

## § 141.1

- 141.852 Analytical methods and laboratory certification.
- 141.853 General monitoring requirements for all public water systems.
- 141.854 Routine monitoring requirements for non-community water systems serving 1,000 or fewer people using only ground water.
- 141.855 Routine monitoring requirements for community water systems serving 1,000 or fewer people using only ground water.
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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 promulgation 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.

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#### § 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.

*Bag filters* are pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to outside.

*Bank filtration* is a water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well(s).

*Best available technology* or *BAT* means the best technology, treatment techniques, or other means which the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration). For the purposes of setting MCLs for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon.

*Cartridge filters* are pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

*Clean compliance history* is, for the purposes of subpart Y, a record of no MCL violations under §141.63; no monitoring violations under §141.21 or subpart Y; and no coliform treatment technique trigger exceedances or treatment technique violations under subpart Y.

*Coagulation* means a process using coagulant chemicals and mixing by which colloidal and suspended materials are

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destabilized and agglomerated into flocs.

*Combined distribution system* is the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

*Community water system* means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

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

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

*Comprehensive performance evaluation (CPE)* is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purpose of compliance with subparts P and T of this part, the comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

*Confluent growth* means a continuous bacterial growth covering the entire filtration area of a membrane filter, or

a portion thereof, in which bacterial colonies are not discrete.

*Consecutive system* is a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

*Contaminant* means any physical, chemical, biological, or radiological substance or matter in water.

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

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

*CT* or *CT<sub>calc</sub>* is the product of "residual disinfectant concentration" (C) in mg/l determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes, *i.e.*, "C" × "T". If a public water system applies disinfectants at more than one point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio." In determining the total inactivation ratio, the public water system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). "CT<sub>99.9</sub>" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT<sub>99.9</sub> for a variety of disinfectants and conditions appear in tables 1.1–1.6, 2.1, and 3.1 of § 141.74(b)(3).

$$\frac{CT_{calc}}{CT_{99.9}}$$

is the inactivation ratio. The sum of the inactivation ratios, or total inactivation ratio shown as

$$\sum \frac{(CT_{\text{calc}})}{(CT_{99.9})}$$

is calculated by adding together the inactivation ratio for each disinfection sequence. A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

*Diatomaceous earth filtration* means a process resulting in substantial particulate removal in which (1) a precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and (2) while the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

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

*Disinfectant* means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

*Disinfectant contact time* (“T” in CT calculations) means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration (“C”) is measured. Where only one “C” is measured, “T” is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where residual disinfectant concentration (“C”) is measured. Where more than one “C” is measured, “T” is (a) for the first measurement of “C”, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first “C” is measured and (b) for subsequent measurements of “C”, the time in minutes that it takes for water to move from the previous “C” measurement point to the “C”

measurement point for which the particular “T” is being calculated. Disinfectant contact time in pipelines must be calculated based on “plug flow” by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe. Disinfectant contact time within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

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

*Disinfection profile* is a summary of *Giardia lamblia* inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in §141.172 (Disinfection profiling and benchmarking) in subpart P and §§141.530–141.536 (Disinfection profile) in subpart T of this part.

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

*Dose equivalent* means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

*Dual sample set* is a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purposes of conducting an IDSE under subpart U of this part and determining compliance with the TTHM and HAA5 MCLs under subpart V of this part.

*Effective corrosion inhibitor residual*, for the purpose of subpart I of this part only, means a concentration sufficient to form a passivating film on the interior walls of a pipe.

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*Enhanced coagulation* means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

*Enhanced softening* means the improved removal of disinfection byproduct precursors by precipitative softening.

*Filter profile* is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

*Filtration* means a process for removing particulate matter from water by passage through porous media.

*Finished water* is water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except as treatment necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals).

*First draw sample* means a one-liter sample of tap water, collected in accordance with §141.86(b)(2), that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.

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

*Flowing stream* is a course of running water flowing in a definite channel.

*GAC10* means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with subpart V MCLs under §141.64(b)(2) shall be 120 days.

*GAC20* means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

*Ground water under the direct influence of surface water (GWUDI)* means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the State. The State determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation.

*Gross alpha particle activity* means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

*Gross beta particle activity* means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

*Haloacetic acids (five) (HAA5)* mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

*Halogen* means one of the chemical elements chlorine, bromine or iodine.

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

*Lake/reservoir* refers to a natural or man made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

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

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

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

*Level 1 assessment* is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. It is conducted by the system operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any State directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

*Level 2 assessment* is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the State, which may in-

clude the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any State directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. The system must comply with any expedited actions or additional actions required by the State in the case of an *E. coli* MCL violation.

*Locational running annual average (LRAA)* is the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.

*Man-made beta particle and photon emitters* means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

*Maximum contaminant level* means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

*Maximum contaminant level goal* or *MCLG* means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. Maximum contaminant level goals are nonenforceable health goals.

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

adverse health effects. For chlorine and chloramines, a PWS is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a PWS is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels under Section 1412 of the Safe Drinking Water Act. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in §141.65, operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections.

*Maximum residual disinfectant level goal (MRDLG)* means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

*Maximum Total Trihalomethane Potential (MTP)* means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after 7 days at a temperature of 25 °C or above.

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

*Membrane filtration* is a pressure or vacuum driven separation process in which particulate matter larger than 1 micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which

has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

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

*Non-community water system* means a public water system that is not a community water system. A non-community water system is either a “transient non-community water system (TWS)” or a “non-transient non-community water system (NTNCWS).”

*Non-transient non-community water system* or *NTNCWS* means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

*Optimal corrosion control treatment*, for the purpose of subpart I of this part only, means the corrosion control treatment that minimizes the lead and copper concentrations at users’ taps while insuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

*Performance evaluation sample* means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

*Person* means an individual; corporation; company; association; partnership; municipality; or State, Federal, or tribal agency.

*Picocurie (pCi)* means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

*Plant intake* refers to the works or structures at the head of a conduit through which water is diverted from a source (e.g., river or lake) into the treatment plant.

*Point of disinfectant application* is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

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

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

*Presedimentation* is a preliminary treatment process used to remove gravel, sand and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

*Public water system* means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "noncommunity water system."

*Rem* means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is  $\frac{1}{1000}$  of a rem.

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

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

*Sanitary defect* is a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.

*Sanitary survey* means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

*Seasonal system* is a non-community water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season.

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

*Service connection*, as used in the definition of *public water system*, does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if:

(1) The water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);

(2) The State determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or

(3) The State determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

*Service line sample* means a one-liter sample of water collected in accordance with §141.86(b)(3), that has been standing for at least 6 hours in a service line.

*Single family structure*, for the purpose of subpart I of this part only, means a building constructed as a single-family residence that is currently used as either a residence or a place of business.

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*Slow sand filtration* means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 m/h) resulting in substantial particulate removal by physical and biological mechanisms.

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

*Special irrigation district* means an irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential or similar use where the system or the residential or similar users of the system comply with the exclusion provisions in section 1401(4)(B)(i)(II) or (III).

*Standard sample* means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

*State* means the agency of the State or Tribal government which has jurisdiction over public water systems. During any period when a State or Tribal government does not have primary enforcement responsibility pursuant to section 1413 of the Act, the term "State" means the Regional Administrator, U.S. Environmental Protection Agency.

*Subpart H systems* means public water systems using surface water or ground water under the direct influence of surface water as a source that are subject to the requirements of subpart H of this part.

*Supplier of water* means any person who owns or operates a public water system.

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

*SUVA* means Specific Ultraviolet Absorption at 254 nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm ( $UV_{254}$ ) (in  $m^{-1}$ ) by its concentration of dissolved organic carbon (DOC) (in mg/L).

*System with a single service connection* means a system which supplies drinking water to consumers via a single service line.

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

*Total Organic Carbon (TOC)* means total organic carbon in mg/L measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

*Total trihalomethanes (TTHM)* means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane [chloroform], dibromochloromethane, bromodichloromethane and tribromomethane [bromoform]), rounded to two significant figures.

*Transient non-community water system* or *TWS* means a non-community water system that does not regularly serve at least 25 of the same persons over six months per year.

*Trihalomethane (THM)* means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

*Two-stage lime softening* is a process in which chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration.

*Uncovered finished water storage facility* is a tank, reservoir, or other facility used to store water that will undergo no further treatment to reduce microbial pathogens except residual disinfection and is directly open to the atmosphere.

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

*Waterborne disease outbreak* means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the appropriate local or State agency.

*Wholesale system* is a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water



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system. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

[40 FR 59570, Dec. 24, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §141.2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

#### § 141.3 Coverage.

This part shall apply to each public water system, unless the public water system meets all of the following conditions:

- (a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- (b) Obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;
- (c) Does not sell water to any person; and
- (d) Is not a carrier which conveys passengers in interstate commerce.

#### § 141.4 Variances and exemptions.

(a) Variances or exemptions from certain provisions of these regulations may be granted pursuant to sections 1415 and 1416 of the Act and subpart K of part 142 of this chapter (for small system variances) by the entity with primary enforcement responsibility, except that variances or exemptions from the MCLs for total coliforms and *E. coli* and variances from any of the treatment technique requirements of subpart H of this part may not be granted.

(b) EPA has stayed the effective date of this section relating to the total coliform MCL of §141.63(a) for systems that demonstrate to the State that the violation of the total coliform MCL is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system. This is stayed until March 31, 2016, at which time the total coliform MCL is no longer effective.

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NOTE TO PARAGRAPH (a): As provided in §142.304(a), small system variances are not available for rules addressing microbial contaminants, which would include subparts H, P, S, T, W, and Y of this part.

[78 FR 10346, Feb. 13, 2013]

#### § 141.5 Siting requirements.

Before a person may enter into a financial commitment for or initiate construction of a new public water system or increase the capacity of an existing public water system, he shall notify the State and, to the extent practicable, avoid locating part or all of the new or expanded facility at a site which:

- (a) Is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof; or
- (b) Except for intake structures, is within the floodplain of a 100-year flood or is lower than any recorded high tide where appropriate records exist. The U.S. Environmental Protection Agency will not seek to override land use decisions affecting public water systems siting which are made at the State or local government levels.

#### § 141.6 Effective dates.

(a) Except as provided in paragraphs (b) through (k) of this section, and in §141.80(a)(2), the regulations set forth in this part shall take effect on June 24, 1977.

(b) The regulations for total trihalomethanes set forth in §141.12(c) shall take effect 2 years after the date of promulgation of these regulations for community water systems serving 75,000 or more individuals, and 4 years after the date of promulgation for communities serving 10,000 to 74,999 individuals.

(c) The regulations set forth in §§141.11(d); 141.21(a), (c) and (i); 141.22(a) and (e); 141.23(a)(3) and (a)(4); 141.23(f); 141.24(e) and (f); 141.25(e); 141.27(a); 141.28(a) and (b); 141.31(a), (d) and (e); 141.32(b)(3); and 141.32(d) shall take effect immediately upon promulgation.

(d) The regulations set forth in §141.41 shall take effect 18 months from the date of promulgation. Suppliers