

Public Notice Questions

Revised Total Coliform Rule Adoption; Repeal Class C Public Water System Requirements

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Q: Is there a version of the full set of Drinking Water regulations (18 AAC 80) showing the proposed changes?

A: No, there isn't a version of 18 AAC 80 in its entirety showing the proposed changes.

Q: What is the anticipated date the new regulations will take effect?

A: The projected effective date of the new regulations is February 2017.

Q: Why was "sanitary defect" added as a separate definition and not added under the definition of "deficiency" because, by definition, a sanitary defect is a deficiency? Did the department find something was not adequately accounted for with the definition of "deficiency"?

A: The Drinking Water Program is adopting by reference the Revised Total Coliform Rule (RTCR) as set out in the Code of Federal Regulations (CFR) at 40 CFR 141, so the EPA definition of "sanitary defect" is also being incorporated into the Drinking Water Regulations at 18 AAC 80. A sanitary defect is associated with microbial contamination and is defined as "a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place." Sanitary defects are prominent in the Level 1 and Level 2 Assessments that are required by RTCR when certain events (such as certain treatment technique triggers) occur at a public water system. A deficiency, on the other hand, has a much broader scope and is usually associated with the sanitary survey process, with significant deficiencies posing a potential health risk. A sanitary defect may be, but is not necessarily, identified as a significant deficiency, and a significant deficiency may or may not be a sanitary defect. Also, even though both sanitary defects and significant deficiencies pose a potential public health risk, these two types of identified risks have differing compliance implications.

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Q: Do these regulations apply to properties smaller than an 8-plex, or where they are less than 14 people living in a structure?

A: These proposed regulations focus mainly on two different actions: 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.”

- A public water system as designated by EPA has these basic characteristics:
 - It serves an average of 25 or more people daily for at least 60 days per year; or
 - It has at least 15 service connections.
- A Class C public water system as designated by the state of Alaska has these characteristics:
 - It is not a public water system as designated by EPA;
 - It serves a building or population larger than a single family residence or duplex;
 - It doesn't have a minimum number of days per year that it operates.

The question asks about applicability of the proposed regulations. Based on the information provided regarding building size and population served, the water system would be a Class C public water system, so the Revised Total Coliform Rule (federal requirement) would not apply to that system; however, the repeal of the Class C public water system regulatory requirements would apply to that system. If these proposed regulatory changes become effective, the water systems that are currently classified as “Class C” would then be classified as a “private water system.” The Drinking Water regulations (18 AAC 80) do not regulate private water systems, but other government programs, agencies, or entities may have regulations regarding private water systems.