NIRS/PC Prefiled Exhibit 202
Docketed 09/23/2005

141.86 Monitoring requirements for lead and copper in tap water.
141.87 Monitoring requirements for water quality parameters.
141.88 Monitoring requirements for lead and copper in source water.
141.89 Analytical methods.
141.90 Reporting requirements.
141.91 Recordkeeping requirements.

Subpart J—Use of Non-Centralized Treatment Devices

141.100 Criteria and procedures for public water systems using point-of-entry devices.
141.101 Use of bottled water.

Subpart K—Treatment Techniques

141.110 General requirements.
141.111 Treatment techniques for acrylamide and epichlorohydrin.

Subpart L—Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors

141.130 General requirements.
141.131 Analytical requirements.
141.132 Monitoring requirements.
141.133 Compliance requirements.
141.134 Reporting and recordkeeping requirements.
141.135 Treatment technique for control of disinfection byproduct (DBP) precursors.

Subparts M-N [Reserved]

Subpart O—Consumer Confidence Reports

141.151 Purpose and applicability of this subpart.
141.152 Effective dates.
141.153 Content of the reports.
141.154 Required additional health information.
141.155 Report delivery and recordkeeping.
APPENDIX A TO SUBPART O OF PART 141—REGULATED CONTAMINANTS

Subpart P—Enhanced Filtration and Disinfection—Systems Serving 10,000 or More People

141.170 General requirements.
141.171 Criteria for avoiding filtration.
141.172 Disinfection profiling and benchmarking.
141.173 Filtration.
141.174 Filtration sampling requirements.
141.175 Reporting and recordkeeping requirements.

Subpart Q—Public Notification of Drinking Water Violations

141.201 General public notification requirements.
141.202 *Tier 1 Public Notice*—Form, manner, and frequency of notice.
141.203 *Tier 2 Public Notice*—Form, manner, and frequency of notice.
141.204 *Tier 3 Public Notice*—Form, manner, and frequency of notice.
141.205 Content of the public notice.
141.206 Notice to new billing units or new customers.
141.207 Special notice of the availability of unregulated contaminant monitoring results.
141.208 Special notice for exceedance of the SMCL for fluoride.
141.209 Special notice for nitrate exceedances above MCL by non-community water systems (NCWS), where granted permission by the primacy agency under § 141.11(d).
141.210 Notice by primacy agency on behalf of the public water system.
APPENDIX A TO SUBPART Q OF PART 141—NPDWR VIOLATIONS AND SITUATIONS REQUIRING PUBLIC NOTICE
APPENDIX B TO SUBPART Q OF PART 141—STANDARD HEALTH EFFECTS LANGUAGE FOR PUBLIC NOTIFICATION
APPENDIX C TO SUBPART Q OF PART 141—LIST OF ACRONYMS USED IN PUBLIC NOTIFICATION REGULATION

Subparts R-S [Reserved]

Subpart T—Enhanced Filtration and Disinfection—Systems Serving Fewer Than 10,000 People

GENERAL REQUIREMENTS
141.500 General requirements.
141.501 Who is subject to the requirements of subpart T?
141.502 When must my system comply with these requirements?
141.503 What does subpart T require?
FINISHED WATER RESERVOIRS
141.510 Is my system subject to the new finished water reservoir requirements?
141.511 What is required of new finished water reservoirs?
ADDITIONAL WATERSHED CONTROL REQUIREMENTS FOR UNFILTERED SYSTEMS
141.520 Is my system subject to the updated watershed control requirements?
141.521 What updated watershed control requirements must my unfiltered system implement to continue to avoid filtration?

141.522 How does the State determine whether my system's watershed control requirements are adequate?

DISINFECTION PROFILE

141.530 What is a disinfection profile and who must develop one?
141.531 What criteria must a State use to determine that a profile is unnecessary?
141.532 How does my system develop a disinfection profile and when must it begin?
141.533 What data must my system collect to calculate a disinfection profile?
141.534 How does my system use this data to calculate an inactivation ratio?
141.535 What if my system uses chloramines, ozone, or chlorine dioxide for primary disinfection?
141.536 My system has developed an inactivation ratio; what must we do now?

DISINFECTION BENCHMARK

141.540 Who has to develop a disinfection benchmark?
141.541 What are significant changes to disinfection practice?
141.542 What must my system do if we are considering a significant change to disinfection practices?
141.543 How is the disinfection benchmark calculated?
141.544 What if my system uses chloramines, ozone, or chlorine dioxide for primary disinfection?

COMBINED FILTER EFFLUENT REQUIREMENTS

141.550 Is my system required to meet subpart T combined filter effluent turbidity limits?
141.551 What strengthened combined filter effluent turbidity limits must my system meet?
141.552 My system consists of "alternative filtration" and is required to conduct a demonstration—what is required of my system and how does the State establish my turbidity limits?
141.553 My system practices lime softening—is there any special provision regarding my combined filter effluent?

INDIVIDUAL FILTER TURBIDITY REQUIREMENTS

141.560 Is my system subject to individual filter turbidity requirements?
141.561 What happens if my system's turbidity monitoring equipment fails?
141.562 My system only has two or fewer filters—is there any special provision regarding individual filter turbidity monitoring?
141.563 What follow-up action is my system required to take based on continuous turbidity monitoring?
141.564 My system practices lime softening—is there any special provision regarding my individual filter turbidity monitoring?

REPORTING AND RECORDKEEPING REQUIREMENTS

141.570 What does subpart T require that my system report to the State?
141.571 What records does subpart T require my system to keep?

AUTHORITY: 42 U.S.C. 300f, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-4, 300j-9, and 300j-11.

SOURCE: 40 FR 59570, Dec. 24, 1975, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 141 appear at 69 FR 18803, Apr. 9, 2004.

NOTE: For community water systems serving 75,000 or more persons, monitoring must begin 1 year following promulation and the effective date of the MCL is 2 years following promulgation. For community water systems serving 10,000 to 75,000 persons, monitoring must begin within 3 years from the date of promulgation and the effective date of the MCL is 4 years from the date of promulgation. Effective immediately, systems that plan to make significant modifications to their treatment processes for the purpose of complying with the TTHM MCL are required to seek and obtain State approval of their treatment modification plans. This note affects §§141.2, 141.6, 141.12, 141.24 and 141.30. For additional information see 44 FR 68641, Nov. 29, 1979.

Subpart A—General

§ 141.1 Applicability.

This part establishes primary drinking water regulations pursuant to section 1412 of the Public Health Service Act, as amended by the Safe Drinking Water Act (Pub. L. 93-523); and related regulations applicable to public water systems.

§ 141.2 Definitions.

As used in this part, the term:

Act means the Public Health Service Act, as amended by the Safe Drinking Water Act, Public Law 93-523.

Action level, is the concentration of lead or copper in water specified in §141.80(c) which determines, in some cases, the treatment requirements contained in subpart I of this part that a water system is required to complete.

Best available technology or *BAT* means the best technology, treatment techniques, or other means which the Administrator finds, after examination

40 CFR 141

contained in 40 CFR part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or subsequent revisions or amendments thereto, shall be employed.

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

Subpart A—General

Sec.
141.1 Applicability.
141.2 Definitions.
141.3 Coverage.
141.4 Variances and exemptions.
141.5 Siting requirements.
141.6 Effective dates.

Subpart B—Maximum Contaminant Levels

141.11 Maximum contaminant levels for inorganic chemicals.
141.12 Maximum contaminant levels for total trihalomethanes.
141.13 Maximum contaminant levels for turbidity.

Subpart C—Monitoring and Analytical Requirements

141.21 Coliform sampling.
141.22 Turbidity sampling and analytical requirements.
141.23 Inorganic chemical sampling and analytical requirements.
141.24 Organic chemicals, sampling and analytical requirements.
141.25 Analytical methods for radioactivity.
141.26 Monitoring frequency and compliance requirements for radionuclides in community water systems
141.27 Alternate analytical techniques.
141.28 Certified laboratories.
141.29 Monitoring of consecutive public water systems.
141.30 Total trihalomethanes sampling, analytical and other requirements.

Subpart D—Reporting and Recordkeeping

141.31 Reporting requirements.
141.32 Public notification.
141.33 Record maintenance.
141.34 [Reserved]
141.35 Reporting of unregulated contaminant monitoring results.

Subpart E—Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use

141.40 Monitoring requirements for unregulated contaminants.
141.41 Special monitoring for sodium.
141.42 Special monitoring for corrosivity characteristics.
141.43 Prohibition on use of lead pipes, solder, and flux.

Subpart F—Maximum Contaminant Level Goals and Maximum Residual Disinfectant Level Goals

141.50 Maximum contaminant level goals for organic contaminants.
141.51 Maximum contaminant level goals for inorganic contaminants.
141.52 Maximum contaminant level goals for microbiological contaminants.
141.53 Maximum contaminant level goals for disinfection byproducts.
141.54 Maximum residual disinfectant level goals for disinfectants.
141.55 Maximum contaminant level goals for radionuclides.

Subpart G—National Primary Drinking Water Regulations: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels

141.60 Effective dates.
141.61 Maximum contaminant levels for organic contaminants.
141.62 Maximum contaminant levels for inorganic contaminants.
141.63 Maximum contaminant levels (MCLs) for microbiological contaminants.
141.64 Maximum contaminant levels for disinfection byproducts.
141.65 Maximum residual disinfectant levels.
141.66 Maximum contaminant levels for radionuclides.

Subpart H—Filtration and Disinfection

141.70 General requirements.
141.71 Criteria for avoiding filtration.
141.72 Disinfection.
141.73 Filtration.
141.74 Analytical and monitoring requirements.
141.75 Reporting and recordkeeping requirements.
141.76 Recycle provisions.

Subpart I—Control of Lead and Copper

141.80 General requirements.
141.81 Applicability of corrosion control treatment steps to small, medium-size and large water systems.
141.82 Description of corrosion control treatment requirements.
141.83 Source water treatment requirements.
141.84 Lead service line replacement requirements.
141.85 Public education and supplemental monitoring requirements.

§ 141.64 Maximum contaminant levels for disinfection byproducts.

(a) The maximum contaminant levels (MCLs) for disinfection byproducts are as follows:

Disinfection byproduct	MCL (mg/L)
Total trihalomethanes (TTHM)	0.080
Haloacetic acids (five) (HAA5)	0.060
Bromate	0.010
Chlorite	1.0

(b) *Compliance dates.* (1) *CWSs and NTNCWSs.* Subpart H systems serving 10,000 or more persons must comply with this section beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with this section beginning January 1, 2004.

(2) A system that is installing GAC or membrane technology to comply with this section may apply to the State for an extension of up to 24 months past the dates in paragraphs (b)(1) of this section, but not beyond December 31, 2003. In granting the extension, States must set a schedule for compliance and may specify any interim measures that the system must take. Failure to meet the schedule or interim treatment requirements constitutes a violation of a National Primary Drinking Water Regulation.

(c) The Administrator, pursuant to Section 1412 of the Act, hereby identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for disinfection byproducts identified in paragraph (a) of this section:

Disinfection byproduct	Best available technology
TTHM	Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant
HAA5	Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant.
Bromate	Control of ozone treatment process to reduce production of bromate.
Chlorite	Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.

[63 FR 69465, Dec. 16, 1998, as amended at 66 FR 3776, Jan. 16, 2001]

§ 141.65 Maximum residual disinfectant levels.

(a) Maximum residual disinfectant levels (MRDLs) are as follows:

Disinfectant residual	MRDL (mg/L)
Chlorine	4.0 (as Cl_2).
Chloramines	4.0 (as Cl_2).
Chlorine dioxide	0.8 (as ClO_2).

(b) *Compliance dates.* (1) *CWSs and NTNCWSs.* Subpart H systems serving 10,000 or more persons must comply with this section beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with this subpart beginning January 1, 2004.

(2) Transient NCWSs. Subpart H systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

(c) The Administrator, pursuant to Section 1412 of the Act, hereby identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum residual disinfectant levels identified in paragraph (a) of this section: control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.

[63 FR 69465, Dec. 16, 1998, as amended at 66 FR 3776, Jan. 16, 2001]

§ 141.66 Maximum contaminant levels for radionuclides.

(a) [Reserved]

(b) *MCL for combined radium-226 and -228.* The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/L. The combined radium-226 and radium-228 value is determined by

the addition of the results of the analysis for radium-226 and the analysis for radium-228.

(c) *MCL for gross alpha particle activity (excluding radon and uranium).* The maximum contaminant level for gross alpha particle activity (including radium-226 but excluding radon and uranium) is 15 pCi/L.

(d) *MCL for beta particle and photon radioactivity.* (1) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year (mrem/year).

(2) Except for the radionuclides listed in table A, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of 2 liter per day drinking water intake using the 168 hour data list in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NBS (National Bureau of Standards) Handbook 69 as amended August 1963, U.S. Department of Commerce. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this document are available from the National Technical Information Service, NTIS ADA 280 282, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. The toll-free number is 800-553-6847. Copies may be inspected at EPA's Drinking Water Docket, 401 M Street, SW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 mrem/year.

TABLE A—AVERAGE ANNUAL CONCENTRATIONS ASSUMED TO PRODUCE: A TOTAL BODY OR ORGAN DOSE OF 4 MREM/YR

1. Radionuclide	Critical organ	pCi per liter
2. Tritium	Total body	20,000
3. Strontium-90	Bone Marrow	8

(e) *MCL for uranium.* The maximum contaminant level for uranium is 30 µg/L.

(f) *Compliance dates.* (1) Compliance dates for combined radium-226 and -228, gross alpha particle activity, gross beta particle and photon radioactivity, and uranium: Community water systems must comply with the MCLs listed in paragraphs (b), (c), (d), and (e) of this section beginning December 8, 2003 and compliance shall be determined in accordance with the requirements of §§141.25 and 141.26. Compliance with reporting requirements for the radionuclides under appendix A to subpart O and appendices A and B to subpart Q is required on December 8, 2003.

(2) [Reserved]

(g) *Best available technologies (BATs) for radionuclides.* The Administrator, pursuant to section 1412 of the Act, hereby identifies as indicated in the following table the best technology available for achieving compliance with the maximum contaminant levels for combined radium-226 and -228, uranium, gross alpha particle activity, and beta particle and photon radioactivity.

TABLE B—BAT FOR COMBINED RADIUM-226 AND RADIUM-228, URANIUM, GROSS ALPHA PARTICLE ACTIVITY, AND BETA PARTICLE AND PHOTON RADIOACTIVITY

Contaminant	BAT
1. Combined radium-226 and radium-228	Ion exchange, reverse osmosis, lime softening.
2. Uranium	Ion exchange, reverse osmosis, lime softening, coagulation/filtration.
3. Gross alpha particle activity (excluding Radon and Uranium)	Reverse osmosis.
4. Beta particle and photon radioactivity	Ion exchange, reverse osmosis.

(h) *Small systems compliance technologies list for radionuclides.*

TABLE C—LIST OF SMALL SYSTEMS COMPLIANCE TECHNOLOGIES FOR RADIONUCLIDES AND LIMITATIONS TO USE

Unit technologies	Limitations (see footnotes)	Operator skill level required [1]	Raw water quality range and considerations.[1]
1. Ion exchange (IE)	(a)	Intermediate	All ground waters.
2. Point of use (POU [2]) IE	(b)	Basic	All ground waters.
3. Reverse osmosis (RO)	(c)	Advanced	Surface waters usually require pre-filtration.
4. POU [2] RO	(b)	Basic	Surface waters usually require pre-filtration.
5. Lime softening	(d)	Advanced	All waters.
6. Green sand filtration	(e)	Basic.	
7. Co-precipitation with Barium sulfate	(f)	Intermediate to Advanced	Ground waters with suitable water quality.
8. Electrodialysis/electrodialysis reversal.		Basic to Intermediate	All ground waters.
9. Pre-formed hydrous Manganese oxide filtration.	(g)	Intermediate	All ground waters.
10. Activated alumina	(a), (h)	Advanced	All ground waters; competing anion concentrations may affect regeneration frequency.
11. Enhanced coagulation/filtration	(i)	Advanced	Can treat a wide range of water qualities.

[1] National Research Council (NRC). Safe Water from Every Tap: Improving Water Service to Small Communities. National Academy Press. Washington, D.C. 1997.

[2] A POU, or "point-of-use" technology is a treatment device installed at a single tap used for the purpose of reducing contaminants in drinking water at that one tap. POU devices are typically installed at the kitchen tap. See the April 21, 2000 NODA for more details.

Limitations Footnotes: Technologies for Radionuclides:

[a] The regeneration solution contains high concentrations of the contaminant ions. Disposal options should be carefully considered before choosing this technology.

[b] When POU devices are used for compliance, programs for long-term operation, maintenance, and monitoring must be provided by water utility to ensure proper performance.

[c] Reject water disposal options should be carefully considered before choosing this technology. See other RO limitations described in the SWTR Compliance Technologies Table.

[d] The combination of variable source water quality and the complexity of the water chemistry involved may make this technology too complex for small surface water systems.

[e] Removal efficiencies can vary depending on water quality.

[f] This technology may be very limited in application to small systems. Since the process requires static mixing, detention basins, and filtration, it is most applicable to systems with sufficiently high sulfate levels that already have a suitable filtration treatment train in place.

[g] This technology is most applicable to small systems that already have filtration in place.

[h] Handling of chemicals required during regeneration and pH adjustment may be too difficult for small systems without an adequately trained operator.

[i] Assumes modification to a coagulation/filtration process already in place.

TABLE D—COMPLIANCE TECHNOLOGIES BY SYSTEM SIZE CATEGORY FOR RADIONUCLIDE NPDWR'S

Contaminant	Compliance technologies [1] for system size categories (population served)		3,300–10,000
	25–500	501–3,300	
1. Combined radium-226 and radium-228	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9.
2. Gross alpha particle activity	3, 4	3, 4	3, 4.
3. Beta particle activity and photon activity	1, 2, 3, 4	1, 2, 3, 4	1, 2, 3, 4.
4. Uranium	1, 2, 4, 10, 11	1, 2, 3, 4, 5, 10, 11	1, 2, 3, 4, 5, 10, 11.

Note: [1] Numbers correspond to those technologies found listed in the table C of 141.66(h).

[65 FR 76748, Dec. 7, 2000]

Subpart H—Filtration and Disinfection

SOURCE: 54 FR 27527, June 29, 1989, unless otherwise noted.

§141.70 General requirements.

(a) The requirements of this subpart H constitute national primary drinking water regulations. These regulations establish criteria under which filtration is required as a treatment technique for public water systems supplied by a surface water source and public