

CHAPTER 65-20

DRINKING WATER REGULATIONS

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§ 65-20-254 Enhanced Treatment for Cryptosporidium (§ 2141.700 - § 2141.721)

Subpart X Revised Total Coliform Rule

§ 65-20-256 Revised Total Coliform Rule (§ 2141.851 - § 2141.861)

Part 300 CNMI National Secondary Drinking Water Regulations

Subpart A National Secondary Drinking Water Regulations

§ 65-20-301 Referenced Version of 40 CFR § 143 and Purpose (§ 3141.0 - § 3141.1)

§ 65-20-305 Definitions (§ 3141.2)

§ 65-20-310 Secondary Maximum Contaminant Levels (§ 3141.3)

§ 65-20-315 Monitoring (§ 3141.4)

Appendix A National Primary Drinking Water Regulations 40 CFR § 141 July 1, 2007 and October 10, 2007

Appendix B National Secondary Drinking Water Regulations 40 CFR § 143 July 1, 2007

Appendix C U.S.E.P.A. Fact Sheets on the Four Federal Drinking Water Rules

Appendix D Excerpts from the Federal Register dated October 10, 2007

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

Chapter Authority: 1 CMC §§ 2646-2649; 1 CMC § 2650; 2 CMC §§ 3101-3135.

Chapter History: Amdts Adopted 44 Com. Reg. 48222 (Mar. 28, 2022); Amdts Proposed 44 Com. Reg. 48027 (Jan. 28, 2022); Amdts Adopted 37 Com. Reg. 37300 (Dec. 28, 2015); Amdts Proposed 37 Com. Reg. 37098 (Oct. 28, 2015); Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005) (superseding all previous DEQ Drinking Water Regulations); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005); Amdts Adopted 24 Com. Reg. 19005 (Jan. 29, 2002); Amdts Proposed 23 Com. Reg. 18642 (Nov. 23, 2001); Amdts Adopted 17 Com. Reg. 13823 (Nov. 15, 1995); Amdts Proposed 17 Com. Reg. 13678 (Sept. 15, 1995); Amdts Adopted 16 Com. Reg. 12445 (Sept. 15, 1994); Amdts Proposed 16 Com. Reg. 12141 (July 15, 1994); Amdts Adopted 16 Com. Reg. 12242 (July 15, 1994); Amdts Proposed 16 Com. Reg. 11996 (June 15, 1994); Amdts Adopted 15 Com. Reg. 10807 (Aug. 15, 1993); Amdts Proposed 15 Com. Reg. 10689 (June 15, 1993); Amdts Adopted 14 Com. Reg. 10212 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9875 (Oct. 15, 1992); Amdts Adopted 13 Com. Reg. 8340 (Nov. 15, 1991); Amdts Proposed 13 Com. Reg. 7986 (Sept. 15, 1991); Amdts Adopted 11 Com. Reg. 6111 (Mar. 15, 1989); Amdts Proposed 11 Com. Reg. 5850 (Feb. 15, 1989); Adopted 4 Com. Reg. 1576 (Aug. 15, 1982); Proposed 4 Com. Reg. 1536 (July 15, 1982).

Commission Comment: PL 3-23 (effective Oct. 8, 1982), the “Commonwealth Environmental Protection Act,” codified as amended at 1 CMC §§ 2646-2649 and 2 CMC §§ 3101-3135, created the Division of Environmental Quality (DEQ) within the Department of Public Health and Environmental Services. See 1 CMC § 2646. The act authorized the Chief (now the Director) of the Division to administer, implement and enforce specific powers and duties relating to environmental protection and to develop rules and regulations to implement PL 3-23 and other laws administered by the Division. See 1 CMC §§ 2647 and 2648. PL 3-23 § 7, 2 CMC § 3121, granted the Director of the Department of Public Health and Environmental Services the exclusive power to issue regulations pursuant to the act.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 304(d):

Section 304. Department of Public Works.

...

(d) Environmental Quality. The Division of Environmental Quality is transferred from the Department of Public Health to the Department of Public Works. To the maximum extent practicable, the Secretary of Public Works shall integrate land-based earth moving permits into the building permit process.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 11-108 (effective Dec. 3, 1999) repealed Executive Order 94-3 § 304(d) in its entirety. See PL 11-108 § 2. PL 11-108 “reclassified [the Division of Environmental Quality] as an independent regulatory agency, acting from within the office of the Governor” and placed all administrative duties and authority with regards to DEQ with the Governor or his designee. PL 11-108 §§ 1 and 3, codified at 1 CMC § 2650.

In July 2005, DEQ readopted and republished the Drinking Water Regulations in their entirety with numerous structural changes and amendments. The 2005 Drinking Water Regulations are codified in this chapter. Previous history is cited in limited sections where applicable.

Executive Order No. 2013-24, promulgated at 35 Com. Reg. 34596 (Nov. 28, 2013), established a new Bureau of Environmental and Coastal Quality. This Order reorganized the Division of Environmental Quality as a division of the Bureau of Environmental and Coastal Quality, and provided that “all rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Executive Order shall continue to be effective until revised, amended, repealed or terminated.”

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The December 2015 amendments changed the reference dates from the 2007 version of the Code of Federal Regulations on water rights to the 2014 version, and adopted the Federal Revised Total Coliform Rule.

Part 001 - General Provisions

§ 65-20-001 Authority

The regulations in this chapter have been promulgated by the Commonwealth Division of Environmental Quality in accordance with 1 CMC §§ 2646 to 2649, Public Law 11-108 [1 CMC § 2650], and the Commonwealth Environmental Protection Act, PL 3-23, 2 CMC §§ 3101, et seq. (as amended by PL 11-103). The regulations, technical provisions, and specifications to be adopted by the Division from time to time, shall have the full force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands. The Division shall apply these regulations and standards to all public water systems in the Commonwealth.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005); Amdts Adopted 14 Com. Reg. 10212 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9875 (Oct. 15, 1992); Amdts Adopted 13 Com. Reg. 8340 (Nov. 15, 1991); Amdts Proposed 13 Com. Reg. 7986 (Sept. 15, 1991); Adopted 4 Com. Reg. 1576 (Aug. 15, 1982); Proposed 4 Com. Reg. 1536 (July 15, 1982).

Commission Comment: In July 2005, DEQ readopted and republished the Drinking Water Regulations in their entirety with numerous structural changes and amendments. The 2005 Drinking Water Regulations are codified in this chapter. Previous history is cited in limited sections where applicable.

§ 65-20-005 Purpose

The purpose of the regulations, technical provisions, and specifications in this chapter is to establish certain minimum standards and requirements, as determined by the Division, that are necessary to protect public health and safety, and to ensure that public water systems are protected from contamination and provide water that is safe for human consumption.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005); Amdts Adopted 14 Com. Reg. 10212 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9875 (Oct. 15, 1992); Amdts Adopted 13 Com. Reg. 8340 (Nov. 15, 1991); Amdts Proposed 13 Com. Reg. 7986 (Sept. 15, 1991); Adopted 4 Com. Reg. 1576 (Aug. 15, 1982); Proposed 4 Com. Reg. 1536 (July 15, 1982).

Commission Comment: The Commission inserted a comma after the word “provisions” pursuant to 1 CMC § 3806(g). The Commission corrected the spelling of “ensure” pursuant to 1 CMC § 3806(g).

§ 65-20-010 Definitions

In addition to the definitions provided at § 65-20-202 and § 65-20-305 of this chapter, the words and terms listed below have the following definitions.

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- (a) “Act,” for the purpose of part 001 and part 100 of this chapter only, means the Commonwealth Environmental Protection Act, 2 CMC §§ 3101 to 3134 (Public Law 3-23).
- (b) “Administrator” means the Administrator of the U.S. Environmental Protection Agency.
- (c) “Agency” means the U.S. Environmental Protection Agency, unless otherwise specified.
- (d) “Available,” as used in part 100, subpart C, means that based on system size, complexity, and source water quality, a certified operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner.
- (e) “Backflow” means the flow of water or other liquids, mixtures, or substances into a public water supply from any source or sources other than its intended source. Back-siphonage resulting from negative pressure in the distribution system is one type of backflow.
- (f) “Bottled water company” means a business that produces drinking water in bulk or bottles for retail or wholesale sale to the public. For the purposes of the regulations in this chapter, bottled water companies are public water systems.
- (g) “Certified operator” means an individual who has passed an examination that tests their knowledge, skills, ability, and judgment as a water operator for a particular classification level of water treatment facility or water distribution system, and has been issued a certificate pursuant to part 100, subpart C of this chapter.
- (h) “Commonwealth” means the Commonwealth of the Northern Mariana Islands (CNMI).
- (i) “Commonwealth Drinking Water Regulations” means the regulations codified in this chapter in their totality (parts 001, 100, 200 and 300) and all regulations that are adopted by reference, herein.
- (j) “Cross connection” means any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas or other substance not meeting the Drinking Water Quality Standards of the regulations in this chapter. By-pass arrangements, jumper connections, removable sections, swivel or change over devices and other temporary or permanent devices through which “backflow” can or may occur are considered to be cross connections. A submerged inlet from a public water system into a water storage tank that may also store water from an untreated source, such as a rain water catchment, is another example of a cross connection.

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- (k) “Director” means the Director of the Division of Environmental Quality or duly authorized representative.
- (l) “Distribution system” means any combination of pipes, tanks, tanker trucks, pumps, bottled water, etc. which delivers water from the source(s) and/or treatment facility(ies) to the consumer.
- (m) “Division” means the Commonwealth Division of Environmental Quality.
- (n) “Drinking water quality standards” or standards means those primary or secondary drinking water regulations as promulgated by either the Commonwealth Division of Environmental Quality or the U.S. Environmental Protection Agency.
- (o) “Human consumption” means using water for any of the following purposes: drinking, bathing or showering, hand washing, food preparation, cooking, dishwashing, or oral hygiene.
- (p) “Maximum contaminant level” means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.
- (q) “Operating shift” means that period of time during which operator decisions that affect public health are necessary for proper operation of the system.
- (r) “Person” means an individual, corporation, company, association, partnership, municipality, or an agency of the Commonwealth or federal government.
- (s) “Potable” water means water that is of a quality that meets the requirements of the regulations in this chapter.
- (t) “Primacy agency” means the agency of the Commonwealth that has been delegated the national drinking water program by the U.S. Environmental Protection Agency. The primacy agency in the Commonwealth is the Division of Environmental Quality within the Office of the Governor.
- (u) “Public water system” means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; or any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.
- (v) “Rainwater catchment” means a structure for the collection of rainwater. Rainwater catchment systems may be subject to surface water runoff, as in the case of ground-level reservoirs that collect rainwater that has traveled over the surface of the land, or may not

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be subject to surface water runoff, as in the case of rainwater roof catchments. A rainwater catchment may be a public water system or a part of a public water system if the water system meets the definition of public water system at subsection (s) above.*

*So in original. The definition actually appears at subsection (u).

(w) “Responsible charge” - The operator(s) in responsible charge is defined as the person(s) designated by the owner to be the certified operator(s) who makes decisions regarding the daily operational activities of a public water system, water treatment facility, and/or distribution system that will directly impact the quality and/or quantity of drinking water.

(x) “Sample point” means the location from which a water sample is collected. Such locations include source waters, between or after individual treatment process, storage tanks, entry points to the distribution system, or any location within a distribution system. Each sample point is designated by a unique identification number and a descriptive location name.

(y) “Significant deficiency” means any situation, practice, or condition in a public water system with respect to design, operation, maintenance, or administration, that the Division determines may result in or have the potential to result in production of finished drinking water that poses an unacceptable risk to the health or welfare of the public served by the water system.

(z) “Tamper” means to introduce a contaminant into a public water system or into drinking water, or to otherwise interfere with drinking water or the operation of a public water system, with the intention of harming persons, water system facilities or water system operations. It does not include the standardized accepted treatment procedures performed by a supplier of water in preparing water for human consumption.

(aa) “Treatment facility” means any place(s) where a public water system alters the physical or chemical characteristics of the drinking water. Chlorination is considered as a function of the distribution system.

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: In subsection (a), the Commission moved the comma after “Act” inside of the closing quotation mark. The Commission inserted commas after the words “storage” in subsection (u) and “facility” in subsection (w) pursuant to 1 CMC § 3806(g).

§ 65-20-015 Severability

Should any part, section, paragraph, sentence, clause, phrase, or application of the rules and regulations in this chapter be declared invalid or unconstitutional by a court of

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competent jurisdiction, the remainder or any other application of these rules and regulations shall not be affected in any way thereby, and shall remain in full force and effect.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: For consistency in the NMIAC, the Commission moved this section from the end of part 100.

§ 65-20-020 Supersedure

The rules and regulations in this chapter supersede all CNMI Division of Environmental Quality Drinking Water Regulations in effect prior to the effective date of these rules and regulations.

Modified, 1 CMC § 3806(d), (g).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The Commission deleted the repeated word “all.”

For consistency in the NMIAC, the Commission moved this section from the end of part 100.

Part 100 - CNMI Public Water System Regulations

Subpart A - General Provisions

§ 65-20-101 Right of Entry

(a) As a condition for the issuance or continuation of any permit, certification, approval, or authorization granted under the regulations in this chapter, authorized representatives of the Division may enter and inspect, at any reasonable time unless an emergency dictates otherwise, any establishment, facility, or any other property or premises under the control of a public water system.

(b) Such inspection may include inspection of records, files, papers, processes, controls and facilities, and testing of any feature of a public water system, including its raw water source.

(c) As a condition for the issuance or continuation of any permit, certification, approval, or authorization granted under the regulations in this chapter, authorized representatives of the Division may collect water samples, as there is an inherent threat that the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of evidence of a violation or the taking of any necessary mitigating or remedial measures. Any sample collected may be used as evidence in an enforcement action.

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Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

§ 65-20-102 Drinking Water Quality Control and Prohibition of Uncontrolled Cross Connections

(a) The Division may mandate that a public water system use a specific water treatment technology in order to comply with the regulations in this chapter or to protect public health.

(b) It is the responsibility of the public water system to assure a quality of water supply that equals or surpasses drinking water quality standards of the Division as set forth in the regulations in this chapter. This includes assurance by the public water system that users do not contaminate the public water supply by the use of faulty plumbing that allows infiltration or backflow of any sort into the drinking water distribution system.

(c) A public water system shall have no uncontrolled cross connections to a pipe, fixture, or supply, any of which contain water or other substances not meeting all applicable provisions of the regulations in this chapter.

(d) Any cross connection existing in a public water system must be equipped with an appropriate backflow prevention device or assembly, as determined by the Division. The type of protection required to prevent backflow into the public water system must be commensurate with the degree of hazard that exists to the water supply.

(e) Backflow prevention devices and assemblies must be maintained in good working condition and periodically tested in accordance with the manufacturer's recommendations.

(f) A public water system shall notify the Division of any uncontrolled cross connection within five calendar days of its discovery. The cross connection shall be corrected within 10 days of its discovery. Failure to do so may result in an enforcement order.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

§ 65-20-104 Certified Laboratories

(a) To perform drinking water analyses for determining compliance with the regulations in this chapter, laboratories must be certified by the Division in accordance with the Division's Drinking Water Laboratory Certification Plan.

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(b) Laboratories certified by the Division to perform drinking water analyses must report analytical results to public water systems in a format (information and layout) that is acceptable to the Division.

(c) The Division shall charge reasonable fees for laboratory analyses performed by its Environmental Surveillance Laboratory. Fees shall be set by the Director and revised as necessary, but not more frequently than semi-annually, to reflect changes in costs, new analysis methods, and the operational expenses of the laboratory. The schedule of laboratory fees will be available to the public upon request.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

§ 65-20-106 Monitoring Requirements and Performance Testing

(a) Monitoring Requirements

(1) The Division may require any public water system to collect water samples and have them analyzed at a certified laboratory in order to evaluate:

(i) The concentration of suspected or potential contamination that may be the result of anthropogenic or natural sources, including natural disasters such as typhoons and volcanic eruptions;

(ii) The need to install water treatment equipment so as to comply with existing or future CNMI Drinking Water Regulations, or to protect public health; or

(iii) The proficiency of existing water treatment equipment, and verification of its effectiveness in removing physical, biological, chemical, or radiological contaminants.

(2) The Division shall prescribe the collection procedures, frequency of sampling, analytical methods, and reporting for any monitoring requirements not specified elsewhere in this chapter.

(i) The Division may stipulate a period of time within a compliance period during which samples must be collected. Samples collected by a water system outside of the stipulated time period shall not be used in determining compliance for that compliance period.

(ii) All samples collected to comply with these Commonwealth Drinking Water Regulations must be collected from a sample point that has been approved by the Division, and must be identified as having come from that sample point.

(iii) Analytical results must be reported in a format (information and layout) that is acceptable to the Division.

(3) When multiple sources of water are combined (i.e., mixture of surface water, groundwater under the direct influence of surface water, groundwater, rainwater, or purchased water), the monitoring requirements that are most protective of public health must be performed.

(b) Performance Testing

(1) The Division may require public water systems to install, use and maintain instrumentation to monitor, analyze, and record water quality and water quantity data.

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(2) Monitoring equipment must be maintained and calibrated in accordance with the manufacturer's recommendations. Maintenance and calibration records must be retained on premises and available for inspection by Division personnel.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The Commission inserted a comma after the word "rainwater" in subsection (a)(3) pursuant to 1 CMC § 3806(g).

Subpart B - Design, Construction, and Operation of Public Water Systems

§ 65-20-108 Design and Construction Requirements

(a)(1) No person shall

- (i) Commence construction of any new public water system,
- (ii) Make improvements to or modify the treatment process of an existing public water system, or
- (iii) Initiate the use of a new source, storage facility, or significant distribution system component (i.e. booster pump station, pressure reducing station) until plans and specifications for such construction, improvements, modification or use have been submitted to, and approved by, the Director.

(2) The Director shall grant such approval when he finds that the proposed facilities are capable of complying, on a continuous basis, with appropriate design criteria, and with all applicable laws, standards, rules, and regulations.

(b) No public water system may physically split its pumping or distribution facilities in order to avoid the requirements of these Commonwealth Drinking Water Regulations. The Director of the Division shall identify a public water system based on legal ownership and contiguous facilities, regardless of independent hydraulic systems.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The original provisions of subsection (a) were not designated. The Commission designated subsections (a)(1) and (a)(2). The Commission inserted a comma after the word "rules" in subsection (a)(2) pursuant to 1 CMC § 3806(g).

§ 65-20-110 Design and Construction Standards

(a) Design Standards. Suppliers of water shall ensure that accepted engineering criteria and practices are used in the design and construction of all public water systems, such as those set out in the most recent editions of the following documents, or the edition required by public law.

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- (1) Approved Backflow Prevention Assemblies for Service Isolation Department of Health Services, State of California, <http://www.dhs.ca.gov>
- (2) AWWA Manuals of Water Supply Practices (MI-M51), American Water Works Association (AWWA), Denver, CO, <http://www.awwa.org>
- (3) AWWA Standards, American Water Works Association (AWWA), Denver, CO, <http://www.awwa.org>
- (4) Drinking Water System Components - Health Effects (ANSI/NSF 61), National Sanitation Foundation (NSF) International, Ann Arbor, MI, <http://www.nsf.org>
- (5) Drinking Water Treatment Chemicals - Health Effects (ANSI/NSF 60), National Sanitation Foundation (NSF) International, Ann Arbor, MI, <http://www.nsf.org>
- (6) Health Effects from Rainwater Catchment System Components (NSF P151), National Sanitation Foundation (NSF) International, Ann Arbor, MI, <http://www.nsf.org>
- (7) Recommended Practice for Backflow Prevention and Cross-Connection Control. American Water Works Association (AWWA), Denver, CO
- (8) Recommended Standards for Water Works - Policies for the Review and Approval of Plans and Specifications for Public Water Supplies (10 States Standards), Health Education Services, Albany, NY, <http://www.hes.org>
- (9) Uniform Plumbing Code (UPC), International Association of Plumbing and Mechanical Officials (IAPMO), Ontario, CA., <http://www.iapmo.org>.

(b) Prohibition on Use of Lead Pipes, Solders, and Flux. Any pipe, pipe fittings, fixtures, solder, or flux used in the installation or repair of any public water system, or any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system, shall be “lead free” as defined at § 65-20-218(d) of this chapter.

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: In subsection (a)(9), the Commission inserted the final period.

§ 65-20-112 Design Review Process

The design review process consists of four steps: (a) the applicant submits a notice of intent; (b) the Division reviews and takes action on the notice of intent; (c) the applicant prepares final drawings and specifications; (d) the Division reviews and takes action on the final drawings and specifications.

(a) Applicant’s Notice of Intent

(1) Before a person may enter into a financial commitment for, or initiate construction of, a new public water system, or modification of an existing public water system, that person must submit in writing a notice of intent to the Division. For the purposes of this subpart, modification to an existing water system does not include routine maintenance and service of hydrants and valves, or replacement of equipment, pipe, and appurtenances with

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equivalent equipment, pipe, and appurtenances. The notice of intent shall contain all of the information required in the Division's standardized form.

(2) The siting requirements specified in § 65-20-208 of this chapter must be considered and addressed in the notice of intent.

(3) For new water systems and for systems that are modifying or installing new treatment technology; the notice of intent must also include a description of the technical, managerial, and financial capacity of the water system to plan, achieve, and maintain compliance with all applicable drinking water quality standards. Technical, managerial, and financial capacity are defined as follows:

(i) Technical capacity refers to the physical infrastructure of the public water system, including but not limited to the adequacy of the source water, infrastructure (source, treatment, storage, and distributions), and the ability of system personnel to implement the requisite technical knowledge.

(ii) Managerial capacity refers to the management structure of the public water system, including but not limited to ownership accountability, staffing and organization, and effective linkages to customers and regulatory agencies.

(iii) Financial capacity refers to the financial resources of the public water system, including but not limited to revenue sufficiency, credit worthiness, and fiscal controls.

(b) Division Review and Action on the Notice of Intent

The Division shall review a notice of intent to construct or modify a public water supply system for completeness and either:

(1) Fully or conditionally approve the notice for the preparation of final plans and specifications for the proposed facility;

(2) Notify the applicant that additional information is required;

(3) Deny the proposal to construct giving written appropriate reasons for the denial.

(c) Preparation of Final Drawings and Specifications by the Applicant

(1) Preparation of final drawings and specifications for a public water system shall be based upon accepted engineering practice and must be submitted in a format acceptable to the Division.

(2) The final plans and specifications shall follow the intent expressed in the approved notice of intent.

(3) A person experienced in the construction and operation and maintenance of water supply systems shall supervise preparation of final drawings and specifications.

(4) A professional engineer must design any treatment system included in any public water system.

(d) Division Review and Approval of Final Drawings and Specifications

(1) Final drawings and specifications shall be submitted to the Division for review.

(2) The Division shall either:

(i) Approve the drawings and specifications for construction; or

(ii) Request changes be made to the drawings and specifications to make the design conform to this chapter or for the protection of the public health and the environment. Once changes are made to the final drawings and specifications, they must be submitted to the Division for review.

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Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

§ 65-20-114 Drinking Water Materials and Additives

(a) Each product, with the exception of commercially retailed hypochlorite compounds such as unscented Clorox, Purex, etc., added to water intended for human consumption, shall conform to ANSI/NSF Standard 60. The maximum application dosage recommendation for the product certified by ANSI/NSF Standard 60 shall not be exceeded in practice. Products covered by this paragraph include, but are not limited to: coagulation and flocculation chemicals; chemicals for corrosion and scale control; chemicals for softening, precipitation, sequestering and pH adjustment, disinfection and oxidation chemicals; chemicals for fluoridation, defluoridation, algae control, and dechlorination; dyes and tracers; antifoamers, regenerants, and separation process scale inhibitors and cleaners; and water well drilling and rehabilitation aids.

(b) Except as identified in subsections (g) and (h) of this section, a material or product that comes in significant contact with water intended for human consumption shall conform to ANSI/NSF Standard 61. For the purposes of this section, “substantial contact” means the elevated degree that a material in contact with water may release leachable contaminants into the water that such levels of these contaminants may be unacceptable with respect to either public health or aesthetic concerns. The Division shall take into consideration the total material/water interface area of exposure, volume of water exposed, length of time water is in contact with the material, and level of public health risk. Examples of water system components that would be considered to be in “substantial contact” with drinking water are filter media, storage tank interiors or liners, distribution piping, membranes, exchange or adsorption media, or other similar components that would have high potential for contacting water intended for human consumption. Materials associated with components such as valves, pipe fittings, debris screens, gaskets, or similar appurtenances would not be considered to be in substantial contact.

(c) Materials or additives in use prior to the effective date of the regulations in this chapter that have not been listed under ANSI/NSF Standard 60 or 61 may be used for their current applications until the materials are scheduled for replacement, or until stocks of existing additives are depleted and scheduled for reorder.

(d) Any products used to coat, line, seal, or patch water contact surfaces, or that have substantial water contact within the collection, treatment, or distribution systems must comply with the appropriate ANSI/NSF Standard 60 or 61. Application of these products must comply with recommendations contained in the product certification.

(e) Evidence that a product conforms to the requirements of this section shall be the appearance on the product of* product package of a seal of a certifying entity that is accredited by the American National Standards Institute to provide the certification.

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*So in original; probably should be “or.”

(f) Any treatment chemical or additive used in a public water system must come from and be stored in containers that are clearly labeled in English, and must display the manufacturer’s name and address.

(g) 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 water intended for human consumption are essential to the design, construction, or operation of the drinking water system and have not been certified by NSF International of* have NSF 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 consistent with the specifications of the American Water Works Association.

(3) 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.

*So in original; probably should be “or.”

(h) The following materials and products are exempt from the requirement to conform to ANSI/NSF Standard 61:

(1) A concrete structure, tank, or treatment tank basin constructed onsite that is not normally coated or sealed if the construction materials used in the concrete are consistent with subsection (g). 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 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 that is less than 15,000 gallons in capacity; or

(4) A pipe, treatment plant component, or water distribution system component made of lead-free stainless steel.

Modified, 1 CMC § 3806(c), (d), (g).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: In subsection (f), the Commission corrected the spelling of “manufacturer’s.”

§ 65-20-116 Operational Requirements

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- (a) Prior to the initial operation of any newly constructed public water system, or the operation of any public water system that has modified its source water, treatment, storage, or distribution facilities, the public water system must be inspected by Division personnel.
- (b) **Newly Constructed Water Systems.** Prior to serving water to the public, a newly constructed public water system must undergo a full sanitary survey performed by Division personnel. If, as a result of that survey, significant deficiencies are identified, the water system is prohibited from distributing water until those deficiencies have been corrected to the satisfaction of the Director.
- (c) **New Facilities of Existing Water Systems.** Prior to distributing water, Division personnel must inspect newly constructed or modified public water system facilities. If, as a result of that inspection, significant deficiencies are identified, the public water system is prohibited from distributing water from those treatment facilities until all deficiencies have been corrected to the satisfaction of the Director.
- (d) No later than 45 calendar days after any public water system receives written notice from the Division that one or more significant deficiencies has been identified, the water system must respond in writing to the Division indicating the steps it will take to correct the deficiencies, and the schedule for those corrections.
- (e) A new public water system, or a new water source to be used by an existing public water system, shall not distribute water until all three of the following conditions are met.
- (1) All initial monitoring required at entry points to the distribution system, as specified in part 200 of this chapter, has been performed.
 - (2) All analytical results have been reported to the Division.
 - (3) All analytical results indicate there is no exceedance of any applicable maximum contaminant level.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The Commission inserted a comma after the word “storage” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 65-20-118 Sanitary Surveys

- (a) It is the responsibility of every public water system, including community water systems and non-community water systems, to have a sanitary survey of all of their public water system facilities conducted at least once every three years. Owners of public water systems shall submit a completed sanitary survey to the Division within 36 months of the effective date of the regulations in this chapter.
- (1) At a minimum the sanitary survey shall address these elements: water source; treatment; distribution system; finished water storage; pumps, pump facilities and controls; monitoring, reporting and data verification; water system management and operations; and operator compliance with Commonwealth requirements.

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- (2) The sanitary survey shall be documented in a report to the Division.
 - (3) Significant deficiencies identified in the report shall be addressed by the water system within 30 days of being notified of the deficiency.
- (b) The sanitary survey shall be performed by a person approved by the Division. Such persons include:
 - (1) Division personnel trained to perform sanitary surveys;
 - (2) Bureau of Environmental Health personnel trained to perform sanitary surveys;
 - (3) Registered professional engineers trained to perform sanitary surveys and approved by the Division;
 - (4) Registered environmental health specialists trained to perform sanitary surveys and approved by the Division; or
 - (5) Other personnel trained to perform sanitary surveys and approved by the Division.
 - (c) The Division may assess reasonable fees for a sanitary survey if Division personnel perform the survey.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Subpart C - Certification of Public Water System Operators

§ 65-20-120 General Provisions

- (a) The purpose of this subpart is to assure that public water system operators are trained and certified, and that they have knowledge and understanding of the public health reasons for drinking water standards.
- (b) No later than January 1, 2006, owners of all public water systems must place the direct supervision of their water system, including each treatment facility and/or distribution system, under the responsible charge of an operator holding a valid certification equal to or greater than the classification of the treatment facility and/or distribution system.
- (c) All operating personnel making process control/system integrity decisions about water quality or quantity that affect public health must be certified.
- (d) A designated certified operator must be available for each operating shift.
- (e) The Division may charge reasonable fees to cover the expenses of the certification program. These fees may include an initial application fee for new applicants, an exam fee if an exam is to be administered, and a renewal fee for operators that are already certified.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

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Commission Comment: The 2008 amendments amended subsection (e). See 29 Com. Reg. at 27641 (Dec. 18, 2007).

§ 65-20-122 Certification Requirements

(a) A person seeking certification under this regulation shall submit an application to the Division on a form approved by the Division.

(b) The Division will certify an applicant who has met the examination requirements of § 65-20-122(c) and the experience and education requirements of § 65-20-122(d); or the comity requirements of § 65-20-122(e); and has submitted the appropriate fees.

(c) Examination requirements

(1) To be certified to operate a water system classified as class 1 through class 4 under § 65-20-124 an applicant must pass a validated examination that demonstrates the applicant's skills, knowledge, ability, and judgment to operate a system of that classification in compliance with the requirements of the regulations in this subchapter.

(2) The applicant must obtain a minimum score of 70% on the exam in order to pass the examination.

(3) An applicant may not take the same water treatment or water distribution exam more than once within a span of 90 days.

(4) The applicant must submit the exam fee for each exam before taking the exam.

(d) Education and experience requirements

(1) To be certified as a class 1 through class 4 water treatment plant operator or water distribution operator, an applicant must have at least a high school diploma or the equivalent thereof.

(2) To be certified as an operator-in-training water treatment plant operator or water distribution operator, an applicant must be enrolled in a high school degree program, or have at least a high school diploma or the equivalent thereof.

(3) Experience requirements for each classification level of operator are outlined in the following Table 1 - Years of Experience for Certification at Each Classification Level.

Table 1 - Years of Experience Required for Certification at Each Classification Level					
Classification Level	OIT+	Class 1	Class 2	Class 3	Class 4
Water Treatment	0	1	3	4	4
Water Distribution	0	1	4	6	8

+ **OIT** means Operator-in-Training. An operator certified at the OIT level is a certified operator, but cannot be the supervising operator having responsible charge over a public water system because the certification level is not at the classification level of the public water system.

(e) Comity requirements

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(1) The Division will recognize the certification of operators who have current drinking water operator certifications in good standing from any U.S. state, territory, or possession, or from the Association of Boards of Certification. Such recognition is termed comity certification.

(2) The Division will determine the classification level that the operator qualifies to be recognized at based on the operator's experience and education.

(3) (Removed and reserved).

(4) In order to be certified by comity in the Commonwealth, a certified operator must provide the Division with the following:

(i) A current and valid certificate documenting that the individual is a certified operator in any jurisdiction described in § 65-20-122(e)(1) of this subchapter.

(ii) All support documents required by the original certifying authority to authenticate the qualifications of the operator.

(iii) The appropriate fees.

(f) Certificate term and renewal

(1) A certificate issued under the conditions of § 65-20-122(c)-(d), examination, experience and education requirements, is valid for a three-year period beginning January 1 of the year of issuance.

(2) A certificate issued under the conditions of § 65-20-122(e), comity certification, is valid for the term of the original certificate or three years, whichever is less.

(3) The Division will renew a certificate only if an operator has completed 10 contact hours of Division approved continuing education for every year that the certificate was valid (30 hours for a three year certificate); has paid the required fee; and is otherwise in compliance with this subchapter. A renewed certificate is valid for a three year period beginning January 1 of the year of issuance.

(g) Lapsed certificates

(1) An operator who seeks renewal of a lapsed certificate shall submit a request for renewal within 180 days after the certificate lapses. Upon receipt of a valid request for renewal, including proof of compliance with § 65-20-122(f)(3) and payment of the appropriate fee, the Division shall renew a certificate.

(2) The Division will require reexamination of an operator whose renewal application is received more than 180 days after the certificate lapses.

(h) Revocation of operator certification

(1) After an investigation and review of the facts, and in accordance with all applicable Commonwealth laws and regulations, the Director may revoke the certification of an operator for any of the following reasons:

(i) The operator has practiced fraud or deception, has tampered with water samples, falsified analytical data, or falsified other operating records. A person committing such actions is liable for civil or criminal penalties in accordance with 2 CMC § 3131(d).

(ii) Reasonable care, judgment, or the application of knowledge was not used in the performance of the operator's duties.

(iii) The operator does not perform duties in a manner that meets drinking water compliance requirements of Commonwealth laws and regulations.

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(iv) The certification of the operator has expired or is no longer valid in the original jurisdiction from which their certification was issued.

(2) An operator whose certificate is revoked may not apply for certification for 365 days after revocation. An application received under this subsection will be treated as an initial application.

(i) **Temporary certification:** The Director may, in his discretion, issue a temporary certificate for good cause shown. The temporary certificate is valid until the earliest date when the operator may be examined and certified under this regulation. A temporary certificate applies only to the system which the applicant is operating at the time of application, and will not be renewed. The fees required must be paid before a certificate will be issued.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The 2008 amendments amended subsections (c), (d), (e), and (f). See 29 Com. Reg. at 27641-27642 (Dec. 18, 2007) for subsection (c), 29 Com. Reg. at 27642 (Dec. 18, 2007) for subsection (d), 29 Com. Reg. at 27642 (Dec. 18, 2007) for subsection (e), and 29 Com. Reg. at 27643 (Dec. 18, 2007) for subsection (f). The Commission corrected a typographical error in subsection (e)(4) by changing a period to a colon.

§ 65-20-124 **Classification of Public Water System**

The treatment facility(ies) and the distribution system(s) of a public water system are classified separately as follows.

(a) A drinking water treatment facility is classified as a Class 1, Class 2, Class 3, or Class 4 treatment facility in accordance with Table 1 (Classification of Treatment Facilities).

Table 1- Classification of Treatment Facilities	
Type of Treatment	Class of Treatment Facility
Groundwater sources using disinfection on a continuous basis.	Class 1
Membrane filtration, cartridge filtration, or desalination (including distillation, ion exchange, and reverse osmosis) of groundwater, purchased water, or water from rainwater roof catchments.	Class 2
Any filtration (except conventional or direct filtration) of surface water or groundwater under the direct influence of surface water.	Class 3

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Conventional filtration or direct filtration of surface water.	Class 4
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(b) A drinking water distribution system is classified as a Class 1, Class 2, Class 3, or Class 4 distribution system in accordance with Table 2 (Classification of Distribution Systems).

Table 2 - Classification of Distribution Systems	
Population Served by Water System	Class of Distribution System
1,500 and less	Class 1
1,501 to 15,000	Class 2
15,001 to 50,000	Class 3
50,001 and greater	Class 4

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The 2008 amendments corrected a typographical error in subsection (a) of this section.

Subpart D - Bottled Water Companies

§ 65-20-126 Basis for Regulation

(a) Bottled water companies play a vital role in providing drinking water in the Commonwealth. They are, however, generally not regulated as public water systems under the federal Safe Drinking Water Act (in certain circumstances, they may be federally regulated as noncommunity water systems). In addition, regulations promulgated under the federal Safe Drinking Water Act do not take into consideration the unique characteristics of bottled water plants.

(b) In order to assure the provision of safe drinking water and protect public health, the Division regulates bottled water companies as public water systems within the Commonwealth under the jurisdiction granted by 2 CMC §§ 3111(a)(1) and 3122(b). The requirements in this subpart assure that the customers of bottled water companies are provided at least an equal level of protection afforded the customers of other public water systems.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

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Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 65-20-128 Requirements of Bottled Water Companies

(a) Bottled water companies are regulated as community water systems and, except as specified in subsections (b) through (d) of this section, must follow all CNMI National Primary and Secondary Drinking Water Regulations as specified in parts 200 and 300 of this chapter.

(b) Special Monitoring Requirements for Coliform Sampling. For the purpose of complying with the coliform sampling requirements of § 65-20-214(a) of this chapter, the minimum number of samples required per month is based on system configuration, not population served. A bottled water company must collect a minimum of:

(1) Two routine samples every month from every tap at the facility that provides finished water.

(i) Finished water taps include taps, faucets, and spouts that provide water to bottles, bulk storage, retail faucets, and ice machines.

(ii) A row of taps at a single sink that has only one source of water is counted as one tap. In this situation, a sample can be collected at any individual tap.

(2) Two routine samples every month from the tank on each vehicle that hauls water intended for human consumption; and

(3) One routine sample every month from each bulk retail water storage the bottled water company delivers water to.

(c) Special Monitoring Requirements for Chemical Samples

(1) A bottled water company that collects water from a well, spring, rainwater catchment or other source must monitor that water for chemical contaminants as specified in § 65-20-214(c), § 65-20-214(d), and § 65-20-214(f) of this chapter.

(2) A bottled water company that is a consecutive water system (as described at § 65-20-214(i) of this chapter) and that purchases water from another public water system, must monitor that purchased water as described below.

(i) Volatile organic chemicals listed at § 65-20-222(b) of this chapter must be monitored every three years.

(ii) Inorganic chemicals listed at § 65-20-222(c) of this chapter, with the exception of asbestos, must be monitored every three years.

(iii) Synthetic organic chemicals listed at § 65-20-222(b) of this chapter, with the exception of diquat, endothall, glyphosate and dioxin, must be monitored every three years.

(iv) Radionuclide contaminants listed at § 65-20-222(g) of this chapter, with the exception of beta particle and photon radioactivity, must be monitored every three years.

(v) If the public water system from which the water is purchased fails to perform the chemical monitoring required of it, then the purchaser of that water (e.g., the bottled water company) must monitor according to the requirements at subsection (c)(1) of this section.

(vi) The requirement for quarterly monitoring in any initial compliance period specified in § 65-20-214(c), § 65-20-214(d), and § 65-20-214(f) of this chapter is waived if the public water system from which the water is purchased has performed the required monitoring.

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(vii) All other monitoring requirements specified in § 65-20-214(c), § 65-20-214(d), and § 65-20-214(f) of this chapter are applicable if any contaminant is detected as a concentration that triggers additional requirements on the part of the bottled water company.

(d) **Special Monitoring Requirements for Control of Lead and Copper**

For the purpose of complying with the lead and copper sampling requirements of § 65-20-226(g) and § 65-20-226(h) of this chapter, all bottled water companies must, at a minimum, collect samples from the number of sample sites required under the “101 to 500” system size category.

(e) **Special Monitoring Requirements for Disinfectants/ Disinfection By-products**

For the purpose of complying with the disinfectants/ disinfection by-products monitoring requirements of § 65-20-232(c) of this chapter, bottled water companies must designate one or more sample locations reflecting maximum residence time of product water within the public water system’s distribution system. Allowable sample locations are as follows:

- (1) A finished water product tank containing water that has remained undisturbed in the tank for a minimum of 24 hours.
- (2) A five-gallon bottle of finished water that was produced and retained for a minimum of 24 hours.
- (3) Any other location approved by the Director.

(f) Every bottled water company must abide by the operator certification requirements of §§ 65-20-120, 65-20-122 and 65-20-124 of this chapter.

(g) In addition to the requirements imposed under this section, the processing of bottled water shall be subject to regulation by the Commonwealth Department of Public Health and the U.S. Food and Drug Administration.

Modified, 1 CMC § 3806(c), (d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The Commission inserted a comma after the word “faucets” in subsection (b)(1)(i) pursuant to 1 CMC § 3806(g).

Subpart E - Rainwater Catchment Systems

§ 65-20-130 Basis for Regulation

(a) Rainwater catchment systems play a significant role in supplementing the quantity of water available in the Commonwealth. Generally, however, they are not considered as a source of water when regulations were developed under the federal Safe Drinking Water Act. Accordingly, the federal regulations are silent as to how water intended for human consumption that comes from rainwater sources should be monitored.

(b) In order to assure the provision of safe drinking water, the Division regulates rainwater catchment systems as it does other sources used by public water systems. The requirements of this subpart assure that public water systems relying in whole or in part on water from rainwater catchment systems monitor at an appropriate level to protect public health.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 65-20-132 Requirements of Rainwater Catchment Systems

(a) Rainwater that has traveled over the surface of the land before it is collected in a rainwater catchment system is considered surface water under the regulations in this chapter. Accordingly, it is subject to the same treatment and monitoring requirements as other surface water sources described in part 200 of this chapter.

(b) Rainwater that has not traveled over the surface of the land and, instead, has been collected in a rainwater roof catchment system, is not considered surface water under this chapter. It is considered groundwater, and is subject to the same monitoring and treatment requirements as other groundwater sources as described in this chapter.

(c) Special Monitoring Requirements for Rainwater Roof Catchment Systems. If an entry point to a distribution system is supplied solely by water collected in a rainwater roof catchment system (i.e., it is not mixed with water from any other source), the following chemical monitoring requirements at that entry point shall apply.

(1) Monitoring for nitrate must be performed once during the initial compliance period.

(i) If nitrates are not detected during the initial compliance period then no additional monitoring for nitrate is required during repeat compliance periods.

(ii) If nitrates are detected during the initial compliance period, then the Division may require additional monitoring for nitrate.

(2) The requirement to monitor for the synthetic organic chemicals listed at § 65-20-222(b), and as required in § 65-20-214(d) of this chapter, is waived.

(3) The requirement to monitor for the radionuclide chemicals listed at § 65-20-222(g), and as required in § 65-20-214(f) of this chapter, is waived.

(4) If the roofing material is replaced or a new protective coating is applied to the roof, then the rainwater roof catchment system is considered to be a new water source, and the monitoring cycle for chemical contaminants will start again with an initial compliance period.

Modified, 1 CMC § 3806(c), (d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Subpart F - Disinfection of Groundwater and Rainwater

§ 65-20-134 Basis for Regulation

(a) Many of the wells used to supply groundwater in the Commonwealth are shallow wells drilled into high-permeability limestone aquifers. These wells, especially if poorly constructed, are subject to microbiological contamination. Rainwater roof catchment systems, if not properly and frequently maintained, are also susceptible to contamination from microbes, plant debris, and animals.

(b) For these reasons, it is important for public water systems that produce drinking water from these sources to effectively treat the source water before the water is provided to their consumers. This section sets forth disinfection requirements for sources of water obtained from groundwater and rainwater roof catchments.

(c) The requirements for the treatment of surface water and groundwater under the direct influence of surface water are specified in part 200, subpart H of these regulations.

Modified, 1 CMC § 3806(c), (f).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c). The Commission inserted a comma after the word “debris” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 65-20-136 Requirements for the Disinfection of Groundwater and Rainwater Sources

(a) All water obtained from groundwater sources or rainwater roof catchment systems shall be continuously disinfected by means or methods that are approved by the Director and are effective in the inactivation of pathogenic organisms. Disinfection may include physical as well as chemical treatment.

(b) **Systems Using Chlorination.** When chlorination methods are employed, a sufficient amount of chlorine shall be continuously added to the source water to inactivate any pathogenic organisms potentially present and to maintain a residual in the distribution system.

(1) The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or free chlorine, cannot be less than 0.10 mg/l in more than five percent of the samples taken each month, for any two consecutive months that the system serves water to the public.

(2) The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliform are sampled.

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(3) The residual disinfectant concentration measured at sample points in the distribution system must be reported to the Division on the same form used to report total coliform results.

(c) **Systems That Use a Disinfectant Other than Chlorine.** When methods of disinfection are employed that do not leave a measurable disinfectant residual in the product water, the public water system must adhere to the requirements specified below. Failure to comply with these requirements is a violation of these regulations in this chapter and may result in an enforcement action.

(1) Design and installation of the treatment unit shall ensure that the manufacturer's maximum rated flow and pressure cannot be exceeded;

(2) All treatment equipment (including recommended pretreatment equipment) must be installed, operated, and maintained in accordance with the manufacturer's recommendations;

(3) The manufacturer's manuals and documentation must be maintained on-site;

(4) Complete and accurate records of operation and maintenance must be maintained and kept on-site;

(5) At least one set of spare parts for components that must be periodically replaced must be on-site or readily available; and

(6) The Director may require additional monitoring or challenge testing of any disinfection treatment equipment in order to determine its effectiveness.

(d) The methods of disinfection described in subsection (c) of this section may only be used by bottled water companies and, as determined by the Director, in situations where a point-of-entry treatment device or a point-of-use treatment device is deemed appropriate.

(e) Public water systems must measure residual disinfectant concentration with one of the analytical methods listed at 40 CFR §141.74(a)(2).

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Subpart G - Drinking Water Emergencies and Tampering with Public Water Systems

§ 65-20-138 Supply of Drinking Water During Emergencies

Two types of potential emergency situations outside the normal scope of operations are recognized with respect to public water systems: (a) toxic contamination of the water supply; and (b) mechanical failure and/or major natural disaster. Under these situations, the following requirements apply.

(a) **Toxic Contamination.** A potential emergency may exist when drinking water quality is impacted due to the presence of toxic or other substances in the water supply that cannot be removed by existing treatment methods and which, if ingested, may cause an immediate

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risk to the health of consumers. The presence of such substances may be identified by such parameters as odor, taste, color, microbiological or chemical analysis, or by other evidence. Under these circumstances, the affected public water system shall do the following.

- (1) Immediately close off the water supply to the distribution system.
- (2) Notify the Director of the Division within one hour of the discovery of the contamination.
- (3) Notify water consumers by the quickest available means of communication. At a minimum, the guidelines for a Tier 1 Public Notice, as described in § 65-20-242(b), should be followed.
- (4) Deliver potable water from an alternative suitable water source to such public consumers as hospitals, clinics, and similar institutions that are normally supplied water from the contaminated water supply. The water so delivered shall be disinfected to the satisfaction of the Director. The deliveries shall continue until the time the Director declares the contaminated public water supply potable.
- (5) Provide potable water from an alternative suitable water source at a location convenient for the consumers normally supplied water from the contaminated water supply. The water shall be disinfected to the satisfaction of the Director. The alternative water supply must be made available until such time as the Director declares the contaminated public water supply potable.
- (6) If potable water is provided by hauling the water in a tanker truck or trailer, the water container on the vehicle shall be sanitized before use. The public water system responsible for providing the alternative water supply shall monitor the alternative water supply for coliform bacteria at the point where the consumers collect the water at a frequency determined by the Director.

(b) Mechanical Failure and/or Major Disaster. A potential emergency may exist when water quality or quantity is impacted due to mechanical failure of water treatment facilities due to insufficient operation and maintenance, vandalism, or natural disasters such as typhoons or earthquakes. In such situations, the affected public water system shall do the following.

- (1) Take preventative measures to ensure that the water supply does not become contaminated, such as isolating tanks or distribution mains, if needed.
- (2) Notify the Director of the Division within one hour of the discovery of the mechanical failure.
- (3) Notify water consumers by the quickest available means of communication. At a minimum, the guidelines for a tier 1 public notice, as described in § 65-20-242(b), should be followed.
- (4) Deliver potable water from an alternative suitable water source to such public consumers as hospitals, clinics, and similar institutions that are normally supplied water from the affected water supply. The water so delivered shall be disinfected to the satisfaction of the Director. The deliveries shall continue until the time the Director declares the mechanical failure has been corrected.
- (5) Supply of alternative water for residents.
 - (i) Limited service area mechanical failures. If the mechanical failure is limited to only one village, then provide potable water from an alternative suitable water source at a location convenient for the consumers normally supplied water from the affected water

supply. The water shall be disinfected to the satisfaction of the Director. The alternative water supply must be made available until such time as the Director declares that the mechanical failure has been corrected.

(ii) Large service area mechanical failures. If the mechanical failure affects more than one village, then the public water system must advise consumers as to the locations where potable water may be obtained if such water is available. If potable water is not available, the public water system will advise consumers where other water sources may be found in the immediate vicinity. The public water system will also recommend disinfection of drinking water as prescribed at § 65-20-140.

(6) If potable water is provided by hauling the water in a tanker truck or trailer, the water container on the vehicle shall be sanitized before use. The public water system responsible for providing the alternative water supply shall monitor the alternative water supply for coliform bacteria at the point where the consumers collect the water at a frequency determined by the Director.

Modified, 1 CMC § 3806(c), (f).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

§ 65-20-140 Emergency Disinfection of Drinking Water

(a) A public water system shall provide to its customers and users the information required by subsections (b) and (c) of this section when, due to natural disasters or other circumstances, it is necessary for individual consumers to disinfect their own drinking water. The form, manner and frequency of providing the information shall be in accordance with a tier 1 public notice, as described at § 65-20-242(b) of this chapter.

(b) When emergency disinfection is necessary, examine the physical condition of the water. Disinfectants are less effective in cloudy water. Filter murky or colored water through clean cloths or allow it to settle, and draw off the clean water for disinfection. Water prepared for disinfection should be stored only in clean, tightly covered, containers, not subject to corrosion. Water to be used for drinking, cooking, making any prepared drink, or brushing teeth should be properly disinfected.

(c) Disinfection Methods. To disinfect small quantities of water (5 gallons or less) the following procedures are recommended:

(1) Boiling. Vigorous boiling for one minute will kill any disease-causing microorganisms present in water. The flat taste of boiled water can be improved by pouring it back and forth from one container to another (called aeration), by allowing it to stand for a few hours, or by adding a small pinch of salt for each quart of water boiled.

(2) Chlorine Bleach. When boiling is not practical, chemical disinfection should be used. Common liquid household bleach (5.25% sodium hypochlorite) contains a chlorine compound that will disinfect water. To achieve a concentration of at least 1 part per million (ppm) residual chlorine, add bleach in accordance with the table below.

Emergency Disinfection Using Chlorine Bleach

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<u>Amount of Water</u>	<u>For Clear Water use this much chlorine</u>	<u>For Cloudy Water use this much chlorine</u>
1 Quart	2 drops	4 drops
1 Gallon	8 drops	16 drops
5 Gallons	½ teaspoon	1 teaspoon

The treated water should be mixed thoroughly and allowed to stand, preferably covered, for 30 minutes. The water should have a slight chlorine odor; if not, repeat the dosage and allow the water to stand for an additional 15 minutes. If the treated water has too strong a chlorine taste, it can be made more pleasing by allowing the water to stand exposed to the air for a few hours or by pouring it from one clean container to another several times.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

§ 65-20-142 Emergency Powers of the Director

(a) Notwithstanding any other provision of the regulations in this chapter, the Director, upon receipt of information that a contaminant which is present or is likely to enter a public water system or a source of drinking water and may present an imminent endangerment to the health of persons, may take such actions as he deems necessary in order to protect the health of such persons.

(b) The action which the Director may take may include (but shall not be limited to):

(1) Issuing such orders as may be necessary to protect the health of persons who are or may be users of such system, including orders requiring the provision of alternative water supplies by persons or public water systems who caused or contributed to the endangerment.

(2) Requesting that the CNMI Attorney General commence a civil or criminal action for appropriate relief, including a restraining order or permanent or temporary injunction.

(c) Any person who violates or fails or refuses to comply with any order issued by the Director under subsection (b)(1) may be subject to a civil penalty for each day in which the violation occurs or failure to comply continues, in accordance with 2 CMC § 3131(c).

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

§ 65-20-144 Tampering with Public Water Systems

(a) Prohibition against Tampering with Public Water Systems

(1) A person may not tamper, attempt to tamper, or make a threat to tamper with a public water system.

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(2) Any person who violates subsection (a)(1) of this section may be subject to a civil or criminal penalty in accordance with 2 CMC § 3131(d) for each day in which the tampering incident results in the disruption of normal public water system operations.

(b) **Water System Responsibilities**

(1) A public water system must minimize the potential for tampering of its water system facilities by, at a minimum, assuring the following:

(i) Direct access to water storage tanks via manholes and other openings are securely locked;

(ii) All drinking water treatment facilities are enclosed and securely locked, or at a minimum, fenced and securely locked;

(iii) All other vulnerable areas (e.g., wellheads, storage tanks, pump stations, etc.) are fenced and securely locked;

(iv) All active and inactive wells have adequate and properly maintained sanitary seals. Monitoring wells must be securely locked;

(v) All abandoned wells are abandoned and sealed in accordance with part 1900 of the Commonwealth Well Drilling and Well Operations Regulations [NMIAC chapter 65-140]; and

(vi) All water system operation, maintenance, and administrative records are adequately stored and secured.

(2) A public water system must notify the Division and any other appropriate government authorities as soon as possible, but no later than 24 hours, following any tampering, suspected tampering, or receipt of a tampering threat by the public water system.

Modified, 1 CMC § 3806(c), (d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

§ 65-20-146 Emergency Response Plan for Systems Serving 3,300 or More People

(a) Community water systems serving 3,300 or more people shall prepare or revise, where necessary, an emergency response plan. The emergency response plan shall include, but is not limited to, plans, procedures, and identification of equipment that can be implemented or utilized in the event of a natural or manmade disaster that may impact the water system.

(b) Community water systems shall to the extent possible, coordinate with existing Local Emergency Planning Committees when preparing or revising an emergency response plan.

(c) Community water systems may use the following publication as guidance on how to prepare their emergency response plan: Large Water System Emergency Response Plan Outline: Guidance to Assist Community Water Systems in Complying with the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Environmental

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Protection Agency, Office of Water, July 2003; which can be obtained at www.epa.gov/safewater.

(d) Each community water system required under subsection (a) of this section to prepare or revise an emergency response plan, shall certify to the Director the completion of the plan by January 1, 2006. Each such community water system shall then revise and update their emergency response plans, and certify to the Director the completion of the revision, at least once every five years thereafter.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Subpart H - Enforcement of Regulations and Penalties for Violations

§ 65-20-148 Enforcement of Regulations

The Director may enforce the regulations in this chapter by initiation of administrative actions, and/or causing the initiation of civil or criminal actions in the Commonwealth or federal courts, pursuant to 2 CMC § 3131 and 42 USC § 300h-2(a)(1).

(a) The Director shall have the responsibility to prepare, issue, modify, revoke and enforce orders for compliance with any of the provisions of the regulations in this chapter, and require the taking of such remedial measures as may be necessary or appropriate to implement or effectuate the provisions and purposes of these regulations.

(b) The Division shall provide for public participation in the enforcement of the regulations in this chapter.

(1) Public participation shall include providing notice and opportunity for public comment on all proposed settlements of civil enforcement actions (except where immediate action is necessary to adequately protect human health and the environment).

(2) The Division shall investigate and provide responses to citizen complaints about violations of these regulations, except where the disclosure of such information may interfere with an active administrative, civil, or criminal enforcement action.

(c) The Division shall make information obtained available, upon request, to the U.S. Environmental Protection Agency or any duly authorized committee of Congress without restriction.

(d) Nothing in this section shall prevent enforcement by the U.S. Environmental Protection Agency of either the federal or Commonwealth Drinking Water Regulations.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

§ 65-20-150 Penalties for Violation of Regulations

Any person who violates, or who refuses or neglects to comply with any provision of the regulations in this chapter, or any certification, standard, notification, or order issued by the Director, the Division, or the Attorney General, shall be subject to the penalties specified at 2 CMC § 3131.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Part 200 - CNMI National Primary Drinking Water Regulations

Subpart A - General

§ 65-20-201 Referenced Version of 40 CFR § 141 and Applicability (§§ 2141.0 - 2141.1)

(a) All references to 40 CFR § 141 of the National Primary Drinking Water Regulations in this subchapter refer to the version as revised and codified as of July 1, 2014.

(b) The provisions of 40 CFR § 141.1 of the National Primary Drinking Water Regulations, are hereby adopted by reference.

Modified 1 CMC § 3806(d).

History: Amdts Adopted 37 Com. Reg. 37300 (Dec. 28, 2015); Amdts Proposed 37 Com. Reg. 37098 (Oct. 28, 2015); Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The original section number published by DEQ in the Commonwealth Register is provided in parentheses after the section and subsection titles in this part because these section numbers correspond to the federal drinking water regulations. The reference will assist users in identifying any local changes to the federal regulations adopted by reference.

The 2008 amendments changed this section and added subsection (a) (§ 2141.0). Former subsection (a) was redesignated to subsection (b). See 29 Com. Reg. at 27645 (Dec. 18, 2007). The Commission changed the title of this section based on the 2008 amendments.

The 2015 amendments changed the date in subsection (a) from July 1, 2007 to July 1, 2014. The Commission changed “these regulations” in subsection (a) to “this subchapter.”

§ 65-20-202 Definitions (§ 2141.2)

The provisions of 40 CFR § 141.2 of the National Primary Drinking Water Regulations, are hereby adopted by reference, with the following modification and addition.

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(a) The text of the first sentence for the definition of “state” found within 40 CFR § 141.2 is replaced with, “state means the agency within the Commonwealth of the Northern Mariana Islands which has jurisdiction over public water systems. That agency is the Division of Environmental Quality within the Office of the Governor.”

(b) “PFAS” means per- or polyfluoroalkyl substances and pertains to all man-made chemicals that contain at least one fully fluorinated carbon, or C_nF_{2n+1} alkyl moiety.

History: Adopted 44 Com. Reg. 48222 (Mar. 28, 2022); Proposed 44 Com. Reg. 48027 (Jan. 28, 2022); Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Adopted 27 Com. Reg. 24679 (July 20, 2005); Proposed 27 Com. Reg. 24166 (May 18, 2005).

§ 65-20-204 Coverage (§ 2141.3)

The provisions of 40 CFR § 141.3 of the National Primary Drinking Water Regulations are hereby adopted by reference, with the following addition.

(a) Systems with only distribution and storage facilities. The Director may require any public water system to comply with all requirements of the Commonwealth Drinking Water Regulations, including those systems that meet all four conditions of 40 CFR § 141.3, if the Director determines that the water provided by the system may present a potential risk to public health. The Director will make such a determination based on an evaluation that may include the following factors:

- (1) The distribution system size and condition.
- (2) The maintenance of storage facilities.
- (3) The potential for contamination and cross connections.
- (4) The results of available microbiological, chemical, or disinfectant residual analyses of the water provided by the system.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed the first sentence of this section by removing the July 1, 2004 reference.

§ 65-20-206 [Reserved] (§ 2141.4)

[Reserved.]

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

§ 65-20-208 Siting requirements (§ 2141.5)

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The provisions of 40 CFR § 141.5 of the National Primary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed this section by removing the July 1, 2004 reference.

§ 65-20-210 Effective dates (§ 2141.6)

The provisions of 40 CFR § 141.6 of the National Primary Drinking Water Regulations are hereby adopted by reference. The effective dates listed in the Code of Federal Regulations only pertain to federal standards and requirements.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed this section by removing the July 1, 2004 reference.

Subpart B - Maximum Contaminant Levels

§ 65-20-212 Maximum Contaminant Levels (§ 2141.11 - § 2141.16)

(a) Maximum contaminant levels for inorganic chemicals (§ 2141.11)

The provisions of 40 CFR § 141.11 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) (Removed and Reserved) (§ 2141.12).

(c) Maximum contaminant levels for turbidity (§ 2141.13)

The provisions of 40 CFR § 141.13 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Maximum contaminant levels for radium-226, radium-228, and gross alpha particle radioactivity in community water systems (§ 2141.15)

The provisions of 40 CFR § 141.15 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Maximum contaminant levels for beta particle and photon radioactivity from man-made radionuclides in community water systems (§ 2141.16)

The provisions of 40 CFR § 141.16* of the National Primary Drinking Water Regulations are hereby adopted by reference.

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(f) Maximum contaminant levels for PFAS in public water systems

The maximum contaminant level shall be:

(1) 0.00007 mg/L (70 ng/L; 70 parts per trillion) for the sum of the concentrations of each of the following PFAS chemicals:

CAS No.	Contaminant
1763-23-1	Perfluorooctane Sulfonic Acid (PFOS)
335-67-1	Perfluorooctanoic Acid (PFOA)
375-95-1	Perfluorononanoic Acid (PFNA)

and

(2) 0.0000044 mg/L (4.4ng/L; 4.4 parts per trillion) for the concentration of Perfluorononanoic Acid (PFNA); and

(3) If a more stringent maximum contaminant level has been established by the Agency for any PFAS chemical or sum of PFAS chemicals, the more stringent maximum contaminant level.

Modified 1 CMC § 3806(g).

History: Adopted 44 Com. Reg. 48222 (Mar. 28, 2022); Proposed 44 Com. Reg. 48027 (Jan. 28, 2022); Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Adopted 27 Com. Reg. 24679 (July 20, 2005); Proposed 27 Com. Reg. 24166 (May 18, 2005).

Subpart C - Monitoring and Analytical Requirements

§ 65-20-214 Monitoring and Analytical Requirements (§ 2141.21 - § 2141.30)

(a) Coliform sampling (§ 2141.21)

The provisions of 40 CFR § 141.21 of the National Primary Drinking Water Regulations are hereby adopted by reference, with the following modifications and additions.

(1) The written sample siting plan specified at 40 CFR § 141.21(a)(1) must be written in accordance with Division guidance and submitted to the Director for approval. The plan must be revised and resubmitted to the Director within 30 days of any modification to the distribution system(s) that adds, deletes or changes the location of any coliform sample point.

(2) The text found within 40 CFR § 141.21(a)(3) is replaced with, “A non-community water system must monitor at the same frequency as a like-sized community water system, as specified in subsection (a)(2) of this section.”

(3) The routine monitoring requirements specified at 40 CFR § 141.21(a) and the repeat monitoring requirements specified at 40 CFR § 141.21(b) are applicable to every hydraulically independent distribution system within a public water system. For example, some public water systems have separate distribution systems for the water from each of the sources that they obtain water, be it rainwater, ground water, or from another public water system. Each of these independent distribution systems is subject to the monitoring and repeat monitoring requirements.

(4) A public water system may cease to collect repeat samples when it determines that the maximum contaminant level for total coliforms in § 65-20-222(d) has been exceeded and it notifies the Division. This applies even if a complete set of repeat samples, as

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specified at 40 CFR § 141.21(b)(1), has not been collected for each total coliform positive sample found.

(5) No public water system shall increase the disinfectant residual present in its distribution system or other facilities, under any circumstance described below, without written permission from the Director.

(i) Within 48 hours prior to the collection of a routine coliform sample.

(ii) Prior to the collection of a repeat coliform sample when, due to knowledge or suspicion that the original routine sample may be coliform positive, a repeat sample is necessary.

(6) A consecutive public water system must perform monthly coliform monitoring of the water from their distribution system if, at any point in the receiving system's distribution system, the water flows through a storage facility.

(b) Turbidity sampling and analytical requirements (§ 2141.22)

The provisions of 40 CFR § 141.22 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Inorganic chemical sampling and analytical requirements (§ 2141.23)

The provisions of 40 CFR § 141.23 of the National Primary Drinking Water Regulations are hereby adopted by reference with the following addition.

(1) If a public water system does not collect a confirmation nitrate or nitrite sample within two weeks of being notified of the analytical result of the first sample (as required at 40 CFR § 141.23(f)(2)), compliance with the maximum contaminant level for nitrate or nitrite shall be based solely on the analytical result of the single sample.

(d) Organic chemicals, sampling and analytical requirements (§ 2141.24)

The provisions of 40 CFR § 141.24 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Analytical methods for radioactivity (§ 2141.25)

The provisions of 40 CFR § 141.25 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Monitoring frequency for radioactivity in community water systems (§ 2141.26)

The provisions of 40 CFR § 141.26 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(g) Alternate analytical techniques (§ 2141.27)

The provisions of 40 CFR § 141.27 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(h) Certified laboratories (§ 2141.28)

The provisions of 40 CFR § 141.28 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(i) Monitoring of consecutive public water systems (§ 2141.29)

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The provisions of 40 CFR § 141.29 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(j) (Removed and Reserved) (§ 2141.30).

Modified, 1 CMC § 3806(c).

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) through (i) by removing the July 1, 2004 reference and repealed and reserved subsection (j).

Subpart D - Reporting and Record Keeping

§ 65-20-216 Reporting and Record Keeping (§ 2141.31 - § 2141.35)

(a) Reporting requirements (§ 2141.31)

The provisions of 40 CFR § 141.31 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) (Reserved)(§ 2141.32).

(c) Record maintenance (§ 2141.33)

The provisions of 40 CFR § 141.33 of the National Primary Drinking Water Regulations are hereby adopted by reference, with the following additions.

(1) In addition to the data, records and reports specified in 40 CFR § 141.33, a public water system must maintain on its premises or at a convenient location near its premises the following information:

(i) Current as-built engineering and schematic diagrams for all source water, treatment, storage and distribution facilities.

(ii) Current construction materials survey, as referenced at 40 CFR § 141.42(a).

(iii) Current coliform monitoring plan, as referenced at 40 CFR § 141.21(a).

(iv) All other records required by these regulations.

(2) All records must be readily available for review by Division personnel or their representatives during inspections and sanitary surveys.

(d) (Reserved) (§ 2141.34).

(e) Reporting of unregulated contaminant monitoring results (§ 2141.35)

The provisions of 40 CFR § 141.35 of the National Primary Drinking Water Regulations are hereby adopted by reference.

Modified, 1 CMC § 3806(d), (f).

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History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: In subsection (c)(1)(iv), the Commission inserted the final period.

See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a), (c), and (e) by removing the July 1, 2004 reference.

Subpart E - Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use

§ 65-20-218 Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use (§ 2141.40 - § 2141.43)

- (a) Monitoring requirements for unregulated contaminants (§ 2141.40)
The provisions of 40 CFR § 141.40 of the National Primary Drinking Water Regulations are hereby adopted by reference.
- (b) Special monitoring for sodium (§ 2141.41)
The provisions of 40 CFR § 141.41 of the National Primary Drinking Water Regulations are hereby adopted by reference.
- (c) Special monitoring for corrosivity characteristics (§ 2141.42)
The provisions of 40 CFR § 141.42 of the National Primary Drinking Water Regulations are hereby adopted by reference.
- (d) Prohibition on use of lead pipes, solder, and flux (§ 2141.43)
The provisions of 40 CFR § 141.43 of the National Primary Drinking Water Regulations are hereby adopted by reference.
- (e) Special monitoring for PFAS
- (1) General applicability.
 - (i) Community and non-transient non-community systems. Every community water system and non-transient non-community water system shall be subject to all requirements of § 65-20-218(e).
 - (ii) Transient non-community systems. Every transient non-community water system shall, within the first calendar quarter after the effective date of these regulations (or, for new public water systems or existing public water sources that bring a new source on-line or reactive an existing source, within the first calendar quarter after the source comes on-line), collect, analyze, and report the results of one sample from each sample point. All such monitoring and analysis shall be performed in compliance with §§ 65-20-218(e)(2), (5) and (6).
 - (2) Monitoring protocols. For purposes of determining compliance with the maximum contaminant level for PFAS set forth in § 65-20-212(f), monitoring shall be conducted as follows:

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- (i) Single source entry points. Each public water system that draws water from a single source shall take a minimum of one sample at every entry point to the distribution system that is representative of the source after treatment.
 - (ii) Multiple source entry points. Each public water system that draws water from more than one source, where the sources are combined before distribution, shall take a minimum of one sample at every entry point to the distribution system that is representative of the combined sources after treatment during periods of normal operation conditions (*i.e.*, when water representative of all sources is being used).
 - (iii) Consistent sample points. Each sample shall be taken at the same sample point unless the Division determines that an alternate sampling location would be more representative of the source or treatment plant.
 - (iv) Consecutive systems. Unless required by the Division to evaluate PFAS levels, each consecutive public water system shall be exempt from conducting monitoring for PFAS for its purchased portion of water.
- (3) Initial monitoring.
- (i) Quarterly monitoring requirement. Commencing with the first calendar quarter after the effective date of these regulations (or, for new public water systems or existing public water sources that bring a new source on-line or reactivate an existing source, within the first calendar quarter after the source comes on-line), each public water source shall conduct sampling and analysis for PFAS for four consecutive quarters.
 - (ii) Use of previously-collected PFAS data. A public water system, prior to the applicable commencement date of initial monitoring, may request the Division's written approval to substitute monitoring data which was obtained prior to such commencement date. The Division's written approval shall be based on a determination as to whether the monitoring data was collected and analyzed in a manner consistent with the requirements of § 65-20-218(e).
 - (iii) Waiver from initial monitoring requirement. Any public water system whose analytical results for the first two quarters of initial monitoring do not detect PFAS in a concentration above the minimum reporting level required by § 65-20-218(e)(5)(ii) may submit a written request to the Division to waive the third and fourth quarters of such monitoring. The Division may grant a written waiver in its discretion, subject to the Division's determination that there is no reason to suspect PFAS contamination in the vicinity of the public water system or its sources of water.
- (4) Routine monitoring.
- (i) General requirement. Routine monitoring shall continue on a quarterly basis, except as otherwise provided below.
 - (ii) Reduced monitoring. Public water systems that do not detect PFAS in a concentration above the minimum reporting level required by § 65-20-218(e)(5)(ii) for two consecutive calendar quarters may reduce the monitoring frequency to annually.
 - (iii) Waiver from reduced monitoring requirement. Any public water system may submit a written request to the Division requesting a waiver from the reduced monitoring requirement to allow for a single sampling and analysis in the 3-year compliance period. The public water system may reapply for a waiver for each successive 3-year compliance period. The Division may grant a written waiver in its discretion, subject to the Division's determination that there is no reason to suspect PFAS contamination in the vicinity of the public water system or its sources of water.

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(5) PFAS analytical requirements.

(i) Methods of analysis. Analysis for PFAS shall be conducted using either EPA Method 537 or EPA Method 537.1.

(ii) Minimum reporting levels. Laboratories conducting PFAS analysis shall be capable of obtaining individual minimum reporting levels less than or equal to 0.000020 mg/L or 2.0 ng/l.

(iii) Scope of analysis. All samples analyzed pursuant to initial or routine monitoring requirements shall be analyzed for the full scope of PFAS covered by the selected method.

(6) PFAS reporting requirements. All analytical results for PFAS, whether obtained pursuant to initial or routine monitoring requirements or on a voluntary basis, and whether the results show a detection of PFAS below or exceeding the maximum contaminant level, shall be reported to the Division within thirty days of receipt of the result from the laboratory; provided, however, that all analytical results showing an exceedance of the maximum contaminant level shall be reported to the Division within seven days of receipt of the result from the laboratory.

(7) Public education regarding PFAS detections. Any public water system that detects PFAS exceeding the maximum contaminant level shall notify all persons served by the system of the exceedance using materials approved by the Division. Such notice shall be provided as soon as practical and no later than 30 days after receipt of the result from the laboratory. The notice shall include the concentrations of PFAS detected, an explanation of the health effects of PFAS, and steps consumers can take to reduce exposure to PFAS in drinking water. A copy of such materials shall be submitted to the Division along with a written certification by the public water system that the materials were distributed as required.

(f) Annual review of PFAS regulations

The Division shall by no later than August 19, 2022, and annually thereafter, review the most recent peer-reviewed studies and scientific evidence, including, but not limited to, information from the U.S. Environmental Protection Agency and the Agency for Toxic Substances and Disease Registry, independent and government agency studies, and the laws of other states regarding PFAS, and shall amend or may promulgate regulations if such review indicates action by the Division is needed for protection of human health.

Modified 1 CMC § 3806(f).

History: Adopted 44 Com. Reg. 48222 (Mar. 28, 2022); Proposed 44 Com. Reg. 48027 (Jan. 28, 2022); Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Adopted 27 Com. Reg. 24679 (July 20, 2005); Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) through (d) by removing the July 1, 2004 reference.

Subpart F - Maximum Contaminant Level Goals and Maximum Residual Disinfectant Level Goals

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§ 65-20-220 Maximum Contaminant Level Goals and Maximum Residual Disinfectant Level Goals (§ 2141.50 - § 2141.55)

- (a) Maximum contaminant level goals for organic contaminants (§ 2141.50)
The provisions of 40 CFR § 141.50 of the National Primary Drinking Water Regulations are hereby adopted by reference.
- (b) Maximum contaminant level goals for inorganic contaminants (§ 2141.51)
The provisions of 40 CFR § 141.51 of the National Primary Drinking Water Regulations are hereby adopted by reference.
- (c) Maximum contaminant level goals for microbiological contaminants (§ 2141.52)
The provisions of 40 CFR § 141.52 of the National Primary Drinking Water Regulations are hereby adopted by reference.
- (d) Maximum contaminant level goals for disinfection byproducts (§ 2141.53)
The provisions of 40 CFR § 141.53 of the National Primary Drinking Water Regulations are hereby adopted by reference.
- (e) Maximum residual disinfectant level goals for disinfectants (§ 2141.54)
The provisions of 40 CFR § 141.54 of the National Primary Drinking Water Regulations are hereby adopted by reference.
- (f) Maximum contaminant level goals for radionuclides (§ 2141.55)
The provisions of 40 CFR § 141.55 of the National Primary Drinking Water Regulations are hereby adopted by reference.

Modified 1 CMC § 3806(f).

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) through (f) by removing the July 1, 2004 reference.

Subpart G - National Revised Primary Drinking Water Regulations: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels

§ 65-20-222 National Revised Primary Drinking Water Regulations: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels (§ 2141.60 - § 2141.66)

- (a) Effective dates (§ 2141.60)
The provisions of 40 CFR § 141.60 of the National Primary Drinking Water Regulations are hereby adopted by reference. The effective dates listed in the Code of Federal Regulations only pertain to federal standards and requirements.

(b) Maximum contaminant levels for organic contaminants (§ 2141.61)
The provisions of 40 CFR § 141.61 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Maximum contaminant levels for inorganic contaminants (§ 2141.62)
The provisions of 40 CFR § 141.62 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Maximum contaminant levels (MCLs) for microbiological contaminants (§ 2141.63)
The provisions of 40 CFR § 141.63 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Maximum contaminant levels for disinfection byproducts (§ 2141.64)
The provisions of 40 CFR § 141.64 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Maximum residual disinfectant levels (§ 2141.65)
The provisions of 40 CFR § 141.65 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(g) Maximum contaminant levels for radionuclides (§ 2141.66)
The provisions of 40 CFR § 141.66 of the National Primary Drinking Water Regulations are hereby adopted by reference.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: In subsection (a), the Commission inserted the final period.

See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) through (g) by removing the July 1, 2004 reference.

Subpart H - Filtration and Disinfection

§ 65-20-224 Filtration and Disinfection (§ 2141.70 - § 2141.76)

(a) General requirements (§ 2141.70)
The provisions of 40 CFR § 141.70 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Criteria for avoiding filtration (§ 2141.71)
The provisions of 40 CFR § 141.71 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Disinfection (§ 2141.72)

The provisions of 40 CFR § 141.72 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Filtration (§ 2141.73)

The provisions of 40 CFR § 141.73 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Analytical and monitoring requirements (§ 2141.74)

The provisions of 40 CFR § 141.74 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Reporting and recordkeeping requirements (§ 2141.75)

The provisions of 40 CFR § 141.75 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(g) Recycle provisions (§ 2141.76)

The provisions of 40 CFR § 141.76 of the National Primary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) through (g) by removing the July 1, 2004 reference.

Subpart I - Control of Lead and Copper

§ 65-20-226 Control of Lead and Copper (§ 2141.80 - § 2141.91)

(a) General requirements (§ 2141.80)

The provisions of 40 CFR § 141.80 of the National Primary Drinking Water Regulations are hereby adopted by reference with the exception of 40 CFR § 141.80(a)(2). The requirements set forth in subpart I of part 200 of the CNMI Drinking Water Regulations took effect on July 15, 1994.

(b) Applicability of corrosion control treatment steps to small, medium-sized and large water systems (§ 2141.81)

The provisions of 40 CFR § 141.81 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Description of corrosion control treatment requirements (§ 2141.82)

The provisions of 40 CFR § 141.82 of the National Primary Drinking Water Regulations are hereby adopted by reference.

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(d) Source water treatment requirements (§ 2141.83)

The provisions of 40 CFR § 141.83 of the National Primary Drinking Water Regulations, are hereby adopted by reference.

(e) Lead service line replacement requirements (§ 2141.84)

The provisions of 40 CFR § 141.84 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Public education and supplemental monitoring requirements (§ 2141.85)

The provisions of 40 CFR § 141.85 of the National Primary Drinking Water Regulations are hereby adopted by reference, with the following modifications and additions.

(1) (Reserved).

(2) Delivery of a public education program for non-English speaking users.

(i) Garment manufacturing facilities. Public water systems regulated under § 65-20-226(a) that are garment manufacturing facilities with foreign contract workers must provide fully translated public education materials in the appropriate language for the majority of their workers, in addition to an English language version.

(ii) Other public water systems regulated under § 65-20-226(a) serving non-English speaking populations.

(A) Any public water system serving water to non-English speaking users must insert the following mandatory translation text into their public education materials, in all appropriate languages: “This document contains important information about the chemical lead, which has been found in your drinking water. It discusses the health effects of lead, how lead gets into your drinking water, and actions you can take to reduce your exposure to lead. If you cannot read or understand this document, have someone translate it for you.”

(B) If the public water system can sufficiently document to the Director that any non-English speaking population comprises ten percent or less of the total population served by the water system, then the requirements of § 65-20-226(f)(2)(ii)(A) do not apply and the water system does not need to insert the translation text in that particular language into its public education material. The Director may require an affidavit certifying that the particular non-English population comprises ten percent or less of the total population served, or may require additional documentation that supports such claim.

(g) Monitoring requirements for lead and copper in tap water (§ 2141.86)

The provisions of 40 CFR § 141.86 of the National Primary Drinking Water Regulations are hereby adopted by reference, with the following modifications and additions.

(1) Tier 1 sample sites for community water systems. The text found within 40 CFR § 141.86(a)(3)(i) is replaced with, “Contain copper pipes with lead solder installed after 1997 or contain lead pipes or are provided with either centrally-treated reverse osmosis water or pure rainwater; and/or”

(2) Tier 2 sample sites for community water systems. The text found within 40 CFR § 141.86(a)(4)(i) is replaced with, “Contain copper pipes with lead solder installed after 1997 or contain lead pipes or are provided with either centrally-treated reverse osmosis water or pure rainwater; and/or”

(3) Tier 3 sample sites for community water systems. The first sentence of the text found in 40 CFR § 141.86(a)(5) is replaced with, “Any community water system with insufficient

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tier 1 and tier 2 sampling sites shall complete its sampling pool from ‘tier 3 sampling sites,’ consisting of single family structures that contain copper pipes with lead solder installed before 1998 or are provided with rainwater that is mixed with water from another source.”

(4) Tier 1 sample sites for non-transient non-community water systems. The text found within 40 CFR § 141.86(a)(6)(i) is replaced with, “Contain copper pipes with lead solder installed after 1997 or contain lead pipes or are provided with either centrally-treated reverse osmosis water or pure rainwater; and/or”

(5) Tier 2 sample sites for non-transient non-community water systems. The first sentence of the text found in 40 CFR § 141.86(a)(7) is replaced with, “A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in subsection (a)(6) of this section shall complete its sampling pool with sample sites that contain copper pipes with lead solder installed before 1998 or that are provided with rainwater that is mixed with water from another source.”

(6) Water systems providing reverse osmosis water or rainwater. Any public water system that provides centrally treated reverse osmosis water or pure rainwater (rainwater that is not mixed with water from another water source) must collect at least 50% of their lead and copper samples from sample sites served with that water.

(h) Monitoring requirements for water quality parameters (§ 2141.87)

The provisions of 40 CFR § 141.87 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(i) Monitoring requirements for lead and copper in source water (§ 2141.88)

The provisions of 40 CFR § 141.88 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(j) Analytical methods (§ 2141.89)

The provisions of 40 CFR § 141.89 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(k) Reporting requirements (§ 2141.90)

The provisions of 40 CFR § 141.90 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(l) Recordkeeping requirements (§ 2141.91)

The provisions of 40 CFR § 141.91 of the National Primary Drinking Water Regulations are hereby adopted by reference.

Modified, 1 CMC § 3806(c), (e), (f).

History: Amdts Adopted 37 Com. Reg. 37300 (Dec. 28, 2015); Amdts Proposed 37 Com. Reg. 37098 (Oct. 28, 2015); Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

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The 2008 amendments changed subsections (a) through (l) by removing the July 1, 2004 reference and adding a 2007 Federal Register reference to subsections (a)-(b) and (d)-(k). The 2008 amendments also repealed and reserved subsection (f)(1). Following the summary of the proposed revisions to this chapter, DEQ published “a fact sheet from U.S.E.P.A. on each of the four Federal Drinking Water Rules,” including a fact sheet regarding lead and copper. See 29 Com. Reg. 27626 and 27630-27639 (Dec. 18, 2007). The fact sheets are codified as Appendix C to this chapter.

The 2015 amendments removed the language “, as amended in Federal Register Vol. 72 No. 195, October 10, 2007,” from subsections (a), (b), and (d)-(k).

Subpart J - Use of Non-centralized Treatment Devices

§ 65-20-228 Use of Non-centralized Treatment Devices (§ 2141.100 - § 2141.101)

(a) Criteria and procedures for public water systems using point-of-entry devices (§ 2141.100)

The provisions of 40 CFR § 141.100 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Use of bottled water (§ 2141.101)

The provisions of 40 CFR § 141.101 of the National Primary Drinking Water are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) and (b) by removing the July 1, 2004 reference.

Subpart K - Treatment Techniques

§ 65-20-230 Treatment Techniques (§ 2141.110 - § 2141.111)

(a) General requirements (§ 2141.110)

The provisions of 40 CFR § 141.110 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Treatment techniques for acrylamide and epichlorohydrin (§ 2141.111)

The provisions of 40 CFR § 141.111 of the National Primary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) and (b) by removing the July 1, 2004 reference.

Subpart L - Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors

§ 65-20-232 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors (§ 2141.130 - § 2141.135)

(a) General requirements (§ 2141.130)

The provisions of 40 CFR § 141.130 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Analytical requirements (§ 2141.131)

The provisions of 40 CFR § 141.131 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Monitoring requirements (§ 2141.132)

The provisions of 40 CFR § 141.132 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Compliance requirements (§ 2141.133)

The provisions of 40 CFR § 141.133 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Reporting and recordkeeping requirements (§ 2141.134)

The provisions of 40 CFR § 141.134 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Treatment technique for control of disinfection byproduct (DBP) precursors (§ 2141.135)

The provisions of 40 CFR § 141.135 of the National Primary Drinking Water regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) and (f) by removing the July 1, 2004 reference.

Subpart M

[Reserved.]

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Subpart N

[Reserved.]

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Subpart O - Consumer Confidence Reports

§ 65-20-238 Consumer Confidence Reports (§ 2141.151 - § 2141.155)

(a) Purpose and applicability of this subpart (§ 2141.151)

The provisions of 40 CFR § 141.151 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Effective dates (§ 2141.152)

The provisions of 40 CFR § 141.152 of the National Primary Drinking Water Regulations are hereby adopted by reference. The effective dates listed in the Code of Federal Regulations only pertain to federal standards and requirements.

(c) Content of the reports (§ 2141.153)

The provisions of 40 CFR § 141.153 of the National Primary Drinking Water Regulations are hereby adopted by reference, with the following additions.

(1) Garment manufacturing facilities. Public water systems that are regulated under § 65-20-238(a) that are garment manufacturing facilities with foreign contract workers must produce fully translated consumer confidence reports in the appropriate language for the majority of their workers, in addition to an English language version.

(2) Other public water systems regulated under § 65-20-238(a) serving non-English speaking populations.

(i) Any other public water system serving water to non-English speaking users must insert the following or similar translation text into their consumer confidence report in all appropriate languages: “This document contains important information about your drinking water. If you cannot read or understand this document, have someone translate it for you, or speak with someone who understands it.”

(ii) If the public water system can sufficiently document to the Director that any non-English speaking population comprises ten percent or less of the total population served by the water system, then the requirements of § 65-20-238(c)(2)(i)* do not apply and the water system does not need to insert the translation text in that particular language into its consumer confidence report. The Director may require an affidavit certifying that the particular non-English population comprises ten percent or less of the total population served, or may require additional documentation that supports such a claim.

*The original cites to “§ 2141.153(b)(i).” No such citation exists in the original. The Commission inserted the correct NMIAC citation.

(d) Required additional health information (§ 2141.154)

The provisions of 40 CFR § 141.154 of the National Primary Drinking Water Regulations are hereby adopted by reference.

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(e) Report delivery and recordkeeping (§ 2141.155)

The provisions of 40 CFR § 141.155 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Appendix A to subpart O of part 200 - regulated contaminants

The provisions of Appendix A to subpart O of 40 CFR part 141 of the National Primary Drinking Water Regulations are hereby adopted by reference.

Modified 1 CMC § 3806(c), (e), (f), (g).

History: Amdts Adopted 37 Com. Reg. 37300 (Dec. 28, 2015); Amdts Proposed 37 Com. Reg. 37098 (Oct. 28, 2015); Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) through (f) by removing the July 1, 2004 reference and adding a 2007 Federal Register reference to subsection (d).

The 2015 amendments removed the language “, as amended in Federal Register Vol. 72 No. 195, October 10, 2007,” from subsection (d).

Subpart P - Enhanced Filtration and Disinfection; Systems Serving 10,000 or More People

§ 65-20-240 Enhanced Filtration and Disinfection; Systems Serving 10,000 or More People (§ 2141.170 - § 2141.175)

(a) General requirements (§ 2141.170)

The provisions of 40 CFR § 141.170 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Criteria for avoiding filtration (§ 2141.171)

The provisions of 40 CFR § 141.171 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Disinfection profiling and benchmarking (§ 2141.172)

The provisions of 40 CFR § 141.172 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Filtration (§ 2141.173)

The provisions of 40 CFR § 141.173 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Filtration sampling requirements (§ 2141.174)

The provisions of 40 CFR § 141.174 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Reporting and recordkeeping requirements (§ 2141.175)

The provisions of 40 CFR § 141.175 of the National Primary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) through (f) by removing the July 1, 2004 reference.

Subpart Q - Public Notification of Drinking Water Violations

§ 65-20-242 Public Notification of Drinking Water Violations (§ 2141.201 - § 2141.211)

(a) General public notification requirements (§ 2141.201)

The provisions of 40 CFR § 141.201 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Tier 1 public notice – form, manner, and frequency of notice (§ 2141.202)

The provisions of 40 CFR § 141.202 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Tier 2 public notice – form, manner, and frequency of notice (§ 2141.203)

The provisions of 40 CFR § 141.203 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Tier 3 public notice – form, manner, and frequency of notice (§ 2141.204)

The provisions of 40 CFR § 141.204 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Content of the public notice (§ 2141.205)

The provisions of 40 CFR § 141.205 of the National Primary Drinking Water Regulations are hereby adopted by reference, with the following additions.

(1) Garment manufacturing facilities. Public water systems regulated under § 65-20-242(a) that are garment manufacturing facilities with foreign contract workers must produce a fully translated public notice in the appropriate language for the majority of their workers, in addition to an English language version.

(2) Other public water systems regulated under § 65-20-242(a) serving non-English speaking populations.

(i) Any other public water system serving water to non-English speaking users must either translate the document or insert the following or similar translation text into their public notice in all appropriate languages: “This notice contains important information about your drinking water. If you cannot read or understand it, contact <person’s name> at <location or phone number>.”

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(ii) If the public water system can sufficiently document to the Director that any non-English speaking population comprises ten percent or less of the total population served by the water system, then the requirements of § 65-20-242(e)(2)(i)* do not apply and the water system does not need to insert the translation text in that particular language into its public notice. The Director may require an affidavit certifying that the particular non-English population comprises ten percent or less of the total population served, or may require additional documentation that supports such a claim.

*The original cites to “§ 2141.205(b)(i).” No such citation exists in the original. The Commission inserted the correct NMIAC citation.

(f) Notice to new billing units or new customers (§ 2141.206)
The provisions of 40 CFR § 141.206 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(g) Special notice of the availability of unregulated contaminant monitoring results (§ 2141.207)
The provisions of 40 CFR § 141.207 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(h) Special notice for exceedance of the SMCL for fluoride (§ 2141.208)
The provisions of 40 CFR § 141.208 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(i) Special notice for nitrate exceedances above MCL by non-community water systems (NCWS), where granted permission by the primacy agency under Section 2141.11(d)* (§ 2141.209)
The provisions of 40 CFR § 141.209 of the National Primary Drinking Water Regulations are hereby adopted by reference.

* As stated in original; subsection (d) of § 2141.11 does not exist. The NMIAC cross reference for § 2141.11 is § 65-20-212(a).

(j) Notice by primacy agency on behalf of the public water system (§ 2141.210)
The provisions of 40 CFR § 141.210 of the National Primary Drinking Water Regulations revised are hereby adopted by reference.

(k) Special notice for repeated failure to conduct monitoring of the source water for Cryptosporidium and for failure to determine bin classification or mean Cryptosporidium level (§ 2141.211)
The provisions of 40 CFR § 141.211 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(l) Appendix A to subpart Q of part 200 - NPDWR violations and situations requiring public notice
The provisions of Appendix A to subpart Q of 40 CFR part 141 of the National Primary drinking Water Regulations are hereby adopted by reference.

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(m) Appendix B to subpart Q of part 200 - Standard health effects language for public notification

The provisions of Appendix B to subpart Q of 40 CFR part 141 of the National Primary Drinking Water Regulations hereby adopted by reference.

(n) Appendix C to subpart Q of part 200 - list of acronyms used in public notification regulation

The provisions of Appendix C to subpart Q of 40 CFR part 141 of the National Primary Drinking Water Regulations are hereby adopted by reference.

Modified 1 CMC § 3806(c), (e), (f), (g).

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) through (m) by removing the July 1, 2004 reference and adding a new subsection (k). The Commission redesignated former subsections (k) through (m) to (l) through (n).

Subpart R

[Reserved.]

History: Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Subpart S - Ground Water Rule

§ 65-20-246 Ground Water Rule (§ 2141.400 - § 2141.405)

(a) General requirements and applicability (§ 2141.400)

The provisions of 40 CFR § 141.400 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Sanitary surveys for ground water systems (§ 2141.401)

The provisions of 40 CFR § 141.401 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Ground water source microbial monitoring and analytical methods (§ 2141.402)

The provisions of 40 CFR § 141.402 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Treatment technique requirements for ground water systems (§ 2141.403)

The provisions of 40 CFR § 141.403 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Treatment technique violations for ground water systems (§ 2141.404)
The provisions of 40 CFR § 141.404 of the National Primary Drinking water Regulations are hereby adopted by reference.

(f) Reporting and recordkeeping for ground water systems (§ 2141.405)
The provisions of 40 CFR § 141.405 of the National Primary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The 2008 amendments created Subpart S See 29 Com. Reg. at 27664 (Dec. 18, 2007). Following the summary of the proposed revisions to this chapter, DEQ published “a fact sheet from U.S.E.P.A. on each of the four Federal Drinking Water Rules,” including a fact sheet regarding the ground water rule. See 29 Com. Reg. 27626 and 27630-27639 (Dec. 18, 2007). The fact sheets are codified as Appendix C.

Subpart T - Enhanced Filtration and Disinfection Systems Serving Fewer Than 10,000 People

§ 65-20-248 Enhanced Filtration and Disinfection Systems Serving Fewer Than 10,000 People (§ 2141.500 - § 2141.570)

(a) General requirements (§ 2141.500)
The provisions of 40 CFR §§ 141.500-503 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Finished water reservoirs (§ 2141.510)
The provisions of 40 CFR §§ 141.510-511 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Additional watershed control requirements for unfiltered systems (§ 2141.520)
The provisions of 40 CFR §§ 141.520-522 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Disinfection profile (§ 2141.530)
The provisions of 40 CFR §§ 141.530-536 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Disinfection benchmark (§ 2141.540)
The provisions of 40 CFR §§ 141.540-544 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Combined filter effluent requirements (§ 2141.550)
The provisions of 40 CFR §§ 141.550-553 of the National Primary Drinking Water Regulations are hereby adopted by reference.

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(g) Individual filter turbidity requirements (§ 2141.560)

The provisions of 40 CFR §§ 141.560-564 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(h) Reporting and recordkeeping requirements (§ 2141.570)

The provisions of 40 CFR §§141.570-571 of the National Primary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments changed subsections (a) through (h) by removing the July 1, 2004 reference.

Subpart U - Initial Distribution System Evaluations

§ 65-20-250 Initial Distribution System Evaluations (§ 2141.600 - § 2141.605)

(a) General Requirements (§ 2141.600)

The provisions of 40 CFR § 141.600 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Standard Monitoring (§ 2141.601)

The provisions of 40 CFR § 141.601 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) System specific studies (§ 2141.602)

The provisions of 40 CFR § 141.602 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) 40/30 certification (§ 2141.603)

The provisions of 40 CFR § 141.603 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Very small system waivers (§ 2141.604)

The provisions of 40 CFR § 141.604 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Subpart V compliance monitoring location recommendations (§ 2141.605)

The provisions of 40 CFR § 141.605 of the National Primary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments created Subpart U See 29 Com. Reg. at 27665-27666 (Dec. 18, 2007).

Subpart V – Stage 2 Disinfection Byproducts Requirements

§ 65-20-252 Stage 2 Disinfection Byproducts Requirements (§ 2141.620 - § 2141.629)

(a) General Requirements (§ 2141.620)

The provisions of 40 CFR § 141.620 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Routine Monitoring (§ 2141.621)

The provisions of 40 CFR § 141.621 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Subpart V monitoring plan (§ 2141.622)

The provisions of 40 CFR § 141.622 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Reduced monitoring (§ 2141.623)

The provisions of 40 CFR § 141.623 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Additional requirements for consecutive systems (§ 2141.624)

The provisions of 40 CFR § 141.624 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Conditions requiring increased monitoring (§ 2141.625)

The provisions of 40 CFR § 141.625 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(g) Operational evaluation levels (§ 2141.626)

The provisions of 40 CFR § 141.626 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(h) Requirements for remaining on reduced TTHM and HAA5 monitoring based on subpart L results (§ 2141.627)

The provisions of 40 CFR § 141.627 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(i) Requirements for remaining on increased TTHM and HAA5 monitoring based on subpart L results (§ 2141.628)

The provisions of 40 CFR § 141.628 of the National Primary Drinking Water Regulations are hereby adopted by reference.

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(j) Reporting and recordkeeping requirements (§ 2141.629)

The provisions of 40 CFR § 141.629 of the National Primary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments created Subpart V See 29 Com. Reg. at 27666-27667 (Dec. 18, 2007).

Subpart W – Enhanced Treatment for Cryptosporidium

§ 65-20-254 Enhanced Treatment for Cryptosporidium (§ 2141.700 - § 2141.721)

(a) General Requirements (§ 2141.700)

The provisions of 40 CFR § 141.700 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Source Water monitoring requirements (§ 2141.701)

The provisions of 40 CFR §§ 141.701-707 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Disinfection profiling and benchmarking requirements (§ 2141.708)

The provisions of 40 CFR §§ 141.708-709 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Treatment technique requirements (§ 2141.710)

The provisions of 40 CFR §§ 141.710-714 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Requirements for microbial toolbox components (§ 2141.715)

The provisions of 40 CFR §§ 141.715-720 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Conditions requiring increased monitoring (§ 2141.721)

The provisions of 40 CFR §§ 141.721-722 of the National Primary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007).

Commission Comment: See the commission comment to § 65-20-201.

The 2008 amendments created Subpart W See 29 Com. Reg. at 27668 (Dec. 18, 2007). Following the summary of proposed revisions to this chapter, DEQ published “a fact sheet from U.S.E.P.A. on each of the four Federal Drinking Water Rules,” including fact sheets referring to treatment for Cryptosporidium. See 29 Com. Reg. 27626 and 27630-27639 (Dec. 18, 2007). The fact sheets are codified as Appendix C of this chapter.

Subpart X – Revised Total Coliform Rule

§ 65-20-256 Revised Total Coliform Rule (§ 2141.851 - § 2141.861)

(a) General (§ 2141.851)

The provisions of 40 CFR § 141.851 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Analytical methods and laboratory certification. (§ 2141.852)

The provisions of 40 CFR § 141.852 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) General monitoring requirements for all public water systems. (§ 2141.853)

The provisions of 40 CFR § 141.853 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Routine monitoring requirements for non-community water systems serving 1,000 or fewer people using only ground water. (§ 2141.854)

The provisions of 40 CFR § 141.854 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Routine monitoring requirements for community water systems serving 1,000 or fewer people using only ground water. (§ 2141.855)

The provisions of 40 CFR § 141.855 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Routine monitoring requirements for subpart H public water systems serving 1,000 or fewer people. (§ 2141.856)

The provisions of 40 CFR § 141.856 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(g) Routine monitoring requirements for public water systems serving more than 1,000 people. (§ 2141.857)

The provisions of 40 CFR § 141.857 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(h) Repeat monitoring and *E. Coli* requirements. (§ 2141.858)

The provisions of 40 CFR § 141.858 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(i) Coliform treatment technique triggers and assessment requirements for protection against potential fecal contamination. (§ 2141.859)

The provisions of 40 CFR § 141.859 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(j) Violations. (§ 2141.860)

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The provisions of 40 CFR § 141.860 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(k) Reporting and recordkeeping. (§ 2141.861)

The provisions of 40 CFR § 141.861 of the National Primary Drinking Water Regulations are hereby adopted by reference.

Modified 1 CMC § 3806(a), (b), (g).

History: Amdts Adopted 37 Com. Reg. 37300 (Dec. 28, 2015); Amdts Proposed 37 Com. Reg. 37098 (Oct. 28, 2015).

Commission Comment: See Commission Comment to § 65-20-201. The 2015 amendments created a subpart designated as Subpart Y in the Commonwealth Register, which the Commission renumbered as Subpart X in the Code. See 37 Com. Reg. at 37098 (Oct. 28, 2015). Following the summary of proposed revisions to this chapter, DEQ published a “fact sheet from U.S.E.P.A. on Revised Total Coliform Rule.” See 37 Com. Reg. 37105–37107 (Oct. 28, 2015). The fact sheet is codified as Appendix E of this chapter. The Commission changed the capitalization of the subsection titles for the purpose of conformity. The Commission changed the federal regulation reference number “2141.851” in the title of subsection (b) to “2141.852” to correct a manifest error. The Commission corrected the spelling of the word “requirements” in the title of subsection (d) to correct a typographical error pursuant to 1 CMC § 3806(g). The Commission inserted spaces between section symbols and numbers and removed superfluous section symbols throughout the section to correct manifest errors.

Part 300 - CNMI National Secondary Drinking Water Regulations

Subpart A - National Secondary Drinking Water Regulations

§ 65-20-301 Referenced Version of 40 CFR § 143 and Purpose (§ 3141.0- § 3141.1)

(a) Referenced version of 40 CFR § 143 (§ 3141.0)

All references to 40 CFR § 143 of the National Secondary Drinking Water Regulations mentioned in these CNMI Drinking Water Regulations refer to version as revised and codified as of July 1, 2014.

(b) Purpose (§ 3141.1)

The provisions of 40 CFR § 143.1 of the National Secondary Drinking Water Regulations are hereby adopted by reference, with the following addition.

(1) Public water systems are not required to monitor for or comply with the secondary maximum contaminant levels. The National Secondary Drinking Water Regulations are provided only as guidelines for public water systems.

Modified 1 CMC 3806(g).

History: Amdts Adopted 37 Com. Reg. 37300 (Dec. 28, 2015); Amdts Proposed 37 Com. Reg. 37098 (Oct. 28, 2015); Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

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Commission Comment: The original section number published by DEQ in the Commonwealth Register is provided in parentheses after the section titles in this part because these section numbers correspond to the federal drinking water regulations. The reference will assist users in identifying any local changes to the federal regulations adopted by reference.

The 2008 amendments changed this section and added a new section (§ 3141.0), which became subsection (a). The Commission redesignated former § 65-20-301 to subsection (b) and former subsection (a) became subsection (b)(1). The Commission changed the title of this section based on the 2008 amendments.

The Commission inserted a “§” in the title of subsection (a) to correct a manifest error. The December 2015 amendments changed the reference date in subsection (a) from July 1, 2007 to July 1, 2014.

§ 65-20-305 Definitions (§ 3141.2)

The provisions of 40 CFR § 143.2 of the National Secondary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-301.

The 2008 amendments changed this section by removing the July 1, 2004 reference.

§ 65-20-310 Secondary Maximum Contaminant Levels (§ 3141.3)

The provisions of 40 CFR § 143.3 of the National Secondary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-301.

The 2008 amendments changed this section by removing the July 1, 2004 reference.

§ 65-20-315 Monitoring (§ 3141.4)

The provisions of 40 CFR § 143.4 of the National Secondary Drinking Water Regulations are hereby adopted by reference.

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: See the commission comment to § 65-20-301.

The 2008 amendments changed this section by removing the July 1, 2004 reference.

Appendix A National Primary Drinking Water Regulations 40 CFR § 141 July 1, 2007 and October 10, 2007

[See 29 Com. Reg. 27671- 27923 (Dec. 18, 2007)]

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005); Amdts Adopted 16 Com. Reg. 12445 (Sept. 15, 1994); Amdts Proposed 16 Com. Reg. 12141 (July 15, 1994).

Commission Comment: The July 2005 amendments published excerpts from 40 CFR 141, as revised and codified as of July 1, 2004, as appendix A to the Drinking Water Regulations. Due to the size of this document, it is not reproduced here. For a copy of 40 CFR 141 (July 1, 2004), see 27 Com. Reg. at 24222-24440 (May 18, 2005).

The 2008 amendments changed this appendix by publishing excerpts from 40 CFR § 141 as of July 1, 2007.

Appendix B National Secondary Drinking Water Regulations 40 CFR § 143 July 1, 2007

[See 29 Com. Reg. 27624- 27928 (Dec. 18, 2007)]

History: Amdts Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Amdts Proposed 29 Com. Reg. 27623 (Dec. 18, 2007); Amdts Adopted 27 Com. Reg. 24679 (July 20, 2005); Amdts Proposed 27 Com. Reg. 24166 (May 18, 2005).

Commission Comment: The July 2005 amendments published excerpts from 40 CFR 143, as revised and codified as of July 1, 2004, as appendix B to the Drinking Water Regulations. Due to the size of this document, it is not reproduced here. For a copy of 40 CFR 143 (July 1, 2004), see 27 Com. Reg. At 24441-24443 (May 18, 2005).

The 2008 amendments changed this appendix by publishing excerpts from 40 CFR § 143 as of July 1, 2007.

Appendix C U.S.E.P.A. Fact Sheets on the Four Federal Drinking Water Rules

[See following pages. For original, see 29 Com. Reg. 27630- 27639 (Dec. 18, 2007)]

History: Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Proposed 29 Com. Reg. 27623 (Dec. 18, 2007).

U.S.E.P.A. Fact Sheet – Stage 2 Disinfectants and Disinfection Byproducts Rule

Introduction

In the past 30 years, the Safe Drinking Water Act (SDWA) has been highly effective in protecting public health and has also evolved to respond to new and emerging threats to safe drinking water. Disinfection of drinking water is one of the major public health advances in the 20th century. One hundred years ago, typhoid and cholera epidemics were common through American cities; disinfection was a major factor in reducing these epidemics.

However, the disinfectants themselves can react with naturally-occurring materials in the water to form byproducts, which may pose health risks. In addition, in the past 10 years, we have learned that there are specific microbial pathogens, such as *Cryptosporidium*, which can cause illness, and are highly resistant to traditional disinfection practices.

Amendments to the SDWA in 1996 require EPA to develop rules to balance the risks between microbial pathogens and disinfection byproducts (DBPs). The Stage 1 Disinfectants and Disinfection Byproducts Rule and Interim Enhanced Surface Water Treatment Rule, promulgated in December 1998, were the first phase in a rulemaking strategy required by Congress as part of the 1996 Amendments to the Safe Drinking Water Act.

The Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) builds upon the Stage 1 DBPR to address higher risk public water systems for protection measures beyond those required for existing regulations.

The Stage 2 Disinfection Byproduct Rule and the Long Term 2 Enhanced Surface Water Treatment Rule are the second phase of rules required by Congress. These rules strengthen protection against microbial contaminants, especially *Cryptosporidium*, and at the same time, reduce potential health risks of DBPs.

What is the Stage 2 DBPR?

The Stage 2 Disinfection Byproducts Rule will reduce potential cancer and reproductive and developmental health risks from disinfection byproducts (DBPs) in drinking water, which form when disinfectants are used to control microbial pathogens. Over 260 million individuals are exposed to DBPs.

This final rule strengthens public health protection for customers by tightening compliance monitoring requirements for two groups of DBPs, trihalomethanes (THM) and haloacetic acids (HAA5). The rule targets systems with the greatest risk and builds incrementally on existing rules. This regulation will reduce DBP exposure and related potential health risks and provide more equitable public health protection.

The Stage 2 DBPR is being promulgated simultaneously with the Long Term 2 Enhanced Surface Water Treatment Rule to address concerns about risk tradeoffs between pathogens and DBPs.

What does the rule require?

Under the Stage 2 DBPR, systems will conduct an evaluation of their distribution systems, known as an Initial Distribution System Evaluation (IDSE), to identify the locations with high disinfection byproduct concentrations. These locations will then be used by the systems as the sampling sites for Stage 2 DBPR compliance monitoring.

Compliance with the maximum contaminant levels for two groups of disinfection byproducts (THM and HAA5) will be calculated for each monitoring location in the distribution system. This approach, referred to as the locational running annual average (LRAA), differs from current requirements, which determine compliance by calculating the running annual average of samples from all monitoring locations across the system.

The Stage 2 DBPR also requires each system to determine if they have exceeded an operational evaluation level, which is identified using their compliance monitoring results. The operational evaluation level provides an early warning of possible future MCL violations, which allows the system to take proactive steps to remain in compliance. A system that exceeds an operational evaluation level is required to review their operational practices and submit a report to their state that identifies actions that may be taken to mitigate future high DBP levels, particularly those that may jeopardize their compliance with the DBP MCLs.

Who must comply with this rule?

Entities potentially regulated by the Stage 2 DBPR are community and nontransient noncommunity water systems that produce and/or deliver water that is treated with a primary or residual disinfectant other than ultraviolet light.

A community water system (CWS) is a public water system that serves year-round residents of a community, subdivision, or mobile home park that has at least 15 service connections or an average of at least 25 residents.

A nontransient noncommunity water system (NTNCWS) is a water system that serves at least 25 of the same people more than six months of the year, but not as primary residence, such as schools, businesses, and day care facilities.

What are disinfection byproducts (DBPs)?

Disinfectants are an essential element of drinking water treatment because of the barrier they provide against waterborne disease-causing microorganisms. Disinfection byproducts (DBPs) form when disinfectants used to treat drinking water react with naturally occurring materials in the water (e.g., decomposing plant material).

Total trihalomethanes (THM - chloroform, bromoform, bromodichloromethane, and dibromochloromethane) and five haloacetic acids (HAA5 - monochloro-, dichloro-, trichloro-, monobromo-, dibromo-) are widely occurring classes of DBPs formed during disinfection with chlorine and chloramine. The

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U.S.E.P.A. Fact Sheet – Stage 2 Disinfectants and Disinfection Byproducts Rule

amount of trihalomethanes and haloacetic acids in drinking water can change from day to day, depending on the season, water temperature, amount of disinfectant added, the amount of plant material in the water, and a variety of other factors.

Are THMs and HAAs the only disinfection byproducts?

No. The four THMs (TTHM) and five HAAs (HAA5) measured and regulated in the Stage 2 DBPR act as indicators for DBP occurrence. There are many other known DBPs, in addition to the possibility of unidentified DBPs present in disinfected water. THMs and HAAs typically occur at higher levels than other known and unknown DBPs. The presence of TTHM and HAA5 is representative of the occurrence of many other chlorination DBPs; thus, a reduction in the TTHM and HAA5 generally indicates a reduction of DBPs from chlorination.

What are the costs and benefits of the rule?

Quantified benefits estimates for the Stage 2 DBPR are based on reductions in fatal and non-fatal bladder cancer cases. EPA has projected that the rule will prevent approximately 280 bladder cancer cases per year. Of these cases, 26% are estimated to be fatal. Based on bladder cancer alone, the rule is estimated to provide annualized monetized benefit of \$763 million to \$1.5 billion.

The rule applies to approximately 75,000 systems; a small subset of these (about 4%) will be required to make treatment changes. The mean cost of the rule is \$79 million annually. Annual household cost increases in the subset of plants adding treatment are estimated at an average of \$5.53, with 95 percent paying less than \$22.40.

What are the compliance deadlines?

Compliance deadlines are based on the sizes of the public water systems (PWSs). Wholesale and consecutive systems of any size must comply with the requirements of the Stage 2 DBPR on the same schedule as required for the largest system in the combined distribution system (defined as the interconnected distribution system consisting of wholesale systems and consecutive systems that receive finished water). Compliance activities are outlined in the table below.

What technical information will be available on the rule?

The following guidance documents will be available:

- Initial Distribution System Evaluation (IDSE) Guidance Manual
- Operational Evaluation Guidance Manual
- Consecutive Systems Guidance Manual
- Small Systems (SBREFA) Guidance Manual
- Simultaneous Compliance Guidance Manual

For technical questions, [email \(stage2mdbp@epa.gov\)](mailto:stage2mdbp@epa.gov)

Where can I find more information about this notice and the Stage 2 DBPR?

For general information on the Stage 2 DBPR, contact the Safe Drinking Water Hotline at (800) 426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 10:00am to 4:00pm, Eastern time (1:00am to 7:00am Chamorro time winter – midnight to 6:00am Chamorro time summer, Tuesdays through Saturday). For copies of the Federal Register notice of the regulation or technical fact sheets, visit the EPA Safewater website at <http://www.epa.gov/safewater/disinfection/stage2> For technical inquiries, see the paragraph above.

Public Water Systems	Actions	IDSE			
		Submit monitoring plan, system specific study plan, or 40/30 certification	Complete an initial distribution system evaluation (IDSE)	Submit Report	Begin subpart V (Stage 2) compliance monitoring
CWS and NTNCWSs serving at least 100,000	October 1, 2006	September 30, 2008	January 1, 2009	April 1, 2012	
CWS and NTNCWSs serving 50,000 – 99,999	April 1, 2007	March 31, 2009	July 1, 2009	October 1, 2013	
CWS and NTNCWSs serving 10,000 – 49,999	October 1, 2007	September 30, 2009	January 1, 2010	October 1, 2013	
CWS serving fewer than 10,000	April 1, 2008	March 31, 2010	July 1, 2010	October 1, 2013	
NTNCWSs serving fewer than 10,000	NA	NA	NA	October 1, 2013	

U.S.E.P.A. Fact Sheet – Long Term 2 Enhanced Surface Water Treatment Rule

Introduction

In the past 30 years, the Safe Drinking Water Act (SDWA) has been highly effective in protecting public health and has also evolved to respond to new and emerging threats to safe drinking water. Disinfection of drinking water is one of the major public health advances in the 20th century. One hundred years ago, typhoid and cholera epidemics were common through American cities; disinfection was a major factor in reducing these epidemics.

In the past 15 years, we have learned that there are specific microbial pathogens, such as Cryptosporidium, which can cause illness, and are highly resistant to traditional disinfection practices. We also know that the disinfectants themselves can react with naturally-occurring materials in the water to form byproducts, which may pose health risks.

Amendments to the SDWA in 1996 require EPA to develop rules to balance the risks between microbial pathogens and disinfection byproducts (DBPs). The Stage 1 Disinfectants and Disinfection Byproducts Rule and Interim Enhanced Surface Water Treatment Rule, promulgated in December 1998, were the first phase in a rulemaking strategy required by Congress as part of the 1996 Amendments to the Safe Drinking Water Act.

The Long Term 2 Enhanced Surface Water Treatment Rule builds upon earlier rules to address higher risk public water systems for protection measures beyond those required for existing regulations.

The Long Term 2 Enhanced Surface Water Treatment Rule and the Stage 2 Disinfection Byproduct Rule are the second phase of rules required by Congress. These rules strengthen protection against microbial contaminants, especially Cryptosporidium, and at the same time, reduce potential health risks of DBPs.

What is the LT2ESWTR?

The purpose of Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) is to reduce illness linked with the contaminant Cryptosporidium and other pathogenic microorganisms in drinking water. The LT2ESWTR will supplement existing regulations by targeting additional Cryptosporidium treatment requirements to higher risk systems. This rule also contains provisions to reduce risks from uncovered finished water reservoirs and provisions to ensure that systems maintain microbial protection when they take steps to decrease the formation of disinfection byproducts that result from chemical water treatment.

Current regulations require filtered water systems to reduce source water Cryptosporidium levels by 2-log (99 percent). Recent data on Cryptosporidium infectivity and occurrence indicate that this treatment requirement is sufficient for most systems, but additional treatment is necessary for certain higher risk systems. These higher risk systems include filtered water systems with high levels of Cryptosporidium in their water sources and all unfiltered water systems, which do not treat for Cryptosporidium.

The LT2ESWTR is being promulgated simultaneously with the Stage 2 Disinfection Byproduct Rule to address concerns about risk tradeoffs between pathogens and DBPs.

What are the health risks of Cryptosporidium?

Cryptosporidium is a significant concern in drinking water because it contaminates most surface waters used as drinking water sources, it is resistant to chlorine and other disinfectants, and it has caused waterborne disease outbreaks. Consuming water with Cryptosporidium can cause gastrointestinal illness, which may be severe and sometimes fatal for people with weakened immune systems (which may include infants, the elderly, and people who have AIDS).

Who must comply with this rule?

This regulation will apply to all public water systems that use surface water or ground water under the direct influence of surface water.

What does the rule require?

Monitoring: Under the LT2ESWTR, systems will monitor their water sources to determine treatment requirements. This monitoring includes an initial two years of monthly sampling for Cryptosporidium. To reduce monitoring costs, small filtered water systems will first monitor for E. coli—bacterium which is less expensive to analyze than Cryptosporidium—and will monitor for Cryptosporidium only if their E. coli results exceed specified concentration levels.

Monitoring starting dates are staggered by system size, with smaller systems beginning monitoring after larger systems. Systems must conduct a second round of monitoring six years after completing the initial round to determine if source water conditions have changed significantly. Systems may use (grandfather) previously collected data in lieu of conducting new monitoring, and systems are not required to monitor if they provide the maximum level of treatment required under the rule.

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Cryptosporidium treatment: Filtered water systems will be classified in one of four treatment categories (bins) based on their monitoring results. The majority of systems will be classified in the lowest treatment bin, which carries no additional treatment requirements. Systems classified in higher treatment bins must provide 90 to 99.7 percent (1.0 to 2.5-log) additional treatment for Cryptosporidium. Systems will select from a wide range of treatment and management strategies in the "microbial toolbox" to meet their additional treatment requirements. All unfiltered water systems must provide at least 99 or 99.9 percent (2 or 3-log) inactivation of Cryptosporidium, depending on the results of their monitoring. These Cryptosporidium treatment requirements reflect consensus recommendations of the Stage 2 Microbial and Disinfection Byproducts Federal Advisory Committee.

Other requirements: Systems that store treated water in open reservoirs must either cover the reservoir or treat the reservoir discharge to inactivate 4-log virus, 3-log *Giardia lamblia*, and 2-log Cryptosporidium. These requirements are necessary to protect against the contamination of water that occurs in open reservoirs. In addition, systems must review their current level of microbial treatment before making a significant change in their disinfection practice. This review will assist systems in maintaining protection against microbial pathogens as they take steps to reduce the formation of disinfection byproducts under the Stage 2 Disinfection Byproducts Rule, which EPA is finalizing along with the LT2ESWTR.

What are the benefits of the rule?

The LT2ESWTR will improve the control of Cryptosporidium and other microbiological pathogens in drinking water water systems with the highest risk levels. EPA estimates that full compliance with the LT2ESWTR will reduce the incidence of cryptosporidiosis - the gastrointestinal illness caused by ingestion of Cryptosporidium - by 89,000 to 1,459,000 cases per year, with an associated reduction of 20 to 314 premature deaths. The monetized benefits associated with these reductions ranges from \$253 million to \$1.445 billion per year. The additional Cryptosporidium treatment requirements of the LT2ESWTR will also reduce exposure to other microbial pathogens, such as *Giardia*, that co-occur with Cryptosporidium. Additional protection from microbial pathogens will come from provisions in this rule for reviewing

disinfection practices and for covering or treating uncovered finished water reservoirs, though EPA has not quantified these benefits.

What are the costs of the rule?

The LT2ESWTR will result in increased costs to public water systems and states. The average annualized present value costs of the LT2ESWTR are estimated to range from \$92 to \$133 million (using a three percent discount rate). Public water systems will bear approximately 99 percent of this total cost, with states incurring the remaining 1 percent. The average annual household cost is estimated to be \$1.67 to \$2.59 per year, with 96 to 98 percent of households experiencing annual costs of less than \$12 per year.

What technical information will be available on the rule?

The following guidance documents will be available:

- Source Water Monitoring Guidance
- Microbial Laboratory Guidance
- Small Entity Compliance Guidance
- Microbial Toolbox Guidance Manual
- Ultraviolet Disinfection Guidance Manual
- Membrane Filtration Guidance Manual
- Simultaneous Compliance Guidance Manual
- Low-pressure Membrane Filtration for Pathogen Removal: Application, Implementation, and Regulatory Issues

For technical questions, email stage2mdbp@epa.gov

Where can I find more information about this notice and the LT2ESWTR?

For general information on the LT2ESWTR, contact the Safe Drinking Water Hotline at (800) 426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 10:00am to 4:00pm, Eastern time (1:00am to 7:00am Chamorro time winter -- midnight to 6:00am Chamorro time summer, Tuesdays through Saturday). For copies of the Federal Register notice of the regulation or technical fact sheets, visit the EPA Safewater website at <http://www.epa.gov/safewater/disinfection/lt2> For technical inquiries, see the paragraph above.

U.S.E.P.A. Fact Sheet – Ground Water Rule Page

Basic Information

EPA issued the Ground Water Rule (GWR) to improve your drinking water quality and provide additional protection from disease-causing microorganisms. Your drinking water comes from source water locations such as:

- Lakes
- Rivers
- Reservoirs
- Ground water aquifers

Water systems that have ground water sources may be susceptible to fecal contamination. In many cases, fecal contamination can contain disease causing pathogens. The GWR will provide increased protection against microbial pathogens.

The GWR will apply to public water systems that serve ground water. The rule also applies to any system that mixes surface and ground water if the ground water is added directly to the distribution system and provided to consumers without treatment.

Final Requirements:

The targeted, risk-based strategy addresses risks through an approach that relies on four major components:

- Periodic sanitary surveys of systems that require the evaluation of eight critical elements of a public water system and the identification of significant deficiencies (e.g., a well located near a leaking septic system);
- Triggered source water monitoring when a system (that does not already treat drinking water to remove 99.99 percent (4-log) of viruses) identifies a positive sample during its Total Coliform Rule monitoring and assessment monitoring (at the option of the state) targeted at high-risk systems;
- Corrective action is required for any system with a significant deficiency or source water fecal contamination; and
- Compliance monitoring to ensure that treatment technology installed to treat drinking water reliably achieves 99.99 percent (4-log) inactivation or removal of viruses.

What is the action?

EPA is issuing a rule to further protect America's drinking water by requiring action to protect ground water sources of public drinking water supplies from disease-causing viruses and bacteria, such as E. coli. The rule will protect more than 100 million Americans by requiring identification of deficiencies in water systems that could lead to contamination and

corrective actions to reduce risk from any identified deficiencies. The rule includes provisions for monitoring for systems with sources at risk, and actions to remove or inactivate contaminants, if found, to prevent them from reaching drinking water consumers.

Why is EPA taking a risk-based approach to protect drinking water provided by ground water systems?

An evaluation of data on outbreaks and the occurrence of waterborne viral and bacterial pathogens and indicators of fecal contamination in ground water supplying public water system (PWS) wells indicate that there is a subset of ground water systems (GWS) that are susceptible to fecal contamination. Therefore, in 1996, Congress amended the Safe Drinking Water Act (SDWA) to require that EPA take a targeted risk-based approach to require GWSs that are identified as being at the greatest risk of contamination to take action to protect public health. Previously, the 1986 Amendments to the SDWA had included a provision that would have required all PWSs using ground water to disinfect. This would have posed a great implementation challenge for approximately 147,000 GWSs and states.

What types of pathogens can be found in water provided by ground water systems?

Ground water that is susceptible to fecal contamination may contain harmful viruses or bacteria. Viral pathogens found in GWSs 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 (including E. coli O157:H7), 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.

What causes contamination of ground water?

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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Does this rule address private wells? If not, how does EPA help protect them?

This rule does not address private wells because they are not under the jurisdiction of the Safe Drinking Water Act and are therefore not subject to EPA regulation. EPA has provided outreach material to states and homeowners to help them understand how to manage individual wells. EPA recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well.

What are the basic requirements of the rule?

The risk-targeting strategy incorporated into the rule provides for:

- regular sanitary surveys of public water systems to look for significant deficiencies in key operational areas;
- triggered source water monitoring when a system that does not sufficiently disinfect drinking water identifies a positive sample during its Total Coliform Rule monitoring and assessment monitoring (at the option of the state) targeted at high-risk systems;
- implementation of corrective actions by ground water systems with a significant deficiency or evidence of source water fecal contamination to reduce the risk of contamination; and,
- compliance monitoring for systems that are sufficiently disinfecting drinking water to ensure that the treatment is effective at removing pathogens.

What is a sanitary survey?

A sanitary survey is a review conducted by the state that looks at critical components of a public water system. The sanitary survey provisions in this rule build on existing state programs established under the 1989 Total Coliform Rule and the Interim Enhanced Surface Water Treatment Rule and give states the authority to define both outstanding performance and significant deficiencies. The rule defines eight specific components that must be reviewed during a survey (to the extent that they apply to the individual water system being surveyed):

1. source;
2. treatment;
3. distribution system;
4. finished water storage;
5. pumps, pump facilities, and controls;
6. monitoring, reporting, and data verification;

7. system management and operation; and
8. operator compliance with state requirements.

What is a significant deficiency?

Significant deficiencies cause, or have the potential to cause, the introduction of contamination into water delivered to customers. This could include defects in design, operation, or maintenance of the source, treatment or distribution systems. They could also be represented by the failure or malfunction of those systems. The rule requires each state to define and describe at least one type of specific significant deficiency for each of the eight sanitary survey elements. An example of a source-related significant deficiency could be a well located near a source of fecal contamination (e.g., failing septic systems or a leaking sewer line) or in a flood zone. EPA will develop guidance to help states carry out sanitary surveys and identify significant deficiencies that could affect the quality of drinking water.

What are the monitoring provisions?

A ground water system is subject to triggered source water monitoring if it does not already provide treatment to reliably achieve at least 99.99 percent (4-log) inactivation or removal of viruses. If a system receives notice of a total coliform-positive distribution system sample collected under the Total Coliform Rule (TCR), it must take a source water sample within 24 hours. The system does not have to take a source water sample if the state can determine that the positive sample was due to an issue in the distribution system and not the source. If any initial triggered source water sample is fecal indicator-positive, the system must collect an additional five repeat source water samples over the next 24 hours for each of the sites that was initially fecal indicator-positive. States can also require immediate corrective action to address contamination at those sites.

The GWR also allows states to require systems that do not provide sufficient disinfection treatment to remove 99.99 percent of viruses to conduct optional assessment source water monitoring at any time and require systems to take corrective action. States may evaluate the need for assessment monitoring on a case by case basis. EPA recommends that the following risk factors be considered by states in targeting high risk systems:

1. high population density combined with on-site wastewater treatment systems;
2. aquifers with restricted geographic extent, such as barrier island sand aquifers;
3. sensitive aquifers (e.g., karst, fractured bedrock and gravel);
4. shallow unconfined aquifers;
5. aquifers with thin or absent soil cover; and

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6. wells previously identified as having been fecally contaminated.

For those systems that already treat drinking water to reliably achieve at least 99.99 percent (4-log) inactivation or removal of viruses, the rule requires regular compliance monitoring to ensure that the treatment technology installed is reliably removing contaminants.

What types of options does a system have for corrective actions?

When a system has a significant deficiency or a fecal indicator-positive ground water source sample (either by the initial triggered sample, or positive repeat sample, as determined by the state), the ground water system 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).

What are the deadlines for completing actions required by the rule?

States have two years to adopt the rule. The compliance date for triggered monitoring (and associated corrective actions) and compliance monitoring is December 1, 2009. There are no timeframes associated with the assessment monitoring because it is at the option of state. States must complete their initial round of sanitary surveys by December 31, 2012 for most community water systems. States will have until December 31, 2014 to complete the initial sanitary survey for community water systems that are identified by the state as outstanding performers and noncommunity water systems.

What are the costs of the rule?

The estimated mean annualized present value costs are \$61.8 million (3% discount rate) and \$62.3 million (7% discount rate). As a whole, EPA estimates that households subject to the rule will face minimal increases in their annual costs.

Approximately 66 percent of the households potentially affected by the rule are customers of systems that serve at least 10,000 people. 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 community water systems (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.

What are the benefits of the rule?

The estimated mean annualized present value costs benefits calculated using an enhanced cost-of-illness approach are \$19.7 million (3% discount rate) and \$16.8 million (7% discount rate). The estimated mean annualized present value costs benefits calculated using a traditional cost-of-illness approach are \$10 million (3% discount rate) and \$8.6 million (7% discount rate). It is estimated that this new rule will annually prevent approximately 42,000 cases of illness (mean value) from rotavirus and echovirus. In addition, nonquantified benefits from the rule resulting in illness reduction from other viruses and bacteria are expected to be significant. Reductions in acute bacterial illness and deaths alone are expected to exceed five times the quantified benefits.

How will drinking water systems pay for the new requirements?

Under the Safe Drinking Water Act Amendments of 1996, Congress created a new financial assistance program to help states and communities finance the costs of improving drinking water treatment facilities. To date, more than \$8.6 billion has been appropriated by Congress to ensure that local drinking water systems have the resources to protect America's drinking water and states are providing more than \$1 billion annually to public water systems to finance costs of infrastructure needed to improve public health protection and ensure compliance with regulations.

What is EPA doing to assist small systems?

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. These loans will help pay for fixing defects in systems or adding disinfection. EPA will be developing a variety of guidance documents for small system operators to inform them about new requirements associated with the rule, best available technologies to meet new requirements, and funding available to them.

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U.S.E.P.A. Fact Sheet – Lead and Copper Minor Revisions

EPA is promulgating a rule that makes several targeted regulatory revisions to the existing national primary drinking water regulations (NPDWRs) for lead and copper. The purpose of the Lead and Copper Rule (LCR) is to protect public water system consumers from exposure to lead and copper in drinking water. The revisions to the LCR will:

- enhance the implementation of the LCR in the areas of monitoring, treatment, customer awareness, lead service line replacement; and
- improve compliance with the public education requirements of the LCR and ensure drinking water consumers receive meaningful, timely, and useful information needed to help them limit their exposure to lead in drinking water.

What are the basic requirements of the Lead and Copper Rule?

The LCR has four basic requirements:

1. require water suppliers to optimize their treatment system to control corrosion in customer’s plumbing;
2. determine tap water levels of lead and copper for customers who have lead service lines or lead-based solder in their plumbing system;
3. rule out the source water as a source of significant lead levels; and,
4. if lead action levels are exceeded, require the suppliers to educate their customers about lead and suggest actions they can take to reduce their exposure to lead through public notices and public education programs.

If a water system, after installing and optimizing corrosion control treatment, continues to fail to meet the lead action level, it must begin replacing the lead service lines under its ownership.

Who will be affected by these revisions to the Lead and Copper Rule?

The entities potentially affected by this final rule are public water systems that are classified as community water systems (e.g., systems that provide water to year-round residents in places like homes or apartment buildings) or non-transient, non-community water systems (e.g., systems that provide water to people in locations such as schools, office buildings, restaurants, etc.); state primacy agencies; and local and tribal governments.

How would these revisions change monitoring requirements?

The rule addresses confusion about sample collection by clarifying language that speaks to the number of samples required and the number of sites from which samples should be collected. The rule also modifies definitions for monitoring and compliance periods to make it clear that all samples must be taken within the same calendar year. Finally, the rule adds a new reduced monitoring requirement, which prevents water systems above the lead action level to remain on a reduced monitoring schedule.

How would these revisions change requirements for water treatment?

The new rule requires water systems to provide advanced notification and gain the approval of the primacy agency for intended changes in treatment or source water that could increase corrosion of lead. The primacy agency must approve the planned changes using a process that will allow regulators and water systems to take as much time as needed to consult about potential problems.

How do these revisions change requirements related to customer awareness?

While many water utilities indicate that they provide the results of monitoring to customers, there is no requirement in the regulations for them to do so. All utilities must now provide a notification of tap water monitoring results for lead to owners and/or occupants of homes and buildings who consume water from the taps that are part of the utility’s sampling program.

How do these revisions change lead service line replacement requirements?

The current regulations allow utilities to consider lead service lines that test below the action level as “replaced” for the purposes of compliance. The new rule adds a requirement for utilities to reconsider previously “tested-out” lines when resuming lead service line replacement programs. This provision only applies to systems that had:

1. initiated a lead service line replacement program;
2. complied with the lead action level for two consecutive monitoring periods and discontinued the lead service line replacement program; and
3. subsequently were re-triggered into lead service line replacement.

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U.S.E.P.A. Fact Sheet – Lead and Copper Minor Revisions

All previously “tested-out” lines would then have to be tested again or added back into the sampling pool and considered for replacement.

How do these revisions change the public education requirements?

EPA requires water systems to deliver public education materials after a lead action level exceedance. The new rule changes the content of the message to be provided to consumers, changes how the materials are delivered to consumers, and the timeframe in which materials must be delivered. Also, there are changes to the delivery requirements which include additional organizations that systems must partner with to disseminate the message to at-risk populations as well as changes in the ways information is disseminated to ensure water systems reach consumers when there is an action level exceedance. The new rule also requires educational statements about lead in drinking water to be included in all Consumer Confidence Reports. Many of the changes to the public education requirements were based on recommendations from the National Drinking Water Advisory Council.

How much will these revisions cost water suppliers and consumers?

The total annual direct costs to water systems are estimated between \$5.4 and \$5.7 million. The majority of these costs to water systems are from the monitoring and public education requirements of the revisions. For primacy agencies, the annual direct costs are estimated between \$471,000 and \$657,000. The majority of the costs to primacy agencies arise from the review and approval requirement for treatment changes included in the revisions. The initial one time costs for water system and State personnel to familiarize themselves with the rule changes and begin implementation are approximately \$11 million for water systems and \$1.7 million for States.

How did EPA identify the changes to the LCR?

In early 2004, EPA began a wide-range review of implementation of the Lead and Copper Rule to determine if there was a national problem related to elevated levels of lead in drinking water. The review identified several areas in which there was confusion about implementation in the existing regulations. As part of its national review, EPA also held expert workshops to discuss the effectiveness of the regulations. After reviewing findings from the workshops and implementation review, EPA released a Drinking Water Lead Reduction Plan in March 2005. This plan outlined short-term and long-term goals for improving implementation of the Lead and Copper Rule, including several targeted changes to the regulations, which are now being promulgated.

What are the longer-term goals of the Drinking Water Lead Reduction Plan?

EPA identified a number of issues that will be reviewed as part of potentially more comprehensive revisions to the rule. The issues require additional data collection, research, analysis, and stakeholder involvement to support decisions. The issues include, but are not limited to, requirements for consecutive systems, and broader revisions to monitoring and lead service line replacement requirements.

How can I get more information?

For additional information about the rule, contact:

- Jeffrey Kempic (phone (202) 564-4880; [e-mail: kempic.jeffrey@epa.gov](mailto:kempic.jeffrey@epa.gov)), or
- Eric Burneson (phone: (202) 564-5250; [e-mail: burneson.eric@epa.gov](mailto:burneson.eric@epa.gov)).

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TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

Commission Comment: Following the summary of the proposed revisions to this chapter, DEQ published “a fact sheet from U.S.E.P.A. on each of the four Federal Drinking Water Rules . . . for more in depth information about each of the rules.” 29 Com. Reg. 27626 (Dec. 18, 2007). These fact sheets comprise Appendix C. See 29 Com. Reg. 27630-27639 (Dec. 18, 2007) for the original fact sheets.

Appendix D Excerpts from the Federal Register dated October 10, 2007

[See 29 Com. Reg. 27929-27937 (Dec. 18, 2007)]

History: Adopted 30 Com. Reg. 28323 (Feb. 29, 2008); Proposed 29 Com. Reg. 27623 (Dec. 18, 2007).

Commission Comment: In July 2005, DEQ repromulgated the Drinking Water Regulations in their entirety with numerous structural changes and amendments. The 2005 Drinking Water Regulations are codified, as amended, in this chapter. Previous history is cited in limited sections where applicable. DEQ amended numerous provisions of this subchapter and added additional sections in February 2008.

The February 2008 amendments published excerpts from the Federal Register dated October 10, 2007. Due to the size of the document, it is not reproduced here. For a copy, see 29 Com. Reg. 27929-27937 (Dec. 18, 2007).

Appendix E U.S.E.P.A. Fact Sheet on Revised Total Coliform Rule

[See following pages. For original, see 37 Com. Reg. 37105–37107 (Oct. 28, 2015)]

History: Adopted 37 Com. Reg. 37300 (Dec. 28, 2015); Proposed 37 Com. Reg. 37098 (Oct. 28, 2015).

U.S.E.P.A. Fact Sheet – Revisions to the Total Coliform Rule

The Environmental Protection Agency (EPA) has revised the 1989 Total Coliform Rule (TCR), a national primary drinking water regulation (NPDWR). The purpose of the 1989 TCR is to protect public health by ensuring the integrity of the drinking water distribution system and monitoring for the presence of microbial contamination. EPA anticipates greater public health protection under the revised requirements, which are based on recommendations by a federal advisory committee and the agency's consideration of public comments. The final Revised Total Coliform Rule (RTCR):

- Requires public water systems that are vulnerable to microbial contamination to identify and fix problems; and
- Establishes criteria for public water systems to qualify for and stay on reduced monitoring, which could reduce water system burden and provide incentives for better system operation.

The 1989 TCR remains effective until March 31, 2016. PWSs and primacy agencies must comply with the requirements of the RTCR beginning April 1, 2016.

Where can I find the revisions? Copies of the Federal Register Notice can be downloaded from the Total Coliform Rule Web site at <http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/regulation.cfm>.

What are the basic requirements of the 1989 TCR? The TCR (published in 1989) is the only microbial drinking water regulation that applies to all public water systems (PWSs). Systems are required to meet legal limits (i.e., Maximum Contaminant Levels (MCL)) for total coliforms, including fecal coliforms, as determined by regular monitoring. The 1989 TCR specifies the frequency and timing of the microbial testing by water systems based on population served. The rule also requires public notification as indicated by monitoring results.

Why did EPA decide to revise the 1989 TCR? The Safe Drinking Water Act, as amended, requires EPA

to review and revise, as appropriate, each NPDWR not less often than every six years. The outcome of the review of the 1989 TCR determined that there was an opportunity to reduce implementation burden and to improve rule effectiveness, and that revising the rule offered an opportunity for greater public health protection against waterborne pathogens in the public drinking water distribution systems.

How have monitoring frequencies changed? While retaining the basic monitoring requirements of the 1989 TCR, the RTCR links monitoring frequency to water quality and system performance by:

- Providing criteria that well-operated small systems must meet to qualify and stay on reduced monitoring;
- Requiring increased monitoring for high-risk small systems with unacceptable compliance history; and
- Requiring some new monitoring requirements for seasonal systems such as campgrounds and some state and national parks.

How has the standard for total coliforms changed? The final RTCR establishes a health goal (Maximum Contaminant Level Goal, or MCLG) and an MCL for *E. coli* and eliminates the MCLG and MCL for total coliforms, replacing it with a treatment technique for coliforms that requires assessment and corrective action.

- The revised rule is establishing an MCLG of 0 for *E. coli*, a more specific indicator of fecal contamination and potential harmful pathogens than total coliform. EPA has removed the 1989 MCLG and MCL for total coliform. Many of the organisms detected by total coliform methods are not of fecal origin and do not have any direct public health implication. The "acute" total coliform MCL violation under the 1989 TCR has been maintained as the MCL for *E. coli* under the RTCR.

U.S.E.P.A. Fact Sheet – Revisions to the Total Coliform Rule

- Under the new treatment technique for coliforms, total coliforms serve as an indicator of a potential pathway of contamination into the distribution system. A PWS that exceeds a specified frequency of total coliform occurrence must conduct an assessment to determine if any sanitary defects exist and, if found, correct them. In addition, under the new treatment technique requirements, a PWS that incurs an E. coli MCL violation must conduct an assessment and correct any sanitary defects found

How has the public notification requirement changed? The revised rule is eliminating monthly public notification requirements based only on the presence of total coliforms. Total coliforms in the distribution system may indicate a potential pathway for contamination but in and of themselves do not indicate a health threat. Instead, the RTCR requires public notification when an E. coli MCL violation occurs, indicating a potential health threat, or when a PWS fails to conduct the required assessment and corrective action.

How did EPA identify the changes to the 1989 TCR? EPA established a federal advisory committee called the Total Coliform Rule Distribution System Advisory Committee in 2007 to recommend revisions to the 1989 TCR. The advisory committee was comprised of a balanced panel of 15 key stakeholder organizations, including EPA, states and tribal representatives, utility associations, and advocacy groups for environment, public health, epidemiology, and consumers. The advisory committee signed an Agreement in Principle (AIP) outlining its recommendations in 2008. In July 2010, EPA proposed a rule that was consistent with the AIP and gave the public an opportunity to review and comment on the proposed rule. EPA considered the comments it received on the proposed rule in finalizing the RTCR.

Who will be affected by the RTCR? The entities potentially affected by this final rule are PWSs that are classified as community water systems (e.g., systems that provide water to year-round residents in places like homes or apartment buildings) or non-community water systems (e.g., systems that provide water to people in locations such as schools, office buildings, restaurants, etc.); state primacy agencies; and local and tribal governments. As with the 1989 TCR, the RTCR will impact approximately 154,000 PWSs. These water systems serve approximately 307 million individuals.

How much will the RTCR cost public water systems and consumers? The estimated net incremental cost of the RTCR is \$14 million annually. This represents total increased costs relative to the 1989 TCR provisions. PWSs are estimated to incur approximately 90 percent of the revised rule's net annualized present value costs. States/primacy agencies incur the remaining costs.

When do public water systems and primacy agencies need to comply with the RTCR? PWSs and primacy agencies must comply with the requirements of the RTCR beginning April 1, 2016.

How can I get more information? For additional information about the rule, please visit the EPA Total Coliform Rule Web site, <http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/regulation.cfm>. You may also visit the EPA Drinking Water Web site at www.water.epa.gov/drink or contact the Safe Drinking Water Hotline at 1-800-426-4791, for more information about the rule or for general information on drinking water. Local or international calls can reach the Hotline at 703-412-3330. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 10:00 a.m. to 4:00 p.m. Eastern time.