.00
	SM 2	Total Coliform MF	15.00
	SM 3	Heterotrophic Plate Count	7.00
	SM 35	Fecal Coliform (confirmation)	10.00
	SM 36	Total Coliform PA method	15.00
	SM 34	Total & Focal Coliform (MMO-MUG)	25.00
<i>Sampling</i>	CL 1	Sampling fee (per on site visit)	21.00

Section 19.0 *Rules Governing Practices and Procedures*

- 19.1 All hearings and reviews required under the provisions of Chapter 46-13 of the General Laws of Rhode Island, 1956, as amended, shall be held in accordance with the provisions of the rules and regulations promulgated by the Rhode Island Department of Health entitled *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 20.0 *Violations, Noncompliance, and Enforcement*

- 20.1 In order to obtain and/or maintain any approval, permit, certification, and/or license, compliance with the provisions of the Act and these regulations is required. Failure to comply with these requirements of the Act and/or these regulations shall constitute grounds to revoke, suspend, or otherwise limit or restrict any approval, permit, certification, and/or license issued by the Director. In addition, any person who violates the provisions of Chapter 46-13, or these regulations shall be subject to the penalties and remedies set forth in section 46-13-16 of the Act.

Furthermore, the Director is authorized pursuant to the provisions of sections 46-13-10 and 46-13-12 to issue orders requiring corrective action(s) necessary to provide safe and potable water."

20.2 (a) *Purpose and Goals*

- (1) To assure the protection of public health, safety, and welfare by promoting compliance and deterring noncompliance with the Act, and the rules, regulations, approvals, permits, certification, license and orders adopted pursuant to the Act and these regulations;
- (2) To assure that the Department assesses administrative penalties, and otherwise implements the Act and these regulations, lawfully, fairly, and consistently;
- (3) To clarify the Department's authority to enforce the Act and the rules, regulations, approvals, permits, and orders adopted pursuant to the Act.

(b) *Policy*

These regulations promote a policy of assuring the effective enforcement of the Act as administered by the Director and to deter noncompliance with the rules, regulations, approvals, permits, certification, license and orders adopted pursuant to the Act and these regulations:

- (1) seeking any appropriate legal and equitable relief, including:
 - (i) removal of any economic benefit or competitive advantage realized as a direct or indirect result of the violation;
- (2) assessing administrative penalties, where appropriate, which:

- (i) reflect the nature and gravity of the violation and the potential for harm to the public health;
 - (ii) reflect the length of time during which the violation was repeated or continued;
 - (iii) will deter future noncompliance by the person in violation; and
 - (iv) will encourage continued compliance by persons similarly regulated;
- (3) seeking from any person found to be in violation, those additional or extraordinary costs which are actually expended by the Director during the course of the investigation and enforcement of noncompliance for which the State of Rhode Island is not otherwise reimbursed other than non-overtime personnel costs; and
 - (4) pursuing any other lawful enforcement option necessary to achieve compliance.

(c) ***Application***

- (1) These regulations shall be liberally construed to permit the Department to effectuate the purposes of the Act.
- (2) These regulations shall apply to all persons subject to enforcement action by the Department under the Act, and the rules, regulations, approvals, permits, certification, license and orders adopted pursuant to the Director's authority hereunder.
- (3) These regulations shall be applied in a manner that is consistent with or more stringent than any applicable Federal program requirements for delegated programs.

(d) ***Enforcement Options***

The Director may pursue any combination of administrative and judicial enforcement actions depending upon the circumstances and gravity of each case. The penalty and remedies prescribed by the Act (section 46-13-16) shall be deemed to be concurrent and the existence of an exercised remedy shall not prevent the Director from exercising any other remedy.

(e) ***Preconditions for Assessment of Administrative Penalty***

An administrative penalty may be assessed only for a violation or a failure to comply that, at the time it occurred, constituted noncompliance with a legal requirement:

- (1) which was then in effect; and
- (2) to which the person was then subject; and
- (3) to which these regulations apply.

(f) ***Assessment of Administrative Penalty - Penalty Ceiling***

No penalty shall exceed the maximum penalty allowed by the Act. The maximum administrative penalty which the Director has the authority to impose under the Act is \$5000.00 per violation per day.

- (1) A penalty may be assessed "per day," multi-day violations are counted from the initial day of noncompliance until compliance is achieved.
- (2) A penalty may be assessed "per violation", multiple violations of the same law, rule, regulation, permit approval, certification, license or order are counted as separate violations if any violation:
 - (i) involves a prohibited act which is distinguishable from any other by the nature of the act itself; or
 - (ii) involves a prohibited act which is distinct from any other by the time or place of its commission; or
 - (iii) involves a prohibited act which is distinct from any other by definition; or
 - (iv) presents a risk of harm to the public health, safety or welfare which is distinguishable from the risk threatened by any other violation.
- (3) Each day following service of a Notice of Violation, or Immediate Compliance Order or Cease and Desist Order, to which the Director is a party, during which a violation is repeated, continued or remains in place, constitutes a continuing violation. The Director may assess an additional administrative penalty, not to exceed five thousand dollars (\$5,000) for each day the violation or failure to comply is repeated, continued or remains in place.
- (4) The penalty imposed shall continue to accrue from the day the Notice of Violation, Immediate Compliance Order or Cease and Desist Order is issued until compliance is achieved.

(g) ***Assessment of Administrative Penalty - Calculation***

The amount of the penalty will be calculated based on the factors enumerated below.

- (1) The penalty may be based on the gravity of the violation. That portion will be calculated according to the "DWQ Penalty Matrix" (See Appendix 3). The applicable penalty range is reached by first determining the "Type of Violation" and the "Deviation from the Standard" of the alleged violation.
 - (i) "Type of Violation" - refers to the nature of the legal requirement allegedly violated.
 - (A) Type I violations - Type I violations include violations of legal requirements identified by the Director as directly related to the protection of the public health. Such violations include, but are not

necessarily limited to, exceeding any MCL, failure to adhere to new source approval requirements or plan requirements, and/or any failure to comply with an order of the Director which is presently enforceable.

- (B) Type II violations also have a direct impact on public health, but are mainly non-compliance with technical safeguards. Such violations include but are not limited to failure to monitor as required, failure to comply with reporting requirements, and failure to make public notice.
- (C) Type III violations have an indirect impact on public health and are generally related to poor record keeping. Such violations include, but are not limited to failure to submit monitoring reports, late submittal of monitoring reports, and failure to keep records on file as required.

(ii) "Deviation from the Standard" - refers to the degree to which the violation is out of compliance with the legal requirement allegedly violated. The Deviation from the Standard may be determined without consideration of the factors enunciated below in cases of strict liability. In all other cases, the Department's assessment of whether a violation is a minor, moderate or major deviation from the standard is based upon an evaluation of one or more of the following factors except to the extent already considered:

- (A) the degree to which the act or failure to act was from compliance;
- (B) whether the person took reasonable and appropriate steps to prevent and/or mitigate the non-compliance;
- (C) whether the person has previously failed to comply with any regulations, order, permit or approval issued or adopted by the Department.
- (D) the degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable;
- (E) any other factor(s) that may be relevant in determining the amount of a penalty, provided that said other factor(s) shall be set forth in the Notice of Violation or other written notice of the assessment of a penalty.

(2) ***The Economic Benefit from Non-Compliance***

The penalty shall include an amount intended to offset the economic benefit of non-compliance.

- (i) Such an amount may include, but not be limited to:
 - (A) the cost of complying;
 - (B) the cost of equipment needed to comply;

- (C) any associated operation and maintenance costs;
 - (D) the costs of studies needed to achieve compliance;
 - (E) any other delayed or avoided costs including, interest, market or competitive advantage over other regulated entities which are in compliance.
- (ii) The economic benefit portion may not be included in the penalty only if:
 - (A) there is no identifiable benefit from non-compliance; or
 - (B) the amount of economic benefit cannot be quantified.
- (3) The penalty shall include additional or extraordinary costs which are incurred by the Director during the course of the investigation and enforcement of noncompliance for which the State of Rhode Island is not otherwise reimbursed other than non-overtime personnel costs.
 - (4) Nothing herein shall preclude the Director from resolving the outstanding penalty through a Consent Agreement at any time he or she deems appropriate.
- (h) ***Assessment of Administrative Penalty - Hearing***
- (1) Any person against whom the Director seeks to assess an administrative penalty for a violation of a law, rule, regulation, approval, license, certification, or order which is within the Director's authority and responsibility to enforce, has the right to request a hearing thereon. The request for a hearing must be filed with the Director within thirty (30) days after service of the notice assessing said penalty.
 - (2) If a timely request for a hearing is made, a hearing shall be conducted in accordance with Section 42-35 of the General Laws of Rhode Island, 1956, as amended.
 - (3) Judicial review of any final decision of the administrative hearing officer shall be available in accordance with Section 42-35-15 of the General Laws of Rhode Island, 1956, as amended.
- (i) ***Assessment of Administrative Penalty - Enforcement***
- The Department's proposal of an administrative penalty shall become a final order of the Director upon the person's election to waive, or failure to timely request, an administrative hearing on the violation and/or the penalty. Each day during which the person fails to pay said penalty or otherwise fails to comply with a final order of the Director constitutes a separate and distinct violation. An additional administrative penalty, not to exceed five thousand dollars (\$5,000) for each such violation of a final order, may be assessed by the Director.

The Director may also, by summons and complaint, seek to enforce said final order in the Superior court for Providence County.

- (j) These regulations shall not be construed to govern any enforcement action which is commenced by the Director prior to the formal adoption of these regulations, or any administrative appeal taken therefrom, except that they shall apply to all unresolved monitoring and public notice violations as of the effective date of these regulations.

Section 21.0 *Severability*

- 21.1 If any provision of the rules and regulations herein or the application thereof to any facility or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

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SECTION I

A. *Microbiological Testing*

Reference for Section 5.0 - Surface Water and Ground Water Under the Influence of Surface Water - Section 5.0

1. Public water systems conducting analyses for total coliforms, fecal coliforms, and heterotrophic bacteria, on surface water sources or ground water under the influence of surface water, as required in Section 5.0 of these regulations, must perform these analyses in accordance with one of the following analytical methods and by using analytical test procedures contained in Technical Notes on Drinking Water Methods, EPA-600/R-94-173, October 1994, which is available at NTIS PB95-104766.
2. ***Total Coliforms:***
 - a) Total Coliform Fermentation Technique^{3,4,5}
Citation¹ 9221 A,B,C
 - b) Total Coliform Membrane Filter Technique
Citation¹ 92222 A,B,C
 - c) ONPG-MUG Test⁶
Citation¹ 9223
3. ***Fecal Coliforms:***
 - a) Fecal Coliform MPN Procedure⁷
Citation¹ 9221 E
 - b) Fecal Coliforms Membrane Filter Procedure
Citation¹ 9222 D
4. ***Heterotrophic Bacteria:***²
 - a) Pour Plate Method
Citation¹ 9215B

B. ***Microbiological Testing - for Distribution Samples including Storage Facilities and Ground Water Sources Regulation Sections 16.4 and 17.1***

1. The presence or absence of total coliform need only be determined. The total coliform density is not required.
2. The standard sample volume for total coliform analysis, regardless of the analytical method used is 100ml.

3. Public Water systems must conduct total coliform analyses in accordance with one of the analytical methods in the following table.
 - I) **Total Coliforms:**⁸
 - aa) Total Coliform Fermentation Technique^{3,4,5}
Citation¹ 9221 A,B
 - bb) Total Coliform Membrane Filter Technique
Citation¹ 9222 A,B,C
 - cc) Presence-Absence (P-A) Coliform Test^{5,9}
Citation¹ 9221 D
 - dd) ONPG-MUG Test⁶
Citation¹ 9223
 - ee) Colisure Test¹⁰

4. Public Water systems must conduct fecal coliform analysis in accordance with the following procedure. When the MTF Technique or Presence-Absence (PA) Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium to determine the presence of total and fecal coliforms, respectively. For EPA-approved analytical methods which use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium (the laboratory may first remove a small portion of selected colonies for verification), swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium), or inoculate individual total coliform-positive colonies into EC Medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at 44.5 ± 0.2 C for 24 ± 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test. The preparation of EC medium is described in the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1992, Method 9221E-p. 9-52, paragraph 1a. Public water systems need only determine the presence or absence of fecal coliforms; a determination of fecal coliform density is not required.

5. Public water systems must conduct analysis of Escherichia coli in accordance with one of the following analytical methods:
 - (i) EC medium supplemented with 50 ug/ml of 4-methylumbelliferyl-beta-D-glucuronide (MUG) (final concentration). EC medium is described in the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1992, Method 9221E--p. 9-52, paragraph 1a. MUG may be added to EC medium before autoclaving. EC medium supplemented with 50 ug/ml of MUG is commercially available. At least 10 ml of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG shall be as specified in paragraph (4) of this section for transferring

a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating tube at 44.5 ± 0.2 C for 24 ± 2 hours; or

- (ii) Nutrient agar supplemented with 100 ug/ml 4-methylumbelliferyl-beta-D-glucuronide (MUG) (final concentration). Nutrient Agar is described in the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1992, p.9-47 to 9-48. This test is used to determine if a total coliform-positive same, as determined by the Membrane Filter Technique or any other method in which a membrane filter is used, contains E. coli. Transfer the membrane filter containing a total coliform colony(ies) to nutrient agar supplemented with 100 ug/ml (final concentration) of MUG. After incubating the agar plate at 35 C for 4 hours, observe the colony(ies) under ultraviolet light (366 nm) in the dark for fluorescence. If fluorescence is visible, E. coli are present.
 - (iii) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in the article "National Field Evaluation of a Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia coli from Drinking Water: Comparison with Presence-Absence Techniques" (Edgerg et al.), Applied and Environmental Microbiology, Volume 55, pp. 1003-1008, April 1989. (Note: The Autoanalysis Colilert System is an MMO-MUG test). If the MMO-MUG test is total coliform-positive after a 24-hour incubation, test the medium for fluorescence with a 366-nm ultraviolet light (preferably with a 6-watt lamp) in the dark. If fluorescence is observed, the sample is E. coli-positive. If fluorescence is questionable (cannot be definitely read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The MMO-MUG Test with hepes buffer in lieu of phosphate buffer is the only approved formulation for the detection of E. coli.
 - (iv) The Colisure Test. A description of the Colisure Test may be obtained from the Millipore Corporation, Technical Services Department, 80 Ashby Road, Bedford, MA 01730.
6. As an option to the Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in paragraph 5(iii) above, a system with a total coliform positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of E. coli by transferring a 0.1 ml, 28-hour MMO-MUG culture to EC Medium + MUG with a pipet. The formulation and incubation conditions of EC Medium + MUG, and observation of results are described in paragraph 5(i) above.

C. *Invalidation of Samples*

1. A total coliform sample invalidated under this paragraph does not count towards meeting the minimum monitoring requirements of this section.
2. The director will invalidate a total coliform-positive sample and document same in writing only if:
 - i) The laboratory establishes that improper sample analysis caused the total coliform-positive result,
 - ii) The director determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem.

- iii) The director has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. (In this case, the system must still collect all repeat samples required .
3. A total coliform-positive sample will not be invalidated solely on the grounds that all repeat samples are total coliform negative.
 4. A laboratory must invalidate a total coliform sample, unless total coliforms are detected, if
 - i) the sample produces a turbid culture in the absence of gas production using the method cited in section 16.4 b) 4) a);
 - ii) the sample produces a turbid culture in the absence of an acid reaction; using the method cited in section 16.4 b) 4) c).
 - iii) it exhibits confluent growth, or produces colonies too numerous to count, using the method cited in section 16.4 b) 4) b).
 5. If a laboratory invalidates a sample for the above reasons, the system must collect another sample from the same location as the original sample within 24 hours of being notified of the result. The system must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The director may extend the 24-hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. In the case of an extension, the director will specify how much time the system has to collect the repeat samples.

Footnotes:

- ¹ Except where noted all methods refer to the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1992, American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005.
- ² The time from sample collection to initiation of analysis may not exceed 8 hours.
- ³ Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth, if the system conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested, and this comparison demonstrates that the false-positive are for total coliforms, using lactose broth, is less than 10 percent.
- ⁴ Media should cover inverted tubes at least one-half to two-thirds after the sample is added.
- ⁵ No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.
- ⁶ The ONPG-MUG Test is also known as the Autoanalysis Colilert System.
- ⁷ A-1 Broth may be held up to three months in a tightly closed screwcap tube at 4 C.
- ⁸ The time from sample collection to initiation of analysis may not exceed 30 hours.

- ⁹ Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.
- ¹⁰ The Colisure Test must be incubated for 28 hours before examining the results. If an examination of the results at 28 hours is not convenient, then results may be examined at any time between 28 hours and 48 hours. A description of the Colisure Test may be obtained from the Millipore Corporation, Technical Services Department, 80 Ashby Road, Bedford, MA 01730.

SECTION II

A. *Inorganic Chemistry*

References for Sections 5.0, 6.0, 16.1 and 17.2 of the Regulations

1. *Surface Water Treatment Rule Monitoring*

- a) Public water systems which must conduct analyses to meet the requirements of Section 5.0 for turbidity, temperature and measure residual disinfectant concentrations must use the methods contained in the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1992 with other analytical test procedures are contained in Technical Notes on Drinking Water Methods, EPA-600/R-94-173, October 1994, which is available at NTIS PB95-104766. Residual disinfectant concentrations for free chlorine and combined chlorine also may be measured by used DPD colorimetric test kits. Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument provided the chemistry, accuracy, and precision remain same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days, or with a protocol approved by the Director.

2. *Residual Disinfectant Concentration:*

a) *Free Chlorine:*

- (i) Amperometric Titration Technique.
Citation 4500-Cl D
- (ii) DPD Ferrous Titrimetric.
Citation 4500-Cl F
- (iii) DPD Colorimetric.
Citation 4500-Cl G
- (iv) Syringaldazine(FACTS).
Citation 4500-Cl H

b) *Total Chlorine:*

- (i) Amperometric Titration Technique.
Citation 4500-Cl D
- (ii) Amperometric Titration (low level measurement).
Citation 4500-Cl E
- (iii) DPD Ferrous Titrimetric.
Citation 4500-Cl F
- (iv) DPD Colorimetric.
Citation 4500-Cl G

- (v) Iodometric Electrode.
Citation 4500-Cl I
- c) ***Chlorine Dioxide:***
 - (i) Amperometric Titration Technique.
Citation 4500-ClO₂ C
 - (ii) DPD Method
Citation 4500-ClO₂ D
 - (iii) Amperometric Titration.
Citation 4500-ClO₂ E
- d) ***Ozone:***
 - (i) Indigo Method.
Citation 4500-O₃ B

3. ***Turbidity:***

- a) Nephelometric Method
Citation¹ 2130 B
- b) Nephelometric Method.
Citation^{8 180.1}
- c) Great Lakes Instruments
Citation⁹ Method 2

Footnotes:

¹ Except where noted all methods refer to the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1992, American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005.

⁸ "Methods for the Determination of Inorganic Substances in Environmental Samples", EPA-600/R-93-100, August 1993. Available at NTIS, PB94-121811

⁹ GLI Method 2. "Turbidity", November 2, 1992, Great Lakes Instruments, Inc., 8855 North 56th Street, Milwaukee, Wisconsin 53223.

4. **Regulated Inorganic Chemical Monitoring**

a) **Methodology and Detection Limits**

- i) Public water systems conducting analyses of inorganic chemicals as required in Sections 6.0, 16.0 and 17.0 of these regulations shall conduct these analyses in accordance with one of the following analytical methods or their equivalent as determined by EPA. Criteria for analyzing arsenic, barium, beryllium, cadmium, chromium, copper, lead, nickel, selenium, sodium, and thallium are contained in Technical Notes on Drinking Water Methods, EPA-600/R-94-173, October 1994, which is available at NTIS PB95-104766.
- ii) Effective January 23, 2006, arsenic sampling results will be reported to the nearest 0.001 mg/L.

Contaminant ¹³	Methodology ¹³	EPA	ASTM ³	SM ⁴	Other	Minimum Detection Limit (mg/L)
Antimony	ICP-Mass Spectrometry	² 200.8				0.0004
	Hydride-Atomic Absorption	.....	D-3697-92			0.001
	Atomic Absorption; Platform	² 200.9				0.0008
	Atomic Absorption; Furnance	.....		3113B		0.003
Arsenic ¹⁴	Inductively Coupled Plasma ¹⁵	² 200.7		3120B.		
	ICP-Mass Spectrometry	² 200.8				¹⁶ 0.0014
	Atomic Absorption; Platform	² 200.9				¹⁷ 0.0005
	Atomic Absorption; Furnace	.....	D-2972-93C	3113B.		0.001
	Hydride Atomic Absorption	.....	D-2972-93B	3114B.		0.001
Asbestos	Transmission Electron Microscopy	⁹ 100.1				0.01 MFL
	Transmission Electron Microscopy	¹⁰ 100.2				0.01 MFL
Barium	Inductively Coupled Plasma	² 200.7		3120B.		0.002
	ICP-Mass Spectrometry	² 200.8				0.002
	Atomic Absorption; Direct	.....		3111D.		0.1
	Atomic Absorption; Furnace	.....		3113B.		0.002
Beryllium	Inductively Coupled Plasma	² 200.7		3120B.		0.0003
	ICP-Mass Spectrometry	² 200.8				0.0003
	Atomic Absorption; Platform	² 200.9				0.00002

Contaminant ¹³	Methodology ¹³	EPA	ASTM ³	SM ⁴	Other	Minimum Detection Limit (mg/L)
	Atomic Absorption; Furnace	.....	D-3645-93B	3113B.		0.0002
Cadium	Inductively Coupled Plasma	² 200.7				0.001
	ICP-Mass Spectrometry	² 200.8				0.001
	Atomic Absorption; Platform	² 200.9				
	Atomic Absorption; Furnace	.....		3113B.		0.0001
Chromium	Inductively Coupled Plasma	² 200.7		3120B.		0.007
	ICP-Mass Spectrometry	² 200.8				0.007
	Atomic Absorption; Platform	² 200.9				
	Atomic Absorption; Furnace	.....		3113B.		0.001
Cyanide	Manual Distillation followed by	.....		4500-CN-C.		
	Spectrophotometric, Amenable	.....	D2036-91B	4500CN-G.		0.02
	Spectrophotometric Manual	.....	D2036-91A	4500-CN-E	⁵ 1-3300-85	0.02
	Semi-automated	⁶ 335.4				0.005
	Selective Electrode	.....		4500CN-F.		0.05
Fluoride	Ion Chromatography	⁶ 300.0	D4327-91	4110B.		
	Manual Distill.;Color. SPADNS	.....		4500F-B,D.		1.0
	Manual Electrode	.....	D1179-93B	4500F-C.		1.0
	Automated Electrode	.....		.....	¹¹ 380-75WE	1.0
	Automated Alizarin	.....		4500F-E	¹¹ 129-71W	1.0
Mercury	Manual, Cold Vapor	² 245.1	D3223-91	3112B.		0.0002
	Automated, Cold Vapor	¹ 245.2				0.0002
	ICP-Mass Spectrometry	² 200.8				
Nickel	Inductively Coupled Plasma	² 200.7		3120B.		0.005
	ICP-Mass Spectrometry	² 200.8				0.0005
	Atomic Absorption; Platform	² 200.9				0.0006
	Atomic Absorption; Direct	.....		3111B.		
	Atomic Absorption; Furnace	.....		3113B.		0.001
Nitrate	Ion Chromatography	⁶ 300.0	D4327-91	4110B	⁸ B-1011	0.01

Contaminant ¹³	Methodology ¹³	EPA	ASTM ³	SM ⁴	Other	Minimum Detection Limit (mg/L)
	Automated Cadmium Reduction	⁶ 353.2	D3867-90A	4500-NO ₃ -F.		0.05
	Ion Selective Electrode	.....		4500-NO ₃ -D	⁷ 601	1
	Manual Cadmium Reduction		D3867-90B	4500-NO ₃ -E.		0.01
Nitrite	Ion Chromatography	⁶ 300.0	D4327-91	4110B	⁸ B-1011	0.004
	Automated Cadmium Reduction	⁶ 353.2	D3867-90A	4500-NO ₃ -F.		0.05
	Manual Cadmium Reduction	.....	D3867-90B	4500-NO ₃ -E.		0.01
	Spectrophotometric	.....		4500-NO ₂ -B.		0.01
Selenium	Hydride-Atomic Absorption	.....	D3859-93-A	3114B.		0.002
	ICP-Mass Spectrometry	² 200.8				
	Atomic Absorption; Platform	² 200.9				
	Atomic Absorption; Furnace	.....	D3859-93B	3113B.		0.002
Thallium	ICP-Mass Spectrometry	² 200.8				0.0003
	Atomic absorption, furnace	279.2		3113B		0.001
	Atomic Absorption; Platform	² 200.9				0.0007
Lead	Atomic absorption; furnace	.....	D3559-90D	3113B.		
	ICP-Mass Spectrometry	² 200.8				
	Atomic absorption; platform	² 200.9				
Copper	Atomic absorption; furnace	.....	D1688-90C	3113B.		
	Atomic absorption; direct aspiration	.....	D1688-90A	3111B.		
	ICP	² 200.7		3120B		
	ICP-Mass spectrometry	² 200.8				
	Atomic absorption; platform	² 200.9				
pH	Electrometric	¹ 150.1	D1293-84	4500-H ⁺ -B.		
		¹ 150.2				
Conductivity	Conductance	.....	D1125-91A	2510-B.		
Calcium	EDTA titrimetric	.....	D511-93A	3500-Ca-D.		
	Atomic absorption; direct aspiration	.....	D511-93B	3111B.		

Contaminant ¹³	Methodology ¹³	EPA	ASTM ³	SM ⁴	Other	Minimum Detection Limit (mg/L)
	Inductively-coupled plasma	² 200.7		3120B.		
Alkalinity	Titrimetric	.....	D1067-92B	2320B.		
	Electrometric titration	.....			⁵ 1-1030-85	
Orthophosphate ¹²	Colorimetric, automated, ascorbic acid	⁶ 365.1		4500-P-F.		
	Colorimetric, ascorbic acid, single reagent	.....	D515-88A	4500-P-E		
	Colorimetric, phosphomolybdate;	.....		.....	⁵ 1-1601-85	
	Automated-segmented flow;	.....		.....	⁵ 1-2601-90	
	Automated discrete	.....		.....	⁵ 1-2598-85	
	Ion Chromatography	⁶ 300.0	D4327-91	4110		
Silica	Colorimetric, molybdate blue;	.....		.....	⁵ 1-1700-85	
	automated-segmented flow	.....		.....	⁵ 1-2700-85	
	Colormetric	.....	D859-88			
	Molybdosilicate	.....		4500-Si-D.		
	Heteropoly blue	.....		4500-Si-E.		
	Automated method for molybdate-reactive silica	.....		4500-Si-F.		
	Inductively-coupled plasma	² 200.7		3120B.		
Temperature	Thermometric	.....		2550		
Sodium	Inductively-coupled plasma	² 200.7				
	atomic absorption; direct aspiration			3111B.		

FOOTNOTES:

¹ Methods 150.1, 150.2 and 245.2 are available from US EPA, EMSL, Cincinnati, OH 45268. The identical methods were formerly in "Methods for Chemical Analysis of Water and Wastes", EPA-600/4-79-020, March 1983, which is available at NTIS, PB84-128677.

² "Methods for the Determination of Metals in Environmental Samples--Supplement I", EPA-600/R-94-111, May 1994. Available at NTIS, PB 95-125472.

³ The procedures shall be done in accordance with the Annual Book of ASTM Standards, 1994 and 1996, Vols. 11.01 and 11.02, American Society for Testing and Materials. The previous versions of D1688-95A, D1688-95C (copper), D3559-

95D (lead), D1293-95 (pH), D1125-91A (conductivity) and D859-94 (silica) are also approved. These previous versions D1688-90A, C; D3559-90D, D1293- 84, D1125-91A and D859-88, respectively are located in the Annual Book of ASTM Standards, 1994, Vols. 11.01. Copies may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428.

4 The procedures shall be done in accordance with the 18th and 19th editions of *Standard Methods for the Examination of Water and Wastewater*, 1992 and 1995, respectively, American Public Health Association; either edition may be used. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005.

5 Available from Books and Open-File Reports Section, U.S. Geological Survey, Federal Center, Box 25425, Denver, CO 80225-0425.

6 “Methods for the Determination of Inorganic Substances in Environmental Samples”, EPA-600/R-93-100, August 1993. Available at NTIS, PB94-121811.

7 The procedure shall be done in accordance with the Technical Bulletin 601 “Standard Method of Test for Nitrate in Drinking Water”, July 1994, PN 221890-001, Analytical Technology, Inc. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CRF Part 51. Copies may be obtained from ATI Orion, 529 Main Street, Boston, MA 02129. Copies may be inspected at EPA’s Drinking Water Docket, 401 M Street, SW, Washington, DC 20460; or at the Office of the Federal Register, 800 North Capital Street, NW, Suite 700, Washington, DC.

8 Method B-1011, “Waters Test Method for Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography”, Millipore Corporation, Waters Chromatography Division, 34 Maple Street, Miliford, MA 01757.

9 Method 100.1, “Analytical Method for Determination of Asbestos Fibers in Water”, EPA-600/4-83-043, EPA, September 1983. Available at NTIS, PB83-260471.

10 Method 100.2, “Determination of Asbestos Structure Over 10µm in Length in Drinking Water”, EPA-600/R-94-134, June 1994. Available at NTIS, PB94-201902.

11 The procedures shall be done in accordance with the Industrial Method No. 129-71W, “Fluoride in Water and Wastewater”, December 1972, and Method No. 380-75WE, “Fluoride in Water and Wastewater”, February 1976, Technicon Industrial Systems. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CRF Part 51. Copies may be obtained from the Technicon Industrial Systems, Tarrytown, NY 10591. Copies may be inspected at EPA’s Drinking Water Docket, 401 M Street, SW, Washington, DC 20460; or at the Office of the Federal Register, 800 North Capital Street, NW, Suite 700, Washington, DC.

12 Unfiltered, no digestion or hydrolysis.

13 Because MDLs reported in EPA Methods 200.7 and 200.9 were determined using a 2X preconcentration step during sample digestion, MDLs determined when samples are analyzed by direct analysis (i.e., no sample digestion) will be higher. For direct analysis of cadmium and arsenic by Method 200.7, and arsenic by Method 3120 B sample preconcentration using pneumatic nebulization may be required to achieve lower detection limits. Preconcentration may also be required for direct analysis of antimony, lead, and thallium by Method 200.9; antimony and lead by Method 3113 B; and lead by Method D3559-90D unless multiple in-furnace depositions are made.

14 If ultrasonic nebulization is used in the determination of arsenic by Methods 200.7, 200.8, or SM 3120 B, the arsenic must be in the pentavalent state to provide uniform signal response. For methods 200.7 and 3120 B, both samples and standards must be diluted in the same mixed acid matrix concentration of nitric and hydrochloric acid with the addition of 100 µL of 30% hydrogen peroxide per 100ml of solution. For direct analysis of arsenic with method 200.8 using ultrasonic nebulization, samples and standards must contain one mg/L of sodium hypochlorite.

15 After January 23, 2006 analytical methods using the ICP-AES technology, may not be used because the detection limits for these methods are 0.008 mg/L or higher. This restriction means that the two ICP-AES methods (EPA Method 200.7 and SM 3120 B) approved for use for the MCL of 0.05 mg/L may not be used for compliance determinations for the revised MCL of 0.010 mg/L. However, prior to 2006, systems may have compliance samples analyzed with these less sensitive methods.

16 Using selective ion monitoring, EPA Method 200.8 (ICP-MS) is capable of obtaining a MDL of 0.0001 mg/L.

17 The MDL reported for EPA method 200.9 (Atomic Absorption; Platform-Stabilized Temperature) was determined using a 2x concentration step during sample digestion. The MDL determined for samples analyzed using direct analysis (i.e., no sample digestion) will be higher. Using multiple depositions, EPA 200.9 is capable of obtaining MDL of 0.0001 mg/L.

b) ***Sampling Protocol***

i) Sample collection for the inorganic chemicals listed below shall be conducted using the sample preservation containers and maximum holding time procedures specified as follows:

Antimony:

Preservative: Conc. HNO₃ to pH <2

Container: Plastic or glass

Time: ASAP but not over 6 months

Arsenic:

Preservative: Conc. HNO₃ to pH <2

Container: Plastic or glass

Time: ASAP but not over 6 months

Asbestos:

Preservative: Cool 4°C

Container: Plastic or glass

Barium:

Preservative: cool, 4° C

Container: Plastic or glass

Time: ASAP but not over 6 months

Beryllium:

Preservative: Conc. HNO₃ to pH <2

Container: Plastic or glass

Time: ASAP but not over 6 months

Cadmium:

Preservative: Conc. HNO₃ to pH <2
Container: Plastic or glass
Time: ASAP but not over 6 months

Chromium:

Preservative: Conc. HNO₃ to pH <2
Container: Plastic or glass
Time: ASAP but not over 6 months

Cyanide:

Preservative: Cool 4° C NaOH to pH ≥ 12 (6g Ascorbic acid if chlorine is present)
Container: Plastic or glass
Time: ASAP, but not over 14 days

Fluoride:

Preservative: None
Container: Plastic or glass
Time: ASAP, but not over 1 month

Mercury:

Preservative: Conc. HNO₃ to pH <2
Container: Plastic or glass
Time: ASAP but not over 28 days

Nickel:

Preservative: Conc. HNO₃ to pH <2
Container: Plastic or glass
Time: ASAP but not over 6 months

Nitrate:

Preservative: Chlorinated - Cool, 4°C
Non-Chlorinated - Con H₂SO₄ to pH <2
Container: Chlorinated - Plastic or glass
Non-Chlorinated - Plastic or glass
Time: Chlorinated - ASAP but not over 28 days
Non-Chlorinated - ASAP but not over 14 days

Nitrite:

Preservative: Cool, 4°C
Container: Plastic or glass
Time: ASAP but not over 48 hours

Selenium:

Preservative: Conc. HNO₂ to pH <2
Container: Plastic or glass
Time: ASAP but not over 6 months

Thallium:

Preservative: Conc. HNO₃ to pH <2
Container: Plastic or glass
Time: ASAP but not over 6 months

Lead:

Preservative: Conc. HNO₃ to pH <2
Container: Plastic or glass
Time: ASAP but not over 6 months
NOTE: The technique applicable to total metals must be used and samples cannot be filtered.

Copper:

Preservative: Conc. HNO₃ to pH <2
Container: Plastic or glass
Time: ASAP but not more than 6 months
NOTE: The technique applicable to total metals must be used and samples cannot be filtered.

pH:

Preservative: None
Container: Plastic or glass
Time: Test immediately

Conductivity:

Preservative: Cool, 4°C
Container: Plastic or glass
Time: ASAP, but not more than 28 days

Calcium:

Preservative: Conc. HNO₃ to pH <2
Container: Plastic or glass
Time: ASAP, but not more than 6 months

Alkalinity:

Preservative: Cool, 4°C
Container: Plastic or glass
Time: ASAP, but not more than 14 days

Orthophosphate:

Preservative: Cool, 4°C
Container: Plastic or glass
Time: ASAP but not more than 48 hours

Silica:

Preservative: Cool, 4°C
Container: Plastic only
Time: ASAP but not more than 28 days

Sodium:

Container: Plastic or glass

Temperature:

Preservative: None
Container: Plastic or glass
Time: Test immediately

Turbidity:

Preservative: Cool 4° C
Container: Plastic or glass
Time: ASAP but not over 48 hours

- Note:** (1) For approved analytical procedures for metals, the technique applicable to total metals must be used.
(2) For cyanide determinations samples must be adjusted with sodium hydroxide to pH 12 at the time of collection.
(3) When chilling is indicated the sample must be shipped and stored at 4 deg. C or less.
(4) Acidification of nitrate or metals samples may be with a concentrated acid or a dilute (50% by volume) solution of the applicable concentrated acid. Acidification of samples for metals analysis is encouraged and allowed at the laboratory rather than at the time of sampling provided the shipping time and other instructions in Section 8.3 of EPA Methods 200.7 or 200.8 or 200.9 are followed.
(5) Plastic or glass may be hard or soft.
(6) Follow additional (if any) information on preservation, containers, or holding times that is specified in method.

c) ***Acceptance Criteria***

- (i) For a laboratory to receive certification to conduct analyses for the inorganic chemicals listed in Appendix 1 Section II (4) (a) of these regulations, the laboratory must:
- (A) Analyze Performance Evaluation samples which include those substances provided by EPA Environmental Monitoring Systems Laboratory or equivalent samples provided by the State.
- (B) Achieve quantitative results on the analyses that are within the following acceptance limits:

<i>Contaminant</i>	<i>Acceptance limit</i>
Antimony	± 30 at ≥ 0.006 mg/l
Arsenic ¹	± 30 at > 0.003 mg/l
Asbestos	2 standard deviations based on study statistics
Barium	$\pm 15\%$ at ≥ 0.15 mg/l
Beryllium	$\pm 15\%$ at ≥ 0.001 mg/l
Cadmium	$\pm 20\%$ at ≥ 0.002 mg/l
Chromium	$\pm 15\%$ at ≥ 0.01 mg/l
Cyanide	$\pm 25\%$ at ≥ 0.1 mg/l
Fluoride	$\pm 10\%$ at ≥ 1 to 10 mg/l
Mercury	$\pm 30\%$ at ≥ 0.0005 mg/l
Nickel	$\pm 15\%$ at ≥ 0.01 mg/l
Nitrate	$\pm 10\%$ at ≥ 0.4 mg/l
Nitrite	$\pm 15\%$ at ≥ 0.4 mg/l
Selenium	$\pm 20\%$ at ≥ 0.01 mg/l
Thallium	$\pm 30\%$ at ≥ 0.002 mg/l

¹ The arsenic acceptance limit criteria becomes effective January 23, 2006.

Lead: ± 30 percent of the actual amount in the Performance Evaluation sample when the actual amount is greater than or equal to 0.005 mg/L. The Practical Quantitation Level, or PQL for lead is 0.005 mg/L.

Copper: ± 10 percent of the actual amount in the Performance Evaluation sample when the actual amount is greater than or equal to 0.050 mg/L. The Practical Quantitation Level, or PQL for copper is 0.03 mg/L.

Achieve method detection limits as follows for lead and copper:

Lead: 0.001 mg/L must be achieved (only if source water compositing is done under S6.23(a)(4)).

Copper: 0.001 mg/L or 0.020 mg/L when atomic absorption direct aspiration is used (only if source water compositing is done under S6.23(a)(4)).

- (C) The Director has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected and analyzed in accordance with the requirements of this subpart for lead and copper monitoring.
- (D) All lead and copper levels measured between the PQL and MDL must be with reported as measured or they can be reported as one-half the PQL (0.0025mg/L). All levels below the lead and copper MDLs must be reported as zero.
- (E) All copper levels measured between the PQL and MDL must be either reported as measured or they can be reported as one-half the PQL (0.015 mg/L). All levels below the copper MDL must be reported as zero.

4. ***Special Inorganic Chemical Monitoring***

- a. System monitoring for the unregulated inorganic contaminant sulfate shall use one of the method(s) identified below:
 - i) EPA Method 300.0, and 375.2.2 are in "Methods for the Determination of Inorganic Substances in Environmental Samples", EPA600/R-93-100, August 1993 Available at NTIS, PB94-121811
 - ii) Method D4327-91 shall be done in accordance with the Annual book of ASTM Standards, 1994, Vol. 11.01 and 11.02, American Society for Testing and Materials, 1961 Race Street, Philadelphia, PA 19103.
 - iii) Method 4110, 4500-SO₄-F and 4500-SO₄-C,D shall be followed in accordance with the Standard Methods for the Examination of Water and Wastewater 18th Edition Supplement, 1992, American Public Health Association. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005. Copies may be inspected at EPA's Drinking Water Docket, 401 M Street, SW., Washington, DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, NW., Site 700, Washington DC.

SECTION II

B. *Volatile Organic Chemistry (VOC's)*

References for Sections 16.2, 16.6, 17.3 and 17.5 of the Regulations

1. *Regulated Volatile Organic Chemicals*

a) *Methodology*

- (i) Public water systems conducting analyses of inorganic chemicals as listed below and as required in Section 16.0 and 17.0 of these regulations shall conduct these analyses in accordance with one of the following analytical methods or their equivalent as determined by EPA:
- aa) Method 502.2 is in "Methods for the Determination of Organic Compounds in Drinking Water, EPA-600/4-88-039, December 1988, Revised, July 1991.
 - bb) Method 551 is in Methods for the Determination of Organic Compounds in Drinking Water--Supplement I, EPA-600-4-90-020, July 1990.
 - cc) Method 524.2 is in Methods for the Determination of Organic Compounds in Drinking Water -- Supplement II, EPA-600/R-92-129, August 1992.

<i>Contaminant</i>	<i>Method</i>
Benzene	502.2, 524.2.
Carbon tetrachloride	502.2, 524.2, 551.
Chlorobenzene	502.2, 524.2
1,2-Dichlorobenzene	502.2, 524.2.
1,4-Dichlorobenzene	502.2, 524.2.
1,2-Dichloroethane	502.2, 524.2.
Cis-Dichloroethylene	502.2, 524.2.
Trans-dichloroethylene	502.2, 524.2.
Dichloromethane	502.2, 524.2.
1,2-Dichloropropane	502.2, 524.2.
Ethylbenzene	502.2, 524.2.
Styrene	502.2, 524.2.
Tetrachloroethylene	502.2, 524.2, 551.
1,1,1-Trichloroethane	502.2, 524.2, 551.

<i>Contaminant</i>	<i>Method</i>
Trichloroethylene	502.2, 524.2, 551.
Toluene	502.2, 524.2.
1,2,4-Trichlorobenzene	502.2, 524.2.
1,1-Dichloroethylene	502.2, 524.2.
1,1,2-Trichloroethane	502.2, 524.2.
Vinyl chloride	502.2, 524.2.
Xylenes (total)	502.2, 524.2.

b. ***Certification Criteria***

- (i) To receive certification to conduct analyses for the contaminants listed in Appendix 1 Section II B (1), above the laboratory must:
- (ii) Analyze Performance Evaluation samples which include these substances provided by EPA Environmental Monitoring Systems Laboratory or equivalent samples provided by the State.
- (iii) Achieve the quantitative acceptance limits under paragraphs (iv) and (v) of this section for at least 80 percent of the regulated organic chemicals listed in ref.
- (iv) Achieve quantitative results on the analyses performed under paragraph (ii) of this section that are within $\pm 20\%$ of the actual amount of the substances in the Performance Evaluation sample when the actual amount is greater than or equal to 0.010 mg/l.
- (v) Achieve quantitative results on the analyses performed under paragraph (ii) of this section that are within $\pm 40\%$ percent of the actual amount of the substances in the Performance Evaluation sample when the actual amount is less than 0.010 mg/l.
- (vi) Achieve a method detection limit of 0.0005 mg/l.
- (vii) To receive certification for vinyl chloride, the laboratory must:
 - aa) Analyze Performance Evaluation samples provided by EPA Environmental Monitoring Systems Laboratory or equivalent samples provided by the State.
 - bb) Achieve quantitative results on the analyses performed under paragraph ref of this section that are within $\pm 40\%$ percent of the actual amount of vinyl chloride in the Performance Evaluation sample.
 - cc) Achieve a method detection limit of 0.0005 mg/l.
 - dd) Obtain certification for the contaminants listed in above.

2. ***Total Trihalomethane Chemistry***

a. ***Methodology***

- i) Sampling and analyses made pursuant to Section 16.0 shall be conducted by the total trihalomethane methods as listed below and in Technical Notes on Drinking Water Methods, EPA-600/R-94-173, October 1994, which is available at NTIS PB95-104766.
 - aa) Method 502.2 is in "Methods for the Determination of Organic Compounds in Drinking Water, EPA-600/4-88-039, December 1988, Revised, July 1991.
 - bb) Method 551 is in Methods for the Determination of Organic Compounds in Drinking Water--Supplement I, EPA-600-4-90-020, July 1990.
 - cc) Method 524.2 is in Methods for the Determination of Organic Compounds in Drinking Water -- Supplement II, EPA-600/R-92-129, August 1992.

3. ***Unregulated Contaminants and Special Monitoring***

a. ***Unregulated Volatile Organic Contaminants Methodology***

- i) Analysis for the unregulated contaminants listed in Section 16.6 shall be conducted using EPA Methods 502.2 or 524.2, or their equivalent as determined by EPA, except analysis for bromodichloromethane, bromoform, chlorodibromomethane and chloroform may be conducted by EPA Method 551, and analysis for 1,2,3-trichloropropane also may be conducted by EPA Method 504.1. A source for the EPA methods is listed below:
 - aa) Method 502.2 is in "Methods for the Determination of Organic Compounds in Drinking Water, EPA-600/4-88-039, December 1988, Revised, July 1991.
 - bb) Method 524.2 is in Methods for the Determination of Organic Compounds in Drinking Water -- Supplement II, EPA-600/R-92-129, August 1992.
 - cc) Method 551 is in Methods for the Determination of Organic Compounds in Drinking Water--Supplement I, EPA-600-4-90-020, July 1990.
 - dd) EPA Method 504.1 is available from US EPA EMSL, Cincinnati OH 45268.

4. ***Compositing of Samples:***

All samples must be composited in the laboratory and analyzed within fourteen (14) days of collection.

- a. The following procedure must be followed for the compositing samples prior to GC analysis.
 - i) Add 5 ml or equal larger amounts of each sample (up to 5 samples are allowed) to a 25 ml glass syringe. Special precautions must be made to maintain zero headspace in the syringe.
 - ii) The samples must be cooled at 4°C during this step to minimize volatilization losses.

- iii) Mix well and draw out a 5-ml aliquot for analysis.
 - iv) Follow sample introduction, purging, and desorption steps described in the method.
 - v) If less than five samples are used for compositing, a proportionately small syringe may be used.
- b. The following procedure must be followed for the compositing samples prior to GC/MS analysis.
- i) Inject 5-ml or equal larger amounts of each aqueous sample (up to 5 samples are allowed) into a 25-ml purging device using the sample introduction technique described in the method.
 - ii) The total volume of the sample in the purging device must be 25 ml.
 - iii) Purge and desorb as described in the method.

SECTION II

C. *Synthetic Organic Chemistry (SOC's)*

References for Sections 16.2, 16.7, 17.3 and 17.5 of the Regulations

1. *Regulated Synthetic Organic Chemicals*

a. *Methodology*

- (i) Public water systems conducting analyses of the inorganic chemicals listed below as required in Section 16.0 and 17.0 of these regulations shall conduct these analyses in accordance with one of the following analytical methods or their equivalent as determined by EPA.
- (ii) Methods 505, 507, 508, 508A, 515.1 and 531.1 are in "Methods for the Determination of Organic Compounds in Drinking Water, EPA-600/4-88-039, December 1988, Revised, July 1991.
- (iii) Methods 506, 547, 550, 550.1 and 551 are in Methods for the Determination of Organic Compounds in Drinking Water--Supplement I, EPA-600-4-90-020, July 1990.
- (iv) Methods 515.2, 524.2, 548.1, 549.1, 552.1 and 555 are in Methods for the Determination of Organic Compounds in Drinking Water -- Supplement II, EPA-600/R-92-129, August 1992.
- (v) Method 1613 is titled "Tetra-through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS", EPA-821-B-94-005, October 1994.

The documents referenced in items ii to v above are available from the National Technical Information Service, NTIS PB91-231480, PB91-146027, PB92-207703 and PB95-104774, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

- vi) EPA Methods 504.1, 508.1 and 525.2 are available from US EPA EMSL, Cincinnati OH 45268.
- vii) Methods 6651 and 6610 shall be followed in accordance with the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1992, American Public Health Association. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street NW., Washington DC 20005. Copies may be inspected at EPA's Drinking Water Docket, 401 M Street, SW., Washington, DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

Other analytical test procedures are contained in Technical Notes on Drinking Water Methods, EPA-600/R-94-173, October 1994, NTIS PB95-104766. This document also contains approved analytical methods which will not be acceptable after July 1, 1996.

Synthetic Organic Chemicals

<i>Contaminant</i>	<i>Method</i>
2,3,7,8-TCDD (dioxin)	1613
2,4-D	515.2, 555, 515.1.
2,4,5-TP (Silvex)	515.2, 555, 515.1.
Alachlor	505 ¹ , 507, 525.2, 508.1.
Atrazine	505 ¹ , 507, 525.2, 508.1.
Benzo(a)pyrene	525.2, 550, 550.1.
Carbofuran	531.1, 6610.
Chlordane	505, 508, 525.2, 508.1.
Dalapon	552.1, 515.1.
Di(2-ethylhexyl) adipate	506, 525.2.
Di(2-ethylhexyl) phthalate	506, 525.2.
Dibromochloropropane (DBCP)	504.1, 551.
Dinoseb	515.2, 555, 515.1.
Diquat	549.1.
Endothall	548.1.
Endrin	505, 508, 525.2, 508.1.
Ethylene dibromide (EDB)	504.1, 551.
Glyphosate	547, 6651.
Heptachlor	505, 508, 525.2, 508.1.
Heptachlor Epoxide	505, 508, 525.2, 508.1.
Hexachlorobenzene	505, 508, 525.2, 508.1.
Hexachlorocyclopentadiene	505, 525.2, 508, 508.1.
Lindane	505, 508, 525.2, 508.1.
Methoxychlor	505, 508, 525.2, 508.1.
Oxamyl	531.1, 6610.
PCBs ² (as decachlorobiphenyl)	508A.
(as Aroclors)	505, 508.

<i>Contaminant</i>	<i>Method</i>
Pentachlorophenol	515.2, 525.2, 555, 515.1.
Picloram	515.2, 555, 515.1.
Simazine	505 ¹ , 507, 525.2, 508.1.
Toxaphene	505, 508, 525.2.
Total Trihalomethanes	502.2, 524.2, 551.

¹ A nitrogen-phosphorous detector should be substituted for the electron capture detector in Method 505 (or another approved method should be used) to determine alachlor, atrazine and simazine, if lower detection limits are required.

² PCBs are qualitatively identified as Aroclors and measured for compliance purposes as decachlorobiphenyl.

(ix) Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)

- aa) Analysis for PCBs shall be conducted as follows using either Method 505 or Method 508.
- bb) If PCBs (as one of seven Aroclors) are detected (as designated in this paragraph) in any sample analyzed using Method 505 or 508, the system shall reanalyze the sample using Method 508A to quantitate PCBs (as decachlorobiphenyl).

<i>Aroclor</i>	<i>Detection limit (mg/L)</i>
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

- cc) Compliance with the PCB MCL shall be determined based upon the quantitative results of analysis using Method 508A.

b. **Laboratory Criteria**

i. Analysis under this section shall only be conducted by laboratories that have received certification by EPA or the State and have met the following conditions:

(aa) To receive certification to conduct analyses for the contaminants in B, (SOC's) above the laboratory must:

(i-a) Analyze Performance Evaluation samples which include those substances provided by EPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the State.

(i-b) Achieve quantitative results on the analyses that are within the following acceptance limits:

<i>Contaminant</i>	<i>Acceptance Limits (percent)</i>
Alachlor	±45.
Aldicarb	2 standard deviations
Aldicarb sulfoxide	2 standard deviations
Aldicarb sulfone	2 standard deviations
Atrazine	±45.
Benzo(a)pyrene	2 standard deviations
Carbofuran	±45.
Chlordane	±45.
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Dibromochloropropane (DBCP)	±40
2,3,7,8-TCDD (Dioxin)	2 standard deviations
2,4-D	±50
2,4,5-TP (Silvex)	±50
Di(2-ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	±30
Ethylene dibromide (EDB)	±40
Glyphosate	2 standard deviations

<i>Contaminant</i>	<i>Acceptance Limits (percent)</i>
Heptachlor	+45
Heptachlor epoxide	+45
Hexachlorobenzene	2 standard deviations
Hexachloro-cyclopentadiene	2 standard deviations
Lindane	+45
Methoxychlor	+45
Oxamyl	2 standard deviations
PCBs (as Decachlorobiphenyl)	0-200
Picloram	2 standard deviations
Pentachlorophenol	+50
Simazine	2 standard deviations
Toxaphene	+45
2,4,5-TP (Silvex)	+50

- (bb) Detection shall be defined as greater than or equal to the following concentrations for each contaminant:

<i>Contaminant</i>	<i>Detection Limit (mg/L)</i>
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Benzo(a)pyrene	0.00002
Carbofuran	0.0009
Chlordane	0.0002
Dalapon	0.001
Di(2-ethylhexyl)adipate	0.0006
Dibromochloropropane (DBCP)	0.00002
2,3,7,8-TCDD (Dioxin)	0.000000005
2,4-D	0.0001
2,4,5-TP (Silvex)	0.0002

<i>Contaminant</i>	<i>Detection Limit (mg/L)</i>
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
Endothall	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachloro-cyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
PCBs (as Decachlorobiphenyl)	0.0001
Picloram	0.0001
Pentachlorophenol	0.00004
Simazine	0.00007
Toxaphene	0.001

2. ***Special Monitoring***

a. ***Methodology***

- i) Systems shall monitor for the unregulated organic contaminants listed in 16.7 and referenced in Section 17.5 using the method(s) identified below and using the analytical test procedures contained in Technical Notes on Drinking Water Methods, EPA-600/R-94-173, October 1994, which is available at NTIS, PB95-104766.

<i>Contaminants</i>	<i>Method</i>
aldicarb	531.1, 6610.
aldicarb sulfone	531.1, 6610.
aldicarb sulfoxide	531.1, 6610.
aldrin	505, 508, 525.2, 508.1
butachlor	507, 525.2
carbaryl	531.1, 6610.
dicamba	515.2, 555, 515.1.
dieldrin	505, 508, 525.2, 508.1
3-hydroxycarbofuran	531.1, 6610.
methomyl	531.1, 6610.
metolachlor	507, 525.2, 508.1.
metribuzin	507, 525.2, 508.1.
propachlor	508, 525.2, 508.1.

ii) Methods 505, 507, 508, 515.1 and 531.1 are in "Methods for the Determination of Organic Compounds in Drinking Water, EPA-600/4-88-039, December 1988, Revised, July 1991.

iii) Methods 515.2, and 555 are in Methods for the Determination of Organic Compounds in Drinking Water -- Supplement II, EPA-600/R-92-129, August 1992.

The documents referenced in ii & iii above, are available from the National Technical Information Service, NTIS PB91-231480, PB91-146027, PB92-207703 and PB95-104774, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

iv) Method 6610 shall be followed in accordance with the Standard Methods for the Examination of Water and Wastewater 18th Edition Supplement, 1994, American Public Health Association. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005. Copies may be inspected at EPA's Drinking Water Docket, 401 M Street, SW., Washington, DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, NW., Site 700, Washington DC.

v) EPA Methods 508.1 and 525.2 are available from US EPA EMSL, Cincinnati OH 45268.

SECTION II

D. *Radiological Chemistry*

Reference for Section 16.5 of the Regulations.

1. The methods specified in Interim Radiochemical Methodology for Drinking Water, Environmental Monitoring and Support Laboratory, EPA-600/4-75-008, USEPA, Cincinnati, Ohio 45268, or those listed below, are to be used to determine compliance with S16.5 (radioactivity) except in cases where alternative methods have been approved by the Director.
 - a) Gross Alpha and Beta-Method 302 "Gross Alpha and Beta Radioactivity in Water" Standard Methods for the Examination of Water and Wastewater, 13th Edition, American Public Health Association, New York, NY.,1971.
 - b) Total Radium--Method 304 "Radium in Water by Precipitation" Ibid.
 - c) Radium-226--Method 305 "radium-226 by Radon in Water" Ibid.
 - d) Strontium-89, 90 -- Method 303 "Total Strontium and Strontium-90 in Water" Ibid.
 - e) Tritium--Method 306 "Tritium in Water" Ibid.
 - f) Cesium-134 -- ASTM D-2459 "Gamma Spectrometry in Water, " 1975 Annual Book of ASTM Standards, water and Atmospheric Analysis, Part 31, American Society for Testing and Materials, Philadelphia, PA. (1975).
 - g) Uranium-ASTM D-2907 "Microquantities of Uranium in Water by Fluorometry," Ibid.
2. When the identification and measurement of radionuclides other than those listed in paragraph (1) of this section is required, the following references are to be used, except in cases where alternative methods have been approved by the Director.
 - a) Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions, H.L. Krieger and S. Gold, EPA-R4-73-014. USEPA, Cincinnati, Ohio, May 1973.
 - b) HASL Procedure Manual, Edited by John H. Harley. HASL 300, ERDA Health and Safety Laboratory, New York, NY., 1973.
3. For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit shall be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96σ where σ is the standard deviation of the net counting rate of the sample).
 - a) To determine compliance with 16.5 (b) and 16.5 (c), the detection limit shall not exceed the concentrations in Table B.

TABLE B--Detection Limits for Gross Alpha Particle Activity, Radium 226, Radium 228, and Uranium

<i>Contaminant</i>	<i>Detection Limit</i>
Gross alpha particle activity	3 pCi/l
Radium 226	1 pCi/l
Radium 228	1 pCi/l
Uranium	1 ug/L

For monitoring data collected prior to December 8, 2003, the following detection limits apply: gross alpha particle activity 1.5 pCi/L, combined radium 0.5 pCi/L, uranium-none applicable.

- b) To determine compliance with 16.5 (d), Man-made Beta Particle and Photon Emitters, the detection limits shall not exceed the concentrations listed in Table C.

TABLE C--Detection Limits for Man-made Beta Particle and Photon Emitters

<i>Radionuclide</i>	<i>Detection Limit</i>
Tritium	1,000 pCi/l
Strontium-89	10 pCi/l
Strontium-90	2 pCi/l
Iodine-131	1 pCi/l
Cesium-134	10 pCi/l
Gross beta	4 pCi/l
Other radionuclides	1/10 of the applicable limit

- c) To judge compliance with the maximum contaminant levels listed in 16.5 (b), (c), and (d), averages of data shall be used and shall be rounded to the same number of significant figures as the maximum contaminant level for the substance in question.

APPENDIX 2

RESERVED.

APPENDIX 3 DWQ PENALTY MATRIX (1)

The Division of Drinking Water Quality has classified its regulations into the following three categories for use when assessing Administrative Penalties:

Categories *

Category I Penalty Range \$1,000 - \$5,000/day/violation

These types of violation have a direct impact on public health and will be given a high priority.

- ➔ Exceeding any MCL including
 - Bacteria
 - Inorganic
 - Pesticides/Organic
 - Turbidity
 - Radiological
- ➔ Failure to maintain required chlorine residual
- ➔ Failure to adhere to new source approval requirements/plan requirements

Category II Penalty Range \$100 - \$1000/day/violation

These types of violations/noncompliance, also have a direct impact on public health but are mainly noncompliance with technical safeguards.

- ➔ Failure to monitor as required
- ➔ Failure to comply with reporting requirements
- ➔ Failure to make public notice as required
- ➔ Failure to notify DWQ within 48 hrs after confirmation check samples reveal MCL violations
- ➔ Denial of right of entry provisions
- ➔ Failure to comply with operators certification requirements

Category III Penalty Range \$100 - \$300/day/violation

These types of violations have an indirect impact on public health and are generally related to poor record keeping.

- ➔ Failure to submit monitoring reports (monitoring was done but system did not send report to DWQ until it was requested)
- ➔ Late submittal of monitoring reports
- ➔ Failure to keep required records on file as required

* Violation of a Department Order is a separate and additional violation from the violation or violations which gave rise to the issuance of the order, and is given a Base Number of \$1000.00. No distinction should be made between a unilateral order and a consent order for the purpose of assessing administrative penalties.

The above classification is subject to change as the Division gets more experience with the Administrative Penalties regulations. The Legal office will be kept informed of all changes.

DWQ PENALTY MATRIX (2)

<i>Sections R46-13-DWQ</i>	<i>Noncompliance Categories</i>
1.0 <i>Definitions</i>	N/A
2.0 <i>Coverage</i>	I
a) Approval required	I
c) Right of entry	II
3.0 <i>New Water Sources</i>	I
4.0 <i>Approval of Treatment Works, Storage and Pumping Facilities</i>	I
5.0 <i>Filtration and Disinfection</i>	
5.1 General Requirements	
5.2 Criteria for avoiding filtration	II
5.3 Disinfection	I
5.4 Filtration	I
5.5 Analytical and monitoring requirements	II
5.6 Monitoring requirements for systems that do not provide filtration	II
5.7 Monitoring requirements for systems using filtration equipment	II
5.8 Reporting and record keeping requirements	III
6.0 <i>Control of Lead and Copper</i>	
§6.80 General requirements	
§6.81 Applicability of corrosion control treatment steps to small, medium-size and large water systems	I
§6.82 Description of corrosion control treatment requirements	I
§6.83 Source water treatment requirements	I
§6.84 Lead service line replacement requirements	I
§6.85 Public education and supplemental monitoring requirements	II
§6.86 Monitoring requirements for lead and copper in tap water	II
§6.87 Monitoring requirements for water quality parameters	II
§6.88 Source monitoring requirements for lead and copper in water	II
§6.89 Analytical methods	II
§6.90 Reporting requirements	III
§6.91 Record keeping requirements	III
7.0 <i>Connections Between Distribution Systems</i>	II
8.0 <i>Contamination of Tanks</i>	I
8.1 Tanks Connected to Unsafe Supplies	
8.2 Avoidance of Contamination in Tanks	
9.0 <i>Assurance of Safety in Public Supply</i>	II

<i>Sections R46-13-DWQ</i>	<i>Noncompliance Categories</i>
10.0 <i>Correction of Unsafe Conditions</i>	I
11.0 <i>Reports as to Public Supplies</i>	II
12.0 <i>Certified Laboratories</i>	II
13.0 <i>Ground Water Microbiology</i>	II
14.0 <i>Consecutive Water System Monitoring</i>	N/A
15.0 <i>Variances and Exemptions</i>	N/A
16.0 <i>Community Water System Requirements</i>	
Maximum Contaminant levels for 16.1 Inorganic Chemicals	I
16.2 Organic Chemicals	
16.3 Turbidity	
16.4 Microbiological	
16.5 Radioactivity	
Monitoring Requirements, Analytical Techniques, and Monitoring Frequency for 16.1, 16.2, 16.3, 16.4, 16.5, 16.6 and 16.7	II II
16.8 Public Notification	II
16.9 Records	III
17.0 <i>Non-Community Water System Requirements</i>	
Maximum Contaminant levels for	I
17.1 Microbiological	
17.2 Inorganic Chemicals	
17.3 Organic Chemicals	
17.4 Turbidity	
Monitoring Requirements, Analytical Techniques and Monitoring Frequency for 17.1, 17.2, 17.3, 17.4 and 17.5	II
17.6 Public Notification	II
17.7 Records	III

DWQ PENALTY MATRIX (3)

18.0	<i>Fee Schedule</i>	N/A
19.0	<i>Rules Governing Practices and Procedures</i>	N/A
20.0	<i>Violations, Noncompliance, and Enforcement</i>	
21.0	<i>Severability</i>	N/A
<i>Other Areas of Non-Compliance</i>		
	Violations of approval letter requirements	I
	Contamination incidents	I
	Non-compliance with orders	I

DWQ PENALTY MATRIX (4)
PWSS Civil or Complaint for Penalty Calculation Work Sheet

DATE / /

PWS Name or Owner Name
PWS ID#
LOCATION

Violation Cited

- I. Calculate Statutory Maximum Penalty
(A) Length of Violation (in days)
(B) Maximum Penalty _____
Civil Penalty - \$5,000/day

Statutory Maximum Penalty

- II. Calculate Economic Benefit Component
1. Estimate avoided and delayed costs through reasonable methodology.
This must be documented.

III. ***Calculate Gravity Component***

2. **BASE NUMBER** _____
3. Impact (+ or -) _____
4. Extent (+ or -) _____
5. # of Violations (+ or -) _____
6. **GRAVITY BASE NUMBER**
(Total lines 2,3,4 and 5) _____
**(Total must be within class range)
7. **NUMBER OF DAYS** (If applicable . . .) _____
(Must be at least one)
8. **TOTAL GRAVITY BASE NUMBER**
(Multiply 6 by 7) _____
9. **PRELIMINARY SETTLEMENT AMOUNT** _____
(Economic Benefit + Gravity Component)

IV. ***Adjustment Factors TO TOTAL GRAVITY BASE NUMBER***

10. History of Violations (+) 0 to 50% _____%
11. Lack of Good Faith (+) 0 to 100% ... _____%
12. Financial Condition (+ or -) 0 to 50% _____%
13. Public Interest (+ or -) 0 to 50% _____%
14. Special Circumstances (+ or -) 0 to 50% _____%
15. Litigation Considerations (-) 0 to 90% _____%

TOTAL PERCENTAGE ADJUSTMENTS

16. (Add lines 10 thru 15) _____%
17. **MULTIPLY LINE 16 BY LINE 8** \$
18. Enforcement Costs \$

V. ***Final Settlement Amount***

19. **TOTAL PENALTY** (Add lines 1,8,17 and 18) . . . \$

COMMENTS (Briefly note reason for any adjustments)

APPENDIX 4

List of Potential Sources of Groundwater Contamination

- Agricultural related activities (pesticide and fertilizer storage and application, machinery maintenance and fueling)
- Airports-commercial (maintenance and repair, fuel storage)
- Animal care and holding areas (stables, kennels, pet shops)
- Asphalt, coal, tar and concrete companies
- Automotive repair shops
- Automotive body shops
- Auto parts stores
- Beauty salons
- Boat builders and refinishers
- Bus and truck terminals
- Chemical manufacturers
- Construction sites
- Dredge disposal sites
- Dry cleaners
- Food processors (meat packers, dairies, bakeries)
- Fuel oil distributors (product storage, equipment maintenance and storage)
- Funeral homes and cemeteries
- Furniture strippers, refinishers
- Golf courses
- Hotels and motels
- Industrial manufacturers
- Junkyard and salvage yards
- Land application of sewage sludge
- Landfills and dumps
- Laundromats
- Machine shops
- Medical facilities (hospitals, clinics, laboratories)
- Metal and drum cleaning/reconditioning
- Military facilities (past and present)
- Nurseries
- Nursing homes
- Paint shops
- Photographic processors
- Pipelines (oil and sewer)
- Printers and blueprint shops
- Prisons
- Railroad yards
- Repair shops (engines, appliances, etc.)
- Research laboratories
- Residential development (lawn care, septic systems)
- Restaurants and taverns
- Retail shopping centers, malls
- Road salt storage
- Rust proofers
- Sand and gravel mining operations
- Sawmills
- Schools, colleges and trade centers
- Service stations (gas stations)
- Storm water management facilities (leaching systems)

APPENDIX 4

List of Potential Sources of Groundwater Contamination

- ➔ Transmission line rights of way
- ➔ Transportation corridors (road deicing, materials transport)
- ➔ Utility substations/transformers
- ➔ Waste storage, treatment and recycling (hazardous and non-hazardous)
- ➔ Water transfer stations
- ➔ Wastewater treatment plants (past or present sludge disposal)
- ➔ Wood preservers

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Friday, December 17, 2004