

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 631. PUBLIC WATER SUPPLY OPERATION**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. Introduction
252:631-1-3 [AMENDED]
Subchapter 3. Operations
252:631-3-3 [AMENDED]
252:631-3-21 [AMENDED]

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103 and 2-6-306.

DATES:

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Submitted to House:

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Gubernatorial approval:

Legislative approval:

Final adoption:

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July 1, 2013 (proposed)

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

Incorporated standards as published on July 1, 2012:

40 CFR §§ 141.400 - 141.405
40 CFR §§ 141.600 - 141.605
40 CFR §§ 141.620 - 141.629
40 CFR §§ 141.700 - 141.723

Incorporating rules:

252:631-1-3

Availability:

The standards are on file at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma, 73102, and are available to the public for examination Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m.

ANALYSIS:

The Department proposes to: (1) update its rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2011, to July 1, 2012; (2) incorporate by reference the federal regulations relating to the Ground Water Rule, the Long-term 2 Enhanced Surface Water Treatment Rule, and the Stage 2 Disinfectants and Disinfection Byproducts Rule; (3) update the analytical testing methods when using chloramines as a disinfectant; and (4) increase the

annual fees for public water supply systems.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 1, 2013:

SUBCHAPTER 1. INTRODUCTION

252:631-1-3. Adoption of U.S. EPA regulations by reference

The provisions of Parts 141, "National Primary Drinking Water Regulations," and 143, "National Secondary Drinking Water Regulations," of Title 40 of the Code of Federal Regulations (CFR) as published on July 1, ~~2011~~ 2012, and the requirements contained therein are, unless otherwise specified, adopted and incorporated by reference, ~~except for the following:~~

- ~~(1) 40 CFR §§ 141.400 - 141.405;~~
- ~~(2) 40 CFR §§ 141.600 - 141.605;~~
- ~~(3) 40 CFR §§ 141.620 - 141.629; and~~
- ~~(4) 40 CFR §§ 141.700 - 141.723.~~

SUBCHAPTER 3. OPERATIONS

252:631-3-3. Disinfection requirements

(a) **Mandatory disinfection.** Full-time disinfection is mandatory for:

- (1) surface water, groundwater under the direct influence of surface water, and spring water supplies unless an alternative has been approved by the DEQ. Each of these systems shall provide disinfection in accordance with 40 CFR Section 141.72(b) and meet the monitoring requirements contained in 40 CFR Section 141.74(c).
- (2) groundwater supplies or purchase water systems whenever their record of bacteriological tests show:
 - (A) a persistent presence of Total Coliform; or
 - (B) a verified Fecal Coliform, or E. Coli MCL exceedance;
- (3) PWS systems that purchase water from a public water supply under mandatory disinfection, unless the purchase water system verifies chlorine residuals that are in compliance with (c) or, if chloramines are used, (d) of this Section; and
- (4) any new well in a system where the initial bacteriological tests of the well do not show a safe record with the DEQ for two (2) consecutive days after completion and testing of the well.

~~(b) Level of disinfection.~~ The disinfection method shall be sufficient to ensure that, at the point of entry into the distribution system, the total treatment processes of the system achieve:

- ~~(1) at least 99.9 percent (3-log) inactivation and/or removal of *Giardia lamblia* cysts; and~~
- ~~(2) at least 99.99 percent (4-log) inactivation and/or removal of viruses;~~

~~(c)~~**(b) Modification of disinfection methods.** When any change in the disinfection process is contemplated, contact the DEQ. Submittal of an application, including plans, specifications, engineering reports, disinfection profile and disinfection benchmark justifying such a change may be required in order to obtain approval from the DEQ.

~~(d)~~**(c) Chlorine.** The minimum free chlorine residuals shall be as follows:

- (1) **Most distant points.** The minimum free chlorine residual at the most distant points in a water distribution system must be 0.2 mg/l.
- (2) **Point of entry.** The minimum free chlorine residual at the POE shall be at 1.0 mg/l. For supplies that document they meet or exceed the inactivation requirements in OAC 252:631-3-3(a)(1), the minimum free chlorine residual at the POE shall be 0.2 mg/l.

~~(e)~~(d) **Chloramines.**

(1) **Prior public notice.** Systems must notify all users of kidney dialysis machines at least one month before introducing chloramines into the distribution system or starting chloramination.

(2) **Chloramines engineering study.** Before changing to chloramines as the residual disinfectant in the distribution system, the system must conduct and submit to the DEQ for approval an engineering study and weekly analyses for at least six (6) weeks prior to and quarterly for one year following such a change of disinfectant. The engineering study and analysis must address the following:

(A) Select at least four (4) sample points for each treatment plant used by the system. At least twenty-five percent (25%) of the sample points must be at locations within the distribution system reflecting the maximum residence time of water in the system; and

(B) Collect samples from the selected points weekly for six (6) weeks and perform the following analyses using the methods approved in 40 CFR 174.74(a)(1) before modification of treatment is initiated:

(i) Total coliform;

(ii) Fecal coliform; and

(iii) ~~Enterococcus subgroup of the fecal streptococcus group of bacteria; and~~

(iv) ~~Standard plate counts at 35°~~ Heterotrophic Plate Count.

(3) **Continuing testing.** After modification of the treatment process, perform the bacteriological tests for samples collected at each of the selected points at quarterly intervals for one year, and then annually, when samples are collected for total trihalomethane determination. Submit the results to the DEQ.

(4) **Primary Disinfection.** A disinfectant must be added to provide the required log inactivation of *Giardia Lamblia* cysts before ammonia is added.

(5) **Total chlorine.** The minimum total chlorine residual at the most distant points in a water distribution system must be 1.0 mg/l and at least 2.0 mg/l at the POE. Higher residuals may be required depending on pH, temperature and other characteristics of the water.

~~(f)~~(e) **Other disinfectants.** Iodine or bromine compounds must not be used as a disinfectant. Ozone or ultraviolet light may be used for in-plant treatment or disinfection provided an approved residual disinfectant is added prior to distribution and maintained according to this chapter. Chlorine dioxide may be used as long as the requirements in this chapter are met.

~~(g)~~(f) **Process control tests for disinfectants.** Control tests must be performed by all systems that disinfect in accordance with procedures approved by the DEQ. Sampling points must be changed regularly so that the system is sampled completely at least once each week.

(1) **Chlorine.** Systems that use chlorine must test for free chlorine and total chlorine residual twice a day in the distribution system.

(2) **Chloramines.**

(A) Systems that use chloramines must test for total chlorine residual twice a day in the distribution system.

(B) Systems that use chloramines must submit yearly ~~standard plate count~~ Heterotrophic Plate Count ~~and enterococcus samples~~ from the distribution system in order to document that no microbiological regrowth is occurring in the distribution system.

(C) The minimum total chlorine residual at the most distant points in a water distribution system must be 1.0 mg/l.

(D) Total chlorine residuals must be at least 2.0 mg/l at the POE. Higher residuals may be required depending on pH, temperature and other characteristics of the water.

(3) **Other disinfectants.**

(A) Systems that use chlorine dioxide, ozone or ultraviolet light must maintain a free chlorine residual, or total chlorine residual, where chloramines are used, in accordance with OAC 252:631-3-3(a) ~~and (b)~~.

(B) Systems that use ozone or chlorine dioxide must perform process control tests in accordance with 40 CFR Section 141.132.

252:631-3-21. Public water supply annual service fees

- (a) Each PWS system shall be charged an annual fee (see 27A O.S. § 2-6-306).
- (b) ~~Beginning July 1, 2008, the~~ The PWS annual fee shall be calculated using the actual costs of services as follows:
- (1) Laboratory analysis fees, for parameters analyzed by the State Environmental Laboratory, shall be charged as specified in OAC 252:305, "Laboratory Services";
 - (2) Inspection service costs equal ~~\$36.00~~ \$50.00 for purchase systems, ~~\$72.00~~ \$100.00 for ground systems or ~~\$143.00~~ \$200.00 for surface systems and groundwater under the direct influence of surface water systems; and
 - (3) Federal program requirement costs for tracking, reporting, and enforcement and technical assistance costs (applicable to community systems and non-transient non-community systems) equal ~~\$266.00~~ \$370.00 for purchase systems, ~~\$1,167.00~~ \$1,600.00 for ground systems or ~~\$4,980.00~~ \$6,800.00 for surface systems and groundwater under the direct influence of surface water systems.
- (c) Each system shall be charged the actual cost for regulatory services as calculated according to OAC 252:631-3-21(b), except that:
- (1) no system shall pay less than a minimum annual fee of \$50 for purchase water systems, \$75 for ground water systems and \$150 for surface water system or less than four cents (\$0.04) per service connection per month, whichever is greater, and
 - (2) no system shall pay an annual fee increase of more than thirty cents (\$0.30) per service connection per month.
- (d) The minimum annual fees listed in OAC 252:631-3-21(c) do not apply to state, federal, tribal, and non-transient non-community systems. These systems shall pay the actual costs of services.
- (e) Each system will be notified by mail of the fee due from that system by August 1 of each year. The DEQ shall mail such notice to the most recent name and address provided to the DEQ by the PWS system, however, failure to receive such notice by the system shall not operate to waive any fees due to the DEQ.
- (f) To assist in meeting rising costs to the Department of the public water supply program associated with implementation and enforcement of the federal primary drinking water standards, the fees set out in paragraph (b) above shall be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. The Department may round the adjusted fees up to the nearest dollar. The Department may waive collection of an automatic increase in a given year if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.
- (1) Any automatic fee adjustment under this subsection may be averted or eliminated, or the adjustment percentage may be modified, by rule promulgated pursuant to the Oklahoma Administrative Procedures Act. The rulemaking process may be initiated in any manner provided by law, including a petition for rulemaking pursuant to 75 O.S. § 305 and OAC 252:4-5-3 by any person affected by the automatic fee adjustment.
 - (2) If the United States Department of Labor ceases to publish the CPI or revises the methodology or base years, no further automatic fee adjustments shall occur until a new automatic fee adjustment rule is promulgated pursuant to the Oklahoma Administrative Procedures Act.
 - (3) For purposes of this subsection, "Consumer Price Index" or "CPI" means the Consumer Price Index - All Urban Consumers (U.S. All Items, Current Series, 1982-1984=100, CUUR0000SA0) published by the United States Department of Labor. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.