

# FREQUENTLY ASKED QUESTIONS

## Proposed Regulations Changes in 18 AAC 80, Drinking Water Regulations

### To Adopt the Revised Total Coliform Rule and To Repeal the Class C Public Water System Regulatory Requirements July 2016

#### **Q. What do these regulations changes mean to me? Is my water system affected by these changes?**

A. These proposed regulations focus mainly on two different actions that affect different types of public water systems. One is to adopt by reference a federal drinking water rule, the Revised Total Coliform Rule (RTCR) by the Environmental Protection Agency (EPA), which applies to all water systems designated as a “public water system” by EPA. The other action is to repeal (eliminate) the regulatory requirements from the Alaska Drinking Water regulations in 18 AAC 80 that apply to a state-defined “Class C Public Water System.”

If your water system is a federally regulated system (a Community Water System, Non-transient Non-community Water System, or Transient Non-community Water System), then all the regulations changes—EXCEPT the repeal of Class C Public Water System requirements—apply to your system.

- A federally regulated water system must comply with the drinking water rules from the Environmental Protection Agency (EPA). These requirements are found in the Code of Federal Regulations (CFR), primarily in 40 CFR 141.
- A federally regulated water system is a system that
  - serves an average of 25 or more people daily for at least 60 days per year; or
  - has at least 15 service connections.
- A federally regulated water system is categorized as a Community Water System, Non-transient Non-community Water System, or Transient Non-community Water System.
- Definitions for the federally regulated public water systems can be found in the Drinking Water Regulations at 18 AAC 80.1990(a).

If your water system is a Class C public water system, then the repeal of the Class C regulations applies to your system; also, the revised definitions of “public water system” and “private water system” apply to your system.

- A Class C water system is a system that
  - is not a public water system as designated by EPA;
  - serves a building or population larger than a single family residence or duplex; and
  - does not have a minimum number of days per year that it operates; and
- The definition of a Class C public water system can be found in the Regulations at 18 AAC 80.1990(a).
- A Class C Public Water System is a state-defined category of water system. These systems do not need to meet federal requirements. Regulatory requirements are found in the Alaska

Drinking Water Regulations at 18 AAC 80. The regulatory requirements for a Class C water system include

- a one-time registration with the Drinking Water Program;
- minimal water sampling; and
- a basic understanding of water system operation (a state-certified water system operator is not required).

The repeal of the Class C water system requirements means that your water system will no longer be regulated by the State of Alaska Drinking Water Program. Water systems that are currently classified as Class C systems will be classified as private water systems once the regulations changes become effective. The Drinking Water Program does not regulate private water systems. However, other government programs, agencies, or entities may have regulations regarding private water systems, and you should become familiar with these other requirements. Until these proposed regulations changes become effective (most likely in early 2017), the regulatory requirements for Class C Public Water Systems are still in effect.

**Q: Some online information on the Drinking Water Program’s website shows the water system Type as “C.” Does that mean it’s a Class C water system?**

A: No. There can be some misunderstanding of what “C” means in relation to federal data/information about a public water system. Most of the water system data online, as well as information in certain reports or forms, is generated from the Drinking Water Program’s database. The database is based on EPA (federal) templates and guidelines. EPA categorizes public water systems as “C” for Community Water System, “NTNC” for Non-transient Non-Community Water System, and “NC” for “Transient Non-Community Water System.” When EPA references water systems that are not required to follow the federal regulations, that category is “NP,” which stands for “Non-public.” The EPA’s “NP” equates to the state of Alaska’s “Class C” water systems.

For example, in “Drinking Water Watch” on the Drinking Water Program’s website, after the initial “Search” for the system, the first page that comes up has only one line of information about the system, including “Type.” A “C” under Type stands for a Community Water System, not a Class C Water system. Class C systems are not included in Drinking Water Watch.

**Q: What will happen to Class C water systems when the Class C regulations in 18 AAC 80 are repealed?**

A: When the regulations in 18 AAC 80 (Drinking Water regulations) repealing Class C Public Water System requirements become effective, those systems will then be categorized as “private water systems.” The Department of Environmental Conservation’s Drinking Water Program does not regulate private water systems, so private water systems are not required, under 18 AAC 80, to register with the Drinking Water Program, conduct water sampling, or otherwise meet drinking water regulations in 18 AAC 80.

For new water systems being planned or for existing water systems currently planning modifications that involve engineering plan review, the Drinking Water Program will continue to classify those systems according to 18 AAC 80.200, which currently includes Class C public water systems. After

the proposed regulations become effective, if the Class C repeal occurs, the Class C public water system category will no longer appear under 18 AAC 80.200 regarding engineering plan review requirements. If you are currently planning a new water system or modifications to an existing water system and are uncertain about whether or not it would be a federally designated system (CWS, NTNCWS, or TNCWS) or a Class C water system (which will become a private water system after the repeal is effective), contact the Drinking Water Program for instructions about the classification procedure under 18 AAC 80.200.

Even though the Drinking Water Program does not regulate private water systems under 18 AAC 80, there are regulatory requirements associated with private water systems under other state programs and agencies, and you should familiarize yourself with these other requirements. These other areas include but are not limited to

- the Department of Environmental Conservation
  - Division of Environmental Health, including the Food Safety and Sanitation Program;
  - Division of Spill Prevention and Response; and
  - Division of Water Quality (including separation distance requirements for wastewater/water systems);
- the Department of Natural Resources (DNR);
- the Department of Health and Social Services (DHSS); and
- the Department of Labor and Workforce Development (DOLWD).

**Q. The requirements for RTCR have been in effect since April 2016. Why is the Drinking Water Program doing the RTCR regulations changes now, after April 2016?**

A. RTCR is a federal rule from EPA. The nationwide compliance date was April 1, 2016, at which time all RTCR requirements became effective for all states. EPA may allow states additional time to adopt a rule into the state regulations. EPA granted the Alaska Drinking Water Program additional time (until February 2017) through an “Extension Agreement” to make the required regulatory changes. Under terms of the agreement for RTCR, the Drinking Water Program is handling the implementation and compliance activities, and EPA is handling formal enforcement activities. When the RTCR regulations go into effect in 18 AAC 80, the Drinking Water Program will take over all enforcement activities as well.