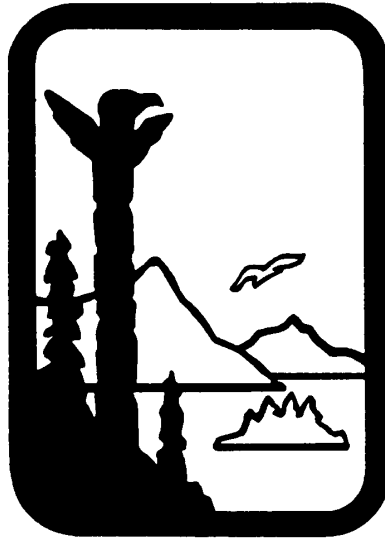


**DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**



**18 AAC 80**

**Drinking Water**

**Adopt RTCR; Repeal Class C Public Water System Regulations  
Public Notice Draft  
July 1, 2016**

**Bill Walker  
Governor**

**Larry Hartig  
Commissioner**

18 AAC 80.010(a) is repealed and readopted to read:

**18 AAC 80.010. Requirements adopted by reference and other reference materials.**

(a) The following federal requirements are adopted by reference:

(1) 21 C.F.R. Part 110 (current good manufacturing practice in manufacturing, packing, or holding human food), revised as of April 1, 2015;

(2) 21 C.F.R. Part 129 (processing and bottling of bottled drinking water), revised as of April 1, 2015;

(3) 21 C.F.R. 165.110 (bottled water), revised as of April 1, 2015;

(4) 40 C.F.R. Part 136, Appendix B (definition and procedure for the determination of the method detection limit, Revision 1.11), revised as of July 1, 2015;

(5) the following provisions from 40 C.F.R. 141.1 - 141.6 (Subpart A - general), revised as of July 1, 2015:

(A) the definitions of "Act," "action level," "bag filters," "bank filtration," "cartridge filters," "clean compliance history," "comprehensive performance evaluation (CPE)," "combined distribution system," "consecutive system," "corrosion inhibitor," "disinfection profile," "dose equivalent," "dual sample sets," "effective corrosion inhibitor residual," "enhanced coagulation," "enhanced softening," "filter profile," "finished water," "first draw sample," "flowing stream," "GAC10," "GAC20," "ground water under the direct influence of surface water (GWUDI)," "haloacetic acids (five) (HAA5)," "halogen," "initial compliance period," "lake/reservoir," "large water system," "lead service line," "*Legionella*," "Level 1 assessment," "Level 2 assessment," "locational running annual average," "man-made beta particle and photon emitters," "medium-size water system," "membrane filtration," "optimal corrosion control treatment," "picocurie," "plant intake," "point of disinfectant application," "presedimentation," "rem," "sanitary

defect," "seasonal system," "service line sample," "single family structure," "small water system," "standard sample," "Subpart H systems," "supplier of water," "SUVA," "system with a single service connection," "total organic carbon (TOC)," "total trihalomethanes (TTHM)," "trihalomethane (THM)," "two-stage lime softening," "uncovered finished water storage facility," and "wholesale system," as set out in 40 C.F.R. 141.2

(definitions);

(B) 40 C.F.R. 141.3 (coverage);

(C) 40 C.F.R. 141.4(a) (variances and exemptions), including the Note to paragraph (a);

(6) the following provisions from 40 C.F.R. 141.21 – 141.29 (Subpart C - monitoring and analytical requirements), revised as of July 1, 2015:

(A) 40 C.F.R. 141.21 (coliform sampling);

(B) 40 C.F.R. 141.22(b) (turbidity sampling and analytical requirements);

(C) 40 C.F.R. 141.23 (inorganic chemical sampling and analytical requirements);

(D) 40 C.F.R. 141.24 (organic chemicals, sampling and analytical requirements);

(E) 40 C.F.R. 141.25 (analytical methods for radioactivity);

(F) 40 C.F.R. 141.26 (monitoring frequency and compliance requirements for radionuclides in community water systems);

(G) 40 C.F.R. 141.27 (alternative analytical techniques);

(H) 40 C.F.R. 141.28 (certified laboratories);

(I) 40 C.F.R. 141.29 (monitoring of consecutive public water systems);

(J) Appendix A to 40 C.F.R. Part 141, Subpart C (alternative testing methods approved for analysis under the Safe Drinking Water Act);

(7) the following provisions from 40 C.F.R. 141.31 - 141.35 (Subpart D - reporting and recordkeeping), revised as of July 1, 2015:

(A) 40 C.F.R. 141.31(d) and (e) (reporting requirements);

(B) 40 C.F.R. 141.33 (record maintenance);

(C) 40 C.F.R. 141.35 (reporting for unregulated contaminant monitoring results), except that the term "you" means the owner or operator;

(8) the following provisions from 40 C.F.R. 141.40 - 141.43 (Subpart E - special regulations, including monitoring regulations and prohibition on lead use), revised as of July 1, 2015:

(A) 40 C.F.R. 141.40 (monitoring requirements for unregulated contaminants), except that the term "you" means the owner or operator;

(B) 40 C.F.R. 141.41 (special monitoring for sodium);

(C) 40 C.F.R. 141.42 (special monitoring for corrosivity characteristics);

(9) the following provisions from 40 C.F.R. 141.50 - 141.55 (Subpart F - maximum contaminant level goals and maximum residual disinfectant level goals), revised as of July 1, 2015:

(A) 40 C.F.R. 141.51(b) (maximum contaminant level goals for inorganic contaminants);

(B) 40 C.F.R. 141.55 (maximum contaminant level goals for radionuclides);

(10) the following provisions from 40 C.F.R. 141.60 - 141.66 (Subpart G -

national primary drinking water regulations: maximum contaminant levels and maximum residual disinfectant levels), revised as of July 1, 2015:

(A) 40 C.F.R. 141.61 (maximum contaminant levels for organic contaminants);

(B) 40 C.F.R. 141.62 (maximum contaminant levels for inorganic contaminants);

(C) 40 C.F.R. 141.63 (maximum contaminant levels (MCLs) for microbiological contaminants);

(D) 40 C.F.R. 141.64 (maximum contaminant levels for disinfection byproducts);

(E) 40 C.F.R. 141.65 (maximum residual disinfectant levels);

(F) 40 C.F.R. 141.66 (maximum contaminant levels for radionuclides);

(11) the following provisions from 40 C.F.R. 141.70 – 141.76 (Subpart H - filtration and disinfection), revised as of July 1, 2015:

(A) 40 C.F.R. 141.70 (general requirements);

(B) 40 C.F.R. 141.71 (criteria for avoiding filtration);

(C) 40 C.F.R. 141.72 (disinfection);

(D) 40 C.F.R. 141.73 (filtration), except that in 40 C.F.R. 141.73(a)(4), the phrase "January 1, 2005" is revised to read "August 19, 2006";

(E) 40 C.F.R. 141.74 (analytical and monitoring requirements), except that in 40 C.F. R. 141.74(b)(3), the phrase "must be determined based on the CT<sub>99.9</sub> values in tables 1.1 - 1.6, 2.1, and 3.1 of this section, as appropriate" is revised to read "may be determined based either on the CT<sub>99.9</sub> values in tables 1.1 - 1.6, 2.1, and 3.1 of

this section, as appropriate, or on the formula for calculating CT values set out in 18 AAC 80.655(b)";

(F) 40 C.F.R. 141.75 (reporting and recordkeeping requirements);

(G) 40 C.F.R. 141.76 (recycle provisions);

(12) the following provisions from 40 C.F.R. 141.80 - 141.91 (Subpart I - control of lead and copper), revised as of July 1, 2015:

(A) 40 C.F.R. 141.80 (general requirements);

(B) 40 C.F.R. 141.81 (applicability of corrosion control treatment steps to small, medium-size and large water systems);

(C) 40 C.F.R. 141.82 (description of corrosion control treatment requirements);

(D) 40 C.F.R. 141.83 (source water treatment requirements);

(E) 40 C.F.R. 141.84 (lead service line replacement requirements);

(F) 40 C.F.R. 141.85 (public education and supplemental monitoring requirements);

(G) 40 C.F.R. 141.86 (monitoring requirements for lead and copper in tap water);

(H) 40 C.F.R. 141.87 (monitoring requirements for water quality parameters);

(I) 40 C.F.R. 141.88 (monitoring requirements for lead and copper in source water);

(J) 40 C.F.R. 141.89 (analytical methods);

(K) 40 C.F.R. 141.90 (reporting requirements);

(L) 40 C.F.R. 141.91 (recordkeeping requirements);

(13) the following provisions from 40 C.F.R. 141.130 - 141.135 (Subpart L - disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors), revised as of July 1, 2015:

(A) 40 C.F.R. 141.130 (general requirements);

(B) 40 C.F.R. 141.131 (analytical requirements);

(C) 40 C.F.R. 141.132 (monitoring requirements);

(D) 40 C.F.R. 141.133 (compliance requirements);

(E) 40 C.F.R. 141.134 (reporting and recordkeeping requirements);

(F) 40 C.F.R. 141.135 (treatment technique for control of disinfection byproduct (DBP) precursors);

(14) the following provisions from 40 C.F.R. 141.151 - 141.155 (Subpart O - consumer confidence reports), revised as of July 1, 2015:

(A) 40 C.F.R. 141.151 (purpose and applicability of this subpart);

(B) 40 C.F.R. 141.152(b) - (d) (effective dates);

(C) 40 C.F.R. 141.153 (content of the reports);

(D) 40 C.F.R. 141.154 (required additional health information);

(E) 40 C.F.R. 141.155 (report delivery and recordkeeping);

(F) Appendix A to 40 C.F.R. Part 141, Subpart O (regulated contaminants);

(15) the following provisions from 40 C.F.R. 141.170 - 141.175 (Subpart P – enhanced filtration and disinfection - systems serving 10,000 or more people), revised as of July 1, 2015:

- (A) 40 C.F.R. 141.170 (general requirements);
- (B) 40 C.F.R. 141.171 (criteria for avoiding filtration);
- (C) 40 C.F.R. 141.172 (disinfection profiling and benchmarking);
- (D) 40 C.F.R. 141.173 (filtration);
- (E) 40 C.F.R. 141.174 (filtration sampling requirements);
- (F) 40 C.F.R. 141.175 (reporting and recordkeeping requirements);

(16) the following provisions from 40 C.F.R. 141.201 - 141.211 (Subpart Q - public notification of drinking water violations), revised as of July 1, 2015:

- (A) 40 C.F.R. 141.201 (general public notification requirements);
- (B) 40 C.F.R. 141.202 (Tier 1 public notice - form, manner, and frequency of notice);
- (C) 40 C.F.R. 141.203 (Tier 2 public notice - form, manner, and frequency of notice);
- (D) 40 C.F.R. 141.204 (Tier 3 public notice - form, manner, and frequency of notice);
- (E) 40 C.F.R. 141.205 (content of the public notice);
- (F) 40 C.F.R. 141.206 (notice to new billing units or new customers);
- (G) 40 C.F.R. 141.207 (special notice of the availability of unregulated contaminant monitoring results);
- (H) 40 C.F.R. 141.208 (special notice for exceedance of the SMCL for fluoride);
- (I) 40 C.F.R. 141.210 (notice by primacy agency on behalf of the public water system);



(J) 40 C.F.R.141.211 (special notice for repeated failure to conduct monitoring of the source water for *Cryptosporidium* and for failure to determine bin classification of mean *Cryptosporidium* level);

(K) Appendix A to 40 C.F.R. Part 141, Subpart Q (NPDWR violations and other situations requiring public notice);

(L) Appendix B to 40 C.F.R. Part 141, Subpart Q (standard health effects language for public notification);

(M) Appendix C to 40 C.F.R. Part 141, Subpart Q (list of acronyms used in public notification regulation);

(17) the following provisions from 40 C.F.R. 141.400 – 141.405 (Subpart S – groundwater rule), revised as of July 1, 2015:

(A) 40 C.F.R. 141.400 (general requirements and applicability);

(B) 40 C.F.R. 141.401 (sanitary surveys for ground water systems);

(C) 40 C.F.R. 141.402 (ground water source microbial monitoring and analytical methods);

(D) 40 C.F.R. 141.403 (treatment technique requirements for ground water systems);

(E) 40 C.F.R. 141.404 (treatment technique violations for ground water systems);

(F) 40 C.F.R. 141.405 (reporting and recordkeeping for ground water systems).

(18) the following provisions from 40 C.F.R. 141.500 - 141.571 (Subpart T - enhanced filtration and disinfection - systems serving fewer than 10,000 people), revised as of July 1, 2015, except that the term "you" means the owner or operator:

(A) 40 C.F.R. 141.500 (general requirements);

(B) 40 C.F.R. 141.501 (Who is subject to the requirements of Subpart T?);

(C) 40 C.F.R. 141.502 (When must my system comply with these requirements?), except that the phrase "January 1, 2005" is revised to read "August 19, 2006";

(D) 40 C.F.R. 141.503 (What does Subpart T require?);

(E) 40 C.F.R. 141.510 (Is my system subject to the new finished water reservoir requirements?);

(F) 40 C.F.R. 141.511 (What is required of new finished water reservoirs?);

(G) 40 C.F.R. 141.520 (Is my system subject to the updated watershed control requirements?);

(H) 40 C.F.R. 141.521 (What updated watershed control requirements must my unfiltered system implement to continue to avoid filtration?);

(I) 40 C.F.R. 141.522 (How does the state determine whether my system's watershed control requirements are adequate?);

(J) 40 C.F.R. 141.530 (What is a disinfection profile and who must develop one?);

(K) 40 C.F.R. 141.531 (What criteria must a state use to determine that a

profile is unnecessary?);

(L) 40 C.F.R. 141.532 (How does my system develop a disinfection profile and when must it begin?);

(M) 40 C.F.R. 141.533 (What data must my system collect to calculate a disinfection profile?);

(N) 40 C.F.R. 141.534 (How does my system use this data to calculate an inactivation ratio?);

(O) 40 C.F.R. 141.535 (What if my system uses chloramines, ozone, or chlorine dioxide for primary disinfection?);

(P) 40 C.F.R. 141.536 (My system has developed an inactivation ratio; what must we do now?);

(Q) 40 C.F.R. 141.540 (Who has to develop a disinfection benchmark?);

(R) 40 C.F.R. 141.541 (What are significant changes to disinfection practice?);

(S) 40 C.F.R. 141.542 (What must my system do if we are considering a significant change to disinfection practices?);

(T) 40 C.F.R. 141.543 (How is the disinfection benchmark calculated?);

(U) 40 C.F.R. 141.544 (What if my system uses chloramines, ozone, or chlorine dioxide for primary disinfection?);

(V) 40 C.F.R. 141.550 (Is my system required to meet Subpart T combined filter effluent turbidity limits?);

(W) 40 C.F.R. 141.551 (What strengthened combined filter effluent turbidity limits must my system meet?);

(X) 40 C.F.R. 141.552 (My system consists of "alternative filtration" and is required to conduct a demonstration - what is required of my system and how does the state establish my turbidity limits?);

(Y) 40 C.F.R. 141.553 (My system practices lime softening - is there any special provision regarding my combined filter effluent?);

(Z) 40 C.F.R. 141.560 (Is my system subject to individual filter turbidity requirements?);

(AA) 40 C.F.R. 141.561 (What happens if my system's turbidity monitoring equipment fails?);

(BB) 40 C.F.R. 141.562 (My system only has two or fewer filters - is there any special provision regarding individual filter turbidity monitoring?);

(CC) 40 C.F.R. 141.563 (What follow-up action is my system required to take based on continuous turbidity monitoring?);

(DD) 40 C.F.R. 141.564 (My system practices lime softening - is there any special provision regarding my individual filter turbidity monitoring?);

(EE) 40 C.F.R. 141.570 (What does Subpart T require that my system report to the state?);

(FF) 40 C.F.R. 141.571 (What records does Subpart T require my system to keep?);

(19) the following provisions from 40 C.F.R.141.600 - 141.605 (Subpart U - initial distribution system evaluations), revised as of July 1, 2015, except that the term "you" means the owner or operator:

(A) 40 C.F.R. 141.600 (general requirements);

- (B) 40 C.F.R. 141.601 (standard monitoring);
- (C) 40 C.F.R. 141.602 (system specific studies);
- (D) 40 C.F.R. 141.603 (40/30 certification);
- (E) 40 C.F.R. 141.604 (very small system waivers);
- (F) 40 C.F.R. 141.605 (Subpart V compliance monitoring location recommendations);

(20) the following provisions from 40 C.F.R.141.620 - 141.629 (Subpart V - Stage 2 disinfection byproducts requirements), revised as of July 1, 2015, except that the term "you" means the owner or operator:

- (A) 40 C.F.R. 141.620 (general requirements);
- (B) 40 C.F.R. 141.621 (routine monitoring);
- (C) 40 C.F.R. 141.622 (Subpart V monitoring plan);
- (D) 40 C.F.R. 141.623 (reduced monitoring);
- (E) 40 C.F.R. 141.624 (additional requirements for consecutive systems);
- (F) 40 C.F.R. 141.625 (conditions requiring increased monitoring);
- (G) 40 C.F.R. 141.626 (operational evaluation levels);
- (H) 40 C.F.R. 141.627 (requirements for remaining on reduced TTHM and HAA5 monitoring based on Subpart L results);
- (I) 40 C.F.R. 141.628 (requirements for remaining on increased TTHM and HAA5 monitoring based on Subpart L results);
- (J) 40 C.F.R. 141.629 (reporting and recordkeeping requirements);

(21) the following provisions from 40 C.F.R. 141.700 - 141.723 (Subpart W - enhanced treatment for *Cryptosporidium*), revised as of July 1, 2015:

- (A) 40 C.F.R. 141.700 (general requirements);
- (B) 40 C.F.R. 141.701 (source water monitoring);
- (C) 40 C.F.R. 141.702 (sampling schedules);
- (D) 40 C.F.R. 141.703 (sampling locations);
- (E) 40 C.F.R. 141.704 (analytical methods);
- (F) 40 C.F.R. 141.705 (approved laboratories);
- (G) 40 C.F.R. 141.706 (reporting source water monitoring results);
- (H) 40 C.F.R. 141.707 (grandfathering previously collected data);
- (I) 40 C.F.R. 141.708 (requirements when making a significant change in disinfection practice);
- (J) 40 C.F.R. 141.709 (developing the disinfection profile and benchmark);
- (K) 40 C.F.R. 141.710 (bin classification for filtered systems);
- (L) 40 C.F.R. 141.711 (filtered system additional *Cryptosporidium* treatment requirements);
- (M) 40 C.F.R. 141.712 (unfiltered system *Cryptosporidium* treatment requirements);
- (N) 40 C.F.R. 141.713 (schedule for compliance with *Cryptosporidium* treatment requirements);
- (O) 40 C.F.R. 141.714 (requirements for uncovered finished water storage facilities);
- (P) 40 C.F.R. 141.715 (microbial toolbox options for meeting *Cryptosporidium* treatment requirements);

- (Q) 40 C.F.R. 141.716 (source toolbox components);
- (R) 40 C.F.R. 141.717 (pre-filtration treatment toolbox components);
- (S) 40 C.F.R. 141.718 (treatment performance toolbox components);
- (T) 40 C.F.R. 141.719 (additional filtration toolbox components);
- (U) 40 C.F.R. 141.720 (inactivation toolbox components);
- (V) 40 C.F.R. 141.721 (reporting requirements);
- (W) 40 C.F.R. 141.722 (recordkeeping requirements);
- (X) 40 C.F.R. 141.723 (requirements to respond to significant

deficiencies identified in sanitary surveys performed by EPA);

(22) the following provisions from 40 C.F.R. 141.851 – 141.861 (Subpart Y – revised total coliform rule), revised as of July 1, 2015:

- (A) 40 C.F.R. 141.851 (general);
- (B) 40 C.F.R. 141.852 (analytical methods and laboratory certification);
- (C) 40 C.F.R. 141.853 (general monitoring requirements for all public

water systems;

(D) 40 C.F.R. 141.854 (routine monitoring requirements for non-community water systems serving 1,000 or fewer people using only ground water), except 40 C.F.R. 141.854(d), (e), and (h) are not adopted;

(E) 40 C.F.R. 141.855 (routine monitoring requirements for community water systems serving 1,000 or fewer people using only ground water), except 40 C.F.R. 141.855(d) is not adopted, and in 40 C.F.R. 141.855(e), the phrase "until it meets the reduced monitoring requirements in paragraph (d) of this section" is not adopted;

(F) 40 C.F.R. 141.856 (routine monitoring requirements for subpart H public water systems of this part serving 1,000 or fewer people);

(G) 40 C.F.R. 141.857 (routine monitoring requirements for public water systems of this part serving more than 1,000 people);

(H) 40 C.F.R. 141.858 (repeat monitoring and *E. coli* requirements)

(I) 40 C.F.R. 141.859 (coliform treatment technique triggers and assessment requirements for protection against potential fecal contamination);

(J) 40 C.F.R. 141.860 (violations);

(K) 40 C.F.R. 141.861 (reporting and recordkeeping);

(23) the following provisions from 40 C.F.R. 142.16, revised as of July 1, 2015:

(A) 40 C.F.R. 142.16(b)(3)(i) (Sanitary survey) for surface water systems, including GWUDISW systems;

(B) 40 C.F.R. 142.16(o)(2)(i) (State practices or procedures for sanitary surveys) for groundwater systems;

(24) the following provisions from 40 C.F.R. 142.20 - 142.24 (Subpart C - review of state-issued variances and exemptions), revised as of July 1, 2015:

(A) 40 C.F.R. 142.20 (state-issued variances and exemptions under Section 1415(a) and Section 1416 of the Act);

(B) 40 C.F.R. 142.21 (state consideration of a variance or exemption request);

(25) the following provisions from 40 C.F.R. 142.40 - 142.46 (Subpart E - variances issued by the administrator under Section 1415(a) of the Act), revised as of July 1, 2015, except that the term "administrator" means "department":



- (A) 40 C.F.R. 142.40 (requirements for a variance);
- (B) 40 C.F.R. 142.41 (variance request);
- (C) 40 C.F.R. 142.42 (consideration of a variance request);
- (D) 40 C.F.R. 142.43 (disposition of a variance request);
- (E) 40 C.F.R. 142.44 (public hearings on variances and schedules);
- (F) 40 C.F.R. 142.45 (action after hearing);
- (G) 40 C.F.R. 142.46 (alternative treatment techniques);

(26) the following provisions from 40 C.F.R. 142.50 - 142.57 (Subpart F - exemptions issued by the administrator), revised as of July 1, 2015, except that the term "administrator" means "department":

- (A) 40 C.F.R. 142.50 (requirements for an exemption);
- (B) 40 C.F.R. 142.51 (exemption request);
- (C) 40 C.F.R. 142.52 (consideration of an exemption request);
- (D) 40 C.F.R. 142.53 (disposition of an exemption request);
- (E) 40 C.F.R. 142.54 (public hearings on exemption schedules);
- (F) 40 C.F.R. 142.55 (final schedule);
- (G) 40 C.F.R. 142.56 (extension of date for compliance);
- (H) 40 C.F.R. 142.57 (bottled water, point-of-use, and point-of-entry devices);

(27) the following provisions from 40 C.F.R. 142.60 - 142.65 (Subpart G - identification of best technology, treatment techniques or other means generally available), revised as of July 1, 2015:

- (A) 40 C.F.R. 142.60 (variances from the maximum contaminant level for

total trihalomethanes);

(B) 40 C.F.R. 142.61 (variances from the maximum contaminant level for fluoride);

(C) 40 C.F.R. 142.62 (variances and exemptions from the maximum contaminant levels for organic and inorganic chemicals);

(D) 40 C.F.R. 142.65 (variances and exemptions from the maximum contaminant levels for radionuclides);

(28) the following provisions from 40 C.F.R. 142.301 - 142.313 (Subpart K - variances for small system), revised as of July 1, 2015, except that the term "administrator" means "department":

(A) 40 C.F.R. 142.301 (What is a small system variance?); however, the last sentence of 40 C.F.R. 142.301 is not adopted;

(B) 40 C.F.R. 142.302(a) (Who can issue a small system variance?);

(C) 40 C.F.R. 142.303 (Which size public water systems can receive a small system variance?);

(D) 40 C.F.R. 142.304 (For which of the regulatory requirements is a small system variance available?);

(E) 40 C.F.R. 142.305 (When can a small system variance be granted by a state?);

(F) 40 C.F.R. 142.306 (What are the responsibilities of the public water system, state and the administrator in ensuring that sufficient information is available and for evaluation of a small system variance application?);

(G) 40 C.F.R. 142.307 (What terms and conditions must be included in a small system variance?);

(H) 40 C.F.R. 142.308 (What public notice is required before a state or the administrator proposes to issue a small system variance?); however, in 40 C.F.R. 142.308(b), the phrase "the State equivalent to the Federal Register or" is not adopted;

(I) 40 C.F.R. 142.309 (What are the public meeting requirements associated with the proposal of a small system variance?);

(J) 40 C.F.R. 142.310(a) (How can a person served by the public water system obtain EPA review of a state proposed small system variance?);

(29) 40 C.F.R. 143.3 (national secondary drinking water regulations - secondary maximum contaminant levels), revised as of July 1, 2015;

(30) 40 C.F.R. 143.4 (national secondary drinking water regulations - monitoring), revised as of July 1, 2015.

(Eff. 10/1/99, Register 151; am 8/23/2000, Register 155; am 3/25/2001, Register 157; am 9/28/2001, Register 159; am 1/11/2004, Register 169; am 5/2/2004, Register 170; am 8/26/2004, Register 171; am 1/11/2006, Register 177; am 8/19/2006, Register 179; am 11/9/2006, Register 180; am 4/24/2009, Register 190; am 11/20/2009, Register 192; am 7/25/2010, Register 195; am 11/11/2010, Register 196; am 5/20/2011, Register 198; am 12/13/2014, Register 212; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020            AS 46.03.710            AS 46.03.720  
AS 46.03.050

18 AAC 80.015(e)(1) is amended to read:

(1) a method that conforms to ANSI/AWWA Standard **A100-06** [A100-97],  
*Water Wells*, and Appendix H to ANSI/AWWA Standard **A100-06** [A100-97]  
(Decommissioning of Test Holes, Partially Completed Wells, and Abandoned Completed Wells),  
adopted by reference in 18 AAC 80.010(b); or  
(Eff. 10/1/99, Register 151; am 1/11/2006, Register 177; am 8/19/2006, Register 179; am  
4/24/2009, Register 190; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 [AS 46.03.070] AS 46.03.720  
AS 46.03.050 AS 46.03.710

18 AAC 80.020(a), Table A, is amended to read:

**18 AAC 80.020. Minimum separation distances.** A person may not construct, install, maintain, or operate a public water system unless the minimum separation distances in Table A, in this subsection, are maintained between a potential source of contamination and a drinking water source for the public water system.

<b>TABLE A. Minimum Separation Distances Between                      Drinking Water Sources and Potential Sources of Contamination</b> Measured horizontally in feet		
<b>Type of Drinking Water System</b>		
<b>Potential Sources of Contamination</b>	<b>Community Water Systems,                      Non-transient Non-Community                      Water Systems, and Transient                      Non-Community Water                      Systems</b>	<b>[CLASS C                      PUBLIC                      WATER                      SYSTEMS]</b>
Wastewater treatment works, <sup>b</sup> wastewater disposal system, <sup>b</sup> pit privy, <sup>b</sup> sewer manhole, lift station, cleanout	200	[150]
Community sewer line, holding tank, <sup>b</sup> other potential sources of contamination <sup>c</sup>	200	[100]
Private sewer line, petroleum lines and storage tanks, <sup>d</sup> drinking water treatment waste <sup>e</sup>	100	[75]

**Notes to Table A:**

<sup>a</sup> These minimum distances will be expanded, or additional monitoring will be required under 18 AAC 80.020(b) and (e)(2).

<sup>b</sup> Distance to a drinking water source is measured from the nearest edge of the drinking water

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source to the nearest edge of the potential source of contamination.

<sup>c</sup> Other potential sources of contamination include sanitary landfills, domestic animal and agricultural waste, and industrial discharge lines.

<sup>d</sup> The minimum separation distances for petroleum storage tanks do not apply to tanks that contain propane, or to above-ground storage tanks or drums that, in the aggregate, have a storage capacity of less than 500 gallons of petroleum products, and that store only petroleum products necessary for the operation and maintenance of pumps, power generation systems, or heating systems associated with a potable water source.

<sup>e</sup> Drinking water treatment wastes include the backwash water from filters and water softeners, and the reject water from reverse osmosis units.

18 AAC 80.020(c)(1) is amended to read:

(1) be sealed by a registered engineer; [A REPORT FOR A CLASS C PUBLIC WATER SYSTEM DOES NOT HAVE TO BE SEALED BY A REGISTERED ENGINEER IF THE DEPARTMENT DETERMINES THAT]

18 AAC 80.020(c)(1)(A) and (B) are repealed:

(A) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_;

(B) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_;

(Eff. 10/1/99, Register 151; am 8/19/2006, Register 179; am 7/25/2010, Register 195; am 11/11/2010, Register 196; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 44.46.020            AS 46.03.050            AS 46.03.720  
                 AS 46.03.020            AS 46.03.710

18 AAC 80.035(b)(1) – (3) is amended to read:

(1) the department is aware of a **condition that poses a threat to the**

**microbiological quality of water** [SANITARY DEFECT];

(2) the system is in violation of the MCL for **Escherichia coli** [TOTAL COLIFORM] bacteria set by **40 C.F.R. 141.63(c) – (d)** [40 C.F.R. 141.63(a) – (b)], adopted by reference in 18 AAC 80.010(a); or

(3) the department determines that a significant potential exists for violation of the MCL for **Escherichia coli** [TOTAL COLIFORM] bacteria set by **40 C.F.R. 141.63(c) – (d)** [40 C.F.R. 141.63(a)–(b)], adopted by reference in 18 AAC 80.010(a).

(Eff. 10/1/99, Register 151; am 3/25/2001, Register 157; am 11/9/2006, Register 180; am 4/24/2009, Register 190; am 7/25/2010, Register 195; am 5/20/2011, Register 198; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

The section title of 18 AAC 80.050 is amended to read:

**18 AAC 80.050. Deficiencies, sanitary defects, and corrective actions.**

18 AAC 80.050(a)(2) is amended to read:

(2) to prevent or remedy a deficiency **or sanitary defect** that does not directly or indirectly cause, or have the potential to cause, a risk to public health.

18 AAC 80.050(b)(2) is amended to read:

(2) the department determines that corrective action, but not necessarily a corrective action plan, is required to prevent or remedy a risk to public health, regardless of whether the direct, indirect, or potential cause of that risk is a deficiency **or sanitary defect**.

18 AAC 80.050(c)(2) is amended to read:

(2) the department determines that a corrective action plan is required to prevent or remedy a risk to public health, regardless of whether the direct, indirect, or potential cause of that risk is a deficiency **or sanitary defect**.

18 AAC 80.050(d) is amended to read:

(d) If the department requires corrective action under (a), (b), or (c) of this section, the deficiency **or sanitary defect**, or the direct, indirect, or potential cause of a risk to public health, will be considered to be adequately addressed only when corrective action has been approved by the department or completed in accordance with a corrective action plan approved by the department. (Eff. 5/20/2011, Register 198; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720

AS 46.03.050

The introductory language of 18 AAC 80.055(a) is amended to read:

**18 AAC 80.055. Public water system emergency preparedness requirements.** (a)

The owner **or authorized representative** of a community water system serving 1,000 or more



individuals or a non-transient non-community water system serving 1,000 or more individuals shall

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The introductory language of 18 AAC 80.055(b) is amended to read:

(b) **Except as provided under (e) of this section, the** [THE] owner **or authorized representative** of a community water system serving fewer than 1,000 individuals, a non-transient non-community water system serving fewer than 1,000 individuals, or a transient non-community water system serving 1,000 or more individuals shall

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18 AAC 80.055(e) is repealed and readopted to read:

(e) An emergency priority measures plan for a system subject to (b) of this section  
(1) must comply with (d)(4)(C), (5), (6), and (8) of this section, except as provided under (A) and (B) of this paragraph:

(A) the owner **or authorized representative** of a transient non-community water system subject to (b) of this section may, in the emergency priority measures plan, elect to terminate service during an emergency instead of identifying alternate water supplies under (d)(8) of this section;

(B) the department may, on a case-by-case basis after consultation with a system, amend or waive the requirements set out under (1) of this subsection;

(2) must set out a plan for annually training staff in each component of the emergency priority measures plan;

18 AAC 80.055(g) is amended to read:

(g) The owner **or authorized representative** of a public water system subject to this section shall submit to the department an initial certification of compliance, on a form provided by the department and subject to 18 AAC 80.1900, as follows:

(1) for a public water system described in (a) of this section that is in operation on August 20, 2012, no later than 18 months after August 20, 2012, the owner **or authorized representative** shall certify that the system complies with the requirements of (a)(1) and (2) of this section;

(2) for a public water system subject to (b) of this section that is in operation on August 20, 2012, no later than 12 months after August 20, 2012, the owner **or authorized representative** shall certify that the system complies with the requirements of (b)(1) of this section;

(3) for a new public water system subject to (a) of this section that first becomes operational after August 20, 2012, no later than 60 days after receiving its approval to operate under 18 AAC 80.210(i) or (j), whichever comes first, in addition to complying with 18 AAC 80.207(d)(4), the owner **or authorized representative** shall certify that the system complies with the requirements of (a)(1) and (2) of this section.

(4) for a new public water system subject to (b) of this section that first becomes operational after August 20, 2012, no later than 60 days after receiving its approval to operate under 18 AAC 80.210(i) or (j), whichever comes first, in addition to complying with 18 AAC 80.207(d)(4), the owner **or authorized representative** shall certify that the system complies with the requirements of (b)(1) of this section.

18 AAC 80.055(h) is amended to read:

(h) The owner **or authorized representative** of a public water system subject to this section shall submit to the department, on a form provided by the department and subject to 18 AAC 80.1900, a **biennial** renewal of its certification of compliance, as set out under (a)(3) or (b)(2) of this section as applicable, **not** [NO] later than **December 31 of the calendar year that is two years after the year of initial certification; subsequent renewals must be submitted no later than December 31 of the calendar year every two years thereafter** [60 DAYS BEFORE EACH BIENNIAL ANNIVERSARY OF ITS INITIAL CERTIFICATION].

(Eff. 8/20/2012, Register 203; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

The introductory language of 18 AAC 80.200(a) is amended to read:

(a) The department will classify each public water system as a community water system, non-transient non-community water system, **or** transient non-community water system, [OR CLASS C PUBLIC WATER SYSTEM,] based on information

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18 AAC 80.200(h), (i), and (j) are repealed:

(h) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_.

(i) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_.

(j) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_.

(Eff. 10/1/99, Register 151; am 3/25/2001, Register 157; am 4/24/2009, Register 190; am

7/25/2010, Register 195; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

18 AAC 80.205(c)(2), Table B, is amended to read:

(2) for a public water system proposing to use a new source, the results of raw water testing, conducted before operation, as shown in Table B of this paragraph; and

<b>Table B. Minimum Raw Water Testing Requirements for a System Proposing to Use a New Water Source</b>						
	<b>Community or Non-Transient Non-Community</b>		<b>Transient Non-Community</b>		<b>[CLASS C]</b>	
	<b>Ground water</b>	<b>Surface Water</b>	<b>Ground water</b>	<b>Surface Water</b>	<b>[GROUND] [WATER]</b>	<b>[SURFACE] [WATER]</b>
Total Coliform Bacteria	Yes	Yes	Yes	Yes	[YES]	[YES]
Inorganic Chemicals (not including asbestos)	Yes	Yes	No	No	[NO]	[NO]
Nitrate	Yes	Yes	Yes	Yes	[YES]	[YES]
Nitrite	Yes	Yes	Yes	Yes	[YES]	[YES]
Volatile Organic	Yes	Yes	No	No	[NO]	[NO]

Chemicals						
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(Eff. 10/1/99, Register 151; am 1/11/2006, Register 177; am 8/19/2006, Register 179; am 4/24/2009, Register 190; am 7/25/2010, Register 195; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

18 AAC 80.300(b)(4) is amended to read:

(4) for Escherichia coli [TOTAL COLIFORM] bacteria, the MCL set out in **40 C.F.R. 141.63(c) and (d)** [40 C.F.R. 141.63(a) and (b)], adopted by reference in

18 AAC 80.010(a);

(Eff. 10/1/99, Register 151; am 9/28/2001, Register 159; am 1/11/2004, Register 169; am 5/2/2004, Register 170; am 1/11/2006, Register 177; am 11/9/2006, Register 180; am 4/24/2009, Register 190; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 [AS 46.03.070] AS 46.03.720  
AS 46.03.050 AS 46.03.710

The introductory language of 18 AAC 80.305(f) is amended to read:

(f) The department will determine compliance with the MCL for Escherichia coli [TOTAL COLIFORM] bacteria, set under 18 AAC 80.300(b)(4), **in accordance with 40 C.F.R. 141.860, adopted by reference at 18 AAC 80.010(a); the determination includes the following** [AS FOLLOWS]:

...

(Eff. 10/1/99, Register 151; am 9/28/2001, Register 159; am 1/11/2004, Register 169; am 1/11/2006, Register 177; am 4/24/2009, Register 190; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 [AS 46.03.070] AS 46.03.720  
AS 46.03.050 AS 46.03.710

18 AAC 80.310(c) is repealed:

(c) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_.

18 AAC 80.310(e)(2) is amended to read:

(2) submit to the department the results of [ONE] total coliform **analyses in accordance with the approved sample siting plan under 18 AAC 80.410 for that water haul public water system** [ANALYSIS PER MONTH PER VEHICLE, UNLESS THE DEPARTMENT, IN WRITING, REDUCES THE MONITORING FREQUENCY. THE DEPARTMENT WILL REDUCE THE MONITORING FREQUENCY IF, IN THE PREVIOUS 12 MONTHS DURING WHICH THE WATER HAULER PROVIDED WATER TO THE PUBLIC, THE WATER HAULER DID NOT HAVE A TOTAL COLIFORM MONITORING VIOLATION. THE DEPARTMENT WILL NOT REDUCE THE MONITORING FREQUENCY TO LESS THAN ONE SAMPLE PER QUARTER PER WATER HAULER].

The introductory language of 18 AAC 80.310(f) is amended to read:

(f) A public water system with a primary water source that is a rain catchment system is exempt from the monitoring requirements of **(a) – (b) and (d) – (e)** [(a)-(e)] of this section. The owner or operator shall meet the following monitoring requirements:

• • •

18 AAC 80.310(f)(1)(A)(iv) is amended to read:

(iv) the provisions of **18 AAC 80.400 - 18 AAC 80.445**

[18 AAC 80.400 - 18 AAC 80.430 AND 18 AAC 80.440] for coliform bacteria;

(Eff. 10/1/99, Register 151; am 9/28/2001, Register 159; am 8/19/2006, Register 179; am

4/24/2009, Register 190; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 [AS 46.03.070] AS 46.03.720

AS 46.03.050 AS 46.03.710

18 AAC 80.355(b) is amended to read:

(b) For a report of an analysis indicating nitrate in excess of the contaminant level set by 18 AAC 80.300(b)(1), or indicating **the presence of** [POSITIVE] coliform bacteria,

(1) oral, [OR] facsimile, **or electronic mail notice** must be given to the department’s local drinking water program office closest to the public water system and to the owner or operator as soon as possible after the analysis results are known; and

(2) written notice, **if not already provided under (1) of this subsection,** must be sent to the department and to the owner or operator within 24 hours after the analysis results are known, **but in no case shall written notice be provided later than the end of the next business day after the analysis results are known.**

(Eff. 10/1/99, Register 151; am 4/24/2009, Register 190; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 [AS 46.03.070] AS 46.03.720  
AS 46.03.050 AS 46.03.710

The section listing of 18 AAC 80 Article 4 is amended to read:

**Section**

400. Applicability of coliform bacteria requirements

405. Routine monitoring

410. Sample siting plan review and approval

415. Repeat monitoring

420. **Total** [FECAL TOTAL] coliform and *Escherichia coli* (*E. coli*) testing and laboratory reporting

425. Invalidation of total coliform samples

430. Sanitary surveys

435. Application, training, examination, and approval requirements for sanitary survey inspectors

438. **Renewal** [APPROVAL FOR RENEWAL] **of approval for a sanitary survey inspector**

439. Revocation of approval **for a sanitary survey inspector**

440. **Repealed**

**443. Level 1 assessment requirements**

**445. Level 2 assessment requirements**



18 AAC 80.400 is amended to read:

**18 AAC 80.400. Applicability of coliform bacteria requirements.** The requirements of **18 AAC 80.400 – 18 AAC 80.445** [18 AAC 80.400 – 18 AAC 80.430 AND 18 AAC 80.440] apply [ONLY] to the owner or operator of a **public** [COMMUNITY WATER SYSTEM, NON-TRANSIENT NON-COMMUNITY WATER SYSTEM, OR TRANSIENT NON-COMMUNITY] water system, [OR] a certified laboratory that analyzes a sample from that system, **or a person who conducts sanitary surveys and assessments**. (Eff. 10/1/99, Register 151; am 4/24/2009, Register 190; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 [AS 46.03.070] AS 46.03.720  
AS 46.03.050 AS 46.03.710

18 AAC 80.405 is repealed and readopted to read:

**18 AAC 80.405. Routine monitoring.** (a) **General monitoring requirements for a public water system.** The operator of a public water system shall collect total coliform samples at sites that are representative of water throughout the distribution system according to a written sample siting plan that complies with 40 C.F.R. 141.853(a) and (b), adopted by reference at 18 AAC 80.010(a), and with 18 AAC 80.410;

(1) the minimum number of routine samples required for a water system is as follows:

(A) for a non-community groundwater system serving 1,000 or fewer people that operates year-round: one sample per quarter;

(B) for a seasonal non-community groundwater system serving 1,000 or fewer people: one sample per month during operation; monitoring may be reduced to

quarterly as allowed under (b)(1) of this section;

(C) for a community water system using groundwater and serving 1,000 or fewer people: one sample per month; quarterly monitoring may be allowed as set out under (c)(1) of this section;

(D) for a system using surface water or GWUDISW and serving 1,000 or fewer people: one sample per month;

(E) any public water system that serves more than 1,000 people: the number of samples per month as shown in the table, "Total Coliform Monitoring Frequency for Public Water Systems Serving More than 1,000 People," in 40 C.F.R. 141.857(b), adopted by reference in 18 AAC 80.010(a);

(2) the department will not allow a monitoring frequency for a public water system of less than one sample per quarter;

(3) for assessment requirements in 40 C.F.R. 141.854-141.860, adopted by reference in 18 AAC 80.010(a), the owner or operator shall also comply with the assessment requirements at 18 AAC 80.443 or 18 AAC 80.445, as applicable;

**(b) Routine monitoring requirements for a non-community water system serving 1,000 or fewer people and using only groundwater.** In addition to the requirements of 40 C.F.R. 141.854, adopted by reference at 18 AAC 80.010(a), the department specifies the following:

(1) under 40 C.F.R. 141.854(c), if a system is monitoring monthly as of April 1, 2016, the department will allow quarterly monitoring as follows:

(A) for a water system that operates year-round that is on increased monitoring under 40 C.F.R. 141.854(f), the department will, in writing, return the system

to a monitoring frequency of not less than quarterly if the

(i) owner requests the reduction in writing; and

(ii) system meets the criteria set out at 40 C.F.R. 141.854(g); the

system must be supplied by a protected groundwater source as defined at

18 AAC 80.1990(a);

(B) for a seasonal water system, the department will, in writing, reduce

the monitoring frequency to not less than quarterly if the

(i) owner requests the reduction in writing;

(ii) system meets the criteria set out at 40 C.F.R. 141.854(g); the

system must be supplied by a protected groundwater source as defined at

18 AAC 80.1990(a); and

(iii) meets the applicable requirements of 40 C.F.R. 141.854(i),

adopted by reference at 18 AAC 80.010(a); under 40 C.F.R. 141.854(i)(2)(i), the

department requires the system to use the system's periods of highest demand as

the site-specific consideration on which the system's sample siting plan is based;

(2) for a seasonal water system, the department,

(A) under 40 C.F.R. 141.854(i)(1), requires the owner or operator to

submit, subject to the report certification requirements of 18 AAC 80.1900, system start-

up information to the department on a current form provided, and in a format approved,

by the department, within the first 10 days of serving water to the public during the new

operating season; as part of the seasonal start-up process, a separate start-up total

coliform sample that is negative for coliform bacteria is required before the system may

serve water to the public;

(B) under 40 C.F.R. 141.854(i)(3), will allow a system to be exempt from the requirement to conduct and document the start-up procedure referenced in (A) of this paragraph if the entire distribution system remains pressurized year-round;

**(c) Routine monitoring requirements for a community water system serving 1,000 or fewer people using only ground water.** In addition to the requirements of 40 C.F.R. 141.855, adopted by reference in 18 AAC 80.010(a), the department specifies the following:

(1) under 40 C.F.R. 141.855(b), (c), and (e), the only systems allowed to monitor quarterly as of April 1, 2016, are systems that were on quarterly monitoring under the schedule at 40 C.F.R. 141.21 in effect as of March 31, 2016;

(2) as of April 1, 2016, if a system that was on quarterly monitoring returns to routine monthly monitoring under 40 C.F.R. 141.855(e), the system will remain on monthly monitoring afterwards;

(3) a new water system that begins operations on or after April 1, 2016, must monitor monthly;

**(d) Routine monitoring requirements for a water system serving 1,000 or fewer people and using a surface water or GWUDISW source.** In addition to the requirements of 40 C.F.R. 141.856, adopted by reference at 18 AAC 80.010(a), the department specifies the following:

(1) for a seasonal water system, the department,

(A) under 40 C.F.R. 141.856(a)(4)(i), requires the owner or operator to submit, subject to the report certification requirements of 18 AAC 80.1900, system start-up information to the department on a current form provided, and in a format approved,

by the department, within the first 10 days of serving water to the public during the new operating season; as part of the seasonal start-up process, a start-up total coliform sample that is negative for coliform bacteria is required before the system may serve water to the public;

(B) under 40 C.F.R. 141.856(a)(4)(ii), will allow a system to be exempt from the requirement to conduct and document the start-up procedure referenced in (A) of this paragraph if the entire distribution system remains pressurized year-round;

(2) under 40 C.F.R. 141.856(c), adopted by reference in 18 AAC 80.010(a), for a surface water system that does not practice filtration and has a turbidity measurement exceeding one NTU, the department may extend the 24-hour coliform sample collection time if the department finds that the operator, for logistical reasons outside the operator's control, cannot have the required coliform sample analyzed within 30 hours after collection, or, for a remote area as described 18 AAC 80.350, within 48 hours after collection; the department may extend the 24-hour sample collection schedule based on the waiver criteria in (A) and (B) of this paragraph; the department will not grant a waiver under this paragraph due to a lack of sampling containers;

(A) criteria for granting a waiver that extends the sample collection time include the following:

(i) the laboratories available to the public water system cannot analyze the sample within 30 hours after collection, or, for an area described in 18 AAC 80.350, within 48 hours after collection because of limited days of operation or limited laboratory capacity;

(ii) weather conditions prevent shipment of the sample to the laboratory and analysis within 30 hours after collection, or, for an area described in 18 AAC 80.350, within 48 hours after collection;

(iii) shipping services available to the public water system are limited so that the sample cannot be shipped and analyzed within 30 hours after collection, or, for an area described in 18 AAC 80.350, within 48 hours after collection; or

(iv) another unusual or unpredictable situation, such as a wildfire or a landslide closing the road or knocking out a transmission line, makes it impossible for the public water system to meet either the 30-hour or the 48-hour sample holding time requirement.

(B) after it has been established under (A) of this paragraph that the public water system is unable to meet the 30-hour or the 48-hour sample holding time requirement, the department will grant a sample collection schedule waiver to the owner; the waiver is a written record of communication with the owner or operator describing the logistical problem and identifying an alternative sample collection schedule; the record of the waiver will be placed in the department's water system file; if the department determines that the logistical problems are likely to persist, the department may grant a standing waiver that will remain in effect for that water system until the department rescinds or revises it; the standing waiver is a written record of the department's evaluation of and determination that the logistical problems are likely to persist; the record of the standing waiver will be placed in the department's water system file.

**(e) Routine monitoring requirements for a public water system serving more than 1,000 people.** In addition to the requirements of 40 C.F.R.141.857, adopted by reference at 18 AAC 80.010(a), the department specifies the following:

(1) for a seasonal water system, the department,

(A) under 40 C.F.R. 141.857(a)(4)(i), requires the owner or operator to submit, subject to the report certification requirements of 18 AAC 80.1900, system start-up information to the department on a current form provided, and in a format approved, by the department, within the first 10 days of serving water to the public during the new operating season; as part of the seasonal start-up process, a start-up total coliform sample that is coliform negative is required before the system may serve water to the public;

(B) under 40 C.F.R. 141.857(a)(4)(ii), will allow a system to be exempt from the requirement to conduct and document the start-up procedure referenced in (A) of this paragraph if the entire distribution system remains pressurized year-round;

(2) under 40 C.F.R. 141.857(c), for a surface water system that does not practice filtration and has a turbidity measurement exceeding one NTU, the department may extend the 24-hour coliform sample collection time if the department finds that the operator, for logistical reasons outside the operator's control, cannot have the required coliform sample analyzed within 30 hours after collection, or, for a remote area as described 18 AAC 80.350, within 48 hours after collection; the department may extend the 24-hour sample collection schedule based on the waiver criteria in (A) and (B) of this paragraph; the department will not grant a waiver under this paragraph due to a lack of sampling containers;

(A) criteria for granting a waiver that extends the sample collection time include the following:

(i) the laboratories available to the public water system cannot analyze the sample within 30 hours after collection, or, for an area described in 18 AAC 80.350, within 48 hours after collection because of limited days of operation or limited laboratory capacity;

(ii) weather conditions prevent shipment of the sample to the laboratory and analysis within 30 hours after collection, or, for an area described in 18 AAC 80.350, within 48 hours after collection;

(iii) shipping services available to the public water system are limited so that the sample cannot be shipped and analyzed within 30 hours after collection, or, for an area described in 18 AAC 80.350, within 48 hours after collection; or

(iv) another unusual or unpredictable situation, such as a wildfire or a landslide closing the road or knocking out a transmission line, makes it impossible for the public water system to meet either the 30-hour or the 48-hour sample holding time requirement.

(B) after it has been established under (A) of this paragraph that the public water system is unable to meet the 30-hour or the 48-hour sample holding time requirement, the department will grant a sample collection schedule waiver to the owner; the waiver is a written record of communication with the owner or operator describing the logistical problem and identifying an alternative sample collection schedule; the record of the waiver will be placed in the department's water system file; if the department determines that the logistical problems are likely to persist, the department may grant a standing waiver that will remain in effect for that water system until the



department rescinds or revises it; the standing waiver is a written record of the department's evaluation of and determination that the logistical problems are likely to persist; the record of the standing waiver will be placed in the department's water system file. (Eff. 10/1/99, Register 151; am 4/24/2009, Register 190; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020            AS 46.03.710            AS 46.03.720  
AS 46.03.050

18 AAC 80.410 is repealed and readopted to read:

**18 AAC 80.410. Sample siting plan review and approval.** (a) The requirements of this section are in addition to the requirements of 40 C.F.R 141.853(a) and (b), adopted by reference in 18 AAC 80.010(a).

(b) A written sample siting plan, addressing appropriate coliform sampling sites and frequency, must be submitted by the owner or operator to the department for review and approval. The plan must include the following:

- (1) the public water system identification number assigned under 18 AAC 80.210(c);
- (2) the name, address, telephone number, facsimile number, and, if available, the electronic mail address of the public water system;
- (3) the name, address, telephone number, facsimile number, and, if available, the electronic mail address of the owner, operator, or designee;
- (4) the type of water source or sources;
- (5) the number of service connections;

(6) the size of the population served each month;

(7) the schedule for sampling frequency, including the number of routine samples required each month or quarter; for a seasonal system on reduced monitoring, the schedule must indicate the month or months that the water system experiences the highest use within the monitoring period;

(8) a list of sites where routine and repeat samples and other required samples will be taken during each monitoring period and the reasons for choosing those sites; the sites include the following:

(A) the sites set out in 40 C.F.R. 141.853; the department will allow an alternative sampling location for at least one repeat sample upstream or downstream of the original sampling site as allowed under 40 C.F.R. 141.853(a)(5);

(B) for a seasonal system, the location of the system start-up coliform sample taken before the system serves water to the public;

(C) for a groundwater system, the source water sampling points described in 40 C.F.R. 141.402, adopted by reference in 18 AAC 80.010(a);

(9) for a public water system with only one service connection, a narrative statement that

(A) indicates that the routine sample will be taken from the single service connection; and

(B) addresses how repeat monitoring will be done in the case of a positive routine sample, as provided under 40 C.F.R. 141.858(a)(2), adopted by reference at 18 AAC 80.010(a);

(10) a map of the water system showing the location of source waters and types, water treatment facilities, water storage facilities, distribution lines, pressure zones, the first service connection, pressure reducing stations, booster stations, dead ends and the last service connection, major commercial and industrial areas, and the areas, zones, or actual sites for routine sampling, repeat sampling, and other sampling as provided under (8) of this subsection; the owner may provide a hand-drawn map, an as-built map, a street map, or a schematic of the water system; for a large system, the owner may indicate sampling sites by dividing the distribution system into sampling zones instead of pinpointing sampling taps, and may draw sampling zones according to pressure zones, areas served by a particular source water, or areas served by a particular storage or treatment facility;

(11) other information as needed on a case-by-case basis for the department to make a determination regarding plan adequacy.

(c) Department review and approval of the sample siting plan is required.

(1) the owner shall submit a new or a revised plan to the department for review and approval, as follows:

(A) for a new public water system, before the system is allowed to serve water to the public under 18 AAC 80.210;

(B) if there is a change to the water system that may require sample siting plan revision to ensure the plan is appropriate to the system, including changes in

(i) monitoring frequency, such as quarterly to monthly;

(ii) the system's operation period;

(iii) population served;

(iv) source;

(v) the system's infrastructure;

(C) if there is a change in sampling or monitoring requirements under the applicable provisions of 40 C.F.R. 141, adopted by reference in 18 AAC 80.010(a);

(2) the owner shall keep the approved sample siting plan in the water system's files; during a sanitary survey or other department-required inspection of the system, the owner shall make the plan available to the inspector as requested; the inspector shall review the plan and shall note any deficiencies in the plan, making suggestions for improvement subject to further department review and approval;

(3) based on the department's review, the department may

(A) make revisions directly to the plan, including modifying the system's monitoring schedule if the department determines that a different schedule is appropriate for the system;

(B) require the owner to revise the plan;

(i) if a plan reviewed under this section has major deficiencies, the department will send the owner a report of these deficiencies within 30 days after receiving the plan; the owner shall submit a revised plan to the department within 30 days after receiving the report, unless the department and the owner agree in writing to another date;

(ii) if a plan reviewed under this section has minor deficiencies, the department and the owner, through consultation, shall agree in writing to a date for the owner to submit a revised plan;

(4) the department will notify the owner in writing when the sample siting plan is approved. (Eff. 10/1/99, Register 151; am 1/11/2006, Register 177; am 4/24/2009, Register 190; am 5/20/2011, Register 198; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

18 AAC 80.415 is repealed and readopted to read:

**18 AAC 80.415. Repeat monitoring.** In addition to the requirements of 40 C.F.R. 141.858, adopted by reference at 18 AAC 80.010(a), the department specifies the following:

(1) under 40 C.F.R. 141.858(a)(1), the department will, on a case-by-case basis, extend the 24-hour time limit if the owner or operator notifies the department about a logistical problem in collecting the repeat samples within 24 hours that is due to unusual and unpredictable circumstances beyond the owner's or operator's control and that makes meeting the 24-hour requirement impossible; for an extension under this paragraph, the department will specify how much time the system has to collect repeat samples;

(2) repeat samples must be collected from the repeat sampling sites designated in the system's sample siting plan as set out in 18 AAC 80.410. (Eff. 10/1/99, Register 151; am 4/24/2009, Register 190; am 7/25/2010, Register 195; am 5/20/2011, Register 198; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

18 AAC 80.420 is repealed and readopted to read:

**18 AAC 80.420. Total coliform and *Escherichia coli* (*E. coli*) testing and laboratory reporting.** (a) Under 40 C.F.R. 141.858(b), adopted by reference in 18 AAC 80.010(a), it is the responsibility of the owner or operator to ensure that the department is notified in a timely manner of a routine or repeat sample that is total coliform-positive or *Escherichia coli*-positive, notwithstanding the department's requirements under (b) and (c) of this section.

(b) The certified laboratory performing the analysis shall report a positive total-coliform bacteria analysis to the owner and to the department following the timeframe as set out in 18 AAC 80.355(b)(1) – (2). If a routine or repeat sample is total coliform positive, the certified laboratory shall analyze that total coliform-positive culture medium to determine if *Escherichia coli* bacteria are present.

(c) If the laboratory confirms the presence of *Escherichia coli*, the laboratory shall notify the department, by telephone, facsimile transmission, or electronic mail, of those results by the close of business on the day the laboratory notifies the owner. However, if the owner is notified of the results after the department office is closed, the laboratory shall notify the department before the close of business on the next working day. (Eff. 10/1/99, Register 151; am 11/9/2006, Register 180; am 4/24/2009, Register 190; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020            AS 46.03.710            AS 46.03.720  
AS 46.03.050

18 AAC 80.425 is repealed and readopted to read:

**18 AAC 80.425. Invalidation of total coliform samples.** The requirements of 40 C.F.R. 141.853(c), adopted by reference in 18 AAC 80.010(a), apply to all public water

systems and to certified laboratories that analyze drinking water samples. In addition, the department specifies the following:

(1) under 40 C.F.R. 141.853(c)(2), if a certified laboratory invalidates a sample, the laboratory shall notify the department and the owner by telephone, facsimile transmission, or electronic mail, within 24 hours after invalidating the sample;

(2) the operator must resample within 24 hours of receiving notice of the invalidated sample unless the department, on a case-by-case basis and after determining that public health is adequately protected, extends the 24-hour time limit for collecting the sample. (Eff. 10/1/99, Register 151; am 4/24/2009, Register 190; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020                      AS 46.03.710                      AS 46.03.720  
AS 46.03.050

The introductory language of 18 AAC 80.430(b) is amended to read:

(b) **Under 40 C.F.R. 142.16(b)(3)(i) and 142.16(o)(2)(i), both adopted by reference at 18 AAC 80.010(a), and except** [EXCEPT] as provided in (c) of this section, the owner of a community water system, non-transient non-community water system, or transient non-community water system shall ensure that a sanitary survey is completed, and a report filed with the department, at least every

...

18 AAC 80.430(f) is amended to read:

(f) If a significant deficiency is found during a sanitary survey inspection, and poses or has the potential to pose an imminent threat to public health or safety, the sanitary survey

inspector shall notify, by telephone, [OR] facsimile transmission, **or electronic mail**, the department of the deficiency no later than 24 hours after the deficiency is found.

(Eff. 10/1/99, Register 151; am 9/28/2001, Register 159; am 1/11/2006, Register 177; am 8/19/2006, Register 179; am 11/9/2006, Register 180; am 4/24/2009, Register 190; am 7/25/2010, Register 195; am 5/20/2011, Register 198; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

The section title of 18 AAC 80.438 is amended to read:

**18 AAC 80.438. Renewal of approval for a sanitary survey inspector** [APPROVAL FOR RENEWAL]. (Eff. 1/11/2006, Register 177; am 7/25/2010, Register 195; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

The section title of 18 AAC 80.439 is amended to read:

**18 AAC 80.439. Revocation of approval for a sanitary survey inspector.**

18 AAC 80.439(c) is amended to read:

(c) A sanitary survey inspector whose **approval** [CERTIFICATION] has been revoked under (a) of this section may not apply for **re-approval** [RE-CERTIFICATION] for 12 months after the date of revocation and must complete the requirements of 18 AAC 80.435(b). (Eff. 1/11/2006, Register 177; am 5/20/2011, Register 198; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)



**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

18 AAC 80.440 is repealed:

**18 AAC 80.440. Standard sample volume.** Repealed. (Eff. 10/1/99, Register 151; repealed \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

18 AAC 80 is amended by adding a new section to read:

**18 AAC 80.443. Level 1 assessment requirements.** (a) In addition to the requirements for a Level 1 assessment under 40 C.F.R. 141.859, adopted by reference at 18 AAC 80.010(a), the department requires the Level 1 assessment report submitted to the department by the owner or operator to

(1) be completed on a current form provided, and in a format approved, by the department;

(2) accurately describe the results of the Level 1 assessment; and

(3) be signed by the person who conducted the assessment, subject to the report certification requirements of 18 AAC 80.1900.

(b) The requirements of 18 AAC 80.050 are applicable to a Level 1 assessment. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

18 AAC 80 is amended by adding a new section to read:

**18 AAC 80.445. Level 2 assessment requirements.** (a) In addition to the requirements for a Level 2 assessment under 40 C.F.R. 141.859, adopted by reference at 18 AAC 80.010(a), the department requires the following:

(1) a person must be approved as a sanitary survey inspector under 18 AAC 80.435, 18 AAC 80.438, and 18 AAC 80.439, as appropriate, in order to conduct a Level 2 assessment inspection, complete a Level 2 assessment form, and submit a Level 2 assessment certification page to the department;

(A) the sanitary survey inspector who conducted the Level 2 assessment shall sign the Level 2 assessment report, subject to the report certification requirements of 18 AAC 80.1900;

(B) an owner, operator, or employee of a public water system may not conduct a Level 2 assessment of that system, even if the person is an approved sanitary survey inspector;

(2) if an employee of the department conducts the Level 2 assessment, the owner shall pay a fee to the department as described at 18 AAC 80.1910(a)(1);

(3) the Level 2 assessment report must

(A) be completed on a current form provided, and in a format approved, by the department; and

(B) accurately describe the results of the Level 2 inspection and assessment.

(b) The requirements of 18 AAC 80.050 are applicable to a Level 2 assessment. (Eff.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

18 AAC 80.655(1) is amended to read:

(1) under 40 C.F.R. 141.74(b)(6)(i) and (c)(3)(i), allow disinfectant residual samples to be taken at points other than the total coliform sampling points described in **the sample siting plan required under 18 AAC 80.410** [18 AAC 80.400 – 18 AAC 80.425], if the department determines that those alternative points are more representative of disinfected water quality within the distribution system; to seek department approval under this paragraph for a system that uses groundwater combined with either surface water or GWUDISW, the owner must submit a request for alternate sampling locations; the request must include the disinfectant residual sample siting plan approved by the department showing each proposed alternative sampling location, a narrative rationale for relocation of the sampling site, a description or ratio of flow of groundwater and surface water at the proposed location, the mixing zone pipe length, and the velocity of flow; as a condition for approval of an alternative sampling site, the department will require additional monitoring as the department considers necessary to verify that the disinfectant residual limit of 0.2 mg/l is being met at the approved location; if heterotrophic bacteria is measured instead of residual disinfectant concentration, it must be measured as heterotrophic plate count (HPC) under 40 C.F.R. 141.74(a), adopted by reference in 18 AAC 80.010(a);  
(Eff. 10/1/99, Register 151; am 1/11/2006, Register 177; am 11/9/2006, Register 180; am 4/24/2009, Register 190; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 [AS 46.03.070] AS 46.03.720  
AS 46.03.050 AS 46.03.710

18 AAC 80.1103(5) is amended to read:

(5) analyses for total coliform[, FECAL COLIFORM,] and *Escherichia coli* required under **18 AAC 80.400 – 18 AAC 80.445** [18 AAC 80.400 – 18 AAC 80.440] must be conducted in accordance with **40 C.F.R. 141.852 ,40 C.F.R. 141.858(b), and, if applicable, 40 C.F.R. 141.21(e)(2) and (f) as stipulated under 40 C.F.R. 141.21(h)**

[40 C.F.R. 141.21(c)(2) AND (f)], **all** adopted by reference in 18 AAC 80.010(a);

(Eff. 7/25/2010, Register 195; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.710 AS 46.03.720  
AS 46.03.050

18 AAC 80.1220(b)(2)(A) is amended to read:

(A) failure to submit to the department information required by this chapter, **including the information described under 40 C.F.R. 141.860(d), adopted by reference at 18 AAC 80.010(a)**: two points;

18 AAC 80.1220(b)(4)(B) is amended to read:

(B) failure to monitor for coliform bacteria, as required under 18 AAC 80.405 **and described at 40 C.F.R. 141.860(c), adopted by reference in 18 AAC 80.010(a)**, or to conduct nitrate and nitrite monitoring as required by 18 AAC 80.315(b)(4) – (5): four points;

18 AAC 80.1220(b)(4)(E) is amended to read:

(E) failure to meet the MCL for a contaminant for which an MCL is set under 18 AAC 80.300 other than nitrate, nitrite, or total nitrate and nitrite as set out in 40 C.F.R. 141.62(b), adopted by reference in 18 AAC 80.010(a), and other than [TOTAL] coliform bacteria as set out in **40 C.F.R. 141.63(a) – (d)** [40 C.F.R. 141.63(a) - (b)], adopted by reference in 18 AAC 80.010(a): four points;

18 AAC 80.1220(b)(6)(D) is amended to read:

(D) failure to comply with a treatment technique requirement, **including requirements described at 40 C.F.R. 141.860(b), adopted by reference in 18 AAC 80.010(a)**: six points;

18 AAC 80.1220(b)(6)(E) is amended to read:

(E) failure to meet the [MONTHLY COLIFORM] MCL **for coliform bacteria** set out in 40 C.F.R. 141.63(a) – (b), **or for *Escherichia coli* set out in 40 C.F.R. 141.63(c) – (d), both** adopted by reference in 18 AAC 80.010(a): six points; (Eff. 9/21/2002, Register 163; am 1/11/2004, Register 169; am 5/2/2004, Register 170; am 1/11/2006, Register 177; am 4/24/2009, Register 190; am 8/20/2012, Register 203; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.761 AS 46.03.850

18 AAC 80.1910(b)(4) is repealed:

(4) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_;

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(Eff. 10/1/99, Register 151; am 3/25/2001, Register 157; am 9/28/2001, Register 159; am 7/11/2002, Register 163; am 1/11/2004, Register 169; am 5/2/2004, Register 170; am 1/11/2006, Register 177; am 4/24/2009, Register 190; am 7/25/2010, Register 195; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 44.46.025 AS 46.03.050 AS 46.03.720  
AS 46.03.020 AS 46.03.710

18 AAC 80.1990(a)(14) is repealed:

(14) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_;

18 AAC 80.1990(a)(17)(C) is amended to read:

(C) those organisms able to produce the enzyme beta-galactosidase which hydrolyzes substrate present in a chemically defined medium according to EPA approved methods listed in the *Manual for the Certification of Laboratories Analyzing Drinking Water*, adopted by reference in 18 AAC 80.010(b), and in accordance with **40 C.F.R. 141.852, adopted by reference in 18 AAC 80.010(a)** [40 C.F.R. 141.21(f)];

18 AAC 80.1990(A)(20) is amended to read:

(20) "community sewer line" **has the meaning given at 18 AAC 72.990(13)**

[MEANS THAT PORTION OF A SEWERAGE SERVING

(A) ONE OR MORE MULTI-FAMILY DWELLINGS;

(B) A MOBILE HOME PARK, A TRAILER PARK, OR A RECREATIONAL VEHICLE PARK;

(C) TWO OR MORE

(I) SINGLE-FAMILY HOMES OR DUPLEXES;

(II) COMMERCIAL ESTABLISHMENTS;

(III) INDUSTRIAL ESTABLISHMENTS; OR

(IV) INSTITUTIONS; OR

(D) A COMBINATION OF TWO OR MORE OF THE STRUCTURES

LISTED IN (C)(I) – (IV) OF THIS PARAGRAPH];

18 AAC 80.1990(A)(55) is repealed:

(55) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_;

18 AAC 80.1990(a)(108) is amended to read:

(108) "private water system" means a potable water system **that is not a public water system** [SERVING ONE SINGLE-FAMILY RESIDENCE OR DUPLEX];

18 AAC 80.1990(a)(111) is repealed and readopted to read:

(111) "public water system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if the system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year; a public water system

(A) includes any collection, treatment, storage, or distribution facilities, including a water haul vehicle, under control of the operator of the system and used primarily in connection with the system;

(B) includes any collection or pretreatment storage facilities not under control of the system operator that are used primarily in connection with the system;

(C) does not include a private water system;

(D) is either a "community water system" or a "noncommunity water system";

18 AAC 80.1990(a)(125) is amended to read:

(125) "sampling site" means a location identified within [A DISTRIBUTION SYSTEM OF] a public water system where a water sample is collected for analysis;

18 AAC 80.1990(a)(126) is repealed:

(126) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_.

18 AAC 80.1990(a)(177)(A)(i) and (ii) are amended to read:

(i) a deficiency **or sanitary defect**; or

(ii) a direct, indirect, or potential cause, in whole or in part, of a risk to public health, regardless of whether that cause is a deficiency **or sanitary defect**;

18 AAC 80.1990(a)(177)(B) is amended to read:

(B) includes interim and final measures taken to remedy the deficiency, **sanitary defect**, or cause of a risk to public health;



18 AAC 80.1990(a) is amended by adding a new paragraph to read:

(181) “constructed conveyance” means, in the context of a water system, any manmade conduit for water, including ditches, culverts, waterways, flumes, mine drains, or canals; a constructed conveyance does not include a water haul vehicle or water that is delivered by bottle, other package unit, vending machine, or cooler.

18 AAC 80.1990(a) is amended by adding a new paragraph to read:

(182) "protected groundwater source" means a public water system source classified as groundwater that is protected from, or shows adequate indications of being protected from, actual or potential contamination, as follows:

- (A) the source is not GWUDISW, surface water, or groundwater vulnerable to fecal contamination;
- (B) the source complies with
  - (i) the applicable source water and well protection requirements of 18 AAC 80.015; and
  - (ii) the minimum separation distance requirements of 18 AAC 80.020; and
- (C) at least one of the following is met:
  - (i) the engineering plan review and approval requirements of 18 AAC 80.200-235 as applicable for the source;
  - (ii) the source is in a confined aquifer; or

(iii) the owner, operator, or another entity acceptable to the department implements and maintains applicable source water protection strategies as determined by the department.

(Eff. 10/1/99, Register 151; am 3/25/2001, Register 157; am 9/28/2001, Register 159; am 1/11/2004, Register 169; am 1/11/2006, Register 177; am 8/19/2006, Register 179; am 11/9/2006, Register 180; am 4/24/2009, Register 190; am 11/20/2009, Register 192; am 7/25/2010, Register 195; am 11/11/2010, Register 196; am 5/20/2011, Register 198; am 8/20/2012, Register 203; am 12/13/2014, Register 212; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.010 AS 46.03.050 AS 46.03.720  
AS 46.03.020 AS 46.03.710