

DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 80

Drinking water

Public Comment Draft

May 10, 2018

Comment Period Ends:

5:00 pm, June 15, 2018

**Bill Walker
Governor**

**Larry Hartig
Commissioner**

18 AAC 80.005(b) is amended to read:

(a) The requirements of this chapter apply to [THE OWNER OR OPERATOR OF A]

(1) **the owner or operator of a** public water system; [AND]

(2) **a** laboratory required to be certified under 18 AAC 80.1100 –

18 AAC 80.1110;

(3) a sanitary survey inspector or individual who seeks to become a sanitary survey inspector; and

(4) a person that engages in or is responsible for an activity that has a requirement in this chapter, as appropriate. (Eff. 10/1/99, Register 151; 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 80.010(a)(5)(A) is amended to read:

(A) the definitions of "Act," "action level," "bag filters," "bank filtration," **"best available technology,"** "cartridge filters," "clean compliance history," **"coagulation,"** "comprehensive performance evaluation (CPE)," "combined distribution system," **"compliance cycle," "compliance period," "confluent growth,"** "consecutive system," **"conventional filtration treatment,"** "corrosion inhibitor," **"diatomaceous earth filtration," "direct filtration," "disinfectant contact time,"** "disinfection profile," **"domestic or other nondistribution system plumbing problem,"** "dose equivalent," "dual sample sets," "effective corrosion inhibitor residual," "enhanced coagulation," "enhanced softening," "filter profile," "finished water," "first

draw sample," **"flocculation,"** "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," **"maximum contaminant level goal (MCLG)," "maximum residual disinfectant level goal (MRDLG),"** "medium-size water system," "membrane filtration," **"near the first service connection,"** "optimal corrosion control treatment," **"performance evaluation sample,"** "picocurie," "plant intake," "point of disinfectant application," "presedimentation," "rem," "sanitary defect," "seasonal system," **"sedimentation,"** "service line sample," "single family structure," **"slow sand filtration,"** "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);

18 AAC 80.010(a)(6)(B) is amended to read:

(B) **40 C.F.R. 141.22(a), (b), (d) and (e)** [40 C.F.R. 141.22(b)] (turbidity sampling and analytical requirements);

18 AAC 80.010(a)(11)(E) is amended to read:

(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_{99,9} 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_{99,9} 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)** [18 AAC 80.665(b)]";

18 AAC 80.010(a)(22)(H) is amended to read:

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

18 AAC 80.010(a) is amended by adding a new paragraph to read:

(31) the following provision from 40 C.F.R. 141.11 – 141.13 (Subpart B – maximum contaminant levels), revised as of July 1, 2015: 40 C.F.R. 141.13 (maximum contaminant levels for turbidity).

18 AAC 80.010(b)(2) is amended to read:

(2) ANSI/AWWA Standard C510-07, Double Check Valve Backflow Prevention Assembly, in effect as of **October 1, 2008** [OCTOBER 1, 1998], American Water Works Association;

18 AAC 80.010(b)(4) is amended to read:

(4) ANSI/AWWA Standard C600-10, Installation of Ductile-Iron [WATER] Mains and Their Appurtenances, in effect as of November 1, 2010, American Water Works Association;

18 AAC 80.010(b)(6) is amended to read:

(6) *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance*, EPA 815-R-05-004, 5th edition, January 2005, United States Environmental Protection Agency, except that Section 14.4 (**Procedures** for Revocation) ([PROCEDURES] on page III-8 is not adopted; [AND] *Supplement 1 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water*, EPA 815-F-08-006, June 2008, United States Environmental Protection Agency; **and Supplement 2 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water, EPA 815-F-12-006, November 2012, United States Environmental Protection Agency;**

18 AAC 80.010(b)(8) is repealed:

(8) repealed ____/____/____;

18 AAC 80.010(b)(17) is amended to read:

(17) *NSF/ANSI Standard 372: Drinking Water System Components – Lead Content*, published July 31, 2011, NSF International;[.]

18 AAC 80.010(b) is amended by adding a new paragraph to read:

(18) Hach Method 10258, *Determination of Turbidity by 360° Nephelometry*,
Revision 1.0, January 2016, Hach Company.

18 AAC 80.010(d) is repealed:

(d) Repealed ____/____/____. (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 2/11/2017, Register 221; am ____/____/____, Register____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

The editor's note to 18 AAC 80.010 is amended to read:

Editor's note: The documents listed in 18 AAC 80.010 are available for viewing at any department office that conducts plan reviews under 18 AAC 80 [, AND COPIES OF THE REFERENCE LISTED AT 18 AAC 80.010(D) (1) MAY BE OBTAINED FROM THOSE OFFICES]. The documents listed in 18 AAC 80.010 may be purchased directly from the publishers at the following addresses:

American Public Health Association, 800 I Street NW, Washington, DC 20001;
telephone (202) 777-2742; fax (202) 777-2534; Internet address www.apha.org;

American Society for Testing and Materials (ASTM) International, Customer Service,

Register____, _____2018 ENVIRONMENTAL CONSERVATION

100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; telephone (610) 832-9585; fax (610) 832-9555; Internet address www.astm.org;

American Water Works Association, 6666 W. Quincy Ave., Denver, CO 80235; telephone (800) 926-7337 or (303) 794-7711; fax (303) 347-0804; Internet address www.awwa.org;

Hach Company, 5600 Lindbergh Drive, Loveland, Colorado, 80539; telephone (800) 227-4224; Internet address www.hach.com;

[ASSOCIATION OF STATE DRINKING WATER ADMINISTRATORS, 1401 WILSON BLVD., SUITE 1225, ARLINGTON, VA 22209; TELEPHONE (703) 812-9505; FAX (703) 812-9506; E-MAIL ADDRESS INFO@ASDWA.ORG; INTERNET ADDRESS WWW.ASDWA.ORG;

BLACK & VEATCH, P.O. BOX 8405, 8400 WARD PKWY., KANSAS CITY, MO 64114; TELEPHONE (913) 458-2000; FAX (913) 458-2934;

CANADIAN SOCIETY FOR CIVIL ENGINEERS, 2050 MANSFIELD ST., MONTREAL, PQ H3A 1Z2, CANADA; TELEPHONE (514) 842-5653;

HEALTH RESEARCH INC., HEALTH EDUCATION SERVICES DIVISION, P.O. BOX 7126, ALBANY, NY 12224; TELEPHONE (518) 439-7286; INTERNET ADDRESS WWW.HES.ORG;

JOHN WILEY & SONS, 1 WILEY DR., SOMERSET, NJ 08875;

MCGRAW-HILL BOOK CO., 148 PRINCETON-HIGHTSTOWN RD., HIGHTSTOWN, NJ 08520-1450; TELEPHONE (800) 262-4729;

MOWER HOUSE, 508 10TH STREET N.E., AUSTIN, MN 55912; TELEPHONE (800) 397-6110;]

NSF International, P.O. Box 130140, Ann Arbor, MI 48113-0140; telephone (800) 673-6275 or (734) 769-8010; fax (734) 769-0109; Internet address www.nsf.org;

[TECHNICAL PROCEEDINGS, P.O. BOX 5041, HIGH POINT, NC 27262;]

United States Environmental Protection Agency, National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-2419; telephone (800) 490-9198; fax (513) 489-8695;

[WATER POLLUTION CONTROL FEDERATION, 601 WYTHE ST., ALEXANDRIA, VA 22314-1994;

WEST VIRGINIA UNIVERSITY, DRINKING WATER CLEARINGHOUSE, P.O. BOX 6064, MORGANTOWN, WV 26506-6064; TELEPHONE (800) 624-8301].

18 AAC 80.015(b)(2) is amended to read:

(2) a cased well must be grouted **in** [WITH] a watertight **manner, using** cement grout, sealing clay, bentonite, or an equivalent material as follows:

(A) at least 10 feet of continuous **grout** [GROUTING] within the first 20 feet below the ground surface; **or if a pitless adapter will be used, at least 10 feet of continuous grout within the first 20 feet below the pitless adapter;** or

(B) **for an existing well**, an **alternative to** [ALTERNATE METHOD OF] grouting, if the department determines that the alternate method

...

18 AAC 80.015(b)(5) is amended to read:

(5) for at least 10 feet in all directions around the well, the surface must be sloped or contoured to drain away from the well; if the department determines that the potential exists

for a well to become contaminated by surface water, the department may [WILL] require an impervious surface extending at least two feet laterally in all directions from the well;

18 AAC 80.015(c)(1)(A) is amended to read:

(A) a copy of the well [DRILLER'S] log for each well serving a community water system or non-transient non-community water system;

18 AAC 80.015(d) is repealed and readopted to read:

(d) A person who owns or is responsible for a well, hole, or excavation into a water supply source or potential water supply source for a public water system shall use appropriate methods as set out under (1) and (2) of this subsection to protect the water source as required under (a) of this section;

(1) if the well, hole, or excavation is either active or temporarily inactive, the person shall maintain the well, hole, or excavation using appropriate methods, including methods set out in (b) of this section;

(2) if the well, hole, or excavation is permanently inactive or abandoned, the person shall protect, seal, or fill the well, hole, or excavation using appropriate methods approved by the department as set out in (e) of this section;

(3) wells, holes, or excavations include

(A) a well that may or may not be used for potable water;

(B) a hole drilled, augured, or jetted for the purpose of subsurface exploration or sampling;

(C) a cathodic protection well; or

(D) another form of excavation that might contaminate a public water source.

18 AAC 80.015(e) is repealed and readopted to read:

(e) A person who decommissions a well, including a public water supply well, an observation well associated with testing a public water system supply well, a private water well, or a monitoring well, shall document that the well was decommissioned using a method described in (1), (2), or (3) of this subsection; for a public water supply well, the documentation includes a well log that describes the decommissioning and that is submitted to the department not later than 45 days after decommissioning is completed; decommissioning methods include the following:

(1) a method that conforms to ANSI/AWWA Standard A100-06, *Water Wells*, and Appendix H to ANSI/AWWA Standard A100-06 (Decommissioning of Test Holes, Partially Completed Wells, and Abandoned Completed Wells), adopted by reference in 18 AAC 80.010(b);

(2) an alternate method that has been presented to and approved by the department as protective of public health; the department will, as the department considers necessary to serve the interest of public health, require that an alternative plan submitted under this paragraph be signed and sealed by a registered engineer; or

(3) a method that is publicly identified by the department as an approved best management practice for well decommissioning; for this alternative method, the department does not require the plan to have prior department approval or to be signed and sealed by a registered engineer. (Eff. 10/1/99, Register 151; am 1/11/2006, Register 177; am 8/19/2006, Register 179;

Register____, _____2018 ENVIRONMENTAL CONSERVATION

am 4/24/2009, Register 190; am 2/11/2017, Register 221; am ____/____/____, Register
____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

Editor's note: Methods publicly identified by the department as approved best management practices for well decommissioning may be obtained at any department office that conducts plan reviews under 18 AAC 80 or on the Drinking Water Program website at <https://dec.alaska.gov/eh/dw/>.

The introductory language to 18 AAC 80.020(g) is amended to read:

(g) Upon determining that a waiver will not threaten the public health, the public water system, or the environment, the department will waive the requirements of (f) **of** this section after payment of the fee required by 18 AAC 80.1910(a)(11).

...

(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 2/11/2017, Register 221; 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 80.025(b) is amended to read:

(b) If the department determines that a facility has the potential to contaminate a public water system through backflow, the owner of the public water system shall install, maintain, and test on the water service line to and at other locations in that facility, a backflow

prevention **assembly** [DEVICE] that conforms to ANSI/AWWA Standards C510-97, *Double Check Valve Backflow Prevention Assembly*, or C511-97, *Reduced-Pressure Principle Backflow Prevention Assembly*, adopted by reference in 18 AAC 80.010(b). The owner of the public water system may delegate the installation, maintenance, and testing of the backflow prevention **assembly** [DEVICE] to the operator of the facility that poses the risk. This delegation does not relieve the owner of the public water system of the responsibility to install, maintain, and test the backflow prevention **assembly** [DEVICE]. (Eff. 10/1/99, Register 151; 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 80.030(a) is amended to read:

18 AAC 80.030. Chemical additives and materials. (a) Direct additives for water treatment may be used on a public water system only if they are certified for that application in **accordance with** *NSF/ANSI Standard 60: Drinking Water Treatment Chemicals – Health Effects*, adopted by reference in 18 AAC 80.010(b).

18 AAC 80.030(b)(1) is amended to read:

(1) material that is certified for the particular drinking water contact application,
in accordance with the following: [UNDER]

18 AAC 80.030(b)(1)(C) is amended to read:

(C) **in addition to (A) and (B) of this paragraph, if needed for material that contains lead:** *NSF/ANSI Standard 372: Drinking Water System Components – Lead Content*, adopted by reference in 18 AAC 80.010(b),

18 AAC 80.030(b)(2) is amended to read:

(2) material that, for the particular drinking water contact application, has a certification by NSF International (NSF), [OR] Underwriters Laboratories, Inc. (UL), **Water Quality Association (WQA), CSA Group, International Association of Plumbing and Mechanical Officials (IAPMO), or other entity accredited by ANSI to certify products to NSF standards for drinking water contact applications;**

18 AAC 80.030(b)(3) is repealed and readopted to read:

(3) material that the department approves for the particular drinking water contact application on a case-by-case basis, based on the department's determination that the public health will be adequately protected, and if

(A) material,

(i) with a certification under (b)(1) or (2) of this section, is unavailable;

(ii) with a certification under (b)(1) or (2) of this section, is not certified for the particular application;

(iii) with a certification under (b)(1) or (2) of this section, is not appropriate for the particular application because of climactic or other unique conditions at the point of application;

(iv) with a certification by an entity other than an entity accredited by ANSI, meets a standard equivalent to the comparable NSF/ANSI standard listed in (b)(1) or (2) of this section; or

(v) without an accredited third-party certification, has credible documentation, by the manufacturer of the material, showing that the material complies with criteria equivalent to the comparable NSF/ANSI standard listed in (b)(1) or (2) of this section for the particular drinking water contact application; and

(B) the person seeking approval of alternate material submits documentation the department considers adequate to make a determination on the suitability of the material for contact with drinking water in the particular application; if this documentation includes the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture, the weighted average lead content must be calculated using the formula set out in 18 AAC 80.500(c)(2). (Eff. 10/1/99, Register 151; am 1/11/2006, Register 177; am 11/9/2006, Register 180; am 12/13/2014, Register 212; am 12/26/2014, Register 212; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

The authority for 18 AAC 80.045 is amended to read:

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

18 AAC 80.055(a) is amended to read:

(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

- (1) complete a security vulnerability assessment; **and**
- (2) prepare a written emergency response plan[; AND
- (3) REVIEW AND UPDATE THE EMERGENCY RESPONSE PLAN FOR SUBMITTAL TO THE DEPARTMENT AS REQUIRED UNDER (h) OF THIS SECTION].

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 **prepare a written emergency priority measures plan**

[(1) PREPARE A WRITTEN EMERGENCY PRIORITY MEASURES PLAN;
AND

(2) REVIEW AND UPDATE THE EMERGENCY PRIORITY MEASURES PLAN FOR SUBMITTAL TO THE DEPARTMENT AS REQUIRED UNDER (h) OF THIS SECTION].

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

(c) A security vulnerability assessment by a **community** [PUBLIC] water system subject to (a) of this section must

...

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

(d) An emergency response plan for a **community** [PUBLIC] water system subject to (a) of this section must

...

18 AAC 80.055(e) is amended to read:

(e) An emergency priority measures plan for a system subject to (b) of this section **must comply with (d)(4)(C), (5), (6), (8), and (9) of this section.**

[(1) MUST COMPLY WITH (D)(4)(C), (5), (6), AND (8) OF THIS SECTION, EXCEPT THAT

(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; OR

(B) THE DEPARTMENT MAY, ON A CASE-BY-CASE BASIS
AFTER CONSULTATION WITH THE OWNER OR AUTHORIZED
REPRESENTATIVE OF A TRANSIENT NON-COMMUNITY WATER SYSTEM
DESCRIBED IN (b) OF THIS SECTION, AMEND OR WAIVE THE
REQUIREMENTS SET OUT UNDER (D)(4)(C), (5), (6), OR (8) OF THIS SECTION;
AND

(2) MUST SET OUT A PLAN FOR ANNUALLY TRAINING STAFF IN
EACH COMPONENT OF THE EMERGENCY PRIORITY MEASURES PLAN;]

18 AAC 80.055(f) is amended to read:

(f) A **community** [PUBLIC] water system subject to this section must have, in a place
available at all times to its operator, a copy of its current emergency response plan or a copy of
its emergency priority measures plan, as applicable.

18 AAC 80.055(g) is amended to read:

(g) The owner or authorized representative of a **community** [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 **community** [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 **community** [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 **community** [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 **community** [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 repealed:

(h) Repealed ____/____/____.

18 AAC 80.055(i) is amended to read:

(i) Failure to file the initial **certification** [OR RENEWAL CERTIFICATIONS] required in (g) [AND (h)] of this section is subject to administrative penalties under 18 AAC 80.1200 –

18 AAC 80.1290. (Eff. 8/20/2012, Register 203; am 2/11/2017, Register 221; am
____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

18 AAC 80 Article 1 is amended by adding a new section to read:

18 AAC 80.057. Notifying the department of an emergency. The owner or operator of a community water system, non-transient non-community water system, or transient non-community water system shall report to the department, by telephone or electronic mail, as soon as possible but not later than 24 hours after an emergency as defined under 18 AAC 80.1990(a) occurs, including situations in which

- (1) the lack of operation results in inadequate treatment;
- (2) an event occurs that threatens the public health or water quality;
- (3) the water treatment works floods; or
- (4) any part of the water treatment works is bypassed during equipment

breakdown. (Eff: ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

18 AAC 80.200(b) is amended to read:

(b) Subject to (c), (d), (f), and (g) of this section, in order to construct, install, alter, renovate, **improve, or** operate[, OR IMPROVE] a community water system, non-transient non-

community water system, or transient non-community water system, or any part of one, the owner must have prior written approval of engineering plans that comply with 18 AAC 80.205.

18 AAC 80.200(c) is amended to read:

(c) **Prior written** [WRITTEN] approval under this section is not required for an emergency repair or routine maintenance of a public water system or for a single-service line installation or modification. **In the case of an emergency repair, the notification requirements in 18 AAC 80.057 apply.**

(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 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

18 AAC 80.205(b)(5) is repealed and readopted to read:

- (5) for a system that uses treatment,
 - (A) the overall treatment scheme, including calculations, if required under this chapter, for disinfection and how pathogenic microbial organisms, including *Giardia lamblia*, *Cryptosporidium*, and viruses, will be removed or inactivated; and
 - (B) if the treatment system incorporates automation, information including
 - (i) process and instrumentation diagrams;
 - (ii) programmable logic controllers (PLC) loop descriptions; and

(iii) a process control narrative including system alarms, alarm triggers, and response actions;

18 AAC 80.205(c)(1) is repealed and readopted to read:

(1) for a community water system, non-transient non-community water system, or transient non-community water system proposing to make a change in the water treatment process that could change water quality, such as adding new chemicals, changing the filtration process, or changing the disinfection process,

(A) the water quality test results for raw water and treated water that identify the contaminants for which MCLs are set under 18 AAC 80.300 and for which treatment techniques and action levels are set under 18 AAC 80.303, and that are important to the design of the treatment process;

(B) an engineering evaluation of water quality data that demonstrates the proposed changes will not interfere with any proposed or existing downstream treatment processes; and

(C) after construction, the effectiveness of the treatment;

18 AAC 80.205(c)(2) 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

<p>Table B. Minimum Raw Water Testing Requirements for a System</p> <p>Proposing to Use a New Water Source</p>
--

	Community or Non-Transient Non-Community		Transient Non-Community	
	Ground water	Surface Water	Ground water	Surface Water
Total Coliform Bacteria (<u>See 40</u> <u>C.F.R. 141.63</u>)	Yes	Yes	Yes	Yes
Inorganic Chemicals (not including asbestos) (<u>See 40</u> <u>C.F.R. 141.62</u>)	Yes	Yes	No	No
Nitrate (<u>See 40</u> <u>C.F.R. 141.62</u>)	Yes	Yes	Yes	Yes
Nitrite (<u>See 40</u> <u>C.F.R. 141.62</u>)	Yes	Yes	Yes	Yes
Volatile Organic Chemicals (<u>See 40</u> <u>C.F.R. 141.61</u>)	Yes	Yes	No	No

Secondary Contaminants (<u>See</u> <u>40 C.F.R. 143.3</u>)	Yes	Yes	No	No
<u>Total Organic</u> <u>Carbon (TOC) (See</u> <u>40 C.F.R. 141.2)</u>	<u>Yes, if</u> <u>system uses</u> <u>disinfection</u>	<u>Yes, if</u> <u>system uses</u> <u>disinfection</u>	<u>No</u>	<u>No</u>

(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 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

Editor's Note: The C.F.R. citations listed in the table above are adopted by reference in 18 AAC 80.010(a).

18 AAC 80.207(a) is amended to read:

(a) The department will not issue an approval to construct a new community water system or non-transient non-community water system [SYSTEMS] under 18 AAC 80.210 unless the department determines, based on the information provided under (b) – (d) of this section, that the community water system or non-transient non-community water system has the technical, managerial, and financial [, AND TECHNICAL] capacity to operate in compliance with 40 C.F.R. 141 and this chapter.

(Eff. 10/1/99, Register 151; am 4/24/2009, Register 190; am 7/25/2010, Register 195; 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 80.210 is repealed and readopted to read:

18 AAC 80.210. Department review of engineered plans; approval to construct; approval to operate. (a) The department will issue its approval or denial to construct a community water system, non-transient non-community water system, or transient non-community water system within 30 days after the department receives all of the plans and information required by this chapter. If the submittals are deficient, the department will notify the owner that additional information is needed. Failure of the department to issue an approval or denial to construct within 30 days does not constitute automatic approval of the plans.

(b) The department will not issue an approval to construct a new community water system or a new non-transient non-community water system if the department determines that the submitted plans, specifications, and information do not meet the requirements of technical, managerial, and financial capacity under 18 AAC 80.207.

(c) If the department grants an approval to construct for a set of plans and specifications, the department will

(1) sign the construction portion of a construction and operation certificate for public water systems;

(2) send a copy of the certificate, as signed under (1) of this subsection, to the owner of the public water system;

(3) assign the public water system an identification number, if an identification number has not previously been assigned;

(4) determine if interim approval to operate may be necessary following

construction and before final approval to operate is issued, to ensure that treatment or other processes meet the applicable requirements of this chapter; and

(5) require the applicant to request approval to operate before the construction approval expires under 18 AAC 80.215(b).

(d) A public water system that has received a department approval to construct may not serve water for public consumption until

(1) construction is complete;

(2) the finished water analyses for coliform bacteria and for any raw water contaminant that exceeded an MCL under 18 AAC 80.300 or that exceeded an action level or requires a treatment technique under 18 AAC 80.303 are complete and approved;

(3) the department receives and grants a request for either interim approval to operate under (e) of this section or final approval to operate under (f) of this section; and

(4) for a new community water system or new non-transient non-community water system, the terms and conditions set by the department regarding financial and managerial capacity under 18 AAC 80.207 have been met.

(e) If the department grants interim approval to operate under (d) of this section, the department will

(1) sign the interim operation portion of a construction and operation certificate for public water systems; upon the department's signing of the interim operation section of the certificate, operation of the water system for a department-specified period of time is approved; and

(2) send a copy of the certificate, as signed under (1) of this subsection, to the owner.

(f) The department will grant final approval to operate if the department receives a request for final approval to operate and if

(1) record drawings, signed and sealed by a registered engineer, are submitted after construction completion or during the interim approval period;

(2) the record drawings submitted under (1) of this subsection confirm that the system meets the requirements of this chapter and provide public health protection;

(3) all written terms and conditions set by the department for the construction and, if applicable, for interim approval to operate are met;

(4) for all new community water systems or new non-transient non-community water systems, the new system meets the technical capacity requirements of 18 AAC 80.207; and

(5) for a new community water system, new non-transient non-community water system, or new transient non-community water system, a summary of information, from the initial construction submittals of plans and information required by this chapter, and from record drawings required in (1) of this subsection, is

(A) completed and signed by the registered engineer who signed and sealed the record drawings; and

(B) submitted on a current form provided, and in a format approved, by the department with the request for final approval to operate; and

(6) for a new water well, the raw water analyses submitted under 18 AAC 80.205(c)(2) show that the minimum testing requirements in Table B of that paragraph are met.

(g) If the department grants final approval to operate under (f) of this section, the department will

(1) sign the final operation portion of a construction and operation certificate for public water systems; and

(2) send a copy of the certificate, as signed under (1) of this subsection, to the owner.

(h) For a system using a well, not later than 45 days after the drilling of the well is completed, the well logs for a well that is intended to serve a public water system, including wells not in operation but that are connected to the public water system on a standby basis for purposes such as fire protection and emergencies, must be submitted to the department. For purposes of the department's review, the well log must contain the following information, as applicable:

(1) the names and addresses of the

(A) well owner; and

(B) well driller;

(2) the location of the well, including

(A) physical address; and

(B) detailed description of well placement on the site, such as latitude-longitude or legal description;

(3) the anticipated use of the well;

(4) the method of well construction;

(5) the types of fluids used for drilling;

(6) an accurate log of the soil, fill, ice, frozen soil, and rock formations encountered, including water bearing zones and the depth below ground surface at which the formations occur;

- (7) the total depth below ground surface of the well;
- (8) casing and liner information as applicable, including
 - (A) the height of the casing above ground surface;
 - (B) the depth of the casing and liner below ground surface;
 - (C) the casing and liner diameter; and
 - (D) the casing and liner material, wall thickness, and type;
- (9) grouting information, including
 - (A) the depth below ground surface of grouting;
 - (B) grout type;
 - (C) grout placement method; and
 - (D) volume of grout used;
- (10) the depth below ground surface of the pitless adapter, if applicable;
- (11) well opening information, including
 - (A) the type and size of well opening;
 - (B) the depth below ground surface of any screen, perforation or opening in the casing or borehole; and
 - (C) the depth below ground surface of any well packer or screen packer;
 - (D) if used, the type, size, and location of filter pack material;
- (12) the well development method;
- (13) the depth below ground surface to the static water level;
- (14) well yield information, including
 - (A) the results of any well yield, aquifer, or drawdown test that was conducted; and

(B) the maximum well yield; and

(15) if the water well contractor or person who constructs the well installs a pump at the time of construction, the depth of the pump intake and the pump make and model.

(i) A signed construction and operation certificate for public water systems does not relieve the owner of the public water system of the responsibility to

(1) construct, operate, and maintain the system in compliance with this chapter;

(2) obtain a permit to appropriate water under AS 46.15; or

(3) comply with other state law.

(j) The department will waive the requirement for submission of record drawings if it makes an onsite inspection and finds that the system was constructed as approved. The owner shall pay the fee required by 18 AAC 80.1910(a)(1) for an onsite inspection conducted under this subsection. (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 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 heading of 18 AAC 80.215 is amended to read:

18 AAC 80.215. Revocation, expiration, or extension of approval.

18 AAC 80.215(b) is repealed and readopted to read:

(b) An approval to construct issued under 18 AAC 80.210 is valid for two years after issuance. If the applicant fails to complete a project to construct, install, alter, renovate, or

improve the public water system within the specified two years, the applicant must, before construction approval expires, request an extension of construction approval to complete the project. To apply for an extension, the applicant needs to resubmit, for department review and approval, the plans and information required under 18 AAC 80.210(a). If during the two-year period the site conditions, plans and information, and relevant requirements in this chapter have not changed, and if the applicant pays the fee required by 18 AAC 80.1910(a)(12), the department will grant the applicant an extension. (Eff. 10/1/99, Register 151; 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 80.220 is amended to read:

18 AAC 80.220. Vehicle used to haul [POTABLE] water. (a) The owner of a public water system that uses a vehicle to haul raw water, partially treated water, or [DISTRIBUTE] potable water as part of a public water system shall obtain approval to operate from the department for each vehicle before using the vehicle to haul water. Approval may be obtained by

(1) submitting [SUBMIT] the plans and specifications required under 18 AAC 80.200 – 18 AAC 80.205 for each vehicle to the department [BEFORE USING THE VEHICLE TO DISTRIBUTE POTABLE WATER]. As the department determines necessary to serve the interests of public health, the department will require that the plans and specifications be signed and sealed by a registered engineer.

[(b)] After receiving plans and specifications required under 18 AAC 80.200 – 18 AAC 80.205, and if the department determines that an onsite inspection is necessary to serve the interests of public health, the department will require that the owner make the vehicle available for onsite inspection, and will inspect the vehicle no later than 30 days after receiving notice that the vehicle is available for inspection. The owner shall pay the fee required by 18 AAC 80.1910(a)(1) for an inspection conducted under this **paragraph; or** [SUBSECTION.]

(2) making the vehicle available for onsite inspection, if the department agrees to inspection in lieu of submitting plans and specifications under (a)(1) of this subsection. The department will inspect the vehicle no later than 30 days after receiving notice that the vehicle is available for inspection. The owner shall pay the fee required by 18 AAC 80.1910(a)(1) for an inspection conducted under this paragraph.

(b) [(c)] After the department approves the plans and specifications under 18 AAC 80.210, and after a vehicle passes an inspection, if required under **(a)(1)** [(b)] of this section, **or after a vehicle passes inspection under (a)(2) of this section,** the department will grant final approval to operate under 18 AAC 80.210(k).

(c) [(d)] An approval to operate under this section does not relieve the owner of the responsibility to operate and maintain the vehicle in compliance with this chapter.

(d) [(e)] **If the vehicle is used the transport potable water, the** [THE] owner shall conspicuously mark a vehicle used to distribute potable water “POTABLE WATER ONLY.” (Eff. 10/1/99, Register 151; am 4/24/2009, Register 190; am 7/25/2010, Register 195 am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.761
AS 46.03.050 AS 46.03.720

18 AAC 80.225(c)(6)(D) is amended to read:

(D) the operational requirements for the innovative technology or device
and its [IT'S] ease of use;

18 AAC 80.225(c)(18)(A) is amended to read:

(A) the pathogen removal credits for the *Giardia lamblia* microorganism
[VIRUS] and [OTHER] viruses as appropriate;

18 AAC 80.225(c)(20) is amended to read:

(20) materials safety verification that includes supporting documentation
concerning safety and use;[,] the applicant may include as verification

18 AAC 80.225(e)(5) is amended to read:

(5) conditions particular to this state and known or suspected to limit the
effectiveness of technology; those conditions include[,] permafrost and freezing;
(Eff. 10/1/99, Register 151; 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

The authority for 18 AAC 80.235 is amended to read:

Authority: AS 46.03.020 [AS 46.03.070] AS 46.03.720

AS 46.03.050

AS 46.03.710

The subsection heading to 18 AAC 80.300(b) is amended to read:

(b) Primary MCLs.[:]

18 AAC 80.300(b)(3) is amended to read:

(3) for turbidity, for a community water system, non-transient non-community water system, or transient non-community water system that uses a surface water source or a GWUDISW source and that meets the criteria for avoiding filtration under 40 C.F.R. 141.71, adopted by reference in 18 AAC 80.010(a), and under 18 AAC 80.620: the MCL as set out in 40 C.F.R. 141.13, adopted by reference in 18 AAC 80.010(a); if the system does not meet the criteria for avoiding filtration, the system must meet the applicable treatment technique requirements instead of MCL requirements for turbidity under 18 AAC 80.303

[(A) MEETS THE CRITERIA FOR AVOIDING FILTRATION UNDER 40 C.F.R. 141.71, ADOPTED BY REFERENCE IN 18 AAC 80.010(a), AND UNDER 18 AAC 80.620, THE MCL AS SET OUT IN 40 C.F.R. 141.71(a)(2);

(B) DOES NOT MEET THE CRITERIA FOR AVOIDING FILTRATION, THE MCL AS SET OUT IN 40 C.F.R. 141.73, 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 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720

AS 46.03.050

The authority for 18 AAC 80.302 is amended to read:

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

18 AAC 80 Article 3 is amended by adding a new section to read:

18 AAC 80.303. Contaminants with a treatment technique requirement or action level requirement. (a) Contaminants that have a treatment technique requirement instead of an MCL requirement include *Giardia lamblia*, viruses, heterotrophic plate count bacteria, *Legionella*, *Cryptosporidium*, and turbidity, as set out in 40 C.F.R. 141.71-141.74, 141.130 – 141.135, 141.170 – 141.175, 141.400 – 141.405, 141.500 – 141.571, 141.700 – 141.723, and 141.851 – 141.861, all adopted by reference in 18 AAC 80.010(a), except that for turbidity, a water system seeking approval or approved to avoid filtration while using a surface water or a GWUDISW source may be subject to the MCL requirements for turbidity set out in 18 AAC 80.300.

(b) Contaminants that have an action level requirement instead of an MCL requirement include lead and copper, as set out in 40 C.F.R. 141.80, adopted by reference in 18 AAC 80.010(a). (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

The section heading of 18 AAC 80.305 is amended to read:

18 AAC 80.305. [MCL] Compliance with MCL, treatment technique, and action level requirements.

18 AAC 80.305(a) is amended to read:

(a) The department will determine [MCL] compliance **with requirements for MCLs, treatment techniques, and action levels,** based on analytical results and other information compiled by the department.

18 AAC 80.305(e) is repealed and readopted to read:

(e) The requirements for complying with the MCLs and treatment techniques for turbidity include

(1) the MCLs for turbidity, as applicable to a system that avoids filtration, as set out in 40 C.F.R. 141.13, adopted by reference in 18 AAC 80.010(a);

(2) the treatment technique requirements for turbidity, as set out under 40 C.F.R. 141.71, 141.73, and 141.74, adopted by reference in 18 AAC 80.010(a).

18 AAC 80.305 is amended by adding new subsections to read:

(h) Compliance with treatment technique requirements is set out under 18 AAC 80.303.

(i) Compliance with action level requirements is set out under 18 AAC 80.303. (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 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720

AS 46.03.050

18 AAC 80.310(f) is repealed and readopted 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), (d), and (e) of this section. The owner or operator shall meet the following monitoring requirements:

(1) the owner of a community water system or non-transient non-community water system shall ensure that the water system is in compliance with

(A) the provisions of 18 AAC 80.035 for disinfection;

(B) the provisions of 18 AAC 80.315(b)(4) for nitrate;

(C) the requirements set under 18 AAC 80.650 for filtration;

(D) the provisions of 18 AAC 80.400 - 18 AAC 80.445 for coliform bacteria;

(E) the provisions of 18 AAC 80.500 – 18 AAC 80.505 for lead and copper; and

(2) the owner of a transient non-community water system shall ensure that the water system is in compliance with

(A) the provisions of 18 AAC 80.035 for disinfection;

(B) the provisions of 18 AAC 80.315(b)(4) for nitrate;

(C) the requirements set under 18 AAC 80.650 for filtration;

(D) the provisions of 18 AAC 80.400 - 18 AAC 80.445 for coliform bacteria;

(3) the owner of a community water system, non-transient non-community water system, or transient non-community water system shall ensure that within one year after the system begins to provide potable water, one sample is taken for the contaminants for which MCLs are set under 18 AAC 80.300(b)(1) and (2)(B); each sample must be taken at an entry point to the distribution system and must be collected after treatment; the owner shall ensure that the results of the sampling are reported to the department, subject to the report certification requirements of 18 AAC 80.1900; and

(4) the owner of a community water system or non-transient non-community water system that serves a resident population of less than 10,000 individuals shall ensure that, within one year after the system begins to provide potable water, one sample is taken for the disinfection byproducts listed in 40 C.F.R. 141.64(a), adopted by reference in 18 AAC 80.010(a); the sample must be taken at the most distant point from treatment in the distribution system; the owner shall ensure that results of the sampling are reported to the department, subject to the report certification requirements of 18 AAC 80.1900. (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 2/11/2017, Register 221; Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720

AS 46.03.050

18 AAC 80.315(b) is amended to read:

(b) **In** [IN] addition to the requirements of 40 C.F.R. 141.23(a) – (h), adopted by reference in 18 AAC 80.010(a), the following requirements apply:

The authority for 18 AAC 80.325 is amended to read:

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

The authority for 18 AAC 80.330 is amended to read:

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

The authority for 18 AAC 80.335 is amended to read:

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

18 AAC 80.340(a) is amended to read:

18 AAC 80.340. Examination of water: owner or operator requirements. (a)

General requirements. To meet the applicable analytical requirements of this chapter, the owner or operator of a public water system must comply with the requirements of this section. Except as otherwise provided in this section and 18 AAC 80.350, the owner or operator shall ensure that an analysis that is required under this chapter for inorganic, organic, radioactive, and microbiological contaminants described in 18 AAC 80.300 or 18 AAC 80.335 is performed by a certified laboratory. The owner or operator shall ensure that the results of that analysis are reported to the department within the first seven [10] days following the month in which the result is received, or within the first seven [10] days following the end of the required monitoring period, whichever is sooner. If the owner or operator submits the results, the submission is

subject to the report certification requirements of 18 AAC 80.1900. If the owner or operator submits to a certified laboratory water samples for analysis for contaminants described in 18 AAC 80.300, the owner or operator shall clearly identify that the samples are from a drinking water source for a public water system.

18 AAC 80.340(b) is amended to read:

(b) **Analytical procedures and results.** The owner or operator shall ensure that analyses under (c) - (e) of this section are performed by an individual trained in and capable of demonstrating proficiency in the analytical procedures referenced in this section. Results of analyses conducted under (c) and (d) of this section must be submitted to the department within the first **10** [SEVEN] days following the month in which the result is received, or the first **10** [SEVEN] days following the end of the required monitoring period, whichever is sooner. Submission of those results is subject to the report certification requirements of 18 AAC 80.1900.

18 AAC 80.340(d) is amended to read:

(d) **Analytical methods for water systems using [SURFACE WATER] treatment. For measurements of residual disinfectant concentration, temperature, pH, and turbidity, **only** [ONLY] the analytical methods set out in this subsection may be used to demonstrate compliance with **18 AAC 80.600 – 18 AAC 80.699**, [18 AAC 80.600 - 18 AAC 80.680 AND 18 AAC 80.699], **18 AAC 80.700 – 18 AAC 80.705, 18 AAC 80.800 – 18 AAC 80.820, and 18 AAC 80.900 – 18 AAC 80.910**. The following procedures must be performed in accordance with the publications listed for each procedure, adopted by reference in 18 AAC 80.010(b):**

...

18 AC 80.340(d)(1) is amended to read:

(1) **turbidity:** turbidity must be measure by

(A) Standard Method 2130-B (Nephelometric Method), as set out in
Standard Methods of the Examination of Water and Wastewater; or

(B) Hach Method 10258, as set out in *Determination of Turbidity by*
360° Nephelometry;

18 AAC 80.340(d)(2) is amended to read:

(2) **residual disinfectant concentration:** for [FOR] each of the following
disinfectants that is used, residual disinfectant concentration must be measured using one of the
following methods as set out in *Standard Methods for the Examination of Water and*
Wastewater:

...

18 AAC 80.340(d)(2)(D) is repealed:

(D) repealed ____/____/____;

(Eff. 10/1/99, Register 151; am 9/28/2001, Register 159; am 5/2/2004, Register 170; am
1/11/2006, Register 177; am 8/19/2006, Register 179; 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(a) is amended to read:

(a) A certified laboratory shall report to the department the results of an analysis required under this chapter. **Except as required under** [SUBJECT TO] (b) of this section, a laboratory certified under 18 AAC 80.1100 – 18 AAC 80.1110 shall ensure that results are reported to the department and the owner or operator of a public water system within the first seven days following the month in which the **final** results are **known to the laboratory** [RECEIVED], or the first seven days following the end of the required monitoring period, whichever is sooner. Reports of results are subject to the report certification requirements of 18 AAC 80.1900.

The introductory language to 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 coliform bacteria **or *Escherichia coli*, or all results of total coliform repeat sample analyses for coliform bacteria**,

18 AAC 80.355(b)(2) is amended to read:

(2) written notice **under 18 AAC 80.1109** [, 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 written notice may not be provided later than the end of the next working day after the analysis results are known.

18 AAC 80.355(e)(2) is amended to read:

(2) the time and date the department receives a report transmitted orally, by facsimile, [TELEGRAPH, TELEX,] courier, electronic data transfer, **electronic mail**, or a means of communication other than mail.

(Eff. 10/1/99, Register 151; am 4/24/2009, Register 190; am 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

The authority for 18 AAC 80.360 is amended to read:

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

The authority for 18 AAC 80.365 is amended to read:

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(b)(2) is amended to read:

(2) for a seasonal system, the department will require, as part of the seasonal system start-up information under 40 C.F.R. 141.854(i)(1), a separate start-up total coliform sample that is negative for coliform bacteria before the system may serve water to the public; the department will not allow a routine total coliform sample to also be used as the start-up sample **under 18 AAC 80.407**.

18 AAC 80.405(c)(3) is amended to read:

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

18 AAC 80.405(d)(1) is amended to read:

(1) for a seasonal system, the department will require, as part of the seasonal system start-up information under 40 C.F.R. 141.856(a)(4)(i), a separate start-up total coliform sample that is negative for coliform bacteria before the system may serve water to the public; the department will not allow a routine total coliform sample to also be used as the start-up sample **under 18 AAC 80.407**; and

18 AAC 80.405(e)(1) is amended to read:

(1) for a seasonal system, the department will require, as part of the seasonal **system** start-up information under 40 C.F.R. 141.857(a)(4)(i), a separate start-up total coliform sample that is negative for coliform bacteria before the system may serve water to the public; the department will not allow a routine total coliform sample to also be used as the start-up sample **under 18 AAC 80.407**; and

(Eff. 10/1/99, Register 151; am 4/24/2009, Register 190; am 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

18 AAC 80.407 is amended to read:

18 AAC 80.407. Seasonal system start-up procedures. For purposes of the seasonal system start-up procedures required under 40 C.F.R. 141.854(i), 40 C.F.R. 141.856(a)(4), and 40 C.F.R. 141.857(a)(4), all adopted by reference in 18 AAC 80.010(a),

(1) unless exempt under (2) of this section, the owner or operator shall 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; the start-up information shall be provided within the first 10 days after serving water to the public during the new operating season and must include, for the new operating season, documentation of a separate start-up total coliform sample that is negative for coliform bacteria; [AND]

(2) the department will allow a public water system to be exempt from the requirement to conduct and document the start-up procedure if the entire distribution system remains pressurized year-round. (Eff. 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

The section heading of 18 AAC 80.420 is amended to read:

18 AAC 80.420. Total coliform and *Escherichia coli* (*E. coli*) [(*E. COLI*)] testing and laboratory reporting.

18 AAC 80.420(a) is amended to read:

(a) Under 40 C.F.R. 141.858(b), adopted by reference in 18 AAC 80.010(a), the owner or operator is responsible for ensuring 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 requirements under (b) [AND (c)] of this section.

18 AAC 80.420(b) is amended to read:

(b) The certified laboratory performing the analysis shall report **the results of** a [POSITIVE] total-coliform bacteria analysis **or an *Escherichia coli* bacteria analysis** to the owner and to the department **as** [WITHIN THE TIME PERIODS] set out in 18 AAC 80.355(b)(1) and (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.

18 AAC 80.420(c) is repealed:

(c) Repealed ____/____/____. (Eff. 10/1/99, Register 151; am 11/9/2006, Register 180; am 4/24/2009, Register 190; am 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

18 AAC 80.430(f) is amended to read:

(f) If a **situation or condition** [SIGNIFICANT DEFICIENCY] is found during a sanitary survey inspection **that** [, AND] poses, or has the potential to pose, an imminent threat to

public health or safety, the sanitary survey inspector shall notify [, BY TELEPHONE, FACSIMILE TRANSMISSION, OR ELECTRONIC MAIL,] the department of the **situation or condition by telephone, facsimile transmission, or electronic mail not** [DEFICIENCY NO] later than 24 hours after the **situation or condition** [SIGNIFICANT DEFICIENCY] is found.

18 AAC 80.430(g) is repealed and readopted to read:

(g) The department will determine if a situation or condition identified in (d), (e), or (f) of this section is a deficiency, and if a deficiency is identified, the department will determine the severity of the deficiency. Not later than 30 days after identifying the deficiency, the department will provide written notification of the deficiency to the owner to determine a corrective action plan. However, in the interest of public health, the department may elect to orally notify the owner of the deficiency to begin the process of the corrective action plan required under (h) of this section, with the department following up with written notification of the deficiency to the owner within the 30-day timeframe.

18 AAC 80.430(h)(5) is amended to read:

(5) must require the owner to notify the department **not** [NO] later than **30** [FIVE] days after final completion of all corrective actions; and

18 AAC 80.430(j) is amended to read:

(j) Failure **of the owner** to comply with the sanitary survey requirements of this section is a monitoring violation and requires that the owner provide public notification under 18 AAC 80.1020.

Register____, _____2018 ENVIRONMENTAL CONSERVATION

(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 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

18 AAC 80.438(a)(3) is amended to read:

(3) submit verification that the applicant has satisfactorily completed an approved advanced refresher sanitary survey training program for public water systems [AND PASSED THE WRITTEN SANITARY SURVEY EXAMINATION WITH A SCORE OF 70 PERCENT OR MORE];

18 AAC 80.438(a)(5) is amended to read:

(5) provide a written update of the information previously provided under 18 AAC 80.435(b)(5) or this subsection. [,]

(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

18 AAC 80.439(a)(3) is amended to read:

(3) the sanitary survey inspector failed to identify, document, or timely report a **situation or condition that poses, or may pose, a threat to public health or safety, including a situation or condition that may be identified by the department as a** significant deficiency; or

The introductory language to 18 AAC 80.439(b) is amended to read:

(b) **If** [IF] the department revokes a sanitary survey inspector's approval issued under 18 AAC 80.435 or 18 AAC 80.438, the department will send the sanitary survey inspector a notice that states

• • •

(Eff. 1/11/2006, Register 177; am 5/20/2011, Register 198; am 2/11/2017, Register 221; am 11/7/2017, Register 224; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050 AS 46.03.880

The authority for 18 AAC 80.505 is amended to read:

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

The authority for 18 AAC 80.600 is amended to read:

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

18 AAC 80.605 is repealed and readopted to read:

18 AAC 80.605. GWUDISW determination. (a) The owner of an existing or proposed public water system shall provide the information that the department considers necessary to make a determination whether to classify a water source, including a well, spring, or infiltration gallery, as GWUDISW.

(b) The department will determine whether the water source should be classified as a GWUDISW based on an evaluation of the information described in (c) of this section. A field assessment as described in (d) of this section, a water quality assessment described in (e) of this section, or both, may also be required before the department makes the determination.

(c) The department will determine if a water source is GWUDISW after an evaluation of information that the department considers necessary to make that determination including

(1) the plans submitted under 18 AAC 80.205;

(2) characteristics of the physical area of the water source and area surrounding the water source, including

(A) the horizontal and vertical distance from the water source to any surface water, including intermittent surface water;

(B) the topography of the area surrounding the water source including whether drainage of surface water is directed away from the water source;

(C) relative elevations of source water compared to surface water elevations;

(D) possible sources of biological contamination that could affect water quality, including the location and type of waste disposal and wastewater discharges, if any;

(E) other potential pathways for surface water to infiltrate the subsurface such as wells, holes, and excavations that are not sealed, protected, or filled in accordance with 18 AAC 80.015(d); and

(F) if available, other hydrological or hydrogeological information prepared by a registered engineer or a professional geologist specializing in hydrology or hydrogeology;

(3) the construction records of the water source, including

(A) for a well, construction records of the well, including the information required in 18 AAC 80.210(h); or

(B) for a water source other than a well, construction records demonstrating how the water source is protected from surface runoff;

(4) the current physical condition of the water source including,

(A) for a well, evidence of how the wellhead complies with 18 AAC 80.015; or

(B) other evidence of how the water source is currently protected from surface water runoff or flooding;

(5) the results of laboratory analyses of untreated water from the water source for biological quality or other water quality parameters useful for comparing the water source to surface water, including the results of any advanced water testing methods and analyses, if required by the department under (e) of this section;

(6) the occurrence of waterborne disease outbreaks, if any;

(7) information from past sanitary surveys, if any;

(8) if required by the department, information gathered during an on-site field assessment described in (d) of this section;

(9) if required by the department, information contained in the water quality assessment described in (e) of this section; and

(10) any additional information needed by the department to make its determination.

(d) The department may require an on-site field assessment to collect any information in (c) of this section that is not provided by the owner. The field assessments may be

(1) completed by the department, after payment of the fee in 18 AAC 80.1910(a)(5)(A); or

(2) completed by a registered engineer, professional geologist, or professional hydrologist, provided to the department in a format approved by the department, and reviewed by the department, after payment of the fee in 18 AAC 80.1910(a)(5)(B).

(e) The department may require the owner to complete a water quality assessment to compare physical, biological, and chemical characteristics of the water source to climatological or surface water conditions, to support a determination as described in (f)(5) of this section. The owner or operator shall

(1) before sampling or analysis, submit for department approval a water quality assessment plan that includes

(A) the purpose of the assessment;

(B) the scope of water sources and surface water to be included in the study;

(C) the water quality and other parameters to be measured, such as turbidity, temperature, conductivity, pH, total dissolved solids, microscopic analysis, coliform analysis, precipitation events;

(D) if necessary, advanced water testing methods and analyses to be used such as

(i) microscopic analysis of the particulate matter in a water sample for primary surface water indicators, including algae, diatoms, *Cryptosporidium*, and *Giardia*;

(ii) a particle count analysis that examines the number and size of particles in the surface water body and compares that data to the number and size of particles in water from the source being evaluated;

(iii) an examination of the water for specific chemical tracers that indicate a surface water contaminant;

(iv) specialized analyses, such as examining the source water and surface water for specific ionic ratios, or comparing the source water to other known groundwater sources;

(v) tracers, dyes, or other tests that the department determines will provide data helpful to the department's determination;

(E) a description of sampling procedures to ensure representative samples, equipment to be used, and corresponding sample locations, frequency, and times;

(F) a description of the anticipated procedures to be used for the data evaluation, interpretation, and criteria to be used as a basis for any findings; and

(G) the identification and qualification of personnel responsible for the water quality assessment and personnel participating in the activities proposed for the assessment;

(2) present all data collected in the assessment in a format approved by the department, including a written interpretation of the results or findings;

(3) pay the fee required in 18 AAC 80.1910(a)(5)(C), after which the department will review the water quality assessment.

(f) The department will classify the water source as GWUDISW if

(1) after the evaluation described in (c) of this section, the department determines that the water source is not protected from direct surface water influence;

(2) well construction does not comply with 18 AAC 80.015 to the extent that surface water or surface contamination can directly contaminate the well water, and the owner fails to take the steps required by the department to bring the well into compliance;

(3) the water source is not protected from surface runoff or influence, and the owner fails to take the steps required by the department to remedy the deficiency;

(4) after review of the on-site field assessment described in (d) of this section, the department determines that the water source is not protected from direct surface water influence;

or

(5) after review of the water quality assessment described in (e) of this section, the department determines that the water source has

(A) biological surface water indicators;

(B) significant and relatively rapid shifts in water source characteristics;

or

(C) other characteristics that closely correlate to climatological or surface water conditions.

(g) The department may require a new GWUDISW determination if it determines that the water source may not be protected from surface water, surface influence, or surface contamination, as a result of changes to the characteristics of the physical area, the physical condition of the water source, the water quality, or other risk factor.

(h) The department will keep a written record of each GWUDISW determination that the department makes, and will retain that record for 40 years after the date of the determination.

(Eff. 10/1/99, Register 151; 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

The authority for 18 AAC 80.610 is amended to read:

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

The authority for 18 AAC 80.615 is amended to read:

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

The authority for 18 AAC 80.630 is amended to read:

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

The authority for 18 AAC 80.635 is amended to read:

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

18 AAC 80.650(b) is amended to read:

(b) A community water system, non-transient non-community water system, or transient non-community water system that meets the requirements in 40 C.F.R. 141.73(d), adopted by reference under 18 AAC 80.010(a), to use an alternative filtration system, and that serves fewer than 10,000 individuals, must comply with the requirements of **40 C.F.R. 141.550 – 141.553** [40 C.F.R. 141.550 – 41.553] (combined filter effluent requirements), adopted by reference in 18 AAC 80.010(a). (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 ____/____/____, Register ____)

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

18 AAC 80.655(c) is amended to read:

(c) Under 40 C.F.R. 141.74(b)(2) and (c)(1), adopted by reference in 18 AAC 80.010(a), the department will approve continuous monitoring for a system if the turbidimeter is properly

operated, [AND] is calibrated [AND VALIDATED] at the frequency recommended by the manufacturer, **and is validated at the frequency recommended by the manufacturer** or at least weekly, whichever is more frequent. []In determining the percent of turbidity readings exceeding limits when a system uses continuous monitoring, the operator shall use the turbidity levels reading from the strip chart or other record every four hours, beginning with the reading at midnight. []This method will also apply to a turbidity “event” under 40 C.F.R. 141.71(a)(2), adopted by reference in 18 AAC 80.010(a), for a system that does not provide filtration treatment.

(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 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

The authority for 18 AAC 80.660 is amended to read:

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

The authority for 18 AAC 80.665 is amended to read:

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

The authority for 18 AAC 80.670 is amended to read:

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

The authority for 18 AAC 80.699 is amended to read:

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

The authority for 18 AAC 80.700 is amended to read:

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

The authority for 18 AAC 80.701 is amended to read:

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

The authority for 18 AAC 80.900 is amended to read:

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

The authority for 18 AAC 80.1000 is amended to read:

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

The authority for 18 AAC 80.1020 is amended to read:

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

The authority for 18 AAC 80.1040 is amended to read:

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

18 AAC 80.1100(a)(4) is amended to read:

(4) certification₂ under (d) of this section₂ of a laboratory holding certification by another certifying agency.

18 AAC 80.1100(b)(2) is amended to read:

(2) demonstrates to the department that the laboratory meets the minimum standards listed in the *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance, including supplements, as* adopted by reference in 18 AAC 80.010(b);

18 AAC 80.1100(b)(3) is amended to read:

(3) submits to the department the results of **required** [ANNUAL] proficiency testing showing that the laboratory correctly analyzed proficiency testing samples for each method being certified; the testing samples shall be purchased by that laboratory from a supplier

acceptable to the department; **the results of required proficiency testing must be submitted to the department on the following schedule:** [AND]

(A) for all analytical methods except as listed in (B) of this paragraph, once every 12 months within the 12-month certification period set out in (f) of this section;

(B) for *Cryptosporidium* methods, once every six months within the 12-month certification period set out in (f) of this section; and

18 AAC 80.1100(b)(4) is amended to read:

(4) submits to the department for review and approval a quality assurance plan that complies with the *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance, **including supplements, as*** adopted by reference in 18 AAC 80.010(b).

18 AAC 80.1100(c)(1)(A) is amended to read:

(A) the department determines that the laboratory meets each applicable criterion for that method in the *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance, **including supplements, as*** adopted by reference in 18 AAC 80.010(b); and

18 AAC 80.1100(c)(2)(A) is amended to read:

(A) the department determines that the laboratory meets each applicable criterion for that method in the *Manual for the Certification of Laboratories Analyzing*

*Drinking Water: Criteria and Procedures, Quality Assurance, **including supplements,***
as adopted by reference in 18 AAC 80.010(b); and

18 AAC 80.1100(c)(3)(A) is amended to read:

(A) the department determines that the laboratory has not met one or more of the applicable criteria for that method in the *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance, **including supplements, as*** adopted by reference in 18 AAC 80.010(b); and

18 AAC 80.1100(d) is repealed and readopted to read:

(d) Notwithstanding (b) of this section, the department will certify a laboratory located outside Alaska holding a current certification from another EPA-approved certifying agency if the laboratory satisfies the requirements of (1) – (3) of this subsection. A certification under this subsection is subject to the same requirements of 18 AAC 80.1100 – 18 AAC 80.1103 and 18 AAC 80.1109 – 18 AAC 80.1110 as a certification under (b) and (c) of this section. To apply for certification, the laboratory must submit to the department an application, in a format specified by the department, that includes, in addition to the documentation required under (b)(2) – (4) of this section,

(1) each applicable fee under 18 AAC 80.1110;

(2) verification from the certifying agency, in a form acceptable to the department, that the laboratory holds the specific certification and has satisfied the requirements of (b)(2) – (4) of this section with the other certifying agency, with respect to each method for which the laboratory seeks department recognition of certification by the other certifying agency;

(3) verification from the certifying agency, in a form acceptable to the department, that the laboratory has received and satisfactorily passed any required onsite inspections by that certifying agency; those inspections must be equivalent to the onsite inspection requirements of 18 AAC 80.1105.

18 AAC 80.1100(f) is repealed and readopted to read:

(f) The certification period begins on July 1 and ends on June 30 of the following year. Certification under this section may be obtained at any time, and is not valid after June 30 unless the laboratory renews the certification in accordance with this subsection. A certification may become invalid before June 30 if a condition described in (h) of this section occurs.

(1) to request renewal of a certification under (b) and (c) of this section, the laboratory must

- (A) submit a complete application for renewal;
- (B) submit payment for each applicable fee under 18 AAC 80.1110; and
- (C) satisfy the requirements of (b)(2) – (4) of this section;

(2) to request renewal of a certification under (d) of this section, the laboratory must

- (A) submit a complete application for renewal;
- (B) submit payment for each applicable fee under 18 AAC 80.1110;
- (C) satisfy the requirements of (b)(2) – (4) of this section; and
- (D) submit verification from the other certifying agency, in a form

acceptable to the department, that the laboratory holds that certification and has satisfied the requirements of (b)(2) – (4) of this section with the other certifying agency, and has

received and passed any onsite inspections that may be required as set out in (d)(2)(B) of this section;

(3) if the department receives a complete application for renewal not later than May 30, and approves that application under (b) and (c) of this section or under (d) of this section, as applicable, the renewed certification is valid as of July 1 for the new 12-month certification period;

(4) if the department receives a complete application for renewal after May 30, and approves that application under (b) and (c) of this section or under (d) of this section, as applicable, the renewed certification is valid for the new certification period as of

(A) July 1 if the department is able to process and approve the application before July 1, or

(B) the date that the department completes the processing and approves the application after July 1, for the certification period ending June 30;

(5) if certification renewal is not approved as of July 1, the certification has expired, and the laboratory must comply with (g) of this section.

18 AAC 80.1100(g) is repealed and readopted to read:

(g) If a laboratory's certification becomes invalid for any reason, including expiration, revocation, or being downgraded, the laboratory shall provide notice to clients and the department as follows:

(1) not later than seven days after the first day that the certification is no longer valid, the laboratory shall give written notice of the expiration, revocation, or downgrade to each

affected client; the notice must include a statement that the laboratory may not submit data to the department under an invalid certification;

(2) not later than 14 days after the first day that the certification is no longer valid, the laboratory shall certify to the department in writing, subject to 18 AAC 80.1900, that the notice has been given under (1) of this subsection.

18 AAC 80.1100(h) is repealed and readopted to read:

(h) The department may downgrade or revoke a certification under this section for unacceptable laboratory practices or for one or more methods, for reasons described in the *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance*, including supplements, as adopted by reference in

18 AAC 80.010(b), or as set out in (1) of this subsection;

(1) under (d) of this section,

(A) if another EPA-approved certifying agency revokes or downgrades the certification upon which the department based a certification, the department will revoke the department's certification or downgrade the department's certification to a classification corresponding to the classification by the other certifying agency;

(B) if the certification upon which the department based a certification by another EPA-approved certifying agency becomes invalid for any reason, the department's certification becomes invalid on the same date that the other certifying agency's certification becomes invalid;

(2) additional fees under 18 AAC 80.1110 may be applicable for a laboratory to regain certification if a certification is revoked or otherwise becomes invalid.

18 AAC 80.1100 is amended by adding a new subsection to read:

(i) A person aggrieved by a department certification decision under this section may request a review under 18 AAC 80.1920. This subsection does not affect a person's rights under AS 44.62 (Administrative Procedure Act). (Eff. 10/1/99, Register 151; am 3/25/2001, Register 157; am 9/28/2001, Register 159; 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 80.1103(5) is repealed and readopted to read:

(5) analyses for microbial organisms must be conducted as follows:

(A) for total coliform and *Escherichia coli* under 18 AAC 80.400 – 18 AAC 80.445, requirements are set out in 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 provided under 40 C.F.R. 141.21(h), all adopted by reference in 18 AAC 80.010(a);

(B) for total coliform, fecal coliform, and heterotrophic plate count under 18 AAC 80.600 – 18 AAC 80.699, requirements are set out in 40 C.F.R. 141.74(a), adopted by reference in 18 AAC 80.010(a);

(C) for *Escherichia coli* or other organisms under 40 C.F.R. 141.402(a) and (b), requirements are set out in 40 C.F.R. 141.402(c), adopted by reference in 18 AAC 80.010(a);

(D) for *Cryptosporidium* and *Escherichia coli* under 18 AAC 80.701, requirements are set out in 40 C.F.R. 141.704 and 40 C.F.R. 141.705, adopted by reference in 18 AAC 80.010(a);

18 AAC 80.1103(6) is repealed:

(6) repealed ____/____/____;

(Eff. 7/25/2010, Register 195; am 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.710 AS 46.03.720
AS 46.03.050

18 AAC 80.1105(c) is amended to read:

(c) Nothing in this section prevents the department from conducting, at any time under AS 46.03.020 **or** [AND] 46.03.860, an onsite inspection of a laboratory certified under 18 AAC 80.1100(b) and (c).[] The laboratory must pass the inspection as a condition of maintaining certification.

(Eff. 10/1/99, Register 151; 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 introductory language to 18 AAC 80.1110(a)(1) is amended to read:

(1) a base fee, for initial certification, **for regaining laboratory certification if the laboratory 's certification has been revoked or becomes otherwise invalid,** or for renewal under 18 AAC 80.1100 for any method, of

...

18 AAC 80.1110(a)(2) is repealed and readopted to read:

(2) in addition to the base fee, a method fee as set out in (c) or (d) of this section,

(A) for initial certification or for renewal, for each method for which the laboratory seeks to be certified; or

(B) to regain method certification for a method for which certification has been revoked or has otherwise become invalid;

(Eff. 10/1/99, Register 151; am 8/19/2006, Register 179; 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 80.1220(b)(1)(D) is amended to read:

(D) failure to submit to the department a timely certification required under 18 AAC 80.055(g) [OR (h)]: one point;

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

(F) failure to perform public education or public notification, if required under 40 C.F.R. 141.85, adopted by reference in **18 AAC 80.010** [18 AAC 80.101], or if required under 40 C.F.R. 141.201 – 141.210, adopted by reference in 18 AAC 80.010, other than a failure described in (6)(I) of this subsection: four points;

18 AAC 80.1220(b)(5)(D) is amended to read:

(D) a violation of the prohibition of cross-connections under 18 AAC 80.025(a), or failure to install, maintain, or test a backflow prevention **assembly** [DEVICE] as required under 18 AAC 80.025(b): five points;

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

(C) failure to meet the MCL for turbidity as set under **18 AAC 80.300(b)** [18 AAC 80.300(b)(3)]: 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 2/11/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.761 AS 46.03.850

18 AAC 80.1240(a) is amended to read:

(a) If the department does not receive a timely request for reconsideration in accordance with **18 AAC 80.1230(c) - (d)** [18 AAC 80.1 230(c) - (d)], or if after reconsideration the department determines that the penalty should be assessed, the department will provide to the

entity, by personal service or by certified mail, return receipt requested, a written notice of assessment.

18 AAC 80.1240(b)(3) is amended to read:

(3) inform the entity that the entity may seek an extension of the 45-day period for filing a notice of intent to contest the proposed administrative penalty; the department will describe the requirements of **(c)(1) - (c)(2)** [(c)(1) - (c)(2)] of this section.

(Eff. 9/21/2002, Register 163; am ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.761

18 AAC 80.1910(a)(1) is amended to read:

(1) for each onsite inspection of a public water system by the department under AS 46.03.020(6), **AS 46.03.860** [496.03.860], or this chapter, unless a more specific fee for a visit, inspection, or examination is provided in this section: \$64 per hour;

18 AAC 80.1910(a)(5) is amended to read:

(5) for each determination of whether a system is served by groundwater or GWUDISW,

(A) if the department does a field assessment under **18 AAC 80.605(d)**
[18 AAC 80.605(c)(3)]: \$720;

(B) if the department reviews, under **18 AAC 80.605(d)**
[18 AAC 80.605(c)(3)], a field assessment **completed** [PERFORMED] by **a registered engineer, professional geologist, or professional hydrologist** [AN INDIVIDUAL

AUTHORIZED TO PERFORM SANITARY SURVEYS UNDER 18 AAC 80.435]:

\$100; and

(C) if the department requests and reviews a water quality assessment provided by the owner under **18 AAC 80.605(e)** [18 AAC 80.605(c)(4)]: \$720; (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 2/11/2017, Register 221; am ____/____/____, Register ____)

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

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

18 AAC 80.1990. Definitions, abbreviations, and symbols. (a) Unless the context indicates otherwise, in this chapter

- (1) "acute risk" means a possible source of a hazard, danger, loss, or injury that could quickly affect public health;
- (2) "ANSI" means the American National Standards Institute, Inc.;
- (3) "approved" and "approval" mean approved by or the approval of the department;

(4) "aquifer" means a formation, a group of formations, or part of a formation that contains sufficient saturated permeable material to yield economical quantities of water to wells and springs;

(5) "AWWA" means the American Water Works Association;

(6) "backflow" means the flow, in a direction opposite to the normal flow, of a foreign liquid, gas, or substance into the collection or distribution system of a public water system;

(7) "best available technology" has the meaning given to "best available technology or BAT" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(8) "bottled water" means water that is sealed in bottles or other containers and intended for human consumption;

(9) "cathodic protection well" means an artificial excavation to install equipment or facilities for the protection of metallic equipment in contact with the ground;

(10) "certified laboratory" means a laboratory certified by the department under 18 AAC 80.1100 - 18 AAC 80.1110 or by the EPA;

(11) "chloramines" means a group of chlorine ammonia compounds formed when chlorine combines with ammonia or organic nitrogen in the water;

(12) "cleanout" has the meaning given to "cleanout" in 18 AAC 72.990;

(13) "coagulation" has the meaning given to "coagulation" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(14) "coliform" means

(A) aerobic and facultative anaerobic, gram-negative, non-spore-forming, rod-shaped bacteria that ferment lactose with gas production within 48 hours at 35 degrees Celsius;

(B) aerobic and facultative anaerobic, gram-negative, non-spore-forming, rod-shaped bacteria that produce a dark colony with a metallic sheen within 24 hours at 35 degrees Celsius on an Endo-type medium containing lactose; and

(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*, including supplements, 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);

(15) "combination-source system" means a public water system that uses a combination of two or more of the following as source water:

(A) a groundwater source;

(B) a surface water source;

(C) a GWUDISW source;

(16) "combined chlorine" means the concentration of residual chlorine that is combined with ammonia, organic nitrogen, or both in water as a chloramine or other chloroderivative;

(17) "community sewer line" has the meaning given to "community sewer line" in 18 AAC 72.990;

(18) "community water system" means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents;

(19) "compliance cycle" has the meaning given to "compliance cycle" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(20) "compliance period" has the meaning given to "compliance period" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(21) "composite correction program" means a program that includes a comprehensive performance evaluation and a comprehensive technical assistance activity;

(22) "composite sample" means a sample created by a certified laboratory by mixing equal parts of water from up to five different samples;

(23) "compositing" means using or creating a composite sample;

(24) "comprehensive technical assistance" means the performance improvement phase

(A) that is implemented if the comprehensive performance evaluation results indicate improved performance potential; and

(B) during which identified plan-specific factors are systematically addressed and eliminated;

(25) "confirmation sample" means a second sample collected at the same sampling point as the first sample and used for re-analysis;

(26) "confluent growth" or "CG" has the meaning given to "confluent growth" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(27) "consecutive public water system" has the meaning given to "consecutive system" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(28) "constructed conveyance"

(A) means, with respect to a public water system, any manmade conduit for water;

(B) includes ditches, culverts, waterways, flumes, mine drains, or canals;

(C) does not include a water haul vehicle or water that is delivered by bottle, other package unit, vending machine, or cooler;

(29) "contaminant" means a physical, chemical, biological, or radiological substance or material in water that, in sufficient quantity, makes water unfit for human consumption;

(30) "contamination" means the presence in water of

(A) a contaminant at a level that exceeds

(i) a maximum contaminant level under 18 AAC 80.300; or

(ii) an action level, including the lead or copper action level under 40 C.F.R. 141.80, adopted by reference in 18 AAC 80.010(a);

(B) a contaminant that

(i) exceeds the allowable limit for removal or inactivation by a treatment technique, including the substances set out under 18 AAC 80.303, or

(ii) triggers a treatment technique requirement under this chapter;

or

(C) any other contaminant in sufficient quantity to make the water unfit for human consumption;

(31) "conventional filtration" has the meaning given to "conventional filtration treatment" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(32) "corrective action"

(A) means an action taken to remedy

(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;

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

(33) "corrective action plan" means a proposal, either made by the department or submitted by the owner of a public water system to the department for approval, to take one or more corrective actions according to a specified schedule;

(34) "corrosivity" means the tendency of internal water to oxidize piping and appurtenances; a noncorrosive water is characterized by a slightly positive Langelier index, a driving force index greater than 1.0, or an aggressive index greater than or equal to 12.0 for asbestos-cement pipe;

(35) "cross-connection" means a physical arrangement by which a public water system is connected, directly or indirectly, with an unapproved water system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device that contains, or might contain, wastewater or other substances of unknown or unsafe quality that might be capable of contaminating the water supply through backflow; "cross-connection" includes a bypass arrangement, jumper connection, removable section, swivel or change-over device, and other

temporary, permanent, or potential connection through which, or because of which, backflow could occur;

(36) "CT" or "CTcalc" means the result obtained by multiplying the residual disinfectant concentration (C), in mg/l, determined before or at the first customer, and the corresponding disinfectant contact time (T), in minutes;

(37) "CT_{99.9}" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts;

(38) "decommission" means to fill or plug a well so that it is rendered unproductive and does not produce water or serve as a channel for water movement;

(39) "deficiency" means a condition of a public water system, or an action or omission of an owner or operator of a public water system, that directly or indirectly causes, or has the potential to cause,

(A) a risk to public health;

(B) an unplanned interruption of service in the public water system; or

(C) any deviation from professional standards of engineering, sanitation, or public health applicable to public water systems;

(40) "demonstrate" or "demonstration" means to prove or proof through documentation or other evidence to the department's satisfaction;

(41) "department" means the Department of Environmental Conservation;

(42) "design criteria" means information and numerical data such as rates, loadings, and other parameters upon which a specific facility design is based; "design criteria" include

(A) engineering guidelines that specify construction details and materials;
and

(B) objectives, results, or limits that a facility, structure, or process must meet in the performance of its intended function;

(43) "detected" means that the analytical result exceeds the detection limit specified for the method used to analyze a contaminant;

(44) "diatomaceous earth filtration" has the meaning given to "diatomaceous earth filtration" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(45) "direct filtration" has the meaning given to "direct filtration" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(46) "director" means the director of the department's division assigned to environmental health;

(47) "disinfectant" means an oxidant or equivalent agent that is intended to inactivate pathogenic microorganisms and that is added to water during the treatment or distribution process; "disinfectant" includes chlorine, chlorine dioxide, chloramines, and ozone;

(48) "disinfectant contact time" has the meaning given to "disinfectant contact time" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(49) "disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents;

(50) "distribution system" means post-treatment storage facilities, conduits, mains, lines, fixtures, pumping stations, or other devices used to carry water to the consumer;

(51) "domestic or other nondistribution system plumbing problem" has the meaning given to "domestic or other nondistribution system plumbing problem" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(52) "DPD" means N-N-diethyl-p-phenylenediamine;

(53) "drinking water" means water that is provided for human consumption;

(54) "emergency" means an unforeseen event that causes damage to or disrupts normal operations of a public water system and requires immediate action to protect public health and safety;

(55) "engineering plans" means a set of plans signed, sealed, and dated by a registered engineer;

(56) "EPA" means the United States Environmental Protection Agency;

(57) "fecal indicator" means microbes whose presence indicates that the water may be contaminated with human or animal wastes;

(58) "fill-and-draw system" means a water system where the storage tanks are filled with treated water on an intermittent basis, while water is drawn as needed from the storage tanks;

(59) "filtration" means a process to remove particulate matter from water by passage through porous media;

(60) "finished water" has the meaning given to "finished water" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(61) "flocculation" has the meaning given to "flocculation" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(62) "free chlorine" means the amount of chlorine available as dissolved gas, hypochlorous acid, or hypochlorite ion that is not combined with an amine or other organic compound;

(63) "gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample; "gross alpha particle activity" includes the radioactivity of radium-226; "gross alpha particle activity" does not include the radioactivity of radon and uranium;

(64) "gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample;

(65) "groundwater" means water beneath the surface of the ground; "groundwater" does not include GWUDISW;

(66) "groundwater system" means a public water system that uses only groundwater as source water;

(67) "GWUDISW", or "groundwater under the direct influence of surface water," has the meaning given to "groundwater under the direct influence of surface water (GWUDI)" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(68) "heterotrophic plate count" or "HPC" means the procedure for estimating the number of live heterotrophic bacteria in a water sample;

(69) "holding tank" has the meaning given to "holding tank" in 18 AAC 72.990;

(70) "holding time" means the time elapsed from the time a water sample is gathered into the sample bottle until it is analyzed;

(71) "human consumption" means the use of water for drinking, bathing, showering, cooking, dishwashing, maintaining oral hygiene, and other similar uses;

(72) "infiltration gallery" means a system

(A) of perforated pipes, cribbed pits, or similar collection devices that are laid along the banks or under the bed of a stream, lake, or other surface waterbody; and

(B) that is installed to collect water from the formation beneath or adjacent to the waterbody;

(73) "initial compliance period" has the meaning given to "initial compliance period" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(74) "innovative technology or device" means water system technology that is new, non-conventional, alternative, or untested in this state; "innovative technology or device" includes technology related to

(A) disinfection and inactivation methods;

(B) removal of pathogens;

(C) particulate reduction;

(D) turbidity reduction;

(E) storage tank materials; and

(F) computer models for water treatment;

(75) "inspection" means an onsite review by an individual approved by the department to determine compliance with this chapter;

(76) "install" means to construct or fabricate components necessary to create a public water system or a portion of a public water system; installation may be done by the owner or an individual who is contracted to do the work for the owner;

(77) "Level 1 assessment" has the meaning given to "Level 1 assessment" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(78) "Level 2 assessment" has the meaning given to "Level 2 assessment" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(79) "master meter" means a water meter or system of water meters that measures both instantaneous and total flow of water for a public water system;

(80) "maximum contaminant level" or "MCL" means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system;

(81) "maximum residual disinfectant level" or "MRDL" means a level of disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects;

(82) "method detection limit" has the meaning given in Appendix C of the *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance*, adopted by reference in 18 AAC 80.010(b);

(83) "method reporting limit" has the meaning given in Appendix C of the *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance*, adopted by reference in 18 AAC 80.010(b);

(84) "microbial contaminant" means a living organism that is in water, that is not visible individually without a microscope, and that, in sufficient quantity, makes the water unsafe for human consumption; "microbial contaminants" include bacteria, viruses and parasites such as *Cryptosporidium parvum*;

(85) "MIL" means Military Standards and Specifications;

(86) "monthly average" means the result obtained by dividing the sum of the result of sample analyses taken in a month by the number of samples taken during that month;

(87) "near the first service connection" has the meaning given to "near the first service connection" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(88) "new community water system" means

(A) a community water system that is constructed after October 1, 1999;

(B) a community water system that has not received a public water system identification number under 18 AAC 80.210(c)(3) as of October 1, 1999; or

(C) an existing water system other than a community water system, if as a result of expanding its infrastructure, the system falls within the definition of a community water system;

(89) "new non-transient non-community water system" means

(A) a non-transient non-community water system that is constructed after October 1, 1999;

(B) a non-transient non-community water system that has not received a public water system identification number under 18 AAC 80.210(c)(3) as of October 1, 1999; or

(C) an existing water system other than a non-transient non-community water system, if as a result of expanding its infrastructure, the system falls within the definition of a non-transient non-community water system;

(90) "new transient non-community water system" means

(A) a transient non-community water system that is constructed after October 1, 1999;

(B) a transient non-community water system that has not received a public water system identification number under 18 AAC 80.210(c)(3) as of October 1, 1999; or

(C) an existing water system other than a transient non-community water system, if as a result of expanding its infrastructure, the system falls within the definition of a transient non-community water system;

(91) "non-community water system" means a public water system that is not a community water system; a non-community water system is either a non-transient non-community water system or a transient non-community water system;

(92) "nonresidential," with respect to buildings, means occupied by an individual, but not as that individual's primary place of abode;

(93) "non-transient non-community water system" means a public water system that is not a community water system and that regularly serves at least 25 of the same individuals over six months per year;

(94) "NSF" means NSF International, also known as the National Sanitation Foundation;

(95) "NTU" means nephelometric turbidity unit;

(96) "operator" means a person engaged in the operation of a public water system; "operator" does not ordinarily mean an official, such as the city engineer or public works superintendent, exercising only general administrative supervision;

(97) "organic drilling fluid" means a synthetic polymer drilling fluid that is not specifically designed for use in the potable water well drilling industry;

(98) "owner" means a person who owns a public water system;

(99) "person" has the meaning given to "person" in AS 46.03.900;

(100) "pilot" means serving as an experimental trial apparatus or operation in which processes or techniques planned for use in full-scale operation are tested in advance;

(101) "pilot plant study" means an evaluation, on a scale larger than laboratory or bench scale but smaller than full scale, of the amenability of drinking water to treatment with the proposed method, operation, or process;

(102) "pit privy" has the meaning given to "pit privy" in 18 AAC 72.990;

(103) "point-of-entry treatment device" means a water treatment device that is located where water enters a building and before the point of use, and is for the purpose of reducing contaminants in the drinking water distributed throughout that building;

(104) "point-of-use treatment device" means a water treatment device applied to a single tap and used for the purpose of reducing contaminants in drinking water at that one tap;

(105) "pollution" has the meaning given to "pollution" in AS 46.03.900;

(106) "potable water system" means a source of water, intake works, collection system, water treatment works, storage facility, or distribution system from which water is available for human consumption;

(107) "practical quantitation limit" has the meaning given to "method reporting limit" in this subsection;

(108) "private sewer line" has the meaning given to "private sewer line" in 18 AAC 72.990;

(109) "private water line" means a line, pipe, or conduit used to carry water as part of a private water system.

(110) "private water system" means a potable water system that is not a public water system;

(111) "professional geologist" means a geologist certified under AS 08.02.011;

(112) "proficiency testing sample" has the meaning given to "proficiency testing sample" in Appendix C of the *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance*, adopted by reference in 18 AAC 80.010(b);

(113) "public utility" has the meaning given to "public utility" in AS 42.05.990;

(114) "public water system"

(A) 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 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year;

(B) is either a community water system or a non-community water system;

(C) includes

(i) 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; and

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

(D) does not include a private water system;

(115) "quality assurance" means ensuring that analytical data is of a known and documented degree of excellence; "quality assurance" covers the general areas of accuracy, completeness, representativeness, and comparability of data;

(116) "quality assurance plan" means a totally integrated program for quality assurance, ensuring reliability of measurement data;

(117) "quarter" or "quarterly" means January through March, April through June, July through September, or October through December;

(118) "rain catchment system" means a public water system for which the primary source of drinking water is precipitation caught by a manmade device;

(119) "record drawings" means the original plans prepared for construction and department approval, revised to reflect how the system was constructed or installed;

(120) "regional health corporation" means a federally recognized corporation under 25 U.S.C. 450f that receives federal money for the purpose of providing health care to Alaska Natives;

(121) "registered engineer" means a professional engineer registered to practice in this state under AS 08.48;

(122) "repeat compliance period" has the meaning given to "repeat compliance period" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(123) "repeat sample" means a follow-up sample taken in the same way as a routine sample to confirm the results obtained from a routine sample;

(124) "resident" means an individual occupying a dwelling unit as a primary place of abode;

(125) "residual disinfectant concentration" means the concentration of disinfectant measured in mg/l in a representative sample of water;

(126) "routine maintenance" means activity normally required to maintain the components of a public water system in good working order; "routine maintenance" includes the replacement of 40 feet or less of pipe, a valve, a hydro-pneumatic tank, or an in-kind replacement of a pump; "routine maintenance" does not include changes that affect the system's configuration, materials, treatment, or capacity;

(127) "routine sample" means a sample required by 18 AAC 80.300 - 18 AAC 80.355, 18 AAC 80.405, or 18 AAC 80.500 - 18 AAC 80.505;

(128) "sampling site" means a location identified within a public water system where a water sample is collected for analysis;

(129) "sanitary defect" has the meaning given to "sanitary defect" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(130) "sanitary seal" means a device that

(A) is attached to the top of a well casing or pipe sleeve;

(B) prevents insects, dirt, or water or other liquid from entering the well under normal conditions; and

(C) allows air to flow in and out of the well;

(131) "sanitary survey"

(A) means a review consisting of

(i) an onsite inspection and review of the water source, treatment, the distribution system, finished water storage, each pump and pump facility and controls, monitoring, reporting, data verification, and management and operation

of a public water system to evaluate the adequacy of the source, facilities, equipment, operation, and maintenance for producing and distributing safe drinking water; and

(ii) a review of operator compliance with 18 AAC 74 and this chapter; and

(B) includes writing, signing, and submitting the completed report to the department and owner;

(132) "sealed" means prepared by a registered engineer or an individual under that engineer's direct supervision, and bearing the signature and seal of that engineer as required by AS 08.48.221 and 12 AAC 36.185;

(133) "seasonal system" has the meaning given to "seasonal system" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(134) "sedimentation" has the meaning given to "sedimentation" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(135) "septic tank" has the meaning given to "septic tank" in 18 AAC 72.990;

(136) "serve" means to cause or allow the provision of water for human consumption;

(137) "service connection" means a single building or structure that receives water for human consumption from a public water system; "service connection" includes a residence, school, hospital, clinic, office, restaurant, gas station, hotel, motel, washeteria, RV connection, or watering point; "service connection" does not include mobile facilities; for purposes of this paragraph, "mobile facilities" includes planes and boats;

(138) "service line" means the pipe works that extend from a water distribution main line to a single service connection;

(139) "sewer" or "sewer line" has the meaning given to "sewer" or "sewer line" in 18 AAC 72.990;

(140) "sewerage" has the meaning given to "sewerage" in 18 AAC 72.990;

(141) "significant deficiency" means a defect, including a failure or malfunction, in a public water system's source, design, treatment, storage, distribution, operation, management, maintenance, or security, that the department determines to be causing, or to have potential to cause, contamination of water delivered to consumers or any other risk to public health or safety;

(142) "slow sand filtration" has the meaning given to "slow sand filtration" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(143) "soil absorption system" has the meaning given to "soil absorption system" in 18 AAC 72.990;

(144) "surface water" means water that is open to the atmosphere and subject to surface runoff;

(145) "surface water system" means a public water system that uses surface water for a source;

(146) "too numerous to count" has the meaning given to "too numerous to count" in 40 C.F.R. 141.2, adopted by reference in 18 AAC 80.010(a);

(147) "total chlorine" means the total concentration of chlorine in water, including the combined chlorine and the free chlorine that are present in water;

(148) "transient non-community water system" means a non-community water system that serves at least 25 individuals daily for 60 or more days per year, but does not regularly serve a daily average of at least 25 of the same individuals for more than six months per year;

(149) "treatment technique requirement" means a requirement that specifies, for a contaminant, a treatment technique or a process that leads to a reduction in the level of a contaminant sufficient to comply with the requirements of this chapter;

(150) "UL" means Underwriters Laboratories;

(151) "unusual and unpredictable circumstances" means events with a low probability of occurrence;

(152) "utilidor" means an enclosure constructed above ground or below ground that contains one or more water lines, sewer lines, or other utilities and that provides access for their installation and maintenance;

(153) "vault privy" has the meaning given to "vault privy" in 18 AAC 72.990;

(154) "virus" means a virus of fecal origin that is infectious to humans by waterborne transmission;

(155) "volatile organic chemical" or "VOC" means a carbon-based compound with the property of escaping easily from water into the air;

(156) "waiver review area" means the area around a water source that is evaluated for activities that may use, store, or dispose of synthetic organic chemicals and other organic chemicals;

(157) "wastewater" has the meaning given to "wastewater" in 18 AAC 72.990;

(158) "wastewater disposal system" has the meaning given to "domestic wastewater disposal system" or "nondomestic wastewater disposal system," as appropriate for the context, both defined in 18 AAC 72.990;

(159) "wastewater treatment works" has the meaning given to "domestic wastewater treatment works" or "nondomestic wastewater treatment works," as appropriate for the context, both defined in 18 AAC 72.990;

(160) "water hauler" means a public water system that consists of one or more vehicles that are owned by the same person and used to distribute potable water; "water hauler" does not include vehicles owned or operated solely by a public water system as part of its collection or distribution system;

(161) "water distribution main" means a line, pipe, or conduit used to distribute potable water as part of a public water system; "water distribution main" includes trunks, branches, and laterals, and lines used to fill vehicles used to distribute potable water but does not include private water lines or service lines.

(162) "water line" means a pipe or conduit used to carry water as part of a public water system; "water line" includes a water distribution main but does not include private water lines or service lines.

(163) "water treatment works" means the structure and appurtenances, including chemical feeders, coagulation and sedimentation tanks, filtration devices, ion exchange apparatus, aeration tanks, or other works, used to condition, purify, or refine water for human consumption;

(164) "waterborne disease outbreak" means a significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system that is deficient in treatment;

(165) "watering point" means a common tap from which a community obtains potable water;

(166) "well" means an excavation, opening, shaft, or hole from which water can be extracted;

(167) "well log" means a written report that includes the information under 11 AAC 93.140(a)(1) through (18), and under 18 AAC 80.210(h);

(168) "working day" means a day other than Saturday, Sunday, or a state holiday.
(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 2/11/2017, Register 221; am ____/____/____, Register ____)

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

18 AAC 34.080(b) is amended to read:

(b) In addition to complying with (a) of this section, a mobile PROCESSING FACILITY that is not directly plumbed to a COMMUNITY WATER SYSTEM OR A NON-TRANSIENT NON-COMMUNITY WATER SYSTEM [CLASS A PUBLIC WATER SYSTEM] must sample water for

COLIFORM BACTERIAL contamination before beginning operations and once every 30 days during the operational season, and must resample the water

18 AAC 34.080(c)(5) is amended to read:

(5) if from a water system other than a COMMUNITY WATER SYSTEM OR A NON-TRANSIENT NON-COMMUNITY WATER SYSTEM [CLASS A PUBLIC WATER SYSTEM], must be sampled

18 AAC 34.080(c)(5)(C) is amended to read:

(C) at a point near the end of the system and tested for disinfectant residual at least once each day during the operating season; a daily log of the disinfectant residuals must be kept as required by 18 AAC 34.920; PROCESSING WATER from a TRANSIENT NON-COMMUNITY WATER SYSTEM [CLASS B PUBLIC WATER SYSTEM] approved by the DEPARTMENT under 18 AAC 80 is exempt from the requirements of this subparagraph.

(Eff. 12/18/97, Register 144; readopt 12/2/99, Register 152; am 8/6/2006, Register 179; am 11/24/2007, Register 184; am ____/____/____, Register ____)

Authority: AS 17.20.005 AS 17.20.072 AS 44.46.020
AS 17.20.065 AS 17.20.180

The editor's note to 18 AAC 34.080 is amended to read:

Editor's note: Effective 12/2/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 34.080, to affirm the validity of that section following statutory

amendments made in ch. 72, SLA 1998. The department repealed and readopted 18 AAC 34.080(a)-(c), amended (e) and (g)(1). The department also repealed 18 AAC 34.080(i), moving the definition of **what was formerly known as "CLASS A PUBLIC WATER SYSTEM" and is now known as "Community Water System" and "Non-Transient Non Community Water System"** to the definitions section at 18 AAC 34.990. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 34 from AS 03.05 to AS 17.20.

18 AAC 34.990(79) is repealed:

(79) repealed ____/____/____; ["CLASS A PUBLIC WATER SYSTEM" HAS THE MEANING GIVEN IN 18 AAC 80.1990];

18 AAC 34.990(80) is repealed:

(80) repealed ____/____/____; ["CLASS B PUBLIC WATER SYSTEM" HAS THE MEANING GIVEN IN 18 AAC 80.1990];

18 AAC 34.990 is amended by adding new paragraphs to read:

(87) "COMMUNITY WATER SYSTEM" has the meaning given in 18 AAC 80.1990;

(88) "NON-TRANSIENT NON-COMMUNITY WATER SYSTEM" has the meaning given in 18 AAC 80.1990;

(89) "TRANSIENT NON-COMMUNITY WATER SYSTEM" has the meaning given in 18 AAC 80.1990. (Eff. 12/18/97, Register 144; readopt 12/2/99, Register 152; am 8/6/2006, Register 179; am 11/24/2007, Register 184; am ____/____/____, Register ____)

Authority:	AS 17.20.005	AS 17.20.065	AS 17.20.250
	AS 17.20.010	AS 17.20.066	AS 17.20.260
	AS 17.20.020	AS 17.20.070	AS 17.20.270
	AS 17.20.030	AS 17.20.072	AS 17.20.280
	AS 17.20.040	AS 17.20.180	AS 17.20.290
	AS 17.20.044	AS 17.20.200	AS 17.20.305
	AS 17.20.045	AS 17.20.230	AS 17.20.340
	AS 17.20.050	AS 17.20.240	AS 44.46.020

18 AAC 78.025(d) is amended to read:

(d) A person may not install or permit the installation of a UST within 100 feet of a community water system, non-transient non-community water system, or transient non-community water system, or within **25 feet of a private** [75 FEET OF A CLASS C PUBLIC] water system, as those classes are defined under **18 AAC 90.1990** [18 AAC 80.1990(a)]. (Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 4/16/2000, Register 154; am 1/30/2003, Register 165; am 7/25/2012, Register 203; am ____/____/____, Register ____)

Authority:	AS 46.03.020	AS 46.03.365	AS 46.03.375
-------------------	--------------	--------------	--------------

18 AAC 78.274(a)(2)(A) is amended to read:

(A) 100 feet or more from surface water, a private water system as defined in 18 AAC 80.1990[, A CLASS C PUBLIC WATER SYSTEM AS DEFINED IN 18 AAC 80.1990], or a fresh water supply system that uses groundwater for a use designated in 18 AAC 70.020(a)(1)(A) and 18 AAC 70.050(a)(2); and

18 AAC 78.274(a)(2)(B) is amended to read:

(B) 200 feet or more from a water source serving a **community water system, non-transient non-community water system, or transient non-community water system** [CLASS A OR CLASS B PUBLIC WATER SYSTEM], as defined in 18 AAC 80.1990;

(Eff. 1/22/99, Register 149; am 6/25/99, Register 150; am 4/16/2000, Register 154; am 6/17/2015, Register 214; am ____/____/____, Register ____)

Authority:	AS 46.03.020	AS 46.03.710	AS 46.04.020
	AS 46.03.050	AS 46.03.740	AS 46.04.070
	AS 46.03.365	AS 46.03.745	AS 46.09.020