

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-Dw 700 WATER QUALITY: STANDARDS, MONITORING, TREATMENT, COMPLIANCE,  
AND REPORTING

Statutory Authority: RSA 485:3

~~~~~ See separate document for Revision Notes ~~~~~

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PART Env-Dw 720 INSPECTIONS; SIGNIFICANT DEFICIENCIES; ASSESSMENTS

Env-Dw 720.01 Entry and Inspection of Public Water Systems and Privately Owned Redistribution Systems.

(a) As specified in RSA 485:41, V, in order to determine compliance with RSA 485 and rules adopted under RSA 485, specifically Env-Dw 100 et seq., the department shall enter, and authorize its employees and agents to enter, the premises of public water systems (PWS) and privately owned redistribution systems (PORS) for the purpose of carrying out inspections or assessments, taking water samples, and inspecting any and all records and facilities of such PWS and PORS (systems).

(b) The owner, operator, or any other person(s) in charge of a PWS's or PORS's premises, facilities, or records, or any combination thereof, or in possession or in charge of any other existing information that will assist the department in conducting the inspection or assessment of the PWS or PORS shall allow staff of the department to:

- (1) Enter the premises and facilities under the control of such person for the purpose of evaluating the adequacy of the facilities, equipment, processes, controls, and operation and maintenance of the system for producing and distributing safe drinking water to persons served by the system;
- (2) Conduct tests on any feature of the system, including, as applicable, its raw water source, treated water, or distribution system water; and
- (3) Review all records and files of the system, along with any other existing information that will assist the department in conducting the inspection or assessment.

(c) If any tests conducted pursuant to (b)(2), above, are deemed necessary by the department for the protection of the health or safety of persons served by the system, the costs of the tests shall be charged to the system's owner.

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(d) The owner, operator, or other person in charge of the premises, facilities, or records of the system being inspected or assessed may request identification from the inspector or assessor.

Source. (See Revision Note #3) #9760, eff 7-30-10; ss by #10771, eff 2-1-15

Env-Dw 720.02 Sanitary Survey Field Inspections.

(a) Subject to (b), below, at least 24 hours in advance of a pending inspection the department shall notify:

- (1) The certified operator, for any system that has a certified operator; or
- (2) The owner of the system, for any system that does not have a certified operator.

(b) The department shall not give advance notice if evidence indicates that a public health threat or other violation of Env-Dw 100 et seq. exists.

(c) The sanitary survey shall cover the following areas:

- (1) The system's layout and general information, such as the number of persons served by the system and whether the system serves residential, commercial, or industrial users;
- (2) Water quality;
- (3) Monitoring, reporting, and data verification;
- (4) Sources of supply;
- (5) Storage facilities;
- (6) Treatment facilities;
- (7) Pumping facilities, including pumps, pump houses, and controls;
- (8) Distribution system;
- (9) System management and operation;
- (10) Technical, financial, and managerial capacity;
- (11) Owner and operator compliance with Env-Dw 100 et seq.;
- (12) Emergency preparedness planning;
- (13) Security; and
- (14) Any other aspect of the system that could influence the ability of the system to produce and distribute safe drinking water.

(d) The minimum frequency of sanitary surveys shall be as shown in Table 720-1, below:

Table 720-1: Frequency of Sanitary Surveys

| <b>Type of System</b>       | <b>Frequency of Sanitary Survey</b> |
|-----------------------------|-------------------------------------|
| Community                   | 3 years                             |
| Non-transient non-community | 3 years                             |
| Transient non-community     | 5 years                             |

Source. (See Revision Note #3) #9760, eff 7-30-10; ss by #10771, eff 2-1-15

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Env-Dw 720.03 Significant Deficiencies.

(a) Any of the following conditions shall constitute a significant deficiency for a PWS or a PORS, if applicable:

- (1) A potential contamination source that poses a risk to public health and that is not already subject to a monitoring or control plan is present in the sanitary protective area;
- (2) System records show that the source has inadequate capacity to meet current demands or that the system is otherwise unable to provide sufficient water to meet current demands;
- (3) A non-approved source is connected to the system, regardless of whether the source is in use;
- (4) Existing treatment facilities and processes are not operative;
- (5) Treatment has been installed or modified without prior approval from the department, and the installation or modification could adversely affect public health;
- (6) System has low or negative pressures that could result in entry of contaminants;
- (7) System lacks a cross-connection control program or cross-connection devices, if applicable;
- (8) System lacks backflow prevention device, if required;
- (9) System has an inoperative well pump;
- (10) System lacks an operative duplicate booster pump, if required;
- (11) System's pump house is subject to flooding;
- (12) System's hydraulics, pumping facilities, storage capacity, or distribution facilities have been modified in a way that could adversely affect public health;
- (13) System has electrical hazards in or around the pump house;
- (14) System does not have a certified operator even though one is required;
- (15) System's certified operator is below the required grade;
- (16) System's water storage tank is subject to contamination;
- (17) System does not have a schedule for performing regular system maintenance;
- (18) System has pumping facilities that are not secured or a well that is not protected from tampering;
- (19) System does not have a properly-operating meter or other means to measure flow for each incoming source, if required;
- (20) System does not have individual sampling taps or other means to obtain discrete samples for each source;
- (21) System is a community water system and does not have an emergency plan available for review when requested;
- (22) Required monitoring, reporting, and recordkeeping are not being done as required;
- (23) System has any other violation(s) of applicable rules that pose(s) a significant risk to public health; and
- (24) The system does not have available for review by the department the record drawings or other distribution system plans required by the applicable provisions of Env-Dw 405.33(d), Env-Dw

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406.26(c), and Env-Dw 504.08.

(b) Any PWS using a groundwater source also shall be subject to the significant deficiencies identified in Env-Dw 717.20.

Source. (See Revision Note #3) #9760, eff 7-30-10; ss by #10771, eff 2-1-15

Env-Dw 720.04 Notice of Significant Deficiencies; Corrective Action.

(a) The department shall inform the system's owner and certified operator, if the system has a certified operator, of all significant deficiencies in writing.

(b) The notice issued pursuant to (a), above, shall require the owner to:

(1) Implement any corrective action(s) specified in the notice for which consultation or prior approval from the department is not required within 120 days or such earlier time as is specified pursuant to (d), below; and

(2) Consult with the department within 30 days of receiving written notice for the purpose of developing a corrective action plan (CAP) as specified in Env-Dw 720.05 for any corrective action(s) not covered by (1), above.

(c) The corrective action(s) specified in the notice shall consist of one or more of the following, as necessary to correct the problem and protect public health:

(1) Correct significant deficiencies;

(2) Provide an alternate source of water; or

(3) Eliminate the source of contamination.

(d) The department shall specify a compliance deadline of less than 120 days if:

(1) The actions to be taken can reasonably be implemented in a shorter period of time; and

(2) An earlier date is needed to protect public health.

(e) The system owner shall comply with any expedited actions or additional actions required by Env-Dw 801.04 relative to turbidity MCL and treatment technique violations or Env-Dw 801.05(a)-(c) relative to E. coli MCL violations.

(f) A system owner who has been directed to take corrective action pursuant to this section shall notify the department within 30 days of completing the corrective action that the corrective actions have been taken, by submitting documentation of completion, including photographs as appropriate.

Source. (See Revision Note #3) #9760, eff 7-30-10; ss by #10771, eff 2-1-15; ss by #12420, eff 11-18-17

Env-Dw 720.05 Corrective Action Plan (CAP).

(a) If a system owner is required to develop a corrective action plan (CAP) pursuant to Env-Dw 720.04(b)(2), then within 30 days after the required consultation, or by such later date established by agreement with the department, the owner shall develop and submit to the department a CAP that identifies the action(s) to be taken to correct the system's deficiencies and the schedule upon which the action(s) will be taken.

(b) If any of the significant deficiencies cannot be corrected within 120 days of the date of the notice issued pursuant to Env-Dw 720.04(a), the CAP submitted by the system owner shall identify interim

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measures that will be taken in order to protect the health and safety of persons served by the system pending final action.

(c) The department shall approve a CAP proposed by the system owner pursuant to (a), above, if:

(1) The action(s) and schedule for taking the action(s) will correct all problems within a time frame that is protective of public health; and

(2) The CAP identifies interim measures that will be taken to address any significant deficiencies that cannot be corrected within 120 days of the date of the notice in order to protect the health and safety of persons served by the system pending final action.

(d) The owner shall not make any modifications to the approved CAP without first obtaining approval for the modifications from the department in accordance with (e) and (f), below.

(e) To request approval for modifications to the action(s) or schedule in an approved CAP, the owner shall submit a request in writing to the department which explains the requested modification(s) and the reason(s) why the CAP as modified meet the criteria for approval specified in (f), below.

(f) The department shall approve a modification to a CAP if:

(1) The modification was made necessary due to circumstances beyond the control of the system owner; and

(2) The CAP as modified will correct all remaining problems and be equally protective of public health.

(g) Within 5 business days of completing an action required by a CAP, the system owner shall notify the department that the action has been completed by submitting documentation of completion, including photographs as appropriate.

Source. (See Revision Note #3) #9760, eff 7-30-10; ss by #10771, eff 2-1-15

Env-Dw 720.06 Compliance.

(a) Within 120 days of the date of the notice issued pursuant to Env-Dw 720.04(a), the system owner shall:

(1) Have fully corrected all significant deficiencies; or

(2) Be in compliance with a CAP approved by the department pursuant to Env-Dw 720.05(c).

(b) A system owner shall be subject to enforcement as specified in RSA 485:58 for any failure to correct the deficiency(ies) or for any failure to comply with a CAP approved pursuant to Env-Dw 720.05(c).

Source. (See Revision Note #3) #9760, eff 7-30-10; ss by #10771, eff 2-1-15

Env-Dw 720.07 Assessments.

(a) Subject to (b), below, after a coliform assessment is triggered as specified in Env-Dw 709.22, the PWS owner shall conduct a level I or level II assessment, as applicable. The PWS owner may authorize an agent who meets the qualifications specified in Env-Dw 720.08 or Env-Dw 720.09, as applicable, to conduct the assessment, but such authorization shall not relieve the owner from liability if the assessment or follow-up actions, or both, are not completed as required.

(b) If a level II assessment is triggered by an E. coli MCL violation, the department or its agent shall conduct the level II assessment.

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(c) If assessment triggers are recurring and no cause has been identified, the department shall consult with the PWS owner to determine whether the department or another qualified individual will conduct the assessment.

(d) The assessment shall:

- (1) Be performed by one or more individuals who meet the qualifications specified in Env-Dw 720.08 or Env-Dw 720.09, as applicable;
- (2) Include an on-site inspection;
- (3) Be conducted to identify the possible presence of sanitary defects or defects in distribution system coliform monitoring practices, or both; and
- (4) Be conducted within 30 days after notification from the department that an assessment has been triggered as specified in Env-Dw 709.22.

(e) The assessment shall evaluate situations that might have impacted normal operations as well as water quality data and other system records related to bacterial contamination or treatment, or both, including but not limited to the following:

- (1) Atypical events that might affect distributed water quality or indicate that distributed water quality was impaired, including but not limited to main breaks, hydrant flushing, impacts from weather events including flooding, power failures, treatment process upsets, and loss of pressure;
- (2) System maintenance and operation issues, including water storage and pumping facilities, and sanitary conditions that could affect distributed water quality;
- (3) Source and treatment considerations and records that bear on distributed water quality, including but not limited to:
  - a. Treatment operations, maintenance, testing, and operation; or
  - b. Well integrity including casing, cap, seal, and vent;
- (4) Existing water quality monitoring data, including but not limited to compliance monitoring data, system evaluation monitoring data, disinfectant residual concentration, if disinfecting, heterotrophic plate count, if available, and treatment process performance parameters, if treatment is present; and
- (5) Water quality sampling locations, sampling protocol, sample processing, and techniques.

(f) A level II assessment shall:

- (1) Be more comprehensive than a level I assessment;
- (2) Include a more detailed physical inspection of all suspected facilities and locations to identify all potential causes of the coliform assessment trigger; and
- (3) Include additional water quality monitoring if needed to identify potential causes.

Source. (See Revision Note #3) #9760, eff 7-30-10; ss by #10771, eff 2-1-15

Env-Dw 720.08 Qualifications of Level I Assessors.

(a) A PWS owner shall ensure that each individual performing a level I assessment is familiar with the operation and management of the PWS to be assessed.

(b) A level I assessment shall be conducted by:

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- (1) For transient PWS, the owner or the owner's authorized agent;
- (2) For non-transient, non-community PWS, the owner, the owner's authorized agent, or an operator certified at a grade comparable to or higher than the required grade for that PWS; and
- (3) For community water systems, an operator certified at a grade comparable to or higher than the required grade for that PWS.

Source. (See Revision Note #3) #9760, eff 7-30-10; ss by #10771, eff 2-1-15

### Env-Dw 720.09 Qualifications of Level II Assessors.

(a) A level II assessment other than one conducted by the department pursuant to Env-Dw 720.07(b) shall be conducted by:

- (1) For transient PWS, an operator certified at Grade 1A or higher; and
- (2) For non-transient, non-community PWS and community PWS, an operator certified at a grade comparable to or higher than the required grade for that PWS.

(b) The individual(s) who conducted a level I assessment may participate in a level II assessment at the same PWS but shall not conduct the level II assessment without at least one additional qualified individual.

Source. (See Revision Note #3) #9760, eff 7-30-10; ss by #10771, eff 2-1-15

### Env-Dw 720.10 Report of Assessment.

(a) Subject to (d), below, the system owner shall submit a written report of the completed level I or level II assessment, as applicable, to the department within 30 days of notification by the department that an assessment has been triggered as specified in Env-Dw 709.22.

(b) The assessment report required by (a), above, shall:

- (1) Be prepared and signed by the individual who performed the assessment;
- (2) Identify the date(s) on which the assessment was performed;
- (3) Contain the results of investigation of items listed in Env-Dw 720.07(d);
- (4) Identify each sanitary defect detected;
- (5) Describe each corrective action that has been completed; and
- (6) Explain each corrective action that has been initiated but not completed or that is planned but not yet initiated, with a proposed timetable for completing each corrective action identified.

(c) If no sanitary defects were identified, the assessment report shall so state.

(d) If the department conducts a level II assessment pursuant to Env-Dw 720.07(b) or (c), the department staff who conducted the assessment shall prepare the assessment report in accordance with (b), above, and provide a copy to the PWS owner.

Source. #10771, eff 2-1-15

### Env-Dw 720.11 Review and Approval of Assessment Report; Follow-Up Action.

(a) The department shall review each assessment report prepared pursuant to Env-Dw 720.10(a) to determine:

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- (1) Whether a likely cause of the trigger has been identified; and
  - (2) Whether the corrective actions that have been completed, if any, or that are in progress or being planned, if any, are likely to address the cause of the trigger in a timeframe that is protective of the health and safety of persons served by the system.
- (b) The department shall contact the owner for consultation if it determines that the assessment report does not:
- (1) Demonstrate that the evaluations required by Env-Dw 720.07(d) were completed;
  - (2) Contain all information required by Env-Dw 720.10(b); or
  - (3) Include corrective actions and a timeframe that are protective of the health and safety of persons served by the system.
- (c) If the department determines, after consultation with the owner or based on the owner's failure to respond, that a revised assessment report is required, it shall notify the owner in writing of the additional information to be submitted in a revised assessment report.
- (d) The revised assessment report submitted pursuant to (c), above, shall be submitted not more than 30 days from notification by the department.
- (e) The department shall approve the proposed corrective actions and timetable if it determines that the actions that have been taken, are being taken, or are proposed to be taken, as applicable, are likely to address the cause(s) of the trigger in a timeframe that is protective of the health and safety of persons served by the system.
- (f) The department shall notify the owner in writing of whether the corrective actions and timetable have been approved.
- (g) The owner shall notify the department when each corrective action identified in the assessment report is completed, by submitting documentation of completion, including photographs as appropriate, within the timeframe approved by the department pursuant to (e), above.

Source. #10771, eff 2-1-15

Env-Dw 720.12 Modifications to Approved Assessment Reports.

- (a) The owner shall not make any modifications to the assessment report approved by the department pursuant to Env-Dw 720.11 without first obtaining approval for the modifications from the department in accordance with (b) and (c), below.
- (b) To request approval for modifications to an approved assessment report, the owner shall submit the following in writing;
- (1) The name of the PWS;
  - (2) The PWS identifier; and
  - (3) An explanation of how the requested modification(s) meets the criteria for approval specified in (c), below.
- (c) The department shall approve a modification to the approved assessment report if:
- (1) The modification was made necessary due to circumstances beyond the control of the system owner; and
  - (2) The assessment report as modified will correct all remaining problems and be equally



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protective of the health and safety of persons served by the system.

Source. #10771, eff 2-1-15

Env-Dw 720.13 Consultation About Corrective Actions. Consultations about corrective actions shall occur as specified in 40 CFR 141.859(d).

Source. #10771, eff 2-1-15

Env-Dw 720.14 Violations Classified.

(a) Each of the following shall constitute a treatment technique violation:

- (1) Failing to comply with Env-Dw 720.06(a) relative to being in compliance with a CAP;
- (2) Failing to conduct an assessment when and as required by Env-Dw 720.07; and
- (3) Failing to correct the sanitary defects found during an assessment required by Env-Dw 720.07 within 30 days of the assessment being triggered or within the timeframe established in the assessment report approved by the department pursuant to Env-Dw 720.11(e) or Env-Dw 720.12(c), as applicable.

(b) Failing to submit the completed assessment report as required by Env-Dw 720.10 shall constitute a reporting violation.

Source. #10771, eff 2-1-15

Env-Dw 720.15 Public Notification.

(a) The owner of a PWS at which a treatment technique violation as described in Env-Dw 720.14(a) or a reporting violation as described in Env-Dw 720.14(b) occurs shall provide standard public notice as specified in Env-Dw 801.08 for community water systems (CWS) or Env-Dw 801.11 for non-community water systems (NCS), as applicable.

(b) The owner of a CWS at which a significant deficiency as specified in Env-Dw 720.03 has not been corrected within 12 months of being notified of the deficiency, shall:

- (1) Notify persons served by the system of the deficiency through the consumer confidence report (CCR) as specified in Env-Dw 811; and
- (2) Continue to report in the CCR annually until the deficiency has been corrected and confirmation of the correction has been received from the department.

(c) The owner of an NCS at which a significant deficiency as specified in Env-Dw 720.03 has not been corrected within 12 months of being notified of the deficiency shall include the information specified in (d), below, in each notice provided on or after the 12-month period.

(d) The notice required by (b) or (c), above, shall include the following information:

- (1) The nature of the significant deficiency and the date it was identified by the department; and
- (2) A description of the approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed.

(e) The owner of a CWS at which a level I assessment or level II assessment was triggered shall notify persons served by the system of each assessment conducted pursuant to Env-Dw 720.07 and each corrective action taken or planned pursuant to approvals obtained under Env-Dw 720.11(e) or Env-Dw 720.12(c) in the CCR as specified in Env-Dw 811.

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(f) In a community where the population of non-English speaking residents exceeds 20% of the community population, the notice provided pursuant to this section shall contain:

- (1) Information in the appropriate language(s) regarding the importance of the notice; or
- (2) A telephone number or address, in the appropriate language, at which customers can contact the system to obtain a translated copy of the notice or assistance in the appropriate language.

Source. #10771, eff 2-1-15; ss by #12420, eff 11-18-17

Env-Dw 720.16 Required Recordkeeping for Public Water Systems.

(a) In addition to complying with Env-Dw 718, a PWS owner shall maintain the following records for the time period specified, subject to (c), below:

- (1) Documentation of corrective actions taken in response to a notice issued under Env-Dw 720.04 shall be retained for 10 years; and
- (2) Documentation of notice to the public as required under Env-Dw 800 shall be retained for 3 years.

(b) A PWS owner required to conduct an assessment in accordance with Env-Dw 720.07 also shall maintain the following records for not less than 5 years after completion of the assessment:

- (1) Any assessment report regardless of who conducted the assessment;
- (2) Documentation of each corrective action completed as a result of the assessment; and
- (3) Any other summary documentation of the sanitary defects and corrective actions taken.

(c) A PWS owner who has been notified by the department or any other local, state, or federal agency having enforcement authority that an investigation of the system or enforcement action against the system has been initiated shall retain the documentation specified in (a) and (b), above, as applicable, for the time period specified or 3 years beyond the conclusion of the investigation and enforcement action, whichever is longer.

Source. #10771, eff 2-1-15

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APPENDIX A - STATUTES/REGULATIONS IMPLEMENTED

| Rule Section(s)                               | State Statute(s) Implemented                                                                      | Federal Regulation(s) Implemented                                                  |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Env-Dw 720 (also see specific sections below) | RSA 485:1, 3, 4, 41, 43, 45, 58                                                                   | 40 CFR 141; 40 CFR 142                                                             |
| Env-Dw 720.01 - 720.03                        | RSA 485:1, II(a), (d), (e), & (h); RSA 485:3, I(c); RSA 485:4, I & III; RSA 485:41, V; RSA 485:45 | 40 CFR 141.21(d); 40 CFR 141.401; 40 CFR 142.10(b)(2)                              |
| Env-Dw 720.04                                 | RSA 485:1, II(e); RSA 485:4                                                                       |                                                                                    |
| Env-Dw 720.05 - 720.06                        | RSA 485:1, I; RSA 485:3, I(c); RSA 485:58, I                                                      | 40 CFR 141.21(d); 40 CFR 141 Subpart D (§§31-35); 40 CFR 141 Subpart S (§§400-405) |
| Env-Dw 720.07 - 720.13                        | RSA 485:1, I; RSA 485:3, I(c)                                                                     | 40 CFR 141.859                                                                     |
| Env-Dw 720.14                                 | RSA 485:1, I; RSA 485:3, I(c)                                                                     | 40 CFR 141.860                                                                     |
| Env-Dw 720.15                                 | RSA 485:1, I; RSA 485:3, III(b)                                                                   |                                                                                    |
| Env-Dw 720.16                                 | RSA 485:1, I; RSA 485:41, IV                                                                      | 40 CFR 141.33; 40 CFR 141 Subpart S                                                |

APPENDIX B - FEDERAL DEFINITIONS

**40 CFR §141.2**

*Coagulation* means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

*Compliance cycle* means the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011 and ends December 31, 2019.

*Compliance period* means a three-year calendar period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998, the third from January 1, 1999 to December 31, 2001.

*Conventional filtration treatment* means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

*Corrosion inhibitor* means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

*Direct filtration* means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

*Disinfection* means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

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

*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 the International Commission on Radiological Units and Measurements (ICRU).

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

*Ground-water under the direct influence of surface water (GWUDI)* means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

*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.

*Initial compliance period* means the first full three-year compliance period which begins at least 18 months after promulgation, except for contaminants listed at §141.61(a)(19)-(21), (c) (19)-(33), and § 141.62(b)(11)-(15), initial compliance period means the first full three-year compliance period after promulgation for systems with 150 or more service connections (January 1993-December 1995), and first full three-year compliance period after the effective date of the regulation (January 1996-December 1998) for systems having fewer than 150 service connections.

*Large water system*, for the purpose of subpart I of this part only, means a water system that serves more than 50,000 persons.

*Lead service line* means a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.

*Legionella* means a genus of bacteria, some species of which have caused a type of pneumonia called legionnaires disease.

*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.

*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.

*Man-made beta particle and photon emitters* mean 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.

*Maximum residual disinfectant level (MRDL)* means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

*Medium-size water system*, for the purpose of subpart I of this part only, means a water system that serves greater than 3,300 and less than or equal to 50,000 persons.

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*Near the first service connection* means at one of the 20 percent of all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system.

*Point-of-entry treatment device* (POE) means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

*Point-of-use treatment device* (POU) means a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

*Repeat compliance period* means any subsequent compliance period after the initial compliance period.

*Residual disinfectant concentration* (“C” in CT calculations) means the concentration of disinfectant measured in mg/l in a representative sample of water.

*Sedimentation* means a process for removal of solids before filtration by gravity or separation.

*Small water system*, for the purpose of subpart I of this part only, means a water system that serves 3,300 persons or fewer.

*Surface water* means all water which is open to the atmosphere and subject to surface runoff.

*Too numerous to count* means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

*Virus* means a virus of fecal origin which is infectious to humans by waterborne transmission.

**40 CFR §141.91 Recordkeeping requirements:**

“Any system subject to the requirements of this subpart shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, State determinations, and any other information required by §§141.81 through 141.88. Each water system shall retain the records required by this section for no fewer than 12 years.”