

Title 26

DEPARTMENT OF THE ENVIRONMENT

Subtitle 04 REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE, AND RECYCLABLE MATERIALS

26.04.01 Quality of Drinking Water in Maryland Authority

Authority: Environment Article, Title 9, Subtitles 2 and 4, Annotated Code of Maryland

.01 Definitions.

A. [In this chapter, the following terms have the meanings indicated.] *Except for the terms defined below, definitions are incorporated by reference in regulation .01-1 of this chapter.*

B. Terms Defined.

(1) [“Action level” means the concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.]

(2) [“Approving Authority” means the Secretary of the Environment or [his] *the Secretary’s* designee.

(3) [“Best available technology (BAT)” means the best technology, treatment techniques, or other means which the [approving authority] *Approving Authority* finds available, after examination for efficacy under field conditions and not solely under laboratory conditions, taking cost into consideration.

(4) [“Board” means the State Board of Waterworks and Waste Systems Operators as described in Environment Article, Title 12, Annotated Code of Maryland.

(5) [“Clean compliance history” is, for the purposes of subpart Y of 40 CFR § 141, a record of no MCL violations under § 141.63; no monitoring violations under § 141.21 or subpart Y; and no coliform treatment technique trigger exceedances or treatment technique violations under subpart Y.]

(6) [“Combined distribution system” means the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.]

(7) [“Community water system” means a public water system which serves at least 15 service connections used by year-round residents, or regularly serves at least 25 year-round residents.]

(8) [“Compliance cycle” means the 9-year calendar year cycle during which public water systems will monitor. Each compliance cycle consists of three 3-year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001, the second begins January 1, 2002 and ends December 31, 2010, the third begins January 1, 2011 and ends December 31, 2019.]

(9) [“Compliance period” means a 3-year calendar period within a compliance cycle. Each compliance cycle has three 3-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993 to December 31, 1995, the second from January 1, 1996 to December 31, 1998, the third compliance period from January 1, 1999 to December 31, 2001. Within the second compliance cycle, the first compliance period runs from January 1, 2002 to December 31, 2004, the second from January 1, 2005 to December 31, 2007, the third compliance period from

January 1, 2008 to December 31, 2010.]

(10) ["Comprehensive performance evaluation (CPE)" means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices.]

(11) ["Consecutive system" means a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.]

(12) "Construction permit" means a permit issued by the Department of the Environment under Environment Article, § 9-204, Annotated Code of Maryland, to authorize installation of a water system.

(13) ["Contaminant" means any physical, chemical, biological, or radioactive substance in drinking water.]

(14) "Controlled outage" means an outage that is initiated by a supplier of water.

(15) ["Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.]

(16) "Coverage ratio" means the ratio of the sum of the annual net operating profit for 5 years to the sum of the annual debt service requirements for 5 years.

(17) [Direct Filtration.

(a) "Direct filtration" means a series of processes resulting in substantial particulate removal.

(b) "Direct filtration" includes coagulation and filtration.

(c) "Direct filtration" does not include sedimentation.]

(18) ["Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone, added to the water in any part of the treatment or distribution process, that is intended to inactivate pathogenic microorganisms.]

(19) ["Disinfection profile" means a graphical representation of a water system's level of Giardia lamblia or virus inactivation measured during the course of a year.]

(20) ["Dose-equivalent" means 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 (ICRU).]

(21) ["Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.]

(22) ["Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.]

(23) ["Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusive, that includes an assessment of filter performance while another filter is being backwashed.]

(24) "Flooded spring" means when water enters a spring box from above the ground surface.

(25) "Flooded well" means when water enters a well casing from above the ground surface.

(26) ["GAC10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with Regulation .15-2 of this chapter shall be 120 days.]

(27) ["GAC20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.]

(28) “Gross alpha particle activity” means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample exclusive of the contribution, if any, due to radon and uranium.

(29) “Gross beta particle activity” means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample exclusive of the contribution, if any, due to potassium-40 and other naturally occurring radionuclides.

(30) [“Ground water under the direct influence of surface water (GWUDI)” means any water beneath the surface of the ground with:

(a) Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*; or

(b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.]

(31) [“Haloacetic acids (five) (HAA5)” mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid, rounded to 2 significant figures after addition.)

(32) [“Halogen” means one of the chemical elements chlorine, bromine, or iodine.]

(33) “Initial compliance period” means the first full 3-year compliance period which begins at least 18 months after promulgation of a regulation under 40 CFR 141, with the exception that for contaminants listed in Regulations .06A(1), (5), (8), (11), and (16) and .07D(19)-(21) and E(16)-(30) of this chapter, the initial compliance period means January 1, 1993-December 31, 1995 for systems with 150 or more service connections, and January 1, 1996-December 31, 1998 for systems having fewer than 150 service connections.

(34) [“Lead-free” means:

(a) Containing not more than a weighted average of 0.25 percent lead when used with respect to the wetted surface of pipes, pipe fitting, plumbing fittings, and fixtures; and

(b) Not containing more than 0.2 percent lead when used with respect to solder and flux.]

(35) [“Level 1 assessment” is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. It is conducted by the system operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any State directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.]

(36) [“Level 2 assessment” is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the State, which may include the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was

impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any State directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. The system must comply with any expedited actions or additional actions required by the State in the case of an E. coli MCL violation.]

(37) [“Man-made beta particle and photon emitters” means 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.]

(38) “Maximum contaminant level (MCL)” means the maximum permissible level of a contaminant in water which is delivered to the users of a public water system. In the case of turbidity, the maximum permissible level is measured at the point of entry to the distribution system. Materials added to the water under circumstances controlled by the consumer are excluded from this definition. Materials resulting from corrosion of piping and plumbing caused by water quality are not excluded from this definition.

(39) [“Maximum contaminant level goal (MCLG)” means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effects on the health of persons would occur, and which allows an adequate margin of safety. Maximum contaminant level goals are nonenforceable health goals.]

(40) [“Maximum residual disinfectant level (MRDL)” means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable risk of adverse health effects. The disinfectants include chlorine, chloramines, and chlorine dioxide.]

(41) [“Maximum residual disinfectant level goal (MRDLG)” means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of individuals occurs, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of water-borne microbial contaminants.]

(42) “Maximum total trihalomethane potential (MTP)” means the maximum concentration of total trihalomethanes produced in a given water sample containing a halogen disinfectant residual after 7 days at a temperature of 25°C or above.

(43) [“Near the first service connection” means within the first 20 percent of connections that receive finished water from the treatment plant, as measured by water transport time within the distribution system.]

(44) “Net operating profit” means the total of the operating profit and the nonoperating revenue.

(45) “New system” means a community water system or a nontransient noncommunity water system that commences operation after October 1, 1999.

(46) [“Noncommunity water system” means a public water system that does not meet the requirements of §B(5) of this regulation. These systems serve motels, hotels, medical facilities, restaurants, schools, industrial plants, and similar facilities not connected to a community water system.]

(47) [“Nontransient noncommunity water system (NTNCWS)” means a public water system that is not a community water system and that regularly serves at least 25 of the same individuals over 6 months per year.]

(48) “Operating profit” means the total of the operating revenue minus operating expenses.

(49) “Operating ratio” means the ratio of the sum of the annual operating revenues for 5 years to the sum of the

annual operating, maintenance, and replacement expenses for 5 years.

(50) “Outage” means a complete loss of pressure in a water main that causes one or more service connections to lose their supply of drinking water.

(51) “Person” means the State, a federal agency, county, municipality, partnership, corporation, cooperative, company, sanitary district, sanitary commission, authority, institution, or individual.

(52) “PFAS” means *perfluoroalkyl or polyfluoroalkyl substances, a group of synthetic organofluorine chemical compounds with multiple fluorine atoms attached to an alkyl chain, which includes HFPO-DA, PFBS, PFHxS, PFNA, PFOA, and PFOS.*

(53) [“Picurie (pCi)” means that quantity of radioactive material producing 2.22 nuclear transformations per minute.]

(54) “Plan for compliance” means a schedule of actions that is submitted by the violator and is approved by the Approving Authority.

(55) [“Point-of-entry treatment device (POE)” is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the water distributed throughout the house or building.]

(56) [“Point-of-use treatment device (POU)” is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.]

(57) [Public Water System.

(a) “Public water system” means a system that provides water for human consumption to the public through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

(b) “Public water system” includes:

(i) Any collection, treatment, storage, and distribution facilities under control of the operator of the system, and used primarily in conjunction with the system; and

(ii) Any collection or pretreatment storage facilities not under that control which are used primarily in connection with the system.

(c) “Public water system” does not include any special irrigation districts as defined in 40 CFR § 141.2.]

(58) [“Rem” means 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 (0.001 rem).]

(59) [“Repeat compliance period” means any subsequent compliance period after the initial compliance period.]

(60) “Reportable incident” means any occurrence in the operation, maintenance, repair, or extension of a water supply system or its appurtenances that causes a permanent or temporary change that may adversely affect the quality or quantity of water supplied to the users of the system.

(61) “Sampling point” means each entry point to the distribution system which is representative of each well after treatment where ground water sources are used, or, where surface water sources are used, each entry point to the distribution system after any application of treatment or a point in the distribution system which is representative of each source after treatment.

(62) [“Sanitary defect” is a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.]

(63) [“Sanitary survey” means 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 the system for producing and

distributing safe drinking water.]

(64) [“Seasonal system” is a noncommunity water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season.]

(65) Service Connection.

(a) “Service connection” means a connection to a water system.

(b) “Service connection” does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if:

(i) The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, cooking, or other similar uses;

(ii) The State determines that alternative water to achieve the equivalent level of public health protection provided by the national primary drinking water regulations is provided for residential or similar uses for drinking and cooking; or

(iii) The State determines that the water provided for residential or similar drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

(66) “Standard sample” means the aliquot of finished drinking water that is examined for the determination of the maximum contaminant level.

(67) “Superintendent” means an individual employed or appointed in accordance with Environment Article, Title 12, Annotated Code of Maryland, and certified by the Board to be in responsible charge of the operation of a water supply system.

(68) [“Subpart H systems” means public water systems using surface water or ground water under the direct influence of surface water as a source that are subject to the requirements of Subpart H of 40 CFR § 141.]

(69) [“Supplier of water” means any person who owns or operates a public water system.]

(70) [“SUVA” means specific ultraviolet absorption at 254 nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV254) (in m⁻¹) by its concentration of dissolved organic carbon (DOC) in milligrams per liter (mg/l).]

(71) [“Too numerous to count” means that the total number of bacterial colonies exceeds 200 on a 47-millimeter diameter membrane filter used for coliform detection.]

(72) [“Total organic carbon (TOC)” means total organic carbon in milligrams per liter (mg/l) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to 2 significant figures.]

(73) [“Total trihalomethanes (TTHM)” means the sum of the concentrations in milligrams per liter of the trihalomethane compounds trichloromethane (chloroform), dibromochloromethane, bromodichloromethane, and tribromomethane (bromoform), rounded to two significant figures.]

(74) [“Transient noncommunity water system (TWS)” means a noncommunity water system that does not regularly serve at least 25 of the same individuals over 6 months per year.]

(75) “Treatment technique” means a required process intended to reduce the level of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

(75) [“Trihalomethane (THM)” means a family of organic compounds, derived from methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.]

(76) “Uncontrolled outage” means an outage that is not initiated by a supplier of water.

(77) [“Uncovered finished water storage facility” means a tank, reservoir, or other facility used to store water that will undergo no further treatment to reduce microbial pathogens, except residual disinfection, and is directly open to the atmosphere.]

(78) “Variance” means a legal change issued by the Approving Authority in the requirements for a public water system to comply with an MCL to a supplier of water because of the following:

- (a) The poor quality of raw water and the lack of a suitable alternative supply;
- (b) The treatment methods generally available have not resulted in compliance with an MCL; and
- (c) All other reasonable technological, economic, and legal efforts to comply with an MCL have been made.

(79) [“Virus” means a virus of fecal origin which is infectious to humans by waterborne transmission.]

(80) “Waterborne disease outbreak” means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the Approving Authority.

(81) [“Wholesale system” means a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.]

.01-1 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated. [Code of Federal Regulations (CFR) — 40 CFR §§141 and 142 (July 1, 2014):]

(1) *40 CFR §141.2, as effective on June 26, 2024*; [Surface Water Treatment Rule (40 CFR §§ 141.70-141.76, Subpart H) June 8, 2001, January 14, 2002, October 23, 2002, October 29, 2002, and February 13, 2013 revisions.]

(2) *40 CFR §141.4, as amended*; [Interim Enhanced Surface Water Treatment Rule (40 CFR § 141, Subpart P, §§ 141.170-141.175), January 14, 2002, revision;]

(3) *40 CFR §141.6, as effective on June 26, 2024*; [Long Term 1 Enhanced Surface Water Treatment Rule (40 CFR §§ 141.500-141.570, Subpart T), January 14, 2002;]

(4) *40 CFR, Part 141, Subpart C, as effective on June 26, 2024*; [Long Term 2 Enhanced Surface Water Treatment Rule (40 CFR §§ 141.700-141.723, Subpart W), January 5, 2006, January 30, 2006, and February 6, 2006.]

(5) *40 CFR §141.40, as amended*; [Bottled Water (21 CFR § 165.110)];

(6) *40 CFR §141.50, as effective on June 26, 2024*; [Best Available Technology (40 CFR §§ 141.61-141.66, Subpart G) February 13, 2013 revisions;]

(7) *40 CFR §§141.51-141.52, as amended*; [Lead and Copper Rule (40 CFR §§ 141.80-141.91, Subpart I) revised January 12, 2000 and October 10, 2007;]

(8) *40 CFR, Part 141, Subpart G, as effective on June 26, 2024*; [Monitoring and Analytical Methods (40 CFR §§ 141.21-141.29, Subpart C) February 13, 2013 revisions;

- (a) Coliform Bacteria (40 CFR § 141.21) November 21, 2006 and February 13, 2013 revisions;
- (b) Inorganics (40 CFR § 141.23) October 23, 2002, October 29, 2002, and March 25, 2003 revisions;
- (c) Organics (40 CFR § 141.24) October 23, 2002, and October 29, 2002, revisions; and
- (d) Radionuclides (40 CFR §§ 141.25-141.26) December 7, 2000, and October 23, 2002, revision.]

(9) *40 CFR, Part 141, Subpart H, as amended*; [Method Detection Limit (40 CFR § 136), October 23, 2002, revision;]

(10) *40 CFR, Part 141, Subpart I, as effective on October 10, 2007*; [Public Notification of Drinking Water Violations (40 CFR § 141, Subpart Q; 40 CFR §§ 141.201-141.211, November 8, 2006, February 13, 2013, and February 26, 2014 revisions];

(11) *40 CFR, Part 141, Subpart L, as amended*; [Consumer Confidence Report (40 CFR §§ 141.151-141.155, Subpart O), January 14, 2002, November 27, 2002, March 25, 2003, January 4, 2006, November 8, 2006, February 13, 2013, and February 26, 2014 revisions];

(12) *40 CFR, Part 141, Subpart O, as effective on June 26, 2024 with the following change:*

(a) *40 CFR §141.153(c)(3) shall read: "A report that contains data on contaminants that EPA or the Approving Authority regulates using any of the following terms must include the applicable definitions:"*; [Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors:

(a) Stage 1 Disinfection Byproduct Rule (40 CFR § 141, Subpart L; 40 CFR §§ 141.130-141.144, Subpart L, § 141.65), December 16, 1998, January 16, 2001, January 4, 2006, and February 13, 2013 revisions; and

(b) Stage 2 Disinfection Byproduct Rule (40 CFR § 141, Subpart U §§ 141.600-141.605, Subpart V §§ 141.606-141.629), January 4, 2006, January 27, 2006, and June 29, 2009, revisions];

(13) *40 CFR, Part 141, Subpart P, as amended*; [Arsenic Rule (40 CFR §§ 141.6, 141.51, 141.60, 141.62, 141.65, 142.61, 142.62) March 25, 2003 revision];

(14) *40 CFR, Part 141, Subpart Q, as effective on June 26, 2024*; [Definitions (40 CFR § 141.2) January 14, 2002, January 4, 2006, January 5, 2006, and February 13, 2013 revisions];

(15) *40 CFR, Part 141, Subpart S, as amended*; [Unregulated Contaminant Monitoring Regulation (40 CFR § 141.40), March 12, 2002, October 29, 2002, January 4, 2007, and May 2, 2012 revisions];

(16) *40 CFR, Part 141, Subpart T, as amended*; [Ground Water Rule (40 CFR §§ 141.21, 141.28, 141.153, 141.202, 141.203, 141.400-141.405, 142.14-142.16) - November 8, 2006, November 21, 2006, and February 13, 2013 revisions]; and

(17) *40 CFR, Part 141, Subpart U, as amended*; [Revised Total Coliform Rule (40 CFR §§ 141.4, 141.52, 141.63, 141.71, 141.74, 141.132, §§ 141.851-141.861, Subpart Y, and 142.15-142.16, 142.63) - February 13, 2013, and February 26, 2014 revisions.]

(18) *40 CFR, Part 141, Subpart V, as amended*; [American Water Works Association, AWWA Standard, Disinfecting Water Mains (ANSI/AWWA C651-14) Sections 2, 3, and 4 only, effective February 1, 2015; and]

(19) *40 CFR, Part 141, Subpart W, as amended*; [American Water Works Association, AWWA Standard, Disinfection of Wells (ANSI/AWWA C654-13), effective July 1, 2013.]

(20) *40 CFR, Part 141, Subpart Y, as amended*;

(21) *40 CFR, Part 141, Subpart Z, as effective on June 26, 2024*;

(22) *40 CFR §§142.61-142.63, as effective on June 26, 2024*;

(23) *21 CFR §165.110, as amended*;

(24) *40 CFR §136, as amended*;

(25) *American Water Works Association, AWWA Standard, Disinfecting Water Mains (ANSI/AWWA C651-14) Sections 2, 3, and 4 only, effective February 1, 2015; and*

(26) *American Water Works Association, AWWA Standard, Disinfection of Wells (ANSI/AWWA C654-13), effective July 1, 2013.*

.07 Maximum Contaminant Levels for Organic Chemicals in Drinking Water.

A. *A supplier* [Suppliers] of water to a community water system or a [systems and] nontransient noncommunity water

system [systems] shall comply with the MCLs and HBWCs for organic chemicals in [§§D, E, and F of] this regulation.

B. (text unchanged)

C. (text unchanged)

D. (text unchanged)

E. (text unchanged)

F. (text unchanged)

G. *PFAS Requirements.*

(1) *A supplier of water to a community water system or a nontransient noncommunity water system that begins operating on or before April 26, 2027, shall comply with the MCLs and HBWCs for PFAS in 40 CFR §141.61(c)(2) by April 26, 2029.*

(2) *A supplier of water to a community water system or a nontransient noncommunity water system that begins operating after April 26, 2027, shall comply with the MCLs and HBWCs for PFAS in 40 CFR §141.61(c)(2) within a timeframe specified by the Approving Authority.*

(3) *A supplier of water to a community water system or a nontransient noncommunity water system that begins using a new source of water after April 26, 2027, shall comply with the MCLs and HBWCs for PFAS in 40 CFR §141.61(c)(2) at each entry point to the distribution system where water from the new source is used within a timeframe specified by the Approving Authority.*

.07-1 Best Available Technology for Organic Chemicals.

A. (text unchanged)

B. (text unchanged)

C. (text unchanged)

D. *PFAS. The best available technology, treatment technique, or other means available to achieve compliance with the maximum contaminant levels and health-based water concentrations for each contaminant listed in 40 CFR §141.61(c)(2) are identified in 40 CFR §141.61(d).*

.20 Public Notification of Variances, Exemptions, and Noncompliance with Standards.

A. (text unchanged)

B. (text unchanged)

C. (text unchanged)

D. Tier 3 Public Notice.

(1) (text unchanged)

(2) Manner of Tier 3 Notice.

(a) (text unchanged)

(b) Unless otherwise directed by the Approving Authority, a community water system shall provide notice by:

(i) (text unchanged)

(ii) [Include] *Including* the notice, which shall satisfy the form, manner, and content requirements of this regulation, in the Consumer Confidence Report as [described] *required* in Regulation .20-2 of this chapter if the report will be distributed not later than 12 months after [the] learning of the violation or situation.

(c) (text unchanged)

E. (text unchanged)

.20-2 Consumer Confidence Reports.

A. A supplier of water to a community water system shall *comply with 40 CFR Part 141, Subpart O*. [deliver an annual consumer confidence report to their customers as required by 40 CFR §§141.151-141.155: Subpart O--Consumer Confidence Report. This report shall contain information on the quality of the water delivered by the supplier and characterize the risks from exposure to contaminants detected in the drinking water in an accurate and understandable manner.]

B. *Waiver of mailing requirement.*

(1) *The requirements of 40 CFR § 141.155(a) are waived for a supplier of water to a community water system that serves fewer than 10,000 persons in accordance with 40 CFR §141.155(g).*

(2) *A supplier of water to a community water system that serves fewer than 10,000 persons and more than 500 persons shall comply with 40 CFR §141.155(g)(1).*

(3) *A supplier of water to a community water system that serves 500 or fewer persons shall comply with 40 CFR §141.155(g)(2).* [Each supplier of water to a community water system shall deliver its first report by July 1, 2001, and subsequent reports by July 1 annually thereafter. The first report shall contain data collected during, or before, calendar year 2000 and shall be in accordance with 40 CFR §141.153(d)(3). Each subsequent report shall contain data collected during, or before, the previous calendar year.]

C. *The reports issued under 40 CFR Part 141, Subpart O are supplemental to, and do not supersede, the public notice requirements of this chapter.* [A supplier of water to a community water system that began operation after July 1, 2000, shall deliver its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.]

D. *Repealed.* [A supplier of water to a community water system that sells water to another community water system shall deliver the applicable information required in the consumer confidence report to the buyer system:

(1) By April 1, 2001, for the 2000 report, and by April 1 annually thereafter; or

(2) On a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.]

E. *Repealed.* [Content of the Report.

(1) An annual report issued under this regulation shall provide a report that contains the information specified in 40 CFR §§141.153, 141.154, and 141.211. The report does not replace the function of the Public Notice requirements under Regulation .20 of this chapter. This information includes, but is not limited to, the requirements in §E(2)-(9) of this regulation.

(2) Required Language and Information.

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

(b) Beginning in the report due by July 1, 2002, a supplier of water at a community water system that detects arsenic above 0.005 milligrams per liter (mg/l) and up to and including 0.010 milligrams per liter (mg/l):

(i) Shall include in its report a short informational statement about arsenic, using language such as that provided in 40 CFR § 141.154(b)(1); or

(ii) May write its own educational statement in consultation with the Approving Authority.

(c) Systems with nitrate at levels above 5 milligrams per liter shall include the required language in 40 CFR § 141.154.

(d) Suppliers of water that monitor for lead shall include language as specified in 40 CFR §141.154.

(e) Systems which detect total trihalomethane levels above 0.080 milligrams per liter, but below 0.100 milligrams per liter, as an annual average shall include the required language in 40 CFR § 141.154.

(f) Beginning in the report due by July 1, 2002 and ending January 22, 2006, a supplier of water at a community water system that detects arsenic above 0.010 milligrams per liter (mg/l) and up to and including 0.05 milligrams per liter (mg/l) shall include the arsenic health effects language prescribed by 40 CFR § 141.154 Subpart O.

(3) Information on Source Water.

(a) The report shall identify the source or sources of the water delivered by the community water system by providing information on the:

- (i) Type of water, for example, surface water or ground water;
- (ii) Commonly used name, if any; and
- (iii) Location of the body, or bodies, of water.

(b) If a source water assessment has been completed, the report shall notify consumers of the availability of this information and the means to obtain it. In addition, in the report, a supplier of water is encouraged to highlight significant sources of contamination in the source water area if they have readily available information. If a system has received a source water assessment from the Approving Authority, the report shall include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by, or approved by Approving Authority.

(4) Definitions for the following shall be included in the report:

- (a) Maximum contaminant level goal (MCLG) and maximum contaminant level (MCL);
- (b) Variances or exemptions if a community water system is operating under a variance or an exemption;
- (c) Treatment technique when data is included on a contaminant for which EPA has set a treatment technique;
- (d) Action level when data is included on a contaminant for which EPA has set an action level;
- (e) Maximum residual disinfectant level goal (MRDLG); or
- (f) Maximum residual disinfectant level (MRDL).
- (g) For a report that contains information regarding a Level 1 or Level 2 assessment required by Regulation .11-4 of this chapter, Level 1 assessment and Level 2 assessment, as applicable.

(5) Information on Detected Contaminants.

(a) Information shall be included as specified in 40 CFR § 141.153(d) for regulated contaminants, unregulated contaminants, treatment techniques, and 40 CFR § 141.153 (e) for other contaminants identified by the Approving Authority as a public health risk in drinking water. The data should be provided in one or more tables as appropriate.

(b) For detected regulated contaminants, the table or tables shall contain:

- (i) The highest contaminant level used to determine compliance and the range of detected levels from monitoring for contaminants subject to an MCL, except turbidity, total coliform, fecal coliform and E. coli;
- (ii) The MCL for that contaminant;
- (iii) The MCLG for that contaminant expressed in the same units as the MCL;
- (iv) A treatment technique, or specify the action level, applicable to that contaminant.

(c) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all monitoring locations, the average and range of detection shall be provided, in the same units as the MCL. The system is required to include individual sample results for the Initial Distribution System Evaluation

(IDSE) conducted under 40 CFR §141, Subpart U, when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar year that the IDSE samples were taken.

(6) In addition to the public notification requirements established under Regulation .14 of this chapter, the report shall note any violation that occurred during the year covered by the report, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation and other related information as follows:

- (a) Monitoring and reporting of compliance data;
- (b) Filtration and disinfection requirements established under Regulation .05-2 of this chapter;
- (c) Lead and copper control requirements established under Regulation .06-2 of this chapter;
- (d) Treatment technique requirements for Acrylamide and Epichlorohydrin established under Regulation .07-2

of this chapter;

- (e) Record keeping of compliance data;
- (f) Special monitoring requirements established under Regulation .15-3 of this chapter;
- (g) Violations of the terms of variances, exemptions, or administrative or judicial orders;
- (h) If applicable, an explanation for a variance or exemption, the date issued, a brief status report, and a notice

of opportunity for public input.

(7) Explanation of Contaminants.

(a) The report shall contain a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water, as specified in 40 CFR § 141.153(h)(1)(i)-(iii), or comparable language.

(b) The following paragraph or equivalent shall be included: “Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency’s Safe Drinking Water Hotline (800-426-4791).”

(8) The report shall contain:

(a) The telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report;

(b) The required health information as specified in 40 CFR § 141.154; and

(c) Information, including time and place of regularly scheduled meetings, about opportunities for public participation in decisions that may affect the quality of the water.

(9) Special Public Notice for Ground Water Suppliers. Community ground water suppliers shall inform the public served by the water supplier about a fecal indicator-positive source sample that is not invalidated under Regulation .11-2G of this chapter, or any significant deficiency that has not been corrected, in accordance with the requirements of 40 CFR §§ 141.153(h)(6) and 141.403(a). The supplier shall continue to inform the public annually until the Approving Authority determines that the particular significant deficiency is corrected or the fecal contamination in the ground water source is addressed in accordance with Regulation .05-5C of this chapter.

(10) Any system required to comply with a Level 1 or Level 2 assessment requirement under Regulation .11-4 of this chapter that is not due to an E. coli MCL violation shall include the information specified in 40 CFR § 141.153(h)(7).]

F. Repealed. [For communities with a large proportion non-English speaking residents, information in the appropriate language or languages shall be provided regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy or to request assistance in the appropriate language.]

G. Repealed. [Report Delivery and Record Keeping.

(1) Except as provided in §H of this regulation, each supplier of water to a community water system shall mail or otherwise directly deliver one copy of the report to each customer.

(2) The supplier of water to a community water system shall make a good faith effort to reach consumers who do not get water bills, using means recommended by the Approving Authority. Good faith effort will be tailored to the consumers who are served by the system but are not bill-paying customers, such as renters or workers. A good faith effort to reach consumers would include a mix of methods appropriate to the particular system, such as:

- (a) Posting the reports on the Internet;
- (b) Mailing to postal patrons in metropolitan areas;
- (c) Advertising the availability of the report in the news media;
- (d) Publication in a local newspaper;
- (e) Posting in public places such as cafeterias or lunch rooms of public buildings;
- (f) Delivery of multiple copies for distribution by single-biller customers such as apartment buildings or large private employers; or
- (g) Delivery to community organizations.

(3) Not later than the date the system is required to distribute the report to its customers, each supplier of water for a community water system shall mail a copy of the report to the Approving Authority, followed within 3 months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Approving Authority.

(4) Not later than the date the system is required to distribute the report to its customers, each community water system shall deliver the report to any other agency or clearinghouse identified by the Approving Authority.

(5) Each community water system shall make its reports available to the public upon request.

(6) Each community water system serving 100,000 or more persons shall post its current year's report to a publicly accessible site on the Internet.

(7) Any supplier of water subject to this regulation shall retain copies of its consumer confidence report for not less than 3 years.]

H. *Repealed.* [The requirement of §G(1), (5) and (6) of this regulation for a supplier of water to a community water system serving less than 10,000 persons has been waived. These systems shall:

- (1) Publish the reports in one or more local newspapers serving the area in which the system is located;
- (2) Publish a notice in the newspaper, or by other means approved by the State, that informs the customers that the reports will not be mailed; and
- (3) Make the reports available to the public upon request.]

I. *Repealed.* [Supplier of water to systems serving 500 or fewer persons may forego the requirements of §H(1) and (2) of this regulation if they provide notice at least once per year to their customers by mail, by door-to-door delivery, or by posting in an appropriate location, that the report is available upon request.]

.37 PFAS Sampling and Analytical Requirements.

A. *A supplier of water to a community water system or a nontransient noncommunity water system shall comply with 40 CFR §§141.900-141.905.*

B. *A supplier of water to a community water system or a nontransient noncommunity water system that begins operating or using a new source of water after April 26, 2027, shall demonstrate compliance with the MCLs and HBWCs for PFAS in 40 CFR §141.61(c)(2) using the initial monitoring frequencies in 40 CFR §141.902(b)(1)(i)-(v) or as otherwise directed by the Approving Authority.*