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Proposed Changes to the Rules & Regulations Pertaining to Public Water Systems 2009

Proposed deletions: ~~strikethrough~~.

Proposed additions: underlined.

Purpose For Revisions

1.) To add US Environmental Protection Agency mandatory language and make a minor wording correction.

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Section I. Authority

B. Incorporation by Reference

The Rules and Regulations Pertaining to Public Water Systems incorporate by reference the federal National Primary Drinking Water Regulations found in 40 CFR Parts 141, 142 and 143.

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Section II. Purpose

These Rules and Regulations are adopted for the purpose of ensuring that all persons in the State of Arkansas receiving water from a public water system are provided with ample quantities of safe, palatable water which is in full compliance with the National Primary Drinking Water ~~Standards~~ Regulations.

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Section III. Definitions

K. Public Water System:

Public water system or PWS means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or serves an average of at least twenty-five individuals daily at least 60 days per year.

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Section III. Definitions

K.2 Noncommunity public water system:

A public water system that serves at least 15 service connections or at least 25 persons per day that is not a community water system, or a water source that is not a community water system that is utilized as a source for bottled water.

Comments: EPA Region 6 Office of Regional Counsel advised that wording additions 1A, 1C, and 1D were required to clarify state primacy authority and to conform with the wording of EPA regulations. Item 1B is a minor change to conform with the wording in 1A.

2.) To remove outdated regulation language regarding an ADH policy on approved chemicals, equipment and processes.

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Section VII.F Approved Chemicals, Materials, Equipment, and Processes

All chemicals added to the water and all materials in contact with in-process or treated water shall be certified as being in compliance with ANSI/NSF Standards 60 and 61, as applicable, and as specified in the "Arkansas Department of Health Policy on Certification of Drinking Water Additives". Certification shall be made by an independent agency meeting the criteria specified in the "Arkansas Department of Health Policy on Certification of Drinking Water Additives". Self-certification by the manufacturer will not be accepted.

Comments: The current language was added in 1991 when the ANSI/NSF Standards 60 & 61 were initially introduced and there was a transition period when independent laboratories needed time to obtain the necessary laboratory capacity and time to complete the certifications. The referenced ADH policy was needed to cover this transition period. Adequate laboratory capacity has existed for some time and references to the outdated ADH policy need to be removed.

3.) To clarify existing language on emergency planning requirements to include the loss of electricity.

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Section VII. G Emergency Planning

Each Community Public Water System and each Non-Transient Non-Community Public Water System shall have a written emergency plan. The emergency plan shall include, at a minimum, names and telephone numbers of responsible utility personnel, procedures to be followed in the event of loss of electricity, source, treatment, storage, or distribution facilities, and procedures to be followed in the event of a loss of distribution system pressure or a known or suspected introduction of contaminants into the distribution system, as approved by the Arkansas Department of Health.

Comments: Recent local and regional natural disasters (hurricane, tornado, ice storm) as well as emergency planning exercises have highlighted the need for water systems, in particular community systems, to have standby power or a readily accessible alternative in the event of a lengthy power outage. Existing language in the regulation could arguably include such a requirement; however, the proposed language would clarify that standby power, or a means of redundancy suitable for the particular system, is necessary. The preparation and implementation of comprehensive emergency plans by water systems which include standby power, or an alternative approved by the ADH, would be a long term process requiring a period of a number of years to accomplish.

4.) Obtain a new approval date on the regulations to adopt by reference the Environmental Protection Agency's Short-Term Regulatory Revisions and Clarification for the Lead and Copper Rule which were promulgated on October 10, 2007 (40 CFR Parts 141 and 142).

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For questions or comments, contact:

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