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expects to address them. For systems using a ground water source under the direct influence of surface water, an approved wellhead protection program developed under section 1428 of the Safe Drinking Water Act may be used, if the State deems it appropriate, to meet these requirements.

(3) The public water system must be subject to an annual on-site inspection to assess the watershed control program and disinfection treatment process. Either the State or a party approved by the State must conduct the on-site inspection. The inspection must be conducted by competent individuals such as sanitary and civil engineers, sanitarians, or technicians who have experience and knowledge about the operation and maintenance of a public water system, and who have a sound understanding of public health principles and waterborne diseases. A report of the on-site inspection summarizing all findings must be prepared every year. The on-site inspection must indicate to the State's satisfaction that the watershed control program and disinfection treatment process are adequately designed and maintained. The on-site inspection must include:

- (i) A review of the effectiveness of the watershed control program;
- (ii) A review of the physical condition of the source intake and how well it is protected;
- (iii) A review of the system's equipment maintenance program to ensure there is low probability for failure of the disinfection process;
- (iv) An inspection of the disinfection equipment for physical deterioration;
- (v) A review of operating procedures;
- (vi) A review of data records to ensure that all required tests are being conducted and recorded and disinfection is effectively practiced; and
- (vii) Identification of any improvements which are needed in the equipment, system maintenance and operation, or data collection.

(4) The public water system must not have been identified as a source of a waterborne disease outbreak, or if it has been so identified, the system must have been modified sufficiently to prevent another such occurrence, as determined by the State.

(5) The public water system must comply with the maximum contaminant level (MCL) for total coliforms in §141.63(a) and (b) and the MCL for *E. coli* in §141.63(c) at least 11 months of the 12 previous months that the system served water to the public, on an ongoing basis, unless the State determines that failure to meet this requirement was not caused by a deficiency in treatment of the source water.

(6) The public water system must comply with the requirements for trihalomethanes in §§141.12 and 141.30 until December 31, 2001. After December 31, 2001, the system must comply with the requirements for total trihalomethanes, haloacetic acids (five), bromate, chlorite, chlorine, chloramines, and chlorine dioxide in subpart L of this part.

(c) *Treatment technique violations.* (1) A system that (i) fails to meet any one of the criteria in paragraphs (a) and (b) of this section and/or which the State has determined that filtration is required, in writing pursuant to §141.2(b)(7)(C)(iii), and (ii) fails to install filtration by the date specified in the introductory paragraph of this section is in violation of a treatment technique requirement.

(2) A system that has not installed filtration is in violation of a treatment technique requirement if:

- (i) The turbidity level (measured as specified in §141.74(a)(1) and (b)(2)) in a representative sample of the source water immediately prior to the first or only point of disinfection application exceeds 5 NTU; or
- (ii) The system is identified as a source of a waterborne disease outbreak.

[54 FR 27527, June 29, 1989, as amended at 63 FR 69516, Dec. 16, 1998; 66 FR 3776, Jan. 16, 2001; 69 FR 38855, June 29, 2004; 78 FR 10347, Feb. 13, 2013]

§ 141.72 Disinfection.

A public water system that uses a surface water source and does not provide filtration treatment must provide the disinfection treatment specified in paragraph (a) of this section beginning December 30, 1991, unless the State determines that filtration is required in writing pursuant to §141.2(b)(7)(C)(iii). A public water system that uses a

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ground water source under the direct influence of surface water and does not provide filtration treatment must provide disinfection treatment specified in paragraph (a) of this section beginning December 30, 1991, or 18 months after the State determines that the ground water source is under the influence of surface water, whichever is later, unless the State has determined that filtration is required in writing pursuant to §141.74(b)(7)(C)(iii). If the State has determined that filtration is required, the system must comply with any interim disinfection requirements the State deems necessary before filtration is installed. A system that uses a surface water source that provides filtration treatment must provide the disinfection treatment specified in paragraph (b) of this section beginning June 29, 1993, or beginning when filtration is installed, whichever is later. A system that uses a ground water source under the direct influence of surface water and provides filtration treatment must provide disinfection treatment as specified in paragraph (b) of this section by June 29, 1993, or beginning when filtration is installed, whichever is later. Failure to meet any requirement of this section after the applicable date specified in this introductory paragraph is a treatment technique violation.

(a) *Disinfection requirements for public water systems that do not provide filtration.* Each public water system that does not provide filtration treatment must provide disinfection treatment as follows:

(1) The disinfection treatment must be sufficient to ensure at least 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts and 99.99 percent (4-log) inactivation of viruses, every day the system serves water to the public, except any one day each month. Each day a system serves water to the public, the public water system must calculate the CT value(s) from the system's treatment parameters, using the procedure specified in §141.74(b)(3), and determine whether this value(s) is sufficient to achieve the specified inactivation rates for *Giardia lamblia* cysts and viruses. If a system uses a disinfectant other than chlorine, the system may demonstrate to the State, through the

use of a State-approved protocol for on-site disinfection challenge studies or other information satisfactory to the State, that CT_{99.9} values other than those specified in tables 2.1 and 3.1 in §141.74(b)(3) or other operational parameters are adequate to demonstrate that the system is achieving minimum inactivation rates required by paragraph (a)(1) of this section.

(2) The disinfection system must have either (i) redundant components, including an auxiliary power supply with automatic start-up and alarm to ensure that disinfectant application is maintained continuously while water is being delivered to the distribution system, or (ii) automatic shut-off of delivery of water to the distribution system whenever there is less than 0.2 mg/l of residual disinfectant concentration in the water. If the State determines that automatic shut-off would cause unreasonable risk to health or interfere with fire protection, the system must comply with paragraph (a)(2)(i) of this section.

(3) The residual disinfectant concentration in the water entering the distribution system, measured as specified in §141.74 (a)(2) and (b)(5), cannot be less than 0.2 mg/l for more than 4 hours.

(4)(i) The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide, as specified in §141.74 (a)(2) and (b)(6), cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public. Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/ml, measured as heterotrophic plate count (HPC) as specified in §141.74(a)(1), is deemed to have a detectable disinfectant residual for purposes of determining compliance with this requirement. Thus, the value "V" in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

$$V = \frac{c+d+e}{a+b} \times 100$$

where:

a=number of instances where the residual disinfectant concentration is measured;

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b=number of instances where the residual disinfectant concentration is not measured but heterotrophic bacteria plate count (HPC) is measured;

c=number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

d=number of instances where the residual disinfectant concentration is measured but not detected and where the HPC is >500/ml; and

e=number of instances where the residual disinfectant concentration is not measured and HPC is >500/ml.

(ii) If the State determines, based on site-specific considerations, that a system has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by §141.74(a)(1) and that the system is providing adequate disinfection in the distribution system, the requirements of paragraph (a)(4)(i) of this section do not apply to that system.

(b) *Disinfection requirements for public water systems which provide filtration.* Each public water system that provides filtration treatment must provide disinfection treatment as follows.

(1) The disinfection treatment must be sufficient to ensure that the total treatment processes of that system achieve at least 99.9 percent (3-log) inactivation and/or removal of *Giardia lamblia* cysts and at least 99.99 percent (4-log) inactivation and/or removal of viruses, as determined by the State.

(2) The residual disinfectant concentration in the water entering the distribution system, measured as specified in §141.74 (a)(2) and (c)(2), cannot be less than 0.2 mg/l for more than 4 hours.

(3)(i) The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide, as specified in §141.74 (a)(2) and (c)(3), cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public. Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/ml, measured as heterotrophic plate count (HPC) as specified in §141.74(a)(1), is deemed to have a detectable disinfectant residual

for purposes of determining compliance with this requirement. Thus, the value “V” in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

$$V = \frac{c + d + e}{a + b} \times 100$$

where:

a=number of instances where the residual disinfectant concentration is measured;

b=number of instances where the residual disinfectant concentration is not measured but heterotrophic bacteria plate count (HPC) is measured;

c=number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

d=number of instances where no residual disinfectant concentration is detected and where the HPC is >500/ml; and

e=number of instances where the residual disinfectant concentration is not measured and HPC is >500/ml.

(ii) If the State determines, based on site-specific considerations, that a system has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified in §141.74(a)(1) and that the system is providing adequate disinfection in the distribution system, the requirements of paragraph (b)(3)(i) of this section do not apply.

[54 FR 27527, June 29, 1989, as amended at 69 FR 38855, June 29, 2004]

§ 141.73 Filtration.

A public water system that uses a surface water source or a ground water source under the direct influence of surface water, and does not meet all of the criteria in §141.71 (a) and (b) for avoiding filtration, must provide treatment consisting of both disinfection, as specified in §141.72(b), and filtration treatment which complies with the requirements of paragraph (a), (b), (c), (d), or (e) of this section by June 29, 1993, or within 18 months of the failure to meet any one of the criteria for avoiding filtration in §141.71 (a) and (b), whichever is later. Failure to meet any requirement of this section after the date specified in this introductory paragraph is a treatment technique violation.