

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 109. SAFE DRINKING WATER

Subchapter A. GENERAL PROVISIONS

§ 109.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

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

**HBWC—Health Based Water Concentration—The level below which there are no known or anticipated adverse health effects over a lifetime of exposure, including sensitive populations and life stages, allowing for an adequate margin of safety.**

**HFPO-DA—Hexafluoropropylene oxide dimer acid and its structural isomers, including salts, conjugates, derivatives or combinations thereof. International Union of Pure and Applied Chemistry preferred name 2,3,3,3-tetrafluoro-2-(heptafluoropropoxy)propanoate. This compound is also referred to as one of the GenX chemicals.**

**HI—Hazard Index—The sum of component HQs for HFPO-DA, PFBS, PFHxS and PFNA. HI is calculated as follows:**

$$HI = \left( \frac{[HFPO - DA_{water} \frac{ng}{L}]}{[HFPO - DA_{HBWC} \frac{ng}{L}]} \right) + \left( \frac{[PFBS_{water} \frac{ng}{L}]}{[PFBS_{HBWC} \frac{ng}{L}]} \right) + \left( \frac{[PFNA_{water} \frac{ng}{L}]}{[PFNA_{HBWC} \frac{ng}{L}]} \right) + \left( \frac{[PFHxS_{water} \frac{ng}{L}]}{[PFHxS_{HBWC} \frac{ng}{L}]} \right)$$

**HO—Hazard Quotient—The ratio of the measured concentration in drinking water to the HBWC. HQ is calculated by dividing the measured component HI PFAS concentration in water by the corresponding HBWC in the same units.**

*IBWA*—The International Bottled Water Association, Alexandria, Virginia 22314.

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*PDWEP*—Guidelines for Public Drinking Water Equipment Performance issued by NSF.

*PFAS*—Perfluoroalkyl and Polyfluoroalkyl Substances[.]—**This term refers collectively to the group of regulated PFAS compounds.**

***PFBS*—Perfluorobutanesulfonic acid and its structural isomers, including salts, conjugates, derivatives or combinations thereof.**

***PFHxS*—Perfluorohexanesulfonic acid and its structural isomers, including salts, conjugates, derivatives or combinations thereof.**

***PFNA*—Perfluorononanoic acid and its structural isomers, including salts, conjugates, derivatives or combinations thereof.**

*PFOA*—Perfluorooctanoic acid[—CASRN 335-67-1] **and its structural isomers, including salts, conjugates, derivatives or combinations thereof.**

*PFOS*—Perfluorooctanesulfonic acid[—CASRN 1763-23-1] **and its structural isomers, including salts, conjugates, derivatives or combinations thereof.**

***POL*—Practical Quantitation Limit—the minimum concentration of an analyte (substance) that can be measured with a high degree of confidence that the analyte is present at or above that concentration.**

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

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*RAA*—Running annual average—The average, computed quarterly, of quarterly arithmetic averages of all analytical results for samples taken during the most recent 4 calendar quarters. **When calculating the RAA for the purpose of determining compliance, rounding does not occur until the end of the calculation.**

*Recycle flows*—Any water, solid or semi-solid generated by a conventional or direct filtration plant's treatment process and residual treatment processes that is returned to the plant's treatment process.

*Reliably and consistently below the MCL*—

(i) For VOCs, SOCs[.] **and** IOCs (with the exception of nitrate and nitrite), **[and PFAS,]** this means that each sample result is less than 80% of the MCL.

(ii) For nitrate and nitrite, this means that each sample result is less than 50% of the MCL.

**(iii) For PFAS, this means that each sample result is less than 80% of the MCL for MCLs established in § 109.202(a)(4)(ii) (relating to State MCLs, MRDLs and treatment technique requirements), or that each sample result is less than the MCL for MCLs established in 40 CFR 141.61 (relating to maximum contaminant levels for organic contaminants) and incorporated by reference in § 109.202(a)(2).**

*Repeat compliance period*—A subsequent compliance period after the initial compliance period.

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### **Subchapter B. MCLs, MRDLs OR TREATMENT TECHNIQUE REQUIREMENTS**

#### **§ 109.202. State MCLs, MRDLs and treatment technique requirements.**

##### *(a) Primary MCLs, MRDLs and treatment technique requirements.*

(1) A public water system shall supply drinking water that complies with the primary MCLs, MRDLs and treatment technique requirements adopted by the EQB under the act.

(2) This subchapter incorporates by reference the primary MCLs, MRDLs and treatment technique requirements in the National Primary Drinking Water Regulations in 40 CFR Part 141 (relating to National Primary Drinking Water Regulations) as State MCLs, MRDLs and treatment technique requirements under authority of section 4 of the act (35 P.S. § 721.4), unless other MCLs, MRDLs and treatment technique requirements are established by regulations of the Department. The primary MCLs, MRDLs and treatment technique requirements which are incorporated by reference are effective on the date established by the Federal regulations.

**(2.1) The trigger levels in 40 CFR 141.902(a)(5) (relating to monitoring requirements) used in §§ 109.301(17) and 109.1003(a)(1)(xvi) (relating to general monitoring requirements; and monitoring requirements) to determine monitoring frequencies for PFAS are incorporated by reference.**

**(2.2) The HBWCs in 40 CFR 141.61(c) (relating to maximum contaminant levels for organic contaminants) used to calculate the PFAS HI primary MCL are incorporated by reference.**

(3) A public water system that is installing granular activated carbon or membrane technology to comply with the MCL for TTHMs, HAA5, chlorite (where applicable) or bromate (where applicable) may apply to the Department for an extension of up to 24 months past the applicable compliance date specified in the Federal regulations, but not beyond December 31, 2003. In granting the extension, the Department will set a schedule for compliance and may specify any interim measures that the Department deems necessary. Failure to meet the schedule or interim treatment requirements constitutes a violation of National Primary Drinking Water Regulations.

##### (4) Other MCLs.

(i) *Effective dates.* The MCLGs and MCLs in subparagraph (ii)(A)—(B) are effective on January 14, 2023, **until April 25, 2029, at which time paragraph (2) applies and the MCLGs and MCLs established in 40 CFR 141.61 for all regulated PFAS are incorporated by reference. The MCLs established in 40 CFR 141.61 shall also be referenced for the purpose of determining monitoring frequencies in § 109.301(17) and in § 109.1003(a)(1)(xvi), beginning on April 26, 2027.**

**Commented [A1]:** [Question for TAC] Should we keep the exact date as the federal language, or should we use April 1, 2029 instead, so that it is the beginning of a calendar quarter?

**Commented [A2]:** [Question for TAC] Or April 1, 2027?

(ii) The MCLGs and MCLs for PFAS are:

	CASRN	Contaminant	MCLG (mg/L)	MCL (mg/L)	MCLG (ng/L)	MCL (ng/L)
(A)	335-67-1	PFOA	0.000008	0.000014	8	14
(B)	1763-23-1	PFOS	0.000014	0.000018	14	18

(b) *Secondary MCLs.*

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### Subchapter C. MONITORING REQUIREMENTS

#### § 109.301. General monitoring requirements.

Public water suppliers shall monitor for compliance with MCLs, MRDLs and treatment technique requirements in accordance with the requirements established by the EPA under the National Primary Drinking Water Regulations, 40 CFR Part 141 (relating to National Primary Drinking Water Regulations), except as otherwise established by this chapter unless increased monitoring is required by the Department under § 109.302 (relating to special monitoring requirements). Alternative monitoring requirements may be established by the Department and may be implemented in lieu of monitoring requirements for a particular National Primary Drinking Water Regulation if the alternative monitoring requirements are in conformance with the Federal act and regulations. The monitoring requirements shall be applied as follows:

\* \* \* \* \*

(16) *Monitoring requirements for PFAS.* [Community] Until April 25, 2027, community water systems and nontransient noncommunity water systems shall monitor according to this paragraph for compliance with the MCLs for PFAS established under [§ 109.202(a)] § 109.202(a)(4)(ii). Compliance with the MCLs for PFAS established under § 109.202(a)(4)(ii) shall be determined according to subparagraph (ix) until April 25, 2029, at which time compliance with the MCLs shall be determined according to paragraph (17)(vi).

(i) *Initial monitoring.* Initial monitoring shall consist of [4] **four** consecutive quarterly samples at each entry point in accordance with the following monitoring schedule:

(A) Systems serving more than 350 persons shall begin monitoring during the quarter beginning January 1, 2024.

(B) Systems serving 350 or fewer persons shall begin monitoring during the quarter beginning January 1, 2025.

(C) **[Upon request, a system required to conduct monitoring under the Fifth Unregulated Contaminant Monitoring Rule (UCMR 5), specified in 40 CFR Part 141, may upon written approval from the Department modify the initial monitoring period required under clause (A) or (B) to coincide with UCMR 5.] {Reserved}.**

(D) Systems that add new sources to new or existing entry points on or after the applicable dates in clauses (A) and (B), shall conduct initial monitoring according to this clause. An

entry point with one or more new sources shall be monitored for 4 consecutive quarters, beginning the first full quarter the entry point begins serving the public.

**(E) In addition to the initial monitoring requirements established in clauses (A), (B) and (D), systems and entry points permitted prior to April 26, 2027, shall complete initial monitoring according to paragraph (17)(i)(A).**

(ii) *Repeat monitoring for PFAS that are detected.* For entry points at which a PFAS is detected at a level equal to or greater than its corresponding MRL as defined in § 109.304(f), then:

(A) Monitoring for the detected PFAS shall be conducted quarterly, beginning the quarter following the detection, until reduced monitoring is granted in accordance with this subparagraph.

(B) The Department may decrease the quarterly monitoring requirement specified in clause (A) if it has determined that monitoring results are reliably and consistently below the MCL, **as defined in § 109.1**. The Department will not make this determination until the water system obtains results from a minimum of four consecutive quarterly samples that are reliably and consistently below the MCL.

\* \* \* \* \*

(ix) *Compliance determinations.* **[Compliance] Until April 25, 2029, compliance** with the PFAS MCLs **established under § 109.202(a)(4)(ii)** shall be determined based on the analytical results obtained at each entry point **according to this subparagraph**. If one entry point is in violation of an MCL, the system is in violation of the MCL.

(A) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average of all samples taken at each entry point.

(B) If monitoring is conducted annually or less frequently, the system is out of compliance if the level of a contaminant at any entry point is greater than the MCL. If a confirmation sample is collected as specified in subparagraph (v), compliance is determined using the average of the two sample results.

(C) If any sample result will cause the running annual average to exceed the MCL at any entry point, the system is out of compliance with the MCL immediately.

(D) If a system fails to collect the required number of samples, compliance with the MCL will be based on the total number of samples collected.

(E) If a sample result is less than the MRL, zero will be used to calculate compliance.

**(17) Additional monitoring requirements for PFAS. Beginning April 26, 2027, community water systems and nontransient noncommunity water systems shall monitor according to this paragraph for compliance with the MCLs for PFAS under § 109.202(a). Compliance with the MCLs for PFAS established under § 109.202(a)(4)(ii) shall be determined according to paragraph (16)(ix) until April 25, 2029, at which time compliance with the MCLs shall be determined according to subparagraph (vi).**

**(i) Initial monitoring.**

**(A) Systems and entry points permitted prior to April 26, 2027, shall complete initial monitoring that complies with the requirements of 40 CFR 141.902(b)(1) (relating to**

**Commented [A3]:** [Question for TAC] Is "Additional the best word here? "Subsequent"? "Successive"?"

monitoring requirements), which is incorporated by reference. Initial monitoring must be completed and reported by **April 26, 2027**. Monitoring conducted to meet the requirements of paragraph (16)(i)(A), (B) or (D) may also be used to satisfy the requirements of this clause, provided the monitoring meets all applicable analytical requirements, including requirements established in 40 CFR 141.901 (relating to analytical requirements) and incorporated by reference in § 109.304(a).

(B) New entry points permitted on or after **April 26, 2027**, shall complete initial monitoring as follows:

(I) Initial monitoring shall consist of four consecutive quarterly samples for all regulated PFAS at each entry point, beginning the first full calendar quarter after the entry point begins serving the public.

(II) For systems using groundwater sources only and serving a population of 10,000 or fewer, if the first two quarterly samples at an entry point have results below the trigger levels, established in 40 CFR 141.902(a)(5) and incorporated by reference in § 109.202(a)(2.1), for all regulated PFAS, the final two quarterly samples are not required.

(ii) *Compliance monitoring.* Beginning **April 26, 2027**, water systems shall conduct compliance monitoring for PFAS as follows.

(A) *Routine monitoring.* For entry points at which any regulated PFAS is detected at or above its corresponding trigger level, established in 40 CFR 141.902(a)(5) and incorporated by reference in § 109.202(a)(2.1), during initial monitoring required under subparagraph (i), or during any subsequent monitoring conducted prior to **April 26, 2027**, monitoring for all regulated PFAS shall be conducted quarterly. Quarterly monitoring for all regulated PFAS shall continue until reduced monitoring is granted in accordance with clause (B)(I). In addition, monitoring for all regulated PFAS at entry points required to increase the monitoring frequency according to clause (C) shall be conducted quarterly according to this clause.

(B) *Reduced monitoring.*

(I) *Annual monitoring.* After the water system obtains entry point results from a minimum of four consecutive quarterly samples required under clause (A) that are reliably and consistently below the MCL, as defined in § 109.1, for all regulated PFAS, the Department may reduce monitoring from quarterly to annually. The Department will not make this determination until the water system obtains entry point results from a minimum of four consecutive quarterly samples that are reliably and consistently below the MCL. Systems which monitor for PFAS annually shall monitor during the quarter that previously yielded the highest analytical result, or as specified by the Department. Annual monitoring shall begin during the calendar year immediately following the end of the quarter in which the criteria in this subclause have been met.

(II) *Triennial monitoring.*

(-a-) For entry points at which none of the regulated PFAS are detected at or above the trigger levels established in 40 CFR 141.902(a)(5) and incorporated by reference in § 109.202(a)(2.1) during initial monitoring required under

subparagraph (i), monitoring may be reduced to one sample per entry point every three years during each compliance period, beginning with the 2026-2028 compliance period. Triennial monitoring shall continue until increased monitoring is required according to clause (C).

(-b-) After the water system obtains entry point results from a minimum of 3 consecutive years of annual monitoring required under subclause (B)(I) that are below the trigger levels for all regulated PFAS established in 40 CFR 141.902(a)(5) and incorporated by reference in § 109.202(a)(2.1), the Department may reduce monitoring frequency from annual to one sample per entry point every 3 years during each subsequent compliance period. Triennial monitoring shall continue until increased monitoring is required according to clause (C).

(-c-) For any water system conducting reduced triennial monitoring at any entry point according to item (-a-) or (-b-), monitoring shall be conducted in the same year as reduced monitoring granted for VOCs under paragraph (5)(iv)(B) and SOCs under paragraph (6)(iii) as specified by the Department.

(-d-) Systems which monitor for PFAS triennially according to item (-a-) or (-b-) shall monitor during the quarter that previously yielded the highest analytical result, or as specified by the Department.

(C) Increased monitoring. Entry points on a reduced monitoring frequency under clause (B) shall increase the monitoring frequency for all regulated PFAS according to subclauses (I) and (II).

(I) For entry points on a reduced annual monitoring frequency under clause (B)(I), if results for any regulated PFAS are at or above the corresponding MCLs established in 40 CFR 141.61 and incorporated by reference in § 109.202(a)(2), monitoring for all regulated PFAS is increased to quarterly according to subparagraph (ii)(A).

(II) For entry points on a reduced triennial monitoring frequency under clause (B)(II), if results for any regulated PFAS are at or above the trigger levels established in 40 CFR 141.902(a)(5) and incorporated by reference in § 109.202(a)(2.1), monitoring is increased to quarterly according to subparagraph (ii)(A).

(iii) Monitoring for entry points with PFAS removal treatment. The reduced monitoring option in subparagraph (ii)(B)(II) does not apply to entry points at which treatment has been installed for PFAS removal. Compliance monitoring for all regulated PFAS at entry points with PFAS removal treatment shall be conducted at least annually. Performance monitoring shall be conducted at least quarterly for the specific PFAS for which treatment has been installed.

(iv) Invalidation of PFAS samples.

(A) The Department may invalidate results of obvious sampling errors.

(B) A sample invalidated under this subparagraph does not count towards meeting the minimum monitoring requirements of this paragraph.

(v) Confirmation samples. The Department may require a confirmation sample to verify PFAS levels and to provide additional information where monitoring required under this paragraph may not be adequate to protect the public health. When the Department determines a confirmation sample is required, the Department will provide written notification to the water system.

(vi) Compliance determinations. Compliance with the PFAS MCLs established in 40 CFR 141.61 and incorporated by reference in § 109.202(a)(2) shall be determined according to this subparagraph, based on the analytical results obtained at each entry point, beginning **April 26, 2029**. If one entry point is in violation of an MCL, the system is in violation of the MCL.

(A) For systems monitoring quarterly, compliance with the MCLs is determined by the running annual average at each entry point.

(I) If the system fails to collect the required number of samples, compliance with the MCLs will be based on the total number of samples collected.

(II) If a sample result for a regulated PFAS is less than the corresponding PQL, zero will be used in the running annual average calculation to determine the running annual average. PQLs are established in 40 CFR 141.903(f)(1)(iv) (relating to compliance requirements) and incorporated by reference in § 109.304(a).

(III) If any sample result will cause the running annual average to exceed any PFAS MCL at any entry point, the system is out of compliance with the MCL immediately.

(IV) If more than one sample is required at an entry point in a quarter in accordance with § 109.718, compliance shall be determined by calculating a quarterly average using the highest result of each unique operating condition at the entry point, as specified in the comprehensive monitoring plan. The quarterly average will be used in the running annual average calculation.

(V) If multiple sample results are reported at an entry point during a quarter that were not collected in order to achieve representative monitoring in accordance with § 109.718 or as a confirmation sample required as specified in subparagraph (v), compliance shall be determined using the quarterly sample with highest concentration result in the running annual average calculation. If a confirmation sample was required, collected, analyzed and reported to the Department, compliance shall be determined using the average of the initial sample and the confirmation sample in the running annual average calculation.

(B) Compliance for regulated PFAS with individual MCLs, which are established in 40 CFR 141.61 and incorporated by reference in § 109.202(a)(2), shall be determined by comparison of the running annual average calculated according to clause (A) to their respective individual MCLs.

(C) Compliance with the HI MCL, which is established in 40 CFR 141.61 and incorporated by reference in § 109.202(a)(2), shall be determined by comparison of the HI running annual average calculated according to clause (A) to the HI MCL. The HI shall be calculated according to 40 CFR 141.903(f)(2) and 40 CFR 141.905(e) (relating to violations), which are incorporated by reference.



**(D) For systems monitoring annually, if any PFAS result or HI calculated according to clause (C) is at or above the corresponding MCL, the monitoring frequency increases to quarterly according to subparagraph (ii)(C)(I), and compliance with the MCL is determined by the running annual average according to clause (A). The quarter with the result at or above the MCL is the first quarter in the running annual average calculation.**

**(E) For systems monitoring triennially, if any PFAS result or HI calculated according to clause (C) is at or above the corresponding trigger level established in 40 CFR 141.902(a)(5) and incorporated by reference in § 109.202(a)(2.1), the monitoring frequency increases to quarterly according to subparagraph (ii)(C)(II), and compliance with the MCL is determined by the running annual average according to clause (A). The quarter with the result at or above the trigger level is the first quarter in the running annual average calculation.**

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**§ 109.303. Sampling requirements.**

(a) The samples taken to determine a public water system's compliance with MCLs, MRDLs or treatment technique requirements or to determine compliance with monitoring requirements shall be taken at the locations identified in §§ 109.301, 109.302, 109.1003, 109.1103, 109.1202 and 109.1303 and as follows:

\* \* \* \* \*

(6) Samples for determining compliance with MCLs for PFAS contaminants **[listed in § 109.202(a)(4)] established in § 109.202(a)** shall be collected at each entry point to the distribution system which is representative of each source after an application of treatment during periods of normal operating conditions. If a system draws water from more than one source and the sources are combined prior to distribution, the system shall sample at the entry point during periods of normal operating conditions when water is representative of all sources being used.

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**§ 109.304. Analytical requirements.**

\* \* \* \* \*

(f) For the purpose of determining compliance with the PFAS MCLs established in **[§ 109.202(a)(4)] § 109.202(a)(4)(ii)** (relating to State MCLs, MRDLs and treatment technique requirements) **and the monitoring requirements for PFAS established in §§ 109.301(16) and § 109.1003(a)(1)(xv) (relating to general monitoring requirements; and monitoring requirements)**, sampling and analysis for PFAS shall be conducted as follows:

\* \* \* \* \*

**Subchapter D. PUBLIC NOTIFICATION**

\* \* \* \* \*

**§ 109.408. Tier 1 public notice—categories, timing and delivery of notice.**

(a) *General violation categories and other situations requiring a Tier 1 public notice.* A public water supplier shall provide Tier 1 public notice for the following circumstances:

\* \* \* \* \*

(11) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Department on a case-by-case basis.

**(12) Exceedance of the lead action level as specified in §109.1102 (relating to action levels and treatment technique requirements).**

(b) *Timing for a Tier 1 public notice.* A public water supplier shall do the following:

\* \* \* \* \*

**§ 109.410. Tier 3 public notice—categories, timing and delivery of notice.**

(a) *General violation categories and other situations requiring a Tier 3 public notice.* A public water supplier shall provide Tier 3 public notice for the following circumstances:

\* \* \* \* \*

(7) Failure to submit certification of completion of a Department-approved start-up procedure by a seasonal system in accordance with § 109.715(e) (relating to seasonal systems).

**(8) Failure to report results of total coliform and *E.coli* monitoring as required under §109.301(3) (relating to general monitoring requirements) and §109.701(a)(1).**

**(9) Reporting violations under Subchapter K (relating to lead and copper) except when a Tier 1 notice is required under §109.408 or when the Department determines that a Tier 2 notice is required.**

(b) *Timing for a Tier 3 public notice.*

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**§ 109.411. Content of a public notice.**

\* \* \* \* \*

(c) *Standard language for a public notice.* Public water systems shall include the following standard language in their public notice:

(1) *Standard health effects language for primary MCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption.* Public water systems shall include in each public notice appropriate health effects language. This subchapter incorporates by reference the health effects language specified in 40 CFR Part 141, Subpart Q, Appendix B (relating to standard health effects language for public notification), corresponding to each primary MCL, MRDL and treatment technique violation listed in 40 CFR Part 141, Subpart Q, Appendix A (relating to NPDWR violations and other situations requiring public notice), and for each violation of a condition of a variance or exemption, unless other health effects language is established by regulations or order of the Department.

(i) The health effects language for fluoride is not incorporated by reference. Public water systems shall include the following health effects language in each Tier 2 public notice for violation of the primary MCL of 2 mg/L for fluoride:

"This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). Dental fluorosis, in its moderate or severe forms, may result in a brown staining and or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Drinking water containing more than 4 mg/L of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease."

(ii) [Public] Until April 25, 2029, public water systems shall include the following health effects language in each Tier 2 public notice for violation of the primary MCL for PFOA, established in § 109.202(a)(4)(ii) (relating to State MCLs, MRDLs and treatment technique requirements):

"Drinking water containing PFOA in excess of the MCL of 14 ng/L may cause adverse health effects, including developmental effects (neurobehavioral and skeletal effects)."

(iii) [Public] Until April 25, 2029, public water systems shall include the following health effects language in each Tier 2 public notice for violation of the primary MCL for PFOS, established in § 109.202(a)(4)(ii):

"Drinking water containing PFOS in excess of the MCL of 18 ng/L may cause adverse health effects, including decreased immune response."

(iv) Beginning on April 26, 2029, paragraph (1) applies and the mandatory health effects language for regulated PFAS in 40 CFR Part 141, Subpart Q, Appendix B, which is incorporated by reference, applies for violations of the PFAS MCLs established in 40 CFR 141.61 (relating to maximum contaminant levels for organic contaminants) and incorporated by reference in § 109.202(a)(2).

(2) *Standard language for violations of monitoring requirements.* Public water systems shall include the following language in their notice, including the language necessary to fill in the blanks, for all violations of monitoring requirements listed in 40 CFR Part 141, Subpart Q, Appendix A:

\* \* \* \* \*

#### § 109.416. CCR requirements.

This section applies only to community water systems and establishes the minimum requirements for the content of the annual CCR that each system shall deliver to its customers. This report must contain information on the quality of the water delivered by the system and characterize the risks, if any, from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

**This section also includes requirements for systems serving more than 100,000 persons to develop and annually update a plan for providing assistance to consumers with limited English proficiency.**

(1) For the purposes of this section, the definitions of “customer,” “**consumer**” and “detected” established by the EPA under 40 CFR 141.151(c) and (d) (relating to **[definitions] purpose and applicability of this subpart**), respectively, are incorporated by reference.

(2) Each community water system shall deliver to its customers an annual CCR on the dates established by the EPA under 40 CFR 141.152 (relating to **[effective] compliance** dates), which is incorporated by reference.

(3) Except as noted in subparagraphs (i)—(v), the annual report that a community water system provides to its customers shall contain all of the information, mandatory language and optional text specified by the EPA under 40 CFR 141.153 and 141.154 (relating to content of the reports; and required additional health information), which are incorporated by reference, and under 40 CFR 141, Subpart O, Appendix A (relating to regulated contaminants), which is incorporated by reference, unless other information, mandatory language or optional text is established by regulations or order of the Department. **The report shall also include a summary, as specified in 40 CFR 141.156 (relating to summary of report contents), which is incorporated by reference.** The health effects language for fluoride is not incorporated by reference. Public water systems shall include the health effects language specified in § 109.411(e)(1)(i) (relating to content of a public notice) for violation of the primary MCL of 2 mg/L fluoride.

\* \* \* \* \*

(3.1) Public water suppliers required to conduct monitoring for PFAS under § 109.301(16) (relating to monitoring requirements) shall also include at a minimum the following information:

(i) Information on results detected.

(A) MCL in ng/L.

(B) MCLG in ng/L.

(C) Highest level detected in ng/L.

(D) Range of detections in ng/L.

(E) Sample dates.

(F) Whether a violation occurred.

(G) *Sources of contamination.* The likely sources of detected contaminants to the best of the public water supplier's knowledge. Specific information regarding contaminants may be available in sanitary surveys or source water assessments and should be used when available. If the public water supplier lacks specific information on the likely source or sources of the contaminant or contaminants, the following statement shall be used:

"Discharge from manufacturing facilities and runoff from land use activities."

(ii) *Health effects language.* Public water systems shall include the health effects language specified in § 109.411(e)(1)(ii) and (iii) for violation of a primary MCL for PFAS specified in § 109.202(a) (relating to State MCLs, MRDLs and treatment technique requirements).

**(3.2) Public water suppliers required to conduct monitoring for PFAS under § 109.301(17) shall, at a minimum, include the following information:**

**(i) The required content and language for all regulated PFAS established in 40 CFR 141.153 and incorporated by reference in paragraph (3).**

**(ii) Until April 25, 2029, shall also include the following:**

**(A) The MCLs and MCLGs established in § 109.202(a)(4)(ii).**

**(B) Whether a violation of an MCL for PFAS established in § 109.202(a)(4)(ii) occurred.**

**(C) Health effects language specified in §§ 109.411(e)(1)(ii) and (iii) for a violation of the corresponding primary MCL for PFAS established in § 109.202(a)(4)(ii).**

**(D) A statement explaining the difference between the MCLGs and MCLs established in § 109.202(a)(4)(ii) and the MCLGs and MCLs established in 40 CFR 141.61 (relating to maximum contaminant levels for organic contaminants) and incorporated by reference in § 109.202(a)(2).**

(4) Each community water system shall do the following:

(i) [Mail or otherwise directly] **Directly** deliver to each customer one copy of the annual CCR no later than the date specified in paragraph (2) **using at least one of the following methods:**

**(A) Mail or hand deliver a paper copy of the report.**

**(B) Mail a notification that the report is available on a website through a direct link.**

**(C) Email a direct link or electronic version of the report.**

**(D) Another direct delivery method approved in writing by the Department.**

**(i.1) For systems that choose to electronically deliver the reports by posting to a website and providing notification either by mail or email:**

**(A) The report must be publicly available on the website at the time notification is made.**

**(B) Notifications must prominently display the link to the website and include an explanation of the nature of the link.**

**(C) Systems may use a web page to convey the information as long as all content requirements are met.**

**(i.2) Systems using electronic delivery methods in subparagraph (i)(B), (C) or (D) must provide a paper copy of the report to any customer upon request. The notification method must prominently display directions for requesting a paper copy.**

**(i.3) Systems that use a publicly available website to provide reports must maintain public access to the report for no less than 3 years.**

(ii) [Mail a paper copy of the annual CCR to the Department no later than the date the water system is required to distribute the CCR to its customers.] {Reserved}.

(iii) Make a good faith effort to reach consumers who do not get water bills. The Department will determine “good faith” based on those methods identified in 40 CFR 141.155(b) (relating to report delivery, **reporting**, and recordkeeping), which are incorporated by reference.

(iv) **Submit in writing to the Department no later than 3 months after the delivery of the annual CCR: Provide a copy of the CCR to the Department no later than 10 days after the date the water system is required to distribute the CCR to its customers along with a certification that the report has been distributed to customers and that the information in the report is correct and consistent with compliance monitoring data previously submitted to the Department. The certification should also include a description of what was done to meet good faith efforts described in subparagraph (ii).**

**[(A) A certification that the annual CCR has been distributed to customers and that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the Department.**

**(B) A description of what was done to meet the good faith effort requirement described in subparagraph (iii).]**

(v) If another State agency or commission also regulates the community water system, submit a copy of the system's annual CCR to the other agency or commission upon the specific request of that agency or commission no later than the date the water system is required to distribute the CCR to its customers. Each State agency or commission shall determine the way it requests a copy of the system's CCR. Those agencies or commissions may include, but are not limited to, the following:

(A) The Pennsylvania Public Utility Commission and the Office of Consumer Advocate in the Office of the Attorney General[,] for water systems that are public utilities regulated under 66 Pa.C.S. (relating to Public Utility Code).

(B) The Department of **[Public Welfare,] Human Services** for self-contained community water systems serving personal care or other group housing facilities.

(C) The Department of Health[,] for self-contained community water systems serving skilled healthcare facilities.

(vi) Make copies of its annual CCR available to the public on request. **Systems should make a reasonable effort to provide the reports in an accessible format to anyone who requests an accommodation.**

(vii) If a community water system serves **[100,000] 50,000** or more people, post its current year's report to a publicly accessible **[site on the Internet] website**.

(viii) Retain copies of each annual CCR and the related information required in paragraph (3) on the premises of the system or at a convenient location near the premises for no less than 3 years after the date of its delivery to customers.

**(ix) Systems serving 100,000 or more persons must develop a plan for providing assistance to consumers with limited English proficiency. The system must evaluate the languages spoken by persons with limited English proficiency served by the water system and the system's anticipated approach to address the translation needs. The initial plan must be provided to the Department with the first report in 2027. Plans must be evaluated annually, updated as necessary and reported with the certification required in subparagraph (iv).**

**(x) Systems must deliver reports as follows:**

(A) Each community water system must distribute reports by July 1 each year. Each report distributed by July 1 must use data collected during or prior to the previous calendar year using methods described in subparagraph (i).

(B) Each community water system serving 10,000 or more persons must distribute the report biannually, or twice per calendar year, by December 31 using methods described in subparagraph (i).

(C) Systems required to comply with clause (B) with a violation or action level exceedance that occurred between January 1 and June 30 of the current year, or have received monitoring results from required monitoring under 40 CFR 141.40 (relating to monitoring requirements for unregulated contaminants), must include a 6-month update with the second report including the following:

(I) A short description of the nature of the 6-month update and the biannual delivery.

(II) If a system receives an MCL, MRDL or treatment technique violation, the 6-month update must include the applicable contaminant section information in 40 CFR 141.153(d)(4), and a readily understandable explanation of the violation including the length of the violation, the potential adverse health effects, actions taken by the system to address the violation, and timeframe the system expects to complete those actions. To describe the potential health effects, the system shall use the relevant language of 40 CFR Part 141, Subpart Q, Appendix A (relating to NPDR violations and other situations requiring public notice).

(III) If a system receives any other violation, the 6-month update must include the information in 40 CFR 141.153(f).

(IV) If a system exceeded the lead action level following monitoring conducted between January 1 and June 30 of the current year, the system must include information in 40 CFR 141.153(d)(4)(vi) and (8).

(V) For systems monitoring under 40 CFR 141.40 that become aware of results for samples collected during the reporting year but were not included in the report distributed by July 1, the system must include information in 40 CFR 141.153(d)(7).

\* \* \* \* \*

#### Subchapter F. DESIGN AND CONSTRUCTION STANDARDS

##### § 109.602. Acceptable design.

\* \* \* \* \*

##### (j) PFAS.

(1) The Department identifies the following treatment technologies as acceptable for achieving compliance with the MCLs for PFAS, established under § 109.202(a) (relating to State MCLs, MRDLs and treatment technique requirements):

- (i) GAC.
- (ii) Ion exchange.

(iii) Reverse Osmosis or nanofiltration.

\* \* \* \* \*

**Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES**

**§ 109.701. Reporting and recordkeeping.**

(a) *Reporting requirements for public water systems.* Public water systems shall comply with the following requirements:

\* \* \* \* \*

(4) *Notice.* The water supplier shall, within 10 days of completion of each public notification required under Subchapter D (relating to public notification) with the exception of a CCR, submit to the Department a certification that it has fully complied with the public notification requirements. **[The water supplier shall include with this certification a representative copy of each type of notice distributed, published, posted and made available to persons served by the system and to the media and a description of the means undertaken to make the notice available.]**

**(i) For all Tier 1 public notices, with the exception of those required for a lead action level exceedance under subparagraph (ii), and for all Tier 2 and 3 public notices, the water supplier shall include with this certification a representative copy of each type of notice distributed, published, posted and made available to persons served by the system and to the media and a description of the means undertaken to make the notice available.**

**(ii) For Tier 1 public notices for a lead action level exceedance, public water systems must provide a copy of the Tier 1 public notice to the Administrator and the Department as soon as practicable, but no later than 24 hours after the public water system learns of the violation or exceedance.**

(5) *Siting plan.* The water supplier shall submit to the Department a written sample siting plan for routine and repeat coliform sampling as required under § 109.301(3) by September 24, 2016. A public water system that begins operation after September 24, 2016, shall submit the sample siting plan prior to serving water to the public.

\* \* \* \* \*

(g) *Monitoring plans for disinfectants, DBPs and DBP precursors.*

(2) *Stage 2 DBP Rule.* Systems required to monitor for disinfection byproducts under § 109.301(12)(ii) shall comply with the following:

(i) *IDSE requirements.* The IDSE requirements established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.600—141.605 (relating to initial distribution system evaluations) are incorporated by reference except as otherwise established by this chapter.

(ii) *Stage 2 [DPB] DBP Rule monitoring plan.*

\* \* \* \* \*



**Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS**

**§ 109.1003. Monitoring requirements.**

(a) *General monitoring requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall monitor for compliance with the MCLs, MRDLs and treatment techniques as follows, except that systems which have installed treatment to comply with a primary MCL shall conduct quarterly operational monitoring for the contaminant which the treatment is designed to remove:

(1) Bottled water systems, retail water facilities and bulk water hauling systems], **for each entry point]** shall **monitor as follows:**

(i) **[Monitor weekly for the presence or absence of total coliform.] Bottled water systems, retail water facilities and vended water systems shall monitor weekly at each entry point** for the presence or absence of total coliform. **Bulk water haulers shall monitor each carrier vehicle weekly for the presence or absence of total coliform.** For any total coliform positive routine or check sample, determine the presence or absence of *E. coli*. All analyses must be conducted in accordance with analytical techniques approved by the Department under § 109.304 (relating to analytical requirements). A system may forego *E. coli* testing on a total coliform-positive sample if the system assumes that any total coliform positive sample is also *E. coli*-positive. A system which chooses to forego *E. coli* testing shall, under § 109.701(a)(3) (relating to reporting and recordkeeping), notify the Department within 1 hour after the water system learns of the violation or the situation, and shall provide public notice in accordance with § 109.1004 (relating to public notification).

(ii) Monitor **each entry point** for turbidity every 4 hours or continuously each day a surface water or GUDI source is in use.

(iii) Monitor **each entry point** for compliance with the MCLs for VOCs in accordance with § 109.301(5) beginning during the quarter that begins January 1, 1995, except that:

(A) Systems that obtain finished water from another permitted public water system are exempt from conducting monitoring for the VOCs if the public water system supplying the finished water performs the required monitoring **[at least annually]** and a copy of the analytical reports are received by the Department.

\* \* \* \* \*

(iv) **[Conduct] At each entry point, conduct** initial and repeat monitoring for compliance with the MCLs for SOCs—pesticides and PCBs—in accordance with § 109.301(6) for four consecutive quarters beginning during the quarter that begins January 1, 1995, except that:

(A) Systems that obtain finished water from another permitted public water system are exempt from conducting compliance monitoring for the SOCs if one of the following applies:

(I) The public water system supplying the finished water performs the required monitoring **[annually]** and a copy of the analytical results are received by the Department.

\* \* \* \* \*

(v) Beginning in 1995, monitor **each entry point** for the primary IOCs, including lead and copper annually, except that:

(A) Systems are granted a waiver from asbestos monitoring unless the Department determines that the system's finished water is vulnerable to asbestos contamination by means of an asbestos cement pipe or the system's source water is vulnerable to asbestos contamination.

(B) Systems that obtain finished water from another permitted public water system are exempt from conducting compliance monitoring for the IOCs (except lead, copper and asbestos if the supplying system has not optimized corrosion control) if the public water system supplying the finished water performs the required monitoring [**annually**] and a copy of the analytical results is received by the Department.

(C) Monitoring for compliance with the MCLs for nitrate and nitrite shall be conducted quarterly following a monitoring result which is equal to or greater than 50% of the MCL. After four consecutive quarterly samples, indicate nitrate and nitrite in each sample are less than 50% of the MCLs, required monitoring is reduced to one sample per year.

(vi) [**Conduct**] **At each entry point, conduct** operational monitoring for fluoride at least once each day, if the system fluoridates its water

(vii) Monitor **each entry point** for compliance with radiological MCLs once every 4 years. **Systems that obtain finished water from another permitted public water system are exempt from conducting compliance monitoring for the radiological contaminants if the public water system supplying the finished water performs the required monitoring and a copy of the analytical results is received by the Department.**

\* \* \* \* \*

(ix) *TTHM and HAA5 Stage 2 DBP Rule*. Beginning October 1, 2013, monitor **each entry point** annually for TTHM and HAA5 if the system uses a chemical disinfectant or oxidant to treat the water, or obtains finished water from another public water system that uses a chemical disinfectant or oxidant to treat the water as follows:

\* \* \* \* \*

(x) Beginning January 1, 2004, monitor **each entry point** daily for chlorite if the system uses chlorine dioxide for disinfection or oxidation. Systems shall take at least one daily sample at the entry point. If a daily sample exceeds the chlorite MCL, the system shall take three additional samples within 24 hours from the same lot, batch, machine, carrier vehicle or point of delivery. The chlorite MCL is based on the average of the required daily sample plus any additional samples.

(xi) Beginning April 28, 2018, a system using chlorine dioxide shall take one sample per day at each entry point. A violation of the chlorine dioxide MRDL occurs when any entry point sample result exceeds the chlorine dioxide MRDL.

(xii) Beginning January 1, 2004, monitor monthly **each entry point** for bromate if the system uses ozone for disinfection or oxidation.

\* \* \* \* \*

(xv) Beginning January 1, 2024, **and until April 25, 2027**, monitor **each entry point according to this subparagraph** for compliance with the MCLs for PFAS established under [§ 109.202(a)] **§ 109.202(a)(4)(ii). Compliance with the MCLs for PFAS established under § 109.202(a)(4)(ii) shall be determined according to clause (G) until April 25, 2029, at which time compliance with the MCLs will be determined according to subparagraph (xvi)(G).**

(A) *Monitoring exemption.* Systems that obtain finished water from another permitted public water system are exempt from conducting monitoring for PFAS if the public water system supplying the finished water performs the required monitoring [at least annually] and a copy of the analytical reports are received by the Department.

(B) *Initial monitoring.* Initial monitoring shall consist of [4] **four** consecutive quarterly samples at each entry point. Systems that add new sources to new or existing entry points on or after January 1, 2024, shall conduct initial monitoring according to this clause. An entry point with one or more new sources shall be monitored for 4 consecutive quarters, beginning the first full quarter the entry point begins serving the public.

(C) *Repeat monitoring.* Repeat monitoring for entry points shall be conducted as follows:

(I) For an entry point at which a PFAS is detected during initial monitoring or where a PFAS is detected anytime at a level in excess of its MCL, compliance monitoring for the detected PFAS shall be conducted quarterly. After analyses of four consecutive quarterly samples at an entry point, including initial quarterly monitoring samples, demonstrate that the PFAS levels in each quarterly sample is reliably and consistently below the MCL, **as defined in § 109.1**, the required compliance monitoring is reduced to one sample per year at that entry point for the detected PFAS.

(II) For an entry point at which a PFAS is not detected during the initial and subsequent repeat monitoring, repeat monitoring shall be one sample per year from that entry point.

(D) *Confirmation samples.* A confirmation sample shall be collected and analyzed for each of the PFAS detected in exceedance of its MCL during annual monitoring. The confirmation sample shall be collected within 2 weeks of notification from the accredited laboratory performing the analysis of the MCL exceedance.

(E) *Repeat and performance monitoring for entry points with PFAS removal treatment.* Compliance monitoring shall be conducted annually at entry points with PFAS treatment. Performance monitoring shall be conducted at least quarterly for the specific PFAS for which treatment is provided.

(F) *Invalidation of PFAS samples.*

(I) The Department may invalidate results of obvious sampling errors.

(II) A sample invalidated under this clause does not count towards meeting the minimum monitoring requirements of this subparagraph.

(G) *Compliance determinations.* **[Compliance] Until April 25, 2029, compliance** with the PFAS MCLs **established in § 109.202(a)(4)(ii)** shall be determined based on the analytical results obtained at each entry point **according to this clause**. If one entry point is in violation of an MCL, the system is in violation of the MCL.

(I) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average of all samples taken at each entry point.

(II) If monitoring is conducted annually, the system is out of compliance if the level of a contaminant at any entry point is greater than the MCL. If a confirmation sample is collected as specified in clause (D), compliance is determined using the average of the two sample results.

(III) If any sample result will cause the running annual average to exceed the MCL at any entry point, the system is out of compliance with the MCL immediately.

(IV) If a system fails to collect the required number of samples, compliance with the MCL will be based on the total number of samples collected.

(V) If a sample result is less than the MRL, zero will be used to calculate compliance.

**(xvi) Beginning April 26, 2027, monitor each entry point according to this subparagraph for compliance with the MCLs for PFAS under § 109.202(a). Compliance with the MCLs for PFAS established under § 109.202(a)(4)(ii) shall be determined according to subparagraph (xv)(G) until April 25, 2029, at which time compliance with the MCLs shall be determined according to clause (G).**

**(A) Monitoring exemption. Systems that obtain finished water from another permitted public water system are exempt from conducting monitoring for PFAS if the public water system supplying the finished water performs the required monitoring and a copy of the analytical reports are received by the Department.**

**(B) Initial monitoring.**

**(I) Initial monitoring shall consist of four consecutive quarterly samples for all regulated PFAS at each entry point.**

**(II) For systems and entry points that conducted initial monitoring according to subparagraph (xv)(B) for compliance with MCLs for PFAS established under § 109.202(a)(4)(ii), initial monitoring according to this clause for those PFAS is not required if all results were below the trigger levels. Trigger levels are established in 40 CFR 141.902(a)(5) (relating to monitoring requirements) and incorporated by reference in § 109.202(a)(2.1).**

**(III) Systems that add new sources to new or existing entry points on or after April 26, 2027 shall conduct initial monitoring according to subclause (I). An entry point with one or more new sources shall be monitored for 4 consecutive quarters for all regulated PFAS, beginning the first full quarter the entry point begins serving the public.**

**(C) Repeat compliance monitoring.** Repeat compliance monitoring for entry points shall be conducted as follows:

**(I) Routine monitoring.**

**(-a-) For an entry point at which a regulated PFAS is detected at or above its corresponding trigger level during initial monitoring required under clause (B), or during any subsequent monitoring conducted prior to April 26, 2027, compliance monitoring for all regulated PFAS shall be conducted quarterly. Trigger levels are established in 40 CFR 141.902(a)(5) and incorporated by reference in § 109.202(a)(2.1).**

**(-b-) For an entry point at which a regulated PFAS is detected at or above its corresponding MCL established in 40 CFR 141.61 and incorporated by reference in § 109.202(a)(2) during initial monitoring required under clause (B) or during any subsequent monitoring conducted prior to April 26, 2027, compliance monitoring for all regulated PFAS shall be conducted quarterly.**

**(II) Reduced monitoring.**

**(-a-) After a water system obtains results from a minimum of four consecutive quarterly samples at an entry point during routine monitoring required under subclause (I), which demonstrate that the PFAS level in each sample is reliably and consistently below the MCL, as defined in § 109.1, for all regulated PFAS, the required compliance monitoring is reduced to one sample per year at that entry point for all regulated PFAS. Annual monitoring must be conducted in the calendar quarter that previously produced the highest result.**

**(-b-) For an entry point at which none of the regulated PFAS is detected at a level at or above its corresponding trigger level during initial monitoring required under clause (B), repeat compliance monitoring shall be one sample per year from that entry point for all regulated PFAS. Trigger levels are established in 40 CFR 141.902(a)(5) and incorporated by reference in § 109.202(a)(2.1).**

**(III) Increased monitoring.** For entry points on a reduced annual monitoring frequency under subclause (II), if results for any regulated PFAS are at or above the corresponding MCLs, established in 40 CFR 141.61 and incorporated by reference in § 109.202(a)(2), monitoring for all regulated PFAS is increased to a routine quarterly frequency according to item (I)(-b-).

**(D) Confirmation samples.** The Department may require a confirmation sample to verify PFAS levels and to provide additional information where monitoring required under this subparagraph may not be adequate to protect the public health. When the Department determines a confirmation sample is required, the Department will provide written notification to the water system.

**(E) Repeat and performance monitoring for entry points with PFAS removal treatment.** Repeat compliance monitoring for all regulated PFAS shall be conducted at least annually at entry points at which treatment has been installed for PFAS removal. Performance monitoring shall be conducted at least quarterly for the specific PFAS for which treatment has been installed.

**(F) Invalidation of PFAS samples.**

**(I) The Department may invalidate results of obvious sampling errors.**

**(II) A sample invalidated under this clause does not count towards meeting the minimum monitoring requirements of this subparagraph.**

**(G) Compliance determinations. Compliance with the PFAS MCLs established in 40 CFR 141.61 and incorporated by reference in § 109.202(a)(2) shall be determined according to this clause, based on the analytical results obtained at each entry point, beginning on April 26, 2029. If one entry point is in violation of an MCL, the system is in violation of the MCL.**

**(I) For systems monitoring quarterly, compliance with the MCL is determined by a running annual average of all samples taken at each entry point.**

**(-a-) If any sample result will cause the running annual average to exceed any PFAS MCL at any entry point, the system is out of compliance with the MCL immediately.**

**(-b-) If a system fails to collect the required number of samples, compliance with the MCL will be based on the total number of samples collected.**

**(-c-) If a sample result for a regulated PFAS is less than the corresponding POL, zero will be used in the running annual average calculation to determine the running annual average. POLs are established in 40 CFR 141.903(f)(1)(iv) (relating to compliance requirements) and incorporated by reference in § 109.304(a).**

**(II) If monitoring is conducted annually, if any PFAS result or HI calculated according to subclause (VII) exceeds the corresponding MCL, the monitoring frequency increases to quarterly according to clause (xvi)(C)(III), and compliance with the MCL is determined by the running annual average according to subclause (I). The quarter with the result exceeding the MCL is the first quarter in the running annual average calculation.**

**(III) Compliance for regulated PFAS with individual MCLs, which are established in 40 CFR 141.61 and incorporated by reference in § 109.202(a)(2), shall be determined by comparison of the running annual average calculated according to subclause (I) to their respective individual MCLs.**

**(IV) Compliance with the HI MCL, which is established in 40 CFR 141.61 and incorporated by reference in § 109.202(a)(2), shall be determined by comparison of the running annual average calculated according to subclause (I) to the HI MCL. The HI shall be calculated according to 40 CFR 141.903(f)(2) and 40 CFR 141.905(e) (relating to violations), which are incorporated by reference.**

(2) Vended water systems shall monitor in accordance with paragraph (1) except that vended water systems qualifying for permit by rule under § 109.1005(b), for each entry point shall:

\* \* \* \* \*

(b) *Sampling requirements.*

(1) For bottled water and vended water systems, retail water facilities and bulk water hauling systems, samples taken to determine compliance with subsection (a) shall be taken from each entry point.

(i) For bottled water systems, each entry point means each finished bottled water product. If multiple sources are used for a product and are not blended prior to bottling, the bottled water product for each source shall be considered a different product for monitoring purposes.

(ii) For **[bulk water hauling systems,]** retail water facilities and vended water systems, each entry point shall mean a point of delivery to the consumer from each **[carrier vehicle,]** machine or dispenser representative of each source.

**(iii) For bulk water hauling systems, each entry point shall mean the point from which water is dispensed into the carrier vehicle.**

(2) For the purpose of determining compliance with the monitoring and analytical requirements established under this subchapter, the Department will consider only those samples analyzed by a laboratory accredited by the Department, except that measurements of turbidity, fluoridation operation, residual disinfection concentration, daily chlorite, temperature and pH may be performed by a person meeting the requirements of § 109.1008(c) (relating to system management responsibilities).

\* \* \* \* \*

**§ 109.1009. System operational Requirements.**

\* \* \* \* \*

(c) *Disinfectant residual requirements.* A disinfectant residual acceptable to the Department shall be maintained at the entry point of the bottled water or vended water system[, and] retail water facility **[or bulk water hauling system]** sufficient to assure compliance with the microbiological MCL specified in § 109.1002 (relating to MCLs, MRDLs or treatment techniques). **A disinfectant residual acceptable to the Department shall be maintained in each carrier vehicle for a bulk water hauling system sufficient to assure compliance with the microbiological MCL specified in § 109.1002.** The Department will determine the acceptable residual of the disinfectant considering factors such as type and form of disinfectant, temperature and pH of the water, and other characteristics of the water system.

\* \* \* \* \*