

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 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:

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(10) Occurrence of a waterborne disease outbreak, as defined in § 109.1 (relating to definitions), or other emergency situation as defined in § 109.701(a)(3)(iii) (relating to reporting and recordkeeping) that adversely affects the quality or quantity of the finished water and has a significant potential to have serious adverse effects on human health as a result of short-term exposure.

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

(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.

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§ 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:

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(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, taking into account potential health impacts and persistence of the violation.

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

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§ 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 100,000 or more 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]** a 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 must 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.

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(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, the following apply:

(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) A webpage may be used to convey the information as long as all content requirements are met.

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(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 must also include a description of what was done to meet good faith efforts described in subparagraph (iii).**

(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] **{Reserved}**.

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

(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 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 health care facilities.

(vi) Make copies of its [annual] CCR available to the public on request. **Systems shall 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**.

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(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 required under subparagraph (iv) 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 using methods described in subparagraph (i). Each report distributed by July 1 must use data collected during or prior to the previous calendar year.

(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 time frame 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 NPDWR 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 the 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 the information in 40 CFR 141.153(d)(7).

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:

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(4) [Notice] **Certification of 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.] The following also apply:**

(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 must 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.

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

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(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.*

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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:

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(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**] **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**] **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) (**relating to general monitoring requirements**) 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.

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(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**] **4** 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.

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(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.

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(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.**

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(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:

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(x) Beginning January 1, 2004, **SYSTEMS USING CHLORINE DIOXIDE FOR DISINFECTION OR OXIDATION** 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.~~ **AS FOLLOWS:**

(A) BOTTLED WATER SYSTEMS, RETAIL WATER FACILITIES AND VENDED WATER SYSTEMS SHALL TAKE AT LEAST ONE CHLORITE SAMPLE FROM EACH ENTRY POINT EACH DAY THAT CHLORINE DIOXIDE IS USED. IF A DAILY SAMPLE EXCEEDS THE CHLORITE MCL, THE SYSTEM SHALL TAKE THREE ADDITIONAL SAMPLES WITHIN 24 HOURS FROM THE SAME LOT, BATCH, MACHINE, OR POINT OF DELIVERY.

(B) BULK HAULING WATER SYSTEMS SHALL:

(I) TAKE AT LEAST ONE CHLORITE SAMPLE FROM EACH ENTRY POINT EACH DAY THAT CHLORINE DIOXIDE IS USED.

(II) TAKE THREE SAMPLES FROM THE CARRIER VEHICLE EACH MONTH. SYSTEMS THAT MUST CONDUCT ADDITIONAL MONITORING IN ACCORDANCE WITH SUBCLAUSE (III) MAY USE THE RESULTS OF THE ADDITIONAL MONITORING TO MEET THE MONTHLY MONITORING REQUIREMENTS OF THIS SUBCLAUSE.

(III) TAKE THREE ADDITIONAL SAMPLES WITHIN 24 HOURS FROM THE SAME CARRIER VEHICLE IF A DAILY SAMPLE EXCEEDS THE CHLORITE MCL.

(C) THE CHLORITE MCL IS BASED ON THE AVERAGE OF THE REQUIRED DAILY SAMPLE PLUS ANY ADDITIONAL SAMPLES WITHIN 24 HOURS OF AN EXCEEDANCE.

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(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. **IF A DAILY SAMPLE EXCEEDS THE CHLORINE DIOXIDE MCL, THE SYSTEM SHALL TAKE THREE ADDITIONAL SAMPLES WITHIN 24 HOURS FROM THE SAME LOT, BATCH, MACHINE, CARRIER VEHICLE OR POINT OF DELIVERY.**

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

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(xv) Beginning January 1, 2024, monitor each entry point according to this subparagraph for compliance with the MCLs for PFAS established under § 109.202(a).

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(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 means 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 disinfectant concentration, daily chlorite, temperature and pH may be performed by a person meeting the requirements of § 109.1008(c) (relating to system management responsibilities).

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§ 109.1009. System operational requirements.

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(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.

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