

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 4. DEPARTMENT OF ENVIRONMENTAL QUALITY SAFE DRINKING WATER

[R08-215]

PREAMBLE

1. Articles and Sections Affected

Rulemaking Action

Article 1	Amend
R18-4-101	Repeal
R18-4-101	New Section
R18-4-102	Repeal
R18-4-102	New Section
R18-4-103	Repeal
R18-4-103	New Section
R18-4-104	Repeal
R18-4-104	New Section
R18-4-105	Repeal
R18-4-105	New Section
R18-4-106	Repeal
R18-4-106	New Section
R18-4-107	Repeal
R18-4-107	New Section
R18-4-108	Repeal
R18-4-108	New Section
R18-4-109	Repeal
R18-4-109	New Section
R18-4-110	Repeal
R18-4-110	New Section
R18-4-111	Repeal
R18-4-111	New Section
R18-4-112	Repeal
R18-4-112	New Section
R18-4-113	Repeal
R18-4-113	New Section
R18-4-114	Repeal
R18-4-114	New Section
R18-4-115	Repeal
R18-4-116	Repeal
R18-4-117	Repeal
R18-4-117	New Section
R18-4-118	Repeal
R18-4-118	New Section
R18-4-119	Repeal
R18-4-119	New Section
R18-4-120	Repeal
R18-4-121	Repeal
R18-4-121	New Section
R18-4-122	Repeal

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R18-4-122	New Section
R18-4-123	Renumber
R18-4-123	New Section
R18-4-124	Renumber
R18-4-124	New Section
R18-4-125	Renumber
R18-4-125	New Section
Appendix A	Repeal
Article 2	Amend
R18-4-201	Repeal
R18-4-201	Renumber
R18-4-202	Repeal
R18-4-202	Renumber
R18-4-202	Amend
R18-4-203	Renumber
R18-4-203	Amend
R18-4-204	Repeal
R18-4-204	Renumber
R18-4-204	Amend
R18-4-205	Repeal
R18-4-205	Renumber
R18-4-205	Amend
R18-4-206	Repeal
R18-4-206	Renumber
R18-4-206	Amend
R18-4-207	Repeal
R18-4-207	Renumber
R18-4-207	Amend
R18-4-208	Repeal
R18-4-208	Renumber
R18-4-208	Amend
R18-4-209	Repeal
R18-4-209	Renumber
R18-4-210	Renumber
R18-4-211	Repeal
R18-4-211	Renumber
R18-4-211	Amend
R18-4-212	Repeal
R18-4-212	Renumber
R18-4-212	Amend
Table 1	Renumber
R18-4-213	Repeal
R18-4-213	Renumber
R18-4-213	Amend
R18-4-214	Repeal
R18-4-214	Renumber
R18-4-214	Amend
R18-4-214.01	Repeal
R18-4-214.02	Repeal
R18-4-215	Repeal
R18-4-215	Renumber
R18-4-216	Repeal
R18-4-216	Renumber
R18-4-217	Repeal
R18-4-217	Renumber
R18-4-218	Repeal
R18-4-218	Renumber
R18-4-218	Amend
R18-4-219	Repeal
R18-4-219	Renumber
R18-4-219	Amend
R18-4-220	Repeal
R18-4-221	Renumber
R18-4-222	Renumber
R18-4-224	Renumber

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R18-4-225	Renumber
R18-4-226	Renumber
Article 3	Amend
R18-4-301	Repeal
R18-4-301	Renumber
R18-4-301	Amend
R18-4-301.01	Renumber
Table 1	Renumber
R18-4-301.02	Repeal
R18-4-302	Repeal
R18-4-302	New Section
R18-4-303	Repeal
R18-4-303	New Section
R18-4-304	Repeal
R18-4-304	Renumber
R18-4-305	Renumber
R18-4-305	Amend
R18-4-306	Repeal
R18-4-307	Repeal
R18-4-308	Repeal
R18-4-309	Repeal
R18-4-310	Repeal
R18-4-311	Repeal
R18-4-312	Repeal
R18-4-313	Repeal
R18-4-314	Repeal
R18-4-315	Repeal
R18-4-316	Repeal
R18-4-317	Repeal
Appendix A	Repeal
Appendix B	Repeal
Article 4	Repeal
R18-4-401	Repeal
R18-4-402	Repeal
R18-4-403	Repeal
Article 7	Repeal
R18-4-701	Repeal
R18-4-702	Repeal
R18-4-703	Repeal
R18-4-704	Repeal
R18-4-705	Repeal
R18-4-706	Repeal
R18-4-707	Repeal
R18-4-708	Repeal
R18-4-709	Repeal
R18-4-710	Repeal
R18-4-801	Repeal

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. Title 49, Chapter 2, Article 9, and the Safe Drinking Water Act, 42 U.S.C. 300f through 300j-26

Implementing statutes: A.R.S. §§ 49-351, 49-352, 49-353, 49-353.01, 49-360

3. The effective date of the rules:

August 30, 2008

4. A list of all previous notices appearing in the Register addressing the final rulemaking:

Notice of Rulemaking Docket Opening: 13 A.A.R. 2688, August 3, 2007

Notice of Rulemaking Docket Opening: 14 A.A.R. 752, March 7, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 567, February 29, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 749, March 7, 2008

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

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6. An explanation of the rule, including the agency's reasons for initiating the rulemaking:

A. Background and Summary for Proposed Rules

A.R.S. § 49-353(A)(2)(a) states that ADEQ shall develop rules that meet the “requirements established by the United States environmental protection agency for state primary enforcement responsibility of the safe drinking water act, including the requirements of 40 Code of Federal Regulations parts 141 and 142.”

The Department proposes this rulemaking for the purpose of maintaining primary enforcement authority of the Safe Drinking Water Act (“Act”) for public water systems in Arizona, pursuant to Section 1413 of the Act (42 U.S.C. 300g-2) and 40 CFR 142, Subpart B, which contains the rules concerning primary enforcement responsibility promulgated by the U.S. Environmental Protection Agency (“EPA”).

Arizona was initially granted primacy of the Act in 1978 (public notice published at 43 FR 38,083 (1978)). Since that time, Arizona has maintained primacy, and periodically revises its drinking water rules in 18 A.A.C. 4 to keep its rules consistent with EPA’s National Primary Drinking Water Regulations (“NPDWRs”) in 40 CFR 141.

This rulemaking does more than update the Department’s drinking water rules in Title 18, Chapter 4 of the *Arizona Administrative Code*; it revises the entire Chapter, restructuring the rules so that they mirror the organization of the federal drinking water rules, and incorporates many of the federal rules by reference. This reorganization will facilitate review and approval of Arizona’s rules by applicable state and federal entities, and will allow the Department to redirect staff resources previously spent on rule development and primacy work to other program areas in need of assistance, such as assisting public water systems to comply with the regulatory requirements in the rules. Although the new organization of 18 A.A.C. 4 will require that stakeholders have copies of the federal rules as well as the state rules, the Department plans to provide an unofficial electronic version of the rules to stakeholders that contains both the state rule text and the incorporated federal rule text, as revised by the Department’s proposed rules, to facilitate use of the revised rules. Another benefit of the incorporation by reference will be to facilitate use of guidance documents EPA creates for its drinking water rules, due to the parallel format of the state and federal rules.

The rules have been numbered or labeled in a specific manner and order that is designed to facilitate use of the rules by persons affected by the rules (a label is the number or letter assigned to rules or Sections within the *Arizona Administrative Code*.) The organization of the drinking water rules mirrors the organization of the federal rules; there is a corresponding state Section for each federal Section, in the same order, using the same heading, with the corresponding federal rule citation at the end of the heading. This format will also facilitate future rule amendments, since the Department can merely amend the corresponding rule that is amended by EPA, without having to renumber the rules.

B. Incorporation by Reference

Pursuant to A.R.S. § 41-1028, a state agency “may incorporate by reference in its rules, and without publishing the incorporated matter in full, all or any part of a code, standard, rule or regulation of an agency of the United States or of this state or a nationally recognized organization or association, if incorporation of its text in agency rules would be unduly cumbersome, expensive or otherwise inexpedient.” Since Arizona is required to adopt state regulations that are no less stringent than EPA’s NPDWRs (40 CFR 141) in order to retain primacy under 40 CFR 142.10(a), the Department has decided to forego the time and effort involved in restating the federal regulations in state rule language, which has become increasingly difficult due to the increasing complexity of the federal regulations.

The Department plans to incorporate the federal safe drinking water rules by reference, rather than pursue its past strategy of attempting to translate the federal rules into plain English. The practice has proved to be too time-consuming, due in part to the procedural work involved in getting both federal and state rule review agencies to approve the rules (EPA and G.R.R.C.)

In the past, the Department has chosen not to incorporate the federal drinking water rules by reference into the *Arizona Administrative Code*. The primary argument against incorporation in the past was that by attempting to translate the federal rules into plain English, our rules would be more clear and concise, as required under Arizona’s administrative procedure act. Although this was an admirable goal, the practice has caused unanticipated problems. In order to maintain primacy of the safe drinking water program, the state’s drinking water standards, monitoring requirements, treatment techniques, and other regulations must be as stringent as the federal rules. However, changing the federal rule text to make it more clear and concise, and structuring and organizing our rules differently than the federal rules, has made it difficult for EPA staff to assess whether ADEQ’s rules are as equivalent to and as stringent as the federal rules, resulting in protracted negotiations between ADEQ and EPA staff regarding stringency, backsliding,

and other issues. In order to gain EPA approval, ADEQ at times has agreed to utilize EPA's rule language, which has caused problems obtaining approval by G.R.R.C., since the rules were not clear, concise, and understandable.

In addition to the problems referenced above, EPA's drinking water rules are becoming increasingly complex, and contain numerous cross-references that make updating the state rules ever more difficult. Rather than continue expending the effort required to translate the federal rules into plain English, the Department has decided that it would be more prudent to invest the agency's scarce resources where they would realize a greater return. For these reasons, the Department has decided to incorporate the federal safe drinking water rules by reference, thereby freeing resources which can then be spent on more productive efforts, such as providing guidance and assistance to public water systems.

C. Organizational Structure

Following is a brief synopsis of the reorganization of 18 A.A.C. 4, as proposed in this rulemaking:

- Article 1 – National Primary Drinking Water Regulations
- Article 2 – State Drinking Water Regulations
- Article 3 – Monitoring Assistance Program
- Article 4 – Repealed
- Article 5 – Recodified
- Article 6 – Capacity Development
- Article 7 – Repealed
- Article 8 – Technical Assistance

The Department decided on this organizational structure for numerous reasons, including facilitating citations to specific rules and to facilitate future rule changes. Each Subpart (A through W) in 40 CFR 141 has a corresponding Section in 18 A.A.C. 4, Article 1. The rules appear in the same order; even the names of the rules are identical to the corresponding federal Subparts, and the federal citations are included in the state rule titles, which will greatly facilitate locating the state equivalent to the applicable federal rule. Most of the rules are incorporated without modification, the major exception being R18-4-103(C), the variances and exemptions rule, which incorporates large sections of 40 CFR 142 and the variance and exemption requirements from the Act into one state rule. Several rules related to environmental laboratories are also modified, since in Arizona, the Arizona Department of Health Services has statutory authority for the regulation of environmental laboratories, pursuant to A.R.S. § 36-495.01.

D. Retained State Rules

Most of the rules in 18 A.A.C. 4, Articles 1, 2, 3, and 7, are being repealed, since they would be duplicative of the federal rules being incorporated by reference. However, the following rules are being retained by this rulemaking, since there are no federal rules that contain the same requirements (this is a summary, not a comprehensive listing of changes):

- R18-4-201, formerly R18-4-121, Enforcement. This Section is being retained without change.
- R18-4-202, formerly R18-4-114, Certified Operators.
- R18-4-203, formerly R18-4-124, Operation and Maintenance.
- R18-4-204, formerly R18-4-116, Emergency Operations Plans.
- R18-4-205, formerly R18-4-108, Sample collection, Preservation, and Transportation.
- R18-4-206, formerly R18-4-120, Monitoring and Sampling by the Department and MAP Contractors.
- R18-4-207, formerly R18-4-122, Entry and Inspection of Public Water Systems. This Section is being amended by adding an incorporation by reference of 40 CFR 142.34(a); the existing reference to A.R.S. § 41-1009 is being retained.
- R18-4-208, formerly R18-4-118, Sanitary Surveys. This Section is being reformatting in a manner that makes it more clear and concise.
- R18-4-209, formerly R18-4-117, Unsafe Supplies.
- R18-4-210, formerly R18-4-203, Total Coliform; Special Events.
- R18-4-211, formerly R18-4-104, Reporting Requirements (only parts of this Section are being retained.)
- R18-4-212, formerly R18-4-301.01, Groundwater Under the Direct Influence of Surface Water.
- R18-4-213, formerly R18-4-119, Standards for Additives, Materials, and Equipment. The italicized quoted statutory language is being updated to reflect the 2006 legislative changes to A.R.S. § 49-353.01.
- R18-4-214, formerly R18-4-125, Hauled Water.

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- R18-4-215, formerly R18-4-115, Backflow Prevention.
- R18-4-216, formerly R18-4-216, Vending Machines.
- R18-4-217, formerly R18-4-221, Use of Blending to Achieve Compliance with Maximum Contaminant Levels.
- R18-4-218, formerly R18-4-222, Criteria and Procedures for Public Water Systems Using Point-of-entry or Point-of-use Treatment Devices.
- R18-4-219, formerly R18-4-112, Exclusions. R18-4-109 through R18-4-111, the Department's current variance and exemption rules, are being replaced with a combination of EPA's variance and exemption rules. This Section is being retained, since it applies to nonfederal regulatory requirements.
- Article 3, Monitoring Assistance Program. This Article is being created to consolidate the rules related to the Monitoring Assistance Program in one location.
- R18-4-301, formerly R18-4-224, Applicability.
- R18-4-302, Contractor Responsibilities. This is a new Section that clarifies the legal responsibilities of MAP contractors.
- R18-4-303, formerly R18-4-224, Public Water System Responsibilities. This is a new Section that clarifies the legal responsibilities of PWSs participating in MAP.
- R18-4-304, formerly R18-4-225, Fees for the Monitoring Assistance Program.
- R18-4-305, formerly R18-4-226, Collection and Payment of Fees.

E. "New" Federal Rules

This rulemaking incorporates the following federal rules in Arizona's drinking water rules for the first time (federal drinking water rules previously promulgated by EPA were already adopted by ADEQ), although public water systems already are required to comply:

- Radionuclides Rule; Final Rule, 65 FR 76708 (2000);
- Filter Backwash Recycling Rule; Final Rule, 66 FR 31086 (2001);
- Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring Rule; Final Rule, 66 FR 6976 (2001), as clarified at 68 FR 14502 (2003);
- Long Term 1 Enhanced Surface Water Treatment Rule; Final Rule, 67 FR 1812 (2002);
- Stage 2 Disinfectants and Disinfection Byproducts Rule; 71 FR 477 (Jan. 4, 2006), as corrected at 71 FR 4644 (Jan. 27, 2006);
- Long Term 2 Enhanced Surface Water Treatment Rule; 71 FR 654 (Jan. 5, 2006), as corrected at 71 FR 4968 (Jan. 30, 2006);
- Ground Water Rule; 71 FR 65574 (Nov. 8, 2006); and
- Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions; 72 FR 368 (Jan. 4, 2007).

1. Radionuclides Rule

On December 7, 2000, EPA Published revisions to the Radionuclides Rule that will require that customers of all community water systems receive water that meets the maximum contaminant levels for radionuclides in drinking water. This rulemaking updates the state rules to include changes in the National Primary Drinking Water Regulations and affects those parts of 18 A.A.C. 4 that are related to the regulation of radionuclides in Arizona's drinking water.

2. Arsenic Rule

On January 22, 2001, EPA published the Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring rule for the purpose of promulgating a new and more stringent standard for arsenic as well as monitoring revisions for inorganic, volatile organic, and synthetic organic contaminants to ensure that customers of all community water systems and nontransient, noncommunity water systems receive cleaner drinking water. EPA also promulgated an associated rulemaking, the Minor Clarification of National Primary Drinking Water Regulation for Arsenic to clarify the numerical value of the new arsenic standard. The rule will improve public health by reducing exposure to arsenic in drinking water. In addition to revising the arsenic standard, EPA published clarifications for monitoring and compliance determination provisions for inorganic contaminants (IOCs), volatile organic contaminants (VOCs), and synthetic organic contaminants (SOCs). The clarifications for IOCs, VOCs, and SOCs address calculation of compliance when a water system fails to collect the required number of samples, and also address monitoring and demonstration of compliance provisions for new public water systems or new sources of drinking water.

3. Filter Backwash Recycling Rule

On June 8, 2001, the EPA published the Filter Backwash Recycling Rule that has never before been in regulation for the purpose of requiring public water systems that recycle filter backwash water to return specific recycle flows through all processes of the water system's existing conventional or direct filtration system or at an alternate location approved by ADEQ. Implementation of this rule will improve public health protection for customers of public water systems that use surface water or ground water under the direct influence of surface water, practice conventional or direct filtration, and recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes. Implementation of this rule will reduce the risk of microbial pathogens such as *Cryptosporidium* that would otherwise pass through the filter backwash water into the finished drinking water.

4. Long Term 1 Enhanced Surface Water Treatment Rule

On January 14, 2002, the EPA published revisions to the Long Term 1 Enhanced Surface Water Treatment Rule that will improve public health protection for customers of public water systems that use surface water or ground water under the direct influence of surface water and serve fewer than 10,000 persons. This rule builds upon the framework established for systems serving a population greater than 10,000 in the Interim Enhanced Surface Water Treatment Rule promulgated by the EPA in 1989. Implementation of the Long Term 1 Enhanced Surface Water Treatment Rule will provide reduced risk of microbial pathogens such as *Cryptosporidium*, disinfection-resistant pathogens, and other waterborne bacterial or viral pathogens in small drinking water systems. In addition, the Long Term 1 Enhanced Surface Water Treatment Rule addresses risk trade-offs with disinfection byproducts to protect against increase in risk from microbial pathogens if systems alter their disinfection practices to meet the new disinfection byproduct standards set under the Stage 1 DBPR promulgated by the EPA in 1998.

5. Stage 2 Disinfectants and Disinfection Byproducts Rule

On January 4, 2006, the EPA published the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR). The purpose of the Stage 2 DBPR is to provide for increased protection against the potential risks for cancer and reproductive and developmental health effects associated with disinfection byproducts (DBPs). The rule contains maximum contaminant level goals (MCLGs) for chloroform, monochloroacetic acid and trichloroacetic acid; maximum contaminant levels (MCLs) and monitoring, reporting, and public notification requirements for total trihalomethanes (TTHM) and haloacetic acids (HAA5); and revisions to the reduced monitoring requirements for bromate. The rule also specifies the best available technologies for the final MCLs, and approves additional analytical methods for the determination of disinfectants and DBPs in drinking water. The Stage 2 DBPR will reduce the potential risks of cancer and reproductive and developmental health effects associated with DBPs by reducing peak and average levels of DBPs in drinking water supplies. The Stage 2 DBPR applies to public water systems (PWSs) that are community water systems (CWSs) or nontransient noncommunity water systems (NTNCWs) that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light.

6. Long Term 2 Enhanced Surface Water Treatment Rule

On January 5, 2006, the EPA published the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). The LT2ESWTR requires the use of treatment techniques, along with monitoring, reporting, and public notification requirements, for all public water systems that use surface water sources. The purposes of the rule are to protect public health from illness due to *Cryptosporidium* and other microbial pathogens in drinking water, and to address risk-risk trade-offs with the control of disinfection byproducts. Key provisions in the LT2ESWTR include the following: source water monitoring for *Cryptosporidium*, with a screening procedure to reduce monitoring costs for small systems; risk-targeted *Cryptosporidium* treatment by filtered systems with the highest source water *Cryptosporidium* levels; inactivation of *Cryptosporidium* by all unfiltered systems; criteria for the use of *Cryptosporidium* treatment and control processes; and covering or treating uncovered finished water storage facilities. Implementation of the LT2ESWTR will significantly reduce levels of infectious *Cryptosporidium* in finished drinking water, which in turn will substantially lower rates of endemic cryptosporidiosis, the illness caused by *Cryptosporidium*, which can be severe and sometimes fatal in sensitive subpopulations (e.g., infants, people with weakened immune systems). In addition, the treatment technique requirements of this regulation will increase protection against other microbial pathogens like *Giardia lamblia*.

7. Ground Water Rule

On November 8, 2006, the EPA published the Ground Water Rule. The purpose of the rule is to provide for increased protection against microbial pathogens in public water systems that use ground water sources. The rule furthers the provisions of the Safe Drinking Water Act that require EPA to adopt regulations requiring disinfection as a treatment technique for all public water systems, including surface water systems and, as necessary, ground water systems. The Ground Water Rule establishes a risk-targeted approach to target ground water systems that are susceptible to fecal contamination, instead of requiring disinfection for all ground water systems. The occurrence of fecal indicators in a drinking water supply is an indication of the potential presence of microbial pathogens that may pose a threat to public health. The rule requires ground water systems that are at risk of fecal contamination to take corrective action to reduce cases of illnesses and deaths due to exposure to microbial pathogens.

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8. *Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions*

On January 4, 2007, the EPA published the Unregulated Contaminant Monitoring Regulation (UCMR 2) for Public Water Systems Revisions. The Safe Drinking Water Act (SDWA), as amended in 1996, required the EPA to establish a program to monitor unregulated contaminants and to publish a list of contaminants to be monitored every five years. EPA published the first set of contaminants in 1999. This rule meets the SDWA requirement by publishing the next set of unregulated contaminants to be monitored, and the requirements for the monitoring. The rule describes the design for the second Unregulated Contaminant Monitoring Regulation (UCMR) cycle (i.e., UCMR 2) of 2007–2011. EPA is requiring monitoring of 25 chemicals using five different analytical methods. UCMR 2 monitoring will occur during 2008–2010. Implementation of this final rule will benefit the environment by providing EPA and other interested parties with scientifically valid data on the occurrence of these contaminants in drinking water, thereby permitting the assessment of the population potentially being exposed and the levels of that exposure. These data are the primary source of occurrence and exposure data for EPA to determine whether to regulate these contaminants.

F. *Miscellaneous Changes*

In addition to the rule changes the Department is making to keep its rules consistent with federal rules, this rulemaking contains changes that are related to a federal counterpart but are different from the federal regulations; changes that are not related to federal regulations; and various non-substantive changes, including the correction of clerical errors and formatting changes to conform with the Arizona Administrative Procedure Act and the rule drafting requirements of the Arizona Secretary of State.

7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The following documents were available to agency staff and members of the public, and were reviewed and relied upon by agency staff in formulating this rulemaking:

1. EPA rules and associated guidance documents relevant to this rulemaking, including the following (all of the EPA rules and guidance documents referenced below can be downloaded from EPA's drinking water regulations and guidance web page at <http://www.epa.gov/safewater/regs.html>):
 - Radionuclides Rule, 55 FR 76708 (Dec. 7, 2000);
 - Filter Backwash Recycling Rule, 66 FR 31086 (June 8, 2001);
 - Long Term 1 Enhanced Surface Water Treatment Rule, 67 FR 1812 (Jan. 14, 2002);
 - Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring Rule, 66 FR 6976 (Jan. 22, 2001), as clarified at 68 FR 14502 (March 25, 2003);
 - Stage 2 Disinfectants and Disinfection Byproducts Rule: 71 FR 477 (Jan. 4, 2006);
 - Long Term 2 Enhanced Surface Water Treatment Rule: 71 FR 654 (Jan. 5, 2006);
 - Ground Water Rule: 71 FR 65574 (Nov. 8, 2006); and
 - Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions: 72 FR 368 (Jan. 4, 2007).
2. "Preliminary Health Risk Reduction and Cost Analysis Revised National Primary Drinking Water Standards for Radionuclides." U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water and Office of Radiation and Indoor Air; draft of January 2000.
3. "Technologies and Costs for Removal of Arsenic from Drinking Water." U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water, December 2000 (EPA 815-R-00-028).
4. The *Arizona Arsenic Master Plan* (2003), compiled by the Arizona Department of Environmental Quality (ADEQ) with the assistance of Narasimhan Consulting Services, the Water Infrastructure Finance Authority of Arizona, and a variety of stakeholders. The Arsenic Master Plan is available for download from ADEQ's web site at <http://www.azdeq.gov/environ/water/dw/arsenic.html>; it is also available for review at ADEQ's Library/Records Center, Room 140, 1110 W. Washington St., Phoenix, AZ.

8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

The proposed amendments do not diminish a previous grant of authority of a political subdivision of this state.

9. **The summary of the economic, small business, and consumer impact:**

I. GENERAL SUMMARY

A. General Costs of SDWA Rules

By enacting the Safe Drinking Water Act ("SDWA") in 1974, the U.S. Congress for the first time authorized the federal government to establish mandatory and comprehensive national drinking water standards. The goal of the SDWA was to protect the quality of the nation's drinking water and the public health. In 1986 and 1996, Congress substan-

tially amended the SDWA and greatly increased the regulatory responsibilities of the Environmental Protection Agency (“EPA”) and the states. The 1986 and 1996 amendments required much more extensive regulations in the areas of filtration, disinfection, and contaminant monitoring and groundwater protection. The understanding brought about by the enactment of the SDWA in 1974, coupled with heightened public concerns over unchecked toxic chemical contamination of water supplies, resulted in the amendments mandating a major increase in the number of contaminants to be regulated. Since 1996, EPA has amended the federal safe drinking water rules numerous times, adding new contaminants and treatment methods to the regulatory scheme, which must then be adopted by the Arizona Department of Environmental Quality (“ADEQ”) in order to maintain primacy.

The general format of the SDWA regulations is that EPA sets maximum contaminant levels (“MCL”) on contaminants. EPA also sets regulatory criteria that varies according to the size of the user base of the public water system (“PWS”), whether the PWS uses ground water or surface water as the source of its drinking water, and the type of treatment a PWS uses on its source water.

PWSs are required to monitor (sample and test) their water for the listed contaminants, and to submit regular reports to the state agency. If an MCL is exceeded, usually the PWS must retest. A PWS also may need to take corrective action, which may include capital improvements. Another element of the regulatory format is the PWS must compile and publish regular reports (Consumer Confidence Reports) for its customers/users regarding the safety of the drinking water.

B. General Benefits of SDWA Rules

Public health protection constitutes the benefit people derive from ADEQ’s implementation of the safe drinking water rules. Therefore it becomes a matter largely of balancing the risks involved against the costs of attaining optimum conditions for health and safety. The cost of compliance with regulatory requirements has been estimated to be in the millions of dollars; with each new rulemaking, EPA conducts extensive cost-benefit analyses that estimate the cost of implementation to the states.

Clean and safe water for human consumption is undeniably essential for human health. Water that is used for drinking and food preparation is required to be free of contaminants, and people demand that it be aesthetically pleasing as well (appearance and taste.) Potable water is used for many purposes other than direct human consumption; for example, it is needed for the cleaning and processing of innumerable products that are used daily.

C. EIS Information that is Identical for All New Rules

ADEQ has already adopted most of the rules in substance, and is now merely adopting the rules in a different form, so the economic impact should be minimal. Some factors which ADEQ is required to consider pursuant to this economic analysis are identical for each of the several rules being analyzed. In order to avoid duplicative comments, the impacts and benefits for these factors are discussed only one time in Section II; data that is unique to eight new federal rules being incorporated is analyzed in Section III.

II. EIS ELEMENTS APPLICABLE TO ALL RULES

A. Identification of the Rulemaking

18 A.A.C. 4, as proposed in this rulemaking:

- Article 1 – National Primary Drinking Water Regulations
- Article 2 – State Drinking Water Regulations
- Article 3 – Monitoring Assistance Program
- Article 6 – Capacity Development
- Article 8 – Technical Assistance

1. Retained State Rules

Most of the rules in 18 A.A.C. 4, Articles 1, 2, 3, and 7, are being repealed, since they would be duplicative of the federal rules being incorporated by reference. However, the following rules are being retained by this rulemaking, since there are no federal rules that contain the same requirements (this is a summary, not a comprehensive listing of changes):

- R18-4-201, formerly R18-4-121, Enforcement. This rule is being retained without change.
- R18-4-202, formerly R18-4-114, Certified Operators.
- R18-4-203, formerly R18-4-203, Operation and Maintenance.
- R18-4-204, formerly R18-4-116, Emergency Operations Plans.
- R18-4-205, formerly R18-4-108, Sample collection, Preservation, and Transportation.
- R18-4-206, formerly R18-4-120, Monitoring and Sampling by the Department and MAP Contractors.

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- R18-4-207, formerly R18-4-122, Entry and Inspection of Public Water Systems. This rule is being amended by adding an incorporation by reference of 40 CFR 142.34(a); the existing reference to A.R.S. § 41-1009 is being retained.
- R18-4-208, formerly R18-4-118, Sanitary Surveys. This rule is being reformatted in a manner that makes it more clear and concise.
- R18-4-209, formerly R18-4-117, Unsafe Supplies.
- R18-4-210, formerly R18-4-203, Total Coliform; Special Events.
- R18-4-211, formerly R18-4-304, Groundwater Treatment.
- R18-4-212, formerly R18-4-301.01, Groundwater Under the Direct Influence of Surface Water.
- R18-4-213, formerly R18-4-119, Standards for Additives, Materials, and Equipment. The italicized quoted statutory language is being updated to reflect the 2006 legislative changes to A.R.S. § 49-353.01.
- R18-4-214, formerly R18-4-125, Hauled Water.
- R18-4-215, formerly R18-4-115, Backflow Prevention.
- R18-4-216, formerly R18-4-216, Vending Machines.
- R18-4-217, formerly R18-4-221, Use of Blending to Achieve Compliance with Maximum Contaminant Levels.
- R18-4-218, formerly R18-4-222, Criteria and Procedures for Public Water Systems Using Point-of-entry or Point-of-use Treatment Devices.
- R18-4-219, formerly R18-4-112, Exclusions. R18-4-109 through R18-4-111, ADEQ's current variance and exemption rules, are being replaced with a combination of EPA's variance and exemption rules. This rule is being retained, since it applies to nonfederal regulatory requirements.
- Article 3, Monitoring Assistance Program. This Article is being created to consolidate the rules related to the Monitoring Assistance Program in one location.
- R18-4-301, formerly R18-4-224, Applicability.
- R18-4-302, Contractor Responsibilities. This is a new Section that clarifies the legal responsibilities of MAP contractors.
- R18-4-303, formerly R18-4-224, Public Water System Responsibilities. This is a new Section that clarifies the legal responsibilities of PWSs participating in MAP.
- R18-4-304, formerly R18-4-225, Fees for the Monitoring Assistance Program.
- R18-4-305, formerly R18-4-226, Collection and Payment of Fees.

2. "New" Federal Rules

This rulemaking incorporates the following federal drinking water rules previously promulgated by EPA, and already adopted in substance by ADEQ:

- 18 A.A.C. 4, Article 1, Part A, Incorporation by Reference. R18-4-A103 is the Section that references the specific edition of the 40 CFR 141 – 143 that is incorporated by reference in the 18 A.A.C. 4.
- 18 A.A.C. 4, Article 2, Primary Drinking Water Regulations, incorporates by reference 40 CFR 141, the national primary drinking water regulations (there are too many rules to make listing practical, since each subpart and rule in 40 CFR 141, has a corresponding part or rule in 18 A.A.C. 4, Article 2.)
- R18-4-103(C) and (D), Variances and Exemptions, incorporates by reference parts of the following: 40 CFR 141.4; 40 CFR 142.2, 142.20, and Subparts E, F, G, and K; and, the following sections of the Safe Drinking Water Act: 42 U.S.C. 300f, 300g-1, 300g-3, 300g-4, 300g-5 (2004).
- R18-4-207, Entry and Inspection of Public Water Systems, incorporates by reference 40 CFR 142.34(a).
- 18 A.A.C. 4, Article 3, Secondary Drinking Water Regulations, incorporates by reference 40 CFR 143, the national secondary drinking water regulations.

Of the above federal rules incorporated by reference, this rulemaking incorporates the following federal rules in Arizona's drinking water rules for the first time, although public water systems already are required to comply:

- Radionuclides Rule; Final Rule, 65 FR 76,708 (2000);
- Filter Backwash Recycling Rule; Final Rule, 66 FR 31,086 (2001);
- Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring Rule; Final Rule, 66 FR 6,976 (2001), as clarified at 68 FR 1,4502 (2003);

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- Long Term 1 Enhanced Surface Water Treatment Rule; Final Rule, 67 FR 1,812 (2002);
- Stage 2 Disinfectants and Disinfection Byproducts Rule; 71 FR 477 (Jan. 4, 2006), as corrected at 71 FR 4644 (Jan. 27, 2006);
- Long Term 2 Enhanced Surface Water Treatment Rule; 71 FR 654 (Jan. 5, 2006), as corrected at 71 FR 4968 (Jan. 30, 2006);
- Ground Water Rule; 71 FR 65574 (Nov. 8, 2006); and
- Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions; 72 FR 368 (Jan. 4, 2007).

B. Identification of persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking:

Persons to bear costs	Persons to benefit
ADEQ	ADEQ
Arizona Corporation Commission, Utilities Division	Private engineering and consulting entities
Arizona Department of Administration, Governor’s Regulatory Review Council	G.R.R.C., USEPA
Arizona Department of Health Services (ADHS)	
Department of State, Public Services Division	
Residential Utility Consumer Office	
Local governments with delegated responsibilities	
All Public Water Systems (both publicly and privately owned)	
Customers of public water systems	Customers and users of public water systems

C. Cost-Benefit Analyses

1. Probable Costs and Benefits to ADEQ and Other Agencies Directly Affected by the Implementation and Enforcement of the Rulemaking

ADEQ. ADEQ is the primary implementing agency for this rulemaking, and has been designated by EPA as the agency with primary enforcement responsibility for the SDWA in Arizona. State implementation activities include: regulation adoption, program implementation, training state staff, training public water systems’ staff, providing technical assistance to PWSs, updating management systems, managing monitoring data, and compliance and enforcement actions related to the rulemaking. ADEQ is not conducting any studies to determine what its costs will be.

When EPA mandates new rules under the SDWA, ADEQ incurs costs associated with new rules, such as reading and understanding the rule, obtaining primacy, and reviewing and evaluating requirements which a new rule imposes on PWS. There may also be additional ADEQ programming costs related to reporting and recordkeeping requirements, as well as additions to Safe Drinking Water database operation and maintenance protocols, as a result of changes to what public water systems will have to submit to ADEQ. These costs will be absorbed by ADEQ Safe Drinking Water Section’s existing staff and budget. Under ADEQ’s organization, the Drinking Water Section has 22 FTEs. However, approximately 24 FTEs in other sections are involved in ensuring safe drinking water compliance. These other sections include reviewing engineering plans for new or changed water systems and treatment facilities; inspectors performing onsite checks; enforcement; and administrative, financial, and data entry.

Although parts of this rulemaking may require additional compliance assistance, it will be implemented without the addition of new ADEQ staff. This rulemaking implementation would merely be part of ADEQ’s ongoing efforts. As part of overall regulatory enforcement, ADEQ emphasizes education and conducts a number of outreach activities in support of Safe Drinking Water Programs, including workshops and training seminars, which are geared toward water industry professionals and stakeholders. These outreach efforts are already budgeted as part of ADEQ’s ongoing outreach and technical assistance activities.

Arizona Corporation Commission, Utilities Division. The Arizona Corporation Commission (ACC) maintains regulatory authority over private water companies and private sewer companies throughout Arizona, including setting water rates for regulated systems. The Utilities Division makes specific recommendations to the Commissioners to assist them in reaching decisions regarding public utility rates, financial condition and quality of service. The Division conducts research, presents evidence in hearings and contracts with utility rate analysts and expert witnesses in carrying out its responsibilities. The Division also monitors compliance with all Commission decisions. The staff conducts public workshops and other public proceedings on various regulatory topics. The Utilities Division Staff also initiates actions pertaining to utility practices and rates when necessary and in furtherance of the public interest.

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There are presently more than 400 individual water and sewer systems under the ACC's jurisdiction. There are approximately 40 sewer companies and 303 water providers that it regulates; multiple systems can be operated by the same utility company. The rationale for surcharge increases given by most applicants is increased monitoring and reporting costs required by ADEQ's drinking water rules. In the past two year period of 2006 - 2007, the ACC received approximately 64 rate increase cases for water companies. The ACC will likely bear the costs associated with any applications for rate increases associated with the costs of ADEQ's rulemaking, mainly through staff. Currently, the ACC has about 17 FTEs that work primarily on water rate cases.

Residential Utility Consumer Office (RUCO). RUCO represents the interests of residential utility ratepayers in rate-related proceedings involving public service corporations before the ACC, usually by analyzing utilities' requests for changes in rates and preparing testimony. RUCO will likely have costs associated with rate cases before the ACC that are initiated as a result of compliance costs associated with the arsenic or other rules contained in this rulemaking.

Arizona Department of Administration, Governor's Regulatory Review Council. The Governor's Regulatory Review Council staff provides guidance regarding the rulemaking responsibilities of the Council and various state agencies, and makes recommendations to the council regarding individual rule packages; therefore, there are administrative costs associated with all rulemakings subject to council review.

Arizona Department of Health Services (ADHS). To maintain primacy, Arizona must comply with EPA regulations requiring certification of laboratories that conduct analytical testing of drinking water contaminants. Although ADEQ is the agency with primary responsibility for Arizona's safe drinking water primacy, ADHS is also involved, since it has statutory responsibility for licensing the environmental laboratories that public water systems must use to conduct analysis of their drinking water monitoring samples. ADEQ and ADHS work together to maintain Arizona's primacy, since both agencies must adopt regulations that are as stringent as EPA's drinking water regulations. ADHS also incurs administrative costs associated with promulgating rulemaking necessary to ensure Arizona remains current with EPA rules on laboratories.

ADHS' Office of Laboratory Licensure oversees the licensing of in-state and out-of-state laboratories that conduct compliance testing of samples collected under the drinking water rules, and also approves the analytical methods that must be used for drinking water samples. Currently, there are 20 in-state laboratories that are licensed to analyze drinking water samples, and 38 out-of-state laboratories, for a total of 58 laboratories.

ADHS collects fees from licensed laboratories, and therefore realizes an economic benefit due to the increased demand by laboratories for certification as the list of regulated contaminants has expanded; however, this benefit is offset by increased costs to the agency associated with management of the laboratory licensure program.

Secretary of State, Public Services Division. The Public Services Division is responsible for, among other things, the filing and publication of the rules of the state agencies quarterly in the *Arizona Administrative Code*, and weekly in the *Arizona Administrative Register*; therefore, all rulemakings have an economic cost for the agency.

Government-owned public water systems: Other government entities such as state and federal agencies, or school districts may own and operate public water systems, and are responsible for all of the monitoring and reporting requirements of the SDWA, as incorporated by ADEQ in its regulations. These government entities bear the same implementation costs as privately owned water systems of similar size associated with ADEQ's drinking water rules, other than those costs associated with ratemaking procedures before the Arizona Corporation Commission. Publicly owned public water systems are discussed below in Section 3, Probable Costs and Benefits to Businesses.

2. Probable Costs and Benefits to Political Subdivisions

Local Governments. ADEQ delegates responsibility for enforcement of some drinking water regulations to selected local governments by means of delegation agreements. Drinking water regulation and enforcement requires knowledgeable staff that can review records and conduct onsite inspections if necessary. After July 2008, Maricopa County will be the only local government delegated with responsibilities for the regulatory oversight of a PWS's operations and maintenance, and monitoring and reporting. Maricopa County bears the costs associated with these responsibilities.

Some local governments own public water systems, and are responsible for all of the monitoring and reporting requirements of the SDWA, as incorporated by ADEQ in its regulations. These local governments bear the same implementation costs as privately owned water systems of similar size associated with ADEQ's drinking water rules, other than those costs associated with ratemaking procedures before the Arizona Corporation Commission. Generally a public water system has the ability to offset any additional costs for treating water by the fees that are charged for the services they provide. (Publicly owned public water systems are discussed below in Section 3, Probable Costs and Benefits to Businesses.)

3. Probable Costs and Benefits to Businesses

Private engineering/consulting entities. Private companies provide engineering and consulting services to public water systems. The services provided by these entities include manufacturing and distribution of water technology products, such as compliance or alternate variance technologies that are designed to reduce or eliminate identified

contaminants and improve the quality of drinking water; engineering design work; and technical assistance and training. As SDWA rules increase, these entities likely see an increase in services rendered, especially for small PWSs.

Laboratories: Laboratories will likely benefit due to more frequent testing in some cases, and for more substances.

Public Water Systems: A PWS provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year. Under the rules, PWSs are categorized as follows:

1. Community water systems (CWSs) – serves 15 or more service connections used by year-round residents or that serves 25 or more year-round residents. This PWS supplies water to the same population year-round.
2. Nontransient, Noncommunity water systems (NTNCWSs) – serves 15 or more service connections that are used by the same persons for at least six months per year, or serves the same 25 or more persons for at least six months per year. This PWS could be a school, factory, or office building that has its own water system.
3. “Transient Noncommunity water system,” (TNCWSs) – serves 15 or more service connections, but does not serve 15 or more service connections that are used by the same persons for more than six months per year; or serves an average of at least 25 persons per day for at least 60 days per year, but does not serve the same 25 persons for more than six months per year. A TNCWS could be a business that must operate a water system ancillary to its business, such as a restaurant in a rural area that uses and serves water from a well, or a government owned water system for a state campground.

Some safe drinking water regulations affect only CWS and NTNCWS. This EIS will seek to specify when regulations affect TNCWS.

ADEQ regulates approximately 1607 PWSs. Out of this number, roughly five percent of PWSs serve 95 percent of the population. The SDWA rules require constant routine monitoring and analysis for numerous contaminants, based on established MCLs that should not be exceeded. As part of the regulatory scheme, a PWS must submit regular reports to ADEQ and maintain records, and usually submit an annual report to its customers. When a contaminant level is exceeded, at a minimum, a PWS must conduct additional monitoring. Depending on the type of contaminant and the exceedance level, a PWS may need to take action to reduce the contaminant levels and inform the public. In extreme cases, a PWS must take immediate corrective action, which could include providing alternative water supplies. A PWS that violates the SDWA regulations can be subject to criminal and civil enforcement actions according to A.R.S. § 49-354.

Any PWS must be able to provide safe drinking water. A PWS may obtain water from a variety of sources, including groundwater in aquifers and surface water in lakes and rivers. Generally the SDWA rules seek to establish standards for safe drinking water and not specific methods or technologies for achieving those standards, so a PWS has options on water treatment. However water treatment options have their own costs. For example, a PWS that disinfects and chlorinates its water must comply with the SDWA rules for disinfection byproducts that themselves can be contaminants. Changes in the SDWA rules may require a PWS to make new or additional capital improvements in order to achieve compliance. Capital costs for water treatment vary depending on the water source, the water source quality, the number of customers served, physical space limitations, and economic constraints. After capital costs, a PWS faces continuing operation and maintenance costs, one of the highest being costs for qualified staff.

The SDWA rules impose various costs on a PWS, starting at the water source. All surface water is required to be treated through filtering and disinfections, and groundwater has some required treatment. Routine water monitoring must be done in a specific manner, and in most cases, only certified laboratories can conduct the analysis for contaminants. The rules may impose different monitoring sites, such as the entry points to the distribution system, in order to monitor for contaminants in the source water. Alternatively, PWSs may have to monitor various points along the distribution system for contaminants attributed to treatment. If routine compliance monitoring results show elevated contaminant levels, then a PWS incurs additional monitoring costs, and could face costs for taking corrective action. Monitoring costs for new contaminants should be incremental to the costs of the sampling and analysis currently required under the existing regulations.

A final part of the regulatory format, created by the 1996 amendments to the Clean Water Act, pertains to public information. A PWS is required to deliver an annual report to its customers, with information on the water quality, and characterize any risks from exposure to detected contaminants. Also, a PWS must notify the public for various violations of the SDWA rules, such as exceeding the maximum contaminant level, or for failure to monitor or report to ADEQ. Depending on the seriousness of the health risk, public notice may include that a PWS:

1. Notify all customers or users within 24 hours through media, or hand delivery notices,
2. Mail public notices to all customers or users, or
3. Publish a notice in the local newspaper, or post it in a specified location.

Regardless whether a PWS is publicly or privately owned, all PWSs are subject to the same regulations and bear the costs of complying with these rules. This EIS will treat publicly owned PWS as businesses since costs and benefits are the same for implementing these rules, other than as mentioned above. The owners will either pass on their costs to their customers, or absorb the costs of compliance with the regulations as a cost of doing business. Publicly owned

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systems have the ability to pass costs on to their customers through rate hikes, but usually incur costs due to preparing information for public hearings and possibly elections, to inform the public of reasons for rate increases. Publicly owned systems have limited bonding capacity, which in turn limits the systems' ability to raise funds for capital improvements. Privately-owned systems tend to have a limited ability to raise funds on the commercial lending markets due to an inability to meet collateral and security requirements. Also privately owned systems face an additional regulatory requirement in that privately-owned PWSs must receive authority from the Arizona Corporation Commission before increasing their water rates. Because supplying water is usually ancillary to a NTNCWS or TNCWS, it may be more difficult to pass increased costs onto the water users.

Table 1 shows the number of PWSs in Arizona by type and county location. The total number of PWSs varies slightly from month to month because some PWSs close down, new PWSs are formed, and a number of existing PWSs are consolidated.

Table 1. Number of PWSs in Arizona by County and Type of System (2008)

<i>COUNTY</i>	<i>CWS</i>	<i>NTNCWS</i>	<i>TNCWS</i>			<i># of PWSs</i>	<i>Population served</i>
<i>Apache</i>	24	3	22			49	20,519
<i>Cochise</i>	57	23	30			110	127,957
<i>Coconino</i>	37	6	69			112	165,365
<i>Gila</i>	46	7	49			102	65,722
<i>Graham</i>	7	5	3			15	26,278
<i>Greenlee</i>	7	1	7			15	7,138
<i>La Paz</i>	19	3	60			82	34,331
<i>Maricopa</i>	126	41	77			244	3,655,124
<i>Mohave</i>	59	8	42			109	222,597
<i>Navajo</i>	45	9	16			70	87,986
<i>Pima</i>	168	30	44			242	1,037,822
<i>Pinal</i>	69	20	16			105	343,516
<i>Santa Cruz</i>	18	1	19			38	40,479
<i>Yavapai</i>	104	38	112			254	195,078
<i>Yuma</i>	34	13	13			60	185,897
<i>Total #</i>	820	208	579	1607	6,215,809		
<i>Percent (%)</i>	51.1	12.9	36				

4. Cost-Benefit Summary and Conclusion

ADEQ and PWSs bear most of the costs of safe drinking water regulations. PWSs' costs for implementing new and existing safe drinking water regulations will vary from minimal to substantial. Increased monitoring and sampling usually will result in incremental costs. However if MCLs are exceeded, a PWS incurs costs in order to take corrective action, which in some cases means substantial capital improvements. In most cases, a PWS will pass increased costs onto its customer base. Water regulation does benefit other entities by increased business, such as for laboratories and private engineering firms and consultants.

D. Probable Impact on Private and Public Employment in Businesses, Agencies and Political Subdivisions of this State Directly Affected by the Rulemaking

It is expected that there will be a positive impact on employment as a result of this rulemaking. Some public water systems and laboratories will expand, and will need to hire new staff to keep pace with both the increased number of customers and the changing requirements of the safe drinking water rules. As public water systems expand, they will hire engineers and consultants as they expand their service areas, build new distribution and treatment systems, and revise their treatment technologies and operating procedures to conform with new regulatory requirements.

E. Probable Impact on Small Businesses Affected by the Rulemaking

1. Identification of Small Businesses Subject to the Rulemaking

Small businesses that assist public water systems with regulatory compliance, such as laboratories or private engineering or consulting firms will benefit from the rulemaking, since there will be new opportunities to provide technical, managerial, and financial assistance to public water systems, as discussed in section D above. Because the rulemaking directly impacts public water systems, this EIS focuses on the cost and benefit impact to small public water systems. Federal rules define a small PWS as serving less than or equal to 3,300. However, there are some inconsistencies in the federal rules; in various cases, federal rules consider a small PWS as one serving 10,000 or less, and many of EPA's recent economic impact statements consider a small PWS as one serving 10,000 or less.

In Arizona, there are approximately 1,473 PWSs that serve 3,300 or less. These PWSs include local governments and privately-owned businesses that own and operate the water system.

2. Administrative and Other Costs Required for Compliance

Generally small PWSs must meet all the same SDWA regulation as any other PWS, especially as to the maximum contaminant levels. Small PWSs often have difficulty complying with drinking water regulations, due to limited financial and human resources. Although small PWSs already must monitor their water, it can be costly to perform additional monitoring when MCLs are exceeded, and very costly to provide required treatment. Due to the smaller populations served, it is difficult for a small PWS to pass on increased costs of compliance through increased water rates, or to accrue savings for capital improvement projects. Small PWSs may have fewer options for seeking new water sources.

Many of the small public water systems do not have in-house technical expertise to achieve compliance with ADEQ safe drinking water rules. To achieve full compliance, they seek technical and other expertise provided by consulting companies who provide water treatment and related services. In addition, the consulting companies are likely to carry out or prescribe corrective measures (in response to MCL exceedances) requiring the purchase of best available technologies that are already specified in existing ADEQ drinking water rules.

3. Description of the Methods Used by ADEQ for Reduction of Impact on Small Businesses

Both EPA and ADEQ have attempted to adopt safe drinking water regulations that allow small public water systems additional options and time to achieve compliance without increasing the risks to public health. One regulatory construct sets up different requirements for the rules on enhanced filtration and disinfection depending on whether the PWS serves fewer than 10,000 people (see Subpart P, 40 CFR 141.70 et seq. and Subpart T, 40 CFR 141.500 et seq.). For some set of rules, EPA has listed best available technologies (BATs) specifically available and cost effective for small PWSs. Another regulatory method allows ADEQ to grant extensions on the final compliance date.

Arizona has a unique program of the Monitoring Assistance Program, which requires that all small PWSs participate (see Article 3 of this rulemaking). A PWS must pay required fees but an ADEQ contractor will collect, transport, analyze and report on most listed contaminants in water samples. The MAP allows small PWSs to achieve economies of scale that larger PWSs can achieve. At this time, 904 PWSs participate in MAP.

Because major infrastructure or other capital improvements could be the only option to attain compliance, some federal and state funding assistance is available. The United States Department of Agriculture Rural Utilities Service provides technical assistance and administers a water and wastewater loan and grant program to improve the quality of life and promote economic development in rural areas.

The Water Infrastructure Finance Authority of Arizona (WIFA) is an independent agency of the state of Arizona and is authorized to finance the construction, rehabilitation and/or improvement of drinking water, wastewater, wastewater reclamation, and other water quality facilities/projects. Generally, WIFA offers borrowers below market interest on loans for 100 percent of eligible project costs. As a "bond bank," WIFA is able to issue water quality bonds on behalf of communities for basic water infrastructure, providing significant savings due to lower interest rates and shared/reduced closing costs. WIFA is able to lower a borrower's interest costs to between 70 and 100 percent of WIFA's tax-exempt cost of borrowing. WIFA's principal tool for providing low interest financial assistance for publicly and privately held drinking water systems is the Drinking Water Revolving Fund, which is capitalized by contributions from the state and the U.S. Congress. Through their Drinking Water State Revolving Fund programs, states must annually provide a minimum of 15 percent of their drinking water loans to systems serving fewer than 10,000 people. In fiscal year 2007, WIFA executed loans in the amount of \$67,372,461 to 10 public water systems. More than half of the loans awarded were to communities with regulatory compliance issues.

WIFA also manages a Technical Assistance (TA) program. The TA program offers pre-design and design grants to all eligible wastewater and drinking water systems. Both pre-design and design loans are available. The purpose of the TA program is to enhance project readiness to proceed with a WIFA project construction loan. In fiscal year 2007, WIFA provided \$349,325 in grants for technical assistance to 14 public water systems.

Finally many PWSs have undertaken innovative measures on their own to combine their resources so as to enhance their economic viability. For example, two or more PWSs may use circuit riders by contracting with one private sector entity to operate and maintain the systems. Or, multiple sampling for many systems are scheduled and coordinated so that bulk rate prices for analytical testing may be obtained from laboratories, thus reducing costs.

4. Probable Costs and Benefits to Private Persons and Consumers

Consumers and users benefit from safe drinking water, and will pay for this benefit through increased utility rates for their drinking water. Customers of small PWSs generally will see a greater increase in utility rates, due to the smaller customer base, if their PWS is required to make capital improvements.

In promulgating safe drinking water regulations, EPA examines extensive health studies and established two different categories of harmful contaminants based on the exposure required to cause health effects. Acute contaminants are those that have health effects that occur within hours or days of exposure. In other words, they can make people sick very quickly. These include microbial contaminants, nitrates and nitrites. Chronic contaminants, by contrast, generally require exposure above the maximum contaminant level for many years to cause harm, but can include such

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harm as increased rates of cancer. The levels for chronic contaminants are based on a lifetime exposure, defined by EPA as an average adult consuming two liters of water everyday for 70 years. They include many man-made chemicals, some naturally occurring minerals and radionuclides. A few of the contaminants are particularly dangerous to children or people with suppressed immune systems, such as nitrates, lead, or microbial contaminants. As a result of the safe drinking water regulations and continued testing, drinking water supplies in the United State are among the cleanest and safest in the world.

F. Probable Affect on State Revenues

This rulemaking is not expected to directly affect state revenues.

G. A Description of Any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Rulemaking

ADEQ has determined that there are no less intrusive and less costly alternative methods to achieve the purpose of this rulemaking that are legally permissible.

III. INDIVIDUAL RULE ANALYSES

ADEQ has already adopted most of the rules in substance, and is now merely adopting the rules in a different form, so the economic impact should be minimal. This section analyzes the economic impact of eight federal rules that ADEQ is adopting for the first time in this rulemaking:

- Radionuclides Rule;
- Filter Backwash Recycling Rule;
- Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring Rule;
- Long Term 1 Enhanced Surface Water Treatment Rule;
- Stage 2 Disinfectants and Disinfection Byproducts Rule;
- Long Term 2 Enhanced Surface Water Treatment Rule;
- Ground Water Rule; and
- Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions.

Even though this set of eight federal rules will be new to ADEQ's state rules, it is important to note that the implementation costs of this rulemaking are, for the most part, unavoidable, since the federal drinking water rules are binding on public water systems regardless of whether or not Arizona adopts the rules. This EIS uses much of the nationwide information used by EPA in promulgating these federal rules. General impacts that are not rule-specific are addressed in Section II, and will not be addressed in this section.

Radionuclides Rule

A. Identification of the Rulemaking

On December 7, 2000, EPA published revisions to the Radionuclides Rule that requires that all CWSs meet the MCLs for radionuclides in drinking water. EPA formalized the MCL for uranium, which had been previously unregulated, while MCLs for other radionuclides remained the same. EPA also changed the sampling requirement from a representative distribution system sampling point to all points-of-entry to the distribution system. A final change set out separate monitoring for radium-228 and radium-226, which previously was combined.

1. Implementation Time

This rule became effective December 8, 2003 but systems usually have three years to complete the initial monitoring cycle of four consecutive quarterly samples, making the end of the initial monitoring period as December 31, 2007.

B. Identification of Persons Who Will Be Directly Affected by the Rulemaking:

CWSs serving less than 10,000.

C. Cost-Benefit Analysis

1. Probable Costs and Benefits to ADEQ and Other Agencies

EPA estimated that States would incur \$0.06 million due to new implementation costs.

2. Probable Costs and Benefits to Political Subdivisions

See section on general rules analysis.

3. Probable Costs and Benefits to Business

EPA estimated that the requirements of the uranium MCL and the separate radium monitoring would result in annual mitigation-related compliance costs of \$81 million (in 1999 dollars), as CWSs began to violate the new MCLs. Twenty-five million of the annual compliance cost would be for systems newly in violation of the new monitoring requirements for radium-226/-228, \$51 million would be for systems newly in violation of the uranium MCL of 30 g/

L, and \$4.9 million due to monitoring and reporting by CWSs. EPA estimated that 270 to 320 CWSs would be out of compliance with the new radium 226/228 separate monitoring, and 400 to 590 CWSs would be out of compliance with the new uranium MCL.

The change in monitoring to entry point creates part of the cost, but it ensures that every entry point in the system is in compliance with the MCLs. However, so that systems will not have to reestablish monitoring baselines that had been established for many years, the rule allows CWSs to submit to ADEQ preexisting radionuclide data ("grandfathered data"), if the data meets certain criteria. A CWS may be able to use grandfathered data even for uranium. Monitoring under the previous rule included a gross alpha particle screening; under the current rule, only CWSs with gross alpha particle activity screening levels greater than 15 pCi/L are required to monitor for uranium.

Under the new monitoring format for uranium and radium-228, systems with low contaminant levels, which will be most systems, are allowed to monitor less frequently. Depending on how much the sampling average is below the MCL, a system could be required to monitor for radionuclides only once in a three through nine year span. Systems with greater demonstrated vulnerability must monitor more frequently, but do have less sample-intensive monitoring. This can include a CWS located near a nuclear power plant.

D. Probable Impact on Private and Public Employment

See section on general rules analysis.

E. Probable Impact on Small Business

1. Identification of Small Business

See section on general rules analysis.

2. Administrative and Other Costs of Compliance

See section on general rules analysis.

3. Description of the Methods Used by ADEQ for Reduction of Impact on Small Businesses

The radionuclides rule may increase costs for small public water systems in the first year the systems are required to monitor, but the rule provides for reduced monitoring if the system is in compliance with the MCLs. Before a system was required to sample four times during four years; now, depending on the average sampling, a small CWS could sample once every three to nine years, thereby reducing monitoring costs. EPA also listed out Best Available Technologies for small systems in rule.

4. Probable Costs and Benefits to Private Persons and Consumers

Implementing the uranium standard of 30 µg/L is expected to result in some consumers seeing a small increase in their water bill as CWSs pass on the costs associated with implementing the requirements of the rule. Typical model small system treatment costs ranged from \$0.25 to \$3 per kilogallon of water treated, with associated annual per household costs ranging from \$20 to \$250, with the value depending upon water system size and water quality. Large system model unit costs ranged from \$0.17 to \$0.28 per kilogallon treated, with associated annual per household costs ranging from \$14 to \$23.

As with implementing other MCLs, the expected benefit to all drinking water consumers is public health risk reductions and associated health care costs. Radioactive drinking water contaminants differ from one another in ways that determine their harmfulness. Each radionuclide has a particular half-life and emits characteristic forms of radiation (alpha particles, beta particles, and/or photons). Factors such as, concentration, half-life, form of radioactive decay, and radiation energy, all determine a particular radionuclide's potential for impacting human health. The potential for harmful health effects from exposure to radioactive compounds results from the ability of ionizing radiation to chemically change the molecules that make-up biological tissues (e.g., stomach, liver, lung) through a process called ionization, which can damage important molecules like DNA. Damage to the DNA of an individual gene may cause the gene to mutate, changing a cell's genetic code, and leading to cancer. The likelihood of developing cancer or genetic mutations from short-term exposure to the concentrations of radionuclides found in drinking water supplies is negligible. However, long-term exposures may result in increased risks of genetic effects and other effects such as cancer, precancerous lesions, benign tumors, and congenital defects.

EPA estimated cancer morbidity risk reduction for the combined radium monitoring deficiency as 0.4 (0.3 to 0.5) cancer cases avoided annually, with an associated annual monetized benefit of \$1.7 million (range of \$1.2 to \$2.2 million). EPA estimated the annual cancer morbidity risk reduction for a uranium MCL of 30 µg/L as 0.9 cases annually (range 0.1 to 1.6). The associated annual monetized benefit related to uranium cancer risk reduction is \$3 million (range from \$0.2 to \$6 million). In the case of the requirement for separate monitoring for radium-228, cancer risk reduction benefits of \$1.7 million annually are expected. The uranium cancer risk reduction benefits are estimated to be \$3 million annually, which does not include the non-quantified kidney toxicity risk reduction benefits.

F. Probable Effect on State Revenues

This rulemaking is not expected to directly affect state revenues.

G. A Description of Any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Rulemaking

See section on general rules analysis.

Filter Backwash Recycling Rule

A. Identification of the Rulemaking

The Filter Backwash Recycling Rule (“FBRR”) requires PWSs to institute changes for recycling filter backwash water within the treatment process. Implementing the FBRR reduces the risk of microbial pathogens such as *Cryptosporidium* that would otherwise pass through the filter backwash water into the finished drinking water. When a facility recycles filter backwash water (or uses recycle streams of sludge thickener supernatant and liquids from dewatering processes), it reintroduces contaminants back into treatment processes. Poor recycle practices can degrade influent water quality and impair treatment process performance. The FBRR requires that recycle be returned through the processes of a system’s existing conventional or direct filtration, which is recognized as capable of achieving 2-log (99 percent) *Cryptosporidium* removal.

1. Implementation Time

Regulated entities had to comply with this rule beginning December 8, 2003.

B. Identification of Persons and Entities Affected by the Rulemaking

All PWSs that use surface water or ground water under the direct influence of surface water, use direct or conventional filtration processes, and recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes are affected by this rule.

C. Cost-Benefit Analysis

1. Probable Costs and Benefits to ADEQ and Other Agencies

EPA estimated that state expenditures to implement the FBRR would be \$0.07 million to \$0.098 million.

2. Probable Costs and Benefits to Political Subdivisions

See section on general rules analysis.

3. Probable Costs and Benefits to Business

EPA estimated that a PWS would incur costs to comply with the FBRR due to capital improvement for treatment changes, and annual labor costs for reporting recycle activities to ADEQ. EPA estimated that 371 PWSs would be affected by the FBRR, and would incur total capital and associated operation and maintenance costs associated with modifications to recycle locations of \$45.2 million.

D. Probable Impact on Private and Public Employment

See section on general rules analysis.

E. Probable Impact on Small Business

1. Identification of Small Business

Any PWS serving less than 10,000, that uses surface water or GWUDI, uses direct or conventional filtration processes, and recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes.

2. Administrative and Other Costs of Compliance

See section on general rules analysis.

3. Description of the Methods Used by ADEQ for Reduction of Impact on Small Businesses

See section on general rules analysis.

4. Probable Costs and Benefits to Private Persons and Consumers

With any increased costs to PWSs, there is the potential to pass the costs onto customers. EPA estimated the mean annual cost per household to be \$0.19 and the total annual cost per household to be less than \$1.70 for 99 percent of the 31.4 million households potentially affected by the FBRR. The remaining one percent of households could experience a range of costs between \$1.70 and approximately \$100 per year. Only 321 of the 31.4 million households potentially affected by the FBRR (.00001 percent) were expected to incur costs of approximately \$100 per year.

The primary benefits of the FBRR come from reductions in the risk of illness from microbial pathogens in drinking water, particularly the risk associated with disinfection-resistant pathogens, such as *Cryptosporidium*. Also, exposure to other pathogenic protozoa, such as *Giardia*, or other emerging microbial pathogens likely are reduced. Nonhealth related benefits include avoiding non-health related costs associated with waterborne disease outbreaks, such as government-issued warnings and alerts, and the need to provide an alternative source of water. Businesses have to supply their customers and employees with alternative sources of water and some, especially restaurants, may have to temporarily close. Households also have to boil their water, purchase water, or obtain water from another source.

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While monetary costs associated with an outbreak are difficult to quantify, EPA cited one study that estimated losses to individuals due to actions taken to avoid the contaminated water at between \$19 million and \$49 million, in 1984 dollars (\$31 million to \$81 million in 2000 dollars). Losses due to averting actions for restaurants and bars totaled \$1 million, and \$0.6 million for schools and other businesses, in 1984 dollars. The burden for the outbreak was \$230,000 for government agencies, and an estimated \$1.8 million for the water utility, again in 1984 dollars.

F. Probable Effect on State Revenues

This rulemaking is not expected to directly affect state revenues.

G. A Description of Any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Rulemaking

See section on general rules analysis.

Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring Rule

A. Identification of the Rulemaking

On January 22, 2001, EPA promulgated a new and more stringent standard for arsenic as well as clarification on monitoring and compliance determinations for inorganic, volatile organic, and synthetic organic contaminants to ensure that customers of all CWSs and NTNCWSs receive cleaner drinking water. The arsenic rule lowers the maximum contaminant level (MCL) for arsenic from 50 to 10 micrograms per liter (µg/L). The rule improves public health by reducing exposure to arsenic in drinking water.

1. Implementation Time

NTNCWSs and CWSs were required to comply with arsenic standards by January 22, 2006.

B. Identification of Persons Who Will Be Directly Affected by the Rulemaking

All CWSs and NTNCWSs.

C. Cost-Benefit Analysis

1. Probable Costs and Benefits to ADEQ and Other Agencies

ADEQ. Arizona, like some other Western states, has soil containing naturally high levels of arsenic. When the arsenic rule was promulgated, ADEQ anticipated that about one-third of regulated CWSs and NTNCWSs would exceed the new MCL. In preparation of the January 2006 compliance deadline, ADEQ incurred additional costs to prepare compliance assistance to effected PWSs. ADEQ, along with its consultant, prepared the Arizona Arsenic Master Plan that analyzed various treatment options for water systems, and made recommendations based on a number of system-specific variables. The plan included a web-based decision tree, an interactive decision tool to allow any user to perform a technology and cost assessment, through a series of questions and answers, which would aid small utilities in selecting the most feasible alternative treatment technology, at the most affordable cost. ADEQ reviewed approximately 25 requests for extensions for the January 2006 compliance deadline; approximately 75 PWS were not in compliance with the arsenic standard as of January 2006.

ACC. For the two year period of 2006 - 2007, 11 out of the approximate 64 water rate increase cases were related to arsenic.

2. Probable Costs and Benefits to Political Subdivisions

See section on general rules analysis.

3. Probable Costs and Benefits to Business

The Arsenic rule was anticipated to be costly in order to achieve compliance. CWSs and NTNCWSs with higher arsenic concentrations would see an increase in their monitoring costs, since they would be required to increase their monitoring frequency. In addition, some CWSs and NTNCWSs would need to upgrade their water system treatment technologies in order to comply with the new arsenic standard.

On a national level, EPA estimated the total national compliance cost for the arsenic rule in 1999 dollars, and using economic modeling discount rates of three and seven percent:

Total Annual National System and State Compliance Costs (in millions)						
Discount rates	CWS		NTNCWS		Total	
	3%	7%	3%	7%	3%	7%
System Costs	171.4	195.5	7.9	8.9	179.4	204.4
Treatment	169.6	193.0	7.0	7.6	176.7	200.6
Monitoring/Administrative	1.8	2.5	0.9	1.3	2.7	3.8
State Costs	0.9	1.0	0.1	0.2	1.0	1.0

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Total	172.3	196.6	8.1	9.1	180.4	205.6
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ADEQ believes that EPA cost estimates were not high enough, but this is based on anecdotal information. An example of costs not considered is a PWS having to acquire more land around its well in order to install a treatment facility for that well.

D. Probable Impact on Private and Public Employment

See section on general rules analysis.

E. Probable Impact on Small Business

1. Identification of Small Business

CWSs and NTNCWSs serving less than 10,000.

2. Administrative and Other Costs of Compliance

Smaller water systems have the same costs of compliance, but may have some additional options for treatment. It is anticipated that some small public water systems will utilize point-of-use (POU) treatment technologies rather than centralized treatment to comply with the new arsenic MCL; these systems have lower capital costs and reduced engineering, legal, and other fees associated with centralized treatment options, since only one percent of the water is treated (only the water needed for drinking and cooking purposes is treated.) However, POU treatment is expected to have higher administrative and monitoring cost, because the SDWA requires that PWSs install, maintain, and monitor POU treatment devices. For this reason, it is estimated that POU treatment will only be affordable for systems serving between 150 to 250 persons, depending upon the technology and number of households.

3. Description of the Methods Used by ADEQ for Reduction of Impact on Small Businesses

The Arizona Arsenic Master Plan analyzes various treatment options for water systems, and makes recommendations based on a number of system-specific variables. Providing technical assistance to small water systems is a vital component of the Master Plan; the technical assistance helps to ensure the continued operation of small water systems with arsenic treatment problems by helping the systems to choose a cost efficient treatment option. In fiscal year 2007, four of the 10 loans WIFA executed were for arsenic related projects.

4. Probable Costs and Benefits to Private Persons and Consumers

Effected water systems, especially small water systems, were likely to pass on the costs of compliance to their customers. EPA estimated that the average annual household cost increase would be \$31.85. However, due to economies of scale, costs per household are higher in the smaller size categories, and lower in the larger size categories. For systems serving less than 100 people, costs were expected to be \$326.82 per household, and for systems serving 101 to 500 people, costs would be \$162.50 per household. Costs per households in systems serving more than 500 people were estimated to be substantially lower: From \$70.72 to \$0.86 per household.

Effective implementation of this rule ensures greater protection of public health through the avoidance of adverse health effects. EPA noted numerous studies conducted that document the ill health effects from arsenic. Arsenic ingestion has been linked to a multitude of health effects, both cancerous and non-cancerous. These health effects include cancer of the bladder, lungs, skin, kidney, nasal passages, liver, and prostate. Inorganic arsenic can exert toxic effects after short-term or chronic long-term exposure. High dosages of arsenic of 70 to 280 mg for 50 percent of adults weighing 70 kg are lethal. Nonlethal, but high doses, can cause gastroenterological effects, shock, continuous pain, and vascular effects in humans. Other effects that have been reported include alterations in gastrointestinal, cardiovascular, hematological (e.g., anemia), pulmonary, neurological, immunological and reproductive/developmental function. The earliest and most prominent changes are in the skin, e.g., hyperpigmentation and keratoses (callus-like growths).

F. Probable Effect on State Revenues

This rulemaking is not expected to directly affect state revenues.

G. A Description of Any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Rulemaking

See section on general rules analysis.

Long Term 1 Enhanced Surface Water Treatment Rule

A. Identification of the Rulemaking

On January 14, 2002, the EPA published the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), with a main purpose to improve control of microbial pathogens, specifically the protozoan *Cryptosporidium*, and to address risk trade-offs with disinfection byproducts. The LT1ESWTR builds upon the framework established in prior rules, such as the Stage 1 Disinfection and Disinfection Byproducts Rule and the Interim Enhanced Surface Water Treatment Rule. The rule includes several requirements:

- A CWS must cover any finished water reservoir that began construction on or after March 15, 2002;

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- An unfiltered system must comply with the updated watershed control requirements that add *Cryptosporidium* as a pathogen of concern;
- A CWS or NTCWS must develop a disinfection profile unless it can demonstrate that its trihalomethanes (TTHMs) and haloacetic acids (HAA5) disinfection byproduct (DBP) levels are less than 0.064 mg/L and 0.048 mg/L respectively;
- If a PWS makes a significant change to its disinfection practices, it must develop a disinfection benchmark and consult with ADEQ for approval of the change before implementing the disinfection change;
- Conventional and direct filtration systems must comply with specific combined filter effluent turbidity requirements while alternative filtration systems (systems other than conventional filtration, direct filtration, slow sand filtration, or diatomaceous earth filtration), must demonstrate the ability to achieve 2-log removal of *Cryptosporidium* and comply with ADEQ-established combined filter effluent turbidity requirements;
- Conventional and direct filtration systems must continuously monitor the turbidity of individual filters and perform follow-up activities if this monitoring indicates a potential problem;
- There are also applicable reporting and recordkeeping requirements.

1. Implementation Time

Each of the components of the final LT1ESWTR has a specific compliance date, between March 15, 2002, and January 11, 2005.

B. Identification of Persons and Entities Affected by the Rulemaking

This rule affects all public water systems that use surface water or ground water under the direct influence of surface water (GWUDI) and serve fewer than 10,000 persons.

C. Cost-Benefit Analysis

1. Probable Costs and Benefits to ADEQ and Other Agencies

EPA estimated that states would incur cost of about \$6.4 million to \$6.6 million for implementing the LT1ESWTR's (about 16 percent of total estimated costs).

2. Probable Costs and Benefits to Political Subdivisions

See section on general rules analysis

3. Probable Costs and Benefits to Business

Affected PWSs would incur the following costs associated with:

- The required monitoring and treatment of *Cryptosporidium*, TTHMs, HAA5, and turbidity;
- Installing turbidimeters for conventional and direct filtration systems;
- Start-up costs for disinfection benchmarking and profiling; and
- Capital costs to cover newly constructed finished water reservoirs, holding tanks, and other storage facilities for finished water.

EPA estimated total annual costs to be \$39.5 million to \$44.8 million, in 1999 dollars. This cost estimate includes capital costs for treatment changes and start-up and annual labor costs for monitoring and reporting activities. Affected PWSs bear approximately 84 percent (\$33.1 million to \$38.2 million) of the rule's total annual costs. The turbidity provisions, which include treatment changes, monitoring, and reporting, account for \$37.7 million to \$42.7 million, and would require some PWSs to purchase turbidimeters in order to meet the monitoring requirements of this rule. The disinfection benchmarking provision involves three components: benchmarking, profiling, and optional monitoring, with start-up costs estimated to be \$0.2 million to \$0.3 million annualized. Disinfection benchmarking and profiling are estimated to cost systems approximately \$0.4 million to \$0.5 million annually. TTHM and HAA5 monitoring is optional and estimated to cost \$0.3 million to \$0.4 million annually.

The LT1ESWTR also requires that small systems cover all newly constructed finished water reservoirs, holding tanks, or other storage facilities for finished water. Total annual costs, including annualized capital costs and one year of operation and maintenance costs are expected to be \$0.8 million. This estimate is calculated from a projected construction rate of new reservoirs and unit cost assumptions for covering new finished water reservoirs

D. Probable Impact on Private and Public Employment

See section on general rules analysis.

E. Probable Impact on Small Business

1. Identification of Small Business

The LT1ESWTR only applies to small PWSs serving less than 10,000 people. Under prior rules, only larger PWSs were regulated in this area.

2. Administrative and Other Costs of Compliance

See section on general rules analysis.

3. Description of the Methods Used by ADEQ for Reduction of Impact on Small Businesses

See section on general rules analysis.

4. Probable Costs and Benefits to Private Persons and Consumers

EPA estimated the mean annual cost per household to be \$6.24. Ninety percent of the 6.3 million households potentially affected by the LT1ESWTR would have costs of less than \$15. Of the remaining households, nine percent would have a range of annual costs from \$15 to \$120 (\$10/month), while one percent of affected households would have estimated annual costs exceeding \$120.

The main benefit of compliance with the LT1ESWTR is to improve public health protection by reducing the risk of exposure to microbial illness in drinking water, in particular, disinfection resistant pathogens, such as *Cryptosporidium*. Cryptosporidiosis is an infection caused by *Cryptosporidium* which is an acute, self-limiting illness lasting seven to 14 days, with symptoms that include diarrhea, abdominal cramping, nausea, vomiting and fever. EPA examined various studies to try to monetize the value of an avoided case of cryptosporidiosis, which is estimated to range from \$796 to \$1,411 per case based on a cost-of-illness methodology. The high end of the range includes losses for medical costs, work time, productivity, and leisure time. The low end of the estimate range only values medical costs and work time. Implementing the LT1ESWTR is estimated to reduce the mean annual number of illnesses caused by *Cryptosporidium* in water systems with improved filtration performance by 12,000 to 41,000 cases per year (depending upon which of the six baseline and improved *Cryptosporidium* removal assumptions was used, and assuming the 1.2 liter drinking water consumption distribution). Based on these values, the mean estimated annual benefits of reducing the illnesses ranges from \$9.5 million to \$58.3 million per year. The economic analysis also indicated that the rule could result in a mean reduction of one to five fatalities each year (depending upon the varied baseline and improved removal assumptions). Using a mean value of \$6.3 million per statistical life saved, reducing these fatalities could produce benefits in the range of \$9.4 million to \$32.5 million. Combining the value of illness and mortalities avoided, the estimate of the total quantified annual benefits of the LT1ESWTR range from \$18.9 million to \$90.9 million.

F. Probable Effect on State Revenues

This rulemaking is not expected to directly affect state revenues.

G. A Description of Any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Rulemaking

See section on general rules analysis.

Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) Rule

A. Identification of the Rulemaking

On January 4, 2006, the EPA published the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) in order to provide for increased protection against the potential risks for cancer and reproductive and developmental health effects associated with disinfection byproducts (DBPs). The rule contains:

- Maximum contaminant level goals for chloroform, monochloroacetic acid and trichloroacetic acid;
- MCLs and monitoring, reporting, and public notification requirements for TTHM and HAA5;
- Revisions to the reduced monitoring requirements for bromate;
- Best available technologies for the final MCLs; and
- Additional analytical methods for the determination of disinfectants and DBPs in drinking water.

1. Implementation Time

Depending on the size of the PWSs, larger systems must comply by April 1, 2012; the smallest PWSs will need to comply by October 1, 2013. ADEQ may allow an additional two years for PWSs making capital improvements.

B. Identification of Persons and Entities Affected by the Rulemaking

This rule affects all CWSs or NTNCWSs that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light.

C. Cost-Benefit Analysis

1. Probable Costs and Benefits to ADEQ and Other Agencies

EPA estimated States' costs will be between \$1.70 and \$1.71 million per year. One benefit of the rule implementation structure is that it spreads out the workload for technical assistance and guidance, and will allow ADEQ and EPA to provide more support to individual PWSs as needed.

2. Probable Costs and Benefits to Political Subdivisions

See section on general rules analysis.

3. Probable Costs and Benefits to Business

Disinfectants are an essential element of drinking water treatment because of the barrier they provide against harmful waterborne microbial pathogens. However, disinfectants react with naturally occurring organic and inorganic matter in source water and distribution systems to form DBPs that may pose health risks. The Stage 2 DBPR was designed to reduce the level of exposure from DBPs without undermining the control of microbial pathogens. EPA promulgated the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) the next day to be implemented simultaneously with the Stage 2 DBPR to ensure that drinking water is microbiologically safe at the limits set for DBPs.

PWSs incur costs for implementing the Stage 2 DBPR, which includes non-treatment costs of rule implementation, Initial Distribution System Evaluations (IDSEs), Stage 2 DBPR monitoring plans, additional routine monitoring, and operational evaluations. These rule provisions are to determine proper monitoring sites where DBPs occur at high levels, and when necessary, to identify opportunities to reduce DBP peaks in the distribution system. EPA estimated that PWSs required to prepare the IDSE (or its variations) are expected to incur labor and monitoring costs of approximately \$56,029,386.

DBPs are generally best addressed by treatment plant improvements, typically through precursor removal or use of alternative disinfectants, because once formed, DBPs are difficult to remove. Systems required to install treatment to comply with the MCLs will accrue the additional costs of treatment installation as well as operation and maintenance. EPA estimated that affected PWSs will incur total treatment change costs of \$839,510,000.

Finally, EPA found that because systems already sample for DBPs, the average system will have no change in monitoring costs. The Stage 2 DBPR would cause the number of required samples to increase for some systems but actually decrease for many systems.

D. Probable Impact on Private and Public Employment

See section on general rules analysis.

E. Probable Impact on Small Business

1. Identification of Small Business

All CWSs or NTNCWSs serving less than 10,000 that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light.

2. Administrative and Other Costs of Compliance

See section on general rules analysis.

3. Description of the Methods Used by ADEQ for Reduction of Impact on Small Businesses

See section on general rules analysis.

4. Probable Costs and Benefits to Private Persons and Consumers.

Nationwide, approximately 86 percent of the households potentially subject to the Stage 2 DBPR are served by systems serving at least 10,000 people; these systems experience the lowest increases in costs due to significant economies of scale. Households served by small systems that add treatment will face the greatest increases in annual costs. EPA estimated the mean annual household cost increase for households served by all PWSs to be \$0.62. For those households served by PWSs adding treatment, the estimated mean annual household cost increase would be \$5.53. The highest increase would be for PWSs using groundwater and serving less than 10,000 people, where the estimated mean annual household cost increase would be \$49.69.

The Stage 2 DBPR should reduce the potential health risks associated with DBPs by reducing peak and average levels of DBPs in drinking water supplies. EPA looked at quantified and non-quantified benefits of the Stage 2 DBPR. Quantified benefits for the Stage 2 DBPR are based on potential reductions in fatal and non-fatal bladder cancer cases. In examining three different approaches to existing data, EPA found an estimated 26 percent of fatal bladder cancer cases would be avoided, and 74 percent non-fatal cases would be avoided. EPA recognizes that the lower bound of potential risks may be as low as zero.

Non-quantified benefits of the Stage 2 DBPR include potential benefits from reduced reproductive and developmental risks, reduced risks of cancers other than bladder cancer, and improved water quality. However, EPA recognizes that available evidence does not provide an adequate basis for quantifying these potential risks.

F. Probable Effect on State Revenues

This rulemaking is not expected to directly affect state revenues.

G. A Description of Any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Rulemaking

See section on general rules analysis.

Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR)

A. Identification of the Rulemaking

On January 5, 2006, the EPA published the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) requiring the use of treatment techniques, along with monitoring, reporting, and public notification requirements, for all public water systems that use surface water sources. Key provisions in the LT2ESWTR include:

- Source water monitoring for *Cryptosporidium*, with a screening procedure to reduce monitoring costs for small systems;
- Risk-targeted *Cryptosporidium* treatment by filtered systems with the highest source water *Cryptosporidium* levels;
- Inactivation of *Cryptosporidium* by all unfiltered systems;
- Criteria for the use of *Cryptosporidium* treatment and control processes; and
- Covering or treating uncovered finished water storage facilities.

1. Implementation Time

The implementation deadline varies depending on the size of the PWS. Large PWSs serving at least 100,000 had to begin the required monitoring and reporting by effective July 1, 2006, but the smaller PWSs, serving fewer than 10,000 people, have until July 1, 2008 to begin monitoring and reporting.

B. Identification of Persons and Entities Affected by the Rulemaking

This rule applies to PWSs that use surface water or ground water under the direct influence of surface water (GWUDI).

C. Cost-Benefit Analysis

1. Probable Costs and Benefits to ADEQ and Other Agencies

See section on general rules analysis.

2. Probable Costs and Benefits to Political Subdivisions

See section on general rules analysis.

3. Probable Costs and Benefits to Business

The requirements set by the LT2ESWTR are part of a whole set of rules that address public health risks from microbial contamination, specifically *Cryptosporidium*, of surface water or GWUDI, starting in 1989. For some PWSs, the costs of this rulemaking are incremental to current costs. Costs result largely from the installation of additional treatment, with smaller costs due to monitoring and other implementation activities. All PWSs will incur some costs for additional monitoring to assess source water *Cryptosporidium* levels, and reporting the results. However, through the risk-targeted approach, additional treatment requirements are imposed only on the subset of PWSs with the highest vulnerability to *Cryptosporidium*, as indicated by source water pathogen levels. These PWSs will incur costs for additional *Cryptosporidium* treatment, or for covering or treating uncovered finished water reservoirs. This approach will spare the majority of PWSs from the cost of installing additional treatment.

Large PWSs (serving at least 10,000 people) must monitor for *Cryptosporidium* (plus *E. coli* and turbidity in filtered PWSs) for two years. Small filtered PWSs (serving fewer than 10,000 people) initially monitor just for *E. coli* for one year as a screening analysis and are required to monitor for *Cryptosporidium* only if their *E. coli* levels exceed specified “trigger” values. EPA estimated nationwide monitoring costs to be \$45 million to \$59 million. To alleviate monitoring costs, the LT2ESWTR does allow for using previously collected data (i.e., grandfathering), under specific set criteria. Also, a PWS could choose to provide treatment instead of monitoring. A second round of monitoring will be required beginning in 2015 to determine if source water quality has changed to a degree that should affect treatment requirements.

Based on results from the monitoring, some PWSs will require treatment. These treatment requirements supplement those established by existing regulations, all of which remain in effect under the LT2ESWTR. Also, development of the microbial toolbox under the LT2ESWTR will provide both large and small PWSs with broad flexibility in selecting cost-effective compliance options to meet additional treatment requirements. Treatment costs depend on the type of treatment technology chosen.

The majority of filtered PWSs will not need additional *Cryptosporidium* treatment, and therefore incur no further costs. EPA survey data suggest that typical *Cryptosporidium* levels in the treated water of unfiltered PWSs are higher than in the treated water of filtered PWSs, so unfiltered PWSs have different standards. The LT2ESWTR requires all unfiltered PWSs to provide at least 2-log (i.e., 99 percent) inactivation of *Cryptosporidium*, and those PWSs that have higher levels must provide at least 3-log (i.e., 99.9 percent) inactivation of *Cryptosporidium*. Further, unfiltered PWSs must achieve their overall inactivation requirements (including *Giardia lamblia* and virus inactivation as established by earlier regulations) using a minimum of two disinfectants. Based on nationwide surveys, EPA estimated that costs for all PWSs requiring treatment would be \$1,471,480,000 to \$1,847,600,000.

PWSs with uncovered finished water storage facilities must take steps to address contamination risks. Previous regulations required PWSs to cover all new storage facilities for finished water but did not address existing uncovered finished water storage facilities. Under the LT2ESWTR, PWSs using uncovered finished water storage facilities must either cover the storage facility or treat the storage facility discharge to achieve inactivation and/or removal of 4-log virus, 3-log *Giardia lamblia*, and 2-log *Cryptosporidium* on a state-approved schedule. Based on nationwide surveys, EPA estimated that costs for all PWSs requiring covering their reservoirs would be \$117,030,000. From a recent survey of EPA Regions, EPA estimates that there are currently 81 uncovered finished water storage facilities for which PWSs must take steps to comply with the LT2ESWTR.

D. Probable Impact on Private and Public Employment

See section on general rules analysis.

E. Probable Impact on Small Business

1. Identification of Small Business

All PWSs serving less than 10,000 people that use only surface water or GWUDI.

2. Administrative and Other Costs of Compliance

A small PWS will have the same type of compliance costs as a large PWS. A small PWS will still have to conduct monitoring, although it may have less source samples to take as opposed to a large PWS with many source waters. However, it is more likely that a small PWS will have to ship its samples to an off-site laboratory, as opposed to performing analysis onsite as some larger PWSs are able to do. Some PWSs are likely to find alternative treatment techniques such as other toolbox options not included in this analysis, or sources of water (ground water, purchased water, or consolidating with another PWS) that would be less costly than installing more expensive treatment technologies.

EPA determined that nationwide, 152 of the 6,574 small PWSs, or 2.3 percent, regulated by the LT2ESWTR will experience an impact of one percent or greater of average annual revenues; further, 18 PWSs, which are 0.3 percent of the small PWSs regulated by this rule, will experience an impact of three percent or greater of average annual revenues.

3. Description of the Methods Used by ADEQ for Reduction of Impact on Small Businesses

Some of the existing methods in the SDWA rules that lessen the impact on small business are not available for the LT2ESWTR. Although some variances exist for the SDWA rules, variances cannot be granted for a treatment technique for a microbial contaminant. Also, the Monitoring Assistance Program is not available for microbiological contaminants.

Small PWSs have until July 1, 2008 to begin monitoring and reporting. To reduce monitoring costs, small filtered PWSs initially monitor just for *E. coli* for one year as a screening analysis and are required to monitor for *Cryptosporidium* only if their *E. coli* levels exceed specified "trigger" values. Small filtered PWSs that exceed the *E. coli* trigger, as well as all small unfiltered PWSs, must monitor for *Cryptosporidium* for one or two years, depending on the sampling frequency. Small PWSs will monitor for *E. coli* as a screening analysis for source waters with low levels of fecal contamination. *Cryptosporidium* monitoring will only be required of small PWSs if they exceed the *E. coli* trigger value. Because *E. coli* analysis is much cheaper than *Cryptosporidium* analysis, the use of *E. coli* as a screen will significantly reduce monitoring costs for the majority of small PWSs. Further, small PWSs will not be required to initiate their monitoring until large PWS monitoring has been completed. This will provide small PWSs with additional time to become familiar with the rule and to prepare for monitoring and other compliance activities.

Survey data indicate that approximately 75 to 80 percent of small PWSs will not exceed the *E. coli* trigger values and, consequently, will not be required to monitor for *Cryptosporidium*. Because *E. coli* is far less costly to analyze than *Cryptosporidium*, this approach will significantly reduce the burden of LT2ESWTR for these PWSs.

For small PWSs required to institute treatment, the LT2ESWTR provides various options, including continued monitoring at a different intake location. The LT2ESWTR also approves certain treatment options already favored by small PWSs. Small PWSs will have until October 1, 2014 to comply with any additional *Cryptosporidium* treatment requirements, and ADEQ may allow an additional two years for PWSs making capital improvements.

4. Probable Costs and Benefits to Private Persons and Consumers

EPA estimated that over 95 percent of all households would face an annual cost increase of less than \$12. Households served by small PWSs that install advanced technologies will face the greatest increases in annual costs.

Implementation of the LT2ESWTR will significantly reduce levels of infectious *Cryptosporidium* in finished drinking water, which in turn will substantially lower rates of endemic cryptosporidiosis, the illness caused by *Cryptosporidium*, which can be severe and sometimes fatal in sensitive subpopulations (e.g., infants, people with weakened immune systems). In addition, the treatment technique requirements of this regulation will increase protection against other microbial pathogens.

Cryptosporidium is a protozoan parasite that is common in surface water used as drinking water sources by PWSs. In drinking water, *Cryptosporidium* is a particular concern because it is highly resistant to chemical disinfectants like chlorine. When ingested, *Cryptosporidium* can cause acute gastrointestinal illness, which may be severe and some-

times fatal for people with weakened immune systems. Young children, pregnant women, or the elderly infected with cryptosporidiosis can quickly become severely dehydrated. EPA has estimated that *Cryptosporidium* has a mortality rate of 26.3 deaths per 100,000 illnesses for those served by unfiltered PWSs and a mortality rate of 16.7 deaths per 100,000 illnesses for those served by filtered PWSs. The substantial majority of *Cryptosporidium* cases are nonfatal illnesses, with the majority of illness being mild (in a range of category of mild, moderate, and severe). Many of the mild cases would not be reported. Only about one percent of illnesses would be categorized as severe, sufficient for hospitalization.

EPA also estimated the substantial benefits for water consumers. EPA estimated that *Cryptosporidium* causes a weighted average number of 1.3 days of reduced productivity per case, for both work and leisure. The LT2ESWTR is expected to reduce 89,375 to 1,459,126 illnesses and 20 to 314 deaths annually after full implementation. The benefit for such reductions (or the Cost of Illness approach) ranges from \$105 million to \$2.8 billion for the annual present value of the mean benefit.

The LT2ESWTR has nonquantifiable benefits. Implementing required treatment will also reduce levels of other microbial pathogens. For example, watershed control programs and intake relocation will cut overall pathogen levels by reducing fecal contamination in the source water. Membrane, bag, and cartridge filters will remove pathogenic protozoa like *Giardia lamblia* that are similar in size to or larger than *Cryptosporidium*. Lowering finished water turbidity from conventional and direct filtration will improve removal of pathogens across a broad size range, including viruses, bacteria, and protozoa. Inactivation technologies like ozone and UV are highly effective against a large number of different pathogen types.

F. Probable Effect on State Revenues

This rulemaking is not expected to directly affect state revenues.

G. A Description of Any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Rulemaking

See section on general rules analysis.

Ground Water Rule

A. Identification of the Rulemaking

On November 8, 2006, the EPA published the Ground Water Rule (“GWR”). The purpose of the GWR is to provide for increased protection against microbial pathogens in public water systems that use ground water sources. The GWR establishes a risk-targeted approach to target ground water systems that are susceptible to fecal contamination, instead of requiring disinfection for all ground water systems. The occurrence of fecal indicators in a drinking water supply is an indication of the potential presence of microbial pathogens that may pose a threat to public health. The GWR requires ground water systems that are at risk of fecal contamination to take corrective action to reduce cases of illnesses and deaths due to exposure to microbial pathogens.

1. Implementation Time

The compliance date for triggered monitoring (and associated corrective actions) and compliance monitoring is December 1, 2009.

B. Identification of Persons Who Will Be Directly Affected by the Rulemaking

All PWSs that use ground water as a water source, and do not treat that ground water to a specified standard.

C. Cost-Benefit Analysis

1. Probable Costs and Benefits to ADEQ and Other Agencies

Every three to five years, ADEQ is responsible for conducting, and will bear the costs of, a sanitary survey, which is a review that looks at critical components of a public water system. EPA estimated that the states will incur start-up costs of \$13 million (in 2003 dollars).

2. Probable Costs and Benefits to Political Subdivisions

See section on general rules analysis.

3. Probable Costs and Benefits to Business

Every PWSs using groundwater will need to provide the required information to ADEQ for the sanitary survey by the compliance date, and then every three to five years. PWSs that treat their combined ground water and surface water pursuant to standards established in Subpart H of the federal regulations, or that treat the ground water to achieve at least 99.99 percent (4-log) inactivation or removal of viruses are exempt from further requirements of this proposed rulemaking.

PWSs using groundwater as a source and do not treat the water must sample and monitor the water. PWSs already conduct required monitoring for total coliform, so they will not incur additional monitoring costs for the initial monitoring. The GWR, using a risk-targeting strategy, comes into play if a PWS identifies a positive sample for total coliform. The GWR provides for:

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1. Triggered source water monitoring within 24 hours when a PWS identifies a positive sample;
2. Implementation of corrective actions by a PWS with a significant deficiency or evidence of source water fecal contamination to reduce the risk of contamination; and
3. Compliance monitoring for a PWS that is sufficiently disinfecting drinking water to ensure that the treatment is effective at removing pathogens.

When a PWS has a significant deficiency or a fecal indicator-positive ground water source sample, the PWS must implement one or more of the following corrective action options:

1. Correct all significant deficiencies (e.g., repairs to well pads and sanitary seals, repairs to piping tanks and treatment equipment, control of cross-connections);
2. Provide an alternate source of water (e.g., new well, connection to another PWS);
3. Eliminate the source of contamination (e.g., remove point sources, relocate pipelines and waste disposal, redirect drainage or run-off, provide or fix existing fencing or housing of the wellhead); or
4. Provide treatment that reliably achieves at least 4-log treatment of viruses (using inactivation, removal, or a state-approved combination of 4-log virus inactivation and removal).

A PWS incur costs for assisting with the sanitary surveys, performing monitoring, and if needed, performing corrective actions. A PWS will incur additional monitoring costs if a positive sample turns up. Costs for corrective action vary depending on the circumstances, such as the size of the people served, the number of entry points into the water system, and the number of wells per system and per entry point. EPA estimated that affected PWSs would incur a mean value of total initial capital costs of \$346 million (in 2003 dollars), and a mean value of total one-time implementation costs of \$17 million (in 2003 dollars). EPA further estimated the annualized costs for the GWR provisions, in millions at 2003 dollars, as:

- Sanitary Surveys - \$0.20 to 0.21;
- Corrective Action for Significant Deficiencies - \$8.13 to 8.46;
- Triggered Monitoring - \$5.39 to 5.44;
- Corrective Actions for Triggered Monitoring - 25.64 to \$27.20;
- Compliance Monitoring - \$8.32 to \$9.35; and
- Total - \$50.02 to \$50.57

D. Probable Impact on Private and Public Employment

See section on general rules analysis.

E. Probable Impact on Small Business

1. Identification of Small Business

All PWSs serving less than 10,000 customers that use ground water as a water source, and do not treat that ground water to a specified standard.

2. Administrative and Other Costs of Compliance

See section on general rules analysis.

3. Description of the Methods Used by ADEQ for Reduction of Impact on Small Businesses

By the general construct of the GWR, a PWSs only needs to expend further costs when monitored samples test positive. For a PWSs with clean water sources, this proposed rule imposes no additional costs.

4. Probable Costs and Benefits to Private Persons and Consumers

EPA estimates that households affected by the GWR will face minimal increases in their annual costs. EPA's household cost analysis only considers the impact on CWSs, not costs to TNCWSs and NTNCWSs because their costs are not passed through directly to households. Households served by small systems that take corrective actions will face the greatest increases in annual costs. If one assumes that all costs are passed to consumers, the annual household costs for CWSs (including those that do not add treatment) range from \$0.21 to \$16.52. Annual household costs for the subset of community water systems that take corrective actions range from \$0.45 to \$52.38.

Ground water that is susceptible to fecal contamination may contain harmful viruses or bacteria. Viral and bacterial pathogens are present in human and animal feces, which can, in turn, contaminate drinking water. Fecal contamination can reach ground water sources, including drinking water wells, from failed septic systems, leaking sewer lines, and by passing through the soil and large cracks in the ground. Fecal contamination from the surface may also get into a drinking water well along its casing or through cracks if the well is not properly constructed, protected, or maintained.

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EPA cited a report by the Centers for Disease Control and Prevention finding that groundwater systems were associated with 51 percent of all waterborne disease outbreaks for the period of 1991 through 2000. Viral pathogens found in groundwater systems may include enteric viruses such as Echovirus, Hepatitis A and E, Rotavirus and Noroviruses (i.e., Norwalk-like viruses) and enteric bacterial pathogens such as *Escherichia coli*, *Salmonella* species, *Shigella* species, and *Vibrio cholerae*. Ingestion of these pathogens can cause gastroenteritis or, in certain rare cases, serious illnesses such as meningitis, hepatitis, or myocarditis. Health implications in sensitive subpopulations may be severe (e.g., hemolytic uremic syndrome) and may cause death.

EPA quantified the benefits of the GWR as resulting from reductions in endemic acute viral illness and death. EPA estimated the mean annualized present value of benefits as \$16.8 to \$19.7 million using an enhanced cost-of-illness approach that includes lost unpaid labor and leisure time for people both in and outside the workforce. Using a traditional cost-of-illness approach, the estimated mean annualized present value of benefits is \$8.6 to \$10 million. EPA further estimated that the GWR will annually prevent approximately 41,868 cases of illness from rotavirus and echovirus. In addition, nonquantified benefits from the GWR are expected to be significant, and include illness reduction from other viruses and bacteria. Reductions in acute bacterial illness and deaths are expected to exceed five times the quantified benefits.

F. Probable Effect on State Revenues

This rulemaking is not expected to directly affect state revenues.

G. A Description of Any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Rulemaking

See section on general rules analysis.

Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions (UCMR 2)

A. Identification of the Rulemaking

On January 4, 2007, the EPA published the Unregulated Contaminant Monitoring Regulation (UCMR 2) for Public Water Systems Revisions. The SDWA requires the EPA to establish a program to monitor unregulated contaminants and to publish a list of contaminants to be monitored every five years. EPA published the first set of contaminants in 1999. The UCMR 2 is the next set of unregulated contaminants to be monitored, and the requirements for the monitoring. The time period for monitoring is 2007–2011. EPA is requiring monitoring of 25 chemicals using five different analytical methods.

1. Implementation Time

UCMR 2 monitoring will occur during 2008–2010. Sampling begins in 2008, but large PWS were required to provide their contact and sampling location information in 2007.

B. Identification of Persons Who Will Be Directly Affected by the Rulemaking

This rule requires that Assessment Monitoring be conducted by all large CWSs and NTNCWSs serving more than 10,000 people, and a nationally representative sample of 800 small water systems serving 10,000 or fewer people. TNCWSs and those systems that purchase all of their finished water from another system are excluded from the requirements of UCMR 2.

C. Cost-Benefit Analysis

1. Probable Costs and Benefits to ADEQ and Other Agencies

ADEQ will bear any additional costs of this program as the cost of doing business. EPA will be responsible for non-labor costs of monitoring and sampling analysis for small PWSs, such as cost of shipping samples to laboratories for testing and the cost of the actual laboratory analyses.

2. Probable Costs and Benefits to Political Subdivisions

See section on general rules analysis.

3. Probable Costs and Benefits to Business

Laboratories are affected businesses under the UCMR 2, since any laboratories wishing to participate in the UCMR 2 process must be approved by EPA. The UCMR 2 laboratory approval process is designed to assess whether laboratories meet the required equipment, laboratory performance, and data reporting criteria. Of the 52 EPA-approved laboratories, none are in Arizona as of October 2007.

A PWS required to monitor under this rule will have additional costs of sending samples out-of-state, and of collecting samples according to specified procedures. The PWS is responsible for costs of the monitoring, including the cost of shipping samples to laboratories for testing and the cost of the actual laboratory analyses. Labor costs for taking samples will likely be an incremental cost for a PWS that can be combined with other sampling. With the exception of Method 525.2, these methods are comparatively new and will not coincide with other compliance monitoring (e.g., no cost savings for coincident monitoring can be realized). Laboratory analysis and shipping of samples account for approximately 71 percent of the national cost for UCMR 2 implementation. However, a system's burden is primarily

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incurred during its one year of required UCMR monitoring (between January 2008 and December 2010). EPA's survey conducted for purposes of instituting this rule, found the following average costs for the laboratory methods:

Assessment Monitoring (List 1):	
EPA Method 527 (for 7 contaminants)	\$220
EPA Method 529 (for 3 contaminants)	\$215
Total List 1	\$435
Screening Survey (List 2)	
EPA Method 521 (for 6 contaminants)	\$310
EPA Method 535 (for 6 contaminants)	\$370
EPA Method 525.2 (for 3 contaminants)	\$190
Total List 2	\$870

Over the UCMR 2 cycle of 2007-2011, EPA estimates that nationwide, the average annual cost of UCMR 2 is approximately \$8.87 million. These total estimated annual costs and total estimated costs (labor and non-labor) are incurred as follows:

Respondent	Average annual cost for all respondents (2007 – 2011)	Total estimated costs for all respondents (2007-2011)
Small Systems serving 25 - 10,000, including labor only (non-labor costs are paid for by EPA)	\$0.06 m	\$0.30 m
Large Systems serving 10,001 - 100,000, including labor and non-labor costs	3.84 m	19.20 m
Large Systems serving 100,001 and greater, including labor and non-labor costs	1.91 m	9.55 m
States, including labor costs related to implementation coordination	0.49 m	2.45 m
EPA, including labor for implementation coordination and non-labor for small system testing	2.57 m	12.85 m
National Total	8.87 m	44.35 m

The UCMR sets up penalties for not reporting.

D. Probable Impact on Private and Public Employment

See section on general rules analysis.

E. Probable Impact on Small Business

1. Identification of Small Business

EPA will choose a nationally representative sample of 800 small water systems serving 10,000 or fewer people, and only 480 small PWSs for the second tier of monitoring or Screening Survey monitoring

2. Administrative and Other Costs of Compliance

A small PWS will have labor costs for actually taking water samples correctly.

3. Description of the Methods Used by ADEQ for Reduction of Impact on Small Businesses

The selected small PWSs will not monitor for any more than one of the three monitoring lists in the UCMR Contaminant List. EPA pays for the non-labor costs. EPA provides sample containers and pre-paid air bills for shipping the sampling materials, conducts the laboratory analysis, and reports and reviews monitoring results for all small systems selected to conduct monitoring.

4. Probable Costs and Benefits to Private Persons and Consumers

The UCMR program allows EPA to develop a list of contaminants that are not regulated by national primary drinking water regulation, are known or anticipated to occur at public water systems, and may warrant regulation under the SDWA. The data collected through the UCMR is stored in the National Contaminant Occurrence Database to support analysis and review of contaminant occurrence, and to support the EPA's Administrator's determination of whether to regulate a contaminant in the interest of protecting public health. The UCMR benefits the environment and public health nationwide by providing EPA and other interested parties with scientifically valid data on the occurrence of these contaminants in drinking water, permitting assessment of the population being exposed and the levels of that

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exposure. This information is the primary source of exposure data for EPA to determine whether to regulate these contaminants.

F. Probable Effect on State Revenues

This rulemaking is not expected to directly affect state revenues.

G. A Description of Any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Rulemaking

See section on general rules analysis.

IV. EXPLANATION OF THE LIMITATIONS OF THE DATA AVAILABLE FOR SUBSECTION (B) OF THIS ECONOMIC SMALL BUSINESS AND CONSUMER IMPACT STATEMENT

A.R.S. § 41-1055(C) states that if there is not adequate data reasonably available to an agency to provide all of the information required by A.R.S. § 41-1055(B), the agency must explain the limitations of the data and the methods employed by the agency in its attempt to obtain the data, and characterize the probable impacts in qualitative terms. In drafting this economic analysis, ADEQ has relied on data collected by EPA and other entities. ADEQ has not necessarily undertaken an independent study to determine the economic impacts of EPA’s rules, or attempted to determine the accuracy of the economic impacts predicted by EPA and other entities, other than to present known data for Arizona, such as the number of individual types of water systems in Arizona.

V. CONCLUSION

ADEQ believes that the benefits of this rulemaking will outweigh the costs of the rulemaking. ADEQ has already adopted most of the rules in substance, and is now merely adopting the rules in a different form, so the economic impact should be minimal. The set of eight federal rules new to ADEQ’s state rules already are binding on public water systems regardless of whether or not Arizona adopts the rules.

PWSs’ costs for implementing new and existing safe drinking water regulations will vary from minimal to substantial. Increased monitoring and sampling usually will result in incremental costs. However if MCLs are exceeded, a PWS incurs costs in order to take corrective action, which in some cases means substantial capital improvements. In most cases, a PWS will pass increased costs onto its customer base. Consumers and users benefit from safe drinking water, and will pay for this benefit through increased utility rates for their drinking water. As a result of the safe drinking water regulations and continued testing, drinking water supplies in the United States are among the cleanest and safest in the world.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

In this notice of final rulemaking, the Department has made numerous changes since the publication of the notice of proposed rulemaking. Some changes were made as a result of formal and informal comments submitted to the Department; other changes were made on the Department’s own initiative. Various grammatical and technical changes were also made at the suggestion of the Governor’s Regulatory Review Council (G.R.R.C.) staff, not all of these minor changes are specifically referenced in items 10 or 11. The following is a list of many of these changes:

Rule	Change	Reason
R18-4-121	Replaced “Repealed” with text incorporating EPA’s Groundwater Rule by reference. Due to clerical error, rule text was left out of original notice of proposed rulemaking, even though the incorporation of the groundwater rule was referenced in the preamble of the proposed rulemaking. ADEQ published a separate notice of proposed rulemaking the following week which incorporated 40 CFR 141, Subpart S, in which the preamble referenced the Department’s plans to merge the two proposed rulemakings into one notice of final rulemaking.	Clerical error resulting in substantive rule change.
R18-4-103(B)	Corrected misspelled word in the definition of “entry point to the distribution system” – from “treatment <i>plan</i> ” to “treatment <i>plant</i> ”.	Misspelled word.
R18-4-105(A)	Corrected incorporation language, from “40 CFR 141.21 through 141.30” to “40 CFR 141.21 through 141.29”.	Clerical error; in the version of the federal rules being incorporated by reference, there is no 40 CFR 141.30.

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R18-4-218(B)(3)	Removed parenthetical language following first sentence of subsection; moved pertinent language to preamble.	Issue addressed in the preamble; more appropriate than explaining meaning in parentheses.
R18-4-218(B)(6)	Removed entire subsection.	Response to comment; cross-reference to agency guidance document could be interpreted to be incorporation of guidance by reference, which is not permitted under Arizona APA.
R18-4-218(C)(3)	Removed second sentence of subsection.	Language was somewhat vague; in response to comment, removed potentially controversial provisions of this rule.

11. A summary of the comments made regarding the rule and the agency response to them:

The following formal comments were submitted by the Arizona Chamber of Commerce and the Greater Phoenix Chamber of Commerce (collectively, the “Chamber”), and are presented exactly as received. The Department also received informal comments from stakeholders regarding various technical and clerical errors, which it appreciates being brought to its attention. The comments and responses below are organized by the Sections they address.

a. R18-4-218, Point-of-Use and Point-of-Entry Device Requirements.

Comment: *R18-4-218(B)(2): The language in proposed R18-4-218(B)(2) requires that a POU or POE treatment device be “listed in 40 CFR 141 as an acceptable compliance technology for the applicable contaminant.” The Chamber does not understand this language as applied to POE treatment devices since 40 C.F.R. § 141.100 authorizes public water systems to use POE devices to comply with maximum contaminant levels (“MCLs”) and does not require a separate listing of the particular device selected elsewhere in 40 C.F.R. Part 141. The Chamber believes that this language could pose problems with the implementation of potential POE or even POU treatment devices and systems and requests that it be removed. Additionally, the issue that this language is attempting to address can be resolved through the already detailed requirement to submit and obtain ADEQ approval of a POE or POU operation and maintenance plan.*

Response: The Department is merely reiterating a requirement specified in the Safe Drinking Water Act (“Act”); as in various other parts of this rulemaking, the specific rule language was developed in cooperation with EPA staff in an effort to avoid subsequent primacy issues when the final rule is submitted to EPA for approval:

“Point-of-entry and point-of-use treatment units shall be owned, controlled and maintained by the public water system or by a person under contract with the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level or treatment technique and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems. The Administrator shall not include in the list any point-of-use treatment technology, treatment technique, or other means to achieve compliance with a maximum contaminant level or treatment technique requirement for a microbial contaminant (or an indicator of a microbial contaminant). ***If the American National Standards Institute has issued product standards applicable to a specific type of point-of-entry or point-of-use treatment unit, individual units of that type shall not be accepted for compliance with a maximum contaminant level or treatment technique requirement unless they are independently certified in accordance with such standards.*** In listing any technology, treatment technique, or other means pursuant to this clause, the Administrator shall consider the quality of the source water to be treated.” 42 U.S.C. 300g-1(b)(4)(E)(ii); emphasis added.

Comment: *R18-4-218(B)(3): The language in this proposed subsection is confusing and appears to be potentially inconsistent with R18-4-213(B), which requires all materials, including treatment devices, to conform to ANSI/NSF Standard 61. The language appears to be creating a broader certification requirement than is found in R18-4-213, but it is not clear what will be required to meet the certification given the non-specific language.*

Response: The language in R18-4-218(B)(3) is based on the requirement in the Act, 42 U.S.C. 300g-1(b)(4)(E)(ii), quoted above. The Department has removed the parenthetical language from the Section, since it is more appropriate to clarify the Department’s interpretation of the language in this rulemaking preamble rather than in a parenthetical statement in the Section itself. However, the Department does plan to interpret R18-4-218(B)(3) as requiring public water systems utilizing POU treatment technology to utilize devices that meet any applicable NSF/ANSI standards.

To directly address the comment, as stated in the language being removed, NSF/ANSI Standard 61 is a general standard that involves material extraction testing only and does not test for structural integrity or chemical reduction capabilities. The Department believes if the American National Standards Institute has issued product standards applicable to a specific type of drinking water treatment device, the POE or POU treatment device shall be independently certified and listed by an ANSI-accredited certification entity approved by the Department; e.g.: NSF/ANSI Standard 53, Health Effects; NSF/ANSI Standard 55, Ultra Violet; NSF/ANSI Standard 58, Reverse Osmosis; and NSF/ANSI Standard 44, Cation Exchange Water Softeners.

Comment: *R18-4-218(B)(6): The Chamber respectfully requests that this proposed subsection be removed from Arizona’s safe drinking water regulations. First, the language states that POU or POE devices must meet the requirements of R18-4-218. This language is not necessary since this is already addressed in R18-4-218(A). Second, the Chamber strongly objects to ADEQ’s attempt to somehow elevate ADEQ’s substantive policy statement on POU*

devices to the level of a rule. The policy statement that ADEQ is attempting to incorporate as part of Arizona's safe drinking water rules states clearly that it is "advisory only." There are numerous other legal and practical reasons against ADEQ's proposal to elevate the policy statement to a rule, including: (1) the policy statement contains references to rule citations that will be outdated once this rule package is finalized; (2) the policy statement is not clear, concise, and understandable – it is written in guidance format and it is difficult to decipher what statements qualify as requirements or merely suggestions (for example, there are sections addressing whether a POU will work for a particular system and a section on water wasting concerns – do these sections create enforceable requirements?); (3) ADEQ does not have clear legal authority for all of the various sections and statements in the policy statement; (4) ADEQ's proposal to incorporate the policy statement violates the incorporation by reference requirements in Arizona's Administrative Procedure Act (see A.R.S. § 41-1028); and (5) the proposed language in R18-4-218(B)(6) would require POE, not just POU, devices to comply with the ADEQ POU policy statement. Proposed section R18-4-218(B)(6) should be removed in its entirety from the rule package.

Response: The Department has removed subsection R18-4-218(B)(6).

Comment: R18-4-218(C)(3): The Chamber disagrees with the second sentence in this proposed subsection and requests that it be deleted. The first sentence in this subsection clearly states the applicable requirement that a public water system shall ensure a sufficient number of POU devices installed to provide adequate potable water for all users. The second sentence, in contrast, attempts to define situations when this may not be practical, however, this determination ultimately is subjective and should be removed as requested.

Response: The Department has removed the second sentence of subsection R18-4-218(C)(3).

Comment: As a final comment on this section, the Chamber questions how the requirements in R18-4-218 correlate with the requirements in the incorporated federal safe drinking water regulations that also address POE and POU devices, such as 40 C.F.R. §§ 141.62 (arsenic MCL), 141.66 (radionuclide MCL), 141.100 (POE devices), and 142.57 & 142.62(h) (use of POE and POU devices as a condition for receiving an exemption). The current approach is confusing and it appears that any additional requirements that ADEQ believes are appropriate should be addressed in Article 1 as modifications to the federal rule language addressing POEs and POUs and not as a separate section in R18-4, Article 2. In fact, the Chamber believes that incorporation by reference of the above listed federal rules addressing POE and POU devices, which has already been proposed, is more than sufficient to address proper regulation of such devices in Arizona. The Chamber respectfully requests, therefore, that ADEQ remove R18-4-218 in its entirety especially given the numerous issues and concerns identified above with the current language in this proposed section.

Response: The Department respectfully disagrees with the Chamber's opinion; no changes have been made to this Section in response to this comment. The rules referenced in the comment do not establish criteria and procedures for use of POU and POE treatment devices, which the Department believes are necessary for consistent, reasonable, and uniform interpretation of and application of the rules; i.e., procedural due process. The Department is not incorporating 40 CFR 141.100, EPA's point-of-entry rule, since it applies to POE treatment devices only, not to POU devices, and would also be duplicative of the Department's POU/POE rule. Instead, the Department is amending its existing rule, R18-4-222, Use of Point-of-Entry or Point-of-Use Treatment Devices, which already addresses both POU and POE treatment devices. A comparison of the current rule with the amendments being adopted pursuant to this rule-making reveals that there are relatively few substantive changes being made to the rule. Finally, although EPA has not adopted regulations for POU devices, there are federal requirements governing POU devices in the Safe Drinking Water Act, and EPA has published at least one guidance document concerning the use of POU treatment devices, "Point-of-Use or Point-of-Entry Treatment Options for Small Drinking Water Systems," USEPA Office of Water, EPA 815-R-06-010, April 2006.

b. R18-4-108, Maximum Contaminant Level Goals ("MCLGs") and Maximum Residual Disinfectant Level Goals.

Comment: Under the federal Safe Drinking Water Act ("SDWA") (42 U.S.C. § 300g-1(b)(4)(A)), EPA is required to establish MCLGs as non-enforceable health goals. EPA sets the MCLG at a level at which no adverse health effects are anticipated to occur and which allows an adequate margin of safety, without consideration to cost, available technologies or other factors. EPA then relies on MCLG data to establish enforceable maximum contaminant levels ("MCLs"), which consider costs, available technology, treatment techniques and other factors. See 42 U.S.C. § 300g-1(b)(4)(B) & (D).

As such, MCLGs are used only by EPA in developing MCLs. ADEQ, however, proposes to incorporate the MCLGs into state drinking water regulations under R18-4-108. ADEQ's incorporation of the federal MCLGs serves no purpose. It provides no enforceable standard and is not required for ADEQ to maintain primacy over drinking water regulations under SDWA. Incorporation of the federal MCLG only serves to confuse operators on exactly what standard applies for enforcement purposes. The proposed incorporation of the federal definition of "MCLG" adequately addresses whatever references are made to MCLGs by the omnibus incorporation of the federal regulations. As such, ADEQ should remove its proposed incorporation of the MCLGs.

As already noted, the proposed incorporation by reference of the federal MCLGs is not a required component for state primary enforcement responsibility (see 40 C.F.R. § 142.10). A determination of whether a state will be granted primary enforcement responsibility for the federal safe drinking water act focuses on whether the state has adopted

drinking water regulations that are no less stringent than the “national primary drinking water regulations” found in 40 C.F.R. Part 141 (see 40 C.F.R. § 142.10(a)). MCLGs are not national primary drinking water regulations. This is clarified in several locations in the federal Safe Drinking Water Act, including in Section 1412(a)(3) (“Whenever a national primary drinking water regulation is proposed ... the maximum contaminant level goal for such contaminant shall be proposed simultaneously”) and in Section 1412(b)(1)(A) (“The Administrator shall ... publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for a contaminant [if the Administrator makes certain determinations]”) (emphasis added). The federal Safe Drinking Water Act makes a clear distinction between national primary drinking water regulations, which are required to be adopted to maintain state primary enforcement responsibility, and MCLGs, which are only used for purposes of establishing applicable MCLs. Further, A.R.S. § 49-353(A)(2)(a) provides that in adopting regulations to address potable water ADEQ must address requirements established by the federal government for state primary enforcement responsibility of the federal Safe Drinking Water Act. As clarified above, this does not include MCLGs, because such goals are not national primary drinking water regulations. The proposal to incorporate the MCLGs also is problematic from a rule interpretation perspective because it raises the issue regarding whether these levels would be enforceable against water suppliers and what meaning they provide as part of the Arizona safe drinking water regulations.

Response: The Department respectfully disagrees with the Chamber’s opinion; no changes have been made to this Section. EPA adopted MCLGs pursuant to § 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)). The federal rules define MCLGs as “the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. Maximum contaminant level goals are nonenforceable health goals.” MCLGs are currently listed in the state rules in Appendix A, Article 1, 18 A.A.C. 4, and in R18-4-703(C), which establishes the content requirements for Consumer Confidence Reports (CCRs), and R18-4-704(B), which specifies the information that must be listed by public water systems for detected contaminants. These state rules contain CCR requirements found in the federal rules in Subpart O to Part 141.

Although MCLGs are nonenforceable, the Department is incorporating 40 CFR 141, Subpart F, because MCLGs are required for water system’s annual consumer confidence reports. Under 40 CFR 141.153, systems are required to include in the annual report to customers the definition of 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.) This information, along with the specific levels of regulated contaminants found in the water system’s required sampling, provide customers with required health information concerning the water served by their system.

c. R18-4-202, Operator Certification and System Operation.

Comment: In proposed R18-4-202(A)(1), ADEQ requires that a water system be “operated in accordance with 18 A.A.C. 5, Article 1.” That particular Chapter and Article do not deal with system operation, but with the requirement for operator certification, which is independently enforceable, and thus its inclusion in R18-4-202(A)(1) is unnecessary and redundant. Furthermore, in proposed R18-4-203, ADEQ requires that a public water system operator maintain all facilities in compliance not only with the drinking water rules, but also with 18 A.A.C. Chapter 5. Again, that chapter is independently enforceable, and thus its inclusion in the drinking water rules is unnecessarily duplicative. Also, that Chapter deals with several matters well outside the scope of drinking water regulation, including swimming pool design and maintenance. As such, the Chamber recommends that ADEQ remove from both R18-4-202(A)(1) and R18-4-203 any reference to 18 A.A.C. Chapter 5 because those references are superfluous, Chapter 5 is independently applicable and enforceable, and several matters in Chapter 5 lie outside the scope of the drinking water rules.

Response: The Department respectfully disagrees with the Chamber’s opinion; no changes have been made to this Section. The Department does not feel that this requirement is redundant; it believes that the regulations in 18 A.A.C. 4, implement the Department’s statutory authority to regulate public water systems under A.R.S. §§ 49-351, 49-353, and 49-353.01; and that the regulations in 18 A.A.C. 5, Article 1, implement the Department’s statutory authority to regulate the operators of both public water systems and wastewater systems under A.R.S. § 49-352.

However, even if one views the requirement in R18-4-202(A)(1) as redundant, the Department believes that the cross reference in R18-4-202(A)(1) to the regulations for certified operators of public drinking water and wastewater systems in Title 18, Chapter 5, Article 1, serves to provide additional notice to the regulated public of the Department’s operator certification requirements.

d. R18-4-208, Sanitary Surveys.

Comment: With respect to ADEQ’s proposed revisions to former R18-4-118 (now proposed R18-4-208), the Chamber recommends that ADEQ prepare, or commit in the regulation or in the preamble to prepare, a comprehensive schedule for performing sanitary surveys to clarify the frequency of surveys for each PWS. Additionally, while the Chamber agrees that non-community water systems using groundwater should perform sanitary surveys on a less frequent basis than community water systems, the Chamber questions the potential interpretation of the phrase “non-community water systems using only protected and disinfected ground water” (emphasis added). The Chamber understands this language to mean that the groundwater is not under the influence of surface water as addressed in the proposed

definition of “ground water under the direct influence of surface water” (“GWUDI”). (See also 40 C.F.R. § 141.2). ADEQ should confirm this understanding in the regulations or accompanying preamble.

Response: Historically, the Department has always conducted sanitary surveys of all public water systems at least once every five years, and at least once per year for surface water systems. This practice is reflected in the Department’s delegation agreements with local governments to whom the Department delegate authority for sanitary surveys; the agreements require that all water systems, whether ground water or surface water, be inspected at least once a year for surface water systems, and at least once every three years for nonsurface water systems.

However, the Department has never published a comprehensive schedule for performing sanitary surveys, because the inspection schedule is always in flux. The inspection schedule changes for various reasons, such as the need to expedite inspections of new systems or systems with compliance and enforcement issues, or when a survey is conducted earlier when an inspector is making a site visit to a system for another reason, such as an engineering construction inspection, and combining the inspection and sanitary survey will eliminate the need to make another trip to the same site a few months later. For this reason, in conjunction with resource issues, it would not be practical at the current time for the Department to develop a comprehensive survey schedule, since it would be in a process of continual revision.

Regarding the comment concerning the meaning of the phrase “non-community water systems using only protected and disinfected ground water,” (see rule language below) the Department interprets this as meaning that the system has successfully implemented a source water protection program, and that the system is treating its water with an approved disinfection method.

40 CFR 141.21

* * *

(d) Sanitary surveys. (1)(i) 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 State, must undergo subsequent sanitary surveys at least every ten years after the initial sanitary survey. The State must review the results of each sanitary survey to determine whether the existing monitoring frequency is adequate and what additional measures, if any, the system needs to undertake to improve drinking water quality.

(ii) In conducting a sanitary survey of a system using ground water in a State having an EPA-approved wellhead protection program under section 1428 of the Safe Drinking Water Act, information on sources of contamination within the delineated wellhead protection area that was collected in the course of developing and implementing the program should be considered instead of collecting new information, if the information was collected since the last time the system was subject to a sanitary survey.

* * *

e. R18-4-103(B), Definition of “Treatment.”

Comment: ADEQ proposes to retain, in lieu of the federal definition, the current state definition of “treatment.” ADEQ should adopt language in that definition which clarifies that treatment does not include such aesthetic water quality enhancement systems as reverse osmosis systems or water softeners, in order to avoid unnecessary confusion and potential inappropriate application of consecutive water system regulations to facilities which simply implement such aesthetic water quality enhancement systems. The definition should clearly delineate what qualifies as treatment, and what (like reverse osmosis, water softeners, or the addition of certain disinfectants) qualifies only as aesthetic or supplemental water quality enhancement techniques. The definition should clearly delineate where in the system “treatment” ends and “distribution” begins.

In connection with this suggested revision to the definition of “treatment,” the Chamber also requests that ADEQ clarify the definition of the term “water treatment plant.” In particular, in R18-4-103(B), ADEQ notes that a “booster chlorination facility that is designed to maintain an effective disinfectant residual in water in the distribution system is not a water treatment plant.” Here, as requested above, ADEQ attempts to distinguish “treatment” from other processes or techniques applied to water for aesthetic or water quality enhancement purposes. However, ADEQ provides no explanation for what is meant by “booster chlorination facility.” ADEQ should either remove the word “booster” from the definition to clarify that any chlorination facility designed to maintain disinfectant residual levels in the distribution system does not constitute a “water treatment plant,” or, in the alternative, clarify what is meant by the word “booster”, and at what point in treatment or distribution “boosting” could be distinguished from “treatment.”

Response: The definition of “treatment” in this rulemaking is unchanged from the version in the Department’s current definitions Section, R18-4-101, and there is no federal definition of “treatment” in 40 CFR 141.2, Definitions, to provide any guidance. The Department agrees that its current definition of “treatment” could be clarified; however, and will work with stakeholders and delegated entities to clarify the definition in the next rulemaking affecting this Chapter, so that it is clear that a device that merely provides aesthetic water quality enhancement, that is not owned, maintained, or operated by a public water system, is not considered “treatment.”

f. R18-4-105, Volatile Organic Compound Monitoring.

Comment: *The current state drinking water regulations state that the consecutive quarterly volatile organic compound (“VOC”) samples may include the initial detection sample. R18-4-212(G)(1). However, the proposed incorporation of the federal standard for VOC sampling under 40 C.F.R. § 141.24 requires similar quarterly samples, but does not clarify that those samples may include the initial detection. The Chamber recommends that ADEQ retain the clarifying language with respect to the initial VOC sample from the current state regulations.*

Response: The Department acknowledges this difference between the current state and federal rules. This is an example of a state rule that EPA considered to be less stringent than the federal rules; the issue is being addressed by this rulemaking, so the Department will not make the change suggested by the commenter.

Comment: *Additionally, the current state regulations clarify that quarterly sampling for VOCs in response to a sample showing a concentration of 0.0005 mg/L or more begins in the quarter immediately following collection of that sample. R18-4-212(G). The proposed incorporation of the corresponding federal regulation does not clarify when quarterly sampling begins in response to a sample showing 0.0005 mg/L or more. ADEQ should retain the language in the current state regulations to clarify 40 C.F.R. § 141.24(f)(11)(i), that quarterly sampling begins “in the quarter immediately following collection of the sample that was 0.0005 mg/L.”*

Response: The Department acknowledges this difference between the current state and federal rules. There are numerous places where the federal rules are not as clear and concise as the current state rules. However, one of the primary purposes of utilizing incorporation by reference is to eliminate variances in rule language that could result in a different interpretation or application of a federal rule at the state level. It is generally understood by the regulated community that quarterly sampling begins in the quarter immediately following the collection of an exceedance sample, unless otherwise specified in a particular section or rule.

g. R18-4-104, “Grandfathered” Allowance for Synthetic Organic Compound Data.

Comment: *Under current state regulations, PWSs may use synthetic organic compound (“SOC”) monitoring data collected in the three years immediately before the initial monitoring year to satisfy initial monitoring requirements. R18-4-216(F). The proposed incorporation of the federal standard would not include this “grandfathered” allowance of prior SOC monitoring data. ADEQ should retain this language from the current state regulations, which permits reliance on perfectly valid data while avoiding the cost of re-sampling when equally legitimate data is already available.*

Response: The Department acknowledges this difference between the current state and federal rules. This is an example of a state rule that EPA considered to be less stringent than the federal rules; the issue is being addressed by this rulemaking, so the Department has not changed this Section. Despite the difference in the wording of the rules, the Department has interpreted this rule to be as stringent as the federal rule, as has the Monitoring Assistance Program, which the Department oversees.

h. Reporting and Recordkeeping Requirements.

Comment: *The federal regulations do not include all reporting requirements under one section. For example, while the federal regulations contain a section purporting to address reporting requirements in general (40 C.F.R. 141.31), that section does not contain all reporting requirements (for instance, it excludes the reporting requirements under the lead and copper rule). Similarly, the federal safe drinking water rules do not provide a convenient, consolidated provision showing all relevant record-keeping requirements. ADEQ should revise its proposed incorporation of 40 C.F.R. § 141.31 and 141.33 to include a provision which consolidates all reporting and record-keeping requirements associated with drinking water regulations in one convenient regulatory section. Such a revision would facilitate compliance by providing an accessible, simple means of determining, in one provision, all reporting requirements for which a public water system is responsible. In the alternative, ADEQ could provide, as part of the preamble to the final regulations, a consolidated, convenient, one-stop guide on all record-keeping and reporting requirements under the safe drinking water rules.*

Response: The Department acknowledges this difference between the current state and federal rules. There are numerous places where the federal rules are not as clear and concise as the current state rules. However, one of the primary purposes of utilizing incorporation by reference is to eliminate variances in rule language that could result in a different interpretation or application of a federal rule at the state level. EPA organizes its rules differently than ADEQ; i.e., it drafted its regulations in a manner where the reporting levels for particular contaminants are found in the rules that regulate those contaminants, rather than being consolidated in one place. R18-4-104 has, in fact, contained reporting limits that were different from EPA’s published limits, which demonstrates the problem of attempting to consolidate in one place requirements that are contained in various places throughout the NPDWRs.

However, EPA does publish voluminous and detailed guidance documents for its safe drinking water rules, and the reporting limits are found in a table in the *Manual for the Certification of Laboratories Analyzing Drinking Water* (5th ed.), EPA 815-R-05-004, January 2005. The Manual contains tables that specify MCLs and detection limit requirements; the manual can be downloaded from EPA’s web site at <http://www.epa.gov/safewater/labcert/labindex.html>.

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i. R18-4-103(B), Definition of “Capacity.”

Comment: ADEQ proposes, in addition to incorporation of the federal safe drinking water rule definitions, several new definitions and to retain several current definitions in the state drinking water rules not found in the federal rules. One such new definition is the definition of “capacity.” The Chamber recommends that ADEQ delete from that definition the following language: “or likely to be in effect.” The definition adequately provides for compliance by requiring that a public water system meet all safe drinking water rules in effect when new or modified operations begin. Requiring compliance with regulations which are “likely to be in effect” only confuses the applicable requirements, suggesting that somehow the operator must comply with regulations not in effect, but some ethereal regulations that could be in effect someday. Such a requirement is vague, ambiguous, and unnecessary as long as the operator complies with all rules in effect at the time of the beginning the new or modified operations, as already provided for the proposed definition.

Response: R18-4-801, Definitions, was moved from 18 A.A.C. 4, Article 8, Technical Assistance, and consolidated into the definitions Section of 18 A.A.C. 4. “Capacity” is one of these definitions; it was also amended in an effort to provide greater clarity. The Department agrees that the phrase “is likely to be in effect” is somewhat ambiguous, and has removed the phrase from the definition.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

R18-4-102, Incorporation by Reference of 40 CFR 141 and 142, is the Section that references the specific edition of the federal regulations that are being incorporated by reference in 18 A.A.C. 4 (there are too many rules to make listing practical, since each Section of 18 A.A.C. 4, Article 1, incorporates one or more federal rules from 40 CFR 141 and 142.)

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 4. DEPARTMENT OF ENVIRONMENTAL QUALITY
SAFE DRINKING WATER**

ARTICLE 1. GENERAL REQUIREMENTS PRIMARY DRINKING WATER REGULATIONS

Section

- R18-4-101. Definitions Authority and Purpose
- R18-4-102. Applicability Incorporation by Reference of 40 CFR 141 and 142
- R18-4-103. Recordkeeping Requirements General – 40 CFR 141, Subpart A
- R18-4-104. Maximum Contaminant Levels – 40 CFR 141, Subpart B
- R18-4-105. Public Notification Requirements (Effective May 6, 2002) Monitoring and Analytical Requirements – 40 CFR 141, Subpart C
- R18-4-106. Use of Approved Analytical Methods Reporting and Recordkeeping – 40 CFR 141, Subpart D
- R18-4-107. Use of Licensed Laboratories Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use – 40 CFR 141, Subpart E
- R18-4-108. Maximum Contaminant Level Goals and Maximum Residual Disinfectant Level Goals – 40 CFR 141, Subpart F
- R18-4-109. Alternate Variances Primary Drinking Water Regulations: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels – 40 CFR 141, Subpart G
- R18-4-110. Variances Filtration and Disinfection – 40 CFR 141, Subpart H
- R18-4-111. Exemptions Control of Lead and Copper – 40 CFR 141, Subpart I
- R18-4-112. Use of Non-Centralized Treatment Devices – 40 CFR 141, Subpart J
- R18-4-113. Consecutive Public Water Systems Treatment Techniques – 40 CFR 141, Subpart K
- R18-4-114. Treatment Techniques – 40 CFR 141, Subpart L
- R18-4-115. Renumbered
- R18-4-116. Renumbered
- R18-4-117. Consumer Confidence Reports – 40 CFR 141, Subpart O
- R18-4-118. Enhanced Filtration and Disinfection - Systems Serving 10,000 or More People – 40 CFR 141, Subpart P
- R18-4-119. Public Notification of Drinking Water Violations – 40 CFR 141, Subpart Q

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- R18-4-120. Renumbered
- R18-4-121. Ground Water Rule – 40 CFR 141, Subpart S
- R18-4-122. Enhanced Filtration and Disinfection - Systems Serving Fewer Than 10,000 People – 40 CFR 141, Subpart T
- R18-4-123. Initial Distribution System Evaluations – 40 CFR 141, Subpart U
- R18-4-124. Stage 2 Disinfection Byproducts Requirements – 40 CFR 141, Subpart V
- R18-4-125. Enhanced Treatment For *Cryptosporidium* – 40 CFR 141, Subpart W
- Appendix A. ~~Regulated Contaminants~~ Repealed

**ARTICLE 2. ~~MAXIMUM CONTAMINANT LEVELS AND MONITORING REQUIREMENTS;~~
~~MONITORING ASSISTANCE PROGRAM STATE DRINKING WATER REGULATIONS~~**

Section

- ~~R18-4-201. Maximum Contaminant Levels; Public Water Systems Affected~~
- ~~R18-4-121. R18-4-201. Enforcement~~
- ~~R18-4-202. Total Coliform; MCLs and Monitoring Requirements~~
- ~~R18-4-114. R18-4-202. Certified Operators~~
- ~~R18-4-124. R18-4-203. Operation and Maintenance~~
- ~~R18-4-204. Turbidity; Interim MCLs and Monitoring Requirements~~
- ~~R18-4-116. R18-4-204. Emergency Operation Plans~~
- ~~R18-4-205. Inorganic Chemicals; MCLs~~
- ~~R18-4-108. R18-4-205. Sample Collection, Preservation, and Transportation~~
- ~~R18-4-206. Monitoring Requirements for Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium, Cyanide, Fluoride, Mercury, Selenium, and Thallium~~
- ~~R18-4-120. R18-4-206. Monitoring and Sampling by the Department and MAP Contractors~~
- ~~R18-4-207. Asbestos; Monitoring Requirements~~
- ~~R18-4-122. R18-4-207. Entry and Inspection of Public Water Systems~~
- ~~R18-4-208. Nitrate; Monitoring Requirements~~
- ~~R18-4-118. R18-4-208. Sanitary Surveys~~
- ~~R18-4-209. Nitrite; Monitoring Requirements~~
- ~~R18-4-117. R18-4-209. Unsafe Supplies~~
- ~~R18-4-210. Repealed~~
- ~~R18-4-203. R18-4-210. Total Coliform; Special Events~~
- ~~R18-4-211. Volatile Organic Chemicals; MCLs~~
- ~~R18-4-104. R18-4-211. Reporting Requirements~~
- ~~R18-4-212. Volatile Organic Chemicals; Monitoring Requirements~~
- ~~R18-4-301.01. R18-4-212. Groundwater Under the Direct Influence of Surface Water~~
- ~~Table 1. Decision Matrix for Determining Groundwater Under the Direct Influence of Surface Water~~
- ~~R18-4-213. Vinyl Chloride; Monitoring Requirements~~
- ~~R18-4-119. R18-4-213. Standards for Additives, Materials, and Equipment~~
- ~~R18-4-214. Total Trihalomethanes: MCL And Monitoring Requirements (Repeal January 1, 2004)~~
- ~~R18-4-125. R18-4-214. Hauled Water~~
- ~~R18-4-214.01. Disinfectant Residuals and Disinfection Byproducts (Effective January 1, 2002; Repeal January 1, 2004)
Repealed~~
- ~~R18-4-214.02. Disinfectant Residuals and Disinfection Byproducts (Effective January 1, 2004) Repealed~~
- ~~R18-4-215. Synthetic Organic Chemicals: MCLs~~
- ~~R18-4-115. R18-4-215. Backflow Prevention~~
- ~~R18-4-216. Synthetic Organic Chemicals; Monitoring Requirements~~
- ~~R18-4-123. R18-4-216. Vending Machines~~
- ~~R18-4-217. Radiochemicals; MCLs and Monitoring Requirements~~
- ~~R18-4-221. R18-4-217. Use of Blending to Achieve Compliance with Maximum Contaminant Levels~~
- ~~R18-4-218. Sampling Points~~
- ~~R18-4-222. R18-4-218. Criteria and Procedures for Public Water Systems Using Use of Point-of-Entry or Point-of-Use Treatment Devices~~
- ~~R18-4-219. Sample Compositing~~
- ~~R18-4-112. R18-4-219. Exclusions~~
- ~~R18-4-220. Best Available Technology Repealed~~
- ~~R18-4-221. Renumbered~~
- ~~R18-4-222. Renumbered~~
- ~~R18-4-224. Renumbered~~
- ~~R18-4-225. Renumbered~~

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R18-4-226. Renumbered

ARTICLE 3. ~~TREATMENT TECHNIQUES~~ MONITORING ASSISTANCE PROGRAM

Section

~~R18-4-301. Surface Water Treatment~~

~~R18-4-224. R18-4-301. The Monitoring Assistance Program Applicability~~

~~R18-4-301.01. Renumbered~~

~~Table 1. Renumbered~~

~~R18-4-301.02. Control of Disinfection Byproduct Precursors by Enhanced Coagulation and Enhanced Softening Repealed~~

~~R18-4-302. Filtration Contractor Responsibilities~~

~~R18-4-303. Disinfection Public Water System Responsibilities~~

~~R18-4-304. Ground Water Treatment~~

~~R18-4-225. R18-4-304. Fees for the Monitoring Assistance Program~~

~~R18-4-305. Renumbered~~

~~R18-4-226. R18-4-305. Collection and Payment of Fees~~

~~R18-4-306. Lead and Copper; Applicability Repealed~~

~~R18-4-307. Lead and Copper; General Requirements Repealed~~

~~R18-4-308. Lead and Copper Action Levels Repealed~~

~~R18-4-309. Lead and Copper; Targeted Sampling Sites and Materials Survey Repealed~~

~~R18-4-310. Lead and Copper; Tap Water Monitoring Repealed~~

~~R18-4-311. Lead and Copper; Water Quality Parameter Monitoring Repealed~~

~~R18-4-312. Lead and Copper; Corrosion Control Studies Repealed~~

~~R18-4-313. Lead and Copper; Corrosion Control Treatment Repealed~~

~~R18-4-314. Lead and Copper; Source Water Monitoring and Treatment Repealed~~

~~R18-4-315. Lead and Copper; Lead Service Line Replacement Repealed~~

~~R18-4-316. Public Education Requirements for Lead Repealed~~

~~R18-4-317. Treatment Techniques for Acrylamide and Epichlorohydrin Repealed~~

~~Appendix A. Lead Public Education Repealed~~

~~Appendix B. Alternate Lead Public Education Repealed~~

ARTICLE 4. SPECIAL MONITORING REQUIREMENTS REPEALED

Section

~~R18-4-401. Special Monitoring for Sodium Repealed~~

~~R18-4-402. Special Monitoring for Nickel Repealed~~

~~R18-4-403. Special Monitoring for Turbidity Repealed~~

ARTICLE 7. CONSUMER CONFIDENCE REPORTS REPEALED

Section

~~R18-4-701. Applicability Repealed~~

~~R18-4-702. General Requirements Repealed~~

~~R18-4-703. Content of Consumer Confidence Reports Repealed~~

~~R18-4-704. Information on Detected Contaminants Repealed~~

~~R18-4-705. Information on Cryptosporidium and Radon Repealed~~

~~R18-4-706. Information on Violations Repealed~~

~~R18-4-707. Variances and Exemptions Repealed~~

~~R18-4-708. Additional Information Repealed~~

~~R18-4-709. Additional Health Information Repealed~~

~~R18-4-710. Consumer Confidence Report Delivery and Recordkeeping Repealed~~

ARTICLE 8. TECHNICAL ASSISTANCE

Section

~~R18-4-801. Definitions Repealed~~

ARTICLE 1. ~~GENERAL REQUIREMENTS~~ PRIMARY DRINKING WATER REGULATIONS

R18-4-101. Definitions Authority and Purpose

In addition to the definitions in A.R.S. § 49-201, in this Chapter, unless otherwise specified:

“Action level” means a concentration of 0.015 mg/L for lead or 1.3 mg/L for copper.

“ADHS” means the Arizona Department of Health Services.

“Air-gap separation” means a physical separation, between the discharge end of a supply pipe and the top rim of its

receiving vessel, of at least 1 inch or twice the diameter of the supply pipe, whichever is greater.

“ANSI/NSF Standard 60” means American National Standards Institute/NSF International Standard 60 – 2000a, Drinking Water Treatment Chemicals – Health Effects, November 2000, incorporated by reference and on file with the Department and the Office of the Secretary of State. This material is available from NSF International, 789 North Dixboro Road, P.O. Box 130140, Ann Arbor, MI 48113-0140, USA; (734) 769-8010; <http://www.nsf.org>. This incorporation by reference includes no future editions or amendments.

“ANSI/NSF Standard 61” means American National Standards Institute/NSF International Standard 61 – 2000a, Drinking Water System Components – Health Effects, November 2000, incorporated by reference and on file with the Department and the Office of the Secretary of State. This material is available from NSF International, 789 North Dixboro Road, P.O. Box 130140, Ann Arbor, MI 48113-0140, USA; (734) 769-8010; <http://www.nsf.org>. This incorporation by reference includes no future editions or amendments.

“Backflow” means a reverse flow condition that causes water or mixtures of water and other liquids, gases, or substances to flow back into the distribution system. Backflow can be created by a difference in water pressure (back-pressure), a vacuum or partial vacuum (backsiphonage), or a combination of both.

“Backflow prevention assembly” means a mechanical device used to prevent backflow.

“Baseline sampling” means the routine monitoring of contaminants covered under the monitoring assistance program to determine compliance with the MCLs listed in Article 2 and the monitoring requirements listed in Article 4, not including repeat monitoring necessary for compliance after detection of a contaminant or a MCL violation.

“BAT” means best available technology.

“Best available technology” means a technology, treatment technique, or other means that is identified by EPA, after examination for efficacy under field conditions and not solely under laboratory conditions, as being the best available for removing or reducing the concentration of a contaminant in water, taking costs into consideration.

“CCR” means Consumer Confidence Report.

“Certified operator” has the meaning prescribed by R18-5-101.

“Coagulation” means a treatment process that uses coagulant chemicals and mixing to destabilize and agglomerate colloidal and suspended materials into flocs.

“Community water system” means a public water system that serves 15 or more service connections used by year-round residents or that serves 25 or more year-round residents.

“Compliance cycle” means a nine-calendar-year time frame during which a public water system is required to monitor. Each compliance cycle consists of three 3-year compliance periods. The first compliance cycle began January 1, 1993, and ends December 31, 2001. The second compliance cycle begins January 1, 2002, and ends December 31, 2010. The third compliance cycle begins January 1, 2011, and ends December 31, 2019.

“Compliance period” means a three-calendar-year time frame within a compliance cycle. Within the first compliance cycle, the first compliance period began January 1, 1993, and ended December 31, 1995. The second compliance period began January 1, 1996, and ended December 31, 1998. The third compliance period began January 1, 1999, and ends December 31, 2001.

“Comprehensive performance evaluation” means a thorough review and analysis of a water treatment plant’s performance-based capabilities and associated administrative, operation and maintenance practices. A comprehensive performance evaluation consists of at least the following components: assessment of water treatment 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 comprehensive performance evaluation report.

“Consecutive public water system” means a public water system that obtains all of its water from another public water system that is regulated by the Department.

“Contaminant” means any physical, chemical, biological, or radiological substance in water.

“Contractor” means a private party or statewide nonprofit organization representing a water system, with which the Department contracts to implement the monitoring assistance program under A.R.S. § 49-360(B).

“Conventional filtration” means a series of treatment processes, including coagulation, flocculation, sedimentation, and filtration that result in substantial particulate removal.

“Corrosion inhibitor” means a substance that reduces corrosion of metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

“Cross connection” means a physical connection between a public water system and any source of water or other substance that may lead to contamination of the water provided by the public water system through backflow.

“CWS” means community water system.

“Detected” means measured in a laboratory at a concentration that is at or above the method detection limit.

“Diatomaceous earth filtration” means a treatment process that results in substantial particulate removal in which a precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum) and, while the water is filtered through the precoat cake on the septum, additional filter media (body feed) is continuously added to the feed water to maintain the permeability of the precoat cake.

“Direct filtration” means a series of treatment processes, including coagulation and filtration but excluding sedimentation, that result in substantial particulate removal.

“Disinfectant” means an oxidant, including chlorine, chlorine dioxide, chloramines, ozone, or an equivalent agent or process such as ultraviolet light, that kills or inactivates pathogenic organisms.

“Disinfection” means a treatment process that kills or inactivates pathogenic organisms in water by oxidants, ultraviolet light, or equivalent agents.

“Distribution system” means a pipeline, appurtenance, device, and facility of a public water system that conducts water from a source or water treatment plant to persons served by the system.

“Domestic or other non-distribution system plumbing problem” means a total coliform contamination problem in a public water system with more than one service connection that is limited to a specific service connection from which a total coliform positive sample is taken.

“Dose equivalent” means the product of an absorbed dose from ionizing radiation and factors that 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.

“Double check valve assembly” means a backflow prevention assembly that contains two independently acting check valves with tightly closing, resilient seated shut off valves on each end of the assembly and properly located, resilient seated test cocks.

“Elementary business plan” means a document containing all items, required to be submitted for evaluation, necessary for a complete review for technical, managerial, and financial capacity of a new public water system under Article 6.

“Enhanced coagulation” means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

“Enhanced softening” means the improved removal of disinfection byproduct precursors by precipitative softening.

“EPA” means the United States Environmental Protection Agency.

“Exclusion” means a waiver granted by the Department under R18-4-112 from a requirement of this Chapter that is not a requirement contained in 40 CFR 141, the National Primary Drinking Water Regulations.

“Exemption” means a temporary deviation from a MCL or treatment technique required in this Chapter that is granted by the Department under R18-4-111.

“Existing public water system” means a public water system, as defined in A.R.S. § 49-352(B)(1), issued a public water system identification number by the Department before October 1, 1999.

“Filter profile” means 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.

“Filtration” means a treatment process for removing particulate matter from water by passage through porous media.

“Financial capacity” means the ability of a public water system to acquire and manage sufficient financial resources for the system to achieve and maintain compliance with the federal Safe Drinking Water Act.

“First draw sample” means a 1 liter sample of tap water, collected in accordance with R18-4-310(D).

“Flocculation” means a treatment process to enhance agglomeration or collection of smaller floc particles into larger and more easily settleable particles through gentle stirring by hydraulic or mechanical means.

“GAC” means granular activated carbon.

“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.

“GC” means gas chromatography.

“GC/MS” means gas chromatography mass spectrometry.

“Gross alpha particle activity” means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

“Gross beta particle activity” means the total radioactivity due to beta particle emission as inferred from measure-

ments on a dry sample.

“Groundwater system” means a public water system that is supplied solely by groundwater that is not under the direct influence of surface water.

“Groundwater under the direct influence of surface water” means any water beneath the surface of the ground with:

- A significant occurrence of insects or other macroorganisms, algae, large diameter pathogens such as *Giardia lamblia*, or total coliform; or
- Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH that closely correlate to climatological or surface water conditions.

“HAA5” means haloacetic acids (five).

“Haloacetic acids (five)” means 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.

“Halogenated” means treated or mixed with chlorine, bromine, or iodine.

“HPC” means heterotrophic plate count.

“Initial compliance period” means the first full 3 year compliance period in a compliance cycle that a public water system conducts initial monitoring.

“Initial monitoring year” means the calendar year designated by the Department within a compliance period in which a public water system conducts initial monitoring at a sampling point.

“Large water system,” for R18-4-306 through R18-4-316 only, means a public water system that serves more than 50,000 persons.

“Lead free” means that the pipe, solder, or flux used in the installation or repair of a public water system, or in a residential or non-residential facility that provides water for human consumption and is connected to the public water system, meets the following criteria:

All solders and flux contain not more than 0.2% lead.

All pipes and pipe fittings contain not more than 8.0% lead.

When used with respect to plumbing fittings and fixtures intended by the manufacturer to dispense water for human ingestion, “lead free” means fittings and fixtures that are in compliance with ANSI/NSF Standard 61, Section 9.

“Lead service line” means a service line made of lead that connects a water main to a building inlet and any lead pigtail, gooseneck, or fitting that is connected to the service line.

“Log” means the percentage removal or inactivation of *Cryptosporidium* oocysts, *Giardia lamblia* cysts, or viruses as follows:

“One log” is 90%.

“Two log” is 99%.

“Three log” is 99.9%.

“Four log” is 99.99%.

“Major stockholder” means a person who has 20% or more ownership interest in a public water system.

“Man-made beta particle and photon emitters” means all radionuclides emitting beta particles or photons, except the daughter products of Thorium 232, Uranium 235, and Uranium 238, listed in “Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure,” Handbook 69, U.S. Department of Commerce, National Bureau of Standards, amended as of August 1963 (and no future editions or amendments), incorporated by reference and on file with the Office of the Secretary of State and the Department. Copies of Handbook 69 are also available from the Library of Congress, 101 Independence Avenue, S.E., Washington D.C., 20540, by telephoning (202) 707-5640.

“Managerial capacity” means the ability of a public water system to conduct its affairs in a manner that will meet and maintain compliance with the requirements of the federal Safe Drinking Water Act.

“Maximum contaminant level” means the maximum permissible level for a contaminant in drinking water that is delivered to any person who is served by a public water system.

“Maximum residual disinfectant level” 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.

“Maximum total trihalomethane potential” means the maximum concentration of total trihalomethanes produced in water containing a disinfectant residual after seven days at a temperature of 25 C or above.

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~~“MCL” means maximum contaminant level.~~

~~“MFL” means million fibers per liter greater than 10 microns in length.~~

~~“Medium water system,” for R18-4-306 through R18-4-316 only, means a public water system that serves more than 3,300 persons and 50,000 or fewer persons.~~

~~“Meter” means a device that measures the volume of water that passes through it.~~

~~“Meter weight” means the number of gallons per minute (gpm) that flows through a meter divided by 30.~~

~~“Millirem” means 1/1000 of a rem.~~

~~“MTP” means maximum total trihalomethane potential.~~

~~“Monitoring assistance program” means the program established by A.R.S. § 49-360, under which a contractor provides for collection, transportation, and analysis of samples from a public water system under the provisions of R18-4-224 through R18-4-226.~~

~~“MRDL” means maximum residual disinfectant level.~~

~~“Nephelometric turbidity unit” means the unit of measure for turbidity. Turbidity is a measure of light scatter or absorption caused by suspended or colloidal matter in water. Turbidity is measured as an indicator of the effectiveness of filtration treatment.~~

~~“New public water system” means a public water system, as defined in A.R.S. § 49-352(B)(1), that is issued its first unique public water system identification number by the Department on or after October 1, 1999.~~

~~“Noncommunity water system” means a public water system that is either a nontransient, noncommunity water system or a transient, noncommunity water system.~~

~~“Nontransient, noncommunity water system” means a public water system that:~~

~~Serves 15 or more service connections that are used by the same persons for at least six months per year, or~~

~~Serves the same 25 or more persons for at least six months per year.~~

~~“NTNCWS” means nontransient, noncommunity water system.~~

~~“NTU” means nephelometric turbidity unit.~~

~~“Optimal corrosion control treatment” means the corrosion control treatment that minimizes lead and copper concentrations at the tap without violating any rule prescribed in this Chapter.~~

~~“OX” means chlorine or ozone oxidation.~~

~~“PCBs” means polychlorinated biphenyls.~~

~~“pCi” means picocurie.~~

~~“Picoecurie” means the quantity of radioactive material producing 2.22 nuclear transformations per minute.~~

~~“Point of entry into the distribution system” means the point at which water is discharged into the distribution system from a well, storage tank, pressure tank, or water treatment plant.~~

~~“Point of entry treatment device” means a device that applies treatment to drinking water entering a house or building to reduce contaminants in the drinking water that is distributed throughout the house or building.~~

~~“Point of use treatment device” means a device that applies treatment to drinking water flowing to a single tap to reduce contaminants in the drinking water at that single tap.~~

~~“Pressure vacuum breaker assembly” means a backsiphonage prevention assembly that contains an independently operated, internally loaded check valve; an internally operated air inlet valve located on the discharge side of the check valve; tightly closing resilient seated shut-off valves on each end of the check valve assembly; and properly located resilient seated test cocks.~~

~~“PTA” means packed tower aeration.~~

~~“Public water system” has the same meaning prescribed in A.R.S. § 49-352. A public water system is either a community water system; a nontransient, noncommunity water system; or a transient, noncommunity water system.~~

~~“Reduced pressure principle backflow prevention assembly” means a backflow prevention assembly that contains two independently acting check valves; a hydraulically operating, mechanically independent pressure differential relief valve located between the two check valves; tightly closing, resilient seated shut-off valves on each end of the check valve assembly; and properly located resilient seated test cocks.~~

~~“Rem” means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system.~~

~~“Repeat compliance period” means any compliance period after the initial compliance period.~~

~~“Residual disinfectant concentration” means the concentration of disinfectant measured in mg/L in a representative~~

sample of water.

“Safe Drinking Water Act” means the federal Safe Drinking Water Act as amended (42 U.S.C. 300f et seq., Title XIV of the Public Health Service Act).

“Sanitary survey” means an on-site review of the water source, facilities, equipment, operation, and maintenance of a public water system to evaluate their adequacy to produce and distribute safe drinking water.

“Sedimentation” means a treatment process that holds water in a low flow condition before filtration to remove solids by gravity or separation.

“Service connection” means a location at the meter or, in the absence of a meter, at the curbstop or at the building inlet.

“Service line” means the water line that runs from the corporation stop at a water main to the building inlet, including any pigtail, gooseneck, or fitting.

“Service line sample” means a one liter sample of water collected in accordance with R18 4 315(D).

“Single family structure” means a building constructed as a single family residence that is used as a residence or as a place of business.

“Slow sand filtration” means a treatment process that involves the passage of raw water through a bed of sand at low velocity, generally less than 0.4 m/h, and results in substantial particulate removal by physical and biological mechanisms.

“Small water system,” for R18 4 306 through R18 4 316 only, means a public water system that serves 3,300 or fewer persons.

“SOC” means synthetic organic chemical.

“Source” means a body of water above or below the ground that supplies water to a public water system, including a well, spring, or surface water.

“Specific ultraviolet absorption” means an indicator of the humic content of a water at 254 nanometers (nm). It is a calculated parameter obtained by dividing a sample’s ultraviolet absorption at a wavelength of 254 nm (UV254) (in m^{-1}) by its concentration of dissolved organic carbon (DOC) (in mg/L).

“Standard sample” means the aliquot of finished drinking water that is examined for the presence of coliform bacteria. The standard sample volume is 100 milliliters.

“Surface water” means a source that is exposed to the unenclosed atmosphere and subject to surface runoff.

“Surface water system” means a public water system that uses surface water or groundwater under the direct influence of surface water, in whole or in part, as a source.

“SUVA” means specific ultraviolet absorption.

“TNCWS” means transient, noncommunity water system.

“Technical capacity” means the ability of a public water system to meet the requirements of R18 4 603 and the federal Safe Drinking Water Act at all times, and includes the ability to correct problems with its distribution, water quality, or source availability and to sustain compliance with its operations and maintenance plan.

“TOC” means total organic carbon.

“Total organic carbon” 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.

“Total trihalomethanes” means the sum of the concentrations of the following trihalomethane compounds: trichloromethane (chloroform), dibromochloromethane, bromo-dichloromethane, and tribromomethane (bromoform).

“Transient, noncommunity water system” means a public water system that:

Serves 15 or more service connections, but does not serve 15 or more service connections that are used by the same persons for more than six months per year; or

Serves an average of at least 25 persons per day for at least 60 days per year, but does not serve the same 25 persons for more than six months per year.

“Treatment” means a process that changes the quality of water by physical, chemical, or biological means.

“Treatment technique” means a treatment procedure promulgated by EPA in lieu of a MCL. Treatment techniques include the requirements for filtration, disinfection, lead, copper, acrylamide, and epichlorohydrin that are prescribed in Article 3 of this Chapter.

“Trihalomethane” means one of the family of organic compounds, named as derivatives of methane, in which three of four hydrogen atoms in methane are substituted by a halogen atom in the molecular structure.

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“TTHM” means total trihalomethanes.

“Unit fee” means the amount charged to a public water system under the monitoring assistance program for a meter weight of 1 in accordance with R18-4-225.

“Virus” means an enteric virus that is infectious to humans by waterborne transmission.

“VOC” means volatile organic chemical.

“Water main” means a pipe used to distribute drinking water to more than one property and is exterior to buildings.

“Water supplier” means a person who owns, supervises, or directs the operation of a public water system.

“Waterborne disease outbreak” means the occurrence of illness that is epidemiologically associated with the ingestion of drinking water from a public water system.

“Water treatment plant” means a process, device, or structure used to improve the physical, chemical, or biological quality of the water in a public water system. A booster chlorination facility that is designed to maintain an effective disinfectant residual in water in the distribution system is not a water treatment plant.

A. This Chapter is created under the authority of A.R.S. Title 49, Chapter 2, Article 9, and the federal Safe Drinking Water Act, 42 U.S.C. 300f through 300j-26.

B. The purposes of this Chapter include the following:

1. To protect the public health and welfare by ensuring that all potable water distributed or sold to the public by public water systems is free from unwholesome, poisonous, deleterious, or other foreign substances, and filth or disease-causing substances or organisms; and
2. To enable the state to maintain primary enforcement responsibility of the Safe Drinking Water Act, including the requirements of 40 CFR 141 and 142.

R18-4-102. Applicability Incorporation by Reference of 40 CFR 141 and 142

A. The rules in this Chapter apply to public water systems, unless a public water system:

1. Consists only of distribution and storage facilities and does not have collection or treatment facilities;
2. Obtains all of its water from, but is not owned or operated by, a public water system that is regulated under this Chapter;
3. Does not sell water to any person; and
4. Is not a carrier that conveys passengers in interstate commerce.

B. The rules in this Chapter do not apply to a public water system for a mobile home park that:

1. Consists only of distribution and storage facilities and does not have collection or treatment facilities;
2. Obtains all of its water from, but is not owned or operated by, a public water system that is regulated under this Chapter; and
3. Does not sell water to any person. For purposes of this subsection, submetering by a mobile home park to determine the quantity of water used by individual park tenants shall not be considered to be selling water, if the submetering is for the purpose of water conservation.

A. Unless otherwise specified in this Chapter, all references to regulations in 40 CFR 141 and 142 in this Chapter refer to the July 1, 2007, version of the regulations. Copies of the incorporated material are available for review at the Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ, 85007, and are available from:

1. Code of Federal Regulations: U.S. Government Printing Office, online bookstore, <http://bookstore.gpo.gov/>; 866-512-1800; orders@gpo.gov;
2. *Federal Register*: <http://www.gpoaccess.gov/fr/index.html>.

B. A reference to a federal statute or regulation in a federal statute or regulation incorporated by reference in this Chapter shall refer to and incorporate by reference the referenced statute or regulation as of the date specified in subsection (A), unless the referenced statute or regulation is incorporated by reference elsewhere in this Chapter in a modified form, in which case the reference shall be to the statute or regulation as incorporated in this Chapter.

C. Documents incorporated by reference in a federal statute or regulation incorporated by reference in this Chapter are also incorporated by reference in this Chapter, as of the date specified in the federal statute or regulation.

D. A federal rule incorporated by reference in this Chapter shall include all “Effective Date Notes” associated with the federal rule.

E. The term “State” or “primacy agency” in the text of a federal statute or regulation incorporated by reference in this Chapter shall mean the Arizona Department of Environmental Quality unless otherwise noted.

R18-4-103. Recordkeeping Requirements General – 40 CFR 141, Subpart A

A. A public water system shall retain on its premises or at a convenient location near its premises, the following records for the following minimum periods of time:

1. Records of bacteriological analyses, including records of analyses for total coliform, fecal coliform, *Escherichia coli* (*E. coli*), and heterotrophic bacteria for five years;
2. Records of chemical analyses for 10 years;

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3. Records of actions taken by the public water system to correct a violation of this Chapter for three years after the last action taken to correct the violation;
 4. Records concerning a variance or exemption granted to the public water system for five years after the expiration of the variance or exemption;
 5. Copies of written reports, summaries, or communications relating to a sanitary survey of the public water system for 10 years after completion of the sanitary survey; and
 6. Records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, Department determinations, and any other information required in R18-4-306 through R18-4-316 for 12 years.
 7. A surface water system shall retain the following records for 10 years:
 - a. Records of turbidity measurements, including the number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits specified in R18-4-302 for the filtration technology used;
 - b. The date and value of any turbidity measurement taken during a month that exceeds 5 NTUs;
 - c. Records of the lowest residual disinfectant concentration (in mg/L) in water entering the distribution system for each day that each water treatment plant operates;
 - d. Records of the residual disinfectant concentration (in mg/L) in water for each sampling site in the distribution system; and
 - e. Records of analyses for heterotrophic bacteria if HPC is measured instead of residual disinfectant concentration in the distribution system.
 8. A surface water system shall retain records of individual filter monitoring specified in R18-4-403 for three years.
 9. A public water system shall retain copies of a public notice and a certification for three years after issuance.
- B.** A public water system shall keep the original laboratory reports of drinking water analyses or copies of Department-approved reporting forms.
- A.** 40 CFR 141, Subpart A (40 CFR 141.1 through 141.6), is incorporated by reference as of the date specified in R18-4-102, except for the changes listed in this Section; this incorporation does not include any later amendments or editions.
- B.** The definition of "State" in 40 CFR 141.2 is not incorporated by reference. In addition to the terms defined in A.R.S. §§ 49-201 and 49-351, and 40 CFR 141.2, in this Chapter, unless otherwise specified, the terms listed below have the following meanings.
- "Air-gap separation" means a physical separation between the discharge end of a supply pipe and the top rim of its receiving vessel of at least 1 inch or twice the diameter of the supply pipe, whichever is greater.
- "ANSI/NSF Standard 60" means American National Standards Institute/NSF International Standard 60 - 2000a, Drinking Water Treatment Chemicals - Health Effects, November 2000, incorporated by reference and on file with the Department. This material is available from NSF International, 789 N. Dixboro Road, P.O. Box 130140, Ann Arbor, MI 48113-0140, USA; (734) 769-8010; <http://www.nsf.org>. This incorporation by reference includes no future editions or amendments.
- "ANSI/NSF Standard 61" means American National Standards Institute/NSF International Standard 61 - 2000a, Drinking Water System Components - Health Effects, November 2000, incorporated by reference and on file with the Department. This material is available from NSF International, 789 N. Dixboro Road, P.O. Box 130140, Ann Arbor, MI 48113-0140, USA; (734) 769-8010; <http://www.nsf.org>. This incorporation by reference includes no future editions or amendments.
- "Backflow" means a reverse flow condition that causes water or mixtures of water and other liquids, gases, or substances to flow back into the distribution system. Backflow can be created by a difference in water pressure (back-pressure), a vacuum or partial vacuum (backsiphonage), or a combination of both.
- "Backflow-prevention assembly" means a mechanical device used to prevent backflow.
- "Capacity" means the overall capability of a water system to consistently produce and deliver water meeting all national and state primary drinking water regulations in effect when new or modified operations begin. Capacity includes the technical, managerial, and financial capacities of the water system to plan for, achieve, and maintain compliance with applicable national and state primary drinking water regulations.
- "Capacity development" means improving public water system finances, management, infrastructure, and operations, so that the public water system can provide safe drinking water consistently, reliably, and cost-effectively.
- "Capacity development report" means an annual report adopted by the Department that describes progress made in improving technical, managerial, or financial capacity of public water systems in Arizona.
- "Cross connection" means a physical connection between a public water system and any source of water or other substance that may lead to contamination of the water provided by the public water system through backflow.
- "Distribution system" means a pipeline, appurtenance, device, and facility of a public water system that conducts water from a source or water treatment plant to persons served by the system.
- "Department" means the Arizona Department of Environmental Quality.

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“Double check valve assembly” means a backflow-prevention assembly that contains two independently acting check valves with tightly closing, resilient-seated shut-off valves on each end of the assembly and properly located, resilient-seated test cocks.

“Elementary business plan” means a document containing all of the items necessary for a complete review of the technical, managerial, and financial capacity of a new public water system under Article 6.

“Entry point to the distribution system” means a compliance sampling point anywhere on a finished water line that is representative of a water source and located after the well, surface water intake, treatment plant, storage tank, or pressure tank, whichever is last in the process flow, but prior to where the water is discharged into the distribution system and prior to the first service connection.

“EPA” means the United States Environmental Protection Agency.

“Exclusion” means a waiver granted by the Department under R18-4-219 from a requirement of this Chapter that is not a requirement contained in a federal drinking water law.

“Exemption” means a form of temporary relief from a maximum contaminant level or treatment technique granted by the Department to a public water system, pending installation and operation of treatment facilities, acquisition of an alternate source, or completion of improvements in treatment processes to bring the system into compliance with drinking water regulations.

“Financial capacity” means the ability of a public water system to acquire and manage sufficient financial resources for the system to achieve and maintain compliance with the federal Safe Drinking Water Act.

“Groundwater system” means a public water system that is supplied solely by groundwater that is not under the direct influence of surface water.

“Lead-free” means that the pipe, solder, or flux used in the installation or repair of a public water system, or in a residential or non-residential facility that provides water for human consumption and is connected to the public water system, meets the following criteria:

No solders or flux contain more than 0.2% lead;

No pipes or pipe fittings contain more than 8.0% lead; and

When used with respect to plumbing fittings and fixtures intended by the manufacturer to dispense water for human ingestion, “lead-free” means fittings and fixtures that are in compliance with ANSI/NSF Standard 61, Section 9.

“Major stockholder” means a person who has 20% or more ownership interest in a public water system.

“Master priority list” means a list created by the Department that ranks public water systems according to the criteria in R18-4-803.

“Monitoring assistance program” means the program established by A.R.S. § 49-360 to assist public water systems with mandatory monitoring for contaminants and administered by the Department under 18 A.A.C. 4.

“Operational assistance” means professional or financial assistance provided to a public water system to improve the technical, managerial, or financial operations of the public water system.

“Reduced pressure principle backflow-prevention assembly” means a backflow-prevention assembly that contains two independently acting check valves; a hydraulically operating, mechanically independent pressure differential relief valve located between the two check valves; tightly closing, resilient seated shut-off valves on each end of the check valve assembly; and properly located resilient seated test cocks.

“Service connection” means a location at the meter or, in the absence of a meter, at the curbstops or building inlet.

“Service line” means the water line that runs from the corporation stop at a water main to the building inlet, including any pigtail, gooseneck, or fitting.

“State” means the Arizona Department of Environmental Quality, except during any time period during which the Department does not have primary enforcement responsibility pursuant to Section 1413 of the Act, the term “State” means the Regional Administrator of EPA Region 9.

“System evaluation assistance” means assistance provided to assess the status of the public water system’s technical, managerial, and financial components, with emphasis on infrastructure status.

“Technical assistance” means operational assistance, system evaluation assistance, or both.

“Treatment” means a process that changes the quality of water by physical, chemical, or biological means.

“Treatment technique” means a treatment procedure promulgated by EPA in lieu of an MCL.

“Variance” means relief from a maximum contaminant level or treatment technique granted by the Department to a public water system when characteristics of a system’s raw water source preclude the system from complying with maximum contaminant levels prescribed by drinking water regulations, despite application of best technology, treat-

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ment techniques, or other means available to the system.

“Water main” means a pipe that is exterior to buildings and is used to distribute drinking water to more than one property.

“Water Infrastructure Finance Authority” means the entity created under A.R.S. § 49-1201 et seq. to provide financial assistance to political subdivisions, Indian tribes, and eligible drinking water facilities for constructing, acquiring, or improving wastewater treatment facilities, drinking water facilities, nonpoint source projects, and other related water quality facilities and projects.

“Water treatment plant” means a process, device, or structure used to improve the physical, chemical, or biological quality of the water in a public water system. A booster chlorination facility that is designed to maintain an effective disinfectant residual in water in the distribution system is not a water treatment plant.

- C.** 40 CFR 141.4, entitled “variances and exemptions,” is incorporated by reference subject to the following modifications:
1. The phrase “entity with primary enforcement responsibility” is changed to “Department.”
 2. When reviewing and acting on requests for variances and exemptions, the Department shall act in accordance with the procedures at 42 U.S.C. 300g-4 and 300g-5 (2004) of the Act (Public Health Service Act §§ 1415 and 1416), including:
 - a. The Department shall require a public water system granted a variance under subsection (C) to comply with the requirements in a compliance schedule as expeditiously as practicable.
 - b. The Department shall promptly notify EPA of all variances and exemptions granted by the Department in the manner specified in the Act.
 - c. The Department shall enforce a schedule or other requirement on which a variance or exemption is conditioned under 42 U.S.C. 300g-3 and A.R.S. § 49-354, as if the schedule or other requirement is part of a national primary drinking water regulation incorporated by reference in this Chapter.
 - d. “Treatment technique requirement,” for the purpose of subsection (C), means a requirement in a national primary drinking water regulation which specifies for a contaminant, in accordance with 42 U.S.C. 300f(1)(C)(ii), each treatment technique known to lead to a reduction in the level of the contaminant sufficient to satisfy the requirements of 42 U.S.C. 300g-1(b).
 - e. If the Department grants a variance or exemption, the Department shall prescribe:
 - i. A compliance schedule that includes increments of progress or measures to develop an alternative source of water supply; and
 - ii. An implementation schedule that includes such control measures as the Department deems necessary for each contaminant.
- D.** 40 CFR 142, 142.2, 142.20, and Subparts E, F, G, and K, are incorporated by reference as of the date specified in R18-4-102, with the following changes; this incorporation does not include any later amendments or editions. The following substitutions are to be applied in the listed order.
1. 40 CFR 142.46, 142.302, 142.313 are not incorporated by reference.
 2. 40 CFR 142.20(a), (b). The phrase “States with primary enforcement responsibility” is changed to “the Department”; the second sentences in 142.20(a) and 142.20(b) are deleted.
 3. 40 CFR 142.60(b), 142.61(b). The phrase “Administrator in a state that does not have primary enforcement responsibility or a state with primary enforcement responsibility (primacy state) that issues variances” is changed to “Department.”
 4. 40 CFR 142.44(b)(2), 142.54(b)(2). The phrase “the agency of the State in which the system is located which is responsible for the State’s water supply program[,] and to” is deleted; “Administrator’s” is changed to “Department’s.”
 5. 40 CFR 142.40(a), (b); 142.41; 142.50(a); 142.51. The phrase “a State that does not have primary enforcement responsibility” is changed to “Arizona”.
 6. 40 CFR 142.60(b), (c), (d); 142.61(b), (c). The phrase “Administrator or [‘primacy’ or ‘primary’] state that issues variances” is changed to “Department.”
 7. 40 CFR 142.60(b), (d); 142.61(b), (d); 142.62(e), (g)(1); 142.65(a)(4). The phrase “Administrator or [the] primacy state” is changed to “Department”; the phrase “Administrator’s or primacy state’s” is changed to “Department’s.”
 8. In 40 CFR 142, Subpart K:
 - a. The phrases “[‘a’ or ‘the’] State or [the] Administrator,” “Administrator or State,” “the public water system, State and the Administrator,” and “a State exercising primary enforcement responsibility for public water systems (or the Administrator for other systems)” are changed to “the Department.”
 - b. 40 CFR 142.301. The last sentence is deleted.
 - c. 40 CFR 142.303(b). The phrase “a State exercising primary enforcement responsibility for public water systems” is changed to “the Department.”
 - d. 40 CFR 142.306(b)(2). The phrase “(or by the Administrator in States which do not have primary enforcement responsibility)” is deleted.

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- e. 40 CFR 142.308(a), 142.309(c). The phrase “the State, Administrator, or [the] public water system as directed by the State or Administrator” is changed to “the Department or the public water system, as determined by the Department.”
- f. 40 CFR 142.308(b). The text of this subsection is replaced by the following: “At the time of proposal, the Department must publish a notice in the *Arizona Administrative Register* or a newspaper or newspapers of wide circulation in the affected region of the State. This notice shall include the information listed in paragraph (c) of this section.”
- g. 40 CFR 142.308(c)(7). The phrase “the primacy agency” is changed to “the Department.”
- 9. In all parts of 40 CFR 142 incorporated by reference other than Subpart K, the term “Administrator” is changed to “Department”; the pronoun “he” is changed to “the Department”; and the pronoun “his” is changed to “the Department’s.”
- 10. In all parts of 40 CFR 142 incorporated by reference, the term “a state” or “the state” is changed to “the Department”; the term “the State’s” is changed to “the Department’s.”
- 11. 40 CFR 142.62(h)(3). The term “State-approved” is changed to “Department-approved.”
- 12. 40 CFR 142.44(b), 142.54(b). The text of these subsections is replaced by the following: “Public notice of an opportunity for hearing on an exemption schedule shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed schedule, and shall meet the notice requirements of A.A.C. R18-1-401.”
- 13. 40 CFR 142.44(d), 142.54(d). The third, fourth, and fifth sentences of these subsections are deleted.
- 14. 40 CFR 142.44(e), 142.54(e). The text of these subsections is replaced by the following: “A hearing convened pursuant to paragraph (d) of this section shall be conducted according to the procedural requirements of A.A.C. R18-1-402.”

E. 40 CFR 141.5 is not incorporated by reference.

R18-4-104. Maximum Contaminant Levels – 40 CFR 141, Subpart B

40 CFR 141, Subpart B (40 CFR 141.11 through 141.13), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-105. Public Notification Requirements (Effective May 6, 2002) Monitoring and Analytical Requirements – 40 CFR 141, Subpart C

A. A public water system shall give public notice for all violations of this Chapter and for the following situations:

- 1. Operation under a variance or an exemption;
- 2. Failure to comply with the requirements of a schedule that is set under a variance or exemption;
- 3. Occurrence of a waterborne disease outbreak or other waterborne emergency as identified in Table 2 item 10;
- 4. Distributing water with a concentration of fluoride greater than 2.0 mg/L but less than 4.0 mg/L; and
- 5. Availability of data from unregulated contaminant monitoring required by 40 CFR 141.40.

B. Public notice requirements are divided into three categories, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. Table 1 provides the public notice categories. Appendix A identifies the public notice requirement for a specific violation or situation.

Table 1. Public Notice Categories

1. Acute (24 hour) public notice – required for violations and situations with significant potential to have serious adverse effects on human health as a result of short term exposure.
2. Nonacute Level 1 (30 day) public notice – required for violations and situations with potential to have serious adverse effects on human health, but not as a result of short term exposure.
3. Nonacute Level 2 (12 month) public notice – required for all other violations and situations not included in Acute (24 hour) and Nonacute Level 1 (30 day) public notice.

C. A public water system shall provide public notice to persons served by the system, in accordance with this Section.

- 1. A public water system that sells or otherwise provides drinking water to a consecutive system is required to give public notice to the consecutive system. The consecutive system is responsible for providing public notice to the persons it serves.
- 2. A public water system that has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system may request that the Department allow the system to limit distribution of the public notice to persons served by that portion of the system that is out of compliance. The Department’s decision to allow limited distribution of the notice shall be in writing.
- 3. The Department may provide public notice on behalf of the public water system. A public water system remains legally responsible for ensuring that the requirements are met.

D. Acute (24 hour) Public Notice

- 1. Table 2 lists the violations and other situations requiring an Acute (24 hour) public notice.

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Table 2. Violations and Other Situations Requiring an Acute (24 hour) Public Notice

<ol style="list-style-type: none"> 1. Violation of the MCL for total coliforms when fecal coliform or <i>E. coli</i> are present in the water distribution system, as specified in R18-4-202(A)(3) or R18-4-202(A)(4); 2. Failure to test for fecal coliforms or <i>E. coli</i> when a repeat sample tests positive for total coliform; 3. Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite in R18-4-205; 4. Failure to take a confirmation sample within 24 hours of the system's receipt of the initial sample showing a violation of the nitrate or nitrite MCL, as specified in R18-4-208(I) and R18-4-209(K); 5. Violation of the nitrate MCL by a noncommunity water system, where permitted to exceed the MCL by the Department under R18-4-205; 6. Violation of the MRDL for chlorine dioxide at the point-of-entry into the distribution system when one or more samples collected in the distribution system the day following a violation of the MRDL 7. Failure to take the required chlorine dioxide samples in the distribution system, as required in R18-4-214.01(J)(2) or R18-4-214.02(I)(2). 8. Violation of the interim MCL for turbidity, as specified in R18-4-204(A)(2), if the Department determines after consultation with the public water system that an Acute (24 hour) public notice is required, for reasons such as the source of turbidity, or if consultation does not take place within 24 hours after the system learns of the violation, subject to subsection (E)(2)(b); 9. Violation of the maximum turbidity limit specified in R18-4-302 for the filtration technology used, if the Department determines after consultation with the public water system that an Acute (24 hour) public notice is required or if consultation does not take place within 24 hours after the system learns of the violation, subject to subsection (E)(2)(b); and
<ol style="list-style-type: none"> 10. Occurrence of a waterborne disease outbreak or other waterborne emergency with significant potential to have serious adverse effects on human health as a result of short-term exposure, 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.

2. A public water system shall provide an Acute (24 hour) public notice according to the following procedures:
 - a. Provide a public notice as soon as possible, but no later than 24 hours after the system learns of the violation or situation; and
 - b. Initiate consultation with the Department as soon as possible, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements.
 - c. A public water system shall provide a repeat public notice every three months from the date the water system learns of the violation or situation for as long as the violation or situation exists.
3. A public water system shall provide an Acute (24 hour) public notice in a form and manner reasonably expected to reach all persons served by one or more of the following delivery methods:
 - a. Appropriate broadcast media, including radio and television;
 - b. Posting of the public notice in conspicuous locations throughout the area served by the water system;
 - c. Hand delivery of the public notice to persons served by the water system; or
 - d. Another delivery method approved in writing by the Department.

E. Nonacute Level 1 (30 day) Public Notice

1. Table 3 lists the violations and other situations requiring a Nonacute Level 1 (30 day) public notice.

Table 3. Violations and Other Situations Requiring a Nonacute Level 1 (30 day) Public Notice

<ol style="list-style-type: none"> 1. Violation of a MCL, MRDL, or treatment technique requirement where an Acute (24 hour) public notice is not required; 2. Violation of a monitoring requirement, if the Department determines that a Nonacute Level 1 (30 day) public notice rather than a Nonacute Level 2 (12 month) 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 a variance or exemption granted to a public water system by the Department.

2. A public water system shall provide a Nonacute Level 1 (30 day) public notice according to the following procedures:
 - a. Provide the public notice as soon as possible, but no later than 30 days after the system learns of the violation. The Department may, in appropriate circumstances, allow additional time for the initial public notice of up to three months from the date the system learns of the violation. The Department shall not grant an extension for an unresolved violation. The Department's decision to grant an extension shall be in writing.
 - b. A public water system that is unable to consult with the Department within 24 hours due to weekends or holidays, may distribute a Nonacute Level 1 (30 day) public notice for a violation of a maximum turbidity limit if one or more of the following is met:
 - i. The water system is able to document that water has been fed to waste and not served to customers;
 - ii. The water system is able to document that water has been recycled and not served to customers; or

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- iii. The water system is able to document that the testing equipment malfunctioned and high turbidity readings were erroneously obtained.
 - e. A public water system shall provide a repeat public notice every three months from the date the water system learns of the violation or situation for as long as the violation or situation exists. The Department may determine that appropriate circumstances warrant a different repeat public notice frequency. The frequency of a reduced repeat public notice shall be at least once a year. The Department's determination to allow a public water system to provide repeat public notices less frequently shall be in writing.
3. A public water system shall provide a Nonacute Level 1 (30 day) public notice in a form and manner reasonably expected to reach all persons served by one or more of the following delivery methods:
- a. A CWS shall provide public 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. Another public notice delivery method reasonably expected to reach other persons regularly served by the system, if they would not normally be reached by the public notice required in subsection (E)(3)(a)(i). Other methods may include: Publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others (for example, apartment building owners or large private employers), delivery to community organizations, or posting the public notice in public places served by the system or on the internet. A public water system shall post the public notice for at least seven days, or for as long as the violation, variance, exemption, or other situation exists, whichever is longer.
 - b. A noncommunity water system shall provide public notice by:
 - i. Posting the public 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. Another public notice delivery method reasonably expected to reach other persons served by the system if they would not normally be reached by the public notice required in subsection (E)(3)(b)(i). 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 such as community centers.

F. Nonacute Level 2 (12 month) Public Notice

1. Table 4 lists the violations and other situations requiring a Nonacute Level 2 (12 month) public notice:

Table 4. Violations and Other Situations Requiring a Nonacute Level 2 (12 month) Public Notice

<ul style="list-style-type: none"> 1. Monitoring violations where an Acute (24 hour) public notice or a Nonacute Level 1 (30 day) public notice is not required; 2. Operation under a variance or an exemption granted by the Department; 3. Availability of unregulated contaminant monitoring results required by 40 CFR 141.40, and 4. Distributing water with a concentration of fluoride greater than 2.0 mg/L but less than 4.0 mg/L.

2. A public water system shall provide a Nonacute Level 2 (12 month) public notice according to the following procedures:
- a. Provide the public notice no later than one year (12 months) after the public water system learns of the violation or situation or begins operating under a variance or exemption.
 - b. A public water system may use one annual public notice detailing all Nonacute Level 2 violations and situations that occurred during the previous 12 months, rather than individual Nonacute Level 2 (12 month) public notices if the timing requirements in subsection (F)(2)(a) are met.
 - e. A public water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other situation exists.
3. A public water system shall provide a Nonacute Level 2 (12 month) public notice in a form and manner reasonably expected to reach all persons served by one or more of the following delivery methods:
- a. A CWS shall provide public 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. Another public notice delivery method reasonably expected to reach other persons regularly served by the system, if they would not normally be reached by the public notice required in subsection (F)(3)(a)(i). Other methods may include: Publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others (for example, apartment building owners or large private employers), delivery to community organizations, or posting the public notice in public places or on the internet. A public water system shall post the public notice for at least seven days, or for as long as the violation, variance, exemption, or other situation exists, whichever is longer.
 - iii. A CWS may use the CCR as a vehicle for the initial Nonacute Level 2 (12 month) public notice and all required repeat public notices, as long as the timing, content, and distribution requirements of this subsection are met.
 - b. A noncommunity water system shall provide public notice by:

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- i. Posting the public 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. Another public notice delivery method reasonably expected to reach other persons served by the system, if they would not normally be reached by the public notice required in subsection (F)(3)(b)(i). 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 (for example, community centers).

G. Notice to new customers or billing units:

- 1. A CWS shall give a copy of the most recent public notice for a continuing violation, the existence of a variance or exemption, or other ongoing situation requiring a public notice to all new billing units or new customers prior to or at the time service begins.
- 2. A noncommunity water system shall continuously post the public notice in conspicuous locations throughout the area served by the water system in order to inform new customers of a continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation exists.

H. Content of the Public Notice

- 1. A public notice shall contain the following elements:
 - a. A description of the violation or situation, including the contaminant(s) of concern, and, as applicable, the contaminant level(s);
 - b. When the violation or situation occurred;
 - c. Any potential adverse health effects from the violation or situation, including the information in subsection (H)(5)(a) or (H)(5)(b), as applicable;
 - d. The population at risk, if known, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
 - e. Whether alternative water supplies should be used;
 - f. What actions consumers should take, including when they should seek medical help, if known;
 - g. What the system is doing to correct the violation or situation;
 - h. When the water system expects to return to compliance or resolve the situation;
 - i. The name, business address, and phone number of the public water system owner, operator, or designee of the public water system as a source of additional information concerning the public notice; and
 - j. A statement to encourage the public notice recipient to distribute the public notice to other persons served using the standard language in subsection (H)(5)(e), as applicable.
- 2. For a public water system that has been granted a variance or an exemption, the public notice shall contain the following:
 - a. An explanation of the reasons for the variance or exemption;
 - b. The date on which the variance or exemption was issued;
 - c. 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
 - d. A notice of opportunity for public input in the review of the variance or exemption.
- 3. A public notice required by this Section:
 - a. Shall be displayed in a conspicuous way when printed or posted;
 - b. Shall not contain overly technical language or very small print;
 - c. Shall not be formatted in a way that defeats the purpose of the public notice, and
 - d. Shall not contain language that nullifies the purpose of the public notice.
- 4. A public water system that serves a large proportion of non-English speaking consumers, as determined by the public water system after consultation with the Department, shall include information in the appropriate language regarding the importance of the public notice or include a telephone number or address where persons served may contact the water system to obtain a translated copy of the public notice or to request assistance in the appropriate language.
- 5. A public water system shall include the following language in a public notice:
 - a. For violations of a MCL, MRDL, treatment technique, or the condition of a variance or exemption, the public notice shall include the health effects language in Appendix A.
 - b. For violations of a monitoring requirement, the public notice shall include the following language and the language necessary to fill in the information in the parentheses:

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.
 - c. For a public water system that supplies water to a customer that distributes water to others:

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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. A public water system that is required to monitor for unregulated contaminants, as specified in 40 CFR § 141.40, shall include information on the availability of unregulated contaminant monitoring results in the public notice.
- I.** This Section is effective May 6, 2002.
- A.** 40 CFR 141, Subpart C (40 CFR 141.21 through 141.29), is incorporated by reference as of the date specified in R18-4-102, subject to the modifications specified in this Section; this incorporation does not include any later amendments or editions.
- B.** 40 CFR 141.21, coliform sampling, is modified as follows:
1. 40 CFR 141.21(a)(3)(i): the phrase “each calendar quarter” is replaced with “each calendar month.”
 2. 40 CFR 141.21(a)(3)(i) and (ii): the phrase “less than once/year” is replaced with “less than one sample per quarter.”
 3. 40 CFR 141.21(c)(2), 141.21(d) and 141.21(f) are not incorporated by reference.
- C.** 40 CFR 141.22: the last sentence of 141.22(a) is replaced by the following: “Turbidity measurements shall be made using analytical methods approved by EPA and the Arizona Department of Health Services.”
- D.** 40 CFR 141.23(k) is not incorporated by reference.
- E.** 40 CFR 141.24(f)(17), 141.24(f)(20), and 141.24(h)(19) are not incorporated by reference.
- F.** 40 CFR 141.25: the following text replaces the text of 40 CFR 141.25(a) and (b): “Analysis for the following contaminants shall be conducted to determine compliance with 40 CFR 141.66 (radioactivity) using analytical methods approved by EPA and the Arizona Department of Health Services:
1. Naturally occurring contaminants: gross alpha and beta, gross alpha, radium 226, radium 228, and uranium.
 2. Man-made contaminants: radioactive cesium, radioactive iodine, radioactive strontium 89, 90, tritium, and gamma emitters.”
- G.** 40 CFR 141.27, alternate analytical techniques, is not incorporated by reference; the following text is substituted in its place: “The use of an alternate analytical technique approved by EPA and the Arizona Department of Health Services shall not decrease the frequency of monitoring required by this Chapter.”
- H.** 40 CFR 141.28:
1. In 40 CFR 141.28(a), the term “State” is changed to “Arizona Department of Health Services.”
 2. In 40 CFR 141.28(b), the term “State” is changed to “Arizona Department of Health Services or Arizona Department of Environmental Quality.”
 3. A new subsection (c) is added: “A laboratory that performs drinking water analysis in Arizona shall be certified by EPA or the Arizona Department of Health Services.”

R18-4-106. Use of Approved Analytical Methods Reporting and Recordkeeping – 40 CFR 141, Subpart D

- A.** A person sampling to determine compliance with a MCL, treatment technique, or a monitoring requirement prescribed in this Chapter shall ensure that the sample is analyzed in accordance with an analytical method that is approved for drinking water by EPA, and by ADHS under R9-14-610.
- B.** An alternative analytical method to determine compliance with a MCL, treatment technique, or monitoring requirement prescribed in this Chapter may be employed if the alternative analytical method is approved by the Director of ADHS under R9-14-610(B) with the concurrence of the Administrator of EPA.
- A.** 40 CFR 141, Subpart D (40 CFR 141.31 through 141.35), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions. The requirements in the following subsections are in addition to the requirements of 40 CFR 141, Subpart D.
- B.** Department reporting forms. A public water system shall report to the Department the results of all analyses completed under this Chapter on Department-approved forms.
- C.** Direct reporting. A public water system may contract with a laboratory or another agent to report monitoring results to the Department, but the public water system remains legally responsible for compliance with reporting requirements.

R18-4-107. Use of Licensed Laboratories Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use – 40 CFR 141, Subpart E

Analytical results from a sample taken by a public water system shall be valid only if the sample has been analyzed by a laboratory that is licensed to perform such analysis by the Arizona Department of Health Services, except that field measurements of turbidity, disinfectant residual, temperature, pH, conductivity, alkalinity, calcium hardness [as CaCO₃], orthophosphates and silica may be performed by an operator, employee, agent or other representative of a public water system.

40 CFR 141, Subpart E (40 CFR 141.40 through 141.43), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-108. Maximum Contaminant Level Goals and Maximum Residual Disinfectant Level Goals – 40 CFR 141, Subpart F

40 CFR 141, Subpart F (40 CFR 141.50 through 141.55), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-109. ~~Alternate Variances~~ Primary Drinking Water Regulations: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels – 40 CFR 141, Subpart G

- A.** The Department may grant an alternate variance from compliance with a MCL or treatment technique requirement to a public water system. When making a decision whether to grant or deny an alternate variance, the Department shall consider whether:
1. The public water system serves fewer than 10,000 persons, including the number of persons served through a consecutive system;
 2. The MCL or treatment technique requirement for which the alternate variance is sought was promulgated on or after January 1, 1986;
 3. The public water system will install and use an alternate variance technology published by EPA under 42 U.S.C. 300g-1(b)(15) (2001);
 4. The public water system establishes, by submission of the information required of new systems under Appendices C and D of Article 6, that it cannot afford to comply with the MCL or treatment technique requirement for which the alternate variance is sought by use of one of the following:
 - a. Installing treatment;
 - b. Use of an alternative source of water supply; or
 - c. Restructuring or consolidation changes, including ownership change and physical consolidation with another public water system, or both.
 5. The public water system is not able to obtain financial assistance under 42 U.S.C. 300j-12 (2001) or any other federal or state program;
 6. The public water system submits documentation that it meets the source water quality requirements for installing the alternate variance technology; and
 7. The public water system submits documentation demonstrating that it is financially and technically capable of installing, operating, and maintaining the alternate variance technology.
- B.** The Department shall only grant an alternate variance for a MCL that was revised after January 1, 1986 up to the MCL in effect before January 1, 1986.
- C.** The Department shall not grant an alternate variance for a microbiological contaminant, including a bacterium, virus, or other organism, or an indicator or treatment technique for a microbial contaminant.
- D.** A public water system that serves fewer than 10,000 persons shall submit a written request for an alternate variance to the Department. The request shall include all items listed in R18-4-110(D) and documentation that the public water system can pay for and maintain the installation and operation of the alternate variance technology.
- E.** The Department shall review the alternate variance request, make a preliminary decision on the request, and schedule a public hearing for customers of the public water system to comment on the proposed alternate variance.
- F.** The Department shall conduct public hearings on a proposed alternate variance according to the general public hearing procedures prescribed in R18-1-402.
- G.** The Department shall not grant an alternate variance until the later of the following:
 1. 90 days after the Department proposes to grant the alternate variance;
 2. For a public water system that serves 3,300 or fewer persons, the date that the Department makes the modifications recommended by EPA or responds in writing to each objection made by EPA, if any; or
 3. For a public water system that serves more than 3,300 and fewer than 10,000 persons, the date EPA approves the alternate variance.
- H.** The Department shall publish a final decision to grant an alternate variance in the *Arizona Administrative Register*. 40 CFR 141, Subpart G (40 CFR 141.60 through 141.66), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-110. ~~Variances~~ Filtration and Disinfection – 40 CFR 141, Subpart H

- A.** The Department may grant a variance to a public water system from compliance with a MCL, except for total coliform, nitrate, or nitrite, if the public water system demonstrates to the Department all of the following:
1. The public water system cannot comply with a MCL because of the characteristics of the sources reasonably available to the public water system;
 2. The public water system cannot join with another public water system or develop another source that will result in compliance with the MCL;
 3. The public water system will install and use or has installed and uses best available technology in an attempt to achieve compliance with the MCL, except that if a public water system can demonstrate through a comprehensive engineering assessment of the public water system that installation and use of best available technology will achieve only a de minimis reduction in the contaminant level, the Department may grant a variance conditioned upon the issuance of a schedule of compliance that requires the public water system to examine other treatment methods to achieve compliance with the MCL. If the Department determines that another treatment method is technically feasible, the Department may require the public water system to install and use that treatment method under a schedule of compliance; and

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4. The granting of a variance will not result in an unreasonable risk to the health of persons served by the public water system.
- B.** The Department may grant a variance to a public water system from a treatment technique requirement upon a finding that the public water system applying for the variance has demonstrated that the treatment technique is not necessary to protect the health of persons because of the nature of the source for the public water system. The Department shall not grant a variance to a public water system from treatment technique requirements related to disinfection and filtration.
- C.** The Department shall, as a condition of a variance, prescribe a schedule of compliance to a public water system when a variance is granted. The schedule of compliance shall include interim control measures deemed necessary by the Department and dates for their implementation. A schedule of compliance shall require compliance with the MCL for which the variance is granted as quickly as practicable, but no later than five years after the date the variance is issued. The Department may extend the final date of compliance after providing a public notice and an opportunity for a general public hearing.
- D.** A public water system shall submit a written request to the Department for a variance. The request shall include the following:
 1. Identification of the contaminant and the MCL or treatment technique requirement for which a variance is requested;
 2. Explanation of the economic and legal factors relevant to the system's ability to comply;
 3. Analytical results of samples taken from water entering the distribution system after treatment and source water;
 4. A description of the best available treatment technology, treatment technique, or other means that has been or will be installed and used in an attempt to comply with the MCL;
 5. A proposed compliance schedule, including interim control measures and the dates that each interim control measure will be implemented. The proposed compliance schedule shall include as a minimum the following dates:
 - a. The date by which the public water system will arrange for an alternative source or the existing source will be improved;
 - b. The date of initiation of the connection of the alternative source or the improvement of the existing source; and
 - c. The date by which final compliance with the MCL or treatment technique requirement is to be achieved.
 6. A contingency plan for the provision of safe drinking water if there is an increase in the concentration of the contaminant for which the variance is requested to prevent an unreasonable risk to public health; and
 7. A statement that the public water system will perform monitoring or other reasonable requirements prescribed by the Department as a condition of the variance.
- E.** The Department shall consider the following factors when reviewing a request for a variance because a public water system is unable to comply with a MCL:
 1. The availability and effectiveness of treatment methods for the contaminant for which the variance is requested; and
 2. The cost and other economic considerations such as implementing treatment, improving the quality of the source, or using an alternative source.
- F.** The Department shall consider the following factors when reviewing a request for a variance from a treatment technique requirement because the treatment is unnecessary to protect the public health:
 1. The quality of the source, including water quality data and pertinent sources of pollution; and
 2. Source protection measures employed by the public water system.
- G.** The Department shall provide written notice to the applicant of a preliminary decision to grant or deny a variance within 90 days after receipt of a request. If the preliminary decision is to grant the variance, the notice shall identify the contaminant for which the variance is granted, specify the term of the variance, and include a proposed schedule of compliance. A public water system shall provide public notice of the preliminary decision to grant the variance to persons served by the public water system as required in R18-4-105. If the preliminary decision is to deny the variance, the notice of intent to deny the variance shall state the reasons for the proposed denial. The applicant may submit additional information to the Department within 30 days after receipt of the notice of intent to deny the variance. The Department shall make a final decision, in writing, and notify the applicant within 30 days after receipt of any additional information. If no additional information is submitted to the Department within 30 days, the Department shall deny the variance.
- H.** The Department shall provide notice and an opportunity for a public hearing on a proposed variance according to the procedures prescribed in R18-1-401. The public notice may cover one or more variance requests. Any person who is served by the public water system and who may be adversely affected by the proposed variance may request a public hearing. The Department may issue a public notice and hold a public hearing on a proposed variance on its own initiative.
 1. A request for a public hearing shall be submitted to the Department within 30 days after publication of the notice of opportunity for a public hearing.
 2. A request for a hearing shall include the name, address, and signature of the person requesting the hearing and a brief jurisdictional statement that describes how the person will be adversely affected by the proposed variance.
- I.** The Department shall conduct a public hearing on a proposed variance according to the general public hearing procedures prescribed at R18-1-402.

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- ~~J.~~ The Department may require a public water system to use bottled water, point-of-use treatment devices, point-of-entry treatment devices, or other means as a condition of granting a variance from a MCL to avoid an unreasonable risk to health.
- A. 40 CFR 141, Subpart H (40 CFR 141.70 through 141.76), is incorporated by reference as of the date specified in R18-4-102, subject to the modifications specified in this Section; this incorporation does not include any later amendments or editions.
- B. The text of 40 CFR 141.74(a) is replaced by the following: “*Analytical requirements.* In order to demonstrate compliance with the requirements of this Part, public water systems shall use analytical methods approved by EPA and the Arizona Department of Health Services for monitoring under this Part.”

R18-4-111. Exemptions Control of Lead and Copper – 40 CFR 141, Subpart I

- ~~A.~~ The Department may grant an exemption to a public water system from a MCL (except for total coliform, nitrate, or nitrite) or a treatment technique requirement if the public water system demonstrates to the Department that:
 - ~~1.~~ The public water system is unable to comply with a MCL or treatment technique requirement because of compelling factors (which may include economic factors);
 - ~~2.~~ The grant of an exemption will not result in an unreasonable risk to public health;
 - ~~3.~~ The public water system is either:
 - ~~a.~~ An existing public water system that is in operation on the effective date of the MCL or treatment technique requirement; or
 - ~~b.~~ A new public water system that begins operation after the effective date of the MCL or treatment technique requirement, and does not have a reasonably available, alternative source that can be used to achieve compliance with the MCL or treatment technique requirement;
 - ~~4.~~ The public water system is unable to make management or restructuring changes that will result in compliance with the MCL or treatment technique requirement, or improve the quality of the drinking water; and
 - ~~5.~~ The public water system is taking all practicable steps to meet the MCL or treatment technique requirement, and:
 - ~~a.~~ The public water system cannot meet the MCL or treatment technique requirement without capital improvements that cannot be completed before the effective date of the MCL or treatment technique requirement;
 - ~~b.~~ If the public water system needs financial assistance for necessary capital improvements, the public water system has entered into an agreement to obtain the financial assistance; or
 - ~~c.~~ The public water system has entered into an enforceable agreement to become part of a regional public water system.
- ~~B.~~ When an exemption is granted, the Department shall prescribe to the public water system a schedule for compliance through the installation of treatment or the development of an alternate source. The schedule for compliance shall include the interim control measures that the Department deems necessary and dates for their implementation.
- ~~C.~~ The Department shall require in the schedule of compliance that a public water system comply with a MCL or treatment technique requirement as quickly as practicable, but within three years after the effective date of the MCL or treatment technique requirement. The Department may renew an exemption biennially for a period not to exceed six additional years for a public water system serving 3300 or fewer persons that cannot come into compliance within three years after the effective date of the MCL or treatment technique requirement due solely to needing financial assistance for necessary capital improvements. A public water system requesting a biennial extension must demonstrate compliance with the schedule for compliance in subsection (B).
- ~~D.~~ The Department shall not grant an exemption to a public water system from a treatment technique requirement related to disinfection or filtration.
- ~~E.~~ A public water system shall submit a written request to the Department for an exemption. The request shall include the following:
 - ~~1.~~ Identification of the contaminant and the MCL or treatment technique requirement for which an exemption is requested;
 - ~~2.~~ Analytical results of samples taken of both water entering the distribution system after treatment and source water, and
 - ~~3.~~ An explanation of the compelling factors that prevent the public water system from achieving compliance with the MCL or treatment technique requirement.
- ~~F.~~ The Department shall consider the following when determining whether a public water system is unable to comply because of compelling factors:
 - ~~1.~~ The necessary construction, installation, or modification of treatment equipment or systems required;
 - ~~2.~~ The time required to place a new treatment facility into operation to replace the existing facility that is not in compliance;
 - ~~3.~~ The economic feasibility of compliance;
 - ~~4.~~ The availability of alternative sources of water; and
 - ~~5.~~ Opportunities for consolidation with another public water system.

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- ~~G.~~ The Department shall provide written notice to the applicant of a preliminary decision to grant or deny an exemption within 90 days after receipt of a request. If the preliminary decision is to grant an exemption, the notice shall identify the MCL or treatment technique requirement for which the exemption is granted, the term of the exemption, and include a proposed schedule of compliance. A public water system shall provide public notice of the preliminary decision to grant the exemption to persons served by the public water system as required in R18-4-105. If the preliminary decision is to deny the exemption, the notice of intent to deny the exemption shall state the reasons for the proposed denial. The applicant may submit additional information to the Department within 30 days after receipt of the notice of intent to deny the exemption. The Department shall make a final decision, in writing, and notify the applicant within 30 days after receipt of any additional information. If no additional information is submitted to the Department within 30 days, the Department shall deny the exemption.
- ~~H.~~ The Department shall provide notice and an opportunity for a public hearing on a proposed exemption according to the procedures prescribed in R18-1-401. The public notice may cover one or more exemption requests. Any person who is served by the public water system and who may be adversely affected by the proposed exemption may request a public hearing. The Department may issue a public notice and hold a public hearing on a proposed exemption on its own initiative.
 - ~~1.~~ A request for a public hearing shall be submitted to the Department within 30 days after publication of the notice of opportunity for a public hearing.
 - ~~2.~~ A request for a hearing shall include the name, address, and signature of the person requesting the hearing and a brief jurisdictional statement that describes how the person will be adversely affected by the proposed exemption.
- ~~I.~~ The Department shall conduct a public hearing on a proposed exemption according to the general public hearing procedures prescribed at R18-1-402.
- ~~J.~~ The Department may require a public water system to use bottled water, a point-of-use treatment device, a point-of-entry treatment device, or other means as a condition of granting an exemption from a MCL requirement to avoid an unreasonable risk to health. The Department may require a public water system to use bottled water, a point of use treatment device, or other means as a condition of granting an exemption from a corrosion control treatment requirement for lead and copper to avoid an unreasonable risk to health. The Department may require a public water system to use a point-of-entry treatment device as a condition of granting an exemption from the source water treatment or the lead service line replacement requirements, or both, for lead or copper to avoid an unreasonable risk to health. If the Department requires the use of a point-of-entry treatment device as a condition of granting an exemption from the source water treatment or the lead service line replacement requirements, or both, for lead or copper, the public water system shall ensure that use of the treatment device will not cause increased corrosion of lead or copper-bearing materials located between the device and the tap that could increase contaminant levels at the tap.
- ~~K.~~ A public water system shall not receive an exemption under this Section if the public water system has been granted an alternate variance under R18-4-109.
- ~~A.~~ 40 CFR 141, Subpart I (40 CFR 141.80 through 141.91), is incorporated by reference as of the date specified in R18-4-102, subject to the modifications specified in this Section; this incorporation does not include any later amendments or editions.
- ~~B.~~ The first sentence of 40 CFR 141.89(a) is replaced by the following: “Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using analytical methods approved by EPA and the Arizona Department of Health Services. Analyses under this section for lead and copper shall be conducted by laboratories that have been certified by EPA or the Arizona Department of Health Services.”
- ~~C.~~ The text of 40 CFR 141.89(a)(1) is not incorporated by reference.

R18-4-112. Use of Non-Centralized Treatment Devices – 40 CFR 141, Subpart J

40 CFR 141.101 is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-113. Consecutive Public Water Systems Treatment Techniques – 40 CFR 141, Subpart K

When a public water system obtains all of its water from another public water system that is regulated by the Department, the Department may modify the monitoring requirements imposed by this Chapter to the extent that the interconnection of the public water systems justifies treating them as a single public water system for monitoring purposes. Any modified monitoring by a public water system shall be conducted according to a written monitoring schedule prescribed by the Department and approved by the U.S. Environmental Protection Agency.

40 CFR 141, Subpart K (40 CFR 141.110 through 141.111), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-114. Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors – 40 CFR 141, Subpart L

~~A.~~ 40 CFR 141, Subpart L (40 CFR 141.130 through 141.135), is incorporated by reference as of the date specified in R18-4-102, subject to the modifications specified in this Section; this incorporation does not include any later amendments or editions.

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- B.** 40 CFR 141.131 is not incorporated by reference.
- C.** In order to demonstrate compliance with the requirements of this Chapter:
1. Public water systems shall use analytical methods approved by EPA and the Arizona Department of Health Services for monitoring under this Chapter; and
 2. Analyses of drinking water samples shall be conducted by laboratories that have been certified by EPA or the Arizona Department of Health Services.
- D.** A party approved by the Department shall measure daily chlorite samples at the entrance to the distribution system.
- E.** A public water system may measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide by using N,N-diethyl-p-phenylenediamine (DPD) colorimetric test kits. A party approved by the Department shall measure residual disinfectant concentration.

R18-4-115. Renumbered

R18-4-116. Renumbered

R18-4-117. Consumer Confidence Reports – 40 CFR 141, Subpart O

40 CFR 141, Subpart O (40 CFR 141.151 through 141.155 and Appendix A), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-118. Enhanced Filtration and Disinfection - Systems Serving 10,000 or More People – 40 CFR 141, Subpart P

40 CFR 141, Subpart P (40 CFR 141.170 through 141.175), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-119. Public Notification of Drinking Water Violations – 40 CFR 141, Subpart Q

40 CFR 141, Subpart Q (40 CFR 141.201 through 141.211 and Appendices A, B, and C), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-120. Renumbered

R18-4-121. Ground Water Rule – 40 CFR 141, Subpart S

40 CFR 141, Subpart S (40 CFR 141.400 through 141.405), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-122. Enhanced Filtration and Disinfection – Systems Serving Fewer Than 10,000 People – 40 CFR 141, Subpart T

40 CFR 141, Subpart T (40 CFR 141.500 through 141.571), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-123. Initial Distribution System Evaluations – 40 CFR 141, Subpart U

40 CFR 141, Subpart U (40 CFR 141.600 through 141.605), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-124. Stage 2 Disinfection Byproducts Requirements – 40 CFR 141, Subpart V

40 CFR 141, Subpart V (40 CFR 141.620 through 141.629), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

R18-4-125. Enhanced Treatment For *Cryptosporidium* – 40 CFR 141, Subpart W

40 CFR 141, Subpart W (40 CFR 141.700 through 141.723), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.

Appendix A. Regulated Contaminants Repealed

(Key for explanation of acronyms and endnotes is at the end of the appendix.)

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Part 1. Microbiological Contaminants

Microbiological Contaminants	MCL	MCLG	Major Sources in Drinking Water	Mandatory Health Language	Type of PN* required	
					MCL*	Monit.*
Total Coliform Bacteria	Presence of coliform bacteria in 5% or more of monthly samples (CWSs that collect 40 or more samples per month); one positive monthly sample (CWSs that collect fewer than 40 samples per month).	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.	NAL1	NAL2
Fecal coliform and <i>E. coli</i>	A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or <i>E. coli</i> positive	0	Human and animal fecal waste.	Fecal coliforms and <i>E. coli</i> 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.	AC	AC, NAL2
Turbidity	Treatment Technique as specified in R18-4-302	N/A	Soil Run-off	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.	NAL1, AC	NAL2

Part 2. Radiochemicals

Radiochemicals	MCL	MCLG	Major Sources in Drinking Water	Mandatory Health Language	Type of PN* required	
					MCL*	Monit.*
Beta/photon emitters	4 millirems/ Year	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 emitters in excess of the MCL over many years may have an increased risk of getting cancer.	NAL1	NAL2

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Alpha emitters	15 picocuries/ Liter	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.	NAL1	NAL2
Combined radium-226/228	5 picocuries/ Liter	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.	NAL1	NAL2

Part 3. Disinfectants and Disinfection Byproducts

Disinfectants and Disinfection Byproducts	MCL / MRDL in mg/L (MCL unless MRDL specified)	MCLG in mg/L	Major Sources in Drinking Water	Mandatory Health Language	Type of PN* required	
					MCL* or MRDL*	Monit.*
Bromate	.010	0	By-product of drinking water chlorination	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.	NAL1	NAL2
Chloramines	MRDL = 4.0	MRDLG = 4.0	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 people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.	NAL1	NAL2
Chlorine	MRDL = 4.0	MRDLG = 4.0	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.	NAL1	NAL2
Chlorine dioxide	MRDL = .8	MRDLG = .8	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 MRDL. Some people may experience anemia. <i>See end-note (a).</i>	AC, NAL1	AC, NAL1, NAL2

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Chlorite	1	.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.	NAL1, NAL2	
Haloacetic Acids (HAA5)	.060 See endnote (b).	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.	NAL1	NAL2
THMs (Total trihalomethanes)	.10 or .080 See endnote (c).	N/A	Byproduct 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.	NAL1	NAL2

Part 4. Inorganic Contaminants

Inorganic Contaminants	MCL in mg/L	MCLG in mg/L	Major Sources in Drinking Water	Mandatory Health Language	Type of PN* required	
					MCL* [‡]	Monit.* [‡]
Antimony	.006	.006	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.	NAL1	NAL2
Arsenic	.05	N/A	Erosion of natural deposits; Run-off from orchards; Run-off 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.	NAL1	NAL2
Asbestos	7 million fibers/ Liter (MFL)	7 MFL	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.	NAL1	NAL2
Barium	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.	NAL1	NAL2

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Beryllium	.004	.004	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.	NAL1	NAL2
Cadmium	.005	.005	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; run-off from waste batteries and paints.	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.	NAL1	NAL2
Chromium	.1	.1	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.	NAL1	NAL2
Copper	Action Level = 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.	NAL1	NAL2
Cyanide	.2	.2	Discharge from steel or 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.	NAL1	NAL2
Fluoride	4.0	4.0	Erosion of natural deposits; Water additive that 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. Children may get mottled teeth.	NAL1	NAL2
Fluoride Levels greater than 2.0 mg/L, but less than 4.0 mg/L;	N/A	N/A		See endnote (d).		

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Lead	Action Level = .015	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.	NAL1	NAL2
Mercury	.002	.002	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from erop land.	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.	NAL1	NAL2
Nitrate	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.	AC	AC, NAL2
Nitrite	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.	AC	AC, NAL2
Selenium	.05	.05	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.	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.	NAL1	NAL2
Thallium	.002	.0005	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.	NAL1	NAL2

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Part 5. Synthetic Organic Contaminants (including Pesticides and Herbicides)

Synthetic Organic Contaminants (including Pesticides and Herbicides)	MCL in mg/L	MCLG in mg/L	Major Sources in Drinking Water	Mandatory Health Language	Type of PN* required	
					MCL*	Monit.*
2,4-D	.07	.07	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.	NAL1	NAL2
2,4,5-TP [Silvex]	.05	.05	Residue of banned herbicide.	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.	NAL1	NAL2
Acrylamide	Treatment Technique as specified in R18-4-317	0	Added to water during sewage and 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.	NAL1	NAL2
Alachlor	.002	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.	NAL1	NAL2
Atrazine	.003	.003	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.	NAL1	NAL2
Benzo(a)pyrene [PAH]	.0002	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.	NAL1	NAL2
Carbofuran	.04	.04	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.	NAL1	NAL2
Chlordane	.002	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.	NAL1	NAL2

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Dalapon	.2	.2	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.	NAL1	NAL2
Di(2-ethylhexyl) adipate	.4	.4	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.	NAL1	NAL2
Di(2-ethylhexyl) phthalate	.006	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.	NAL1	NAL2
Dibromochloro propane (DBCP)	.0002	0	Runoff or 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 difficulties and may have an increased risk of getting cancer.	NAL1	NAL2
Dinoseb	.007	.007	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.	NAL1	NAL2
Dioxin [2,3,7,8-TCDD]	.00000003	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.	NAL1	NAL2
Diquat	.02	.02	Runoff from herbicide use.	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.	NAL1	NAL2
Endothall	.1	.1	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.	NAL1	NAL2
Endrin	.002	.002	Residue of banned insecticide.	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.	NAL1	NAL2

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Epichlorohydrin	Treatment technique as specified in R18-4-317.	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.	NAL1	NAL2
Ethylene dibromide	.00005	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.	NAL1	NAL2
Glyphosate	.7	.7	Runoff from herbicide use.	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.	NAL1	NAL2
Heptachlor	.0004	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.	NAL1	NAL2
Heptachlor epoxide	.0002	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.	NAL1	NAL2
Hexachlorobenzene	.001	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.	NAL1	NAL2
Hexachlorocyclopentadiene	.05	.05	Discharge from chemical factories.	Some people who drink water containing hexachlorocyclopentadiene in excess of the MCL over many years could experience problems with their kidneys or stomach.	NAL1	NAL2
Lindane	.0002	.0002	Runoff or leaching from insecticide used on cattle, lumber, and gardens.	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.	NAL1	NAL2

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Methoxychlor	.04	.04	Runoff or leaching from insecticide used on fruits, vegetables, alfalfa, and livestock.	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.	NAL1	NAL2
Oxamyl [Vydate]	.2	.2	Runoff or leaching from insecticide used on apples, potatoes, and tomatoes.	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.	NAL1	NAL2
PCBs [Polychlorinated biphenyls]	.0005	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.	NAL1	NAL2
Pentaachlorophenol	.001	0	Discharge from wood preserving factories.	Some people who drink water containing pentaachlorophenol 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.	NAL1	NAL2
Picloram	.5	.5	Herbicide runoff.	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.	NAL1	NAL2
Simazine	.004	.004	Herbicide runoff.	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.	NAL1	NAL2
Toxaphene	.003	0	Runoff or 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.	NAL1	NAL2

Part 6. Volatile Organic Contaminants

Volatile Organic Contaminants	MCL in mg/L	MCLG in mg/L	Major Sources in Drinking Water	Mandatory Health Language	Type of PN* required	
					MCL*	Monit.*
Benzene	.005	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.	NAL1	NAL2

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Carbon tetrachloride	.005	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.	NAL1	NAL2
Chlorobenzene	.1	.1	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.	NAL1	NAL2
o-Dichlorobenzene	.6	.6	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.	NAL1	NAL2
p-Dichlorobenzene	.075	.075	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.	NAL1	NAL2
1,2-Dichloroethane	.005	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.	NAL1	NAL2
1,1-Dichloroethylene	.007	.007	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.	NAL1	NAL2
cis-1,2-Dichloroethylene	.07	.07	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.	NAL1	NAL2
trans-1,2-Dichloroethylene	.1	.1	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.	NAL1	NAL2
Dichloromethane	.005	0	Discharge from pharmaceutical and chemical factories.	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.	NAL1	NAL2
1,2-Dichloropropane	.005	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.	NAL1	NAL2

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Ethylbenzene	.7	.7	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.	NAL1	NAL2
Styrene	.1	.1	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.	NAL1	NAL2
Tetrachloroethylene	.005	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.	NAL1	NAL2
1,2,4 Trichlorobenzene	.07	.07	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.	NAL1	NAL2
1,1,1 Trichloroethane	.2	.2	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.	NAL1	NAL2
1,1,2 Trichloroethane	.005	.003	Discharge from industrial chemical factories.	Some people who drink water containing 1,1,2 trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.	NAL1	NAL2
Trichloroethylene	.005	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.	NAL1	NAL2
Toluene	.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.	NAL1	NAL2
Vinyl Chloride	.002	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.	NAL1	NAL2
Xylenes	.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.	NAL1	NAL2

Key to Acronyms:

- *PN = Public Notice
- *MCL = Violation of a MCL
- *MRDL = Violation of a MRDL
- *Monit. = Failure to perform monitoring
- AC = Acute (24 hour) public notice
- NAL1 = Nonacute Level 1 (30 day) public notice
- NAL2 = Nonacute Level 2 (12 month) public notice
- MCLG = Maximum Contaminant Level Goal
- MRDLG = Maximum Residual Disinfectant Level Goal (defined at R18-4-703(C)(4))

Endnotes:

- a. In addition to the mandatory health language, a system shall include either the language in endnote (a)(i) or (a)(ii). A system with a violation at the water treatment plant, but not in the distribution system, shall use the language in endnote (a)(i) and provide a Nonacute public notice. A system with a violation in the distribution system shall use the language in endnote (a)(ii) and provide an Acute public notice.
 - i. The chlorine dioxide violations reported today are the result of violations at the treatment facility only, and do not include violations within the distribution system serving users of this water supply. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to present consumers.
 - ii. The chlorine dioxide violations reported today include violations of the EPA standard within the distribution system serving water users. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including pregnant women, infants, and young children, may be especially susceptible to adverse effects of excessive exposure to chlorine dioxide treated water. The purpose of this notice is to advise that such persons should consider reducing their risk of adverse effects from these chlorine dioxide violations by seeking alternate sources of water for human consumption until such violations are rectified. Local and state health authorities are the best sources for information concerning alternate drinking water.
- b. Haloacetic Acids (HAA5): The MCL of .060mg/L is effective May 1, 2002 for surface water systems serving at least 10,000 persons. The CCR for calendar year 2002 shall reflect the MCL of .060mg/L.
- e. Total trihalomethanes (TTHM): The MCL of .080mg/L is effective May 1, 2002 for surface water systems serving at least 10,000 persons. The CCR for calendar year 2001 shall reflect the MCL of .10mg/L, and the CCR for calendar year 2002 shall reflect the MCL of .080mg/L.
- d. Mandatory health effects language for fluoride levels greater than 2 mg/L:

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.

ARTICLE 2. MAXIMUM CONTAMINANT LEVELS AND MONITORING REQUIREMENTS; MONITORING-ASSISTANCE PROGRAM STATE DRINKING WATER REGULATIONS

~~R18-4-201. Maximum Contaminant Levels; Public Water Systems Affected~~

- ~~A. Except as provided in this Section, the MCLs prescribed in this Article apply to water distributed by a public water system.~~
- ~~B. Except as provided in subsection (D), only the MCLs for nitrate, nitrite, and total coliform apply to water distributed by a TNCWS.~~
- ~~C. The MCLs for fluoride, arsenic, and radiochemicals apply only to water distributed by a CWS.~~
- ~~D. The interim MCLs for turbidity apply only to water that is distributed by a surface water system that does not provide filtration.~~
- ~~E. The MCL for total trihalomethanes applies only to water distributed by a CWS that serves a population of 10,000 or more and that adds a halogenated disinfectant to the water in any part of the treatment process.~~

~~R18-4-121. R18-4-201, Enforcement~~

- ~~A. A water supplier who constructs, operates, or maintains a public water system contrary to the provisions of this Chapter or~~

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fails to maintain the quality of water within the public water system as required by this Chapter is subject to the actions provided in A.R.S. §§ 49-142 and § 49-354.

- B.** If the Department determines that a public water system is not in compliance with any of the provisions of this Chapter, the Department may issue an order to the water supplier that requires the public water system to make no further service connections or that limits the number of service connections until the Department determines that the public water system achieves compliance.
- C.** The Department may determine compliance or initiate enforcement action based upon analytical results and other information compiled by the Department or other federal, state, or local agencies.
- D.** The Department shall round compliance data to the same number of significant figures as the MCL in question to determine compliance with the MCL.

R18-4-202. Total Coliform; MCLs and Monitoring Requirements

- A.** A public water system shall not distribute water that exceeds the following MCLs for total coliform:
 - 1. When 40 or more routine and repeat samples are collected per month, no more than 5% of the samples may be total coliform positive. Violation of this subsection is a nonacute violation.
 - 2. When fewer than 40 routine and repeat samples are collected per month, no more than one sample may be total coliform positive. Violation of this subsection is a nonacute violation.
 - 3. Any fecal coliform positive repeat sample or Escherichia coli (E. coli) positive repeat sample is an acute violation.
 - 4. Any total coliform positive repeat sample following a fecal coliform positive or E. coli positive routine sample is an acute violation.
- B.** The MCLs for total coliform are based on the presence or absence of coliform organisms in a standard 100-ml sample.
- C.** A public water system shall collect total coliform samples at sites that are representative of water throughout the distribution system according to a written site sampling plan that is subject to review and approval by the Department.
- D.** A public water system shall not composite samples for total coliform analysis.
- E.** Except as provided by subsection (G), a public water system shall conduct monthly monitoring to determine compliance with the MCLs for total coliform. A public water system shall collect routine total coliform samples at regular time intervals throughout the month, except that a groundwater system that serves 4,900 persons or less may collect all required routine samples on a single day if the samples are taken from different sampling sites.
- F.** The number of samples taken for total coliform is based on the population served by a public water system. A public water system shall take the following minimum number of samples per month:

Population served	Minimum Number of Samples per Month
25 to 1,000 ⁺	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

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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
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

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

- G.** A public water system may request that the Department give written approval to reduce the public water system's total coliform monitoring frequency from monthly to quarterly. The Department's determination of whether to give written approval to reduce total coliform monitoring shall be based on the public water system's compliance with all of the following factors:
1. The public water system is a protected groundwater system;
 2. The public water system serves fewer than 1000 persons;
 3. The public water system has no history of total coliform contamination in its current configuration; and
 4. The most recent sanitary survey of the public water system, conducted under R18-4-118, indicates that the public water system is free of sanitary defects.
- H.** If a routine sample is total coliform positive, a public water system shall collect a set of repeat samples within 24 hours of receiving notice of the total coliform positive test result. A public water system may request that the Department extend this 24 hour time period if the public water system has a logistical problem in collecting repeat samples that is beyond the public water system's control. If the Department grants an extension of the 24-hour period to collect repeat samples, the Department shall specify how much time the public water system has to collect repeat samples.
1. A public water system that collects one routine sample per month or per quarter shall collect at least four repeat samples for each total coliform positive routine sample found. A public water system that collects more than one routine sample per month shall collect at least three repeat samples for each total coliform positive routine sample found.
 2. A public water system shall collect repeat samples as follows:
 - a. The public water system shall collect one repeat sample from the tap where the total coliform positive routine sample was collected.
 - b. The public water system shall collect one repeat sample from a tap located within five service connections upstream of the sampling site where the total coliform positive routine sample was collected.
 - c. The public water system shall collect one repeat sample from a tap located within five service connections downstream of the sampling site where the total coliform positive routine sample was collected.
 - d. If a total coliform positive routine sample is collected at the end of the distribution system or one away from the end of the distribution system, the Department may waive the requirement to collect at least one repeat sample upstream or downstream of the original sampling site.
 - e. If a public water system is required to take four repeat samples, the fourth repeat sample may be collected from any sampling site in the distribution system.
 3. A public water system shall collect all repeat samples on the same day, except that the Department may allow a public water 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. A larger volume repeat sample may be collected in one or more sample containers of any size provided that the total volume collected is at least 400 ml (300 ml for a public water system with a single service connection that collects more than one routine sample per month).
 4. If a repeat sample is total coliform positive, the public water system shall collect an additional set of repeat samples for the sampling site where the original total coliform positive routine sample was collected. The additional set of repeat samples shall be collected according to the procedures prescribed in subsections (H)(1) through (H)(3). A public water system shall continue to take additional sets of repeat samples for the sampling site where the original total coliform positive routine sample was collected until either total coliforms are not detected in one complete set of repeat samples or a MCL for total coliform is violated and the public water system notifies the Department.
- I.** A public water system that collects fewer than five routine samples per month and has one or more total coliform positive routine sample shall collect at least five routine samples during the next month that the public water system provides water to the public. The requirement to take additional routine samples in the next month is in addition to repeat sampling requirements prescribed in subsection (H). The Department may waive the increased routine monitoring requirement in the next month. The Department's determination of whether to waive the increased routine monitoring requirement in the next month shall be based on consideration of the following factors:
1. The Department, or an agent approved by the Department, performs a site visit before the end of the next month that the public water system provides water. Although a sanitary survey need not be performed, the site visit shall be suf-

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efficiently detailed to determine whether additional monitoring or any corrective action is needed. The Department shall not approve an employee of the public water system to perform this site visit; or

2. The Department determines why the routine sample was total coliform positive and that the public water system has corrected the problem or will correct the problem before the end of the next month that the public water system serves water to the public. In this case, the Department shall document the decision to waive the increased routine monitoring requirement for the next month in writing. The decision document shall be signed by the supervisor of the person who recommends the decision and shall be available to EPA and the public. The decision document shall describe the specific cause of the total coliform positive routine sample and what action the public water system has taken or will take to correct the problem. The Department shall not waive the increased routine monitoring requirement for the next month solely on the grounds that all repeat samples are total coliform negative.

J. The Department may invalidate a total coliform positive sample. A total coliform positive sample that is invalidated shall not count towards meeting the minimum monitoring requirements prescribed in subsections (F), (H), and (I) for total coliform. The Department shall consider the following criteria when determining whether to invalidate a total coliform positive sample:

1. The laboratory that analyzed the samples establishes that improper sample analysis caused a total coliform positive result. If the Department invalidates a total coliform positive sample on this ground, the public water system shall collect another sample from the same location as the original sample within 24 hours of being notified of sample invalidation and shall have it analyzed for the presence of coliform organisms. The Department may waive the 24-hour time limit on a case-by-case basis. The Department's decision to invalidate a sample on this ground shall be in writing.
2. The Department determines on the basis of the results of repeat samples collected and documentation that the total coliform positive sample was the result of a domestic or other non-distribution system plumbing problem. The Department shall not invalidate a sample on this ground unless the repeat sample collected at the same sampling site as the original total coliform positive sample also is total coliform positive and all repeat samples collected within five service connections of the original sampling site are total coliform negative. The Department's decision to invalidate a total coliform positive sample on the ground that it is the result of a domestic or other non-distribution system plumbing problem shall be in writing. The Department shall not invalidate a total coliform positive sample on this ground if all repeat samples are total coliform negative or if the public water system has a single service connection.
3. The Department has substantial grounds to believe that a total coliform positive result is due to a circumstance or condition that does not reflect water quality in the distribution system. If a total coliform positive sample is invalidated on this ground, the public water system shall collect the required repeat samples. Repeat samples shall be counted in determining compliance with the MCLs for total coliform. The decision to invalidate a total coliform positive sample on this ground shall be in writing. The decision document shall be signed by the supervisor of the person who recommends the decision and shall be available to EPA and the public. The decision document shall state the specific cause of the total coliform positive sample and what action the public water system has taken or will take to correct the problem. The Department shall not invalidate a total coliform positive sample solely on the ground that all repeat samples are total coliform negative.

K. If any routine or repeat sample is total coliform positive, a public water system shall analyze that total coliform positive culture medium to determine whether fecal coliforms are present, except that a public water system may test for *Escherichia coli* (*E. coli*) in place of fecal coliforms. The Department shall allow a public water system to forego fecal coliform or *E. coli* testing on a total coliform positive sample if the public water system assumes in every case that any total coliform positive sample is either fecal coliform positive or *E. coli* positive.

L. The results of all routine and repeat samples not invalidated by the Department shall be included in determining compliance with the MCLs for total coliform.

R18-4-114. R18-4-202. Certified Operators

A water supplier of a public water system shall provide for a certified ensure that:

1. The water system is operated in accordance with 18 A.A.C. 5, Article 1.
2. The water system is operated by an operator who is properly certified pursuant to 18 A.A.C. 5, Article 1, to operate each water treatment plant in the system and the distribution system. The same certified operator may be in direct responsible charge of 1 or more water treatment plants and the distribution system provided the operator holds an operator certificate of the proper type and grade for each facility. Separate operator certificates are required to operate a water treatment plant and a distribution system.

R18-4-124. R18-4-203. Operation and Maintenance

A water supplier shall maintain and keep in proper operating condition all facilities used in production, treatment, and distribution of the water supply so as to comply with the requirements of this Chapter and 18 A.A.C. 5.

R18-4-204. Turbidity; Interim MCLs and Monitoring Requirements

A. Water that is distributed by a surface water system which does not provide filtration shall not exceed the following interim maximum contaminant levels for turbidity:

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1. ~~One NTU, as determined by an arithmetic average of the samples taken per month, except that not more than 5 NTUs may be allowed if the water supplier demonstrates, through a history of acceptable microbiological results, that the higher turbidity does not:~~
 - a. ~~Interfere with disinfection;~~
 - b. ~~Prevent maintenance of a detectable residual disinfectant concentration throughout the distribution system; or~~
 - e. ~~Interfere with microbiological determinations.~~
 2. ~~Five NTUs based on an arithmetic average of the samples taken for two consecutive days.~~
- B.** ~~A surface water system which does not provide filtration shall sample at least once per day to determine compliance with the interim maximum contaminant levels for turbidity.~~
- C.** ~~If the result of a turbidity measurement indicates that turbidity exceeds 5 NTUs, then a water supplier shall take a confirmation measurement as soon as practicable, preferably within one hour. If the confirmation measurement confirms that turbidity exceeds 5 NTUs, then the water supplier shall report the exceedance to the Department, by telephone or facsimile, within 48 hours. The confirmation measurement shall be used for the purpose of calculating the two-day and the monthly average.~~

R18-4-116, R18-4-204, Emergency Operation Plans

- A.** The water supplier for a community water system shall develop and keep an emergency operations plan in an easily accessible location. At a minimum, the emergency operations plan shall detail the steps that the community water system will take to assure continuation of service in the following emergency situations:
1. Loss of a source;
 2. Loss of water supply due to major component failure;
 3. Damage to power supply equipment or loss of power;
 4. Contamination of water in the distribution system from backflow;
 5. Collapse of a reservoir, reservoir roof, or pumphouse structure;
 6. A break in a transmission or distribution line; and
 7. Chemical or microbiological contamination of the water supply.
- B.** The emergency operations plan required by subsection (A) shall address all of the following:
1. Provision of alternate sources of water during the emergency;
 2. Notice procedures for regulatory agencies, news media, and users;
 3. Disinfection and testing of the distribution system once service is restored;
 4. Identification of critical system components that shall remain in service or be returned to service quickly;
 5. Critical spare parts inventory; and
 6. Staff training in emergency response procedures.
- C.** In the event that an emergency situation that is listed in subsection (A) occurs, the Emergency Operation Plan shall be implemented by the community water system.

R18-4-205, Inorganic Chemicals, MCLs

- A.** ~~Water that is distributed by a community water system or a nontransient, noncommunity water system shall not exceed the following maximum contaminant levels for inorganic chemicals:~~

Contaminant	MCL(mg/L)	Alternate MCL(mg/L)
Antimony	0.006	
Arsenic	0.05	
Asbestos	7 MFLb	
Barium	2	
Beryllium	0.004	
Cadmium	0.005	
Chromium	0.1	
Cyanide (as free cyanide)	0.2	
Fluoride	4.0	
Mercury	0.002	
Nitrate (as N)	10	20e
Nitrite (as N)	1	
Total nitrate/nitrite	10	20e
Selenium	0.05	
Thallium	0.002	

- a. ~~The MCLs for fluoride and arsenic apply to community water systems only.~~
- b. ~~“MFL” means million fibers per liter greater than 10 microns in length.~~
- e. ~~The Department may allow a noncommunity water system to comply with the alternate MCL for nitrate and for total nitrate/nitrite provided all of the following conditions are met:~~

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- i. ~~The public water system is a noncommunity water system;~~
- ii. ~~Water provided by the noncommunity water system will not be available to children under six months of age;~~
- iii. ~~The water supplier continuously posts notice of the fact that nitrate levels may exceed the MCL of 10 mg/L;~~
- iv. ~~The water supplier continuously posts notice of the potential health effects on infants under six months of age;~~
- v. ~~The water supplier notifies the Department annually of nitrate levels that exceed 10 mg/L; and~~
- vi. ~~No adverse health effects result.~~

B. ~~Water that is distributed by a TNCWS shall not exceed the MCLs for nitrate, nitrite, and total nitrate/nitrite. The MCLs for other inorganic chemicals listed in this Section do not apply to water that is distributed by a TNCWS.~~

R18-4-108, R18-4-205, Sample Collection, Preservation, and Transportation

A public water system shall collect each sample using the sample preservation, container, and maximum holding time procedure prescribed by ADHS the Arizona Department of Health Services in 9 A.A.C. 14, Article 6, and approved by EPA for the analytical method used.

R18-4-206. ~~Monitoring Requirements for Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium, Cyanide, Fluoride, Mercury, Selenium, and Thallium~~

- A.** ~~A TNCWS is not required to monitor for the inorganic chemicals listed in this Section. Each CWS and NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall monitor for the following inorganic chemicals:~~
 - 1. ~~Each CWS shall monitor to determine compliance with the MCLs for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, and thallium.~~
 - 2. ~~Each NTNCWS shall monitor to determine compliance with the MCLs for all of the inorganic chemicals listed in subsection (A)(1) except fluoride and arsenic.~~
- B.** ~~Each CWS or NTNCWS shall conduct initial monitoring for inorganic chemicals listed in this Section in the monitoring year designated by the Department.~~
- C.** ~~Each CWS and NTNCWS shall monitor for inorganic chemicals at each sampling point as prescribed in R18-4-218.~~
- D.** ~~A CWS, NTNCWS, or the contractor on behalf of a CWS or NTNCWS, may composite samples for inorganic chemicals as prescribed in R18-4-219.~~
- E.** ~~Each CWS and NTNCWS shall monitor at the following frequencies:~~
 - 1. ~~Each CWS or NTNCWS shall take one sample at each groundwater sampling point once every three years.~~
 - 2. ~~Each CWS or NTNCWS shall take one sample annually at each surface water sampling point.~~
- F.** ~~A water supplier may use monitoring data collected before the initial monitoring year to satisfy initial monitoring requirements at a sampling point provided at least one sample was taken in the three years immediately prior to the initial monitoring year.~~
- G.** ~~If the analytical results from a sampling point indicate that the concentration of an inorganic chemical exceeds a MCL, a CWS or NTNCWS shall take quarterly samples at that sampling point, beginning in the calendar quarter immediately following collection of the sample that exceeded the MCL. A CWS or NTNCWS shall continue quarterly sampling at the sampling point until:~~
 - 1. ~~Groundwater sampling points: A minimum of two consecutive quarterly samples are taken and the concentration of the inorganic chemical in each sample is below the MCL. If this criterion is met, the Department may decrease the monitoring frequency from quarterly to one sample every three years. The Department's decision to reduce monitoring frequency shall be in writing.~~
 - 2. ~~Surface water sampling points: A minimum of four consecutive quarterly samples are taken and the concentration of the inorganic chemical in each sample is below the MCL. If this criterion is met, the Department may decrease monitoring frequency from quarterly to annually. The Department's decision to reduce monitoring frequency shall be in writing.~~
- H.** ~~If the analytical results of an initial sample indicate that there is an exceedance of a MCL, the Department may require that a water supplier or contractor take a confirmation sample as soon as possible but no later than two weeks after taking the initial sample at the same sampling point.~~
- I.** ~~Compliance with a MCL for an inorganic chemical is based upon the analytical result from a single sample obtained at each sampling point unless the Department requires a confirmation sample. If the Department requires a confirmation sample, the analytical results of the initial sample and the confirmation sample shall be averaged. The resulting average shall be used to determine compliance with the MCL.~~
- J.** ~~Except for a water supplier subject to the monitoring assistance program, a water supplier may apply to the Department to conduct monitoring at a sampling point more frequently than the monitoring frequency specified in subsection (E). If the Department gives written approval to conduct more frequent monitoring at a sampling point, compliance shall be determined by a running annual average at the sampling point. If the running annual average at the sampling point is greater than the MCL, the public water system is out of compliance. If any single analytical results causes the running annual average to exceed the MCL, the public water system is immediately out of compliance.~~

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- ~~K.~~ A water supplier may make a written request to, or the Department under the monitoring assistance program, may reduce monitoring frequency for an inorganic chemical at a sampling point. The Department may reduce monitoring frequency at a sampling point as follows:
1. Groundwater sampling points: The Department may reduce monitoring frequency at a groundwater sampling point from once every three years to a less frequent basis if a public water system has monitored at least once every three years for nine years at the groundwater sampling point and all previous analytical results for the inorganic chemical are below the MCL.
 2. Surface water sampling points: The Department may reduce monitoring frequency at a surface water sampling point from annually to a less frequent basis if the surface water system has monitored annually at the surface water sampling point for at least three consecutive years and all previous analytical results for the inorganic chemical are below the MCL.
 3. The term of reduced monitoring shall not exceed nine years.
 4. A CWS or NTNCWS shall take at least one sample at the sampling point during the reduced monitoring term.
 5. In determining the appropriate reduced monitoring frequency at a sampling point, the Department shall consider the following factors:
 - a. Reported concentrations of the inorganic chemical from all previous monitoring;
 - b. The degree of variation in the reported concentrations of the inorganic chemical; and
 - c. Other factors that may affect the concentration of the inorganic chemical such as changes in groundwater pumping rates, the configuration of the CWS or NTNCWS, operating procedures, stream flows, or source water characteristics.
 6. The Department's decision to reduce monitoring frequency at a sampling point shall be in writing and shall specify the grounds for the decision. A water supplier may make a written request for reduced monitoring or the Department may grant reduced monitoring on its own. A water supplier shall provide documentation of analytical results that support the request for reduced monitoring. When a CWS or NTNCWS submits new data or if other data relevant to the public water system's appropriate monitoring frequency become available, the Department shall review the data and, if appropriate, revise its determination of monitoring frequency.
 7. A CWS or NTNCWS that uses a new source is not eligible for reduced monitoring until it completes three consecutive rounds of monitoring from the new source.
- ~~L.~~ The Department may grant a public water system a waiver from cyanide monitoring if the Department determines that the system is not vulnerable because there is no industrial source of cyanide.

R18-4-120. R18-4-206. Monitoring and Sampling by the Department and MAP Contractors

- A. The Department may take samples from a public water system. If the Department takes a sample at a public water system, the Department shall forward a copy of the analytical results to the water supplier.
- B. If a public water system fails to monitor, the Department may monitor to determine compliance with MCLs. A public water system shall not use Department monitoring to satisfy monitoring requirements prescribed by this Chapter. This subsection does not apply to monitoring under the monitoring assistance program.
- C. A contractor shall take compliance samples for the categories of contaminants listed in A.R.S. § 49-360(A) for a public water system that participates in the monitoring assistance program.
- D. The sampling location for chemical contaminants must be the entry point to the distribution system or the compliance monitoring point specified by the Department, unless otherwise specified in this Chapter. An entry point to a distribution system is the point at which water is discharged into the distribution system from a well, storage tank, pressure tank, or water treatment plant.

R18-4-207. Asbestos; Monitoring Requirements

- ~~A.~~ A CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall conduct monitoring to determine compliance with the MCL for asbestos. A transient, noncommunity water system is not required to monitor for asbestos.
- ~~B.~~ A CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall conduct monitoring for asbestos in the monitoring year designated by the Department during the initial compliance period of each compliance cycle, beginning in the compliance period that starts on January 1, 1993.
- ~~C.~~ If the Department determines that a CWS or NTNCWS is vulnerable to asbestos contamination due solely to its source water, the Department shall notify the CWS or NTNCWS in writing that the CWS or NTNCWS, or a contractor on behalf of the CWS or NTNCWS, shall conduct source water monitoring for asbestos at each sampling point as prescribed in R18-4-218. A CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall take one sample for asbestos at each sampling point.
- ~~D.~~ A CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, may composite samples for asbestos as prescribed in R18-4-219.
- ~~E.~~ If the Department determines that a CWS or NTNCWS is vulnerable to asbestos contamination solely because of corrosion of asbestos cement pipe in the distribution system, the Department shall notify the CWS or NTNCWS in writing that

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the CWS or NTNCWS, or a contractor on behalf of the CWS or NTNCWS, shall take a minimum of one sample at a tap served by asbestos-cement pipe under conditions where asbestos contamination is most likely to occur.

- F. If the Department determines that a CWS or NTNCWS is vulnerable to asbestos contamination due to both its source water and corrosion of asbestos-cement pipe, the Department shall notify the CWS or NTNCWS in writing that the CWS or NTNCWS, or a contractor on behalf of the CWS or NTNCWS, shall take one sample at a tap served by asbestos-cement pipe under conditions where asbestos contamination is most likely to occur.
- G. If the analytical results of an initial sample do not exceed seven MFL, a CWS or NTNCWS is not required to take another sample at that sampling point until the initial compliance period of the next compliance cycle.
- H. If the concentration of asbestos in a sample exceeds seven MFL, a CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall conduct quarterly monitoring at that sampling point, beginning in the quarter immediately following collection of the sample that exceeds the MCL.
 - 1. A CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall continue quarterly monitoring at a groundwater sampling point until at least two consecutive quarterly samples are taken in which the concentration of asbestos in each sample does not exceed seven MFL. If the analytical results from two or more consecutive quarterly samples are less than seven MFL, the Department shall give written permission to the public water system to return to base monitoring frequency if the Department determines that the public water system has been reliably and consistently below the MCL for asbestos in previous samples. If the Department gives written permission to return to base monitoring frequency, the public water system is not required to take a repeat sample at the groundwater sampling point until the initial compliance period of the next compliance cycle.
 - 2. A CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall continue quarterly monitoring at a surface water sampling point until at least four consecutive quarterly samples are taken and the concentration of asbestos in each sample does not exceed seven MFL. If the analytical results from four consecutive quarterly samples are less than seven MFL, the Department shall give written permission to the public water system to return to base monitoring frequency if the Department determines that the public water system has been reliably and consistently below the MCL for asbestos in previous samples. If the Department gives written permission to return to base monitoring frequency, the public water system is not required to take a repeat sample at the surface water sampling point until the initial compliance period of the next compliance cycle.
- I. If the results of sampling for asbestos indicate an exceedance of the MCL, the Department may require that one confirmation sample be collected. The confirmation sample shall be collected at the same sampling point as soon as possible but no later than two weeks after the initial sample was taken.
- J. Compliance with the MCL for asbestos is determined by the concentration of asbestos in a single sample, unless a confirmation sample is taken. If a confirmation sample is taken, the results of the initial sample and the confirmation sample shall be averaged, and the resulting average shall be used to determine compliance with the MCL for asbestos.
- K. If a water supplier of a CWS or NTNCWS believes that a CWS or NTNCWS is not vulnerable to asbestos contamination of its source water or contamination of its distribution system due to corrosion of asbestos-cement pipe, the water supplier may make a written request for an asbestos monitoring waiver from the Department; the Department may also grant a waiver without a written request. A decision by the Department to grant an asbestos monitoring waiver shall be in writing and shall set forth the grounds for the decision. A water supplier shall provide documentation of analytical results that support the request for a monitoring waiver. If the Department grants a waiver, the CWS or NTNCWS is not required to monitor for asbestos.
 - 1. The Department's determination of whether to grant an asbestos monitoring waiver shall be based on consideration of the following factors:
 - a. Potential asbestos contamination of the source water;
 - b. Use of asbestos-cement pipe for distribution of water; and
 - c. Water corrosivity.
 - 2. An asbestos monitoring waiver remains in effect for a compliance cycle. If an asbestos monitoring waiver is not renewed in the first year of the initial compliance period of the following compliance cycle, a CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall conduct repeat monitoring for asbestos before the end of the initial compliance period of that compliance cycle.

~~R18-4-122. R18-4-207. Entry and Inspection of Public Water Systems~~

- ~~A. A Department inspection shall comply with A.R.S. § 41-1009.~~
- ~~B. 40 CFR 142.34(a) is incorporated by reference as of the date specified in R18-4-102, subject to the modifications specified in this Section; this incorporation does not include any later amendments or editions. The phrase "Administrator" is changed to "Department."~~

~~R18-4-208. Nitrate Monitoring Requirements~~

- ~~A. All public water systems shall monitor to determine compliance with the MCL for nitrate.~~
- ~~B. A public water system shall monitor to determine compliance with the MCL for nitrate at each sampling point as prescribed in R18-4-218.~~

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- ~~C.~~ A public water system may composite nitrate samples as prescribed in R18-4-219.
- ~~D.~~ Each public water system shall conduct monitoring for nitrate at the following frequencies:
 - 1. A CWS or NTNCWS shall monitor annually at each groundwater sampling point.
 - 2. A CWS or NTNCWS shall monitor quarterly at each surface water sampling point.
 - 3. A TNCWS shall monitor annually at each sampling point.
- ~~E.~~ The Department may reduce the monitoring frequency at a surface water sampling point from quarterly to annually if the analytical results from the sampling point demonstrate that the concentration of nitrate is < 5 mg/L for four consecutive quarters. A CWS or NTNCWS shall return to quarterly monitoring at a surface water sampling point if the analytical result for any sample indicates that the concentration of nitrate is ≥ 5 mg/L. If the Department reduces the monitoring frequency at a surface water sampling point from quarterly to annually, the annual sample shall be taken during the quarter which previously yielded the highest analytical result for nitrate. The Department's decision to allow a CWS or NTNCWS to reduce monitoring frequency shall be in writing.
- ~~F.~~ A CWS or NTNCWS that collects a sample from a groundwater sampling point with a concentration of nitrate that is ≥ 5 mg/L shall increase the monitoring frequency at that sampling point from annually to quarterly. The Department may subsequently reduce the monitoring frequency at the groundwater sampling point from quarterly to annually if the analytical results for four consecutive quarterly samples are < 10 mg/L. If the Department reduces the monitoring frequency at the groundwater sampling point from quarterly to annually, the annual sample shall be taken during the quarter that previously yielded the highest analytical result for nitrate. If the Department reduces the monitoring frequency at the groundwater sampling point from quarterly to annually, a subsequent detection of nitrate in a concentration that is ≥ 5 mg/L and ≤ 10 mg/L shall not trigger quarterly monitoring. The Department's decision to allow a CWS or NTNCWS to reduce monitoring frequency shall be in writing.
- ~~G.~~ The Department shall not accept monitoring data collected before the initial monitoring year to satisfy initial monitoring requirements for nitrate.
- ~~H.~~ Monitoring waivers for nitrate are prohibited.
- ~~I.~~ If the concentration of nitrate in a sample exceeds 10 mg/L, a water supplier shall take a confirmation sample at the same sampling point within 24 hours of receiving the analytical results of the initial sample. A water supplier that is unable to take a confirmation sample within 24 hours shall issue public notice to persons served by the system in accordance with R18-4-105. A water supplier that does not take a confirmation sample within 24 hours and issues public notice shall take and complete the analysis of a confirmation sample within two weeks of receiving the analytical results of the initial sample.
- ~~J.~~ Compliance with the MCL for nitrate is based upon the average of the analytical results of the initial sample and the confirmation sample. If a water supplier fails to take the required confirmation sample within the time prescribed in subsection (I), compliance is based upon the analytical results of the initial sample.

R18-4-118. R18-4-208. Sanitary Surveys

- ~~A.~~ Each public water system shall undergo a sanitary survey. A sanitary survey shall be conducted on a scheduled basis, when the Department determines that a public water system is not in compliance with this Chapter or when the Department determines that a public water system poses a threat to public health because of defective design, lack of treatment, inadequacy of the source, poor maintenance, inadequate records, ineffective operation, or that the water is unsatisfactory for use. A water supplier shall make necessary alteration or additions in the design or construction of equipment and such changes in the operation of the public water system as necessary to comply with requirements of this Chapter and within the time limits set by the Department.
- ~~B.~~ A community water system which collects fewer than 5 routine microbiological samples per month shall undergo an initial sanitary survey by June 29, 1994. A noncommunity water system which collects fewer than 5 routine microbiological samples per month shall undergo an initial sanitary survey by June 29, 1999. Thereafter, these systems shall undergo another sanitary survey every 5 years, except that noncommunity water systems using only protected and disinfected groundwater shall undergo subsequent sanitary surveys at intervals not to exceed 10 years. The Department shall review the results of each sanitary survey to determine whether existing monitoring frequency is adequate and what additional measures, if any, the public water system needs to undertake to improve drinking water quality.
- A. Each public water system shall undergo sanitary surveys in accordance with a schedule established by the Department, or when the Department determines that a sanitary survey is necessary to assure compliance with this Chapter.
- B. A sanitary survey shall be performed for a public water system at least once every five years; however, a non-community water system using only protected and disinfected ground water shall have a sanitary survey performed at least every 10 years.
- C. When establishing a sanitary survey schedule or determining that a sanitary survey is required prior to the next scheduled sanitary survey, the Department shall consider:
 - 1. The quality and quantity of the source water; and
 - 2. Whether the system is properly designed, maintained and operated.
- D. Proper operation and maintenance means operating and maintaining the public water system in compliance with this Chapter; 18 A.A.C. 5, Article 5; and in conformance with the applicable portions of Engineering Bulletin No. 10, "Guide-

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lines for the Construction of Water Systems,” incorporated by reference in A.A.C. R18-5-502.

- ~~E.~~ The Department shall review the results of a sanitary survey to determine whether the existing monitoring frequency is adequate, and whether any additional measures are required in order to ensure that the system will remain in compliance with this Chapter.
- ~~C.F.~~ In conducting a sanitary survey of a groundwater system, information on sources of contamination within a delineated wellhead protection area shall be considered by the Department instead of collecting new information provided, if the information was collected since the last time the system was subject to a sanitary survey.
- ~~G.~~ A water supplier shall make the changes to the design, operation, and maintenance of the public water system specified by the Department in order to bring the system into compliance with the requirements of this Chapter, and shall make the changes within the time limits set by the Department.
- ~~D.H.~~ A sanitary survey of a public water system shall be made by a representative of the Department, or a professional engineer or sanitarian who is registered in Arizona, and a certified water system operator, or other person approved by the Department.
- ~~I.~~ A sanitary survey shall comply with A.R.S. § 41-1009 when conducted by the Department.

R18-4-209. Nitrite; Monitoring Requirements

- ~~A.~~ A public water system, or a contractor on behalf of a CWS or NTNCWS, shall monitor to determine compliance with the MCL for nitrite.
- ~~B.~~ A public water system, or a contractor on behalf of a CWS or NTNCWS, shall monitor for nitrite at each sampling point as prescribed in R18-4-218.
- ~~C.~~ A public water system, or a contractor on behalf of a CWS or NTNCWS, may composite samples for nitrite as prescribed in R18-4-219.
- ~~D.~~ A public water system, or a contractor on behalf of a CWS or NTNCWS, shall take one sample at each sampling point during the initial compliance period. A public water system, or a contractor on behalf of a CWS or NTNCWS, shall monitor for nitrite in the initial monitoring year designated by the Department within the initial compliance period.
- ~~E.~~ If the analytical result of the initial sample for nitrite at a sampling point is less than 0.5 mg/L (as nitrogen), a public water system is not required to take another nitrite sample at that sampling point until the first compliance period of the next compliance cycle.
- ~~F.~~ If the analytical result of the initial sample for nitrite at a sampling point is greater than or equal to 0.5 mg/L (as nitrogen), a public water system, or a contractor on behalf of a CWS or NTNCWS, shall conduct quarterly monitoring at that sampling point for at least four consecutive quarters.
- ~~G.~~ If the concentration of nitrite in four consecutive quarterly samples at a sampling point does not exceed one mg/L (as nitrogen), the Department shall give written permission to the public water system to reduce its monitoring frequency at a sampling point from quarterly to annually if the Department determines that the public water system has been reliably and consistently below the MCL for nitrite in previous samples.
- ~~H.~~ If the Department reduces the monitoring frequency from quarterly to annually, the public water system shall take annual samples during the quarter that previously yielded the highest analytical result for nitrite. If the Department reduces the monitoring frequency at a sampling point from quarterly to annually and there is a subsequent detection of nitrite at the sampling point in the same monitoring period, and the concentration does not exceed one mg/L (as nitrogen), the detection shall not trigger quarterly monitoring.
- ~~I.~~ The Department shall not accept monitoring data collected before the initial monitoring year to satisfy initial monitoring requirements for nitrite.
- ~~J.~~ The Department shall not grant monitoring waivers for nitrite.
- ~~K.~~ If the concentration of nitrite in a sample exceeds one mg/L (as nitrogen), the public water system, or a contractor on behalf of a public water system, shall take a confirmation sample at the same sampling point within 24 hours of receiving the analytical results of the initial sample. A public water system that cannot take a confirmation sample within 24 hours shall issue public notice to persons served by the system in accordance with R18-4-105. A public water system that cannot take a confirmation sample within 24 hours and that issues public notice shall take and complete the analysis of a confirmation sample within two weeks of receiving the analytical results of the initial sample.
- ~~L.~~ Compliance with the MCL for nitrite is based upon the average of the analytical results of the initial sample and the confirmation sample. If a public water system fails to take the required confirmation sample, compliance is based upon the analytical results from the initial sample.

R18-4-117. R18-4-209. Unsafe Supplies

The Department may order a public water system to disconnect a source to protect the public health from an acute health risk that is attributable to the source. An acute health risk is posed when one of the following occurs:

1. A violation of a MCL for total coliform and fecal coliform or *E. coli* are present that is attributable to the source,
2. A violation of the MCL for nitrate or nitrite that is attributable to the source, or
3. An occurrence of a waterborne disease outbreak that is attributable to the source.

R18-4-210. Repealed

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~~R18-4-203.~~ R18-4-210. Total Coliform; Special Events

A water system that does not meet the definition of a public water system, but serves a large number of persons for a short duration of time, such as a special event, shall comply with the MCL for total coliform if the total number of user-days exceeds 600. A user-day is calculated by multiplying the number of days the event will run by the average number of persons expected to be served each day. The water system shall submit a minimum of two samples to the Department at least seven days before the beginning of the special event. The water system shall submit a minimum of one additional sample to the Department for each day of the special event.

~~R18-4-211.~~ Volatile Organic Chemicals; MCLs

Water that is distributed by a community water system or nontransient, noncommunity water system shall not exceed the following maximum contaminant levels for volatile organic chemicals:

Contaminant	MCL (mg/L)
Benzene	0.005
Carbon tetrachloride	0.005
o-Dichlorobenzene	0.6
para-Dichlorobenzene	0.075
1,2-Dichloroethane	0.005
1,1-Dichloroethylene	0.007
cis-1,2-Dichloroethylene	0.07
trans-1,2-Dichloroethylene	0.1
Dichloromethane	0.005
1,2-Dichloropropane	0.005
Ethylbenzene	0.7
Monochlorobenzene	0.1
Styrene	0.1
Tetrachloroethylene	0.005
Toluene	1
1,2,4-Trichlorobenzene	0.07
1,1,1-Trichloroethane	0.2
1,1,2-Trichloroethane	0.005
Trichloroethylene	0.005
Vinyl chloride	0.002
Xylenes (total)	10

~~R18-4-104.~~ R18-4-211. Reporting Requirements

A. Routine monitoring. Except as specified in this subsection, a public water system or a contractor shall report the result of any test measurement or analysis required by Article 2 to the Department within 10 days after the end of the month in which the public water system receives the analytical result or within 10 days after the end of an applicable monitoring period prescribed by Article 2, whichever occurs first.

- ~~1. Fecal coliform or E. coli: If any routine or repeat sample for total coliform is positive, the public water system shall have the total coliform positive sample analyzed to determine whether fecal coliforms are present, except that the public water system may test for E. coli instead of fecal coliforms. If fecal coliforms or E. coli are present in a total coliform positive sample, the public water system shall report the positive results to the Department, by telephone or facsimile, as soon as possible but no later than 24 hours after receipt of the fecal coliform positive or E. coli positive test result.~~
- ~~2. Nitrate: If a monitoring result is greater than the MCL for nitrate in a routine sample, the public water system shall take a confirmation sample within 24 hours of receipt of the analytical results. The public water system shall report the MCL exceedance to the Department by telephone or facsimile, as soon as possible but no later than 24 hours after receipt of the analytical results.~~
- ~~3. Total trihalomethanes: A public water system shall report the arithmetic average of analytical results for total trihalomethanes within 30 days of receipt of the last analytical results of the previous quarter.~~
- ~~4. Disinfection byproducts, disinfectant residuals, disinfection byproduct precursors and enhanced coagulation or enhanced softening: The following results shall be reported as specified by the time frame under subsection (A):~~
 - ~~a. Disinfection byproducts. A CWS, NTNCWS, or TNCWS shall report the information specified in Table 1:~~

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Table 1. Reporting Requirements for Disinfection Byproducts

IF YOU ARE A...	YOU MUST REPORT...
A. System monitoring for THMs and HAA5 under the requirements of R18-4-214.01 or R18-4-214.02 on a quarterly or more frequent basis	<ol style="list-style-type: none"> 1. The number of samples collected during the last quarter. 2. The location, date, and result of each sample collected during the last quarter. 3. The arithmetic average of all samples collected in the last quarter. 4. The annual arithmetic average of the quarterly arithmetic averages for the last four quarters. 5. Whether, based on R18-4-214.01(I)(3) or R18-4-214.02(H)(3), the MCL was violated.
B. System monitoring for THMs and HAA5 under the requirements of R18-4-214.01 or R18-4-214.02 less frequently than quarterly (but at least annually)	<ol style="list-style-type: none"> 1. The number of samples collected during the last year. 2. The location, date, and result of each sample collected during the last monitoring period. 3. The arithmetic average of all samples collected over the last year. 4. Whether, based on R18-4-214.01(I)(3) or R18-4-214.02(H)(3), the MCL was violated.
C. System monitoring for THMs and HAA5 under the requirements of R18-4-214.01 or R18-4-214.02 less frequently than annually	<ol style="list-style-type: none"> 1. The location, date, and result of the last sample collected. 2. Whether, based on, R18-4-214.01(I)(3) or R18-4-214.02(H)(3), the MCL was violated.
D. System monitoring for chlorite under the requirements of R18-4-214.01 or R18-4-214.02	<ol style="list-style-type: none"> 1. The number of entry point samples collected each month for the last three months. 2. The location, date, and result of each sample (both point of entry into the distribution system and in the distribution system) collected during the last quarter. 3. For each month in the reporting period, the arithmetic average of all samples collected in each set of three samples collected in the distribution system. 4. Whether, based on R18-4-214.01(I)(5) or R18-4-214.02(H)(5), the MCL was violated, in which month, and how many times it was violated each month.
E. System monitoring for bromate under the requirements of R18-4-214.01 or R18-4-214.02	<ol style="list-style-type: none"> 1. The number of samples collected during the last quarter. 2. The location, date, and result of each sample collected during the last quarter. 3. The arithmetic average of the monthly arithmetic averages of all samples collected in the last year. 4. Whether, based on R18-4-214.01(I)(4) or R18-4-214.02(H)(4), the MCL was violated.

b. Disinfectant Residuals. A CWS, NTNCWS, or TNCWS shall report the information specified in Table 2:

Table 2. Reporting Requirements for Disinfection Residuals

IF YOU ARE A...	YOU MUST REPORT...
A. System monitoring for chlorine or chloramines under the requirements of R18-4-214.01 or R18-4-214.02	<ol style="list-style-type: none"> 1. The number of samples collected during each month of the last quarter. 2. The monthly arithmetic average of all samples collected in each month for the last 12 months. 3. The arithmetic average of all monthly averages for the last 12 months. 4. Whether, based on R18-4-214.01(K)(2) or R18-4-214.02(J)(2), the MRDL was violated.
B. System monitoring for chlorine dioxide under the requirements of R18-4-214.01 or R18-4-214.02	<ol style="list-style-type: none"> 1. The dates, results, and locations of samples collected during the last quarter. 2. Whether, based on R18-4-214.01(K)(3) or R18-4-214.02(J)(3), the MRDL was violated. 3. Whether the MRDL was exceeded in any two consecutive daily samples and whether the resulting violation required an Acute or Nonacute Level 1 public notice.

e. Disinfection byproduct precursors and enhanced coagulation or enhanced softening. A CWS or NTNCWS shall report the information specified in Table 3:

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Table 3. Reporting Requirements for Disinfection Byproduct Precursors and Enhanced Coagulation or Enhanced Softening

IF YOU ARE A...	YOU MUST REPORT...
<p>A. System monitoring monthly or quarterly for TOC and alkalinity under the requirements of R18-4-214.01 or R18-4-214.02 and required to meet the enhanced coagulation or enhanced softening requirements in R18-4-301.02</p>	<ol style="list-style-type: none"> 1. The number of sample sets (source water TOC and alkalinity and treated water TOC) collected during the last quarter. 2. The location, date, and results of each sample set collected during the last quarter. 3. For each month in the reporting period that sample sets were collected, the monthly arithmetic average of the percent removal of TOC and the required TOC percent removal. 4. Calculations for determining compliance with the TOC percent removal requirements, as provided in R18-4-301.02(D). 5. Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in R18-4-301.02(C) for the last four quarters.
<p>B. System monitoring monthly or quarterly for TOC under the requirements of R18-4-214.01 or R18-4-214.02 and meeting one or more of the alternative compliance criteria in R18-4-301.02(A)(1)-(8)</p>	<ol style="list-style-type: none"> 1. The alternative compliance criterion that the system is using. 2. The number of sample sets (source water TOC and alkalinity and treated water TOC) collected during the last quarter. 3. The location, date, and result of each sample set collected during the last quarter. 4. The running annual arithmetic average based on monthly averages or quarterly samples of source water TOC for systems meeting a criterion in R18-4-301.02(A)(1) or (8) or of treated water TOC for systems meeting the criterion in R18-4-301.02(A)(2). 5. The running annual arithmetic average based on monthly averages or quarterly samples of source water SUVA for systems meeting the criterion in R18-4-301.02(A)(4) or of treated water SUVA for systems meeting the criterion in R18-4-301.02(A)(5). 6. The running annual average of source water alkalinity for systems meeting the criterion in R18-4-301.02(A)(8) and of treated water alkalinity for systems meeting the criterion in R18-4-301.02(A)(6).
	<ol style="list-style-type: none"> 7. The running annual average for both TTHM and HAA5 for systems meeting the criterion in R18-4-301.02(A)(3) or (8). 8. The running annual average of the amount of magnesium hardness-removal (as CaCO₃, in mg/L) for systems meeting the criterion in R18-4-301.02(A)(7). 9. Whether the system is in compliance with the particular alternative compliance criterion in R18-4-301.02(A)(1) through (8).

B. MCL and MRDL violations: Except as specified in this subsection, a public water system shall report a violation of a MCL or MRDL to the Department within 48 hours of receipt of analytical results that indicate a violation.

1. A public water system shall report a violation of the MCL for total coliform to the Department, by telephone or facsimile, as soon as possible but no later than 24 hours after receipt of analytical results that indicate a violation.
2. A public water system shall report a violation of the MCL for nitrate or nitrite to the Department, by telephone or facsimile, as soon as possible but no later than 24 hours after receipt of analytical results for the confirmation sample that confirms a violation.
3. A public water system shall report a violation of an interim MCL for turbidity to the Department, by telephone or facsimile:
 - a. Within 10 days after the end of the month if the arithmetic average of the analytical results of daily samples taken during the month exceeds one NTU.
 - b. Within 24 hours of receipt of analytical results for the second daily sample if the arithmetic average of the results of daily samples collected on two consecutive days exceeds 5 NTUs.
4. A water supplier shall report an acute violation of the chlorine dioxide MRDL, as specified in R18-4-214.01(K)(3)(a) and R18-4-214.02(J)(3)(a), to the Department, by phone or facsimile as soon as possible but no later than 24 hours after receipt of analytical results that indicate an acute violation.

C. Filtration: Except as provided in subsection (C)(4), a surface water system that provides filtration shall report the following turbidity measurements to the Department within 10 days after the end of each month for each water treatment plant that operates during the month:

1. The total number of filtered water turbidity measurements taken during the month,
2. The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits prescribed in R18-4-302 for the filtration technology used, and

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3. The date and value of a filtered water turbidity measurement collected during the month that exceeds the maximum turbidity limits specified in R18-4-302 for the filtration technology used.
 4. If the turbidity of the filtered water exceeds the maximum turbidity limits specified in R18-4-302 for the filtration technology used, then the surface water system shall report the exceedance to the Department, by telephone or facsimile, as soon as possible but no later than 24 hours after the exceedance.
- D.** Disinfection. Except as provided in subsection (D)(4), a surface water system that provides disinfection shall report the following information to the Department within 10 days after the end of each month for each water treatment plant that operates during the month:
1. For each day, the lowest measurement of residual disinfectant concentration in mg/L in water entering the distribution system;
 2. The date and duration of each period the residual disinfectant concentration in water entering the distribution system fell below 0.2 mg/L; and
 3. The value of "V" calculated by the formula prescribed in R18-4-303(C)(2) for the current and previous month.
 4. If the residual disinfectant concentration falls below 0.2 mg/L in water entering the distribution system, the surface water system shall report the occurrence to the Department as soon as possible but no later than 24 hours after the occurrence. The surface water system shall report whether the residual disinfectant concentration was restored to at least 0.2 mg/L within four hours.
- E.** Tap water monitoring for lead and copper. A public water system that monitors for lead and copper under R18-4-310 or R18-4-313 shall report the following information to the Department within 10 days after the end of the monitoring period:
1. The results of all tap water samples, the location of each sample site, and the criteria specified in either R18-4-309(A)(1), or R18-4-309(A)(2), or both, used to select the site for the system's sampling pool.
 2. The 90th percentile lead and copper concentrations for all lead and copper tap water samples collected during each monitoring period (as calculated in accordance with R18-4-308), unless the Department notifies the public water system that the Department will calculate the 90th percentile lead and copper concentrations and will notify the public water system of the 90th percentile concentrations.
 3. Identification of all non-first-draw sample sites selected by the public water system and the length of the standing time for each substitute sample collected according to R18-4-310(D)(3).
 4. A list of sampling sites that were not sampled in the previous monitoring period and an explanation for the change in sampling sites.
 5. The results of any tap water samples collected in addition to the minimum required in R18-4-310 and R18-4-313.
 6. Documentation of all lead and copper tap water samples for which the public water system requests invalidation under R18-4-310(P).
- F.** Corrosion control treatment. A public water system that is required under R18-4-313(A) to install optimal corrosion control treatment, shall submit a letter to the Department certifying that the public water system has completed installation of the optimal corrosion control treatment. The public water system shall submit the certification within 24 months after the date the Department designates the treatment.
- G.** Water quality parameter monitoring. A public water system that monitors for water quality parameters at the tap or source under R18-4-311 or R18-4-313 shall report the results of all water quality parameter samples to the Department within 10 days after the end of the monitoring period. The public water system shall also report the results of any water quality parameter samples collected in addition to the minimum required in R18-4-311 and R18-4-313.
- H.** Source water monitoring for lead and copper. A public water system that monitors source water for lead and copper under R18-4-314 shall report the following information to the Department within 10 days after the end of the monitoring period:
1. The results of all source water samples;
 2. A list of sampling points that were not sampled in the previous monitoring period and an explanation for the change in sampling points, and
 3. The results of any source water samples collected in addition to the minimum required in R18-4-314.
- I.** Source water treatment. A public water system shall report the following information to the Department within the following minimum time periods:
1. Within six months after a public water system exceeds the action level for lead or copper, the public water system shall submit a letter to the Department that makes a recommendation regarding installation and operation of source water treatment. If the public water system demonstrates that source water treatment is not necessary to minimize lead or copper levels at taps, the public water system may recommend that no source water treatment be installed.
 2. If the Department determines that source water treatment is necessary under R18-4-314(E), the public water system shall submit a letter that certifies that the public water system has installed the source water treatment designated or approved by the Department within 24 months after receipt of a written determination by the Department that source water treatment is necessary.
- J.** Lead service line replacement. A public water system that is required to replace lead service lines under R18-4-315 shall report the following information to the Department:

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1. ~~A public water system that exceeds the action level for lead after installation of either corrosion control, or source water treatment, or both, shall, within 12 months after the public water system exceeds the action level for lead:~~
 - a. ~~Conduct a materials survey and include the information required in the initial materials survey conducted under R18-4-309(B) to identify the initial number of lead service lines in its distribution system;~~
 - b. ~~Submit a report to the Department that contains the results of the materials survey and a schedule for the annual replacement of at least 7% of the initial number of lead service lines in its distribution system; and~~
 - e. ~~Submit a letter to the Department that demonstrates that the public water system has either:~~
 - i. ~~Replaced at least 7% of the initial number of lead service lines or a greater percentage of lead service lines specified by the Department under R18-4-315(F) in the previous 12 months, or~~
 - ii. ~~Conducted sampling that demonstrates that the lead concentration in all lead service line samples collected under R18-4-315(D) from an individual service line are less than or equal to 0.015 mg/L. If the public water system conducted lead monitoring of individual lead service lines, the letter shall document the number of lead service lines with lead concentrations that are less than or equal to 0.015 mg/L and the number of lead service lines replaced. The total number of lead service lines with lead concentrations that are less than or equal to 0.015 mg/L plus the number of lead service lines replaced shall equal at least 7% of the initial number of lead service lines or the larger percentage specified by the Department under R18-4-315(F).~~
 2. ~~The public water system shall submit an annual letter to the Department that contains the following information:~~
 - a. ~~The information required in subsections (J)(1)(e)(i) and (J)(1)(e)(ii), as applicable;~~
 - b. ~~The number of lead service lines scheduled to be replaced during the previous year of the system's lead service line replacement program;~~
 - e. ~~The number and location of each lead service line replaced during the previous year of the system's lead service line replacement program;~~
 - d. ~~If measured, the lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling; and~~
 - e. ~~Certification that all partial lead service line replacement activities required in R18-4-315(E) have been completed, if applicable.~~
- K.** ~~Special monitoring. A public water system, or a contractor that conducts special monitoring required in Article 4, shall report the following information to the Department:~~
1. ~~For sodium required in R18-4-401, the sodium monitoring results within 10 days after the end of the month in which the public water system receives the analytical results.~~
 2. ~~For nickel required in R18-4-402, the nickel monitoring results within 10 days after the end of the month in which the public water system receives the analytical result or within 10 days after the end of an applicable monitoring period prescribed by R18-4-402, whichever occurs first.~~
 3. ~~For turbidity monitoring under R18-4-403:~~
 - a. ~~A system shall report within 10 days after the end of each month the system served water to the public that the continuous turbidity monitoring was conducted.~~
 - b. ~~A system shall report the continuous turbidity measurements within 10 days after the end of each month the system served water to the public only if measurements demonstrate one or more conditions in R18-4-403(A)(3) through (6). The following information shall be reported:~~
 - i. ~~The filter number, the turbidity measurement, the date(s) on which the turbidity limit was exceeded.~~
 - ii. ~~If the system is required to produce a filter profile, the system shall report that the filter profile has been produced, or report the obvious reason for the abnormal filter performance.~~
 - iii. ~~If the system is required to conduct a filter self-assessment, the system shall report that the filter self-assessment has been conducted.~~
 - iv. ~~If the system is required to arrange for a comprehensive performance evaluation, the evaluation shall be completed and submitted to the Department no later than 90 days following the exceedance.~~
- L.** ~~Failure to comply with monitoring requirements. A public water system shall report the failure to comply with any monitoring requirement prescribed in this Chapter, including a monitoring requirement covered by the monitoring assistance program in this Chapter, to the Department within 48 hours, except that a public water system that fails to comply with a total coliform monitoring requirement shall report the monitoring violation to the Department within 10 days after discovery.~~
- M.A.** ~~Cross connection incidents. A public water system shall submit a written cross connection incident report to the Department and the local county health department within five days of the occurrence of a cross connection problem that results in contamination of water provided by the public water system. The report shall address all of the following:~~
1. ~~Date and time of discovery of the cross connection incident,~~
 2. ~~Nature of the cross connection incident,~~
 3. ~~Affected area,~~
 4. ~~Cause of the cross connection incident,~~
 5. ~~Public health impact,~~

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6. Date and text of any public health advisory issued,
7. Corrective action taken, and
8. Date of completion of corrective action.

~~N.B.~~ Emergencies. A public water system shall notify the Department, by telephone or facsimile, as soon as possible but no later than 24 hours after the occurrence of any of the following emergencies:

1. Loss of water supply from a source;
2. Loss of water supply due to major component failure;
3. Damage to power supply equipment or loss of power;
4. Contamination of water in the distribution system from backflow;
5. Collapse of a reservoir, reservoir roof, or pumphouse structure;
6. Break in a transmission or distribution line that results in a loss of service to customers for more than four hours; and
7. Chemical or microbiological contamination of the water supply.

~~Ø.C.~~ Waterborne disease outbreak. A public water system shall report to the Department the occurrence of a waterborne disease outbreak that may be attributable to water provided by the public water system as soon as possible but no later than 24 hours after the public water system receives actual notice of the waterborne disease outbreak.

~~P.~~ Confirmation sample results. A public water system shall report the analytical results of any confirmation sample required by the Department, ~~except a confirmation sample obtained by a contractor under the monitoring assistance program, within 24 hours after receipt of the analytical results.~~

~~Q.~~ Copies of public notices. A public water system shall submit to the Department within 10 days after the date of completion of a public notice, a representative copy of each type of public notice required in R18-4-105 and R18-4-105.01 that is distributed, published, posted, or made available to persons served by the public water system or to the media and an affidavit that describes how the public notice was provided.

~~R.D.~~ Department requests for records. A public water system shall submit to the Department, within the time stated in the Department's request, copies of any records that the public water system ~~maintains under R18-4-103~~ is required to retain under this Chapter or copies of any documents that the Department is entitled to inspect under 42 U.S.C. 300j-4 (2001).

~~S.E.~~ Department reporting forms. A public water system shall report to the Department the results of all analyses completed under this Chapter on Department-approved forms.

~~T.F.~~ Direct reporting. A public water system may contract with a laboratory or another agent to report monitoring results to the Department, but the public water system remains legally responsible for compliance with reporting requirements.

~~U.~~ Reporting limits. A public water system shall not report an analytical result as "not detected" or "ND" without a specific reference to a numeric "less than value" [that is, "< x" where x is a numeric concentration]. A public water system shall not report a "less than value" at a concentration that exceeds any of the following reporting limits:

1. Single point of entry sample:
 - a. Inorganic chemicals (except nitrate, nitrite, fluoride, lead and copper): The reporting limit is the MCL for the inorganic chemical.
 - b. Nitrate: 5 mg/L.
 - e. Nitrite: 0.5 mg/L.
 - d. Fluoride: 2.0 mg/L.
 - e. VOCs: 0.0005 mg/L.
 - f. SOCs:

Synthetic Organic Chemical	Reporting Limit (in mg/L)
Alachlor	0.0002
Atrazine	0.0001
Benzo(a)pyrene	0.00002
Carbofuran	0.0009
Chlordane	0.0002
2,4-D	0.0001
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
Endothal	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006

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Heptachlor	0.00004
Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
PCBs (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.00004
Picloram	0.0001
Simazine	0.00007
2,3,7,8 TCDD (Dioxin)	0.000000005
Toxaphene	0.001
2,4,5 TP (Silvex)	0.0002

2. Composite samples:
 - a. Inorganic chemicals (except lead and copper): The reporting limit is 1/5 of the MCL for the inorganic chemical.
 - b. VOCs: 0.0005 mg/L.
 - e. SOCs: The reporting limit for a SOC composite sample is the same as the reporting limit for a SOC single sample listed under subsection (U)(1)(f), except for toxaphene, which has a reporting limit that is less than or equal to 0.0006 mg/L.
3. Radiochemical reporting limits: The reporting limit for a radiochemical shall be that concentration that can be counted with a precision of plus or minus 100% at the 95% confidence level (1.96σ where σ is the standard deviation of the net counting rate of the sample):
 - a. Radium-226: 1 pCi/L.
 - b. Radium-228: 1 pCi/L.
 - e. Gross alpha particle activity: 3 pCi/L.
 - d. Man-made beta particle and photon emitters:

	<i>Man-made Beta Particle and Photon Emitters</i>	<i>Reporting Limit</i>
i.	Tritium	1,000 pCi/L
ii.	Strontium-89	10 pCi/L
iii.	Strontium-90	2 pCi/L
iv.	Iodine-131	1 pCi/L
v.	Cesium-134	10 pCi/L
vi.	Gross beta	4 pCi/L
vii.	Other radionuclides	1/10 of the applicable limit

4. Lead and copper reporting limits:
A public water system shall report all lead levels measured between 0.005 mg/L and the method detection limit as measured or as 0.0025 mg/L. A public water system shall report all copper levels measured between 0.050 mg/L and the method detection limit as measured or as 0.025 mg/L. A public water system shall report all lead and copper levels measured below the method detection limits for lead and copper as zero.

V.G. Failure to comply with any of the provisions of this Chapter Forty eight-hour reporting requirement. A public water system shall report the failure to comply with any of the provisions of this Chapter to the Department within 48 hours, except where a different reporting period is specified in this Section Chapter.

R18-4-212. Volatile Organic Chemicals; Monitoring Requirements

- A.** Each CWS, NTNCWS, or the contractor on behalf of a CWS or NTNCWS, shall monitor to determine compliance with the MCLs for the VOCs listed in R18-4-211. A TNCWS is not required to monitor for the VOCs listed in R18-4-211.
- B.** A CWS, NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall conduct initial monitoring for VOCs in the monitoring year designated by the Department within the initial compliance period, except that a CWS or NTNCWS shall monitor for vinyl chloride only as prescribed in R18-4-213.
- C.** A CWS, and NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall monitor to determine compliance with the MCLs for VOCs at each sampling point as prescribed in R18-4-218.
- D.** A CWS, NTNCWS, or a contractor on behalf of a CWS or NTNCWS, may composite samples for VOCs under R18-4-219.
- E.** A CWS, NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall take four consecutive quarterly samples at each sampling point for each VOC listed in R18-4-211 (except vinyl chloride) during the initial compliance period unless

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a CWS or NTNCWS qualifies for reduced monitoring or obtains a monitoring waiver. A CWS shall conduct initial monitoring for VOCs in the monitoring year designated by the Department within the initial compliance period.

- F.** If the concentration of a VOC in four consecutive quarterly samples during the initial compliance period is < 0.0005 mg/L, a CWS or NTNCWS shall take one sample annually at that sampling point in repeat compliance periods. The Department may further reduce monitoring frequency at a groundwater sampling point to one sample every three years if, after a minimum of three years of sampling at the groundwater sampling point (including the four consecutive quarterly samples taken during the initial compliance period) the Department finds that the concentration of the VOC in each annual sample is < 0.0005 mg/L. The Department shall not reduce monitoring frequency at a surface water sampling point to less than annually. The Department's decision to allow reduced monitoring at a sampling point shall be in writing.
- G.** If the concentration of a VOC in a sample is ≥ 0.0005 mg/L, a CWS or NTNCWS shall sample quarterly for the VOC at that sampling point, beginning in the quarter immediately following collection of the sample that was ≥ 0.0005 mg/L. A CWS or NTNCWS shall continue quarterly monitoring at the sampling point until:
 - 1. For a groundwater sampling point, a minimum of two consecutive quarterly samples are taken (which may include the initial detection) and the concentration of the VOC in each sample is below the MCL. If the concentration of the VOC is less than the MCL for a minimum of two consecutive quarterly samples, the Department may reduce monitoring frequency at the groundwater sampling point from quarterly to annually. If the Department reduces monitoring frequency, the CWS or NTNCWS shall take the annual sample during the quarter that previously yielded the highest analytical result. If the concentration of the VOC is < 0.0005 mg/L for three consecutive annual samples, a CWS or NTNCWS may request that the Department further reduce monitoring frequency to once every three years or the CWS or NTNCWS may apply for a monitoring waiver.
 - 2. For a surface water sampling point, a minimum of four consecutive quarterly samples are taken (which may include the initial detection) and the concentration of the VOC in each sample is less than the MCL. If the concentration of the VOC is less than the MCL for a minimum of four consecutive quarterly samples, the Department may reduce monitoring frequency at the surface water sampling point from quarterly to annually. If the Department reduces monitoring frequency, the CWS or NTNCWS shall take the annual sample during the quarter that previously yielded the highest analytical result. The Department shall not reduce monitoring frequency at a surface water sampling point to less than annually.
- H.** The Department may require increased monitoring for a VOC if necessary to detect variations in a CWS or NTNCWS. A Department decision to require increased monitoring shall be in writing.
- I.** The Department shall determine compliance with the MCL for a VOC based upon the analytical results obtained at each sampling point:
 - 1. For a CWS or NTNCWS that samples quarterly or more frequently, the Department shall determine compliance by the running annual average of samples taken at each sampling point. If the running annual average at any sampling point is greater than the MCL, the system is out of compliance. If any quarterly sample causes the running annual average to exceed the MCL, the system is immediately out of compliance.
 - 2. If a CWS or NTNCWS samples on an annual or less frequent basis, the system is out of compliance if the concentration of a VOC in a single sample exceeds the MCL.
 - 3. A CWS or NTNCWS that is out of compliance with a MCL for a VOC at a groundwater or surface water sampling point shall take at least four consecutive quarterly samples at that sampling point. The CWS or NTNCWS shall continue quarterly monitoring until the running annual average is below the MCL. If the running annual average is below the MCL, the Department may reduce monitoring frequency at the groundwater or surface water sampling point from quarterly to annually. If the Department reduces monitoring frequency to annually, a CWS or NTNCWS shall take the annual sample during the quarter that previously yielded the highest analytical result. If the concentration of the VOC at a groundwater sampling point is below the MCL for three consecutive annual samples, a CWS or NTNCWS may request that the Department further reduce monitoring frequency at that groundwater sampling point to once every three years. The Department shall not reduce monitoring frequency at a surface water sampling point to less than annually.
 - 4. If the Department requires a confirmation sample, the analytical result shall be averaged with the initial analytical result and the average used in the compliance determination as specified in subsection (I)(1) or (2).
- J.** The Department may require a confirmation sample for positive or negative results.
- K.** A CWS or NTNCWS that does not detect a VOC at a sampling point in a concentration that is ≥ 0.0005 mg/l during initial monitoring may submit a written request to the Department for a waiver from repeat monitoring requirements at that sampling point. The Department may initiate a waiver for a CWS or NTNCWS. A CWS or NTNCWS may not obtain a waiver from initial monitoring requirements. A monitoring waiver for a groundwater sampling point shall be effective for a term not to exceed six years. A monitoring waiver for a surface water sampling point shall be effective for a three year term. The Department's decision to grant or deny a request for a monitoring waiver shall be in writing. The Department may grant a monitoring waiver as follows:
 - 1. Use waiver: The Department may grant a use waiver if the Department determines that there has been no previous use of the VOC (including transport, storage, or disposal) within the watershed or zone of influence of a well.

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2. ~~Susceptibility waiver: If previous use of the VOC is unknown or if it has been used previously, the Department may grant a susceptibility waiver based upon a vulnerability assessment. The Department shall consider the following factors in deciding whether to grant or deny a susceptibility waiver:~~
 - a. ~~Previous analytical results;~~
 - b. ~~The proximity of the CWS or NTNCWS to a potential point or nonpoint source of contamination. A point source of contamination includes a spill or leak of a chemical at or near a water treatment plant or distribution system pipeline, at a manufacturing, distribution or storage facility, or from a hazardous or municipal waste landfill or other waste handling or treatment facility;~~
 - e. ~~The environmental persistence and transport of the VOC;~~
 - d. ~~The number of persons served by the CWS or NTNCWS and the proximity of a smaller system to a larger system; and~~
 - e. ~~How well the water source is protected against contamination. The Department shall consider factors such as the depth of the well, the type of soil, and wellhead protection for a groundwater system and watershed protection for a surface water system.~~
3. ~~Sampling conditions for waivers: As a condition of a monitoring waiver for a groundwater sampling point, a CWS or NTNCWS shall take one sample at the groundwater sampling point during the time the waiver is effective (that is, one sample every six years). A CWS or NTNCWS shall update its vulnerability assessment during the term of the waiver, considering the factors listed in subsection (K)(2). The Department may renew a waiver based upon an updated vulnerability assessment provided the assessment reconfirms that the CWS or NTNCWS is not vulnerable to VOC contamination. If the Department does not reconfirm nonvulnerability within three years of the initial determination, the waiver automatically terminates and the CWS or NTNCWS shall sample annually at the groundwater sampling point in the next compliance period.~~
4. ~~Vulnerability assessment updates: A CWS or NTNCWS that receives a monitoring waiver for a surface water sampling point shall sample at the frequency specified by the Department (if any). A CWS or NTNCWS shall update its vulnerability assessment during each compliance period. The Department may update a public water system's vulnerability assessment for a CWS or NTNCWS that is subject to the monitoring assistance program. The Department may renew a waiver based upon an updated vulnerability assessment provided the assessment reconfirms that the CWS or NTNCWS is not vulnerable to VOC contamination. If the Department does not reconfirm nonvulnerability, the waiver automatically terminates and a CWS, NTNCWS, or a contractor on behalf of a CWS or NTNCWS shall sample annually at the surface water sampling point in the next compliance period.~~

~~R18-4-301.01. R18-4-212. Groundwater Under the Direct Influence of Surface Water~~

- A. The Department suspects the following sources to be groundwater under the direct influence of surface water:
 1. A spring;
 2. An infiltration gallery;
 3. A radial well collector, Ranney well, or horizontal well;
 4. A well that is less than 500 feet from a surface water, and:
 - a. The Department conducts a vulnerability assessment and determines that the source is vulnerable to direct surface water influence, or
 - b. The Department cannot assess the vulnerability of the groundwater source to direct surface water influence because of a lack of information or the uncertainty of available information on the local hydrogeology or well construction characteristics;
 5. A shallow well with perforations or well screens that are less than 50 feet below the ground surface;
 6. A hand-dug or auger-bored well without a casing;
 7. A groundwater source for which turbidity data is available that shows that the groundwater violates an interim MCL for turbidity;
 8. A groundwater source for which data is available that shows that total coliform, fecal coliform, or ~~E. Coli~~ E. Coli are present in untreated groundwater from the source that are not related to new well development, source modification, repair, or maintenance; and
 9. Any groundwater source if the temperature of the groundwater fluctuates 15% to 20% from the mean groundwater temperature over the course of a year or if changes in the temperature of the groundwater correlate to similar changes in the temperature of surface water.
- B. The Department shall conduct a sanitary survey of each public water system that ~~the Department~~ suspects is using a groundwater source under the direct influence of surface water.
- C. The Department shall provide written notice to a public water system that the Department suspects a groundwater source is under the direct influence of surface water. A public water system may submit information to the Department to show that a groundwater source is not under the direct influence of surface water. Information that is submitted to show that a suspect groundwater source is not under the direct influence of surface water shall be in writing and shall be prepared by a qualified professional, such as a professional engineer registered in Arizona, registered geologist, water system operator, or hydrogeologist. The Department shall review any information submitted by a qualified professional to show a suspect

groundwater source is not under the direct influence of surface water within 90 days after receipt of the information and determine if the source remains suspect ~~within 90 days after receipt of the information.~~

- D. If a groundwater source continues to be suspect after the analyses required in subsections (A) through (C), the Department may require a public water system that is suspected of using a groundwater source that is under the direct influence of surface water to conduct Microscopic Particle Analysis (MPA) monitoring of the groundwater source. A public water system may request that the Department ~~require~~ allow the system to use an alternative method to determine whether a groundwater source is under the direct influence of surface water. An alternative method to determine whether a groundwater source is under the direct influence of surface water shall be approved by ~~ADHS~~ the Arizona Department of Health Services under ~~R9-14-610~~ 9 A.A.C. 14, Article 6.
- E. A public water system shall conduct MPA monitoring as follows:
1. Each sample shall be representative of the groundwater source. A public water system shall not take a sample of blended water or a sample of water from the distribution system.
 2. Each sample shall be collected and analyzed according to the procedures prescribed in the "Consensus Method for Determining Groundwaters Under the Direct Influence of Surface Water Using Microscopic Particulate Analysis (MPA)," EPA 910/9-92-029, United States Environmental Protection Agency, Environmental Services Division, Manchester Environmental Laboratory, 7411 Beach Dr. E., Port Orchard, WA 98366, October 1992 (and no future editions or amendments), which is incorporated by reference and on file with ~~the Office of the Secretary of State and~~ the Department.
 3. The Department shall schedule MPA monitoring at a time when the groundwater source is most susceptible to direct surface water influence.
 4. The Department shall use the MPA risk ratings in Table 1 to determine whether groundwater is under the direct influence of surface water.
 - a. If the MPA risk rating of the initial sample indicates a high or moderate risk of direct surface water influence, the public water system shall collect a second sample for MPA at the same location on a date scheduled by the Department. If the MPA risk rating of the second sample indicates a high or moderate risk of direct surface water influence, the Department shall determine that the groundwater is under the direct influence of surface water. If the risk rating of the second sample indicates a low risk of direct surface water influence, the public water system shall collect a third sample for MPA at the same location on a date scheduled by the Department. If a third sample is taken, the Department shall determine whether the groundwater is under the direct influence of surface water under subsection (E)(4)(c).
 - b. If the MPA risk rating of the initial sample indicates a low risk of direct surface water influence, the public water system shall collect a second sample for MPA at the same location on a date scheduled by the Department. If the MPA risk rating of the second sample indicates a low risk of direct surface water influence, the Department shall determine that the groundwater is not under the direct influence of surface water. If the MPA risk rating of the second sample indicates a high or moderate risk of direct surface water influence, the public water system shall collect a third sample for MPA at the same location on a date scheduled by the Department. If a third sample is taken, the Department shall determine whether the groundwater is under the direct influence of surface water under subsection (E)(4)(c).
 - c. If a third sample is required and the MPA risk rating of the third sample indicates a high or moderate risk of direct surface water influence, the Department shall determine that the groundwater is under the direct influence of surface water. If the MPA risk rating of the third sample indicates a low risk of direct surface water influence, the Department shall determine that the groundwater is not under the direct influence of surface water.
- F. If the Department determines a source to be groundwater under the direct influence of surface water under subsection (E) and a public water system demonstrates to the Department that it is feasible to take corrective action to prevent direct surface water influence, the Department shall establish a schedule of compliance for the public water system to take corrective action instead of requiring installation of filtration and disinfection treatment. A schedule of compliance to take corrective action shall require:
1. Completion of corrective action no later than 18 months after receipt of the initial MPA monitoring results, and
 2. A second round of MPA monitoring to determine whether the source is under the direct influence of surface water after completion of the corrective action.
- G. Except as provided in subsection (F), a public water system with a source that the Department determines to be groundwater under the direct influence of surface water shall provide filtration ~~required in R18-4-302 and disinfection required in R18-4-303~~ and disinfection required under 40 CFR Subparts H, P, and T, as incorporated by reference in this Chapter, within 18 months after the date that the Department makes the final determination that the groundwater is under the direct influence of surface water.
- Except as provided in subsection (F), a public water system with a source that the Department determines to be groundwater under the direct influence of surface water shall provide filtration required in R18-4-302 and disinfection required in R18-4-303 within 18 months after the date that the Department makes the final determination that the groundwater is under the direct influence of surface water

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- H.** The Department shall provide a written notice to a public water system of a final determination that a groundwater source is under the direct influence of surface water. The notice shall contain the following information: required by A.R.S. § 41-1092.03(A).
1. A statement that the Department’s determination that a groundwater source is under the direct influence of surface water is an “appealable agency action” as defined in A.R.S. § 41-1092(3); and
 2. Notice that the public water system may request an informal settlement conference with the Department under the Uniform Administrative Appeal Procedures in A.R.S. Title 41, Chapter 6, Article 10.
- I.** A public water system may appeal a final determination that a groundwater source is under the direct influence of surface water by serving notice of appeal with the Department under the Uniform Administrative Appeals Hearing Procedures in A.R.S. Title 41, Chapter 6, Article 10. A public water system shall file notice of appeal with the Department within 30 days after receiving notice of the Department’s determination that a groundwater source is under the direct influence of surface water. The Department shall notify the Office of Administrative Hearings which shall schedule a hearing on the appeal within 60 days after the date that notice of appeal is filed with the Department. Hearings shall be conducted according to the Uniform Administrative Appeals Hearing Procedures in A.R.S. Title 41, Chapter 6, Article 10.

Table 1. Decision Matrix for Determining Groundwater Under the Direct Influence of Surface Water

Initial Sample MPA Risk Rating	Second Sample MPA Risk Rating	Third Sample MPA Risk Rating	Groundwater Under the Direct Influence of Surface Water
High	High or Moderate		Yes
High	Low	High or Moderate	Yes
High	Low	Low	No
Moderate	High or Moderate		Yes
Moderate	Low	High or Moderate	Yes
Moderate	Low	Low	No
Low	High or Moderate	High or Moderate	Yes
Low	High or Moderate	Low	No
Low	Low		No

~~R18-4-213. Vinyl Chloride; Monitoring Requirements~~

- A.** A CWS or NTNCWS that detects trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene at a groundwater sampling point shall monitor quarterly for vinyl chloride at that sampling point. If vinyl chloride is not detected in the first quarterly sample, the Department may reduce the quarterly monitoring frequency for vinyl chloride to one sample during each compliance period. The Department’s decision to reduce monitoring frequency for vinyl chloride shall be in writing.
- B.** A CWS or NTNCWS that detects one of the VOCs listed in subsection (A) at a surface water sampling point shall monitor for vinyl chloride at a frequency specified by the Department.

~~R18-4-119. R18-4-213. Standards for Additives, Materials, and Equipment~~

- A.** Each product added directly to water during production or treatment shall conform to ANSI/NSF Standard 60. Products covered by this subsection include but are not limited to:
1. Coagulation and flocculation chemicals;
 2. Chemicals for corrosion and scale control;
 3. Chemicals for softening, precipitation, sequestering, and pH adjustment;
 4. Disinfection and oxidation chemicals;
 5. Chemicals for fluoridation, defluoridation, algae control, and dechlorination;
 6. Dyes and tracers;
 7. Antifreezes, antifoamers, regenerants, and separation process scale inhibitors and cleaners; and
 8. Water well drilling and rehabilitation aids.
- B.** Except as identified in subsections (D) and (E), a material or product installed after January 1, 1993, that comes into contact with water or a water treatment chemical shall conform to ANSI/NSF Standard 61. Products and materials covered by this subsection include but are not limited to:
1. Process media, such as carbon and sand;
 2. Joining and sealing materials, such as solvents, cements, welding materials, and gaskets;
 3. Lubricants;
 4. Pipes and related products, such as tanks and fittings;
 5. Mechanical devices used in treatment, transmission, or distribution systems such as valves, chlorinators, and separation membranes; and
 6. Surface coatings and paints.
- C.** Evidence that a product conforms to the requirements of this Section shall be the appearance on the product or product

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package of a seal of a certifying entity that is accredited by the American National Standards Institute to provide the certification.

- ~~D.~~ *The Director shall consider standards for chemicals, materials, or equipment that [have] been certified by . . . [NSF International] as complying with the standards required by this Section. In those instances where chemicals, materials, and equipment that come into contact with drinking water are essential to the design, construction, or operation of the drinking water system and have not been certified by . . . [NSF International] or have . . . [NSF International] certification but are not available from more than one source, the standards shall provide for the use of alternatives which include:*
- ~~1. Products composed entirely of ingredients determined by the Environmental Protection Agency, the Food and Drug Administration, or other federal agencies as appropriate for addition to potable water or aqueous food.~~
 - ~~2. Products composed entirely of ingredients listed in the National Academy of Sciences "Water Chemicals Codex."~~
 - ~~3. Products consistent with the specifications of the American Water Works Association.~~
 - ~~4. Products that are designed for use in drinking water systems and that are consistent with the specifications of the American Society for Testing and Materials.~~
 - ~~5. Products that are historically used or in use in drinking water systems consistent with standard practice and that have not been demonstrated during past applications in the United States to contribute to water contamination.~~
- ~~A.R.S. § 49-353.01(B)~~

- D. *Chemicals and additives certified as conforming to the national sanitation foundation standards comply with the standards required by this section. . . . In those instances where chemicals, additives and drinking water system components that come into contact with drinking water are essential to the design, construction or operation of the drinking water system and have not been certified by the national sanitation foundation or have national sanitation foundation certification but are not available from more than one source, the standards shall provide for the use of alternatives which include:*
1. Chemicals and additives composed entirely of ingredients determined by the environmental protection agency, the food and drug administration or other federal agencies as appropriate for addition to potable water or aqueous food.
 2. Chemicals and additives composed entirely of ingredients listed in the national academy of sciences water chemicals codex.
 3. Chemicals, additives and drinking water system components consistent with the specifications of the American water works association.
 4. Chemicals, additives and drinking water system components that are designed for use in drinking water systems and that are consistent with the specifications of the American society for testing and materials.
 5. Drinking water system components that are historically used or in use in drinking water systems consistent with standard practice and that have not been demonstrated during past applications in the United States to contribute to water contamination. A.R.S. §§ 49-353.01(B) and (C) (2006)

- E. The Department exempts the following materials and products from the requirement to conform to ANSI/NSF Standard 61:
1. A concrete structure, tank, or treatment tank basin that is constructed on-site that onsite if the structure, tank, or basin is not normally coated or sealed if and the construction materials used in the concrete are consistent with subsection (D). If a coating or sealant is specified by the design engineer, the coating or sealant shall comply with ANSI/NSF Standard 61;
 2. An earthen reservoir or canal located upstream of water treatment;
 3. A water treatment plant that is comprised of components that comply with subsections (B), (C), and (D);
 4. A synthetic tank constructed of material that meets Food and Drug Administration standards for a material that comes into contact with drinking water or aqueous food, or a galvanized steel tank, either of which is:
 - a. Less than 15,000 gallons in capacity, and
 - b. Used in a public water system with 500 or fewer service connections; or
 5. A pipe, treatment plant component, or water distribution system component made of lead-free stainless steel.

~~R18-4-214: Total Trihalomethanes: MCL And Monitoring Requirements (Repeal January 1, 2004)~~

- ~~A.~~ This Section does not apply to surface water systems serving 10,000 or more persons. After May 1, 2002, the maximum contaminant level for total trihalomethanes applies only to water that is distributed by a CWS that serves a population of 10,000 or more persons and that adds a halogenated disinfectant to the water at a point in the treatment process.
- ~~B.~~ The maximum contaminant level for total trihalomethanes is 0.10 mg/L.
- ~~C.~~ A CWS shall take four samples per quarter for each water treatment plant operated by the CWS. For purposes of this Section, the minimum number of samples required to be collected shall be based upon the number of water treatment plants used by the CWS, except that multiple wells drawing water from a single aquifer may, with Department approval, be considered one water treatment plant for determining the minimum number of samples required. All samples collected within a quarter shall be collected within a 24-hour period.
- ~~D.~~ At least 25% of the total trihalomethane samples shall be collected at locations within the distribution system that reflect the maximum residence time of water in the system. The remaining 75% of the samples shall be collected at representative locations in the distribution system.
- ~~E.~~ Reduced monitoring.

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1. Upon the written request of a CWS, the Department may reduce the number of samples collected per quarter to a minimum of one sample for each water treatment plant. The Department's decision to reduce the number of samples shall be in writing. The Department may reduce the number of quarterly samples if:
 - a. The sample is collected at a point in the distribution system that reflects the maximum residence time of the water in the system; and
 - b. There is at least one year of monitoring data which demonstrates that total trihalomethane concentrations are below 0.10 mg/L.
2. If the concentration of total trihalomethanes in a sample exceeds 0.10 mg/L and the analytical results are confirmed by at least one confirmation sample collected within 24 hours after such analytical results are received or, if the CWS changes its source or treatment process, the CWS shall immediately resume monitoring in accordance with the monitoring frequency prescribed in subsection (C) and continue that monitoring for at least one year.
- ~~F.~~ A CWS that is a groundwater system may make a written request that the Department reduce monitoring frequency to a minimum of one sample for maximum total trihalomethane potential [MTP] per year for each water treatment plant used by the system. The Department may reduce monitoring frequency by a groundwater system provided the groundwater system submits data that demonstrates that the MTP is less than 0.10 mg/L and the groundwater system is not likely to exceed the maximum contaminant level for total trihalomethanes. The Department's decision to reduce monitoring frequency to one sample for MTP per water treatment plant shall be in writing.
 1. The required MTP sample shall be collected at a point that reflects the maximum residence time of the water in the distribution system.
 2. If the analytical results of a sample collected by a groundwater system for MTP are equal to or greater than 0.10 mg/L and the results are confirmed by at least one sample collected within 24 hours after analytical results are received, then the groundwater system shall immediately resume monitoring at the frequency prescribed in subsection (C) and continue that monitoring for at least one year.
 3. If the groundwater system changes its source of water or treatment process, the groundwater system shall immediately analyze an additional sample for MTP. The additional sample shall be collected at a point that reflects the maximum residence time of the water in the distribution system.
- ~~G.~~ The Department may increase monitoring frequency where necessary to detect variations of levels of total trihalomethanes within a distribution system.
- ~~H.~~ The results of all analyses collected each quarter shall be arithmetically averaged and reported to the Department within 30 days of a water system's receipt of the last results of the previous quarter. Unless the analytical results are invalidated by the Department because the samples were not collected and analyzed in conformance with this Section, all samples collected shall be used in the computation of the average.
- ~~I.~~ Compliance with the maximum contaminant level for total trihalomethanes shall be determined based on a running annual average of quarterly samples collected by a CWS.
- ~~J.~~ This Section is repealed January 1, 2004.

R18-4-125, R18-4-214, Hauled Water

- A. All hauled water for delivery to a public water system shall be obtained from a source that is approved pursuant to R18-4-505(B)(1)(d) 18 A.A.C. 5, Article 5, or a regulated public water system.
- B. Materials or products which that come into contact with the water shall comply with R18-4-119(B) R18-4-213(B).
- C. Roof hatches shall be fitted with a watertight cover.
- D. A bottom drain valve or other provisions to allow complete drainage and cleaning of a water transport container shall be provided.
- E. Hoses which that are used to deliver drinking water shall be equipped with a cap and shall remain capped when not in use.
- F. A water hauler shall, at all times, maintain a residual free chlorine level of 0.2 mg/l to 1.0 mg/l in the water that is hauled in a water transport container. A chlorine disinfectant shall be added at the time water is loaded into the container. The residual free chlorine level shall be measured each time water is off-loaded from the container. The water hauler shall maintain a log of all on-loading, chlorine disinfectant additions and residual-free chlorine measurements. Such records shall be maintained for at least ~~3~~ three years and made available to the Department for review upon request.
- G. A water transport container shall be for hauling drinking water only. The container shall be plainly and conspicuously labeled "For Drinking Water Use Only."

**R18-4-214.01. Disinfectant Residuals and Disinfection Byproducts (Effective January 1, 2002; Repeal January 1, 2004)
Repealed**

- ~~A.~~ This Section applies to surface water systems serving 10,000 or more persons. After May 1, 2002 a CWS or NTNCWS shall comply with the following MCLs for disinfection byproducts:

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

- B.** A CWS or NTNCWS that is installing GAC or membrane technology to comply with the MCLs listed in subsection (A), may make a written request to the Department for an extension of up to 24 months past the compliance date, but not beyond December 31, 2003. The Department shall develop, and a system shall comply with, an extension agreement. An extension agreement shall provide the following:
1. A schedule for compliance with specific project milestones;
 2. A schedule for submission of progress reports;
 3. A requirement for notice of monitoring results and extension in the system's CCR;
 4. A public notification requirement if a MCL in subsection (A) is exceeded, and
 5. Interim treatment requirements:
 - a. In order to determine the appropriate interim treatment requirements for an extension agreement, the Department may consider, but is not limited to, the following information: monitoring data for disinfection byproducts, current treatment practices, current water treatment plant infrastructure, construction plans, and pilot studies.
 - b. Interim treatment requirements may include: moving the point of disinfection, treatment changes to improve TOC removal, changing primary or secondary disinfectants, adjusting pH to reduce disinfection byproduct formation, and implementing a main flushing program in areas with high detention times or biofilm problems.
- C.** A CWS or NTNCWS shall comply with the following MRDLs for disinfectant residuals:

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

- D.** A TNCWS that uses chlorine dioxide as a disinfectant or oxidant shall comply with the chlorine dioxide MRDL in subsection (C).
- E.** In order to protect public health, a system 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 address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.
- F.** A system shall collect disinfection byproduct and residual disinfection level samples at sites that are representative of water throughout the distribution system according to a written monitoring plan. The system shall submit the monitoring plan to the Department for review. After review, the Department may require changes to the monitoring plan. The system shall maintain the plan and make it available for inspection by the Department and the general public no later than January 31, 2002. The system shall submit a copy of the monitoring plan to the Department no later than the date of the first report required in R18-4-104(A). The plan shall include at least the following elements:
1. Specific locations and schedules for collecting samples required by this Section;
 2. Compliance calculation methods for applicable MCLs, MRDLs, and treatment techniques; and
 3. If approved for monitoring as a consecutive system or if providing water to a consecutive system as prescribed under R18-4-113, the monitoring plan shall reflect the entire distribution system.
- G.** General monitoring requirements for disinfectant residuals and disinfection byproducts:
1. A system shall collect all samples during normal operating conditions.
 2. A system shall monitor in accordance with the monitoring plan required in subsection (F).
 3. A system may use only data collected under the provisions of this Section to qualify for reduced monitoring.
- H.** Monitoring requirements for disinfection byproducts:
1. TTHM and HAA5. A CWS or NTNCWS shall monitor for TTHM and HAA5 at the following frequencies:
 - a. Routine monitoring: A system shall collect at least four samples per quarter per water treatment plant in the distribution system. A system shall collect at least 25 percent of the samples collected in a quarter at locations representing maximum residence time. A system shall collect the remaining samples 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. If a system elects to collect more than the minimum samples required, the system shall collect at least 25 percent of all samples collected each quarter at locations that represent the maximum residence time of the water in the distribution system. A system shall collect the remaining samples at locations representative of at least average residence time in the distribution system.

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- b. ~~Reduced monitoring: A system may submit a written request to the Department for a reduction in TTHM and HAA5 monitoring. The Department's decision to reduce monitoring for TTHM and HAA5 shall be in writing.~~
 - i. ~~The Department may reduce TTHM and HAA5 monitoring to one sample per water treatment plant per quarter if a system's source water annual average TOC level, before any treatment, is less than or equal to 4.0 mg/L, TTHM annual average is less than or equal to 0.040 mg/L, and HAA5 annual average is less than or equal to 0.030mg/L. A system on a reduced monitoring schedule shall collect samples at a distribution system location reflecting maximum residence time.~~
 - ii. ~~If the average of all samples collected in a year for a system on a reduced monitoring schedule is greater than 0.060 mg/L for TTHM or 0.045 mg/L for HAA5, the system shall resume monitoring at the frequency identified in subsection (H)(1)(a) in the quarter immediately following the monitoring period in which the average exceeds 0.060 mg/L for TTHM or 0.045 mg/L for HAA5.~~
- 2. ~~Chlorite: A CWS or NTNCWS using chlorine dioxide for disinfection or oxidation shall monitor for chlorite at the following frequencies:~~
 - a. ~~Routine monitoring: A system shall collect a daily sample at the point of entry into the distribution system. If a daily sample exceeds the chlorite MCL, the system shall collect additional samples in the distribution system the following day at the locations required in subsection (H)(2)(e), in addition to the sample required at the point of entry into the distribution system.~~
 - b. ~~Monthly monitoring: A system shall collect three samples each month in the distribution system. The system shall collect 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. If a system collects additional routine samples, it shall collect them in the same manner as for monthly monitoring. The system may use the results of additional monitoring conducted under subsection (H)(2)(e) to meet the requirement for monthly monitoring.~~
 - e. ~~Additional monitoring: On each day following a routine sample monitoring result that exceeds the chlorite MCL at the point of entry into the distribution system, the system shall collect three chlorite samples in the distribution system 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).~~
 - d. ~~Reduced monitoring:~~
 - i. ~~The Department shall not reduce chlorite monitoring at the point of entry into the distribution system.~~
 - ii. ~~A system may submit a written request to the Department for a reduction in chlorite monitoring in the distribution system required in subsection (H)(2)(b). The Department may reduce chlorite monitoring in the distribution system to one set of three samples per quarter after the system has monitored for one year and no individual chlorite sample collected in the distribution system under subsection (H)(2)(b) has exceeded the chlorite MCL and the system has not been required to conduct monitoring under subsection (H)(2)(e). The Department's decision to reduce monitoring for chlorite in the distribution system shall be in writing.~~
 - iii. ~~A system may remain on the reduced monitoring schedule until either any of the three individual chlorite samples collected monthly in the distribution system under subsection (H)(2)(b) exceeds the chlorite MCL or the system is required to conduct monitoring under subsection (H)(2)(e), at which time the system shall revert to routine monitoring.~~
- 3. ~~Bromate: A CWS or NTNCWS using ozone for disinfection or oxidation shall monitor for bromate at the following frequencies:~~
 - a. ~~Routine monitoring: A system shall collect one sample per month for each water treatment plant in the system using ozone. A system shall collect a sample each month at the point of entry into the distribution system while the ozonation system is operating under normal conditions.~~
 - b. ~~Reduced monitoring: A system may submit a written request to the Department for a reduction in bromate monitoring. The Department may reduce bromate monitoring in the distribution system to once per quarter, if the system demonstrates that the annual average for source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements. A system shall continue monthly bromide monitoring to remain on reduced bromate monitoring. The Department's decision to reduce monitoring for bromate shall be in writing.~~
 - e. ~~The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is greater than or equal to 0.05 mg/L, the system shall resume routine monitoring required in subsection (H)(3)(a).~~
- 4. ~~Compliance for disinfection byproducts. The Department shall determine compliance with a disinfection byproduct as follows:~~
 - 1. ~~All samples collected and analyzed under the provisions of this Section shall be included in determining compliance, even if that number is greater than the minimum required.~~

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2. During the first year of monitoring under this Section, if the average for an individual quarter will cause the running annual average of a system to exceed a MCL, the system is out of compliance at the end of that quarter.
 3. TTHM and HAA5: For a system that monitors quarterly, the Department shall determine compliance with a MCL for TTHM and HAA5 based on the running annual average of all samples collected by the system as required in of subsection (H)(1). For a system that fails to collect four consecutive quarters of samples, the Department shall determine compliance with the MCL for TTHM and HAA5 based on an average of the available data.
 4. Bromate: For a system required to monitor for bromate, the Department shall determine compliance with the MCL for bromate based on the running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system collects more than one sample, the average of all samples collected during the month) collected by the system as required in subsection (H)(3). For a system that fails to collect 12 consecutive months of samples for bromate, the Department shall determine compliance with the MCL for bromate based on an average of the available data.
 5. Chlorite: For a system required to monitor for chlorite, the Department shall determine compliance with the MCL for chlorite based on a monthly arithmetic average of samples collected by the system as required in subsection (H)(2).
- J.** Monitoring requirements for disinfectant residuals.
1. Chlorine and chloramines. A CWS or NTNCWS that uses chlorine or chloramines shall measure the residual disinfectant level in the distribution system when total coliforms are sampled as required in R18-4-303(C)(3). The Department shall not reduce monitoring for chlorine or chloramines.
 2. Chlorine dioxide. A CWS, NTNCWS, or TNCWS that uses chlorine dioxide for disinfection or oxidation shall monitor for chlorine dioxide at the following frequencies:
 - a. Routine monitoring: A system shall collect a daily sample at the point of entry into the distribution system. For a daily sample that exceeds the MRDL, the system shall collect samples in the distribution system the following day at the locations required by subsection (J)(2)(b), in addition to the sample required at the point of entry into the distribution system.
 - b. Additional monitoring: On each day following a routine sample monitoring result that exceeds the MRDL, the system shall collect three chlorine dioxide distribution system samples:
 - i. 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 point of entry into the distribution system (that is no booster chlorination), the system shall collect three chlorine dioxide samples as close to the first customer as possible, at intervals of at least six hours.
 - ii. If chlorine or chloramines are used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the point of entry into the distribution system (that is booster chlorination), the system shall collect one chlorine dioxide 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. The Department shall not reduce monitoring for chlorine dioxide.
- K.** Compliance for disinfectant residuals. The Department shall determine compliance with disinfectant residuals in subsection (C) as follows:
1. All samples collected and analyzed under the provisions of this Section shall be included in determining compliance, even if that number is greater than the minimum required.
 2. Chlorine and chloramines.
 - a. A system that fails to monitor for a disinfectant residual 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 MRDLs for chlorine and chloramines, is out of compliance for the entire period covered by the annual average.
 - b. The Department shall determine compliance with a MRDL for chlorine and chloramines based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under subsection (J)(1).
 - e. For a system that switches between the use of chlorine and chloramines for residual disinfection during the year, the Department shall include all monitoring results of both chlorine and chloramines in calculating compliance.
 3. Chlorine dioxide. The Department shall determine compliance with the MRDL for chlorine dioxide based on consecutive daily samples collected by the system under subsection (J)(2):
 - a. a sample collected in the distribution system that exceeds the MRDL the day after a sample collected at the point of entry into the distribution system exceeds the MRDL is an acute violation. The system shall immediately take corrective action to lower the level of chlorine dioxide below the MRDL. Failure to collect a sample in the distribution system on the day following a sample collected at the point of entry into the distribution system that exceeds the chlorine dioxide MRDL, is an acute violation.

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- b. If all the samples the system collects in the distribution system are less than the MRDL after any two consecutive daily samples collected at the point of entry into the distribution system exceed the MRDL, it is a non-acute violation. The system shall take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling. Failure to collect a sample at the point of entry into the distribution system the day after a sample at the point of entry into the distribution system exceeds the chlorine dioxide MRDL is a non-acute violation.

L. Monitoring requirements for disinfection byproduct precursors (TOC).

- 1. Routine monitoring: A CWS or NTNCWS that uses conventional filtration treatment shall monitor each water treatment plant for TOC no later than the point of combined filter effluent turbidity monitoring that is representative of the treated water. A system that is required to monitor under this subsection shall also monitor for TOC and alkalinity in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These TOC and alkalinity samples are referred to as a sample set. A system shall collect one sample set per month per water treatment plant at a time representative of normal operating conditions and source water quality.
- 2. Reduced monitoring: Upon a written request from a system, the Department may approve a reduction in monitoring to one sample set per water treatment plant per quarter for a system 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. The system shall resume routine monitoring in the month following the quarter when the annual average treated water TOC is greater than or equal to 2.0 mg/L. The Department's decision to reduce monitoring for TOC shall be in writing.

M. This Section is effective May 1, 2002, and is repealed January 1, 2004.

R18-4-214.02. Disinfectant Residuals and Disinfection Byproducts (Effective January 1, 2004) Repealed

- A.** This Section applies to surface water systems and ground water systems of any size that use a chemical disinfectant. After January 1, 2004 a CWS or NTNCWS shall comply with the following MCLs for disinfection byproducts:

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

- B.** A CWS or NTNCWS shall comply with the following MRDLs for disinfectant residuals:

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

- C.** A TNCWS that uses chlorine dioxide as a disinfectant or oxidant shall comply with the MRDL for chlorine dioxide in subsection (B).

- D.** In order to protect public health, a system 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 address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm run off events, source water contamination events, or cross-connection events.

- E.** A system shall collect disinfection byproduct and residual disinfection level samples at sites that are representative of water throughout the distribution system according to a written monitoring plan. A surface water system that serves more than 3,300 people shall submit a copy of the monitoring plan to the Department for review no later than the date of the first report required under R18-4-104(A). After review, the Department may require changes to the monitoring plan. The system shall maintain the plan and make it available for inspection by the Department and the general public no later than January 31, 2004. The Department may require any other PWS to submit a copy of the monitoring plan. A monitoring plan is subject to review and approval by the Department. A monitoring plan shall include at least the following elements:

- 1. Specific locations and schedules for collecting samples required by this Section;
- 2. Compliance calculation methods for applicable MCLs, MRDLs, and treatment techniques;
- 3. If approved for monitoring as a consecutive system or if providing water to a consecutive system as prescribed under R18-4-113, the monitoring plan shall reflect the entire distribution system.

F. General monitoring requirements for disinfectant residuals and disinfection byproducts.

- 1. A system shall take a sample during normal operating conditions.
- 2. A system may make a written request that the Department consider multiple wells drawing water from a single aquifer as one water treatment plant for determining the minimum number of TTHM and HAA5 samples required. In order to determine the appropriate reduction in monitoring for TTHM and HAA5, the Department may consider, but is not limited to, the following information:
 - a. Well construction and geology;
 - b. Water characteristics and chemistry;
 - c. Number of water treatment plants;

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- d. Hydrologic reports that delineate the source aquifer or aquifers;
 - e. Previous TTHM analytical results;
 - f. Number of persons served; and
 - g. Land area encompassed by the water system.
3. A system shall monitor in accordance with the monitoring plan required under subsection (E).
4. A system may use only data collected under the provisions of this Section to qualify for reduced monitoring.

G. Monitoring requirements for disinfection byproducts.

1. Routine monitoring for TTHM and HAA5. A CWS or NTNCWS shall monitor at the frequency indicated in Table 1:

Table 1. Routine Monitoring for TTHM and HAA5

Type of system	Minimum Monitoring Frequency	Sample Location in the distribution system
A. CWS or NTNCWS using surface water and serving at least 10,000 persons	four water samples per quarter per water treatment plant	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples collected 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.
B. CWS or NTNCWS using surface water and serving from 500 to 9,999 persons	one water sample per quarter per water treatment plant	Locations representing maximum residence time.
C. CWS or NTNCWS using surface water and serving fewer than 500 persons	one water sample per year per water treatment plant during month of warmest water temperature	Locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is collected) exceeds the MCL, the system shall increase monitoring to one sample per water treatment plant per quarter, collected at a point reflecting the maximum residence time in the distribution system, until the system meets criteria in subsection (G)(2)(c).
D. CWS or NTNCWS using solely groundwater and using chemical disinfectant and serving at least 10,000 persons	one water sample per quarter per water treatment plant	Locations representing maximum residence time.
E. CWS or NTNCWS using solely groundwater and using chemical disinfectant and serving fewer than 10,000 persons	one water sample per year per water treatment plant during month of warmest water temperature	Locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is collected) exceeds the MCL, the system shall increase monitoring to one sample per water treatment plant per quarter, collected at a point reflecting the maximum residence time in the distribution system, until the system meets criteria in subsection (G)(2)(c).

- a. A system that elects to sample more frequently than the minimum required, shall collect at least 25 percent of all samples collected each quarter at locations that represent the maximum residence time of the water in the distribution system. The system shall collect the remaining samples at locations representative of at least average residence time in the distribution system.
 - b. Multiple wells drawing water from a single aquifer may be considered one water treatment plant for determining the minimum number of samples required, with Department approval in accordance with criteria listed under subsections (F)(2)(a) through (g).
2. Reduced monitoring for TTHM and HAA5. Upon the written request from a system, the Department may approve a reduction in TTHM and HAA5 monitoring in accordance with Table 2:

Table 2. Reduced Monitoring For TTHM and HAA5

Type of System	Routine Monitoring Results for at Least One Year	Reduced Monitoring and Sample Location
A. CWS or NTNCWS using surface water and serving 10,000 persons or more with a source water annual average TOC level, before any treatment of 4.0 mg/L or less	TTHM annual average is less than or equal to 0.040 mg/L and HAA5 annual average is less than or equal to 0.030mg/L	one sample per water treatment plant per quarter at distribution system location reflecting maximum residence time
B. CWS or NTNCWS using surface water and serving 500 to 9,999 persons with a source water annual average TOC level, before any treatment of 4.0 mg/L or less	TTHM annual average is less than or equal to 0.040 mg/L and HAA5 annual average is less than or equal to 0.030mg/L	one sample per water treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: a system serving surface water and serving fewer than 500 persons may not reduce its monitoring to less than one sample per water treatment plant per year.

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C. CWS or NTNCWS using solely groundwater and using a chemical disinfectant and serving 10,000 persons or more	TTHM annual average is less than or equal to 0.040 mg/L and HAA5 annual average is less than or equal to 0.030mg/L	one sample per water treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature
D. CWS or NTNCWS using only groundwater and using chemical a disinfectant and serving fewer than 10,000 persons	TTHM annual average is less than or equal to 0.040 mg/L and HAA5 annual average is less than or equal to 0.030mg/L for two consecutive years OR TTHM annual average is less than or equal to 0.020 mg/L and HAA5 annual average is less than or equal to 0.015mg/L for one year	one sample per water treatment plant per three year monitoring cycle at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three year cycle beginning on January 1 following quarter in which system qualifies for reduced monitoring.

- a. A system on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples collected in the year (for a system that monitors quarterly) or the result of the sample (for a system that monitors no more frequently than annually) is no more than 0.060 mg/L for TTHM and 0.045 mg/L for HAA5. A system that exceeds these levels shall resume monitoring at the frequency identified in subsection (G)(1) (minimum monitoring frequency column) in the quarter immediately following the monitoring period in which the system exceeds 0.060 mg/L for TTHM or 0.045 mg/L for HAA5.
 - b. For a system using solely groundwater and serving fewer than 10,000 persons, if either the TTHM annual average is greater than 0.080 mg/L or the HAA5 annual average is greater than 0.060 mg/L, the system shall increase monitoring as specified in subsection (G)(1) (sample location column) in the quarter immediately following the monitoring period in which the system exceeds 0.080 mg/L for TTHM or 0.060 mg/L for HAA5.
 - c. A system on increased monitoring may return to routine monitoring if, after at least one year of monitoring the TTHM annual average is less than or equal to 0.060 mg/L and their HAA5 annual average is less than or equal to 0.045 mg/L.
3. Chlorite: A CWS or NTNCWS using chlorine dioxide for disinfection or oxidation shall monitor for chlorite at the following frequencies:
- a. Routine monitoring: A system shall collect a daily sample at the point of entry into the distribution system. If a daily sample exceeds the chlorite MCL, the system shall collect additional samples in the distribution system the following day at the locations required in subsection (G)(3)(e), in addition to the sample required at the point of entry into the distribution system.
 - b. Monthly monitoring: A system shall collect three samples each month in the distribution system. The system shall collect 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. If a system collects additional routine samples, it shall collect them in the same manner as for monthly monitoring. The system may use the results of additional monitoring conducted under subsection (G)(3)(e) to meet the requirement for monthly monitoring in this subsection.
 - c. Additional monitoring: On each day following a routine sample monitoring result that exceeds the chlorite MCL at the point of entry into the distribution system, the system shall collect three chlorite samples in the distribution system 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).
 - d. Reduced monitoring:
 - i. The Department shall not reduce chlorite monitoring at the point of entry into the distribution system.
 - ii. A system may submit a written request to the Department for a reduction in chlorite monitoring in the distribution system required in subsection (G)(3)(b). The Department may reduce chlorite monitoring in the distribution system to one set of three samples per quarter after the system has monitored for one year and no individual chlorite sample collected in the distribution system under subsection (G)(3)(b) has exceeded the chlorite MCL and the system has not been required to conduct monitoring under subsection (G)(3)(e). The Department's decision to reduce monitoring for chlorite in the distribution system shall be in writing.
 - iii. A system may remain on the reduced monitoring schedule until either any of the three individual chlorite samples collected monthly in the distribution system under subsection (G)(3)(b) exceeds the chlorite MCL or the system is required to conduct monitoring under subsection (G)(3)(e) of this Section, at which time the system shall resume routine monitoring.
4. Bromate: A CWS or NTNCWS using ozone for disinfection or oxidation shall monitor for bromate at the following frequencies:
- a. Routine monitoring: A system shall collect one sample per month for each water treatment plant in the system using ozone. A system shall collect a sample each month at the point of entry into the distribution system while the ozonation system is operating under normal conditions.

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- b. ~~Reduced monitoring: A system may submit a written request to the Department for a reduction in bromate monitoring. The Department may reduce bromate monitoring in the distribution system to once per quarter, if the system demonstrates that the annual average for source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements. A system shall continue monthly bromide monitoring to remain on reduced bromate monitoring. The Department's decision to reduce monitoring for bromate shall be in writing.~~
 - e. ~~The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is greater than or equal to 0.05 mg/L, the system shall resume routine monitoring required in subsection (G)(4)(a).~~
- H. Compliance for disinfection byproducts.** The Department shall determine compliance with a disinfection byproduct as follows:
- 1. ~~All samples collected and analyzed under the provisions of this Section shall be included in determining compliance, even if that number is greater than the minimum required.~~
 - 2. ~~During the first year of monitoring under this Section, if the average for an individual quarter will cause the running annual average of a system to exceed a MCL, the system is out of compliance at the end of that quarter.~~
 - 3. ~~TTHM and HAA5:~~
 - i. ~~For a system that monitors quarterly, the Department shall determine compliance with a MCL for TTHM and HAA5 based on a running annual average of all samples collected by the system as required in of subsections (G)(1) and (2). For a system that fails to collect four consecutive quarters of samples, the Department shall determine compliance with the MCL for TTHM and HAA5 based on an average of the available data.~~
 - ii. ~~For a system that monitors less frequently than quarterly, the Department shall determine compliance with a MCL for TTHM and HAA5 based on the average of samples collected that year by the system as required in subsections (G)(1) and (2). If the average of these samples exceeds the MCL, the system shall increase monitoring to once per quarter per water treatment plant. The system is not in violation of the MCL until it has completed one year of quarterly monitoring and the running annual average is greater than the MCL, 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. For a system required to increase monitoring frequency to quarterly compliance shall be calculated by including the sample that triggered the increased monitoring and the results of the following three quarters of monitoring.~~
 - 4. ~~Bromate: For a system required to monitor for bromate, the Department shall determine compliance with the MCL for bromate based on the running annual arithmetic average, computed quarterly, of monthly samples collected by the system as required in subsection (G)(4) or, for months in which the system collects more than one sample, the average of all samples collected during the month. For a system that fails to collect 12 consecutive months of samples for bromate, the Department shall determine compliance with the MCL for bromate based on an average of the available data.~~
 - 5. ~~Chlorite: For a system required to monitor for chlorite, the Department shall determine compliance with the MCL for chlorite based on a monthly arithmetic average of samples collected by the system as required in subsection (G)(3).~~
- I. Monitoring requirements for disinfectant residuals.**
- 1. ~~Chlorine and chloramines. A CWS or NTNCWS that uses chlorine or chloramines shall measure the residual disinfectant level in the distribution system when total coliforms are sampled. A surface water system may use the results of residual disinfectant concentration sampling conducted under R18-4-303(C)(3) instead of taking separate samples. The Department shall not reduce monitoring for chlorine or chloramines.~~
 - 2. ~~Chlorine dioxide. A CWS, NTNCWS, or TNCWS that uses chlorine dioxide for disinfection or oxidation shall monitor for chlorine dioxide at the following frequencies:~~
 - a. ~~Routine monitoring: A system shall collect a daily sample at the point of entry into the distribution system. For a daily sample that exceeds the MRDL, the system shall collect samples in the distribution system the following day at the locations required by subsection (I)(2)(b), in addition to the sample required at the point of entry into the distribution system.~~
 - b. ~~Additional monitoring: On each day following a routine sample monitoring result that exceeds the MRDL, the system shall collect three chlorine dioxide distribution system samples:~~
 - i. ~~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 point of entry into the distribution system (that is no booster chlorination), the system shall collect three chlorine dioxide samples as close to the first customer as possible, at intervals of at least six hours.~~
 - ii. ~~If chlorine or chloramines are used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the point of entry into the distribution system (that is booster~~

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chlorination), the system shall collect one chlorine dioxide sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and at a point as close to the end of the distribution system as possible that reflects the maximum residence time in the distribution system.

iii. The Department shall not reduce monitoring for chlorine dioxide.

- J.** Compliance for disinfectant residuals. The Department shall determine compliance with disinfectant residuals in subsection (B) as follows:
 1. All samples collected and analyzed under the provisions of this Section shall be included in determining compliance, even if that number is greater than the minimum required.
 2. Chlorine and chloramines.
 - a. For a system that fails to monitor for a residual level 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 MRDLs for chlorine and chloramines, the system is out of compliance for the entire period covered by the annual average.
 - b. The Department shall determine compliance with a MRDL for chlorine and chloramines based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under subsection (I)(1).
 - e. For a system that switches between the use of chlorine and chloramines for residual disinfection during the year, the Department shall determine compliance by including all monitoring results of both chlorine and chloramines in calculating compliance.
 3. Chlorine dioxide. The Department shall determine compliance with the MRDL for chlorine dioxide based on consecutive daily samples collected by the system under subsection (I)(2):
 - a. a sample collected in the distribution system which exceeds the MRDL the day after a sample collected at the point of entry into the distribution system exceeds the MRDL is an acute violation. The system shall immediately take corrective action to lower the level of chlorine dioxide below the MRDL. Failure to collect samples in the distribution system on the day following a sample collected at the point of entry into the distribution system exceeding the chlorine dioxide MRDL, is an acute violation.
 - b. Any two consecutive daily samples collected at the point of entry into the distribution system that exceed the MRDL and all the samples the system collected in the distribution are below the MRDL is a non-acute violation. The system shall take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling. Failure to collect a sample at the point of entry into the distribution system the day after a sample at the point of entry into the distribution system exceeds the chlorine dioxide MRDL is a non-acute violation.
- K.** Monitoring requirements for disinfection byproduct precursors (TOC).
 1. Routine monitoring: A CWS or NTNCWS that uses conventional filtration treatment shall monitor each water treatment plant for TOC no later than the point of combined filter effluent turbidity monitoring that is representative of the treated water. A system that is required to monitor under this subsection shall also monitor for TOC and alkalinity in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These TOC and alkalinity samples are referred to as a sample set. A system shall collect one sample set per month per water treatment plant at a time representative of normal operating conditions and source water quality.
 2. Reduced monitoring: Upon a written request from a system, the Department may approve a reduction in monitoring to one sample set per water treatment plant per quarter for a system 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. The system shall resume routine monitoring in the month following the quarter when the annual average treated water TOC is greater than or equal to 2.0 mg/L. The Department's decision to reduce monitoring for TOC shall be in writing.
- L.** This Section is effective January 1, 2004.

R18-4-215. Synthetic Organic Chemicals: MCLs

Water distributed by a CWS or NTNCWS shall not exceed the following MCLs for SOCs:

Contaminant	MCL (mg/L)
Alachlor	0.002
Atrazine	0.003
Benzo(a)pyrene	0.0002
Carbofuran	0.04
Chlordane	0.002
2,4-D	0.07
Dalapon	0.2
Dibromochloropropane (DBCP)	0.0002
Di(2-ethylhexyl)adipate	0.4
Di(2-ethylhexyl)phthalate	0.006

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Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene dibromide (EDB)	0.00005
Glyphosate	0.7
Heptachlor	0.0004
Heptachlor epoxide	0.0002
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.04
Oxamyl	0.2
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0005
Simazine	0.004
2,3,7,8-TCDD (Dioxin)	3×10^{-8}
Toxaphene	0.003
2,4,5-TP (Silvex)	0.05

~~R18-4-115. R18-4-215. Backflow Prevention~~

- A. A public water system shall protect its system from contamination caused by backflow through unprotected cross-connections by requiring the installation and periodic testing of backflow-prevention assemblies. Required backflow-prevention assemblies shall be installed as close as practicable to the service connection.
- B. A public water system shall ensure that a backflow-prevention assembly is installed whenever any of the following occur:
 - 1. A substance harmful to human health is handled in a manner that could permit its entry into the public water system. These substances include chemicals, chemical or biological process waters, water from public water supplies that has deteriorated in sanitary quality, and water that has entered a fire sprinkler system. A Class 1 or Class 2 fire sprinkler system is exempt from the requirements of this Section;
 - 2. A source of water supply exists on the user's premises that is not accepted as an additional source by the public water system or is not approved by the Department;
 - 3. An unprotected cross-connection exists or a cross-connection problem has previously occurred within a user's premises; or
 - 4. There is a significant possibility that a cross-connection problem will occur and entry to the premises is restricted to the extent that cross-connection inspections cannot be made with sufficient frequency or on sufficiently short notice to ~~assure~~ ensure that unprotected cross-connections do not exist.
- C. Unless a cross-connection problem is specifically identified, or as otherwise provided in this Section, the requirements of this Section shall not apply to single-family residences used solely for residential purposes.
- D. A backflow-prevention assembly required by this Section shall comply with the following:
 - 1. If equipped with test cocks, it shall have been issued a certificate of approval by:
 - a. The University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC-FCCCHR), or
 - b. A third-party certifying entity that is unrelated to the product's manufacturer or vendor, and is approved by the Department.
 - 2. If not equipped with test cocks, it shall be approved by a third-party certifying entity that is unrelated to the product's manufacturer or vendor and is approved by the Department.
- E. The minimum level of backflow protection that is provided to protect a public water system shall be the level recommended in Section 7.2 of the Manual of Cross-Connection Control, Ninth Edition, USC-FCCCHR, KAP-200 University Park MC-2531, Los Angeles, ~~California CA~~, 90089-2531, December 1993, (and no future editions or amendments), incorporated by reference and on file with the Department ~~and the Office of the Secretary of State~~. The types of backflow prevention that may be required, listed in decreasing order according to the level of protection they provide, include: an air-gap separation (AG), a reduced pressure principle backflow prevention (RP) assembly, a pressure vacuum breaker (PVB) assembly, and a double check valve (DC) assembly. Nothing contained in this Section shall prevent ~~the~~ a public water system from requiring the use of a higher level of protection than ~~that the level~~ the level required by this subsection.
 - 1. A public water system may make installation of a required backflow-prevention assembly a condition of service. A user's failure to comply with this requirement shall be sufficient cause for the public water system to terminate water

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- service.
2. Specific installation requirements for backflow prevention include the following:
 - a. Any backflow prevention required by this Section shall be installed in accordance with the manufacturer's specifications.
 - b. For an AG installation, all piping between the user's connection and the receiving tank shall be entirely visible unless otherwise approved in writing by the public water system.
 - c. An RP assembly shall not be installed in a meter box, pit, or vault unless adequate drainage is provided.
 - d. A PVB assembly may be installed for use on a landscape water irrigation system if the irrigation system conforms to all of the criteria listed below. An RP assembly is required whenever any of the criteria are not met.
 - i. The water use beyond the assembly is for irrigation purposes only;
 - ii. The PVB is installed in accordance with the manufacturer's specifications;
 - iii. The irrigation system is designed and constructed to be incapable of inducing backpressure; and
 - iv. ~~Chemigation, the~~ The injection of chemical pesticides and fertilizers, chemigation, is not used or provided in the irrigation system.
 - F. Each backflow-prevention assembly required by this Section shall be tested at least annually, or more frequently if directed by the public water system or the Department. Each assembly shall also be tested after installation, relocation, or repair. An assembly shall not be placed in service unless it has been tested and is functioning as designed. The following provisions shall apply to the testing of backflow-prevention assemblies:
 1. Testing shall be in accordance with procedures described in Section 9 of the Manual of Cross-Connection Control. The public water system shall notify the water user when testing of backflow-prevention assemblies is needed. The notice shall specify the date by which the testing must be completed and the results forwarded to the public water system.
 2. Testing shall be performed by a person who is currently certified as a "general" tester by the California-Nevada Section of the American Water Works Association (CA-NV Section, AWWA), the Arizona State Environmental Technical Training (ASETT) Center, or other certifying authority approved by the Department.
 3. When a backflow-prevention assembly is tested and found to be defective, it shall be repaired or replaced in accordance with the provisions of this Section.
 - G. A public water system shall maintain records of backflow-prevention assembly installations and tests performed on backflow-prevention assemblies in its service area. Records shall be retained by the public water system for at least three years and shall be made available for review by the Department upon request. These records shall include an inventory of backflow-prevention assemblies required by this Section and, for each assembly, all of the following information:
 1. Assembly identification number and description,
 2. Location,
 3. Date of tests,
 4. Description of repairs and recommendations for repairs made by the tester, and
 5. The tester's name and certificate number.
 - H. A public water system shall submit a written cross-connection incident report to the Department and the local health authority within five business days after a cross-connection problem occurs that results in contamination of the public water system. The report shall address all of the following:
 1. Date and time of discovery of the unprotected cross-connection,
 2. Nature of the cross-connection problem,
 3. Affected area,
 4. Cause of the cross-connection problem,
 5. Public health impact,
 6. Date and text of any public health advisory issued,
 7. Each corrective action taken, and
 8. Date of completion of each corrective action.
 - I. An individual with direct responsibility for implementing a backflow prevention program for a water system serving more than 50,000 persons, or an individual with direct responsibility for implementing a backflow prevention program for a for a water system serving 50,000 or fewer persons if the Department has determined that such a need exists, shall be licensed as a "cross-connection control program specialist" by the CA-NV Section, AWWA, the ASETT Center, or ~~other~~ another certifying authority approved by the Department.

R18-4-216. Synthetic Organic Chemicals; Monitoring Requirements

- ~~A. A CWS, NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall monitor to determine compliance with the MCLs for the SOCs listed in R18-4-215. A TNCWS is not required to monitor for SOCs.~~
- ~~B. A CWS, NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall conduct initial monitoring for SOCs in the monitoring year designated by the Department.~~
- ~~C. A CWS, NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall monitor for SOCs at each sampling point as prescribed in R18-4-218.~~

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- D.** A CWS, NTNCWS, or a contractor on behalf of a CWS or NTNCWS, may composite SOC samples as prescribed in R18-4-219.
- E.** A CWS, NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall take four consecutive quarterly samples at each sampling point during each compliance period.
- F.** A CWS or NTNCWS may use SOC monitoring data collected in the three years immediately before the initial monitoring year to satisfy initial monitoring requirements.
- G.** A CWS or NTNCWS may submit a written request to the Department for a reduction in monitoring frequency at a sampling point. The Department may also initiate a reduction in monitoring frequency for a CWS or NTNCWS. The Department may grant a reduction in monitoring frequency at a sampling point after consideration of previous analytical data, and if the CWS or NTNCWS does not detect a SOC at a sampling point during initial monitoring. If the Department decides to reduce monitoring frequency, the decision shall be in writing, and the reduction shall be granted as follows:
 - 1. For a CWS or NTNCWS that serves more than 3,300 persons, the Department may reduce monitoring frequency to a minimum of two quarterly samples in one year at each sampling point during each repeat compliance period. Quarterly samples shall not be taken in consecutive quarters.
 - 2. For a CWS or NTNCWS that serves 3,300 or fewer persons, the Department may reduce monitoring frequency to a minimum of one sample at each sampling point during each repeat compliance period.
- H.** If a CWS or NTNCWS detects a SOC listed in R18-4-215 at a sampling point in a concentration that is greater than or equal to the reporting limit listed under R18-4-104(U)(1)(f), the CWS or NTNCWS shall conduct quarterly monitoring for that SOC at that sampling point, beginning in the quarter immediately following the collection of the sample in which the SOC was detected. The CWS or NTNCWS shall continue quarterly monitoring at the sampling point until:
 - 1. For groundwater sampling points, a minimum of two consecutive quarterly samples are taken and the concentration of the SOC in each sample is below the MCL. If the initial detection that triggers quarterly monitoring is at a concentration that exceeds the MCL for a SOC, a minimum of four consecutive quarterly samples at the sampling point and the concentration of the SOC in each sample is below the MCL.
 - 2. For surface water sampling points, a minimum of four consecutive quarterly samples are taken and the concentration of the SOC in each sample is below the MCL.
 - 3. If the concentration of a SOC is below the MCL for the minimum number of consecutive quarterly samples prescribed in subsections (H)(1) or (H)(2), and the Department determines that the CWS or NTNCWS has been reliably and consistently below the MCL for the SOC in previous samples, the Department shall reduce monitoring frequency at the sampling point from quarterly to annually. The Department's decision to reduce monitoring frequency from quarterly to annually shall be in writing. If the Department reduces monitoring frequency to annually, a CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall take the annual sample during the quarter that previously yielded the highest analytical result. A CWS or NTNCWS that has three consecutive annual samples with no detection of a SOC may submit a written request to the Department for a monitoring waiver according to subsection (M).
- I.** The Department may increase monitoring frequency, where necessary, to detect variations within a CWS or NTNCWS (for example, fluctuations in concentration due to seasonal use or changes in water source). The Department's decision to increase monitoring frequency shall be in writing.
- J.** If a CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, detects either heptachlor or heptachlor epoxide at a sampling point in a concentration that is greater than or equal to the reporting limit, the CWS or NTNCWS shall have subsequent samples analyzed for both heptachlor and heptachlor epoxide.
- K.** The Department shall determine compliance with the MCL for a SOC from the analytical results from each sampling point as follows:
 - 1. For a CWS or NTNCWS that samples quarterly or more frequently at a sampling point, the Department shall determine compliance from the running annual average of all samples taken at the sampling point. If the running annual average is greater than the MCL, the CWS or NTNCWS is out of compliance. If any sample causes the running annual average to exceed the MCL, the CWS or NTNCWS is out of compliance immediately. Any sample below the reporting limit shall be calculated as zero for purposes of determining the running annual average.
 - 2. If a CWS or NTNCWS samples on an annual or less frequent basis at a sampling point, the CWS or NTNCWS is out of compliance if the concentration of a SOC in a single sample exceeds the MCL.
- L.** The Department shall require a confirmation sample whenever the Department has reason to believe that the confirmation sample will provide a more accurate characterization of water quality. If the Department requires a confirmation sample, the analytical result from the confirmation sample shall be averaged with the analytical result from the initial sample. The Department shall use the average to determine compliance under subsection (K)(2).
- M.** A CWS or NTNCWS may submit a written request to the Department for a waiver from the monitoring requirements for a SOC; the Department may also initiate a waiver for a CWS or NTNCWS. A monitoring waiver is effective for one compliance period. A CWS or NTNCWS shall reapply for a monitoring waiver in each subsequent compliance period. A CWS or NTNCWS that receives a monitoring waiver is not required to monitor for the SOC during the term of the waiver.

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The Department's decision of whether to grant a SOC monitoring waiver shall be in writing, and shall be based on consideration of the following factors:

1. Use waivers: The Department may grant a use waiver based upon the results of a vulnerability assessment conducted by the Department or by the CWS or NTNCWS. In deciding whether to grant or deny a use waiver, the Department shall review the vulnerability assessment and consider whether there has been previous use of the SOC (including transport, storage, or disposal) within the watershed or zone of influence of a well. If previous use of the SOC is unknown or if the SOC has been used previously, the Department may grant a susceptibility waiver based upon a vulnerability assessment.
 2. Susceptibility waiver: The Department may grant a susceptibility waiver based upon the results of a vulnerability assessment conducted by the Department or by the CWS or NTNCWS. The Department shall review the vulnerability assessment and consider the following factors in deciding whether to grant or deny a susceptibility waiver:
 - a. Previous analytical results;
 - b. The proximity of the CWS or NTNCWS to a potential point source or nonpoint source of contamination. A point source of contamination includes a spill or leak of a SOC at or near a water treatment plant or distribution system pipeline; at a manufacturing, distribution, or storage facility; or from a hazardous or municipal waste landfill; or from another waste handling or treatment facility. A nonpoint source includes the use of pesticides to control insect and weed pests on an agricultural area, forest, home, garden, or other land application use;
 - c. The environmental persistence and transport of the SOC;
 - d. How well the water source is protected against contamination by the SOC due to factors such as geology and well design (for example, depth to groundwater, type of soil, and the integrity of the well casing);
 - e. Elevated nitrate levels at the water supply source;
 - f. The use of PCBs in equipment used in the production, storage, or distribution of water; and
 - g. Wellhead protection assessments.
- N.** Each CWS or NTNCWS that monitors for PCBs shall analyze each sample using either EPA Method 505 or EPA Method 508, listed in R9-14-611(E)(4). If PCBs are not detected (as 1 of 7 Aroclors) in the sample in a concentration that exceeds the reporting limits listed in this subsection, the CWS or NTNCWS is in compliance with the MCL for PCBs. If a PCB is detected (as 1 of 7 Aroclors) in a concentration that exceeds the reporting limit for the Aroclor listed in this subsection, the sample shall be reanalyzed using EPA Method 508(A), listed in R9-14-611(E)(4), to quantitate PCBs as decachlorobiphenyl. The Department shall determine compliance with the MCL for PCBs (as decachlorobiphenyl) from the EPA Method 508(A) analytical result.

Aroclor	Reporting limit (mg/L)
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

~~R18-4-123, R18-4-216, Vending Machines~~

An owner of a water vending machine shall be responsible for the proper operation of each water vending machine. The owner shall do all of the following:

1. Clean and maintain each water vending machine according to the manufacturer's recommendations;
2. Retain maintenance and cleaning records for ~~±~~ one year;
3. Have analyses performed at least once every ~~6~~ six months for total coliform bacteria. Results of such analyses shall be retained for ~~±~~ one year. If a sample is positive for total coliform, the water vending machine shall be removed from service, and all components shall be cleaned, ~~or~~ replaced, or serviced. The water vending machine shall not be placed back into service until another total coliform bacteria analysis is performed, and the result is negative; and
4. Maintain in operable condition all ultraviolet, ozone, or other disinfection components and automatic disabling capabilities built into the vending machine for use in the event of a disinfection system malfunction.

~~R18-4-217, Radiochemicals; MCLs and Monitoring Requirements~~

A. Water distributed by a CWS shall not exceed the following MCLs:

1. ~~5~~ pCi/l for combined radium 226 and radium 228;
2. ~~15~~ pCi/l for gross alpha particle activity, including radium 226 but excluding radon and uranium; and
3. Four millirem per year annual dose equivalent to either the total body or to an internal organ (average annual concentration of beta particle and photon radioactivity from man-made radionuclides.)
 - a. Except for Tritium and Strontium-90, the concentration of man-made radionuclides causing 4 millirem total body or organ dose equivalents shall be calculated on the basis of a two-liter per day drinking water intake using the

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168-hour data listed in the National Bureau of Standards Handbook 69, incorporated by reference in the definition of "man-made beta particle and photon emitters" in R18-4-101.

- b. The Department assumes that the following average annual concentrations of Tritium and Strontium 90 produce a total body or organ dose equivalent of four millirem per year:

Radionuclide	Critical organ	pCi/L
Tritium	Total body	20,000
Strontium-90	Bone marrow	8

- e. If two or more radionuclides are present, the sum of their annual dose equivalents to the total body or to any internal organ shall not exceed four millirem/year.

B. A CWS, or a contractor on behalf of a CWS, shall monitor for gross alpha particle activity, radium-226, and radium-228 as follows:

- 1. A CWS, or a contractor on behalf of a CWS, shall monitor each sampling point as prescribed in R18-4-218 once every four years. A CWS, or a contractor on behalf of a CWS, shall take four consecutive quarterly samples at each sampling point for gross alpha particle radioactivity, radium-226, and radium-228 analysis.
- 2. The Department shall determine compliance with the MCLs in subsections (A)(1) and (A)(2) from the analytical results of a composite sample composed of four consecutive quarterly samples or the average of the analytical results of four consecutive quarterly samples, whichever method the public water system chooses.
- 3. A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analyses if the measured gross alpha particle activity does not exceed five pCi/L at a confidence level of 95 percent ($1.65 F_s$ where F_s is the standard deviation of the net counting rate of the sample):
 - a. If a gross alpha particle activity measurement exceeds five pCi/L, the same sample shall be analyzed for radium-226. If the concentration of radium-226 exceeds three pCi/L, the same sample shall be analyzed for radium-228.
 - b. If a gross alpha particle activity measurement exceeds 15 pCi/L, the same sample shall be analyzed for uranium and the uranium result shall be subtracted from the gross alpha particle activity measurement to determine compliance with subsection (A)(2).
 - e. The Department shall consider the following criteria in determining whether to require radium-226 and radium-228 analyses:
 - i. Whether the gross alpha particle activity exceeds two pCi/L, and
 - ii. Whether radium-228 may be present in the local drinking water.

C. If the MCL for gross alpha particle activity or combined radium-226 and radium-228 is exceeded, the CWS, or a contractor on behalf of a CWS, shall monitor quarterly at the sampling point until a monitoring schedule that is a condition of a variance, exemption, compliance agreement, or enforcement action is effective or the annual average concentration no longer exceeds the MCL due to one or more of the following:

- 1. Treatment,
- 2. Removal of a source from service, or
- 3. A blending plan approved under R18-4-221.

D. If the Department determines that current monitoring results demonstrate a need for more frequent monitoring, the Department shall order a CWS to conduct more frequent monitoring for gross alpha particle activity, radium-226, or radium-228. The Department's determination shall be based on one or more of the following:

- 1. The CWS is in the vicinity of mining or other operations that may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water;
- 2. There is possible radiochemical contamination of surface or groundwater sources of drinking water; or
- 3. Changes in the distribution system or treatment process occur that may increase the concentration of radioactivity in drinking water.

E. When the concentration of radium-226 exceeds three pCi/L, and the Department determines that annual monitoring is required based on previous monitoring results, the Department shall order a CWS to conduct annual monitoring for gross alpha particle radioactivity, radium-226, or radium-228 at one or more sampling points.

F. The Department shall reduce monitoring for gross alpha particle radioactivity, radium-226, or radium-228 as follows:

- 1. The Department shall allow a CWS to substitute a single annual sample for the four consecutive quarterly samples prescribed in subsection (B) if an annual record establishes that the average annual concentration is less than one-half the MCLs prescribed in subsection (A).
- 2. The Department shall allow a CWS to stop monitoring for radium-228 if:
 - a. The CWS has monitored radium-228 at least once using the quarterly monitoring procedure prescribed in subsection (B), and
 - b. The radium-226 concentration is less than three pCi/L.

G. A CWS or a contractor on behalf of a CWS shall take four consecutive quarterly samples as prescribed in subsection (B) at the point of entry to the distribution system within one year of the introduction of a new water source.

- ~~H. A CWS that uses two or more sources that are combined before the point of entry into the distribution system and that have different concentrations of radioactivity shall monitor each source and the blended water at the point of entry when ordered to by the Department.~~
- ~~I. A CWS that is a surface water system that serves more than 100,000 persons and any CWS that the Department determines is subject to potential health risks from man-made radioactivity shall monitor for gross beta particle radioactivity, Tritium, and Strontium-90 as follows:~~
- ~~1. A CWS that is a surface water system that serves more than 100,000 persons shall monitor at each surface water sampling point as prescribed in R18-4-218. A CWS that the Department determines is subject to potential health risks from man-made radioactivity shall monitor at sampling points designated by the Department.~~
 - ~~2. A CWS or a contractor on behalf of a CWS shall take four consecutive quarterly samples at each sampling point for gross beta particle radioactivity, Tritium, and Strontium-90 analysis once every four years, unless subsection (H)(3) applies:
 - ~~a. If the average annual concentration of gross beta particle radioactivity is less than 50 pCi/L, the sample shall be analyzed to determine the concentrations of Tritium and Strontium-90. A CWS is in compliance with the MCLs for man-made radioactivity prescribed in subsection (A)(3) if the average annual concentration of gross beta particle radioactivity is less than 50 pCi/L, the average annual concentration of Tritium is less than 20,000 pCi/L, the average annual concentration of Strontium-90 is less than eight pCi/L, and the sum of the annual dose equivalents for Tritium and Strontium-90 is less than 4 millirem/year.~~
 - ~~b. If gross beta particle radioactivity is greater than 50 pCi/L, the sample shall be analyzed to identify the major radioactive constituents present and the appropriate internal organ and total body doses shall be calculated to determine compliance with subsection (A)(3).~~~~
 - ~~3. A CWS that utilizes water that the Department determines may be contaminated by effluent from a nuclear facility shall monitor for gross beta particle radioactivity, Iodine-131, Strontium-90, and Tritium as follows:
 - ~~a. A CWS shall monitor monthly for gross beta particle radioactivity. Compliance shall be based upon the analysis of a composite sample made up of three monthly samples or the average concentration of three monthly samples:
 - ~~i. If the concentration of gross beta particle radioactivity is greater than 15 pCi/L, the same sample shall be analyzed for Strontium-89 and Cesium-134. A CWS is in compliance with the MCLs for man-made radioactivity prescribed in subsection (A)(3) if the average concentration of gross beta particle radioactivity is less than 50 pCi/L, the average concentration of Cesium-134 is less than 80 pCi/L, the average concentration of Strontium-89 is less than 80 pCi/L, and the sum of the annual dose equivalents for Strontium-89 and Cesium-134 is less than 4 millirem/year.~~
 - ~~ii. If the concentration of gross beta particle radioactivity is greater than 50 pCi/L, the same sample shall be analyzed to identify the man-made radionuclides that are present. The internal organ and total body dose equivalents shall be calculated for the man-made radionuclides that are present to determine compliance with the MCL prescribed in subsection (A)(3).~~~~
 - ~~b. A CWS or a contractor on behalf of a CWS shall take a composite of five consecutive daily samples once each quarter for Iodine-131 analysis. If Iodine-131 is detected, the CWS shall conduct more frequent monitoring at a frequency designated by the Department. If the concentration of Iodine-131 in the composite sample is greater than three pCi/L, the CWS is out of compliance.~~
 - ~~c. A CWS or a contractor on behalf of a CWS shall take four consecutive quarterly samples for Strontium-90 and Tritium analyses each year. Compliance shall be based upon the analysis of a composite sample or the annual average concentration of four consecutive quarterly samples, as determined by the Department. A CWS is in compliance with the MCLs for man-made radioactivity prescribed in subsection (A)(3) if the average annual concentration of Tritium is less than 20,000 pCi/L, the average annual concentration of Strontium-90 is less than eight pCi/L, and the sum of the annual dose equivalents for Tritium and Strontium-90 is less than 4 millirem per year.~~
 - ~~d. The Department shall allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made radioactivity by a CWS if the Department determines that the data are applicable to the CWS.~~~~
 - ~~4. A CWS that violates a MCL for man-made radioactivity shall monitor monthly until the average concentration for 12 consecutive months no longer exceeds the MCL or the Department specifies a monitoring schedule as a condition to a variance, exemption, compliance agreement, or enforcement action.~~
 - ~~5. A CWS that is a surface water system shall monitor at surface water points of entry. If the Department determines that a CWS is subject to potential health risk from man-made radioactivity the CWS shall monitor at points of entry designated by the Department.~~

R18-4-221. R18-4-217. Use of Blending to Achieve Compliance with Maximum Contaminant Levels

- A. A public water system may use blending to achieve compliance with a MCL if all of the following requirements are met:
1. The public water system has obtained the Department's written approval for a blending plan that includes the following elements:

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- a. Detailed drawings and schematics that show flow, concentrations, and controls;
 - b. Proposed automatic or electronic devices that will be incorporated to ensure that the blend remains in the desired range or shuts off the offending source or triggers an alarm when the blend falls out of the desired range;
 - c. Individual test results from all sources proposed to be blended;
 - d. Projected contaminant levels that will result from blending that show both best-case and worst-case scenarios;
 - e. Identified techniques, and any other information requested by the Department, that show how the blending plan will produce water that will comply with MCLs; and
2. The public water system has obtained the Department's written approval for a monitoring program designed to verify continued compliance with MCLs at all subsequent downstream service connections. This program shall include monitoring on at least a quarterly basis of both of the following:
 - a. All sources contributing to the blend; and
 - b. Blended water to ensure that the provisions of this Section are met.
- B.** A public water system shall submit an amended blending plan to the Department to confirm that the new blend achieves compliance with MCLs whenever sources are added to or removed from service or the relative flow rates from blended sources are changed in a way that changes the blend.

R18-4-218. Sampling Points

- ~~**A.** A public water system shall monitor to determine compliance with MCLs at sampling points as follows:~~
- ~~1. At each point of entry into the distribution system that is representative of water from each well after treatment, and~~
 - ~~2. At each point of entry into the distribution system that is representative of each surface water source after treatment or at a point located before the first service connection that is representative of each surface water source after treatment.~~
- ~~**B.** If a public water system draws water from more than one source and the sources are combined before distribution, the public water system shall sample at points of entry into the distribution system during periods of normal operating conditions.~~
- ~~**C.** A public water system shall take each sample in subsequent monitoring periods at the same sampling point unless conditions make another sampling point more representative of water from each source after treatment.~~
- ~~**D.** A public water system shall sample for total coliforms at sampling sites identified in a written site sampling plan that is subject to Department review and approval.~~
- ~~**E.** A CWS shall sample for total trihalomethanes at sampling points as prescribed in R18-4-214.~~

R18-4-222. R18-4-218. Criteria and Procedures for Public Water Systems Using ~~Use of Point-of-Entry or Point-of-Use Treatment Devices~~

- ~~**A.** A public water system may use a point-of-use treatment device to achieve compliance with a MCL, provided that the point of use treatment device meets the requirements of 42 U.S.C. 300g 1(b)(4)(E)(ii) (2001), and the requirements listed under subsections (B)(1) through (B)(6).~~
- ~~**B.** A public water system may use a point of entry treatment device to achieve compliance with a MCL if the public water system meets all of the following requirements:~~
- ~~1. The public water system develops a monitoring plan for the treatment device and obtains the Department's written approval of the monitoring plan before a point-of-entry treatment device is installed. The monitoring plan shall provide reasonable assurance that the treatment device provides health protection equivalent to that provided by central water treatment.~~
 - ~~2. The design of the point of entry treatment device is approved, in writing, by the Department.~~
 - ~~3. The public water system operates and maintains the point of entry treatment device.~~
 - ~~4. The microbiological safety of water that is treated by a point of entry treatment device is maintained at all times. The design and application of the treatment device shall consider the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon. The Department may require frequent backwashing, post-contactor disinfection, or HPC monitoring to ensure that the microbiological safety of water is not compromised.~~
 - ~~5. The public water system installs a sufficient number of point of entry treatment devices to buildings connected to the public water system so that every person served by the public water system is protected. Every building connected to the public water system shall be subject to treatment and monitoring.~~
 - ~~6. The rights and responsibilities of persons served by the public water system convey with title upon the sale of property.~~
- ~~**C.** A public water system that uses a point-of-entry treatment device or a point-of-use treatment device as a condition for receiving a variance or an exemption shall meet the requirements listed under subsection (B).~~
- A.** A water supplier may use a point-of-entry (POE) or point-of-use (POU) treatment technology to achieve compliance with a MCL or treatment technique if the water supplier meets the requirements of this Section.
- B.** A public water system may use a POE or POU treatment device to achieve compliance with a MCL, if the treatment device:
1. Is not used to achieve compliance with an MCL or treatment technique for a microbial contaminant or an indicator for

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- a microbial contaminant, in accordance with 42 U.S.C. 300g-1(b)(4)(E)(ii) (2007):
- 2. Is listed in 40 CFR 141 as an acceptable compliance technology for the applicable contaminant;
- 3. Is certified against the applicable NSF/ANSI Standards;
- 4. Is owned, controlled and maintained by a public water system or by a person under contract with the public water system to ensure proper operation, maintenance, and compliance with MCLs or treatment techniques; and
- 5. Is equipped with mechanical warnings to ensure that customers are automatically notified of recommended system maintenance and or operational problems. This performance indication device shall provide notice to the end user at a defined moment in time without shutting off the POE or POU device.
- C. Prior to installing a POE or POU treatment device, a public water system shall obtain the Department's written approval of a POE or POU operation and maintenance (O & M) plan. A public water system shall submit an O & M plan to the Department that ensures proper long-term operation, maintenance, and monitoring of the POE or POU treatment devices. An O & M plan shall ensure that:
 - 1. The POE or POU treatment device provides health protection equivalent to the health protection provided by centralized water treatment. "Equivalent" means that water treated by the POE or POU treatment device meets all national primary drinking water regulations.
 - 2. A residential building, or a nonresidential building that uses water for human consumption, that is connected to the public water system has a POE or POU treatment device that is installed, operated, maintained, and monitored in a manner that assures continuous compliance with the MCLs, treatment techniques, and other requirements of this Chapter.
 - 3. Multi-unit residential and nonresidential buildings utilizing POU treatment devices to achieve compliance with this Chapter have a sufficient number of POU devices installed to provide adequate potable water for all residents, employees, and customers.
 - 4. The rights and responsibilities of persons served by the public water system are conveyed with the title upon the sale of property containing a POU treatment device, including but not limited to the following:
 - a. The public water system owns and is responsible for maintaining a POU treatment device that is installed to meet the requirements of this Section; and
 - b. Persons served by public water systems must grant public water system employees reasonable access to POU treatment devices, so that the devices can be properly maintained. Public water systems may discontinue water service to a customer who refuses to allow public water system employees to enter the customer's home or business to inspect and maintain POU treatment devices.

R18-4-219: Sample Compositing

- A. A public water system may composite up to five samples provided that the detection limit of the method used for analysis is less than 1/5 of the MCL for the contaminant.
- B. Compositing of samples shall be performed by a licensed laboratory and shall be analyzed within 14 days of sample collection.
- C. A public water system may composite up to five samples from sampling points within the same public water system. A public water system serving 3,300 or fewer persons may composite samples with samples taken from other public water systems serving 3,300 or fewer persons. A contractor may composite samples for a CWS or NTNCWS that is subject to the monitoring assistance program as prescribed in this Section.
- D. A public water system, or a contractor on behalf of the public water system, shall take a follow-up sample at each sampling point included in a composite sample within 14 days after the public water system is notified of a detection in (D)(1), (D)(2), or (D)(3), if:
 - 1. Inorganic chemicals: An inorganic chemical is detected in a composite sample in a concentration greater than or equal to 1/5 the MCL, the follow-up sample shall be analyzed for the inorganic chemical that was detected in the composite sample in a concentration greater than or equal to 1/5 of the MCL.
 - 2. VOCs: A VOC is detected in a composite sample in a concentration greater than or equal to 0.0005 mg/L, the follow-up sample shall be analyzed for the VOC that was detected in the composite sample in a concentration greater than or equal to 0.0005 mg/L.
 - 3. SOCs: A SOC is detected in a composite sample in a concentration that exceeds the reporting limit for that SOC prescribed in R18-4-104(U)(2)(e), the follow-up sample shall be analyzed for the SOC that was detected in the composite sample in a concentration that exceeded the reporting limit.
 - 4. If a duplicate of the original sample that was included in the composite sample is available, the public water system may use the duplicate instead of taking a follow-up sample. The duplicate sample shall be analyzed within method holding times and the results reported to the Department within 14 days after completion of the composite sample analysis.
- E. Special compositing rules:
 - 1. Compositing VOC samples before GC analysis:
 - a. Add 5 ml or equal larger amounts of each sample (up to five samples are allowed) to a 25 ml glass syringe. Special precautions shall be taken to maintain zero headspace in the syringe. If less than five samples are used for

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- ~~compositing, a proportionately smaller syringe may be used.~~
- ~~b. Samples shall be cooled at 4C to minimize volatilization losses.~~
- ~~e. The composite sample shall be well mixed. A 5 ml aliquot shall be drawn from the composite sample for GC analysis.~~
- ~~d. Introduce a sample, purge, and desorb as prescribed in the approved analytical method.~~
- 2. ~~Compositing samples before GC/MS analysis:~~
 - ~~a. Inject 5 ml or equal larger amounts of each aqueous sample (up to five samples are allowed) into a 25 ml purging device using the sample introduction technique described in the approved method.~~
 - ~~b. The total volume in the purging device shall be 25 ml.~~
 - ~~e. Purge and desorb as prescribed in the approved method.~~
- 3. ~~Vinyl chloride samples shall not be composited.~~
- 4. ~~Samples that are composited cannot be screened for PCBs using EPA Method 505 or EPA Method 508. Samples that are composited for PCB analysis shall be analyzed using EPA Method 508A, listed in R9-14-611(E)(4).~~
- 5. ~~A public water system shall not composite tap water samples for lead and copper. A public water system may composite source water samples for lead and copper. If lead or copper is detected in a composite sample in a concentration greater than or equal to the method detection limit for lead or greater than or equal to 0.160 mg/L for copper, the public water system shall take and analyze a follow-up sample within 14 days at each sampling point included in the composite sample. If a duplicate of or a sufficient quantity of the original samples from each sampling point used in the composite is available, the public water system may have the duplicate analyzed instead of taking a follow-up sample.~~
- 6. ~~A public water system shall not composite toxaphene samples unless the analytical method has a method detection limit that is less than or equal to 0.0006 mg/L.~~

R18-4-112, R18-4-219, Exclusions

- A. A water supplier may request an exclusion from any requirement contained in this Chapter if such requirement is not also a requirement contained in a ~~National Primary Drinking Water Regulation~~ federal drinking water law. The Department shall consider the application of a water supplier for an exclusion from compliance with portions of this Chapter if ~~it can be the water supplier satisfactorily demonstrated~~ demonstrates that:
 - 1. The request is not for a requirement ~~which meets the qualifications to be addressed by~~ that could be the subject of a variance or exemption under R18-4-103;
 - 2. The request is not for requirements relating to turbidity, nitrate, or microbiological contaminants; and
 - 3. The exclusion will not result in unreasonable risk to public health.
- B. An application for an exclusion shall contain the following information:
 - 1. The nature and duration of the exclusion requested,
 - 2. Analytical results of water quality sampling of the water system including tests conducted as required by this Chapter,
 - 3. An explanation and submittal of evidence that the exclusion will not result in an unreasonable risk to public health, and
 - 4. Other information that the applicant believes to be pertinent or that the Department requires.
- C. The Department shall take the following action on the application:
 - 1. If the Department grants the request for an exclusion, it shall notify the applicant of that decision in writing within 90 days of receipt of the application. Such notice shall identify the facility covered, the conditions and requirements of the exclusion, including control measures, and that the exclusion may be terminated upon a finding that the water system has failed to comply with any conditions or requirements of the exclusion.
 - 2. If the Department determines that an exclusion is not justified, it shall notify the applicant of the intention of denial within 90 days of receipt of the application, indicating the reasons for the proposed denial, and shall offer the applicant an opportunity to submit additional information to the Department within 30 days of the notice of intention to deny application. The Department shall make a final determination and notify the applicant within 30 days after receiving such additional information. If no additional information is submitted, the application shall be denied.
- D. In addition to reviewing a request submitted by a water supplier, the Department may, on its own initiative, grant exclusions to water systems, either individually or on a group basis, ~~provided that~~ if the exclusions meet criteria prescribed in subsection (A) ~~of this Section~~.

R18-4-220. Best Available Technology Repealed

- A. A public water system that is not in compliance with an applicable MCL shall install and use best available technology to achieve compliance with that MCL. The best available technologies for achieving compliance with MCLs are as follows:
 - 1. Inorganic chemicals

Chemical	BATs
Antimony	2, 9
Asbestos	2, 3, 4, 5
Barium	7, 8, 9, 10

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Beryllium	1, 2, 7, 8, 9
Cadmium	2, 7, 8, 9
Chromium III	2, 7, 8, 9
Chromium VI	2, 7, 9
Cyanide	7, 9, 11
Fluoride	1, 9
Mercury	2a, 6, 8a, 9a
Nickel	7, 8, 9
Nitrate	7, 9, 10
Nitrite	7, 9
Selenium IV	1, 2, 8, 9, 10
Selenium VI	1, 7, 8, 9
Thallium	1, 7

Key to BATs	
1 = Activated alumina	7 = Ion exchange
2 = Conventional filtration ^b	8 = Lime softening ^b
3 = Corrosion control	9 = Reverse osmosis
4 = Direct filtration	10 = Electrodialysis
5 = Diatomaceous earth filtration	11 = Chlorine oxidation
6 = Granular activated carbon	

aBAT only if influent Hg concentration is less than 10 mg/L.

bNot BAT for public water systems with less than 500 service connections.

2. Synthetic and volatile organic chemicals:

Chemical	GAC	PTA	OX
Alachlor	X		
Atrazine	X		
Benzene	X	X	
Benzo(a)pyrene	X		
Carbofuran	X		
Carbon tetrachloride	X	X	
Chlordane	X		
2,4-D	X		
Dalapon	X		
Dibromochloropropane (DBCP)	X	X	
o-Dichlorobenzene	X	X	
para-Dichlorobenzene	X	X	
1,2-Dichloroethane	X	X	
1,1-Dichloroethylene	X	X	
cis-1,2-Dichloroethylene	X	X	
trans-1,2-Dichloroethylene	X	X	
Dichloromethane		X	
1,2-Dichloropropane	X	X	
Di(2-ethylhexyl)adipate	X	X	
Di(2-ethylhexyl)phthalate	X		
Dinoseb	X		
Diquat	X		
Endothall	X		
Endrin	X		
Ethylbenzene	X	X	
Ethylene dibromide (EDB)	X	X	
Glyphosate			X
Heptachlor	X		

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Heptachlor epoxide	X		
Hexachlorobenzene	X		
Hexachlorocyclopentadiene	X	X	
Lindane	X		
Methoxychlor	X		
Monochlorobenzene	X	X	
Oxamyl (Vydate)	X		
Pentachlorophenol	X		
Picloram	X		
Polychlorinatedbiphenyls (PCBs)	X		
Simazine	X		
Styrene	X	X	
2,3,7,8 TCDD (Dioxin)	X		
Tetrachloroethylene	X	X	
Toluene	X	X	
Toxaphene	X		
2,4,5 TP (Silvex)	X		
1,2,4 Trichlorobenzene	X	X	
1,1,1 Trichloroethane	X	X	
1,1,2 Trichloroethane	X	X	
Trichloroethylene	X	X	
Vinyl chloride	X		
Xylenes (total)	X	X	

Key to BATs:

GAC = Granulated activated carbon

PTA = Packed tower aeration

OX = Chlorine or ozone oxidation

B. The best available technologies, treatment techniques, or other means for achieving compliance with the MCLs for total coliform are as follows:

1. Protection of wells from contamination by coliforms by appropriate placement and construction;
2. Maintenance of a disinfectant residual throughout the distribution system;
3. Maintenance of the distribution system, which includes appropriate pipe replacement and repair procedures, ongoing main flushing programs, proper operation and maintenance of storage tanks and reservoirs, and continual maintenance of positive water pressure in all parts of the distribution system; and
4. Filtration and disinfection of surface water and groundwater under the direct influence of surface water or disinfection of groundwater.

C. The best available technology for achieving compliance with the MCL for turbidity is filtration.

D. The best available technologies, treatment or other means for achieving compliance with the maximum contaminant levels for disinfection byproducts are:

1. Total trihalomethanes under the requirements of R18-4-214:
 - a. Use of chloramines as an alternate or supplemental disinfectant or oxidant;
 - b. Use of chlorine dioxide as an alternate or supplemental disinfectant or oxidant;
 - c. Improved existing clarification for trihalomethane precursor reduction;
 - d. Moving the point of chlorination to reduce total trihalomethane formation and, where necessary, substituting chloramines, chlorine dioxide, or potassium permanganate for the use of chlorine as a pre-oxidant.
 - e. Use of powdered activated carbon for trihalomethane precursor or total trihalomethane reduction seasonally or intermittently at dosages not to exceed 10 mg/L on an annual average basis.
2. Disinfection byproducts under the requirements of R18-4-214.01 and R18-4-214.02:

Disinfection Byproduct	Best Available Technology
THM	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

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- E.** The best available technologies for achieving compliance with the maximum residual disinfectant levels for disinfectants are the control of treatment processes to reduce disinfectant demand and the control of disinfection treatment processes to reduce disinfectant levels.
- F.** A public water system may defer installation and use of best available technology by obtaining an exemption under R18-4-111. The Department may require a public water system to use bottled water, point of use treatment devices, point of entry treatment devices, or other means as a condition of granting an exemption to avoid an unreasonable risk to public health.
- G.** A public water system shall install and use best available technology as a condition for granting a variance under R18-4-110. The Department may require a public water system to use bottled water, point of use treatment devices, point of entry treatment devices, or other means as a condition of granting a variance to avoid an unreasonable risk to public health. If a water supplier can demonstrate through a comprehensive engineering assessment of a public water system that installation of best available technology will achieve only an insignificant reduction in contaminant levels, the Department may issue a schedule of compliance that requires the public water system to examine other treatment methods as a condition of obtaining a variance. If the Department determines that another treatment method is technically feasible, the Department may require the public water system to install and use that treatment method under a compliance schedule.
- H.** A PWS that is not in compliance with a MCL may use an alternative technology, the removal of a source from service, or blending may be used to achieve compliance with a MCL if the alternative technology, source removal, or blending is approved, in writing, by the Department and is at least as effective as the best available technology identified in this Section.
- I.** A public water system that serves 10,000 or fewer persons may use the following compliance technologies to achieve compliance with a MCL. A public water system may use any additional compliance technologies allowed by EPA under 42 U.S.C. 300g-1(b)(4)(E)(ii) (2001) to achieve compliance with a MCL or treatment technique requirement.
 - 1.** Inorganic Chemicals:-

Chemical	Compliance Technologies for Public Water Systems Serving 25 to 10,000 Persons
Antimony	4, 5, 13
Arsenic	1, 2, 3, 4, 5, 11, 12, 13
Asbestos	4, 8, 9, 14, 15
Barium	2, 3, 4, 5, 11, 12, 13
Beryllium	1, 2, 3, 4, 5, 12, 13
Cadmium	2, 3, 4, 5, 12, 13
Chromium III	2, 3, 4, 5, 12, 13
Chromium VI	2, 4, 5, 12, 13
Cyanide	2, 5, 6, 7
Fluoride	1, 5, 13
Mercury	3 a, 4 a, 5 a, 10
Nitrate	2, 5, 11
Nitrite	2, 5
Nitrate + Nitrite	2, 5, 11
Selenium IV	1, 3, 4, 5, 11, 13
Selenium VI	1, 2, 3, 5, 13
Thallium	1, 2, 12

a-Compliance technologies only when influent mercury concentrations are less than or equal to 10 Fg/L.

Key to Compliance Technologies for Inorganic Chemicals	
1. Activated Alumina	9. Diatomaceous Earth Filtration
2. Ion Exchange (IX)	10. Granular Activated Carbon
3. Lime Softening	11. Electrodialysis Reversal
4. Coagulation and Filtration	12. Point of Use - IX
5. Reverse Osmosis (RO)	13. Point of Use - RO
6. Alkaline Chlorination	14. pH and Alkalinity Adjustment (chemical feed)
7. Ozone Oxidation	15. Inhibitors
8. Direct Filtration	

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2- Synthetic and Volatile Organic Chemicals:-

Chemical	Compliance Technologies for Public Water Systems Serving 25 to 10,000 Persons
Alachlor	1, 2, 3
Atrazine	1, 2, 3
Benzene	1, 6, 7, 8, 9, 10
Benzo(a)pyrene	1, 2, 3
Carbofuran	1, 2, 3
Carbon Tetrachloride	1, 6, 7, 8, 9, 10
Chlordane	1, 2, 3
2,4-D	1, 2, 3
Dalapon	1, 2, 3
Dibromochloropropane (DBCP)	1, 2, 3, 6, 7, 8, 9, 10
o-Dichlorobenzene	1, 6, 7, 8, 9, 10
para-Dichlorobenzene	1, 6, 7, 8, 9, 10
1,2-Dichloroethane	1, 6, 7, 8, 9, 10
1,1-Dichloroethylene	1, 6, 7, 8, 9, 10
cis-1,2-Dichloroethylene	1, 6, 7, 8, 9, 10
trans-1,2-Dichloroethylene	1, 6, 7, 8, 9, 10
Dichloromethane	1, 6, 7, 8, 9, 10
1,2-Dichloropropane	1, 6, 7, 8, 9, 10
Di(2-ethylhexyl)adipate	1, 2, 3, 6, 7, 8, 9, 10
Di(2-ethylhexyl)phthalate	1, 2, 3
Dinoseb	1, 2, 3
Diquat	1, 2, 3
Endothall	1, 2, 3
Endrin	1, 2, 3
Ethylbenzene	1, 6, 7, 8, 9, 10
Ethylene Dibromide (EDB)	1, 2, 3, 6, 7, 8, 9, 10
Glyphosate	4, 5
Heptachlor	1, 2, 3
Heptachlor Epoxide	1, 2, 3
Hexachlorobenzene	1, 2, 3
Hexachlorocyclopentadiene	1, 2, 3, 6, 7, 8, 9, 10
Lindane	1, 2, 3
Methoxychlor	1, 2, 3
Monochlorobenzene	1, 6, 7, 8, 9, 10, 11, 12
Oxamyl (Vydate)	1, 2, 3
Pentachlorophenol	1, 2, 3
Picloram	1, 2, 3
Polychlorinated Biphenyls (PCBs)	1, 2, 3
Simazine	1, 2, 3
Styrene	1, 6, 7, 8, 9, 10
2,3,7,8-TCDD (Dioxin)	1, 2, 3
Tetrachloroethylene	1, 6, 7, 8, 9, 10
Toluene	1, 6, 7, 8, 9, 10
Toxaphene	1, 2, 3
2,4,5-TP (Silvex)	1, 2, 3

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1, 2, 4 Trichlorobenzene	1, 6, 7, 8, 9, 10
1, 1, 1 Trichloroethane	1, 6, 7, 8, 9, 10, 11
1, 1, 2 Trichloroethane	1, 6, 7, 8, 9, 10
Trichloroethylene	1, 6, 7, 8, 9, 10, 11, 12
Vinyl Chloride	1, 6, 7, 8, 9, 10
Xylenes (total)	1, 6, 7, 8, 9, 10

Key to Compliance Technologies for Synthetic and Volatile Organic Chemicals	
1. Granular Activated Carbon (GAC)	7. Diffused Aeration
2. Point-of-Use - GAC	8. Multi-Stage Bubble Aerators
3. Powdered Activated Carbon	9. Tray Aeration
4. Chlorination	10. Shallow Tray Aeration
5. Ozonation	11. Spray Aeration
6. Packed Tower Aeration (PTA)	12. Mechanical Aeration

3. Radionuclides:

Contaminant	Compliance Technologies for Public Water Systems Serving 25 to 10,000 Persons
combined radium 226 and radium 228	1, 2, 3, 4, 5, 6, 7, 8, 9
gross alpha particle activity	3, 4
total beta particle activity and photon activity, average annual concentration	1, 2, 3, 4

Key to Compliance Technologies for Radionuclides	
1. Ion Exchange (IX)	6. Green Sand Filtration
2. Point of Use - IX	7. Co-precipitation with Barium Sulfate
3. Reverse Osmosis (RO)	8. Electrodialysis/Electrodialysis Reversal
4. Point of Use - RO	9. Pre-formed Hydrous Manganese Oxide Filtration
5. Lime Softening	

- R18-4-221. Renumbered
- R18-4-222. Renumbered
- R18-4-224. Renumbered
- R18-4-225. Renumbered
- R18-4-226. Renumbered

ARTICLE 3. TREATMENT TECHNIQUES MONITORING ASSISTANCE PROGRAM

R18-4-301. Surface Water Treatment

- A.** A surface water system shall provide filtration and disinfection that reliably achieves:
 1. At least a 99.9% (3-log) removal and 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;
 2. At least a 99.99% (4-log) removal and 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; and
 3. Effective May 1, 2002, a surface water system serving at least 10,000 persons shall provide at least a 99% (2-log) removal of *Cryptosporidium* oocysts 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.
- B.** A surface water system is in compliance with the *Giardia lamblia*, virus, and *Cryptosporidium* removal and inactivation requirements prescribed in subsection (A) if the system provides filtration as prescribed by R18-4-302 and disinfection as prescribed in R18-4-303.
- C.** A surface water system shall provide filtration and disinfection by June 29, 1993. A public water system with a source that is determined by the Department to be groundwater under the direct influence of surface water shall provide filtration and disinfection by June 29, 1993, or within 18 months of the date that the Department determines that the groundwater is

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~~under the direct influence of surface water, whichever is later. Failure to provide filtration and disinfection by the date specified in this subsection is a treatment technique violation.~~

- ~~D. A surface water system that has not installed filtration shall comply, before filtration is installed, with the interim maximum contaminant level and monitoring requirements for turbidity prescribed at R18-4-204 and any interim disinfection requirements prescribed by the Department that the Department considers necessary to protect public health.~~
- ~~E. The Department shall not grant a variance or exemption from treatment technique requirements related to filtration and disinfection.~~

R18-4-224. R18-4-301. The Monitoring Assistance Program Applicability

- A. A public water system that serves 10,000 or fewer persons shall participate in the monitoring assistance program. Within 60 days after receiving notice of participation in the monitoring assistance program from the Department, a public water system that determines that it serves more than 10,000 persons shall substantiate its determination by submitting to the Department ~~that~~ the portion of the most recent census provided by the Arizona Department of Economic Security, Research Administration, Population Statistics Unit that supports the public water system's determination.
- B. A public water system that is not obligated to participate in the monitoring assistance program may elect to participate in the monitoring assistance program if the owner of the public water system:
 - 1. Notifies the Department in writing of the public water system's intention to participate in the monitoring assistance program,
 - 2. Agrees to participate in the monitoring assistance program for a minimum of three years, and
 - 3. Pays the fees required by ~~R18-4-225~~ R18-4-304. Subject to payment of the required fees, the public water system's participation shall begin at the start of the next full calendar year of a compliance period.
- ~~C. Under the monitoring assistance program, a contractor shall collect, transport, and analyze water samples from a participating public water system. The contractor, or a party designated by the contractor, shall monitor for the chemicals listed below:~~
 - 1. All inorganic chemicals (IOCs) listed in ~~R18-4-206, R18-4-207, R18-4-209, R18-4-402, and R18-4-403;~~
 - 2. All volatile organic chemicals (VOCs) listed in ~~R18-4-211;~~
 - 3. All synthetic organic chemicals (SOCs) listed in ~~R18-4-215; and~~
 - 4. Radiochemicals required by ~~R18-4-217.~~
- ~~D. A contractor shall deliver copies of monitoring analysis results to the owner of the public water system and to the Department.~~
- ~~E. Although a contractor performs the monitoring when a public water system participates in the monitoring assistance program, nothing in this Section changes the party responsible for compliance with the public notice requirements of R18-4-105.~~
- ~~F. An owner of a public water system shall notify the Department by July 1 of each year of:~~
 - 1. The owner's name, current mailing address, and phone number;
 - 2. The population currently served by the public water system;
 - 3. The public water system identification number; and
 - 4. The number of meters and service connections currently in the public water system.
- ~~G. A public water system that participates in the monitoring assistance program shall not deny a contractor access to or restrict a contractor's access to the public water system or prevent a contractor from collecting a sample covered under the monitoring assistance program.~~

R18-4-301.01. Renumbered

Table 1. Renumbered

R18-4-301.02. Control of Disinfection Byproduct Precursors by Enhanced Coagulation and Enhanced Softening Repealed

- A. Effective May 1, 2002, a CWS or NTNCWS that serves 10,000 or more persons and is a surface water system that uses conventional filtration shall comply with enhanced coagulation or enhanced softening requirements unless the system meets at least one of the following alternate compliance criteria:
 - 1. Source water TOC level is less than 2.0 mg/L, calculated quarterly as a running annual average;
 - 2. Treated water TOC level is less than 2.0 mg/L, calculated quarterly as a running annual average;
 - 3. Running annual average for TTHM is less than or equal to 0.040mg/L and HAA5 is less than or equal to 0.030mg/L and chlorine is the only disinfectant used by the system;
 - 4. Source water SUVA is less than or equal to 2.0 L/mg m, measured monthly and calculated quarterly as a running annual average;
 - 5. Treated SUVA is less than or equal to 2.0 L/mg m, measured monthly and calculated quarterly as a running annual average;
 - 6. Softening that results in lowering treated water alkalinity to less than 60 mg/L (as CaCO₃), measured monthly and calculated quarterly as a running annual average;

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- 7. Softening that results in removing at least 10 mg/L of magnesium hardness (as CaCO₃), measured monthly and calculated quarterly as a running annual average; or
 - 8. Source water TOC is less than 4.0 mg/L, calculated quarterly as a running annual average, and source water alkalinity is greater than 60 mg/L (as CaCO₃), calculated quarterly as a running annual average, and either the TTHM running annual average is less than or equal to 0.040 mg/L and the HAA5 running annual average is less than or equal to 0.030 mg/L, or if the system can submit evidence to the Department by the applicable compliance date in subsection (A) or (B) that a control technology will be installed and operating by June 30, 2005 with a schedule for the reduction of TTHM to 0.040 mg/L and HAA5 to 0.030 mg/L.
- B.** Effective January 1, 2004 a CWS or NTNCWS that serves fewer than 10,000 persons and is a surface water system that uses conventional filtration shall comply with enhanced coagulation or enhanced softening requirements unless the system meets at least one of the alternate compliance criteria in subsections (A)(1) through (A)(8).
- C.** A CWS or NTNCWS that is a surface water system that uses conventional filtration and that does not meet at least one of the alternate compliance criteria shall comply with the following enhanced coagulation and enhanced softening requirement as applicable:
- 1. Step 1: The Step 1 TOC percent removal requirement is based on source water alkalinity and source water TOC. A system shall meet the Step 1 TOC percent removal as specified in Table 1 with respect to the system's existing source water TOC and source water alkalinity. A system that practices water softening shall meet the Step 1 TOC percent removal in the far right column of the table. A system shall meet the Step 1 TOC percent removal requirement until a Step 2 TOC removal requirement is approved by the Department.

Table 1. Step 1 TOC Percent Removal

Source Water TOC, mg/L	Source Water Alkalinity, mg/L as CaCO ₃		
	0-60	>60-120	>120
>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%

- 2. Step 2: A system that cannot meet the Step 1 TOC percent removal requirement due to water quality parameters or operational constraints shall request a Step 2 TOC removal requirement from the Department. A system shall submit the request within three months of the failure to achieve the TOC removal requirement in Step 1. The Step 2 TOC removal requirement shall be based on an average of four consecutive quarters of bench or pilot scale testing performed by the system. A system shall include the results from bench or pilot scale testing in the request to the Department for an approval of a Step 2 TOC removal requirement. Once approved by the Department in writing, the Step 2 TOC removal requirement supersedes the Step 1 TOC removal requirement. A system shall meet the Department approved Step 2 TOC removal requirement until the system requests, and the Department approves, a new TOC removal requirement.
 - a. The Step 2 TOC removal requirement is the percent removal of TOC at the point of diminishing return on the "TOC removal versus coagulant dose" curve under subsection (C)(2)(d) which results from bench or pilot scale testing.
 - b. Bench or pilot scale testing shall be conducted by using representative water samples.
 - c. Before the "TOC removal versus coagulant dose" test in subsection (C)(2)(d) is performed a system shall comply with the following procedure. 10 mg/L incremental doses of alum (or an equivalent amount of ferric salt) are added until the target pH on Table 2 is reached. The target pH is based on the alkalinity of the water. A system shall record the total amount of coagulant dose needed to reach the target pH.

Table 2. Target pH for Step 2 TOC removal

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

- d. The "TOC removal versus coagulant dose" is determined by adding incremental 10 mg/L doses of alum (or an equivalent amount of ferric salt) to the point where TOC removal is less than or equal to 0.3 mg/L and is within the target pH. Systems shall add additional coagulant past the dose needed to reach the target pH only if the water has low alkalinity.
- e. For water with alkalinity less than 60 mg/L for which the addition of small amounts of alum or equivalent amounts of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system shall add

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necessary chemicals to maintain the pH between 5.3 and 5.7 in the samples until the TOC removal of 0.3 mg/L per 10 mg/L alum or equivalent amount of iron coagulant is reached.

D. Compliance: After a system collects 12 months of data, the system shall determine the annual average of TOC percent removal using the following method:

1. Monthly TOC percent removal:

$$1 - \left(\frac{\text{Treated water TOC}}{\text{Source Water TOC}} \right) \times 100$$

2. Monthly TOC percent removal ratio:

$$\frac{\text{Monthly TOC percent removal value from (D)(1)}}{\text{Step 1 or Step 2 percent reduction requirement}}$$

3. Annual average of TOC percent removal:

$$\frac{\text{Sum of previous 12 months TOC percent removal ratio value from (D)(2)}}{12}$$

4. If the annual average of TOC percent removal calculated in subsection (D)(3) is less than 1, then the system is in violation of the TOC removal requirement. A system may assign a value of 1 for a month, instead of calculating the monthly TOC percent removal ratio in subsection (D)(2), for any of the following:
 - a. A month the system's treated or source water TOC level is less than 2.0 mg/L;
 - b. A month the system practices softening that removes at least 10 mg/L of magnesium hardness (as CaCO₃);
 - c. A month that the system's source water SUVA, prior to any treatment, is less than or equal to 2.0 L/mg-m;
 - d. A month that the system's finished water SUVA is less than or equal to 2.0 L/mg-m; or
 - e. A month that a system practicing enhanced softening lowers alkalinity below 60 mg/L (as CaCO₃).
5. A surface water system that meets at least one alternate compliance criteria listed under subsections (A)(1) through (A)(8) is in compliance with the TOC removal requirement.
6. All samples collected and analyzed under the provisions of this Section shall be included in determining compliance, even if that number is greater than the minimum required.
7. A system that determines in the first 12 months after the applicable compliance date that it is not able to meet the Step 1 TOC percent removal requirements in subsection (C)(1) and applies for a Step 2 TOC removal requirement, is eligible for retroactive compliance with this Section if the Department approves a Step 2 TOC removal requirement as allowed in subsection (C)(2). A system may apply for a Step 2 TOC removal requirement any time after the compliance date.

E. Waiver

1. A system may submit a written request to the Department for a waiver of enhanced coagulation requirements. The system shall submit documentation of four consecutive quarters of bench or pilot-scale tests for TOC removal. The bench or pilot-scale tests shall demonstrate that the annual average of TOC removal is less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all doses of alum (or equivalent addition of iron coagulant). The Department's decision to approve or deny a waiver shall be in writing.
2. A waiver shall remain in effect until four quarters after the running annual average for TTHM is equal to or greater than 0.064 mg/L and the running annual average for HAA5 is equal to or greater than 0.048 mg/L. In the four quarters subsequent to the running annual average for TTHM equaling or exceeding 0.064 mg/L and the running annual average for HAA5 equaling or exceeding 0.048 mg/L, a system may perform four quarters of bench or pilot-scale testing and submit the results to the Department to demonstrate that the TOC remains non-amenable to enhanced coagulation with a written request to renew the waiver. The Department's decision to renew or deny a waiver shall be in writing.
 - a. A system that conducts bench or pilot-scale testing within four quarters after the running annual average for TTHM is equal to or greater than 0.064 mg/L and the running annual average for HAA5 is equal to or greater than 0.048 mg/L, may request Department approval of a Step 2 TOC removal requirement under subsection (C)(2) instead of a waiver renewal.
 - b. A system that does not request a waiver renewal or approval of a Step 2 TOC removal requirement from the Department shall comply with the Step 1 TOC removal requirement in subsection (C)(1) four quarters after the running annual average for TTHM is equal to or greater than 0.064 mg/L and the running annual average for HAA5 is equal to or greater than 0.048 mg/L.

R18-4-302. Filtration Contractor Responsibilities

A. A surface water system shall treat water by filtration.

B. Conventional or direct filtration:

1. For a system serving less than 10,000 people, the turbidity of filtered water shall be less than or equal to 0.5 NTU in at least 95% of the measurements collected each month. The turbidity of filtered water shall not exceed a maximum

- turbidity limit of 5 NTUs.
2. Effective January 1, 2002, for a system serving at least 10,000 people, the turbidity of filtered water shall be less than or equal to 0.3 NTU in at least 95% of the measurements collected each month. The turbidity of filtered water shall not exceed a maximum turbidity limit of 1 NTU.
- C.** Slow sand filtration: The turbidity of filtered water shall be less than or equal to 1 NTU in at least 95% of the measurements collected each month. The turbidity of filtered water shall not exceed a maximum turbidity limit of 5 NTUs.
- D.** Diatomaceous earth filtration: The turbidity of filtered water shall be less than or equal to 1 NTU in at least 95% of the measurements collected each month. The turbidity of filtered water shall not exceed a maximum turbidity limit of 5 NTUs.
- E.** Other filtration technologies: A surface water system may use a filtration technology other than conventional filtration, direct filtration, slow sand filtration, or diatomaceous earth filtration if the water supplier demonstrates to the Department, through pilot plant studies or other means, that the filtration technology, in combination with disinfection, consistently achieves the following:
1. A 99.9% (3-log) removal and inactivation of *Giardia lamblia* cysts and a 99.99% (4-log) removal and inactivation of viruses, and
 2. The turbidity of filtered water is less than or equal to 1 NTU in at least 95% of the measurements collected each month and does not exceed 5 NTUs.
 3. Effective January 1, 2002, a surface water system that serves over 10,000 people shall, in addition, demonstrate to the Department, through pilot studies or other means, that the filtration technology consistently achieves a 99% (2-log) removal of *Cryptosporidium*.
- F.** Frequency of turbidity monitoring: A surface water system shall take a grab sample and measure the turbidity of filtered water at least once every four hours that a water treatment plant is operating or monitor turbidity continuously. If a surface water system continuously monitors the turbidity of filtered water, the water supplier shall calibrate its turbidity monitoring equipment regularly in accordance with the manufacturer's specifications.
- G.** Location of turbidity monitoring: A surface water system shall monitor the turbidity of filtered water at one of the following locations:
1. Combined filter effluent prior to entry into a clearwell;
 2. Clearwell effluent;
 3. Water treatment plant effluent; or
 4. Another location that is approved by the Department.
- H.** Reduced turbidity monitoring: Upon the written request of a water supplier, the Department may reduce the frequency of grab sampling for turbidity if the Department determines that less frequent turbidity monitoring is sufficient to indicate effective filtration performance. A Department decision to reduce turbidity monitoring shall be in writing. The Department may reduce turbidity monitoring as follows:
1. The Department may reduce the frequency of grab sampling by a surface water system using slow sand filtration or a filtration technology other than conventional filtration, direct filtration, or diatomaceous earth filtration to once per day;
 2. The Department may reduce the frequency of grab sampling by a surface water system that serves 500 or fewer persons to once per day, regardless of the type of filtration used.
- A.** Under the monitoring assistance program, a contractor is authorized to collect, transport, analyze, and report water samples on behalf of a participating public water system. The contractor or a party designated by the contractor shall conduct baseline monitoring for all chemicals for which the system is required to monitor under this Chapter, except for copper, lead, disinfection byproducts, and microbiological contaminants, which remain the responsibility of the public water system. Baseline monitoring includes routine monitoring for contaminants included in the monitoring assistance program. Baseline monitoring does not include increased monitoring required by this Chapter when the results of baseline monitoring indicate the presence of a contaminant at a level that requires increased monitoring by a participating public water system.
- B.** A contractor shall deliver copies of monitoring analysis results to the public water system and to the Department.

R18-4-303. Disinfection Public Water System Responsibilities

- A.** A surface water system shall provide disinfection sufficient to ensure that the total treatment processes of the system achieve at least a 99.9% (3-log) inactivation and removal of *Giardia lamblia* cysts and at least a 99.99% (4-log) inactivation and removal of viruses.
- B.** The residual disinfectant concentration in water entering the distribution system (measured as free chlorine, combined chlorine, or chlorine dioxide) shall be not less than 0.2 mg/L for more than four consecutive hours.

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- a. The surface water system shall sample each day at the following frequency:

System size by population	Number of grab samples per day⁺
500 or less	1
501 to 1,000	3
1,001 to 2,500	3
2,501 to 3,300	4

⁺ Grab samples shall not be collected at the same time. Sampling intervals are subject to Department review and approval for appropriateness.

- b. If the residual disinfectant concentration in a grab sample is less than 0.2 mg/l, a surface water system shall increase the frequency of grab sampling to once every four hours. The surface water system shall continue to take a grab sample every four hours until the residual disinfectant concentration in water entering the distribution system is greater than or equal to 0.2 mg/L.

- c. The residual disinfectant concentration of water in the distribution system (measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide) shall be detectable in 95% or more of the samples each month for any two consecutive months that a surface water system serves water to the public.

1. A surface water system may measure the concentration of heterotrophic bacteria in water in the distribution system as heterotrophic plate count (HPC) instead of measuring the residual disinfectant concentration in water in the distribution system. Water in the distribution system with a heterotrophic bacteria concentration that is less than or equal to 500/ml (measured as HPC) is deemed to have a detectable residual disinfectant concentration.
2. The water supplier shall calculate the value "V" in the following formula to determine whether there is a detectable residual concentration in water in the distribution system in 95% of the samples collected each month. The value "V" shall not exceed 5 in each month for any two consecutive months:

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

Where:

- a = Number of instances the residual disinfectant concentration is measured;
- b = Number of instances the residual disinfectant concentration is not measured but HPC is measured;
- c = Number of instances the residual disinfectant concentration is measured but not detected and no HPC is measured;
- d = Number of instances no residual disinfectant concentration is detected and the HPC is greater than 500/ml; and
- e = Number of instances the residual disinfectant concentration is not measured and HPC is greater than 500/ml.

3. The residual disinfectant concentration in water in the distribution system shall be measured at the same sampling sites and at the same time as total coliform sampling.

- d.** A water supplier shall submit a treatment technique compliance study to the Department that demonstrates the total treatment processes of the surface water system achieve the Giardia lamblia and virus removal and inactivation rates prescribed in subsection (A). The water supplier shall submit an additional treatment technique compliance study if there is a change in the treatment process that may affect the percent removal or inactivation of Giardia lamblia cysts or viruses or an additional or different source is developed. A system that performed profiling under 40 CFR 141.172(b) shall consult with the Department before making any changes to the point of disinfection, the disinfectant used, or the disinfection process.

- A.** Although a contractor performs baseline monitoring when a public water system participates in the monitoring assistance program, the public water system remains legally responsible for compliance with all other requirements of this Chapter.

- B.** The legal owner of a public water system participating in the monitoring assistance program shall notify the Department by July 1 of each year of:

1. The legal owner's name, current mailing address, and phone number;
2. The population currently served by the public water system;
3. The public water system identification number; and
4. The number of meters and service connections currently in the public water system.

- C.** A public water system that participates in the monitoring assistance program shall not deny a contractor access to or restrict a contractor's access to the public water system or prevent a contractor from collecting a sample covered under the monitoring assistance program.

- D.** Direct reporting. A public water system may contract with a laboratory or another agent to report monitoring results to the Department, but the public water system remains legally responsible for compliance with reporting requirements.

R18-4-304. Groundwater Treatment

- A.** The Department may require a groundwater system to provide disinfection if any of the following occurs:

1. There is a violation of a maximum contaminant level for total coliform at a sampling point.
2. The groundwater system fails to comply with monitoring requirements for total coliform.
3. There is a reasonable probability of microbiological contamination of the groundwater.

- B.** The Department may require a groundwater system to monitor for turbidity to determine whether the groundwater system is under the direct influence of surface water.

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~~R18-4-225. R18-4-304.~~ Fees for the Monitoring Assistance Program

- A. The Department shall assess, and a public water system participating in the monitoring assistance program shall pay, the following annual fees, subject to adjustments referenced in subsection (B):
 - 1. An annual fee of \$250~~2~~₂ and
 - 2. A unit fee of \$2.57 per meter or service connection.
- B. If the monitoring assistance fund has a surplus after execution of the previous year's contract, any surplus in excess of ~~two hundred thousand dollars~~ \$200,000 in any year shall be used to reduce future fees for public water systems that paid annual fees in the previous compliance period, in a manner consistent with the program invoicing system. ~~The~~ In the first compliance period that a public water system participates in the monitoring assistance program, the public water system shall pay the full amount of annual fees due under this Section, ~~not subject to and is not entitled to~~ a fee reduction resulting from a surplus in the monitoring assistance fund from a prior compliance period.
- C. If a public water system serving 10,000 or fewer persons at the beginning of a compliance period increases service during the compliance period so that the public water system serves more than 10,000 persons annually, the public water system may elect to cease participation in the monitoring assistance program under the following conditions:
 - 1. If the monitoring assistance program has already conducted monitoring for the public water system during the compliance period, the public water system shall remain in the monitoring assistance program, and pay annual fees, for the remainder of the compliance period.
 - 2. If the monitoring assistance program has not conducted monitoring for the public water system during the compliance period, the public water system may cease participating in the monitoring assistance program, and if so, the Department shall refund any monitoring fees paid by the public water system during the compliance period.

R18-4-305. Renumbered

~~R18-4-226. R18-4-305.~~ Collection and Payment of Fees

- A. The Department shall annually mail an invoice for fees ~~annually~~ to the legal owner of a public water system participating in the monitoring assistance program. The owner of the public water system shall pay the invoiced amount to the Department, at the address listed on the invoice, by the ~~indicated~~ due date indicated on the invoice.
- B. The Department shall make refunds or billing corrections ~~for if~~ a public water system ~~that~~ demonstrates an error in the amount billed. The owner of a public water system shall send a written request for a refund or correction to the Department, at the address on the invoice, within 90 days of the invoice date.
- C. The Department may verify the number of meters and service connections of a participating public water system.
- D. The Department shall not waive fees prescribed by ~~R18-4-225~~ R18-4-304.
- E. The owner of a public water system that fails to pay fees assessed by the Department in a timely manner shall be subject to the penalties listed in A.R.S. § 49-354. Failure to notify the Department of the owner's current mailing address does not relieve the owner of a public water system from liability for penalties.

R18-4-306. ~~Lead and Copper; Applicability~~ Repealed

The treatment technique requirements related to the control of lead and copper in drinking water that are prescribed in this Article apply to CWSs and NTNCWSs. These treatment technique requirements do not apply to TNCWSs.

R18-4-307. ~~Lead and Copper; General Requirements~~ Repealed

- ~~A. Except as provided in subsection (B), a large, medium, or small water system shall complete the following treatment technique steps within the indicated time periods:~~
 - 1. ~~A large water system shall conduct initial tap water monitoring for lead and copper for two consecutive six-month monitoring periods. A small or medium water system shall conduct initial tap water monitoring for lead and copper for two consecutive six-month monitoring periods or until the small or medium water system exceeds a lead or copper action level.~~
 - 2. ~~A large water system shall monitor for water quality parameters as prescribed in R18-4-311 for two consecutive six-month monitoring periods. A large water system shall conduct monitoring for water quality parameters in the same monitoring period that the large water system conducts initial tap water monitoring for lead and copper required in R18-4-310(B). A small or medium water system that exceeds the action level for lead or copper shall monitor for water quality parameters as prescribed in R18-4-311. A small or medium water system shall conduct monitoring for water quality parameters in the same monitoring period that the small or medium water system exceeds the action level.~~
 - 3. ~~A large water system shall complete a corrosion control study within 18 months of the date that it completed initial tap water monitoring for lead and copper in R18-4-310(A)(1).~~
 - 4. ~~A small or medium water system that exceeds the action level for lead or copper shall recommend optimal corrosion control treatment to the Department within six months after the small or medium water system exceeds the action level. Within one year after a small or medium water system exceeds the action level for lead or copper, the Department shall determine whether a corrosion control study is required, according to the criteria under R18-4-312(A). If the Department determines that a corrosion control study is required, the small or medium water system shall com-~~

plete and submit the study to the Department within 18 months after the date that the Department determines that a study is required.

5. The Department shall designate the optimal corrosion control treatment for the large, medium, or small water system within six months after receipt of the corrosion control study required in subsection (A)(3) or (A)(4).
 6. If the Department does not require a small or medium water system that exceeded the action level for lead or copper to perform a corrosion control study, the Department shall designate optimal corrosion control treatment for the system as follows:
 - a. For medium water systems, within 18 months after the medium water system exceeds an action level; or
 - b. For small water systems, within 24 months after the small water system exceeds an action level.
 7. A large, medium, or small water system shall install optimal corrosion control treatment within 24 months after the Department designates optimal corrosion control treatment.
 8. A large, medium, or small water system shall complete follow-up tap water monitoring for lead and copper and follow-up monitoring for water quality parameters, as prescribed in R18-4-313(C) through (F), within 36 months after the Department designates optimal corrosion control treatment.
 9. The Department shall review the large, medium, or small water system's installation of corrosion control treatment and designate water quality parameters for optimal corrosion control within six months after the large, medium, or small water system completes follow-up lead and copper tap water and water quality parameter monitoring.
 10. A large, medium, or small water system shall comply with the designated water quality parameters for optimal corrosion control and continue follow-up tap water monitoring for lead and copper and for water quality parameters as prescribed in R18-4-313(G) through R18-4-313(U).
- B.** A large water system is deemed to have optimized corrosion control and is not required to complete the treatment technique steps identified in subsection (A) if the large water system satisfies one of the criteria in subsection (B)(2) or (B)(3). A small or medium water system is deemed to have optimized corrosion control and is not required to complete the treatment technique steps identified in subsection (A) if the small or medium water system satisfies one of the criteria in subsection (B)(1), (B)(2) or (B)(3). A large water system deemed to have optimized corrosion control under subsection (B)(2) or (B)(3) that has treatment in place, and a small or medium water system deemed to have optimized corrosion control under subsection (B)(1), (B)(2), or (B)(3) that has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and shall meet any requirements that the Department determines appropriate to ensure optimal corrosion control treatment is maintained:
1. A small or medium water system does not exceed the action level for lead or copper for two consecutive six-month monitoring periods conducted in accordance with R18-4-309 and R18-4-310.
 2. A large, medium, or small water system demonstrates to the Department that it has conducted corrosion control activities that are equivalent to the corrosion control steps prescribed in subsection (A). The Department shall provide written notice to the large, medium, or small water system that explains the basis for its determination that the system's corrosion control steps are equivalent. The Department shall designate the water quality parameters that represent optimal corrosion control for the large, medium, or small water system in accordance with R18-4-313(G). A large, medium, or small water system deemed to have optimized corrosion control under this subsection shall operate in compliance with the optimal water quality control parameters designated by the Department in accordance with subsections R18-4-313(H) and (I) and continue to conduct lead and copper tap and water quality parameter monitoring in accordance with R18-4-313(H) and (O). A large, medium, or small water system shall provide the following information to the Department to support a request for an equivalency determination:
 - a. The results of all samples collected for lead, copper, pH, alkalinity, calcium, conductivity, water temperature, orthophosphate [when an inhibitor containing a phosphate compound is used], and silicate [when an inhibitor containing a silicate compound is used] before and after evaluation of corrosion control treatment.
 - b. A report that explains the test methods used by the large, medium, or small water system to evaluate the effectiveness of each of the following corrosion control treatments:
 - 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.
 - c. The report shall include the results of all tests conducted and the basis for the large, medium, or small water system's selection of optimal corrosion control treatment.
 - d. A report that explains how corrosion control treatment has been installed and how it is being maintained to ensure minimal lead and copper concentrations at taps.
 - e. The results of tap water monitoring samples for lead and copper collected in accordance with requirements prescribed at R18-4-309 and R18-4-310. A large, medium, or small water system shall conduct tap water monitoring for lead and copper at least once every six months for at least one year after corrosion control treatment has been installed.
 3. A large, medium, or small water system submits the following to the Department:

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- a. ~~The results of tap water monitoring for lead and copper conducted under R18-4-309 and R18-4-310 and source water monitoring conducted under R18-4-314 that demonstrate the following for two consecutive six-month monitoring periods:~~
 - i. ~~The difference between the 90th percentile for tap water lead and the highest source water lead concentration is less than 0.005 mg/L; and~~
 - ii. ~~The copper action level is not exceeded; or~~
- b. ~~The results of tap water monitoring for lead and copper conducted under R18-4-309 and R18-4-310 and source water monitoring conducted under R18-4-314 that demonstrate the following:~~
 - i. ~~The highest source water lead concentration is less than the method detection limit;~~
 - ii. ~~The 90th percentile for tap water lead is less than or equal to 0.005 mg/L for two consecutive six-month monitoring periods; and~~
 - iii. ~~The copper action level is not exceeded.~~
- 4. ~~A large, medium, or small water system deemed to have optimized corrosion control under subsection (B)(3), and that no longer meets the requirements of that subsection, shall implement corrosion control treatment under the deadlines in subsection (A).~~
- 5. ~~A large, medium, or small water system deemed to have optimized corrosion control under subsection (B)(3) shall continue tap water monitoring for lead and copper as specified in R18-4-310(E).~~
- 6. ~~The Department may require a large, medium, or small water system deemed to have optimized corrosion control under subsection (B)(3) that changes its treatment or adds a new source to conduct additional monitoring or to take other action the Department deems appropriate to ensure that the large, medium, or small water system maintains minimal levels of corrosion in its distribution system.~~
- C. ~~A small or medium water system that is required to complete the corrosion control steps prescribed in subsection (A) may cease completing the steps whenever the small or medium water system does not exceed the action level for lead or copper for each of two consecutive six-month monitoring periods and submits the analytical results to the Department. If a small or medium water system subsequently exceeds the action level for lead or copper during a monitoring period, the small or medium water system (or the Department) shall resume completion of the applicable corrosion control steps, beginning with the first step that was not previously completed in its entirety. The Department may require a small or medium water system to repeat steps previously completed if the Department determines that repeating a step is necessary to implement properly the corrosion control requirements of this Section. The Department shall notify the small or medium water system in writing if the Department determines that repeating a step is necessary and explain the basis for its decision.~~
- D. ~~A small or medium water system deemed to have optimized corrosion control under subsection (B)(1) shall implement corrosion control treatment steps if the action level for lead or copper is exceeded.~~
- E. ~~A large, medium, or small water system that exceeds the action level for lead or copper shall conduct source water monitoring as prescribed in R18-4-314.~~
- F. ~~A large, medium, or small water system that exceeds the action level for lead shall comply with the public education requirements for lead prescribed in R18-4-316.~~
- G. ~~A large, medium, or small water system that exceeds the action level for lead after implementation of applicable corrosion control treatment and source water treatment requirements shall comply with the lead service line replacement requirements prescribed in R18-4-315.~~

R18-4-308. Lead and Copper Action Levels Repealed

- A. ~~The action level for lead is 0.015 mg/L. The action level for lead is exceeded if the concentration of lead in more than 10% of the tap water samples collected during any monitoring period [that is, the 90th percentile] is greater than 0.015 mg/L.~~
- B. ~~The action level for copper is 1.3 mg/L. The action level for copper is exceeded if the concentration of copper in more than 10% of the tap water samples collected during any monitoring period [that is, the 90th percentile] is greater than 1.3 mg/L.~~
- C. ~~The 90th percentile lead and copper levels shall be computed as follows:~~
 - 1. ~~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.~~
 - 2. ~~The number of samples taken during the monitoring period shall be multiplied by 0.9.~~
 - 3. ~~The contaminant concentration in the numbered sample yielded by the calculation in subsection (C)(2) is the 90th percentile contaminant level.~~
 - 4. ~~For a small water system that serves fewer than 100 persons and collects five samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.~~

R18-4-309. Lead and Copper; Targeted Sampling Sites and Materials Survey Repealed

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- ~~A. A public water system shall collect tap water samples for lead and copper at locations that meet the following targeting criteria:~~
- ~~1. A CWS shall collect the required number of tap water samples from Tier 1 sampling sites. If a sufficient number of Tier 1 sampling sites do not exist or are inaccessible, then a CWS shall collect the remaining number of tap water samples from Tier 2 sampling sites. If a sufficient number of Tier 2 sampling sites do not exist or are inaccessible, then a CWS shall collect the remaining number of samples from Tier 3 sampling sites. A CWS with insufficient Tier 1, Tier 2, and Tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system.~~
 - ~~a. Tier 1 sampling sites are single family structures that meet any of the following requirements:
 - i. Contain lead pipes;
 - ii. Contain copper pipes with lead solder that were installed after 1982, or
 - iii. Are served by a lead service line.~~
 - ~~b. If multiple family residences comprise at least 20 percent of the structures served by a public water system, the public water system may include these types of structures in its sampling pool as Tier 1 sampling sites if the structures meet any of the requirements in subsections (A)(1)(a)(i) through (A)(1)(a)(iii).~~
 - ~~c. Tier 2 sampling sites are buildings and multiple family residences that meet any of the following requirements:
 - i. Contain lead pipes;
 - ii. Contain copper pipes with lead solder that were installed after 1982, or
 - iii. Are served by a lead service line.~~
 - ~~d. Tier 3 sampling sites are single family structures that contain copper pipes with lead solder that were installed before 1983.~~
 - ~~e. For this subsection, 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 CWS.~~
 - ~~2. A NTNCWS shall collect the required number of tap water samples from Tier 1 sampling sites. If a sufficient number of Tier 1 sampling sites do not exist or are inaccessible, then a NTNCWS shall collect the remaining number of tap water samples from Tier 2 sampling sites. A NTNCWS with insufficient Tier 1 and Tier 2 sampling sites shall complete its sampling pool with representative sites throughout the distribution system.~~
 - ~~a. Tier 1 sampling sites are buildings that meet any of the following requirements:
 - i. Contain lead pipes;
 - ii. Contain copper pipes with lead solder that were installed after 1982, or
 - iii. Are served by lead service lines.~~
 - ~~b. Tier 2 sampling sites are buildings that contain copper pipes with lead solder that were installed before 1983.~~
 - ~~e. For this subsection, 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 NTNCWS.~~
 - ~~3. A sampling site shall not include faucets that have point of entry or point of use treatment devices designed to remove inorganic contaminants.~~
 - ~~4. A CWS or NTNCWS that has a distribution system that contains lead service lines shall draw 50% of the tap water samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50% of the tap water samples from sites served by a lead service line. A CWS or NTNCWS that cannot identify a sufficient number of sites served by lead service lines to comply with the 50% requirement prescribed in this subsection shall collect first draw tap water samples from all sites in the system that have been identified as being served by lead service lines.~~
- ~~B. A public water system shall complete a materials survey of its distribution system to identify a pool of sampling sites that is sufficiently large to ensure that the public water system can collect the required number of tap water samples prescribed in R18-4-310(C). Each site from which a first draw sample is collected shall be selected from the pool of sampling sites:~~
- ~~1. A public water system shall use the information on lead, copper, and galvanized piping that it is required to identify in subsection (B)(2) when conducting a materials survey. When an evaluation of the information collected under subsection (B)(2) is insufficient to locate the requisite number of sampling sites that meet the targeting criteria prescribed in subsection (A), the public water system shall review the sources of information listed in this subsection to identify a sufficient number of sampling sites. In addition, the public water system shall seek to collect this information if possible in the course of its normal operations (for example, checking service line materials when reading water meters or performing maintenance activities):~~
 - ~~a. All plumbing codes, permits, and records in the files of the local, county, state, or federal building departments that indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;~~
 - ~~b. 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~~

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- e. All existing water quality information, including the results of all prior analyses of the public water system or individual structures connected to the public water system, that indicates locations that may be particularly susceptible to high lead or copper concentrations.
- 2. A public water system shall identify whether any of the following construction materials are present in its distribution system when conducting a materials survey:
 - a. Lead from piping, solder, caulking, interior lining of distribution mains, alloys and home plumbing;
 - b. Copper from piping and alloys, service lines, and home plumbing;
 - e. Galvanized piping, service lines, and home plumbing;
 - d. Ferrous piping materials, such as cast iron and steel;
 - e. Asbestos cement pipes;
 - f. Vinyl lined asbestos cement pipe; and
 - g. Coal tar lined pipes and tanks.

R18-4-310. ~~Lead and Copper; Tap Water Monitoring Repealed~~

- ~~A. A public water system shall conduct tap water monitoring for lead and copper as follows:

 - 1. A large water system shall conduct initial tap water monitoring for lead and copper for two consecutive six month monitoring periods.
 - 2. A small or medium water system shall conduct initial tap water monitoring for lead and copper for two consecutive six month monitoring periods. If a small or medium water system exceeds the action level for lead or copper in a monitoring period, the small or medium water system shall implement corrosion control treatment steps as prescribed in R18-4-307(A)(2) through (10).~~
- ~~B. A public water system shall conduct initial tap water monitoring for lead and copper in the monitoring year designated by the Department.~~
- ~~C. A public water system shall collect one tap water sample for lead and copper from at least the following number of sampling sites during each monitoring period:~~

System Size (Number of Persons Served)	Number of Sites
More than 100,000	100
10,001 to 100,000	60
3,301 to 10,000	40
501 to 3,300	20
101 to 500	10
100 or less	5

- ~~D. All tap water samples for lead and copper shall be first draw samples, with the exception of lead service line samples collected under R18-4-315(D) and samples collected under subsection (D)(3):

 - 1. A first draw tap water sample for lead and copper shall be one liter in volume and shall have stood motionless in the plumbing system of each sampling site for at least six hours. A first draw sample may be collected by the public water system or it may allow a resident to collect a first draw sample after providing instructions to the resident on proper sampling procedures. To avoid the problem of residents handling nitric acid, acidification of first draw samples may be done up to 14 days after the sample is collected. If a public water system allows residents to perform sampling, the public water system may not challenge the accuracy of the sampling results based on alleged errors in sample collection.
 - a. A first draw sample from residential housing shall be collected from the cold water kitchen tap or cold water bathroom sink tap.
 - b. A first draw sample from a non-residential building shall be collected at an interior tap from which water is typically drawn for consumption.
 - 2. A public water system shall collect each first draw tap water sample in subsequent monitoring periods from the same sampling site it collected a previous sample. If a public water system cannot gain entry to a sampling site in order to collect a follow up tap water sample, the public water system may collect the follow up tap water 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 sampling site.
 - 3. A NTNCWS, or a CWS that meets the criteria of R18-4-316(H)(1) and R18-4-316(H)(2), and does not have enough taps that can supply first draw samples, as defined in subsection (D)(1), may use non-first draw samples. The NTNCWS or CWS shall 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 NTNCWS or CWS shall report the information required in R18-4-104(E)(3) to the Department. Non-first draw samples collected in place of first draw samples shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption.~~

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- E.** A public water system deemed to have optimized corrosion control under R18-4-307(B)(3) shall continue tap water monitoring for lead and copper at least once every three years. The public water system shall use the reduced number of sites and follow the sampling requirements listed in subsection (I).
- F.** A small or medium water system that does not exceed the action level for lead and the action level for copper in the initial six-month monitoring period shall continue tap water monitoring for a consecutive six-month monitoring period. If the small or medium water system does not exceed the action level for lead and the action level for copper in two consecutive six-month monitoring periods the small or medium water system may reduce the frequency of tap water monitoring to once per year. The small or medium water system that conducts reduced monitoring shall use the reduced number of sites and follow the sampling requirements listed in subsection (I).
- G.** A small or medium water system that does not exceed the action level for lead and the action level for copper for three consecutive years of monitoring may further reduce the frequency of tap water monitoring for lead and copper to once every three years. The small or medium water system that conducts reduced monitoring shall use the reduced number of sites and follow the sampling requirements listed in subsection (I).
- H.** A small or medium water system that demonstrates for two consecutive six-month monitoring periods that the 90th percentile tap water lead level is less than or equal to 0.005 mg/L and the 90th percentile tap water copper level is less than or equal to 0.65 mg/L may reduce the frequency of tap water monitoring for lead and copper to once every three years. The small or medium water system that conducts reduced monitoring shall use the reduced number of sites and follow the sampling requirements listed under subsection (I).
- I.** A public water system that samples annually or less frequently shall conduct tap water monitoring for lead and copper during the months of June, July, August, or September in the same calendar year, unless the Department has approved a different sampling period that is no longer than four consecutive months and represents a time of normal operation when the highest levels of lead are most likely to occur. For a NTNCWS that does not operate during June through September, and for which the period of normal operation when the highest levels of lead are most likely to occur is not known, the Department shall designate a period that represents a time of normal operation for the NTNCWS. A reduced monitoring site shall be representative of the sites required for standard monitoring identified in R18-4-309. The Department may specify sampling locations when a public water system is conducting reduced monitoring. A public water system that conducts reduced monitoring shall collect at least one sample from the following number of sites:

System Size (Number of Persons Served)	Number of Sites
More than 100,000	50
10,001—100,000	30
3,301—10,000	20
501—3,300	10
101—500	5
100 or less	5

- J.** A small or medium water system conducting reduced tap water monitoring that exceeds the action level for lead or copper shall resume tap water monitoring at the frequency specified in subsection (A) and collect the number of samples specified in subsection (C). If the small or medium water system completes two subsequent consecutive six-month monitoring periods that meet the criteria in subsection (F), the small or medium water system may resume annual tap water monitoring for lead and copper at the reduced number of sites specified in subsection (I). The small or medium water system may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent monitoring periods that it meets the criteria of either subsection (G) or (H).
- K.** The Department may require a small or medium water system that conducts reduced tap water monitoring that adds a new source of water or changes any water treatment to resume sampling at the frequency specified in subsection (A) and collect the number of samples specified in subsection (C).
- L.** The Department and the public water system shall consider the results of tap water monitoring for lead and copper conducted by the public water system in addition to the minimum requirements of this Section in making any determinations required by this Article, including calculating the 90th percentile lead and copper levels, treatment technique determination requirements, source water monitoring requirements, lead service line replacement requirements, and lead public education requirements.
- M.** A small or medium water system that exceeds the action level for lead or copper shall comply with the following:
 1. Water quality parameter monitoring requirements prescribed at R18-4-311;
 2. Source water monitoring requirements prescribed at R18-4-314; and
 3. Lead public education requirements prescribed at R18-4-316 if the small or medium water system exceeds the action level for lead.
- N.** A large water system that exceeds the action level for lead or copper shall comply with the following:
 1. Source water monitoring requirements prescribed at R18-4-314;

2. ~~Lead public education requirements prescribed in R18 4 316 if the large water system exceeds the action level for lead; and~~
 3. ~~Lead service line replacement requirements prescribed in R18 4 315 if the large water system exceeds the action level for lead after installation of either corrosion control treatment or source water treatment, or both.~~
- ~~Q.~~ A public water system that exceeds the action level for lead shall offer to sample the tap water of any customer who requests that a sample be taken. The public water system is not required to pay for the collection or analysis of the sample. The public water system shall collect, or arrange for a third party to collect, the lead and copper sample. The sample shall be analyzed by a certified laboratory. Any sample that is collected under this subsection shall not be used for purposes of determining compliance.
- ~~P.~~ A sample invalidated under this subsection does not count toward determining a lead or copper 90th percentile level or toward meeting the minimum monitoring requirements under subsections (C), (I), and R18 4 313(S).
1. The Department may invalidate a lead or copper tap water sample if at least one of the following conditions is met:
 - a. The laboratory establishes that improper sample analysis caused erroneous results;
 - b. The Department determines that the sample was taken from a site that did not meet the site selection criteria of R18 4 309;
 - c. The sample container was damaged in transit; or
 - d. There is substantial reason to believe that the sample was subject to tampering.
 2. The public water system shall report the results of all samples to the Department and all supporting documentation for samples the public water system believes should be invalidated.
 3. The Department shall document in writing its decision to invalidate a sample and the rationale for the decision. The Department shall not invalidate a sample solely because a follow-up sample result is higher or lower than that of the original sample.
 4. If after the invalidation of one or more samples, the public water system has too few samples to meet the minimum requirements of subsections (C), (I), and R18 4 313(S), the public water system shall collect replacement samples for any samples invalidated under this subsection. The public water system shall take a replacement sample as soon as possible, but not later than 20 days after the date the Department invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. A replacement sample 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 public water system shall take a replacement sample at the same location as the invalidated sample or, if that is not possible, at a location that meets the same sampling criteria as the original sample. The public water system shall not use a location already used for sampling during the monitoring period.
- ~~Q.~~ A small water system that meets the criteria of this subsection may apply to the Department before the beginning of a monitoring period specified in this Section, to reduce the frequency of tap water monitoring for lead and copper under this Section to once every nine years (that is, a “full waiver”) if it meets all the materials criteria specified in subsection (Q)(1) and all the monitoring criteria in subsection (Q)(2). A small water system that meets the criteria in subsection (Q)(1) and (Q)(2) only for lead, or only for copper, may apply to the Department for a waiver to reduce the frequency of tap water monitoring to once every nine years for that one contaminant (that is, a “partial waiver”).
1. The small water system shall demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the small water system, are free of either lead-containing materials or copper-containing materials, or both, as follows:
 - a. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (that is, a “lead waiver”), the small water system shall provide certification and supporting documentation to the Department that the small water system contains no plastic pipes that have lead plasticizers, or plastic service lines that contain lead plasticizers, and it is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless the fittings and fixtures meet the specifications of ANSI/NSF Standard 61, Section 9.
 - b. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (that is, a “copper waiver”), the small water system shall provide certification and supporting documentation to the Department that the small water system contains no copper pipes or copper service lines.
 2. The small water system must have completed at least one six-month monitoring period of standard tap water monitoring for lead and copper at sites approved by the Department under R18 4 309 and at the number of sites required in subsection (C). The small water system must demonstrate that the 90th percentile levels for all monitoring periods conducted after the small water system became free of all lead-containing or copper-containing materials, or both, as appropriate, meet the following criteria:
 - a. Lead levels. To qualify for a full waiver, or a lead waiver, the small water system shall demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.
 - b. Copper levels. To qualify for a full waiver, or a copper waiver, the small water system shall demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.

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3. ~~The Department shall notify the small water system, in writing, of the Department's determination regarding the waiver, and explain the basis for its decision and prescribe any condition of the waiver. As a condition of the waiver, the Department may require the small water system to perform specific activities (for example, limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of elevated concentrations of lead or copper in tap water. The small water system shall continue tap water monitoring for lead and copper as required in subsections (A) through (K), as appropriate, until it receives written notification from the Department that the waiver has been approved.~~
4. ~~A small water system with a full waiver shall conduct tap water monitoring for lead and copper in accordance with subsection (I) at least once every nine years, and provide the materials certification specified in subsection (Q)(1) for both lead and copper to the Department along with these tap water monitoring results.~~
5. ~~A small water system with a partial waiver shall conduct tap water monitoring for the waived contaminant in accordance with subsection (I) at least once every nine years and provide the materials certification specified in subsection (Q)(1) pertaining to the waived contaminant along with the monitoring results. The small water system shall also continue to monitor for the contaminant that has not been waived under subsections (A) through (K), as appropriate.~~
6. ~~If a small water system with a full or partial waiver adds a new source of water or changes any water treatment, the Department may require the small water system to add or modify waiver conditions (for example, require recertification that the small water system is free of either lead-containing or copper-containing materials, or both, or require an additional monitoring period) if the Department deems the modifications are necessary to address treatment or source water changes at the small water system.~~
7. ~~A small water system with a full or partial waiver that becomes aware that it is no longer free of lead-containing or copper-containing materials (for example, as a result of new construction or repairs), shall notify the Department in writing not later than 60 days after becoming aware of the change. The small water system shall explain the circumstances resulting in the lead-containing or copper-containing materials being introduced into the small water system and what corrective action, if any, the small water system plans to remove these materials.~~
8. ~~If the small water system continues to satisfy the requirements of subsection (Q)(4) to (Q)(7), the waiver will be renewed automatically, unless any of the conditions listed in (a) through (e) of this subsection occur. A small water system that has had its waiver revoked may reapply for a waiver when it again meets the appropriate materials and monitoring criteria of subsection (Q)(1) and (Q)(2):~~
 - a. ~~A small water system no longer satisfies the materials criteria of subsection (Q)(1)(a) or has a 90th percentile lead level greater than 0.005 mg/L.~~
 - b. ~~A small water system no longer satisfies the materials criteria of (Q)(1)(b) or has a 90th percentile copper level greater than 0.65 mg/L.~~
 - e. ~~The Department notifies the small water system, in writing, that the waiver has been revoked, and explains the basis for its decision.~~
9. ~~A small water system that has had its full or partial waiver revoked by the Department is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:~~
 - a. ~~If the small water system exceeds either the lead or copper action level, the small water system shall implement corrosion control treatment under the deadlines specified in R18-4-307(A), and any other applicable requirements of Sections R18-4-306 through R18-4-316.~~
 - b. ~~If the small water system meets both the lead and the copper action level, the small water system must monitor for lead and copper at the tap at least once every three years. The small water system shall use the reduced number of sites and follow the sampling requirements listed under subsection (I).~~

R18-4-311. ~~Lead and Copper; Water Quality Parameter Monitoring Repealed~~

- ~~**A.** A large water system shall monitor for water quality parameters. A small or medium water system shall monitor for water quality parameters only if the small or medium water system exceeds the action level for lead or copper. Water quality parameter monitoring includes both tap water monitoring and source water monitoring.~~
- ~~**B.** A public water system that monitors for water quality parameters shall collect samples for the following parameters:~~
 1. ~~pH (at the time of sample collection);~~
 2. ~~Alkalinity;~~
 3. ~~Calcium;~~
 4. ~~Conductivity;~~
 5. ~~Water temperature (at the time of sample collection);~~
 6. ~~Orthophosphate (when a phosphate-based corrosion inhibitor is used); and~~
 7. ~~Silica (when a silicate-based corrosion inhibitor is used).~~
- ~~**C.** The public water system shall take tap water samples for water quality parameters at sampling sites that are 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 public water system, and seasonal variability. The public water system may take tap water samples for water quality parameters at the same locations as tap water samples for~~

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lead and copper or at the same sampling sites used for total coliform sampling. The public water system shall take source water samples for water quality parameters at sampling points as prescribed in R18-4-218(A) through R18-4-218(C).

- D.** A public water system that monitors for water quality parameters shall collect two tap water samples during each six-month monitoring period from the following number of sites:

System Size (Number of Persons Served)	Number of Sites for Water Quality Parameters
More than 100,000	25
10,001-100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
100 or less	1

- E.** A public water system that monitors for water quality parameters shall collect two source water samples at each sampling point as prescribed in R18-4-218(A) through (C) during each six-month monitoring period.
- F.** A large water system shall conduct tap water and source water monitoring for water quality parameters for two consecutive six-month monitoring periods. A small or medium water system shall monitor for water quality parameters only if the small or medium water system exceeds the action level for lead or copper. A small or medium water system shall complete tap water and source water monitoring for water quality parameters in the same monitoring period that the small or medium water system exceeds the action level for lead or copper.
- G.** A small or medium water system that exceeds the action level for lead or copper shall recommend installation of one or more of the corrosion control treatments listed in this subsection that the small or medium water system believes constitutes optimal corrosion control. The small or medium water system shall make a recommendation regarding the installation of optimal corrosion control treatment to the Department within six months after the action level was exceeded. The Department may require that a small or medium water system conduct additional monitoring for water quality parameters to assist the Department's review of the system's recommendation regarding optimal corrosion control treatment. Optimal corrosion control treatments include:
 1. Alkalinity and pH adjustment;
 2. Calcium hardness adjustment, and
 3. 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.
- H.** The Department shall, in writing, either approve the optimal corrosion control treatment recommended by a small or medium water system, designate a different optimal corrosion control treatment from among those listed in subsection (G) for the small or medium water system, or require that the small or medium water system conduct a corrosion control study to identify the optimal corrosion control treatment for the system. If the Department makes the determination that a corrosion control study is not necessary, the Department shall designate the optimal corrosion control treatment for the system within the following time frames:
 1. For medium water systems, within 18 months after the medium water system exceeds the lead or copper action level, or
 2. For small water systems, within 24 months after the small water system exceeds the lead or copper action level.
- I.** The Department and the public water system shall consider the results of any monitoring for water quality parameters conducted by a public water system in addition to the minimum requirements prescribed in this Section and Section R18-4-313 in making a recommendation regarding optimal corrosion control treatment, performance of a corrosion control study, designation of optimal corrosion control treatment or water quality parameters for optimal corrosion control, modification of an optimal corrosion control treatment decision, or reduced monitoring for lead and copper at the tap or for water quality parameters.

R18-4-312. ~~Lead and Copper; Corrosion Control Studies Repealed~~

- A.** A large water system shall complete a corrosion control study within 18 months after the date that it completed initial tap water monitoring for lead and copper under R18-4-310(A)(1), unless the Department determines that the large water system has optimized corrosion control under R18-4-307(B). The Department may require that a small or medium water system that exceeds the action level for lead or copper perform a corrosion control study to identify the optimal corrosion control treatment for the small or medium water system. The Department shall consider factors such as water quality data submitted by the small or medium water system and the water treatment used by the small or medium water system when determining whether a system shall perform a corrosion control study. The Department's decision to require a corrosion control study shall be in writing.
 1. The Department shall make a determination of whether a small or medium water system is required to perform a corrosion control study within one year after the small or medium water system exceeds the action level for lead or copper.

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- ~~2. If the Department determines that a corrosion control study is necessary, the small or medium water system shall complete and submit the study to the Department within 18 months after the date that the Department determines that a study is necessary.~~
- B.** A public water system that conducts a corrosion control study shall evaluate the effectiveness of each of the following treatments and, if appropriate, combinations of the following treatments to identify optimal corrosion control treatment for that system:
 1. Alkalinity and pH adjustment,
 2. Calcium hardness adjustment, and
 3. 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.
- ~~C.~~ A public water system shall evaluate each of the corrosion control treatments listed in subsection (B) using any of the following:
 1. Pipe rig test or pipe loop test;
 2. Metal coupon tests;
 3. Partial system tests; or
 4. Analyses based on documented analogous treatments with other systems of similar size, water chemistry, and distribution system configuration.
- ~~D.~~ A public water system shall measure the following water quality parameters, in any tests conducted under subsection (C), before and after evaluating the corrosion control treatments listed in subsection (B):
 1. Lead;
 2. Copper;
 3. pH (at the time of sample collection);
 4. Alkalinity;
 5. Calcium;
 6. Conductivity;
 7. Water temperature (at the time of sample collection);
 8. Orthophosphate (when an inhibitor containing a phosphate compound is used);
 9. Silicate (when an inhibitor containing a silicate compound is used).
- ~~E.~~ A public water system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document the constraints with at least one of the following:
 1. Data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another public water system with comparable water quality characteristics, or
 2. Data and documentation demonstrating that the public 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.
- ~~F.~~ A public water system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.
- ~~G.~~ On the basis of an analysis of the data generated during the corrosion control study, a public water system shall recommend to the Department, in writing, the optimal corrosion control treatment for the public water system. The public water system shall provide a rationale for its recommendation along with all supporting documentation required in this Section. If a small or medium water system completes a corrosion control study, the Department shall designate the optimal corrosion control treatment for that system within six months after the completion of the study. A small or medium water system shall install optimal corrosion control treatment within 24 months after the Department designates the treatment for the system.

R18-4-313. Lead and Copper; Corrosion Control Treatment Repealed

- A.** Based upon consideration of available information including, if applicable, a corrosion control study and the public water system's recommendation regarding optimal corrosion control treatment, the Department shall, in writing, either approve the corrosion control treatment recommended by a public water system or designate an alternative corrosion control treatment or treatments from among those listed in R18-4-312(B). When designating optimal corrosion control treatment, the Department shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes. The Department shall provide written notice to a large, medium or small water system of its decision regarding optimal corrosion control treatment and explain the basis for its decision. If the Department requests additional information to aid its review, a public water system shall provide the information.
- B.** A public water system shall properly install and operate throughout its distribution system the optimal corrosion control treatment within 24 months after the date that the Department designates the treatment for the public water system under subsection (A).
- C.** Each public water system that installs optimal corrosion control treatment shall follow up with tap water monitoring for lead and copper as specified in R18-4-310(C) and monitor for water quality parameters as specified in subsections (D), (E), and (F) for two consecutive six-month monitoring periods within 36 months after the date that the Department designates the treatment for the public water system.

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nates optimal corrosion control treatment for the public water system. A small or medium water system shall only conduct monitoring for water quality parameters during each six-month monitoring period in which the small or medium water system exceeds the lead or copper action level.

- D.** A public water system that installs optimal corrosion control treatment shall follow up with tap water monitoring for water quality parameters at the number of sites prescribed in R18-4-311(D) in each six-month monitoring period. A public water system shall collect at least two tap water samples at each site for the following water quality parameters:

 1. pH (at the time of sample collection);
 2. Alkalinity;
 3. Orthophosphate, when an inhibitor containing a phosphate compound is used;
 4. Silica, when an inhibitor containing a silicate compound is used;
 5. Calcium, when calcium carbonate stabilization is used as part of corrosion control.
- E.** A public water system that installs optimal corrosion control treatment shall conduct follow-up source water monitoring at each sampling point as prescribed in R18-4-218(A) through (C) in each six-month monitoring period. A public water system shall take at least one sample no less frequently than every two weeks (biweekly) at each sampling point for the following water quality parameters:

 1. pH (at the time of sample collection);
 2. 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
 3. 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).
- F.** A groundwater system may limit monitoring for water quality parameters described in subsection (E) only to those sampling points prescribed in R18-4-218(A) through (C) that represent water quality and treatment conditions throughout the groundwater system. If water from an untreated groundwater source mixes with water from a treated groundwater source, the groundwater system shall monitor for water quality parameters both at representative sampling points receiving treatment and representative sampling points receiving no treatment. Before a groundwater system starts any limited monitoring under this subsection, the groundwater system shall provide the Department with written information identifying the selected representative sampling points and documentation, including information on seasonal variability, sufficient to demonstrate that the selected sites are representative of water quality and treatment conditions throughout the groundwater system.
- G.** The Department shall evaluate the results of follow-up monitoring for lead and copper and for water quality parameters to determine whether the public water system has properly installed and operated the optimal corrosion control treatment designated by the Department. After reviewing the results of all tap water monitoring for lead and copper and monitoring for water quality parameters, by the public water system, both before and after a public water system installs optimal corrosion control treatment, the Department shall designate water quality parameters for the public water system that reflect optimal corrosion control treatment. The Department shall notify the public water system in writing of its determination regarding water quality parameters for optimal corrosion control treatment and shall explain the basis for its decision. The Department shall designate water quality parameters that reflect optimal corrosion control within six months after completion of follow-up monitoring. The Department shall designate, at a minimum, the following water quality parameters:

 1. A minimum value or a range of values for pH measured at each point of entry into the distribution system;
 2. A minimum pH value, measured in all tap samples. This value shall be equal to or greater than 7.0, unless the Department determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the public water 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 point of entry into the distribution system and in all tap samples, that the Department determines is necessary to form a passivation 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 point of entry into 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;
 6. The Department may designate values for additional water quality parameters that the Department determines reflect optimal corrosion control treatment for a public water system.
- H.** After the Department designates a range of values for water quality parameters that reflect optimal corrosion control treatment for a public water system under subsection (G), a large water system shall monitor for water quality parameters under subsections (D), (E), and (F) and determine compliance with the requirements of subsection (I) every six months, with the first 6-month period beginning on the date that the Department specifies the values for water quality parameters. A small or medium water system shall monitor for water quality parameters under subsections (D), (E), and (F) during each 6-month period specified in this subsection in which the small or medium water system exceeds the lead or copper action level. For a small or medium water system that is conducting lead and copper tap water monitoring on a reduced frequency when an action level is exceeded, the end of the 6-month period under this subsection shall coincide with the

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end of the reduced monitoring period under R18-4-310. Compliance with Department-designated optimal water quality parameter values shall be determined as specified in subsection (I).

- I. A public water system that optimizes corrosion control shall continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameters at or above the minimum values or within the ranges designated by the Department under subsection (G), for all samples collected under subsections (H) through (N). Compliance with the requirements of this subsection shall be determined every six months, as specified in subsection (H). A public water system is out of compliance with the requirements of this subsection for a 6-month period if it has excursions for any Department-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 Department. The Department shall calculate the daily values as follows, and may delete the result of an obvious sampling error from a calculation:
 1. On a day 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 a day 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 a day 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.
- J. A public water system that maintains the range of values for the water quality parameters that reflects optimal corrosion control treatment designated by the Department under subsection (G) for two consecutive six-month monitoring periods conducted under subsection (H) may reduce the number of sites from which tap water samples for water quality parameters are collected. The public water system shall collect at least two tap water samples from the following number of sites during each six-month monitoring period:

System Size (Number of Persons Served)	Reduced Number of Sites for Water Quality Parameters
More than 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 or less	1

- K. A public water system that maintains the range of values for the water quality parameters that reflects optimal corrosion control treatment designated by the Department under subsection (G) for three consecutive years of monitoring may reduce the frequency that it collects tap water samples specified in subsection (J) for water quality parameters from every six months to annually. A public water system that conducts annual monitoring shall collect tap water samples for water quality parameters evenly throughout the year so as to reflect seasonal variability.
- L. A public water system that maintains the range of values for the water quality parameters that reflects optimal corrosion control treatment, designated by the Department under subsection (G), for three consecutive years of annual monitoring may reduce the frequency that it collects the number of tap water samples specified in subsection (J) for water quality parameters from annually to every three years. A public water system that conducts triennial monitoring shall collect tap water samples for water quality parameters evenly throughout the year so as to reflect seasonal variability.
- M. A large water system may reduce the frequency that it collects tap water samples specified in subsection (J) for water quality parameters to every three years if it demonstrates the following for two consecutive monitoring periods:
 1. That its 90th percentile for lead in tap water is less than or equal to 0.005 mg/L;
 2. That its 90th percentile for copper in tap water is less than or equal to 0.65 mg/L; and
 3. That it has maintained the range of values for the water quality parameters that reflects optimal corrosion control treatment designated by the Department under subsection (G). A large water system that conducts triennial monitoring shall collect tap water samples for water quality parameters evenly throughout the year so as to reflect seasonal variability.
- N. A public water system that is conducting tap water monitoring for water quality parameters on an annual or triennial basis and fails to operate at or above the minimum value or within the range of values for the water quality parameters designated by the Department under subsection (G) for more than nine days in any 6-month period, as specified in subsection (I), shall resume tap water monitoring for water quality parameters in the distribution system at the number and frequency specified in subsection (H). After the public water system has completed two subsequent consecutive 6-month monitoring periods that meet the criteria of subsection (J), it may resume annual tap water monitoring for water quality parameters within the distribution system at the reduced number of sites specified in subsection (J). The public water system may

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resume triennial tap water monitoring for water quality parameters at the reduced number of sites after it demonstrates through subsequent monitoring periods that it meets the criteria of either subsection (L) or (M).

- O.** After the Department designates a range of values for water quality parameters that reflects optimal corrosion control treatment for a public water system, the public water system shall conduct tap water monitoring for lead and copper during each subsequent six-month monitoring period, with the first monitoring period to begin on the date that the Department designates the water quality parameters under subsection (G). The public water system shall collect the number of samples specified in R18-4-310(C).
- P.** A public water system that installs optimal corrosion control treatment and that maintains the range of values for water quality parameters that reflects optimal corrosion control treatment designated by the Department under subsection (G) for two consecutive six-month monitoring periods may reduce the frequency of tap water monitoring for lead and copper to once per year and reduce the number of samples taken if it receives written approval from the Department. The Department shall review monitoring, treatment, and other relevant information submitted by the public water system in accordance with R18-4-104, and shall notify the public water system, in writing, if the Department determines that the public water system is eligible to begin reduced monitoring. The Department shall review, and if appropriate, revise its determination when the public water system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap water monitoring becomes available. A public water system that conducts reduced monitoring shall use the reduced number of sites and follow the sampling requirements listed under subsection (S).
- Q.** A public water system that maintains the range of values for the water quality parameters that reflects optimal corrosion control treatment designated by the Department under subsection (G) for three consecutive years of monitoring may reduce the frequency of tap water monitoring for lead and copper to once every three years if it receives written approval from the Department. The Department shall review monitoring, treatment, and other relevant information submitted by the public water system in accordance with R18-4-104, and shall notify the public water system, in writing, if the Department determines that the public water system is eligible to reduce the frequency of monitoring to once every three years. The Department shall review, and if appropriate, revise its determination when the public water system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap water monitoring becomes available. A public water system that conducts reduced monitoring shall use the reduced number of sites and follow the sampling requirements listed under subsection (S).
- R.** A public water system that demonstrates for two consecutive six-month monitoring periods that the 90th percentile tap water lead level is less than or equal to 0.005 mg/L and the 90th percentile tap water copper level is less than or equal to 0.65 mg/L may reduce the frequency of tap water monitoring for lead and copper to once every three years. The public water system that conducts reduced monitoring shall use the reduced number of sites and follow the sampling requirements listed under subsection (S).
- S.** A public water system that samples annually or less frequently shall conduct tap water monitoring for lead and copper during the months of June, July, August, or September in the same calendar year, unless the Department has approved a different sampling period. The different sampling 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 NTNCWS 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 Department shall designate a period that represents a time of normal operation for the NTNCWS. A reduced monitoring site shall be representative of the sites required for standard monitoring identified in R18-4-309. The Department may specify sampling locations when a public water system is conducting reduced monitoring. A public water system conducting reduced monitoring shall collect at least one sample from the following number of sites:

System Size (Number of Persons Served)	Number of Sites
More than 100,000	50
10,001 – 100,000	30
3,301 – 10,000	20
501 – 3,300	10
500 or less	5

- T.** A public water system that is conducting tap water monitoring for lead and copper on an annual or triennial basis and fails to operate at or above the minimum value or within the range of values for the water quality parameters designated by the Department under subsection (G) for more than nine days in any 6-month period as specified in subsection (H) shall resume tap water monitoring for lead and copper at the frequency and number specified in subsection (O). A public water system may resume reduced tap water monitoring for lead and copper under the following conditions:
 - 1. The public water system may resume annual tap water monitoring for lead and copper at the reduced number of sites specified in subsection (S) after it has completed two subsequent 6-month monitoring periods that meet the criteria of subsection (P) and the public water system has received written approval from the Department, or

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- 2. The public water system may resume triennial tap water monitoring for lead and copper at the reduced number of sites specified in subsection (S) after it has conducted subsequent monitoring periods that meet the criteria of subsection (Q) or (R), and the public water system has received written approval from the Department.
- U. The Department may require a public water system that conducts reduced tap water monitoring for lead and copper that adds a new source or changes any water treatment to:
 - 1. Resume monitoring at the frequency specified in subsection (O) and collect the number of samples specified in R18-4-310(C), or
 - 2. Increase water quality parameter monitoring.
- V. Upon its own initiative or in response to a request by a public water system or other interested party, the Department may modify its determination regarding optimal corrosion control treatment or water quality control parameters for optimal corrosion control treatment. A request for modification shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Department may modify its determination if it concludes that the change is necessary to ensure that the public water system continues to optimize corrosion control treatment. A revised determination shall be made in writing, set the new treatment requirements, explain the basis for the Department's decision, and provide an implementation schedule for completing the treatment modifications.

R18-4-314. Lead and Copper, Source Water Monitoring and Treatment Repealed

- A. A public water system that exceeds the action level for lead or copper shall conduct source water monitoring for lead and copper.
- B. Source water monitoring for lead and copper shall be conducted at sampling points as prescribed in R18-4-218(A) through (C). A public water system may composite samples in accordance with R18-4-219.
- C. A public water system that exceeds the action level for lead or copper shall collect one sample from each sampling point within six months after the action level for lead or copper was exceeded.
- D. Within six months after the action level for lead or copper was exceeded, the public water system shall make a written recommendation to the Department as to whether one of the source water treatments listed in subsection (G) is necessary. The public water system may recommend that no source water treatment be installed if the public water system demonstrates that source water treatment is not necessary to minimize lead or copper levels at taps.
- E. The Department shall evaluate the results of all source water samples submitted by a public water system to determine if source water treatment is necessary to minimize lead or copper levels in water delivered to taps. The Department shall make a written determination regarding the necessity of source water treatment within six months after the public water system submits the source water monitoring results.
- F. If the Department determines that a public water system is not required to install source water treatment, the public water system shall conduct source water monitoring at one of the following frequencies:
 - 1. A groundwater system shall collect one source water sample at each sampling point for lead and copper once during each compliance period, beginning in the compliance period that the Department determines that source water treatment is not necessary.
 - 2. A surface water system shall collect one source water sample at each sampling point for lead and copper annually. The first annual monitoring period shall begin on the date that the Department determines that source water treatment is not necessary.
- G. If the Department requires installation of source water treatment, a public water system shall install treatment within 24 months after the date that the Department makes a determination that source water treatment is necessary. A public water system shall properly install and operate the source water treatment that is approved or designated by the Department. The Department shall either require installation and operation of the source water treatment recommended by the public water system or require the installation and operation of another source water treatment from among the following:
 - 1. Ion exchange;
 - 2. Reverse osmosis;
 - 3. Lime softening; or
 - 4. Coagulation and filtration.
- H. The Department may request additional information from a public water system to aid in its source water treatment determination. If the Department requests additional information, a public water system shall provide the information by the date specified by the Department in its request. The Department shall notify a public water system, in writing, of its source water treatment determination and explain the basis for its decision.
- I. A public water system that installs source water treatment shall complete follow-up tap water and source water monitoring for lead and copper within 36 months after the date that the Department determines that source water treatment is necessary. A public water system shall collect an additional source water sample from each sampling point as prescribed in R18-4-218(A) through (C) for two consecutive six-month monitoring periods. A public water system shall conduct tap water monitoring for two consecutive six-month monitoring periods. The public water system shall collect the number of tap water samples specified in R18-4-310(C).
- J. The Department shall review a public water system's installation and operation of source water treatment and designate a maximum permissible source water level for lead and a maximum permissible source water level for copper for water

entering the distribution system within six months after the completion of follow-up monitoring. The Department shall review the source water samples taken by the public water system both before and after the public water system installs source water treatment to determine if the public water system has properly installed and operated the source water treatment designated by the Department. Based upon its review, the Department shall designate a maximum permissible source water level for lead and a maximum permissible source water level for copper that reflect the contaminant removal capability of the source water treatment when it is properly operated and maintained. The Department shall provide written notice to the public water system and explain the basis for its decision.

- K.** A public water system shall comply with the Department-designated maximum permissible source water level for lead and the maximum permissible source water level for copper and continue source water monitoring. A public water system shall monitor at the following frequencies if the Department designates maximum permissible source water levels:

 1. A groundwater system shall collect one sample from each sampling point once during each compliance period, beginning in the compliance period that the Department designates a maximum permissible source water level for lead and a maximum permissible source water level for copper.
 2. A surface water system shall collect one sample annually from each sampling point. The first monitoring period shall begin on the date that the Department designates a maximum permissible source water level for lead and a maximum permissible source water level for copper.
- L.** A public water system shall maintain lead and copper levels below the maximum permissible source water levels designated by the Department at each sampling point. A public water system is out of compliance if the level of lead or copper at any sampling point is greater than the maximum permissible source water level designated by the Department.
- M.** A public water system is not required to conduct additional source water monitoring for lead or copper if tap water samples do not exceed the action level for that specific contaminant during the entire source water sampling period applicable to the public water system under subsections (F)(1) or (F)(2) or (K)(1) or (K)(2).
- N.** The Department may modify its source water treatment determination or designation of maximum permissible source water lead and maximum permissible source water copper concentrations for water entering the distribution system on its own initiative or in response to a written request by a public water system or other interested party. A request for modification by a public water system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Department may modify its determination if it concludes that a change is necessary to ensure that lead and copper concentrations in source water are minimized. A revised determination shall be made in writing, set the new treatment requirements, explain the basis for the Department's decision, and provide an implementation schedule for completing the source water treatment modifications.
- O.** If a sample exceeds a maximum permissible source water level for lead or copper, the Department may require that the public water system take one confirmation sample at the same sampling point, as soon as possible but no later than two weeks after the initial sample was taken. If a Department required confirmation sample is taken for lead or copper, the results of the initial and confirmation sample shall be averaged to determine compliance with the maximum permissible source water level. A public water system shall report all lead levels measured between 0.005 mg/L and the method detection limit as measured or as 0.0025 mg/L. A public water systems shall report all copper levels measured between 0.050 mg/L and the method detection limit as measured or as 0.025 mg/L. A public water systems shall report all lead and copper levels measured below the method detection limits for lead and copper as zero.
- P.** After the Department designates the maximum permissible source water levels for a public water system, the public water system may reduce source water monitoring as follows:

 1. A groundwater system that demonstrates that water entering the distribution system has been maintained below the maximum permissible source water level for lead and the maximum permissible source water level for copper designated by the Department for three consecutive compliance periods may reduce the monitoring frequency for lead and copper to once during each compliance cycle.
 2. A surface water system that demonstrates that water entering the distribution system has been maintained below the maximum permissible source water level for lead and the maximum permissible source water level for copper designated by the Department for three consecutive years may reduce the monitoring frequency to once during each compliance cycle.
 3. A public water system that uses a new source is not eligible for reduced monitoring for lead or copper until concentrations in samples collected from the new source for three consecutive monitoring periods are below the maximum permissible source water levels designated by the Department for that specific contaminant.
- Q.** If the Department determines that a public water system does not need to install source water treatment, the public water system may reduce the frequency for lead and copper source water monitoring as follows:

 1. If a groundwater system demonstrates that for three consecutive compliance periods in which monitoring was conducted under subsection (F) the concentration of lead in the source water is less than or equal to 0.005 mg/L and the concentration of copper in the source water is less than or equal to 0.65 mg/L, the source water monitoring frequency for lead and copper may be reduced to once during each compliance cycle.
 2. If a surface water system demonstrates that for three consecutive years in which monitoring was conducted under subsection (F) the concentration of lead in the source water is less than or equal to 0.005 mg/L and the concentration

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of copper in the source water is less than or equal to 0.65 mg/L, the source water monitoring frequency for lead and copper may be reduced to once during each compliance cycle.

R18-4-315. Lead and Copper; Lead Service Line Replacement Repealed

- A.** A public water system that fails to meet the action level for lead in tap water samples after installing either corrosion control or source water treatment, or both, (whichever sampling occurs later) shall replace lead service lines in accordance with the requirements of this Section.
- B.** If a public water system is out of compliance for failure to install either corrosion control treatment or source water treatment by the date the public water system is required to conduct monitoring under R18-4-313(C) or R18-4-314(I), the Department shall require the public water system to replace the lead service lines if the public water system is not making satisfactory progress towards compliance under a schedule approved by the Department. The Department's decision to require a public water system to replace the lead service lines under this subsection shall be in writing.
- C.** A public water system shall replace annually at least 7% of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead service lines in place when the replacement program begins. The public water system shall identify the initial number of lead service lines in its distribution system including an identification of the portion owned by the public water system, based upon a materials survey, including the materials survey required in R18-4-309(B), and relevant legal authorities (for example, contracts and local ordinances) regarding the portion owned by the public water system. The first year of lead service line replacement shall begin on the date that the action level for lead is exceeded after installation of either corrosion control treatment or source water treatment, or both.
- D.** A public water system is not required to replace an individual lead service line if the lead concentration in all samples collected from that line is less than or equal to 0.015 mg/L. Each lead service line sample shall be one liter in volume and shall 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 ways:
 - 1. At a tap after flushing the volume of water between the tap and the lead service line. The volume of water that is flushed shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;
 - 2. Tapping directly into the lead service line; or
 - 3. 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 that would be indicative of water standing in the lead service line.
- E.** A public water system shall replace the portion of the lead service line that it owns. If the public water system does not own the entire lead service line, the public water system shall notify the owner of the line, or the owner's authorized agent, that the public water 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 public water 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 if the owner chooses not to pay the cost of replacing the privately owned portion of the line, or if replacing the privately owned portion would be precluded by state, local or common law. A public water system that does not replace the entire length of the service line also shall complete the following tasks:
 - 1. At least 45 days before beginning the partial replacement of a lead service line, the public water system shall provide a notice to the residents of all buildings served by the line that explains that they may experience a temporary increase of lead levels in their drinking water, along with guidance on the measures consumers can take to minimize their exposure to lead. The Department may allow the public water system to provide this notice fewer than 45 days before beginning partial lead service line replacement if the replacement is in conjunction with emergency repairs. In addition, the public water system shall inform the residents served by the line that the public water system will, at the public water 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, under subsection (D), within 72 hours after the completion of the partial replacement of the service line. The public water system shall collect the sample and report the results of the analysis to the owner and the residents served by the line within three business days after receiving the results. Mailed notices postmarked within three business days after receiving the results shall be considered "on time."
 - 2. The public water system shall provide the information required in subsection (E)(1) to the residents of individual dwellings by mail or by another method approved by the Department. If multifamily dwellings are served by the line, the public water system shall have the option to post the information at a conspicuous location.
- F.** The Department shall require a public water system to replace lead service lines on a faster schedule (that is, more than 7% annually), taking into account the number of lead service lines in the public water system, if a faster replacement schedule is feasible. The Department shall make this determination in writing and notify the public water system of its finding within six months after the public water system is triggered into lead service line replacement.
- G.** A public water system may cease replacing lead service lines whenever first-draw samples collected under R18-4-310(D) do not exceed the action level for lead for each of two consecutive monitoring periods and the public water system submits the results to the Department. If a first-draw tap water sample collected by the public water system thereafter exceeds the lead action level, the public water system shall resume replacing lead service lines.

- ~~H. A public water system shall report the following information to the Department to demonstrate compliance with the requirements of this Section:~~
- ~~1. Within 12 months after a public water system exceeds the action level for lead after installation of either corrosion control or source water treatment, or both, the public water system shall demonstrate in writing to the Department that it has conducted a materials survey, and include the information required in the initial materials survey conducted under R18-4-309(B), to identify the initial number of lead service lines in its distribution system and shall provide the Department with the system's schedule for replacing annually at least 7% of the initial number of lead service lines in its distribution system.~~
 - ~~2. Within 12 months after a public water system exceeds the action level for lead after installation of either corrosion control or source water treatment, or both, and every 12 months thereafter, the public water system shall demonstrate to the Department in writing that the public water system has either:
 - ~~a. Replaced in the previous 12 months at least 7% of the initial lead service lines (or a greater number of lead service lines specified by the Department under subsection (F)); or~~
 - ~~b. Conducted sampling under subsection (D) that demonstrates that the lead concentration in each lead service line sample is less than or equal to 0.015 mg/L. In this case, the total number of lines replaced shall equal at least 7% of the initial number of lead lines in place when the lead service line replacement program began (or the percentage specified by the Department under subsection (F)).~~~~
 - ~~3. The annual letter submitted to the Department under subsection (H)(2) shall contain the following information:
 - ~~a. The number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule;~~
 - ~~b. The number and location of each lead service line replaced during the previous year of the system's replacement schedule;~~
 - ~~c. If measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling; and~~
 - ~~d. Certification that all partial lead service line replacement activities required in subsection (E) have been completed, if applicable.~~~~

R18-4-316. Public Education Requirements for Lead Repealed

- ~~A. A CWS that exceeds the action level for lead and that is not already repeating public education tasks under subsection (C) or (J) shall, within 60 days after the action level for lead is exceeded, do all of the following:~~
- ~~1. Insert a notice on each customer's water utility bill that states 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."~~
 - ~~2. Include with each customer's water utility bill a notice that includes the text required in Appendix A.~~
 - ~~3. Provide the text required in Appendix A to the editorial departments of the major daily and weekly newspapers circulated throughout the community.~~
 - ~~4. Deliver pamphlets or brochures that contain the public education materials related to the health effects of lead, the steps that can be taken in the home to reduce lead exposure, and how to obtain more information on lead in drinking water that are specified in Appendix A, subsections (B), (D), and (E) to facilities and organizations, including the following:
 - ~~a. Public schools or local school boards;~~
 - ~~b. City or county health department or environmental quality departments;~~
 - ~~c. Women, Infants, and Children [WIC] and Head Start programs if available;~~
 - ~~d. Public and private hospitals and clinics;~~
 - ~~e. Pediatricians;~~
 - ~~f. Family planning clinics; and~~
 - ~~g. Local welfare agencies.~~~~
 - ~~5. Submit a public service announcement to at least five radio and television stations with the largest audiences that broadcast to the community served by the CWS. The public service announcement shall contain the following language:
"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 public water system] for information on testing and on simple ways to reduce your exposure to lead in drinking water. 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 public water system]."~~
- ~~B. A CWS 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 Appendix A as long as the information is delivered to each customer within 60 days of exceeding the action level. The CWS shall also include the "alert" language specified in subsection (A)(1).~~

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- ~~C.~~ A CWS shall repeat the tasks required in subsections (A)(1) through (A)(4) every 12 months and the public service announcement specified in subsection (A)(5) every six months for as long as the CWS exceeds the lead action level.
- ~~D.~~ A NTNCWS that exceeds the lead action level shall, within 60 days, unless it already is repeating public education tasks under subsection (E), deliver the public education materials specified in Appendix A or Appendix B as follows:
 - 1. Post informational posters regarding lead in drinking water in a public place or common area in each of the buildings served by the NTNCWS; and
 - 2. Distribute informational pamphlets or brochures on lead in drinking water to each person served by the NTNCWS. The Department may allow the NTNCWS to use electronic transmission instead of, or combined with, printed materials as long as it achieves at least the same coverage.
- ~~E.~~ A NTNCWS shall repeat the public education tasks required in subsection (D) at least once during each calendar year for as long as the NTNCWS exceeds the lead action level.
- ~~F.~~ A CWS shall include the lead public education text specified in Appendix A in all the printed materials it distributes through its lead public education program. Any additional information presented by a CWS shall be consistent with the information required in Appendix A and be written in plain language that can be understood by persons served by the CWS. In communities with a significant proportion of non-English speaking residents, public education materials shall be multilingual. A CWS may delete information about lead service lines, upon approval by the Department, if no lead service lines exist anywhere in the CWS service area. A CWS may modify public education language in Appendix A (D)(5) and (E)(2) regarding building permit record availability and consumer access to these records, if approved by the Department. A CWS may also continue to use pre-printed materials that meet the public education language requirements in R18-4-316 (1998) and Article 5, Appendix B (1998).
- ~~G.~~ A NTNCWS shall include the text specified in either Appendix A or Appendix B in all the printed materials it distributes through its lead public education program. A NTNCWS may delete information about lead service lines, upon approval by the Department, if no lead service lines exist anywhere in the NTNCWS service area. Any additional information presented by a NTNCWS shall be consistent with the information in Appendix B and be in plain language that can be understood by persons served by the NTNCWS. In communities with a significant proportion of non-English speaking residents, public education materials shall be multilingual.
- ~~H.~~ A CWS may use the text specified in Appendix B in place of the text in Appendix A and perform the tasks listed in subsection (D) and (E) in place of the tasks in subsection (A) and (C), if:
 - 1. The CWS 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 a point of use treatment device; and
 - 2. The CWS provides water as part of the cost of services provided and does not separately charge for water consumption.
- ~~I.~~ A CWS serving 3,300 or fewer persons may omit the task required in subsection (A)(5) as long as it distributes notices containing the information specified in Appendix A to each household served by the CWS. The CWS may further limit its public education programs as follows:
 - 1. A CWS serving 500 or fewer persons may omit the task required in subsection (A)(3). The CWS may also limit the distribution of the public education materials required in subsection (A)(4) to facilities and organizations served by the CWS that are most likely to be visited regularly by pregnant women and children, unless it is notified by the Department in writing that it must make a broader distribution.
 - 2. If approved by the Department in writing, a CWS serving 501 to 3,300 persons may do any of the following:
 - a. Omit the task required in subsection (A)(3); and
 - b. Limit the distribution of the public education materials required in subsection (A)(4) to facilities and organizations served by the CWS that are most likely to be visited regularly by pregnant women and children.
- ~~J.~~ A CWS serving 3,300 or fewer persons that delivers public education in accordance with subsection (I) shall repeat the required public education tasks at least once during each calendar year in which the CWS exceeds the lead action level.
- ~~K.~~ A CWS or NTNCWS may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period. A CWS or NTNCWS shall resume public education in accordance with this Section if it subsequently exceeds the lead action level.
- ~~L.~~ Within 10 days after the end of each period the system is required to perform the public education requirements of this Section, a CWS or NTNCWS shall submit a letter to the Department demonstrating that the system has delivered the public education materials that meet the content and delivery requirements specified in this Section. The letter shall include a list of all the newspapers, radio stations, television stations, facilities, and organizations that the CWS or NTNCWS delivered public education materials to during the previous period. If a CWS or NTNCWS has previously submitted to the Department a list of all newspapers, radio stations, television stations, facilities, and organizations to which the system delivered public education materials, the system does not need to resubmit that information to the Department, if the CWS or NTNCWS certifies that there have been no changes to the list and that the public education materials were distributed to the same list submitted previously to the Department.

R18-4-317. ~~Treatment Techniques for Acrylamide and Epichlorohydrin Repealed~~

- ~~A. A public water system that uses acrylamide or epichlorohydrin in a public water system, shall not exceed the following levels for the product of the dose and the monomer level:~~
- ~~1. Acrylamide = 0.05% dosed at 1 ppm (or equivalent).~~
 - ~~2. Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent).~~
- ~~B. A public water system that uses acrylamide or epichlorohydrin shall certify annually in writing to the Department, using a third party or a manufacturer's certification, that the product of the dose and monomer level does not exceed the levels specified in subsection (A).~~

Appendix A. ~~Lead Public Education Repealed~~

~~A public water system that exceeds the lead action level based on tap water samples collected in accordance with R18-4-310 or R18-4-313 shall deliver the public education materials contained in this Appendix in accordance with the public education delivery requirements specified in R18-4-316.~~

~~Content of written materials. A public water system shall include the following text in all the printed materials it distributes through its lead public education program. Any additional information presented by a system shall be consistent with the information below and be in plain language that can be understood by laypersons:~~

- ~~A. Introduction. The United States Environmental Protection Agency (EPA) and [insert name of public water system] 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.~~
- ~~B. 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 the 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.~~
- ~~C. Lead in Drinking Water. 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% or more of a person's total exposure to lead.~~
- ~~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%.~~
- ~~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.~~
- ~~D. Steps You Can Take in the Home To Reduce Exposure To Lead in Drinking Water.~~
- ~~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 public water system].~~
- ~~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~~

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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, because the plumbing systems may 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 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 three to five 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 Arizona Department of Environmental Quality 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. [Insert name of public water system], the public water system that delivers water to your home also maintains 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 name of the city, county, or water system that controls 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 after 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.
7. 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:
 - a. 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.
 - b. Purchase bottled water for drinking and cooking.

E. How to Obtain More Information on Lead in Drinking Water

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 of the city or county department of public utilities] at [insert phone number] can provide you with information about your community's water supply and a list of local laboratories that have been licensed by the Arizona Department of Health Services for testing water quality;

2. [Insert the name of the city or 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 the plumbing contractors that installed the plumbing in your home; and
3. The Arizona Department of Health Services at (602) 230-5830 or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead and how you can have your child's blood tested.

The following is a list of some ADHS licensed 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].

Appendix B. Alternate Lead Public Education Repealed

A public water system that exceeds the lead action level based on tap water samples collected in accordance with R18-4-310 or R18-4-313 may deliver the public education materials contained in this Appendix in accordance with the public education delivery requirements specified in R18-4-316.

Content of written materials. A public water system shall include the following text in all the printed materials it distributes through its lead public education program. Any additional information presented by a system shall be consistent with the information below and be in plain language that can be understood by laypersons:

- A. Introduction.** The United States Environmental Protection Agency (EPA) and [insert name of public water system] 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.
- B. 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 the 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.
- C. Lead in Drinking Water.** 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% or more of a person's total exposure to lead.
- 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%.
- 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.
- D. Steps You Can Take To Reduce Exposure to Lead in Drinking Water.** 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.
- Do not cook with, or drink, water from the hot water tap. Hot water can dissolve lead more quickly than cold water. If you need hot water, draw water from the cold tap and then heat it.
- 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.
- 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:

[insert the name or title of the facility official if appropriate] at [insert phone number] can provide you with information about your facility's water supply; and
The Arizona Department of Health Services at (602) 230-5830 or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead.

ARTICLE 4. SPECIAL MONITORING REQUIREMENTS REPEALED

R18-4-401. Special Monitoring for Sodium Repealed

- ~~A.~~ A CWS, or a contractor on behalf of a CWS, shall conduct monitoring for sodium.
- ~~B.~~ Each CWS, or a contractor on behalf of a CWS, shall collect one sample per water treatment plant. Multiple wells drawing raw water from a single aquifer may, with Department approval, be considered one treatment plant for purposes of determining the minimum number of sodium samples required.
- ~~C.~~ Each CWS, or a contractor on behalf of the CWS, shall collect and analyze one sample annually for each water treatment plant utilizing a surface water source, in whole or in part. A CWS shall collect and analyze one sample every three years for each water treatment plant utilizing only groundwater sources. The Department may require a public water system to collect and analyze water samples more frequently in locations where the sodium content is variable.

R18-4-402. Special Monitoring for Nickel Repealed

- ~~A.~~ A CWS and NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall monitor for nickel.
- ~~B.~~ A CWS and NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall monitor for nickel at each sampling point as prescribed in R18-4-218.
- ~~C.~~ A CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, may composite samples for nickel as prescribed in R18-4-219.
- ~~D.~~ A CWS and NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall monitor for nickel as follows:
 - 1. A CWS and NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall take one sample at each groundwater sampling point once every three years.
 - 2. A CWS and NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall take one sample at each surface water sampling point annually.
- ~~E.~~ A CWS or NTNCWS shall reduce the required monitoring frequency for nickel when the Department makes one of the following determinations:
 - 1. Groundwater sampling points: The Department shall reduce monitoring frequency from once every three years to a less frequent basis if a CWS or NTNCWS has monitored for nickel at least once every three years for a period of nine years at the groundwater sampling point, and all analytical results were reliably and consistently below 0.1 mg/L in previous samples.
 - 2. Surface water sampling points: The Department shall reduce monitoring frequency from annually to a less frequent basis if a CWS or NTNCWS has monitored annually at the surface water sampling point for at least three consecutive years and all analytical results for nickel were reliably and consistently below 0.1 mg/L in previous samples.
 - 3. The Department may reduce monitoring frequency for nickel for a term not to exceed nine years.
 - 4. If the Department reduces monitoring frequency for nickel, a CWS or NTNCWS, or a contractor on behalf of a CWS or NTNCWS, shall take at least one sample for nickel during the reduced monitoring term.
 - 5. In determining the appropriate reduced monitoring frequency at a sampling point, the Department shall consider the following factors:
 - a. Reported concentrations of nickel from all previous monitoring;
 - b. The degree of variation in the reported concentrations of nickel; and
 - c. Other factors that may affect the concentration of nickel such as changes in groundwater pumping rates, changes in the configuration of the CWS or NTNCWS, or changes in operating procedures, stream flows, or source water characteristics.
 - 6. A decision by the Department to reduce monitoring frequency for nickel at a sampling point shall be in writing and shall explain the grounds for the Department's decision. A CWS or NTNCWS may make a written request for reduced monitoring or the Department may reduce monitoring on its own. A CWS or NTNCWS shall provide documentation of analytical results that supports a request for reduced monitoring. If a CWS or NTNCWS submits new data, or other data relevant to the public water system's appropriate monitoring frequency become available, the Department shall review the data and, if appropriate, revise its determination of monitoring frequency.
 - 7. A new sampling point is not eligible for reduced monitoring until three consecutive monitoring periods from the new sampling point have been completed.

R18-4-403. Special Monitoring for Turbidity Repealed

Effective May 1, 2002, a surface water system serving at least 10,000 people that uses conventional filtration or direct filtration, shall conduct continuous turbidity monitoring on each individual filter.

- 1. The system shall record the results of individual filter monitoring every 15 minutes.
- 2. In the event of a failure in the continuous turbidity monitoring equipment, the system shall conduct grab sampling

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~~every four hours instead of continuous monitoring. The system shall conduct grab sampling for no more than five working days.~~

- ~~3. For an individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements collected 15 minutes apart, the system shall complete a filter profile within seven days of the event if the system is not able to identify an obvious reason for the abnormal filter performance.~~
- ~~4. For an individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements collected 15 minutes apart at or after four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system shall produce a filter profile within seven days of the event if the system is not able to identify an obvious reason for the abnormal filter performance.~~
- ~~5. For an individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements collected 15 minutes apart at anytime in each of three consecutive months, the system shall conduct a self-assessment of the filter within 14 days of the event. A self-assessment of a filter shall contain an assessment of filter performance, development of filter profile, identification and prioritization of factors limiting filter performance, assessment of the applicability of corrections, and preparation of a filter self-assessment report.~~
- ~~6. For an individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements collected 15 minutes apart at anytime in each of two consecutive months, the system shall arrange for a comprehensive performance evaluation to be conducted by the Department or a third party approved by the Department no later than 30 days after the event. A system shall make the modifications identified in a comprehensive performance evaluation report, except a system shall not implement a modification identified in a comprehensive performance evaluation if the Department determines that the modification does not improve the performance potential of the system.~~

ARTICLE 7. CONSUMER CONFIDENCE REPORTS REPEALED

R18-4-701. Applicability Repealed

~~This Article applies to CWSs and establishes the minimum requirements for the content of the annual consumer confidence report (CCR) that a CWS shall deliver to its customers. The CWS shall provide accurate and understandable information in the CCR on the quality of the water delivered by the CWS and characterize the risks, if any, from exposure to contaminants detected in the drinking water.~~

R18-4-702. General Requirements Repealed

- ~~A. A CWS shall deliver a CCR to each customer annually by July 1.~~
- ~~B. The CCR shall contain water quality data from the previous calendar year.~~
- ~~C. A new CWS shall deliver its first CCR by July 1 of the year after its first full calendar year in operation.~~
- ~~D. A CWS that sells water to another CWS shall deliver the applicable information required in this Article to the purchaser CWS annually by April 1, or on a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.~~

R18-4-703. Content of Consumer Confidence Reports Repealed

- ~~A. A CWS shall provide to its customers an annual CCR that contains the following information on the source of the water delivered:
 - ~~1. The type of the water (for example, surface water, ground water); and~~
 - ~~2. The name, if any, and location of the body of water.~~~~
- ~~B. If a source water assessment has been completed, the CCR shall notify consumers of the availability of this information and how to obtain it. If a CWS has received a source water assessment from the Department, the CCR shall contain a brief summary of the assessment findings and the CWS's susceptibility to potential origins of contamination, using language provided by the Department or written by the CWS in consultation with the Department.~~
- ~~C. Each CCR shall contain the following definitions:
 - ~~1. "Maximum Contaminant Level" or "MCL" means 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. "Maximum Contaminant Level Goal" or "MCLG" means 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;~~
 - ~~3. "Maximum residual disinfectant level" or "MRDL" means 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;~~
 - ~~4. "Maximum residual disinfectant level goal" or "MRDLG" means 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.~~~~
- ~~D. A CCR for a CWS operating under a variance or an exemption issued by the Department or EPA shall contain the following definition:
"Variance" or "exemption" means permission from the Department or the EPA not to meet a MCL or a treatment technique under certain conditions.~~

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- E.** A CCR that contains data on a contaminant for which the Department has set a treatment technique or an action level shall contain one or both of the following definitions, as applicable:
1. "Treatment technique" means a required process to reduce the level of a contaminant in drinking water.
 2. "Action level" means the concentration of a contaminant that, if exceeded, triggers treatment or other requirements that a community water system shall follow.

R18-4-704. Information on Detected Contaminants Repealed

- A.** A CCR shall contain information on the following detected contaminants:
1. Contaminants subject to a MCL, MRDL, action level, or treatment technique (regulated contaminants), listed in Appendix A of Article 1; and
 2. Contaminants listed in Table 1.
- B.** The CWS shall display in one table, or several adjacent tables, data relating to the detected contaminants in subsection (A). If the CWS includes voluntary monitoring data, those data shall be listed in a table separate from the table of detected contaminants. For detected regulated contaminants, the table shall contain:
1. The MCL for that contaminant;
 2. The MCLG for that contaminant expressed in the same units as the MCL;
 3. If there is no MCL for a detected contaminant, the table shall indicate that there is a treatment technique, or specify the action level applicable to that contaminant, and the CCR shall include the definitions for "treatment technique" or "action level," as appropriate, specified in R18-4-703(E)(1) and (E)(2);
 4. For contaminants subject to a MCL, except turbidity and total coliforms, the highest monitoring result used to determine compliance and the range of monitoring results expressed in the same units as the MCL, as follows:
 - a. When compliance with the MCL is determined annually or less frequently, the highest monitoring result at any sampling point and the range of detected monitoring results.
 - b. When compliance with the MCL is determined by calculating a running annual average of all monitoring results taken at a sampling point, the highest average of the monitoring results and the range of all detected monitoring results.
 - c. When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all monitoring results at all sampling points, the average and range of detected monitoring results.
 5. For turbidity, the highest single measurement and lowest monthly percentage of samples meeting turbidity limits specified in R18-4-302 for the filtration technology being used. The CCR shall include an explanation of the reasons for measuring turbidity;
 6. For lead and copper, the 90th percentile value of the most recent sampling period and the number of sampling sites that exceed the action level;
 7. For total coliform:
 - a. The highest number of positive samples collected each month for a CWS that collects fewer than 40 samples per month; or
 - b. The highest percentage of positive samples collected each month for a CWS that collects at least 40 samples per month.
 8. For fecal coliform, the total number of positive samples; and
 9. The likely source of detected contaminants. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and shall be used when available to the CWS. If the CWS lacks specific information on the likely source of contamination, the CCR shall include one or more of the typical origins for that contaminant listed in Appendix A that are most applicable to the CWS.
- C.** The table shall clearly identify any data indicating a violation of a MCL, MRDL, or treatment technique.
- D.** The CWS shall derive information in the CCR on detected contaminants from data collected to comply with monitoring and analytical requirements of this Chapter for the previous year. The table for a CWS that monitors less often than once a year for regulated contaminants under this Chapter shall contain the date and results of the most recent sampling. The CCR shall contain a brief statement indicating that the data presented in the CCR are from the most recent testing done within the last five years in accordance with this Chapter.
- E.** For a detected contaminant listed in Table 1, the CCR table shall contain the average and range at which the contaminant was detected. The CCR may include a brief explanation of the reasons for monitoring for these contaminants.
- F.** If the CWS distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table shall contain a separate column for each service area and the CCR shall identify each separate distribution system. Alternatively, a CWS may produce separate CCRs tailored to include data for each service area. Multiple points of entry into a distribution system are not necessarily considered hydraulically independent.

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Table 1. EPA Required Monitoring for Unregulated Contaminants

A CWS serving 100,000 or more persons that is required to monitor for the following disinfection by-products and microbial contaminants under 40 CFR 141.142 and 141.143, shall include the results of the most recent sampling in the CCR, and shall report the average and range of results for a contaminant that is detected. Results shall be included in a CCR for five years from the date of the last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements under this Chapter, whichever comes first.		
Haloacetic Acids*	Haloacetonitrile	Haloketones
Chlorite*	Chloral Hydrate	Total Organic Halides
Bromate*	Chloropierin	Aldehydes
Cyanogen Chloride	Chlorate	Total Culturable Viruses
*MCLs and monitoring requirements become effective May 1, 2002 for a CWS that use surface water and serves more than 10,000 people.		
A CWS required to monitor for the following contaminants under 40 CFR 141.40 shall include the results of the most recent sampling and shall report the average and range of results for the contaminant that was detected. Results from at least the previous year shall be included.		
Assessment Monitoring		
2,4 dinitrotoluene	2,6 dinitrotoluene	Acetochlor
DCEP Mono-acid Degradate	DCEP Di-acid Degradate	4,4'-DDE
EPTC	Molinate	MTBE
Nitrobenzene	Perechlorate	Terbacil
Screening Survey		
1,2-diphenylhydrazine	2-methyl-phenol	2,4-dichlorophenol
2,4-dinitrophenol	2,4,6-trichlorophenol	Diazinon
Disulfoton	Diuron	Fonofos
Linuron	Low-level Nitrobenzene	Prometon
Terbufos	Alachlor-Esa	Polonium-210

R18-4-705. Information on Cryptosporidium and Radon Repealed

- A.** If a CWS has performed monitoring for Cryptosporidium that indicates that Cryptosporidium may be present in the source water or the finished water, the CCR shall contain:
 1. A summary of the results of the monitoring, and
 2. An explanation of the significance of the results.
- B.** If a CWS has performed any monitoring for radon that indicates that radon might be present in the finished water, the CCR shall contain:
 1. The results of the monitoring, and
 2. An explanation of the significance of the results.

R18-4-706. Information on Violations Repealed

A CCR shall contain a clear, understandable explanation of any violation that occurred during the year covered by the CCR, the length of the violation, an explanation of any potential adverse health effects, the health effects language from Article 1, Appendix A, and the steps the CWS has taken to correct a violation of any of the following:

1. A MCL, MRDL, treatment technique, or action level;
2. Monitoring and reporting of regulated and unregulated compliance data;
3. Filtration and disinfection. For a CWS that has failed to install adequate filtration or disinfection equipment or processes, or has had a failure of filtration or disinfection equipment or processes, that constitutes a violation, the CCR shall contain 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 that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.";
4. Lead and copper. For a CWS that failed to take one or more actions specified in R18-4-307 through R18-4-308 or R18-4-311 through R18-4-315;
5. Treatment techniques for Acrylamide and Epichlorohydrin. For a CWS that violated the requirements of R18-4-317;
6. Recordkeeping of compliance data; or
7. Violation of the terms of a variance, an exemption, or an administrative or judicial order.

R18-4-707. Variances and Exemptions Repealed

If a CWS is operating under the terms of a variance or an exemption issued by the Department or EPA, the CCR shall 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 CWS is taking to install a method of 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.

R18-4-708. ~~Additional Information Repealed~~

- A.** A CCR shall contain a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water. This explanation shall contain, at a minimum, the language of subsections (B) through (E). A CWS may include additional information.
- B.** The sources of drinking 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.
- C.** Contaminants that may be present in source water include the following:
 1. Microbial contaminants, such as viruses and bacteria, that may be from sewage treatment plants, septic systems, agricultural livestock operations, or wildlife;
 2. Inorganic contaminants, such as salts and metals, that can be naturally occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;
 3. Pesticides and herbicides, that may come from a variety of sources such as agriculture, urban storm water runoff, and residential uses;
 4. Organic chemical contaminants, including synthetic and volatile organic chemicals, that are by products of industrial processes and petroleum production, and can also come from gas stations, urban storm water runoff, and septic systems; and
 5. Radioactive contaminants, that can be naturally occurring or can be the result of oil and gas production and mining activities.
- D.** To ensure that tap water is safe to drink, the United States Environmental Protection Agency prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. The United States Food and Drug Administration regulations establish limits for contaminants in bottled water.
- E.** 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 in tap water and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791). Information on bottled water can be obtained from the United States Food and Drug Administration.
- F.** The CCR shall contain the telephone number of the owner, operator, or designee of the CWS as a source of additional information concerning the CCR.
- G.** In communities with a large proportion of non-English speaking residents, as determined by the CWS after consultation with the Department, the CCR shall contain information in the appropriate language regarding the importance of the CCR or contain a telephone number or address where these residents may contact the CWS to obtain a translated copy of the CCR or assistance in the appropriate language.
- H.** The CCR shall contain information about the time and place of regularly scheduled meetings or other opportunities for public participation in decisions that may affect the quality of the water.
- I.** The CWS may include additional information necessary for public education consistent with, and not detracting from, the purpose of the CCR.

R18-4-709. ~~Additional Health Information Repealed~~

- A.** A CCR shall 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, persons 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. United States Environmental Protection Agency and Centers for Disease Control guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).”
- B.** A CWS that detects arsenic above 0.005 mg/L, and up to and including 0.01 mg/L, shall include in its CCR a short informational statement about arsenic. The CWS may create its own informational statement, in consultation with the Department, or the CWS may use the following language:

“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.”
- C.** A CWS that detects arsenic above 0.01 mg/L, and up to and including 0.05 mg/L, shall include in its CCR the arsenic health effects language in Appendix A of Article 1.
- D.** A CWS that detects nitrate at levels greater than 5 mg/L but less than the MCL shall include a short informational statement about the impacts of nitrate on children. The CWS may create its own informational statement, in consultation with the Department, or the CWS may use the following language:

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“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.”

- E. A CWS that detects lead above the action level in more than 5% but less than or equal to 10% of homes sampled shall include a short informational statement about the special impact of lead on children. The CWS may create its own informational statement, in consultation with the Department, or the CWS may use the following language:
“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 to flush your tap for 30 seconds to two minutes before using tap water. Additional information is available from the Environmental Protection Agency’s Safe Drinking Water Hotline (800-426-4791).”

R18-4-710. Consumer Confidence Report Delivery and Recordkeeping Repealed

- A. A CWS shall mail or otherwise directly deliver one copy of the CCR to each customer, except as provided in subsection (H) by July 1 annually.
- B. A CWS shall make a good faith effort to notify its consumers who do not get water bills of the availability of the CCR. A good faith effort to notify consumers would include a use of methods appropriate to the particular CWS such as:
1. Posting the CCR on the Internet;
 2. Mailing to postal patrons in metropolitan areas;
 3. Advertising the availability of the CCR in the news media;
 4. Publishing in a local newspaper;
 5. Posting in public places such as cafeterias or lunch rooms of public buildings;
 6. Delivering multiple copies for distribution by single-biller customers such as apartment buildings or large private employers; or
 7. Delivering to community organizations.
- C. A CWS shall deliver a copy of the CCR to the Department not later than the date the CWS delivers the CCR to its customers. A CWS that complies with the requirements of subsection (H) shall deliver a copy of the CCR to the Department by July 1 annually. Within three months of delivery of the CCR to a Department, a CWS shall send a certification to the Department that verifies that the CCR has been distributed to the customers of the CWS, or that the CWS has complied with the requirements of subsection (H). The certification shall also verify that the information in the CCR is correct and consistent with the compliance monitoring data previously submitted to the Department.
- D. A CWS that sells water to another CWS shall send written verification to the Department that the seller CWS has complied with the requirements of R18-4-702(D). The written verification shall be sent to the Department within three months of compliance with R18-4-702(D).
- E. Each CWS shall make its CCR available to members of the public upon request.
- F. Each CWS that serves 100,000 or more persons shall post its current year’s CCR to a publicly accessible site on the Internet.
- G. Each CWS shall retain a copy of its CCR for at least three years.
- H. Mailing waiver. A CWS that serves fewer than 10,000 people may perform the following instead of the requirements of subsection (A):
1. For a CWS that serves more than 500, but fewer than 10,000 people:
 - a. Inform customers that the CWS will not provide copies of the CCR by mail or other direct delivery method;
 - b. Publish the entire CCR annually in at least one local newspaper or other news medium serving areas in which the CWS’s customers are located; and
 - c. Send written notification to the Department that the CWS intends to comply with the requirements of this subsection.
 2. For a CWS that serves 500 or fewer people:
 - a. Inform customers that the CWS will not provide copies of the CCR by mail or other direct delivery method;
 - b. Provide notice annually that the CCR is available upon request; and
 - c. Send written notification to the Department that the CWS intends to comply with the requirements of this subsection.

ARTICLE 8. TECHNICAL ASSISTANCE

R18-4-801. Definitions Repealed

The terms in this Article have the following meanings, unless otherwise specified:

“Capacity” means a public water system’s ability to provide safe drinking water.

“Capacity development” means improving public water system technical, managerial, and financial components to improve a system’s ability to provide safe drinking water.

“Capacity development report” means an annual report adopted by the Department that describes progress made in

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improving technical, managerial, or financial capacity of public water systems in Arizona.

“Master priority list” means a list created by the Department that ranks public water systems according to the criteria in R18-4-803.

“Monitoring assistance program” means the program administered by the Department to assist public water systems with mandatory monitoring for contaminants, authorized by A.R.S. § 49-360 and Article 2 of this Chapter.

“Operational assistance” means professional or financial technical assistance provided to a public water system to improve the technical, managerial, or financial operations of the public water system.

“System evaluation assistance” means technical assistance provided to assess the status of the public water system’s technical, managerial, and financial components, with emphasis on infrastructure status.

“Technical assistance” means either operational assistance, system evaluation assistance, or both.

“Water Infrastructure Finance Authority” means the entity created under A.R.S. § 49-1201 et seq. to provide financial assistance to political subdivisions, Indian tribes, and eligible drinking water facilities for constructing, acquiring, or improving wastewater treatment facilities, drinking water facilities, nonpoint source projects, and other related water quality facilities and projects.