

George E. Pickett, M.D., M.P.H.
Director



RECEIVED

State of West Virginia All: 05

DEPARTMENT OF HEALTH

CHARLESTON 25305

January 6, 1978

OFFICE
GOV. OF STATE

The Honorable A. James Manchin
Secretary of State of West Virginia
State Capitol Building
Charleston, West Virginia 25305

Dear Mr. Manchin:

Please find enclosed two copies of our proposed "Public Water Supply Regulations" and completed "State Register Filing" application. This submittal and filing will enable the State Board of Health to place the above regulations in effect, on a temporary basis for ninety days in accordance with Chapter 29 A, Article 3, Section 14 of the State Code. The ninety day period is to commence January 10, 1978.

The use of the temporary regulatory powers is necessitated to continue upgrading of our state program and the continuance of federal grants. The prompt adoption of state regulations to accomodate the provisions of the federal Safe Drinking Act (primacy) is required not only for future program improvements, but also to maintain our present level of program services.

The proposed regulations are being submitted to the Legislative Rule-Making Review Committee and the Governor on January 9, 1978, in accordance with Chapter 29 A, Article 3, Section 7 (b) of the State Code.

If you have questions concerning our submittal, please contact this department.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "George E. Pickett".

George E. Pickett, M.D.
Secretary
State Board of Health

GEP/DAK/jmh

Enclosures



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. James Manchin
~~XXXXXXXXXXXXXXXXXX~~
SECRETARY OF STATE

STATE REGISTER FILING

I, George E. Pickett, M.D., Director of Health,
Name Title or Position

West Virginia State Department of Health hereby submit to record
Department or Division

in the State Register on 8 1/2" x 11" paper two (2) copies of

- () proposed rules and regulations concerning topics or material not covered by existing rules and regulations;
- () proposed rules and regulations superseding rules and regulations already on file;
- () a notice of hearing;
- () findings and determinations;
- (x) rules and regulations; or
- () other - specify ()).

This filing pertains to

Chapter 1

Article 5

Series _____

Section 1 through 8, 10,
12 through 17

Page No. _____

January 6, 1978

Date Submitted

George E. Pickett
Signature of Person Authorizing this Filing



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. James Manchin
~~XXXXXXXXXXXXXX~~
SECRETARY OF STATE

STATE REGISTER FILING

I, George E. Pickett, M.D., Director of Health,
Name Title or Position

West Virginia State Department of Health hereby submit to record
Department or Division

in the State Register on 8 1/2" x 11" paper two (2) copies of

- () proposed rules and regulations concerning topics or material not covered by existing rules and regulations;
- () proposed rules and regulations superseding rules and regulations already on file;
- () a notice of hearing;
- () findings and determinations;
- (x) rules and regulations; or
- () other - specify ()

This filing pertains to

Chapter 1

Article 5

Series _____

Section 1 through 8, 10, 12 through 17

Page No. _____

January 6, 1978
Date Submitted

George Pickett
Signature of Person Authorizing this Filing



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. James Manchin
XXXXXXXXXXXXXXXXXXXX
JAMES R. MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, George E. Pickett, M.D., Director of Health,
Name Title or Position

West Virginia State Department of Health hereby submit to record
Department or Division

in the State Register on 8 1/2" x 11" paper two (2) copies of

() proposed rules and regulations concerning topics or
material not covered by existing rules and regulations;

() proposed rules and regulations superseding rules and
regulations already on file;

() a notice of hearing;

() findings and determinations;

(X) rules and regulations; or

() other - specify ()

This filing pertains to

Chapter 1

Article 5

Series _____

Section 1 through 8, 10,
12 through 17

Page No. _____

January 6, 1978
Date Submitted

George E. Pickett
Signature of Person Authorizing this
Filing

RECEIVED

78 JAN 9 11:06

OFFICE
SECY. OF STATE

WEST VIRGINIA

DEPARTMENT OF HEALTH

PUBLIC WATER SUPPLY REGULATIONS

TABLE OF CONTENTS

SECTION	PAGE
1. General	1
2. Definitions	3
3. Permit to Construct	7
4. Permit to Operate	9
5. Inspection	10
6. Microbiological Quality Requirements; Maximum Contaminant Levels; Sampling Technique and Monitoring Frequency	11
7. Inorganic Chemical Requirements; Maximum Contaminant Levels; Monitoring Frequency	17
8. Organic Chemical Requirements; Maximum Contaminant Levels; Monitoring Frequency	19
9. Radiological Requirements; Maximum Contaminant Levels; Monitoring Frequency	21
10. Turbidity Requirements; Maximum Contaminant Levels; Monitoring Frequency	27
11. Approved Analytical Techniques and Laboratories	29
12. Reporting Requirements	32
13. Public Notification	33
14. Control Tests and Record Maintenance	35
15. Variances	36
16. Exemptions	41
17. Effective Dates for Monitoring	46
18. Secondary Contaminants	48
19. Fluoridation	49
20. Bottled Water	50
21. Severability	51
22. Penalties	52

SECTION 1 GENERAL

1.1 Scope

This article replaces Sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, and 17, of Article 5, Chapter 1, "Public Water Supply Regulations." Sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, and 17 are hereby repealed. These regulations establish the rules and minimum requirements of the West Virginia State Board of Health governing owners and operators of public drinking water systems, and the production and distribution of bottled drinking water.

1.2 Authority: The authority for these regulations is provided under Chapter 16, Article 1, Public Health Laws, Code of West Virginia, 1931, as amended.

1.3 Initial Filing Date: On August 11, 1977, as prescribed by Section 8, Article 3, Chapter 29A, of the Code, these regulations were filed with the Secretary of State, with an attached notice of time, date, and place for opportunity to submit data.

1.4 Notification of Opportunity to Submit Data: On September 12, 1977, at 9:30 A.M. in Rooms A and B, Building Number Seven, State Capitol Complex, Charleston, West Virginia 25305, interested parties were given an opportunity to submit data, objections, suggested amendments, views, evidence, and arguments, orally or in writing, as prescribed by Section 8, Article 3, Chapter 29A of the Code.

1.5 Final Adoption: On November 12, 1977, the regulations were adopted by the State Board of Health as prescribed by Section 10, Article 3, Chapter 29A, of the Code.

1.6 Final Filing: On JAN 9 1978, the final

version of the regulations, as adopted by the State Board of Health, with proposed effective date were filed in the state register, pursuant to Section 10, Article 3, Chapter 29A of the Code.

- 1.7 Governor's Filing: On JAN 9 1978, as prescribed by Section 7, Article 3, Chapter 29A, of the Code, the regulations were filed with the Governor.
- 1.8 Legislative Rule Making Committees Filing: On JAN 9 1978, as prescribed by Section 7, Article 3, Chapter 29A of the Code, these regulations were filed with Legislative Rule Making Review Committee, to implement a federally assisted program.
- 1.9 Temporary Regulations: On JAN 9 1978, these regulations will become effective for a 90 day period, as prescribed by Section 14, Article 3, Chapter 29A, of the Code.
- 1.10 Proposed Effective Date: On APR 8 1978, these regulations will become effective, subject to action of the Legislative Rule Making Review Committee.

SECTION 2 DEFINITIONS

- 2.1 DIRECTOR - The State Director of Health or his authorized representative.
- 2.2 PERSON - Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency or any **other entity recognized by law.**
- 2.3 PUBLIC WATER SYSTEM - Any water system or supply which regularly supplies or offers to supply, piped water to the public for human consumption, if serving at least an average of twenty-five individuals per day for at least sixty days per year, or which has at least fifteen service connections, and shall include: (1) Any collection, treatment, storage, and distribution facilities under the control of the owner or operator of such system and used primarily in connection with such system, and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system shall not include a system which meets all of the following conditions: (1) Which consists only of distribution and storage facilities (and does not have any collection and treatment facilities); (2) which obtains all of its water from, but is not owned or operated by a public water system which otherwise meets the definition; (3) which does not sell water to any person; and (4) which is not a carrier conveying passengers in interstate commerce.
- 2.4 PERMIT - A written document issued by the Director giving a designated person permission to **construct and/or operate, alter,** or renovate a specific public water supply or system, or bottled water plant.

- 2.5 OPERATOR - A person who has been granted a written permit by the Director to operate a specific class of public water supply.
- 2.6 SOURCE WATER - Any surface or ground water supply used as a source of water for a public water system.
- 2.7 DRINKING WATER - Water free from biological, chemical, physical and radiological contaminants which cause disease or harmful physiological effects. **Minimum quality of the water shall conform to these regulations and applicable standards of the State Department of Health.**
- 2.8 CONTAMINANT - Any physical, chemical, microbiological, or radiological substance or matter in water.
- 2.9 SECONDARY CONTAMINANTS - Any non-health related contaminants in drinking water which contribute to undesirable taste, odor, appearance, or other consumer acceptability parameters.
- 2.10 MAXIMUM CONTAMINANT LEVEL - The maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, **are excluded from this definition.**
- 2.11 PUBLIC WATER SYSTEM TREATMENT PLANT - Facilities provided for the treatment of water by any one or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, disinfection or other processes which produce drinking water consistently meeting the requirements of the State Department of Health.
- 2.12 BOTTLED WATER - Any natural or artificial mineral, spring, well, distilled or other water bottled or containerized for use primarily as drinking water.

- 2.13 COMMUNITY WATER SYSTEM - A public water system which serves at least fifteen (15) service connections used by year-round residents. or regularly serves at least twenty-five (25) year-round residents.
- 2.14 NON-COMMUNITY WATER SYSTEM - Any public water system that is not a community water system.
- 2.15 DOSE EQUIVALENT - The product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICPU).
- 2.16 REM - The unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.
- 2.17 GROSS ALPHA PARTICLE ACTIVITY - The total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.
- 2.18 MAN-MADE BETA PARTICLE AND PHOTON EMITTERS - All radionuclides emitting beta particles and/or photons listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

- 2.19 GROSS BETA PARTICLE ACTIVITY - The total radioactivity due to beta particle emission as inferred from measurements on a dry sample.
- 2.20 PICO CURIE (pCi) - That quantity of radioactive material producing 2.22 nuclear transformations per minute.
- 2.21 CONSECUTIVE SYSTEM - A public water system whose drinking water is supplied entirely by another public water system.
- 2.22 SANITARY SURVEY - An on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing drinking water.
- 2.23 CERTIFIED LABORATORY - A laboratory that meets federal and state requirements including those established for personnel, work space, equipment and procedures, and certified by the Director to analyze drinking water for specified contaminants.

SECTION 3 PERMIT TO CONSTRUCT

- 3.1 On and after the effective date of these regulations, no person shall construct, or award a contract for any construction, except as provided for in Section 3.4, to a public water system, without obtaining a permit to construct from the Director.
- 3.2 No person shall begin construction, alter or renovate a public water system without first submitting plans and specifications to the Director for review and approval at least 45 days prior to the date on which approval by the Director is desired. The public water system shall be constructed, altered or renovated in accordance with the plans and specifications as approved by the Director, and in accordance with the West Virginia State Department of Health's "Design Standards for Public Water Supply Systems;" (Bulletin #EW-99). To the extent practicable, all new ~~or~~ expanded facilities should be located outside of the 100 year flood plain.
- 3.3 Application for permit to construct shall be made to the Director on forms prescribed by the Director and shall be accompanied by an engineering report, maps, detailed plans and specifications of the public water system prepared by or under the direction of a registered professional engineer.
- 3.4 A permit to construct will not be required for any minor addition to, extension, of, or alteration of an existing distribution system which will not affect the quality and quantity of water supply service rendered, providing the work is done in accordance with the provisions of the West Virginia State Department of Health Bulletin EW-99, "Design Standards for Public Water Supply Systems." Deviations from the standards must receive prior approval by the Director. Written requests (including plans

and specifications) for deviations, must be provided to the Director at least 15 days before the beginning of construction.

- 3.5 The Director shall have the authority to issue an order requiring a change in the source of the water supply or in the manner of collection, treatment, storage, or distribution facilities of the supply before delivery to the consumer as may be necessary to safeguard the public health.
- 3.6 A permit to construct may be revoked by the Director for failure to comply with the provisions of the permit and/or all applicable provisions of these regulations.
- 3.7 A permit to construct, unless revoked, shall be valid for a period of two years from date of issuance.

SECTION 4 PERMIT TO OPERATE

- 4.1 Application for a permit to operate a water system shall be made to the Director at least 30 days before the scheduled operation of the public water system. Applications shall be on forms prescribed by the Director, and signed by the applicant or his authorized representative.
- 4.2 No person directly or indirectly shall manage, operate or maintain a public water system in the State of West Virginia without first making an application to, and receiving from the Director a permit to operate.
- 4.3 In the event of an intended change, or an actual change in the ownership of a public water system, a written application for a permit to operate shall be made to the Director by the current owner at least 15 days before the proposed or actual change.
- 4.4 A permit to operate shall be posted in a conspicuous place at the public water system's treatment plant or main office.

SECTION 5 INSPECTIONS

- 5.1 Each community water system utilizing surface source water shall be inspected by the Director at least once per year. Other public water systems shall be inspected as scheduled by the Director.
- 5.2 The operator of the public water system shall, upon the request of the Director, permit access to all parts of the system and shall furnish all information and records required to be kept by Section 14 of these regulations.

SECTION 6 MICROBIOLOGICAL QUALITY REQUIREMENTS: MAXIMUM CONTAMINANT LEVELS: SAMPLING TECHNIQUE AND MONITORING FREQUENCY

- 6.1 Disinfection shall be required of all public water systems, unless otherwise approved in writing by the Director. Unless otherwise approved in writing by the Director, chlorine shall be the only type of disinfectant permitted for use by public water systems.
- 6.2 Chlorine or any other approved disinfectant shall be applied at a point before entering the distribution system which will provide effective contact time; the minimum contact time shall be 30 minutes to the first consumer unless otherwise approved in writing by the Director. At the end of the contact time, the minimum free chlorine residuals at the various pH values shall comply with the requirements of the following table:

pH VALUE	FREE CHLORINE RESIDUAL
up to 7.0	0.4 mg/l
7.1 to 8.0	0.6 mg/l
8.1 to 9.0	1.0 mg/l

- 6.3 The owner or operator of public water system shall determine the amount of free residual disinfectant in the drinking water at the treatment plant at least once per day, or more often if deemed necessary by the Director.
- 6.4 Chlorine residual testing equipment shall enable measurement of free and total residuals to the nearest 0.2 mg/l in the range of from 0.0 mg/l to 2.0 mg/l.
- 6.5 At least a trace of total chlorine residual shall be maintained throughout the distribution system at all times, unless otherwise approved by the Director.
- 6.6 Water samples of at least 100 ml shall be collected by a representative of the public water system for microbiological analysis.

Samples shall be collected from representative areas of each public water distribution system and submitted to the West Virginia State Hygienic Laboratory or a certified laboratory in standard sterilized water containers provided by said laboratory.

- 6.7 The frequency of water sample collection and microbiological examination for coliform bacteria for community water systems shall be in proportion to the population served as follows:

POPULATION SERVED:

MINIMUM NUMBER OF
SAMPLES PER MONTH:

25 to 999	1
1,000 to 2,500	2
2,501 to 4,000	4
4,001 to 6,000	7
6,001 to 8,000	9
8,001 to 10,000	11
10,001 to 25,000	30
25,001 to 50,000	60
50,001 to 70,000	75
70,001 to 100,000	100
100,001 to 130,000	110
130,001 to 160,000	120
160,001 to 190,000	130
190,001 to 220,000	140
220,001 to 250,000	150
250,001 to 290,000	160
290,001 to 320,000	170

- 6.8 Based on a history of no coliform bacterial contamination and on a sanitary survey by the Director showing the water system to be supplied solely by a protected ground water source and free of sanitary defects, a community water system serving 25-1,000 persons, with written permission of the Director, may reduce its sampling frequency, except that in no case shall it be reduced to less than one per quarter.
- 6.9 The supplier of water for a non-community water system shall sample for coliform bacteria in each calendar quarter during which the system provided water to the public unless the Director

determines that some other frequency is more appropriate based on a sanitary survey.

6.10 The maximum contaminant levels for coliform bacteria are as follows:

- A. When the membrane filter technic is used, the number of coliform bacteria shall not exceed any of the following:
 - 1. One per 100 milliliters as the arithmetic mean of all samples examined per month; or
 - 2. Four per 100 milliliters in more than one sample when less than 20 are examined per month; or
 - 3. Four per 100 milliliters in more than five per cent of the samples when 20 or more are examined per month.
- B. When the fermentation tube method and 10 milliliter standard portion are used, coliform bacteria shall not be present in any of the following:
 - 1. More than 10 per cent of the portions examined in any month; or,
 - 2. Three or more portions in more than one sample when less than 20 samples are examined per month; or
 - 3. Three or more portions in more than five per cent of the samples when 20 or more samples are examined per month.
- C. When the fermentation tube method and 100 milliliter standard portions are used, coliform bacteria shall not be present in any of the following:
 - 1. More than 60 per cent of the portions examined in any month; or,
 - 2. Five portions in more than one sample when less than five samples are examined per month; or,
 - 3. Five portions in more than 20 per cent of the samples when five or more samples are examined per month.

- 6.11 For community and non-community systems that are required to sample at a rate of less than 4 times per month, compliance with maximum microbiological contaminant levels shall be based on sampling during a 3 month period. At the discretion of the Director, compliance may be based upon sampling during a one-month period.
- 6.12 If coliform bacteria found in a single sample exceed four per 100 milliliters when the membrane filter technic is used, at least two consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the Director, until the results obtained from at least two consecutive check samples show less than one coliform bacterium per 100 milliliters.
- 6.13 If coliform bacteria occur in three or more 10 milliliter portions of a single sample, when the fermentation tube method and 10 milliliter standard portions are used, at least two consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the Director until the results obtained from at least two consecutive check samples show no positive tubes.
- 6.14 If coliform bacteria occur in all five of the 100 ml portions of a single sample when the fermentation tube method and 100 milliliter standard portions are used, at least two consecutive check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily or at a frequency established by the Director until the results obtained from at least two consecutive check samples

show no positive tubes.

The location at which the check samples were taken pursuant to Sections 6.12, 6.13, and 6.14 above, shall not be eliminated from future sampling without approval of the Director.

6.15 The results from all coliform bacterial analyses performed pursuant to this section, except for those results obtained from check samples and special purpose samples, shall be used to determine compliance with the maximum contaminant level for coliform bacteria. Check samples shall not be included in calculating the total number of samples taken each month to determine compliance with the required frequency of sampling as set out in Section 6.7.

6.16 When the presence of coliform bacteria in water has been confirmed by check samples taken from the same sampling point, and a maximum contaminant level set forth in Sections 6.10 A, 6.10 B, or 6.10 C is exceeded, the system owner or operator shall report to the Director in accordance with Section 12 and notify the public as prescribed in Section 13.

Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement or repair have been sufficient, shall not be used to determine compliance with the maximum contaminant levels for coliform bacteria.

6.17 A system owner or operator of a community water system or a non-community water system may, based on a sanitary survey and with the approval of the Director, substitute the use of free chlorine residual monitoring for not

more than 75 percent of the samples required to be taken, provided, that the system owner or operator makes the free chlorine residual determinations at points which are representative of the conditions within the distribution system at the frequency of at least four residual determinations for each substituted microbiological sample. When the system owner or operator exercises the option provided in this paragraph, they shall maintain no less than 0.2 mg/l free chlorine throughout the distribution system and shall make at least daily determinations of free chlorine residual. When a particular sampling point has been shown to have a free chlorine residual less than 0.2 mg/l, the water at the location shall be retested as soon as practicable and in any event within one hour. If the original analysis is confirmed, this fact shall be reported to the Director within 48 hours. Also, if the residual analysis is confirmed, a sample for microbiological analysis must be collected from that sampling point as soon as practicable and preferably within one hour, and the results of such analysis reported to the Director within 48 hours after the results are known to the supplier of water. Analysis for residual chlorine shall be made using DPD test in accordance with Section 11. The Director may withdraw approval of the use of chlorine residual substitution at any time.

SECTION 7 INORGANIC CHEMICAL REQUIREMENTS; ,MAXIMUM CONTAMINANT LEVELS; MONITORING FREQUENCY

7.1 The maximum contaminant level for nitrate is applicable to both community and non-community water systems. The levels for other inorganic chemicals apply to all community water systems and other systems as determined by the Director. Analyses for maximum contaminant levels shall be made in accordance with Section 11. Monitoring shall be in accordance with Section 17.

7.2 The following are the maximum contaminant levels for inorganic chemicals other than fluoride:

<u>CONTAMINANT</u>	<u>MILLIGRAMS PER LITER</u>
Arsenic	0.05
Barium	1.
Cadmium	0.010
Chromium	0.05
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.
Selenium	0.01
Silver	0.05

7.3 Based on the annual average of the maximum daily air temperatures, the maximum contaminant levels for fluoride are:

<u>TEMPERATURE DEGREES FAHRENHEIT</u>	<u>MILLIGRAMS PER LITER</u>
53.8 to 58.3	2.2
58.4 to 63.8	2.0
63.9 to 70.6	1.8

7.4 If the result of an analysis indicates that the level of any inorganic contaminant listed exceeds the maximum contaminant level, the system owner or operator shall report same to the Director within 7 days and initiate three additional analyses

at the same sampling point within one month.

7.5 When the average of four analyses made pursuant to Section 7.4, rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the system owner or operator shall notify the Director pursuant to Section 12 and give notice to the public pursuant to Section 13. Monitoring after public notification shall be at a frequency designated by the Director and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption of enforcement action shall become effective.

7.6 Notwithstanding the provisions of Sections 7.4 and 7.5, compliance with the maximum contaminant level for nitrate shall be determined on the basis of the average of two analyses. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within 24 hours, and if the mean of the two analyses exceeds the maximum contaminant level, the system owner or operator shall report their findings to the Director pursuant to Section 12 and shall notify the public pursuant to Section 13.

SECTION 8.0 ORGANIC CHEMICAL REQUIREMENTS; MAXIMUM CONTAMINANT LEVELS; MONITORING FREQUENCY

8.1 The maximum contaminant level for organic chemicals applies only to community water systems. Analyses for maximum contaminant levels shall be made in accordance with Section 11. Monitoring shall be in accordance with Section 17.

8.2 The following are the maximum contaminant levels for organic chemicals:

<u>CONTAMINANT</u>	<u>MILLIGRAMS PER LITER</u>
A. Chlorinated hydrocarbons; Endrin (1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octa-hydro-1, 4-endo, endo-5, 8-dimethano naphthalene)	0.0002
Lindane (1, 2, 3, 4, 5, 6,-hexachloro-cyclohexane, gamma isomer).	0.004
Methoxychlor (1, 1, 1-Trichloro-2, 2 - bis [p-methoxyphenyl] ethane).	0.1
Toxaphene (C ₁₀ H ₁₀ Cl ₈ -Technical chlorinated camphene, 67-69 per cent chlorine).	0.005
B. Chlorophenoxy: 2, 4-D, (2, 4-Dichlorophenoxyacetic acid).	0.1
2, 4, 5-TP Silvex (2, 4, 5-Trichlorophenoxypropionic acid).	0.01

8.3 If the result of an analysis made pursuant to Section 17 indicates that the level of any contaminant listed in Section 8.2 above exceeds the maximum contaminant level, the system owner or operator shall report to the Director within 7 days and initiate three additional analyses within one month.

8.4 When the average of four analyses made pursuant to Section 8.3 rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the system owner or operator shall

report to the Director and notify the public pursuant to Sections 12 and 13. Monitoring after public notification shall be at a frequency designated by the Director and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

**SECTION 9 RADIOLOGICAL REQUIREMENTS; MAXIMUM CONTAMINANT LEVELS;
MONITORING FREQUENCY**

- 9.1 The maximum contaminant levels for radioactive materials applies only to community water systems. Analysis for maximum contaminant levels shall be made in accordance with Section 11. Monitoring shall be in accordance with Section 17.
- 9.2 The following are the maximum contaminant levels for radium 226; radium 228; and gross alpha particle radioactivity:
- A. Combined radium - 226 and radium - 228 - 5 pCi/l.
 - B. Gross alpha particle activity (including radium-226 but excluding radon and uranium) - 15 pCi/l.
- 9.3 The following are the maximum contaminant levels for beta particle and photon radioactivity from man-made radionuclides:
- A. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.
 - B. Except for the radionuclides listed on Table A hereunder, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents shall be calculated on the basis of a 2 liters per day drinking water intake using the 168 hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," NBS Handbook 69 as amended August, 1963, U. S. Department of Commerce. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 mrem/year.

Table A - Average annual concentrations assumed to produce a total body or organ dose of 4 mrem/year:

<u>RADIONUCLIDE</u>	<u>CRITICAL ORGAN</u>	<u>pCi PER LITER</u>
Tritium	Total Body	20,000
Strontium-90	Bone Marrow	8

9.4 The monitoring frequency and requirements for gross alpha particle activity, radium-226 and radium-228 is as follows:

A. Compliance shall be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals.

1. A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis provided that the measured gross alpha particle activity does not exceed 5pCi/l at a confidence level of 95 percent (1.65 sigma, where sigma is the standard deviation of the sample).

2. When the gross alpha particle activity exceeds 5pCi/l, the same or an equivalent sample shall be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/l the same or an equivalent sample shall be analyzed for radium-228.

B. System owners or operators shall monitor at least once every four years following the procedure required by Section 9.4.A. At the discretion of the Director, when an annual record taken in conformance with Section 9.4. A has established that the average annual concentration is less than half the maximum contaminant levels established by Section 9.2, analysis of a single sample may be substituted for the quarterly sampling procedure required by Section 9.4 A.

1. More frequent monitoring shall be conducted when ordered by the Director in the vicinity of mining or other operations which may contribute alpha particle

radioactivity to either surface or ground water sources of drinking water.

2. A system owner or operator shall monitor in conformance with Section 9.4 A within one year of the introduction of a new water source for a community water system. More frequent monitoring shall be conducted when ordered by the Director in the event of possible contamination or when changes in the distribution system or a treatment process occur which may increase the concentration of radioactivity in finished water.

3. A community water system using two or more sources having different concentrations of radioactivity shall monitor source water, in addition to water from a free-flowing tap, when ordered by the Director.

4. Monitoring for compliance with Section 9.2 after the initial period need not include radium-228 except when required by the Director, provided, that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by Section 9.4 A.

5. If the average annual maximum contaminant level for gross alpha particle activity or total radium as set forth in Section 9.2 is exceeded, the owner or operator of a community water system shall give notice to the Director pursuant to Section 12 and notify the public as required by Section 13.

Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds the

maximum contaminant level or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

9.5 The monitoring frequency and requirements for man-made beta particle and photon radioactivity are as follows:

A. Community water systems using surface water sources and serving more than 100,000 persons and such other systems as the Director may designate shall be monitored for compliance with Section 9.3 by ~~analyses~~ of a composite of four consecutive quarterly samples or analyses of four quarterly samples. Compliance with Section 9.3 may be assumed without further analyses if the average annual concentration of gross beta particle activity is less than 50 pCi/l and if the average annual concentrations of tritium and strontium-90 are less than those listed in Table A, provided, that if both radionuclides are present the sum of their annual dose equivalents to bone marrow shall not exceed 4 mrem/year.

1. If the gross beta particle activity exceeds 50pCi/l an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with Section 9.3.

2. Suppliers of water shall conduct such additional monitoring as ordered by the Director.

B. System owners or operators utilizing only ground waters may be required to monitor for man-made radioactivity

as ordered by the Director.

- C. System owners or operators required to monitor shall do so at least once every four years following the procedures in Section 9.5 A.
- D. System owners or operators utilizing waters contaminated by effluents from nuclear facilities shall monitor quarterly for gross beta particle and iodine-131 radioactivity and annually for strontium-90 and tritium.

1. Quarterly monitoring for gross beta particle activity shall be based on the analyses of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/l, the same or an equivalent sample shall be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/l, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with Section 9.3.
2. For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As ordered by the State, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.
3. Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analyses of four quarterly samples.

E. If the average annual maximum contaminant level for man-made radioactivity set forth in Section 9.3 is exceeded, the system owners or operators shall notify the Director pursuant to Section 12 and notify the public as required by Section 13. Monitoring at monthly intervals shall be continued until the concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

SECTION 10 TURBIDITY REQUIREMENTS: MAXIMUM CONTAMINANT LEVELS;
MONITORING FREQUENCY

- 10.1 The maximum contaminant levels for turbidity apply to both community and non-community water systems using surface water sources in whole or in part. The levels may apply to special ground water situations specified by the Director. The maximum contaminant levels for turbidity in drinking water, measured daily in accordance with Section 17, at a representative entry point to the distribution system are:
- A. One nephelometric turbidity unit (NTU), as determined by a monthly average pursuant to Section 10.3, except that five or fewer turbidity units may be allowed if the supplier of water can demonstrate to the Director that the higher turbidity does not do any of the following:
 - 1. Interfere with disinfection;
 - 2. Prevent maintenance of an effective disinfectant agent throughout the distribution system; or
 - 3. Interfere with microbiological determination.
 - B. Five nephelometric turbidity units based on an average for two consecutive days pursuant to Section 10.3.
- 10.2 Analyses for maximum turbidity contaminant levels shall be made by the Nephelometric Method in accordance with Section 11.
- 10.3 If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and preferably within one hour. If the resample analysis confirms that the maximum allowable limit has been exceeded, the system owner or operator shall report to the Director within 48 hours. The resample shall be the sample used for the purpose of calculating the monthly

average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds 5 NTU, the system owner or operator shall report to the Director and notify the public as directed in Sections 12 and 13. All averages must be rounded to the nearest whole number, thus, less than 0.5 becomes 0; ~~greater than~~ 0.5 becomes 1.

SECTION 11 APPROVED ANALYTICAL TECHNIQUES AND LABORATORIES

- 11.1 For the purpose of determining compliance with the maximum microbiological, chemical and radiological contaminant levels and in accordance with Section 11.3, samples may be considered only if they have been analyzed by the Environmental Health Services Laboratory, State Department of Health, or by a certified laboratory.
- 11.2 For the purpose of determining measurements of turbidity and free chlorine, samples may be considered only if they have been analyzed by a person approved by the Director.
- 11.3 Analytical techniques, for contaminants, shall be in accordance with the following tables:

TABLE I

ANALYTICAL METHOD REFERENCES FOR INORGANIC AND MICROBIOLOGICAL CONTAMINANTS

CONTAMINANT	REFERENCE
	<p>"Standard Methods for the Examination of Water and Wastewater" 14th Edition</p> <p>"Methods for Chemical Analysis of Water and Wastes" EPA, Office of Technology Transfer, Wash., D.C. 1974</p>
Arsenic	pp 159-162, 284-286
Barium	pp 152-155
Cadmium	pp 148-152
Chromium	pp 148-152
Lead	pp 148-152
Mercury	pp 156-159
Nitrate (N)	pp 423-427, 427-429, 620-624
Selenium	pp 159-162
Silver	pp 148-151, 159-162
Fluoride	pp 389-390, 391-393, 393-394 614-616
Turbidity	pp 132-134
Free Chlorine Residual	pp 316-332
Microbiological	pp 913-942
	<p>pp 95-96</p> <p>pp 97-98</p> <p>pp 101-103</p> <p>pp 105-106</p> <p>pp 112-113</p> <p>pp 118-126</p> <p>pp 201-206</p> <p>p 145</p> <p>p 146</p> <p>pp 59-60, 65-67</p>
	pp 295-298

TABLE II

ANALYTICAL METHOD REFERENCES FOR ORGANIC AND RADIOACTIVE CONTAMINANTS

CONTAMINANT	REFERENCE
ORGANIC	<p>Endrin Lindane Methoxychlor Toxaphene</p> <p>"Method for Organochlorine Pesticides in Industrial Effluents", MDQARL, EPA Cincinnati, Ohio, November 28, 1973.</p>
<p>2, 4 -D 2, 4, 5, - TP Silvex</p>	<p>"Method for Chlorinated Phenoxy Acid Herbicides in Industrial Effluents", MDQARL, EPA, Cincinnati, Ohio, November 28, 1973.</p>
<p>Total Radium Radium 226 Alpha Particles Beta Particles Strontium 89, 90 Tritium</p>	<p>Section 705 "Standard Methods for the Section 706 Examination of Water and Section 703 Wastewater". 14th Edition OR Section 703 OF Section 704 Section 707</p> <p>"Interim Radio Chemical Methodology for Drinking Water", Environmental Monitoring and Support Laboratory, EPA 600/4-75-008, USEPA Cincinnati, Ohio 45268.</p>
Photon Radioactivity	<p>"Interim Radiochemical Methodology for Drinking Water", Ibid.</p>
Cesium	<p>(1) ASTM D-2459 "Gamma Spectrometry in Water". 1975 Annual Book of ASTM Standards, Water and Atmospheric Analysis, Part 31 American Society for Testing and Materials, Philadelphia, Pennsylvania, (1975). (2) "Interim Radio Chemical Methodology for Drinking Water", Ibid.</p>
Uranium	<p>(1) ASTM D 2907 "Microquantities of Uranium in Water by Fluorometry", Ibid. (2) "Interim Radiochemical Methodology for Drinking Water", Ibid.</p>
Other Radionuclides	<p>(1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H. L. Krieger and S. Gold, EPA, R4-73-014 USEPA, Cincinnati, Ohio, May 1973. (2) HASL "Procedure Manual" Edited by John H. Harley. HASL 300, ERDA Health and Safety Laboratory, New York, New York, 1973.</p>
RADIO NUCLIDES	

SECTION 12 REPORTING REQUIREMENTS

- 12.1 Except as specified below, a system owner or operator shall report ~~results to the Director~~ within 40 days following a test, measurement, or analysis required to be made by these regulations.
- 12.2 A system owner or operator shall report to the Director within 48 hours the failure to comply with any drinking water regulation, including failure to comply with the monitoring requirements.
- 12.3 A system owner or operator is not required to report analytical results to the Director in cases where the State Hygienic Laboratory or the Environmental Health Services Laboratory performs the analysis.
- 12.4 At least once per month, or as otherwise directed by the Director, a system owner or operator shall submit to the Director a written summary of the public water system operation, test data, and such other information as may be required by the Director.
- 12.5 All reports and summaries required by Section 12 shall be submitted in a manner or form approved by the Director.

SECTION 13 PUBLIC NOTIFICATION

- 13.1 The owner or operator of a public water system shall notify the public when any maximum contaminant level is exceeded; or when the system owner or operator fails to comply with applicable monitoring requirements, testing procedures, and analytical techniques provided in Sections 6, 7, 8, 9, 10, 11, and 17; or when maximum contaminant levels or schedules prescribed by a variance or exemption are exceeded; or when a variance or exemption is granted.
- 13.2 Community water systems shall notify the public by notice on or with the first set of water bills issued by the system when the provisions of Section 13.1 have not been met.
- 13.3 The owner or operator of a community water system shall notify the public once every three months, so long as the failure to comply for the reasons set out in Section 13.1 continue. In the event the system does not issue water bills at least every three months, then the notice shall be made or supplemented by a form of direct mail.
- 13.4 In addition to the requirements of Sections 13.2 and 13.3, if a community water system exceeds a maximum contaminant level, the system owner or operator shall:
- A. Publish notice of the failure for 3 consecutive days in a newspaper serving the general area.
Notice shall be published within 14 days of learning of the failure
 - B. Furnish a copy of the notice to radio and television stations in the area served by the system. Notice shall be furnished within 7 days of the failure.
 - C. If the area supplied by a community water system is

not served by a daily newspaper of general circulation, notification ~~required~~ by paragraph A herein shall be by publication for three consecutive weeks in a weekly newspaper of general circulation serving the area. If there is no weekly newspaper of general circulation in the area, notice shall be given by posting the notice in the courthouse in the area served by the system.

13.5 If a non-community water system fails to comply with Section 13.1, the notice to the public shall be given by conspicuous posting, in a location where it can be seen by consumers.

13.6 Notices shall fairly inform the users of the system, disclosing all material facts, including the nature of the problem and where appropriate, a clear statement of the violation, and any preventative measures which should be taken by the public.

SECTION 14 CONTROL TESTS AND RECORD MAINTENANCE

- 14.1 Owners or operators of a public water system shall retain at a convenient location on or near its premises, records of microbiological, turbidity, radiological and chemical analyses, or a summary thereof. Microbiological, turbidity and radiological analytical records shall be kept for five years. Chemical analytical records shall be kept for ten years. Control tests and operational records shall be kept for five years.
- 14.2 The records shall include the date, place and time of sampling, and the name of the person who collected the sample; identification as to whether it was a routine distribution system sample, check sample, raw or drinking water sample, or other special purpose sample; the date of analysis; laboratory and person responsible for performing the analysis; analytical technique or method used; and results of analysis.
- 14.3 Records of action taken by the system to correct violations shall be kept for three years after correction.
- 14.4 Copies of written reports relating to sanitary surveys of the system shall be kept for ten years.
- 14.5 Records concerning a variance or exemption shall be kept for not less than five years following the expiration of such variance or exemption.

SECTION 15 VARIANCES

15.1 The Director may grant one or more variances to a public water system from any requirement respecting a maximum contaminant level, upon a finding that:

- A. Because of characteristics of the raw water sources which are reasonably available to the system, the system cannot meet the requirements respecting the maximum contaminant levels despite application of the best technology, treatment, techniques, or other means, which the Director finds are generally available (taking costs into consideration); and
- B. The granting of a variance will not result in an unreasonable risk to the health of persons served by the system.

15.2 An owner or operator may request the granting of a variance by submitting same in writing to the Director. Owners or operators may submit a joint request for variances when they seek similar variances under similar circumstances. Written requests for a variance or variances shall include the following information:

- A. The nature and duration of the variance requested.
- B. Relevant analytical results of **raw and treated quality sampling** of the system, including results of tests conducted pursuant to the requirements of these regulations.
- C. Variances shall include:
 - 1. An explanation in full and evidence of the best available treatment, technology and techniques.
 - 2. Relevant economic and legal factors.
 - 3. A proposed compliance schedule, including the date each step toward compliance will be achieved. Such schedule

shall include as a minimum the following dates:

- a. Date by which arrangement for alternative raw water source and/or improvement of existing raw water source will be completed.
 - b. Date of initiation of the connection of the alternative raw water source and/or improvement of existing raw water source.
 - c. Date by which final compliance is to be achieved.
4. A plan for the provision of safe drinking water in case of an excessive rise in the contaminant level for which the variance is requested.
 5. A plan for interim control measures during the effective period of variance.

D. Such other information as the Director may require.

15.3 The Director shall act on any variance request within 90 days of receipt.

- 15.4 A. The Director shall notify the applicant if he decides to deny an application for a variance, by including a statement of reasons for the proposed denial, and shall offer the applicant an opportunity to present, within 30 days of receipt of the notice, additional information or argument to the Director. The Director shall make a final determination on the request within 30 days after receiving any such additional information or argument. If no additional information or argument is submitted by the applicant the application shall be denied.
- B. The Director shall notify the applicant, in writing, if an application for a variance is approved, by identifying the variance, the facility covered, shall specify the maximum

period of time for which the variance will be effective, and any conditions which must be complied with.

- C. The variance may be terminated at any time upon finding that the public water system has failed to comply with monitoring and other requirements prescribed by the Director as a condition of a variance, and shall automatically terminate when the system comes into compliance with the applicable regulations.
- D. For a variance the Director shall propose a schedule and control measures for compliance (including increments of progress) by the public water systems for each maximum contaminant level requirement covered by the variance.
- E. The proposed schedule for compliance shall specify dates by which steps towards compliance are to be taken, including, where applicable:
 - 1. Date by which arrangement for an alternative raw water source or improvement of the existing raw water source.
 - 2. Date of initiation of the connection for the alternative raw water source or improvement of the existing raw water source.
 - 3. Date by which final compliance is to be achieved.
- F. The proposed schedule may, if the public water system has no access to an alternative raw water source, and can effect or anticipate no adequate improvement of the existing raw water source, specify an indefinite time period for compliance until a new and effective treatment technology is developed at which time a new compliance schedule shall be prescribed by the Director.
- G. The proposed schedule for implementation of interim control

measures during the period of variance, shall specify interim treatment techniques, methods and equipment, and dates by which steps toward meeting the interim control measures are to be met.

H. The schedule shall be prescribed by the Director within one year after the granting of the variance, subsequent to provision of opportunity for public hearing.

15.5 A. Before a variance or a schedule proposed by the Director may take effect, the Director shall provide notice and opportunity for public hearing on the variance or schedule.

B. Public notice of an opportunity for hearing on a variance or schedule shall be circulated in a manner designed to inform interested persons of the proposed variance or schedule and shall include at least the following:

1. Posting of a notice in the courthouse of each county served by the public water system, and publishing of a notice in a newspaper or newspapers of general circulation in the county served by the public water system.

2. Such notice shall include a summary of the proposed variance or schedule and shall inform interested persons that they may request a public hearing on the proposed variance or schedule.

C. Request for a hearing may be submitted by any interested person, within 30 days after the public notices are issued. Frivolous or insubstantial requests may be denied by the Director. A request shall include the following information:

1. Name, address and telephone number of the individual, organization, or other entity requesting a hearing.

2. A brief statement of the interest of the person making

the request in the proposed variance or schedule and the information that the requesting person intends to submit at such hearing.

3. The signature of the individual making the request, or signature of the responsible person in the organization making the request.

D. The Director shall give notice in the manner set forth in Section 15.5B of any public hearing to be held pursuant to a request or on his own motion. In addition said notice shall be sent to the persons requesting a hearing. The notice shall include a statement of purpose, time and location, name, address and telephone number where interested persons may obtain further information concerning the hearing.

E. A public hearing convened pursuant to this section shall be conducted informally, orderly and expeditiously. Oral testimony and written material may be received at the hearing.

F. The variance or schedule shall become effective 30 days after notice is given for opportunity for a hearing.

15.6 Within 30 days after the public hearing the Director shall confirm, revise, or rescind the proposed variance or schedule.

SECTION 16 EXEMPTIONS

- 16.1 The Director may grant an exemption to a public water system from any requirement respecting a maximum contaminant level or any treatment technique requirement, or both, upon finding that:
- A. Due to compelling factors (which may include economic factors), the public water supply is unable to comply with such contaminant level or treatment technique requirement; and
 - B. The public water system was in operation on the effective date of such contaminant level or treatment technique requirement; and
 - C. The granting of an exemption will not result in an unreasonable risk to health.
- 16.2 An owner or operator may request the granting of an exemption for a public water system by submitting a request in writing to the Director. Owners or operators may submit a joint request for exemptions when they seek similar exemptions under similar circumstances. Any written request for an exemption or exemptions shall include the following information:
- A. The nature and duration of the exemption requested.
 - B. Relevant analytical results of water quality sampling of the system, including results of tests conducted pursuant to the requirements of these regulations.
 - C. Explanation of the compelling factors such as time or economic factors which prevent the system from achieving compliance.
 - D. Other pertinent information.
 - E. A proposed compliance schedule, including the date when each step toward compliance will be achieved.
 - F. Such other information as the Director may require.

- 16.3 A. The Director shall act on any exemption request submitted within 90 days of receipt of the request.
- B. The Director shall consider the following factors:
1. Construction, installation, or modification of treatment equipment or systems.
 2. The time needed to put into operation a new treatment facility to replace an existing system which is not in compliance.
 3. Economic feasibility of compliance.
- 16.4 A. The Director shall notify the applicant if he intends to deny an exemption request. Such notice shall include a statement of reasons for the proposed denial, and shall offer the applicant an opportunity to present within 30 days of receipt of the notice, additional information or argument to the Director. The Director shall make a final determination on the request within 30 days after receiving any such additional information or argument as submitted by the applicant.
- B. If the Director grants an exemption request submitted pursuant to Section 16.2, he shall notify the applicant of his decision in writing. The notice shall identify the facility covered, and shall specify the termination date of the exemption, and, provide that the exemption may be terminated upon a finding by the Director that the system has failed to comply with any requirement of a final schedule issued pursuant to Section 16.6. An exemption shall automatically terminate when the system comes into compliance with the applicable regulation.
- C. The Director shall propose a schedule for:
1. Compliance (including increments of progress) by the public water system with each maximum contaminant

level requirement and treatment technique requirement covered by the exemption; and

2. Implementation by the public water system of such control measures as the Director may require for each contaminant covered by the exemption.

D. The schedule shall be prescribed by the Director within one year after the granting of the exemption, subsequent to provision of opportunity for a hearing provided in Section 16.5.

16.5 A. Before a schedule proposed by the Director pursuant to Section 16.4 may take effect, the Director shall provide notice and opportunity for public hearing on the schedule.

B. Public notice of an opportunity for a hearing on an exemption schedule shall be circulated in a manner designed to inform interested persons and of the proposed schedule, and shall include at least the following:

1. Posting of a notice in the courthouse of each county served by the public water system, and publishing of a notice in a newspaper or newspapers of general circulation in the county served by the public water system.

2. Such notice shall include a summary of the proposed schedule and shall inform interested persons that they may request a public hearing on the proposed schedule.

C. Requests for a hearing may be submitted by any interested person. Frivolous or insubstantial requests for hearing

may be denied by the Director. Requests must be submitted to the Director within 30 days after issuance of the public notices provided for in paragraph B. Such requests shall include the following information:

1. The name, address and telephone number of the individual, organization or other entity requesting a hearing;
 2. A brief statement of the interest of the person making the request on the proposed exemption or schedule.
 3. The signature of the individual making the request, or signature of the responsible person in the organization making the request.
- D. The Director shall give notice in the manner set forth in ~~Section~~ 16.5 B of any hearing to be held pursuant to a request

submitted by an interested person, or on his own motion.

Notice of the hearing shall be sent to the person requesting the hearing, if any. Notice of the hearing shall include a statement of the purpose, time, and location of the hearing, and the address and telephone number where interested persons may obtain further information concerning the hearing.

Notice of the hearing shall be given not less than 15 days prior to the time scheduled for the hearing.

- 16.6 A. Within 30 days after ~~the public hearing~~ the Director, may revise the proposed schedule as necessary and prescribe the final schedule for compliance and interim measures for the public water system granted an exemption under Section 16.3.
- B. Such schedule shall require compliance by the public water system with each maximum contaminant level and treatment technique requirement prescribed, by no later than January 1, 1981.
- C. If the public water system has entered into an enforceable agreement to become part of a regional system, as determined by the Director, such schedule shall require compliance by the public water system with each maximum contaminant level and treatment technique requirement prescribed by not later than January 1, 1983.

SECTION 17 EFFECTIVE DATES FOR MONITORING AND MINIMUM REQUIRED MONITORING FREQUENCY

17.1 Community water systems will be required to monitor for maximum contaminants according to the following table:

	<u>WATER SOURCE</u>	<u>INITIAL SAMPLING</u>	<u>MINIMUM FREQUENCY</u>
Microbiological	Surface Ground	immediately immediately	See Section 6.7
Inorganic Chemicals	Surface Ground	By June 24, 1978 By June 24, 1979	every year every 3 years
Organic Chemicals	Surface Ground	**By June 24, 1978 as ordered by the Director	every 3 years as ordered by the Director
Turbidity	Surface Ground	immediately *none	once per day none
Nitrates	Surface Ground	By June 24, 1978 By June 24, 1979	every year every 3 years
Radiological	Surface Ground	By June 24, 1979 By June 24, 1979	every 4 years every 4 years

*except in specific cases as ordered by the Director

**Sampling for pesticides shall be done at a time of the year when contamination is most likely to occur.

17.2 Non-community water systems will be required to monitor for maximum contaminants according to the following table:

	<u>WATER SOURCE</u>	<u>INITIAL SAMPLING</u>	<u>MINIMUM FREQUENCY</u>
Microbiological	Surface	By June 24, 1979	*Quarterly
	Ground	By June 24, 1979	*Quarterly
Inorganic Chemicals		DOES NOT APPLY	
Organic Chemicals		DOES NOT APPLY	
Turbidity	Surface	By June 24, 1979	Once per day
	Ground	**Does not apply	Does not apply
Nitrates	Surface	By June 24, 1979	as ordered by the Director
	Ground	By June 24, 1979	as ordered by the Director
Radiological		DOES NOT APPLY	

*May be modified by Director based on sanitary survey.

**Except in specific cases as ordered by the Director.

17.3 Consecutive systems may be regarded as a single system for monitoring purposes, if approved by the Director.

SECTION 18 SECONDARY CONTAMINANTS

18.1 Water supplied to 200 or more customers shall not contain chemical or physical characteristics (secondary contaminants) in excess of the following minimum standards, unless written approval is granted by the Director:

<u>SUBSTANCE</u>	<u>CONCENTRATION IN mg/l</u>
Alkyl Benzene Sulfonate	0.5
Chloride (Cl)	250.0
Color	15 (color units)
Copper (Cu)	1.0
Hydrogen Sulfide	0.05
Iron (Fe)	0.3
Manganese (Mn)	0.05
Odor	3 (threshold odor number units)
Phenols	0.001
Sulfate (SO ₄)	250.0
Total Dissolved Solids	500.0
Zinc (Zn)	5.0

18.2 Sections 11, 12, 13, and 17 of these regulations shall not apply to secondary contaminants. Secondary contaminants shall be monitored and reported in a manner specified by the Director.

SECTION 19 FLUORIDATION

19.1 This Section applies to systems which add fluoride to the drinking water.

19.2 The presence of fluoride in average concentrations shall be as follows:

<u>Annual Average of Maximum Daily Air Temperature</u>	<u>Fluoride Concentration in Milligrams per Liter</u>		
	Lower	Optimum	Upper
53.8 - 58.3 °F 12.1 - 14.6 °C	0.8	1.1	1.5
58.4 - 63.8 °F 14.7 - 17.7 °C	0.8	1.0	1.3
63.9 - 70.6 °F 17.7 - 21.4 °C	0.7	0.9	1.2

19.3 System owners or operators of fluoridated or defluoridated public water supplies shall monitor their drinking water once per day for fluoride concentration. Records for monitoring shall be maintained in accordance with Section 14.

19.4 At least once a month, a sample of drinking water shall be submitted to a certified laboratory for fluoride analysis.

19.5 Unless specified by the Director, Sections 12 and 13 shall not be applicable to this Section.

SECTION 20 BOTTLED WATER

- 20.1 No person shall manage, operate or maintain a bottled water treatment plant, or distribute bottled water in this state without receiving a permit from the Director.
- 20.2 The procedure for applying for a permit or permits, shall be in accordance with Sections 3 and 4 of these regulations and the current "Bottled Water Design Standards" of the State Department of Health.
- 20.3 In addition to Section 20.2, operators of out of state bottled water treatment plants distributing water in West Virginia, shall include with their application, a copy of their most recent permit to operate from their State Regulatory Agency.
- 20.4 Source waters, plant facilities, treatment techniques, equipment, supplies, operations, and distribution methods shall be approved by the Director and must be in accordance with the State Health Department's "Design Standards for Public Water Supply Systems" and "Bottled Water Design Standards."
- 20.5 Bottled water treatment plants shall comply with Sections 6, 7, 8, 9, 10, 18 and 19 of these regulations as they apply to community water systems except that the monitoring frequency for micro-biological contaminants shall be not less than once each week.
- 20.6 Each in-state bottled water treatment plant shall be inspected every six months or as otherwise determined by the Director.
- 20.7 A permit issued by the Director may be revoked for failure to comply with provisions of these regulations.

SECTION 21 SEVERABILITY

Each section of these regulations and every part of each section is an independent section and a part of a section, and the holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause, does not affect the validity or constitutionality of any other section or part thereof.

SECTION 22 PENALTIES

Any individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency, or any entity recognized by law who shall violate any provision of Chapter 16, Article 1, Section 9A, of the West Virginia Code of 1931, as amended, or any of the regulations or orders issued pursuant thereto shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than two-hundred dollars, and each day's violation shall constitute a separate offense. In addition thereto, the State Director of Health, or his authorized representative may seek injunctive relief in the circuit court of the county in which all or part of the public water system is situated for threatened or continuing violations. For a willful violation of this section, or of any of the regulations or orders issued thereunder, an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency, or other entity recognized by law, upon a finding thereof by the circuit court of the county in which the violation occurs, shall be subject to a civil penalty of not more than five thousand dollars, and each day's violation shall be grounds for a separate penalty.