

CHAPTER 2401-51 PUBLIC WATER SUPPLY AND DRINKING WATER REGULATIONS

PART 1: GENERAL PROVISIONS

2401-51-01 Authority

These Regulations are promulgated by the Republic of Palau Environmental Quality Protection Board pursuant to the authority granted it by Title 24 of the Palau National Code. These Regulations shall have the force and effect of law and shall be binding on all persons and other entities subject to the jurisdiction of the Republic of Palau. The Board shall apply these Regulations to all public water systems in the Republic of Palau.

(Effective February 10, 2021)

2401-51-02 Purpose

The purpose of the Regulations, technical provisions, and specifications is to establish certain minimum standards and requirements, as determined by the Board, that are necessary to protect public health and safety, and to ensure that public water systems are protected from contamination and provide water that is safe for human consumption.

(Effective February 10, 2021)

2401-51-03 Definitions

As used herein, unless the context otherwise requires, the term:

- (A) "Act" means the Republic of Palau Environmental Quality Protection Act found in Title 24 of the Palau National Code.
- (B) "Available" means that based on system size, complexity, and source water quality, a certified operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner.
- (C) "Backflow" means the reversal of normal flow of water or other liquids, mixtures, or substances into a public water supply from any source or sources. Back-siphonage resulting from negative pressure in the distribution system is one (1) type of backflow.
- (D) "Board" or "EQPB" means the Republic of Palau Environmental Quality Protection Board or its authorized representative.
- (E) "Bottled water company" means a business in the Republic of Palau that produces drinking water in bulk or bottles for retail or wholesale sale to the public. For the purposes of these Regulations, bottled water companies are public water systems and are subject to all Regulations applicable to public water systems.
- (F) "Certified operator" means an individual who has passed an examination that tests their knowledge, skills, ability, and judgment as a water operator for a particular classification level of water treatment facility or water distribution system, and has been issued a certificate pursuant to Section 2401-51-15 of these Regulations.
- (G) "Republic of Palau Drinking Water Regulations" or "Regulations" means the Public Water Supply and Drinking Water Regulations codified herein in their totality and all regulations that are adopted by reference herein.
- (H) "Cross connection" means any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas, or other substance not meeting the

Drinking Water Quality Standards provided by these Regulations. By-pass arrangements, jumper connections, removable sections, a swivel or change over devices and other temporary or permanent devices through which “backflow” can or may occur, are considered to be cross connections. A submerged inlet from a public water system into a water storage tank that may also store water from an untreated source, such as a rainwater catchment, is another example of a cross connection.

- (I) “Consecutive Public Water System” means a public water system that receives some or all of its water from a primary public water system and then distributes the water through its own distribution system.
- (J) “Distribution system” means any combination of pipes, tanks, tanker trucks, pumps, bottled water, etc. which delivers water from the source(s) and/or treatment facility(ies) to the consumer.
- (K) “Drinking water” means potable water as defined herein.
- (L) “Drinking water quality standards” means those primary or secondary drinking water parameters as provided by these Regulations and all regulations that are adopted by reference herein.
- (M) “Human consumption” means using water for any of the following purposes: drinking, bathing or showering, hand washing, food preparation, cooking, dishwashing, and/or oral hygiene.
- (N) “Maximum contaminant level” means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system as defined by these Regulations.
- (O) “Operating shift” means that period of time during which certified operator decisions affecting public health are necessary for proper operation of the system.
- (P) “Person” means an individual, corporation, company, association, partnership, municipality, or a national or state government or governmental agency.
- (Q) “Potable water” means water that is of a quality that meets the requirements of the drinking water quality standards as provided by these Regulations.
- (R) “Public water system” or “System” means a system for the provision of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the certified operator of such system and used primarily in connection with such system, or any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. For purposes of these Regulations, any provision of the C.F.R. incorporated by reference herein referring to community water systems and/or non-community water systems shall be applicable to public water systems.
- (S) “Public rainwater catchment system” means a system which has rainwater as its primary source and serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
- (T) “Rainwater catchment” means a structure for the collection of rainwater. Rainwater catchment systems may be subject to surface water runoff, as in the case of ground-level reservoirs that collect rainwater that has traveled over the surface of the land, or may not be subject to surface water runoff, as in the case of rainwater roof catchments. A rainwater catchment may be a public water system or a part of a public water system if the water system meets the definition of public water system as defined above.
- (U) “Responsible charge” means the person(s) designated by the owner to be the certified operator(s) who makes decisions regarding the daily operational activities of a public water system, water treatment facility, and/or distribution system which directly impacts the quality and/or quantity of drinking water.
- (V) “Sample point” means the location from which a water sample is collected. Such locations include source waters, between or after individual treatment process, storage tanks, entry points to the distribution system, or any location within a distribution system.
- (W) “Significant deficiency” means any situation, practice, or condition in a public water system with respect to design, operation, maintenance, or administration, that the Board determines may result in or

have the potential to result in production of finished drinking water that poses an unacceptable risk to the health or welfare of the public served by the water system.

- (X) “Tamper” means to introduce a contaminant into a public water system or into drinking water, or to otherwise interfere with drinking water or the operation of a public water system, with the intention of harming persons, water system facilities or water system operations. It does not include the standardized accepted treatment procedures performed by a supplier of water in preparing water for human consumption.
- (Y) “Treatment facility” means any place(s) where a public water system alters the physical or chemical characteristics of the drinking water. Chlorination is considered as a function of the distribution system.
- (Z) “Waterborne disease outbreak” means an incident in which two (2) or more persons experience a similar illness after ingestion of or exposure to water from a common source and an epidemiological analysis implicates said common source as the source of the illness.

(Effective February 10, 2021)

PART 2: PUBLIC WATER SYSTEM REGULATIONS

GENERAL PROVISIONS

2401-51-04 Right of Entry

- (A) As a condition for the issuance or continuation of any permit, certification, approval, or authorization granted under these Regulations, authorized representatives of the Board may enter and inspect, at any reasonable time, unless an emergency dictates otherwise, any establishment, facility, or any other property or premises under the control of a public water system.
- (B) Such inspection may include inspection of records, files, and papers related to compliance with these Regulations and may also include an inspection of processes, controls, and facilities and testing of any feature of a public water system, including its raw water source.
- (C) As a condition for the issuance or continuation of any permit, certification, approval, or authorization granted under these Regulations, authorized representatives of the Board may collect water samples, as there is an inherent threat that the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of evidence of a violation or the taking of any necessary mitigating or remedial measures. Any sample collected may be used as evidence in an enforcement action.

(Effective February 10, 2021)

2401-51-05 Drinking Water Quality Control and Prohibition of Uncontrolled Cross Connections

- (A) The Board may mandate that a public water system use a specific water treatment technology in order to comply with these Regulations and/or to protect public health.
- (B) It is the responsibility of the public water system to assure a quality of water supply that equals or surpasses drinking water quality standards of the Board as set forth in these Regulations. This includes assurance by the public water system that users do not contaminate the public water supply by the use of faulty plumbing that allows infiltration or backflow of any sort into the public water system.
- (C) A public water system shall have no cross connections to a pipe, fixture, or supply, any of which contain water or other substances not meeting all applicable provisions of these Regulations.
- (D) Any cross connection existing in a public water system must be equipped with an appropriate backflow prevention device or assembly, as determined by the Board. The type of protection required to prevent

backflow into the public water system must be commensurate with the degree of hazard that exists to the water supply.

- (E) Backflow prevention devices and assemblies must be maintained in good working condition and must be periodically tested in accordance with the manufacturer's recommendations.
- (F) Each cross connection not in compliance with these Regulations is hereby defined as an "uncontrolled cross connection." A public water system's owner and/or certified operator shall notify the Board of any uncontrolled cross connection within five (5) calendar days of its discovery. The public water system shall correct any uncontrolled cross connection within ten (10) days of its discovery.

(Effective February 10, 2021)

2401-51-06 Certified Laboratories

- (A) To perform drinking water analyses for determining compliance with these Regulations, laboratories wishing to perform said analyses must be certified by the U.S. National Environmental Laboratory Accreditation Program (NELAP) or by a laboratory approved by EQPB. An appropriate quality assurance package, as determined by EQPB, shall be provided as part of all submitted data packages.
- (B) Laboratories approved by the Board to perform drinking water analyses must report analytical results to public water systems in a format (information and layout) that is acceptable to the Board.
- (C) The Board may charge reasonable fees for laboratory analyses performed by the EQPB Laboratory. Fees shall be set by the Board and revised as necessary, but not more frequently than semi-annually, to reflect changes in costs, new analysis methods, and the operational expenses of the EQPB Laboratory. The schedule of laboratory fees will be available to the public upon request.

(Effective February 10, 2021)

2401-51-07 Monitoring Requirements and Performance Testing

- (A) The Board may require any public water system to collect water samples and have them analyzed at an EQPB-approved laboratory in order to evaluate:
 - (1) The concentration of suspected or potential contamination that may be the result of anthropogenic or natural sources, including natural disasters such as typhoons and volcanic eruptions;
 - (2) The need to install water treatment equipment so as to comply with existing or future Palau Drinking Water Regulations, and/or to protect public health; or
 - (3) The proficiency of existing water treatment equipment, and verification of its effectiveness in removing physical, biological, chemical, or radiological contaminants.
- (B) The Board shall prescribe the collection procedures, frequency of sampling, analytical methods, and reporting for any monitoring requirements not specified elsewhere in these Regulations.
 - (1) The Board may stipulate a period of time within a compliance period during which samples must be collected. Samples collected by a public water system outside of the stipulated time period shall not be used in determining compliance for that compliance period.
 - (2) All samples collected as prescribed by these Regulations shall be collected from a sample point location which has been approved by the Board. Each sample point must be labeled by a unique identification number and must contain a descriptive location name.
 - (3) Analytical results must be reported in a format (information and layout) that is acceptable to the Board and a copy of said results must be provided to the Board within fifteen (15) calendar days of receipt of said results.

- (C) When multiple sources of water are combined (i.e., mixture of surface water, groundwater under the direct influence of surface water, groundwater, rainwater, or purchased water), the monitoring requirements that are most protective of public health must be performed.
- (D) The Board may require public water systems to install, use and maintain instrumentation to monitor, analyze, and record water quality and water quantity data.
- (E) Monitoring equipment must be maintained and calibrated in accordance with the manufacturer's recommendations. Manufacturer's manuals, maintenance and calibration records must be retained on premises and available for inspection by Board personnel.

(Effective February 10, 2021)

DESIGN, CONSTRUCTION, AND OPERATION OF PUBLIC WATER SYSTEMS

2401-51-08 Design and Construction Requirements; Permit Required

- (A) Any person who wishes to construct, modify, and/or operate a public water system within the Republic of Palau shall first obtain a permit from the Board for the proposed activity as provided by Section 2401-51-10. Examples of activities which require a permit from the Board include, but are not limited to, the following:
 - (1) Commence construction of any new public water system,
 - (2) Make improvements to or modify the treatment process of an existing public water system, or
 - (3) Initiate the use of a new source, storage facility, or major distribution system component (i.e. booster pump station, pressure reducing station).
- (B) The Board may issue a permit when it determines that the proposed public water system is capable of complying, on a continuous basis, with these Regulations and with all applicable laws.
- (C) No public water system may physically split its pumping or distribution facilities in order to avoid the requirements of these Regulations. The Board shall identify a public water system based on legal ownership and contiguous facilities, regardless of independent hydraulic systems.

(Effective February 10, 2021)

2401-51-09 Design and Construction Standards

- (A) Each supplier of drinking water shall ensure that accepted engineering standards of practice are used in the design and construction of all public water systems, such as those set out in the most recent editions of the following documents:
 - (1) Approved Backflow Prevention Assemblies for Service Isolation Department of Health Services, State of California, <http://www.dhs.ca.gov>
 - (2) AWWA Manuals of Water Supply Practices (M1-M51), American Water Works Association (AWWA), Denver, CO, <http://www.awwa.org>
 - (3) AWWA Standards, American Water Works Association (AWWA), Denver, CO, <http://www.awwa.org>
 - (4) Drinking Water System Components - Health Effects (ANSI/NSF 61), National Sanitation Foundation (NSF) International, Ann Arbor, MI, <http://www.nsf.org>
 - (5) Drinking Water Treatment Chemicals - Health Effects (ANSI/NSF 60), National Sanitation Foundation (NSF) International, Ann Arbor, MI, <http://www.nsf.org>
 - (6) Health Effects from Rainwater Catchment System Components (NSF P151), National Sanitation Foundation (NSF) International, Ann Arbor, MI, <http://www.nsf.org>
 - (7) Recommended Practice for Backflow Prevention and Cross-Connection Control.

- (8) American Water Works Association (AWWA), Denver, CO
 - (9) Recommended Standards for Water Works - Policies for the Review and Approval of Plans and Specifications for Public Water Supplies (10 States Standards), Health Education Services, Albany, NY, <http://www.hes.org>
 - (10) Uniform Plumbing Code (UPC), International Association of Plumbing and Mechanical Officials (IAPMO), Ontario, CA., <http://www.iapmo.org>.
- (B) The Board, in its sole discretion, may accept other engineering standards of practice if the person is able to demonstrate that said standards satisfy the intent and purposes of these Regulations.
 - (C) Prohibition on use of lead pipes, solders, and flux. Any pipe, pipe fittings, fixtures, solder, or flux used in the installation or repair of any public water system, or any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system, shall be “lead free” as defined by Sections 2401-51-39 and 2401-51-43 of these Regulations.

(Effective February 10, 2021)

2401-51-10 Design Review; Notice of Intent; Permits

- (A) The design review process consists of four (4) steps: (1) the applicant submits a Notice of Intent; (2) the Board reviews and takes action on the Notice of Intent; (3) the applicant prepares final drawings and specifications and submits a permit application; (4) the Board reviews and takes action on the final drawings and specifications.
- (B) Before a person may enter into a financial commitment for, or initiate construction or operation of, a new public water system, or modification of an existing public water system, that person must submit in writing a Notice of Intent to the Board. For the purposes of this subpart, modification to an existing public water system does not include routine maintenance, service of hydrants and valves, or replacement of equipment, pipe, and appurtenances with equivalent equipment, pipe, and appurtenances. The Notice of Intent shall contain all of the information required in the Board’s standardized form.
 - (1) The siting requirements specified in Section 2401-51-34 of these Regulations must be considered and addressed in the Notice of Intent.
 - (2) For new public water systems and for systems that are modifying or installing new treatment technology, the Notice of Intent must also include a description of the technical, managerial, and financial capacity of the public water system to plan, achieve, and maintain compliance with all applicable drinking water quality standards. Technical, managerial, and financial capacity are defined as follows:
 - (a) Technical capacity refers to the physical infrastructure of the public water system, including but not limited to the adequacy of the source water, infrastructure (source, treatment, storage, and distributions), and the ability of system personnel to implement the requisite technical knowledge.
 - (b) Managerial capacity refers to the management structure of the public water system, including but not limited to ownership accountability, staffing and organization, and effective linkages to customers and regulatory agencies.
 - (c) Financial capacity refers to the financial resources of the public water system, including but not limited to revenue sufficiency, credit worthiness, and fiscal controls.
- (C) The Board will review each Notice of Intent requesting to construct or modify a public water supply system for completeness and will either:
 - (1) Fully or conditionally approve the Notice of Intent for the preparation of final plans and

- specifications for the proposed facility and submittal of a permit application;
- (2) Notify the applicant that additional information is required; or
 - (3) Deny the proposal to construct giving written appropriate reasons for the denial.
- (D) Preparation of final drawings and specifications for a public water system shall be based upon accepted engineering standards of practice and must be submitted in a format acceptable to the Board. The final plans and specifications shall follow the intent expressed in the approved Notice of Intent. A person experienced in the construction and operation and maintenance of water supply systems shall supervise preparation of final drawings and specifications. The final drawings and specifications shall be submitted to EQPB in conjunction with an application for an EQPB permit on a form prescribed by the Board and with any other documents or information requested by the Board.
- (E) Permit applications shall be accompanied by a processing fee of \$100.00, which is not refundable, except that no fee is required for the Government of the Republic of Palau or its State Governments.
- (F) Upon receipt of a complete EQPB permit application and final drawings and specifications, the Board shall review said submittals for compliance with these Regulations and other applicable laws and regulations, and shall either:
- (1) Approve the drawings and specifications for construction and issue a permit; or
 - (2) Request changes be made to the drawings and specifications to make the design conform to these Regulations or for the protection of the public health and the environment.
- (G) If, at any time, changes are made to the final drawings and specifications, they must be resubmitted to the Board for review and approval.

(Effective February 10, 2021)

2401-51-11 Protection of Conservation Areas

Any proposed construction or modification to any public water supply system subject to these Regulations must comply with the terms, conditions, provisions, and management plans for any National, State, or traditional conservation area, preserve, or other protected area as established by law.

(Effective February 10, 2021)

2401-51-12 Drinking Water Materials and Additives

- (A) Each product, with the exception of commercially retailed hypochlorite compounds, such as unscented Clorox, Purex, etc., added to water intended for human consumption, shall conform to ANSI/NSF Standard 60. The maximum application dosage recommendation for the product certified by ANSI/NSF Standard 60 shall not be exceeded in practice. Products covered by this paragraph include, but are not limited to: coagulation and flocculation chemicals; chemicals for corrosion and scale control; chemicals for softening, precipitation, sequestering, and pH adjustment, disinfection and oxidation chemicals; chemicals for fluoridation, defluoridation, algae control, and dechlorination; dyes and tracers; antifoamers, regenerants, and separation process scale inhibitors and cleaners; and water well drilling and rehabilitation aids.
- (B) Except as identified in Subsections (G) and (H) of this Section, a material or product that comes in significant contact with water intended for human consumption shall conform to ANSI/NSF Standard 61. For the purposes of this Section, "substantial contact" means the elevated degree that a material in contact with water may release leachable contaminants into the water that such levels of these contaminants may be unacceptable with respect to either public health or aesthetic concerns. The Board

shall take into consideration the total material/water interface area of exposure, volume of water exposed, length of time water is in contact with the material, and level of public health risk. Examples of water system components that would be considered to be in “substantial contact” with drinking water are filter media, storage tank interiors or liners, distribution piping, membranes, exchange or adsorption media, or other similar components that would have high potential for contacting water intended for human consumption. Materials associated with components such as valves, pipe fittings, debris screens, gaskets, or similar appurtenances would not be considered to be in substantial contact.

- (C) Notwithstanding the provisions of Subsection (A) above, additives in use prior to the effective date of these Regulations that have not been listed under ANSI/NSF Standard 60 or 61 may be used for their current applications until the materials are scheduled for replacement, or until stocks of existing additives are depleted and scheduled for reorder.
- (D) Any products used to coat, line, seal, or patch water contact surfaces, or that have substantial water contact within the collection, treatment, or distribution systems must comply with the appropriate ANSI/NSF Standard 60 or 61. Application of these products must comply with recommendations contained in the product certification.
- (E) Evidence that a product conforms to the requirements of this Section shall be the appearance on the product or product package of a seal of a certifying entity that is accredited by the American National Standards Institute to provide the certification.
- (F) Any treatment chemical or additive used in a public water system must come from, and be stored in containers that are clearly labeled in English, and must display the manufacturer’s name and address.
- (G) The Board shall consider standards for chemicals, materials, or equipment that have been certified by NSF International as complying with the standards required by this Section. In those instances, where chemicals, materials, and equipment that come into contact with water intended for human consumption are essential to the design, construction, or operation of the drinking water system and have not been certified by NSF International or have NSF certification but are not available from more than one (1) source, the standards shall provide for the use of alternatives which include:
 - (1) Products composed entirely of ingredients determined by the U.S. Environmental Protection Agency, the U.S. Food and Drug Administration, or other U.S. federal agencies as appropriate for addition to potable water or aqueous food.
 - (2) Products consistent with the specifications of the American Water Works Association.
 - (3) Products that are designed for use in drinking water systems and that are consistent with the specifications of the American Society for Testing and Materials.
- (H) The following materials and products are exempt from the requirement to conform to ANSI/NSF Standard 61:
 - (1) A concrete structure, tank, or treatment tank basin constructed onsite that is not normally coated or sealed if the construction materials used in the concrete are consistent with Subsection (G). If a coating or sealant is specified by the design engineer, the coating or sealant shall comply with ANSI/NSF Standard 61;
 - (2) An earthen reservoir or canal located upstream of water treatment;
 - (3) A synthetic tank constructed of material that meets US Food and Drug Administration standards for a material that comes into contact with drinking water or aqueous food that is less than 15,000 gallons in capacity; or
 - (4) A pipe, treatment plant component, or water distribution system component made of lead-free stainless steel.

(Effective February 10, 2021)

2401-51-13 Operational Requirements

Prior to the initial operation of any newly constructed public water system, or the operation of any public water system that has modified its source water, treatment, storage, or distribution facilities, the public water system must be inspected by Board personnel or another person(s) designated by the Board.

- (A) **Newly Constructed Water Systems.** Prior to serving water to the public, a newly constructed public water system must undergo a full sanitary survey, as defined by Section 2401-51-14 of these Regulations, to be performed by Board personnel or the Board's designee. If, as a result of that survey, significant deficiencies are identified, the water system is prohibited from distributing water until those deficiencies have been corrected to the satisfaction of the Board.
- (B) **New Facilities of Existing Water Systems.** Prior to distributing water, Board personnel must inspect newly constructed or modified public water system facilities. If, as a result of that inspection, significant deficiencies are identified, the public water system is prohibited from distributing water from those treatment facilities until all deficiencies have been corrected to the satisfaction of the Board.
- (C) No later than thirty (30) calendar days after any public water system receives written notice from the Board that one (1) or more significant deficiencies have been identified, the public water system must respond in writing to the Board indicating the steps it will take to correct the deficiencies, and the schedule for those corrections.
- (D) A new public water system, or a new water source to be used by an existing public water system, shall not distribute water until the following conditions are satisfied:
 - (1) All initial monitoring required at entry points to the distribution system, as specified in Section 2401-51-56 of these Regulations, has been performed;
 - (2) All analytical results have been reported to the Board;
 - (3) All analytical results indicate there is no exceedance of any applicable maximum contaminant level; and
 - (4) The Board issues approval in writing for the public water system to distribute water.

(Effective February 10, 2021)

2401-51-14 Sanitary Surveys

- (A) It is the responsibility of every public water system, including community water systems and non-community water systems, to have a sanitary survey of all of their public water system facilities conducted at least once every three (3) years. Owners of public water systems shall submit a completed sanitary survey to the Board within 36 months of the effective date of these Regulations.
 - (1) At a minimum the sanitary survey shall address these elements: water source; treatment; distribution system; finished water storage; pumps; pump facilities and controls; monitoring, reporting and data verification; water system management and operations; and operator compliance with Republic of Palau requirements.
 - (2) The sanitary survey shall be documented in a report to the Board and shall contain at a minimum information as required on the EQPB approved Sanitary Survey form.
 - (3) Significant deficiencies identified in the report shall be addressed by the water system within thirty (30) calendar days of being notified of the deficiency.
- (B) The sanitary survey shall be performed by a person approved by the Board. Such persons include:
 - (1) Board personnel trained to perform sanitary surveys;

- (2) Registered professional engineers trained to perform sanitary surveys and approved by the Board;
 - (3) Registered environmental health specialists trained to perform sanitary surveys and approved by the Board; or
 - (4) Other personnel trained and qualified to perform sanitary surveys and approved by the Board.
- (C) The Board may assess reasonable fees for a sanitary survey if Board personnel perform the survey.

(Effective February 10, 2021)

CERTIFICATION OF PUBLIC WATER SYSTEM OPERATORS

2401-51-15 General Provisions on Certification of Public Water System Operators

- (A) The purpose of this Section is to ensure that public water system operators are trained and certified and have a knowledge and understanding of the public health reasons for drinking water standards.
- (B) No later than January 1, 2026, owners of all public water systems must place the direct supervision of their public water system, including each treatment facility and/or distribution system, under the responsible charge of an operator holding a valid certification equal to or greater than the classification of the treatment facility and/or distribution system.
- (C) All operating personnel making process control/system integrity decisions about water quality or quantity that affect public health must be certified as provided by these Regulations.
- (D) All operating personnel must have the appropriate class of certification for the type of public water system treatment facility and distribution system (Class 1 through Class 4) they will operate.
- (E) A designated certified operator must be available for each operating shift.
- (F) Certification recognition.
 - (1) The Board will recognize the certification of operators who have current drinking water operator certifications in good standing from a Board-approved Palau Operator Certification Program; from any U.S. state, territory, or possession; from the U.S. Association of Boards of Certification; or from a foreign certification program that has been reviewed and approved by the Board.
 - (2) The Board will determine the operator's classification level based on the operator's experience, education, and certification.
 - (3) In order for certification issued outside the Republic of Palau to be recognized by the Board, an operator must provide the Board with a current and valid certificate documenting that the individual is a certified operator in any jurisdiction described in Subsection (F)(1) above. If the Board recognizes the operator's certification from outside the Republic, said certification is valid only for the term of the original certificate or three (3) years from the date of the certification's issuance, whichever is less.
- (G) Revocation of operator certification.
 - (1) After an investigation and review of the facts, and in accordance with all applicable Republic of Palau laws and Regulations, the Board may revoke the certification of an operator for any of the following reasons:
 - (a) The operator has practiced fraud or deception, has tampered with water samples, falsified analytical data, or falsified other operating records. A person committing such actions is liable for civil or criminal penalties in accordance with the Act and other applicable provisions of the Palau National Code.
 - (b) Reasonable care, judgment, or the application of knowledge was not used in the

performance of the operator's duties.

(c) The operator does not perform duties in a manner that meets drinking water compliance requirements of Republic of Palau laws and Regulations.

(d) The certification of the operator has expired or is no longer valid in the original jurisdiction from which their certification was issued.

(2) An operator whose certificate is revoked will not be eligible to apply for certification for one (1) calendar year from the date the certificate was revoked. An application for certification by an operator whose certification was previously revoked will be treated as an initial application.

(H) Temporary certification: The Board may, in its discretion, accept a temporary certificate for good cause shown. The temporary certificate is valid until the earliest date when the operator may be examined and certified under this Regulation. A temporary certificate applies only to the system which the applicant is operating at the time of application and will not be renewed.

(Effective February 10, 2021)

2401-51-16 Classification of Public Water System

The treatment facilities and the distribution systems of a public water system are classified separately as follows:

(A) A drinking water treatment facility is classified as a Class 1, Class 2, Class 3, or Class 4 treatment facility in accordance with Table 1 (Classification of Treatment Facilities).

Table 1- Classification of Treatment Facilities	
Type of Treatment	Class of Treatment Facility
Groundwater sources using disinfection on a continuous basis.	Class 1
Membrane filtration, cartridge filtration, or desalination (including distillation, ion exchange, and reverse osmosis) of groundwater, purchased water, or water from rainwater roof catchments.	Class 2
Any filtration (except conventional or direct filtration) of surface water or groundwater under the direct influence of surface water.	Class 3
Conventional filtration or direct filtration of surface water.	Class 4

- (B) A drinking water distribution system is classified as a Class 1, Class 2, Class 3, or Class 4 distribution system in accordance with Table 2 (Classification of Distribution Systems).

Table 2 - Classification of Distribution Systems	
Population Served by Water System	Class of Distribution System
1,500 and less	Class 1
1,501 to 5,000	Class 2
5,001 to 10,000	Class 3
10,001 and greater	Class 4

(Effective February 10, 2021)

2401-51-17 Palau Operator Certification Program Requirements

- (A) Any Palau Operator Certification Program must demonstrate to the satisfaction of the Board that the program is equivalent to the program in any U.S. state, territory, or possession, or from the U.S. Association of Boards of Certification.
- (B) The Program will only certify an applicant who has met the examination and education requirements of listed below:
- (1) Examination requirements:
 - (a) To be certified to operate a water system classified as Class 1 through Class 4, an applicant must pass a validated examination demonstrating the applicant's skills, knowledge, ability, and judgment to operate a system of that classification in compliance with the requirements of the Regulations in this Section.
 - (b) The applicant must obtain a minimum score of 70% on the exam in order to pass the examination.
 - (c) An applicant may not take the same water treatment or water distribution exam more than once within a span of ninety (90) calendar days.
 - (2) Education and experience requirements:
 - (a) To be certified as a Class 1 through Class 4 water treatment plant operator or water distribution operator, an applicant must have at least a high school diploma or the equivalent thereof.
 - (b) To be certified as an operator-in-training water treatment plant operator or water distribution operator, an applicant must be enrolled in a high school degree program or have at least a high school diploma, or the equivalent thereof.
 - (c) Experience requirements for each classification level of operator are outlined in the following Table 1 - Years of Experience for Certification at Each Classification Level.

Table 1 - Years of Experience Required for Certification at Each Classification Level					
Classification Level	OIT+	Class 1	Class 2	Class 3	Class 4
Water Treatment	0	1	3	4	4
Water Distribution	0	1	4	6	8

+ OIT means Operator-in-Training. An operator certified at the OIT level is a certified operator but cannot be the supervising operator, having responsible charge over a public water system because the certification level is not at the classification level of the public water system.

(C) Certificate term and renewal:

- (1) A certificate will be valid for a term of three (3) calendar years from the date of issuance.
- (2) An operator wishing to renew their certificate must request renewal from the Program no less than sixty (60) calendar days prior to expiration of the operator's certificate in order to prevent a lapse in the operator's certification. The Program will renew a certificate only if an operator has completed ten (10) contact hours of Program-approved continuing education for every year that the certificate was valid (30 hours for a three-year certificate); has paid any applicable fees; and is otherwise in compliance with these Regulations. A renewed certificate is valid for a term of three (3) years from the date of issuance.

(D) Lapsed certificates:

- (1) An operator who seeks renewal of a lapsed certificate shall submit a request for renewal no later than 180 days after the certificate expires. Upon receipt of a valid request for renewal, including proof of compliance with this Section and payment of any applicable fees, the Program shall renew a certificate.
- (2) The Program will require reexamination of an operator whose renewal application is received more than 180 days after the certificate lapses.

(Effective February 10, 2021)

BOTTLED WATER COMPANIES

2401-51-18 Basis for Regulation

Bottled water companies play a vital role in providing drinking water in the Republic of Palau. In order to assure the provision of safe drinking water and protect public health, the Board regulates bottled water companies as public water systems. The requirements applicable to bottled water companies in these Regulations ensure that the customers of bottled water companies are provided at least an equal level of protection afforded the customers of other public water systems.

(Effective February 10, 2021)

2401-51-19 Monitoring Requirements of Bottled Water Companies

- (A) Bottled water companies are regulated as public water systems and, except as specified in Subsections (B) through (D) of this Section, must follow all Palau National Primary and Secondary Drinking Water Regulations as provided by these Regulations.
- (B) Monitoring Requirements for Coliform and Heterotrophic Plate Count (HPC) Sampling. All bottled water companies must collect a minimum of:
 - (1) One (1) routine sample for Coliform and HPC every month from every tap at the facility that provides finished water.
 - (a) Finished water taps include taps, faucets, and spouts that provide water to bottles, bulk storage, retail faucets, and ice machines.
 - (b) A row of taps at a single sink that has only one (1) source of water is counted as one (1) tap. In this situation, a sample can be collected at any individual tap.
 - (2) One (1) routine sample for Coliform and HPC every month from the tank on each vehicle that hauls water intended for human consumption.
- (C) Monitoring Requirements for Chemical Samples:
 - (1) A bottled water company that collects water from a primary public water system is exempt from monitoring that water for chemical contaminants.
 - (2) A bottled water company that collects water from a rain catchment source must monitor that water for chemical contaminants as provided by Section 2401-51-37 of these Regulations.
 - (3) A bottled water company that collects water from a well, spring, or other non-primary public water system source must monitor that water for chemical contaminants as provided by Section 2401-51-37 of these Regulations.
- (D) Disinfection Process:
 - (1) Processing operations for all water bottled in Palau for retail purposes, shall include the application of an EQPB-approved disinfection process to the product water flow stream such as Ultra-violet (UV) irradiation or a residual producing disinfectant ("RDC") such as chlorine or ozone.
 - (2) If RDCs are utilized, the RDCs shall be detectable at fill taps during all bottling operations. Chlorine levels at the taps should be maintained between 0.1 ppm and 1.0 ppm. Ozone levels at the taps should be maintained at 0.1 to 0.4 ppm.
 - (3) RDCs must be recorded at the start of each water production day. The RDCs must be recorded and provided to EQPB for review upon request. Records of RDCs must be kept on file for five (5) years from the end of the recording month.
- (E) In addition to the requirements imposed under this Section, the processing of bottled water may be subject to regulation by the Palau Ministry of Health.

(Effective February 10, 2021)

RAINWATER CATCHMENT SYSTEMS

2401-51-20 Basis for Regulation of Rainwater Catchment Systems

- (A) Rainwater catchment systems play a significant role in supplementing the quantity of water available in Republic of Palau.
- (B) In order to assure the provision of safe drinking water, the Board regulates Public Rainwater Catchment systems as it does other sources used by public water systems. The requirements of this Section are intended to ensure that public water systems relying in whole or in part on water collected from rainwater catchment systems conduct monitoring at an appropriate level to protect public health.

(Effective February 10, 2021)

2401-51-21 Requirements of Public Rainwater Catchment Systems

- (A) Rainwater that has traveled over the surface of the land before it is collected in a rainwater catchment system is considered surface water under these Regulations. Accordingly, it is subject to the same treatment and monitoring requirements as other surface water sources as provided by these Regulations.
- (B) Rainwater that has not traveled over the surface of the land and, instead, has been collected in a rainwater roof catchment system, is not considered surface water under these Regulations. It is considered groundwater and is subject to the same monitoring and treatment requirements as other groundwater sources as provided by Regulations.

(Effective February 10, 2021)

DISINFECTION OF GROUNDWATER AND RAINWATER

2401-51-22 Basis for Regulation of Groundwater and Rainwater

Some of the wells used to supply groundwater in Palau may be shallow wells drilled into high-permeability limestone aquifers. These wells, especially if poorly constructed, are subject to microbiological contamination. Rainwater roof catchment systems, if not properly and frequently maintained, are also susceptible to contamination from microbes, plant debris, and animals. For these reasons, it is important for public water systems that produce drinking water from these sources to effectively treat the source water before the water is provided to their consumers.

(Effective February 10, 2021)

2401-51-23 Requirements for the Disinfection of Groundwater and Rainwater Sources

- (A) All water obtained from groundwater sources or public rainwater catchment systems shall be continuously disinfected by means or methods that are approved by the Board and are effective in the inactivation of pathogenic organisms. Disinfection may include physical as well as chemical treatment.
- (B) Systems Using Chlorination: When chlorination methods are employed, a sufficient amount of chlorine shall be continuously added to the source water to inactivate any pathogenic organisms potentially present, and to maintain a residual in the distribution system.
 - (1) The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or free chlorine, cannot be less than 0.20 mg/l in more than five percent (5%) of the samples taken in a month, for any two (2) consecutive months that the system serves water to the public.
 - (2) The residual disinfectant concentration must be measured at the same points in the distribution system and at the same time as total coliform are sampled.
 - (3) Records of the residual disinfectant concentration measured at sample points in the distribution system must be maintained for five (5) calendar years and shall be made available to EQPB upon request.
- (C) Systems That Use a Disinfectant Other than Chlorine: When methods of disinfection are employed that do not leave a measurable disinfectant residual in the product water, the public water system must adhere to the requirements specified below. Failure to comply with these requirements is a violation of

these Regulations and may result in an enforcement action.

- (1) Design and installation of the treatment unit shall ensure that the manufacturer's maximum rated flow and pressure cannot be exceeded;
 - (2) All treatment equipment (including recommended pretreatment equipment) must be installed, operated, and maintained in accordance with the manufacturer's recommendations;
 - (3) The manufacturer's manuals and documentation must be maintained on-site;
 - (4) Complete and accurate records of operation and maintenance must be maintained and kept on-site and must be made available for EQPB inspection upon request;
 - (5) At least one (1) set of spare parts for components that must be periodically replaced, plus any additional spare parts recommended to be kept on-site by the component manufacturer, must be on-site and readily available; and
 - (6) The Board may require additional monitoring or challenge testing of any disinfection treatment equipment in order to determine its effectiveness.
- (D) Public water systems must measure residual disinfectant concentration with one (1) of the analytical methods listed at 40 CFR §141.74(a)(2).

(Effective February 10, 2021)

DRINKING WATER EMERGENCIES AND TAMPERING WITH PUBLIC WATER SYSTEMS

2401-51-24 Supply of Drinking Water During Emergencies

Two (2) types of potential emergency situations outside the normal scope of operations are recognized with respect to public water systems: (1) toxic contamination of the water supply; and (2) mechanical failure and/or major natural disaster. Under these situations, the following requirements apply:

- (A) Toxic Contamination. A potential emergency may exist when drinking water quality is impacted due to the presence of toxic or other substances in the water supply that cannot be removed by existing treatment methods and which, if ingested, may cause an immediate risk to the health of consumers. The presence of such substances may be identified by such parameters as odor, taste, color, microbiological or chemical analysis, or by other evidence. Under these circumstances, the affected public water system shall do the following.
- (1) Immediately close off the water supply to the distribution system.
 - (2) Notify the Board within one (1) hour of the discovery of the contamination.
 - (3) Notify water consumers by the quickest and most effective available means of communication.
 - (4) Deliver potable water from an alternative suitable water source to such public consumers as hospitals, clinics, and similar institutions that are normally supplied water from the contaminated water supply. The water so delivered, shall be disinfected to the satisfaction of the Board. The deliveries shall continue until the time the Board declares the contaminated public water supply potable.
 - (5) Provide potable water from an alternative suitable water source at a location convenient for the consumers normally supplied water from the contaminated water supply. The water shall be disinfected to the satisfaction of the Board. The alternative water supply must be made available until such time as the Board declares the contaminated public water supply potable.
 - (6) If potable water is provided by hauling the water in a tanker truck or trailer, the water container on the vehicle shall be sanitized before use. The public water system responsible for providing the alternative water supply shall monitor the alternative water supply for coliform bacteria at the point where the consumers collect the water at a frequency determined by the Board.

- (B) Mechanical Failure and/or Major Disaster. A potential emergency may exist when water quality or

quantity is impacted due to mechanical failure of water treatment facilities due to insufficient operation and maintenance, vandalism, or natural disasters such as typhoons, droughts, earthquakes, or tsunamis. In such situations, the affected public water system shall do the following.

- (1) Take preventative measures to ensure that the water supply does not become contaminated, such as isolating tanks or distribution mains, if needed.
- (2) Notify the Board within one (1) hour of the discovery of the mechanical failure.
- (3) Notify water consumers by the quickest and most effective available means of communication.
- (4) Deliver potable water from an alternative suitable water source to such public consumers as hospitals, clinics, and similar institutions that are normally supplied water from the affected water supply. The water so delivered shall be disinfected to the satisfaction of the Board. The deliveries shall continue until the time the Board declares the mechanical failure has been corrected.
- (5) Supply of alternative water for residents.
 - (a) Limited service area mechanical failures. If the mechanical failure is limited to only one (1) village, then provide potable water from an alternative suitable water source at a location convenient for the consumers normally supplied water from the affected water supply. The water shall be disinfected to the satisfaction of the Board. The alternative water supply must be made available until such time as the Board declares that the mechanical failure has been corrected.
 - (b) Large service area mechanical failures. If the mechanical failure affects more than one (1) village, then the public water system must advise consumers as to the locations where potable water may be obtained if such water is available. If potable water is not available, the public water system will advise consumers where other water sources may be found in the immediate vicinity. The public water system will also recommend disinfection of drinking water as prescribed by Section 2401-51-25 of these Regulations.
- (6) If potable water is provided by hauling the water in a tanker truck or trailer, the water container on the vehicle shall be sanitized before use. The public water system responsible for providing the alternative water supply shall monitor the alternative water supply for coliform bacteria at the point where the consumers collect the water at a frequency determined by the Board.

(Effective February 10, 2021)

2401-51-25 Emergency Disinfection of Drinking Water

A public water system shall provide to its customers and users the information required by Subsections (B) and (C) of this Section when, due to natural disasters or other circumstances, it is necessary for individual consumers to disinfect their own drinking water.

- (A) When emergency disinfection is necessary, examine the physical condition of the water. Disinfectants are less effective in cloudy water. Filter murky or colored water through clean cloths or allow it to settle and draw off the clean water for disinfection. Water prepared for disinfection should be stored only in clean, tightly covered, containers, not subject to corrosion. Water to be used for drinking, cooking, making any prepared drink, or brushing teeth should be properly disinfected.
- (B) Disinfection Methods. To disinfect small quantities of water (5 gallons or less) the following procedures are recommended:
 - (1) Boiling. Vigorous boiling for one (1) minute will kill any disease-causing microorganisms present in water. The flat taste of boiled water can be improved by pouring it back and forth from one (1) container to another (called aeration), by allowing it to stand for a few hours, or

by adding a small pinch of salt for each quart of water boiled.

- (2) Chlorine Bleach. When boiling is not practical, chemical disinfection should be used. Common liquid household bleach contains a chlorine compound that will disinfect water. To achieve a concentration of at least one (1) part per million (ppm) residual chlorine, add bleach in accordance with the table below.

Amount of water	Clorox		
	(5.25%)	(6.0%)	(8.25%)
1 Quart	2 drops	2 drops	1 drop
1 Gallon	8 drops	6 drops	2 drops
5 Gallons	½ teaspoon	¼ teaspoon	1/8 teaspoon

The treated water should be mixed thoroughly and allowed to stand, preferably covered, for thirty (30) minutes. The water should have a slight chlorine odor; if not, repeat the dosage and allow the water to stand for an additional fifteen (15) minutes. If the treated water has too strong a chlorine taste, it can be made more pleasing by allowing the water to stand exposed to the air for a few hours or by pouring it from one (1) clean container to another several times.

(Effective February 10, 2021)

2401-51-26 Emergency Powers of the Board

- (A) Notwithstanding any other provision of these Regulations, the Board, upon receipt of information that a contaminant which is present or is likely to enter a public water system or a source of drinking water and may present an imminent endangerment to the health of persons, may take such actions as the Board deems necessary in order to protect the health of such persons.
- (B) The action which the Board may take may include (but shall not be limited to):
- (1) Issuing such orders as may be necessary to protect the health of persons who are or may be users of such system, including orders requiring the provision of alternative water supplies by persons or public water systems who caused or contributed to the endangerment.
 - (2) Commencing a civil or criminal action for appropriate relief, including, but limited to, requesting a restraining order or permanent or temporary injunction.
- (C) Any person who violates or fails or refuses to comply with any order issued by the Board under Subsection (B)(1) may be subject to a civil penalty for each day in which the violation occurs or failure to comply continues, in accordance with the Act.

(Effective February 10, 2021)

2401-51-27 Tampering with Public Water Systems

- (A) No person may tamper, attempt to tamper, or make a threat to tamper with a public water system.
- (B) A public water system must minimize the potential for tampering of its water system facilities by, at a minimum, assuring the following:
- (1) Direct access to water storage tanks via manholes and other openings, are securely locked;
 - (2) All drinking water treatment facilities are enclosed and securely locked, or at a minimum, fenced and securely locked;
 - (3) All other vulnerable areas (e.g., wellheads, storage tanks, pump stations, etc.) are fenced and securely locked;

- (4) All active and inactive wells have adequate and properly maintained sanitary seals. Monitoring wells must be securely locked;
 - (5) All abandoned wells are abandoned and sealed in accordance with the latest version of EQPB Well Destruction Guidelines, and;
 - (6) All water system operation, maintenance, and administrative records are adequately stored and secured.
- (C) Following any tampering, suspected tampering, or receipt of a tampering threat by the public water system, a public water system must notify the Board, and any other appropriate government authorities, of said tampering as soon as possible, but no later than twenty-four (24) hours.

(Effective February 10, 2021)

2401-51-28 Emergency Response Plan for Public Water Systems

- (A) Public water systems shall maintain an emergency response plan. Any public water system which does not have an emergency response plan as of the effective date of these Regulations must prepare an emergency response plan as expeditiously as possible. The emergency response plan shall include, but is not limited to, plans, procedures, and identification of equipment that can be implemented or utilized in the event of a natural or manmade disaster that may impact the public water system.
- (B) Public water systems shall, to the greatest extent possible, coordinate with existing National and State Emergency Planning Committees when preparing or revising an emergency response plan.
- (C) Public water systems may use the following publication as guidance on how to prepare their emergency response plan: Large Water System Emergency Response Plan Outline: Guidance to Assist Community Water Systems in Complying with the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Environmental Protection Agency, Office of Water, July 2003; which can be obtained at www.epa.gov/safewater.
- (D) Each public water system required under Subsection (A) of this Section to maintain an emergency response plan shall notify the Board of the public water system's compliance with this Section no later than January 1, 2023. Each such public water system shall then revise and update their emergency response plans and certify to the Board the completion of the revision, at least once every five (5) years thereafter.

(Effective February 10, 2021)

ENFORCEMENT OF REGULATIONS AND PENALTIES FOR VIOLATIONS

2401-51-29 Enforcement of Regulations

- (A) The Board may enforce these Regulations initiation of administrative actions, and/or causing the initiation of civil or criminal actions in Republic of Palau, pursuant to the Act.
- (B) The Board shall have the responsibility to prepare, issue, modify, revoke and enforce orders for compliance with any of the provisions of these Regulations, and may require the taking of such remedial measures as may be necessary or appropriate to implement or effectuate the provisions and purposes of these Regulations.
- (C) The Board shall provide for public participation in the enforcement of these Regulations as required by Title 6 of the Palau National Code (except where immediate action is necessary to adequately protect human health and the environment).
- (D) The Board shall investigate and provide responses to citizen complaints about violations of these Regulations, except where the disclosure of such information may interfere with an active

administrative, civil, or criminal enforcement action.

(Effective February 10, 2021)

2401-51-30 Penalties for Violation of Regulations

Any person violating the provisions of these Regulations shall be subject to the penalties and enforcement actions set forth in Title 24 and/or Title 37 of the Palau National Code.

(Effective February 10, 2021)

PART 3: PALAU NATIONAL PRIMARY DRINKING WATER REGULATIONS

GENERAL PROVISIONS

2401-51-31 Referenced Version of 40 CFR § 141 and Applicability

- (A) All references to 40 CFR § 141 of the National Primary Drinking Water Regulations in this Part refer to the version as revised and codified as of July 1, 2014.
- (B) The provisions of 40 CFR § 141.1 of the National Primary Drinking Water Regulations, are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

2401-51-32 Definitions

The provisions of 40 CFR § 141.2 of the National Primary Drinking Water Regulations, are hereby adopted and incorporated by reference as if fully stated herein, with the following modification: The text of the first sentence for the definition of “state” found within 40 CFR §141.2 is replaced with, “state means the agency within the Republic of Palau which has jurisdiction over public water systems. That agency is the Environmental Quality Protection Board.”

(Effective February 10, 2021)

2401-51-33 Coverage

The provisions of 40 CFR § 141.3 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein, with the following addition relating to systems with only distribution and storage facilities: The Board may require any public water system to comply with all requirements of the Republic of Palau Drinking Water Regulations, including those systems that meet all four (4) conditions of 40 CFR § 141.3, if the Board determines that the water provided by the system may present a potential risk to public health. The Board will make such a determination based on an evaluation that may include the following factors:

- (A) The distribution system size and condition.
- (B) The maintenance of storage facilities.
- (C) The potential for contamination and cross connections.
- (D) The results of available microbiological, chemical, or disinfectant residual analyses of the water provided by the system.

(Effective February 10, 2021)

2401-51-34 Siting requirements

The provisions of 40 CFR § 141.5 of the National Primary Drinking Water Regulations are adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

2401-51-35 Effective dates

The provisions of 40 CFR § 141.6 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein. The effective dates listed in the Code of Federal Regulations do not apply.

(Effective February 10, 2021)

MAXIMUM CONTAMINANT LEVELS**2401-51-36 Maximum Contaminant Levels**

- (A) Maximum contaminant levels for inorganic chemicals: The provisions of 40 CFR § 141.11 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Maximum contaminant levels for turbidity: The provisions of 40 CFR § 141.13 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Maximum contaminant levels for radium-226, radium-228, and gross alpha particle radioactivity in public water systems: The provisions of 40 CFR § 141.15* of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Maximum contaminant levels for beta particle and photon radioactivity from man-made radionuclides in public water systems: The provisions of 40 CFR § 141.16* of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

MONITORING AND ANALYTICAL REQUIREMENTS**2401-51-37 Monitoring and Analytical Requirements**

- (A) Coliform sampling: The supplier of water for a public water system shall take total coliform samples at regular time intervals, and in number proportionate to the population served by the system. In no event shall the frequency be less than:

Population Served Per Month	Minimum Number of Samples per Month
25 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7

6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25

(B) The provisions of 40 CFR § 141.21 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein, with the following modifications and additions:

- (1) The written sample siting plan specified at 40 CFR § 141.21(a)(1) must be written in accordance with Board guidance and submitted to the Board for approval. The plan must be revised and resubmitted to the Board within thirty (30) days of any modification to the distribution system(s) that adds, deletes or changes the location of any coliform sample point.
- (2) The text found within 40 CFR § 141.21(a)(3) is replaced with, "A non-community water system must monitor at the same frequency as a like-sized community water system, as specified in Subsection (a)(2) of this Section."
- (3) The routine monitoring requirements specified at 40 CFR § 141.21(a) and the repeat monitoring requirements specified at 40 CFR § 141.21(b) are applicable to every hydraulically independent distribution system within a public water system. For example, some public water systems have separate distribution systems for the water from each of the sources that they obtain water, be it rainwater, ground water, or from another public water system. Each of these independent distribution systems is subject to the monitoring and repeat monitoring requirements provided by these Regulations.
- (4) A public water system may cease to collect repeat samples when it determines that the maximum contaminant level for total coliforms in Section 2401-51-59 of these Regulations has been exceeded and it notifies the Board. This applies even if a complete set of repeat samples, as specified at 40 CFR § 141.21(b)(1), has not been collected for each total coliform positive sample found.
- (5) No public water system shall increase the disinfectant residual present in its distribution system or other facilities, under any circumstance described below, without written permission from the Board.
 - (a) Within forty-eight (48) hours prior to the collection of a routine coliform sample.
 - (b) Prior to the collection of a repeat coliform sample when, due to knowledge or suspicion that the original routine sample may be coliform positive, a repeat sample is necessary.
- (6) A consecutive public water system must perform monthly coliform monitoring of the water from their distribution system if, at any point in the receiving system's distribution system, the water flows through a storage facility.

(C) Turbidity sampling and analytical requirements: The provisions of 40 CFR § 141.22 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(D) Inorganic chemical sampling and analytical requirements: The provisions of 40 CFR § 141.23 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein with the following addition: If a public water system does not collect a confirmation nitrate or nitrite sample within two (2) weeks of being notified of the analytical result of the first sample (as required at 40 CFR § 141.23(f)(2)), compliance with the maximum contaminant level for

nitrate or nitrite shall be based solely on the analytical result of the single sample.

- (E) Organic chemicals, sampling and analytical requirements: The provisions of 40 CFR § 141.24 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Analytical methods for radioactivity: The provisions of 40 CFR § 141.25 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (G) Monitoring frequency for radioactivity in public water systems: The provisions of 40 CFR § 141.26 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (H) Alternate analytical techniques: The provisions of 40 CFR § 141.27 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (I) Certified laboratories: The provisions of 40 CFR § 141.28 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (J) Monitoring of consecutive public water systems: The provisions of 40 CFR § 141.29 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

REPORTING AND RECORD KEEPING

2401-51-38 Reporting and Record Keeping

- (A) Reporting requirements: The provisions of 40 CFR § 141.31 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Record maintenance: The provisions of 40 CFR § 141.33 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein, with the following additions:
 - (1) In addition to the data, records, and reports specified in 40 CFR § 141.33, a public water system must maintain on its premises, or at a convenient location near its premises, the following information:
 - (a) Current as-built engineering and schematic diagrams for all source water, treatment, storage, and distribution facilities;
 - (b) Current construction materials survey, as referenced at 40 CFR § 141.42(a);
 - (c) Current coliform monitoring plan, as referenced at 40 CFR § 141.21(a); and
 - (d) All other records required by these Regulations.
 - (2) All records must be readily available for review by Board personnel or their representatives during inspections and sanitary surveys.
- (C) Reporting of unregulated contaminant monitoring results: The provisions of 40 CFR § 141.35 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

SPECIAL REGULATIONS, INCLUDING MONITORING REGULATIONS AND PROHIBITION ON LEAD USE

2401-51-39 Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use

- (A) Monitoring requirements for unregulated contaminants: The provisions of 40 CFR § 141.40 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Special monitoring for sodium: The provisions of 40 CFR § 141.41 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Special monitoring for corrosivity characteristics: The provisions of 40 CFR § 141.42 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Prohibition on use of lead pipes, solder, and flux: The provisions of 40 CFR § 141.43 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

MAXIMUM CONTAMINANT LEVEL GOALS AND MAXIMUM RESIDUAL DISINFECTANT LEVEL GOALS

2401-51-40 Maximum Contaminant Level Goals and Maximum Residual Disinfectant Level Goals

- (A) Maximum contaminant level goals for organic contaminants: The provisions of 40 CFR § 141.50 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Maximum contaminant level goals for inorganic contaminants: The provisions of 40 CFR § 141.51 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Maximum contaminant level goals for microbiological contaminants: The provisions of 40 CFR § 141.52 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Maximum contaminant level goals for disinfection byproducts: The provisions of 40 CFR § 141.53 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Maximum residual disinfectant level goals for disinfectants: The provisions of 40 CFR § 141.54 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Maximum contaminant level goals for radionuclides: The provisions of 40 CFR § 141.55 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

**NATIONAL REVISED PRIMARY DRINKING WATER REGULATIONS: MAXIMUM
CONTAMINANT LEVELS AND MAXIMUM RESIDUAL DISINFECTANT LEVELS**

2401-51-41 National Revised Primary Drinking Water Regulations: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels

- (A) Effective dates: The provisions of 40 CFR § 141.60 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein. The effective dates listed in the Code of Federal Regulations do not apply.
- (B) Maximum contaminant levels for organic contaminants: The provisions of 40 CFR § 141.61 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Maximum contaminant levels for inorganic contaminants: The provisions of 40 CFR § 141.62 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Maximum contaminant levels (MCLs) for microbiological contaminants: The provisions of 40 CFR § 141.63 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Maximum contaminant levels for disinfection byproducts: The provisions of 40 CFR § 141.64 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Maximum residual disinfectant levels: The provisions of 40 CFR § 141.65 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (G) Maximum contaminant levels for radionuclides: The provisions of 40 CFR § 141.66 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

FILTRATION AND DISINFECTION

2401-51-42 Filtration and Disinfection

- (A) General requirements: The provisions of 40 CFR § 141.70 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Criteria for avoiding filtration: The provisions of 40 CFR § 141.71 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Disinfection: The provisions of 40 CFR § 141.72 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Filtration: The provisions of 40 CFR § 141.73 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Analytical and monitoring requirements: The provisions of 40 CFR § 141.74 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Reporting and recordkeeping requirements: The provisions of 40 CFR § 141.75 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (G) Recycle provisions: The provisions of 40 CFR § 141.76 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

CONTROL OF LEAD AND COPPER

2401-51-43 Control of Lead and Copper

- (A) General requirements: The provisions of 40 CFR § 141.80 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein, with the exception of 40 CFR § 141.80(a)(2).
- (B) Applicability of corrosion control treatment steps to small, medium-sized and large water systems: The provisions of 40 CFR § 141.81 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Description of corrosion control treatment requirements: The provisions of 40 CFR § 141.82 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Source water treatment requirements: The provisions of 40 CFR § 141.83 of the National Primary Drinking Water Regulations, are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Lead service line replacement requirements: The provisions of 40 CFR § 141.84 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Public education and supplemental monitoring requirements: The provisions of 40 CFR § 141.85 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein, with the following modifications and additions:
 - (1) Any public water system serving water to non-English speaking users must insert the following mandatory translation text into their public education materials, in all appropriate languages: “This document contains important information about the chemical lead, which has been found in your drinking water. It discusses the health effects of lead, how lead gets into your drinking water, and actions you can take to reduce your exposure to lead. If you cannot read or understand this document, have someone translate it for you.”
 - (2) If the public water system can sufficiently document to the Board that any non- English speaking population comprises ten percent or less of the total population served by the water system, then the requirements of § 65-20-226(f)(2)(ii)(A) do not apply and the water system does not need to insert the translation text in that particular language into its public education material. The Board may require an affidavit certifying that the particular non-English population comprises ten percent or less of the total population served, or may require additional documentation that supports such claim.
- (G) Monitoring requirements for lead and copper in tap water: The provisions of 40 CFR § 141.86 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein, with the following modifications and additions:
 - (1) Tier 1 sample sites for community water systems. The text found within 40 CFR § 141.86(a)(3)(i) is replaced with, “Contain copper pipes with lead solder installed after 1997 or contain lead pipes or are provided with either centrally-treated reverse osmosis water or pure rainwater; and/or”
 - (2) Tier 2 sample sites for community water systems. The text found within 40 CFR § 141.86(a)(4)(i) is replaced with, “Contain copper pipes with lead solder installed after 1997 or contain lead pipes or are provided with either centrally-treated reverse osmosis water or pure rainwater; and/or”

- (3) Tier 3 sample sites for community water systems. The first sentence of the text found in 40 CFR § 141.86(a)(5) is replaced with, “Any community water system with insufficient Tier 1 and Tier 2 sampling sites shall complete its sampling pool from ‘Tier 3 sampling sites,’ consisting of single family structures that contain copper pipes with lead solder installed before 1998 or are provided with rainwater that is mixed with water from another source.”
- (4) Tier 1 sample sites for non-transient non-community water systems. The text found within 40 CFR § 141.86(a)(6)(i) is replaced with, “Contain copper pipes with lead solder installed after 1997 or contain lead pipes or are provided with either centrally-treated reverse osmosis water or pure rainwater; and/or”
- (5) Tier 2 sample sites for non-transient, non-community water systems. The first sentence of the text found in 40 CFR § 141.86(a)(7) is replaced with, “A non-transient, non-community water system with insufficient Tier 1 sites that meet the targeting criteria in Subsection (a)(6) of this Section shall complete its sampling pool with sample sites that contain copper pipes with lead solder installed before 1998 or that are provided with rainwater that is mixed with water from another source.”
- (6) Water systems providing reverse osmosis water or rainwater. Any public water system that provides centrally treated reverse osmosis water or pure rainwater (rainwater that is not mixed with water from another water source) must collect at least 50% of their lead and copper samples from sample sites served with that water.
- (H) Monitoring requirements for water quality parameters: The provisions of 40 CFR § 141.87 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (I) Monitoring requirements for lead and copper in source water: The provisions of 40 CFR § 141.88 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (J) Analytical methods: The provisions of 40 CFR § 141.89 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (K) Reporting requirements: The provisions of 40 CFR § 141.90 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (L) Recordkeeping requirements: The provisions of 40 CFR § 141.91 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

USE OF NON-CENTRALIZED TREATMENT DEVICES

2401-51-44 Use of Non-Centralized Treatment Devices

- (A) Criteria and procedures for public water systems using point-of-entry devices: The provisions of 40 CFR § 141.100 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Use of bottled water: The provisions of 40 CFR § 141.101 of the National Primary Drinking Water are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

TREATMENT TECHNIQUES

2401-51-45 Treatment Techniques

- (A) General requirements: The provisions of 40 CFR § 141.110 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Treatment techniques for acrylamide and epichlorohydrin: The provisions of 40 CFR § 141.111 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

2401-51-46 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors

- (A) General requirements: The provisions of 40 CFR § 141.130 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Analytical requirements: The provisions of 40 CFR § 141.131 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Monitoring requirements: The provisions of 40 CFR § 141.132 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Compliance requirements: The provisions of 40 CFR § 141.133 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Reporting and recordkeeping requirements: The provisions of 40 CFR § 141.134 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Treatment technique for control of disinfection byproduct (DBP) precursors: The provisions of 40 CFR § 141.135 of the National Primary Drinking Water regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

CONSUMER CONFIDENCE REPORTS

2401-51-47 Consumer Confidence Reports

- (A) Purpose and applicability of this subpart: The provisions of 40 CFR § 141.151 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Effective dates: The provisions of 40 CFR § 141.152 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein. The effective dates listed in the Code of Federal Regulations do not apply.
- (C) Content of the reports: The provisions of 40 CFR § 141.153 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein, with the following additions:
 - (1) Any public water system serving water to non-English speaking users must insert the following or similar translation text into their consumer confidence report in all appropriate languages:
“This document contains important information about your drinking water. If you cannot read or understand this document, have someone translate it for you, or speak with someone who

understands it.”

- (2) If the public water system can sufficiently document to the Board that any non- English speaking population comprises ten percent (10%) or less of the total population served by the water system, then the requirements of Subsection (C)(1) of this Section do not apply and the water system does not need to insert the translation text in that particular language into its consumer confidence report. The Board may require an affidavit certifying that the particular non-English population comprises ten percent (10%) or less of the total population served, or may require additional documentation that supports such a claim.
- (D) Required additional health information: The provisions of 40 CFR § 141.154 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Report delivery and recordkeeping: The provisions of 40 CFR § 141.155 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Appendix A to subpart O of part 200 - regulated contaminants: The provisions of Appendix A to subpart O of 40 CFR part 141 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

ENHANCED FILTRATION AND DISINFECTION; SYSTEMS SERVING 10,000 OR MORE PEOPLE

2401-51-48 Enhanced Filtration and Disinfection; Systems Serving 10,000 or More People

- (A) General requirements: The provisions of 40 CFR § 141.170 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Criteria for avoiding filtration: The provisions of 40 CFR § 141.171 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Disinfection profiling and benchmarking: The provisions of 40 CFR § 141.172 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Filtration: The provisions of 40 CFR § 141.173 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Filtration sampling requirements: The provisions of 40 CFR § 141.174 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Reporting and recordkeeping requirements: The provisions of 40 CFR § 141.175 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

2401-51-49 Public Notification of Drinking Water Maximum Contaminant Level Violations by the Owner or Operator of a Public Water System

- (A) For any maximum contaminant level or treatment violation technique that does not pose an acute risk to human health, except as provided for in Subsection (D) of this Section, notice shall be by publication in a newspaper of general circulation in the areas served by the system, radio, social media, and other available media as soon as possible, but in no case later than fourteen (14) days after the violation or failure.

- (B) For any maximum contaminant level or treatment technique violation that may pose an acute risk to human health, except as provided for in Subsection (D) of this Section, notice shall be made as soon as possible but in no case later than twenty-four (24) hours after the violation. The following violations are acute violations:
- (1) Any violations specified by the Board as posing an acute health risk to human health.
 - (2) Violation of the MCL for nitrate as defined in these Regulations.
 - (3) Violations of the MCL for total coliforms, when *E. coli* are present in the water distribution system as specified in these regulations.
 - (4) Occurrence of a waterborne disease outbreak, as defined in these Regulations, in an unfiltered system subject to the requirements these Regulations.
- (C) In lieu of the requirements of Subsections (A) and (B) of this Section in the area that is not served by a newspaper of general circulation or a television or radio station, must give notice by continuous posting in conspicuous places within the area served by the system. Notice posting must begin as soon as possible, but no later than twenty-four (24) hours after the violation or failure for acute violations, or fourteen (14) days after the violation or failure or any other violation. Posting must continue for as long as the violation or failure exists.
- (D) In lieu of the requirements of Subsections (A) and (B) of this Section, the owner or operator of a non-community water system may give notice by continuous posting in conspicuous places within the area served by the system. Notice by posting must begin as soon as possible, but no later than twenty-four (24) hours after the violation or failure for acute violations, or fourteen (14) days after the violation or failure or any other violation. Posting must continue for as long as the violation or failure exists. Notice must be repeated at least every three (3) months for as long as the violation or failure exists.
- (E) The owner or operator may give notice to only a portion of the population served if it can clearly demonstrate that only a segment of the water system is affected by the problem which results in the need for public notice.

(Effective February 10, 2021)

2401-51-50 Public Notification of Other Drinking Water Violations by the Owner or Operator of a Public Water System

The owner or operator of a public water system shall notify the persons served by the system whenever the system fails to comply with any of the monitoring and analytical requirements pursuant these Regulations; or is subject to a compliance agreement, or enforcement action, relating to an applicable maximum contaminant level; or fails to comply with the requirements of any schedule prescribed in any such document. Such notice shall be given as follows:

- (A) Except as provided in Subsections (C) and (D) of this Section, the owner or operator of a public water system must give notice within three (3) months after the sampling violation; or the imposition of a compliance agreement or enforcement action; or violating the requirements thereof, by publication by in a newspaper of general circulation in the areas served by the system, radio, social media and other available media.
- (B) Except as provided by Subsection (C) of this Section, following the initial notice given under Subsection (A) of this Section, the owner or operator of a public water system shall furnish notice at least once every three (3) months by direct mail, or by hand delivery, for as long as the condition for which the initial notice was given exists. Repeat notice of the existence of a variance or exemption must be given every three (3) months for as long as the variance or exemption remains in effect.

- (C) In lieu of the requirements in Subsection (A) and (B) of this Section the owner or operator of a non-community water system may give notice, within three (3) month of the violation by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting must continue for as long as the violation exists. Notice by hand delivery must be repeated at least every three (3) months for as long as the violation exists.

(Effective February 10, 2021)

2401-51-51 Public Notification to New Billing Units by the Owner or Operator of a Public Water System

The owner or operator of a public water system must give a copy of the most recent public notice for any outstanding violation or any maximum contaminant level, or treatment technique requirement, or any variance or exemption schedule to all new billing units or hookups prior to or at the time service begins.

(Effective February 10, 2021)

2401-51-52 Public Notification Content

- (A) Each notice shall be bi-lingual, written and/or spoken in both Palauan and English and any other language spoken by more than 10% of the population served by the system.
- (B) Each notice shall provide a clear and readily understandable explanation of the violation, and potential adverse health effects, the population at risk, the steps that the public water supply system in taking to correct such violation, the necessity for using alternative water supplies, if any, and any preventative measures the consumer should take to minimize exposure until the violation is corrected.
- (C) Each notice shall be conspicuous and shall not contain any unduly technical language, unduly small print, or other problems that frustrate the purpose of such notice.
- (D) Each notice shall include the telephone number of the owner or operator, or designee of the public water system as a source of additional information concerning the notice.

(Effective February 10, 2021)

2401-51-53 Mandatory Health Effects Information

- (A) When providing information on potential adverse health effects required by these Regulations in notices of violations of maximum contaminant levels or treatment technique requirements, the owner or operator of a public water supply system shall include the language specified by the EPA for each of the contaminants listed in these Regulations.
- (B) The provisions of Appendix B and Appendix C to subpart Q of 40 CFR part 141 of the National Primary Drinking Water Regulations hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

GROUND WATER RULE

2401-51-54 Ground Water Rule

- (A) General requirements and applicability: The provisions of 40 CFR § 141.400 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Sanitary surveys for ground water systems: The provisions of 40 CFR § 141.401 of the National

Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

- (C) Ground water source microbial monitoring and analytical methods: The provisions of 40 CFR § 141.402 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Treatment technique requirements for ground water systems: The provisions of 40 CFR § 141.403 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Treatment technique violations for ground water systems: The provisions of 40 CFR § 141.404 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Reporting and recordkeeping for ground water systems: The provisions of 40 CFR § 141.405 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

ENHANCED FILTRATION AND DISINFECTION SYSTEMS SERVING FEWER THAN 10,000 PEOPLE

2401-51-55 Enhanced Filtration and Disinfection Systems Serving Fewer Than 10,000 People

- (A) General requirements: The provisions of 40 CFR §§ 141.500-503 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Finished water reservoirs: The provisions of 40 CFR §§ 141.510-511 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Additional watershed control requirements for unfiltered systems: The provisions of 40 CFR §§ 141.520-522 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Disinfection profile: The provisions of 40 CFR §§ 141.530-536 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Disinfection benchmark: The provisions of 40 CFR §§ 141.540-544 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Combined filter effluent requirements: The provisions of 40 CFR §§ 141.550-553 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (G) Individual filter turbidity requirements: The provisions of 40 CFR §§ 141.560-564 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (H) Reporting and recordkeeping requirements: The provisions of 40 CFR §§ 141.570-571 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

INITIAL DISTRIBUTION SYSTEM EVALUATIONS

2401-51-56 Initial Distribution System Evaluations

- (A) General Requirements: The provisions of 40 CFR § 141.600 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Standard Monitoring: The provisions of 40 CFR § 141.601 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) System specific studies: The provisions of 40 CFR § 141.602 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) 40/30 certification: The provisions of 40 CFR § 141.603 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Very small system waivers: The provisions of 40 CFR § 141.604 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Subpart V compliance monitoring location recommendations: The provisions of 40 CFR § 141.605 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

2401-51-57 Stage 2 Disinfection Byproducts Requirements

- (A) General Requirements: The provisions of 40 CFR § 141.620 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Routine Monitoring: The provisions of 40 CFR § 141.621 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Subpart V monitoring plan: The provisions of 40 CFR § 141.622 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Reduced monitoring: The provisions of 40 CFR § 141.623 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Additional requirements for consecutive public water systems: The provisions of 40 CFR § 141.624 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Conditions requiring increased monitoring: The provisions of 40 CFR § 141.625 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (G) Operational evaluation levels: The provisions of 40 CFR § 141.626 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (H) Requirements for remaining on reduced TTHM and HAA5 monitoring based on subpart L results: The provisions of 40 CFR § 141.627 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (I) Requirements for remaining on increased TTHM and HAA5 monitoring based on subpart L results: The provisions of 40 CFR § 141.628 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (J) Reporting and recordkeeping requirements: The provisions of 40 CFR § 141.629 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated

herein.

(Effective February 10, 2021)

ENHANCED TREATMENT FOR CRYPTOSPORIDIUM

2401-51-58 Enhanced Treatment for Cryptosporidium

- (A) General Requirements: The provisions of 40 CFR § 141.700 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Source Water monitoring requirements: The provisions of 40 CFR §§ 141.701-707 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) Disinfection profiling and benchmarking requirements: The provisions of 40 CFR §§ 141.708-709 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Treatment technique requirements: The provisions of 40 CFR §§ 141.710-714 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Requirements for microbial toolbox components: The provisions of 40 CFR §§ 141.715-720 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Conditions requiring increased monitoring: The provisions of 40 CFR §§ 141.721-722 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

REVISED TOTAL COLIFORM RULE

2401-51-59 Revised Total Coliform Rule

- (A) General: The provisions of 40 CFR § 141.851 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (B) Analytical methods and laboratory certification: The provisions of 40 CFR § 141.852 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (C) General monitoring requirements for all public water systems: The provisions of 40 CFR § 141.853 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (D) Routine monitoring requirements for non-community water systems serving 1,000 or fewer people using only ground water: The provisions of 40 CFR § 141.854 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (E) Routine monitoring requirements for community water systems serving 1,000 or fewer people using only ground water: The provisions of 40 CFR § 141.855 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (F) Routine monitoring requirements for subpart H public water systems serving 1,000 or fewer people: The provisions of 40 CFR § 141.856 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

- (G) Routine monitoring requirements for public water systems serving more than 1,000 people: The provisions of 40 CFR § 141.857 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (H) Repeat monitoring and *E. coli* requirements: The provisions of 40 CFR § 141.858 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (I) Coliform treatment technique triggers and assessment requirements for protection against potential fecal contamination: The provisions of 40 CFR § 141.859 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (J) Violations: The provisions of 40 CFR § 141.860 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.
- (K) Reporting and recordkeeping: The provisions of 40 CFR § 141.861 of the National Primary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

PART 4: PALAU NATIONAL SECONDARY DRINKING WATER REGULATIONS

NATIONAL SECONDARY DRINKING WATER REGULATIONS

2401-51-60 Referenced Version of 40 CFR § 143 and Purpose

- (A) Referenced version of 40 CFR § 143: All references to 40 CFR § 143 of the National Secondary Drinking Water Regulations mentioned in these Regulations refer to version as revised and codified as of July 1, 2014.
- (B) Purpose: The provisions of 40 CFR § 143.1 of the National Secondary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein, with the following addition: Public water systems are not required to monitor for or comply with the secondary maximum contaminant levels. The National Secondary Drinking Water Regulations are provided only as guidelines for public water systems.

(Effective February 10, 2021)

2401-51-61 Definitions

The provisions of 40 CFR § 143.2 of the National Secondary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein with the following modification: The text of the first sentence for the definition of “State” found within 40 CFR §143.2 is replaced with, “State means the agency within the Republic of Palau which has jurisdiction over public water systems. That agency is the Environmental Quality Protection Board.”

(Effective February 10, 2021)

2401-51-62 Secondary Maximum Contaminant Levels

The provisions of 40 CFR § 143.3 of the National Secondary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

2401-51-63 Monitoring

The provisions of 40 CFR § 143.4 of the National Secondary Drinking Water Regulations are hereby adopted and incorporated by reference as if fully stated herein.

(Effective February 10, 2021)

MISCELLANEOUS PROVISIONS

2401-51-64 Severability

Should any part, section, paragraph, sentence, clause, phrase, or application of these rules and Regulations be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder or any other application of these rules and Regulations shall not be affected in any way thereby, and shall remain in full force and effect.

(Effective February 10, 2021)

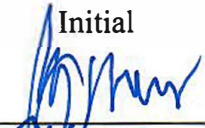
2401-51-65 Repealer

These Regulations shall take effect as provided by 6 PNC § 127, at which time the EQPB Public Water Supply System Regulations preexisting heretofore shall be repealed

(Effective February 10, 2021)

The above EQPB Public Water Supply and Drinking Water Regulations were adopted pursuant to the Administrative Procedure Act this 11th Day of January 2021:

Adopted By:

	Initial	Date
Elia Yobech, Chairman		1/11/21
Florencio Yamada, Vice Chairman		1/11/21
Juliet Ngotel, Member		1/11/21
Jack Meltel, Member		1/11/21
Benjamin Adelbai, Member		1-11-21
Benjamin Yobech, Member		1/11/21

Approved this 14TH day of January 2021.

A handwritten signature in black ink, appearing to read 'Tommy E. Remengesau, Jr.', written over a horizontal line.

Tommy E. Remengesau, Jr.
President

APPENDIX A

ONLINE REFERENCE FOR U.S. E.P.A. DRINKING WATER REGULATIONS TITLE 40 CFR 141

https://www.ecfr.gov/cgi-bin/text-idx?SID=2bf3b3551810aca8a50961ef7057d670&mc=true&tpl=/ecfrbrowse/Title40/40cfr141_main_02.tpl

<https://www.law.cornell.edu/cfr/text/40/part-141>

<https://www.epa.gov/dwreginfo/drinking-water-rule-quick-reference-guides>