

*Regulations of Connecticut State Agencies*

TITLE 19. Public Health and Safety

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*Agency*

**Department of Public Health**

*Subject*

**CHAPTER II**

*Inclusive Sections*

**§§ 19-13-B-1—19-13-B-113**

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**CHAPTER II**

**ENVIRONMENTAL HEALTH**

**Sec. 19-13-B1. Conditions specifically declared to constitute public nuisances**

The following conditions are specifically declared to constitute public nuisances:

(a) Bakeries, restaurants and other places where food is prepared or served that are not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that rats, mice or vermin are present.

(b) Spoiled or diseased meats, whether exposed and offered for sale or being transported or kept for sale.

(c) Barns or stables, hogpens, chicken yards or manure piles or accumulations of organic material so maintained as to be a breeding place for flies.

(d) The discharge or exposure of sewage, garbage or any other organic filth into or on any public place in such a way that transmission of infective material may result thereby.

(e) Privies not screened against flies in populous districts and privies likely to pollute the ground or surface water from which water supply is obtained.

(f) Transportation of garbage, night soil or other organic filth except in tight, covered wagons which prevent leakage or access of flies.

(g) Stagnant water likely to afford breeding places for mosquitoes within a residential district or within a distance of one thousand feet therefrom.

(h) Bone boiling, fat rendering establishments, or tallow or soap works, or other trades, when they can be shown to affect public health or produce serious offense.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

**Sec. 19-13-B2. Abatement of nuisance**

(a) Any local director of health, upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any such nuisance or pollution comes to his attention, shall, within a reasonable time, investigate and, upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.

(b) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance shall be accomplished; and if such order is not complied with within the time specified, the facts shall be submitted to the prosecuting authority. Copies of all orders shall be kept on file by the director of health in his office and copies of the same shall be furnished the state commissioner of health on request.

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*§19-13-B3—19-13-B20*

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**Septic Tanks, Privies, Cesspools and Other Receptacles for Domestic Sewage; Public Toilet Accommodations**

**Sec. 19-13-B3—19-13-B20. Repealed**

Repealed January 13, 1970.

**Subsurface Sewage Disposal**

**Sec. 19-13-B20a—19-13-B20s. Repealed**

Repealed August 16, 1982.

**Sec. 19-13-B21. Garbage and refuse**

(a) The owner of premises upon which persons reside or which are frequented for pleasure or business shall keep such premises free from accumulations of garbage, rubbish, rags, tin cans, paper, empty barrels, boxes or any material which, because of its character, condition or improper storage, may invite the breeding or collection of flies, mosquitoes or rodents, or which may in any other manner prejudice the public health.

(b) In populous districts stable manure shall be kept in a covered water-tight pit or chamber and shall be removed at least once a week during the period from May first to October first and during the other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the director of health. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the director of health.

**Sec. 19-13-B22. Manufacturing and other wastes**

No materials or waste products from any mill, factory, slaughterhouse, rendering or fertilizing works, junk establishment, common carrier or other industry or utility shall be stored or deposited so as to cause the surrounding atmosphere, land or water to be contaminated or polluted in such a manner as to injure the public health or create offensive conditions.

**Sec. 19-13-B23. Keeping of animals**

(a) No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within three hundred feet of any inhabited house or public meeting house upon property other than that of the proprietor of the pigsty.

(b) The carcass of any dead animal not killed for food shall be removed and disposed of within twenty-four hours after death by burial, incineration or other method approved by the local director of health.

**Sec. 19-13-B24. Repealed**

Repealed June 7, 1966.

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**Sec. 19-13-B24a. Repealed**

Repealed April 22, 1976.

**Sec. 19-13-B25. Vacant or abandoned property**

No person shall permit any vacant or abandoned property owned or controlled by him to be or to remain in such a condition as to permit or invite the creation of nuisance or other abuses prejudicial to public health.

**Sec. 19-13-B26. Sanitation of family campgrounds, including trailer camps, mobile home parks, motels and overnight cabins**

No city, town, borough, institution, person, firm or corporation shall operate, maintain or offer for use, or permit to be used, within the state of Connecticut any tract of land on which persons may camp or on which any mobile home park, motel or overnight cabins are maintained except after full and literal compliance with sections 19-13-B26 to 19-13-B29, inclusive and 19a-2a-29 of the Regulations of Connecticut State Agencies.

(Effective June 26, 1972; Amended December 27, 2005)

**Sec. 19-13-B27. Repealed**

Repealed May 19, 1970.

**Sec. 19-13-B27a. Youth camps**

(a) **Water supply.** A water supply of sanitary quality shall be provided for each youth camp in ample quantity to meet all requirements of the maximum number of persons using such a camp at any time. Whenever water is obtained from other than an approved public water supply, it shall be of safe, sanitary quality approved by the state department of health. Any well shall conform with the requirements of sections 19-13-B51a to 19-13-B51l, inclusive. Such water supply shall be easily obtainable from its source or from a distributing system within a distance of not more than three hundred feet of any camping spot within such tract. In cases where it can be shown that the approved water supply is not adequate to satisfy all demands of the camp, chlorinated lake water may be used for toilets and showers but shall not be supplied to the kitchen or to any sinks.

(b) **Drinking facilities.** Drinking fountains shall be sanitary as prescribed in section 19-13-B35 and no common drinking utensils shall be provided or used.

(c) **Toilet facilities.** Chemical toilets, fly tight privy pits or water flushed toilets shall be provided and shall be maintained in a clean and sanitary condition. Separate toilets for men and women shall be provided. In a residential camp at least one toilet seat for each fifteen persons or fraction thereof shall be provided. At least one toilet seat for each twenty persons or fraction thereof shall be provided in each day camp. Urinals may be substituted for not more than one-half of the total requirement for male campers. No unit site within a camp shall be at a greater distance than three hundred feet from the toilets. The location of all toilets shall be plainly indicated by signs. Privies shall be located at least two hundred feet



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from a kitchen or food service area.

(d) **Disposal of sewage and refuse.** The method of final sewage or refuse disposal utilized in connection with the operation of a camp shall be such as to create no nuisance and shall conform with the requirements of sections 19-13-B20a to 19-13-B20r, inclusive, and plans for such disposal shall be approved by the state department of health.

(e) **Plumbing.** The plumbing facilities within each camp shall conform with requirements of section 19-13-B45.

(f) **Washing facilities.** Adequate hand washing facilities shall be provided with at least one facility for each twenty persons or fraction thereof. Wash basins and water shall be readily accessible to the toilet rooms. In a residential camp at least one shower house shall be provided with one shower head for each twenty persons or fraction thereof.

(g) **Control of refuse litter.** Supervision and equipment sufficient to prevent littering of the grounds with rubbish, garbage or other refuse shall be provided and maintained. Fly tight depositories for such material shall be provided and conspicuously located. Each unit site within a camp shall be within a distance of not over two hundred feet of such depository. Such depositories shall not be permitted to become foul smelling or unsightly or a breeding place for flies.

(h) **Facilities for dispensing foods or beverages.** Facilities for dispensing foods or beverages shall meet the requirements of section 19-13-B42. Day camps shall collect and store potentially hazardous food in appropriate refrigeration facilities.

(i) **Public swimming pools and public swimming areas.** Public swimming pools and public swimming areas, when provided, shall comply with the provisions of sections 19-13-B33b and 19a-36-B61 of the Regulations of Connecticut State Agencies.

(j) **Health care.** A physician shall be on call and responsible for all health care including first aid. Annually the physician shall sign and date standing orders to be carried out in his absence by the camp nurse or by a person over age twenty-one having American Red Cross Standard First Aid and Personal Safety Training certification, or the equivalent. Physicians and nurses employed in camps shall hold current Connecticut licenses and registrations. Additional aides under age twenty-one may be employed if they possess American Red Cross Standard First Aid and Personal Safety Training certification or its equivalent but shall not be in charge of health care. All camp health care personnel shall present current proficiency certification in cardiopulmonary resuscitation as evidenced by examination by the American Red Cross or American Heart Association. For residential camps having two hundred fifty or more campers or staff in residence a registered nurse shall be required to be in charge of first aid and emergency medical care activities. First aid equipment and supplies shall be specified by the camp physician in his standing orders. Only nonprescription drugs shall be available in stock containers in camps. Prescription drugs shall be available only on individual prescription unless locked and in the sole custody of a physician. Proof of use records as required under section 19-461 of the general statutes shall be kept by the physician.

(k) **Communicable disease control requirements.** Communicable disease control shall

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meet the requirements of sections 19-13-A2 to 19-13-A24, inclusive.

(l) **Records.** Records of both staff and campers shall be kept on file at camp and shall include the personal data concerning each member of the staff and camper kept in any reasonable form the camp director may choose, including therein the name, age and address of the individual, the name, address and telephone number including the business telephone number of the parent, guardian, or in the case of an adult next of kin, who shall be notified in an emergency, the date of first attendance at camp and the date of leaving camp permanently in the case of residence camps, or the last date of attendance at camp in the case of day camps, and a physical examination or health status certification by a physician, an advanced practice registered nurse or registered nurse licensed pursuant to chapter 378 or a physician assistant licensed pursuant to chapter 370 dated within thirty-six months prior to the date of arrival at camp. A physical examination, including a complete immunization history, that is required for school purposes may also be used to satisfy this requirement provided it is dated within thirty-six months prior to the date the camper arrives at camp. The physical examination requirement may be waived where such procedure is contrary to the religious beliefs of the camper. A statement requesting such exemption shall be submitted annually and shall be kept on file at the camp. This statement shall be signed by a parent or guardian, shall include affirmation of church membership by an appropriate church authority, and shall grant permission to camp authorities to authorize physical examination or other appropriate measures when medical emergencies occur. The parent or guardian shall certify that he/she accepts complete responsibility for the health of the camper and that to the best of his/her knowledge the camper is in good health. All staff and campers shall be adequately immunized as specified in Sections 10-204a-1-4 of the Regulations of Connecticut State agencies against diphtheria, tetanus, pertussis, polio, measles, rubella, and any other diseases specified in Section 10-204a. The physical examination or health status certification shall include a complete immunization history. Where the individual because of medical or religious reasons does not have such immunizations these reasons shall be so specified in writing in accordance with Section 10-204a(a) of the General Statutes.

(m) **Emergency medical care.** (1) For resident camps there shall be on file a memorandum of understanding between the camp director and the nearest hospital with regard to arrangements for emergency medical care. (2) There shall be on file a memorandum of understanding with the on-call or resident physician concerning the provision of medical care for emergencies and of routine care to be carried out at camp, including standing orders for the nurse, if there is one, and instructions for the director of first aid in lieu of a resident physician or nurse, for both day and residential camps. (3) There shall be a telephone line available to the first aid area for the use of the first aid staff, with posting of the telephone numbers of the camp physician, camp director, camp nurse, nearest hospital, local director of health in whose jurisdiction the camp falls, local fire department in whose jurisdiction the camp falls, local police department in whose jurisdiction the camp falls, the poison control center, the nearest state police barracks which

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is the source of snake anti-venom or other emergency assistance, and of ambulance services. (4) An abstract record of all cases treated at camp shall be kept in a bound volume noting the date, the condition, the disposal and the persons responsible for the care. At least once a week these cases shall be reviewed by the camp physician who shall sign and date the bound volume indicating his review of cases. (5) There shall be available a defined area where ill or injured individuals may rest and receive care until they are either removed to their homes or recovered. This area shall be adequate to provide for the temporary isolation of any suspected communicable diseases and shall have its own toilet facilities not used for other purposes within the camp.

(n) **Qualifications of management and staff.** (1) No person shall establish, conduct or maintain a youth camp without adequate and competent staff. (2) The camp director shall be over the age of twenty-one and of good character, shall not have been convicted of any offense involving moral turpitude, shall be certified as mentally competent by a physician, shall not use improperly any narcotic or controlled drug, and shall uphold and maintain the standards required under the Youth Camping Act. Except for those persons who have already served at least one summer as a camp director, a camp director shall have had at least sixteen weeks administrative or supervisory experience, in an organized camp or in lieu thereof equivalent training or experience in camping satisfactory to the commissioner. (3) (a) The director of each individual waterfront or swimming area, including areas devoted to the practice of aquatics, shall be over age twenty and shall possess an American Red Cross Lifeguard Training current rating or its equivalent. (b) The director of each small craft waterfront area shall possess current certification in American Red Cross Lifeguard Training or its equivalent and current certification in the small craft safety program of the American Red Cross or its equivalent for the type of small craft used in the camp. Each such director shall comply with the provisions of the Connecticut boating safety laws and laws relating to scuba diving. (4) the director of the Rifle Range shall be at least twenty-one years of age and shall possess a current National Rifle Association Instructor's card or equivalent. (5) The director of the archery range shall be over age eighteen and possess evidence satisfactory to the State Department of Public Health of appropriate training and experience in archery. (6) The director of horseback riding activities shall be over age eighteen and possess evidence satisfactory to the State Department of Public Health of appropriate training and experience. (7) The camp director provided he meets the requirement Section 1, subsection (n) (5) and (n) (6) may serve as director of archery or horseback riding activities in addition to his duties as camp director. Counselors shall be over age sixteen. Counselors in training shall be over age fourteen. (8) In resident camps the ratio of staff, exclusive of cooks, clerical and maintenance personnel, to campers shall be at least one person over age sixteen to six campers under age eight and to eight campers eight years and older. In day camps the ratio shall be at least one person age sixteen or older to each nine children under age six, and to each twelve children over six years.

(o) **Safety of grounds and program practices.** (1) Fields intended for athletic activities or use shall be maintained free of hazards. (2) The waterfront and aquatic activities shall be

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laid out and conducted in accordance with the American Red Cross Water Safety Aquatics and Small Craft Activities Standards or equivalent. (3) The rifle range shall be laid out and operated in accordance with standards of the National Rifle Association or its equivalent. (4) Vehicles used for the transport of campers both on and off the camping premises shall have a motor vehicles safety sticker for the current year and shall be licensed including, if necessary, licensure for their specific use. (5) Boats and small crafts shall be licensed or registered under the boating laws, if so required, and this information shall be available upon request to agents of the state department of health. Water safety equipment shall meet United States Coast Guard standards where applicable. (6) When any out of camp outings or trips are planned, advance information shall be kept on file which will include permission of the campers to participate, signed by the parent or guardian, the purpose of the trip and the itinerary, the names of the campers, trip director and staff. The trip director shall be an adult who shall have had experience or hold certification in the activity in which the trip is being conducted, if this is applicable, e.g. Maine Guide's license, Red Cross Water Safety Instructor, etc.

(p) **Arrangements for camp inspection.** The camp director shall make arrangements either personally or through one of the members of the senior camp staff to conduct the state inspector around the camp premises and to supply him with any information, documents or materials necessary in order to comply with the inspection process.

(q) **General sanitation requirements.** The camp site shall be owned by the operator or the operator shall have a written lease giving permission to use the site for a youth camp. The location of the camp shall be such as to provide for adequate drainage of all areas occupied by campers, the food preparation and service area and other activity areas. Buildings shall be maintained in a safe and sanitary condition. When the state department of health or the local director of health so directs, a certificate of approval shall be obtained from the local or state fire marshal. All hot water and space heaters shall be properly located and vented.

(r) **Trailer coaches.** In every camp where space for trailer coaches is rented or offered for rent or on which free occupancy or camping of trailers is permitted to trailer owners or users, sanitary facilities shall be provided for the disposal of wastes from trailer sinks and toilets. Trailer facilities and parking shall comply with the provisions of section 19-14-B44.

(s) **Responsibility of management.** The camp director shall be responsible at all times for the health, comfort and safety of campers and staff and shall have responsibility for maintaining in good repair all sanitary appliances on the camp ground. He shall promptly prosecute or cause to be ejected from such ground any person who willfully or maliciously damages such appliances.

(t) **Exceptions.** Exceptions to the requirements of subsection (a), (c) and (f) may be made by the commissioner of health at his discretion in the case of primitive or pioneer camps. Exceptions to the requirements of subsection (l) may be made by the commissioner of health at his discretion in the case of day camps where the requirements of a physical examination or health memorandum for campers would impose a hardship on the administration of such

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a camp. Application for such exemptions shall be made in writing by the camp director thirty days before the opening of camp.

(u) **Accident or illness.** Any fatality which occurs at camp or which results from camping activities or any injury or illness which occurs at camp or which results from camping activities and which is attended by a physician, nurse, or person in charge of health care at the camp, and as a result of which the person (1) is sent home, or (2) is admitted to a hospital, or (3) has a clinical report, laboratory analysis, or x-rays performed which result in a positive diagnosis, shall be reported to the state department of health services within twenty-four hours by telephone by the camp director. This verbal report shall be confirmed in writing within seventy-two hours of the verbal report on a form provided by the state department of health services. The original report form shall be maintained at the camp or sponsoring organization for a minimum of two years. A copy shall be forwarded to the state department of health services upon completion of the form. For day camps, such reports are not required for any injury or illness where the individual as a result of such injury or illness is sent home and for which there is no hospital admission or positive diagnosis by clinical report, laboratory analysis, or x-ray.

(v) **Administration of Medications and the Monitoring of Diabetes in Youth Camps**

(1) Definitions as used in this subsection:

(A) “Administration of medication” means the direct application of a medication by inhalation, ingestion or any other means to the body of a person;

(B) “Advanced practice registered nurse” means an individual licensed pursuant to section 20-94a of the Connecticut General Statutes;

(C) “Authorized prescriber” means a physician, dentist, advanced practice registered nurse, physician assistant, optometrist, or podiatrist;

(D) “Commissioner” means the Commissioner of Public Health or the commissioner’s designated representative;

(E) “Department” means the Connecticut Department of Public Health or any duly authorized representative thereof;

(F) “Medication” means any medicinal preparation including controlled substances, as defined in section 21a-240 of the Connecticut General Statutes;

(G) “Medication error” means failure to administer medication to a child, or failure to administer medication within one (1) hour of the time designated by the authorized prescriber, or failure to administer the specific medication prescribed for a child, or failure to administer the medication by the correct route, or failure to administer the medication according to generally accepted standards of practice, or failure to administer the correct dosage of medication;

(H) “Optometrist” means an individual licensed pursuant to section 20-127 of the Connecticut General Statutes;

(I) “Parent(s)” means the person(s) responsible for the child and may include the legally designated guardian(s) of such child;

(J) “Pharmacist” means a person with a license to practice as a pharmacist in Connecticut



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in accordance with section 20-590 of the Connecticut General Statutes;

(K) “Physician” means a doctor of medicine or osteopathy licensed to practice medicine in this or another state;

(L) “Physician assistant” means an individual who has two (2) years of pediatric experience and functions under the direction of the consulting physician for the youth camp and meets the requirements of sections 20-12b of the Connecticut General Statutes;

(M) “Podiatrist” means an individual licensed pursuant to chapter 375 of the Connecticut General Statutes;

(N) “Program staff” means those persons responsible for the direct care of children;

(O) “Registered nurse” means a person with a license to practice as a registered nurse in Connecticut in accordance with chapter 378 of the Connecticut General Statutes;

(P) “Self administration of medication” means that the child is able to identify and select the appropriate medication by size, color, amount, or other label identification; knows the frequency and time of day for which the medication is ordered; and consumes the medication appropriately;

(Q) “Significant medication error” means a medication error, which is potentially serious or has serious consequences for a child, such as, but not limited to, the administration of medication by the wrong route; for which the resident has a known allergy; which was given in a lethal or toxic dosage; or which causes serious medical problems resulting from the error. Refusal of a medication is not considered a significant medication error if appropriate follow up action is taken; and

(R) “Staff” means personnel, including volunteers, who provide a service to a youth camp.

(2) Administration of Medications

Youth camps are not required by this subsection to administer medications to children. If a youth camp permits the administration of medications of any kind by unlicensed program staff, the youth camp shall comply with all requirements of this subsection and shall have a written policy and procedures at the youth camp governing the administration of medications which shall include, but not be limited to, the types of medication that will be administered, parental responsibilities, staff responsibilities, proper storage of medication and record keeping. Said policies and procedures shall be available for review by the department during inspections or upon demand and shall reflect current best practice. No program staff member under eighteen (18) years of age shall administer any medication at a youth camp.

Children enrolled at youth camps may self administer medications with documented parental and authorized prescriber’s permission. Children may request and receive assistance from staff in opening containers or packages or replacing lids.

(A) Administration of Nonprescription Topical Medications Only

(i) Description

For the purposes of this subparagraph, nonprescription topical medications shall include:

(I) diaper changing or other ointments free of antibiotic, antifungal, or steroidal

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components;

(II) medicated powders; and

(III) gum or lip medications available without a prescription;

(ii) Nonprescription Topical Medications Administration/Parent Permission Records

The written permission of the parent shall be required prior to the administration of the nonprescription topical medication and a medication administration record shall be written in ink and kept on file at the youth camp for each child administered a nonprescription topical medication. The medication administration record and parent permission shall become part of the child's health record when the course of medication has ended. Any medication error shall be documented in the record. This information shall include:

(I) the name, address, and date of birth of the child;

(II) the name of the medication;

(III) the schedule and site of administration of the medication, as applicable, according to the manufacturer's directions;

(IV) the name, address, telephone number, signature and relationship to the child of the parent(s) authorizing the administration of the medication;

(V) the date and time the medication is started and ended;

(VI) the name of the person who administered the nonprescription topical medication; and

(VII) the signature of the camp director or the camp director's designee receiving the parent permission form.

(iii) Nonprescription Topical Medications, Labeling and Storage

(I) The medication shall be stored in the original container and shall contain the following information on the container or packaging indicating:

(a) the individual child's name;

(b) the name of the medication; and

(c) directions for the medication's administration.

(II) The medication shall be stored away from food and inaccessible to children and unauthorized persons. External and internal medications shall be stored separately from each other.

(III) Any unused portion of the medication shall be returned to the parent. Any expired medication shall be destroyed by the program staff member in a safe manner or returned to the parent.

(B) Administration of Medications Other Than Nonprescription Topical Medications

(i) Training Requirements

(I) Prior to the administration of any medication by program staff members, the program staff members who are responsible for administering the medications shall first be trained by a pharmacist, physician, physician assistant, advanced practice registered nurse or registered nurse in the methods of administration of medications and shall receive written approval from the trainer indicating that the trainee has successfully completed a training program as required herein. A program staff member trained and approved to administer

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medication shall be present whenever a child who has orders to receive medication is enrolled and present at the youth camp, and the youth camp permits the administration of medication by unlicensed program staff.

(II) The training in the administration of medications shall be documented and shall include, but not be limited to, the following:

- (a) statement of objectives;
- (b) a description of methods of administration including principles and techniques, application and installation of oral, topical, and inhalant medication, including the use of nebulization machines, with respect to specific age groups;
- (c) techniques to encourage children who are reluctant or noncompliant to take their medication and the importance of communicating the noncompliance to the child's parent and to the authorized prescriber;
- (d) demonstration of techniques by the trainer and return demonstration by participants, assuring that the trainee can accurately understand and interpret orders and carry them out correctly;
- (e) recognition of side effects and appropriate follow up action;
- (f) avoidance of medication errors and the action to take if a medication error or a significant medication error occurs, or if a dosage is missed or refused;
- (g) abbreviations commonly used;
- (h) required documentation including parent permission, written orders from the authorized prescriber, and the record of administration;
- (i) safe handling, including receiving medication from a parent, safe disposal, and universal precautions; and
- (j) proper storage including controlled substances, in accordance with Section 21a-262-10 of the Regulations of Connecticut State Agencies.

(III) *Injectable Medications*

In addition to the above training, before program staff members may administer injectable medications, they shall have successfully completed a training program on the administration of injectable medications by a premeasured, commercially prepared syringe. The certifying trainer who shall be a pharmacist, physician, physician assistant, advanced practice registered nurse or registered nurse, shall assure that the program staff member understands the indications, side effects, handling and methods of administration for injectable medication. Thereafter, on a yearly basis, the program staff members shall have their skills and competency in the administration of injectable medication validated by a pharmacist, physician, physician assistant, advanced practice registered nurse or registered nurse. Injectable medications shall only be given in emergency situations, by a premeasured commercially prepared syringe, unless a petition for special medication authorization is granted by the department as specified in section 19-13-B27a(v)(2)(B)(vi).

(IV) A program staff member currently certified by the State of Connecticut Department of Mental Retardation to administer medications shall be considered qualified to administer medications at youth camps.



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(ii) Training Approval Documents and Training Outline

(I) Upon completion of the required training program, the pharmacist, physician, physician assistant, advanced practice registered nurse or registered nurse who conducted the training shall issue a written approval to each program staff member who has demonstrated successful completion of the required training. Approval for the administration of oral, topical, inhalant medications shall remain valid for three (3) years.

Approval for the administration of injectable medications shall be valid for one (1) year. A copy of the approval shall be on file at the youth camp where the program staff member is employed and shall be available to the department upon request.

(II) The written approval shall include:

(a) the full name, signature, title, license number, address and telephone number of the pharmacist, physician, physician assistant, advanced practice registered nurse or registered nurse who gave the training;

(b) the location and date(s) the training was given;

(c) a statement that the required curriculum areas listed in Sec.19-13-B27a (v)(2) (B)(i)(II) and Sec. 19-13-B27a(v)(2)(B)(i)(III) when applicable were successfully mastered, and indicating the route(s) of administration the trainee has been approved to administer;

(d) the name, date of birth, address and telephone number of the program staff member who completed the training successfully; and

(e) the expiration date of the approval.

(III) The trainer shall provide the trainee with an outline of the curriculum content which verifies that all mandated requirements have been included in the training program. A copy of said outline shall be on file at the youth camp where the trainee is employed for department review. The department may require at any time that the youth camp licensee obtain the full curriculum from the trainer for review by the department.

(iii) Order From An Authorized Prescriber and Parent's Permission

(I) Except for nonprescription topical medications described in Section 19-13-B27a(v)(2)(A)(i), no medication, prescription or nonprescription, shall be administered to a child without the written order of an authorized prescriber and the written permission of the child's parent which shall be on file at the youth camp. Such medications may include:

(a) oral medications;

(b) topical medications, including eye and ear preparations;

(c) inhalant medications; and

(d) injectable medications, by a premeasured, commercially prepared syringe, to a child with a medically diagnosed condition who may require emergency treatment.

(II) The written order from an authorized prescriber shall contain the following information which may be on the prescription label or on supplemental information provided by the authorized prescriber or pharmacist;

(a) the name, address and date of birth of the child;

(b) the date the medication order was written;

(c) the medication or drug name, dose and method of administration;

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- (d) the time of the day the medication is to be administered;
- (e) the date(s) the medication is to be started and ended as applicable;
- (f) relevant side effects and the authorized prescriber's plan for management should they occur;
- (g) notation if the medication is a controlled drug;
- (h) a listing of any allergies, reactions to, or negative interactions with foods or drugs;
- (i) specific instructions from the authorized prescriber who orders the medication regarding how the medication is to be given;
- (j) the name, address and telephone number of the parent;
- (k) the name, address and telephone number of the authorized prescriber ordering the drug; and
- (l) the authorized prescriber's signature.

(III) If the authorized prescriber determines that the training of the program staff member is inadequate to safely administer medication to a particular child, or that the means of administration of medication is not permitted under this subsection, that authorized prescriber may order that such administration be performed by licensed medical staff with the statutory authority to administer medications.

(IV) The program staff member shall administer medication only in accordance with the written order of the authorized prescriber. The parent shall be notified of any medication errors immediately by telephone and in writing within seventy-two (72) hours, and the error shall be documented in the medication administration record.

(iv) Required Records

(I) Except for nonprescription topical medications described in Section 19-13-B27a(v)(2)(A)(i), individual written medication administration records for each child shall be written in ink, reviewed prior to administering each dose of medication and kept on file at the youth camp. The medication administration record shall become part of the child's health record when the course of medication has ended.

(II) The individual written medication administration record for each child shall include:

- (a) the name, address, and date of birth of the child;
- (b) the name, address, telephone number, signature and relationship to the child of the parent(s) giving permission for the administration of the drug by the program staff member;
- (c) the name of the medication or drug;
- (d) the dosage ordered and method of administration;
- (e) the date, time, and dosage at each administration;
- (f) the signature in ink of the program staff member giving the medication at the time of each administration; and
- (g) any refusal by the child in accepting the medication, and any follow-up action taken as a result of the refusal.

(III) Medication errors shall be logged and recorded in the individual written medication administration record of the child. Significant medication errors, identified by the camp director or the camp director's designee, shall be reported in writing within seventy-two

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hours to the department, by the camp director or the camp director's designee. The camp physician shall review all logs of medication errors on a weekly basis, and a record of the review shall be kept on file at the youth camp.

(v) Storage and Labeling

(I) Medication shall be stored in the original child-resistant safety container. The container or packaging shall have a label which includes the following information:

(a) the child's name;

(b) the name of the medication;

(c) directions for the medication's administration; and

(d) the date of the prescription.

(II) Except for nonprescription topical medications described in Section 19-13-B27a(v)(2)(A)(i), medication shall be stored in a locked area or a locked container, in a refrigerator in keeping with the label or manufacturer's directions, away from food and inaccessible to children and unauthorized personnel. External and internal medications shall be stored separately from each other. Keys to the locked area or container shall be accessible only to personnel authorized to administer medication. Controlled drugs shall be stored in accordance with Section 21a-262-10 of the Regulations of Connecticut State Agencies.

(III) All unused or expired medication, except for controlled drugs, shall be returned to the parent or destroyed by the camp director or the camp director's designee if it is not picked up within one (1) week following the camper's departure at the end of camp. Medications that need to be destroyed shall be flushed into sewerage or a septic system in the presence of at least one witness. The youth camp shall contact the CT Department of Consumer Protection for direction on the proper method of disposing of a controlled drug, and shall carry out the direction as required. The youth camp shall keep a written record of the medications destroyed which shall be signed by the person destroying the medication and the witness to the destruction.

(vi) Petition For Special Medication Authorization

(I) The youth camp licensee may petition the department to administer medications to a child cared for at the youth camp by a modality that is not specifically permitted under this subsection by submitting a written application to the department including the following information:

(a) a written order from an authorized prescriber containing the information for the specific child set forth in Section 19-13-B27a(v)(2)(B)(iii) and a statement that the administration by the requested modality is the only reasonable means of providing medication and that the administration must occur during hours of the child's attendance at the youth camp;

(b) a written training plan including the full name, signature, title, license number, address and telephone number of the physician, advanced practice registered nurse, physician assistant, registered nurse, or pharmacist who will provide the training, a detailed outline of the curriculum areas to be covered in training, and a written statement by the authorized prescriber that the proposed training is adequate to assure that the medication will be

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administered safely and appropriately to the particular child;

(c) the name, date of birth, address and telephone number of the person(s) who shall participate in the training;

(d) written permission from the child's parent; and

(e) such other information that the department deems necessary to evaluate the petition request.

(II) After reviewing the submitted information, if the department determines that the proposed administration of medication for the particular child can be provided in a manner to assure the health, welfare and safety of the child, it may grant the petition. The department may grant the petition with any conditions or corrective measures the department deems necessary to assure the health, safety and welfare of the child. The department will specify the curriculum that the training program shall cover and the expiration date of the authorization provided in granting the petition. If the department grants the petition, no medication may be administered until after the proposed training program has been successfully completed and a written approval from the physician, advanced practice registered nurse, physician assistant, registered nurse or pharmacist who provided the training is submitted to the department. The approval shall include:

(a) the full name, signature, title, license number, address and telephone number of the physician, advanced practice registered nurse, physician assistant, registered nurse or pharmacist who provided the training;

(b) the location and date(s) the training was given;

(c) a statement that the curriculum approved by the department was successfully mastered by the participant. The statement shall also include the modality of administration of medication that the participant has been approved to administer; and

(d) the name, date of birth, address and telephone number of the person(s) who successfully completed the training.

(III) Copies of all documentation required under this subsection shall be maintained at the facility. The requirements of Sections 19-13-B27a(v)(2)(B)(iv) and 19-13-B27a(v)(2)(B)(v) shall apply to the administration of medication authorized by petition.

(3) The Monitoring of Diabetes in Youth Camps.

(A) Policy and Procedures

(i) All youth camps at which designated program staff members will be administering finger stick blood glucose tests shall have written policies and procedures governing the administration of finger stick blood glucose tests to children diagnosed with diabetes mellitus. The policies and procedures shall address at least the following areas:

(I) parental responsibilities;

(II) staff training and responsibilities;

(III) proper storage, maintenance, and disposal of test materials and supplies;

(IV) record keeping;

(V) reporting test results, incidents, and emergencies to the child's parent and the child's physician, physician assistant, or advanced practice registered nurse; and

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(VI) a location where the tests occur that is respectful of the child's privacy and safety needs.

(ii) Said policies and procedures shall be available for review by the department during inspections or upon demand.

(B) Training

(i) Prior to the administration of finger stick blood glucose tests, the program staff member(s) shall have completed the following training requirements:

(I) a course approved by the department in first aid, as verified by a valid first aid certificate on file at the youth camp; and

(II) additional training given by a physician, physician assistant, advanced practice registered nurse, registered nurse, certified emergency medical technician, or the child's parent according to written guidelines provided by the child's physician, physician assistant, or advanced practice registered nurse. The additional training shall include, but not be limited to:

(a) the proper use, storage and maintenance of the child's individual monitoring equipment;

(b) reading and correctly interpreting test results; and

(c) appropriate actions to take when test results fail to fall within specified ranges indicated in the written order from the child's physician, physician assistant, or advanced practice registered nurse.

(ii) The training shall be updated at least every three years when a child with diabetes mellitus who requires finger stick blood glucose testing is present at the youth camp.

(iii) Documentation that program staff member(s) have been trained to administer finger stick blood glucose tests shall be in writing and kept at the facility for review by the department. Such documentation shall indicate:

(I) the subjects covered in training;

(II) the signature and title of the instructor;

(III) the signature and title of the trainee; and

(IV) the date the training was given.

(C) Administration of Finger Stick Blood Glucose Test

(i) Except as provided in subclause (iii) of this subparagraph, only program staff members trained in accordance with subparagraph (B) of this subdivision may administer the finger stick blood glucose test in youth camps. No program staff member under eighteen (18) years of age shall administer finger stick blood glucose tests to another person at a youth camp.

(ii) Whenever a child diagnosed with diabetes mellitus who has orders to receive finger stick blood glucose monitoring is enrolled and present at the facility, a program staff member designated and trained to administer finger stick blood glucose tests shall be present at the youth camp.

(iii) Upon the written authorization of the child's physician, physician assistant or advanced practice registered nurse, and the child's parent, a child may self administer the

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finger stick blood glucose test under the direct supervision of the designated staff member who has met the training requirements in subparagraph (B) of this subdivision.

(iv) Only those staff trained to administer injectable medications as described in section 19-13-B27a(v)(2)(B)(i)(III) of the Regulations of Connecticut State Agencies and authorized to do so in writing by the child's parent and physician, physician assistant, or advanced practice registered nurse may administer glucagon in a pre-filled syringe in emergency situations only.

(D) Equipment

(i) The child's parent shall supply the youth camp licensee with the necessary equipment and supplies to meet the child's individual needs. Such equipment and supplies shall include at least the following items:

(I) the child's blood glucose meter and strips;

(II) an appropriate retracting lancing device used in accordance with infection control procedures;

(III) tissues or cotton balls; and

(IV) fast acting carbohydrates to be given to the child as indicated in the written order from the child's physician, physician assistant, or advanced practice registered nurse for hypoglycemia.

(ii) Such equipment and supplies shall be labeled with the child's name and shall remain in a locked storage area when not in use.

(iii) The youth camp licensee shall obtain a signed agreement from the child's parent that the parent agrees to check and maintain the child's equipment in accordance with manufacturer's instructions, restock supplies, and remove material to be discarded from the facility. All materials to be discarded shall be kept locked until it is given to the child's parent for disposal. The youth camp may dispose of medical waste if it has a contract with a medical waste disposal contractor, in accordance with local, state, and federal laws.

(E) Record Keeping

The youth camp licensee shall keep the following records at the facility as part of the child's medical record, and shall update them annually or when there is any change in the information:

(i) A current, written order signed and dated by the child's physician, physician assistant, or advanced practice registered nurse indicating:

(I) the child's name;

(II) the diagnosis of diabetes mellitus;

(III) the type of blood glucose monitoring test required;

(IV) the test schedule;

(V) the target ranges for test results;

(VI) specific actions to be taken and carbohydrates to be given when test results fall outside specified ranges;

(VII) diet requirements and restrictions;

(VIII) any requirements for monitoring the child's recreational activities; and



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(IX) conditions requiring immediate notification of the child's parent, emergency contact, the child's physician, physician assistant, or advanced practice registered nurse.

(ii) An authorization form signed by the child's parent which includes the following information:

- (I) the child's name;
- (II) the parent's name;
- (III) the parent's address;
- (IV) the parent's telephone numbers at home and at work;
- (V) two adult, emergency contact people including names, addresses and telephone numbers;
- (VI) the names of the program staff member(s) designated to administer finger stick blood glucose tests and provide care to the child during testing;
- (VII) additional comments relative to the care of the child, as needed;
- (VIII) the signature of the parent;
- (IX) the date the authorization is signed; and
- (X) the name, address and telephone number of the child's physician, physician assistant or advanced practice registered nurse.

(iii) The youth camp director or the youth camp director's designee shall notify the child's parent in writing of the results of all blood glucose tests and any action taken based on the test results, and shall document the test results and any action taken in the child's medical record.

(w) **Emergency Distribution of Potassium Iodide.** Notwithstanding any other provisions of the Regulations of Connecticut State Agencies, during a public health emergency declared by the Governor pursuant to section 2 of public act 03-236 and if authorized by the Commissioner of Public Health via the emergency alert system or other communication system, a youth camp licensed in accordance with section 19a-421 of the Connecticut General Statutes and located within a 10-mile radius of the Millstone Power Station in Waterford, Connecticut shall permit designated staff members to distribute and administer potassium iodide tablets to adults present or to a child in attendance at the youth camp during such emergency, provided that:

(1) Prior written consent has been obtained by the youth camp for such provision. Written consent forms shall be provided by the youth camp to the parent(s) or guardian(s) of each child currently enrolled or employees currently employed at the youth camp promptly upon the effective date of this subdivision. Thereafter, written consent forms shall be provided by the youth camp to the parent(s) or guardian(s) of each minor child upon enrollment and to each new employee upon hire. Such documentation shall be kept at the facility;

(2) Each person providing consent has been advised in writing by the youth camp that the ingestion of potassium iodide is voluntary;

(3) Each person providing consent has been advised in writing by the youth camp about the contraindications and the potential side effects of taking potassium iodide, which include:

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- (A) persons who are allergic to iodine should not take potassium iodide;
  - (B) persons with chronic hives, lupus, or other conditions with hypocomplementemic vasculitis should not take potassium iodide;
  - (C) persons with Graves disease or people taking certain heart medications should talk to their physician before there is an emergency to decide whether or not to take potassium iodide; and,
  - (D) side effects may include minor upset stomach or rash.
- (4) Youth camps shall have designated staff members to distribute and administer potassium iodide to those individuals and minor children for whom prior written consent has been obtained. Such designated staff members shall be eighteen (18) years of age or older and shall have been instructed by the youth camp in the administration of potassium iodide. Such instruction shall include, but not be limited to the following:
- (A) the proper use and storage of potassium iodide;
  - (B) the recommended dosages of potassium iodide to be administered to children and adults as prescribed by the Food and Drug Administration.
- (5) Potassium iodide tablets shall be stored in a locked storage area or container, inaccessible to children.

(Effective April 2, 1984; Amended August 6, 1996; Amended January 30, 2001; Amended December 4, 2002; Amended January 4, 2005; Amended March 17, 2014)

**Sec. 19-13-B28. Repealed**

Repealed June 2, 1997.

**Sec. 19-13-B29. Motels and overnight cabins**

- (a) **Registration.** The management of a motel or any area where overnight cabins are rented for living purposes shall register in writing, with the local director of health of the town, city or borough in which such motel or area is located, a description of the motel or area with its location, and such registration shall be made annually in January or in advance of the opening of the motel or overnight cabin area for use.
- (b) **Water supply.** A water supply of sanitary quality shall be provided in ample quantity to meet all requirements of the maximum number of persons using such a tract at any time. Wherever water is obtained from other than an approved public water supply, it shall be of safe, sanitary quality approved by the state department of health.
- (c) **Plumbing.** The plumbing facilities within each motel or cabin shall conform with the requirements of section 19-13-B45.
- (d) **Drinking facilities.** Multi-use drinking cups or glasses furnished by management shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each change of occupancy and single service containers shall be protected against contamination by sanitary covering or storage before use.
- (e) **Emergency sanitary facilities.** Sewage disposal facilities for each motel or cabin or group of cabins shall be approved by the local director of health. They shall be laid out on



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the basis of nonresidential buildings as set forth in sections 19-13-B20h (b) and 19-13-B20l (b), or, if such facilities include complete sanitary facilities for residential use such as cooking and washing, the size and design of such facilities shall be on the basis of number of bedrooms for residential buildings as set forth in sections 19-13-B20a to 19-13-B20r, inclusive. In no case shall septic tanks be installed with a liquid capacity of less than one thousand gallons. The methods of sewage or refuse disposal utilized in connection with a motel or an overnight cabin area, shall be such as to create no nuisance. Where public sewers exist, connection shall be made to such sewers in lieu of private sewage disposal facilities.

(f) **Washing and toilet facilities.** Adequate washing and toilet facilities shall be provided. If individual washing and toilet facilities are not provided in each rental unit, central facilities shall include separate toilets for men and women with at least one toilet seat for each fifteen men or fraction thereof, and at least one toilet seat for each fifteen women or fraction thereof, and at least one wash basin for each twenty men or fraction thereof, and at least one wash basin for each twenty women or fraction thereof. Wash basin and water shall be readily accessible to toilet rooms. Soap and individual towels shall be provided.

(g) **Public swimming pools and public swimming areas.** Public swimming pools and public swimming areas, if provided, shall comply with the provisions of sections 19-13-B33b and 19a-36-B61 of the Regulations of Connecticut State Agencies.

(h) **General sanitation requirements.** Buildings shall be maintained in a safe and sanitary condition. When the state department of health or the local director of health so directs, a certificate of approval shall be obtained from the local or state fire marshal. All hot water and space heaters shall be properly located and vented.

(i) **Responsibility of management.** The management of every motel or area for overnight cabins shall assume responsibility for maintaining in good repair all water and sanitary facilities.

(Effective April 11, 1973; Amended March 17, 2014)

**Sec. 19-13-B30. Schoolhouses**

In every public, private and parochial school toilet accommodations, water supply, drinking cups, washing facilities, heating, lighting and ventilation shall be maintained in sanitary condition.

**Sec. 19-13-B31. Stagnant water**

No person shall maintain or permit to be maintained any pond, cesspool, well, cistern, rain barrel or other receptacle containing water or accumulation of stagnant water in such a condition that mosquitoes may breed therein or may injure health or cause offense to other persons.

**Sec. 19-13-B32. Sanitation of watersheds**

Unless specifically limited, the following regulations apply to land and watercourses tributary to a public water supply including both surface and ground water sources.

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(a) As used in this section, “sewage” shall have the meaning found in section 19-13-B20 (a) of the public health code: “Toxic metals” shall be arsenic, barium, cadmium, chromium, lead, mercury and silver and the salts thereof: “high water mark” shall be the upper limit of any land area which water may cover, either standing or flowing, at any time during the year and “watershed” shall mean land which drains by natural or man-made causes to a public drinking water supply intake.

(b) No sewage disposal system, cesspool, privy or other place for the deposit or storage of sewage shall be located within one hundred feet of the high water mark of any reservoir or within fifty feet of the high water mark of any stream, brook, or watercourse, flowing into any reservoir used for drinking purposes.

(c) No sewage disposal system, cesspool, privy or other place for the deposit or storage of sewage shall be located on any watershed, unless such facility is so constructed that no portion of the contents can escape or be washed into the stream or reservoir.

(d) No sewage shall be discharged on the surface of the ground on any watershed.

(e) No stable, pigpen, chicken house or other structure where the excrement of animals or fowls is allowed to accumulate shall be located within one hundred feet of the high water mark of a reservoir or within fifty feet of the high water mark of any watercourse as above mentioned, and no such structure shall be located on any watershed unless provision is made in a manner acceptable to the commissioner of health for preventing manure or other polluting materials from flowing or being washed into such waters.

(f) No toxic metals, gasoline, oil or any pesticide shall be disposed of as a waste into any watercourse tributary to a public drinking water supply or to any ground water identified as supplying a public water supply well.

(g) Where fertilizer is identified as a significant contributing factor to nitrate nitrogen occurring in excess of 8 mg/l in a public water supply, fertilizer application shall be made only under current guidelines established by the commissioner of health in cooperation with the state commissioner of agriculture, the college of agriculture of the University of Connecticut and the Connecticut agricultural experiment station in order to prevent exceeding the maximum allowable limit in public drinking water of 10.0 mg/l for nitrite plus nitrate nitrogen.

(h) Where sodium occurs in excess of 15 mg/l in a public drinking water supply, no sodium chloride shall be used for maintenance of roads, driveways, or parking areas draining to that water supply except under application rates approved by the commissioner of health, designed to prevent the sodium content of the public drinking water from exceeding 20 mg/l.

(i) The design of storm water drainage facilities shall be such as to minimize soil erosion and maximize absorption of pollutants by the soil. Storm water drain pipes, except for crossing culverts, shall terminate at least one hundred feet from the edge of an established watercourse unless such termination is impractical, the discharge arrangement is so constructed as to dissipate the flow energy in a way that will minimize the possibility of soil erosion, and the commissioner of health finds that a discharge at a lesser distance is

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advantageous to stream quality. Special protections shall be taken to protect stream quality during construction.

(Effective August 2, 1977)

**Swimming Pools and Bathing Places**

**Sec. 19-13-B33. Repealed**

Repealed April 20, 1971.

**Sec. 19-13-B33a. Repealed**

Repealed October 26, 1984.

**Sec. 19-13-B33b. Public pools**

The following requirements shall apply to any public pool.

(a) **Definitions.**

(1) “Public Pool” means an artificial basin constructed of concrete, steel, fiberglass or other relatively impervious material intended for recreational bathing, swimming, diving, or therapeutic purposes which is located either indoors or outdoors and is provided with a controlled water supply and which is not used or intended to be used as a pool at a single family residence. The term also includes a pool located at a single family residence which is used or intended to be used for commercial or business purposes. The term “public pool” includes any related equipment, structures, areas, and enclosures that are intended for the use of the pool patrons or pool staff such as toilet, dressing, locker, shower, and pool equipment rooms. Public pools shall be classified as follows:

(A) “Public Swimming Pools” are conventional pools used or intended to be used for recreational bathing, swimming and water recreation activities.

(B) “Public Wading Pools” are pools principally used or intended to be used for wading and recreational bathing by small children.

(C) “Public Spas,” “Whirlpools,” or “Hot Tubs” are pools used for recreational bathing which are used in conjunction with high velocity air systems, high velocity water recirculation systems, hot water, cold water, mineral baths or any combination of these items.

(D) “Public Diving Pools” are pools used only for diving or the training and practice of diving techniques.

(E) “Special Purpose Public Pools” are pools used exclusively for a particular purpose, including but not limited to water flumes, pools for scuba diving instruction, therapeutic pools, hydrotherapy pools, floatation vessels and pools used in aquatic programs for handicapped persons.

(2) “Commissioner” means the commissioner of health services or his designee.

(3) “Depth Markers” means numerals of four inches minimum height which are of a contrasting color with the background of the pool and denote water depth in the immediately

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adjacent portion of the pool.

(4) “One Unit of Lifesaving Equipment” shall consist of a ring buoy not more than fifteen inches inside diameter to which shall be attached a fifty foot length of one-quarter inch line, and a life pole or shepard’s crook with blunted ends which is a minimum of twelve feet in length.

**(b) General requirements for public pools.**

(1) Construction. No person shall construct a public pool or shall substantially alter or reconstruct any public pool except after the plans for such have been approved in accordance with the specifications contained in the most recent edition of the Connecticut Public Swimming Pool Design Guide as adopted and amended by the commissioner. Such plans shall be prepared by and bear the seal of an engineer or architect licensed to practice in the state of Connecticut and shall be approved by the commissioner. The applicant shall forward copies of the approved plans to the director of health or his authorized agent. All public pools shall be constructed or substantially altered or reconstructed in accordance with the plans and specifications approved by the commissioner unless prior approval of changes has been granted in writing. The danger of disease, drowning or injury to bathers shall be reduced to a practical minimum.

The commissioner may evaluate public pools constructed without the required plan approval to assess conformance with specifications of the Connecticut Public Swimming Pool Design Guide. The commissioner may issue a “certificate of approval for use” to public pools on which construction was completed prior to January 1, 1980 and which are found to comply substantially with the aforementioned criteria. No such certificate shall be issued where deviations from design criteria may substantially increase the risk to public health and safety.

(2) Supervisory Personnel. A person knowledgeable in the operation of the pool and in pool water chemistry and testing shall be on duty on the premises where the pool is located whenever the pool is open for use. Names of supervisory personnel shall be submitted to the local health department annually and whenever a change in such personnel occurs.

(3) Pool Water Quality. Not more than fifteen per cent of the samples of pool water covering a consecutive period of one month or more shall either (1) yield more than two hundred bacterial colonies per milliliter, as determined by the standard (35°C) agar plate count, or (2) show positive test (confirmed test) for coliform organisms in any of five 10-mL portions inoculated into fermentation tubes or contain more than 1.0 coliform colonies per 50 mL. when the membrane filter test is used. All samples shall be collected, the residual disinfectant removed, and the examination conducted in accordance with the procedures outlined in the latest edition of “Standard Methods for the Examination of Water and Wastewater” (American Public Health Association, American Water Works Association, and Water Pollution Control Federation).

(4) Pool Water Clarity. At all times when the pool is in use the water shall be sufficiently clear to permit a secchi disc or a black disc six inches in diameter on a white field, placed on the bottom of the pool at the deepest point, to be clearly visible from the pool deck.

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(5) Pool Water Disinfection and Test Kits. Pool water shall be disinfected by an automatic disinfectant feeder which imparts a measurable residual at all times when the pool is in use. These chemical feeders shall comply with the standards of the National Sanitation Foundation or other standards approved by the commissioner of health services. When chlorine is used, a free available chlorine residual of at least 0.8 mg/l as measured by an approved method listed in “Standard Methods for the Examination of Water and Wastewater” as described in subsection 3 above shall be maintained throughout the pool whenever it is open or in use. If cyanuric acid is used to stabilize the free available residual chlorine, or if chlorinated isocyanurate compounds are used, the concentration of cyanuric acid in the water shall not exceed 100 mg/l and a free available chlorine residual of at least 1.5 mg/l shall be maintained throughout the pool whenever it is open or in use. If other halogens are used, residuals of equivalent disinfecting strength shall be maintained. Other disinfecting materials or methods may be used when they have been demonstrated to the commissioner to provide satisfactory disinfection.

A test kit for measuring the concentration of the disinfectant, accurate within 0.1 mg/l shall be provided, at each pool. If the cyanuric acid or chlorinated isocyanurates are used, proper testing equipment for measuring cyanuric acid concentration shall be provided. Chemicals in test kits shall be replaced yearly unless shown to produce accurate test results.

(6) Pool Water pH and Alkalinity. The pool water shall be maintained at a pH value of not less than 7.2 and not over 7.8. Testing equipment for measuring pH value shall be available at each pool. Caustic alkalinity shall not be present.

(7) Records and Testing. A pool operation record including all test results shall be maintained on a daily basis by the pool operator. Immediately prior to the daily opening of the pool for use, tests shall be made to determine the amount of residual disinfectant and the pH. These tests shall be repeated at sufficient frequency during periods of bather use to assure that an adequate disinfectant level and pH value are maintained. Whenever tests indicate that an inadequate disinfectant level or inappropriate pH value are present, immediate action shall be taken to reestablish an appropriate disinfectant level and pH value.

(8) Decks, Dressing Rooms, Toilet Rooms, Shower Requirements. The dressing rooms, hallways, toilet rooms, shower rooms or other rooms to which patrons of pools have access shall be kept clean, in good repair, and well ventilated at all times. The floors of the pool deck and all shower rooms and locker rooms shall be treated with a 0.5% chlorine solution, or an equivalent fungicide, daily. Combs or brushes for common use shall not be provided. All persons shall bathe with warm water and soap before entering the pool. Warm water at a temperature of 90°F to 105°F, shall be furnished at showers convenient to the pool for this purpose. Adequate and convenient toilet facilities shall be available for the use of swimmers. Toilet, lavatory sink, and shower fixtures shall be maintained in proper repair so as to be available in ratios required by Design Criteria in effect at the time of plan approval.

(9) Equipment Rooms, Equipment Areas, and Equipment. Equipment rooms, areas, and equipment shall be kept in good repair and in a clean and sanitary condition. Drain grates

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shall be vandal proof, designed to prevent hand entrapment, and shall be secured in place in a manner that will prevent removal by bathers.

(10) Deck Equipment. Handrails shall be provided at all steps, stepholes, and ladders. When provided diving stands, lifeguard stands, handrails, and ladders shall be properly secured to the pool deck or pool, as appropriate. Deck accessories and equipment shall be properly maintained and stored.

(11) Pool Chemical Storage. Pool chemicals shall be stored in cool, dry, clean, and well ventilated areas and so as to preclude accidental mixing of different chemicals. Containers shall be tightly closed when not in use.

(12) Vacuuming. Pool bottoms shall be vacuumed or mechanically cleaned as frequently as required to maintain pool cleanliness.

(13) Accessibility to Pool Area. All outdoor pools shall be surrounded by a barrier which shall be a minimum of four feet high and designed to discourage access by unauthorized persons. Entry gates shall be self closing and self latching. When the pool is not open for use, access to the pool shall be prevented.

(14) Lifeguards. When no lifeguard service is in effect a warning sign shall be placed in plain view and shall state "Warning—No Lifeguard on Duty" with legible letters, at least four inches high. This warning shall be easily visible from all entry points into the pool area.

(15) First Aid Kit. Every public pool shall be equipped with an American National Red Cross standard 24-unit first aid kit or equivalent. This first aid kit shall be kept filled and ready for use.

(16) Emergency Telephone. There shall be a telephone or other suitable device for emergency communication readily available in the immediate vicinity of each pool. This telephone or device shall be on the premises where the pool is located.

(17) Signs. Signs shall be conspicuously posted at the pool and in public dressing rooms stating the following:

(A) All persons shall bathe with warm water and soap before entering the pool.

(B) Any persons known or suspected of having a communicable disease shall not use the pool.

(C) Spitting or blowing the nose in the pool is prohibited.

(D) Running, boisterous or rough play (except supervised water sports) is prohibited.

(18) Emergency Communications. Instructions regarding emergency calls shall be prominently posted. All pools shall have posted at their entrance (a) directions to the nearest telephone and the nearest first aid unit and resuscitation equipment; (B) the telephone numbers, in print at least one-quarter inches high, of the nearest police and fire departments, emergency medical service provider, hospital and physicians on call in the immediate area. Additionally these telephone numbers shall be posted at the nearest telephone.

(19) Registration. No person, firm, or corporation shall operate or maintain, within any town, city or borough, any public pool without local permits or licenses if such permits or licenses are required by local ordinance. If such local permits or licenses are not required,



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the person, firm or corporation shall register the name of the owner or owner's agent, business address, and pool location with the local director of health of the town, city, borough, or district where the public pool is located.

**(c) Additional requirements for public swimming pools and public diving pools**

(1) Depth Markers. Depth markers shall be provided on the pool rim at points of minimum and maximum depths, at all points where the pool floor changes slope, and at appropriate points in between. Depth markers at these points shall be visible from within the pool and while standing on the pool deck.

(2) Lifeguard Stands. When a lifeguard is on duty, there shall be a raised stand 4 feet minimum height for the lifeguard, located at pool side adjacent to the deep end of the pool, so that all areas of the pool are visible to the lifeguard.

(3) Lifesaving Equipment. Each public swimming pool and public diving pool shall be provided with one unit of lifesaving equipment for each one hundred feet of perimeter of the pool. Life poles or shepherd's crooks shall be mounted in permanent sockets toward the deep area of the pool. Lifesaving equipment shall be mounted in conspicuous places around the pool such as on lifeguard stands, fences or barriers of outdoor pools, and room walls of indoor pools.

(4) Sign. A sign stating the following shall be conspicuously posted at the pool: "No diving is permitted off the deck into shallow areas of the pool."

**(d) Additional requirements for public wading pools.**

Depth Markers. A minimum of one depth marker shall be provided on the pool rim on each side of public wading pools.

**(e) Additional requirements for public spas.**

(1) Pool Water Disinfection. When chlorine is used, a free available chlorine residual of at least 1.0 mg/l shall be maintained throughout the public spa whenever it is open or in use.

If other halogens are used, residuals of equivalent disinfecting strength shall be maintained.

(2) Pool Water Temperature. Pool water temperature shall not exceed 104°F in public spas.

(3) Depth Markers. All public spas shall have a minimum of two depth markers indicating maximum water depth. These depth markers shall be located on the spa rim or deck immediately adjacent to the pool.

(4) Precaution Sign. A precaution sign is to be mounted in a clearly visible location, adjacent to the spa. This precaution sign shall contain the following warnings:

**CAUTION**

(A) Elderly persons and those suffering from heart disease, diabetes, high or low blood pressure should not enter the spa.

(B) Unsupervised use by children is prohibited.

(C) Do not use while under the influence of alcohol, anticoagulants, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics or tranquilizers.

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(D) Do not use alone.

(E) Observe a reasonable time limit, (preferably not longer than 15 minutes) then shower, cool down and, if you wish, return for another brief stay. Long exposures may result in nausea, dizziness or fainting.

(5) Oils, Body Lotions and Soaps. Oils, body lotions and soaps shall be completely removed by the bather prior to use of public spas.

(f) **Special purpose public pools.**

Special purpose public pools shall meet all applicable requirements for public pools.

(g) **Responsibility of director of health.**

When any public pool is found not to meet the requirements of these regulations, or when a condition is found which constitutes a public health or safety hazard or a health nuisance to bathers or pool patrons, the director of health may order such public pool closed until corrections are made. The director of health shall order such closure when there is significant evidence of communicable disease being transmitted through use of the pool, when the public pool is being operated in such manner as to constitute a significant health nuisance, or when imminent safety hazards exist.

Inspections shall be conducted by the director of health or his authorized agent to evaluate conformance with these regulations and to protect the public health and safety.

Any person aggrieved by an order issued by a director of health, may within forty-eight hours after the making of such order, appeal to the commissioner of health services in accordance with Section 19a-229 of the General Statutes and Sections 19-2-1 to 19-2-43 inclusive of the Regulations of Connecticut State Agencies.

(Effective October 26, 1984)

**Sec. 19-13-B34. Artificial bathing place without controlled water supply (Repealed)**

Repealed March 17, 2014.

(Effective June 28, 1973; Repealed March 17, 2014)

**Sec. 19-13-B35. Drinking cups and drinking fountains**

Sanitary drinking fountains shall be installed or individual drinking cups, stored in such a manner as to be protected from contamination, shall be provided, where drinking water is made generally available upon the premises of any building, hotel, restaurant, theatre, hall, schoolhouse, industrial or mercantile establishment or in any park, street, railroad station, railroad car or ship. Where drinking water facilities are provided by any person, firm or corporation for the use of employees engaged in outdoor work or construction work, sanitary drinking fountains shall be installed or water storage containers and individual drinking cups shall be provided by such person, firm or corporation and such cups and the contents of such containers shall be protected against contamination. Such drinking fountains shall be constructed with a slanting jet issuing from a nozzle of non-oxidizing impervious material with a non-oxidizing guard to prevent the mouths and noses of persons using the fountain from coming in contact with the nozzle. The jet shall be located so as



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not to touch the guard and shall be discharged at such an angle that the water can neither fall back nor be forced back on to the point of discharge. The fountain jet and all openings in the water supply piping shall issue above the level of the fountain bowl. The drainage from the bowl shall be adequate and so constructed as to prevent fouling of the bowl. The drain from the fountain shall not have a direct physical connection to a waste pipe unless the drain is trapped. The waste opening and pipe from the fountain shall be of sufficient size to carry off the water promptly. The opening shall be provided with a strainer. All drinking fountains installed after January 12, 1954, shall be provided with their own receiving bowls and shall not be installed over sinks used for hand washing or other purposes.

**Sec. 19-13-B36. Public bathing establishments (Repealed)**

Repealed March 17, 2014.

(Effective June 28, 1973; Repealed March 17, 2014)

**Sec. 19-13-B37. Cross connections between water supplies prohibited**

No physical connection between the distribution system of a public water system and that of any other water supply shall be permitted, unless such other water supply is of safe sanitary quality and the interconnection of both supplies is approved by the State Department of Public Health. No officer, board, corporation or other person or group of persons, owning, managing or controlling any public water system, shall provide new water service to a site where any person, firm or corporation either maintains such connection or is not in compliance with Section 19-13-B38a of the Regulations of Connecticut State Agencies at this location. Upon written order by the local health department or the Department of Public Health, an officer, board, corporation or other person or group of persons, owning, managing or controlling any public water system, shall terminate existing water service to a site where any person, firm or corporation either maintains such connection or is not in compliance with Section 19-13-B38a of the Regulations of Connecticut State Agencies at this location.

(Effective July 7, 1993; Amended December 5, 2001)

**Sec. 19-13-B38. Repealed**

Repealed April 8, 1980.

**Sec. 19-13-B38a. Permissible arrangements for connections to public water supply lines**

(a) **Definitions.** As used in this section:

(1) “Air gap” means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or outlet supplying water to a tank plumbing fixture, or other device, and the flood level rim of the receptacle. The vertical physical separation shall be at least two times the inside diameter of the water inlet pipe above the

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flood rim level but shall not be less than one inch;

(2) “Air vent type backflow preventer” means a device containing two independently operating check valves separated by a chamber which can automatically vent to the atmosphere if backflow occurs;

(3) “Atmospheric vacuum breaker” means a mechanical device which automatically air vents a pipeline to prevent backsiphonage;

(4) “Double check valve assembly” (DCVA) means a device which contains two independently acting check valves located between two tightly closing shutoff valves and fitted with properly located test cocks;

(5) “Fire sprinkler system” for fire protection purposes means an integrated system of underground and overhead piping designed to provide fire protection for a building or structure. The installation includes one or more automatic water supplies. The portion of the sprinkler system above-ground is a network of specially sized or hydraulically designed piping installed in a building, structure, or area generally overhead, and to which sprinklers are attached in a systematic pattern. The valve controlling each system riser is located in the sprinkler riser or its supply piping. Each sprinkler system riser includes a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area;

(6) “Hose bibb vacuum breaker” means an atmospheric vacuum breaker designed to be attached to an outlet having a hose connection thread;

(7) “Owner” means the customer of a public water system;

(8) “Pressure vacuum breaker” means a device which contains a spring loaded check valve and a spring loaded atmospheric vent which opens when the pressure approaches atmospheric. The unit shall include two tightly closing shut-off valves located at each end of the device and two test cocks properly located for testing the device;

(9) “Reduced pressure principle backflow preventer” (RPD) means a device containing within its structure a minimum of two independently acting, approved check valves, together with an automatically operating pressure differential relief valve located between the two check valves. The first check valve reduces the system pressure a predetermined amount so that during normal flow and a cessation of normal flow the pressure between the checks shall be less than the system pressure. In case of leakage of either check valve, the differential relief valve, by discharging to atmosphere, shall operate to maintain the pressure between the checks less than the system pressure. The unit shall include tightly closing shut-off valves located at each end of the device and each device shall be fitted with properly located test cocks;

(10) “Siamese connection” means an inlet equipped with one or more couplings to which a fire hose can be attached and through which water can be delivered by a fire department pumper to a sprinkler system; and

(11) “Toxic or objectionable substance” means any compound which could affect the public health, the potability, or the aesthetic quality of the water.

(b) **Air Gap.** An air gap is required between all potable water lines and equipment or

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systems which may be subject to contamination.

**(c) Reduced pressure principle backflow preventer.**

(1) A reduced pressure principle backflow preventer (RPD) is required on a line to all facilities where toxic or objectionable substances are used in addition to the required air gap, vacuum breaker or RPD on individual pieces of equipment unless the public water system has determined that an RPD is not necessary. Where such substances are used in a specific area, an RPD on the line to that area may be used in place of the RPD on the line to the facility.

(2) The owner shall install a reduced pressure principle backflow preventer (RPD) or an air gap in the following instances:

(A) On a line to fire sprinkler systems (including tanks) where chemicals are added or to foam fire fighting systems;

(B) On a line to pressurized water systems on ships;

(C) On a line used to supply car wash facilities where pressure is boosted;

(D) On a line to irrigation or lawn sprinkler systems where chemicals are added;

(E) On a line to all boiler systems where chemicals are added;

(F) On a line to heat exchangers where chemicals are added;

(G) On a line to solar heating systems where chemicals are added;

(H) On a line to plating tanks or areas. No potable water use will be allowed downstream of the device pursuant to section 19-13-B38a(e)(2) of the Regulations of Connecticut State Agencies.

(3) Unless otherwise required by sections 19-13-B38a(b) or 19-13-B38a(c) of the Regulations of Connecticut State Agencies, the owner shall install either an RPD or an air vent type backflow preventer or an air gap in the following instances:

(A) Water supply lines to all boiler systems where chemicals are not added;

(B) Water supply lines to carbonators for beverage machines, water conditioning systems, and commercial ice making equipment;

(C) Water supply lines connected to solar heating systems where chemicals are not added and heat exchangers where chemicals are not added;

(D) Water supply lines to storage tanks used for fire protection where chemicals are not added.

**(d) Double Check Valve Assembly.** The owner shall install a double check valve assembly (DCVA) on public water supply lines to fire sprinkler systems with siamese connections unless chemicals are added to the fire sprinkler system. Where chemicals are added to such systems, the owner shall install an RPD pursuant to Section 19-13-B38a(c)(2)(A) of the Regulations of Connecticut State Agencies. An owner may install an RPD instead of a DCVA on public water supply lines to fire sprinkler systems with siamese connections.

**(e) Vacuum breaker.** The owner shall install either an atmospheric vacuum breaker or a pressure vacuum breaker or an air gap in the following instances:

(1) Irrigation or lawn sprinkler systems where chemicals are not added;

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- (2) Flush valve toilets;
- (3) Inlets which are or may become submerged, except where an RPD is required pursuant to section 19-13-B38a(c)(2) of the Regulations of Connecticut State Agencies;
- (4) Hemodialysis units;
- (5) At marinas and docks on all hose bibbs or other outlets to which a hose may be connected.

(f) **Installation and maintenance.** The devices required by section 19-13-B38a of the Regulations of Connecticut State Agencies shall be purchased, owned, installed, and maintained by the owner in compliance with the following conditions:

(1) New devices shall conform to the revision of American Water Works Association Standard C510, C511 or the revision of the applicable standard of the American Society of Sanitary Engineering in effect at the time of building permit application.

(2) There shall be no connection made for potable water use downstream of an RPD and upstream of the equipment or systems subject to contamination except where the device is installed on the service line and the required air gap, vacuum breaker, or RPD is provided on all individual pieces of equipment.

(3) Each RPD, DCVA and pressure vacuum breaker shall be located in a room or structure that is well lighted, properly drained, and not subject to flooding. These devices shall be easily accessible for repair, testing and inspection.

(4) There shall not be any bypass around a device without appropriate protection as required by Section 19-13-B38a of the Regulations of Connecticut State Agencies.

(5) If an RPD or DCVA cannot be removed from service for maintenance and testing during normal working hours, then a second device of the same type shall be installed in parallel so as to permit inspection and repair of either unit.

(6) The owner shall notify the public water system prior to the installation of any RPD, DCVA or pressure vacuum breaker required by Section 19-13-B38a of the Regulations of Connecticut State Agencies. Immediately after installation of such devices, the owner shall arrange for the public water system to have each device tested by a person who has met the requirements of Section 25-32-11(e) of the Regulations of Connecticut State Agencies.

(7) The public water system shall have each RPD, DCVA and pressure vacuum breaker tested annually and shall maintain records of the test. Any malfunctioning device shall be promptly restored to proper operating condition by the owner. A summary of the results shall be forwarded to the Department of Public Health as a part of the annual cross connection survey report. All tests must be performed by a person who has met the requirements of Section 25-32-11(e) of the Regulations of Connecticut State Agencies.

(8) Atmospheric vacuum breakers shall be located beyond the last control valve prior to the first outlet. All vacuum breakers shall be installed at an elevation higher than any outlet according to manufacturer's instructions.

(9) An atmospheric vacuum breaker shall be installed so that it is not subject to backpressure or continuous operating pressure of more than twelve (12) hours duration. Where vacuum breakers are to be installed under section 19-13-B38a(d) of the Regulations

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of Connecticut State Agencies and a continuous operating pressure exists, a pressure vacuum breaker shall be used.

(10) An atmospheric vacuum breaker shall be installed in such a fashion that it will not be subject to corrosion which will render it inoperative.

(11) The owner is responsible for complying with all building, plumbing, fire safety or other applicable codes, regulations or requirements.

**(g) Civil Penalties.**

(1) Notice of violation. When the Commissioner determines that a violation of Section 19-13-B38a(d) of the Regulations of Connecticut State Agencies has occurred or is occurring, the commissioner may so notify the violator and may impose a civil penalty in accordance with this subsection if compliance is not achieved by the date specified in the notice of violation.

(2) Appeals. Within twenty days (20) after such notice is sent by the commissioner, an owner in receipt of a notice of violation issued pursuant to this subsection may petition the commissioner in writing, by U.S. mail, certified or registered, postage prepaid, return receipt requested, for an opportunity to contest the determination that a violation occurred, the determination a violation has not been corrected, the initial date of the imposition of the penalty, and the imposition of a penalty.

(3) Penalty. Failure to install a device required pursuant to Section 19-13-B38a(d) of the Regulations of Connecticut State Agencies shall result in a penalty of not more than \$2000.

(Effective July 7, 1993; Amended December 5, 2001)

**Sec. 19-13-B38b—19-13-B38g. Repealed**

Repealed July 7, 1993.

**Sec. 19-13-B39. Quality of water supplies made available for public and for employees (Repealed)**

Repealed June 11, 2014.

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 19-13-B40. Sanitation of foodstuffs**

No person, firm or corporation shall sell, offer for sale or keep for sale any groceries, bakery products, confectioneries, meats, fish, vegetables or fruits except after compliance with the following requirements:

(a) All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. All food and drink shall be so stored, displayed and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage or other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches and rodents shall be used. All exposed food shall be stored at least eighteen inches above the floor and all food which

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may be contaminated by exposure when deposited at a food establishment on delivery shall be stored at least eighteen inches above the floor. Food cooking or processing operations shall be conducted in a sanitary manner.

(b) The floors, walls, windows and ceilings of rooms used for the preparation and sale of foods shall be kept clean and in good repair. During the season when flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be provided to prevent the entrance of flies.

(c) All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas. All equipment and utensils shall be kept clean. Equipment and utensils containing or plated with cadmium or lead shall not be used, provided solder containing lead may be used for jointing.

(d) Any food to be eaten without cooking shall not be stored directly in contact with ice. All refrigerators shall be kept in a clean and sanitary condition. All potentially hazardous food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, shall be maintained at safe temperatures at 45°F. or below, or 140°F. or above, except during necessary periods of preparation.

(e) All oysters, clams and mussels shall be from approved sources and, if shucked, shall be kept until sold in the containers in which they were placed at the shucking or packing plant.

(f) All drinking beverages not bottled shall be kept in fly-tight containers, from which the liquid may be removed only by faucets. The pouring lips of bottles or containers of milk or other beverages shall not be submerged for cooling.

(g) No decayed fruits, meats, fish, vegetables or other foods shall be allowed to remain in any receptacle wherein any fruits, meats, fish, vegetables or other foods intended for human consumption are kept for sale or other disposition. All garbage and rubbish containing food wastes shall, prior to disposal, be kept in a leak-proof, non-absorbent container which shall be kept covered with tight fitting lids when filled or stored, or not in continuous use; provided such containers need not be covered when stored in a xermin-proofed room or enclosure, or in a food waste refrigerator. All other rubbish shall be stored in containers, rooms or areas in an approved manner. The rooms, enclosures, areas and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food waste grinders, if used, shall be installed in compliance with state and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

(h) Any water supply available for drinking or for washing dishes or food-handling equipment or for hand-washing shall be of safe sanitary quality. Each establishment shall be provided with adequate conveniently located handwashing facilities for its employees within or immediately adjacent to all toilet rooms, equipped with hot and cold or tempered



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running water, hand cleansing soap or detergent dispensed in a sanitary manner, and approved sanitary towels or other approved hand drying device. Such facilities shall be kept clean and in good repair. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands. In establishments constructed after October 8, 1963, and establishments which are extensively altered after said date, separate handwashing facilities shall also be located within the room where food is prepared.

(i) Each establishment shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet facilities, including rooms and fixtures, shall be sanitary and readily cleaned and shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleaned receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered.

(j) All parts of the establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food contact surfaces. None of the operations connected with a food service establishment shall be conducted in any room used as living or sleeping quarters.

(Effective October 8, 1963)

**Sec. 19-13-B41. Sanitation of public fair grounds, horse shows, horse races, and automobile races**

No public fair grounds or grounds for horse shows, horse races and automobile races shall be used except after compliance with the following requirements:

(a) **Water supply.** Any water supply available for drinking or washing dishes shall be of safe sanitary quality. Any water found unsafe for human consumption on such grounds shall be either eliminated or purified by a process approved by the state department of health or shall be kept posted with placards definitely warning persons against its use. A safe water supply and handwashing and hand drying facilities shall be provided for the public where food is served.

(b) **Disposal of excreta.** Fly-tight privies or water-flushed toilets with a system of sewage disposal approved by the state department of health shall be provided and shall be maintained in a clean and sanitary condition. Separate installations for men and for women shall be provided and they shall be adequate for the accommodation of all persons attending or using the grounds. The location of all toilets shall be plainly indicated by signs.

(c) **Disposal of refuse.** Supervision and equipment sufficient to prevent littering of the ground with rubbish, garbage or other refuse shall be provided and maintained. Fly-tight depositories for such materials shall be provided and conspicuously located. Such depositories and any final places of disposition shall not be permitted to become foul-smelling or unsightly or breeding places for flies.

(d) **Storage and service of food.** All food and drink while being stored, prepared,

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displayed, served or sold, or during transportation, shall be protected from dust, flies, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage or other contamination. Raw fruits and vegetables shall be washed before use. All single service eating and drinking articles shall be made from nontoxic materials, and shall have been manufactured, packaged, transported, stored, handled and dispensed in a sanitary manner, and shall be used only once. Drinking straws or any other device, hollow in nature, whereby through its use a beverage can be drawn into the mouth shall be separately wrapped either individually or in pairs with a sanitary protective covering for individual use. All multi-use eating and drinking utensils shall be thoroughly washed and rinsed and sanitized after each use.

(e) **Drinking beverage.** All drinking beverages not bottled shall be kept in fly-tight containers, from which the liquid may be removed only by faucets. The pouring lips of bottles or containers of milk or other beverages shall not be submerged for cooling.

(Effective April 11, 1973)

**Sec. 19-13-B42. Sanitation of places dispensing foods or beverages**

No person, firm or corporation shall operate or maintain within the State of Connecticut any place where food or beverages are served to the public except in compliance with the following requirements:

(a) Definitions, as used in this section:

(1) “Authorized agent” means any individual certified by the commissioner to inspect food service establishments and enforce the provisions of section 19-13-B42 of the Regulations of Connecticut State Agencies under the supervision and/or authority of the director of health.

(2) “Comminuted” means reduced in size by methods including chopping, flaking, grinding, or mincing and includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef and sausage.

(3) “Commissioner” means the commissioner of public health.

(4) “Department” means the state of Connecticut Department of Public Health.

(5) “Director of health” means the director of a local health department or district health department approved by the commissioner as specified in Connecticut general statutes sections 19a-200 and 19a-242, respectively.

(6) “Food employee” means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

(7) “Food service establishment” means any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term does not include a kitchen in a private home where food is prepared or served and not offered for sale, or a bed-and-breakfast operation that prepares and offers food to the guests if such operation is owner occupied and has the total building occupant load of not more than 16 persons



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including the owner and occupants, and has no provisions for cooking or warming food in the guest rooms, and breakfast is the only meal offered, and placards are posted at the registration area which read “this establishment is exempt from section 19-13-B42 of the regulations of the public health code.”

(8) “Full-time position” means thirty (30) hours per week or the number of hours per week that the food service establishment is open for business, whichever is less.

(9) “Hazard analysis” means an evaluation of food handling operations to identify points of potential product contamination and assess the adequacy of hot processing and hot and cold storage methods for foods.

(10) “Potentially hazardous food” means any food or food ingredient, natural or synthetic, that is in a form capable of supporting:

(A) the rapid and progressive growth of infectious or toxigenic microorganisms, or

(B) the slower growth of *Clostridium botulinum*.

(11) “Qualified food operator” means a food operator employed in a full-time position who has demonstrated a knowledge of safe food handling techniques.

(12) “Ready-to-eat food” means food that is in a form that is edible without washing, cooking, or additional preparation by the food service establishment or the consumer and that is reasonably expected to be consumed in that form.

(13) “Supervisory position” means the position of a person who directs and inspects the performance of food service workers.

(14) “Temporary food service establishment” means a food service establishment that operates at a fixed location for a temporary period of time, not to exceed two (2) weeks, in connection with a carnival, circus, public exhibition, festival, celebration, or similar transitory gathering.

(b) The floor surfaces in kitchens, in all other rooms and areas in which food or drink is stored or prepared, in which multi-use utensils are washed, and in walk-in refrigerators, dressing or locker rooms and toilet rooms, shall be of smooth nonabsorbent materials, and so constructed as to be easily cleaned. The floors of nonrefrigerated dry food storage areas need not be nonabsorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding type cleaning or where normal operations release or discharge water or other liquid waste on the floor. No sawdust or similar material shall be spread on the floors. All exterior areas where food is served shall be kept clean and properly drained, and the surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

(c) The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food or drink is prepared, or multi-use utensils or hands are washed, shall be easily cleanable, smooth, light colored, and shall have washable surfaces up to the level reached by splash or spray.

(d) (1) Effective measures shall be taken to protect against the entrance into the establishment or breeding on the premises of insects, rodents and other animals by:

(A) filling or closing holes and other gaps along floors, walls, and ceilings,

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- (B) closed, tight-fitting windows, and
- (C) solid self-closing, tight-fitting doors; or
- (2) if windows or doors are kept open for ventilation or other purposes, the openings shall be protected against the entrance of insects, rodents or other animals by:
  - (A) 16 mesh to 25.4 mm (16 mesh to 1 inch) screens,
  - (B) properly designed and installed air curtains, or
  - (C) other methods which are submitted for review and approval by the local director of health. The submission of an alternative method to those listed in (A) and (B) of this subdivision for review by the director of health shall be accompanied by documentation which the director of health finds demonstrates that the method will be as effective in preventing the entrance of insects and rodents or other animals as those listed in (A) and (B) of this subdivision.
- (3) Subdivision (2) of this subsection does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.
- (e) All areas in which food or drink is prepared or stored or multi-use utensils are washed, handwashing areas, dressing or locker rooms, toilet rooms and garbage and rubbish storage areas shall be well lighted. During all cleanup activities, adequate light shall be provided in the area being cleaned and upon or around equipment being cleaned. All rooms in which food or drink is prepared or served or multi-use utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable state and local fire prevention requirements and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance.
- (f) Each food service establishment serving food or drink shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be sanitary and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet room walls shall be tight and extend from floor to ceiling. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Toilet and handwashing facilities accessible to the public shall be provided in conformance with sections 19-13-B105 through 19-13-B113 of the Regulations of Connecticut State Agencies. Where the use of non-water-carried sewage disposal facilities has been approved by the local director of health, such facilities shall be separate from the food service establishment. All sewage shall be disposed of in a public sewerage system or, in the absence thereof, in a manner approved by the local director of health. Plumbing shall be so sized, installed and maintained as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the food service establishment to the sewerage or sewage disposal system; and as not to constitute a source of contamination of food equipment or multi-use utensils, or create an insanitary condition

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or nuisance.

(g) The water supply shall be adequate, of a safe, sanitary quality, be in conformance with section 19-13-B102 of the Regulations of Connecticut State Agencies and be from an approved source which is in conformance with sections 19-13-B51A through 19-13-B51M of the Regulations of Connecticut State Agencies. Hot and cold running water under pressure shall be provided in all areas where food or drink is prepared or equipment, multi-use utensils or containers are washed. Hot water supplied in all areas where food or drink is prepared and where multi-use utensils and equipment are washed, and for other general purposes shall be maintained at a temperature of at least one hundred and ten (110) degrees F. through a mixing valve or combination faucet. Hot water supplied at hand washing sinks available to the public shall be in conformance with section 19-13-B111 of the Regulations of Connecticut State Agencies. Ice used for any purpose shall be made from water which comes from an approved source; and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner.

(h) Each food service establishment serving food or drink shall be provided with handwashing facilities located to allow for convenient use by employees in food preparation, food dispensing, and warewashing areas, and within or immediately adjacent to all toilet rooms. The handwashing facilities shall be equipped with hot and cold or tempered running water, hand cleansing soap or detergent dispensed in a sanitary manner, individual disposable towels or other hand drying device acceptable to the director of health. The use of a common towel is prohibited. A handwashing facility shall not be used for purposes other than handwashing. The handwashing facilities shall be maintained so that they are accessible at all times for employee use. Such facilities shall be kept clean and in good repair. No employee shall resume work after using the toilet room without first washing his hands.

(i) All equipment and multi-use utensils, and all show and display cases or window counters, shelves, tables, chairs, and refrigerating equipment shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable and shall be in good repair. The food contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, nontoxic, corrosion-resistant and relatively nonabsorbent. Sinks, dishtables and drainboards shall be constructed of galvanized metal or better, suitably reinforced, of such thickness and design as to resist denting and buckling, and sloped so as to be self-draining. Exceptions approved by the local director of health may be made to the above material requirements for equipment such as cutting boards, blocks and bakers' tables and containers for dry products.

(j) (1) All equipment shall be so installed and maintained as to facilitate the cleaning thereof and of all adjacent areas.

(2) Equipment in use on October 15, 1963, which does not fully meet the above requirements may be continued in use if it is in good repair, capable of being maintained in a sanitary condition and the food contact surfaces are nontoxic. Utensils containing or plated with cadmium or lead shall not be used, provided solder containing lead may be used for

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jointing. All cloths and towels used by waiters, chefs and other employees shall be clean.

(3) All multi-use eating and drinking utensils shall be thoroughly washed and rinsed and sanitized after each use, in accordance with the following approved sanitizing processes.

(A) When manual dishwashing is used, a three-compartment sink shall be provided and used wherever washing, rinsing, and sanitization of equipment or utensils are conducted; provided, that in food service establishments where the only utensils to be washed are limited to spatulas, tongs, and similar devices, and when the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a two-compartment sink may be approved by the director of health for this purpose. At least a two-compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization. A warewashing sink shall not be used for handwashing or dumping mop water. Sinks used to wash or thaw food shall be sanitized before and after using the sink to wash produce or thaw food. Utensils after thorough washing and rinsing, clean to sight and touch, shall be sanitized by:

(i) Immersion for at least one (1) minute in clean, hot water at a temperature of at least one hundred and seventy (170) degrees F. An approved thermometer shall be available convenient to the vat. The pouring of scalding water over the washed utensils shall not be accepted as satisfactory compliance; or

(ii) Immersion for at least one (1) minute in a sanitizing solution containing: at least fifty (50) mg/l of available chlorine at a temperature of not less than seventy-five (75) degrees F. The bath should be made up to a strength of one hundred (100) mg/l or more of available chlorine and shall not be used after its strength has been reduced to fifty (50) mg/l; or at least twelve and one-half (12.5) mg/l of available iodine in a solution having a pH value not higher than five (5.0) and a temperature of not less than seventy-five (75) degrees F.; or any other chemical sanitizing agent that has been demonstrated to the satisfaction of the director of health to be effective and nontoxic under use conditions, and for which a suitable field test is available. Such sanitizing agents, in solutions used, shall provide the equivalent bactericidal effect of a solution containing at least fifty (50) mg/l of available chlorine at a temperature not less than seventy-five (75) degrees F.

(B) When dishwashing is done by machine hot water for sanitizing may be used provided that:

(i) Wash water shall be kept clean, and rinse-water tanks shall be so protected by distance, baffles or other effective means as to minimize the entry of wash water into the rinse water. All water inlets shall be protected against backflow.

(ii) The flow pressure shall be not less than fifteen (15) or more than twenty-five (25) pounds per square inch on the water line at the machine, and not less than ten (10) pounds per square inch at the rinse nozzles. A suitable gauge cock shall be provided immediately upstream from the final rinse sprays to permit checking the flow pressure of the final rinse water.

(iii) The temperature of the wash water shall not be less than:

(a) One hundred and sixty-five (165) degrees F. for a single temperature stationary rack

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machine;

(b) One hundred and sixty (160) degrees F. for a single tank, conveyor, dual temperature machine;

(c) One hundred and fifty (150) degrees F. for a single tank, stationary rack, dual temperature machine; and

(d) One hundred and fifty (150) degrees F. for a multitank, conveyor, multitemperature machine.

When hot water is relied upon for sanitization in a mechanical warewashing operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold shall not be less than one hundred and sixty-five (165) degrees F. for a stationary rack, single temperature machine; or one hundred and eighty (180) degrees F. for all other machines. The temperature of the fresh hot water sanitizing rinse shall not be more than one hundred and ninety-four (194) degrees F. as it enters the manifold. The item being sanitized shall attain a temperature of one hundred and sixty (160) degrees F. on its surface during the final rinse. When a pumped rinse is provided, the water shall be at a temperature of at least one hundred and sixty (160) degrees F.

(iv) Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.

(v) An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate the temperature of the water or solution therein. In addition, a thermometer shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.

(vi) Jets, nozzles and all other parts of each machine shall be maintained free of chemical deposits, debris and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.

(C) Dishwashing may be done by machines using chemicals for sanitization provided:

(i) The machines, chemical sanitizer, and method of drying utensils are approved by the commissioner.

(ii) The temperature of the wash water shall not be less than one hundred and twenty (120) degrees F.; and

(iii) the wash water shall be kept clean; and

(iv) Adequate amounts of chemicals for washing, sanitizing, and drying shall be available. Chemicals added for washing, sanitization, and drying purposes shall be automatically dispensed, compatible, not interfering with the effective purpose of each other; and

(v) Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturer's specifications for time and concentration; and

(vi) The chemical sanitizing rinse water temperature shall be not less than seventy-five (75) F. nor less than the temperature specified by the machine's manufacturer; and

(vii) A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.

(4) All kitchenware and food contact surfaces of equipment that have been used in the



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preparation or serving of food and drink, and all multi-use food storage utensils, exclusive of cooking surfaces of equipment, shall be thoroughly cleaned at least every four (4) hours. Cooking surfaces of equipment shall be cleaned at least once a day. All food temperature measuring devices, multi-use utensils and food contact surfaces of equipment used in the preparation or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use and following: a change from working with raw animal foods to working with ready-to-eat foods; a change in the type of raw animal food such as beef, fish, lamb, pork, or poultry; use with raw fruit or vegetables prior to use with potentially hazardous food; and at any time during the operation when contamination may have occurred. Unless approved by the director of health for a different frequency of cleaning, equipment, food contact surfaces and utensils that have been used with potentially hazardous food shall be cleaned and sanitized at least every four (4) hours.

Non-food contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

(5) No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

(k) After cleaning and until use, all food contact surfaces of equipment and multi-use utensils shall be so stored and handled as to be protected from contamination. All single-service eating and drinking articles shall be made from nontoxic materials, and shall have been manufactured, packaged, transported, stored, handled and dispensed in a sanitary manner, and shall be used only once. Drinking straws or any other device, hollow in nature, whereby through its use a beverage can be drawn into the mouth shall be separately wrapped either individually or in pairs with a sanitary protective covering for individual use. Food service establishments which do not have adequate and effective facilities for cleaning and sanitizing multi-use utensils shall use single-service articles.

(l) All garbage and rubbish containing food wastes shall, prior to disposal, be kept in a leak-proof, nonabsorbent container which shall be kept covered with tight fitting lids when filled or stored, or not in continuous use; provided such containers need not be covered when stored in a vermin-proofed room or enclosure or in a food waste refrigerator. All other rubbish shall be stored in containers, rooms or areas in a manner approved by the director of health. The rooms, enclosures, areas and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food waste grinders, if used, shall be installed in compliance with state and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

(m) (1) Except during necessary periods of preparation and service, potentially hazardous foods shall be maintained at forty-five (45) degrees F. or below, or one hundred forty (140) degrees F. or above, except beef roasts and pork roasts cooked to an internal temperature and time specified below may be held hot at one hundred thirty (130) degrees F. or above.



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The use of time only, rather than time in conjunction with temperature, may be permitted by the director of health and may be used as a public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption if: the food is marked or otherwise identified with the time within which it shall be cooked, served, or discarded; the food is served or discarded within 4 hours from the point in time when the food is removed from temperature control; the food in unmarked containers or packages, or for which time expires, is discarded; and written procedures that assure compliance are maintained in the food service establishment and are made available to the authorized agent upon request. Except as specified raw food shall be cooked as follows:

(A) Whole roasts, corned beef, and pork roasts shall be cooked to heat all parts of the food to the following minimum temperatures and corresponding minimum holding times: one hundred thirty (130) degrees F. for one hundred twenty-one (121) minutes; or one hundred forty (140) degrees F. for twelve (12) minutes; or one hundred forty-five (145) degrees F. for three (3) minutes;

(B) Shell eggs, fish, meat and pork (other than whole roasts, corned beef, and pork roasts) shall be cooked to heat all parts of the food to at least one hundred forty-five (145) degrees F. for fifteen (15) seconds;

(C) All meat and fish products that are ground or comminuted shall be cooked to heat all parts of the food to at least one hundred and forty-five (145) degrees F. for three (3) minutes, one hundred and fifty (150) degrees F. for one (1) minute, one hundred and fifty-five (155) degrees F. for fifteen (15) seconds, or one hundred and fifty-eight (158) degrees F. instantaneously;

(D) Game meats, poultry, ground or comminuted poultry, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing potentially hazardous food ingredients shall be cooked to heat all parts of the food to at least one hundred sixty-five (165) degrees F. for fifteen (15) seconds;

(E) Raw animal foods cooked in a microwave oven shall be: rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat; covered to retain surface moisture; heated to a temperature of at least one hundred sixty-five (165) degrees F. in all parts of the food; and allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium;

(F) Pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of foods that are not thoroughly cooked such as caesar salad, salad dressing; hollandaise or bearnaise sauce, mayonnaise, egg nog, ice cream, egg-fortified beverages, and in recipes requiring pooled eggs that are not cooked immediately. Exempted from the above is a raw animal food such as raw egg, raw fish, raw-marinated fish; raw molluscan shellfish; steak tartare; or partially cooked food such as lightly cooked fish, rare meat, and soft cooked egg that is served or offered for sale in a ready-to-eat form. Pork and poultry products are not exempt from the required cooking times and temperatures. The consumer shall be informed of the risks involved with the consumption of raw or undercooked animal

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food by means of posters, brochures, menu advisories, label statements, table tents, placards, or other written means available at the food service establishment which state: “thoroughly cooking meats, poultry, seafood, shellfish, or eggs reduces the risk of foodborne illness.” Exemptions to the food temperature requirements shall not be allowed at food service establishments serving highly susceptible populations such as immunocompromised individuals or older adults in hospitals, nursing homes, or similar health care facilities as listed in Connecticut General Statutes section 19a-490 and that are subject to this section and preschool age children in a facility that provides custodial care and is subject to this section such as child day care centers as defined in Connecticut General Statutes section 19a-77(a)(1).

(2) Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, shall be thawed at refrigerator temperatures of forty-five (45) degrees F. or below; or under cool, potable running water seventy (70) degrees F. or below; or quick thawed as part of the cooking process; or by any other method satisfactory to the local director of health. Waste water from refrigeration equipment shall be disposed of in a proper manner.

(3) Cooked potentially hazardous foods shall be cooled from one hundred forty (140) degrees F. to seventy (70) degrees F. within two (2) hours, and from seventy (70) degrees F. to forty-five (45) degrees F. or below within four (4) additional hours. Potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees F. for fifteen (15) seconds, provided that remaining unsliced portions of roasts of beef that are cooked as specified in this subsection may be reheated for hot holding to one hundred forty-five (145) degrees F. for three (3) minutes. Reheating for hot holding shall be done within two (2) hours. Ready-to-eat food taken from a commercially processed, hermetically sealed container shall be heated to a temperature of at least one hundred forty (140) degrees F. for hot holding. Cooked, cooled, and refrigerated food that is prepared for immediate service in response to an individual consumer order may be served at any temperature.

(4) Food temperature measuring devices shall be provided and be readily accessible for use in ensuring attainment and maintenance of proper food temperatures. Food temperature measuring devices shall be accurate to  $\pm$  two (2) degrees F.

(n) All food and drink in food service establishments shall be from sources approved or considered satisfactory by the director of health, based on a determination of conformity with principles, practices, and generally recognized standards that protect public health; shall be in compliance with applicable state and local laws and regulations; shall be transported and delivered at required temperatures; and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption. Any food or drink considered unsafe for human consumption shall be destroyed or disposed

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of in a manner satisfactory to the director of health. No hermetically sealed, non-acid or low-acid food which has been processed in a place other than a commercial food processing establishment shall be used.

Molluscan shellfish shall be from sources listed in the most recent publication of the interstate certified shellfish shippers list distributed by the Federal Food and Drug Administration and approved or considered acceptable by the Connecticut Department of Agriculture, Bureau of Aquaculture, and, if shucked, shall be kept until used in the containers in which they were received. Shell stock tags or labels shall be retained for 90 days from the date the container is emptied. Finfish shall be commercially and legally caught or harvested. Fluid milk and milk products shall be pasteurized and conform to Grade A standards, the requirements of the United States Public Health Service, Food and Drug Administration “Grade A Pasteurized Milk Ordinance” and “Grade A Condensed Milk Ordinance.” Shell eggs shall be from commercial, regulated sources inspected according to law and shall be received clean and sound, and shall be graded as required by law.

(o) (1) All food and drink while being stored, prepared, displayed, served or sold at food service establishments, or during transportation between such establishments, shall be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage or other contamination. Raw fruits and vegetables shall be washed before use. If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.

(2) Food once served to the customer shall not be served again. Wrapped non potentially hazardous food which has not been unwrapped and which is wholesome may be re-served.

(3) All means necessary for the elimination of flies, roaches and rodents shall be used. All exposed food shall be stored at least eighteen (18) inches above the floor.

(4) Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food service establishments. Poisonous and toxic materials shall be identified and shall be stored and used only in such manner and under such conditions as will not contaminate food and drink or constitute a hazard to employees or customers.

(p) (1) Food employees shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices. Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough. Food employees shall keep their fingers, nails, hands, and exposed portions of their arms clean by using a cleaning compound to lather hands and arms for at least 20 seconds, followed by thorough rinsing with clean water in a handwashing facility, and hand drying using approved sanitary towels or other approved hand drying device. Employees shall wash their hands thoroughly in an approved handwashing facility before starting work. Food employees shall clean their hands and exposed portions of their arms as often as may be required to remove soil and contamination; after touching bare human body parts; after

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using the toilet room; after caring for assistance animals; after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; after handling soiled equipment or utensils; when changing gloves; after handling money; immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles; during food preparation as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks; when switching between working with raw foods and ready-to-eat foods; and after engaging in other activities that contaminate the hands. Employees shall not expectorate in rooms in which food is prepared. All persons, while working in direct contact with food preparation, food ingredients or surfaces coming into contact therewith shall wear hairnets, headbands, caps or other effective hair restraints. Employees shall not use tobacco in any form while engaged in food preparation or service, or while in equipment and multi-use utensil washing or food preparation areas. Designated locations in such areas may be approved by the local director of health for smoking, where no contamination hazards will result.

(2) Smoking is prohibited in all indoor public areas of a food service establishment. Signs shall be posted at each entrance stating that smoking is prohibited by state law.

(3) Outdoor seating areas maintained for the service of food that have no roof or other ceiling enclosure and that have a permit to sell alcoholic liquor shall have at least seventy-five per cent of the outdoor seating capacity in an area in which smoking is prohibited and such area shall be designated with written signage as a nonsmoking area.

(4) Outdoor temporary seating areas established for special events and not used on a regular basis shall not be subject to the smoking prohibition or signage requirements of this subsection.

(5) Outdoor seating areas of establishments that do not serve alcohol shall not be subject to the smoking prohibition or signage requirements of this subsection.

(q) (1) All parts of the establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food contact surfaces. None of the operations connected with a food service establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the storage, preparation or serving of food, or for the cleaning or storage of utensils, or in toilet rooms or employees' dressing rooms or areas, in vehicles used for transporting food, or in any other area or facility used in the conduct of food service establishment operations; provided guide dogs or assistance dogs accompanying blind, deaf, or mobility impaired persons and dogs accompanying persons training such dogs as guide or assistance dogs as defined pursuant to the Connecticut General Statutes Sections 46a-42 and 46a-44, may be permitted in dining rooms.

(2) Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Where employees routinely change clothes within the food service

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establishment, one (1) or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be located outside of the food preparation, storage and serving areas, and the multi-use utensil washing and storage areas. When approved by the local director of health, such an area may be located in a storage room where only completely packaged food is stored. Such designated areas or dressing rooms shall be equipped with adequate lockers or other suitable facilities. Dressing rooms and lockers shall be kept clean and orderly.

(r) No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any area of a food service establishment in any capacity in which there is a likelihood of such person contaminating food, drink or food contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the management of the food service establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the local director of health immediately. When the local director of health has reasonable cause to suspect possibility of disease transmission from any food service establishment employee, such director shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The director of health may require any or all of the following measures:

- (1) the immediate exclusion of the employee from all food service establishments;
- (2) the immediate closure of the food service establishment concerned until, in the opinion of the director of health, no further danger of disease outbreak exists;
- (3) restriction of the employee's services to some area of the food service establishment where there would be no danger of transmitting disease; and
- (4) adequate medical and laboratory examinations of the employee, or other employees, and of his and their body discharges; and
- (5) food employees shall not contact exposed ready-to-eat food with bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single use disposable gloves or dispensing equipment, except when washing raw fruits and vegetables to remove soil and other contaminants. Food employees shall minimize bare hand contact with exposed food that is not in a ready-to-eat form. Ready-to-eat food includes: unpackaged potentially hazardous food that is cooked to the temperatures and time required for the specific food under section 19-13-B42(m)(1); raw, washed, cut fruits and vegetables; whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

(s) (1) No person, firm or corporation shall operate or maintain any place where food or beverages are served to the public within any town, city or borough, without a local permit or license, or otherwise without registration of the name and business address with the local



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director of health of the town, city or borough in which the business is conducted, if such permit or license is required by local ordinance. Permits for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) days.

(2) A temporary food service establishment serving food or drink shall comply with all provisions of this section which are applicable to its operation. The local director of health may augment such requirements when needed to assure the service of safe food, may prohibit the sale of potentially hazardous food or drink consisting in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, or may modify specific requirements for physical facilities when in his opinion no health hazard will result.

(3) Food service establishment classification. The director of health, registered sanitarian, or authorized agent shall classify each food service establishment by using the criteria outlined in this subdivision. Establishments shall be classified at the time of licensure, where licensure is required by local ordinance, or otherwise at the time of registration with the local director of health. The classification shall be reviewed by the director of health, registered sanitarian, or authorized agent during each inspection and in no case less than annually. The food service establishment shall be placed into the highest classification that describes any of the food operations conducted. When it comes to the attention of the director of health, registered sanitarian, or authorized agent that the food service establishment has changed to a different class the director of health, registered sanitarian, or authorized agent shall reclassify that food service establishment. No food service establishment shall change operations to a different classification without prior written approval by the director of health, registered sanitarian, or authorized agent. The classes of food service establishments are as follows:

(A) Class I is a food service establishment with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours.

(B) Class II is a food service establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours, and commercially precooked hot dogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four (4) hours.

(C) Class III is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation.

(D) Class IV is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public.



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(4) Qualified food operator required. Each person owning, operating or managing any food service establishment designated either as class III or class IV shall be a qualified food operator or shall employ on-site at least one (1) qualified food operator who is in a supervisory position at said establishment. Each food service establishment shall be in compliance with this subdivision by August 1, 1997. Satisfactory evidence of compliance with this subdivision shall be documentation that the qualified food operator has passed a test administered by a testing organization approved by the department, or other documentation satisfactory to the department attesting to the individual's knowledge of safe food handling techniques as specified in subdivision (6) of this subsection. Said documentation shall be maintained on file at the food service establishment and provided to the local director of health, registered sanitarian, or authorized agent on request. Any person who serves meals to individuals at registered congregate meal sites funded under Title III of the Older Americans Act of 1965, as amended, which were prepared under the supervision of a qualified food operator, shall be exempt from the examination requirement for qualified food operators. Any volunteer who serves meals for a nonprofit organization shall be exempt from the examination requirement for qualified food operators. Exempt from the requirements of this subdivision are: temporary food service establishments and special events sponsored by non-profit civic organizations such as, but not limited to, school sporting events, little league food booths, church suppers, and fairs. Soup kitchens that rely exclusively on services provided by volunteers are also exempt from the requirements of this subdivision.

(5) Criteria for approval of testing organizations. To be approved, a testing organization shall make application to the department on forms provided by the department and therein demonstrate responsibility for all aspects of the testing system from the development of the test, through test administration including test security system, documentation of successful test completion and record maintenance. Testing organizations must reapply for approval every five (5) years. Testing organizations shall demonstrate responsibility for all of the following areas:

(A) Test development. The test shall be based on an objective job analysis to determine content areas and shall include, but not be limited to, elements that test the qualified food operator's knowledge of food allergies. The test shall be developed based on generally accepted standards of test development. A passing score study to set the required passing scores shall be conducted. Content validation and examination field test studies shall be conducted.

(B) Test security. The testing organization shall have test security systems to ensure the integrity of the test during all phases of test development and handling. Test administrators must be trained in test security procedures. Where client based testing is conducted, proctoring agreements that establish examination handling and proctoring procedures are required between the testing organization and the proctor. Different forms of the test shall be maintained.

(C) Test administration. The testing organization shall serve as the primary contact for

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individuals interested in the test. Explanatory test materials shall be available to interested parties. Guidelines for test administration shall be developed. The test shall be readily available to meet the needs of Connecticut.

(D) Documentation and record keeping. All individuals taking the test shall be provided documentation indicating whether they passed or failed the test. Statistics on the test including an item analysis shall be maintained. A registry of all individuals who have taken the test shall be maintained. Statistical and registry information shall be made available to the department and local health departments upon request.

(6) Other documentation satisfactory to the department. In the absence of documentation that the qualified food operator has passed a test administered by a testing organization approved by the department, a signed statement by the owner/operator of the food service establishment attesting that the qualified food operator has demonstrated knowledge of food safety as specified in subparagraphs (A) and (B) of this subdivision shall constitute satisfactory evidence of compliance with subdivision (4) of this subsection. The local director of health may require documentation to support the signed statement. The following specific elements of knowledge and competence are required:

(A) Elements of knowledge

(i) Identify foodborne illness - define terms associated with foodborne illness;

recognize the major microorganisms and toxins that can contaminate food and the problems that can be associated with the contamination; define and recognize potentially hazardous foods; define and recognize illness that can be associated with chemical and physical contamination; define and recognize the major contributing factors for foodborne illness; recognize how microorganisms cause foodborne disease.

(ii) Identify time/temperature relationship with foodborne illness - recognize the relationship between time/temperature and microorganisms (survival, growth, and toxin production); describe the use of thermometers in monitoring food temperatures.

(iii) Describe the relationship between personal hygiene and food safety - recognize the association between hand contact and foodborne illness; recognize the association between personal habits and behaviors and foodborne illness; recognize the association between health of a foodhandler and foodborne illness; recognize how policies, procedures and management contribute to improved food hygiene practices.

(iv) Describe methods for preventing food contamination from purchasing to serving-define terms associated with contamination; identify potential hazards prior to delivery and during delivery; identify potential hazards and methods to minimize or eliminate hazards after delivery.

(v) Identify and apply correct procedures for cleaning and sanitizing equipment and utensils- define terms associated with cleaning and sanitizing; apply principles of cleaning and sanitizing; identify materials, equipment, detergent, sanitizer; apply appropriate methods of cleaning and sanitizing; identify frequency of cleaning and sanitizing.

(vi) Recognize problems and potential solutions associated with facility, equipment and layout - identify facility, design, and construction suitable for food service establishments;

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identify equipment and utensil design and location.

(vii) Recognize problems and potential solutions associated with, temperature control, preventing cross contamination, housekeeping and maintenance- implement self inspection program; implement pest control program; implement cleaning schedules and procedures; implement equipment and facility maintenance program.

(viii) Identify and recognize the foods most commonly associated with food allergies.

(B) Demonstrable elements of competency

(i) Assess the potential for foodborne illness in a food service establishment -perform operational food safety assessment; recognize and develop standards, policies and procedures; select and train employees; implement self audit/inspection program; revise policy and procedure (feedback loop); implement crisis management program.

(ii) Assess and manage the process flow- identify approved source; implement and maintain a receiving program; implement and maintain storage procedures; implement and maintain preparation procedures; implement and maintain holding/service/display procedures; implement and maintain cooling and post preparation storage procedures; implement and maintain re-service procedures; implement and maintain transportation procedures.

(7) Replacement of qualified food operator. Whenever the qualified food operator terminates employment, is terminated or is transferred, the person owning, operating or managing the food service establishment shall notify the local health department in writing. A replacement qualified food operator shall be employed within sixty (60) days from the date of termination or transfer of the qualified food operator. The local health department may grant an extension not to exceed an additional sixty (60) days to comply with this subdivision if deemed necessary.

(8) Responsibilities of qualified food operators

(A) The qualified food operator is responsible for operating the food service establishment in compliance with all the provisions of section 19-13-B42 of the Regulations of Connecticut State Agencies. The qualified food operator of each food service establishment is responsible for ensuring training of food preparation personnel. The following are exempt from the examination requirement for qualified food operators but shall receive training from any qualified food operator:

(i) volunteers who serve meals for a nonprofit organization; and

(ii) persons who serve meals at registered congregate meal sites funded under Title III of the Older Americans Act of 1965, as amended, which were prepared under the supervision of a qualified food operator. All such personnel shall receive training that shall include but not necessarily be limited to: instruction in proper food temperature control; food protection; personal health and cleanliness; and sanitation of the facility, equipment, supplies and utensils. The qualified food operator of each food service establishment shall maintain written documentation of a training program, and training records of individual employees, and shall make these records available to the local health department upon request. The owner, operator, manager or qualified food operator of a food service establishment at a

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nonprofit organization or registered congregate meal site for senior citizens shall maintain such documentation and make such records available to the local health department upon request.

(B) The owner or manager of the food service establishment shall designate an alternate person who has complied with section 19-13-B42(s)(6) to be in charge at all times when the qualified food operator cannot be present. This alternate person in charge shall be responsible for: ensuring that all employees comply with the requirements of this section, and that foods are safely prepared; handling emergencies; admitting the inspector; and receiving and signing the inspection report.

(t) Inspection of food service establishments. All food service establishments shall be inspected by the director of health, registered sanitarian, or an authorized agent of the director of health, if such director, sanitarian or agent has been certified by the commissioner. Candidates for certification must be sponsored by a local director of health, and possess as minimum requirements a bachelors degree or three years experience in a food safety or regulatory food protection program acceptable to the department. Candidates shall not be involved in the ownership or management of a food establishment located within his jurisdiction. The certification program shall consist of a two stage process: 1) successful completion of classroom training and passing score on a final written exam; and 2) completion of a series of inspections with a certification officer from the department food protection program. Upon completion of the certification process, the department shall notify the director of health and the candidate in writing specifying the issuance of certification and expiration date. The commissioner shall have the authority to renew certification of each person conducting such inspections every three years. Recertification may be granted upon the successful completion of sixteen (16) hours of approved food protection training every three (3) years. The department shall be responsible for approving and assuring the provision of such training. Failure to comply with recertification requirements shall result in the certification to conduct inspections not being renewed. The department shall notify the director of health and the chief elected official of the affected food service jurisdiction when a certification is not renewed. All food service establishments shall be inspected in accordance with this subsection.

(1) Class I food service establishments shall be inspected at intervals not to exceed three hundred and sixty (360) days.

(2) Class II food service establishments shall be inspected at intervals not to exceed one hundred and eighty (180) days.

(3) Class III food service establishments shall be inspected at intervals not to exceed one hundred and twenty (120) days.

(4) Class IV food service establishments shall be inspected at intervals not to exceed ninety (90) days, except that an interval not to exceed one hundred and twenty 120 days may be allowed where one (1) of the inspections is a hazard analysis inspection.

(5) Access to establishments. The director of health, registered sanitarian or authorized agent after proper identification, shall be permitted to enter, at any reasonable time, any

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food service establishment for the purpose of making inspections to determine compliance with this section. He shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, and persons employed, but not including financial records.

(6) Inspection records. Weighted values. Rating scores. Whenever the director of health, registered sanitarian or authorized agent makes an inspection of a food service establishment, he shall record his findings on an inspection report form included in this section and shall furnish a copy of such inspection report form to the owner or operator. Such form shall summarize the requirements of this section and shall set forth weighted point values for each such requirement. Forms, such as computer forms, which are substantially equivalent to the inspection form included in this section may be approved by the commissioner. Upon completion of an inspection, the director of health, registered sanitarian or authorized agent shall total the weighted point values for all requirements in compliance, such total becoming the rating score for the food service establishment. The total weighted point value shall be scored for each item in violation. The maximum rating shall be one hundred (100).

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EHS-106-Rev. 06/01 <b>INSPECTION REPORT</b> <b>FOOD SERVICE ESTABLISHMENTS</b>		STATE OF CONNECTICUT <b>DEPARTMENT OF PUBLIC HEALTH</b> 410 Capitol Avenue, MS#51FDP, Hartford, CT 06134		<input type="checkbox"/> ROUTINE INSPECTION <input type="checkbox"/> REINSPECTION <input type="checkbox"/> PREOPERATIONAL <input type="checkbox"/> OTHER								
NAME OF ESTABLISHMENT _____ STREET ADDRESS _____ OWNER or OPERATOR _____		ESTABLISHMENT CLASS _____ TOWN _____ INSPECTION DATE AND TIME _____										
Based on an inspection this day, the items marked below identify the violations in operation or facilities which must be corrected by the date specified below.												
<b>SOURCES OF FOOD</b> 1 Approved source, wholesome, nonadulterated 4 2 Original container, properly labeled 1		<b>EQUIPMENT &amp; UTENSILS : CLEANLINESS</b> 21 Preflushed, scraped, soaked and racked 1 22 Wash water clean, proper temperature 23 Accurate thermometers provided, dish basket, if used 24 Sanitization (rinse (hot water - chemical) 2 25 Clean wiping cloths 1 26 Food-contact surfaces of utensils & equipment clean 2 27 Nonfood-contact surfaces of utensils & equipment clean 1 28 Equipment/utensils, storage, handling 1		<b>VERMIN CONTROL</b> 42 Presence of insects/rodents 2 43 Outer openings protected against entrance of insects/rodents 1								
<b>FOOD PROTECTION</b> 3 Potentially hazardous food meets temperature requirements during storage, preparation, display, service, and transportation 4 4 Adequate facilities to maintain product temperature, thermometers provided 2 5 Potentially hazardous food properly thawed 2 6 Unwrapped or potentially hazardous food not re-served 4 7 Food protected during storage, preparation, display, service & transportation 2 9 Food containers stored off floor 9 Handling of food minimized 2 10 Food dispensing utensils properly stored 1 11 Toxic items properly stored, labeled, used 4		<b>WATER SUPPLY</b> 29 Water source adequate, safe 4 30 Hot and cold water under pressure, provided as required 2		<b>FLOORS, WALLS &amp; CEILINGS</b> 44 Floors: floor covering installed, constructed as required, good repair, clean 45 Floors, graded, drained as required 1 46 Floor, wall juncture covered 47 Mats removable, good repair, clean 48 Exterior walking, driving surfaces, good repair, clean 1 49 Walls, ceilings attached, equipment properly constructed, good repair, clean. Wall & ceiling surfaces as required. 1 50 Dustless cleaning methods used, cleaning equipment properly stored 1								
<b>PERSONNEL</b> 12 Personnel with infection restricted 4		<b>SEWAGE DISPOSAL</b> 31 Sewage disposal approved 4 32 Proper disposal of waste water 1 <b>PLUMBING</b> 33 Location, installation, maintenance 1 34 No cross connection, back siphonage, backflow 4		<b>LIGHTING &amp; VENTILATION</b> 51 Adequate lighting provided as required 1 52 Room free of steam, smoke odors 1 53 Room & equipment hoods, ducts, vented as required								
<b>CLEANLINESS OF PERSONNEL</b> 13 Handwashing facilities provided, personnel hands washed, clean 4 14 Clean outer clothes, effective hair restraints 1 15 Good hygienic practices, smoking restricted 2		<b>TOILET FACILITIES</b> 35 Adequate, convenient, accessible, designed, installed 4 36 Toilet rooms enclosed with self-closing door 37 Proper fixtures provided, good repair, clean 1		<b>DRESSING ROOMS &amp; LOCKERS</b> 54 Rooms adequate, clean, adequate lockers provided, facilities clean 1								
<b>EQUIPMENT &amp; UTENSILS: DESIGN, CONSTRUCTION &amp; INSTALLATION</b> 16 Food-contact surfaces designed, constructed, maintained, installed, located 2 17 Nonfood-contact surfaces designed, constructed, maintained, installed, located 1 18 Single service articles, storage, dispensing 2 19 No reuse of single service article 20 Dishwashing facilities approved design, adequately constructed, maintained, installed, located 2		<b>HANDWASHING FACILITIES</b> 38 Suitable hand cleaner and sanitizing towels or approved hand drying devices provided, tissue waste receptacles provided 1 <b>GARBAGE/RUBBISH STORAGE &amp; DISPOSAL</b> 39 Approved containers, adequate number, covered, rodent proof, clean 1 40 Storage area/rooms, enclosures - properly constructed, clean 1 41 Garbage disposed of in an approved manner, at approved frequency		<b>HOUSEKEEPING</b> 55 Establishment and premises free of litter, no insect/rodent harborage, no unnecessary articles 1 56 Complete separation from living/sleeping quarters and laundry 1 57 Clean/soiled linens stored properly 1 58 No live birds, turtles, or other animals (except guide dogs) 1								
<b>DEMERIT SCORE</b> <table border="1" style="width:100%; text-align: center;"> <tr> <td>4</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td colspan="4" style="height: 20px;"> </td> </tr> </table>		4	3	2	1					<b>RISK FACTOR VIOLATIONS IN RED</b> Signature of Person in Charge _____ SIGNED (Inspector) _____		
4	3	2	1									
<b>TOTAL</b> <b>RATING</b> <b>Date Corrections Due</b> <table border="1" style="width:100%; height: 40px;"> <tr> <td></td> <td></td> <td></td> </tr> </table>					<b>QUALIFIED FOOD OPERATOR</b> 60 Qualified Food Operator 3 61 Designated alternate 2 62 Written documentation of training program 2							

DESCRIBE DEFICIENCIES ON CONTINUATION SHEETS

**(u) Enforcement**

(1) Every food service establishment shall maintain a rating score of eighty (80) or higher and shall not have one (1) or more four (4) demerit point items in violation, regardless of the rating score. The four (4) demerit point items include: Food from approved source, wholesome, nonadulterated; potentially hazardous food meets temperature requirements during storage, preparation, display, service, and transportation; unwrapped or potentially hazardous food not re-served; toxic material properly stored, labeled, used; personnel with infections restricted; adequate handwashing facilities, convenient, accessible, designed, installed, personnel hands washed, clean; water source, adequate, safe; sewage disposal approved and no nuisance; no cross-connection, back-siphonage, backflow; and adequate



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toilet facilities, convenient, accessible, designed, installed. If the rating score is below eighty (80) or if there is one (1) or more four (4) demerit point items in violation at the time of inspection, the director of health, registered sanitarian or authorized agent shall order correction of the items in violation within two (2) weeks. After the two (2) weeks, the director of health, registered sanitarian or authorized agent shall make a reinspection and determine the new rating score.

(2) If the rating score at the time of the reinspection is below eighty (80) or if there is one (1) or more four (4) demerit point items in violation, the director of health, shall take immediate steps to have the food service establishment closed.

(3) However, if there are insanitary or other conditions in the operation of a food service establishment which, in the judgment of the director of health, constitutes an immediate and substantial hazard to the public health, he may immediately issue a written notice to the permit holder or operator citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken, and, if deemed necessary order immediate correction. If correction is not made in the stated time, a written order shall be issued to close the food service establishment.

(4) If the rating score is eighty (80) or above or if there are any three (3) demerit point items in violation, the director of health, registered sanitarian or authorized agent shall order correction of any violations and specify time for correction. If a qualified food operator is not employed on-site, except as provided by the qualified food operator replacement provision in section 19-13-B42(s)(7), the food service establishment has thirty (30) days to comply. If correction has not been made after thirty (30) days, the director of health shall take immediate steps to close the food service establishment. The food service establishment shall also be reinspected as frequently as necessary in the determination of the local director of health to ensure compliance with this section.

(5) The owner or operator of any food service establishment may at any time request an inspection for the purpose of improving the rating score of the food service establishment. Within ten (10) days following receipt of a request including a signed statement that the violations have, in the applicant's opinion, been corrected, the director of health, registered sanitarian or authorized agent shall make an inspection and thereafter as many additional inspections as he may deem necessary to assure himself that the applicant is complying with the requirements of this section.

(6) The owner or operator of a food service establishment aggrieved by an order, may, within forty-eight (48) hours after such order, appeal to the director of health, who shall thereupon immediately examine into the merits of such case and may vacate, modify or affirm such order. The owner or operator of a food service establishment who is aggrieved by such action of the director of health may, no later than three (3) business days after receipt of the order, appeal to the commissioner who shall thereupon immediately notify the authority from whose order the appeal was taken and examine into the merits of such case and may vacate, modify or affirm such action.

(Effective April 25, 1994; Amended April 25, 1997; Amended August 15, 2000; Amended July 6,

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2001; Amended October 3, 2005; Amended July 3, 2007)

**Sec. 19-13-B43. Repealed**

Repealed March 6, 1974.

**Sec. 19-13-B43a. Artificial ice plants**

No city, town, borough, institution, person, firm or corporation shall operate within the state any plant for the manufacture, processing or packaging of artificial ice for sale for domestic use or for any commercial use where the manufactured ice may be directly consumed or come in contact with food or drink, except after compliance with the following regulations:

(a) Water used in the manufacture of ice, including that used to clean surfaces that come in contact with the ice, shall be of a safe, sanitary quality from a public supply or from a private source approved by the state department of health or local director of health. Cross connections between water supply systems of approved quality with unapproved water supplies are prohibited, and piping and water supplied fixtures shall comply with section 19-13-B45.

(b) The manufacture, processing or packaging of ice shall be conducted in an area which is adequately lighted and ventilated and of proper construction. This area shall be used for no other purpose than the manufacture, processing or packaging of ice or for food storage, preparation, or service, and shall be physically separated from any other activity. All surfaces which come in contact with the ice must be maintained in a clean and sanitary condition at all times. All precautions must be taken to prevent contamination of surfaces which come into contact with the ice.

(c) All sewage shall be disposed of in a public sewer or in accordance with sections 19-13-B20a through 19-13-B20r, inclusive, of the Public Health Code of the state of Connecticut. There shall be no direct waste connection between any ice making or storage unit and a sewer. Overhead sewers shall be located so as not to directly or indirectly contaminate the ice.

(d) Air used in the processing of ice shall be free of dust, dirt, insects or other contaminants.

(e) All utensils and equipment used to handle or otherwise manufacture ice, must be kept in a clean and sanitary condition. These items must be made of such materials as to be smooth, impervious, nontoxic, anti easily cleaned.

(f) At all times during manufacture, storage, transportation and sale, ice shall be protected from contamination by dust, dirt or any other source of contamination.

(g) Toilet facilities shall be adequate and conveniently located. Toilet rooms shall be adequately lighted anti ventilated to the outside air. Doors shall be of the self-closing type and all openings to the exterior shall be properly screened to prevent the entrance of flies. Lavatories shall be conveniently located near the toilet facility. They shall he provided with hot and cold running water, a dispensed type soap and hand drying facilities. All toilet rooms and hand washing facilities shall he maintained in a clean and sanitary manner.

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(h) All necessary measures must be taken to prevent the entrance of flies and vermin into ice manufacturing plants and transportation vehicles

(i) No person while affected with any disease in a communicable form, or while a carrier of such disease, shall work in any area of an ice plant in any capacity in which there is a likelihood of such person contaminating water, ice or ice-contact surfaces with pathogenic organisms, or transmitting disease to other individuals. All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to good hygienic practices while on duty. They shall wash their hands thoroughly with soap and warm water in an approved handwashing facility before starting work and as often as may be necessary to remove soil contamination. No employee shall resume work after visiting the toilet room without having washed his hands. Employees shall not use tobacco in any form in any room used for the manufacture, processing, packaging, or storage of ice.

(j) This section shall be printed and kept posted in a conspicuous place in the plant.

(k) No city, town, borough, institution, person, firm, or corporation shall operate within the state any plant for the manufacture of artificial ice for sale where the manufactured ice may be directly consumed or come in contact with food or drink without local permits or licenses if such permits or licenses are required by local ordinances or otherwise without registration of the name and business address with the local director of health of the town, city or borough in which the business is conducted.

(Effective March 6, 1974)

**Sec. 19-13-B44. Sanitation of trailer coaches**

“Trailer coach” is defined as any of the various types of vehicles with motor power or designed to be towed with an automobile and adapted to human habitation either for the purpose of sleeping or eating or preparation of meals or both or designed or adapted to the use of an office or for the purpose of carrying on business.

(a) All toilets in trailer coaches shall be provided with fly-tight, leak-proof receptacles for containing excrement. Toilet vents shall be screened. Trailer coaches equipped with flush toilets shall be provided with suitable underneath holding tanks of adequate capacity for storage of trailer discharges between emptying.

(b) No liquid wastes, garbage, refuse matter or other waste material from any trailer coach shall be deposited on or within the limits of public highways.

(c) No trailer coach shall be parked on land within two hundred fifty feet of, and draining toward, any source of public drinking water supply.

(d) Cleansing of receptacles for wastes any excreta from trailer coaches by dipping or rinsing in the water of any lake, pond or stream is prohibited.

(e) No liquid wastes or excreta from any trailer coach shall be disposed of other than by emptying into a public or camp sewerage system, a septic or chemical tank system or a cesspool, provided, in isolated localities remote from camps or habitations, such wastes may be disposed of by burying in the soil with an earth covering of not less than six inches. No wastes shall be thus disposed of at a point less than two hundred and fifty feet of, and

draining toward, any source of public drinking water supply, nor within fifty feet from the banks of any lake, pond, stream or watercourse not a source of public drinking supply, nor within fifty feet from any highway gutter.

**Sec. 19-13-B45. Minimum requirements for drainage and toilet systems**

(a) Plumbing and drainage systems shall be so constructed as to avoid contamination of safe drinking water supplies in houses or buildings. There shall be no cross connections between such safe water supplies and unsafe water supplies nor shall such safe supplies be piped to refrigeration, air conditioning or other mechanical equipment provided with direct connections to drains or constructed in such a manner as to permit contaminated water to be siphoned or drawn into the water supply pipes. Storage of drinking water in buildings shall be only in covered tanks so constructed as to avoid any possible contamination of the water in the tanks. Sewer or waste lines located above storage tanks and direct overflows and drains to sewer systems are expressly prohibited.

(b) Buildings in which water closets and other plumbing fixtures exist shall be provided with a supply of water adequate in volume and pressure for flushing purposes.

(c) The pipe system shall be of sufficient size to supply water for adequate flushing of toilet fixtures without unduly reducing the pressure at other fixtures.

(d) Devices for heating water and storing it in “boilers” or hot water tanks shall be so designed and installed as to prevent all dangers from explosion.

(e) Each tenement, lodging or boarding house located on premises abutting any street or alley where running water is available and through which there is a sewer with which connection may be had shall be provided with water closets connected with such sewer. All other buildings used or intended to be used for human habitation or occupancy on premises abutting a street in which there is a public sewer shall be connected with such sewer whenever required by the local authorities having jurisdiction.

(f) Tenement houses erected prior to September 1, 1930, and provided with house drainage systems shall be furnished with at least one water closet for each two apartments of three rooms or less each, and one such closet for each apartment of four or more rooms. Tenement houses erected after August 31, 1930, and prior to July 1, 1941, shall have a water closet in each apartment of three or more rooms and at least one water closet for each two apartments of less than three rooms each. In each tenement house erected or subdivided after June 30, 1941, there shall be a water closet in each apartment of two or more rooms.

(g) Plumbing fixtures shall be made of smooth nonabsorbent material, shall be free from concealed fouling surfaces and shall be set free of enclosures.

(h) The entire house drainage system shall be so designed, constructed and maintained as to conduct the waste water or sewage quickly from the fixture to the place of disposal with velocities which will guard against fouling and the deposit of solids and will prevent clogging.

(i) The drainage pipes shall be so designed and constructed as to be proof for a reasonable life of the building against leakage of water or drain air due to defective materials, imperfect connections, corrosion, settlements or vibrations of the ground or building, temperature

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changes, freezing or other causes.

(j) The drainage system shall be provided with an adequate number of cleanouts so arranged that in case of stoppage the pipes may be readily accessible.

(k) Each fixture or combination fixture shall be provided with a separate, accessible, self-scouring, reliable water-seal trap placed as near to the fixture as possible.

(l) The house-drainage system shall be so designed that there will be an adequate circulation of air in all pipes and no danger of siphonage, aspiration or forcing of trap seals under conditions of ordinary use.

(m) The soil stack shall extend full size upward through the roof and have a free opening, the roof terminal being so located that there will be no danger of air passing from it to any window and no danger of clogging of the pipe by frost or by articles being thrown into it or of roof water draining into it.

(n) The plumbing system shall be subjected to a water or air-pressure test and to a final air-pressure, smoke or peppermint test in such a manner as to disclose all leaks and imperfections in the work.

(o) No substances which will clog the pipes, produce explosive mixtures or destroy the pipes or their joints shall be allowed to enter the house drainage system.

(p) Refrigerators, ice boxes or receptacles for storing food shall not be connected directly with the drainage system.

(q) No water closet shall be located in a room or compartment which is not properly lighted and ventilated to the outer air.

(r) If water closets or other plumbing fixtures exist in buildings where there is no public sewer accessible, suitable provision shall be made for disposing of the sewage without nuisance. The location and construction of private sewage disposal systems shall conform to the requirements of sections 19-13-B20a to 19-13-B20r, inclusive.

(s) Where a house-drainage system may be subjected to back flow of sewage, suitable provision shall be made to prevent its overflow in the building.

(t) No plumbing fixture nor waste outlet shall be installed which will provide a cross connection between a distributing system of water for drinking and domestic purposes and a drainage system, soil or waste pipe and permit or make possible the back flow or siphonage of sewage or waste into the water supply.

Note: Attention is directed to the danger from underrim water inlet fixtures and flushometer valves without adequate vacuum breakers.

(u) All drinking fountain installations or replacements after January 12, 1954, shall be constructed with a slanting jet issuing from a nozzle of non-oxidizing impervious material with a non-oxidizing guard to prevent the mouths and noses of persons using the fountain from coming in contact with the nozzle. The jet shall be located so as not to touch the guard and shall be discharged at such an angle that the water can neither fall back nor be forced back on to the point of discharge. The fountain jet and all openings in the water supply piping shall issue above the level of the fountain bowl. The drainage from the bowl shall be adequate and so constructed as to prevent fouling of the bowl. The drain from the fountain

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shall not have a direct physical connection to a waste pipe unless the drain is trapped. The waste opening and pipe from the fountain shall be of sufficient size to carry off the water promptly. The opening shall be provided with a strainer. All drinking fountains installed after January 12, 1954, shall be provided with their own receiving bowls and shall not be installed over sinks used for hand washing or other purposes.

(v) Plumbing systems shall be maintained in a sanitary condition.

(Effective December 21, 1978)

**Sec. 19-13-B46. Notification by water officials in water supply emergencies**

Whenever the security of a public water system is threatened or suspicious activities are observed on or near water company land or the treatment of a public water supply is interrupted or the source of supply is damaged so as to impair the quality or the sufficiency of the supply, the person, firm or corporation in charge of such public water system shall immediately notify the state department of public health and the local directors of health of all cities, towns and boroughs where water from such systems is supplied. Such notification shall be made immediately either by telephone or messenger or whatever other means of rapid communication is available.

(Amended March 30, 2004)

**Sec. 19-13-B47. Disinfection of water mains, valves and structures**

After November 15, 1948, in the case of construction of or repairs to any system of water supply furnished to the public, precautions shall be exercised in the handling, laying or installing of water pipe, valves or other structures through which water for potable purposes is delivered, so as to reduce to a minimum the entrance of foreign material and contamination, before such pipe, valves or other structures are placed in service. After said date no new main, standpipe, reservoir, tank or other pipe or structure through which water is delivered to consumers for potable purposes shall be put into service on any system of water supply furnished to the public, nor shall the use of any such structure or main be resumed after it has been cleaned or repaired, until such structure or main has been effectively disinfected; provided this shall not apply to mains, tanks, reservoirs or structures, the waters from which are subsequently adequately treated or purified.

**Sec. 19-13-B48. Itinerant food vending**

No person, firm or corporation shall operate or maintain within the state an itinerant food vending establishment serving food or drink from any establishment or conveyance without fixed location and without connections to water supply and sewage disposal systems, except in compliance with the following requirements:

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(a) **Definitions**, as used in this section:

(1) “Authorized agent” means any individual certified by the commissioner to inspect itinerant food vending establishments and enforce the provisions of section 19-13-B48 of



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the Regulations of Connecticut State Agencies under the supervision and/or authority of the director of health.

(2) “Commissioner” means the commissioner of public health.

(3) “Department” means the State of Connecticut Department of Public Health.

(4) “Director of health” means the director of a local health department or district health department approved by the commissioner as specified in Connecticut General Statutes sections 19a-200 and 19a-242, respectively.

(5) “Full-time position” means thirty (30) hours per week or the number of hours per week that the itinerant food vending establishment is open for business, whichever is less.

(6) “Hazard analysis” means an evaluation of food handling operations to identify points of potential product contamination and assess the adequacy of hot processing and hot and cold storage methods for foods.

(7) “Itinerant food vending establishment” means a food vending business serving food or drink from any establishment or conveyance without fixed location and without connection to water supply and sewage disposal systems.

(8) “Potentially hazardous food” means any food or food ingredient, natural or synthetic, that is in a form capable of supporting:

(A) the rapid and progressive growth of infectious or toxigenic microorganisms, or

(B) the slower growth of *Clostridium botulinum*.

(9) “Qualified food operator” means a food operator employed in a full-time position who has demonstrated a knowledge of safe food handling techniques.

(10) “Supervisory position” means the position of a person who directs and inspects the performance of itinerant food vending workers.

(b) All food and drink while being stored, prepared, displayed, served or sold or during transportation shall be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage or other contamination, provided that the making of sandwiches or heating food to be placed in sandwiches or in single-service containers may be permitted by the local director of health with such sanitary provisions as he may require. All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. All oysters, clams and mussels shall be from approved sources and, if shucked, shall be kept until used in the containers in which they were received.

(c) All single-service eating and drinking articles shall be made from nontoxic materials, and shall have been manufactured, packaged, transported, stored, handled and dispensed in a sanitary manner, and shall be used only once. Drinking straws or any other device, hollow in nature, whereby through its use a beverage can be drawn into the mouth shall be separately wrapped, either individually or in pairs, with a sanitary protective covering for individual use.

(d) All perishable food and drink shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food and drink which consist in whole or in part of milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of

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supporting rapid and progressive growth of infectious or toxigenic microorganisms, shall be maintained at safe temperatures at forty-five (45) degrees F. or below, or one hundred and forty (140) degrees F. or above, except during necessary periods of preparation and service. The pouring lips of bottles or containers of milk or other beverages shall not be submerged for cooling.

(e) This section shall not prevent an operator from preparing and dispensing drinking beverages from flytight and dustproof containers from which the liquid may be removed only by faucets or other sanitary methods and served in single-service containers.

(f) No employee shall resume work after using a toilet without first washing his hands. All employees shall wear clean outer garments and maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved handwashing facility before starting work. Employees shall not use tobacco in any form while engaged in food preparation or service.

(g) Adequate provision shall be made to collect, store and dispose of, without nuisance, all used containers, wrappings and other disposables connected with the operation, and all other wastes or waste materials.

(h) All vehicles shall have the name and address of the person, firm or corporation responsible for the operation legibly printed on both sides of the vehicle. Such vehicles shall be kept in a clean and sanitary condition at all times.

(i) No person while affected with any disease in a communicable form or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any itinerant food vending establishment nor shall any such person or persons suspected of being affected with any disease in a communicable form or of being a carrier of such disease to be employed. If the management of an itinerant food vending establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such a disease, he shall notify the local director of health immediately. When the local director of health has reasonable cause to suspect possibility of disease transmission from any food service employee, he shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The director of health may require any or all of the following measures: (1) The immediate exclusion of the employee from all food service; (2) the immediate closure of the food service concerned until, in the opinion of the director of health, no further danger of disease outbreak exists; and (3) adequate medical and laboratory examinations of the employee, or other employees, and of his and their body discharges.

(j) (1) No person shall conduct an itinerant food vending establishment in any town, city or borough without a local permit or license, or otherwise without registration of the name and business address with the local director of health of the town, city or borough in which the business is conducted; if such permit or license is required by local ordinance.

(2) Itinerant food vending establishment classification. The director of health, registered sanitarian, or authorized agent shall classify each itinerant food vending establishment by

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using the criteria outlined in this subdivision. Establishments shall be classified at the time of licensure, where licensure is required by local ordinance, or otherwise at the time of registration with the local director of health. The classification shall be reviewed by the director of health, registered sanitarian, or authorized agent during each inspection and in no case less than annually. The itinerant food vending establishment shall be placed into the highest classification that describes any of the food operations conducted. When it comes to the attention of the director of health, registered sanitarian, or authorized agent that the operation has changed to a different class the director of health, registered sanitarian, or authorized agent shall reclassify the itinerant food vending establishment. No itinerant food vending establishment shall change food operations to a different classification without prior approval by the director of health, registered sanitarian, or authorized agent. The classes of itinerant food vending establishments are as follows:

(A) Class I is an itinerant food vending establishment with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours.

(B) Class II is an itinerant food vending establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours and commercially precooked hot dogs, kielbasa, and soup may be heated if transferred directly out of the original package and served within four (4) hours.

(c) Class III is an itinerant food vending establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation.

(d) Class IV is an itinerant food vending establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public.

(3) Qualified food operator required. Each person owning, operating or managing any itinerant food vending establishment designated as class III or class IV shall be a qualified food operator or shall employ on-site at least one (1) qualified food operator who is in a supervisory position at said establishment. Each itinerant food vending establishment shall be in compliance with this subdivision by August 1, 1997. Satisfactory evidence of compliance with this subdivision shall be documentation that the qualified food operator has passed a test administered by a testing organization approved by the department, or other documentation satisfactory to the department attesting to the individual's knowledge of safe food handling techniques as specified in subdivision (5) of this subsection. Said documentation shall be maintained on file at the itinerant food vending establishment and provided to the local director of health, registered sanitarian, or authorized agent on request. Exempt from the requirements of this subdivision are special events sponsored by non-

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profit civic organizations such as, but not limited to, school sporting events, little league, and fairs.

(4) Criteria for approval of testing organizations. To be approved, a testing organization shall make application to the department and therein demonstrate responsibility for all aspects of the testing system from the development of the test, through test administration including test security system, documentation of successful test completion and record maintenance. Testing organizations must reapply for approval every five (5) years. Testing organizations shall demonstrate responsibility for all of the following areas.

(A) Test development. The test shall be based on an objective job analysis to determine content areas and shall include, but not be limited to, elements that test the qualified food operator's knowledge of food allergies. The test shall be developed based on generally accepted standards of test development. A passing score study to set the required passing scores shall be conducted. Content validation and examination field test studies shall be conducted.

(B) Test security. The testing organization shall have test security systems to ensure the integrity of the test during all phases of test development and handling. Test administrators must be trained in test security procedures. Where client based testing is conducted, proctoring agreements that establish examination handling and proctoring procedures are required between the testing organization and the proctor. Different forms of the test shall be maintained.

(C) Test administration. The testing organization shall serve as the primary contact for individuals interested in the test. Explanatory test materials shall be available to interested parties. Guidelines for test administration shall be developed. The test shall be readily available to meet the needs of Connecticut.

(D) Documentation and record keeping. All individuals taking the test shall be provided documentation indicating whether they passed or failed the test. Statistics on the test including an item analysis shall be maintained. A registry of all individuals who have taken the test shall be maintained. Statistical and registry information shall be made available to the department and local health departments upon request.

(5) Other documentation satisfactory to the department. In the absence of documentation that the qualified food operator has passed a test administered by a testing organization approved by the department, a signed statement by the owner/operator of the itinerant food vending establishment attesting that the qualified food operator has demonstrated knowledge of food safety as specified in subparagraphs (A) and (B) of this subdivision shall constitute satisfactory evidence of compliance with subdivision (3) of this subsection. The local director of health may require documentation to support the signed statement. The following specific elements of knowledge and competence are required.

(A) Elements of knowledge

(i) Identify foodborne illness - define terms associated with foodborne illness; recognize the major microorganisms and toxins that can contaminate food and the problems that can be associated with the contamination; define and recognize potentially hazardous foods;

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define and recognize illness that can be associated with chemical and physical contamination; define and recognize the major contributing factors for foodborne illness; recognize how microorganisms cause foodborne disease.

(ii) Identify time/temperature relationship with foodborne illness - recognize the relationship between time/temperature and microorganisms (survival, growth, and toxin production); describe the use of thermometers in monitoring food temperatures.

(iii) Describe the relationship between personal hygiene and food safety - recognize the association between hand contact and foodborne illness; recognize the association between personal habits and behaviors and foodborne illness; recognize the association between health of a foodhandler and foodborne illness; recognize how policies, procedures and management contribute to improved food hygiene practices.

(iv) Describe methods for preventing food contamination from purchasing to serving - define terms associated with contamination; identify potential hazards prior to delivery and during delivery; identify potential hazards and methods to minimize or eliminate hazards after delivery.

(v) Identify and apply correct procedures for cleaning and sanitizing equipment and utensils - define terms associated with cleaning and sanitizing; apply principles of cleaning and sanitizing; identify materials, equipment, detergent, sanitizer; apply appropriate methods of cleaning and sanitizing, identify frequency of cleaning and sanitizing.

(vi) Recognize problems and potential solutions associated with facility, equipment, and layout - identify facility, design, and construction suitable for food establishments; identify equipment and utensil design and location.

(vii) Recognize problems and potential solutions associated with temperature control, preventing cross contamination, housekeeping and maintenance - implement self inspection program; implement pest control program; implement cleaning schedules and procedures; implement equipment and facility maintenance program.

(viii) Identify and recognize the foods most commonly associated with food allergies.

(B) Demonstrable elements of competency

(i) assess the potential for foodborne illness in a food establishment - perform operational food safety assessment; recognize and develop standards, policies and procedures; select and train employees; implement self audit/inspection program; revise policy and procedure (feedback loop); implement crisis management program.

(ii) Assess and manage the process flow - identify approved source; implement and maintain a receiving program; implement and maintain storage procedures; implement and maintain preparation procedures; implement and maintain holding/service/display procedures; implement and maintain cooling and post preparation storage procedures; implement and maintain re-service procedures; implement and maintain transportation procedures.

(6) Replacement of qualified food operator. Whenever the qualified food operator terminates employment, is terminated or is transferred, the person owning, operating or managing the itinerant food vending establishment shall notify the local health department



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in writing. A replacement qualified food operator shall be employed within sixty (60) days from the date of termination or transfer of the qualified food operator. The local health department may grant an extension not to exceed an additional sixty (60) days to comply with this subdivision if deemed necessary.

(7) Responsibilities of qualified food operators

(A) The qualified food operator is responsible for operating the itinerant food vending establishment in compliance with all the provisions of section 19-13-B48 of the Regulations of Connecticut State Agencies. The qualified food operator of each itinerant food vending establishment shall be responsible for training of food preparation personnel. All such personnel shall receive training which shall include but not necessarily be limited to: instruction in proper food temperature control; food protection; personal health and cleanliness; and sanitation of the facility, equipment, supplies and utensils. The qualified food operator shall maintain written documentation of a training program, and training records of individual employees, and shall make these records available to the local health department upon request.

(B) The owner or manager of the itinerant food vending establishment shall designate an alternate person to be in charge at all times when the qualified food operator cannot be present. This alternate person in charge shall be responsible for: ensuring that all employees comply with the requirements of this section and that foods are safely prepared; handling emergencies; admitting the inspector; and receiving and signing the inspection report.

(k) Nothing in this section shall prevent the manufacture and sale of frozen desserts in mobile units operating under licenses issued by the commissioner of consumer protection.

(l) **Inspection of itinerant food vending establishments.** All itinerant food vending establishments shall be inspected by the director of health, registered sanitarian, or authorized agent, if such director, sanitarian or agent has been certified by the commissioner. Certification of each person conducting such inspections may be renewed every three (3) years by the commissioner. All itinerant food vending establishments shall be inspected in accordance with this subsection.

(1) Class I food vending establishments shall be inspected at intervals not to exceed three hundred and sixty (360) days.

(2) Class II food vending establishments shall be inspected at intervals not to exceed one hundred and eighty (180) days.

(3) Class III food vending establishments shall be inspected at intervals not to exceed one hundred and twenty (120) days.

(4) Class IV food vending establishments shall be inspected at intervals not to exceed ninety (90) days, except that an interval not to exceed one hundred and twenty (120) days may be allowed where one (1) of the inspections is a hazard analysis inspection.

(5) Access to establishments. The director of health, registered sanitarian or authorized agent after proper identification, shall be permitted to enter, at any reasonable time, any itinerant food vending establishment for the purpose of making inspections to determine compliance with this section. He shall be permitted to examine the records of the



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establishment to obtain information pertaining to food and supplies purchased, received, or used, and persons employed, but not including financial records.

(6) Inspection records. Weighted value. Rating scores. Whenever the director of health, registered sanitarian or authorized agent makes an inspection of an itinerant food vending establishment, he shall record his findings on an inspection report form included in this section and shall furnish a copy of such inspection report form to the owner or operator. Forms, such as computer forms, which are substantially equivalent to the inspection form included in this section may be approved by the commissioner. Such form shall summarize the requirements of this section and shall set forth weighted point values for each such requirement. Upon completion of an inspection, the director of health, registered sanitarian or authorized agent shall total the weighted point values for all requirements in compliance, such total becoming the rating score for the itinerant food vending establishment. The total weighted point value shall be scored for each item in violation.

**(m) Enforcement**

(1) Every itinerant food vending establishment shall maintain a rating score of eighty (80) or higher and shall not have one (1) or more four (4) demerit point items in violation, regardless of the rating score. The four (4) demerit point items include: food from approved source, wholesome, nonadulterated; potentially hazardous food meets temperature requirements during storage, preparation, display, service, and transportation; unwrapped and potentially hazardous food not re-served; toxic material properly stored, labeled, used; personnel with infections, restricted; personnel hands washed, clean; water source, adequate, safe; sewage disposal approved and no nuisance; no cross-connection, back-siphonage, backflow; and adequate toilet and handwashing facilities, convenient, accessible, designed, installed. If the rating score is below eighty (80) or if there is one (1) or more four (4) demerit point items in violation at the time of inspection, the director of health, registered sanitarian or authorized agent shall order correction of the items in violation within two (2) weeks. After the two (2) weeks, the director of health, registered sanitarian or authorized agent shall make a reinspection and determine the new rating score.

(2) If the rating score at the time of the reinspection is below eighty (80) or if there is one (1) or more four (4) demerit point items in violation, the director of health shall take immediate steps to have the itinerant food vending establishment closed.

(3) However, if there are insanitary or other conditions in the operation of an itinerant food vending establishment which in the judgement of the director of

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BHS-100-Rev. 06/01 <b>INSPECTION REPORT</b>		STATE OF CONNECTICUT		<input type="checkbox"/> ROUTINE INSPECTION <input type="checkbox"/> REINSPECTION	
<b>FOOD SERVICE ESTABLISHMENTS</b>		<b>DEPARTMENT OF PUBLIC HEALTH</b>		<input type="checkbox"/> PREOPERATIONAL <input type="checkbox"/> OTHER	
		410 Capitol Avenue, MS451FDP, Hartford, CT 06134			
NAME OF ESTABLISHMENT:				ESTABLISHMENT CLASS:	
STREET ADDRESS:				TOWN:	
OWNER or OPERATOR:				INSPECTION DATE and TIME:	

**Based on an inspection this day, the items marked below identify the violations in operation or facilities which must be corrected by the date specified below.**

<b>SOURCES OF FOOD</b> 1 Approved source, wholesome, not adulterated    4 2 Original container, properly labeled    1 <b>FOOD PROTECTION</b> 3 Potentially hazardous food meets temperature requirements during storage, preparation, display, service, and transportation    4 4 Adequate facilities to maintain product temperatures, thermometers provided    2 5 Potentially hazardous food properly thawed    2 6 Unwrapped or potentially hazardous food not reserved    4 7 Food protected during storage, preparation, display, service & transportation    2 8 Food containers stored off floor    2 9 Handling of food minimized    2 10 Food dispensing utensils properly stored    1 11 Toxic items properly stored, labeled, used    4 <b>PERSONNEL</b> 12 Personnel with infection restricted    4 <b>CLEANLINESS OF PERSONNEL</b> 13 Handwashing facilities provided, personnel hands washed, clean    4 14 Clean outer clothes, effective hair restraints    1 15 Good hygienic practices, smoking restricted    2 <b>EQUIPMENT &amp; UTENSILS: DESIGN, CONSTRUCTION &amp; INSTALLATION</b> 16 Food-contact surfaces designed, constructed, maintained, installed, located    2 17 Nonfood-contact surfaces designed, constructed, maintained, installed, located    1 18 Single service articles, storage, dispensing    2 19 No reuse of single service article    2 20 Dishwashing facilities approved design, adequately constructed, maintained, installed, located    2		<b>EQUIPMENT &amp; UTENSILS : CLEANLINESS</b> 21 Preflushed, scraped, soaked and rinsed    1 22 Wash water clean, proper temperature    1 23 Accurate thermometers provided, dish basket, if used    2 24 Sanitization rinse (hot water - chemical)    2 25 Clean wiping cloths    1 26 Food-contact surfaces of utensils & equipment clean    2 27 Nonfood-contact surfaces of utensils & equipment clean    1 28 Equipment/utensils, storage, handling    1 <b>WATER SUPPLY</b> 29 Water source adequate, safe    4 30 Hot and cold water under pressure, provided as required    2 <b>SEWAGE DISPOSAL</b> 31 Sewage disposal approved    4 32 Proper disposal of waste water    1 <b>PLUMBING</b> 33 Location, installation, maintenance    1 34 No cross connection, back siphonage, backflow    4 <b>TOILET FACILITIES</b> 35 Adequate, convenient, accessible, designed, installed    4 36 Toilet rooms enclosed with self-closing door    1 37 Proper fixtures provided, good repair, clean    1 <b>HANDWASHING FACILITIES</b> 38 Suitable hand cleaner and sanitary towels or approved hand drying devices provided, tissue waste receptacles provided    1 <b>GARBAGE/RUBBISH STORAGE &amp; DISPOSAL</b> 39 Approved containers, adequate number, covered, rodent proof, clean    1 40 Storage area/rooms, enclosures - properly constructed, clean    1 41 Garbage disposed of in an approved manner, at approved frequency    1 <b>RISK FACTOR VIOLATIONS IN RED</b>		<b>VERMIN CONTROL</b> 42 Presence of insects/rodents    2 43 Outer openings protected against entrance of insects/rodents    1 <b>FLOORS, WALLS &amp; CEILINGS</b> 44 Floors: floor covering installed, constructed as required, good repair, clean    1 45 Floors, graded, drained as required    1 46 Floor, wall juncture covered    1 47 Mats removable, good repair, clean    1 48 Exterior walking, driving surfaces, good repair, clean    1 49 Walls, ceilings attached, equipment properly constructed, good repair, clean. Wall & ceiling surfaces as required.    1 50 Dustless cleaning methods used, dusting equipment properly stored    1 <b>LIGHTING &amp; VENTILATION</b> 51 Adequate lighting provided as required    1 52 Room free of steam, smoke odors    1 53 Room & equipment hoods, ducts, vented as required    1 <b>DRESSING ROOMS &amp; LOCKERS</b> 54 Rooms adequate, clean, adequate lockers provided, facilities clean    1 <b>HOUSEKEEPING</b> 55 Establishment and premises free of litter, no insect/rodent harborage, no unnecessary articles    1 56 Complete separation from living/keeping quarters and laundry    1 57 Clean/holed linens stored properly    1 58 No live birds, turtles, or other animals (except guide dogs)    1 <b>SMOKING PROHIBITED</b> 59 Smoking prohibited, signs posted at each entrance    3 <b>QUALIFIED FOOD OPERATOR</b> 60 Qualified Food Operator    3 61 Designated alternate    2 62 Written documentation of training program    2	
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<b>DEMERIT SCORE</b> 		
TOTAL	RATING	Date Corrections Due

**SIGNATURE OF PERSON IN CHARGE**

**SIGNED (Inspector)**

**DESCRIBE DEFICIENCIES ON CONTINUATION SHEETS**

health constitutes an immediate and substantial hazard to the public health, he may immediately issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken, and, if deemed necessary order immediate correction. If correction is not made in the stated time, a written order shall be issued to close the itinerant food vending establishment.

(4) If the rating score is eighty (80) or above, the director of health, registered sanitarian or authorized agent shall order correction of any violations and specify time for correction. The itinerant food vending establishment shall also be reinspected as frequently as necessary in the determination of the local director of health to ensure compliance with this section.

(5) The owner or operator of any itinerant food vending establishment may at any time

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request an inspection for the purpose of improving the rating score of the establishment. Within ten (10) days following receipt of a request including a signed statement that the violations have in the applicant's opinion, been corrected, the director of health, registered sanitarian or authorized agent shall make an inspection and thereafter as many additional inspections as he may deem necessary to assure himself that the applicant is complying with requirements of this section.

(6) The owner or operator of an itinerant food vending establishment aggrieved by an order may, within forty-eight (48) hours after such order, appeal to the director of health, who shall thereupon immediately examine into the merits of such case and may vacate, modify or affirm such order. The owner or operator of an itinerant food vending establishment who is aggrieved by such action of the director of health may, no later than three (3) business days after receipt of the order, appeal to the commissioner who shall thereupon immediately notify the authority from whose order the appeal was taken and examine into the merits of such case and may vacate, modify or affirm such action.

(Effective April 25, 1994; Amended October 3, 2005; Amended July 3, 2007)

**Sec. 19-13-B49. Catering food service**

No person, firm or corporation shall operate or maintain within the state a catering food service establishment, which involves the sale or distribution of food and drink prepared in bulk at one (1) geographic location for service in individual portions at another or which involves preparation and service of food on public or private premises not under the ownership or control of the operator of such service except in compliance with the following requirements:

(a) **Definitions**, as used in this section:

(1) "Authorized agent" means any individual certified by the commissioner to inspect catering food service establishments and enforce the provisions of section 19-13-B49 of the Regulations of Connecticut State Agencies under the supervision and/or authority of the director of health.

(2) "Catering food service establishment" means a business involved in the sale or distribution of food and drink prepared in bulk in one (1) geographic location for service in individual portions at another or which involves preparation and service of food on public or private premises not under the ownership or control of the operator of such service.

(3) "Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing and includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage.

(4) "Commissioner" means the commissioner of public health.

(5) "Department" means the state of Connecticut Department of Public Health.

(6) "Director of health" means the director of a local health department or district health department approved by the commissioner as specified in Connecticut General Statutes sections 19a-200 and 19a-242, respectively.

(7) "Food employee" means an individual working with unpackaged food, food

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equipment or utensils, or food-contact surfaces.

(8) “Full-time position” means thirty (30) hours per week or the number of hours per week the catering food service establishment is open for business, whichever is less.

(9) “Hazard analysis” means an evaluation of food handling operations to identify points of potential product contamination and assess the adequacy of hot processing and hot and cold storage methods for foods.

(10) “Potentially hazardous food” means any food or food ingredient, natural or synthetic, that is in a form capable of supporting:

- (A) the rapid and progressive growth of infectious or toxigenic microorganisms, or
- (B) the slower growth of *Clostridium botulinum*.

(11) “Qualified food operator” means a food operator employed in a full-time position who has demonstrated a knowledge of safe food handling techniques.

(12) “Ready-to-eat food” means food that is in a form that is edible without washing, cooking, or additional preparation by the catering food service establishment or the consumer and that is reasonably expected to be consumed in that form.

(13) “Supervisory position” means the position of a person who directs and inspects the performance of catering food service workers.

(b) The floor surfaces in kitchens, in all other rooms and areas in which food or drink is stored or prepared, in which multi-use utensils are washed, and walk-in refrigerators, dressing or locker rooms and toilet rooms, shall be of smooth nonabsorbent materials, and so constructed as to be easily cleaned. The floors of non-refrigerated dry food storage areas need not be nonabsorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor. No sawdust or similar material shall be spread on the floors. All exterior areas where food is served shall be kept clean and properly drained, and the surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

(c) The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food or drink is prepared, or multi-use utensils or hands are washed, shall be easily cleanable, smooth, light-colored, and shall have washable surfaces up to the level reached by splash or spray.

(d) (1) Effective measures shall be taken to protect against the entrance into the establishment or breeding on the premises of insects, rodents and other animals by:

- (A) filling or closing holes and other gaps along floors, walls, and ceilings,
- (B) closed, tight-fitting windows, and
- (C) solid self-closing, tight-fitting doors; or

(2) if windows or doors are kept open for ventilation or other purposes, the openings shall be protected against the entrance of insects, rodents or other animals by:

- (A) 16 mesh to 25.4 mm (16 mesh to 1 inch) screens,
- (B) properly designed and installed air curtains, or
- (C) other methods which are submitted for review and approval by the local director of

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health. The submission of an alternative method to those listed in (A) and (B) of this subdivision for review by the director of health shall be accompanied by documentation which the director of health finds demonstrates that the method will be as effective in preventing the entrance of insects and rodents or other animals as those listed in (A) and (B) of this subdivision.

(3) Subdivision (2) of this subsection does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.

(e) All areas in which food or drink is prepared or stored or multi-use utensils are washed, handwashing areas, dressing or locker rooms, toilet rooms and garbage and rubbish storage areas shall be well lighted. During all cleanup activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned. All rooms in which food or drink is prepared or served or multi-use utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable state and local fire prevention requirements and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance.

(f) Each catering food service establishment preparing food or drink shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be sanitary and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet room walls shall be tight and extend from floor to ceiling. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Toilet and handwashing facilities accessible to the public shall be provided in conformance with sections 19-13-B105 through 19-13-B113 of the Regulations of Connecticut State Agencies. Where the use of non-water-carried sewage disposal facilities has been approved by the local director of health, such facilities shall be separate from the catering food service establishment. All sewage shall be disposed of in a public sewerage system or, in the absence thereof, in a manner approved by the local director of health. Plumbing shall be so sized, installed and maintained as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the catering food service establishment to the sewerage or sewage disposal system; and as not to constitute a source of contamination of food equipment or multi-use utensils, or create an insanitary condition or nuisance.

(g) The water supply shall be adequate, of a safe, sanitary quality, be in conformance with section 19-13-B102 of the Regulations of Connecticut State Agencies and be from an approved source which is in conformance with sections 19-13-B51A through 19-13-B51M of the Regulations of Connecticut State Agencies. Hot and cold running water under pressure shall be provided in all areas where food or drink is prepared or equipment, multi-use utensils or containers are washed. Hot water supplied in all areas where food or drink is



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prepared and where multi-use utensils and equipment are washed, and for other general purposes shall be maintained at a temperature of at least one hundred and ten (110) degrees f. through a mixing valve or combination faucet. Hot water supplied at hand washing sinks available to the public shall be in conformance with public health code section 19-13-B111 of the Regulations of Connecticut State Agencies. Ice used for any purpose shall be made from water which comes from an approved source; and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner.

(h) Each catering food service establishment serving food or drink shall be provided with handwashing facilities located to allow for convenient use by employees in food preparation, food dispensing, and warewashing areas, and within or immediately adjacent to all toilet rooms. The handwashing facilities shall be equipped with hot and cold or tempered running water, hand cleansing soap or detergent dispensed in a sanitary manner, and individual disposable towels or other hand drying device acceptable to the director of health. The use of a common towel is prohibited. A handwashing facility shall not be used for purposes other than handwashing. The handwashing facilities shall be maintained so that they are accessible at all times for employee use. Such facilities shall be kept clean and in good repair. No employee shall resume work after using the toilet room without first washing his hands.

All equipment and multi-use utensils, and all show and display cases or window counters, shelves, tables, chairs and refrigerating equipment shall be so designed of such material and workmanship as to be smooth, easily cleanable and durable and shall be in good repair; and the food contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, nontoxic, corrosion-resistant and relatively nonabsorbent. Sinks, dishtables and drainboards shall be constructed of galvanized metal or better, suitably reinforced, of such thickness and design as to resist denting and buckling, and sloped so as to be self-draining. Exceptions approved by the local director of health may be made to the above material requirements for equipment such as cutting boards, blocks and bakers' tables and containers for dry products.

(j) (1) All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas.

(2) Equipment in use on October 15, 1963, which does not fully meet the above requirements may be continued in use if it is in good repair and capable of being maintained in a sanitary condition, and if the food contact surfaces are nontoxic. Utensils containing or plated with cadmium or lead shall not be used, provided solder containing lead may be used for jointing. All cloths and towels used by waiters, chefs and other employees shall be clean.

(3) All multi-use eating and drinking utensils shall be thoroughly washed and rinsed and sanitized after each use, in accordance with the following approved sanitizing process.

(A) When manual dishwashing is used, a three-compartment sink shall be provided and used wherever washing, rinsing, and sanitization of equipment or utensils are conducted; provided, that in catering food service establishments where the only utensils to be washed are limited to spatulas, tongs, and similar devices, and when the only equipment to be



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cleaned is stationary and does not require disassembly for proper cleaning, a two-compartment sink may be approved by the director of health for this purpose. At least a two-compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization. A warewashing sink shall not be used for handwashing or dumping mop water. Sinks used to wash or thaw food shall be sanitized before and after using the sink to wash produce or thaw food. Utensils after thorough washing and rinsing, clean to sight and touch, shall be sanitized by:

(i) Immersion for at least one (1) minute in clean, hot water at a temperature of at least one hundred and seventy (170) degrees F. An approved thermometer shall be available convenient to the vat. The pouring of scalding water over the washed utensils shall not be accepted as satisfactory compliance; or

(ii) immersion for at least one (1) minute in a sanitizing solution containing: at least fifty (50) mg/l of available chlorine at a temperature of not less than seventy-five (75) degrees F. The bath should be made up to a strength of one hundred (100) mg/l or more of available chlorine and shall not be used after its strength has been reduced to fifty (50) mg/l; or at least twelve and one-half (12.5) mg/l of available iodine in a solution having a pH value not higher than five (5.0) and a temperature of not less than seventy-five (75) degrees F.; or any other chemical sanitizing agent which has been demonstrated to the satisfaction of the director of health to be effective and non-toxic under conditions of use hereunder and for which a suitable field test is available. Such sanitizing agents shall provide a bactericidal effect equivalent to a solution containing at least fifty (50) mg/l of available chlorine at a temperature not less than seventy-five (75) degrees F.

(B) When dishwashing is done by machine:

(i) Wash water shall be kept reasonably clean, and rinse-water tanks shall be so protected by distance, baffles or other effective means as to minimize the entry of wash water into the rinse water. All water inlets shall be protected against backflow.

(ii) The flow pressure shall be not less than fifteen (15) or more than twenty-five (25) pounds per square inch on the water line at the machine, and not less than ten (10) pounds per square inch at the rinse nozzles. A suitable gauge cock shall be provided immediately upstream from the final rinse sprays to permit checking the flow pressure of the final rinse water.

(iii) The temperature of the wash water shall not be less than:

(a) one hundred and sixty-five (165) degrees F. for a single temperature stationary rack machine;

(b) one hundred and sixty (160) degrees F. for a single tank, conveyor, dual temperature machine;

(c) one hundred and fifty (150) degrees F. for a single tank, stationary rack, dual temperature machine; and

(d) one hundred and fifty (150) degrees F. for a multitank, conveyor, multitemperature machine.

When hot water is relied upon for sanitization in a mechanical warewashing operation,

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the temperature of the fresh hot water sanitizing rinse as it enters the manifold shall not be less than one hundred and sixty-five (165) degrees F. for a stationary rack, single temperature machine; or one hundred and eighty (180) degrees F. for all other machines. The temperature of the fresh hot water sanitizing rinse shall not be more than one hundred and ninety-four (194) degrees F. as it enters the manifold. The item being sanitized shall attain a temperature of one hundred and sixty (160) degrees F. on its surface during the final rinse. When a pumped rinse is provided, the water shall be at a temperature of at least one hundred and sixty (160) degrees F.

(iv) Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.

(v) An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate the temperature of the water or solution therein. In addition, a thermometer shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.

(vi) Jets, nozzles and all other parts of each machine shall be maintained free of chemical deposits, debris and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.

(c) Dishwashing may be done by machines using chemicals for sanitization, provided:

(i) The machines, chemical sanitizer and method of drying utensils are approved by the commissioner.

(ii) The temperature of the wash water shall not be less than one hundred and twenty (120) degrees F.; and

(iii) The wash water shall be kept clean; and

(iv) Adequate amounts of chemicals for washing, sanitizing and drying shall be available. Chemicals added for washing, sanitization and drying purposes shall be automatically dispensed, compatible, not interfering with the effective purpose of each other; and

(v) Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturer's specifications for time and concentration; and

(vi) The chemical sanitizing rinse water temperature shall be not less than seventy-five (75) degrees F. nor less than the temperature specified by the machine's manufacturer; and

(vii) A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.

(4) All kitchenware and food contact surfaces of equipment that have been used in the preparation or serving of food and drink, and all multi-use food storage utensils, exclusive of cooking surfaces of equipment, shall be thoroughly cleaned at least every four (4) hours. Cooking surfaces of equipment shall be cleaned at least once a day. All food temperature measuring devices, multi-use utensils and food contact surfaces of equipment used in the preparation or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use and following: a change from working with raw animal foods to working with ready-to-eat foods; a change in the type of raw animal food such as beef, fish, lamb, pork, or poultry; use with raw fruit or vegetables prior to use with potentially

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hazardous food; and at any time during the operation when contamination may have occurred. Unless approved by the director of health for a different frequency of cleaning, equipment, food contact surfaces and utensils that have been used with potentially hazardous food shall be cleaned and sanitized at least every four (4) hours. Nonfood contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

(5) No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

(k) After cleaning and until use, all food contact surfaces of equipment and multi-use utensils shall be so stored and handled as to be protected from contamination. All single-service eating and drinking articles shall be made from nontoxic materials, and shall have been manufactured, packaged, transported, stored, handled and dispensed in a sanitary manner, and shall be used only once. Drinking straws or any other device, hollow in nature, whereby through its use a beverage can be drawn into the mouth shall be separately wrapped either individually or in pairs with a sanitary protective covering for individual use. Catering food service establishments which do not have adequate and effective facilities for cleaning and sanitizing multi-use utensils shall use single-service articles.

(l) All garbage and rubbish containing food wastes shall, prior to disposal, be kept in a leak-proof, nonabsorbent container which shall be kept covered with tight fitting lids when filled or stored, or not in continuous use; provided such containers need not be covered when stored in a vermin-proofed room or enclosure or in a food waste refrigerator. All other rubbish shall be stored in containers, rooms or areas in an approved manner. The rooms, enclosures, areas and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food waste grinders, if used, shall be installed in compliance with state and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

(m) (1) Except during necessary periods of preparation and service, potentially hazardous foods shall be maintained at forty-five (45) degrees F. or below, or one hundred forty (140) degrees F. or above, except beef roasts and pork roasts cooked to an internal temperature and time specified below may be held hot at one hundred thirty (130) degrees F. or above. The use of time only, rather than time in conjunction with temperature, may be permitted by the director of health and may be used as a public health control for a working supply of potentially hazardous food before cooking or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption if: the food is marked or otherwise identified with the time within which it shall be cooked, served, or discarded; the food is served or discarded within 4 hours from the point in time when the food is removed from temperature control; the food in unmarked containers or packages, or for which time expires, is discarded; and written procedures that assure compliance are maintained in the catering food service establishment and are made available to the authorized agent upon

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request. Except as specified raw food shall be cooked as follows:

(A) whole roasts, corned beef, and pork roasts shall be cooked to heat all parts of the food to the following minimum temperatures and corresponding minimum holding times: one hundred thirty (130) degrees F. for one hundred twenty-one (121) minutes; or one hundred forty (140) degrees F. for twelve (12) minutes; or one hundred forty-five (145) degrees F. for three (3) minutes;

(B) shell eggs, fish, meat and pork (other than whole roasts, corned beef, and pork roasts) shall be cooked to heat all parts of the food to at least one hundred forty-five (145) degrees F. for fifteen (15) seconds;

(C) all meat and fish products that are ground or comminuted shall be cooked to heat all parts of the food to at least one hundred and forty-five (145) degrees F. for three (3) minutes, one hundred and fifty (150) degrees F. for one (1) minute, one hundred and fifty-five (155) degrees F. for fifteen (15) seconds, or one hundred and fifty-eight (158) degrees F. instantaneously;

(D) game meats; poultry; ground or comminuted poultry; stuffed fish; stuffed meat; stuffed pasta; stuffed poultry; or stuffing containing potentially hazardous food ingredients shall be cooked to heat all parts of the food to at least one hundred sixty-five (165) degrees F. for fifteen (15) seconds;

(E) raw animal foods cooked in a microwave oven shall be: rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat; covered to retain surface moisture; heated to a temperature of at least one hundred sixty-five (165) degrees F. in all parts of the food; and allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium;

(F) pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of foods that are not thoroughly cooked such as caesar salad, salad dressing; hollandaise or barnaise sauce, mayonnaise, egg nog, ice cream, egg-fortified beverages, and in recipes requiring pooled eggs that are not cooked immediately.

Exempted from the above is a raw animal food such as raw egg, raw fish, raw-marinated fish; raw molluscan shellfish; steak tartare; or partially cooked food such as lightly cooked fish, rare meat, and soft cooked egg that is served or offered for sale in a ready-to-eat form. Pork and poultry products are not exempt from the required cooking times and temperatures. The consumer shall be informed of the risks involved with the consumption of raw or undercooked animal food by means of posters, brochures, menu advisories, label statements, table tents, placards, or other written means available at the catering food service establishment which state: "thoroughly cooking meats, poultry, seafood, shellfish, or eggs reduces the risk of foodborne illness". Exemptions to the food temperature requirements shall not be allowed at catering food service establishments serving highly susceptible populations such as immunocompromised individuals or older adults in hospitals, nursing homes, or similar health care facilities as defined in Connecticut General Statutes section 19a-490 and that are subject to this section and preschool age children in a facility that provides custodial care and is subject to this section such as child day care centers as defined

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in Connecticut General Statutes section 19a-77(a)(1).

(2) Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, shall be thawed at refrigerator temperatures of forty-five (45) degrees F. or below; or under cool, potable running water seventy (70) degrees F. or below; or quick thawed as part of the cooking process; or by any other method satisfactory to the local director of health. Waste water from refrigeration equipment shall be disposed of in a proper manner.

(3) Cooked potentially hazardous foods shall be cooled from one hundred forty (140) degrees F. to seventy (70) degrees F. within two (2) hours, and from seventy (70) degrees F. to forty-five (45) degrees F. or below within four (4) additional hours. Potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees F. for fifteen (15) seconds, provided that remaining unsliced portions of roasts of beef that are cooked as specified in this subsection may be reheated for hot holding to one hundred forty-five (145) degrees F. for three (3) minutes. Reheating for hot holding shall be done within two (2) hours. Ready-to-eat food taken from a commercially processed, hermetically sealed container shall be heated to a temperature of at least one hundred forty (140) degrees F. for hot holding. Cooked, cooled, and refrigerated food that is prepared for immediate service in response to an individual consumer order may be served at any temperature.

(4) Food temperature measuring devices shall be provided and be readily accessible for use in ensuring attainment and maintenance of proper food temperatures. Food temperature measuring devices shall be accurate to  $\pm$  two (2) degrees F.

(n) All food and drink in catering food service establishments shall be from sources approved or considered satisfactory by the director of health, based on a determination of conformity with principles, practices, and generally recognized standards that protect public health; shall be in compliance with applicable state and local laws and regulations; shall be transported and delivered at required temperatures; and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption. Any food or drink considered unsafe for human consumption shall be destroyed or disposed of in a manner satisfactory to the director of health. No hermetically sealed, non-acid or low-acid food which has been processed in a place other than a commercial food processing establishment shall be used. Molluscan shellfish shall be from sources listed in the most recent publication of the interstate certified shellfish shippers list distributed by the federal food and drug administration and approved or considered acceptable by the Connecticut Department of Agriculture, Bureau of Aquaculture, and, if shucked, shall be kept until used in the containers in which they were received. Shell stock tags or labels shall be retained for 90 days from the date the container is emptied. Finfish shall be commercially and legally caught or harvested. Fluid milk and milk products shall be pasteurized and conform to grade



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A standards, the requirements of the United States Public Health Service, Food and Drug Administration “grade A pasteurized milk ordinance” and “grade A condensed milk ordinance.” Shell eggs shall be from commercial, regulated sources inspected according to law and shall be received clean and sound, and shall be graded as required by law.

(o) (1) All food and drink while being stored, prepared, displayed, served or sold at catering food service establishments, or during transportation between such establishments, shall be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, or other contamination. Raw fruits and vegetables shall be washed before use. If used, single use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.

(2) Food once served to the customer shall not be served again. Wrapped non potentially hazardous food which has not been unwrapped and which is wholesome may be re-served.

(3) All means necessary for the elimination of flies, roaches and rodents shall be used. All exposed food shall be stored at least eighteen (18) inches above the floor.

(4) Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food service establishments. Poisonous and toxic materials shall be identified and shall be stored and used only in such manner and under such conditions as will not contaminate food and drink or constitute a hazard to employees or customers.

(p) Food employees shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices. They shall wash their hands thoroughly in an approved handwashing facility before starting work. Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough. Food employees shall keep their fingers, nails, hands, and exposed portions of their arms clean by using a cleaning compound to lather hands and arms for at least 20 seconds, followed by thorough rinsing with clean water in a handwashing facility, and hand drying using approved sanitary towels or other approved hand drying device. Employees shall wash their hands thoroughly in an approved handwashing facility before starting work. Food employees shall clean their hands and exposed portions of their arms as often as may be required to remove soil and contamination; after touching bare human body parts; after using the toilet room; after caring for assistance animals; after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; after handling soiled equipment or utensils; when changing gloves; after handling money; immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles; during food preparation as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks; when switching between working with raw foods and ready-to-eat foods; and after engaging in other activities that contaminate the hands. Employees shall not expectorate in rooms in which food is prepared. Employees shall not use tobacco in any



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form while engaged in food preparation or service, or while in equipment and multi-use utensil washing or food preparation areas. Designated locations in such areas may be approved by the local director of health for smoking, where no contamination hazards will result.

(q) (1) All parts of the establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food contact surfaces. None of the operations connected with a catering food service establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the storage or preparation of food or for the cleaning or storage of utensils, or in toilet rooms or employees' dressing rooms or areas, in vehicles used for transporting food, or in any other area or facility used in the conduct of catering food service establishment operations; provided guide dogs or assistance dogs accompanying blind, deaf, or mobility impaired persons and dogs accompanying persons training such dogs as guide or assistance dogs as defined pursuant to the Connecticut General Statutes sections 46a-42, and 46a-44, may be permitted in dining rooms.

(2) Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Where employees routinely change clothes within the catering food service establishment, one (1) or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be located outside of the food preparation, storage and serving areas, and the multi-use utensil washing and storage areas. When approved by the local director of health, such an area may be located in a storage room where only completely packaged food is stored. Such designated areas or dressing rooms shall be equipped with adequate lockers or other suitable facilities. Dressing rooms and lockers shall be kept clean and orderly.

(r) All vehicles used in the transportation of food or food products of all kinds shall be kept in a clean and sanitary condition.

(s) No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or any acute respiratory infection, shall work in any area of a catering food service establishment in any capacity in which there is likelihood of such person contaminating food, drink or food contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the management of the catering food service establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the local director of health immediately. When the local director of health has reasonable cause to suspect possibility of disease transmission from any catering food service establishment employee, the director of health shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The director of health may

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require any or all of the following measures:

(1) the immediate exclusion of the employee from all catering food service establishments;

(2) the immediate discontinuance of the catering food service operations concerned until, in the opinion of the director of health, no further danger of disease outbreak exists;

(3) restriction of the employees' services to some area of the catering food service establishment where there would be no danger of transmitting disease;

(4) adequate medical and laboratory examinations of the employee, or other employees, and of his and their body discharges; and

(5) food employees shall not contact exposed ready-to-eat food with bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single use disposable gloves or dispensing equipment, except when washing raw fruits and vegetables to remove soil and other contaminants. Food employees shall minimize bare hand contact with exposed food that is not in a ready-to-eat form. Ready-to-eat food includes: unpackaged potentially hazardous food that is cooked to the temperatures and time required for the specific food under section 19-13-B49(m)(1); raw, washed, cut fruits and vegetables; whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

(t) (1) No person, firm or corporation shall operate or maintain a catering business for preparation or service of food within any town, city or borough without a local permit or license, or otherwise without registration of the name and business address with the local director of health of the town, city or borough in which the business is conducted, if such permit or license is required by local ordinance.

(2) Catering food service establishment classification. The director of health, registered sanitarian, or authorized agent shall classify each catering food service establishment by using the criteria outlined in this subdivision. Catering food service establishments shall be classified at the time of licensure, where licensure is required by local ordinance, or otherwise at the time of registration with the local director of health. The classification shall be reviewed by the director of health, registered sanitarian, or authorized agent during each inspection and in no case less than annually. The catering food service establishment shall be placed into the highest classification that describes any of the food operations conducted. When it comes to the attention of the director of health, registered sanitarian, or authorized agent that the operation has changed to a different class the director of health, registered sanitarian, or authorized agent shall reclassify the catering food service establishment. No catering food service establishment shall change food operations to a different classification without prior approval by the director of health, registered sanitarian, or authorized agent. The classes of catering food service establishments are as follows:

(A) Class I is a catering food service establishment with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be

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heated and served in the original package within four (4) hours.

(B) Class II is a catering food service establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours and commercially precooked hot dogs, kielbasa, and soup may be heated if transferred directly out of the original package and served within four (4) hours.

(C) Class III is a catering food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation.

(D) Class IV is a catering food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public.

(3) Qualified food operator required. Each person owning, operating or managing any catering food service establishment designated as class III or class IV shall be a qualified food operator or shall employ on-site at least one (1) qualified food operator who is in a supervisory position at said establishment. Each catering food service establishment shall be in compliance with this subdivision by August 1, 1997. Satisfactory evidence of compliance with this subdivision shall be documentation that the qualified food operator has passed a test administered by a testing organization approved by the department, or other documentation satisfactory to the department attesting to the individual's knowledge of safe food handling techniques as specified in subdivision (5) of this subsection. Said documentation shall be maintained on file at the catering food service establishment and provided to the local director of health, registered sanitarian, or authorized agent on request. Exempt from the requirements of this subdivision are special events sponsored by non-profit civic organizations such as, but not limited to, school sporting events, little league, and fairs. Any volunteer who serves meals for a nonprofit organization shall be exempt from the examination requirement for qualified food operators.

(4) Criteria for approval of testing organizations. To be approved, a testing organization shall make application to the department and therein demonstrate responsibility for all aspects of the testing system from the development of the test, through test administration including test security system, documentation of successful test completion and record maintenance. Testing organizations must reapply for approval every five (5) years. Testing organizations shall demonstrate responsibility for all of the following areas:

(A) Test development. The test shall be based on an objective job analysis to determine content areas and shall include, but not be limited to, elements that test the qualified food operator's knowledge of food allergies. The test shall be developed based on generally accepted standards of test development. A passing score study to set the required passing scores shall be conducted. Content validation and examination field test studies shall be conducted.

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(B) Test security. The testing organization shall have test security systems to ensure the integrity of the test during all phases of test development and handling. Test administrators must be trained in test security procedures. Where client based testing is conducted, proctoring agreements that establish examination handling and proctoring procedures are required between the testing organization and the proctor. Different forms of the test shall be maintained.

(C) Test administration. The testing organization shall serve as the primary contact for individuals interested in the test. Explanatory test materials shall be available to interested parties. Guidelines for test administration shall be developed. The test shall be readily available to meet the needs of Connecticut.

(D) Documentation and record keeping. All individuals taking the test shall be provided documentation indicating whether they passed or failed the test. Statistics on the test including an item analysis shall be maintained. A registry of all individuals who have taken the test shall be maintained. Statistical and registry information shall be made available to the department and local health departments upon request.

(5) Other documentation satisfactory to the department. In the absence of documentation that the qualified food operator has passed a test administered by a testing organization approved by the department, a signed statement by the owner/operator of the catering food service establishment attesting that the qualified food operator has demonstrated knowledge of food safety as specified in subparagraphs (A) and (B) of this subdivision shall constitute satisfactory evidence of compliance with subdivision (3) of this subsection. The local director of health may require documentation to support the signed statement. The following specific elements of knowledge and competence are required.

(A) Elements of knowledge

(i) Identify foodborne illness - define terms associated with foodborne illness; recognize the major microorganisms and toxins that can contaminate food and the problems that can be associated with the contamination; define and recognize potentially hazardous foods; define and recognize illness that can be associated with chemical and physical contamination; define and recognize the major contributing factors for foodborne illness; recognize how microorganisms cause foodborne disease.

(ii) Identify time/temperature relationship with foodborne illness - recognize the relationship between time/temperature and microorganisms (survival, growth, and toxin production); describe the use of thermometers in monitoring food temperatures.

(iii) Describe the relationship between personal hygiene and food safety - recognize the association between hand contact and foodborne illness; recognize the association between personal habits and behaviors and foodborne illness; recognize the association between health of a foodhandler and foodborne illness; recognize how policies, procedures and management contribute to improved food hygiene practices.

(iv) Describe methods for preventing food contamination from purchasing to serving - define terms associated with contamination: identify potential hazards prior to delivery and during delivery; identify potential hazards and methods to minimize or eliminate hazards

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after delivery.

(v) Identify and apply correct procedures for cleaning and sanitizing equipment and utensils - define terms associated with cleaning and sanitizing: apply principles of cleaning and sanitizing; identify materials, equipment, detergent, sanitizer; apply appropriate methods of cleaning and sanitizing; identify frequency of cleaning and sanitizing.

(vi) Recognize problems and potential solutions associated with facility, equipment, and layout - identify facility, design, and construction suitable for food establishments; identify equipment and utensil design and location.

(vii) Recognize problems and potential solutions associated with, temperature control, preventing cross contamination, housekeeping and maintenance - implement self inspection program: implement pest control program; implement cleaning schedules and procedures: implement equipment and facility maintenance program.

(viii) Identify and recognize the foods most commonly associated with food allergies.

(B) Demonstrable elements of competency

(i) Assess the potential for foodborne illness in a food establishment - perform operational food safety assessment: recognize and develop standards, policies and procedures; select and train employees: implement self audit/inspection program; revise policy and procedure (feedback loop): implement crisis management program.

(ii) Assess and manage the process flow - identify approved source: implement and maintain a receiving program: implement and maintain storage procedures: implement and maintain preparation procedures; implement and maintain holding service/display procedures; implement and maintain cooling and post preparation storage procedures. Implement and maintain re-service procedures. Implement and maintain transportation procedures.

(6) Replacement of qualified food operator. Whenever the qualified food operator terminates employment, is terminated or is transferred, the person owning, operating or managing the catering food service establishment shall notify the local health department in writing. A replacement qualified food operator shall be employed within sixty (60) days from the date of termination or transfer of the qualified food operator. The local health department may grant an extension not to exceed an additional sixty (60) days to comply with this subdivision if deemed necessary.

(7) Responsibilities of qualified food operators

(A) The qualified food operator is responsible for operating the catering food service establishment in compliance with all the provisions of section 19- 13-B49 of the Regulations of Connecticut State Agencies. The qualified food operator of each catering food service establishment shall be responsible for ensuring training of food preparation personnel. All such personnel shall receive training which shall include but not necessarily be limited to: instruction in proper food temperature control; food protection; personal health and cleanliness; and sanitation of the facility, equipment, supplies and utensils. Volunteers who serve meals for a nonprofit organization shall be exempt from the examination requirement for qualified food operators but shall receive training from any qualified food operator. The



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qualified food operator of each catering food service establishment shall maintain written documentation of a training program, and training records of individual employees, and shall make these records available to the local health department upon request. The owner, operator, manager or qualified food operator of a catering food service establishment at a nonprofit organization shall maintain such documentation and make such records available to the local health department upon request.

(B) The owner or manager of the catering food service establishment shall designate an alternate person who has complied with section 19-13-B49(t)(5) to be in charge at all times when the qualified food operator cannot be present. This alternate person in charge shall be responsible for: ensuring that all employees comply with the requirements of this section and that foods are safely prepared; handling emergencies; admitting the inspector; and receiving and signing the inspection report.

(u) Inspection of catering food service establishments. All catering food service establishments shall be inspected by the director of health, registered sanitarian, or an authorized agent of the director of health if such director, sanitarian or agent has been certified by the commissioner. Candidates for certification must be sponsored by a local director of health, and possess as minimum requirements a bachelors degree or three years experience in a food safety or regulatory food protection program acceptable to the department. Candidates shall not be involved in the ownership or management of a food establishment located within his jurisdiction. The certification program shall consist of a two stage process: 1) successful completion of classroom training and passing score on a final written exam; and 2) completion of a series of inspections with a certification officer from the Department Food Protection Program. Upon completion of the certification process, the department shall notify the director of health and the candidate in writing specifying the issuance of certification and expiration date. The commissioner shall have the authority to renew certification of each person conducting such inspections every three (3) years. Recertification may be granted upon the successful completion of sixteen (16) hours of approved food protection training every three years. The department shall be responsible for approving and assuring the provision of such training. Failure to comply with recertification requirements shall result in the certification to conduct inspections not being renewed. The department shall notify the director of health and the chief elected official of the affected food service jurisdiction when a certification is not renewed. All catering food service establishments shall be inspected in accordance with this subsection.

(1) Class I catering food service establishments shall be inspected at intervals not to exceed three hundred and sixty (360) days.

(2) Class II catering food service establishments shall be inspected at intervals not to exceed one hundred and eighty (180) days.

(3) Class III catering food service establishments shall be inspected at intervals not to exceed one hundred and twenty (120) days.

(4) Class IV catering food service establishments shall be inspected at intervals not to exceed ninety (90) days, except that an interval not to exceed one hundred and twenty (120)



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days may be allowed where one (1) of the inspections is a hazard analysis inspection.

(5) Access to establishments. The director of health, registered sanitarian or authorized agent after proper identification, shall be permitted to enter, at any reasonable time, any catering food service establishment for the purpose of making inspections to determine compliance with this section. He shall be permitted to examine the records of the catering food service establishment to obtain information pertaining to food and supplies purchased, received, or used, and persons employed, but not including financial records.

(6) Inspection records. Weighted values. Rating scores. Whenever the director of health, registered sanitarian or authorized agent makes an inspection of a catering food service establishment, he shall record his findings on an inspection report form included in this section and shall furnish a copy of such inspection report form to the owner or operator. Such form shall summarize the requirements of this section and shall set forth weighted point values for each such requirement. Forms, such as computer forms, that are substantially equivalent to the inspection form included in this section may be approved by the commissioner. Upon completion of an inspection, the director of health, registered sanitarian or authorized agent shall total the weighted point values for all requirements in compliance, such total becoming the rating score for the catering food service establishment. The total weighted point value shall be scored for each item in violation.

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DHS-106-Rev. 06/01 <b>INSPECTION REPORT</b> <b>STATE OF CONNECTICUT</b> <b>FOOD SERVICE ESTABLISHMENTS</b> <b>DEPARTMENT OF PUBLIC HEALTH</b> 410 Capitol Avenue, MS#51FDP, Hartford, CT 06134		<input type="checkbox"/> ROUTINE INSPECTION <input type="checkbox"/> REINSPECTION <input type="checkbox"/> PREOPERATIONAL <input type="checkbox"/> OTHER									
NAME OF ESTABLISHMENT _____ STREET ADDRESS _____ OWNER or OPERATOR _____		ESTABLISHMENT CLASS _____ TOWN _____ INSPECTION DATE AND TIME _____									
Based on an inspection this day, the items marked below identify the violations in operation or facilities which must be corrected by the date specified below.											
<b>SOURCES OF FOOD</b> 1 Approved source, wholesome, nonadulterated    4 2 Original container, properly labeled    1		<b>EQUIPMENT &amp; UTENSILS : CLEANLINESS</b> 21 Preflushed, scraped, soaked and racked    1 22 Wash water clean, proper temperature    1 23 Accurate thermometers provided, dish basket, if used    2 24 Sanitization rinse (hot water - chemical)    2 25 Clean wiping cloths    1 26 Food-contact surfaces of utensils & equipment clean    2 27 Nonfood-contact surfaces of utensils & equipment clean    1 28 Equipment/utensils, storage, handling    1									
<b>FOOD PROTECTION</b> 3 Potentially hazardous food meets temperature requirements during storage, preparation, display, service, and transportation    4 4 Adequate facilities to maintain product temperature, thermometers provided    2 5 Potentially hazardous food properly thawed    2 6 Unwrapped or potentially hazardous food not re-served    4 7 Food protected during storage, preparation, display, service & transportation    2 8 Food containers stored off floor    2 9 Handling of food minimized    2 10 Food dispensing utensils properly stored    1 11 Toxic items properly stored, labeled, used    4		<b>WATER SUPPLY</b> 29 Water source adequate, safe    4 30 Hot and cold water under pressure, provided as required    2									
<b>PERSONNEL</b> 12 Personnel with infection restricted    4		<b>SEWAGE DISPOSAL</b> 31 Sewage disposal approved    4 32 Proper disposal of waste water    1 34 No cross connection, back siphonage, backflow    4									
<b>CLEANLINESS OF PERSONNEL</b> 13 Handwashing facilities provided, personnel hands washed, clean    4 14 Clean outer clothes, effective hair restraints    1 15 Good hygienic practices, smoking restricted    2		<b>PLUMBING</b> 33 Location, installation, maintenance    1 34 No cross connection, back siphonage, backflow    4									
<b>EQUIPMENT &amp; UTENSILS: DESIGN, CONSTRUCTION &amp; INSTALLATION</b> 16 Food-contact surfaces designed, constructed, maintained, installed, located    2 17 Nonfood-contact surfaces designed, constructed, maintained, installed, located    1 18 Single service articles, storage, dispensing    2 19 No reuse of single service article    2 20 Dishwashing facilities approved design, adequately constructed, maintained, installed, located    2		<b>TOILET FACILITIES</b> 35 Adequate, convenient, accessible, designed, installed    4 36 Toilet rooms enclosed with self-closing door    1 37 Proper fixtures provided, good repair, clean    1									
<b>DEMERIT SCORE</b> <table border="1" style="width:100%; text-align: center;"> <tr> <td>4</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>		4	3	2	1					<b>HANDWASHING FACILITIES</b> 38 Suitable hand cleaner and sanitary towels or approved hand drying devices provided, tissue waste receptacles provided    1	
4	3	2	1								
<b>TOTAL</b> <b>RATING</b> <b>Date Corrections Due</b> <table border="1" style="width:100%;"> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>					<b>GARBAGE/RUBBISH STORAGE &amp; DISPOSAL</b> 39 Approved containers, adequate number, covered, rodent proof, clean    1 40 Storage areas/rooms, enclosures - properly constructed, clean    1 41 Garbage disposed of in an approved manner, at approved frequency    1						
		<b>RISK FACTOR VIOLATIONS IN RED</b> Signature of Person in charge _____ SIGNED (Inspector) _____									

DESCRIBE DEFICIENCIES ON CONTINUATION SHEETS

**(v) Enforcement**

(1) Every catering food service establishment shall maintain a rating score of eighty (80) or higher and shall not have one (1) or more four (4) demerit point items in violation, regardless of the rating score. The four (4) demerit point items include: food from approved source, wholesome, nonadulterated; potentially hazardous food meets temperature requirements during storage, preparation, display, service, and transportation; unwrapped or potentially hazardous food not re-served; toxic material properly stored, labeled, used; personnel with infections restricted; adequate handwashing facilities convenient, accessible, designed, installed, personnel hands washed, clean; water source, adequate, safe; sewage disposal approved and no nuisance; no cross-connection, back-siphonage, backflow; and

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adequate toilet facilities, convenient, accessible, designed, installed. If the rating score is below eighty (80) or if there is one (1) or more four (4) demerit point items in violation at the time of inspection, the director of health, registered sanitarian or authorized agent shall order correction of the items in violation within two (2) weeks. After the two (2) weeks, the director of health, registered sanitarian or authorized agent shall make a reinspection and determine the new rating score.

(2) If the rating score at the time of the reinspection is below eighty (80) or if there is one (1) or more four (4) demerit point items in violation, the director of health shall take immediate steps to have the catering food service establishment closed.

(3) However, if there are insanitary or other conditions in the operation of a catering food service establishment which in the judgment of the director of health constitutes an immediate and substantial hazard to the public health, he may immediately issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken, and, if deemed necessary order immediate correction. If correction is not made in the stated time, a written order shall be issued to close the catering food service establishment.

(4) If the rating score is eighty (80) or above, the director of health, registered sanitarian or authorized agent shall order correction of any violations and specify time for correction. If a qualified food operator is not employed on-site, except as provided by the qualified food operator replacement provision in section 19-13-B49(t)(6), the catering food service establishment has thirty (30) days to comply. If correction has not been made after thirty (30) days, the director of health shall take immediate steps to close the catering food service establishment. The catering food service establishment shall also be reinspected as frequently as necessary in the determination of the local director of health to maintain compliance with this section.

(5) The owner or operator of any catering food service establishment may at any time request an inspection for the purpose of improving the rating score of the catering food service establishment. Within ten (10) days following receipt of a request including a signed statement that the violations have in the applicant's opinion, been corrected, the director of health, registered sanitarian or authorized agent shall make an inspection and thereafter as many additional inspections as he may deem necessary to assure himself that the applicant is complying with the requirements of this section.

(6) The owner or operator of a catering food service establishment aggrieved by an order may, within forty-eight (48) hours after such order, appeal to the director of health, who shall thereupon immediately examine into the merits of such case and may vacate, modify or affirm such order. The owner or operator of a catering food service establishment who is aggrieved by such action of the director of health may, no later than three (3) business days after receipt of the order, appeal to the commissioner of health who shall thereupon immediately notify the authority from whose order the appeal was taken and examine into

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the merits of such case and may vacate, modify or affirm such action.

(Effective January 27, 1975; Amended April 25, 1994; Amended April 25, 1997; Amended July 6, 2001; Amended October 3, 2005; Amended July 3, 2007)

**Water Supply Wells and Springs**

**Sec. 19-13-B50. Public and semi-public water supplies (Repealed)**

Repealed June 11, 2014.

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 19-13-B51. Repealed**

Repealed January 12, 1971.

**Sec. 19-13-B51a. Effective date**

The provisions of section 19-13-B51a to 19-13-B51l, inclusive, shall be applicable to all water supply wells constructed after the effective date.

(Effective January 12, 1971)

**Sec. 19-13-B51b. Definitions**

As used in sections 19-13-B51a to 19-13-B51l, inclusive:

(1) “Water supply well” means an artificial excavation, constructed by any method, for the purpose of getting water for drinking or other domestic use;

(2) “Well contractor” means any person, firm or corporation drilling or constructing a water supply well;

(3) “Aquifer” means a water-bearing earth material which can transmit water in significant quantity. It can be either consolidated rock (ledge rock) or unconsolidated material (sand, gravel, soil with boulders, etc.);

(4) “Dug well” means a well excavated into a shallow aquifer;

(5) “Spring” means a place where, without planned intervention of man, water flows from consolidated rock or unconsolidated material on land or into a body of surface water such as a lake, stream, or river. A spring shall have the same protection requirements as a dug well.

(6) “Driven well” means a well which is constructed by driving a permanent casing with a screen area into unconsolidated material. Driven wells do not penetrate consolidated rock;

(7) “Gravel well” means a well constructed into unconsolidated material. In the zone immediately surrounding the well screen more permeability is obtained by hydraulic action or by removing the finer formation material and replacing it with artificially graded coarser material;

(8) “Drilled well” means a well constructed by drilling a hole and inserting a casing to support the sides of the hole. The portion of the well which is in consolidated rock may not require support of a casing;

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(9) “Annular space” means the space between two objects, one of which is surrounded by the other. This includes space between the wall of an excavation and the wall of a pit; between the wall of an excavation and the casing of a well, or between two casings;

(10) “Casing” means an impervious, durable pipe or sidewall placed in a well to prevent the walls from caving, or to seal off surface drainage or undesirable water, gas, or other fluids so they cannot enter the well;

(11) “Established grade” means the elevation of the finished ground surface at the point of intersection of the well casing;

(12) “Pollution” means the adverse effect on water quality created by the introduction of any matter;

(13) “Sewer” means a conduit or pipe used or intended for conveying sewage or other contaminated wastes, or such conduit or pipe into which sewage or wastes may back up;

(14) “Source of pollution” means any place or condition which may result in pollution of a ground water supply; it may include a stream, pond, sewer, privy, septic tank, tile field, cesspool, sewage, sewage treatment unit, industrial waste, industrial waste disposal unit, location where animal excrement is allowed to accumulate, or disposal site for refuse, industrial waste, sewage sludge or industrial waste sludge;

(15) “Well top seal” means an arrangement used to establish a watertight junction at the top of the casing of a well with special regard to the piping or equipment installed therein;

(16) “Well vent” means a piped outlet at the upper end of a well to allow maintenance of atmospheric pressure within the well casing;

(17) “Well pit” means a structure built wholly or partly underground to house the well top or well appurtenances or both;

(18) “Yield” means the quantity of water delivered per unit of time which may flow or be pumped continuously from the well;

(19) “Public supply well” means a water supply well used or made available by a water company to two or more consumers, as defined in section 25-32a of the 1969 supplement to the general statutes.

(Effective January 12, 1971)

**Sec. 19-13-B51c. Interconnections**

No physical connection between piping carrying water from a public water supply and piping carrying water from any other source shall be permitted unless such other water supply is of safe, sanitary quality and the interconnection is approved by the commissioner of health.

(Effective January 12, 1971)

**Sec. 19-13-B51d. Location**

All separating distances are to be measured horizontally.

(a) Wells with a required withdrawal rate of under ten gallons per minute.

(1) Each such well shall be located at a relatively high point on the premises consistent

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with the general layout and surroundings; be protected against surface wash; be as far removed from any known or probable source of pollution as the general layout of the premises and the surroundings will permit; and, so far as possible, be in a direction away from ground water flow from any existing or probable source of pollution.

(2) No such well shall be located within seventy-five feet of a system for disposal of sewage or other source of pollution. Greater separating distances shall be required for certain industrial wastes or certain rock formations. If a sewer is constructed of extra heavy cast iron pipe with leaded joints or equal approved type of tight joint, a minimum separating distance of twenty-five feet shall be maintained.

(3) No such well shall be located within twenty-five feet of the high water mark of any surface water body, nor within twenty-five feet of a drain carrying surface water or of a foundation drain.

(b) Wells with a required withdrawal rate of from ten to fifty gallons per minute.

(1) Each such well shall be located at a relatively high point on the premises consistent with the general layout and surroundings; be protected against surface wash; be as far removed from any known or probable source of pollution as the general layout of the premises and the surroundings will permit; and, so far as possible, be in a direction away from ground water flow from any existing or probable source of pollution.

(2) No such well shall be located within one hundred fifty feet of a system for disposal of sewage or other source of pollution. Greater separating distance shall be required for certain industrial wastes or certain rock formations. If a sewer is constructed of extra heavy cast iron pipe with leaded joints or equal approved type of tight joint, a minimum separating distance of seventy-five feet shall be maintained.

(3) No such well shall be located within fifty feet of high water mark of any surface water body, nor within fifty feet of a drain carrying surface water or of a foundation drain.

(c) Wells with a required withdrawal rate of more than fifty gallons per minute.

(1) Location of such well shall be approved by the state department of health in accordance with the provisions of section 25-33 of the 1969 supplement to the general statutes and section 19-13-B39 of the public health code.

(2) Each such well shall be located at a relatively high point on the premises consistent with the general layout and surroundings; be protected against surface wash; be as far removed from any known or probable source of pollution as the general layout of the premises and the surroundings will permit; and, so far as possible, be in a direction away from ground water flow from any existing or probable source of pollution.

(3) No such well shall be located within two hundred feet of a system for disposal of sewage or other source of pollution. If conditions warrant, greater distance shall be required. Sanitary conditions in the area within the radial distance required shall be under control of the well owner by ownership, easement, or other arrangement approved by the commissioner of health. If a sewer is constructed of extra heavy cast iron pipe with leaded joints or equal approved type of tight joint, a minimum separating distance of one hundred feet shall be maintained.



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(4) No such well shall be located within fifty feet of the high water mark of any surface water body nor within fifty feet of a drain carrying surface water or of a foundation drain.

(Effective January 12, 1971)

**Sec. 19-13-B51e. Precautions**

A well under construction shall be protected so that there can be no drainage or surface wash into the well. Workmen employed in such construction shall exercise sanitary precautions in disposal of wastes and handling of construction materials so as to avoid contamination of the well and aquifer. All water used in constructing a well shall be disinfected with fifty milligrams per liter (parts per million) of chlorine in order to protect the well from contamination. No polluted water shall be used in connection with the construction of a well.

(Effective January 12, 1971)

**Sec. 19-13-B51f. Construction**

(a) **Materials.** Pipe used for casing a well other than a dug well shall be made of steel or other material approved by the commissioner of health. They shall be free from flaws or defects and shall have watertight connections.

(b) **Dug well.** The casing or side walls of a dug well shall be constructed of watertight concrete at least four inches thick to a depth of at least ten feet below the ground surface. Below the depth of the watertight casing, loosely laid stone, concrete block, brick or other materials approved by the commissioner of health may be used. The annular space between the face of the excavation and the watertight section of casing shall be filled with clean clay or other impervious material.

(c) **Gravel well.** The casing of a gravel well shall be surrounded with concrete grout to a depth of at least ten feet below the ground surface. The annular space between the casings of a gravel well with artificially placed gravel shall be protected at the top by a watertight covering to prevent any foreign matter entering the well through the gravel.

(d) **Drilled well.** The construction of a drilled well shall provide for shutting out all water except that from the water bearing formations which are intended to supply water to the well. The casing shall extend at least ten feet below ground surface. Any annular space surrounding the casing pipe needed for drilling shall be filled with concrete grout to a depth of at least ten feet below the ground surface. Below ten feet, any clean fill material can be used. Where the unconsolidated material above consolidated rock is less than twenty feet deep and the casing ends in the consolidated rock, the casing shall be effectively sealed in the rock.

(e) **Upper terminal of casing.** The casing of every well shall project not less than six inches above the established grade at the well or above the pump house floor. The well contractor shall ascertain the established grade before completion of the well. Where a pitless adapter is used, it shall be designed to, and made of materials that will, keep soil and water from entering the well during the life of the casing. A below-ground connection shall

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not be submerged in water at the time of installation. Where a pump is not installed immediately following the construction of the well, the well shall be tightly sealed and suitably vented.

(Effective January 12, 1971)

**Sec. 19-13-B51g. Covering**

The cover of the dug well shall be made of substantial reinforced concrete at least four inches thick. Other material approved by the commissioner of health may be used. It shall be of sufficient diameter to overlap the casing or side walls by at least two inches. A tight joint shall be provided between the casing and cover. If a pump is set on the slab, the top of the slab shall be sloped to drain away from the pump or drop pipe sleeve.

(b) A manhole shall be installed if the cover slab cannot be readily removed, and such manhole shall be provided with a curb extending at least two inches above the slab and equipped with a watertight overlapping cover. The manhole cover shall be locked or bolted in place in such manner as to prevent tampering or shall be located in a locked housing.

(Effective January 12, 1971)

**Sec. 19-13-B51h. Well pits**

(a) The use of a well pit shall be avoided whenever practical. When used, it shall be large enough to permit ready access to equipment.

(b) A well pit and its juncture with any other structure shall be watertight, or suitably drained to insure dryness as provided in section 19-13-B51i.

(c) Every conduit or similar connection with a well pit shall be made watertight.

(Effective January 12, 1971)

**Sec. 19-13-B51i. Well pit drains**

(a) Where there is no danger of flood or back flow, the water from a pit shall be drained onto the surface of the ground. The pipe used shall be at a grade of not less than one-eighth inch per foot toward the outlet. The junction between the pit floor and the drain pipe shall be made watertight. The drain pipe and joints shall be watertight to a distance of twenty-five feet from the pit. Any drain to the ground surface shall be screened to prevent entrance of animals and insects.

(b) No well pit drain shall be connected directly with any sewer, house drain or storm drain. The drainage of any well pit shall not be dependent on the operation of any pumping system except where gravity drainage at the location cannot be secured, in which case automatic sump pumps may be installed with the concurrence of the approving authority.

(c) When a well pit is constructed in impervious soil, no porous material shall be used as a base under the well pit floor. If fill is required, it shall be clean, impervious earth, well tamped.

(Effective January 12, 1971)

**Sec. 19-13-B51j. Permanent appurtenances**

(a) Any equipment, piping or appurtenance, permanently installed in a well, shall be joined watertight to the well casing at the point of entrance to the well by a well top seal or equally effective means.

(b) Every well in which the drawdown is ten feet or more shall be fitted with an adequate air vent. Such vent shall be extended to the height of at least twelve inches above any possible high water level. The vent shall be shielded and screened in such manner as to permit the entrance of air but keep out foreign matter.

(c) The foundation for a reciprocating pump shall be constructed with sufficient clearance around the well casing and the base of the power head to permit the assembly in place of a watertight well top seal. The well casing shall extend at least six inches above the floor.

(d) The foundation for a turbine type pump may be of concrete upon which the power head may rest directly. It shall be so constructed that the well opening is adequately covered and all openings through the base shall be sealed watertight. The well casing shall be installed at least six inches above the floor.

(e) A hand pump shall be constructed so that a stuffing box or other arrangement prevents entrance of contamination around the pump rod. The pump spout shall be of covered type. The base shall be of the one-piece flange type. Provision shall be made for leading waste water away from the top of the well. A hand pump shall be frostproof and shall not require priming. A hand pump shall be mounted:

(1) When a well is cased with iron pipe, upon a base flange which is attached rigid and watertight to the well casing; (2) on a concrete platform or similar structure when a well is not cased with iron pipe. A metal sleeve shall be used through the concrete platform or cover slab and extend above the slab into the pump base; or (3) by other sanitary method approved by the commissioner of health.

(Effective January 12, 1971)

**Sec. 19-13-B51k. Post-construction**

(a) On completion of the well, the well contractor shall pump or otherwise flush the well sufficiently to clear the water of cuttings.

(b) The well contractor shall make a yield test to determine the quantity and stability of flow of water from the well. The date of the test and the maximum drop in water level in the well during the test shall also be recorded (drawdown). The rate of test pumping shall equal or exceed the rate of withdrawal required for the particular installation. In the case of nonpublic water supply wells with a required withdrawal rate less than ten gallons per minute, the pumping period during the drilling and clearing may be included in the time of the yield test. The minimum length of such yield test shall be four hours for a well with a required withdrawal rate of less than ten gallons per minute;<sup>1</sup> thirty-six hours for a well with

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<sup>1</sup> An alternate test for low yield wells serving a single family: Remove all water from the completed well and measure rate of recovery.

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the required withdrawal rate of from ten to fifty gallons per minute; and seventy-two hours for a well with a required withdrawal rate of more than fifty gallons per minute. Test pumping shall be continuous at a constant rate for the period required. In the case of a public well, drawdown shall have held essentially stable for the last twelve hours prior to the completion of the test. The well contractor or tester shall record the date of the yield test; the water level in the well shortly before the yield test begins; the length of the pumping period; the constant pumping rate; the water level in the well at reasonable intervals after pumping begins and within five minutes before the pumping ends; and the water level in the well at reasonable intervals thereafter for a sufficient time to allow recovery to the water level prior to the yield test. He shall furnish a copy of such record to the owner.

(c) The pump installer shall disinfect each new well system before use. Disinfection shall be accomplished by treating the water in the well, storage tank and connected piping with a chlorine solution of fifty milligrams per liter (parts per million) strength so as to obtain a residual of ten milligrams per liter (parts per million) of chlorine after three hours detention. The side walls and piping shall be rinsed with the chlorine solution. The chlorinated water shall not be removed from the water system until after a detention period of at least three hours.

(Effective January 12, 1971)

**Sec. 19-13-B51l. Testing**

Public water supply wells shall be sampled by the state department of public health or local director of health for bacteriological, physical and sanitary chemical examination. Approval of the commissioner of public health shall be obtained before the well water is made available for use.

(Effective January 12, 1971; Amended December 30, 1996)

**Sec. 19-13-B51m. Well permits**

(a) Subject to subsections (b) and (c) below no water supply well permit shall be given until it has been demonstrated to the satisfaction of the director of health that public sewers are available or a subsurface sewage disposal system can be installed on the lot in compliance with Sections 19-13-B103a to 19-13-B104d, inclusive of the Regulations of Connecticut State Agencies.

(b) No water supply well permit shall be given by the director of health:

(1) To premises used for human occupancy when a community water supply system having at least fifteen service connections or regularly serving at least twenty-five individuals is deemed available if the boundary of the parcel of property in which the premises is on or will be located on is within two hundred feet, measured along a street,

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*1. If the recovery is observed for twelve hours or more, the actual amount of water recovered in the first twelve hours shall be the yield, expressed in gallons.*

*2. If at least three hundred gallons are recovered in less than twelve hours, the yield expressed as gallons/day shall be computed by the formula twelve/hours recovery times gallons recovered.*

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alley or easement, of the approved water supply: or

(2) To non-residential premises, where the water may be used for human consumption, when a community water supply system having at least fifteen service connections or regularly serving at least twenty-five individuals is deemed available if the boundary of the parcel of property in which the premises is on or will be located on is within two hundred feet, measured along a street, alley or easement, of the approved water supply.

(c) The commissioner of health services, or his or her designee, may grant an exception to subsection (b) above upon a finding that such exception will not adversely affect the purity and adequacy of the supply nor the service of the system or it is determined that:

(1) The community water system which serves the premises is unable to provide such premises with a pure and adequate supply of water: or

(2) If construction problems warrant such action.

(Effective February 2, 1988)

**Food or Beverage Vending Machine Operations**

**Sec. 19-13-B52. Food or beverage vending machine operations**

No person, firm or corporation shall operate or maintain within the state any self-service vending machine offered for public use which, upon insertion of a coin, coins or token or by other means, dispenses unit servings of food or beverages, either in bulk or package, without replenishing the device between each vending operation, except after compliance with the following requirements:

(a) All foods, beverages and ingredients offered for sale through vending machines shall be manufactured, processed and prepared in establishments which comply with all applicable local, state and federal laws and regulations. All packaged foods or beverages shall be labeled in compliance with the Uniform Food, Drug and Cosmetic Act\* as to contents and source. A clearly identifiable plate or tag indicating the name and address of the person, firm or corporation responsible for service shall be attached in a conspicuous place to any vending machine in use.

\*G.S. Ch. 342

(b) All foods, beverages and ingredients offered for sale through vending machines shall be wholesome and free from spoilage, contamination and adulteration.

(c) Prior to sanitary storage in a vending machine, all foods, beverages, and ingredients, including accessory foods and implements, shall be stored or packaged in clean protective containers and shall be handled, transported and vended in a sanitary manner. Wet storage of package products is prohibited.

(d) \* \* \* *Potentially hazardous* food or drink (examples are custard-filled and cream-filled pastries, milk and milk products, egg products, meat, fish, fowl, shellfish, gravy, and those sauces, dressings, stuffings and salads, which contain meat, fish, fowl, eggs, milk or milk products) offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper into which it was placed at the plant of the

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manufacturer, processor or distributor, or such products shall be dispensed into single service containers. In those vending machines dispensing \* \* \* *potentially hazardous* foods, beverages or ingredients in bulk, the bulk supplies of such foods, beverages or ingredients shall be transferred only to a bulk vending machine container and appurtenances which are clean and have been subjected to an approved \* \* \* *sanitizing* process. \* \* \* *Potentially hazardous* foods or ingredients within the vending machine shall be maintained at a temperature \* \* \* *of 45°F., or below* or a temperature of 140°F or above. Vending machines dispensing \* \* \* *potentially hazardous* foods shall be provided with controls which insure the maintenance of said temperatures at all times; provided an exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of thirty minutes following completion of filling or servicing operations and for the period of heating refrigerated foods to be served hot. Such controls shall also place the machine in an inoperative condition until serviced by the operator, in the event of power failure or other condition which permits the food storage compartment to attain a temperature above 45°F. or below 140°F., whichever is applicable. Vending machines dispensing \* \* \* *potentially hazardous* food shall be provided with a thermometer which, to an accuracy of plus or minus 2°F., indicates the air temperature of the food storage compartment. In case of any shut-down of the temperature regulating equipment for a period longer than two hours or in any case where \* \* \* *potentially hazardous* food has been adversely affected by change of temperature following a shut-down, \* \* \* *potentially hazardous* food shall be removed from the vending machine and discarded. \* \* \* *Potentially hazardous* foods and beverages while in transit shall be maintained at a temperature not higher than 45°F. or not lower than 140°F., *whichever is applicable*.

(e) Milk and fluid milk products offered for sale through vending machines shall be dispensed only in individual, original containers or from bulk containers into which such product was placed at the milk plant; provided, in the case of vending machines that use fluid milk products as an ingredient in hot liquid foods or beverages, such milk product may be transferred at the machine location from the individual, original container of not more than one-half gallon capacity to a vending machine bulk container which is clean and has been subjected to an approved \* \* \* *sanitizing* process in accordance with subsection (g), \* \* \* *and provided* in such transfer the entire contents of the individual, original container *shall be used*.

(f) All multi-use parts of any bulk milk vending machine which come into direct contact with the milk or milk product shall be effectively cleaned and \* \* \* *sanitized* at the milk plant; provided single-service dispensing tubes which receive \* \* \* *sanitizing* treatment at the fabricating plant and which are individually packaged in such manner as to preclude contamination are exempted from this provision. The can or other bulk milk container shall be filled only at the milk plant and shall be sealed with two seals in such manner as to make it impossible to withdraw any part of its contents without breaking one seal and make it impractical to introduce any substance without breaking the other seal. The delivery tube and any milk contact parts of the dispensing device shall be attached at the milk plant and



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shall be protected by a moisture-proof covering or housed in a compartment with a moisture-tight closure, which shall not be removed until after the container is placed in the refrigerated compartment of the vending machine.

(g) With the exception of product contact surfaces of bulk milk vending machines for which separate provisions for cleaning and \* \* \* *sanitizing* are specified in subsection (f), all multi-use containers or parts of vending machines which come into direct contact with \* \* \* *potentially hazardous* foods, beverages or ingredients shall be removed from the machine daily and shall be thoroughly cleaned and effectively subjected to an approved \* \* \* *sanitizing* process at the plant of the producer or distributor or other approved facility; provided the requirement for daily cleaning and \* \* \* *sanitizing* treatment may be waived for those contact surfaces which are maintained at all times at a temperature of not higher than 45°F. or at a temperature of not lower than 140°F., whichever is applicable. \* \* \* Contact surfaces shall receive such periodic cleaning and \* \* \* *sanitizing* treatment as may be necessary. All parts, after cleaning and \* \* \* *sanitizing* treatment, shall be protected from contamination.

(h) All parts of vending machines which come into direct contact with other than \* \* \* *potentially hazardous* foods shall be thoroughly cleaned and subjected to \* \* \* *sanitizing* treatment.

(i) All single service containers, which receive food or beverage from machines dispensing such products in bulk, shall be purchased in sanitary cartons or packages which protect the containers from contamination, shall be stored in a clean dry place until used and shall be handled in a sanitary manner. Such containers shall be stored in the original carton or package in which they were placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. Single service containers stored within the vending machine shall be protected from manual contact, dust, insects, rodents and other contamination.

(j) Each vending machine shall be located in a well-lighted room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage from drains and piping *or other contamination*. Each vending machine shall be located so that the space around and under the machine can be readily cleaned and so that insect and rodent harborage is not created.

(k) The floor area upon which vending machines are located shall be *in good repair*, reasonably smooth and of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

(l) The exterior construction of the vending machine shall be such as to facilitate cleaning and to minimize the entrance of insects and rodents, and the exterior of the machine shall be kept clean. Service connections shall be such as to protect against unintentional or accidental interruption of service to the machine.

(m) All interior surface and component parts of the vending machine shall be so designed and constructed as to permit easy cleaning, and shall be kept clean. All product contact

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surfaces of the machine shall be of smooth, nontoxic, corrosion resistant, and relatively nonabsorbent material, and shall be capable of withstanding repeated cleaning and \* \* \* *sanitizing* treatment by normal procedures. *Such surfaces* shall be protected against contamination.

(n) Water used in vending machines shall be of a safe and sanitary quality.

(o) In all vending machines which dispense carbonated beverages and which are connected to a water supply system, the ingredient water contact surfaces from the check valves or other protective device downstream, including the device itself, shall be of such materials as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water. Materials such as copper, lead, zinc or cadmium are not acceptable.

(p) All wastes shall be properly disposed of and, pending disposition, shall be kept in suitable containers so as to prevent creating a nuisance.

(q) Foods, beverages and ingredients, and product contact surfaces of containers, equipment and supplies, shall be protected from contamination while in transit to machine location.

(r) Employees shall keep their hands clean and shall wear clean outer garments while engaged in handling foods or beverages or product contact surfaces of utensils or equipment. No such employee shall resume work after using the toilet room without first washing his hands.

(s) No person, firm or corporation shall operate vending machines as herein described in any town, city or borough without local permits or licenses if such permits or licenses are required by local ordinances, or otherwise without notification of local directors of health of towns, cities or boroughs in which vending machines are located of the name and business address of the operator and the location of the machines. Machines vending only beverages in sealed cans or bottles, other than milk or milk products, are excepted from such notification.

(t) The operator of any food or beverage vending machine shall make provision for the local director of health or his representative to have access, either in company with an employee or otherwise, to the interior of all vending machines operated by him. The operator shall promptly comply with a request from the local director of health for such access or inspection.

(u) When so ordered by a local director of health, a vending machine failing to meet the requirements of this regulation shall be removed by any person, firm or corporation operating or maintaining such vending machine.

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(Effective October 8, 1963)

**Sec. APPENDIX.**

APPROVED \* \* \* *SANITIZING*

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*PROCESSES*

*When manual dishwashing is used, utensils after thorough washing and rinsing, clean to sight and touch, shall be sanitized by:*

(a) Immersion for at least *one minute* in clean, hot water at a temperature of at least 170°F. \* \* \* An approved thermometer shall be available convenient to the vat. The pouring of scalding water over the washed utensils shall not be accepted as satisfactory compliance; or

(b) Immersion for at least *one minute* in a \* \* \* *sanitizing solution* containing (1) at least 50 \* \* \* *mg/l* of available chlorine \* \* \* *at a temperature of not less than 75°F*. The bath should be made up to a strength of 100 *mg/l* or more of \* \* \* *available chlorine* and shall not be used after its strength has been reduced to 50 \* \* \* *mg/l*; or (2) at least 12.5 *mg/l* of available iodine in a solution having a pH value not higher than 5.0 and a temperature of not less than 75°F, or (3) any other chemical sanitizing agent which has been demonstrated to the satisfaction of the director of health to be effective and nontoxic under use conditions, and for which a suitable field test is available. Such sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect of a solution containing at least 50 *mg/l* of available chlorine at a temperature not less than 75°F.

(See 1963 Supp. § 19-193h.)

(Effective October 8, 1963)

**SANITATION FOR AGRICULTURAL AND MIGRATORY FARM WORKERS**

**Sec. 19-13-B53. Water supplies and privies for field workers**

(a) Water shall be readily available to both shed and field workers in covered containers with sanitary drinking fountains or with individual paper cups, in accordance with section 19-13-B35.

(b) Water for drinking and handwashing shall be obtained from a public water supply or from a properly protected and located ground water supply approved by the local director of health.

(c) No common drinking cup shall be permitted.

(d) Handwashing facilities shall be available for shed and field workers.

(e) Water containers shall be cleaned daily. At the start of the season and at other times when necessary, water barrels or other water containers shall be disinfected with steam or chlorine. The plug for filling the hole shall be kept tightly in place except during the time for filling. (It is desirable to chain the plug to the barrel to avoid losing it.)

(f) A sanitary method of filling water barrels shall be provided. Overhead hoses shall be short enough so that they will swing clear of ground surface. Flange guards should be provided for the hose so that it will not enter more than four inches into water barrels.

(g) Portable or permanent privies shall be provided in adequate numbers and shall be readily accessible to all workers.

(h) Separate privies shall be provided for men and women and shall be so arranged as to

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secure privacy for both sexes and shall be clearly marked “Men” and “Women” at the entrance to each. These words shall be printed or painted on signs not less than six by eighteen inches.

(i) Privies shall be provided with inside hook and eye latches and toilet tissue.

(j) Privies shall be located at least one hundred feet from kitchen and dining rooms, living quarters or source of water supply.

(k) Privies shall be of fly and vermin-proof construction and shall consist of a pit at least three feet deep and constructed so as to exclude surface water. Cracks shall be battened and openings shall be screened with sixteen mesh wire screening. The door shall be well fitted to exclude flies and shall close automatically by means of a spring or spring hinges. Seat covers shall be hinged and shall be so constructed that they drop automatically into place when the seat is not occupied.

(l) Privies shall be adequately lighted and ventilated.

(m) No privy pit shall be filled with excreta to nearer than one foot from the surface of the ground. When this occurs, privies shall be moved or vaults cleaned out. The hole shall be filled up when privies are moved. Material removed from the privy or vaults or containers shall be disposed of by burial in such a manner as not to create a nuisance.

(n) Privies shall be maintained in clean condition and such maintenance shall include daily washing of seats with a disinfectant solution. (Use of earth, ashes or lime in the pits will help to keep down odors.)

(See 1963 Supp. § 22-17a; Reg. 22-17a-1.)

**Sec. 19-13-B54. First aid kits for field workers**

Standard first aid kits shall be kept in every shed where work is going on and shall be readily available to all workers.

(See Reg. 22-17a-2.)

**Sec. 19-13-B55. Sanitary requirements for housing of workers**

(a) Housing shall be constructed in such a manner as to be structurally safe, adequate in size and reasonably easy to keep clean.\*

\*Note: It is important that the provisions of the state statutes relating to fire prevention and safety and all regulations made pursuant thereto be complied with.

(b) For new construction after June 7, 1960, the window area of each room for living quarters, sleeping quarters, preparation of food or mess halls shall be at least one-eighth of the floor area and so constructed that at least one-half of the window area may be opened for ventilation. When buildings existing on said date are converted for housing purposes, window area and ventilation shall conform as nearly as possible to the above, but in any case shall meet with the approval of the local director of health.

(c) All exterior openings shall be screened with sixteen mesh wire screening on frames except where self-closing devices on doors are maintained in service.

(d) Artificial lighting shall be provided on the basis of one forty watt bulb per one

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hundred square feet of the floor area and shall be reasonably well distributed.

(e) The floors of buildings shall be constructed in such a manner as to avoid dampness. Wooden floors shall be elevated not less than twelve inches above the normal ground level.

(f) No tents shall be used for housing, except when provided with wood platforms and with prior approval by the local director of health.

(g) Adequate lighting shall be provided for all toilets, hallways, main entrances and fire exits.

(h) Premises shall be kept clean and free of litter and rubbish.

(See Reg. 22-17a-3.)

**Sec. 19-13-B56. Sleeping quarters for workers**

(a) Sleeping quarters shall be in good structural condition and constructed so as to provide shelter to the occupants against the elements and to exclude dampness.

(b) Beds shall be furnished to all employees; a separate bed shall be provided for each person; single beds shall be set at a minimum of three feet apart; double-deck beds shall be set at a minimum of four and one-half feet apart; ceiling height above the top mattress shall be not less than thirty-six inches in rooms used prior to June 7, 1960, for this purpose and not less than forty-two inches in the case of new construction.

(c) If a room in a lodging or boarding house is overcrowded, the local director of health may order the number of persons sleeping or living in such room to be so reduced that there shall not be less than five hundred cubic feet of air to each person over twelve years of age and three hundred cubic feet of air to each child under twelve years of age occupying such room.

(d) Male and female boarders or lodgers shall not be housed in the same building, except that female cooks may be allowed to lodge in the same building with boys if suitable privacy can be arranged as to sleeping quarters and bathing and toilet facilities. This may also apply to camp directors and their families.

(e) Sleeping shall not be permitted in kitchens or eating quarters.

(I) Adequate lockers or storage space shall be provided for clothing and personal effects of lodgers. Regular inspections shall be made of the lockers and storage facilities to keep them clean and free from soiled clothing.

**Sec. 19-13-B57. Bedding in sleeping quarters for workers**

(a) Blankets, sheets, pillow cases, pillows and mattresses or mattress bags shall be provided.

(b) All bedding shall be maintained in a clean and sanitary condition and its condition shall be the responsibility of the management. The sheets and pillow cases shall be laundered at least once a week. Blankets shall be washed at sufficiently frequent intervals to insure cleanliness and, in any case, shall be washed at least every three months. Blankets shall be washed before use by a new worker. When mattresses, mattress bags or pillows become dirty or discolored, they shall be discarded or cleaned. If mattress bags are provided, the bags shall be washed at least every six months and, in any case, before use by a new worker.

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The mattress filling shall be changed at the time the bags are washed.

(c) Regular inspections of beds and bedding shall be made for vermin and periodic extermination service provided when necessary.

**Sec. 19-13-B58. Kitchen and mess hall or dining room for workers**

(a) The kitchen and dining room shall be separated from sleeping quarters and toilet rooms. Walls, floors and ceilings shall be in good repair and so constructed as to permit reasonable ease in cleaning. Walls and ceilings shall be painted in light color. The kitchen and dining room shall be adequately equipped for the preparation and serving of food to the number of people involved.

(b) Adequate refrigeration shall be provided and all refrigerators or ice chests shall be maintained in good order and kept in a clean condition. Refrigeration temperatures shall be kept below 45°F. Adequate, ventilated and verminproof food storage space shall be provided. All food shall be stored at least eighteen inches above the floor.

(c) Dishes, knives, forks and other utensils shall be of nontarnishable materials and shall be kept in good condition. Cracked and chipped dishes shall be discarded. All eating and cooking utensils shall be protected from flies, vermin and dust.

(d) A scullery sink or other satisfactory means, together with ample facilities for furnishing hot water, shall be provided for washing kitchen utensils and dishes. (A three compartment sink is recommended.) All glasses, cups, knives, forks, spoons and dishes shall be thoroughly washed after each use by cleaning with hot water and soap and sanitized by a bactericidal process approved by the director of health.<sup>2</sup> All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. After cleansing, all equipment shall be stored in such a manner as not to become contaminated before being used.

(e) Stoves, work tables, shelves and accessories in adequate number shall be provided. Ample dish and food storage space shall be provided for the number of people to be accommodated.

(f) Tables, chairs or benches, sinks, counters, preparation and/or serving tables, cabinets and shelves shall be kept clean. Cutting boards shall be provided. Dining tables and counters shall be covered with solid top nonabsorbent, easily washed material.

(g) All windows, doors and exterior openings in kitchen and eating quarters shall be completely screened with sixteen mesh wire screening frames. All doors shall be selfclosing.

(h) Provision shall be made for collecting garbage in an adequate number of covered fly-tight metal containers and disposing of the same at least every two days. Disposal may be by burial not nearer than one hundred feet from the kitchen or water supply, or by hauling away and otherwise disposing of the same so as not to create a nuisance. All garbage cans shall be thoroughly cleaned after each time they are emptied. Garbage cans shall be stored either on concrete platforms, at least eight inches above ground and with footings around

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<sup>2</sup> See Appendix to regulation.



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the entire edge at least eighteen inches deep or on platforms eighteen inches above the ground and open underneath for raking.

(Effective April 11, 1973)

**Sec. APPENDIX.**

**Approved Sanitizing Processes**

When manual dishwashing is used, utensils after thorough washing and rinsing, clean to sight and touch, shall be sanitized by:

(a) Immersion for at least one minute in clean, hot water at a temperature of at least 170°F. An approved thermometer shall be available convenient to the vat. The pouring of scalding water over the washed utensils shall not be accepted as satisfactory compliance; or

(b) Immersion for at least one minute in a \* \* \* sanitizing solution containing: (1) At least 50 \* \* \* mg/1 of available chlorine \* \* \* at a temperature of not less than 75°F. The bath should be made up to a strength of 100 \* \* \* mg/1 or more of \* \* \* available chlorine and shall not be used after its strength has been reduced to 50 \* \* \* mg/1; or (2) at least 12.5 mg/1 of available iodine in a solution having a pH value not higher than 5.0 and a temperature of not less than 75°F.; or (3) any other chemical sanitizing agent which has been demonstrated to the satisfaction of the director of health to be effective and nontoxic under use conditions, and for which a suitable field test is available. Such sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect of a solution containing at least 50 mg/1 of available chlorine at a temperature not less than 75°F.

(See Reg. 22-17a-7.)

(Effective October 22, 1963)

**Sec. 19-13-B59. Food for workers**

(a) Food handlers shall be persons in good health, free from open sores and lesions on the body and free from communicable diseases. (See section 19-13-B42 (q), relating to employment of persons with communicable diseases.) All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall not expectorate in rooms in which food is prepared. No employee shall resume work after using the toilet room without first washing his hands.

(See Reg. 19-13-A23.)

(b) All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. It shall be protected from dust, flies and vermin at all times. All oysters, clams and mussels shall be from approved sources.

(c) Lunches for consumption in the fields shall be put up in securely wrapped waxed paper or other nonabsorbent material. Readily perishable food shall be kept at a temperature at or below 45°F. until served.

(d) Milk shall be handled and served in a sanitary manner and not exposed to dust, flies or vermin. Milk shall be kept under satisfactory refrigeration. Only pasteurized or canned

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milk shall be served.

(e) All meat served shall be from an inspected source.

(f) Sugar shall be stored in a covered container and shall be placed in covered dispensers.

(See Reg. 22-17a-8.)

(Effective October 22, 1963)

**Sec. 19-13-B60. Water supply for workers' quarters**

(a) The supply shall be adequate to furnish at least thirty gallons of water per day per person. Adequate storage to handle peak loads shall be provided. Running water under pressure shall be provided.

(b) Any water supply used or rendered available for drinking and for other personal or domestic purposes shall be obtained from a public water supply or from a properly protected and located ground water supply approved by the local director of health.

(c) All wells, whether drilled and cased, dug or driven, shall be so located, constructed and covered, and the pump so attached, as to prevent pollution of the well. All surface and near surface water shall be excluded from the well, preferably by a concrete platform curb. Provision shall be made for proper drainage of pump pits.

(d) If ground water supply is used, the source shall be not nearer than one hundred feet to privy vaults, cesspools or other sewage disposal systems.

(e) Springs shall not be considered satisfactory unless amply protected against pollution and so constructed as to meet the requirements of the local director of health.

(f) The bacteriological quality of the water shall be determined by analysis of samples in those cases where the supply has been out of use or where it otherwise appears necessary.

(g) No common drinking cups shall be permitted. Individual paper drinking cups or approved type drinking fountains, conveniently located, shall be provided.

(h) No pipe connections shall be made between a potable water supply and any other water supply.

(See Reg. 22-17a-9.)

**Sec. 19-13-B61. Sewage disposal for workers' quarters**

(a) Where no municipal disposal system is available, all kitchen, lavatory, toilet, bathhouse and laundry wastes shall be disposed of by running through covered drains to a sub-surface disposal system or otherwise disposed of in a manner approved by the local director of health. In unfavorable seepage soil it may be desirable to install separate systems for toilet wastes and other wastes.

(b) Toilet facilities shall be provided on the basis of one seat for each ten women, or one seat plus one standing urinal or three feet of trough type urinal for each twenty men. If privies are used, standards shall be not less than those required under section 19-13-B53. Toilet seats shall be of the open front type.

(See Reg. 22-17a-10.)

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**Sec. 19-13-B62. Lavatory, bathing and laundry facilities for workers' quarters**

(a) Adequate handwashing, bathing and laundry facilities, with running water of approved quality, shall be provided. Hot water shall be available in adequate quantities.

(b) There shall be provided one lavatory or its equivalent for each fifteen persons or fraction thereof.

(c) Showers shall be provided in these ratios: One shower head for one to ten persons, except that, in case of quarters for less than five workers, a bathtub may be used in place of showers with the approval of the local director of health; two shower heads for eleven to forty persons, one shower head for each twenty persons or fraction thereof where over forty persons are housed.

(d) There shall be provided one laundry tub for each twenty-five men or one laundry tub for each twenty women, plus adequate facilities for clothes drying.

(e) Shower room floors shall be scrubbed daily with soap and hot water. Swabbing with a chlorine solution having a strength of not less than 0.5% available chlorine is an additional safeguard.

(f) Mats, cloth or other absorbent materials shall not be placed on bathroom floors or shower room floors.

(g) Duck boards shall not be used in shower rooms.

(h) Each shower room or bathroom shall be adequately ventilated by freely opening windows that shall be screened with sixteen mesh wire screen.

(i) Use of common towels shall not be permitted.

(See Reg. 22-17a-11.)

**Sec. 19-13-B63. Refuse disposal for workers' quarters**

Metal cans with tight fitting covers or other method of storage approved by the local director of health shall be provided to store rubbish pending collection and final disposal. Refuse shall be hauled away as necessary and disposed of so as not to create a nuisance. Rubbish cans shall be stored in the manner outlined for storage of garbage cans.

(See Regs. 19-13-B58(n), 22-17a-12.)

**SHELLFISH**

**Sec. 19-13-B64—19-13-B70. Repealed**

Repealed October 28, 2005.

**Sec. 19-13-B71. Sewage disposal from boats near shellfish areas**

The discharge of human waste from any boat into the waters directly over or adjacent to areas on which shellfish are being produced for market is prohibited.

**Sec. 19-13-B72. Contamination of shellfish prohibited**

Shellfish held in wet or dry storage shall be so kept at all times that they will not become contaminated.

**Sec. 19-13-B73—19-13-B77. Repealed**

Repealed October 28, 2005.

**SANITATION OF SLAUGHTERHOUSES**

**Sec. 19-13-B78. Slaughterhouses regulated**

Every slaughterhouse or place where the business of slaughtering beef, poultry or swine, or preparing the same for market, is carried on, and the implements, utensils and appliances used therein, shall at all times be kept in a clean and sanitary condition.

(a) **Hogs prohibited.** No hogs shall be kept in connection with or within five hundred feet of such slaughterhouse.

(b) **Disposal of offal and refuse.** All offal, refuse and waste material shall be disposed of in a sanitary manner within twenty-four hours after slaughtering.

(c) **Water supply.** An adequate water supply, both hot and cold, shall be provided and arranged so as to permit a thorough washing of walls, floors and equipment of the slaughterhouse.

(d) **Disposal of fat and bones.** All bones and fat shall be placed in covered containers and removed from the slaughtering room within twenty-four hours.

(e) **Hides and pelts.** Hides or pelts shall not be stored on the floor of any room used for slaughtering, storing or preparing meats or meat food products.

**Sec. 19-13-B79. Construction and sanitary requirements**

(a) **Construction of rooms and floors.** (1) The floors shall be of brick, concrete or other hard impervious material and properly sloped to outlets covered with removable grating, the bars of which shall not be more than one-half inch apart; (2) the walls shall be covered or made to a height of seven feet with concrete at least three inches thick or other approved impervious material; (3) all rooms shall be properly ventilated and well lighted, (4) properly ventilated and refrigerated cooling and storage rooms shall be provided and kept in a clean and sanitary condition. They shall be screened so as to prevent the entrance of flies and insects.

(b) **Sterilization of apparatus.** All apparatus, containers and implements used shall be thoroughly cleansed daily after using, with boiling water, live steam or other efficient sterilizing agent subject to the approval of the director of health.

(c) **Meat to be kept off floor.** Meat shall be placed on racks, hooks, tables or in suitable containers and shall never be placed on the floor

(d) **Sterilization of offal and flesh.** All offal or flesh fed to swine shall be sterilized by cooking before feeding.

(See Reg. § 22-320f-1 et seq.)

(e) **Sanitation of yards.** The yards, fences, pens, chutes and alleys on the premises, whether they are used or not, shall be maintained in a sanitary condition.

(f) **Disposal of wastes.** Proper facilities shall be provided for the collection and disposal of all liquid wastes, including blood, floor washings and other materials.

(g) **Toilets to be provided.** Toilets shall be provided for the use of the employees, the type and location to be approved by the director of health.

### **PUBLIC WATER SUPPLIES**

#### **Sec. 19-13-B80. Chemical substances in public water supplies**

No chemical substances other than those used on September 1, 1964, with the approval of the commissioner of health shall be added to public water supplies designed for human consumption whether in the course of filtration, for control of plant or animal life, or for any other purpose without prior approval by the commissioner of health. Before installation of equipment for such addition, plans and specifications shall be submitted to and approved by the commissioner of health. These plans shall provide procedures necessary for the satisfactory operation of the installation, including the proper testing of the water for chemical content, which procedures shall be followed by any person, firm, corporation or municipality having jurisdiction over the supply.

(Effective September 1, 1964)

### **Mass Gatherings**

#### **Sec. 19-13-B81. Application**

The provisions of sections 19-13-B81 to 19-13-B96, inclusive, shall be applicable to any mass gathering.

(Effective December 7, 1971)

#### **Sec. 19-13-B82. Definitions**

As used in sections 19-13-B81 to 19-13-B96, inclusive:

(1) “Mass gathering” means an assembly which is attended by three thousand or more persons at a stated location for a period of eighteen or more consecutive hours; (2) “drinking water” means water of a safe sanitary quality approved by the commissioner of health; (3) “sewage” means all human excretions and liquid domestic wastes including toilet, lavatory, shower, dishwashing or laundry, and other water-carried wastes from any other fixture; (4) “solid wastes” means all putrescible and nonputrescible solid wastes, including garbage, refuse and ashes.

(Effective December 7, 1971)

#### **Sec. 19-13-B83. Prerequisite**

Water, toilet, handwashing and shower facilities shall be constructed and operational not later than seven days before the first day of the mass gathering. Plans necessary to show full compliance with the requirements of sections 19-13-B81 to 19-13-B96 shall be submitted to the local director of health 30 days in advance of such assembly. The plans shall provide for adequate and satisfactory water supply and sewage facilities, adequate drainage, adequate toilet, handwashing and shower facilities, adequate sleeping areas and

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facilities, adequate facilities for proper food storage, preparation and service, insect and noxious weed control, adequate refuse storage, collection and disposal facilities, adequate first aid, nursing and medical facilities, and such other matters as may be appropriate for security of life or health.

(Effective December 7, 1971)

**Sec. 19-13-B84. Drainage**

Sleeping areas and other places where occupants congregate shall be adequately drained.

(Effective December 7, 1971)

**Sec. 19-13-B85. Interior roads**

A mass gathering site shall be provided with a network of interior roads to be kept clear at all times for service and emergency vehicles, as well as to make the sanitary, food and medical facilities available to the occupants.

(Effective December 7, 1971)

**Sec. 19-13-B86. Illumination**

A mass gathering shall be provided with illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the location of the assembly, and with adequate light for toilet areas, service areas, roads and walkways.

(Effective December 7, 1971)

**Sec. 19-13-B87. Medical services**

Physicians licensed and currently registered in Connecticut shall be available at all times on the site in a convenient location in the proportion of one physician to each one thousand persons or fraction thereof attending to administer or supervise the administration of emergency care. They shall be assisted by nurses licensed or registered currently in Connecticut in such numbers as to provide at least one such nurse for every fifteen hundred persons. An enclosed covered structure where treatment may be rendered, containing a separately enclosed treatment room for each physician, shall be provided. Records shall be maintained of all prescription drugs administered and all such drugs shall be in the custody of a Connecticut licensed physician or pharmacist. Records of persons so treated shall specify the name and address of the patient, tentative diagnosis and other pertinent information. There shall be adequate provisions for emergency ambulance service, and at least one emergency ambulance available for use at all times. There shall be on file a memorandum of understanding with a nearby general hospital concerning the provision of hospital care, and the management of the mass gathering shall be responsible for payment for such care for illnesses or injuries occurring on the premises. There shall be telephone service available to the medical director in the first aid area.

(Effective December 7, 1971)



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**Sec. 19-13-B88. Drinking water**

The drinking water shall be from a public water supply approved by the state commissioner of health or from a source which conforms with the requirements of sections 19-13-B51a to 19-13-B51l, inclusive, shall be of a safe, sanitary quality, adequate in pressure and quantity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day, and shall be readily available to occupants of the mass gathering. Only drinking water shall be available for drinking or other domestic use.

(Effective December 7, 1971)

**Sec. 19-13-B89. Drinking fountains**

Approved drinking fountains as prescribed in section 19-13-B35 shall be located within a distance of not more than five hundred feet of any sleeping spot or other area where occupants congregate within such tract and there shall be one drinking fountain for each one hundred persons.

(Effective December 7, 1971)

**Sec. 19-13-B90. Toilet facilities, sewage disposal**

Fly-tight privies or water-flushed toilets with a system of sewage disposal which conforms with the requirements of sections 19-13-B20a to 19-13-B20r, inclusive, shall be provided and shall be maintained in a clean and sanitary condition. Any privy or sewage disposal system shall be so constructed and located as not to pollute any source of drinking water or watercourse or to create a public health nuisance.

(Effective December 7, 1971)

**Sec. 19-13-B91. Toilet facilities, location**

Separate toilets for men and women shall be provided, with at least one toilet seat for every two hundred females and at least one toilet seat for every three hundred males. No sleeping spot shall be located at a distance greater than five hundred feet from both men's and women's toilets. The location of all toilets shall be plainly indicated by signs.

(Effective December 7, 1971)

**Sec. 19-13-B92. Handwashing facilities**

Handwashing facilities, with running water under pressure and soap and paper towels or other approved hand drying method, shall be available near each group of toilets and near each food service area. At least one handwashing facility shall be provided with each toilet.

(Effective December 7, 1971)

**Sec. 19-13-B93. Bathing facilities**

Suitable and adequate shower bathing facilities separate for men and women shall be provided. There shall be at least one shower for each three hundred persons with hot and

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cold water and adequate subsurface sewage disposal in accordance with section 19-13-B20a to 19-13-B20r, inclusive.

(Effective December 7, 1971)

**Sec. 19-13-B94. Dispensing food or beverages**

Facilities for dispensing foods or beverages shall meet the requirements of sections 19-13-B42, 19-13-B48 and 19-13-B49 and shall be adequate to serve the maximum number of persons.

(Effective December 7, 1971)

**Sec. 19-13-B95. Depositories**

Adequate and sanitary facilities shall be provided and maintained for the storage, collection, and disposal of solid wastes and shall comply with sections 19-13-B21 and 19-13-B24a. Sufficient depositories with covers shall be provided throughout the area with at least daily collection.

(Effective December 7, 1971)

**Sec. 19-13-B96. Noxious weeds**

The entire area to be used for the mass gathering shall be cleared of all poison ivy and other noxious weeds at least seven days in advance of the mass gathering.

(Effective December 7, 1971)

**Sec. 19-13-B97. Repealed**

Repealed December 27, 2005.

See § 19a-2a-29.

**Water Company Land**

**Sec. 19-13-B98. Repealed**

Repealed February 6, 1980.

**Control of Fumigation**

**Sec. 19-13-B99. Control of fumigation**

(a) No person, firm or corporation, or the agent, employee or servant thereof, shall use or cause to be used, any substance for the purpose of fumigating any building, vessel, special room, vault, tank or enclosed space in the state of Connecticut without compliance with this section. This section shall not apply to fumigation of greenhouses or mushroom houses, horticultural or farm fumigation or the control of burrowing animals outside of buildings. Substances commonly known as insecticides and disinfectants, which are essentially destructive in the solid or liquid phase, are excluded from this section. A person, firm or

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corporation or the agent, employee or servant conducting fumigation is hereafter designated as a fumigator.

(b) A fumigator shall be licensed by the state department of environmental protection and shall be qualified by special training and experience to conduct fumigations in such manner as to be effective and to protect life and property. He shall be able to read and understand regulations governing fumigation operations, shall know the basic facts concerning the fumigant he is using, shall have general knowledge of all fumigants commonly used as pest control and shall know the hazards involved and the safety precautions and first aid measures necessary to safeguard human life. He shall have proper equipment to carry out fumigations and necessary safety precautions.

(c) No person shall conduct fumigation in any town, city or borough without a local permit or license if such permit or license is required by local ordinance, or otherwise without registration of his qualifications with the local director of health of the town, city or borough and submission of information as to qualifications. No person found by the local director of health to be unqualified for the purpose of conducting fumigation shall conduct any fumigation.

(d) Written notice of fumigation shall be served upon the owner of the building to be fumigated or his authorized agent and written or verbal notice shall be served upon all occupants of the building. Written notice shall also be served upon the local director of health and officials in charge of the local fire and police departments. All notifications shall be served at least twenty-four hours in advance of fumigation unless this required time is reduced by direction of the local director of health. If there is no organized local fire or police department, notification shall be made upon the first selectman of the town or the warden of the borough, as the case may be.

(e) The fumigator shall take steps to effect removal, from the premises to be fumigated or adjacent buildings which may be affected by fumigation, of all food, drink or drugs which may absorb any poisonous substances used in the process of fumigation.

(f) If any part of a building, other than a special room or vault especially designed for this purpose and having proper ventilation, is to be fumigated, the entire building shall be vacated during the fumigation and ventilation periods. All persons occupying or living in premises to be fumigated shall vacate such premises upon request of the fumigator. If anyone fails to comply with such a request, the director of health may declare the premises unfit for human habitation and may issue necessary orders for vacation of the premises, if in his opinion fumigation is necessary to eliminate insanitary conditions.

(g) If inspection shows the possibility of gas gaining entrance to separate adjacent buildings, the fumigator shall warn in advance the occupants of such separate adjacent buildings and take any steps necessary to safeguard the lives and health of all persons occupying such buildings.

(h) All crevices, cracks or openings in the building or portion thereof to be fumigated, except the exit, shall be effectively sealed before fumigation material is distributed. All workers shall be accounted for before the final exit is closed and sealed.

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(i) Warning signs, printed in red with headline letters at least two inches in height, shall be placed at all exits of the premises and kept there during fumigation and ventilation. They shall comply with the pertinent United States Department of Labor Occupational Safety and Health Standards.

(j) During periods of fumigation and ventilation the fumigator shall employ locks or barricades to prevent unauthorized entrance and shall provide for one or more watchmen who shall remain on duty until such time as the premises have been delcared by the fumigator to be safe for human occupancy.

(k) Persons conducting fumigation shall wear masks of a suitable type while in the enclosed space during and after liberation of gas and until the space after ventilation is delcared safe by the fumigator. The fumigator shall provide an extra canister for the mask at each fumigating job and shall keep an accurate record of the length of time during which the gas canister has been used in order that it may be replaced as required. In handling sulphuric acid, cyanide or other material likely to be injurious, rubber gloves shall be used. Employees of the fumigator shall comply with pertinent United States Department of Labor Occupational Safety and Health Standards.

(l) A minimum of twelve hours shall be required for ventilation, except for rooms, vaults and chambers equipped with a special exhaust system. During ventilation (1) all windows, doors and other means of ventilation shall be kept open; (2) all drawers, closets and similar enclosures shall be kept open; (3) all mattresses and bedding shall be taken from beds and thoroughly aired; (4) the temperature of living quarters shall be elevated to a minimum of 60°F.

(m) Prior to allowing any other persons to enter, the fumigator shall, at the conclusion of ventilation of the premises, inspect and make appropriate tests of the interior of the building and certify that it is safe for persons to enter without special protection.

(n) Proper arrangements shall be made and carried out for the disposal of residue fumigation material.

(o) Special rooms, tanks, vaults or other enclosed spaces in which articles are fumigated shall meet with the approval of the local director of health in regard to the construction and location of premises.

(Effective January 2, 1975)

**Building Conversion**

**Sec. 19-13-B100. Repealed**

Repealed August 3, 1998.

**Sec. 19-13-B100a. Building conversions/changes in use, building additions, garages/accessory structures, swimming pools, sewage disposal area preservation**

(a) **Definitions.** As used in this section:

(1) "Accessory structure" means a permanent non-habitable structure which is not served

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by a water supply and is used incidental to residential or non-residential buildings. Accessory structures include, but are not limited to, detached garages, open decks, tool and lawn equipment storage sheds, gazebos, and barns.

(2) “Building conversion” means the act of winterizing a seasonal use building into year round use by providing one or more of the following: (A) a positive heating supply to the converted area; or, (B) a potable water supply which is protected from freezing; or, (C) energy conservation in the form of insulation to protect from heat loss.

(3) “Change in use “ means any structural, mechanical or physical change to a building which allows the occupancy to increase; or the activities within the building to expand or alter such that, when the building is fully utilized, the design flow or required effective leaching area will increase.

(4) “Code-complying area” means an area on a property where a subsurface sewage disposal system can be installed which meets all requirements of Section 19-13-B103 of the Regulations of Connecticut State Agencies, and the Technical Standards except for the one hundred percent reserve leaching area referred to in Section VIII A of the Technical Standards.

(5) “Design flow” means the anticipated daily discharge from a building as determined in accordance with Sections IV and VIII F of the Technical Standards.

(6) “Potential repair area” means an area on a property which could be utilized to repair or replace an existing or failed septic system and includes areas on the property where exceptions to Section 19-13-B103 of the Regulations of Connecticut State Agencies could be granted by the local director of health or the Commissioner of Public Health but does not include areas beyond those necessary for a system repair and areas of exposed ledgerrock.

(7) “Technical Standards” means those standards established by the Commissioner of Public Health in the most recent revision of the publication entitled “Technical Standards for Subsurface Sewage Disposal Systems” prepared pursuant to Section 19-13-B103d(d) of the Regulations of Connecticut State Agencies. These standards can be obtained from the Department of Public Health, 410 Capitol Avenue, MS #51SEW, P.O. Box 340308, Hartford, CT. 06134-0308, or by calling (860) 509-7296.

(b) **Building conversion, change in use.** If public sewers are not available, no building or part thereof shall be altered so as to enable its continuous occupancy by performing any building conversion, nor shall there be a change in use unless the local director of health has determined that after the conversion or change in use, a code-complying area exists on the lot for installation of a subsurface sewage disposal system. The determination by the local director of health of whether a code-complying area exists on the property shall be based upon analysis of existing soil data. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner’s authorized agent shall submit design plans or a sketch to demonstrate how the property contains a code-complying area that can accommodate a sewage disposal system. The local director of health may require expansion of the existing sewage disposal system or installation of a new sewage disposal system at the time of the change in use for those properties whenever the proposed change

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in use results in a more than 50% increase in the design flow.

(c) **Building additions.** If public sewers are not available, no addition to any building shall be permitted unless the local director of health has determined that after the building addition a code-complying area exists on the lot for the installation of a subsurface sewage disposal system. Once a code-complying area is identified, portions of the property outside this designated area may be utilized for further development of the property. This determination by the local director of health shall be based upon analysis of existing soil data to determine if a code-complying area exists. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans or a sketch to demonstrate how the property contains a code-complying area that can accommodate a sewage disposal system. If the applicant submits soil test data, design plans or a sketch and is unable to demonstrate a code-complying area, the building addition shall be permitted, provided:

- (1) The size of the replacement system shown on design plans or sketch provides a minimum of 50% of the required effective leaching area per the Technical Standards,
- (2) The replacement system shown on the plans or sketch provides a minimum of 50% of the required Minimum Leaching System Spread (MLSS) per the Technical Standards,
- (3) The proposed design does not require an exception to Section 19-13-B103d(a) (3) of the Regulations of Connecticut State Agencies, regarding separation distances to wells,
- (4) The addition does not reduce the potential repair area, and
- (5) The building addition does not increase the design flow of the building.

The local director of health may require expansion of the existing sewage disposal system or installation of a new sewage disposal system at the time of building addition whenever the proposed addition results in a more than 50% increase in the design flow. The separation distance from an addition to any part of the existing sewage disposal system shall comply with Table 1 in Section II of the Technical Standards.

(d) **Attached or detached garages, accessory structures, below or above ground pools.** If public sewers are not available, no attached garage, detached garage, accessory structure, below or above ground pool shall be permitted unless the local director of health has determined that after construction of the attached garage, detached garage, accessory structure, below or above ground pool, a code-complying area exists on the lot for installation of a subsurface sewage disposal system. This determination by the local director of health shall be based upon analysis of existing soil data. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans or a sketch to demonstrate how the property contains a code-complying area that can accommodate a sewage disposal system. If the applicant submits soil test data, design plans or a sketch and is unable to demonstrate a code-complying area, the attached or detached garage, below or above ground pool, or accessory structure shall be permitted, provided the structure does not reduce the potential repair area. The separation distance from the attached or detached garage, below or above ground pool, or accessory structure to any part of the existing sewage disposal system shall comply with Table 1 in



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Section II of the Technical Standards.

(e) **Sewage disposal area preservation.** If public sewers are not available, no lot line shall be relocated or any other activity performed that affects soil characteristics or hydraulic conditions so as to reduce the potential repair area, unless the local director of health has determined that after the lot line relocation or disturbance of soils on the lot a code-complying area exists for the installation of a subsurface sewage disposal system. This determination by the local director of health shall be based upon analysis of existing soil data. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans or a sketch to demonstrate how the property contains a code-complying area that can accommodate a sewage disposal system. In no case shall a relocated lot line violate Subsection (d) of Section 19-13-B103(d) of the Regulations of Connecticut State Agencies that requires that each subsurface sewage disposal system shall be located on the same lot as the building served.

(f) **Decision by Director of Health.** Any final decision of the local director of health made in regard to this section shall be made in writing and sent to the applicant. Any decision adverse to the applicant or which limits the application shall set forth the facts and conclusions upon which the decision is based. Such written decision shall be deemed equivalent to an order, and may be appealed pursuant to Section 19a-229 of the Connecticut General Statutes.

(Adopted effective August 3, 1998)

**Standards for Quality of Public Drinking Water**

**Sec. 19-13-B101. Testing of water quality in private water supply systems**

(a) **Definitions.** As used in this section:

(1) "Approved laboratory" means a laboratory facility issued a certificate of approval by the Department of Public Health pursuant to sections 19-4-1, 19a-36-a25 through 19a-36-a33, and 19a-36-a57 through 19a-36-a63 of the regulations of Connecticut State Agencies.

(2) "Consumer" means any private dwelling, hotel, motel, boarding house, apartment building, store, office building, institution, mechanical or manufacturing establishment or other place of business or industry to which water is supplied by a source of private water supply.

(3) "Department" means the Connecticut Department of Public Health.

(4) "Disinfected" means pathogenic organisms in the water have been deactivated by chemical oxidants such as chlorine or equivalent agents.

(5) "Domestic purposes" means drinking, bathing, washing of clothes and dishes, cooking, and other common household uses.

(6) "Local director of health" means and includes the city, town, borough, or district director of health and any person legally authorized to act for the local director of health.

(7) "Maximum contaminant level (MCL)" means the maximum permissible level of a

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biological or chemical substance in water for a private water supply system.

(8) “Organic chemicals” means all substances listed in section 19-13-B102(e) (4) of the regulations of Connecticut State Agencies.

(9) “Private water supply system” means any source of private water supply serving a single consumer and less than twenty five (25) persons, and used for drinking or other domestic purposes.

(10) “Qualified individual” means a licensed sanitarian, local director of health, employee of the department, employees of local or state agencies as part of their regulatory or statutory responsibilities, or a person, including an owner or general contractor of a residential construction on which a private water supply system is located, found to be qualified by an approved laboratory to collect water samples from a private water supply system for submission to that laboratory.

(11) “Source of private water supply” means any surface water, spring, well, or underground water source from which water is available by a private water supply system for domestic purposes.

(b) A sample of water collected from a private water supply by a qualified individual shall not be analyzed by the approved laboratory unless it is accompanied by a statement signed by the qualified individual indicating the location of the sample and the address of the private water supply.

(c) MCLS for a private water supply system shall conform to those specified in subdivisions (2), (3) and (4) of subsection (e) of section 19-13-B102 of the regulations of Connecticut State Agencies. The MCL for total coliform bacteria in a private water system is exceeded if the analytical result of the water sample is positive for total coliform bacteria.

(d) The owner of a private water supply system shall have the source of the private water supply sampled directly or sampled from a cold water faucet supplying water for domestic purposes that is located within the building. If water treatment is provided the owner shall have the sample collected prior to any treatment. The sample shall be at a minimum analyzed for total coliform, nitrate, nitrite, sodium, chloride, iron, manganese, hardness, turbidity, pH, sulfate, apparent color and odor. The local director of health shall require a sample to be analyzed for organic chemicals when reasonable grounds exist to suspect that organic chemicals may be present in the private water supply system. For purposes of organic chemical analyses reasonable grounds means any information that is known by the local director of health that indicates that at the time of sampling the particular private water supply system is located on or in proximity to land associated with the past or present production, storage, use, or disposal of organic chemicals or such information as derived from a phase I environmental site assessment. In the event nitrate is at or greater than 10 milligrams per liter and the local director of health has reasonable grounds to suspect such pesticides or herbicides are present the sample shall also be tested for alachlor, atrazine, dicamba, ethylene dibromide (EDB), metolachlor, simazine and 2,4-D. For purposes of these seven pesticide or herbicide analyses, reasonable grounds includes but is not limited to any information that is known by the director of health at the time of sampling that the

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particular private water supply is located on or in proximity to land where any of these seven pesticides or herbicides are or were applied on or in proximity to land used for the production, storage, use or disposal of any of these seven pesticides or herbicides or such information as derived from a phase I environmental site assessment. Compliance with this section shall conform to the following conditions as applicable:

(1) The water quality of a newly constructed source of private water supply shall be sampled by a qualified individual and analyzed by an approved laboratory. The private water supply system shall have been disinfected and the system shall not be sampled until all disinfectant has dissipated. The results of such analyses and a statement signed by a qualified individual attesting to the exact address and location of sampling shall be reported by the approved laboratory to the local director of health of the municipality where the property is located within thirty (30) days of the completion of such analyses. Approval by the local director of health that the results of the laboratory analyses comply with MCLS applicable to this section shall be obtained before the private water supply is used for domestic purposes.

(2) If an existing private water supply system is sampled within six (6) months of the sale of the property on which the private water supply system is located, it must be sampled by a qualified individual and analyzed by an approved laboratory. The results of the analyses conducted shall be reported by the approved laboratory to the local director of health of the municipality where the property is located within thirty (30) days of the completion of the analyses. A test of a private water supply system shall not be required by this section as a consequence or condition of sale, exchange, transfer, purchase or rental of the real property on which the private water supply system is located.

(e) This section shall apply to purchase agreements or contracts for the sale of real estate executed on or after December 30, 1996 where title to real estate has not yet passed and to transfers of real estate occurring between December 30, 1996 and the effective date of these regulations where the tests or analyses described in this section were not performed prior to the transfer.

(Effective June 21, 1985; Amended December 30, 1996; Amended December 23, 1997)

**Sec. 19-13-B102. Standards for quality of public drinking water**

(a) **Definitions.** As used in this section:

(1) “Action level” means the concentration of lead or copper in water specified in subsection (j)(6)(B) of this section which determines, in some cases, the treatment requirements contained in subsection (j)(6) of this section that a system is required to complete;

(2) “Active source of supply” means all springs, streams, watercourses, brooks, rivers, lakes, ponds, wells, or underground water from which water is taken on a regular or periodic basis for water supply purposes. A number of wells drawing water from a single aquifer or more than 1 surface water body or a combination of surface water and ground water sources connected to a common distribution system may be considered a single source of supply;

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(3) “Annual average” means the arithmetic average of the quarterly averages of 4 consecutive quarters of monitoring;

(4) “Bag filters” means pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media and are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to the outside;

(5) “Bank filtration” means a water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well(s);

(6) “Cartridge filters” means pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media and are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside;

(7) “CFR” means Code of Federal Regulations;

(8) “Certified distribution system operator” means an operator who has met the education, experience, and examination requirements specified in section 25-32-11 of the Regulations of Connecticut State Agencies and has been certified by the department;

(9) “Certified operator” means an operator who has met the education, experience, and examination requirements specified in sections 25-32-7a to 25-32-14, inclusive, of the Regulations of Connecticut State Agencies and has been certified by the department;

(10) “Certified water treatment plant operator” means an operator who has met the education, experience, and examination requirements of section 25-32-9 of the Regulations of Connecticut State Agencies and has been certified by the department;

(11) “Coagulation” means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs;

(12) “Coliform” means a group of bacteria found in the intestines of warm-blooded animals (including humans) and found in plants, soil, air, and water;

(13) “Combined distribution system” means the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive public water systems that receive finished water;

(14) “Community water system” or “CWS” means a public water system that serves at least 25 residents;

(15) “Compliance period” means a 3 calendar-year period within a compliance cycle. Each compliance cycle has 3 3-year compliance periods;

(16) “Compliance cycle” means the 9 calendar-year cycle during which public water systems shall monitor. Each compliance cycle consists of 3 3-year compliance periods. The first calendar year cycle began on January 1, 1993 and ended on December 31, 2001; the second began on January 1, 2002 and ended on December 31, 2010; the third began on January 1, 2011 and ends on December 31, 2019;

(17) “Comprehensive performance evaluation” or “CPE” means a thorough review and

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analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The comprehensive performance evaluation shall comprise of a written report consisting of at least the following components:

- (A) Assessment of plant performance;
- (B) Evaluation of major unit processes;
- (C) Identification and prioritization of performance limiting factors;
- (D) Assessment of the applicability of comprehensive technical assistance;
- (E) Identification of improvements selected by a public water system to enhance the treatment plant's capability to achieve compliance; and
- (F) A schedule of dates for the implementation of the improvements;
- (18) "Comprehensive technical assistance" means a performance improvement phase that is implemented using results from the comprehensive performance evaluation;
- (19) "Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete;
- (20) "Consecutive public water system" or "consecutive system" means a public water system that receives some or all of its finished water from 1 or more wholesale systems. Delivery may be through a direct connection or through the distribution system of 1 or more consecutive public water systems;
- (21) "Consultation" means a telephone call, electronic mail exchange or meeting at which the public water system reports to the department the nature of the violation and the department, in turn, determines the action that shall be taken by the public water system;
- (22) "Consumer" has the same meaning as provided in section 25-32a of the Connecticut General Statutes;
- (23) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water;
- (24) "Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation or dissolved air flotation, and filtration resulting in substantial particulate removal;
- (25) "Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials;
- (26) "Cryptosporidium" means a protozoan found in the intestines of livestock and in water contaminated by sewage or runoff containing animal waste;
- (27) "CT" or "CTcalc" means the product of the "residual disinfectant concentration" (C) in milligrams per liter determined before or at the first consumer, and the corresponding "disinfectant contact time" (T) in minutes (i.e., "C" X "T"). If a public water system applies disinfectants at more than 1 point prior to the first consumer, it shall determine the CT of

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each disinfectant sequence before or at the first consumer to determine the total percent inactivation;

(28) “CT99.9” means the CT value required for 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts;

(29) “Department” means the Department of Public Health;

(30) “Diatomaceous earth filtration” means a process resulting in substantial particulate removal in which a pre-coat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and while the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake;

(31) “Direct filtration” means a series of processes including coagulation and filtration, but excluding sedimentation, resulting in substantial particulate removal;

(32) “Direct integrity test” means a physical test applied to a membrane filtration unit in order to identify and isolate integrity breaches (i.e., 1 or more leaks that could result in contamination of the filtrate);

(33) “Disinfectant contact time” (“T” in CTcalc) means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration (“C”) is measured;

(A) (A)Where only 1 “C” is measured (single application point), “T” is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at which residual disinfectant concentration (“C”) is measured;

(B) Where more than 1 “C” is measured (multiple application points), “T” is:

(i) For the first measurement of “C”, the time in minutes that it takes for water to move from the first point of disinfectant application to a point before or at the point where the first “C” is measured; and

(ii) For subsequent measurements of “C”, the time in minutes that it takes for water to move from the previous “C” measurement point to the “C” measurement point for which the subsequent “T” is being calculated;

(C) Disinfectant contact time in pipelines shall be calculated based on plug flow by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe; and

(D) Disinfectant contact time within mixing basins, clearwells, and storage reservoirs shall be determined by tracer studies or an equivalent demonstration;

(34) “Disinfection” means a process which inactivates microbial pathogens in water by chemical oxidants or equivalent agents;

(35) “Disinfection profile” means a summary of daily *giardia lamblia* inactivation through the treatment plant;

(36) “Distribution system” means any combination of pipes, tanks, pumps, or similar devices or mechanisms that deliver water from the sources, treatment facilities or storage facilities to the consumer;



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(37) “Domestic or other non-distribution system plumbing problem” means a coliform contamination problem in a public water system with more than 1 service connection that is limited to the specific service connection from which the coliform-positive sample was taken;

(38) “Dose equivalent” means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiation Units and Measurements;

(39) “Drinking water” means water, treated or untreated, intended for human use and consumption, including, but not limited to, drinking, bathing, showering, cooking, dishwashing and maintaining oral hygiene;

(40) “Dual sample set” means a set of 2 samples collected at the same time and same location, with 1 sample analyzed for total trihalomethanes (TTHM) and the other sample analyzed for total haloacetic acids (HAA5);

(41) “EC medium plus MUG” means analytical tests for waterborne bacteria as specified in 40 CFR 141.21(f), as amended from time to time;

(42) “E. coli” or “Escherichia coli” means a species of fecal coliform that thrives at the body temperature of mammals;

(43) “End of the distribution system” means the last service connection on a dead-end water main;

(44) “Enhanced coagulation” means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment;

(45) “Enhanced softening” means the improved removal of disinfection byproduct precursors by precipitative softening;

(46) “EPA” means the United States Environmental Protection Agency;

(47) “Fecal coliform” means bacteria that grows in the colon of mammals and is transmitted through fecal material;

(48) “Filter profile” means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed;

(49) “Filtration” means a process for removing particulate matter from water by passage through porous media;

(50) “Finished water” means water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except as treatment is necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals);

(51) “First-draw sample” means a 1-liter sample of tap water, collected in accordance with subsection (e)(8)(B)(ii) of this section, that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap;

(52) “Flocculation” means a process to enhance agglomeration or collection of smaller

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floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means;

(53) “Flowing stream” means a course of running water flowing in a definite channel;

(54) “GAC10” means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with the MCLs under subsection (e)(11)(B)(i) of this section is 120 days;

(55) “GAC20” means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days;

(56) “Gross alpha particle activity” means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample;

(57) “Gross beta particle activity” means the total radioactivity due to beta particle emissions as inferred from measurements on a dry sample;

(58) “Ground water” means the supply of source water under the earth’s surface that is not under the influence of surface water;

(59) “Ground water system” means a public water system that provides ground water, in whole or part, directly to consumers but does not include a public water system that combines ground water with surface water prior to treatment or ground water under the direct influence of surface water;

(60) “Ground water under the direct influence of surface water” or “GWUDI” means any water beneath the surface of the ground with either a significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as giardia lamblia or Cryptosporidium, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. The department determination of direct influence may be based on site-specific measurements of water quality or documentation of well construction characteristics and geology, or both, which may include a field evaluation;

(61) “Haloacetic acid five” or “HAA5” means the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to 2 significant figures;

(62) “Hydrogeologic sensitivity assessment” or “HSA” means the department’s act of making a determination of whether a ground water system obtains water from hydrogeologically sensitive settings taking into account information regarding the specific aquifer from which the system is drawing water, well construction records, characterization of the hydrogeology of the source aquifer, and whether the aquifer has a hydrogeologic barrier that would prevent the vertical movement of microbial pathogens from the surface into the aquifer;

(63) “Lake” means a natural or man-made basin or hollow on the earth’s surface,

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including a reservoir, in which water collects or is stored that may or may not have a current or single direction of flow;

(64) “Large”, when used in reference to a public water system, means serving more than 50,000 persons;

(65) “Lead service line” means a service line made of lead that connects the water main to a building inlet and any lead pigtail, gooseneck or other fitting connected to such lead line;

(66) “Legionella” means a genus of bacteria, some species of which have caused a type of pneumonia called legionnaires’ disease;

(67) “Local director of health” means a city, town, borough, or district director of health or the director of health’s authorized agent;

(68) “Locational running annual average” or “LRAA” means the average of sample analytical results for samples taken at a particular monitoring location during the previous 4 calendar quarters;

(69) “mg/l” means milligrams per liter;

(70) “Man-made beta particles and photon emitters” means all radionuclides emitting beta particles or photons, or both, listed in Maximum Permissible Body Burdens and Maximum Concentrations of Radionuclides in Air or Water for Occupational Exposure, National Bureau of Standards Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238;

(71) “Maximum contaminant level” or “MCL” means the maximum permissible level of a contaminant in water that is delivered to any consumer of a public water system;

(72) “Maximum contaminant level goal” or “MCLG” means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur; and which allows an adequate margin of safety. Maximum contaminant level goals are non-enforceable health goals;

(73) “Maximum residual disinfectant level” or “MRDL” means a level of a disinfectant added for water treatment that shall not be exceeded at the consumer’s tap without an unacceptable possibility of adverse health effects. MRDL is enforceable in the same manner as maximum contaminant level;

(74) “Maximum residual disinfectant level goal” or “MRDLG” means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLG is a non-enforceable health goal and does not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants;

(75) “Medium-size” means serving more than 3,300 and less than or equal to 50,000 persons;

(76) “Membrane filtration” means a pressure or vacuum driven separation process in which particulate matter larger than 1 micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct

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integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis;

(77) “Method detection limit” or “MDL” means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the true value is greater than 0;

(78) “Microbial pathogen” means a microorganism, such as a bacterium, virus or parasite, that can cause infection and illness in humans, including, but not limited to: Echovirus, Coxsackie viruses, Hepatitis A and E, Rotavirus, Norovirus, *E. coli*, *Salmonella* species, *Shigella* species, and *Vibrio cholerae*;

(79) “Molecular Weight Cutoff” or “MWCO” means a measure of the removal characteristic of a membrane in terms of atomic weight or mass, as opposed to pore size, that is typically measured in terms of Daltons;

(80) “Near the first service connection” means at 1 of the 20 percent of all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system;

(81) “Non-community water system” means a public water system that serves at least 25 persons at least 60 days out of the year and is not a community water system;

(82) “Non-transient non-community water system” or “NTNC” means a public water system that is not a community system and that regularly serves at least 25 of the same persons over 6 months per year;

(83) “Notification level” means the level of a contaminant that if exceeded shall require public notification by a public water system to its consumers;

(84) “Optimal corrosion control treatment” means the corrosion control treatment that minimizes the lead and copper concentrations at users’ taps while ensuring that the treatment does not cause the community water system or non-transient non-community water system to violate any drinking water statutes or regulations;

(85) “Picocurie” or “pCi” means the quantity of radioactive material producing 2.22 nuclear transformations per minute;

(86) “Physical parameters” means color, turbidity, pH, and odor;

(87) “Plant intake” means the works or structures at the head of a conduit through which water is diverted from a source (e.g., river or lake) into the treatment plant;

(88) “Point of disinfectant application” means the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water;

(89) “Point of entry” or “entry point” means a location on an active source of supply that is after any treatment and before the entrance to the distribution system;

(90) “Practical quantification level” or “PQL” means the lowest concentration that can be reliably measured within specific limits of precision and accuracy during routine laboratory operating conditions;

(91) “Presedimentation” means a preliminary treatment process used to remove gravel, sand and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant;

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(92) “Public water system” or “system” means any water company supplying water to 15 or more consumers or 25 or more persons, based on the “Design Population” as defined in section 16-262m-8(a)(3) of the Regulations of Connecticut State Agencies, jointly administered by the department and the Public Utilities Regulatory Authority, daily at least 60 days of the year that does not meet all of the following conditions:

- (A) Consists only of distribution and storage facilities;
- (B) Does not have any treatment facilities, other than those for non-potable use;
- (C) Obtains all of its water from, but is not owned or operated by, a public water system;
- (D) Does not separately bill the consumers for water use or consumption; and
- (E) Is not a carrier which conveys passengers in interstate commerce;

(93) “Raw water” means water in its natural state on the surface of the earth or underground;

(94) “Repeat sample” means a sample that is collected as a result of a total coliform-positive routine sample;

(95) “Reservoir” means a natural or man-made basin or hollow on the earth’s surface, including a lake, in which water collects or is stored that may or may not have a current or single direction of flow;

(96) “Residual disinfectant concentration” or “RDC” (“C” in CTcalc) means the concentration of disinfectant measured in mg/l in a representative sample of water;

(97) “Routine sample” means a sample that is collected at a location and frequency as specified in the department-approved sample siting plan;

(98) “Sanitarian” means a person who is trained in environmental health and who is qualified to carry out educational and investigational duties in the fields of environmental health such as investigation of air, water, sewage, foodstuffs, housing and refuse by observing, sampling, testing and reporting; and who is licensed pursuant to section 20-361 of the Connecticut General Statutes;

(99) “Sanitary survey” means a review of a public water system by the department to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water;

(100) “Sedimentation” means a process for removal of solids before filtration by gravity or separation;

(101) “Self assessment” means an assessment which shall comprise a written report consisting of at least the following components:

- (A) Assessment of filter performance;
  - (B) Development of a filter profile;
  - (C) Identification and prioritization of factors limiting filter performance;
  - (D) Assessment of the applicability of improvements;
  - (E) Identification of improvements selected by a public water system to enhance filtration and achieve compliance; and
  - (F) A schedule of dates for the implementation of the improvements;
- (102) “Service line sample” means a 1 liter sample of water, collected in accordance

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with subsection (e)(8)(B)(iii) of this section, that has been standing for at least 6 hours in a service line;

(103) “Significant change to disinfection practice” means 1 of the following changes:

(A) Changes to the point of disinfection;

(B) Changes to the disinfectant(s) used in the treatment plant;

(C) Changes to the disinfection process; or

(D) Any other modification identified by the department that has or may have a significant impact on disinfection practices or the effectiveness of such practices, or both;

(104) “Significant deficiency” means any situation, practice, or condition in a public water system with respect to design, operation, maintenance, or administration that the department determines to be causing, or has the potential for causing, risks to health or safety of the public served by the system. Significant deficiencies shall include, but are not limited to, defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, including violations of subsection (j)(2) of this section, storage, or distribution system that the department determines to be causing, or has the potential for causing, the introduction of fecal contamination into the water delivered to consumers;

(105) “Single family structure” means a building constructed as a single-family residence that is currently used as either a residence or a place of business;

(106) “Slow sand filtration” means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.16 gallons per minute per square foot,) resulting in substantial particulate removal by physical and biological mechanisms;

(107) “Small” means serving 3,300 persons or fewer;

(108) “Source water” means raw water before any kind or type of treatment at the source of supply;

(109) “Special purpose sample” means a sample that is taken to determine whether disinfection practices are sufficient following routine maintenance work on the distribution system;

(110) “Subpart H system” means a public water system that is supplied by a surface water or ground water under the direct influence of surface water source, or both;

(111) “Surface water” means all water that is open to the atmosphere and subject to surface runoff;

(112) “SUVA” means specific ultraviolet absorption at 254 nanometers (nm), an indicator of the humic content of water. 1 nm is equal to 1 billionth (10<sup>-9</sup>) of a meter. It is a calculated parameter obtained by dividing a sample’s ultraviolet absorption at a wavelength of 254 nm (UV254) (in m<sup>-1</sup>) by its concentration of dissolved organic carbon (DOC) in mg/l;

(113) “System with a single service connection” means a system that supplies drinking water to consumers via a single service line;

(114) “Tier 1 notice” means a notice that a public water system is required to provide for the following violations and other situations:

(A) Violation of the maximum contaminant level for total coliforms when fecal coliform or *E. coli* are present in the distribution system, or when the public water system fails to



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test for fecal coliforms or *E. coli* when any repeat sample tests positive for coliform;

(B) Violation of the maximum contaminant level for nitrate, nitrite, or total nitrate and nitrite, or when the public water system fails to take a confirmation sample not later than 24 hours after the public water system's receipt of the first sample showing an exceedance of the nitrate or nitrite maximum contaminant level;

(C) Violation of the maximum residual disinfectant level for chlorine dioxide when 1 or more samples taken in the distribution system the day following an exceedance of the maximum residual disinfectant level at the entrance of the distribution system exceed the maximum residual disinfectant level, or when the public water system does not take the required samples in the distribution system;

(D) Violation of the maximum contaminant level for turbidity as specified in subsections (e)(7)(H)(ii) and (j)(2)(D) of this section, where the department determines after consultation with the public water system that the violation of the maximum contaminant level for turbidity combined with other site-specific information indicate that potential pathogens may have passed the point of entry to the distribution system, or where the public water system does not consult with the department within 24 hours after the public water system learns of the violation;

(E) Violation of the maximum contaminant level for turbidity as specified in subsection (j)(4) of this section, where the department determines after consultation with the public water system that the violation of the maximum contaminant level for turbidity combined with other site-specific information indicate that potential pathogens may have passed the point of entry to the distribution system, or where the public water system does not consult with the department within 24 hours after the public water system learns of the violation;

(F) Occurrence of a waterborne disease outbreak;

(G) Detection of any chemical listed in subsections (e)(2) through (e)(4), inclusive, of this section at a level that is determined by the department to have serious adverse effects on human health as a result of short-term exposure based on available scientific and epidemiological findings; or

(H) Detection of *E. coli*, enterococci, or coliphage in ground water source samples as specified in subsections (e)(12)(C) and (D) of this section.

(115) "Tier 2 notice" means a notice that a public water system is required to provide for the following violations and other situations:

(A) All violations of the maximum contaminant level, maximum residual disinfectant level or treatment technique requirements, except where a tier 1 notice is required or where a unit or value requirement under subsection (e)(1) of this section for color, turbidity, odor, or pH is exceeding;

(B) Violations of monitoring and testing procedure requirements for total coliforms, nitrate, nitrite, total nitrate and nitrite, or chlorine dioxide, except where a tier 1 notice is required;

(C) Failure to comply with the terms and conditions of any variance, order, consent order, consent agreement or exemption; or

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(D) Failure to take corrective action or failure to maintain at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer under subsections (e)(7)(E)(vi) or (j)(14) of this section.

(116) “Tier 3 notice” means a notice that a public water system is required to provide for the following violations and other situations:

(A) Violation of a monitoring requirement, except where a tier 1 notice or a tier 2 notice is required;

(B) Failure to comply with a testing procedure requirement, except where a tier 1 notice or a tier 2 notice is required;

(C) Operation under an administrative order, variance, or an exemption;

(D) Failure to provide the notice of the availability of unregulated contaminant monitoring results, as required under 40 CFR 141.207, as amended from time to time; or

(E) Exceedance of the fluoride secondary maximum contaminant level, as required under 40 CFR 141.208, as amended from time to time.

(117) “Too numerous to count” means that the total number of bacterial colonies exceeds 200 on a 47 mm diameter membrane filter used for coliform detection;

(118) “Total organic carbon” or “TOC” means total organic carbon in mg/l measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to 2 significant figures;

(119) “Total trihalomethanes” or “TTHM” means the sum of the concentrations in milligrams per liter of bromodichloromethane, dibromochloromethane, tribromoethane (bromoform) and trichloromethane (chloroform) rounded, to 2 significant figures;

(120) “Transient non-community water system” or “TNC” means a non-community water system that does not meet the definition of a non-transient noncommunity water system;

(121) “Treatment” means the process of altering the physical, chemical, biological or radiological quality of source water for use as drinking water;

(122) “Treatment technique” means a specific treatment method required by the department to control the level of contaminants in drinking water;

(123) “Two-stage lime softening” means a process in which chemical addition and hardness precipitation occur in each of 2 distinct unit clarification processes in series prior to filtration;

(124) “Uncovered finished water clearwell, tank or basin” means a container used to store water that shall undergo no further treatment to reduce microbial pathogens, except residual disinfection, and is directly open to the atmosphere;

(125) “Virus” means a microorganism of fecal origin which is infectious to humans by waterborne transmission;

(126) “Water company” has the same meaning as provided in section 25-32a of the Connecticut General Statutes;

(127) “Waterborne disease outbreak” means the significant occurrence of acute infectious

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illness, epidemiologically associated with the ingestion of water from a public water system as determined by the department;

(128) “Wholesale system” means a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of 1 or more consecutive public water systems; and

(129) “Zone of influence” means the land area that directly overlies and has the same horizontal extent as the part of the water table or other potentiometric surface that is perceptibly lowered by the withdrawal of water. The zone of influence delineated by the use of modeling is that area of land in which the water table or potentiometric surface is lowered by at least 0.5 foot. In the event of inadequate information and data to delineate the zone of influence, a radius of 1 mile shall be utilized for unconsolidated aquifer ground water sources and a radius of ground water sources.

(b) **Watershed survey.** A public water system using surface water as an active source of supply shall make a sanitary survey of the watershed to the intake at least annually. A report on the survey shall be submitted to the Department by March 1 each year covering the preceding calendar year.

(c) **Standards for quality of untreated water prior to treatment.**

(1) All parameters in Table 1-C of this subdivision shall be tested for each surface water source at least annually, except bacteriological and physical tests which shall be done quarterly.

**TABLE 1-C. MONITORING PARAMETERS FOR SURFACE WATER SOURCES**

<i>Parameter</i>	<i>Degree of Treatment</i>	
	<i>Disinfection and Chemical Treatment</i>	<i>Filtration</i>
(A) Bacteriological.		
Coliform Organisms*	Not to exceed 100/100 ml monthly average, based on a running arithmetic average for the most recent twelve month period. No individual sample is to exceed 500/100 ml.	Not to exceed 20,000/100 ml as measured by a monthly geometric mean.
*If coliform organisms are demonstrated to be not associated with a fecal source on the basis of a sanitary survey and differential tests, an exception may be made.		
(B) Physical.		
Color	Not to exceed 20 standard units in more than 10 percent of samples for most recent 12 month period.	Not to exceed 250 standard units as measured by a monthly geometric mean.
Turbidity	The turbidity level as specified in	Not to exceed 250 standard

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40 CFR 141.74(a)(1), as amended from time to time, in a representative sample of the source water immediately prior to the first or only point of disinfection application shall not exceed 5 Nephelometric Turbidity Units (NTU). units as measured by a monthly geometric mean.

*Parameter*

*Degree of Treatment*

*Disinfection and Chemical Treatment Level mg/l*

*Filtration Level mg/l*

(C) Inorganic chemicals.

Arsenic	.010	.010
Barium	1	1
Cadmium	.01	.01
Chloride	250	250
Chromium	.05	.05
Copper	.05	1.0
Cyanide	.01	0.2
Fluoride	2.0	2.0
Lead	.05	.05
MBAS (methylene blue active substance)	0.5	0.5
Mercury	.002	.005
Nitrate plus Nitrite as N	10	10
Selenium	.01	.01
Silver	.05	.05

(D) Pesticides.

All Degrees of Treatment  
Level mg/l

Endrin	0.002
Lindane	0.0002
Methoxychlor	0.04
Toxaphene	0.003
2,4-D	0.07

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2,4,5-TP (silvex)

0.05

(2) (A) A system shall test a ground water source for the applicable contaminants listed in subsections (e)(1) through (e)(6), inclusive, of this section, if the department determines that reasonable grounds exist to suspect that any of the applicable contaminants may be present in the ground water source. For the purposes of this section, “reasonable grounds” means any information that is deemed to be credible by the department to indicate that the particular source is located on or in proximity to land on which the production, storage, use, or disposal of any of the contaminants listed in subsections (e)(1) through (e)(6), inclusive, of this section may have occurred.

(B) Testing for contaminants under subparagraph (A) of this subdivision shall be at a frequency and duration prescribed by the department. The department shall not require a system to test for contaminants under subparagraph (A) of this subdivision more frequently than once per quarter or for longer than a consecutive 4-quarter period unless a MCL is exceeded, the concentration of dieldrin exceeds 0.00003 mg/l, the concentration of methyl tertiary-butyl ether (MTBE) exceeds 0.07 mg/l, the concentration of 1,2,3-trichloropropane exceeds 0.0005 mg/l, the concentration of lead exceeds 0.015 mg/l, or the level of the contaminant or contaminants has increased when compared to previous results.

(d) **Facility location.** Such as but not limited to treatment plants, pumping stations, storage tanks, etc., but not including water intakes and connecting pipelines.

(1) New facilities are to be located: (A) Above the level of the one hundred year flood. (B) Where chlorine gas will not be stored or used within three hundred feet of any residence. (C) Where the facility is not likely to be subject to fires or other natural or manmade disasters.

(2) The state health department must be notified before entering into a financial commitment for a new public water system or increasing the capacity of an existing public water system, and the approval of the state health department must be obtained before any construction is begun. This includes construction of supply and treatment works, transmission lines, storage tanks, pumping stations and other works of sanitary significance. It does not include the routine extension of laterals or tapping of new service connections.

(e) **Finished water.**

(1) Physical Tests.

(A) Color shall not exceed 15 standard units leaving the treatment plant nor at representative sampling points in the distribution system.

(B) Turbidity shall not exceed 5 standard units at representative sampling points in the distribution system.

(C) Odor shall not exceed a value of 2 in the treatment plant effluent on a scale of 0 to 5 as follows:

0-None	3-Distinct
1-Very Faint	4-Decided
2-Faint	5-Strong

(D) The pH value shall not be less than 6.4 nor exceed 10.0 at a point of entry to the

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distribution system or in the distribution system. A system conducting water quality parameter monitoring for pH in accordance with subsection (e)(9)(D) of this section shall comply with the pH requirements in subsection (j)(8)(G) of this section.

(2) Inorganic Chemicals

Community and non-transient non-community water systems shall test for inorganic chemicals specified below. Transient non-community water systems shall test for nitrate and nitrite only.

Inorganic chemicals<sup>(a)</sup> and their limits

Chemical	Maximum Contaminant Level mg/L
Antimony	0.006
Arsenic <sup>(b)</sup>	0.01
Asbestos	7 MFL <sup>1</sup>
Barium	2
Beryllium	0.004
Cadmium	0.005
Chromium	0.1
Cyanide	0.2
Fluoride	4.0
Mercury	0.002
Nickel	0.1
Nitrate nitrogen	10(as N)
Nitrite nitrogen	1(as N)
Nitrate nitrogen plus nitrite nitrogen	10(as N)
Selenium	0.05
Silver	0.05
Sulfate	**
Chloride	250
Thallium	0.002
Lead	***
Copper	***
Sodium	*

Notes

<sup>(a)</sup> The method detection limits for inorganic chemicals shall conform to those accepted and approved by EPA as described in 40 CFR 141.23(a), as amended January 22, 2001.

<sup>(b)</sup> The MCL for arsenic is effective January 23, 2006. Until then the MCL is 0.05 mg/L.



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\* Sodium has no MCL, but has a notification level of 28 mg/L. See section 19-13-B102(i)(5)(B) of the Regulations of Connecticut State Agencies for the notification requirements.

\*\* MCL has not been established for this chemical.

\*\*\* See section 19-13-B102(j)(6) of the Regulations of Connecticut State Agencies. The MCLG for lead is zero (0) and for copper is 1.3 mg/L.

<sup>1</sup> MFL = million fibers per liter longer than ten (10) micrometers.

(3) Pesticides, Herbicides and PCBs. Community and non-transient non-community water systems shall test for pesticides, herbicides and PCB specified below.

Pesticides, Herbicides, PCB, and their limits

<i>Chemical<sup>1</sup></i>	<i>Maximum Contaminant Level (mg/l)</i>
Alachlor	0.002
Aldicarb	**
Aldicarb sulfoxide	**
Aldicarb sulfone	**
Aldrin	**
Atrazine	0.003
Benzo(A)pyrene	0.0002
Butachlor	**
Carbaryl	**
Carbofuran	0.04
Chlordane	0.002
Dalapon	0.2
Di(2-ethylhexyl)adipate	0.4
Di(2-ethylhexyl)phthalates	0.006
Dicamba	**
Dieldrin	**
Dinoseb	0.007
Diquat	0.02
Dibromochloropropane (DBCP)	0.0002
2,4-D	0.07
Ethylene dibromide (EDB)	0.00005
Endrin	0.002
Endothall	0.1

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Glyphosate	0.7
Heptachlor	0.0004*
Heptachlor epoxide	0.0002*
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
3-Hydroxycarbofuran	**
Lindane	0.0002
Methoxychlor	0.04
Methomyl	**
Metolachlor	**
Metribuzin	**
Oxamyl (vydate)	0.2
Picloram	0.5
Propachlor	**
Simazine	0.004
2,3,7,8-TCDD (dioxin)	0.00000003
Polychlorinated biphenyls (PCB)	0.0005
Pentachlorophenol	0.001
Toxaphene	0.003
2,4,5-TP (silvex)	0.05

Notes:

<sup>1</sup>The method detection limits for all pesticides, herbicides and PCB shall conform to those accepted and approved by EPA.

\*\*MCL has not been established for this chemical.

\*If monitoring results in detection of one (1) or more of these contaminants, then subsequent monitoring shall analyze for all these contaminants.

(4) Organic Chemicals.

CWSs and NTNCs shall test for the organic chemicals specified below in Table 4-E1 of this subdivision.

**TABLE 4-E1. ORGANIC CHEMICALS<sup>(a)</sup> AND THEIR LIMITS**

Chemical <sup>(b)</sup>	Maximum Contaminant Level (mg/l)
Benzene	0.005
Bromobenzene	**
Bromomethane	**

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n-Butyl Benzene	**
Carbon Tetrachloride	0.005
Chlorobenzene	0.1
Chloroethane	**
Chloromethane	**
o-Chlorotoluene	**
p-Chlorotoluene	**
Dibromomethane	**
m-Dichlorobenzene	**
o-Dichlorobenzene	0.6
p-Dichlorobenzene	0.075
1, 1-Dichloroethane	**
1, 2-Dichloroethane (EDC)	0.005
1, 1-Dichloroethylene	0.007
cis-1, 2-Dichloroethylene	0.07
Trans-1, 2-Dichloroethylene	0.1
Dichloromethane (Methylene chloride)	0.005
1, 2-Dichloropropane	0.005
1, 3-Dichloropropane	**
2, 2-Dichloropropane	**
1, 1-Dichloropropene	**
1, 3-Dichloropropene	**
Ethylbenzene	0.7
Methyl Tert Butyl Ether (MTBE)	**
Naphthalene	**
n-Propyl Benzene	**
Styrene	0.1
1, 1, 1, 2-Tetrachloroethane	**
1, 1, 2, 2-Tetrachloroethane	**
Tetrachloroethylene	0.005
Toluene	1
Total Trihalomethanes (TTHM)	0.080
Bromodichloromethane	*
Bromoform	*

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Chlorodibromomethane	*
Chloroform	*
1, 1, 1-Trichloroethane	0.2
1, 1, 2-Trichloroethane	0.005
1, 2, 4-Trichlorobenzene	0.07
Trichloroethylene	0.005
1, 2, 3-Trichloropropane	**
1, 2, 4-Trimethylbenzene	**
1, 3, 5-Trimethylbenzene	**
Vinyl Chloride <sup>(c)</sup>	0.002
Xylenes (total)	10
m-Xylene	***
o-Xylene	***
p-Xylene	***

Notes:

\*The MCL for Total Trihalomethanes (TTHM) is 0.080 mg/l, which is the sum of the 4 constituent Trihalomethanes.

\*\*A MCL has not been established for this chemical.

\*\*\*The MCL for Xylenes (total) is 10 mg/l, which is the sum of the 3 constituent Xylenes.

<sup>(a)</sup>The MDL for all organic chemicals is 0.0005 mg/l with the exception of MTBE which has an MDL of 0.002 mg/l.

<sup>(b)</sup>The department may require the testing of other chemicals for which a MCLG has been proposed by EPA or which the department has reason to believe may be health threatening.

<sup>(c)</sup>Quarterly analysis for vinyl chloride is required for ground water systems only when 1 or more of the following compounds are detected: trichloroethylene, 1, 2, Tetrachloroethylene, 1, 2 Dichloroethane, 1, 1, 1 Trichloroethane, Cis 1,2 Dichloroethylene, Trans 1, 2 Dichloroethylene, or 1, 1 Dichloroethylene. If the first analysis does not detect vinyl chloride, the department may reduce the frequency of vinyl chloride monitoring to once every 3 years.

(5) Radioactivity.

(A) Analysis for the contaminants listed in the table in 40 CFR 141.25(a), as amended January 22, 2001, shall be conducted to determine compliance with section 19-13-B102(e)(5)(I) to (L), inclusive, of the Regulations of Connecticut State Agencies in accordance with the methods described in 40 CFR 141.25(a), as amended January 22, 2001, or their equivalent determined by EPA in accordance with 40 CFR 141.27, as amended August 27, 1980.

(B) When the identification and measurement of radionuclides other than those listed in 40 CFR 141.25(a), as amended January 22, 2001, is required, the references listed in 40

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CFR 141.25(b)(1), as amended January 22, 2001, and 40 CFR 141.25(b)(2), as amended January 22, 2001, are to be used, except in cases where alternative methods have been approved in accordance with 40 CFR 141.27, as amended August 27, 1980.

(C) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit shall be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level ( $1.96s$  where  $s$  is the standard deviation of the net counting rate of the sample).

(i) To determine compliance with section 19-13-B102(e)(5)(I) of the Regulations of Connecticut State Agencies, the detection limit shall not exceed the concentrations in Table 1.

**TABLE 1.—Detection Limits for Gross Alpha Particle Activity, Radium 226, Radium 228, and Uranium**

CONTAMINANT	DETECTION LIMIT
Gross alpha particle activity	3 pCi/L
Radium 226	1 pCi/L
Radium 228	1 pCi/L
Uranium	1 µg/L

(ii) To determine compliance with Section 19-13-B102(e)(5)(J) of the Regulations of Connecticut State Agencies, the detection limits shall not exceed the concentrations listed in Table 2.

**TABLE 2.—Detection Limits for Man-Made Beta Particle and Photon Emitters**

RADIONUCLIDE	DETECTION LIMIT
Tritium	1,000 pCi/L
Strontium-89	10 pCi/L
Strontium-90	2 pCi/L
Iodine-131	1 pCi/L
Cesium-134	10 pCi/L
Gross beta	4 pCi/L
Other radionuclides	1/10 of the applicable limit

(D) To judge compliance with the maximum contaminant levels listed in section 19-13-102(e)(5)(I) to (L), inclusive, of the Regulations of Connecticut State Agencies, averages of data shall be used and shall be rounded to the same number of significant figures as the maximum contaminant level for the substance in question.

(E) The department may determine compliance or initiate enforcement action based upon

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analytical results or other information compiled by their sanctioned representatives and agencies.

(F) Monitoring and compliance requirements for gross alpha particle activity, radium-226, radium-228, and uranium.

(i) Community water systems (CWS) shall conduct initial monitoring to determine compliance with section 19-13-B102(e)(5)(I) of the Regulations of Connecticut State Agencies by December 31, 2007. For the purposes of monitoring for gross alpha particle activity, radium-226, radium-228, uranium, and beta particle and photon radioactivity in drinking water, “detection limit” is defined as in section 19-13-B102(e)(5)(C) of the Regulations of Connecticut State Agencies.

(I) Applicability and sampling location for existing community water systems or sources. All existing CWS using ground water, surface water or systems using both ground and surface water (for the purpose of this section hereafter referred to as systems) shall sample at every entry point to the distribution system that is representative of all sources being used (hereafter called a sampling point) under normal operating conditions. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source.

(II) Applicability and sampling location for new community water systems or sources. All new CWS or CWS that use a new source of water shall begin to conduct initial monitoring for the new source within the first quarter after initiating use of the source. CWS shall conduct more frequent monitoring when ordered by the department in the event of possible contamination or when changes in the distribution system or treatment processes occur which may increase the concentration of radioactivity in finished water.

(ii) Initial monitoring: systems shall conduct initial monitoring for gross alpha particle activity, radium-226, radium-228, and uranium as follows:

(I) Systems shall collect four consecutive quarterly samples at all sampling points before December 31, 2007.

(II) For gross alpha particle activity, uranium, radium-226, and radium-228 monitoring, the department may waive the final two quarters of initial monitoring for a sampling point if the results of the samples from the previous two quarters are below the detection limit specified in Table 1 of section 19-13-B102(e)(5)(C)(i) of the Regulations of Connecticut State Agencies.

(III) If the average of the initial monitoring results for a sampling point is above the MCL, the system shall collect and analyze quarterly samples at that sampling point until the system has results from four consecutive quarters that are at or below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the department.

(iii) Reduced monitoring: the department may grant permission to a community water system to reduce the future frequency of monitoring from once every three years to once every six or nine years at each sampling point, based on the following criteria:

(I) If the average of the initial monitoring results for each contaminant (i.e., gross alpha



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particle activity, uranium, radium-226, or radium-228) is below the detection limit specified in Table 1, in section 19-13-B102(e)(5)(c)(i) of the Regulations of Connecticut State Agencies, the system shall collect and analyze for that contaminant using at least one sample at that sampling point every nine years.

(II) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit but at or below 1/2 the MCL, the system shall collect and analyze for that contaminant using at least one sample at that sampling point every six years. For combined radium-226 and radium-228, the analytical results shall be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit but at or below 1/2 the MCL, the system shall collect and analyze for that contaminant using at least one sample at that sampling point every six years.

(III) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is above 1/2 the MCL but at or below the MCL, the system shall collect and analyze at least one sample at that sampling point every three years. For combined radium-226 and radium-228, the analytical results shall be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is above 1/2 the MCL but at or below the MCL, the system shall collect and analyze at least one sample at that sampling point every three years.

(IV) Systems shall use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods (e.g., if a system's sampling point is on a nine year monitoring period, and the sample result is above 1/2 MCL, then the next monitoring period for that sampling point is three years).

(V) If a system has a monitoring result that exceeds the MCL while on reduced monitoring, the system shall collect and analyze quarterly samples at that sampling point until the system has results from four consecutive quarters that are below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the department.

(iv) A gross alpha particle activity measurement may be substituted for the required radium-226 measurement provided that the measured gross alpha particle activity does not exceed 5 pCi/L. A gross alpha particle activity measurement may be substituted for the required uranium measurement provided that the measured gross alpha particle activity does not exceed 15 pCi/L. The gross alpha measurement shall have a confidence interval of 95% ( $1.65s$ , where  $s$  is the standard deviation of the net counting rate of the sample) for radium-226 and uranium. When a system uses a gross alpha particle activity measurement in lieu of a radium-226 and/or uranium measurement, the gross alpha particle activity analytical result shall be used to determine the future monitoring frequency for radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, 1/2 the detection limit shall be used to determine compliance and the future monitoring frequency.

(G) Monitoring and compliance requirements for beta particle and photon radioactivity. To determine compliance with the maximum contaminant levels in Section 19-13-

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B102(e)(5)(J) of the Regulations of Connecticut State Agencies for beta particle and photon radioactivity, a system shall monitor at a frequency as follows:

(i) Community water systems (both surface and ground water) designated by the department as vulnerable shall sample for beta particle and photon radioactivity. Systems shall collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the department. Systems already designated by the department shall continue to sample until the department reviews and either reaffirms or removes the designation.

(I) If the gross beta particle activity, or the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/L (screening level), the department may reduce the frequency of monitoring at that sampling point to once every 3 years. Systems shall collect all samples required in paragraph (G)(i) of this section during the reduced monitoring period.

(ii) Community water systems (both surface and ground water) designated by the department as utilizing waters contaminated by effluents from nuclear facilities shall sample for beta particle and photon radioactivity. Systems shall collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the department. Systems already designated by the department as systems using waters contaminated by effluents from nuclear facilities shall continue to sample until the department reviews and either reaffirms or removes the designation.

(I) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples. The quarterly result is an average of the three monthly results.

(II) For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As ordered by the department, and in consultation with the community water system, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.

(III) Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of four quarterly samples. The annual result is an average of the four quarterly results.

(IV) If the gross beta particle activity beta minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/L (screening level), the department may reduce the frequency of monitoring at that sampling point to every 3 years. Systems shall collect all samples required in subparagraph (G)(ii) of this subdivision during the reduced monitoring period.

(iii) Community water systems designated by the department to monitor for beta particle and photon radioactivity may not apply to the Department for a waiver from the monitoring frequencies specified in Section 19-13-B102(e)(5)(G)(i) or (ii) of the Regulations of Connecticut State Agencies.

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(iv) Community water systems may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. Systems may subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity shall be calculated by multiplying elemental potassium concentrations (in mg/L) by a factor of 0.82.

(v) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the screening level, an analysis of the sample shall be performed to identify the major radioactive constituents present in the sample and the appropriate doses shall be calculated and summed to determine compliance with Section 19-13-B102(e)(5)(J) of the Regulations of Connecticut State Agencies, using the formula in 40 CFR 141.66(d)(2), as amended December 7, 2000. Doses shall also be calculated and combined for measured levels of tritium and strontium to determine compliance.

(vi) Systems shall monitor monthly at the sampling point(s) which exceed the maximum contaminant level in Section 19-13-B102(e)(5)(J) of the Regulations of Connecticut State Agencies, beginning the month after the exceedance occurs. Systems shall continue monthly monitoring until the system has established, by a rolling average of 3 monthly samples, that the MCL is being met. Systems who establish that the MCL is being met shall return to quarterly monitoring until they meet the requirements set forth in Section 19-13-B102(e)(5)(G)(i)(I) or section 19-13-B102(e)(5)(G)(ii)(I) of the Regulations of Connecticut State Agencies.

(H) General monitoring and compliance requirements for radionuclides.

(i) The Department may require more frequent monitoring than specified in Section 19-13-B102(e)(5)(F) or (G) of the Regulations of Connecticut State Agencies, or may require confirmation samples for positive and negative results when the department determines that the source of supply is vulnerable or subject to contamination. The results of the initial and confirmation samples shall be averaged for use in compliance determinations.

(ii) Each public water systems shall monitor at the time designated by the department during each compliance period.

(iii) Compliance: Compliance with Section 19-13-B102(e)(5)(I) and (J) of the Regulations of Connecticut State Agencies, shall be determined based on the analytical result(s) obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL.

(I) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. If the average of any sampling point is greater than the MCL, then the system is out of compliance with the MCL.

(II) For systems monitoring more than once per year, if any sample result causes the running average to exceed the MCL at any sample point, the system is out of compliance with the MCL immediately.

(III) Systems shall include all samples taken and analyzed under the provisions of this section in determining compliance, even if that number is greater than the minimum

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required.

(IV) If a system does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance shall be based on the running average of the samples collected.

(V) If a sample result is less than the detection limit, zero shall be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, 1/2 the detection limit shall be used to calculate the annual average.

(iv) If the department determines there has been an error in the methods applied to the collection or analysis of the sample, the department shall invalidate the sample result.

(v) If the MCL for radioactivity set forth in Section 19-13-B102(e)(5)(I) and (J) of the Regulations of Connecticut State Agencies, is exceeded, the community water system shall give notice to the department pursuant to section 19-13-B102(h) and (i), of the Regulations of Connecticut State Agencies and shall conform to public notification and consumer confidence reporting requirements pursuant to section 19-13-B102(i) of the Regulations of Connecticut State Agencies.

(I) MCL for uranium, combined radium-226 and radium-228, and gross alpha particle activity (excluding radon and uranium). The maximum contaminant levels for uranium, combined radium-226 and radium-228 and gross alpha particle activity (including radium-226 but excluding radon and uranium) are listed in Table 3.

**Table 3**

<b>Contaminant</b>	<b>Maximum Contaminant Level</b>
Combined radium-226 and radium-228	5 Picouries Per Liter (pCi/L)
Gross alpha particle activity (including radium-226 but excluding radon and uranium)	15 pCi/L
Uranium	30 µg/l (Micrograms/Liter)

NOTE: The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.

(J) MCL for beta particle and photon radioactivity. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year (mrem/yr), as listed in Table 4. Except for radionuclides listed in Table 5, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents shall be calculated as described in 40 CFR 141.66(d)(2), as amended December 7, 2000. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 mrem/yr.

**Table 4**

<b>Contaminant</b>	<b>Maximum Contaminant Level</b>
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Beta particle and photon radioactivity                      Concentration shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 mrem/yr

**TABLE 5 – average annual concentrations assumed to produce: a total body or organ dose of 4 mrem/yr**

<b>Contaminant</b>	<b>Critical Organ</b>	<b>Level</b>
Tritium	Total body	20,000 pCi/L
Strontium-90	Bone Marrow	8 pCi/L

(K) Compliance dates. Compliance dates for combined radium-226 and –radium-228, gross alpha particle activity, gross beta particle and photon radioactivity, and uranium: Community water systems shall comply with the MCLS listed in paragraphs (I) and (J) of this section and compliance shall be determined in accordance with the requirements of paragraphs (A) to (H), inclusive, of this section. Compliance with reporting requirements for the radionuclides under section 19-13-B102(i) of the Regulations of Connecticut State Agencies is required.

(L) The best available technologies (BATs) for compliance with the MCLS for radionuclides shall conform to those approved by the U.S. EPA and specified in 40 CFR 141.66, as amended December 7, 2000.

(6) Total coliforms.

(A) The MCLG for microbiological contaminants which includes E. coli and fecal coliforms is zero (0).

(B) The maximum contaminant level (MCL) is based on the presence or absence of total coliforms in a sample, rather than coliform density. Compliance shall be based on a monthly MCL for total coliforms.

(i) For a system which collects at least forty (40) samples per month, if more than five percent (5.0%) of the samples collected during a month are total coliform positive, the system is in violation of the MCL for total coliforms.

(ii) For a system which collects fewer than forty (40) samples per month, if more than one (1) sample collected during a month is total coliform-positive, the system is in violation of the MCL for total coliforms.

(C) A system shall determine compliance with the MCL for total coliforms for each month in which it is required to monitor for total coliforms.

(D) Analytical methodology.

(i) Analytical methods for total coliform. The analysis for total coliform should be conducted using either the membrane filter (MF) technique, or the 10-tube multiple tube fermentation (MTF) technique (five (5) tubes may be utilized provided they collectively equal one hundred (100) ml), or the presence-absence (P-A) coliform test, or the colilert system as approved and specified in 40 CFR 141.21 (f). The standard sample volume required for total coliform analysis, regardless of analytical method used, is one hundred

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(100) ml.

(ii) Analytical methods for fecal coliforms. The use of EC medium for determining the presence of fecal coliform in a total coliform-positive culture is required. The procedure for fecal coliform analysis shall conform to those approved by EPA.

(iii) Analytical methods for E. Coli. The analysis for E. Coli shall be conducted using either the EC medium plus MUG (4-methylumbelliferyl-B-D-glucuronide), the nutrient agar plus MUG test or other testing methods which conform to those approved by EPA.

(7) Monitoring requirements

(A) The monitoring frequency for total coliforms and physical parameters for a community water system (CWS) and a consecutive public water system is based on the population served by the system, and the frequency is as follows:

**Table 1**

Population Served	Minimum Number Of Routine 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
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120



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220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270

If a CWS serving twenty-five (25) to one-thousand (1,000) persons has no history of total coliform violation in its current configuration, and a sanitary survey conducted in the past five (5) years shows that the system is supplied solely by a protected ground water source, and is free of sanitary defects pursuant to sections 19-13-B51a through 19-13-B51m of the Regulations of Connecticut State Agencies; the department may, if it is satisfied that this water is safe for consumption, reduce the monitoring frequency specified to no less than one (1) sample per quarter. Department approval of the reduced monitoring frequency shall be in writing. Water samples shall be collected by technical personnel employed by an environmental laboratory approved by the department under section 25-40 of the Connecticut General Statutes, or a certified distribution system operator, or a certified treatment plant operator, or a sanitarian, or an employee of the department, or a person under the direct supervision of either a certified distribution system operator, or a certified treatment plant operator.

The residual disinfectant concentration shall be measured at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in this subparagraph and subparagraph (G) of this subdivision. The presence of a residual disinfectant concentration in a sample from a system that is not approved for continuous chlorination shall invalidate the sample.

(B) The monitoring frequency for total coliforms and physical parameters for non-community water systems is as follows:

(i) A non-community water system using only ground water sources that are not under the direct influence of surface water and serving one thousand (1,000) persons or fewer shall monitor during each calendar quarter that the system provides water to the public, except that the department may reduce this monitoring frequency, in writing, to no less than once a year if a sanitary survey shows that the system is free of sanitary defects pursuant to sections 19-13-B51a through 19-13-B51m of the Regulations of Connecticut State Agencies.

(ii) A non-community water system using only ground water sources that are not under the direct influence of surface water and serving more than one thousand (1,000) persons shall monitor as specified in Table 1. Monitoring shall begin no later than December 31, 1990.

(iii) A non-community water system using surface water, in total or in part, shall monitor at the frequency specified in Table 1, regardless of the number of persons it serves. Monitoring shall begin no later than December 31, 1990.

(iv) A non-community water system using groundwater under the direct influence of surface water, shall monitor at the frequency specified in Table 1. Monitoring shall begin

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six (6) months after the department determines that the ground water is under direct influence of surface water.

(v) The residual disinfectant concentration shall be measured at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in this subparagraph and subparagraph (G) of this subdivision. The presence of a residual disinfectant concentration in a sample from a system that is not approved for continuous chlorination shall invalidate the sample.

(C) CWSs and NTNCs shall conduct monitoring to determine compliance with the MCLs specified in subsections (e)(2), (e)(3) and (e)(4) of this section.

(i) Monitoring frequency for CWSs and NTNCs. CWSs and NTNCs shall monitor in accordance with the frequencies listed in Table 7-C1 of this clause.

**TABLE 7-C1. MONITORING FREQUENCY FOR CWSs AND NTNCs**

<i>Contaminant</i>	BASE SAMPLING REQUIREMENT		REDUCED SAMPLING REQUIREMENT <sup>5</sup>	
	Ground Water Systems	Surface Water Systems <sup>4</sup>	Ground Water Systems	Surface Water Systems
Asbestos	Every 9 years	Every 9 years	Not Applicable	Not Applicable
Nitrate <sup>1</sup>	Annually	Quarterly	Not Applicable	Annually <sup>2</sup>
Nitrite <sup>1</sup>				
Inorganic chemicals	Every 3 years	Annually	Not Applicable	Not Applicable
Organic chemicals	Quarterly <sup>6</sup>	Quarterly <sup>6</sup>	Annually* <sup>3</sup>	Annually <sup>3</sup>
Pesticides, herbicides and polychlorinated biphenyls	Quarterly <sup>6</sup>	Quarterly <sup>6</sup>	Systems serving more than 3,300 persons: 2 quarters per year every 3 years <sup>3</sup> . Systems serving 3,300 persons or less; every 3 years <sup>3</sup>	

Notes:

<sup>1</sup>Each TNC shall monitor annually for nitrate and nitrite.

<sup>2</sup>Applicable only if all analytical results from 4 consecutive quarters are less than 50 percent of the MCL.

<sup>3</sup>Applicable only if no single contaminant is detected in the results of the 4 consecutive quarters of the base sampling requirement.

\*Reduce to once every 3 years after 3 years of no detection of any contaminant in annual sampling.

<sup>4</sup>Or GWUDI systems.

<sup>5</sup>Applicable only if approved in writing by the department.

<sup>6</sup>See subsections (e)(7)(C)(x), (xiii) and (xiv) of this section for exception.

(ii) A system shall monitor quarterly beginning in the next quarter, if in any 1 sample an

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inorganic chemical, with the exception of nitrate and nitrite, exceeds the MCL; organic chemical, pesticide, herbicide or polychlorinated biphenyl is detected at a level exceeding the MDL; or nitrate or nitrite exceeds or equals 50 percent of the MCL.

(iii) The department may decrease the quarterly monitoring requirement of clause (ii) of this subparagraph for inorganic chemicals, with the exception of nitrate and nitrite, to the base sampling requirement and organic chemicals, along with pesticides, herbicides and polychlorinated biphenyls, to annual sampling provided the department has determined that the system is reliably and consistently below the MCL for a minimum of 2 consecutive quarters for a ground water system and a minimum of 4 consecutive quarters for a surface water system. The department may decrease the quarterly monitoring requirement for systems which violated the MCL for organic chemicals, pesticides, herbicides and polychlorinated biphenyls to annual sampling provided that the system is reliably and consistently below the MCL for a minimum of 4 consecutive quarters. The department may decrease the quarterly monitoring requirement for systems which exceeded the MDL for a contaminant that does not have an established MCL to the reduced sampling requirement.

(iv) After 3 consecutive annual samples as required in clause (iii) of this subparagraph are less than the MDL, the department may allow a system to reduce the sampling frequency for organic chemicals, pesticides, herbicides and polychlorinated biphenyls to the reduced sampling requirement.

(v) After 4 consecutive quarterly samples as required in clause (ii) of this subparagraph are reliably and consistently less than the MCL for a ground water system and less than 50 percent of the MCL for a surface water system, the department may allow a system to reduce the sampling frequency for nitrate and nitrite to annually.

(vi) After the initial round of quarterly sampling is completed, a system that is monitoring annually shall take subsequent samples during the quarter(s) that resulted in the highest analytical result.

(vii) The department may increase the required monitoring frequency to detect variations within the system.

(viii) Each system shall monitor at the time designated by the department within each compliance period.

(ix) The department may determine compliance or initiate enforcement action based upon analytical results or other information compiled by the department.

(x) With the exception of nitrate, nitrite and TTHM, the department may allow the use of monitoring data collected after January 1, 1990 to satisfy the base sampling requirement provided the data is generally consistent with subsection (e) of this section for pesticides, herbicides, polychlorinated biphenyls, organic chemicals and inorganic chemicals. Systems which use grandfathered samples of organic chemicals and did not detect any contaminant listed in subsection (e)(4) of this section shall monitor annually.

(xi) The department may grant a system a waiver from monitoring for dioxin if the department determines that the watershed or zone of influence has not been or is not being used for any of the following land uses: pesticides and herbicides manufacturer, pulp and

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paper manufacturer, plastics manufacturer, wood preservative manufacturer, landfill and domestic waste transfer station, or hazardous waste disposal facility, and that the system has no water quality history indicating the presence of dioxin. The waiver shall be in writing and is subject to renewal for each compliance period. To request a waiver from monitoring, the system shall submit an application to the department in accordance with subsection (t) of this section. Such application shall include documentation that the watershed or zone of influence has not been or is not being used for pesticides and herbicides manufacturer, pulp and paper manufacturer, plastics manufacturer, wood preservative manufacturer, a landfill and domestic waste transfer station, or a hazardous waste disposal facility and that the system has no water quality history indicating the presence of dioxin. If the department grants the waiver, the system is not required to monitor for the compliance period for which the waiver is granted.

(xii) The department may grant a system a waiver from monitoring for endotoxin if the department determines that within the past year endotoxin has not been applied to any body of water, or to turf on sod farms or golf courses within the watershed or zone of influence of the source of supply. The waiver shall be in writing and is subject to renewal for each compliance period. To request a waiver from monitoring, the system shall submit an application to the department in accordance with subsection (t) of this section. Such application shall include documentation that within the past year endotoxin has not been applied to any body of water or to turf on sod farms or golf courses within the watershed or zone of influence of the source of supply. If the department grants the waiver, the system is not required to monitor for the compliance period for which the waiver is granted.

(xiii) The department may grant a system a waiver from the monitoring requirement for pesticides, herbicides and polychlorinated biphenyls if the department determines that the system's previous analytical results, collected from the source of supply and analyzed in accordance with the EPA's approved testing techniques and methodologies, showed no detectable limit of the contaminant to be waived and the source of supply is constructed and protected pursuant to sections 19-13-B32 and 19-13-B51d of the Regulations of Connecticut State Agencies. The waiver shall be in writing and is subject to renewal for each compliance period. To request a waiver from monitoring, the system shall submit an application to the department in accordance with subsection (t) of this section. Such application shall include documentation that the system's previous analytical results, collected from the source of supply and analyzed in accordance with the EPA's approved testing techniques and methodologies, showed no detectable limit of the contaminant and that the source of supply is constructed and protected pursuant to sections 19-13-B32 and 19-13-B51d of the Regulations of Connecticut State Agencies. If the department grants the waiver, the system is not required to monitor for the compliance period for which the waiver is granted.

(xiv) The department may grant a system a waiver from the monitoring requirement for organic chemicals (VOCs) if the department determines that the contaminant has not been previously used within the watershed or zone of influence and that the system's initial

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monitoring results showed no detectable limit of the contaminant to be waived. The waiver shall be in writing and is subject to renewal for each compliance period. To request a waiver from monitoring, the system shall submit an application to the department in accordance with subsection (t) of this section. Such application shall include documentation that the contaminant has not been previously used within the watershed or zone of influence and the system's initial monitoring results showed no detectable limit of the contaminant. If the department grants the waiver, the system is not required to monitor for the compliance period for which the waiver is granted. As a condition of the waiver, the system shall take 1 sample at each sampling point during the time the waiver is effective.

(xv) All systems that use a new source of water that began operation after January 22, 2004, shall demonstrate compliance with the MCL for inorganic chemicals, organic chemicals, pesticides, herbicides, and polychlorinated biphenyls. The system shall also comply with the initial sampling frequencies specified by the department to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this section.

(D) Sampling sites.

(i) Systems shall collect total coliform and physical samples at sites that are representative of water throughout the distribution system, according to that system's written sample siting plan. These plans are subject to department review, revision and approval. Systems shall collect the monthly samples at regular intervals throughout the month, except that a system that uses ground water sources that are not under the direct influence of surface water and serves one thousand (1,000) persons or fewer, may collect all required samples on a single day if they are taken from different sites. The siting plan is to be reviewed as necessary and is subject to approval by the department, usually in conjunction with the sanitary surveys.

(ii) Samples for organic chemicals, inorganic chemicals, pesticides, herbicides and PCB shall be collected after treatment, if any, at every entry point to the distribution system which is representative of each active source of supply. If the system draws water from more than one active source of supply and the sources are blended before distribution, and the system elects to sample the blended water, the system shall then sample at an entry point to the system during periods when water representative of these sources is being used. The department may designate additional sampling points within the distribution system or at consumers' taps, which more accurately determine consumer exposure. All samples shall be taken at the same sampling point unless the department determines that conditions make another sampling point more representative of each source, treatment plant or the distribution system. If a source is not active, it shall be tested when activated and subject to approval by the department prior to being put into service.

(iii) Systems shall collect the asbestos sample(s) from the distribution system at a location that is representative of each entry point. When applicable, the sample(s) shall be collected from a tap served by an asbestos cement pipe and under conditions where asbestos contamination is most likely to occur.

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(iv) The department may reduce the total number of samples a system shall analyze for asbestos, organic chemicals, pesticides, herbicides and PCB by allowing the use of compositing. Composite samples from a maximum of five (5) sampling points within a single system for all public water systems and from different systems for systems serving three thousand three hundred (3,300) persons or less are allowed, provided that the method detection limit (MDL) used for analysis multiplied by the number of composite samples is less than the MCL (e.g., MDL multiplied by the number of samples is less than the MCL). Compositing of samples shall be done in a state approved laboratory and analyzed within fourteen (14) days of sample collection. If the concentration in the composite sample is greater than or equal to the method detection limit of any contaminant listed in subsections (e)(2) through (e)(4) of this section, then a follow-up sample shall be taken and analyzed within fourteen (14) days from each sampling point included in the composite. These samples shall be analyzed for the contaminants that were detected in the composite sample. If duplicates of the original sample taken from each sampling point used in the composite are available, then the system may use these instead of resampling. The duplicates shall be analyzed and the results reported to the department within fourteen (14) days of collection.

(E) Sanitary surveys.

(i) General requirements.

(I) A sanitary survey shall include, but not be limited to, an onsite inspection by the department of the system's water source or sources, facilities, operations, maintenance, and monitoring compliance program.

(II) Only the department or an agent approved by the department may conduct a sanitary survey. The department shall review the sanitary survey results to determine the adequacy of the system, including the existing monitoring frequency. The system is responsible for ensuring that the survey takes place.

(III) Systems shall provide to the department, at the department's request, any information that will enable the department to conduct a sanitary survey including, but not limited to information necessary to perform a HSA.

(IV) In conducting a sanitary survey of a system using ground water, information on sources of contamination within the delineated wellhead protection area shall be considered. If such information had been collected since the last sanitary survey, a special study to collect new information is not necessary.

(V) The department, during a sanitary survey, shall identify sources of contamination using the results of source water assessments or other relevant information.

(VI) The system's certified operator shall be present at the sanitary survey.

(ii) Sanitary survey frequency.

(I) A sanitary survey shall be completed no less frequently than every 3 years for CWSs and every 5 years for non-community water systems. The department may conduct more frequent sanitary surveys for any system.

(1) The initial sanitary survey for each CWS shall be conducted by December 31, 2012, unless the CWS provides at least 4 log treatment of viruses using inactivation, removal, or



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a department-approved combination of 4 log inactivation and removal before or at the first consumer for all of the system's ground water sources, in which case the initial sanitary survey shall be conducted by December 31, 2014.

(2) The initial sanitary survey for each non-community water system shall be conducted by December 31, 2014.

(II) The department may conduct sanitary surveys once every 5 years for a CWS that uses only ground water sources if the CWS provides at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log inactivation and removal before or at the first consumer for all of the CWS's ground water sources.

(III) The department may use a phased review process to meet the requirements of this clause if all the applicable components of the sanitary survey under clause (iii) of this subparagraph are evaluated within the required interval.

(iii) Sanitary survey components.

A sanitary survey is composed of, but not limited to, an evaluation of the following 8 components:

(I) Source;

(II) Treatment;

(III) Distribution system;

(IV) Finished water storage;

(V) Pumps, pump facilities, and controls;

(VI) Monitoring, reporting, and data verification;

(VII) System management and operation; and

(VIII) Compliance by the system with the requirements in sections 25-32-7a through 25-32-14, inclusive, of the Regulations of Connecticut State Agencies.

(iv) Response to significant deficiencies or violations of the Regulations of Connecticut State Agencies in the sanitary survey report or other written notification.

(I) If the department identifies significant deficiencies or violations of the Regulations of Connecticut State Agencies adopted under Titles 19a or 25 of the Connecticut General Statutes that relate to the sanitary survey components in clause (iii) of this subparagraph at a system, then the department shall issue a sanitary survey report or other written notification to the system containing the system's significant deficiencies or violations, or both, and may require the system to implement a specific corrective action as set forth in subclause (VI) of this clause or a specific interim measure as set forth in subclause (VII) of this clause, or both.

(II) Unless the department in the sanitary survey report or other written notification requires a system to implement a specific corrective action for a significant deficiency, a system shall consult with the department regarding appropriate corrective action and a schedule for implementing corrective action not later than 30 days after receiving the sanitary survey report or other written notification. The department may require a system to comply with department-specified interim measures as set forth in subclause (VII) of this clause pending completion of corrective action.

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(III) Not later than 45 days after receiving the sanitary survey report or other written notification, or earlier if directed by the department:

(1) The system shall, unless the department in the sanitary survey report or other written notification requires a system to implement a specific corrective action for a significant deficiency, submit an application to the department requesting approval of the corrective actions the system will take to address the significant deficiencies, and the proposed schedule for completing such actions. Such application shall be submitted in accordance with subsection (t) of this section. If the department approves such application, such application shall constitute the department-approved corrective action plan and schedule.

(2) If the department in the sanitary survey report or other written notification requires the system to implement a specific corrective action for a significant deficiency, the system shall notify the department that the system will complete, or has completed, the specified corrective action by a date certain. Such response shall be submitted in accordance with subsection (t) of this section.

(3) If the department in the sanitary survey report or other written notification identifies a violation or violations of the Regulations of Connecticut State Agencies, the system shall submit to the department an application requesting approval of the actions the system will take, or has taken, to address the violation or violations and the proposed schedule for completing such actions. Such application shall be submitted in accordance with subsection (t) of this section.

(IV) Not later than 120 days after receiving the sanitary survey report or other written notification, or earlier if directed by the department, a system with a significant deficiency or deficiencies shall:

(1) Have either completed the corrective action and any interim measures required by the department in the sanitary survey report or other written notification or have completed corrective action and any interim measures in accordance with a department-approved corrective action plan and schedule; or

(2) Be in compliance with a department-approved corrective action plan and schedule unless the system has applied for and the department granted a modification. A system may seek to modify the department-approved corrective action plan and schedule by submitting an application to the department requesting approval of the proposed modification or modifications to the department-approved corrective action plan and schedule in accordance with subsection (t) of this section. Such application shall contain the proposed modification or modifications to the department-approved corrective action plan and schedule. The system is required to comply with the department-approved corrective action plan and schedule until such modification or modifications are approved.

(V) When a significant deficiency is identified at a Subpart H system, the Subpart H system shall comply with the provisions of this clause, except in cases where the department determines that the significant deficiency is located in a portion of the distribution system that is served solely by a surface water or GWUDI source. If the significant deficiency is located in a portion of the distribution system that is served solely by a surface water or

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GWUDI source, the department may choose not to require the Subpart H system to implement 1 or more of the corrective actions in subclauses (VI)(1) through (3), inclusive, of this clause.

(VI) The department shall require in a sanitary survey report or other written notification or a department-approved corrective action plan a ground water system with a significant deficiency or deficiencies to implement 1 or more of the following corrective actions in subclauses (VI)(1) through (4), inclusive, of this clause and a Subpart H system with a significant deficiency or deficiencies to implement 1 or more of the corrective actions in subclauses (VI)(1) through (3), inclusive, of this clause.

- (1) Correct all significant deficiencies;
- (2) Provide an alternate source of water;
- (3) Eliminate the source of contamination; or
- (4) Provide treatment that reliably achieves at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for the ground water source.

(VII) Interim measures include, but are not limited to the following:

- (1) Provision of an alternate source of water;
  - (2) Notice to consumers to boil all water to be used for consumption;
  - (3) Temporary disinfection of water in a manner prescribed by the department; and
  - (4) Inactivation of a water source or sources.
- (v) Regardless of whether the system is a CWS or a NTNC, if such system provides at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer, such system shall have an operator who is certified pursuant to subsection 25-32-9 of the Regulations of Connecticut State Agencies.

(vi) Treatment technique violations.

(I) A system with a significant deficiency is in violation of a treatment technique requirement if, not later than 120 days after receiving the sanitary survey report or other written notification, or earlier if directed by the department, the system:

(1) Does not complete corrective action in accordance with the sanitary survey report or other written notification, if the department in the sanitary survey report or other written notification requires the system to implement a specific corrective action or a specific interim measure, or both, or, if the system has a department-approved corrective action plan, in accordance with the department-approved corrective action plan and schedule, including department-specified interim measures, if any; or

(2) Is not in compliance with a department-approved corrective action plan and schedule.

(II) Systems shall give public notification under subsection (i)(2) of this section for the treatment technique violations specified in subclause (I) of this clause.

(F) Invalidation of total coliform-positive samples. The department may invalidate a total coliform-positive sample only if:

(i) The department approved laboratory establishes and verifies in writing that improper

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sample analysis caused the total coliform-positive result.

(ii) The system determines that the contamination is a domestic or other non-distribution system plumbing problem on the basis that one (1) or more repeat sample(s) taken at the same tap as the original total coliform-positive sample is total coliform-positive, but all repeat samples at nearby sampling locations are total coliform-negative. (The department cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the system has only one (1) service connection.)

(iii) The department has substantial grounds to believe that a total coliform-positive result is due to some circumstance or condition that does not reflect water quality in the distribution system, if the basis for this determination with the rationale for the decision is documented in writing, this document is signed and approved by the supervisor of the department official who makes this determination, and the documentation is made available to EPA and the public. In this case, the system shall still collect all repeat samples as required in subparagraph (G) of subsection 19-13-B102(e)(7) of the regulations of Connecticut State Agencies. The department may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

(G) Repeat monitoring/additional routine samples:

(i) If a routine sample is confirmed total coliform-positive, the system shall collect a set of repeat samples within twenty-four (24) hours of the confirmed positive result according to Table 2.

**Table 2 - Monitoring Requirements Following A Total Coliform-Positive Routine Sample:**

<i>Routine Samples/Mo</i>	<i>Repeat Samples<sup>1</sup></i>	<i>Routine Samples Next Month<sup>2</sup></i>
1/Mo. or fewer	4	5/Mo.
2/Mo.	3	5/Mo.
3/Mo.	3	5/Mo.
4/Mo.	3	5/Mo.
5/Mo. or more	3	Table 1 <sup>3</sup>

<sup>1</sup> Number of repeat samples in the same month for each total coliform-positive routine sample.

<sup>2</sup> Except where the department has invalidated the original routine sample.

<sup>3</sup> System need not take any additional samples beyond those it is required to take according to Table 1.

The department shall extend the twenty-four (24) hour limit to no more than ninety-six (96) hours provided the system verifies that their contract laboratory is closed for the weekend or holidays or their sample sites are unavailable. (Waiver shall be requested and granted before the original twenty-four(24) hour period elapses.)

(ii) The system shall collect at least one (1) repeat sample from the sampling tap where

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the original total coliform-positive sample was taken and at least one (1) repeat sample at a tap within five (5) service connections upstream and at least one repeat sample at a tap within five (5) service connections downstream of the original sampling site. For those systems that shall collect four (4) repeat samples, the fourth repeat sample can be collected from any distribution sampling point within the system. If a total coliform-positive sample is at the end or at the beginning of the distribution system, the system shall collect one (1) repeat sample at the original sampling point and the other required repeat samples at sampling points within five (5) service connections upstream or downstream from the original sampling point.

(iii) The system shall collect all repeat samples on the same day, except that the department may allow a system with a single service connection to collect the required set of repeat samples over a four-day period or to collect a larger volume repeat sample(s) in one (1) or more sample containers of any size, as long as the total volume collected is at least 400 ml (300 ml for systems that collect more than one (1) routine sample/month) provided four (4) separate sampling locations are not available.

(iv) If 1 or more samples in the set of repeat samples is confirmed total coliform-positive, the system shall collect an additional set of repeat samples. The system shall collect the additional samples not later than 24 hours after the confirmed positive result, unless the department extends the 24-hour limit under clause (i) of this subparagraph. The system shall repeat this process until either total coliforms are not detected in 1 complete set of repeat samples or the system determines that the MCL for total coliforms has been exceeded and notifies the department.

(v) If after a system collects a routine sample and before it learns the results of the analysis of that sample, it collects another routine sample(s) from within five (5) adjacent service connections of the initial sample, and the initial sample after analysis is found to contain total coliforms; then the system may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

(vi) If one (1) or more repeat samples in the set is confirmed total coliform-positive, the system shall collect an additional set of repeat samples. The system shall collect the additional samples within twenty-four (24) hours of the confirmed positive result, unless the department extends the limit as noted in subparagraph (7)(G)(i) of this subsection. The system shall repeat this process until either total coliforms are not detected in one (1) complete set of repeat samples or the system determines that the MCL for total coliforms has been exceeded and notifies the department.

(vii) Results of all routine and repeat samples not invalidated by the department shall be included in determining compliance with the MCL for total coliforms. Special purpose samples shall not be used to determine compliance with the MCL for total coliforms.

(H) A system that uses a groundwater source under the direct influence of surface water, and that does not provide and operate treatment pursuant to section 19-13- B102 (j)(2) of the Regulations of Connecticut State Agencies, shall collect and test for total coliform and turbidity levels as specified in the following subclauses:

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(i) The system shall collect at least one (1) total coliform sample which shall be collected near the first service connection each day the turbidity level of the source water exceeds one (1) nephelometric turbidity unit (NTU). The system shall collect this coliform sample within twenty-four (24) hours of the first exceedance of one (1) NTU, unless the department waives this requirement as noted in subparagraph (7)(G)(i) of this subsection. Sample results from this coliform monitoring shall be included along with the results of all acceptable, as determined by the department, routine and repeat samples in determining compliance with the MCL for total coliforms.

(ii) The system shall perform tests for turbidity on samples collected, at least daily, at a point or points representative of water entering the distribution system. The system shall conduct such tests in accordance with the method as specified in 40 CFR 141.74(a)(1). When the turbidity of any such sample exceeds one (1) nephelometric turbidity unit (NTU), the sampling shall be repeated and a new test made for turbidity within one hour of the original test or as soon as practical. If the repeat test also exceeds the turbidity limit of one (1) NTU, this shall be reported to the department within twenty-four (24) hours. If the monthly average exceeds one (1) NTU, or if the average of two (2) samples taken on consecutive days exceeds five (5) NTU, it shall be reported to the department within twenty-four (24) hours.

(I) Fecal coliform and *E. coli* requirements.

(i) If any routine or repeat sample is total coliform-positive, the system shall analyze that total coliform-positive culture medium to determine if fecal coliforms or *E. coli* are present. The system shall notify the department by the end of the day on which the system is notified of the positive test result but not later than 96 hours after the time of sample collection. If the department's office is closed at that time, notification shall be made before the end of the next business day.

(ii) If any repeat sample is fecal coliform-positive or *E. coli*-positive, or if a fecal coliform-positive or *E. coli*-positive routine sample is followed by a total coliform-positive repeat sample and the repeat sample is not invalidated, the system is in violation of the MCL for total coliforms. This is an acute risk violation of the MCL for total coliforms.

(J) Heterotrophic bacteria interference (HBI).

(i) A laboratory analysis shall be conducted by an environmental laboratory issued a certificate of approval by the department pursuant to section 19a-29a of the Connecticut General Statutes.

(ii) A laboratory shall invalidate any total coliform sample which produces: a turbid culture in the absence of gas production using the multiple tube fermentation (MTF) technique, or a turbid culture in the absence of an acid reaction using the presence-absence (P-A) coliform test, or confluent growth or a colony number that is "too numerous to count" using the membrane filter (MF) technique (unless total coliforms are detected).

(iii) If a laboratory invalidates a total coliform sample under clause (ii) of this subparagraph, the system shall collect another sample from the same location not later than 24 hours after notification from the laboratory that such sample is invalidated, and have the



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sample analyzed for total coliforms. If HBI occurs in the replacement sample, the system shall continue to resample at the same location not later than 24 hours after notification of the laboratory until a sample in which HBI does not occur is obtained. The results of the sample in which HBI does not occur shall be included in compliance calculations.

(K) Sampling protocol.

(i) Where a different schedule is prescribed pursuant to federal regulations, as they may be amended from time to time, the more stringent testing schedule shall apply.

(ii) Laboratory analyses shall be conducted using EPA sampling and testing methods and by an environmental laboratory approved by the department under section 19a-29a of the Connecticut General Statutes.

(iii) Water samples shall be collected by technical personnel employed by an environmental laboratory issued a certificate of approval by the department under section 19a-29a of the Connecticut General Statutes, or a certified distribution system operator, or a certified treatment plant operator, or a sanitarian, or an employee of the department, or a person under the direct supervision of either a certified laboratory, a certified distribution system operator or a certified treatment plant operator.

(iv) Analytical methods for all inorganic chemicals, organic chemicals, pesticides, herbicides and polychlorinated biphenyls shall conform to those approved by EPA and described in 40 CFR 141.23(k), as amended from time to time, and 40 CFR 141.24(e), as amended from time to time. Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted pursuant to 40 CFR 141.89, as amended from time to time.

(v) Inorganic samples shall be collected and handled in accordance with 40 CFR 141.23(k)(2), as amended from time to time.

(vi) Arsenic sampling results shall be reported to the nearest 0.001mg/l.

(L) Where the fluoride content is artificially adjusted, tests for fluoride shall be made on each source so adjusted at least daily. The fluoride content of such supplies shall be maintained between 0.8 mg/l and 1.2 mg/l. If the monthly average of the daily tests does not fall within these limits it shall be reported as a failure to comply with this subparagraph. If warranted by conditions that may be detrimental to the health of consumers, samples from each fluoridated source shall be submitted to the department for testing.

(M) Where the water is chlorinated, at least daily tests shall be made for residual chlorine. A system that uses a GWUDI source and does not provide and operate treatment pursuant to subsection (j)(2) of this section shall disinfect in accordance with subsection (j)(3)(B) of this section.

(N) pH and phosphate monitoring.

(i) Where the pH value is artificially adjusted, tests for pH value shall be made of the treated water daily, or as required by the department.

(ii) Where phosphate or other corrosion control chemicals are used, tests shall be made for the phosphate level or for other chemicals involved in the corrosion control treatment at least once every two weeks, or as required by the department. The tests shall be done at

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a location(s) approved by the department.

(O) In cases where a consecutive public water system receives all of the system's water from 1 or more wholesale systems, tests for inorganic chemicals, organic chemicals, pesticides, herbicides, polychlorinated biphenyls and radioactive substances need not be made by the consecutive public water system except for lead, copper and asbestos which shall be tested in both systems according to subparagraph (C) of this subdivision and subsection (e)(8) of this section. Bacteriological and physical tests shall be performed at the required frequencies by both systems. The department may waive asbestos testing for a consecutive public water system that receives all of the system's water from 1 or more wholesale systems, if the system can verify that it does not have any asbestos cement pipes in its distribution system.

(P) Confirmation samples.

(i) Where the results of sampling for inorganic chemicals, organic chemicals, pesticides, herbicides and PCB, with the exception of nitrate, nitrite and TTHM exceed the MCL, the department may require that one additional sample be collected no later than two (2) weeks after the first sample is taken. The confirmation sample shall be collected at the same sampling point as the first sample.

(ii) Where nitrate or nitrite sampling results exceed the MCL, the system shall take a confirmation sample within twenty-four (24) hours of the system's receipt of notification of the analytical results of the first sample. Systems unable to comply with the twenty-four (24) hour sampling requirement shall immediately notify the consumers in accordance with subsection 19-13-B102(i) of the regulations of Connecticut State Agencies. Systems exercising this option shall take and analyze a confirmation sample within two (2) weeks of notification of the analytical results of the first sample.

(iii) The results of the initial and confirmation sample shall be averaged. The resulting average shall be used to determine the system's compliance in accordance with subparagraph (Q) of this subsection. The department has the discretion to delete results of obvious sampling errors.

(iv) The department may require more frequent monitoring than specified or may require confirmation samples for positive and negative results when the department determines that the source of supply is vulnerable and subject to contamination.

(Q) Compliance.

(i) For systems that are conducting monitoring at a frequency greater than annual compliance with the MCL, with the exception of THHM, nitrate and nitrite shall be determined based on the results of a running annual average of quarterly sampling for each sampling location. If more than one (1) sample is collected at a location during a quarter, the results of the samples shall be averaged to obtain a single result of that quarter. If one (1) location's running annual average is greater than the MCL, then the system shall be deemed to be out of compliance. A system deemed out of compliance shall be subject to a departmental enforcement action. If any one (1) positive sample result would cause the annual average to be exceeded, then the system shall be deemed to be out of compliance

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immediately. The department may also require a resample of a negative result when the validity of the results, as determined by the department, may be inaccurate. All sample results shall be compiled in determining compliance. When calculating results for compliance, any chemical result that is reported as being below the MDL for that chemical shall be counted as a zero (0). If a system fails to collect the required number of samples, compliance shall be based on the average concentration of the total number of samples collected. The system shall not be considered in violation of the MCL until it has completed one year of quarterly sampling. If a confirmation sample is required by the department the determination of compliance shall be based on the average of the two (2) samples.

(ii) If any sample exceeds the MCL for nitrate or nitrite, the system shall take a confirmation sample. The compliance determination is based on the average of the results of the initial and confirmation samples of each sampling point.

(iii) If a system has a distribution system that is physically or hydraulically isolated from other parts of the distribution system, only that part of the system that exceeds an MCL shall be deemed out of compliance. The department shall apply the public notice requirement to that portion of the system, which is out of compliance. Public notice shall be effected pursuant to subsection 19-13-B102(i) of the Regulations of Connecticut State Agencies.

(iv) The best available technologies for compliance with the MCL shall conform to those approved by EPA and specified in 40 CFR 141.61(b), 40 CFR 141.62(c), as amended June 29, 2004, and 40 CFR 141.64(c). Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels is identified as the best means available for achieving compliance with maximum residual disinfectant levels. For surface water and GWUDI systems using conventional treatment, enhanced coagulation or enhanced softening are identified as treatment techniques for controlling disinfection byproduct precursors in drinking water treatment and distribution systems.

(R) Monitoring requirements for systems with a groundwater source under the direct influence of surface water. For a groundwater source under the direct influence of surface water that is required to provide and operate treatment pursuant to section 19-13-B102(j)(2) of the Regulations of Connecticut State Agencies, the department shall be guided by its document entitled, "Determination Of Groundwater Under The Direct Influence Of Surface Water." Interim monitoring requirements shall be required prior to installation of filtration. Specific requirements shall be determined pursuant to subsections (j)(2)(D), (j)(3)(A), (e)(7)(H), and (e)(7)(M) of this section.

(S) Monitoring requirements for systems that use a surface water source or a groundwater source under the direct influence of surface water, and that provide and operate treatment pursuant to section 19-13-B102(j)(2) of the Regulations of Connecticut State Agencies.

(i) Turbidity measurements as required by section 19-13-B102(j)(4) of the Regulations of Connecticut State agencies shall be performed on representative samples of the system's combined filtered water at a point prior to entering a distribution system using a continuous

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turbidimeter for the time period the filter(s) contribute(s) water to the system, and the system shall record a turbidity result at least every four (4) hours.

Additionally, if a system serves 10,000 or more persons and uses conventional or direct filtration, the system shall perform turbidity measurements on samples representative of effluent water from each individual filter, using a continuous turbidimeter during the time period the filter contributes water to the combined filter water or serves water to the public. The system shall record the turbidity result at least every fifteen (15) minutes during this period.

Additionally, beginning on January 1, 2005, if a system serves fewer than 10,000 persons and uses conventional or direct filtration, the system shall perform turbidity measurements on samples representative of effluent water from each individual filter, using a continuous turbidimeter during the time period the filter contributes water to the combined filter water or serves water to the public. The system shall record the turbidity result at least every fifteen (15) minutes during this period. If the system only consists of two or fewer filters, the system may conduct continuous monitoring of combined filter effluent turbidity in lieu of individual filter effluent turbidity monitoring. Combined filter effluent turbidity monitoring shall meet the same requirements set forth in this subclause.

If there is a failure in the continuous monitoring equipment, grab sampling every four (4) hours shall be conducted in lieu of continuous monitoring, but for no more than five (5) working days following the failure of the equipment for systems serving 10,000 or more persons and for no more than 14 calendar days for systems serving fewer than 10,000 people. A system shall validate the continuous measurement on a daily basis using the appropriate procedure in the latest edition of “Standard Methods For The Examination Of Water And Wastewater” and shall calibrate the turbidimeters using a procedure specified by the equipment manufacturer. A copy of this publication can be obtained by request to the American Public Health Association in Washington, DC. The system shall conduct all turbidity measurements in accordance with a method specified in 40 CFR 141.74(a)(1).

(ii) The residual disinfectant concentration of the water entering the distribution system shall be monitored continuously, and the lowest value shall be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every four (4) hours may be conducted in lieu of continuous monitoring, but for no more than five (5) working days following the failure of the equipment.

(iii) The residual disinfectant concentration shall be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in section 19-13-B102(e)(7) of the Regulations of Connecticut State Agencies. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in 40 CFR 141.74 (a)(1), may additionally be measured and used in conjunction with the measurement for residual disinfectant concentration when determining compliance pursuant to section 19-13-B102(j)(3)(B)(iii) of the Regulations of Connecticut State Agencies.

(iv) A system serving 10,000 or more persons, having a TTHM annual average of greater than or equal to 0.064 mg/L or a HAA5 annual average of greater than or equal to 0.048

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mg/L, shall develop a disinfection profile in accordance with 40 CFR 141.172(b) and submit the disinfection profile pursuant to section 19-13- B102(h)(6)(B)(iv) of the Regulations of Connecticut State Agencies. TTHM and HAA5 annual averages under this subclause, as defined in subsection (a) of this section, shall be based on the monitoring requirement of 40 CFR 141.172(a)(1) through (5) for each respective treatment plant with a surface water source or a groundwater source under the direct influence of surface water. A system shall monitor and calculate logs of inactivation in accordance with 40 CFR 141.172(b) when developing a disinfection profile, and inactivation values achieved by various disinfectants for giardia lamblia cysts and viruses.

(v) A system serving fewer than 10,000 persons, having a TTHM annual average of greater than or equal to 0.064 mg/L or a HAA5 annual average of greater than or equal to 0.048 mg/L, shall develop a disinfection profile in accordance with 40 CFR 141.532, as amended January 14, 2002, 40 CFR 141.533, as amended January 14, 2002, 40 CFR 141.534, as amended January 14, 2002, 40 CFR 141.535, as amended January 14, 2002 and 40 CFR 141.536, as amended January 14, 2002, and submit the disinfection profile pursuant to section 19-13-B102(h)(6)(B)(iv) of the Regulations of Connecticut State Agencies.

TTHM and HAA5 annual averages under this subclause, as defined in subparagraph (a) of this section, shall be based on samples collected, during the month of the warmest water temperature and at the point of maximum residence time in the distribution system for each respective treatment plant with a surface water source or a groundwater source under the direct influence of surface water. A system shall monitor and calculate logs of inactivation in accordance with 40 CFR 141.532, as amended January 14, 2002, 40 CFR 141.533, as amended January 14, 2002, 40 CFR 141.534, as amended January 14, 2002, 40 CFR 141.535, as amended January 14, 2002, and 40 CFR 141.536, as amended January 14, 2002, when developing a disinfection profile, and inactivation values achieved by various disinfectants for giardia lamblia cysts and viruses.

(T) Enhanced treatment for Cryptosporidium.

(i) General Requirements.

(I) General requirements.

This subparagraph and subsections (h)(9), (i)(5), (j)(12), and (j)(13) of this section establish or extend treatment technique requirements in lieu of MCLs for Cryptosporidium. These requirements are in addition to the requirements for filtration and disinfection in subparagraphs (H), (R), and (S) of this subdivision, subsection (h)(6), and subsections (j)(2) through (j)(4) of this section.

(II) Applicability.

(1) This subparagraph applies to all Subpart H systems.

(2) Wholesale systems shall comply with the requirements of this subparagraph and subsections (h)(9), (i)(5), (j)(12), and (j)(13) of this section based on the population of the largest system in the combined distribution system.

(3) This subparagraph and subsections (h)(9), (i)(5), (j)(12), and (j)(13) of this section apply to systems required by this section to provide filtration treatment, whether or not the



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system is currently operating a filtration system.

(III) Requirements.

(1) Subpart H systems subject to this subparagraph and subsections (h)(9), (i)(5), (j)(12), and (j)(13) of this section shall comply with the following requirements:

(A) Subpart H systems shall conduct a second round of source water monitoring for each plant that treats a surface water or GWUDI source, or both. This monitoring may include sampling for *Cryptosporidium*, *E. coli*, and turbidity as described in clauses (ii) through (vi), inclusive, of this subparagraph and subsection (h)(9) of this section, to determine what level, if any, of additional *Cryptosporidium* treatment the system shall provide.

(B) Subpart H systems that plan to make a significant change to disinfection practice shall develop disinfection profiles and calculate disinfection benchmarks, as described in clauses (vii) through (viii), inclusive, of this subparagraph.

(C) Subpart H systems shall determine their *Cryptosporidium* treatment bin classification as described in subsection (j)(12)(A) of this section and provide additional treatment for *Cryptosporidium*, if required, as described in subsection (j)(12)(B) of this section. Subpart H systems shall implement *Cryptosporidium* treatment according to the schedule in subsection (j)(12)(C) of this section.

(D) Subpart H systems required to provide additional treatment for *Cryptosporidium* shall implement microbial toolbox options that are designed and operated as described in subsections (j)(13)(A) through (F) of this section.

(E) Subpart H systems shall comply with the applicable recordkeeping and reporting requirements described in subsections (h)(9)(B) through (E) and (l)(1)(R) through (T) of this section.

(F) Subpart H systems shall address significant deficiencies identified in sanitary surveys performed by the department as described in subparagraph (E) of this subdivision.

(ii) Source water monitoring requirements.

(I) Second round of source water monitoring. A Subpart H system shall conduct a second round of source water monitoring that meets the requirements for monitoring parameters, frequency, and duration described in 40 CFR 141.701(a), as amended from time to time, unless the Subpart H system meets the monitoring exemption criteria in subclause (III) of this clause. A Subpart H system shall conduct this monitoring on the schedule in subclause (II) of this clause.

(II) Monitoring schedule. A Subpart H system shall commence the second round of monitoring required in subclause (I) of this clause not later than the month beginning with the date listed in Table 7-T1 of this subclause:

**TABLE 7-T1. SOURCE WATER MONITORING STARTING DATES**

Subpart H systems that serve...	Shall begin the second round of source water monitoring required under subsection (e)(7)(T)(ii)(I) of this section not later than the month
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	beginning...
(1) At least 100,000 people...	April 1, 2015
(2) From 50,000 to 99,999 people...	October 1, 2015
(3) From 10,000 to 49,999 people...	October 1, 2016
(4) Fewer than 10,000 and monitor for E. coli...	October 1, 2017
(5) Fewer than 10,000 and monitor for Cryptosporidium <sup>1</sup> ...	April 1, 2019

<sup>1</sup> Applies to Subpart H systems that meet the conditions of 40 CFR 141.701(a)(4), as amended from time to time.

(III) Monitoring avoidance.

(1) A Subpart H system is not required to conduct source water monitoring under this subparagraph if it will provide a total of at least 5.5 log of treatment for Cryptosporidium, equivalent to meeting the treatment requirements of Bin 4 in subsection (j)(12)(B) of this section, and obtains a monitoring exemption from the department. In order to obtain a monitoring exemption, the Subpart H system shall submit an application to the department requesting such exemption in accordance with subsection (t) of this section and shall include with the application documentation demonstrating that it will provide a total of at least 5.5 log of treatment for Cryptosporidium, equivalent to meeting the treatment requirements of Bin 4 in subsection (j)(12)(B) of this section. Such application shall be submitted to the department not later than the date on which the Subpart H system is required to submit a sampling schedule for monitoring under clause (iii) of this subparagraph.

(2) Alternatively, a Subpart H system may stop sampling at any point after it has initiated monitoring if the Subpart H system submits an application to the department requesting approval to provide a total of at least 5.5-log of treatment for Cryptosporidium, equivalent to meeting the treatment requirements of Bin 4 in subsection (j)(12)(B) of this section by the applicable treatment compliance date in subsection (j)(12)(C) of this section, and the department grants such approval. Such application shall be submitted in accordance with subsection (t) of this section and shall include with the application documentation demonstrating that the Subpart H system will install and operate technologies to provide this level of treatment by the applicable compliance date in subsection (j)(12)(C) of this section. Subpart H systems shall install and operate technologies to provide this level of treatment by the applicable treatment compliance date in subsection (j)(12)(C) of this section.

(IV) Plants operating only part of the year. A Subpart H system with a surface water or GWUDI treatment plant that operates for only part of the year shall conduct source water monitoring in accordance with this subparagraph, but with the modifications in subclauses (IV)(1) and (2) of this clause. For purposes of this subclause, a Subpart H system operates for only part of the year if the Subpart H system is in operation for less than 12 months out of a year.

(1) A Subpart H system shall sample its source water only during the months that the

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plant operates unless the department specifies in writing another monitoring period based on plant operating practices.

(2) A Subpart H system with a surface water or GWUDI treatment plant that operates less than 6 months per year and that monitors for *Cryptosporidium* shall collect at least 6 *Cryptosporidium* samples per year during each of 2 years of monitoring. Samples shall be evenly spaced throughout the period the plant operates.

(V) New sources.

(1) A Subpart H system that begins using a new source of surface water or GWUDI shall monitor the new source on a schedule approved by the department. Source water monitoring shall meet the requirements of this subparagraph. The Subpart H system shall also meet the bin classification and *Cryptosporidium* treatment requirements of subsections (j)(12)(A) and (B) of this section for the new source on a schedule approved by the department. To request approval of the new source's monitoring schedules, the Subpart H system shall submit an application to the department requesting approval of the schedules on which it shall monitor its new source and meet the bin classification and *Cryptosporidium* treatment requirements for the new source. Such application shall be submitted in accordance with subsection (t) of this section.

(2) The Subpart H system shall begin a second round of source water monitoring not later than 6 years after initial bin classification under subsection (j)(12)(A) of this section.

(VI) Failure to collect any source water sample required under this clause in accordance with the sampling schedule, sampling location, analytical method, approved laboratory, and reporting requirements of clauses (iii) through (vi), inclusive, of this subparagraph is a monitoring violation.

(iii) Sampling Schedules.

(I) A Subpart H system that is required to conduct source water monitoring under clause (ii) of this subparagraph shall submit an application to the department requesting approval of the sampling schedule that specifies the calendar dates when they will collect each required sample. Such application shall be submitted in accordance with subsection (t) of this section.

(II) A Subpart H system shall submit sampling schedules not later than 3 months prior to the applicable date in clause (ii)(II) of this subparagraph for the second round of sampling.

(III) A Subpart H system shall collect samples within 2 days before or 2 days after the dates indicated in the department-approved sampling schedule (i.e., within a 5-day period around the schedule date) unless 1 of the following conditions applies:

(1) If an extreme condition or situation exists that may pose danger to the sample collector, or that cannot be avoided and causes the Subpart H system to be unable to sample in the scheduled 5-day period, the Subpart H system shall sample as close to the scheduled date as is feasible unless the department approves an alternate sampling date. If the Subpart H system samples as close to the sampled date as is feasible, it shall submit an explanation for the delayed sample to the department concurrent with the shipment of the sample to the laboratory. If, instead, the Subpart H system wants to use an alternate sampling date, it

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shall submit an application to the department not later than 2 calendar days after the date on which it was required to collect the sample requesting approval of an alternative sampling date. Such application shall include the reason or reasons for requesting the alternative sampling date, including the reason or reasons for the delay in sampling, and shall be submitted in accordance with subsection (t) of this section.

(2)(A) If a Subpart H system is unable to report a valid analytical result for a scheduled sampling date due to equipment failure, loss of or damage to the sample, failure to comply with the analytical method requirements, including the quality control requirements in clause (v) of this subparagraph, or the failure of an approved laboratory to analyze the sample, then the Subpart H system shall collect a replacement sample.

(B) The Subpart H system shall collect the replacement sample not later than 21 days after receiving information that an analytical result cannot be reported for the scheduled date unless it demonstrates that collecting a replacement sample within this time frame is not feasible or the department approves an alternate sampling date. If it is not feasible for the Subpart H system to collect a replacement sample within the required timeframe, then the Subpart H system shall submit an explanation for the delayed sampling date to the department concurrent with the shipment of the sample to the laboratory. If instead the Subpart H system wants to use an alternate sampling date, then the Subpart H system shall submit an application to the department requesting approval of an alternative sampling date not later than 2 calendar days after the date by which it was required to collect the sample. Such application shall include the reason or reasons for requesting the alternative sampling date, including the reason or reasons for the delay in sampling, and shall be submitted in accordance with subsection (t) of this section.

(IV) A Subpart H system that fails to meet the criteria of subclause (III) of this clause for any source water sample required under clause (ii) of this subparagraph shall revise the Subpart H system's sampling schedules to add dates for collecting all missed samples. The Subpart H system shall submit an application to the department requesting approval of the revised schedule. Such application shall include the reason or reasons for requesting to use the revised schedule and shall be submitted in accordance with subsection (t) of this section. The application shall be submitted to the department prior to the time the Subpart H system begins collecting the missed samples.

(iv) Sampling locations.

(I) A Subpart H system that is required to conduct source water monitoring under clause (ii) of this subparagraph shall collect samples for each plant that treats a surface water or GWUDI source. Where multiple plants draw water from the same influent, such as the same pipe or intake, the department may approve 1 set of monitoring results to be used to satisfy the requirements of clause (ii) of this subparagraph for all plants. To receive such approval, the Subpart H system shall submit an application to the department requesting approval of the use of 1 set of monitoring results to be used to satisfy the requirements of clause (ii) of this subparagraph for all plants. Such application shall include the reason or reasons for requesting approval of 1 set of monitoring results, including documentation

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demonstrating that the plants draw water from the same influent, and shall be submitted in accordance with subsection (t) of this section.

(II) A Subpart H system shall collect source water samples prior to chemical treatment, such as coagulants, oxidants and disinfectants, unless the department approves a Subpart H system to collect a source water sample after chemical treatment. To request such approval, the Subpart H system shall submit an application to the department in accordance with subsection (t) of this section. Such application shall include the reason or reasons for requesting to collect a sample after chemical treatment instead of before chemical treatment, including documentation demonstrating that the collection of a sample prior to chemical treatment is not feasible for the Subpart H system and that the chemical treatment is unlikely to have a significant adverse effect on the analysis of the sample. The department shall not grant an approval unless the department determines that the collecting of a sample prior to chemical treatment is not feasible for the Subpart H system and that the chemical treatment is unlikely to have a significant adverse effect on the analysis of the sample.

(III) A Subpart H system that recycles filter backwash water shall collect source water samples prior to the point of the filter backwash water addition.

(IV) Bank filtration.

(1) Systems supplied by a surface water source that receive *Cryptosporidium* treatment credit for bank filtration under subsection (j)(4)(D) of this section shall collect source water samples in the surface water prior to bank filtration.

(2) Systems supplied by a GWUDI source that use bank filtration as pretreatment to a filtration plant shall collect source water samples from the well (i.e., after bank filtration). Use of bank filtration during monitoring shall be consistent with routine operational practice. Subpart H systems collecting samples after a bank filtration process shall not receive treatment credit for the bank filtration under subsection (j)(13)(C)(iii) of this section.

(V) Multiple sources. Subpart H systems with plants that use multiple water sources, including multiple surface water sources and blended surface water and ground water sources, shall collect samples as specified in subclause (V)(1) or (2) of this clause. The use of multiple sources during monitoring shall be consistent with routine operational practice.

(1) If a sampling tap is available where the sources are combined prior to treatment, Subpart H systems shall collect samples from the tap.

(2) If a sampling tap where the sources are combined prior to treatment is not available, Subpart H systems shall collect samples at each source near the intake on the same day and shall follow the requirements in either subclause (V)(2)(A) or (B) of this clause for sample analysis.

(A) Subpart H systems may composite samples from each source into 1 sample prior to analysis. The volume of sample from each source shall be weighted according to the proportion of the source in the total plant flow at the time the sample is collected.

(B) Subpart H systems may analyze samples from each source separately and calculate a weighted average of the analysis results for each sampling date. The weighted average shall be calculated by multiplying the analysis result for each source by the fraction the

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source contributed to total plant flow at the time the sample was collected and then summing these values.

(VI) Additional Requirements. A Subpart H system shall submit an application to the department in accordance with subsection (t) of this section requesting approval of its sampling locations. The Subpart H system shall provide with its application a description of the sampling location, and the position of the sampling location in relation to its water source(s) and treatment processes, including pretreatment, points of chemical treatment, and filter backwash recycle. Such application shall be submitted to the department at the same time as the sampling schedule required under clause (iii) of this subparagraph. The Subpart H system shall not sample at the locations reported in the application until it receives approval from the department to do so.

(v) Analytical methods.

(I) Cryptosporidium. Subpart H systems shall analyze for Cryptosporidium using analytical methods approved by EPA in 40 CFR 141.704(a), as amended from time to time.

(II) E. coli. Subpart H systems shall use the methods for enumeration of E. coli in source water approved by EPA in 40 CFR 141.704(b), as amended from time to time.

(III) Turbidity. Subpart H systems shall use methods for turbidity measurement approved by EPA in 40 CFR 141.704(c), as amended from time to time.

(vi) Approved laboratories.

(I) Cryptosporidium. Subpart H systems shall have Cryptosporidium samples analyzed by a laboratory that is approved under the EPA's Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium in Water or a laboratory approved by the department pursuant to section 19a-29a of the Connecticut General Statutes for Cryptosporidium analysis.

(II) E. coli. Any laboratory certified by the EPA or the National Environmental Laboratory Accreditation Conference, or approved by the department pursuant to section 19a-29a of the Connecticut General Statutes, for total coliform or fecal coliform analysis, is approved for E. coli analysis under this subparagraph and subsections (h)(9), (i)(5), (j)(12), and (j)(13) of this section when the laboratory uses the same technique for E. coli that the laboratory uses for 40 CFR 141.74, as amended from time to time.

(III) Turbidity. Measurements of turbidity shall be made by a laboratory that has a certificate of approval issued by the department pursuant to section 19a-29a of the Connecticut General Statutes.

(vii) Requirements when making a significant change in disinfection practice. Subpart H systems that plan to make a significant change to disinfection practice shall develop disinfection profiles and calculate disinfection benchmarks for Giardia lamblia and viruses as described in clause (viii) of this subparagraph. Prior to making a significant change to disinfection practice, the Subpart H system shall submit an application to the department requesting approval to make a significant change to disinfection practice. Such application shall be submitted in accordance with subsection (t) of this section. The application shall include the following information:



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(I) A completed disinfection profile and disinfection benchmark for *Giardia lamblia* and viruses as described in clause (viii) of this subparagraph.

(II) A description of the proposed significant change to disinfection practice.

(III) An analysis of how the proposed significant change to disinfection practice will affect the current level of disinfection.

(viii) Developing the disinfection profile and benchmark.

(I) Subpart H systems required to develop disinfection profiles under clause (vii) of this subparagraph shall follow the requirements of this clause. Subpart H systems shall monitor at least weekly for a period of 12 consecutive months to determine the total log inactivation for *Giardia lamblia* and viruses. If Subpart H systems monitor more frequently, the monitoring frequency shall be evenly spaced. Subpart H systems that operate for fewer than 12 months per year shall monitor weekly during the period of operation. Subpart H systems shall determine log inactivation for *Giardia lamblia* through the entire plant, based on CT99.9 values in Tables 1.1 through 1.6, 2.1 and 3.1 of 40 CFR 141.74(b), as amended from time to time, as applicable. Subpart H systems shall determine log inactivation for viruses through the entire treatment plant based on a protocol approved by the department under subclause (IV)(4) of this clause.

(II) Subpart H systems with a single point of disinfectant application prior to the entrance to the distribution system shall conduct the monitoring in subclauses (II)(1) through (4), inclusive, of this clause. Subpart H systems with more than 1 point of disinfectant application shall conduct the monitoring in subclauses (II)(1) through (4), inclusive, of this clause for each disinfection segment. Subpart H systems shall monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in 40 CFR 141.74(a), as amended from time to time.

(1) For Subpart H systems using a disinfectant other than UV, the temperature of the disinfected water shall be measured at each RDC sampling point during peak hourly flow or at an alternative location approved by the department. To request approval to measure the temperature of the disinfected water at an alternative location, the Subpart H system shall submit an application to the department requesting approval of such alternative location in accordance with subsection (t) of this section.

(2) For Subpart H systems using chlorine, the pH of the disinfected water shall be measured at each chlorine RDC sampling point during peak hourly flow or at an alternative location approved by the department. To request approval to measure the pH of the disinfected water at an alternative location, the Subpart H system shall submit an application to the department requesting approval of such alternative location in accordance with subsection (t) of this section.

(3) The disinfectant contact time(s) shall be determined during peak hourly flow.

(4) The RDC(s) of the water before or at the first consumer and prior to each additional point of disinfectant application shall be measured during peak hourly flow.

(III) In lieu of conducting new monitoring under subclause (II) of this clause, Subpart H systems may elect to meet the requirements of subclause (III)(1) or (2) of this clause. The



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Subpart H system shall submit an application to the department requesting approval to meet the requirements of subclause (III)(1) or (2) of this clause in lieu of conducting new monitoring under subclause (II) of this clause in accordance with subsection (t) of this section.

(1) A Subpart H system that has at least 1 year of existing data that are substantially equivalent to data collected under the provisions of subclause (II) of this clause may use these data to develop disinfection profiles as specified in subclause (III) of this clause if the Subpart H system has neither made a significant change to the Subpart H system's treatment practice nor changed sources since the data were collected. A Subpart H system may develop disinfection profiles using up to 3 years of existing data.

(2) A Subpart H system may use disinfection profile(s) developed under subparagraphs (S)(iv) and (v) of this subdivision in lieu of developing a new profile if the Subpart H system has neither made a significant change to the treatment practice of the Subpart H system, nor changed sources since the profile was developed. A Subpart H system that has not developed a disinfection profile under subparagraph (S)(iv) or (v) of this subdivision shall develop a disinfection profile using the same monitoring data on which the *Giardia lamblia* profile is based.

(IV) Subpart H systems shall calculate the total inactivation ratio for *Giardia lamblia* as specified in subclauses (IV)(1) through (3), inclusive, of this clause.

(1) Subpart H systems using only 1 point of disinfectant application may determine the total inactivation ratio for the disinfection segment based on the following methods.

(A) Determine 1 inactivation ratio ( $CT_{calc}/CT_{99.9}$ ) before or at the first consumer during peak hourly flow; or

(B) Determine successive  $CT_{calc}/CT_{99.9}$  values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first consumer during peak hourly flow. The Subpart H system shall calculate the total inactivation ratio by determining ( $CT_{calc}/CT_{99.9}$ ) for each sequence and then adding the ( $CT_{calc}/CT_{99.9}$ ) values together to determine ( $\Sigma (CT_{calc}/CT_{99.9})$ ).

(2) Subpart H systems using more than 1 point of disinfectant application before the first consumer shall determine the CT value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first consumer, during peak hourly flow. The ( $CT_{calc}/CT_{99.9}$ ) value of each segment and ( $\Sigma (CT_{calc}/CT_{99.9})$ ) shall be calculated using the method in subclause (IV)(1)(B) of this clause.

(3) Subpart H systems shall determine the total logs of inactivation by multiplying the value calculated in subclause (IV)(1)(A) or (B) of this clause by 3.0.

(4) Subpart H systems shall calculate the log of inactivation for viruses using a protocol approved by the department. To request approval of a protocol, a Subpart H system shall submit an application to the department in accordance with subsection (t) of this section. The application shall include the proposed protocol that the Subpart H system will use to calculate the total logs of inactivation.

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(V) Subpart H systems shall use the procedures specified in subclauses (V)(1) and (2) of this clause to calculate a disinfection benchmark.

(1) For each year of profiling data collected and calculated under subclauses (I) through (IV), inclusive, of this clause, Subpart H systems shall determine the lowest mean monthly level of both *Giardia lamblia* and virus inactivation. Subpart H systems shall determine the mean *Giardia lamblia* and virus inactivation for each calendar month for each year of profiling data by dividing the sum of daily or weekly *Giardia lamblia* and virus log inactivation by the number of values calculated for that month.

(2) The disinfection benchmark is the lowest monthly mean value (for Subpart H systems with 1 year of profiling data) or the mean of the lowest monthly mean values (for Subpart H systems with more than 1 year of profiling data) of *Giardia lamblia* and virus log inactivation in each year of profiling data.

(8) Monitoring requirements for lead and copper in tap water. Unless otherwise indicated, the provisions of this subdivision shall apply to CWSs and NTNCs.

(A) Sample site location.

(i) Each CWS or NTNC shall complete a materials evaluation of the CWS's or NTNC's distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this subdivision, and that is sufficiently large to ensure that the CWS or NTNC can collect the number of lead and copper tap water samples required in subparagraph (C) of this subdivision. All sites from which first-draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites shall not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

(ii) A CWS or NTNC shall use the information on lead, copper, and galvanized steel that the CWS or NTNC is required to collect under 40 CFR 141.42(d) (special monitoring for corrosivity characteristics), as amended from time to time, when conducting a materials evaluation. When an evaluation of the information collected pursuant to 40 CFR 141.42(d), as amended from time to time, is insufficient to locate the requisite number of lead and copper sampling sites to meet the targeting criteria of this subparagraph, the CWS or NTNC shall review the sources of information listed in subclauses (I) through (III), inclusive, of this clause in order to identify a sufficient number of sampling sites. In addition, the CWS or NTNC shall collect such information where possible in the course of the CWS's or NTNC's normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):

(I) All plumbing codes, permits, and records in the files of the building department(s) that indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;

(II) All inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and

(III) All existing water quality information, which includes the results of all prior

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analyses of the CWS or NTNC or individual structures connected to the CWS or NTNC, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(iii) The sampling sites selected for a CWS's sampling pool (tier 1 sampling sites) shall consist of single family structures that:

(I) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; or

(II) Are served by a lead service line. When multiple-family residences comprise at least 20 percent of the structures served by a CWS, the CWS may include this type of structure in the CWS's sampling pool.

(iv) Any CWS with insufficient tier 1 sampling sites shall complete the CWS's sampling pool with tier 2 sampling sites, consisting of buildings, including multiple-family residences that:

(I) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; or

(II) Are served by a lead service line.

(v) Any CWS with insufficient tier 1 and tier 2 sampling sites shall complete the CWS's sampling pool with tier 3 sampling sites, consisting of single family structures that contain copper pipes with lead solder installed before 1983. A CWS with insufficient tier 1, tier 2, and tier 3 sampling sites shall complete the CWS's sampling pool with representative sites throughout the distribution system. For the purpose of this subclause, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the CWS.

(vi) The sampling sites selected for a NTNC (tier 1 sampling sites) shall consist of buildings that:

(I) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; or

(II) Are served by a lead service line; or

(III) Contain copper pipes with lead solder installed after 1982 or contain lead pipes and are served by a lead service line.

(vii) A NTNC with insufficient tier 1 sites to meet the targeting criteria in clause (vi) of this subparagraph shall complete the NTNC's sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the NTNC shall use representative sites throughout the distribution system. For the purpose of this subclause, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the NTNC.

(viii) Any CWS or NTNC having a distribution system containing lead service lines shall draw 50 percent of the samples the CWS or NTNC collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of those samples from sites served by a lead service line. A CWS or NTNC that cannot identify a sufficient number of sampling sites served by a lead service line shall collect first-draw samples from all of the sites identified as being served by such lines.

(B) Sample collection methods.

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(i) All tap water samples for lead and copper collected in accordance with this subdivision, with the exception of lead service line samples collected under clauses (iii) and (v) of this subparagraph, shall be first-draw samples.

(ii) Each first-draw tap water sample for lead and copper shall be 1 liter in volume and have stood motionless in the plumbing system of each sampling site for at least 6 hours. First-draw samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. First-draw samples from a non-residential building shall be 1 liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non-first-draw samples collected in lieu of first-draw samples pursuant to clause (v) of this subparagraph shall be 1 liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First-draw samples may be collected by the CWS or NTNC or the CWS or NTNC may allow residents to collect first-draw samples after instructing the residents of the sampling procedures specified in this subparagraph. To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to 14 days after the sample is collected. After acidification to resolubilize the metals, the sample shall stand in the original container for the time specified in the approved EPA method, pursuant to subdivision (7)(K) of this subsection, before the sample is analyzed. If a CWS or NTNC allows a resident to perform sampling, the CWS or NTNC may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(iii) Each service line sample shall be 1 liter in volume and have stood motionless in the lead service line for at least 6 hours. Lead service line samples shall be collected in 1 of the following 3 ways:

(I) At the tap after flushing the volume of water between the tap and the lead service line (the volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line);

(II) Tapping directly into the lead service line; or

(III) If the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.

(iv) A CWS or NTNC shall collect each first-draw tap water sample from the same sampling site from which the CWS or NTNC collected a previous sample. If the CWS or NTNC cannot gain entry to a sampling site in order to collect a follow-up tap water sample, the CWS or NTNC may collect the follow-up tap water sample from another sampling site in the CWS's or NTNC's sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

(v) A NTNC, or a CWS whose operation mandates continuous daily flow, such as a prison or hospital, that does not have enough taps that can supply first-draw samples, as defined in subsection (a) of this section, shall notify the department in writing when the CWS or NTNC substitutes non-first-draw samples pursuant to subsection (h)(5)(A)(vii) of this section. Such CWSs and NTNCs shall collect as many first-draw samples from

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appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.

(C) Number of lead and copper tap water samples. CWSs and NTNCs shall collect at least 1 sample during each monitoring period specified in subparagraph (D) of this subdivision from the number of sites listed in the second column (“Standard Monitoring”) in Table 8-C1 of this subparagraph. A CWS or NTNC conducting reduced monitoring under subparagraph (D)(iv) of this subdivision shall collect at least 1 sample from the number of sites specified in the third column (“Reduced Monitoring”) in Table 8-C1 of this subparagraph during each monitoring period specified in subparagraph (D)(iv) of this subdivision. Such reduced monitoring sites shall be representative of the sites required for standard monitoring.

**TABLE 8-C1. LEAD AND COPPER MONITORING SAMPLING SITES**

CWS or NTNC Size (Number of People Served)	Number of Sites (Standard Monitoring)	Number of Sites (Reduced Monitoring)
Greater than 100,000	100	50
10,001-100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
Less than or equal to 100	5	5

(i) A CWS or NTNC that has fewer than 5 drinking water taps that can be used for human consumption meeting the sample site criteria of subparagraph (A) of this subdivision to reach the required number of sample sites listed in subparagraph (C) of this subdivision, shall collect at least 1 sample from each tap and then shall collect additional samples from those taps on different days during the monitoring period to meet the required number of sites.

(ii) Alternatively, the CWS or NTNC may submit to the department an application requesting that the department approve the CWS or NTNC to collect a number of samples less than the number of sites specified in Table 8-C1 of this subparagraph provided that 100 percent of all taps that can be used for human consumption are sampled. Such application shall include the reason or reasons that the CWS or NTNC is requesting to collect a number of samples less than the number of sites specified in Table 8-C1 of this subparagraph and shall be submitted in accordance with subsection (t) of this section.

(iii) The department may specify sampling locations when a CWS or NTNC is conducting reduced monitoring.

(D) Timing of monitoring.

(i) Initial tap water sampling.

(I) All large CWSs and NTNCs shall monitor during 2 consecutive 6 month periods.



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(II) All small and medium-size CWSs and NTNCs shall monitor during each 6 month monitoring period until:

(1) The CWS or NTNC exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under subsection (j)(7) of this section, in which case the CWS or NTNC shall continue monitoring in accordance with clause (ii) of this subparagraph, or

(2) The CWS or NTNC meets the lead and copper action levels during 2 consecutive 6 month monitoring periods, in which case the CWS or NTNC may reduce monitoring in accordance with clause (iv) of this subparagraph.

(ii) Monitoring after installation of corrosion control and source water treatment.

(I) Any CWS or NTNC that installs optimal corrosion control treatment pursuant to subsection (j)(7)(D)(v) of this section shall monitor during 2 consecutive 6 month monitoring periods in accordance with the time period described in subsection (j)(7)(D)(vi) of this section.

(II) Any CWS or NTNC that installs source water treatment pursuant to subsection (j)(9)(A)(iii) of this section shall monitor during 2 consecutive 6 month monitoring periods in accordance with the time period described in subsection (j)(9)(A)(iv) of this section.

(iii) Monitoring after the department specifies water quality parameter values for optimal corrosion control. After the department specifies the values for water quality control parameters under subsection (j)(8)(F) of this section, the CWS or NTNC shall monitor during each subsequent 6 month monitoring period, with the first monitoring period to begin on the date the department specifies the optimal values under subsection (j)(8)(F) of this section.

(iv) Reduced monitoring.

(I) A small or medium-size CWS or NTNC that meets the lead and copper action levels during each of 2 consecutive 6 month monitoring periods may reduce the number of samples in accordance with subparagraph (C) of this subdivision, and reduce the frequency of sampling to once per year. A small or medium CWS or NTNC collecting fewer than 5 samples as specified in subparagraph (C)(i) of this subdivision that meets the lead and copper action levels during each of 2 consecutive 6 month monitoring periods may reduce the frequency of sampling to once per year. In no case shall the CWS or NTNC reduce the number of samples required below the minimum of 1 sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive 6 month monitoring period.

(II) Any CWS or NTNC that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the department under subsection (j)(8)(F) of this section during each of 2 consecutive 6 month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with subparagraph (C) of this subdivision if the CWS or NTNC submits to the department an application requesting approval to do so and receives such approval in writing from the department.



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Such application shall include the reason or reasons that the CWS or NTNC is requesting to reduce the frequency of monitoring and the number of lead and copper samples and shall be submitted in accordance with subsection (t) of this section. This sampling shall begin during the calendar year immediately following the end of the second consecutive 6 month monitoring period after the department's approval of such application. The department shall review monitoring, treatment and other relevant information submitted by the CWS or NTNC in accordance with subsection (h)(5) of this section and shall notify the CWS or NTNC in writing when the department determines the CWS or NTNC is eligible to commence reduced monitoring pursuant to this subclause. The department shall review, and where appropriate, revise the department's determination when the CWS or NTNC submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap water sampling becomes available.

(III) A small or medium-size CWS or NTNC that meets the lead and copper action levels during 3 consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every 3 years. Any CWS or NTNC that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the department under subsection (j)(8)(F) of this section during 3 consecutive years of monitoring may reduce the frequency of monitoring from annually to once every 3 years if the CWS or NTNC submits to the department an application requesting approval to do so and receives such approval in writing from the department. Such application shall include the reason or reasons that the CWS or NTNC is requesting to reduce the frequency of monitoring and shall be submitted in accordance with subsection (t) of this section. Samples collected once every 3 years shall be collected not later than every third calendar year after the department's approval of such application. The department shall review monitoring, treatment, and other relevant information submitted by the CWS or NTNC in accordance with subsection (h)(5) of this section, and shall notify the CWS or NTNC in writing when the department determines the CWS or NTNC is eligible to reduce the frequency of monitoring to once every 3 years. The department shall review, and where appropriate, revise the department's determination when the CWS or NTNC submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap water sampling becomes available.

(IV) A CWS or NTNC that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in subparagraph (A) of this subdivision. CWSs and NTNCs sampling annually or less frequently shall conduct the lead and copper tap water sampling during the months of June, July, August, or September unless the department has approved a different sampling period in accordance with this clause.

(1) The department may approve a different period for conducting the lead and copper tap water sampling for CWSs and NTNCs collecting a reduced number of samples. Such a period shall be no longer than 4 consecutive months and shall represent a time of normal operation when the highest levels of lead are most likely to occur. For a NTNC that does

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not operate during the months of June through September, and for which the period of normal operation when the highest levels of lead are most likely to occur is not known, the department shall designate, in writing, a period that represents a time of normal operation for the NTNC. This sampling shall begin during the period designated by the department in the calendar year immediately following the end of the second consecutive 6 month monitoring period for CWSs and NTNCs initiating annual monitoring and during the 3 year period following the end of the third consecutive calendar year of annual monitoring for CWSs and NTNCs initiating triennial monitoring.

(2) CWSs and NTNCs monitoring annually, that have been collecting samples during the months of June through September and that receive department approval to alter the CWS's or NTNC's sample collection period under this clause, shall collect the CWS's or NTNC's next round of samples during a time period that ends not later than 21 months after the previous round of sampling. CWSs and NTNCs monitoring once every 3 calendar years that have been collecting samples during the months of June through September, and that receive department approval to alter the CWS's or NTNC's sampling collection period under this clause, shall collect the CWS's or NTNC's next round of samples during a time period that ends not later than 45 months after the previous round of sampling. Subsequent rounds of sampling shall be collected annually or once every 3 calendar years, as required by this subdivision.

(V) Any CWS or NTNC that demonstrates for 2 consecutive 6 month monitoring periods that the tap water lead level computed under subsection (j)(6)(B)(iii) of this section is less than or equal to 0.005 mg/l and the tap water copper level computed under subsection (j)(6)(B)(iii) of this section is less than or equal to 0.65 mg/l may reduce the number of samples in accordance with subparagraph (C) of this subdivision and reduce the frequency of sampling to once every 3 calendar years.

(VI)

(1) A small or medium-size CWS or NTNC subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance with clause (iii) of this subparagraph and collect the number of samples specified for standard monitoring under subparagraph (C) of this subdivision. Such CWS or NTNC shall also conduct water quality parameter monitoring in accordance with subdivision (9)(B), (C) or (D) of this subsection (as appropriate) during the designated 4 consecutive month monitoring period in which the CWS or NTNC exceeded the action level. Any such CWS or NTNC may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subparagraph (C) of this subdivision after the CWS or NTNC has completed 2 subsequent consecutive 6 month rounds of monitoring that meet the criteria of subclause (I) of this clause and may resume monitoring once every 3 calendar years for lead and copper at the reduced number of sites after the CWS or NTNC demonstrates through subsequent rounds of monitoring that the CWS or NTNC meets the criteria of either subclause (III) or (V) of this clause.

(2) Any CWS or NTNC subject to the reduced monitoring frequency that fails to meet

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the lead action level during any 4 consecutive month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the department under subsection (j)(8)(F) of this section for more than 9 days in any 6 month period specified in subdivision (9)(D) of this subsection shall conduct tap water sampling for lead and copper at the frequency specified in clause (iii) of this subparagraph, collect the number of samples specified for standard monitoring subparagraph (C) of this subdivision, and shall resume monitoring for water quality parameters within the distribution system in accordance with subdivision (9)(D) of this subsection. This standard tap water sampling shall begin not later than the 6 month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. Such a CWS or NTNC may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions in subclause (VI)(2)(A), (B) and (C) of this clause:

(A) The CWS or NTNC may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subparagraph (C) of this subdivision after the CWS or NTNC has completed 2 subsequent 6 month rounds of monitoring that meet the criteria of subclause (II) of this clause and the CWS or NTNC has received written approval from the department that it is appropriate to resume reduced monitoring on an annual frequency. Sampling shall begin during the calendar year immediately following the end of the second consecutive 6 month monitoring period.

(B) The CWS or NTNC may resume monitoring once every 3 calendar years for lead and copper at the tap at the reduced number of sites after the CWS or NTNC demonstrates through subsequent rounds of monitoring that the CWS or NTNC meets the criteria of either subclause (III) or (V) of this clause and the CWS or NTNC has received written approval from the department that it is appropriate to resume monitoring once every 3 calendar years.

(C) The CWS or NTNC may reduce the number of water quality parameter tap water samples required in accordance with subdivision (9)(E)(i) of this subsection and the frequency with which the CWS or NTNC collects such samples in accordance with subdivision (9)(E)(ii) of this subsection. Such a CWS or NTNC shall not resume monitoring once every 3 calendar years for water quality parameters at the tap until the CWS or NTNC demonstrates, in accordance with the requirements of subdivision (9)(E)(ii) of this subsection, that the CWS or NTNC has re-qualified for monitoring once every 3 calendar years.

(VII) Any CWS or NTNC subject to a reduced monitoring frequency under this clause shall obtain approval from the department in writing in accordance with subsection (h)(5)(A)(iii) of this section of any upcoming long-term change in treatment or the addition of a new source as described in subsection (h)(5)(A)(iii) of this section. The department shall review and approve such long-term change in treatment or addition of a new source under subsection (h)(5)(A)(iii) of this section before the CWS or NTNC may implement it. The department may require the CWS or NTNC to resume routine sampling in accordance with clause (iii) of this subparagraph and collect the number of samples specified for

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standard monitoring under subparagraph (C) of this subdivision or take other appropriate steps, such as increased water quality parameter monitoring or re-evaluation of the CWS's or NTNC's corrosion control treatment given the potentially different water quality considerations.

(E) Additional monitoring by CWSs and NTNCs. The results of any monitoring conducted in addition to the minimum requirements of this subdivision shall be considered by the CWS or NTNC and the department in making any determinations (i.e., calculating the 90th percentile lead or copper level) under this subdivision and subsections (e)(7)(K), (e)(9) and (e)(10), (h)(5), (i)(6), (j)(6) through (j)(10), and (l)(1) of this section.

(F) Invalidation of lead or copper tap water samples. A sample invalidated under this subparagraph does not count toward determining lead or copper 90th percentile levels under subsection (j)(6)(B)(iii) of this section or toward meeting the minimum monitoring requirements of subparagraph (C) of this subdivision.

(i) The department may invalidate a lead or copper tap water sample if at least 1 of the following conditions is met:

(I) The laboratory establishes that improper sample analysis caused erroneous results;

(II) The department determines that the sample was taken from a site that did not meet the site selection criteria of this subdivision;

(III) The sample container was damaged in transit; or

(IV) There is substantial reason to believe that the sample was subject to tampering.

(ii) The CWS or NTNC shall report the results of all samples to the department and all supporting documentation for samples the CWS or NTNC believes should be invalidated.

(iii) To invalidate a sample under this subparagraph, the department shall document, in writing, the department's decision and the rationale for the decision. The department shall not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

(iv) The CWS or NTNC shall collect replacement samples for any samples invalidated under this subparagraph if, after the invalidation of 1 or more samples, the CWS or NTNC has too few samples to meet the minimum requirements of subparagraph (C) of this subdivision. Any such replacement samples shall be taken as soon as possible, but not later than 20 days after the date the department invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

(G) Supplemental monitoring and notification of results. A CWS or NTNC that fails to meet the lead action level on the basis of tap water samples collected in accordance with this subdivision shall offer to sample the tap water of any consumer who requests it. The CWS or NTNC is not required to pay for collecting or analyzing the lead tap water sample, nor is the CWS or NTNC required to collect and analyze the sample itself.

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(9) Monitoring requirements for water quality parameters. All large CWSs and NTNCs and all small and medium-size CWSs and NTNCs that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this subdivision. The requirements of this subdivision are summarized in Table 9-E3 of this subdivision. Unless otherwise indicated, the provisions of this subdivision apply to CWSs and NTNCs.

(A) General requirements.

(i) Sample collection methods. Tap water samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the CWS or NTNC, and seasonal variability. Tap water sampling under this subdivision is not required to be conducted at taps targeted for lead and copper sampling under subdivision (8)(A)(i) of this subsection. Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a CWS or NTNC draws water from more than 1 source and the sources are combined before distribution, the CWS or NTNC shall sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(ii) Number of samples. CWSs and NTNCs shall collect 2 tap water samples for applicable water quality parameters during each monitoring period specified under subparagraphs (B) through (E), inclusive, of this subdivision from the following number of sites in Table 9-E1 of this clause.

**TABLE 9-E1. NUMBER OF WATER QUALITY PARAMETER SAMPLES FOR LEAD AND COPPER**

<i>Size of CWS or NTNC (Number of People Served)</i>	<i>Number of Sites for Water Quality Parameters</i>
Greater than 100,000	25
10,001 to 100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
Less than or equal to 100	1

CWSs and NTNCs shall collect 2 samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in subparagraph (B) of this subdivision. During each monitoring period specified in subparagraphs (C) through (E), inclusive, of this subdivision, CWSs and NTNCs shall collect 1 sample for each applicable water quality parameter at each entry point to the distribution system.

(B) Initial sampling. All large CWSs and NTNCs shall measure the applicable water quality parameters as specified in this subparagraph at taps and at each entry point to the



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distribution system during each 6 month monitoring period specified in subdivision (8)(D) of this subsection. All small and medium-size CWSs and NTNCs shall measure the applicable water quality parameters at the locations specified in this subparagraph during each 6 month monitoring period specified in subdivision (8)(D) of this subsection during which the CWS or NTNC exceeds the lead or copper action level.

(i) Monitoring at taps shall include:

(I) pH;

(II) Alkalinity;

(III) Orthophosphate, when an orthophosphate compound is used;

(IV) Orthophosphate and hydrolyzable phosphate, when a condensed or blended phosphate is used;

(V) Silica, when a silicate compound is used;

(VI) Calcium;

(VII) Conductivity; and

(VIII) Water temperature.

(ii) At each entry point to the distribution system all of the applicable parameters listed in clause (i) of this subparagraph.

(C) Monitoring after installation of corrosion control. Any large CWS or NTNC that installs optimal corrosion control treatment pursuant to subsection (j)(7)(D)(v) of this section shall measure the water quality parameters at the locations and frequencies specified in this subparagraph during each 6 month monitoring period specified in subdivision (8)(D)(ii)(I) of this subsection. Any small or medium-size CWS or NTNC that installs optimal corrosion control treatment shall conduct such monitoring during each 6 month monitoring period specified in subdivision (8)(D)(ii)(II) of this subsection in which the CWS or NTNC exceeds the lead or copper action level.

(i) Monitoring at taps, 2 samples for:

(I) pH;

(II) Alkalinity;

(III) Orthophosphate, when an inhibitor containing a phosphate compound is used;

(IV) Orthophosphate and hydrolyzable phosphate, when an inhibitor containing condensed or blended phosphate compounds is used;

(V) Silica, when an inhibitor containing a silicate compound is used; and

(VI) Calcium, when calcium carbonate stabilization is used as part of corrosion control.

(ii) At each entry point to the distribution system, at least 1 sample no less frequently than every 2 weeks for:

(I) pH;

(II) When alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and

(III) When a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate, orthophosphate and hydrolyzable phosphate, or silica (whichever is applicable).



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(D) Monitoring after the department specifies water quality parameter values for optimal corrosion control. After the department specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under subsection (j)(8)(F) of this section, all large CWSs and NTNCs shall measure the applicable water quality parameters in accordance with subparagraph (C) of this subdivision and determine compliance with the requirements of subsection (j)(8)(G) of this section every 6 months with the first 6 month period to begin on either January 1 or July 1, whichever comes first, after the department specifies the optimal values under subsection (j)(8)(F) of this section. Any small or medium-size CWS or NTNC shall conduct such monitoring during each 6 month period specified in this subparagraph in which the CWS or NTNC exceeds the lead or copper action level. For any such small and medium-size CWS or NTNC that is on a reduced monitoring frequency pursuant to subdivision (8)(D)(iv) of this subsection at the time of the action level exceedance, the start of the applicable 6 month monitoring period under this subparagraph shall coincide with the start of the applicable monitoring period under subdivision (8)(D)(iv) of this subsection. Compliance with department-designated optimal water quality parameter values shall be determined as specified under subsection (j)(8)(G) of this section.

(E) Reduced monitoring.

(i) Any CWS or NTNC that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of 2 consecutive 6 month monitoring periods under subparagraph (D) of this subdivision shall continue monitoring at the entry point(s) to the distribution system as specified in subparagraph (C)(ii) of this subdivision. Such CWS or NTNC may collect 2 tap water samples for applicable water quality parameters from the following reduced number of sites in Table 9-E2 of this clause during each 6 month monitoring period.

**TABLE 9-E2. REDUCED SAMPLING SITES FOR LEAD AND COPPER**

<i>Size of CWS or NTNC (Number of People Served)</i>	<i>Reduced Number of Sites for Water Quality Parameters</i>
Greater than 100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
Less than or equal to 100	1

(ii)

(I) Any CWS or NTNC that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the department under subsection (j)(8)(F) of this section during 3 consecutive years of monitoring may reduce the frequency with which the CWS or NTNC collects the number of tap water samples for

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applicable water quality parameters specified in this subparagraph from every 6 months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of 6 month monitoring occurs. Any CWS or NTNC that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the department under subsection (j)(8)(F) of this section during 3 consecutive years of annual monitoring under this subparagraph may reduce the frequency with which the CWS or NTNC collects the number of tap water samples for applicable water quality parameters specified in clause (i) of this subparagraph from annually to every 3 years. This sampling begins not later than the third calendar year after the end of the monitoring period in which the third consecutive year of monitoring occurs.

(II) A CWS or NTNC may reduce the frequency with which the CWS or NTNC collects tap water samples for applicable water quality parameters specified in clause (i) of this subparagraph to every 3 years if the CWS or NTNC demonstrates during 2 consecutive monitoring periods that the CWS's or NTNC's tap water lead level at the 90th percentile is less than or equal to the PQL for lead of 0.005 mg/l, that the CWS's or NTNC's tap water copper level at the 90th percentile is less than or equal to the PQL for copper of 0.65 mg/l, and that the CWS or NTNC also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the department under subsection (j)(8)(F) of this section. Monitoring conducted every 3 years shall be done not later than every third calendar year.

(iii) A CWS or NTNC that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(iv) Any CWS or NTNC subject to reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the department under subsection (j)(8)(F) of this section for more than 9 days in any 6 month period specified in subsection (j)(8)(G) of this section shall resume distribution system tap water sampling for water quality parameters in accordance with the number and frequency requirements in subparagraph (D) of this subdivision, shall conduct tap water sampling for lead and copper at the frequency specified in subdivision (8)(D)(iii) of this subsection, and shall collect the number of samples specified for standard monitoring in subdivision (8)(C) of this subsection. Such a CWS or NTNC may resume annual monitoring for water quality parameters at the tap, at the reduced number of sites specified in clause (i) of this subparagraph, after the CWS or NTNC has completed 2 subsequent consecutive 6 month rounds of monitoring that meet the criteria of clause (i) of this subparagraph, and may resume monitoring once every 3 calendar years for water quality parameters at the tap at the reduced number of sites, after the CWS or NTNC demonstrates through subsequent rounds of monitoring that the CWS or NTNC meets the criteria of either clause (ii) or (iii) of this subparagraph.

(F) Additional monitoring by CWSs and NTNCs. The results of any monitoring conducted in addition to the minimum requirements of this subdivision shall be considered

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by the CWS or NTNC and the department in making any determinations (i.e. determining concentrations of water quality parameters) under this subdivision or subsection (j)(8) of this section.

**TABLE 9-E3. SUMMARY OF MONITORING REQUIREMENTS FOR WATER QUALITY PARAMETERS<sup>1</sup>**

Monitoring Period	Parameters <sup>2</sup>	Location	Frequency
Initial Monitoring	pH, alkalinity, orthophosphate or silica <sup>3</sup> , calcium, conductivity, temperature	Taps and at entry points to distribution system	Every 6 months
After Installation of Corrosion Control	pH, alkalinity, orthophosphate or silica, <sup>3</sup> calcium <sup>4</sup>	Taps	Every 6 months
	pH, alkalinity dosage rate concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual <sup>5</sup>	Entry point(s) to distribution system	No less frequently than every 2 weeks
After Department specifies Parameter Values for Optimal Corrosion Control	pH, alkalinity, orthophosphate or silica, <sup>3</sup> calcium <sup>4</sup>	Taps	Every 6 months
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual <sup>5</sup>	Entry point(s) to distribution system	No less frequently than every 2 weeks
Reduced Monitoring	pH, alkalinity, orthophosphate or silica, <sup>3</sup> calcium <sup>4</sup>	Taps	Every 6 months, annually <sup>6</sup> , or every 3 years <sup>7</sup> , at reduced number of sites
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual <sup>5</sup>	Entry point(s) to distribution system	No less frequently than every 2 weeks

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Notes:

<sup>1</sup>Table is for illustrative purposes. Consult the text of this subdivision and subsections (e)(7)(K), (e)(8) and (e)(10), and (j)(6) through (j)(10) of this section for detailed regulatory requirements.

<sup>2</sup>Small and medium-size CWSs and NTNCs shall monitor for water quality parameters only during monitoring periods in which the CWS or NTNC exceeds the lead or copper action level.

<sup>3</sup>Orthophosphate shall be measured only when an inhibitor containing phosphate compound is used. Silica shall be measured only when an inhibitor containing silicate compound is used.

<sup>4</sup>Calcium shall be measured only when calcium carbonate stabilization is used as part of corrosion control.

<sup>5</sup>Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) shall be measured only when an inhibitor is used.

<sup>6</sup>A CWS or NTNC may reduce frequency of monitoring for water quality parameters at the tap, from every 6 months to annually, if the CWS or NTNC has maintained the range of values for water quality parameters reflecting optimal corrosion control during 3 consecutive years of monitoring.

<sup>7</sup>A CWS or NTNC may further reduce the frequency of monitoring for water quality parameters at the tap, from annually to once every 3 years, if the CWS or NTNC has maintained the range of values for water quality parameters reflecting optimal corrosion control during 3 consecutive years of annual monitoring. The CWS or NTNC may reduce monitoring from every 6 months to once every 3 calendar years, but not later than every third calendar year, for water quality parameters at the tap if the CWS or NTNC has maintained all of the following 90th percentile lead levels less than or equal to 0.005 mg/l, 90th percentile copper levels less than or equal to 0.65 mg/l, and the range of water quality parameters designated by the department under subsection (j)(8)(F) of this section, as representing optimal corrosion control, during 2 consecutive 6 month monitoring periods.

(10) Monitoring requirements for lead and copper in source water. Unless otherwise indicated, the provisions of this subdivision apply to CWSs and NTNCs.

(A) Sample location, collection methods, and number of samples.

(i) A CWS or NTNC that fails to meet the lead or copper action level on the basis of tap water samples collected in accordance with subdivision (8) of this subsection shall collect lead and copper source water samples in accordance with the following requirements in subclauses (I) and (II) of this clause regarding sample location, number of samples, and collection methods:

(I) CWSs and NTNCs with ground water sources shall take a minimum of 1 sample at every point of entry to the distribution system which is representative of each active source of supply after treatment, unless conditions make another location more representative of each source or treatment plant. CWSs and NTNCs with surface water sources and CWSs and NTNCs with a combination of active surface and ground water sources shall take a

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minimum of 1 sample at every point of entry to the distribution system after any application of treatment or in the distribution system at a point which is representative of each active source after treatment, unless conditions make another location more representative of each source or treatment plant.

(II) If a CWS or NTNC draws water from more than 1 source and the sources are combined before distribution, the CWS or NTNC shall sample at a point of entry to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(ii) Where the results of sampling exceed the maximum permissible source water levels established under subsection (j)(9)(B)(iv) of this section, the department may require that 1 additional sample be collected as soon as possible after the initial sample was taken (but not to exceed 2 weeks) at the same sampling point. If a department-required confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the department-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall be considered as either the measured value or 0.5 the PQL.

(B) Monitoring frequency after a CWS or NTNC exceeds a tap water action level. Any CWS or NTNC which exceeds the lead or copper action level at the tap shall collect 1 source water sample from each entry point to the distribution system not later than 6 months after the end of the tap water monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the department has established an alternate monitoring period, the last day of that period.

(C) Monitoring frequency after installation of source water treatment. Any CWS or NTNC that installs source water treatment pursuant to subsection (j)(9)(A)(iii) of this section, shall collect an additional source water sample from each entry point to the distribution system during 2 consecutive 6 month monitoring periods by the deadline specified in subsection (j)(9)(A)(iv) of this section.

(D) Monitoring frequency after the department specifies maximum permissible source water levels or determines that source water treatment is not needed.

(i) A CWS or NTNC shall monitor at the frequency specified in this subparagraph in cases where the department specifies maximum permissible source water levels under subsection (j)(9)(B)(iv) of this section or determines that the CWS or NTNC is not required to install source water treatment under subsection (j)(9)(B)(ii) of this section.

(I) A CWS or NTNC using only ground water shall collect samples once during the 3-year compliance period in effect when the applicable department determination under this clause is made. Such CWSs and NTNCs shall collect samples once during each subsequent compliance period. Triennial samples shall be collected every third calendar year.

(II) A CWS or NTNC using surface water or a combination of surface water and ground water shall collect samples once during each calendar year, the first annual monitoring

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period to begin on the date on which the applicable department determination is made under this clause.

(ii) A CWS or NTNC is not required to conduct source water sampling for lead or copper if the CWS or NTNC meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the CWS or NTNC under this subparagraph.

(E) Reduced monitoring frequency.

(i) A CWS or NTNC using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each 9-year compliance cycle provided that the samples are collected not later than every ninth calendar year and if the CWS or NTNC meets 1 of the following criteria:

(I) The CWS or NTNC demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the department in subsection (j)(9)(B)(iv) of this section during at least 3 consecutive compliance periods under this clause; or

(II) The department has determined that source water treatment is not needed and the CWS or NTNC demonstrates that, during at least 3 consecutive compliance periods in which sampling was conducted under this clause, the concentration of lead in source water was less than or equal to 0.005 mg/l and the concentration of copper in source water was less than or equal to 0.65 mg/l.

(ii) A CWS or NTNC using surface water (or a combination of surface water and ground water) may reduce the monitoring frequency in this clause to once during each 9-year compliance cycle provided that the samples are collected not later than every ninth calendar year and if the CWS or NTNC meets 1 of the following criteria:

(I) The CWS or NTNC demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the department in subsection (j)(9)(B)(iv) of this section for at least 3 consecutive years; or

(II) The department has determined that source water treatment is not needed and the CWS or NTNC demonstrates that, during at least 3 consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/l and the concentration of copper in source water was less than or equal to 0.65 mg/l.

(11) Monitoring requirements for disinfection byproducts, residuals, and precursors.

(A) Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors.

(i) General.

(I) Requirements.

(1) Any CWS or NTNC that adds a chemical disinfectant to the water in any part of the drinking water treatment process shall modify such CWS's or NTNC's practices to meet the MCLs and MRDLs in subparagraph (B)(i) and (ii) of this subdivision, respectively, and the treatment technique requirements for disinfection byproduct precursors in subsection



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(j)(11) of this section. Any such CWS or NTNC that purchases water from a system that adds a chemical disinfectant to the water in any part of the drinking water treatment process and is not part of the supplying system's monitoring plan under clause (iii)(VI) of this subparagraph shall modify the purchasing CWS's or NTNC's practices to meet the MCLs and MRDLs in subparagraph (B)(i) and (ii) of this subdivision, respectively, and the treatment technique requirements for disinfection byproduct precursors in subsection (j)(11) of this section.

(2) Any TNC that uses chlorine dioxide as a disinfectant or oxidant shall modify such TNC's practices to meet the MRDL for chlorine dioxide in subparagraph (B)(ii) of this subdivision. Any such TNC that purchases water from a system that uses chlorine dioxide as a disinfectant or oxidant and is not part of the supplying system's monitoring plan under clause (iii)(VI) of this subparagraph shall modify the purchasing TNC's practices to meet the MRDL for chlorine dioxide in subparagraph (B)(ii) of this subdivision.

(II) Applicability. Unless otherwise noted, all CWSs and NTNCs that add a chemical disinfectant or that purchase water from a system that adds a chemical disinfectant and TNCs that use chlorine dioxide as a disinfectant or oxidant or that purchase water from a system that uses chlorine dioxide as a disinfectant or oxidant and is not part of the supplying system's monitoring plan under clause (iii)(VI) of this subparagraph shall comply with the requirements of this subparagraph and the MCLs and MRDLs in subparagraph (B) of this subdivision.

(III) Notwithstanding the MRDLs in subparagraph (B)(ii) of this subdivision, such CWSs and such NTNCs may increase residual disinfectant levels in the distribution system of chlorine or chloramines, but not chlorine dioxide, to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

(IV) Table 11-A1 of this subclause establishes the best technology, treatment techniques, or other means available for achieving compliance with the MCLs as running annual averages for the disinfectant byproducts established in Table 11-B1 of subparagraph (B)(i) of this subdivision:

**TABLE 11-A1. BEST AVAILABLE TECHNOLOGY FOR DISINFECTION  
BYPRODUCTS**

<b>DISINFECTION BYPRODUCT</b>	<b>BEST AVAILABLE TECHNOLOGY</b>
TTHM	Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant
HAA5	Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant
Bromate	Control of ozone treatment process to reduce production of bromate

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**DISINFECTION  
BYPRODUCT**

**BEST AVAILABLE TECHNOLOGY**

Chlorite

Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels

(ii) Analytical requirements. Such CWSs, such NTNCs and such TNCs shall use only the analytical method or methods specified in 40 CFR 141.131, as amended from time to time, to demonstrate compliance with the requirements of this subparagraph.

(iii) Monitoring requirements.

(I) General requirements.

(1) Such CWS, such NTNC or such TNC shall take all samples during normal operating conditions.

(2) Such CWS, such NTNC or such TNC may use previously collected data to qualify for reduced monitoring if the data meets the location and frequency requirements of this subdivision.

(3) All samples shall be analyzed by a department-approved laboratory pursuant to section 19a-29a of the Connecticut General Statutes. The department may grant an exemption, in writing, for the daily chlorite samples when the chlorite analysis is conducted by a certified treatment operator using a method approved by the department.

(II) Disinfection byproducts.

(1) TTHM and HAA5.

(A) Routine monitoring for TTHM and HAA5. Such CWS or such NTNC shall conduct routine monitoring at the locations and frequencies indicated in the following Table 11-A2 of this subclause:

**TABLE 11-A2. ROUTINE MONITORING FREQUENCY FOR TTHM AND HAA5**

<i>Type of such CWS or such NTNC</i>	<i>Minimum Monitoring Frequency<sup>1</sup></i>	<i>Sample Location in the Distribution System<sup>2</sup></i>
Such CWS or such NTNC using surface water or GWUDI in whole or in part and serving 10,000 or more persons	4 samples per quarter per treatment plant	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system
Such CWS or such NTNC using surface	1 sample per quarter per treatment plant	Location representing maximum residence time

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water or GWUDI in whole or in part and serving fewer than 10,000 persons

Such CWS or such NTNC using only ground water not under the direct influence of surface water and serving 10,000 or more persons

1 sample per quarter per treatment plant

Location representing maximum residence time

Such CWS or such NTNC using only ground water not under the direct influence of surface water and serving fewer than 10,000 persons

1 sample per year per treatment plant during the third calendar quarter

Location representing maximum residence time<sup>3</sup>

NOTES:

<sup>1</sup>Multiple wells drawing water from a single aquifer may be considered 1 treatment plant for determining the minimum number of samples required, with written approval from the department.

<sup>2</sup>If such CWS or such NTNC elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter, including those taken in excess of the required frequency, shall be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples shall be taken at locations representative of at least average residence time in the distribution system.

<sup>3</sup> If the sample, or average of annual samples if more than 1 sample is taken, exceeds the MCL, such CWS or such NTNC shall increase monitoring to 1 sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system. Such CWS or such NTNC on increased monitoring may return to routine monitoring if, after at least 1 year of monitoring, such CWS's or such NTNC's TTHM annual average is 0.060 mg/l and HAA5 annual average is <0.045 mg/l and such CWS or such NTNC is granted approval by the department in writing.

(B) Reduced monitoring for TTHM and HAA5.

(i) Such CWS or such NTNC may reduce monitoring in accordance with the following Table 11-A3 of this subclause with the written approval of the department:

**TABLE 11-A3. REDUCED MONITORING FREQUENCY FOR TTHM AND HAA5**

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<i>Type of such CWS or such NTNC</i>	<i>Criteria for Monitoring Reduction<sup>1</sup></i>	<i>Minimum Monitoring Frequency</i>	<i>Sample Location in the Distribution System</i>
Such CWS or such NTNC using surface water or GWUDI in whole or in part and serving at least 10,000 persons	Source water annual average TOC level, before any treatment, <4.0 mg/l; TTHM annual average <0.040 mg/l; and HAA5 annual average <0.030 mg/l	1 sample per quarter per treatment plant	Location representing maximum residence time
Such CWS or such NTNC using surface water or GWUDI in whole or in part and serving fewer than 10,000 persons	Source water annual average TOC level, before any treatment, <4.0 mg/l; TTHM annual average <0.040 mg/l; and HAA5 annual average <0.030 mg/l	1 sample per year per treatment plant during the third calendar quarter	Location representing maximum residence time
Such CWS or such NTNC using only ground water not under the direct influence of surface water and serving at least 10,000 persons	TTHM annual average <0.040 mg/l; and HAA5 annual average <0.030 mg/l	1 sample per year per treatment plant during the third calendar quarter	Location representing maximum residence time
Such CWS or such NTNC using only ground water not under the direct influence of surface water and serving fewer than 10,000 persons	TTHM annual average <0.040 mg/l; and HAA5 annual average <0.030 mg/l <sup>2</sup>	1 sample every 3 years per treatment plant during the third calendar quarter <sup>3</sup>	Location representing maximum residence time

NOTES:

<sup>1</sup> Such CWS or such NTNC shall have monitored for at least 1 year.

<sup>2</sup> Averages for 2 consecutive years, or TTHM annual average <0.020 mg/l and HAA5

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annual average <0.015 mg/l for 1 year.

<sup>3</sup> 3 year cycle begins January 1 following the quarter in which such CWS or such NTNC qualifies for reduced monitoring.

(ii) Such CWS or such NTNC on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for such CWSs and such NTNCs which shall monitor quarterly) or the result of the sample (for such CWSs and such NTNCs which shall monitor no more frequently than annually) is no more than 0.060 mg/l and 0.045 mg/l for TTHM and HAA5, respectively. Such CWSs and such NTNCs that do not meet these levels shall resume routine monitoring in the quarter immediately following the quarter in which such CWS or such NTNC exceeds either of these levels. For such CWS or such NTNC using only ground water not under the direct influence of surface water and serving fewer than 10,000 persons, if either the TTHM annual average is >0.080 mg/l or the HAA5 annual average is >0.060 mg/l, such CWS or such NTNC shall begin increased monitoring, as indicated in subclause (II)(1)(A) of this clause, in the quarter immediately following the monitoring period in which such CWS or such NTNC exceeds 0.080 mg/l or 0.060 mg/l for TTHM or HAA5 respectively.

(C) Monitoring requirements for source water TOC. In order to qualify for reduced monitoring for TTHM and HAA5 under subclause (II)(1)(B) of this clause, such CWS or such NTNC that is a Subpart H system and does not monitor under the provisions of subclause (IV) of this clause shall take monthly TOC samples every 30 days at a location prior to any treatment. In addition to meeting other criteria for reduced monitoring in subclause (II)(1)(B) of this clause, the source water TOC running annual average shall be ≤4.0 mg/l (based on the most recent 4 quarters of monitoring) on a continuing basis at each treatment plant to reduce or remain on reduced monitoring for TTHM and HAA5. Once qualified for reduced monitoring for TTHM and HAA5 under subclause (II)(1)(B) of this clause, such CWS or such NTNC that is a Subpart H system and does not monitor under the provisions of subclause (IV) of this clause may reduce source water TOC monitoring to quarterly TOC samples taken every 90 days at a location prior to any treatment.

(D) Such CWSs and such NTNCs on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for such CWSs and such NTNCs that shall monitor quarterly) or the result of the sample (for such CWSs and such NTNCs that shall monitor no more frequently than annually) is no more than 0.060 mg/l and 0.045 mg/l for TTHMs and HAA5, respectively. Such CWSs and such NTNCs that do not meet these levels shall resume monitoring at the frequency identified in the *Minimum Monitoring Frequency* column in Table 11-A2 of this subparagraph in the quarter immediately following the monitoring period in which such CWS or such NTNC exceeds 0.060 mg/l or 0.045 mg/l for TTHMs and HAA5, respectively. For such CWSs and such NTNCs using only ground water not under the direct influence of surface water and serving fewer than 10,000 persons, if either the TTHM annual average is >0.080 mg/l or the HAA5 annual average is >0.060 mg/l, such CWSs and such NTNCs shall go to the increased monitoring identified in the *Sample Location in the Distribution System* column in Table

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11-A2 of this subparagraph in the quarter immediately following the monitoring period in which such CWSs and such NTNCs exceed 0.080 mg/l or 0.060 mg/l for TTHM or HAA5, respectively.

(2) Chlorite. Such CWSs, such NTNCs and such TNCs using chlorine dioxide, for disinfection or oxidation, shall conduct monitoring for chlorite.

(A) Routine monitoring for chlorite. Such CWS, such NTNC or such TNC shall take daily chlorite samples at the entrance to the distribution system and shall also take a 3-sample set for chlorite each month in the distribution system. Such CWS, such NTNC or such TNC shall take 1 sample at each of the following locations: near the first consumer, at a location representative of average residence time and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling shall be conducted in the same manner as 3-sample sets, at the specified locations. Such CWS, such NTNC or such TNC may use the results of additional monitoring conducted according to subclause (II)(2)(B) of this clause to meet its monthly requirement.

(B) Additional monitoring for chlorite. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, such CWS, such NTNC or such TNC shall take 3 chlorite distribution system samples at the following locations: as close to the first consumer as possible, in a location representative of average residence time and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(C) Reduced monitoring for chlorite.

(i) Routine chlorite monitoring at the entrance to the distribution system shall not be reduced.

(ii) Chlorite monitoring in the distribution system may be reduced to 1 3-sample set per quarter after 1 year of monitoring where no routine individual chlorite sample taken in the distribution system has exceeded the chlorite MCL and such CWS, such NTNC or such TNC, has not been required to conduct additional monitoring in accordance with subclause (II)(2)(B) of this clause. Such CWS, NTNC or TNC may remain on the reduced monitoring schedule until either:

(I) Any of the 3 individual chlorite samples taken quarterly in the distribution system exceeds the chlorite MCL; or

(II) Such CWS, such NTNC or such TNC is required to conduct additional monitoring according to subclause (II)(2)(B) of this clause, at which time such CWS, such NTNC or such TNC shall revert to routine monitoring.

(3) Bromate. Such CWS or such NTNC using ozone, for disinfection or oxidation, in any part of the treatment process shall conduct monitoring for bromate.

(A) Routine monitoring for bromate. Such CWS or such NTNC shall take 1 bromate sample each month at the entrance to the distribution system for each treatment plant in such CWS or such NTNC.

(B) Reduced monitoring for bromate. Such CWS or such NTNC may reduce monitoring from monthly to quarterly, if such CWS's or such NTNC's running annual average bromate



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concentration is  $\leq 0.0025$  mg/l based on monthly bromate measurements under subclause (II)(3)(A) of this clause for the most recent 4 quarters, with samples analyzed using EPA Method 317.0 Revision 2.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," EPA, July 2001, EPA 815-B-01-001, EPA Method 326.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," EPA, June 2002, EPA 815-R-03-007, or EPA Method 321.8, "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water," Volume 1, EPA, August 2000, EPA 815-R-00-014 (available through NTIS, PB2000-106981). Such CWS or such NTNC that qualified for reduced bromate monitoring prior to April 1, 2009, may remain on reduced monitoring as long as the running annual average of quarterly bromate samples is  $\leq 0.0025$  mg/l based on samples analyzed using EPA Method 317.0 Revision 2.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," EPA, July 2001, EPA 815-B-01-001, EPA Method 326.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," EPA, June 2002, EPA 815-R-03-007, or EPA Method 321.8, "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water," Volume 1, EPA, August 2000, EPA 815-R-00-014 (available through NTIS, PB2000-106981). If the running annual average bromate concentration is  $> 0.0025$  mg/l, such CWS or such NTNC shall resume routine monitoring required by subclause (II)(3)(A) of this clause.

(4) Such CWS, such NTNC or such TNC that is required to comply with subclause (II) of this clause shall determine such CWS's, such NTNC's or such TNC's minimum monitoring frequency for disinfection byproducts as follows:

(A) Such CWS's, such NTNC's or such TNC's own sources of water, if any, as well as each seller's source(s) of water, to determine if such CWS, such NTNC or such TNC uses surface water or GWUDI, in whole or in part, or if such CWS, such NTNC or such TNC uses only ground water not under the direct influence of surface water;

(B) Such CWS's, such NTNC's or such TNC's own population, without considering the population of any system from which such CWS, such NTNC or such TNC purchases water or to which such CWS, such NTNC or such TNC sells water; and

(C) A sum for the number of treatment plants calculated as the number of treatment plants in such CWS's, such NTNC's or such TNC's own system plus 1 for each applicable system to which such CWS, such NTNC or such TNC sells water.

(III) Disinfectant residuals.

(1) Chlorine and chloramines. Such CWSs and such NTNCs that use chlorine or chloramines in any part of the treatment process shall conduct monitoring for chlorine and chloramines.

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(A) Routine monitoring for chlorine and chloramines. Such CWSs and such NTNCs shall measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled in accordance with subsection (e)(7) of this section. Such CWSs and such NTNCs that are Subpart H systems may use the results of RDC sampling conducted under 40 CFR 141.74(c)(3)(i), as amended from time to time, in lieu of taking separate samples.

(B) Reduced monitoring for chlorine and chloramines. Monitoring shall not be reduced.

(2) Chlorine dioxide. Such CWSs, such NTNCs, and such TNCs that use chlorine dioxide for disinfection or oxidation shall conduct monitoring for chlorine dioxide.

(A) Routine monitoring for chlorine dioxide. Such CWSs, such NTNCs, and such TNCs shall take daily chlorine dioxide samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, such CWS, such NTNC, or such TNC shall take chlorine dioxide samples in the distribution system the following day at the locations required by subclause (III)(2)(B) of this clause, in addition to the sample required at the entrance to the distribution system. Such CWSs, such NTNCs and such TNCs that purchase water from a system that is required to conduct additional monitoring shall also comply with subclause (III)(2)(B) of this clause.

(B) Additional monitoring for chlorine dioxide. On each day following a routine sample monitoring result that exceeds the MRDL, such CWS, such NTNC, or such TNC shall take 3 chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), such CWS, such NTNC, or such TNC shall take 3 samples as close to the first consumer as possible, at intervals of at least 6 hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are 1 or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), such CWS, such NTNC, or such TNC shall take 1 sample at each of the following locations: as close to the first consumer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(C) Reduced monitoring for chlorine dioxide. Monitoring shall not be reduced.

(IV) Disinfection byproduct precursors. Such CWS or such NTNC that is a Subpart H system and that uses conventional filtration treatment shall conduct monitoring for disinfection byproduct precursors.

(1) Routine monitoring. Such CWS or such NTNC shall monitor each treatment plant for TOC not later than the point of combined filter effluent turbidity monitoring and representative of the treated water. Such CWS or such NTNC shall also monitor for TOC in the source water, prior to any treatment, at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, all such CWSs and such

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NTNCs shall monitor for alkalinity in the source water prior to any treatment. Such CWS or such NTNC shall take 1 paired sample and 1 source water alkalinity sample each month for each plant at a time representative of normal operating conditions and influent water quality.

(2) Reduced monitoring. Such CWS or such NTNC that has an average treated water TOC of less than 2.0 mg/l for 2 consecutive years, or less than 1.0 mg/l for 1 year, may reduce monitoring for both TOC and alkalinity to 1 paired sample and 1 source water alkalinity sample for each plant for each quarter. Such CWS or such NTNC shall revert to routine monitoring in the month following the quarter when the annual average treated water TOC is 2.0 mg/l or greater.

(V) Bromide. Such CWS or such NTNC that is required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter if such CWS or such NTNC demonstrates that the average source water bromide concentration is <0.05 mg/l based upon representative monthly measurements for 1 year. Such CWS or such NTNC that is required to analyze for bromate shall continue bromide monitoring to remain on reduced bromate monitoring.

(VI) Monitoring plans. Each such CWS, such NTNC or such TNC that is required to monitor under this subparagraph shall develop and implement a monitoring plan. Such CWS, such NTNC or such TNC shall maintain such CWS's, such NTNC's or such TNC's monitoring plan and make it available for inspection by the department and the public. Such CWSs, such NTNCs and such TNCs that are Subpart H systems and that serve more than 1,000 persons shall submit a copy of such CWS's, such NTNC's or such TNC's monitoring plan to the department not later than the date of the first report required under subsection (h)(7) of this section. The department may also require any other system to submit a monitoring plan. Such CWS, such NTNC or such TNC may only implement a monitoring plan that the department has reviewed and approved. If the department determines that the monitoring plan contains the required elements in this subclause, the department may approve such monitoring plan. The department may request that such CWS, such NTNC or such TNC provide to the department additional information necessary to aid the department in its review of the monitoring plan, and may require changes to the monitoring plan. After the department's review and approval, the department may require changes in any plan elements. Failure by such CWS, such NTNC or such TNC to monitor in accordance with its monitoring plan is a monitoring violation. The plan shall include at least the following elements:

(1) Specific locations and schedules for collecting samples for any parameters included in this subparagraph. Sample locations that represent a point of average or maximum residence time for multiple treatment plants may be used to satisfy the requirements of subclause (II) of this clause for each applicable treatment plant, with the department's written approval; and

(2) How such CWS, such NTNC or such TNC will calculate compliance with the MCLs, MRDLs, and treatment techniques.

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(iv) Compliance requirements.

(I) General requirements.

(1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and such CWS or such NTNC fails to monitor for TTHM, HAA5, or bromate, this failure to monitor shall be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and such CWS's or such NTNC's failure to monitor makes it impossible to determine compliance with the MRDL for chlorine and chloramines, this failure to monitor shall be treated as a monitoring violation for the entire period covered by the annual average.

(2) All samples taken and analyzed under the provisions of this subparagraph shall be included in determining compliance, even if that number is greater than the minimum required.

(3) If, during the first year of monitoring under clause (iii) of this subparagraph, any individual quarter's average will cause the running annual average of that such CWS or such NTNC to exceed the MCL for TTHM, HAA5 or bromate, or the MRDL for chlorine or chloramine, such CWS or such NTNC is out of compliance at the end of that quarter.

(II) Disinfection byproducts.

(1) THM and HAA5.

(A) For such CWS or such NTNC monitoring quarterly, compliance with the MCLs in subparagraph (B)(i) of this subdivision shall be based on a running annual average, computed quarterly, of quarterly averages of all samples collected by such CWS or such NTNC as prescribed by clause (iii)(II)(1) of this subparagraph. If such CWS or such NTNC fails to complete 4 consecutive quarters of monitoring, compliance with the MCL for the last 4-quarter compliance period shall be based on an average of the available data.

(B) For such CWS or such NTNC monitoring less frequently than quarterly, such CWS or such NTNC shall demonstrate MCL compliance if the average of samples taken under the provisions of clause (iii)(II)(1) of this subparagraph do not exceed the MCLs in subparagraph (B)(i) of this subdivision. If the average of these samples exceeds the MCL, such CWS or such NTNC shall increase monitoring to once each quarter for each treatment plant and such CWS or such NTNC is not in violation of the MCL until such CWS or such NTNC has completed 1 year of quarterly monitoring, unless the result of fewer than 4 quarters of monitoring will cause the running annual average to exceed the MCL, in which case such CWS or such NTNC is in violation at the end of that quarter. Such CWS or such NTNC that is required to increase monitoring frequency to quarterly monitoring shall calculate compliance by including the sample which triggered the increased monitoring plus the following 3 quarters of monitoring.

(C) If the running annual arithmetic average of quarterly averages covering any consecutive 4-quarter period exceeds the MCL, such CWS or such NTNC is in violation of the MCL.

(2) Bromate. Compliance shall be based on a running annual average, computed

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quarterly, of monthly samples (or, for months in which such CWS or such NTNC takes more than 1 sample, the average of all samples taken during the month) collected by such CWS or such NTNC as prescribed by clause (iii)(II)(3) of this subparagraph. If the average of samples covering any consecutive 4-quarter period exceeds the MCL, such CWS or such NTNC is in violation of the MCL and shall notify the public pursuant to the procedures for public notification in subsection (i) of this section, in addition to reporting to the department pursuant to subsection (h)(7) of this section. If such CWS or such NTNC fails to complete 12 consecutive months of monitoring, compliance with the MCL for the last 4-quarter compliance period shall be based on an average of the available data.

(3) Chlorite. Compliance shall be based on an arithmetic average of each 3-sample set taken in the distribution system as prescribed by clauses (iii)(II)(2)(A) and (B) of this subparagraph. If the average of any 3 sample set exceeds the MCL, such CWS or such NTNC is in violation of the MCL and shall notify the public pursuant to the procedures for public notification in subsection (i) of this section and the department pursuant to subsection (h)(7) of this section.

(III) Disinfectant residuals.

(1) Chlorine and chloramines.

(A) Compliance shall be based on a running annual average, computed quarterly, of monthly averages of all samples collected by such CWS or such NTNC under clause (iii)(III)(1) of this subparagraph. If the average of quarterly averages covering any consecutive 4-quarter period exceeds the MRDL, such CWS or such NTNC is in violation of the MRDL and shall notify the public pursuant to the procedures for public notification in subsection (i) of this section and the department pursuant to subsection (h)(7) of this section.

(B) In cases where such CWSs and such NTNCs switch between the use of chlorine and chloramines for residual disinfection during the year, compliance shall be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to subsection (h)(7) of this section shall clearly indicate which residual disinfectant was analyzed for each sample.

(2) Chlorine dioxide.

(A) Violations requiring tier 1 notice. Compliance shall be based on consecutive daily samples collected by such CWS, such NTNC or such TNC under clause (iii) of this subparagraph. If any daily sample taken at the entrance to the distribution system exceeds the MRDL and, on the following day, 1 (or more) of the 3 samples taken in the distribution system exceed the MRDL, such CWS, such NTNC or such TNC is in violation of the MRDL and shall take immediate corrective action to lower the level of chlorine dioxide below the MRDL and shall notify the public pursuant to the procedures for a tier 1 notice in subsection (i)(1) of this section and the department pursuant to subsection (h)(7) of this section. Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and such CWS, such NTNC or such TNC shall notify the



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public of the violation in accordance with the procedures for a tier 1 notice in subsection (i)(1) of this section and the department pursuant to subsection (h)(7) of this section.

(B) Violations requiring tier 2 notice. Compliance shall be based on consecutive daily samples collected by such CWS, such NTNC or such TNC under clause (iii)(III)(2) of this subparagraph. If any 2 consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, such CWS, such NTNC or such TNC is in violation of the MRDL and shall take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and shall notify the public pursuant to the procedures for a tier 2 notice in subsection (i)(2) of this section and the department pursuant to subsection (h)(7) of this section. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and such CWS, such NTNC or such TNC shall notify the public of the violation in accordance with the procedures for tier 2 notice in subsection (i)(2) of this section and the department pursuant to subsection (h)(7) of this section.

(IV) Disinfection byproduct precursors. Compliance shall be determined as specified by subsection (j)(11)(C) and (D) of this section. Such CWS or such NTNC may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for such CWS or such NTNC. This monitoring is not required and failure to monitor during this period is not a violation. However, any such CWS or such NTNC that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in subsection (j)(11)(B)(i) of this section and shall therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to subsection (j)(11)(B)(ii) of this section and is in violation. Such CWSs and such NTNCs may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For such CWSs and such NTNCs required to meet Step 1 TOC removals, if the value calculated under subsection (j)(11)(C)(iv) of this section is less than 1.00, such CWS or such NTNC is in violation of the treatment technique requirements and shall notify the public pursuant to the procedures for public notification in subsection (i) of this section and the department pursuant to subsection (h)(7) of this section.

(B) MCLs, MCLGs, MRDLs, and MRDLGs for disinfectants.

(i) MCLs and MCLGs. All such CWSs and such NTNCs shall comply with the MCLs for disinfectant byproducts in Table 11-B1 of this clause.

**TABLE 11-B1. DISINFECTION BYPRODUCTS AND THEIR LIMITS**

DISINFECTION BYPRODUCTS	MCL (MG/L) <sup>1</sup>	MCLG (MG/L)
Bromate	0.010	ZERO
Chlorite	1.0	0.8
Haloacetic acids (five)	0.060	N/A



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DISINFECTION BYPRODUCTS	MCL (MG/L) <sup>1</sup>	MCLG (MG/L)
-dichloroacetic acid	*	ZERO
-monochloroacetic acid	*	0.07
-trichloroacetic acid	*	0.02
Total Trihalomethanes	0.080	N/A
-Bromodichloromethane	*	ZERO
-Bromoform	*	ZERO
-Chloroform	*	0.07
-Dibromochloromethane	*	0.06

N/A Not applicable.

\*No individual MCL for TTHM and HAA5 constituents.

<sup>1</sup> Such CWS or such NTNC that serves  $\geq 10,000$  people shall comply with these MCLs as a LRAA, unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall comply with these MCLs as a running annual average until the department-approved date. Such CWS or such NTNC that serves  $< 10,000$  and for which Cryptosporidium monitoring is not required under 40 CFR 141.701(a)(4), as amended from time to time, shall comply with these MCLs as a LRAA, unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall comply with these MCLs as a running annual average until the department-approved date. Such CWS or such NTNC that serves  $< 10,000$  and for which Cryptosporidium monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, shall comply with these MCLs as a running annual average until the date specified in subparagraph (C)(i)(III) of this subdivision. After the date specified in subparagraph (C)(i)(III) of this subdivision, such CWS or such NTNC that serves  $< 10,000$  and for which Cryptosporidium monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, shall comply with these MCLs as a LRAA.

(ii) MRDLs and MRDLGs. Such CWSs and such NTNCs shall comply with the MRDLs for disinfectant residuals in Table 11-B2 of this clause. In addition, such TNCs shall comply with the MRDL for chlorine dioxide.

**TABLE 11-B2. DISINFECTANTS AND THEIR LIMITS**

DISINFECTANT RESIDUAL	MRDL (MG/L)	MRDLG (MG/L)
Chlorine	4.0 (as Cl <sub>2</sub> )	4 (as Cl <sub>2</sub> )
Chloramine	4.0 (as Cl <sub>2</sub> )	4 (as Cl <sub>2</sub> )

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DISINFECTANT RESIDUAL	MRDL (MG/L)	MRDLG (MG/L)
Chlorine Dioxide <sup>1</sup>	0.8 (as ClO <sub>2</sub> )	0.8(as ClO <sub>2</sub> )

<sup>1</sup> The MRDL and MRDLG for chlorine dioxide apply to such CWSs, such NTNCs and such TNCs that use chlorine dioxide as a disinfectant or oxidant somewhere in the treatment process.

(C) Monitoring requirements for the Stage 2 disinfection byproducts requirement.

(i) General requirements.

(I) This subparagraph establishes monitoring and other requirements for achieving compliance with MCLs based on LRAA for TTHM and HAA5, and for achieving compliance with the MRDLs for chlorine and chloramine for certain consecutive systems.

(II) Applicability. A system is subject to the requirements of this subparagraph if the system is a CWS or a NTNC that uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light.

(III) Schedule.

(1) Such CWS or such NTNC that serves  $\geq 10,000$  people shall comply with the requirements in this subparagraph, unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall comply with the requirements in this subparagraph not later than the department-approved date.

(2) Such CWS or such NTNC that serves  $< 10,000$  people and for which *Cryptosporidium* monitoring is not required under 40 CFR 141.701(a)(4), as amended from time to time, shall comply with the requirements in this subparagraph, unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall comply with the requirements in this subparagraph not later than the department-approved date.

(3) Such CWS or such NTNC that serves  $< 10,000$  people and for which *Cryptosporidium* monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, shall comply with the requirements in this subparagraph not later than October 1, 2014. Such CWS or such NTNC that serves  $< 10,000$  people and for which *Cryptosporidium* monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, may submit an application to the department requesting approval of up to an additional 24 months for compliance with MCLs and operational evaluation levels if such CWS or such NTNC requires capital improvements to comply with a MCL. Such application shall be submitted in accordance with subsection (t) of this section and shall specify the capital improvements required to comply with a MCL.

(4) For consecutive systems and wholesale systems that are part of a combined

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distribution system, such consecutive system or such wholesale system shall comply with the requirements of this subparagraph at the same time as such CWS or such NTNC with the earliest compliance date in the combined distribution system. For purposes of this subclause, the term “combined distribution system” does not include consecutive systems that receive water from a wholesale system only on an emergency basis or receive only a small percentage of water from a wholesale system. The term “combined distribution system” also does not include wholesale systems that deliver water to a consecutive system only on an emergency basis or deliver only a small percentage of water to a consecutive system that has its own water.

(5) Such CWS or such NTNC shall use the monitoring frequency specified in clause (ii)(I)(2) of this subparagraph.

(A) If such CWS or such NTNC that serves < 10,000 people and for which *Cryptosporidium* monitoring is not required under 40 CFR 141.701(a)(4), as amended from time to time, is required to conduct quarterly monitoring and the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, then such CWS or such NTNC shall begin monitoring in the first full calendar quarter that includes the department-approved compliance date.

(B) If such CWS or such NTNC that serves  $\geq$  10,000 people is required to conduct quarterly monitoring and the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, then such CWS or such NTNC shall begin monitoring in the first full calendar quarter that includes the department-approved compliance date.

(C) If such CWS or such NTNC that serves  $\geq$  50,000 people is required to conduct monitoring at a frequency that is less than quarterly and the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, such CWS or such NTNC shall begin monitoring not later than 12 months after the department-approved compliance date.

(D) If such CWS or such NTNC that serves 10,000 to 49,999 people is required to conduct monitoring at a frequency that is less than quarterly, such CWS or such NTNC shall begin monitoring in the calendar month in such CWS’s or such NTNC’s IDSE report approved by the department under 40 CFR 141.601 or 40 CFR 141.602 or the calendar month identified in such CWS’s or such NTNC’s monitoring plan approved by the department under 40 CFR 141.622 not later than October 1, 2014, unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall begin monitoring not later than 12 months after the department-approved

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compliance date.

(E) If such CWS or such NTNC that serves < 10,000 people and for which *Cryptosporidium* monitoring is not required under 40 CFR 141.701(a)(4), as amended from time to time, is required to conduct monitoring at a frequency that is less than quarterly, such CWS or such NTNC shall begin monitoring in the calendar month in such CWS's or such NTNC's IDSE report approved by the department under 40 CFR 141.601 or 40 CFR 141.602 or the calendar month identified in the monitoring plan approved by the department under 40 CFR 141.622 not later than October 1, 2014, unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall begin monitoring not later than 12 months after the department-approved compliance date.

(F) If such CWS or such NTNC that serves < 10,000 people and for which *Cryptosporidium* monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, is required to conduct quarterly monitoring, such CWS or such NTNC shall begin monitoring in the first full calendar quarter that includes the compliance date of October 1, 2014, unless the department approves under subclause (III)(3) of this clause up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall begin monitoring in the first full calendar quarter that includes the department-approved compliance date.

(G) If such CWS or such NTNC that serves < 10,000 people and for which *Cryptosporidium* monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, is required to conduct monitoring at a frequency that is less than quarterly, such CWS or such NTNC shall begin monitoring in the calendar month in such CWS's or such NTNC's IDSE report approved by the department under 40 CFR 141.601 or 40 CFR 141.602 or the calendar month identified in the monitoring plan approved by the department under 40 CFR 141.622 not later than October 1, 2015, unless the department approves under subclause (III)(3) of this clause up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall begin monitoring not later than 12 months after the department-approved compliance date.

(6)(A) If such CWS or such NTNC that serves < 10,000 people and for which *Cryptosporidium* monitoring is not required under 40 CFR 141.701(a)(4), as amended from time to time, is required to conduct quarterly monitoring, such CWS or such NTNC shall make compliance calculations at the end of each quarter (or earlier if the LRAA calculated based on fewer than 4 quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters), unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall make

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compliance calculations at the end of the fourth calendar quarter that follows the department-approved compliance date, and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than 4 quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters).

(B) If such CWS or such NTNC that serves  $\geq 10,000$  people is required to conduct quarterly monitoring, such CWS or such NTNC shall make compliance calculations at the end of each quarter (or earlier if the LRAA calculated based on fewer than 4 quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters), unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall make compliance calculations at the end of the fourth calendar quarter that follows the department-approved compliance date, and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than 4 quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters).

(C) If such CWS or such NTNC that serves  $< 10,000$  people and for which *Cryptosporidium* monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, is required to conduct quarterly monitoring, such CWS or such NTNC shall make compliance calculations at the end of the fourth calendar quarter that follows October 1, 2014, unless the department approves under subclause (III)(3) of this clause up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall make compliance calculations at the end of the fourth calendar quarter that follows the department-approved compliance date, and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than 4 quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters).

(D) If such CWS or such NTNC that serves  $\geq 10,000$  people is required to conduct monitoring at a frequency that is less than quarterly, such CWS or such NTNC shall make compliance calculations pursuant to 40 CFR 141.620(c)(7), as amended from time to time, unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall make compliance calculations beginning with the first compliance sample taken after the department-approved compliance date.

(E) If such CWS or such NTNC that serves  $< 10,000$  people and for which *Cryptosporidium* monitoring is not required under 40 CFR 141.701(a)(4), as amended from time to time, is required to conduct monitoring at a frequency that is less than quarterly, such CWS or such NTNC shall make compliance calculations pursuant to 40 CFR 141.620(c)(7), as amended from time to time, unless the department has previously



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approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall make compliance calculations beginning with the first compliance sample taken after the department-approved compliance date.

(F) If such CWS or such NTNC that serves < 10,000 people and for which *Cryptosporidium* monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, is required to conduct monitoring at a frequency that is less than quarterly, such CWS or such NTNC shall make compliance calculations beginning with the first compliance sample taken after October 1, 2014, unless the department approves under subclause (III)(3) of this clause up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall make compliance calculations beginning with the first compliance sample taken after the department-approved compliance date.

(IV) Monitoring and compliance.

(1) Such CWSs and such NTNCs that are required to monitor quarterly. To comply with the MCLs for TTHM and HAA5 in Table 11-B1 of subparagraph (B)(i) of this subdivision, such CWSs and such NTNCs shall calculate LRAAs for TTHM and HAA5 using monitoring results collected under this subparagraph and determine that each LRAA does not exceed the MCL. If such CWS or such NTNC fails to complete 4 consecutive quarters of monitoring, such CWS or such NTNC shall calculate compliance with the MCL based on the average of the available data from the most recent 4 quarters. If such CWS or such NTNC takes more than 1 sample per quarter at a monitoring location, such CWS or such NTNC shall average all samples taken in the quarter at that location to determine a quarterly average to be used in the LRAA calculation.

(2) Such CWSs and such NTNCs that are required to monitor yearly or less frequently. To determine compliance with the MCLs for TTHM and HAA5 in Table 11-B1 of subparagraph (B)(i) of this subdivision, such CWS or such NTNC shall determine that each sample taken is less than the MCL. If any sample exceeds the MCL, such CWS or such NTNC shall comply with the requirements of clause (vi) of this subparagraph. If no sample exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.

(V) Violation. Such CWS or such NTNC is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA, if it fails to monitor for that quarter.

(VI) Best available technologies.

(1) Table 11-C2 of this subclause establishes the best technology, treatment techniques, or other means available for achieving compliance with the MCLs for TTHM and HAA5 as an LRAA identified in Table 11-B1 of subparagraph (B)(i) of this subdivision for all such CWSs and such NTNCs that disinfect their source water:



**TABLE 11-C2. BEST AVAILABLE TECHNOLOGY FOR DISINFECTION BYPRODUCTS**

<b>DISINFECTION BYPRODUCT</b>	<b>BEST AVAILABLE TECHNOLOGY</b>
TTHM and HAA5	Enhanced coagulation or enhanced softening, plus GAC10; or nanofiltration with a molecular weight cutoff $\leq$ 1000 Daltons; or GAC20

(2) Table 11-C3 of this subclause establishes the best technology, treatment techniques, or other means available for achieving compliance with the MCLs for TTHM and HAA5 as an LRAA identified in Table 11-B1 of subparagraph (B)(i) of this subdivision for consecutive systems that buy or otherwise receive disinfected water:

**TABLE 11-C3. CONSECUTIVE SYSTEM BEST AVAILABLE TECHNOLOGY**

<b>DISINFECTION BYPRODUCT</b>	<b>BEST AVAILABLE TECHNOLOGY</b>
TTHM and HAA5	Such CWSs and such NTNCs serving $\geq$ 10,000: Improved distribution system and storage tank management to reduce residence time, plus the use of chloramines for disinfectant residual maintenance.
TTHM and HAA5	Such CWSs and such NTNCs serving $<$ 10,000: Improved distribution system and storage tank management to reduce residence time.

(ii) Routine monitoring.

(I) Monitoring.

(1) Such CWS or such NTNC that serves  $\geq$  10,000 people with an IDSE report previously approved by the department under 40 CFR 141.605 shall monitor at the locations and during the months identified in the department-approved IDSE report, unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall not begin monitoring at the locations and during the months identified in the department-approved IDSE report until that date. Such CWS or such NTNC that serves  $<$  10,000 people and for which *Cryptosporidium* monitoring is not required under 40 CFR 141.701(a)(4), as amended from time to time, with an IDSE report previously approved by the department under 40 CFR 141.605 shall monitor at the locations and during the months identified in the department-approved IDSE report, unless the department has previously approved under 40 CFR 141.620(c) up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall not

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begin monitoring at the locations and during the months identified in the department-approved IDSE report until that date. Such CWS or such NTNC that serves < 10,000 people and for which *Cryptosporidium* monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, with an IDSE report previously approved by the department under 40 CFR 141.605 shall begin monitoring at the locations and during the months identified in the department-approved IDSE report following the schedule in clause (i)(III) of this subparagraph, unless the department approves under clause (i)(III)(3) of this subparagraph up to an additional 24 months for compliance with MCLs and operational evaluation levels because such CWS or such NTNC requires capital improvements to comply with a MCL, in which case such CWS or such NTNC shall not begin monitoring at the locations and during the months identified in the department-approved IDSE report until that date. If such CWS or such NTNC has previously received department approval of such CWS's or such NTNC's 40/30 certification under 40 CFR 141.603, serves fewer than 500 people, has taken TTHM and HAA5 samples under subparagraph (A) of this subdivision and was previously granted by the department a very small system waiver under 40 CFR 141.604 or is a NTNC serving <10,000 people, such CWS or such NTNC shall monitor at the location or locations and on the dates identified in such CWS's or such NTNC's department-approved monitoring plan in subparagraph (A)(iii)(VI) of this subdivision, updated as required by clause (iii) of this subparagraph.

(2) Such CWS or such NTNC shall monitor at no fewer than the number of locations identified in Table 11-C4 of this subclause.

**TABLE 11-C4. COMPLIANCE MONITORING LOCATIONS AND FREQUENCIES**

SOURCE WATER TYPE	POPULATION SIZE CATEGORY	MONITOR- ING FRE- QUENCY <sup>1</sup>	DISTRIBUTION SYS- TEM MONITORING LOCATION TOTAL PER MONITORING PERIOD <sup>2</sup>
Surface Water and GWUDI	<500 people	Per Year	2
	500 – 3,300 people	Per Quarter	2
	3,301 – 9,999 people	Per Quarter	2
	10,000 – 49,999 people	Per Quarter	4
	50,000 – 249,999 people	Per Quarter	8
	250,000 – 999,999 people	Per Quarter	12
	1,000,000 – 4,999,999	Per Quarter	16

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	people		
	≥ 5,000,000 people	Per Quarter	20
Ground Water	<500 people	Per Year	2
	500 – 9,999 people	Per Year	2
	10,000 – 99,999 people	Per Quarter	4
	100,000 – 499,999 people	Per Quarter	6
	≥ 500,000 people	Per Quarter	8

<sup>1</sup>Such CWSs and such NTNCs shall monitor during the month of highest disinfection byproducts concentrations.

<sup>2</sup> Such CWSs and such NTNCs on quarterly monitoring shall take dual sample sets every 90 days at each monitoring location, except for such CWSs and such NTNCs serving 500-3,300 people that are Subpart H systems. Such CWSs and such NTNCs serving 500-9,999 people with only ground water sources on annual monitoring shall take dual sample sets at each monitoring location. All other such CWSs and such NTNCs on annual monitoring and such CWSs and such NTNCs serving 500-3,300 people that are Subpart H systems are required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the locations with the highest TTHM and HAA5 concentrations, respectively. For such CWSs and such NTNCs serving fewer than 500 people, only 1 location with a dual sample set per monitoring period is needed if the highest TTHM and HAA5 concentrations occur at the same location, and during the same month.

(3) If such CWS or such NTNC is an undisinfected system that begins using a disinfectant other than ultraviolet light, such CWS or such NTNC shall consult with the department to identify compliance monitoring locations for this subparagraph. Such CWS or such NTNC that is an undisinfected system that begins using a disinfectant other than ultraviolet light shall then develop a monitoring plan under clause (iii) of this subparagraph that includes those monitoring locations and submit such monitoring plan to the department for approval in accordance with subsection (t) of this section.

(II) Analytical methods. Such CWS or such NTNC shall use an approved method listed in 40 CFR 141.131, as amended from time to time, for TTHM and HAA5 analyses in this subparagraph. Analyses shall be conducted by an environmental laboratory approved by the department under section 19a-29a of the Connecticut General Statutes.

(iii) Monitoring plan of this subparagraph.

(I) (1) Such CWS or such NTNC shall develop and implement a monitoring plan to be kept on file for department and public review. The monitoring plan shall not be implemented until such CWS or such NTNC has received department approval of the monitoring plan. The monitoring plan shall be completed not later than the date such CWS or such NTNC conducts its initial monitoring under this subparagraph and shall be submitted

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to the department in accordance with subsection (t) of this section. The monitoring plan shall contain the following elements:

- (A) Monitoring locations;
- (B) Monitoring dates;
- (C) Compliance calculation procedures; and
- (D) Monitoring plans for any other CWSs and NTNCs in the combined distribution system if the department has permitted reduced monitoring.

(2) If such CWS or such NTNC was not required to submit an IDSE report under 40 CFR 141.601 or 40 CFR 141.602 and does not have sufficient monitoring locations under subparagraph (A) of this subdivision to identify the required number of compliance monitoring locations under this subparagraph, such CWS or such NTNC shall identify in the monitoring plan additional locations by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified. Such CWS or such NTNC shall also provide in the monitoring plan the rationale for identifying the locations as having high levels of TTHM or HAA5. If such CWS or such NTNC has more monitoring locations under subparagraph (A) of this subdivision than required for compliance monitoring under this subparagraph, such CWS or such NTNC shall identify in the monitoring plan which locations such CWS or such NTNC will use for compliance monitoring under this subparagraph by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified under this subparagraph.

(II) If such CWS or such NTNC is a Subpart H system serving > 3,300 people, such CWS or such NTNC shall submit a copy of such CWS's or such NTNC's monitoring plan in accordance with subsection (t) of this section to the department for approval prior to the date such CWS or such NTNC conducts such CWS's or such NTNC's initial monitoring under of this subparagraph, unless such CWS's or such NTNC's IDSE report approved by the department contains all the information required by this clause.

(III) Such CWS or such NTNC may submit to the department for approval a revised monitoring plan in accordance with subsection (t) of this section if there are changes in treatment, distribution system operations and layout (including new service areas), or other factors that may affect TTHM or HAA5 formation, or for department-approved reasons after consultation with the department regarding the need for changes and the appropriateness of changes. The department may approve a revised monitoring plan in which such CWS or such NTNC changed monitoring locations only if such CWS or such NTNC in the revised monitoring plan replaced existing compliance monitoring locations with the lowest LRAA with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels. The department may also require modifications in such CWS's or such NTNC's monitoring plan. Such CWS or such NTNC shall not monitor in accordance with the revised monitoring plan unless the department has approved the revised monitoring plan. If such CWS or such NTNC is a Subpart H system

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serving > 3,300 people, such CWS or such NTNC shall submit a copy of such CWS's or such NTNC's modified monitoring plan to the department for approval in accordance with subsection (t) of this section prior to the date such CWS or such NTNC is required to comply with the revised monitoring plan.

(iv) Reduced monitoring.

(I) Such CWS or such NTNC may reduce monitoring to the level specified in Table 11-C5 of this subclause any time the LRAA is  $\leq 0.040$  mg/l for TTHM and  $\leq 0.030$  mg/l for HAA5 at all monitoring locations. Such CWS or such NTNC may only use data collected under the provisions of subparagraph (A) or (C) of this subdivision to qualify for reduced monitoring. In addition, the source water annual average TOC level, before any treatment, shall be  $\leq 4.0$  mg/l at each treatment plant treating surface water or GWUDI, based on monitoring conducted under either subparagraph (A)(iii)(II)(1)(C) or (A)(iii)(IV) of this subdivision.

**TABLE 11-C5. REDUCED MONITORING FREQUENCIES**

<b>SOURCE WATER TYPE</b>	<b>POPULATION SIZE CATEGORY</b>	<b>MONITORING FREQUENCY<sup>1</sup></b>	<b>DISTRIBUTION SYSTEM MONITORING LOCATION PER MONITORING PERIOD</b>
Surface Water or GWUDI	<500		Monitoring shall not be reduced.
	500 – 3,300 people	Per year	1 TTHM and 1 HAA5 sample: 1 at the location and during the quarter with the highest TTHM single measurement; 1 at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	3,301 – 9,999 people	Per year	2 dual sample sets: 1 at the location and during the quarter with the highest TTHM single measurement, 1 at the location and during the quarter with the highest HAA5 single measurement.
	10,000 – 49,999 people	Per quarter	2 dual sample sets at the locations with the highest TTHM and highest HAA5 LRAAs.
	50,000 – 249,999 people	Per quarter	4 dual sample sets at the locations with the 2 highest TTHM and 2 highest HAA5 LRAAs.

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	250,000 – 999,999 people	Per quarter	6 dual sample sets at the locations with the 3 highest TTHM and 3 highest HAA5 LRAAs.
	1,000,000 – 4,999,999 people	Per quarter	8 dual sample sets at the locations with the 4 highest TTHM and 4 highest HAA5 LRAAs.
	≥5,000,000 people	Per quarter	10 dual sample sets at the locations with the 5 highest TTHM and 5 highest HAA5 LRAAs.
Ground water	<500 people	Every third year	1 TTHM and 1 HAA5 sample: 1 at the location and during the quarter with the highest TTHM single measurement; 1 at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	500 – 9,999 people	Per quarter	1 TTHM and 1 HAA5 sample: 1 at the location and during the quarter with the highest TTHM single measurement; 1 at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	10,000 – 99,999 people	Per quarter	2 dual sample sets: 1 at the location and during the quarter with the highest TTHM single measurement, 1 at the location and during the quarter with the highest HAA5 single measurement.
	100,000 – 499,999 people	Per quarter	2 dual sample sets at the locations with the highest TTHM and highest HAA5 LRAAs.
	≥ 500,000 people	Per quarter	4 dual sample sets at the locations with the 2 highest TTHM and 2 highest HAA5 LRAAs.

<sup>1</sup> Such CWS or such NTNC on quarterly monitoring shall take dual sample sets every 90 days.

(II) Such CWS or such NTNC may remain on reduced monitoring as long as the TTHM



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LRAA is  $\leq 0.040$  mg/l and the HAA5 LRAA is  $\leq 0.030$  mg/l at each monitoring location (for such CWSs and such NTNCs with quarterly reduced monitoring) or each TTHM sample is  $\leq 0.060$  mg/l and each HAA5 sample is  $\leq 0.045$  mg/l (for such CWSs and such NTNCs with annual or less frequent monitoring). In addition, the source water annual average TOC level, before any treatment, shall be  $\leq 4.0$  mg/l at each treatment plant treating surface water or GWUDI based on monitoring conducted under either subparagraph (A)(iii)(II)(1)(C) or (A)(iii)(IV) of this subdivision.

(III) If the LRAA based on quarterly monitoring at any monitoring location exceeds either 0.040 mg/l for TTHM or 0.030 mg/l for HAA5 or if the annual (or less frequent) sample at any location exceeds either 0.060 mg/l for TTHM or 0.045 mg/l for HAA5, or if the source water annual average TOC level, before any treatment, is  $> 4.0$  mg/l at any treatment plant treating surface water or GWUDI, such CWS or such NTNC shall resume routine monitoring under clause (ii) of this subparagraph or begin increased monitoring if this clause applies.

(IV) The department may return such CWS or such NTNC to routine monitoring if such CWS or such NTNC:

- (1) Violated the MCL for either TTHM or HAA5 at any monitoring location;
- (2) Activated a new disinfection treatment system;
- (3) Changed disinfection practices; or
- (4) Reactivated an inactive disinfection treatment system.

(v) Additional requirements for consecutive systems. If such CWS or such NTNC is a consecutive system that does not add a disinfectant, but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, such CWS or such NTNC shall comply with analytical and monitoring requirements for chlorine and chloramines in 40 CFR 141.131(c), as amended from time to time, and subparagraph (A)(iii)(III)(1) of this subdivision, the compliance requirements in subparagraph (A)(iv)(III)(1) of this subdivision, and report monitoring results under subsection (h)(7)(A)(i)(I) of this section.

(vi) Conditions requiring increased monitoring.

(I) If such CWS or such NTNC is required to monitor at a particular location annually or less frequently than annually under clause (ii) or (iv) of this subparagraph, such CWS or such NTNC shall increase monitoring to dual sample sets once per quarter (taken every 90 days) at all locations if a TTHM sample is  $> 0.080$  mg/l or a HAA5 sample is  $> 0.060$  mg/l at any location.

(II) Such CWS or such NTNC is in violation of the MCL when the LRAA exceeds the MCLs in Table 11-B1 of subparagraph (B)(i) of this subdivision, calculated based on 4 consecutive quarters of monitoring (or the LRAA calculated based on fewer than 4 quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters). Such CWS or such NTNC is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA, if such CWS or such NTNC fails to monitor that quarter.

(III) Such CWS or such NTNC may return to routine monitoring once such CWS or

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such NTNC has conducted increased monitoring for at least 4 consecutive quarters and the LRAA for every monitoring location is  $\leq 0.060$  mg/l for TTHM and  $\leq 0.045$  mg/l for HAA5.

(vii) Operational evaluation levels.

(I) The operational evaluation level for TTHM and HAA5 is the sum of the 2 previous quarterly results plus twice the current quarter's result, divided by 4. Each quarter, such CWS or such NTNC shall calculate the TTHM and HAA5 operational evaluation levels for each monitoring location.

(II) Such CWS or such NTNC has exceeded the operational evaluation level at any monitoring location where the sum of the 2 previous quarters' TTHM results plus twice the current quarter's TTHM result, divided by 4 to determine an average, exceeds 0.080 mg/l, or where the sum of the 2 previous quarters' HAA5 results plus twice the current quarter's HAA5 result, divided by 4 to determine an average, exceeds 0.060 mg/l.

(III) (1) If such CWS or such NTNC exceeds the operational evaluation level, such CWS or such NTNC shall conduct an operational evaluation and submit a written report of the evaluation to the department for approval in accordance with subsection (t) of this section not later than 90 days after being notified of the analytical result that causes such CWS or such NTNC to exceed the operational evaluation level. The written report shall be made available to the public upon request.

(2) Such CWS's or such NTNC's operational evaluation shall include an examination of such CWS's or such NTNC's treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedances.

(A) Such CWS or such NTNC may submit an application to the department for approval requesting that the department permit such CWS or such NTNC to limit the scope of such CWS's or such NTNC's evaluation if such CWS or such NTNC is able to identify the cause of the operational evaluation level exceedance. Such application shall include the reason or reasons that such CWS or such NTNC is requesting to limit the scope of such CWS's or such NTNC's evaluation, including the identification of the cause of the operational evaluation level exceedance, and shall be submitted in accordance with subsection (t) of this section. Such CWS or such NTNC shall keep the department-approved application with the completed report.

(B) Such CWS's or such NTNC's request to limit the scope of the evaluation does not extend the time in subclause (III)(1) of this clause by which such CWS or such NTNC is required to submit to the department for approval the written report.

(viii) Requirements for remaining on reduced TTHM and HAA5 monitoring based on results under subparagraph (A) of this subdivision. Such CWS or such NTNC that serves < 10,000 people and for which *Cryptosporidium* monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, may remain on reduced monitoring after the date identified in clause (i)(III)(3) of this subparagraph for compliance with this

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subparagraph if such CWS or such NTNC has a 40/30 certification previously approved by the department under 40 CFR 141.603 or such CWS or such NTNC serves fewer than 500 people, has taken TTHM and HAA5 samples under subparagraph (A) of this subdivision and was previously granted a very small system waiver by the department under 40 CFR 141.604 and such CWS or such NTNC meets the reduced monitoring criteria in clause (iv)(I) of this subparagraph, and does not change or add monitoring locations from those used for compliance monitoring under subparagraph (A) of this subdivision. If the monitoring locations under this subparagraph of such CWS or such NTNC that serves < 10,000 people and for which *Cryptosporidium* monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, differ from such CWS's or such NTNC's monitoring locations under subparagraph (A) of this subdivision, such CWS or such NTNC shall not remain on reduced monitoring after the date identified in clause (i)(III)(3) of this subparagraph for compliance with this subparagraph.

(ix) Requirements for remaining on increased TTHM and HAA5 monitoring based on results under subparagraph (A) of this subdivision. If such CWS or such NTNC was on increased monitoring under subparagraph (A)(iii)(II)(1) of this subdivision, such CWS or such NTNC shall remain on increased monitoring until such CWS or such NTNC qualifies for a return to routine monitoring under clause (vi)(III) of this subparagraph. Such CWS or such NTNC that serves < 10,000 people and for which *Cryptosporidium* monitoring is required under 40 CFR 141.701(a)(4), as amended from time to time, shall conduct increased monitoring under clause (vi) of this subparagraph at the monitoring locations in such CWS's or such NTNC's department-approved monitoring plan under clause (iii) of this subparagraph beginning on the date identified in clause (i)(III)(3) of this subparagraph for compliance with this subparagraph and remain on increased monitoring until such CWS or such NTNC qualifies for a return to routine monitoring under clause (vi)(III) of this subparagraph.

(12) Ground water source microbial monitoring and analytical requirements.

(A) Applicability. This subdivision applies to all ground water systems.

(B) General requirements. Systems subject to this subdivision, subdivision (7)(E) of this subsection and subsection (j)(14) of this section shall comply with the following requirements:

(i) Sanitary survey information requirements for all ground water systems as described in subdivision (7)(E) of this subsection.

(ii) Microbial source water monitoring requirements for ground water systems that do not treat all of the system's ground water to at least 99.99 percent (4 log) treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer as described in subparagraph (C) of this subdivision.

(iii) Treatment technique requirements, described in subsection (j)(14) of this section, that apply to ground water systems that have fecally contaminated source waters, as determined by source water monitoring conducted under subparagraph (C) of this

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subdivision. A ground water system with fecally contaminated source water subject to the treatment technique requirements of this subdivision and subsection (j)(14) of this section shall implement 1 or more of the following corrective action options:

- (I) Correct all significant deficiencies;
- (II) Provide an alternate source of water;
- (III) Eliminate the source of contamination; or
- (IV) Provide treatment that reliably achieves at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for the ground water source.

(iv) Ground water systems that provide at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer of a ground water source are required to conduct compliance monitoring at that source to demonstrate treatment effectiveness, as described in subsection (j)(14)(B) of this section.

(v) If requested by the department, ground water systems shall provide the department with any existing information that will enable the department to perform a HSA.

(vi) Regardless of whether the ground water system is a CWS or a NTNC, if such ground water system provides at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer, such ground water system shall employ, contract with or otherwise utilize an operator certified pursuant to subsection 25-32-9 of the Regulations of Connecticut State Agencies.

(C) Triggered source water monitoring.

(i) General requirements.

(I) *E. coli* is the fecal indicator for triggered source water monitoring under this subparagraph, unless the department specifies another fecal indicator that shall be used.

(II) A ground water system shall conduct triggered source water monitoring if the following conditions exist:

(1) The ground water system does not provide at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for each ground water source that the department has approved under subsection (j)(14)(B)(i) or (ii) of this section; and

(2) The ground water system is notified that a sample collected under subdivision (7)(A) or (B) of this subsection is total coliform-positive and the sample is not invalidated by the department under subdivision (7)(F) of this subsection.

(ii) Sampling requirements. A ground water system shall collect, not later than 24 hours after notification of a total coliform-positive sample collected under subdivision (7)(A) or (B) of this subsection, at least 1 ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under subdivision (7)(A) or (B) of this subsection, except as provided in subclause (II) of this clause. For purposes of this clause, the term “in use” means the ground water source had the capacity to provide

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water to the monitoring site at the time the total coliform-positive sample was collected under subdivision (7)(A) or (B) of this subsection.

(I) The department may extend the 24-hour time limit if the ground water system cannot collect the ground water source sample within 24 hours due to circumstances beyond the ground water system's control. A ground water system shall submit an application to the department in accordance with subsection (t) of this section requesting an extension beyond the 24-hour time limit, specifying the circumstances beyond the ground water system's control that prevent such ground water system from collecting a ground water source sample not later than 24 hours after notification of the total coliform-positive sample. The ground water system shall file such application with the department not later than 24 hours after being notified of the total coliform-positive sample. If the department's office is closed at that time, the ground water system shall file such application with the department before the end of the next business day. The department shall not grant an extension of more than 72 hours, thereby approving the system to collect the ground water source sample not later than 96 hours after notification of the total coliform-positive sample, unless the ground water system in the ground water system's application provides evidence that the ground water system's contract laboratory is closed for the weekend or a holiday and the closure will prevent such ground water system from collecting the ground water source sample not later than 96 hours after being notified of the total coliform-positive sample.

(II) If approved by the department, ground water systems with more than 1 ground water source may meet the requirements of this clause by sampling a representative ground water source or sources. A ground water system shall submit an application to the department in accordance with subsection (t) of this section requesting approval to meet the requirements of this clause by sampling a representative ground water source or sources. Ground water systems shall include with the application a triggered source water monitoring plan that identifies all of the ground water sources that are representative of each distribution system monitoring site in the ground water system's sample siting plan under subdivision (7)(D)(i) of this subsection and that the ground water system intends to use for representative sampling under this subclause. Such plan shall include all of the ground water sources that supply each of the distribution system monitoring sites in the ground water system's sample siting plan under subdivision (7)(D)(i) of this subsection under normal operating conditions. A ground water system shall not meet the requirements of this clause by sampling a representative ground water source or sources until the ground water system has received department approval of the ground water system's application.

(III) A ground water system serving 1,000 people or fewer may use a sample collected from a ground water source to meet both the requirements of subdivision (7)(G)(i) of this subsection and to satisfy the monitoring requirements of this clause if the department-approved fecal indicator under clause (i)(I) of this subparagraph is *E. coli*. If the sample collected from the ground water source is *E. coli* positive, the ground water system shall comply with the requirements of clause (iii) of this subparagraph. The ground water system shall also comply with the requirements of subdivision (7)(G) of this subsection, if



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applicable.

(iii) Additional requirements. If the department does not require corrective action under subsection (j)(14)(A) of this section for a fecal indicator-positive source water sample collected under clause (ii) or (iv) of this subparagraph that is not invalidated under subparagraph (F) of this subdivision or if the department does not invalidate a fecal indicator-positive source water sample collected under subparagraph (D)(ii) or (I) of this subdivision, the ground water system shall collect 5 additional source water samples from the same source not later than 24 hours after being notified of a fecal indicator-positive sample collected under subparagraphs (C)(ii), (C)(iv), (D)(ii) or (I) of this subdivision. If a ground water system is unable to collect the additional source water samples not later than 24 hours after being notified of the fecal indicator-positive sample, the ground water system shall submit an application to the department requesting an extension beyond the 24-hour time limit. Such application shall include documentation demonstrating that the ground water system's contract laboratory is closed for the weekend or a holiday and the closure will prevent such ground water system from collecting the ground water source sample not later than 24 hours after being notified of the fecal indicator-positive sample, and shall be submitted in accordance with subsection (t) of this section. The ground water system shall file such application with the department not later than 24 hours after being notified of the fecal indicator-positive sample. If the department's office is closed at that time, the ground water system shall file such application with the department before the end of the next business day. The department shall not grant an extension of more than 72 hours, thereby approving the ground water system to collect the ground water source sample not later than 96 hours after notification of the fecal indicator-positive sample.

(iv) Consecutive and wholesale systems.

(I) In addition to the other requirements in this subparagraph, a consecutive public water system served by a ground water source or sources that has a total coliform-positive sample collected under subdivision (7)(A) or (B) of this subsection shall notify the wholesale system or systems not later than 24 hours after being notified of the total coliform-positive sample, unless the wholesale system's office is closed at that time, in which case the consecutive public water system served by a ground water source or sources shall notify those wholesale system or systems before the end of the next business day.

(II) In addition to the other requirements in this subparagraph, a wholesale ground water system shall comply with the following requirements:

(1) A wholesale system served by a ground water source or sources that receives notice from a consecutive system it serves that a sample collected under subdivision (7)(A) or (B) of this subsection is total coliform-positive shall, not later than 24 hours after being notified, collect a sample from the wholesale ground water system's ground water source or sources under clause (ii) of this subparagraph and analyze the sample for a fecal indicator in accordance with the analytical methods in subparagraph (E) of this subdivision.

(2) If the sample collected under subclause (II)(1) of this clause is fecal indicator-positive, the wholesale system served by a ground water source or sources shall notify all consecutive



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systems served by that ground water source of the fecal indicator source water positive not later than 24 hours after being notified of the ground water source sample monitoring result, unless 1 or more of the consecutive systems' offices are closed at that time, in which case the wholesale system served by a ground water source or sources shall notify those consecutive systems before the end of the next business day, and shall meet the requirements of clause (iii) of this subparagraph.

(v) Exceptions to the triggered source water monitoring requirements. A ground water system is not required to comply with the source water monitoring requirements of this subparagraph if any of the following conditions exist:

(I) The department determines that the total coliform-positive sample collected under subdivision (7)(A) or (B) of this subsection is caused by a previously-documented distribution system deficiency. A ground water system shall submit an application to the department in accordance with subsection (t) of this section requesting a determination from the department whether the total coliform-positive sample collected under subdivision (7)(A) or (B) of this subsection was caused by a distribution system deficiency. The application shall include documentation demonstrating that the distribution system deficiency that caused the total coliform-positive sample was previously documented. Documentation that the distribution system deficiency was previously documented includes, but is not limited to, distribution system sampling results, repair records, facility inspection reports, cross connection surveys, and documentation of areas of low pressure. The ground water system shall submit such application to the department before the total coliform-positive sample result is received by the department;

(II) The department determines that the total coliform-positive sample collected under subdivision (7)(A) or (B) of this subsection was collected at a location in the distribution system that has a condition that will cause total coliform-positive samples. A ground water system shall submit an application to the department in accordance with subsection (t) of this section requesting a determination from the department whether the total coliform-positive sample collected under subdivision (7)(A) or (B) of this subsection was collected at a location in the distribution system that has a condition that will cause total coliform-positive samples. Such application shall include documentation demonstrating that the condition in the distribution system will cause a total coliform-positive sample. Documentation that a condition in the distribution system caused the total coliform-positive sample includes, but is not limited to, documentation of recurring bio-film problems. The ground water system shall submit such application to the department before the total coliform-positive sample result is received by the department; or

(III) The ground water system provides at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for each ground water source that the department has approved under subsection (j)(14)(B)(i) or (ii) of this section.

(D) Assessment source water monitoring.

(i) The department shall specify the fecal indicator or indicators for which the ground

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water system shall sample for assessment source water monitoring under this subparagraph.

(ii) The department may require a ground water system to conduct assessment source water monitoring in accordance with the requirements in clause (iii) of this subparagraph if the ground water system meets 1 of the following criteria:

(I) A ground water source, based on the ground water source's stabilized pumping rate, does not meet the separating distances from sources of pollution that cause or may cause fecal contamination, as shown in Table 12-D1 of this subclause. Such sources of pollution may include, but are not limited to, systems for the disposal or storage of sewage, sewer lines, and stables, pigpens, chicken houses or other structures or locations where fecal matter is allowed to accumulate, as shown in Table 12-D1 of this subclause.

**TABLE 12-D1. SEPARATING DISTANCE REQUIREMENTS BASED ON REQUIRED WITHDRAWAL RATE OF GROUND WATER SOURCE**

STABILIZED PUMPING RATE OF GROUND WATER SOURCE	SEPARATING DISTANCES FROM THE GROUND WATER SOURCE TO SOURCES OF POLLUTION
Under 10 gallons per minute (gpm)	75 feet
10 to 50 gpm	150 feet
>50 gpm	200 feet

(II) A ground water source is currently disinfected by a ground water system using chlorine, UV, ozone or some other disinfectant or disinfectants, the department has not approved the treatment under subsection (j)(14)(B)(i) or (ii) of this section, and the ground water system does not have a department-approved source water fecal indicator monitoring plan under subparagraph (I) of this subdivision.

(III) A ground water system has 2 or more MCL violations for total coliform within a 12 month period. If the department determines that the ground water system's MCL violations for total coliform are caused by a previously-documented distribution system deficiency, then the ground water system shall not be required to conduct assessment source water monitoring under this clause. A ground water system shall submit an application to the department in accordance with subsection (t) of this section requesting a determination from the department whether the MCL violations for total coliform were caused by a previously-documented distribution system deficiency. Such application shall include documentation demonstrating that the distribution system deficiency that caused the MCL violations for total coliform was previously documented. Documentation demonstrating that the distribution system deficiency was previously documented includes, but is not limited to, distribution system sampling results, repair records, facility inspection reports, cross connection surveys, and documentation of areas of low pressure.

(IV) The department determines after an investigation that the ground water source or sources are susceptible to contamination by microbial pathogens, based on a HSA.

(V) A ground water system's 5 samples collected in accordance with subparagraph

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(C)(iii) of this subdivision were all fecal indicator-negative.

(VI) A ground water system discontinues the ground water system's department-approved 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for a ground water source.

(iii) If required by the department under clause (ii) of this subparagraph to conduct assessment source water monitoring on 1 or more ground water sources, the ground water system shall conduct such monitoring in accordance with the requirements in subclauses (I) through (V), inclusive, of this clause. A ground water system conducting assessment source water monitoring may use a triggered source water sample collected under subparagraph (C) of this subdivision to meet the requirements of this clause.

(I) Collection of a total of 12 ground water source samples that represent each month the ground water system provides ground water to the public. If a ground water system provides ground water to the public for less than 12 months, the ground water system shall collect samples during the months in which the ground water system provides ground water to the public until the ground water system has collected a minimum of 12 samples. If the department determines that there is a continued risk of introduction of fecal contamination into the ground water the ground water system provides to the public or that 1 or more of the conditions in clauses (ii)(I) through (V), inclusive, of this subparagraph continues to exist, the department may require the ground water system to continue to conduct assessment source water monitoring after the ground water system has collected a total of 12 ground water source samples. If the department determines that a frequency other than the collection of 1 sample in each month the ground water system provides ground water to the public will provide a more accurate representation of the water quality of the ground water source or sources or if the ground water system operates for only part of the year, the department may modify the frequency of the sampling. For purposes of this subclause, a ground water system operates for only part of the year if the ground water system is in operation for less than 12 months out of a year;

(II) Collection of samples from each active source of supply;

(III) Collection of a standard sample volume of at least 100 ml for fecal indicator analysis regardless of the fecal indicator or analytical method used;

(IV) Analysis of all ground water source samples using 1 of the analytical methods listed in subparagraph (E)(ii) of this subdivision for the presence of *E. coli*, enterococci, or coliphage; and

(V) Collection of ground water source samples at a location prior to any treatment of the ground water source.

(iv) The department may at any time terminate the requirement that a ground water system conduct assessment source water monitoring. If the department requires the ground water system to take corrective action under subsection (j)(14)(A)(i) of this section at a source at which the ground water system is conducting assessment source water monitoring, the ground water system shall not be required to continue source water assessment

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monitoring for that ground water source unless directed to do so by the department.

(v) A ground water system that has received department-approval of the ground water system's treatment under subsection (j)(14)(B)(i) or (ii) of this section because the ground water system provides at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for a specified ground water source, shall not be required by the department to conduct assessment source water monitoring under this subparagraph for the specified ground water source. If the ground water system subsequently discontinues the department-approved 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for a specified ground water source after receiving approval from the department under subsection (j)(14)(C) of this section, the department may require the ground water system to conduct assessment source water monitoring under clause (ii) of this subparagraph for that ground water source. A ground water system that discontinues 4 log treatment of viruses is subject to the triggered source water monitoring requirements of subsection (C) of this subdivision and analytical methods requirements in subparagraph (e)(12)(E) of this subdivision.

(E) Source water monitoring analytical methods.

(i) A ground water system subject to the source water monitoring requirements of this subdivision shall collect a standard sample volume of at least 100 ml for fecal indicator analysis regardless of the fecal indicator or analytical method used.

(ii) A ground water system shall analyze all ground water source samples collected under this subdivision using 1 of the analytical methods listed in 40 CFR 141.402(c)(2), as amended from time to time, or 1 of the alternative testing methods listed in 40 CFR 141, Subpart C, Appendix A, as amended from time to time, for the presence of *E. coli*, enterococci, or coliphage.

(F) Invalidation of a fecal indicator-positive ground water source sample.

(i) A ground water system may submit an application to the department in accordance with subsection (t) of this section requesting invalidation of a fecal indicator-positive ground water source sample collected under subparagraph (C) of this subdivision. Such application shall include documentation demonstrating compliance with 1 or more of the conditions in subclause (I) or (II) of this clause. The department may invalidate a fecal indicator-positive ground water source sample collected under subparagraph (C) of this subdivision only if the ground water system satisfies 1 of the following conditions:

(I) The ground water system submits to the department a written notice from the laboratory that improper sample analysis occurred; or

(II) The ground water system submits to the department substantial evidence that the fecal indicator-positive ground water source sample is not related to source water quality and the department determines and documents in writing that such substantial evidence exists. Substantial evidence shall include, but is not limited to, documentation, such as photographs and operator and ground water system reports, of defects or damage to the

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ground water system that caused water that is not representative of the source to be collected at the dedicated source water tap.

(ii) If the department invalidates a fecal indicator-positive ground water source sample, the ground water system shall collect another source water sample under subparagraph (C) of this subdivision not later than 24 hours after being notified by the department of the department's approval of the ground water system's application submitted under clause (i) of this subparagraph and have the sample analyzed for the same fecal indicator using the analytical methods in subparagraph (E) of this subdivision. The department may extend the 24-hour time limit if the ground water system cannot collect the ground water source sample within 24 hours due to circumstances beyond the ground water system's control. A ground water system shall submit an application to the department requesting an extension beyond the 24-hour time limit. Such application shall include an explanation with supporting documentation of the circumstances beyond the ground water system's control that prevent such ground water system from collecting a ground water source sample not later than 24 hours after notification of the department's approval of the ground water system's application submitted under clause (i) of this subparagraph, and shall be submitted in accordance with subsection (t) of this section. The ground water system shall submit such application to the department not later than 24 hours after the ground water system's notification of the department's approval of the ground water system's application submitted under clause (i) of this subparagraph. If the department's office is closed at that time, the ground water system shall submit such application to the department before the end of the next business day after the ground water system's notification of the department's approval of the ground water system's application submitted under clause (i) of this subparagraph. The department shall not grant an extension of more than 72 hours, thereby approving the ground water system to collect the ground water source sample not later than 96 hours after notification of the department's approval of the ground water system's application submitted under clause (i) of this subparagraph, unless the ground water system in the ground water system's application provides evidence that the ground water system's contract laboratory is closed for the weekend or a holiday and the closure will prevent such ground water system from collecting the ground water source sample not later than 96 hours after being notified of the department's approval of the ground water system's application submitted under clause (i) of this subparagraph.

(G) Sampling location. Any ground water source sample required under subparagraph (C) of this subdivision shall be collected at a location prior to any treatment of the ground water source unless the department approves a sampling location after treatment. If a ground water system wants to collect a ground water source sample at a sampling location after treatment, the ground water system shall submit an application to the department requesting approval of that sampling location in accordance with subsection (t) of this section.

(H) New sources. A ground water system that places a new ground water source into service shall conduct assessment source water monitoring in accordance with the requirements in subparagraphs (D)(iii)(II) through (V), inclusive, of this subdivision. The



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ground water system shall collect and have analyzed 1 source sample before the new ground water source is used to provide water to the public. If directed by the department, the ground water system shall continue assessment source water monitoring in accordance with the requirements in subparagraph (D)(iii) of this subdivision.

(I) Source water fecal indicator monitoring plan. If a ground water system currently disinfects a ground water source or sources using chlorine, UV, ozone or some other disinfectant or disinfectants, but such treatment has not been approved by the department under subsection (j)(14)(B)(i) or (ii) of this section, the department shall not require the ground water system to conduct assessment source water monitoring under subparagraph (D)(ii)(II) of this subdivision if the ground water system has a department-approved source water fecal indicator monitoring plan and such ground water system samples in accordance with such source water fecal indicator monitoring plan. To obtain approval of a source water fecal indicator monitoring plan, a ground water system shall submit the plan to the department for approval in accordance with subsection (t) of this section. Such plan shall include information on the location, sampling technique and protocols, and frequency of sampling, the methodology used for the analysis of the samples collected, and the format and timing of the ground water system's submission of sampling results. For purposes of this subparagraph, the term "source water fecal indicator monitoring plan" shall mean a plan prepared by a ground water system that identifies the ground water source or sources the ground water system will sample, the frequency with which the ground water system will sample such sources, the location at which such sampling shall occur, which location shall be prior to any treatment and in a location that excludes from sampling water from storage tanks or from the distribution system, and that provides information on the ground water system's submission of sampling results to the department.

(J) Any ground water system that collects a sample under subparagraph (D) or (I) of this subdivision that is fecal indicator-positive shall collect 5 additional source water samples from the same source in accordance with subparagraph (C)(iii) of this subdivision. If any of the 5 additional source water samples collected in accordance with subparagraph (C)(iii) of this subdivision are fecal indicator-positive, the ground water system shall implement 1 or more corrective actions in accordance with subsection (j)(14)(A) of this section.

(K) Public notification. A ground water system with a ground water source sample collected under subparagraph (C) or (D) of this subdivision that is fecal indicator-positive and that is not invalidated under subparagraph (F) of this subdivision, including consecutive systems served by a ground water source, shall conduct public notification under subsection (i)(1) of this section.

(L) Monitoring violations. Failure to meet the requirements of subparagraphs (C) through (I), inclusive, of this subdivision is a monitoring violation and requires the ground water system to provide public notification under subsection (i)(3) of this section.

**(f) Protection of distribution system.**

(1) All service connections shall have a water pressure at the main of at least 25 psi under normal conditions. Where pressure is normally less than 25 psi, special provision as



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approved by the department, shall be made to furnish adequate service to the consumer.

(2) Each public water system which serves water to any of the consumer premises listed in subparagraph (a) of this subdivision shall report the following information to the Department by March 1 of each year covering the preceding calendar year, or upon notification by the department.

(A) A list of all consumer premises where the following categories of concern are known to exist:

1. Any water supply source other than that of the public water system is known to exist.
2. Toxic or objectionable chemical or biological substances are used in water solution on public, commercial or industrial premises.
3. Water pressure is raised by pumping on other than residential premises above that furnished by the supplier.
4. There is a water storage tank, public swimming pool or water filter, for other than residential use.
5. There is known to be a sprinkler system for either fire protection or irrigation. This list shall identify the category or categories of concern for each premise listed.

(B) Date of last inspection of each consumer premises listed in item (A). Also, the number of violations detected of the Public Health Code regulations relating to water distribution systems, and the status of correction of these violations. Listings under item (A)(2) shall be inspected at least once each year and the remaining items shall be inspected at least once every five years. At premises where the public water system has determined a reduced pressure principle backflow preventer, double check valve assembly or pressure vacuum breaker is required, the type(s) of device(s) shall be specified and a summary of test results shall be included.

(3) Each public water system which serves water to any of the consumer premises listed in subdivision (2)(a) of this subsection shall have those premises inspected for cross connections by a person who has met the requirements of section 25-32-11(h) of the Regulations of Connecticut State Agencies.

(4) Each public water system which does not serve water to any of the consumer premises listed in subdivision (2)(a) of this subsection shall verify to the department that it does not serve water to any of those premises. The system shall provide such verification on a form provided by the department by March 1, 2002, and every five years thereafter.

(5) Finished water storage tanks, basins and clearwells.

(A) All finished water storage tanks, basins and clearwells connected to a public water distribution system shall be constructed and located so as to adequately protect the water from contamination. Finished water storage tanks, basins and clearwells shall be properly constructed in a sanitary manner to prevent stormwater and precipitation from entering; and vents and overflows shall be provided and suitably protected and screened to prevent entry of insects, birds or other foreign matter. Overflow pipes shall not be directly connected to sanitary sewers or to storm drainage systems.

(B) In-ground finished water clearwells, basins or tanks shall be at least fifty feet from

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any part of the nearest subsurface sewage disposal system and twenty-five feet from the nearest watercourse or storm drain or other source of pollution. They shall be at least fifty feet from the nearest sanitary sewer unless the sewer is constructed in accordance with the technical standards for subsurface sewage disposal systems pursuant to section 19-13-B103d of the Regulations of Connecticut State Agencies, in which case it may be no closer than twenty-five (25) feet. Exemptions may be sought for existing structures which do not conform to these requirements.

(C) All atmospheric finished water storage tanks, basins and clearwells shall be inspected at a minimum of once every ten years for sanitary conditions and structural integrity. The inspection report shall be retained for reference and submitted to the department upon request.

(D) Uncovered finished water clearwells, tanks and basins are prohibited.

(6) An annual distribution system flushing program shall be conducted to maintain the distribution system free from excessive accumulation of sediment, organic growths, products of corrosion and erosion, and other extraneous matter. The program shall be made available to the department upon request.

(g) **Laboratory and operating tests.** Water samples taken to conform with the monitoring requirements of this section shall be analyzed and reported to the system by a laboratory issued a certificate of approval by the department pursuant to section 19a-29a of the Connecticut General Statutes and certified by the department for the parameters tested. Laboratory techniques shall conform to those approved by the EPA. The department may grant an exemption from this requirement in writing for disinfectant residuals, pH, temperature, turbidity, fluoride, but only for fluoride samples that are taken and analyzed under subsection (e)(7)(L) of this section, and color when the analysis is conducted by a certified water treatment plant operator using a method approved by the department. Continuous analyzers may be used provided the instruments used are approved by the department and are maintained by a certified water treatment plant operator or technical personnel employed by a laboratory that has a certificate of approval that was issued by the department pursuant to section 19a-29a of the Connecticut General Statutes.

(h) **Reporting of tests.**

(1) A system that has exceeded the MCL for total coliforms or a ground water system that has collected a source water sample under subsections (e)(12)(C) or (e)(12)(D) of this section that is fecal indicator-positive shall report the violation or the fecal indicator-positive sample in writing to the department and the local director of health of each city, town, borough, or district served by the system not later than the end of the next business day after the system learns of the violation or fecal indicator-positive sample, and shall provide notice to the public in accordance with subsection (i) of this section.

(2) A system that has failed to comply with a monitoring requirement under subsections (e)(6) and (e)(7) of this section shall report the monitoring violation in writing to the department not later than 10 days after the system discovers the violation, and shall provide notice to the public in accordance with subsection (i) of this section.

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(3) Except where a different reporting period is specified in this section, a system shall report to the department and the local director of health of each city, town, borough, or district served by the system not later than 48 hours after the failure to comply with any established MCL.

(4) A system shall report to the department not later than 9 calendar days after the end of each month the results of samples that are collected during such month in compliance with the monitoring requirements of this section. The report shall be in a format and manner prescribed by the department and shall contain the results of required samples that are collected during the month in compliance with monitoring requirements of this section.

(5) Lead and copper. All CWSs and NTNCs shall report all of the following information to the department in accordance with this subdivision. Unless otherwise indicated, the provisions of this subdivision apply to CWSs and NTNCs.

(A) Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring.

(i) Unless the department has specified a more frequent reporting requirement, a CWS or NTNC shall report the information specified in this clause for all tap water samples specified in subsection (e)(8) of this section and for all water quality parameter samples specified in subsection (e)(9) of this section not later than 9 calendar days after the end of each applicable monitoring period specified in subsections (e)(8) and (e)(9) of this section. For monitoring periods with a duration less than 6 months, the end of the monitoring period is the last date samples may be collected during that period as specified in subsections (e)(8) and (e)(9) of this section.

(I) The results of all tap water samples for lead and copper including the location of each site and the criteria under subsection (e)(8)(A) of this section under which the site was selected for the CWS's or NTNC's sampling pool; upon request of the department, a certification that each first-draw sample collected by the CWS or NTNC is 1 liter in volume and, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least 6 hours; where residents collected samples, a certification that each tap water sample collected by the residents was taken after the CWS or NTNC informed them of proper sampling procedures specified in subsection (e)(8)(B)(ii) of this section;

(II) Documentation for each tap water lead or copper sample for which the CWS or NTNC requests invalidation pursuant to subsection (e)(8)(F)(ii) of this section;

(III) The 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period (calculated in accordance with subsection (j)(6)(B)(iii) of this section);

(IV) With the exception of initial tap water sampling conducted pursuant to subsection (e)(8)(D)(i) of this section, the CWS or NTNC shall designate any site which was not sampled during previous monitoring periods, and include an explanation of the reason that sampling sites have changed;

(V) The results of all tap water samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under subsections (e)(9)(B)

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through (E), inclusive, of this section;

(VI) The results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under subsections (e)(9)(B) through (E), inclusive, of this section; and

(VII) The results of all water quality parameter samples collected under subsections (e)(9)(C) through (F), inclusive, of this section during each 6 month monitoring period specified in subsection (e)(9)(D) of this section not later than the first 9 calendar days after the end of the monitoring period unless the department has specified a more frequent reporting requirement.

(ii) For a NTNC, or a CWS meeting the criteria of subsection (i)(6)(B)(vii) of this section, that does not have enough taps that can provide first-draw samples, the CWS whose operation mandates continuous daily flow or NTNC shall identify, in writing, each site that did not meet the 6 hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to subsection (e)(8)(B)(v) of this section and include this information with the lead and copper tap water sample results required to be submitted pursuant to subclause (i) of this subparagraph.

(iii) At a time specified by the department, or if no specific time is designated by the department, then as early as possible prior to the addition of a new source or any long-term change in water treatment, a CWS or NTNC deemed to have optimized corrosion control under subsection (j)(7)(B)(iii) of this section or a CWS or NTNC subject to reduced monitoring pursuant to subsection (e)(8)(D)(iv) of this section, shall submit an application to the department requesting approval of the addition of a new source or long-term change in water treatment. Such application shall be submitted in accordance with subsection (t) of this section and shall include a description of the long-term change in water treatment or addition of the new source. The CWS's or NTNC's addition of a new source or long-term change in water treatment shall be approved by the department before it is implemented by the CWS or NTNC. Examples of long-term changes in water treatment include, but are not limited to, the addition of a new treatment process or modification of an existing treatment process. Examples of modifications of an existing treatment process include, but are not limited to, switching secondary disinfectants, switching coagulants (e.g., alum to ferric chloride), and switching corrosion inhibitor products (e.g., orthophosphate to blended phosphate). Long-term changes in water treatment may include dose changes to existing chemicals if the CWS or NTNC is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes in water treatment do not include chemical dose fluctuations associated with daily raw water quality changes.

(B) Source water reporting requirements:

(i) A CWS or NTNC shall report the sampling results for all source water samples collected in accordance with subsection (e)(10) of this section not later than the first 10 calendar days after the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in subsections (e)(10)(A) through (D), inclusive, of this section.

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(ii) With the exception of the first round of source water sampling conducted pursuant to subsection (e)(10)(B) of this section, the CWS or NTNC shall specify any site which was not sampled during previous monitoring periods, and include an explanation of the reason that the sampling point has changed.

(C) Corrosion control treatment reporting requirements. By the applicable dates under subsection (j)(7) of this section, a CWS or NTNC shall report the following information to the department:

(i) For CWSs and NTNCs demonstrating that the CWS or NTNC has already optimized corrosion control, information required in subsection (j)(7)(B) of this section;

(ii) For CWSs and NTNCs required to optimize corrosion control, the CWS's or NTNC's recommendation regarding optimal corrosion control treatment under subsection (j)(8)(A) of this section;

(iii) For CWSs and NTNCs required to evaluate the effectiveness of corrosion control treatments under subsection (j)(8)(C) of this section the information required by subsection (j)(8)(C) of this section; and

(iv) For CWSs and NTNCs required to install optimal corrosion control approved by the department under subsection (j)(8)(D) of this section, a letter certifying that the CWS or NTNC has completed installing that treatment.

(D) Source water treatment reporting requirements. By the applicable dates in subsection (j)(9) of this section, CWSs and NTNCs shall report the following information to the department:

(i) If required under subsection (j)(9)(B)(i) of this section, the CWS's or NTNC's proposal regarding source water treatment; and

(ii) For CWSs and NTNCs required to install source water treatment under subsection (j)(9)(B)(ii) of this section, a letter certifying that the CWS or NTNC has completed installing the treatment approved by the department not later than 24 months after the department approved the treatment.

(E) Lead service line replacement reporting requirements. A CWS or NTNC shall report the following information to the department to demonstrate compliance with the requirements of subsection (j)(10) of this section:

(i) Not later than 12 months after the end of the monitoring period in which a CWS or NTNC exceeds the lead action level in sampling referred to in subsection (j)(10)(A) of this section, the CWS or NTNC shall submit in writing to the department documentation demonstrating that a material evaluation was conducted under subsection (e)(8)(A) of this section, including, but not limited to, the evaluation conducted under subsection (e)(8)(A)(i) of this section, a document identifying the initial number of lead service lines in the CWS's or NTNC's distribution system at the time the CWS or NTNC exceeded the lead action level, and the CWS's or NTNC's schedule for annually replacing at least 7 percent of the initial number of lead service lines in the CWS's or NTNC's distribution system.

(ii) Not later than 12 months after the end of the monitoring period in which a CWS or NTNC exceeds the lead action level in sampling referred to in subsection (j)(10)(A) of this



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section, and every 12 months thereafter, the CWS or NTNC shall demonstrate in writing to the department that the CWS or NTNC has either:

(I) Replaced in the previous 12 months at least 7 percent of the initial lead service lines or a greater number of lines specified by the department under subsection (j)(10)(E) of this section in the CWS's or NTNC's distribution system; or

(II) Conducted sampling that demonstrates that the lead concentration in all service line samples from individual line(s), taken pursuant to subsection (e)(8)(B)(iii) of this section, is less than or equal to 0.015 mg/l. In such cases, the total number of lines replaced or that meet the criteria in subsection (j)(10)(C) of this section, or both, shall equal at least 7 percent of the initial number of lead lines identified under clause (i) of this subparagraph or the percentage of lines specified by the department under subsection (j)(10)(E) of this section.

(iii) The written documentation submitted annually to the department by the CWS or NTNC under clause (ii) of this subparagraph shall contain the following information:

(I) The number of lead service lines that were scheduled to have been replaced during the previous year of the CWS's or NTNC's replacement schedule;

(II) The number and location of each lead service line replaced during the previous year of the CWS's or NTNC's replacement schedule; and

(III) If measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.

(iv) Any CWS or NTNC which collects lead service line samples following partial lead service line replacement, required by subsection (j)(10) of this section, shall report the results to the department not later than 9 calendar days after the end of the month in which the CWS or NTNC receives the laboratory results, or as specified by the department. CWSs and NTNCs shall also report any additional information as specified by the department, in a time and manner prescribed by the department, to verify that all partial lead service line replacement activities have taken place.

(F) Public education program reporting requirements.

(i) Any CWS or NTNC that is subject to the public education requirements in subsection (i)(6) of this section shall, not later than 9 calendar days after the end of each period in which the CWS or NTNC is required to perform public education tasks in accordance with subsection (i)(6)(B) of this section, send written documentation to the department that contains:

(I) A demonstration that the CWS or NTNC has delivered the public education materials that meet the content requirements in subsection (i)(6)(A) of this section and the delivery requirements in subsection (i)(6)(B) of this section; and

(II) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the CWS or NTNC delivered public education materials during the period in which the CWS or NTNC was required to perform public education tasks.

(ii) Not later than 3 months after the end of the monitoring period, each CWS or NTNC shall mail a sample copy of the consumer notification of tap water results to the department along with a certification that the notification has been distributed in a manner consistent



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with the requirements of subsection (i)(6)(C) of this section.

(G) Reporting of additional monitoring data. Any CWS or NTNC that collects sampling data in addition to that required by this subdivision shall report the results to the department by the end of the applicable monitoring period under subsections (e)(8) and (e)(9) of this section during which the samples are collected.

(6) Reporting requirements — Surface water source and groundwater source under the direct influence of surface water.

(A) For a system with a groundwater source under the direct influence of surface water and that does not provide and operate treatment pursuant to section 19-13-B102(j)(2) of the Regulations of Connecticut State Agencies, interim reporting shall be required prior to installation of treatment. Specific requirements shall be determined on a case-by-case basis depending on raw water quality, proficiency of existing treatment, and adequate watershed protection. In addition, total coliform test results, turbidity measurements and daily test for residual chlorine as required by sections 19-13-B102(e)(7)(H) and (M) of the Regulations of Connecticut State Agencies, respectively, shall be reported to the department no later than nine (9) calendar days after the end of each month the system serves water to the public.

(B) A system that uses a surface water source or a groundwater source under the direct influence of surface water, and that provides and operates treatment pursuant to section 19-13-B102(j)(2) of the Regulations of Connecticut State Agencies, shall report monthly to the department the information specified in the following sub clauses.

(i) Combined filtered water turbidity measurements as required by section 19-13-B102(e)(7)(S)(i) of the Regulations of Connecticut State Agencies shall be reported to the department within nine (9) calendar days after the end of each month the system serves water to the public. Information that shall be reported includes: the total number of measurements taken during the month; the maximum daily measurement; the number and percentage of measurements taken during the month that are less than or equal to the turbidity limits specified in section 19-13-B102(j)(4) of the Regulations of Connecticut State Agencies, for the filtration technology being used; the date and value of any measurements taken during the month that exceed one (1) NTU. In addition, for any system using conventional filtration treatment or direct filtration and required to monitor the turbidity of each individual filter (or the turbidity of combined filter effluent for systems serving fewer than 10,000 persons and having two or fewer filters) under section 19-13-B102(e)(7)(S)(i) of the Regulations of Connecticut State Agencies:

(I) The system shall submit a report to the department, no later than nine (9) calendar days following the end of each month, indicating that the system has conducted individual filter monitoring or combined filter effluent (CFE) for systems serving fewer than 10,000 persons that have 2 or fewer filters as required under section 19-13-B102(e)(7)(S)(i) of the Regulations of Connecticut State Agencies;

(II) If any individual filter or combined filter effluent (CFE) for systems serving fewer than 10,000 persons that have 2 or fewer filters has a measured turbidity level of greater than 1.0 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart, the

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system shall submit a report to the department, no later than nine (9) calendar days following the end of each month. The report shall indicate the filter number, the turbidity measurements and date(s) on which an exceedance occurred.

For systems serving 10,000 or more persons, the report shall also include either a filter profile, as defined in section 19-13-B102(a) of the Regulations of Connecticut State Agencies, which shall be produced no later than seven (7) days of an exceedance, or a reason for the exceedance.

For systems serving fewer than 10,000 persons, the report shall also include the cause of the exceedance(s), if known;

(III) For systems serving 10,000 or more persons, if any individual filter has a measured turbidity level of greater than 0.5 NTU in two (2) consecutive measurements, taken fifteen (15) minutes apart at the end of the first four (4) hours of continuous filter operation, after the filter has been backwashed or otherwise taken off line, the system shall submit a report to the department, no later than nine (9) calendar days following the end of each month. The report shall indicate the filter number, the turbidity measurements, date(s) on which an exceedance occurred, and provide either a filter profile, as defined in subsection (a) of this section, which shall be produced no later than seven (7) days of an exceedance, or a reason for the exceedance;

(IV) If any individual filter or combined filter effluent (CFE) for systems serving fewer than 10,000 persons that have 2 or fewer filters has a measured turbidity level of greater than 1.0 NTU in two (2) consecutive measurements, taken fifteen (15) minutes apart at any time in each of three (3) consecutive months, the system shall submit a report to the department, no later than nine (9) calendar days following the end of each month. The report shall indicate the filter number, the turbidity measurements, and date(s) on which an exceedance occurred. In addition, the system shall produce a self assessment of the filter (if monitoring CFE in lieu of monitoring each individual filter, the system shall produce a self-assessment of both filters), as defined in section 19-13-B102(a) of the Regulations of Connecticut State Agencies, within fourteen (14) days of the exceedance and provide it to the department within 9 days of the end of the month in which the exceedance occurred or within 14 days of the exceedance, whichever is sooner. Systems serving fewer than 10,000 persons shall not be required to complete a filter self-assessment if a comprehensive performance evaluation (CPE) is required under section (V) of this subclause; and

(V) If any individual filter or combined filter effluent (CFE) for systems serving fewer than 10,000 persons that have 2 or fewer filters has a measured turbidity level of greater than 2.0 NTU in two (2) consecutive measurements, taken fifteen (15) minutes apart at any time in each of two (2) consecutive months, the system shall submit a report to the department, no later than nine (9) calendar days following the end of each month. The report shall indicate the filter number, the turbidity measurements, dates on which an exceedance occurred, and that a comprehensive performance evaluation (CPE) is required. In addition the system shall arrange to have a comprehensive performance evaluation conducted by a third party, approved by the department, no later than thirty (30) days following an

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exceedance for systems serving 10,000 or more persons and no later than sixty (60) days following an exceedance for systems serving fewer than 10,000 persons and have the evaluation completed and submitted to the department no later than ninety (90) days following the exceedance for systems serving 10,000 or more persons and no later than one hundred-twenty (120) days following an exceedance for systems serving fewer than 10,000 persons.

(ii) Disinfection information specified in subsections (e)(7)(S)(ii) and (e)(7)(S)(iii) shall be reported to the department within nine (9) calendar days after the end of each month the system serves water to the public. Information that shall be reported includes: for each day, the lowest measurement of residual disinfectant concentration in mg/L in the water entering the distribution system, the dates and duration of each period when the residual disinfectant concentration in water entering the distribution system fell below 0.2 mg/L and when the department was notified of the occurrence. The following information shall be submitted on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to section 19-13-B102(e)(7) of the Regulations of Connecticut State Agencies: number of instances where the residual disinfectant concentration is measured, number of instances where the residual disinfection concentration is not measured but heterotrophic bacteria plate count (HPC) is measured, number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured, number of instances where no residual disinfectant concentration is detected and where HPC is greater than (500)/ml, number of instances where the residual disinfectant concentration is not measured and HPC is greater than (500)/ml and for the current and previous month the system serves water to the public the value of “V” in the formula specified in section 19-13-B102(j)(3)(B)(iii) of the Regulations of Connecticut State Agencies.

(iii) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that system has occurred, shall report that occurrence to the department as soon as possible, but not later than the end of the next business day. If at any time the combined filtered water turbidity exceeds 1 NTU, the system shall inform the department as soon as possible, but not later than the end of the next business day. If at any time the residual falls below 0.2 mg/l in the water entering the distribution system, the system shall notify the department as soon as possible, but not later than the end of the next business day. The system also shall notify the department not later than the end of the next business day whether the residual was restored to at least 0.2 mg/l not later than 4 hours after the time of discovery of insufficient chlorine residual.

(iv) A system required to develop a disinfection profile pursuant to section 19-13-B102(e)(7)(S)(iv) or (v) of the Regulations of Connecticut State Agencies shall submit the disinfection profile to the department no later than nine (9) calendar days following the end of each month.

(v) A system required to develop a disinfection profile and which decides to make a significant change to its disinfection practice, as defined in 40 CFR 141.172(c)(1), and in 40 CFR 141.541, as amended January 14, 2002, shall submit to the department the

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following: 1) a description of the proposed disinfection practice change; 2) a disinfection benchmark in accordance with paragraphs (2) to (3) inclusive, of 40 CFR 141.172(c), 40 CFR 141.543, as amended January 14, 2002 and 141.544, as amended January 14, 2002; 3) disinfection profiling data used to determine the disinfection benchmark as monitored pursuant to sections 19-13-B102(e)(7)(S)(iv) or 19-13-B102(e)(7)(S)(v) of the Regulations of Connecticut State Agencies, and; 4) an analysis of how the proposed change will affect current levels of disinfection. Prior to implementing the proposed disinfection practice change, the system shall consult with and obtain approval from the department.

(7) Reporting requirements for disinfectants and disinfection byproducts.

(A) Disinfectant residual, disinfection byproduct, and disinfection byproduct precursor information collected under subsection (e)(11)(A) of this section shall be reported to the department not later than 9 calendar days after the end of each monitoring period in which samples were collected.

(i) Disinfectants.

(I) A system monitoring for chlorine or chloramines as required by subsection (e)(11)(A)(iii)(III)(1)(A) of this section shall report:

(1) The number of samples taken during each month of the last quarter;

(2) The monthly arithmetic average of all samples taken in each month for the last 12 months;

(3) The arithmetic average of all monthly averages for the last 12 months; and

(4) Whether, based on subsection (e)(11)(A)(iv) of this section, the MRDL was violated.

(II) A system monitoring for chlorine dioxide as required by subsections (e)(11)(A)(iii)(III)(1)(A) and (e)(11)(A)(iii)(III)(2)(A) of this section shall report:

(1) The dates, results, and locations of samples taken during the last quarter;

(2) Whether, based on subsection (e)(11)(A)(iv) of this section, the MRDL was violated;

(3) Whether the MRDL was violated in any 2 consecutive daily samples; and

(4) Whether the resulting violation was a tier 1 or tier 2 notice.

(ii) Disinfection byproducts. A system monitoring for disinfection byproducts as required by subsection (e)(11)(A)(iii)(II) of this section shall report the following information to the department:

(I) A system monitoring for TTHM and HAA5 on a quarterly or more frequent basis shall report:

(1) The number of samples taken during the last quarter;

(2) The location, date, and result of each sample taken in the last quarter;

(3) The arithmetic average of all samples taken in the last quarter;

(4) The annual arithmetic average of the quarterly arithmetic averages for the last 4 quarters; and

(5) Whether, based on subsection (e)(11)(A)(iv) of this section, the MCL was violated.

(II) A system monitoring for TTHM and HAA5 less frequently than quarterly (but at least annually) shall report:

(1) The number of samples taken during the last monitoring period;

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- (2) The location, date, and result of each sample taken during the last monitoring period;
- (3) The arithmetic average of all samples taken over the last year; and
- (4) Whether, based on subsection (e)(11)(A)(iv) of this section, the MCL was violated.

(III) A system monitoring for TTHM and HAA5 less frequently than annually shall report the location, date, and result of each sample taken as well as whether, based on subsection (e)(11)(A)(iv) of this section, the MCL was violated.

(IV) A system monitoring for chlorite shall report:

- (1) The number of entry point samples taken each month for the last 3 months;
- (2) The location, date, and result of each sample (both entry point and distribution system) taken during the last quarter;
- (3) For each month in the reporting period, the arithmetic average of all samples taken in each 3 sample set taken in the distribution system; and
- (4) Whether, based on subsection (e)(11)(A)(iv) of this section, the MCL was violated, in which month it was violated, and how many times it was violated each month.

(V) A system monitoring for bromate shall report:

- (1) The number of samples taken during the last quarter;
- (2) The location, date, and result of each sample taken during the last quarter;
- (3) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year; and
- (4) Whether, based on subsection (e)(11)(A)(iv) of this section, the MCL was violated.

(iii) Disinfection byproduct precursors and enhanced coagulation or enhanced softening.

(I) Systems monitoring monthly or quarterly for TOC under the requirements of subsection (e)(11)(A)(iii)(IV) of this section and required to meet the enhanced coagulation or enhanced softening requirements in subsection (j)(11)(B)(i) or (ii) of this section shall report the following to the department:

- (1) The number of paired samples taken during the last quarter;
- (2) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter;
- (3) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal;
- (4) Calculations for determining compliance with the TOC percent removal requirements, as provided in subsection (j)(11)(C) of this section; and
- (5) Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in subsection (j)(11)(B) of this section for the last 4 quarters.

(II) Systems monitoring monthly or quarterly for TOC under the requirements of subsection (e)(11)(A)(iii)(IV) of this section and meeting 1 or more of the alternative compliance criteria in subsection (j)(11)(A) of this section shall report the following to the department:

- (1) The alternative compliance criterion that the system is using;



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- (2) The number of paired samples taken during the last quarter;
  - (3) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter;
  - (4) The running annual average based on monthly averages, or quarterly samples, of source water TOC for systems meeting a criterion in subsections (j)(11)(A)(i) or (ii) of this section or of treated water TOC for systems meeting the criterion in subsection (j)(11)(A)(i) of this section;
  - (5) The running annual average based on monthly samples, or quarterly samples, of source or finished water SUVA for systems meeting the criterion in subsection (j)(11)(A)(iv) of this section;
  - (6) The running annual average of source water alkalinity for systems meeting the criterion in subsection (j)(11)(A)(ii) of this section and of treated water alkalinity for systems meeting the criterion in subsection (j)(A)(v) of this section;
  - (7) The running annual average for both TTHM and HAA5 for systems meeting the criterion in subsection (j)(11)(A)(iii) of this section;
  - (8) The running annual average of the amount of magnesium hardness removal (as CaCO<sub>3</sub>, in mg/l) for systems meeting the criterion in subsection (j)(11)(A)(vi) of this section; and
  - (9) Whether the system is in compliance with the particular alternative compliance criterion in subsection (j)(11)(A) of this section.
- (B) Stage 2 disinfection byproducts requirement.
- (i) A system shall report the following information collected under subsection (e)(11)(C) of this section for each monitoring location to the department not later than 9 calendar days after the end of any quarter in which monitoring is required:
    - (I) Number of samples taken during the last quarter;
    - (II) Date and results of each sample taken during the last quarter;
    - (III) Arithmetic average of quarterly results for the last 4 quarters for each monitoring location, beginning at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter. If the LRAA calculated based on fewer than 4 quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters, the system shall report this information to the department as part of the first report due following the compliance date or anytime thereafter that this determination is made. If the system is required to conduct monitoring at a frequency that is less than quarterly, the system shall make compliance calculations beginning with the first compliance sample taken after the compliance date, unless the system is required to conduct increased monitoring under subsection (e)(11)(C)(vi) of this section;
    - (IV) Whether, based on subsections (e)(11)(B)(i) and (e)(11)(C) of this section, the MCL was violated at any monitoring location; and
    - (V) Any operational evaluation levels that were exceeded during the quarter and, if so, the location and date, and the calculated TTHM and HAA5 levels.
  - (ii) If a Subpart H system is seeking to qualify for or remain on reduced TTHM/HAA5



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monitoring, the Subpart H system shall report the following source water TOC information for each treatment plant that treats surface water or GWUDI to the department not later than 9 calendar days after the end of any quarter in which monitoring is required:

- (I) The number of source water TOC samples taken each month during the last quarter;
  - (II) The date and result of each sample taken during the last quarter;
  - (III) The quarterly average of monthly samples taken during the last quarter or the result of the quarterly sample;
  - (IV) The running annual average of quarterly averages from the past 4 quarters; and
  - (V) Whether the running annual average exceeded 4.0 mg/l.
- (iii) The department may choose to perform calculations and determine whether the MCL was exceeded or the system is eligible for reduced monitoring in lieu of having the system report that information.

(8) Reporting and recordkeeping requirements — filter backwash recycling

(A) A system shall notify the department in writing by December 8, 2003, if the system recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification shall include the following:

(i) A plant schematic showing the origin of all flows, which are recycled including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes, the hydraulic conveyance used to transport them, and the location where they are reintroduced back into the treatment plant; and

(ii) Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year in gpm, design flow for the treatment plant in gpm, and the approved operating capacity for the plant where the department has made such determinations.

(B) A system shall collect and retain on file for review and evaluation by the department beginning June 8, 2004, the following recycle flow information:

(i) A copy of the recycle notification and information submitted to the department pursuant to subparagraph (A) of this subdivision;

(ii) A list of all recycle flows and the frequency with which they are returned;

(iii) Average and maximum backwash flow rates through the filters and the average and maximum duration of the filter backwash process in minutes;

(iv) Typical filter run length and a written summary of how filter run length is determined;

(v) The type of treatment provided for the recycle flow; and

(vi) Data on the physical dimensions of the equalization and treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

(9) Reporting requirements for enhanced treatment for *Cryptosporidium*.

(A) Reporting source water monitoring results.

(i) Systems shall report results from the source water monitoring required under subsection (e)(7)(T)(ii) of this section not later than 10 days after the end of the first month

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following the month when the sample is collected.

(ii) All systems shall report results from the second round of source water monitoring required under subsection (e)(7)(T)(ii)(I) of this section to the department.

(iii) At a minimum, systems shall report the applicable information in subclauses (I) and (II) of this clause for the source water monitoring required under subsection (e)(7)(T)(ii) of this section:

(I) (1) Systems shall report the following data elements for each *Cryptosporidium* analysis:

- (A) System ID;
- (B) Facility ID;
- (C) Sample collection date;
- (D) Sample type (field or matrix spike);
- (E) Sample volume filtered (L), to nearest 1/4 L;
- (F) Whether 100 percent of filtered volume was examined; and
- (G) Number of oocysts counted.

(2) For matrix spike samples, systems shall also report the sample volume spiked and estimated number of oocysts spiked. These data are not required for field samples.

(3) For samples in which less than 10 L is filtered or less than 100 percent of the sample volume is examined, systems shall also report the number of filters used and the packed pellet volume.

(4) For samples in which less than 100 percent of sample volume is examined, systems shall also report the volume of resuspended concentrate and volume of this resuspension processed through immunomagnetic separation.

(II) Systems shall report the following data elements for each *E. coli* analysis:

- (1) System ID;
- (2) Facility ID;
- (3) Sample collection date;
- (4) Analytical method number;
- (5) Method type;
- (6) Source type (flowing stream, lake, reservoir, GWUDI);
- (7) *E. coli*/100 ml; and

(8) Turbidity, except systems serving fewer than 10,000 people that are not required to monitor for turbidity under subsection (e)(7)(T)(ii) of this section, are not required to report turbidity with the system's *E. coli* results.

(iv) A system may submit an application to the department requesting not to report source water monitoring results under clauses (i) through (iii), inclusive, of this subparagraph if the system meets the criteria in subsection (e)(7)(T)(ii)(III) of this section. Such application shall be submitted in accordance with subsection (t) of this section and shall include documentation demonstrating that the system meets the criteria in subsection (e)(7)(T)(ii)(III) of this section.

(B) Reporting sampling schedules.

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(i) Systems shall report to the department sampling schedules as required by subsection (e)(7)(T)(iii) of this section.

(ii) A system may submit an application to the department requesting approval to not report sampling schedules under subsection (e)(7)(T)(iii) of this section if the system meets the criteria in subsection (e)(7)(T)(ii)(III) of this section. Such application shall be submitted in accordance with subsection (t) of this section and shall include documentation demonstrating that the system meets the criteria in subsection (e)(7)(T)(ii)(III) of this section.

(C) Reporting bin classifications. Systems shall report to the department the system's *Cryptosporidium* bin classifications as described in subsection (j)(12)(A) of this section.

(D) Systems shall report to the department disinfection profiles and benchmarks as described in subsections (e)(7)(T)(vii) through (viii) of this section prior to making a significant change in disinfection practice.

(E) Systems shall report to the department in accordance with Table 9-H1 of this subparagraph for any microbial toolbox options used to comply with treatment requirements under subsection (j)(12)(B) of this section:

**TABLE 9-H1. MICROBIAL TOOLBOX REPORTING REQUIREMENTS**

<b>TOOLBOX OP- TION</b>	<b>SYSTEMS SHALL SUBMIT THE FOLLOWING INFORMATION</b>	<b>ON THE FOLLOWING SCHEDULE</b>
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(i) Watershed Control Program.	(I) Notice of intention to develop a new or continue an existing watershed control program.	Not later than 2 years before the applicable treatment compliance date in subsection (j)(12)(C) of this section.
	(II) Watershed control plan.	Not later than 1 year before the applicable treatment compliance date in subsection (j)(12)(C) of this section.
	(III) Annual watershed control program status report.	Every 12 months, beginning 1 year after the applicable treatment compliance date in subsection (j)(12)(C) of this section.
	(IV) Watershed sanitary survey report.	For CWSs, every 3 years beginning 3 years after the applicable treatment compliance date in subsection (j)(12)(C) of this section. For noncommunity water systems, every 5 years beginning 5 years after the applicable treatment compliance date in subsection (j)(12)(C) of this section.
(ii) Alternative source/ intake management.	Verification that the system has relocated the intake or adopted the intake withdrawal procedure reflected in monitoring results.	Not later than the applicable treatment compliance date in subsection (j)(12)(C) of this section.
(iii) Presedimentation.	Monthly verification of the following: (I) Continuous basin operation; (II) Treatment of 100 percent of the flow; (III) Continuous addition of a coagulant; and (IV) At least 0.5 log mean reduction of influent turbidity or compliance with alternative department-approved performance cri	Monthly reporting not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.

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	teria.	
(iv) Two-stage lime softening.	Monthly verification of the following: (I) Chemical addition and hardness precipitation occurred in 2 separate and sequential stages prior to filtration; and (II) Both stages treated 100 percent of the plant flow.	Monthly reporting not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.
(v) Bank filtration.	(I) Initial demonstration of the following: (A) Unconsolidated, predominantly sandy aquifer; and (B) Setback distance of at least 25 feet (0.5 log credit) or 50 feet (1.0 log credit).  (II) If monthly average of daily max turbidity is greater than 1 nephelometric turbidity unit (NTU), then the system shall report result and submit an assessment of the cause.	Not later than the applicable treatment compliance date in subsection (j)(12)(C) of this section.  Report not later than 30 calendar days after the month in which monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.
(vi) Combined filter performance.	Monthly verification of combined filter effluent (CFE) turbidity levels less than or equal to 0.15 NTU in at least 95 percent of the 4 hour CFE measurements taken each month.	Monthly reporting not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.
(vii) Individual filter performance.	Monthly verification of the following: (I) Individual filter effluent turbidity levels less than or equal to 0.15 NTU in at least 95 percent of samples each month in each filter; and (II) No individual filter greater than 0.3 NTU in 2 consecutive readings 15 minutes apart.	Monthly reporting not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.

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<p>(viii) Bag filters and cartridge filters.</p>	<p>(I) Demonstration that the following criteria are met: (A) Process meets the definition of bag or cartridge filtration; and (B) Removal efficiency established through challenge testing that meets criteria in this subdivision and subsections (e)(7)(T), (j)(12) and (j)(13) of this section.</p> <p>(II) Monthly verification that 100 percent of plant flow was filtered.</p>	<p>Not later than the applicable treatment compliance date in subsection (j)(12)(C) of this section.</p> <p>Not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.</p>
<p>(ix) Membrane filtration.</p>	<p>(I) Results of verification testing demonstrating the following: (A) Removal efficiency established through challenge testing that meets criteria in this subdivision and subsections (e)(7)(T), (j)(12) and (j)(13) of this section; and (B) Integrity test method and parameters, including resolution, sensitivity, test frequency, control limits, and associated baseline.</p> <p>(II) Monthly report summarizing the following: (A) All direct integrity tests above the control limit; and (B) If applicable, any turbidity or alternative department-approved indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken.</p>	<p>Not later than the applicable treatment compliance date in subsection (j)(12)(C) of this section.</p> <p>Not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.</p>
<p>(x) Second stage filtration.</p>	<p>Monthly verification that 100 percent of flow was filtered through both stages and that the first stage was preceded by a coagulation step.</p>	<p>Not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compli</p>



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		ance date in subsection (j)(12)(C) of this section.
(xi) Slow sand filtration (as secondary filter).	Monthly verification that both a slow sand filter and a preceding separate stage of filtration treated 100 percent of flow from surface water or GWUDI sources, or both.	Not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.
(xii) Chlorine dioxide.	Summary of CT values for each day as described in subsection (j)(13)(F) of this section.	Not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.
(xiii) Ozone.	Summary of CT values for each day as described in subsection (j)(13)(F) of this section.	Not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.
(xiv) UV.	(I) Validation of test results demonstrating operating conditions that achieve required UV dose.	Not later than the applicable treatment compliance date in subsection (j)(12)(C) of this section.
	(II) Monthly report summarizing the percentage of water entering the distribution system that was not treated by UV reactors operating within validated conditions for the required dose as specified in subsection (j)(13)(F)(iii) of this section.	Not later than 9 calendar days after the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in subsection (j)(12)(C) of this section.

Reporting for ground water systems. In addition to the requirements of subdivisions (1) through (4), inclusive, of this subsection, a ground water system regulated under subsections (e)(7)(E), (e)(12) and (j)(14) of this section shall provide the following information to the department:

(A) A ground water system conducting compliance monitoring under subsection (j)(14)(B) of this section shall notify the department any time the ground water system fails

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to meet any of the requirements under subsection (j)(14)(B)(iii) of this section, including, but not limited to the ground water system's required minimum RDC, the ground water system's required minimum CT value, if the department stated a required minimum CT value in the department's approval issued pursuant to subsection (j)(14)(B)(i)(I) or (j)(14)(B)(ii)(I) of this section, the ground water system's department-approved membrane operating criteria or membrane integrity, and the ground water system's department-approved alternative treatment operating criteria, if operation in accordance with the department-approved criteria or requirements is not restored within 4 hours. The ground water system shall notify the department immediately, but not later than the end of the next business day, by telephone.

(B) After completing any corrective action under subsections (e)(7)(E)(iv) or (j)(14)(A) of this section, a ground water system shall submit an application to the department in accordance with subsection (t) of this section requesting approval of the ground water system's completion of corrective action or actions. Such application shall include documentation demonstrating completion of such corrective action or actions. Documentation demonstrating completion of corrective action may include, but need not be limited to, digital photographs and engineering reports. Such application shall be submitted to the department not later than 30 calendar days after completion of the corrective action or actions.

(C) If a ground water system subject to the requirements of subsection (e)(12)(C) of this section does not conduct source water monitoring under subsection (e)(12)(C)(v)(II) of this section, the ground water system shall submit an application to the department in accordance with subsection (t) of this section requesting approval that the ground water system's total coliform positive sample was collected at a location in the distribution system that, at the time of collection, had a condition that caused the total coliform-positive sample. Such application shall include documentation demonstrating that the condition in the distribution system caused the total coliform-positive sample. Evidence that a condition in the distribution system caused the total coliform-positive sample includes, but is not limited to, documentation of a bio-film problem. Such application shall be submitted to the department not later than 30 calendar days after the department's approval of the application submitted under subsection (e)(12)(C)(v)(II) of this section.

**(i) Public notification and consumer confidence report requirements.**

(1) Tier 1 notice form, manner and frequency of notice. For a tier 1 notice, a system shall comply with the following requirements:

(A) Provide a public notice to the system's consumers as soon as practical but not later than 24 hours after the system learns of the violation in 1 or more of the following forms of delivery:

- (i) Appropriate broadcast media, such as radio and television;
- (ii) Posting of the notice in a conspicuous location(s) throughout the area served by the system;
- (iii) Hand delivery of the notice to persons served by the system; or

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(iv) Another delivery method approved in writing by the department. To request approval to use another delivery method, the system shall submit an application to the department in accordance with subsection (t) of this section not later than 12 hours after the system learns of the violation.

(B) Initiate consultation with the department as soon as practical but not later than 24 hours after the system learns of the violation or situation, to determine additional public notice requirements.

(C) Comply with any additional public notification requirements that are established as a result of the consultation with the department. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

(2) Tier 2 notice form, manner and frequency of notice. For a tier 2 notice, a system shall comply with the following requirements:

(A) Provide a public notice to the system's consumers as soon as practical but not later than 30 days after the system learns of the violation in 1 or more of the following forms of delivery:

(i) Mail or other direct delivery to each consumer receiving a bill and to other service connections to which water is delivered by the system; and

(ii) Publication in a local newspaper or newsletter;

(iii) Posting the notice in conspicuous locations throughout the distribution system and frequented by persons served by the system; or

(iv) Any other delivery method approved in writing by the department. To request approval to use another delivery method, the system shall submit an application to the department in accordance with subsection (t) of this section not later than 15 calendar days after the system learns of the violation.

(B) After the initial notice, the system shall repeat the notice every 3 months for as long as the violation or situation persists.

(C) If the public notice is posted, the notice shall remain in place for as long as the violation or situation persists, but in no case for less than 7 calendar days, even if the violation or situation is resolved.

(3) Tier 3 notice form, manner and frequency of notice. For a tier 3 notice, a system shall comply with the following requirements:

(A) Provide a public notice to the system's consumers not later than 1 year after the system learns of the violation or situation or begins operating under a variance or exemption in 1 or more of the following forms of delivery:

(i) Mail or other direct delivery to each consumer receiving a bill and to other service connections to which water is delivered by the system; and

(ii) Publication in a local newspaper or newsletter; or

(iii) Posting the notice in conspicuous locations throughout the distribution system and frequented by persons served by the system; or

(iv) Any other delivery method approved in writing by the department. To request

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approval to use another delivery method, the system shall submit an application to the department in accordance with subsection (t) of this section not later than 90 calendar days after the system learns of the violation.

(B) After the initial notice, the notice shall be repeated annually for as long as the violation, variance, exemption or other situation persists. If the notice is posted, the notice shall remain in place for as long as the violation, variance, exemption or other situation persists, but in no case less than 7 calendar days even if the violation or situation is resolved.

(C) The consumer confidence report (CCR) required under subdivision (10) of this subsection may be used as a vehicle for the initial public notice of a tier 3 notice and all required repeat notices, provided:

(i) The CCR is provided to persons served not later than 12 months after the system learns of the violation or situation, as required under subparagraph (A) of this subdivision;

(ii) The tier 3 notice contained in the CCR follows the content requirements under subdivision (4) of this subsection; and

(iii) The CCR is distributed following the delivery requirements under subparagraphs (A)(i) through (iv), inclusive, of this subdivision.

(4) General content of public notice for a tier 1, tier 2 or tier 3 notice. Each notice required by this section shall be approved by the department.

(A) Each public notice for a tier 1, tier 2 or tier 3 notice shall contain the following information:

(i) A description of the violation or situation, including the contaminant(s) of concern and, when applicable, the contaminant level(s);

(ii) Any potential adverse health effects from the violation or situation, including, but not limited to any applicable standard language required by 40 CFR 141.205, as amended from time to time, 40 CFR 141, Subpart O, Appendix A, as amended from time to time, 40 CFR 141, Subpart Q, Appendix B, as amended from time to time, and 40 CFR 141, Subpart Q, Appendix C, as amended from time to time;

(iii) The population at risk, including any subpopulation particularly vulnerable if exposed to the contaminant in their drinking water;

(iv) What the system is doing to correct the violation or situation;

(v) Whether alternative water supplies should be used;

(vi) What actions the consumer should take, including when the consumer should seek medical help, if known;

(vii) The name, business address, and the telephone number of the owner, operator or designee of the system as a source of additional information concerning the notice;

(viii) When the violation or situation occurred;

(ix) When the system expects to return to compliance or resolve the situation; and

(x) A statement to encourage the recipient of the notice to distribute the public notice to other persons served, using the following language, where applicable: "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes,

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schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.”

(B) Each notice for systems operating under a variance, administrative order or an exemption shall contain the following information:

- (i) An explanation of the reasons for the variance, order or exemption;
- (ii) The date on which the variance, order or exemption was issued;
- (iii) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance, order or exemption; and
- (iv) A notice of any opportunity for public input in the review of the variance, order or exemption.

(C) Each public notice required by this section:

- (i) Shall be displayed in a conspicuous way when printed or posted;
- (ii) Shall not contain overly technical language or very small print;
- (iii) Shall not be formatted in a way that defeats the purpose of the notice; and
- (iv) Shall not contain language that nullifies the purpose of the notice.

(D) For systems serving a large proportion of non-English speaking consumers, as determined in writing by the department, the notice shall also contain information in the appropriate foreign language regarding the importance of the notice or a telephone number or address where persons served may contact the system to obtain a translated copy of the notice or to request assistance in the appropriate foreign language.

(5) General notice requirements for other than tier 1, tier 2 or tier 3 notice.

(A) A CWS or NTNC that exceeds the copper action level, based on tap water samples collected in accordance with subsection (e)(8) of this section, shall notify consumers of the concentration by direct mail, not later than 30 calendar days after the CWS or NTNC learns of the exceedance. The form and manner of the public notice shall follow the requirements for a tier 2 notice as prescribed in subdivision (2) of this subsection. At a minimum, the notice shall include the following mandatory language: “If you have been diagnosed with copper intolerance due to a genetic deficiency, please inform your physician that the 90th percentile level of copper in our water is (BLANK) milligrams per liter.” (The blank space should contain the 90th percentile level of copper in the water).

(B) When the sodium concentration in finished water exceeds 28.0 mg/l, the system shall notify the system’s consumers of the concentration by direct mail or in the next billing cycle, and shall repeat such notification annually for as long as the exceedance exists. At a minimum, the notice shall include the following mandatory language: “If you have been placed on a sodium-restricted diet, please inform your physician that our water contains (BLANK) mg/l of sodium.” (The blank space should contain the level of sodium in the water.)

(C) Special notice of the availability of unregulated contaminant monitoring results. A system that is required to monitor for the unregulated contaminants, pursuant to 40 CFR 141.40, as amended from time to time, shall notify persons served by the system of the

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availability of the results of such sampling not later than 12 months after the monitoring results are known. The form and manner of the public notice shall follow the requirements for a tier 3 notice prescribed in subdivision (3) of this subsection. The notice shall also identify a person and provide a telephone number for information on the monitoring results.

(D) Special notice of exceedance of the SMCL for fluoride. A system that exceeds the fluoride SMCL of 2.0 mg/l, but does not exceed the SMCL of 4.1 mg/l for fluoride, shall provide public notice to persons served as soon as practical, but not later than 12 months from the day the system learns of the fluoride level. The notice shall be repeated annually for as long as the fluoride level remains between 2.0 mg/l and 4.1 mg/l. If the notice is posted, it shall remain in place for as long as the fluoride level remains between 2.0 mg/l and 4.1 mg/l, but in no case for less than 7 calendar days. The notice shall follow the requirements for a tier 3 notice as specified in subdivision (3) of this subsection and shall contain at a minimum the language required in 40 CFR 141.208(c), as amended from time to time.

(E) Special notice for repeated failure to conduct monitoring of the source water for *Cryptosporidium* and for failure to determine bin classification.

(i) A CWS or non-community water system that is required to monitor source water under subsection (e)(7)(T)(ii) of this section shall notify persons served by the CWS or non-community water system that monitoring has not been completed as specified not later than 30 calendar days after the CWS or non-community water system has failed to collect any 3 months of monitoring as specified in subsection (e)(7)(T)(ii)(II) of this section. The notice shall be repeated as specified in subdivision (2)(B) of this subsection.

(ii) A CWS or non-community water system that is required to determine a bin classification under subsection (j)(12)(A) of this section shall notify persons served by the CWS or non-community water system that the determination has not been made as required not later than 30 calendar days after the CWS or non-community water system has failed to report the determination as specified in subsection (j)(12)(A)(v) of this section. The notice shall be repeated as specified in subdivision (2)(B) of this subsection. The notice is not required if the CWS or non-community water system is complying with a department-approved schedule to address the violation.

(iii) The form and manner of the special notice shall follow the requirements of a tier 2 public notice prescribed in subdivision (2) of this subsection. The special notice shall be presented as required in subdivision (4)(C) of this subsection.

(iv) The special notice shall contain the following language in subclauses (I) through (III), inclusive, of this clause, including the language necessary to fill in the information in brackets:

(I) The special notice for repeated failure to conduct monitoring shall contain the following language:

We are required to monitor the source of your drinking water for *Cryptosporidium*. Results of the monitoring are to be used to determine whether water treatment at the {treatment plant name} is sufficient to adequately remove *Cryptosporidium* from your



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drinking water. We are required to complete this monitoring and make this determination by {required bin determination date}. We “did not monitor or test” or “did not complete all monitoring or testing” on schedule and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made to ensure adequate *Cryptosporidium* removal. Missing this deadline may, in turn, jeopardize our ability to have the required treatment modifications, if any, completed by the required deadline of {date}.

For more information, please call {name of water system contact} of {name of water system} at {phone number}.

(II) The special notice for failure to determine bin classification shall contain the following language:

We are required to monitor the source of your drinking water for *Cryptosporidium* in order to determine by {date} whether water treatment at the {treatment plant name} is sufficient to adequately remove *Cryptosporidium* from your drinking water. We have not made this determination by the required date. Our failure to do this may jeopardize our ability to have the required treatment modifications, if any, completed by the required deadline of {date}.

For more information, please call {name of water system contact} of {name of water system} at {phone number}.

(III) Each special notice shall also include a description of what the CWS or non-community water system is doing to correct the violation and when the CWS or non-community water system expects to return to compliance or resolve the situation.

(F) Special notice to the public of significant deficiencies or source water fecal contamination.

(i) In addition to the applicable public notification requirements of this subsection, a CWS that receives a sanitary survey report or other written notification from the department containing the CWS’s significant deficiency or significant deficiencies, or notification of a fecal indicator-positive ground water source sample that is not invalidated by the department under subsection (e)(12)(F) of this section shall inform persons served by the CWS under subdivision (10)(A) of this subsection of any significant deficiency or fecal indicator-positive source sample that has not been corrected. The CWS shall continue to inform the public annually until the significant deficiency is corrected or the fecal contamination in the ground water source is determined by the department to be corrected under subsections (e)(7)(E)(iv)(IV) or (j)(14)(A)(iv) of this section.

(ii) In addition to the applicable public notification requirements of this subsection, a non-community water system that receives a sanitary survey report or other written notification from the department containing the non-community water system’s significant deficiency or significant deficiencies shall inform persons served by the non-community water system in a manner approved by the department of any significant deficiency that has not been corrected not later than 12 months after receiving the sanitary survey report or other written notification from the department containing the non-community water system’s significant deficiencies, or earlier if directed by the department. To request such approval,

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the non-community water system shall submit an application to the department in accordance with subsection (t) of this section requesting approval of the manner in which the non-community water system will inform the public served by the non-community water system. The non-community water system shall continue to inform the public annually until the significant deficiency is corrected. The information submitted to the public shall include the following information:

(I) The nature of the significant deficiency and the date the significant deficiency was identified by the department;

(II) The department-approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed; and

(III) For non-community water systems with a large proportion of non-English speaking consumers, as determined by the department, information in the appropriate language(s) regarding the importance of the notice or a telephone number or address where consumers may contact the non-community water system to obtain a translated copy of the notice or assistance in the appropriate language.

(iii) If directed by the department, a non-community water system with significant deficiencies that have been corrected shall inform persons served by the non-community water system of the significant deficiencies, how the deficiencies were corrected, and the dates of correction under clause (ii) of this subparagraph.

(6) Lead and copper public education and notification requirements. All CWSs and NTNCs shall deliver a consumer notice of lead tap water monitoring results to persons served by the CWS or NTNC at sites that are tested, as specified in subparagraph (C) of this subdivision. A CWS or NTNC that exceeds the lead action level based on tap water samples collected in accordance with subsection (e)(8) of this section shall deliver the public education materials contained in subparagraph (A) of this subdivision in accordance with the requirements in subparagraph (B) of this subdivision. CWSs and NTNCs that exceed the lead action level shall offer to sample the tap water of any consumer who requests it. The CWS or NTNC is not required to pay for collecting or analyzing the sample, nor is the CWS or NTNC required to collect and analyze the sample itself. Unless otherwise indicated, the provisions of this subdivision apply to CWSs and NTNCs.

(A) Content of written public education materials.

(i) Content requirements for CWSs and NTNCs. CWSs and NTNCs shall include in the CWS's or NTNC's public education materials the elements listed in subclauses (I) through (VI) of this clause in printed materials (e.g., brochures and pamphlets) in the same order as listed. In addition, language in subclauses (I) through (II) and (VI) of this clause shall be included in the materials, exactly as written, except for the text in brackets for which the CWS or NTNC shall include CWS or NTNC-specific information. Any additional information presented by a CWS or NTNC shall be consistent with the information in subclauses (I) through (VI), inclusive, of this clause and shall be in plain language that can be understood by the general public. CWSs and NTNCs shall submit an application to the

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department requesting approval of all written public education materials. Such application shall be submitted to the department for approval prior to delivery and in accordance with subsection (t) of this section.

(I) IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER. {INSERT NAME OF WATER SYSTEM} found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.

(II) Health effects of lead. Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

(III) Provide information regarding sources of lead:

(1) Explain what lead is;  
(2) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home/building plumbing materials and service lines that may contain lead; and

(3) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).

(IV) Discuss the steps the consumer can take to reduce their exposure to lead in drinking water:

(1) Encourage running the water to flush out the lead;  
(2) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula;  
(3) Explain that boiling water does not reduce lead levels;  
(4) Discuss other options consumers can take to reduce lead in drinking water, such as alternative sources or treatment of water; and  
(5) Suggest that parents have their child's blood tested for lead.

(V) Explain why there are elevated levels of lead in the CWS's or NTNC's drinking water (if known) and what the CWS or NTNC is doing to reduce the lead levels in homes/buildings in this area.

(VI) For more information, call us at {INSERT YOUR NUMBER} {(IF APPLICABLE), or visit our web site at {INSERT YOUR WEB SITE HERE}}. For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's web site at <http://www.epa.gov/lead> or contact your health care provider.

(ii) Additional content requirements for CWSs. In addition to including the elements

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specified in clause (i) of this subparagraph, a CWS shall also include the following elements in the CWS's written public education materials:

- (I) Tell consumers how to get their water tested; and
- (II) Discuss lead in plumbing components and the difference between low lead and lead free.

(B) Delivery of public education materials.

(i) For CWSs and NTNCs serving a large proportion of non-English speaking consumers, as determined by the department, the public education materials shall contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the CWS or NTNC to obtain a translated copy of the public education materials or to request assistance in the appropriate language.

(ii) A CWS that exceeds the lead action level on the basis of tap water samples collected in accordance with subsection (e)(8) of this section, and that is not already conducting public education tasks under this subdivision, shall implement the public education tasks under this subdivision, including the public education delivery tasks listed in this clause, not later than 60 days after the end of the monitoring period in which the exceedance occurred. If a CWS requires an extension beyond the 60-day implementation deadline in which to implement the public education tasks in this clause, the CWS shall obtain approval of such extension from the department in writing prior to the last day of the 60-day implementation deadline. The CWS shall submit to the department at least 30 calendar days prior to the last day of the 60-day implementation period an application requesting an extension beyond the 60-day implementation deadline. Such application shall include the reason or reasons that the CWS is unable to comply with the 60-day implementation deadline and shall be submitted in accordance with subsection (t) of this section. The department may approve the application for an extension beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis. If the department approves the CWS's extension request, such approval shall be in writing. A CWS shall conduct the following public education tasks:

(I) Deliver printed materials meeting the content requirements of subparagraph (A) of this subdivision to all bill-paying consumers.

(II) (1) Contact consumers who are most at risk by delivering education materials that meet the content requirements of subparagraph (A) of this subdivision to local public health agencies even if they are not located within the CWS's service area, along with an informational notice that encourages distribution to all the organization's potentially affected consumers or CWS's users. The CWS shall contact the local public health agencies directly by phone or in person. If the local public health agencies provide to a CWS a specific list of additional community-based organizations serving target populations, which may include organizations outside the service area of the CWS, the CWS shall deliver education materials that meet the content requirements of subparagraph (A) of this subdivision to all organizations on the provided list.

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(2) Contact consumers who are most at risk by delivering materials that meet the content requirements of subparagraph (A) of this subdivision to the following organizations listed in subclauses (II)(2)(A) through (F), inclusive, of this clause that are located within the CWS's service area, along with an informational notice that encourages distribution to all the organization's potentially affected consumers or CWS users:

- (A) Public and private schools or school boards;
- (B) Women, Infants and Children and Head Start programs;
- (C) Public and private hospitals and medical clinics;
- (D) Pediatricians;
- (E) Family planning clinics; and
- (F) Local welfare agencies.

(3) Locate the following organizations listed in subclauses (II)(3)(A) through (C), inclusive, of this clause within the service area and deliver materials that meet the content requirements of subparagraph (A) of this subdivision to them, along with an informational notice that encourages distribution to all potentially affected consumers or users. Contacting at-risk consumers may include requesting a specific contact list of the organizations listed in subclauses (II)(3)(A) through (C), inclusive, of this clause from the local public health agencies, even if the agencies are not located within the CWS's service area:

- (A) Childcare centers, group day care homes, and family day care homes licensed by the department under Chapter 368a of the Connecticut General Statutes;
- (B) Public and private preschools; and
- (C) Obstetricians-gynecologists and midwives.

(III) No less often than quarterly, provide information on or in each water bill as long as the CWS exceeds the action level for lead. The message on the water bill shall include the following statement exactly as written except for the text in brackets for which the CWS shall include CWS-specific information: {INSERT NAME OF CWS} found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call {INSERT NAME OF CWS} {or visit (INSERT THE CWS'S WEB SITE HERE)}. If the CWS is unable to include this information in the CWS's water bills, the CWS shall submit an application to the department in accordance with subsection (t) of this section requesting approval to mail this public education information to the CWS's consumers in a separate mailing. The CWS shall obtain approval of such separate mailing before mailing such information in the separate mailing.

(IV) Post material meeting the content requirements of subparagraph (A) of this subdivision on the CWS's web site if the CWS serves a population greater than 100,000.

(V) Submit a press release to newspaper, television and radio stations.

(VI) In addition to subclauses (I) through (V), inclusive, of this clause, CWSs shall implement at least 3 activities from 1 or more categories listed in subclauses (VI)(1) through (9), inclusive, of this clause. The CWS shall consult with the department regarding the educational content and selection of these activities and, after such consultation, shall submit an application to the department requesting approval of the education content and activities



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selected. Such application shall be submitted in accordance with subsection (t) of this section. The CWS shall obtain department approval of educational content and the activities selected before implementing such activities.

- (1) Public Service Announcements;
- (2) Paid advertisements;
- (3) Public area informational displays;
- (4) E-mails to consumers;
- (5) Public meetings;
- (6) Household deliveries;
- (7) Targeted individual consumer contact;
- (8) Direct material distribution to all multi-family homes and institutions; and
- (9) Other methods approved by the department.

(VII) For CWSs that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs. If the department has approved the CWS's use of an alternate monitoring period pursuant to the provisions of subsection (e)(8) of this section, the end of the monitoring period is the last day of that approved alternative monitoring period.

(iii) Repeating public education tasks each year a CWS exceeds lead action level. As long as a CWS exceeds the lead action level, the CWS shall repeat the activities pursuant to clause (ii) of this subparagraph as described in subclauses (I) through (IV), inclusive, of this clause.

(I) A CWS shall repeat the tasks contained in clauses (ii)(I), (II) and (VI), inclusive, of this clause every 12 months.

(II) A CWS shall repeat the tasks contained in clause (ii)(III) of this subparagraph with each billing cycle.

(III) A CWS serving a population greater than 100,000 shall post and retain material on a publicly accessible web site pursuant to clause (ii)(IV) of this subparagraph.

(IV) A CWS shall repeat the task in clause (ii)(V) of this subparagraph once every 6 months on a schedule approved in writing by the department. To request approval of the CWS's schedule, the CWS shall submit an application to the department in accordance with subsection (t) of this section at least 30 calendar days prior to the last day of the 60 day implementation period. If the department approves such extension, the department shall do so in writing in advance of the 60-day deadline.

(iv) Not later than 60 days after the end of the monitoring period in which the exceedance occurred, unless the NTNC is already repeating public education tasks pursuant to clause (v) of this subparagraph, a NTNC shall deliver the public education materials specified by subparagraph (A) of this subsection in accordance with subclauses (I) and (II) of this clause. For NTNCs that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the department has approved an alternative monitoring period pursuant to the provisions of subsection (e)(8) of this section, the end of the monitoring period is the last



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day of that established alternative monitoring period.

(I) The NTNC shall post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and

(II) The NTNC shall distribute informational pamphlets or brochures, or both, on lead in drinking water to each person served by the NTNC. A NTNC may use electronic transmission in lieu of or combined with printed materials if the use of electronic transmission achieves at least the same coverage as use of printed materials. A NTNC requesting approval to use electronic transmission in lieu of or combined with printed materials shall submit an application to the department in accordance with subsection (t) of this section requesting approval to use electronic transmission. The department may approve such use of electronic transmission only if such use achieves at least the same coverage as use of the printed materials.

(v) A NTNC shall repeat the tasks contained in clause (iv) of this subparagraph at least once during each calendar year in which the NTNC exceeds the lead action level. If a NTNC requires an extension beyond the 60-day implementation deadline in which to implement the public education tasks in clause (iv) of this subparagraph, the NTNC shall obtain approval of such extension from the department in writing prior to the last day of the 60-day implementation deadline. The NTNC shall submit to the department at least 30 calendar days prior to the last day of the 60-day implementation period an application requesting an extension beyond the 60-day implementation deadline. Such application shall include the reason or reasons that the NTNC is unable to comply with the 60-day implementation deadline and shall be submitted in accordance with subsection (t) of this section. The department may approve the application for an extension beyond the 60-day requirement for completion of the public education tasks in clause (iv) of this subparagraph if needed for implementation purposes on a case-by-case basis.

(vi) A CWS or NTNC may discontinue delivery of public education materials if it has met the lead action level during the most recent 6 month monitoring period conducted pursuant to the provisions of subsection (e)(8) of this section. Such a CWS or NTNC shall recommence public education in accordance with this subdivision if it subsequently exceeds the lead action level during any monitoring period.

(vii) A CWS may submit an application to the department requesting approval to use only the text specified in subparagraph (A)(i) of this subdivision in lieu of the text in subparagraph (A)(i) and (ii) of this subdivision and to perform the tasks listed in clauses (iv) and (v) of this subparagraph in lieu of the tasks listed in clauses (ii) and (iii) of this subparagraph. Such application shall include documentation demonstrating that the CWS satisfied the requirements in subclauses (I) and (II) of this clause, and shall be submitted in accordance with subsection (t) of this section. The department may approve such application if the department determines that the CWS satisfies the following requirements:

(I) The CWS is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

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(II) The CWS provides water as part of the cost of services provided and does not separately charge for water consumption.

(viii) A CWS serving 3,300 or fewer people may submit an application to the department in accordance with subsection (t) of this section requesting approval to limit certain aspects of its education programs as follows:

(I) With respect to the requirement in clause (ii)(VI) of this subparagraph that a CWS implement at least 3 of the activities listed in clauses (ii)(VI)(1) through (9), inclusive, of this subparagraph, a CWS serving 3,300 or fewer people shall implement at least 1 of the activities listed in clauses (ii)(VI)(1) through (9), inclusive, of this subparagraph.

(II) With respect to the requirements in clause (ii)(II) of this subparagraph, a CWS serving 3,300 or fewer people may limit the distribution of the public education materials required under clause (ii)(II) of this subparagraph to facilities and organizations such CWS serves that are most likely to be visited regularly by pregnant women and children.

(III) With respect to the requirement in clause (ii)(V) of this subparagraph, a CWS serving 3,300 or fewer persons that has distributed the required notices to every household such CWS serves, may request that the department waive the requirement in clause (ii)(V) of this subparagraph. The CWS serving 3,300 or fewer people shall provide with its application a written certification verifying that CWS serving 3,300 or fewer people distributed the required notices to every household such CWS serves. The department may approve such request if the department determines that the CWS serving 3,300 or fewer people has distributed the required notices to every household that such CWS serves.

(C) (C) Notification of Results.

(i) Reporting requirement. All CWSs and NTNCs shall provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of subsection (e)(8) of this section to the persons served by the CWS or NTNC at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).

(ii) Timing of notification. A CWS or NTNC shall provide the consumer notice as soon as practical, but not later than 30 calendar days after the CWS or NTNC learns of the tap water monitoring results.

(iii) Content. The consumer notice shall include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the CWS or NTNC. The notice shall also provide the MCLG and the action level for lead and the definitions for these terms from subsection (a) of this section.

(iv) Delivery. The consumer notice shall be provided by mail to persons served at the tap that was tested. If a CWS or NTNC wants to provide the consumer notice to persons served at the tap that was tested by a delivery method other than by mail, the CWS or NTNC shall submit to the department an application requesting approval to deliver the consumer notice by that method. Such application shall be submitted in accordance with subsection (t) of this section. The department may approve such a method only if such method achieves

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at least the same coverage as delivery by mail. The CWS or NTNC shall provide the consumer notice to consumers at sample taps tested, including consumers who do not receive water bills.

(7) A public water system that sells or otherwise provides drinking water to a consecutive public water system is required to give public notice to the owner or operator of the consecutive public water system. The consecutive public water system is responsible for providing public notice to the persons it serves.

(8) A public water system, no later than ten (10) days after completing the public notification requirements of this section for the initial public notice and any repeat notices, shall submit to the department a certification that it has fully complied with the requirements of section 19-13-B102(i). The public water system shall include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

(9) Notice to new consumers or billing units.

(A) A CWS shall give a copy of the most recent public notice for any continuing violation or for the existence of a variance, order, exemption, or other ongoing situation requiring a public notice, to all new billing units or new consumers, prior to or at the time service begins.

(B) A non-community water system shall continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, variance, order exemption, or other situation requiring a public notice, for as long as the violation, variance, order, exemption, or other situation persists.

(10) Consumer confidence report requirements.

(A) A CWS shall annually prepare a consumer confidence report that contains data collected during the previous calendar year and includes the information specified in 40 CFR 141.153, as amended from time to time, 40 CFR 141.154, as amended from time to time, and 40 CFR 141, Subpart O, Appendix A, as amended from time to time. With respect to the inclusion of lead-specific information in a CWS's consumer confidence report, a CWS shall only utilize the lead-specific educational statement contained in 40 CFR 141.154(d)(1), as amended from time to time.

(B) Not later than July 1st of each year, a CWS serving 10,000 or more persons shall mail or directly deliver the consumer confidence report to its consumers. A good faith effort to reach the consumers who do not get water bills, using methods acceptable to the department, shall be made. If a CWS wants to provide the consumer confidence report to consumers who do not get water bills using a method other than mail or direct delivery, the CWS shall submit to the department an application requesting approval to deliver the consumer confidence report by that method. Such application shall be submitted in accordance with subsection (t) of this section. CWSs serving 100,000 persons or more shall post the consumer confidence report to a publicly accessible site on the Internet. A new CWS shall deliver the CWS's first report not later than July 1st of the year after the CWS's first full calendar year in operation and annually thereafter.

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(C) A CWS that sells water to another CWS shall deliver the applicable information required in 40 CFR 141.153, as amended from time to time, to the buyer system not later than April 1st of each year.

(D) A CWS serving more than 500 persons and fewer than 10,000 persons shall, not later than July 1st of each year, do the following:

(i) Publish the consumer confidence report in 1 or more local newspapers serving the area in which the CWS's consumers are located;

(ii) Inform the consumers, by mail or door-to-door delivery, that the consumer confidence report is available upon request; and

(iii) Make copies of the consumer confidence report available to the public upon request.

(E) A CWS serving 500 or fewer persons shall, not later than July 1st of each year, do the following:

(i) Inform the consumers, by mail, door-to-door delivery, or by posting in a location approved by the department that the consumer confidence report is available upon request; and

(ii) Make copies of the consumer confidence report available to the public upon request.

(F) Not later than July 1st of each year, a CWS shall mail 3 copies of the consumer confidence report to the department and 1 copy to the local director of health of each city, town, borough or district served by the CWS.

(G) Not later than August 9th of each year a CWS shall submit to the department a certification that the consumer confidence report has been distributed or, when applicable, made available to consumers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the department. The certification shall be on a form provided by the department.

(H) Each CWS shall make the CWS's consumer confidence reports available to the public upon request.

(I) For the purpose of this subdivision, the term "detected" means "detected" as defined in 40 CFR 141.151(d), as amended from time to time.

(J) Each CWS serving 1,000 or more persons or 250 consumers or more shall include in the CWS's consumer confidence report educational materials or information on:

(i) Water conservation;

(ii) Water supply source protection methods, including methods to reduce contamination; and

(iii) Health effects and sources of lead and copper.

(j) **Treatment techniques.**

(1) A MCLG of 0 is set for the following microbial pathogens: *Giardia lamblia*, *Cryptosporidium*, viruses and *Legionella*.

(2) General Requirements for surface water and GWUDI sources.

(A) Each system with a surface water or a GWUDI source shall install and properly operate water treatment processes that reliably achieve:

(i) At least 99.9 percent (3 log) removal or inactivation of *Giardia lamblia* cysts, or both,

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between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first consumer;

(ii) At least 99.99 percent (4 log) removal or inactivation of viruses, or both, between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first consumer; and

(iii) At least 99 percent (2 log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first consumer.

(B) A system using a surface water or a GWUDI source is considered to be in compliance with the requirements of subparagraph (A) of this subdivision if the system meets the filtration requirements in subdivision (4) of this subsection and the disinfection requirements in subdivision (3)(B) of this subsection.

(C) Each system using a surface water or a GWUDI source shall be operated by certified operators pursuant to sections 25-32-7a through 25-32-14 of the Regulations of Connecticut State Agencies.

(D) A system shall install and have operational treatment consisting of disinfection and filtration in accordance with this subdivision not later than 18 months after the department's determination that treatment is required for a ground water source. Such determination shall be made if that ground water source is at risk of contamination from surface water. As an interim requirement until such treatment is operational, turbidity shall not exceed a monthly average of 1 nephelometric turbidity unit (NTU) or a 2 consecutive day average of 5 NTUs as monitored pursuant to subsection (e)(7)(H) of this section and the system supplied by this source shall be free of any waterborne disease outbreak.

(3) Disinfection.

(A) A system that uses a GWUDI source, and that does not provide and operate treatment pursuant to subdivision (2) of this subsection, shall provide interim disinfection pursuant to subsection (e)(7)(M) of this section.

(B) A Subpart H system that provides and operates treatment pursuant to subdivision (2) of this subsection, shall provide disinfection treatment as specified in clauses (i) through (iii), inclusive, of this subparagraph:

(i) The disinfection treatment shall be sufficient to ensure that the total treatment processes of that source achieve at least 99.9 percent (3 log) inactivation or removal of *Giardia lamblia* cysts, or both, and at least 99.99 percent (4 log) inactivation or removal of viruses, or both. Disinfection effectiveness shall be determined by the calculation of "CT" values as specified in the March 1991 edition of EPA's "Guidance Manual For Compliance With The Filtration And Disinfection Requirements For Public Water Systems Using Surface Water Sources." A copy of such guidance manual may be obtained from EPA at <http://www.epa.gov/safewater/ndbp/guidsws.pdf>.

(ii) The RDC in the water entering the distribution system, measured as specified in 40 CFR 141.74(a)(2), as amended from time to time, and subsection (e)(7)(S)(ii) of this section shall not be less than 0.2 mg/l for more than 4 hours.



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(iii) The RDC in the distribution system, measured as free chlorine, combined chlorine, or chlorine dioxide, as specified in 40 CFR 141.74(a)(2), as amended from time to time, and subsection (e)(7)(S)(ii) of this section, shall not be undetectable in more than 5 percent of the samples each month for any 2 consecutive months that the system serves water to the public. Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/ml, measured as heterotrophic plate count (HPC) as specified in 40 CFR 141.74(a)(1), as amended from time to time, is deemed to have a detectable disinfectant residual for purposes of determining compliance with this requirement in subsection (j)(3)(B)(iii) of this section. The value “V” in the following formula shall not exceed 5 percent in 1 month, for any 2 consecutive months.

Where:

A = Number of instances where the RDC is measured;

B = Number of instances where the RDC is not measured but HPC is measured;

C = Number of instances where the RDC is measured but not detected and no HPC is measured;

D = Number of instances where no RDC is detected and where the HPC is greater than 500/ml; and

E = Number of instances where the RDC is not measured and HPC is greater than 500/ml.

(4) Filtration. A Subpart H system that provides and operates treatment pursuant to subdivision (2) of this subsection, shall provide filtration which complies with the requirements of subparagraphs (A), (B), (C), or (D) of this subdivision.

(A) Conventional filtration treatment or direct filtration.

(i) For such Subpart H systems using conventional or direct filtration, the turbidity level of representative samples of the combined filtered water of such Subpart H system using conventional or direct filtration shall be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month pursuant to subsection (e)(7)(S)(i) of this section.

(ii) The turbidity level of representative samples of such Subpart H system’s combined filtered water (treatment effluent) shall at no time exceed 1 NTU, measured pursuant to subsection (e)(7)(S)(i) of this section.

(iii) Such Subpart H system that is required to submit a report to the department for a self assessment or comprehensive performance evaluation under subsection (h)(6)(B)(i) of this section shall implement the improvements identified in accordance with a schedule as approved in writing by the department.

(B) Slow sand filtration. For such Subpart H systems using slow sand filtration, the turbidity level of representative samples of the combined filtered water of such Subpart H system using slow sand filtration shall be less than or equal to 1 NTU in all of the measurements taken each month, measured as specified in 40 CFR 141.74(a)(1) and (c)(1), as amended from time to time, and subsection (e)(7)(S)(i) of this section.

(C) Diatomaceous earth filtration. For such Subpart H systems using diatomaceous earth filtration, the turbidity level of representative samples of the combined filtered water of



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such Subpart H system using diatomaceous earth filtration shall be less than or equal to 1 NTU in all of the measurements taken each month, measured as specified in 40 CFR 141.74(a)(1) and (c)(1), as amended from time to time, and subsection (e)(7)(S)(i) of this section.

(D) Other filtration technologies. Such Subpart H system may use filtration technology not listed in subparagraphs (A) through (C), inclusive, of this subdivision if such Subpart H system demonstrates to the department, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of subdivision (3)(B) of this subsection, consistently achieves 99.9 percent (3 log) removal or inactivation of *Giardia lamblia* cysts, or both, and 99.99 percent (4 log) removal or inactivation of viruses, or both, and 99 percent (2 log) removal of *Cryptosporidium* oocysts, and the department approves such Subpart H system's use of such alternative filtration treatment. To request approval to use alternative filtration technology, such Subpart H system shall submit an application to the department in accordance with subsection (t) of this section. If the department approves such Subpart H system's use of the alternative filtration technology, the department shall set turbidity performance requirements that such Subpart H system shall meet at least 95 percent of the time and that such Subpart H system shall not exceed at any time a level that consistently achieves 99.9 percent (3 log) removal or inactivation of *Giardia lamblia* cysts, or both, 99.99 percent (4 log) removal or inactivation of viruses, or both, and 99 percent removal of *Cryptosporidium* oocysts. For such Subpart H system that makes this demonstration, the requirements of subparagraphs (3)(B) and (4)(A) of subsection apply.

(E) A system serving 10,000 or more persons shall achieve 99 percent (2 log) removal of *Cryptosporidium*. Systems serving fewer than 10,000 persons shall achieve 99 percent (2 log) removal of *Cryptosporidium*. A system is deemed to be in compliance with this requirement if the system meets the combined filtered water turbidity level requirements of subparagraphs (A) through (D), inclusive, of this subdivision.

(F) Any system that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes shall return these flows through the processes of a system's existing conventional or direct filtration or at an alternate location approved by the department by June 8, 2004.

(5) Treatment techniques for acrylamide and epichlorohydrin. Each system shall certify annually in writing to the department that when acrylamide and epichlorohydrin are used in systems, the combination of dose and monomer level does not exceed the levels specified in 40 CFR 141.111, as amended from time to time.

(6) General requirements for the control of lead and copper.

(A) Applicability. The requirements of this subdivision and subsections (e)(7)(K), (e)(8) through (e)(10), inclusive, (h)(5), (i)(6), (j)(7) through (j)(10), inclusive, and (l)(1)(G) of this section constitute the drinking water regulations for lead and copper. Unless otherwise indicated, each of the provisions of this subdivision applies to CWSs and NTNCs.

(B) Lead and copper action levels.

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(i) The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with subsection (e)(8) of this section is greater than 0.015 mg/l (i.e., if the “90th percentile” lead level is greater than 0.015 mg/l).

(ii) The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with subsection (e)(8) of this section is greater than 1.3 mg/l (i.e., if the “90th percentile” copper level is greater than 1.3 mg/l).

(iii) The 90th percentile lead and copper levels shall be computed as follows:

(I) The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.

(II) The number of samples taken during the monitoring period shall be multiplied by 0.9.

(III) The contaminant concentration in the numbered sample yielded by the calculation in subclause (II) of this clause is the 90th percentile contaminant level.

(IV) For CWSs and NTNCs serving fewer than 100 people that collect 5 samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

(V) For a CWS or NTNC that collects fewer than 5 samples in accordance with subsection (e)(8)(C) of this section, the sample result with the highest concentration is considered the 90th percentile value.

(C) Corrosion control treatment requirements.

(i) All CWSs and NTNCs shall install and operate optimal corrosion control treatment.

(ii) Any CWS or NTNC that complies with the applicable corrosion control treatment requirements approved by the department under subdivisions (7) and (8) of this subsection shall be deemed to be in compliance with the treatment requirement contained in clause (i) of this subparagraph.

(D) Source water treatment requirements. Any CWS or NTNC exceeding the lead or copper action level shall implement all applicable source water treatment requirements approved by the department under subdivision (9) of this subsection.

(E) Lead service line replacement requirements. Any CWS or NTNC exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in subdivision (10) of this subsection.

(F) Public education requirements.

(i) Pursuant to subsection (i)(6) of this section, all CWSs and NTNCs shall provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps)

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that are tested. Any CWS or NTNC exceeding the lead action level shall implement the public education requirements.

(ii) Any CWS or NTNC exceeding the copper action level shall notify consumers as required in subsection (i)(5)(A) of this section.

(G) Monitoring and analytical requirements. Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this subdivision shall be completed in compliance with subsections (e)(7)(K) and (e)(8) through (e)(10), inclusive, of this section.

(H) Reporting requirements. CWSs and NTNCs shall report to the department any information required by the treatment provisions of this subdivision and subsection (h)(5) of this section.

(I) Recordkeeping requirements. CWSs and NTNCs shall maintain records in accordance with subsection (l)(1)(G) of this section.

(J) Violation of drinking water regulations. Failure to comply with the applicable requirements of this subdivision and subsections (e)(7)(K), (e)(8) through (e)(10), inclusive, (h)(5), (i)(6), (j)(7) through (j)(10), inclusive, and (l)(1)(G) of this section, including requirements established by the department pursuant to these provisions, shall constitute a violation of the drinking water regulations for lead or copper, or both.

(7) Applicability of corrosion control treatment steps to small, medium-size and large systems. Unless otherwise indicated, the provisions of subsection (j)(7) of this section apply to CWSs and NTNCs.

(A) CWSs and NTNCs shall complete the applicable corrosion control treatment requirements described in subdivision (8) of this subsection by the deadlines established in this subdivision.

(i) A large CWS or NTNC (serving greater than 50,000 persons) shall complete the corrosion control treatment steps specified in subparagraph (D) of this subdivision, unless the CWS or NTNC is deemed by the department to have optimized corrosion control under subparagraph (B)(ii) or (B)(iii) of this subdivision.

(ii) A small CWS or NTNC (serving less than or equal to 3,300 persons) and a medium-size CWS or NTNC (serving greater than 3,300 and less than or equal to 50,000 persons) shall complete the corrosion control treatment steps specified in subparagraph (D) of this subdivision, unless the CWS or NTNC is deemed by the department to have optimized corrosion control under subparagraph (B)(i), (ii) or (iii) of this subdivision.

(B) Deemed optimized corrosion control. A CWS or NTNC is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this subdivision if the CWS or NTNC satisfies 1 of the criteria specified in clauses (i) through (iii), inclusive, of this subparagraph. Any such CWS or NTNC deemed to have optimized corrosion control under this subparagraph, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the department determines appropriate to ensure optimal corrosion control treatment is maintained.

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(i) Deemed to have optimized corrosion control by meeting lead and copper action levels. A small or medium-size CWS or NTNC is deemed to have optimized corrosion control if the CWS or NTNC meets the lead and copper action levels during each of 2 consecutive 6 month monitoring periods conducted in accordance with subsection (e)(8) of this section.

(ii) Deemed to have optimized corrosion control by the department. Any CWS or NTNC may be deemed by the department to have optimized corrosion control treatment if the CWS or NTNC demonstrates to the satisfaction of the department that the CWS or NTNC has conducted activities equivalent to the corrosion control steps applicable to such CWS or NTNC under this subdivision. If the department makes this determination, the department shall provide the CWS or NTNC with written notice explaining the basis for the department's decision and shall specify the water quality control parameters representing optimal corrosion control in accordance with subdivision (8)(F) of this subsection. CWSs and NTNCs deemed to have optimized corrosion control under this clause shall operate in compliance with the department-designated optimal water quality control parameters in accordance with subdivision (8)(G) of this subsection and continue to conduct lead and copper tap and water quality parameter sampling in accordance with subsections (e)(8)(D)(iii) and (e)(9)(D) of this section, respectively. A CWS or NTNC shall provide the department with the following information in order to support a determination under this subparagraph:

(I) The results of all test samples collected for each of the water quality parameters listed in subdivision (8)(C)(iii) of this subsection;

(II) A report explaining the test methods used by the CWS or NTNC to evaluate the corrosion control treatments listed in subdivision (8)(C)(i) of this subsection, the results of all tests conducted, and the basis for the CWS's or NTNC's selection of optimal corrosion control treatment;

(III) A report explaining how corrosion control has been installed and how it is being maintained to ensure minimal lead and copper concentrations at consumers' taps; and

(IV) The results of tap water samples collected in accordance with subsection (e)(8) of this section at least once every 6 months for 1 year after corrosion control has been installed.

(iii) Deemed to have optimized corrosion control based on tap water and source water monitoring results. Any CWS or NTNC is deemed to have optimized corrosion control if the CWS or NTNC submits results of tap water monitoring conducted in accordance with subsection (e)(8) of this section and source water monitoring conducted in accordance with subsection (e)(10) of this section that demonstrate for 2 consecutive 6 month monitoring periods that the difference between the 90th percentile tap water lead level computed under subdivision (6)(B)(iii) of this subsection and the highest source water lead concentration is less than the PQL for lead of 0.005 mg/l.

(I) Those CWSs and NTNCs whose highest source water lead level is below the method detection limit may also be deemed to have optimized corrosion control under this clause if the 90th percentile tap water lead level is less than or equal to the PQL for lead for 2 consecutive 6 month monitoring periods.

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(II) Any CWS or NTNC deemed to have optimized corrosion control in accordance with this clause shall continue monitoring for lead and copper at the tap, no less frequently than once every 3 calendar years using the reduced number of sites specified in subsection (e)(8)(C) of this section and collecting the samples at times and locations specified in subsection (e)(8)(D)(iv) of this section.

(III) Any CWS or NTNC deemed to have optimized corrosion control pursuant to this clause shall notify the department in writing pursuant to subsection (h)(5)(A)(iii) of this section of any upcoming long-term change in treatment or addition of a new source as described in subsection (h)(5)(A)(iii) of this section. Before a CWS or NTNC adds a new source or implements a long-term change in treatment, the CWS or NTNC shall submit an application to the department requesting approval of the addition of a new source or long-term change in treatment. Such application shall include a description of the change or addition, and shall be submitted in accordance with subsection (t) of this section. A CWS or NTNC shall not add a new source or implement a long-term change in treatment until the CWS or NTNC has obtained the department's approval. For purposes of this section, long-term change in treatment includes, but is not limited to, the addition of a new treatment process or modification of an existing treatment process. The department may require any such CWS or NTNC to conduct additional monitoring or to take other action the department deems appropriate to ensure that such CWS or NTNC maintains minimal levels of corrosion in its distribution system.

(IV) A CWS or NTNC is not deemed to have optimized corrosion control under this clause, and shall implement corrosion control treatment pursuant to subclause (V) of this clause, unless the CWS or NTNC meets the copper action level.

(V) Any CWS or NTNC that is required to implement corrosion control because the CWS or NTNC is no longer deemed to have optimized corrosion control under this clause shall implement corrosion control treatment in accordance with the deadlines in subparagraph (D) of this subdivision. The time periods for completing each step are determined by the date the CWS or NTNC is no longer deemed to have optimized corrosion control under this clause.

(C) Any small or medium-size CWS or NTNC that is required to complete the corrosion control steps because the CWS or NTNC exceeded the lead or copper action level may cease completing the treatment steps whenever the CWS or NTNC meets both action levels during each of 2 consecutive monitoring periods conducted pursuant to subsection (e)(8) of this section and submits the results to the department. If any such CWS or NTNC thereafter exceeds the lead or copper action level during any monitoring period, the CWS or NTNC (or the department, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step that was not previously completed in its entirety. The department may require a CWS or NTNC to repeat treatment steps previously completed by the CWS or NTNC where the department determines that this is necessary to properly implement the treatment requirements of this subdivision. The department shall notify the CWS or NTNC in writing of such a determination and explain



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the basis for the department's decision. The requirement for any small or medium-size CWS or NTNC to implement corrosion control treatment steps in accordance with subparagraph (D) of this subdivision, including systems deemed to have optimized corrosion control under subparagraph (D) of this subdivision, is triggered whenever any small or medium-size CWS or NTNC exceeds the lead or copper action level.

(D) Treatment steps and deadlines. Except as provided in subparagraph (B) of this subdivision, CWSs and NTNCs shall complete the following corrosion control treatment steps (described in the referenced portions of subdivision (8) of this subsection and subsections (e)(8) and (e)(9) of this section) by the indicated time periods.

(i) Step 1: The CWS or NTNC shall conduct initial tap water sampling in accordance with subsections (e)(8)(D) and (e)(9)(B) of this section until the CWS or NTNC either exceeds the lead or copper action level or becomes eligible for reduced monitoring under subsection (e)(8)(D)(iv) of this section. A CWS or NTNC exceeding the lead or copper action level shall submit to the department for review and approval the CWS's or NTNC's recommended optimal corrosion control treatment not later than 6 months after the end of the monitoring period during which the CWS or NTNC exceeds 1 of the action levels. The CWS's or NTNC's recommended optimal corrosion control treatment shall be submitted to the department in accordance with subsection (t) of this section. The department may approve the CWS's or NTNC's recommended optimal corrosion control treatment. If the department does not approve the CWS's or NTNC's recommended corrosion control treatment, the department shall designate the corrosion control treatment that the CWS or NTNC is required to implement.

(ii) Step 2: Not later than 12 months after the end of the monitoring period during which a CWS or NTNC exceeds the lead or copper action level, the department may require the CWS or NTNC to perform corrosion control studies in accordance with subdivision (8)(B) of this subsection. If the department requires the CWS or NTNC to perform such studies, the CWS or NTNC shall submit copies of such studies to the department for the department's review and approval in accordance with subsection (t) of this section. If the department does not require the CWS or NTNC to perform such studies, the CWS or NTNC shall install the CWS's or NTNC's department-approved optimal corrosion control treatment, or, if the department did not approve the CWS's or NTNC's recommended corrosion control treatment, the corrosion control treatment designated by the department (as described in subdivision (8)(D)(i) of this subsection) within the following time frames:

(I) For large CWSs and NTNCs, not later than 6 months after the end of the monitoring period during which such CWS or NTNC exceeds the lead and copper action level;

(II) For medium-size CWSs and NTNCs, not later than 18 months after the end of the monitoring period during which such CWS or NTNC exceeds the lead or copper action level; and

(III) For small CWSs and NTNCs, not later than 24 months after the end of the monitoring period during which such CWS or NTNC exceeds the lead or copper action level.



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(iii) Step 3: If the department requires a CWS or NTNC to perform corrosion control studies under (Step 2, clause (ii) of this subparagraph, the CWS or NTNC shall complete the studies in accordance with subdivision (8)(C) of this subsection not later than 18 months after the department requires that such studies be conducted. In the CWS's or NTNC's corrosion control study, the CWS or NTNC shall recommend an optimal corrosion control treatment for department approval.

(iv) Step 4: If the CWS or NTNC has performed corrosion control studies under Step 2, clause (ii) of this subparagraph, the CWS or NTNC shall submit such corrosion control studies, including the CWS's or NTNC's recommended optimal corrosion control treatment, to the department for review and approval in accordance with subsection (t) of this section. Not later than 6 months after the CWS's or NTNC's completion of Step 3 in clause (iii) of this subdivision, the department may approve the CWS's or NTNC's recommended optimal corrosion control treatment or not approve the CWS's or NTNC's recommended corrosion control treatment and require the CWS or NTNC to implement the corrosion control treatment designated by the department, unless the department requires additional information from the CWS or NTNC or additional time to complete the department's review.

(v) Step 5: The CWS or NTNC shall install and have operational the optimal corrosion control treatment approved by the department or, if the department did not approve the CWS's or NTNC's recommended corrosion control treatment, the corrosion control treatment designated by the department (subdivision (8)(E) of this subsection) not later than 24 months after the department approves or designates such treatment.

(vi) Step 6: The CWS or NTNC shall complete follow-up sampling in accordance with subsections (e)(8)(D)(ii) and (e)(9)(C) of this section not later than 36 months after the department either approves the CWS's or NTNC's recommended optimal corrosion control treatment or the department designates an optimal corrosion control treatment.

(vii) Step 7: The department shall review the CWS's or NTNC's installation of treatment and designate optimal water quality control parameters in accordance with subdivision (8)(F) of this subsection not later than 6 months after completion of Step 6, clause (vi), of this subparagraph.

(viii) Step 8: The CWS or NTNC shall operate in compliance with the department-designated optimal water quality control parameters under subdivision (8)(G) of this subsection and continue to conduct tap water sampling pursuant to subsection (e)(8)(D)(iii) and (e)(9)(D) of this section.

(8) Description of corrosion control treatment requirements. Each CWS or NTNC shall complete the corrosion control treatment requirements described in this subdivision that are applicable to such CWS or NTNC under subdivision (7)(A) of this subsection. Unless otherwise indicated, the provisions of this subdivision apply to CWSs and NTNCs.

(A) A CWS's or NTNC's recommendation regarding corrosion control treatment. Based upon the results of lead and copper tap water monitoring and water quality parameter monitoring, small and medium-size CWSs and NTNCs exceeding the lead or copper action level shall propose installation of 1 or more of the corrosion control treatments in

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subparagraph (C)(i) of this subdivision. The department may require the CWS or NTNC to conduct additional water quality parameter monitoring in accordance with subsection (e)(9)(B) of this section to assist the department in reviewing the CWS's or NTNC's proposal.

(B) Department's decision to require studies of corrosion control treatment (applicable to small and medium-size CWSs and NTNCs). The department may require any small or medium-size CWS or NTNC that exceeds the lead or copper action level to perform corrosion control studies under subparagraph (C) of this subdivision to identify optimal corrosion control treatment for the CWS or NTNC.

(C) Performance of corrosion control studies.

(i) Any CWS or NTNC performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that CWS or NTNC:

- (I) Alkalinity and pH adjustment;
- (II) Calcium hardness adjustment; and
- (III) The addition of a phosphate or silicate-based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap water samples.

(ii) The CWS or NTNC shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on documented analogous treatments with other CWSs and NTNCs of similar size, water chemistry and distribution system configuration.

(iii) The CWS or NTNC shall measure the following water quality parameters in any tests conducted under this subparagraph before and after evaluating the corrosion control treatments listed in clause (i) of this subparagraph:

- (I) Lead;
- (II) Copper;
- (III) pH;
- (IV) Alkalinity;
- (V) Calcium;
- (VI) Conductivity;
- (VII) Orthophosphate (when an inhibitor containing a phosphate compound is used);
- (VIII) Silicate (when an inhibitor containing a silicate compound is used); and
- (IX) Water temperature.

(iv) The CWS or NTNC shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least 1 of the following:

(I) Data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another CWS or NTNC with comparable water quality characteristics; or

(II) Data and documentation demonstrating that the CWS or NTNC has previously

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attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes; or

(III) Data and documentation in subclauses (I) and (II) of this clause.

(v) The CWS or NTNC shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.

(vi) On the basis of an analysis of the data generated during each evaluation, the CWS or NTNC shall submit to the department for approval the CWS's or NTNC's recommended treatment option that the corrosion control studies indicate constitutes the optimal corrosion control treatment for that CWS or NTNC. Such application shall include the reason or reasons for the CWS's or NTNC's recommended treatment option, including all supporting documentation specified in clauses (i) through (v), inclusive, of this subparagraph, and shall be submitted in accordance with subsection (t) of this section.

(D) Department designation of optimal corrosion control treatment.

(i) Based upon consideration of available information including, where applicable, studies performed under subparagraph (C) of this subdivision and a CWS's or NTNC's recommended treatment option, the department may either approve or reject with written reasons the CWS's or NTNC's application requesting approval of the CWS's or NTNC's corrosion control treatment option. If rejected, the CWS or NTNC shall propose an alternative corrosion control treatment(s) from among those listed in subparagraph (C)(i) of this subdivision, or revise the original proposal based on the department's recommendations, and then resubmit the proposal or revision for department review and approval in accordance with subsection (t) of this section.

(ii) The department shall notify the CWS or NTNC of the department's decision in writing to approve or reject the CWS's or NTNC's application submitted to the department under clause (i) of this subparagraph and explain the basis for the department's determination. If the department requests additional information to aid the department's review, the CWS or NTNC shall provide the information.

(E) Installation of optimal corrosion control. Each CWS or NTNC shall properly install and operate throughout the CWS's or NTNC's distribution system the optimal corrosion control treatment approved by the department under subparagraph (D) of this subdivision.

(F) Department review of treatment and specification of optimal water quality control parameters.

(i) The department shall evaluate the results of all lead and copper tap water samples and water quality parameter samples submitted by the CWS or NTNC and determine whether the CWS or NTNC has properly installed and operated the optimal corrosion control treatment approved by the department in accordance with subparagraph (D) of this subdivision. After the department reviews the results of tap water and water quality parameter monitoring by the CWS or NTNC, both before and after the CWS or NTNC installs optimal corrosion control treatment, the CWS or NTNC shall operate in accordance with specific parameter values defined by the department that are within the following water quality parameter ranges in subclauses (i) through (vi) of this subparagraph, unless the CWS

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or NTNC can demonstrate to the satisfaction of the department that other measurable parameter values are necessary for optimal corrosion control treatment:

(I) For pH measured at each entry point to the distribution system, a range of 7.0 to 10.0 shall be maintained;

(II) A minimum pH value, measured in all tap water samples. Such value shall be equal to or greater than 7.0, unless the department determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the CWS or NTNC to optimize corrosion control;

(III) If a corrosion inhibitor is used, concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap water samples, shall be maintained within the following ranges:

**Corrosion Inhibitor Range (mg/l)**

Silicates 2.0 - 12.0

Orthophosphate 0.1 - 10.0

(IV) If alkalinity is adjusted as part of optimal corrosion control treatment, a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap water samples, shall be determined based on the results of tap water and water quality parameter monitoring; and

(V) If calcium carbonate stabilization is used as part of corrosion control, a range of concentrations for calcium, measured in all tap water samples, shall be determined based on the results of tap water and water quality parameter monitoring.

(ii) The values for the applicable water quality control parameters listed in clause (i) of this subparagraph shall be those that the department determines to reflect optimal corrosion control treatment for the CWS or NTNC. The department may designate values for additional water quality control parameters determined by the department to reflect optimal corrosion control for the CWS or NTNC. The department shall notify the CWS or NTNC in writing of these determinations and explain the basis for the department's decisions.

(G) Continued operation and monitoring. All CWSs and NTNCs optimizing corrosion control shall continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameters at or above minimum values or within ranges designated by the department under subparagraph (F)(i) of this subdivision in accordance with this subparagraph for all samples collected under subsections (e)(9)(D) through (F), inclusive, of this section. Compliance with the requirements of this subparagraph shall be determined every 6 months, as specified under subsection (e)(9)(D) of this section. A CWS or NTNC is out of compliance with the requirements of this subparagraph in a 6 month period if the CWS or NTNC has excursions for any department-specified parameter on more than 9 calendar days during the period. An excursion occurs whenever the daily value for 1 or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the department. Daily values are calculated as indicated in clauses (i) through (iii), inclusive, of this subparagraph. The department has discretion to delete results of obvious sampling errors from this calculation.

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(i) On days when more than 1 measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day, regardless of whether they are collected through continuous monitoring, grab sampling, or a combination of both.

(ii) On days when only 1 measurement for the water quality parameter is collected at the sampling location, the daily value shall be the result of that measurement.

(iii) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

(H) Modification of department treatment decisions. Upon the department's own initiative or in response to a request by a CWS or NTNC or other interested party, the department may modify the department's determination of the optimal corrosion control treatment under subparagraph (D) of this subdivision or optimal water quality control parameters under subparagraph (F) of this subdivision. If a CWS or NTNC or other interested party seeks a modification of the department's approved optimal corrosion control treatment or optimal water quality control parameters, the CWS or NTNC or other interested party shall submit an application to the department requesting a modification of the department's determination. Such application shall include an explanation as to the reason or reasons that the modification is appropriate and documentation supporting the proposed modification and shall be submitted in accordance with subsection (t) of this section. The department may modify the department's prior determination if the department concludes that such change is necessary to ensure that the CWS or NTNC continues to optimize corrosion control treatment. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the department's decision, and provide an implementation schedule for completing the treatment modifications.

(9) Source water treatment requirements. CWSs and NTNCs shall complete the applicable source water monitoring and treatment requirements under subparagraph (B) of this subdivision and subsections (e)(8) and (e)(10) of this section by the following deadlines. Unless otherwise indicated, the provisions of this subdivision apply to CWSs and NTNCs.

(A) Deadlines for completing source water treatment steps.

(i) Step 1: A CWS or NTNC exceeding the lead or copper action level shall complete lead and copper source water monitoring in accordance with subsection (e)(10)(B) of this section and make a treatment proposal to the department in accordance with subparagraph (B)(i) of this subsection not later than 180 calendar days after the end of the monitoring period during which the lead or copper action level was exceeded.

(ii) Step 2: The department shall make a determination regarding source water treatment in accordance with subparagraph (B)(ii) of this subsection not later than 6 months after submission of monitoring results in Step 1, clause (i) of this subparagraph.

(iii) Step 3: If the department requires installation of source water treatment, the CWS or NTNC shall install the treatment in accordance with subparagraph (B)(iii) of this subsection not later than 24 months after completion of Step 2, clause (ii) of this



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subparagraph.

(iv) Step 4: The CWS or NTNC shall complete follow-up tap water monitoring in accordance with subsection (e)(8)(D)(ii) of this section and source water monitoring in accordance with subsection (e)(10)(C) of this section not later than 36 months after completion of Step 2, clause (ii) of this subparagraph.

(v) Step 5: The department shall review the CWS's or NTNC's installation and operation of source water treatment and specify maximum permissible source water levels in accordance with subparagraph (B)(iv) of this subsection not later than 6 months after completion of Step 4, clause (iv) of this subparagraph.

(vi) Step 6: The CWS or NTNC shall operate in compliance with the department-specified maximum permissible lead and copper source water levels in accordance with subparagraph (B)(v) of this subsection and continue source water monitoring in accordance with subsection (e)(10)(D) of this section.

(B) Description of source water treatment requirements.

(i) CWS or NTNC treatment proposal. Any CWS or NTNC that exceeds the lead or copper action level shall propose in writing to the department the installation and operation of 1 of the source water treatments listed in clause (ii) of this subparagraph. A CWS or NTNC may propose that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

(ii) Department determination regarding source water treatment. The department shall complete an evaluation of the results of all source water samples submitted by the CWS or NTNC to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the department determines that treatment is needed, the CWS or NTNC shall submit an application to the department requesting approval of a proposed source water treatment. Such application shall include the reason or reasons that the CWS or NTNC is proposing the source water treatment in the application and shall be submitted in accordance with subsection (t) of this section. The department shall review the application and either approve or reject with written reasons the installation and operation of the source water treatment proposed by the CWS or NTNC in the application submitted to the department. If rejected, the CWS or NTNC shall submit to the department an application requesting approval of the installation and operation of another source water treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration; or the CWS or NTNC shall revise the original proposal based upon the department's recommendations and resubmit this to the department for review in consideration for approval. Such application shall be submitted in accordance with subsection (t) of this section. If the department requests additional information to aid in the department's review, the CWS or NTNC shall provide the information by the date specified by the department in the department's request. The department shall notify the CWS or NTNC in writing of the department's determination and set forth the basis for the department's decision.

(iii) Installation of source water treatment. Each CWS or NTNC shall properly install



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and operate the source water treatment approved by the department under clause (ii) of this subparagraph.

(iv) Department review of source water treatment and specification of maximum permissible source water levels. The department shall review the source water samples taken by the CWS or NTNC both before and after the CWS or NTNC installs source water treatment, and determine whether the CWS or NTNC has properly installed and operated the source water treatment approved by the department. Based upon the department's review, the department shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The department shall notify the CWS or NTNC in writing and explain the basis for the department's decision.

(v) Continued operation and maintenance. Each CWS or NTNC shall maintain lead and copper levels below the maximum permissible concentrations designated by the department at each sampling point monitored in accordance with subsection (e)(10) of this section. The CWS or NTNC is out of compliance with this clause if the level of lead or copper at any sampling point is greater than the maximum permissible concentration designated by the department.

(vi) Modification of department treatment decisions. Upon the department's own initiative or in response to a request by a CWS or NTNC or other interested party, the department may modify the department's determination of the source water treatment under clause (ii) of this subparagraph, or maximum permissible lead and copper concentrations for finished water entering the distribution system under clause (iv) of this subparagraph. If a CWS or NTNC or other interested party seeks a modification of the department's approved optimal corrosion control treatment or optimal water quality control parameters, the CWS or NTNC or other interested party shall submit an application to the department requesting that the department modify the department's determination. Such application shall include an explanation as to the reason or reasons that the modification is appropriate and documentation supporting the proposed modification, and shall be submitted in accordance with subsection (t) of this section. The department may modify the department's determination if the department concludes that such change is necessary to ensure that the CWS or NTNC continues to minimize lead and copper concentrations in source water. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the department's decision, and provide an implementation schedule for completing the treatment modifications.

(10) Lead service line replacement requirements. Unless otherwise indicated, the provisions of this subdivision apply to CWSs and NTNCs.

(A) CWSs and NTNCs that fail to meet the lead action level in tap water samples taken pursuant to subsection (e)(8)(D)(ii) of this section, after installing corrosion control or source water treatment, whichever sampling occurs later, shall replace lead service lines in accordance with the requirements of this subdivision. If a CWS or NTNC is in violation of

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subdivisions (7) or (9) of this subsection for failure to install source water or corrosion control treatment, the department may require the CWS or NTNC to commence lead service line replacement under this subdivision after the date by which the CWS or NTNC was required to conduct monitoring under subsection (e)(8)(D)(ii) of this section has passed.

(B)

(i) A CWS or NTNC shall annually replace at least 7 percent of the initial number of lead service lines in the CWS's or NTNC's distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The CWS or NTNC shall identify the initial number of lead service lines in the CWS's or NTNC's distribution system, including an identification of the portion(s) owned by the CWS or NTNC, based on a materials evaluation, including the evaluation required under subsection (e)(8)(A) of this section and relevant legal authorities, including but not limited to, contractual agreements, local land records and local land ordinances, regarding the portion owned by the CWS or NTNC. The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded under subparagraph (A) of this subdivision. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs. If the department has approved an alternate monitoring period under subsection (e)(8)(D)(iv)(IV)(1) of this section, then the end of the monitoring period is the last day of that period.

(ii) Any CWS or NTNC resuming a lead service line replacement program after the cessation of the CWS's or NTNC's lead service line replacement program under subparagraph (F) of this subdivision shall update the CWS's or NTNC's inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under subparagraph (C) of this subdivision. The CWS or NTNC will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that shall be replaced per year (7 percent lead service line replacement is based on a 15-year replacement program, e.g., CWSs and NTNCs resuming lead service line replacement after previously conducting 2 years of replacement would divide the updated inventory by 13). For those CWSs and NTNCs that have completed a 15-year lead service line replacement program, the department shall determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the CWS or NTNC re-exceeds the action level.

(C) A CWS or NTNC is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to subsection (e)(8)(B)(iii) of this section, is less than or equal to 0.015 mg/l.

(D) A CWS or NTNC shall replace that portion of the lead service line that the CWS or NTNC owns. In cases where the CWS or NTNC does not own the entire lead service line, the CWS or NTNC shall notify the owner of the line, or the owner's authorized agent, that the CWS or NTNC will replace the portion of the service line that the CWS or NTNC owns

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and shall offer to replace the owner's portion of the line. A CWS or NTNC is not required to bear the cost of replacing the privately-owned portion of the line, nor is the CWS or NTNC required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion of the line, or where replacing the privately-owned portion would be precluded by state, local or common law. A CWS or NTNC that does not replace the entire length of the service line also shall complete the following tasks:

(i) At least 45 calendar days prior to commencing with the partial replacement of a lead service line, the CWS or NTNC shall provide notice to the resident(s) of all buildings served by the line, explaining that the residents may experience a temporary increase of lead levels in the residents' drinking water, along with guidance on measures consumers can take to minimize consumers' exposure to lead. The department may allow the CWS or NTNC to provide notice less than 45 calendar days prior to commencing partial lead service line replacement where such replacement is in conjunction with emergency repairs. In addition, the CWS or NTNC shall inform the resident(s) served by the line that the CWS or NTNC will, at the CWS's or NTNC's expense, collect a sample, from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed under subsection (e)(8)(B)(iii) of this section, not later than 72 hours after the completion of the partial replacement of the service line. The CWS or NTNC shall collect the sample and report the results of the analysis to the owner and the resident(s) served by the line not later than 3 business days after receiving the results. Mailed notices post-marked not later than 3 business days after receiving the results shall be considered "on time."

(ii) The CWS or NTNC shall provide, by mail or by other methods approved by the department, the information required by clause (i) of this subparagraph to the residents of individual dwellings. In instances where multi-family dwellings are served by the line, the CWS or NTNC shall have the option to post the information at a conspicuous location.

(E) The department shall require a CWS or NTNC to replace lead service lines on a shorter schedule than that required by this subdivision, taking into account the number of lead service lines in the CWS or NTNC, where such a shorter replacement schedule is feasible. The department shall make this determination in writing and notify the CWS or NTNC of the department's finding not later than 6 months after the CWS or NTNC is triggered into lead service line replacement based on monitoring referenced in subparagraph (A) of this subdivision.

(F) Any CWS or NTNC may cease replacing lead service lines whenever first-draw samples collected pursuant to subsection (e)(8)(B)(ii) of this section meet the lead action level during each of 2 consecutive monitoring periods and the CWS or NTNC submits the results in writing to the department. If first-draw tap water samples in any such CWS or NTNC thereafter exceed the lead action level, the CWS or NTNC shall recommence replacing lead service lines pursuant to subparagraph (B)(ii) of this subdivision.

(G) To demonstrate compliance with subparagraphs (A) through (D), inclusive, of this subdivision, a CWS or NTNC shall report to the department the information specified in

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subsection (h)(5)(E) of this section.

(11) Treatment technique for control of disinfection byproduct precursors. For systems using conventional filtration treatment that are required to comply with subdivision (2) of this subsection, enhanced coagulation or enhanced softening are identified as treatment techniques to control the level of disinfection byproduct precursors in drinking water treatment and distribution systems.

(A) Applicability. Systems using conventional filtration treatment that are required to comply with subdivision (2) of this subsection shall operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in subparagraph (C) of this subdivision, unless it meets at least 1 of the alternative compliance criteria listed in this subparagraph. Systems using conventional filtration treatment that are required to comply with subdivision (2) of this subsection may use the alternative compliance criteria listed in clauses (i) through (vi), inclusive, of this subparagraph to comply with this subdivision and in lieu of complying with subparagraph (B) of this subdivision. In all cases systems using conventional filtration treatment that are required to comply with subdivision (2) of this subsection shall still comply with monitoring requirements specified in subsection (e)(11)(A)(iii)(IV) of this section. Unless otherwise indicated, the provisions of this subdivision apply to systems using conventional filtration treatment that are required to comply with subdivision (2) of this subsection.

(i) Such system's source or treated water TOC level is less than 2.0 mg/l, calculated quarterly as a running annual average.

(ii) Such system's source water TOC level is less than 4.0 mg/l, calculated quarterly as a running annual average; the source water alkalinity is greater than 60 mg/l (as CaCO<sub>3</sub>), calculated quarterly as a running annual average; and the TTHM and HAA5 running annual averages are no greater than 0.040 mg/l and 0.030 mg/l, respectively.

(iii) The TTHM and HAA5 running annual averages are no greater than 0.040 mg/l and 0.030 mg/l, respectively, and such system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.

(iv) Such system's source water (prior to any treatment) or finished water SUVA is less than or equal to 2.0 l/mg-m, measured monthly and calculated quarterly as a running annual average.

(v) The treated water alkalinity of such system with an enhanced softening is less than 60 mg/l (as CaCO<sub>3</sub>), measured monthly and calculated quarterly as a running annual average.

(vi) The treated water of such system with an enhanced softening demonstrates a removal of at least 10 mg/l of magnesium hardness (as CaCO<sub>3</sub>), measured monthly and calculated quarterly as a running annual average.

(B) Enhanced coagulation and enhanced softening performance requirements. Such system shall achieve the percent reduction of TOC specified in clause (i) of this subparagraph between the source water and the combined filter effluent, unless the department approves in writing such system's request for alternate minimum TOC removal

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(Step 2) requirements under clause (ii) of this subparagraph.

(i) Required Step 1 TOC reductions, as indicated in the following Table 11-A1 of this clause, are based upon specified source water parameters. Such system practicing softening is required to meet the Step 1 TOC reductions in the far-right column (Source water alkalinity >120 mg/l) for the specified source water TOC:

**TABLE 11-A1. STEP 1 REQUIRED REMOVAL OF TOC BY ENHANCED COAG-  
ULATION AND ENHANCED SOFTENING**

Source Water TOC, mg/l	Source Water Alkalinity, mg/l as CaCO <sub>3</sub>		
	0-60	>60-120	>120 <sup>1</sup>
>2.0-4.0	35.0%	25.0%	15.0%
>4.0-8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

<sup>1</sup> Such system practicing softening shall meet the TOC removal requirements in this column.

(ii) Such system that cannot achieve the Step 1 TOC reductions required by clause (i) of this subparagraph due to water quality parameters or operational constraints shall apply to the department, not later than 3 months after failure to achieve the TOC reductions required by clause (i) of this subparagraph, for approval of alternative minimum TOC (Step 2) removal requirements submitted by such system. If the department approves the alternative minimum TOC removal (Step 2) requirements, the department may make those requirements retroactive for the purposes of determining compliance. Until the department approves the alternate minimum TOC removal (Step 2) requirements, such system shall meet the Step 1 TOC reductions contained in clause (i) of this subparagraph. Alternate minimum TOC removal (Step 2) requirements shall be determined in accordance with 40 CFR 141.135(b)(4), as amended from time to time.

(C) Compliance calculations. Such systems, other than those identified in subparagraph (A) of this subdivision, shall comply with requirements contained in subparagraph (B) of this subdivision. Such system shall calculate compliance quarterly, beginning after such system has collected 12 months of data, by determining an annual average using the following method:

(i) Determine actual monthly TOC percent reductions, equal to:  $(1 - (\text{treated water TOC} / \text{source water TOC})) \times 100$ ;

(ii) Determine the required monthly TOC percent reductions, from either Table 11-A1 of this section or from subparagraph (B)(ii) of this subdivision;

(iii) Divide the value in clause (i) of this subparagraph by the value in clause (ii) of this subparagraph;

(iv) Add together the results of clause (iii) of this subparagraph for the last 12 months and divide by 12; and

(v) If the value calculated in clause (iv) of this subparagraph is less than 1.00, such



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system is not in compliance with the TOC percent reduction requirements.

(D) Such system may use the provisions in clauses (i) through (v), inclusive, of this subparagraph in lieu of the calculations in subparagraph (C) of this subdivision to determine compliance with TOC percent reduction requirements.

(i) In any month that such system's treated or source water TOC level is less than 2.0 mg/l, such system may assign a monthly value of 1.0 (in lieu of the value calculated in subparagraph (C)(iii) of this subdivision) when calculating compliance under the provisions of subparagraph (C) of this subdivision.

(ii) In any month that such system practicing softening removes at least 10 mg/l of magnesium hardness (as CaCO<sub>3</sub>), such system may assign a monthly value of 1.0 (in lieu of the value calculated in subparagraph (C)(iii) of this subdivision) when calculating compliance under the provisions of subparagraph (C) of this subdivision.

(iii) In any month that such system's source water SUVA, prior to any treatment, is less than or equal to 2.0 l/mg-m, such system may assign a monthly value of 1.0 (in lieu of the value calculated in subparagraph (C)(iii) of this subdivision) when calculating compliance under the provisions of subparagraph (C) of this subdivision.

(iv) In any month that such system's finished water SUVA is less than or equal to 2.0 l/mg-m, such system may assign a monthly value of 1.0 (in lieu of the value calculated in subparagraph (c)(iii) of this subdivision) when calculating compliance under the provisions of subparagraph (C) of this subdivision.

(v) In any month that such system practicing enhanced softening lowers such system's alkalinity below 60 mg/l (as CaCO<sub>3</sub>), such system may assign a monthly value of 1.0 (in lieu of the value calculated in subparagraph (C)(iii) of this subdivision) when calculating compliance under the provisions of subparagraph (C) of this subdivision.

(vi) Such systems may also comply with the requirements of subparagraph (C) of this subdivision by meeting the criteria in subparagraph (A) of this subdivision.

(12) Treatment technique requirements for the enhanced treatment for Cryptosporidium. The requirements of this subdivision apply to all Subpart H systems.

(A) Bin classification for Subpart H systems.

(i) Subpart H systems shall calculate an initial Cryptosporidium bin concentration for each plant for which monitoring is required. Calculation of the bin concentration shall use the Cryptosporidium results reported under 40 CFR 141.701(a) and shall follow the procedures in clauses (ii)(I) through (V), inclusive, of this subparagraph.

(ii)

(I) For Subpart H systems that collect a total of at least 48 samples, the bin concentration is equal to the arithmetic mean of all sample concentrations.

(II) For Subpart H systems that collect a total of at least 24 samples, but not more than 47 samples, the bin concentration is equal to the highest arithmetic mean of all sample concentrations in any 12 consecutive months during which Cryptosporidium samples are collected.

(III) For Subpart H systems that serve fewer than 10,000 people and monitor for



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Cryptosporidium for only 1 year (i.e., collect 24 samples in 12 months), the bin concentration is equal to the arithmetic mean of all sample concentrations.

(IV) For Subpart H systems with plants operating only part of the year that monitor fewer than 12 months per year under subsection (e)(7)(T)(ii)(IV) of this section, the bin concentration is equal to the highest arithmetic mean of all sample concentrations during any year of Cryptosporidium monitoring. For purposes of this subdivision, a plant operates for only part of the year if the plant operates for less than 12 months out of a year.

(V) If the monthly Cryptosporidium sampling frequency varies, Subpart H systems shall first calculate a monthly average for each month of monitoring. Subpart H systems shall then use these monthly average concentrations, rather than individual sample concentrations, in the applicable calculation for bin classification in subclauses (I) through (IV), inclusive, of this clause.

(iii) Subpart H systems shall determine the Subpart H system's initial bin classification from Table 12-A1 of this clause and using the Cryptosporidium bin concentration calculated under clauses (i) through (ii) of this subparagraph.

**TABLE 12-A1. BIN CLASSIFICATION FOR SUBPART H SYSTEMS**

<b>FOR SUBPART H SYSTEMS THAT ARE:</b>	<b>WITH A CRYPTOSPORIDIUM BIN CONCENTRATION OF...<sup>1</sup></b>	<b>THE BIN CLASSIFICATION IS...</b>
Required to monitor for Cryptosporidium under subsection (e)(7)(T)(ii) of this section	Less than 0.075 oocysts/L	Bin 1
	Greater than or equal to 0.075 oocysts/L and less than 1.0 oocysts/L	Bin 2
	Greater than or equal to 1.0 oocysts/L and less than 3.0 oocysts/L	Bin 3
	Greater than or equal to 3.0 oocysts/L	Bin 4
Serving fewer than 10,000 people and not required to monitor for Cryptosporidium under subsection (e)(7)(T)(ii)(II) of this section	N/A	Bin 1

<sup>1</sup> Based on calculations in clause (i) or (iv) of this subparagraph, as applicable.

(iv) Following completion of the second round of source water monitoring required under subsection (e)(7)(T)(ii)(I) of this section, a Subpart H system shall recalculate its Cryptosporidium bin concentration using the Cryptosporidium results reported under subsection (e)(7)(T)(ii)(I) of this section and follow the procedures in clauses (ii)(I) through

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(IV), inclusive, of this subparagraph. A Subpart H system shall then redetermine the Subpart H system's bin classification using this bin concentration and Table 12-A1 of this section.

(v)

(I) A Subpart H system shall submit to the department an application in accordance with subsection (t) of this section requesting approval of its bin classification under clause (iv) of this subparagraph. Such application shall be submitted to the department for approval not later than 6 months after the Subpart H system is required to complete the second round of source water monitoring based on the schedule in subsection (e)(7)(T)(ii)(II) of this section.

(II) The bin classification application submitted to the department under subclause (I) of this clause shall include a report containing a summary of source water monitoring data and the calculation procedure used to determine bin classification.

(vi) A Subpart H system shall submit to the department an application in accordance with subsection (t) of this section requesting approval of its bin classification under clause (iv) of this subparagraph. Such application shall be submitted to the department for approval not later than 6 months after the Subpart H system is required to complete the second round of source water monitoring based on the schedule in subsection (e)(7)(T)(ii)(II) of this section.

(B) Additional Cryptosporidium treatment requirements for Subpart H systems.

(i) A Subpart H system shall provide the level of additional treatment for Cryptosporidium specified in Table 12-B1 of this clause based on its bin classification as determined under subparagraph (A) of this subdivision and according to the schedule in subparagraph (C) of this subdivision.

**TABLE 12-B1. ADDITIONAL TREATMENT REQUIREMENTS FOR SUBPART H SYSTEMS**

If the bin classification of a Subpart H system is...	And the Subpart H system uses the following filtration treatment in full compliance with subdivisions (2) through (4), inclusive, of this subsection and subsections (e)(7)(H), (e)(7)(R), (e)(7)(S), and (h)(6) of this section (as applicable), then the additional Cryptosporidium treatment requirements are . . .			
	Conventional filtration treatment (including softening)	Direct filtration	Slow sand or diatomaceous earth filtration	Alternative filtration technologies
Bin 1	No additional treatment.	No additional treatment.	No additional treatment.	No additional treatment.
Bin 2	1 log treat	1.5 log treat	1 log treatment	The total Cryptosporidium

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	ment	ment		removal and inactivation is at least 4.0 log.
Bin 3	2 log treatment	2.5 log treatment	2 log treatment	The total <i>Cryptosporidium</i> removal and inactivation is at least 5.0 log.
Bin 4	2.5 log treatment	3 log treatment	2.5 log treatment	The total <i>Cryptosporidium</i> removal and inactivation is at least 5.5 log.

(ii) A Subpart H system shall use 1 or more of the treatment and management options listed in subdivision (13)(A) of this subsection, termed the microbial toolbox, to comply with the additional *Cryptosporidium* treatment required by clause (i) of this subparagraph.

(iii) A Subpart H system classified in Bin 3 and Bin 4 shall achieve at least 1 log of the additional *Cryptosporidium* treatment required under clause (i) of this subparagraph using 1 or more of the following: bag filters, bank filtration, cartridge filters, chlorine dioxide, membranes, ozone, or UV, as described in subdivisions (13)(B) through (F), inclusive, of this subsection.

(iv) Failure by a Subpart H system in any month to achieve treatment credit by meeting criteria in subdivisions (13)(B) through (F), inclusive, of this subsection for microbial toolbox options that is at least equal to the level of treatment required in clause (i) of this subparagraph is a violation of the treatment technique requirement.

(v) If the department determines during a sanitary survey or an equivalent source water assessment that after a Subpart H system completed the monitoring conducted under 40 CFR 141.701(a) or subsection (e)(7)(T)(ii)(I) of this section, significant changes occurred in its watershed that could lead to increased contamination of the source water by *Cryptosporidium*, the Subpart H system shall take actions specified by the department to address the contamination. These actions may include additional source water monitoring or implementing microbial toolbox options, or both, in subdivision (13)(A) of this subsection.

(C) Schedule for compliance with *Cryptosporidium* treatment requirements.

(i) Following initial bin classification under subparagraph (A)(iii) of this subdivision, a Subpart H system that serves  $\geq 10,000$  people shall provide the level of treatment for *Cryptosporidium* required under subparagraph (B) of this subdivision, unless the department previously approved under 40 CFR 141.713(c) up to an additional 24 months for compliance with the *Cryptosporidium* treatment requirements because the Subpart H system is making capital improvements to comply with the *Cryptosporidium* treatment requirements, in which case the Subpart H system shall provide the level of treatment for *Cryptosporidium* required under subparagraph (B) of this subdivision by the department-approved compliance date. A system supplied by a Subpart H system that serves  $< 10,000$  people shall provide the level of treatment for *Cryptosporidium* required under subparagraph (B) of this subdivision not later than October 1, 2014, unless the department approves under clause (ii)(II) of this

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subparagraph up to an additional 24 months for compliance with the Cryptosporidium treatment requirements because the Subpart H system is making capital improvements to comply with the Cryptosporidium treatment requirements, in which case the Subpart H system shall provide the level of treatment for Cryptosporidium required under subparagraph (B) of this subdivision by the department-approved compliance date.

(ii) Cryptosporidium treatment compliance dates.

(I) A Subpart H system that serves  $\geq 10,000$  people shall comply with the Cryptosporidium treatment requirements, unless the department previously approved under 40 CFR 141.713(c) up to an additional 24 months for compliance because the Subpart H system is making capital improvements to comply with the Cryptosporidium treatment requirements, in which case the Subpart H system shall comply with the Cryptosporidium treatment requirements by the department-approved compliance date.

(II) A Subpart H system that serves  $< 10,000$  people shall comply with the Cryptosporidium treatment requirements not later than October 1, 2014. A Subpart H system that serves  $< 10,000$  people may submit an application to the department requesting approval of up to an additional 24 months for complying with the Cryptosporidium treatment requirements if the Subpart H system that serves  $< 10,000$  people is making capital improvements in order to comply with such requirements. Such application shall include the reason or reasons for requesting such additional time, including the capital improvements the Subpart H system that serves  $< 10,000$  people is making and the schedule for completion of such improvements, and shall be submitted in accordance with subsection (t) of this section.

(iii) If the bin classification for a Subpart H system changes following the second round of source water monitoring, as determined under subparagraph (A)(iv) of this subdivision, the Subpart H system shall provide the level of treatment for Cryptosporidium required under subparagraph (B) of this subdivision on a schedule approved by the department. The Subpart H system shall submit an application to the department requesting approval of a schedule on which the Subpart H system shall provide the level of treatment for Cryptosporidium required under subparagraph (B) of this subdivision. Such application shall be submitted in accordance with subsection (t) of this section.

(13) Requirements for microbial toolbox components. The requirements of this subdivision apply to all Subpart H systems.

(A) Microbial toolbox options for meeting Cryptosporidium treatment requirements. A Subpart H system may submit an application in accordance with subsection (t) of this section to the department requesting approval to receive the treatment credits listed in Table 13-A1 of this subparagraph. Such application shall include documentation demonstrating that the Subpart H system meets the conditions for microbial toolbox options described in subparagraphs (B) through (F), inclusive, of this subdivision. The department may approve the receipt of such credits by a Subpart H system if the Subpart H system meets the conditions for microbial toolbox options in subparagraphs (B) through (F), inclusive, of this subdivision. If the department approves the receipt of the treatment credits by a Subpart

H system, the Subpart H system may apply such credits to meet the treatment requirements in subparagraph (B) of this subdivision.

**TABLE 13-A1. MICROBIAL TOOLBOX SUMMARY TABLE: OPTIONS, TREATMENT CREDITS, AND CRITERIA**

<b>TOOLBOX OPTION</b>	<b>CRYPTOSPORIDIUM TREATMENT CREDIT WITH DESIGN AND IMPLEMENTATION CRITERIA</b>
<b>Source Protection and Management Toolbox Options</b>	
(i) Watershed control program	0.5 log credit for department-approved program comprising required elements, annual program status report to department, and regular watershed survey. Specific criteria are in subparagraph (B)(i) of this subdivision.
(ii) Alternative source/intake management	No prescribed credit. Subpart H systems may conduct simultaneous monitoring for treatment bin classification at alternative intake locations or under alternative intake management strategies. Specific criteria are in subparagraph (B)(ii) of this subdivision.
<b>Pre-Filtration Toolbox Options</b>	
(iii) Presedimentation basin with coagulation	0.5 log credit during any month that presedimentation basins achieve a monthly mean reduction of 0.5 log or greater in turbidity or alternative department-approved performance criteria. To be eligible, basins shall be operated continuously with coagulant addition and all plant flow shall pass through basins. Specific criteria are in subparagraph (C)(i) of this subdivision.
(iv) Two-stage lime softening	0.5 log credit for two-stage softening where chemical addition and hardness precipitation occur in both stages. All plant flow shall pass through both stages. Single-stage softening is credited as equivalent to conventional filtration treatment. Specific criteria are in subparagraph (C)(ii) of this subdivision.
(v) Bank filtration	0.5 log credit for 25-foot setback; 1.0 log credit for 50-foot setback; aquifer shall be unconsolidated sand containing at least 10 percent fines; average turbidity in wells shall be less than 1 nephelolomet

ric turbidity unit (NTU). Subpart H systems using wells followed by filtration when conducting source water monitoring shall sample the well to determine bin classification and are not eligible for additional credit. Specific criteria are in subparagraph (C)(iii) of this subdivision.

**Treatment Performance Toolbox Options**

- (vi) Combined filter performance 0.5 log credit for combined filter effluent turbidity less than or equal to 0.15 NTU in at least 95 percent of measurements each month. Specific criteria are in subparagraph (D)(i) of this subdivision.
- (vii) Individual filter performance 0.5 log credit (in addition to 0.5 log combined filter performance credit) if individual filter effluent turbidity is less than or equal to 0.15 NTU in at least 95 percent of samples each month in each filter and is never greater than 0.3 NTU in 2 consecutive measurements in any filter. Specific criteria are in subparagraph (D)(ii) of this subdivision.

**Additional Filtration Toolbox Options**

- (viii) Bag or cartridge filters (individual filters) Up to 2 log credit based on the removal efficiency demonstrated during challenge testing with a 1.0 log factor of safety. Specific criteria are in subparagraph (E)(i) of this subdivision.
- (ix) Bag or cartridge filters (in series) Up to 2.5 log credit based on the removal efficiency demonstrated during challenge testing with a 0.5 log factor of safety. Specific criteria are in subparagraph (E)(i) of this subdivision.
- (x) Membrane filtration Log credit equivalent to removal efficiency demonstrated in challenge test for device if supported by direct integrity testing. Specific criteria are in subparagraph (E)(ii) of this subdivision.
- (xi) Second stage filtration 0.5 log credit for second separate granular media filtration stage if treatment train includes coagulation prior to first filter. Specific criteria are in subparagraph (E)(iii) of this subdivision.
- (xii) Slow sand filters 2.5 log credit as a secondary filtration step; 3.0 log credit as a primary filtration process. No prior chlorination for either option. Specific criteria are in subparagraph (E)(iv) of this subdivision.



**Inactivation Toolbox Options**

(xiii) Chlorine dioxide	Log credit based on measured CT in relation to CT table. Specific criteria are in subparagraph (F)(ii) of this subdivision.
(xiv) Ozone	Log credit based on measured CT in relation to CT table. Specific criteria are in subparagraph (F)(ii) of this subdivision.
(xv) UV	Log credit based on validated UV dose in relation to UV dose table; reactor validation testing required to establish UV dose and associated operation conditions. Specific criteria are in subparagraph (F)(iii) of this subdivision.

(B) Source protection and management toolbox options for meeting Cryptosporidium treatment requirements.

(i) Watershed control program. A Subpart H system that provided notification under 40 CFR 171.716(a)(1) may submit an application to the department requesting approval to receive a 0.5 log Cryptosporidium treatment credit for implementing a watershed control program. Such application shall include documentation demonstrating that the Subpart H system's watershed control program meets the requirements of this subparagraph, and shall be submitted in accordance with subsection (t) of this section.

(I) A Subpart H system serving fewer than 10,000 people shall submit to the department with the Subpart H system's application a proposed watershed control plan not later than 1 year before the applicable treatment compliance date in subdivision (13)(C) of this subsection. The Subpart H system shall not receive the watershed control program treatment credit unless the department has approved the Subpart H system's application requesting approval to receive a 0.5 log Cryptosporidium treatment credit for implementing a watershed control program. The Subpart H system's watershed control program shall include the following elements in subclauses (I)(1) through (4), inclusive, of this clause:

(1) Identification of an "area of influence" outside of which the likelihood of Cryptosporidium or fecal contamination affecting the treatment plant intake is not significant. This is the area to be evaluated in future watershed surveys under subclause (III)(2) of this clause.

(2) Identification of both potential and actual sources of Cryptosporidium contamination and an assessment of the relative impact of these sources on the source water quality of the Subpart H system.

(3) An analysis of the effectiveness and feasibility of control measures that could reduce Cryptosporidium loading from sources of contamination to the source water of the Subpart H system.

(4) A statement of goals and specific actions the Subpart H system will undertake to reduce source water Cryptosporidium levels. The plan shall explain how the actions are

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expected to contribute to specific goals, identify watershed partners and their roles, identify resource requirements and commitments, and include a schedule for plan implementation with deadlines for completing specific actions identified in the plan.

(II) A Subpart H system with a watershed control program that was in place before January 5, 2006 is eligible to apply to the department for approval to receive the 0.5 log *Cryptosporidium* treatment credit for implementing a watershed control program. To obtain approval from the department to receive such credit, the Subpart H system shall submit to the department an application requesting approval of its watershed control program that was in place before January 5, 2006. Such application shall include documentation demonstrating that such watershed control plan meets the criteria in subclause (I) of this clause, and shall specify ongoing and future actions that will reduce source water *Cryptosporidium* levels. Such application shall be submitted in accordance with subsection (t) of this section.

(III) A Subpart H system shall complete the actions in subclauses (III)(1) through (3), inclusive, of this clause to maintain the 0.5 log credit:

(1) Submit annually to the department the Subpart H system's watershed control program status report for department review and approval in accordance with subsection (t) of this section. The annual watershed control program status report shall describe the implementation by the Subpart H system of the department-approved watershed control plan and assess the adequacy of the plan to meet the plan's goals. The Subpart H system's annual watershed control program status report shall also explain how the Subpart H system is addressing any shortcomings in its implementation of the department-approved watershed control plan, including those shortcomings previously identified by the department or as the result of the watershed survey conducted under subclause (III)(2) of this clause. In addition, the Subpart H system's annual watershed control program status report shall describe any significant changes that have occurred in the watershed since the last watershed sanitary survey. If a Subpart H system determines during implementation of the Subpart H system's department-approved watershed control plan that making a significant change to its watershed control program is necessary, the Subpart H system shall submit an application to the department requesting approval to make such changes prior to making any changes. If any change is likely to reduce the level of source water protection, the Subpart H system shall also list in the Subpart H system's application the actions it will take to mitigate this effect.

(2) Undergo a watershed sanitary survey every year for CWSs and non-community water systems that are Subpart H systems. In conducting such survey, the CWS or non-community water system that is a Subpart H system shall determine whether it is in compliance with the requirements in section 19-13-B32 of the Regulations of Connecticut State Agencies. The CWS or non-community water system that is a Subpart H system shall submit its survey to the department for review and approval in accordance with subsection (t) of this section. The CWS or non-community water system that is a Subpart H system shall include with its survey information, including, but not limited to, whether the CWS or non-community water

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system that is a Subpart H system is in compliance with the requirements in section 19-13-B32 of the Regulations of Connecticut State Agencies. The survey shall be conducted by a person whom the department has determined is competent to conduct such survey. The CWS or non-community water system that is a Subpart H system shall obtain department approval of the person prior to the person conducting such survey. To obtain such approval, the CWS or non-community water system that is a Subpart H system shall submit an application to the department requesting approval of the person conducting its survey in accordance with subsection (t) of this section. The survey of the CWS or non-community water system that is a Subpart H system conducted under subclause (III)(2) of this clause may be used by it to satisfy the survey or a portion of the survey required to be submitted to the department under subsection (b) of this section.

(A) In order to receive department approval, the watershed sanitary survey shall meet the following criteria: encompass the region identified in the department-approved watershed control plan as the area of influence; assess the implementation of actions to reduce source water *Cryptosporidium* levels; and identify any significant new potential and actual sources of *Cryptosporidium*.

(B) If, in reviewing the watershed sanitary survey of the CWS or non-community water system that is a Subpart H system, the department determines that significant changes may have occurred in the watershed since the previous watershed sanitary survey, the CWS or non-community water system that is a Subpart H system shall undergo another watershed sanitary survey by a date the department requires, which may be earlier than the regular watershed sanitary survey date in subclause (III)(2) of this clause.

(3) The CWS or non-community water system that is a Subpart H system shall make the department-approved watershed control plan, annual status reports, and watershed sanitary survey reports available to the public upon request. These documents shall be in a plain language style and include criteria by which to evaluate the success of the program in achieving plan goals. If a CWS or non-community water system that is a Subpart H system, other than a CWS or non-community water system that is a Subpart H system owned by the state or a municipality, wants to withhold from the public portions of the department-approved annual status report, watershed control plan, or watershed sanitary survey reports based on water supply security considerations, it shall submit an application to the department requesting approval to do so. If the CWS or non-community water system that is a Subpart H system is owned or operated by the state or a municipality, the CWS or non-community water system that is a Subpart H system may withhold all or portions of the department-approved annual status report, watershed control plan, or watershed sanitary survey reports as permitted under sections 1-200 through 1-242, inclusive, of the Connecticut General Statutes. Such application shall include the reason or reasons of the CWS or non-community water system that is a Subpart H system for requesting to withhold such portions and shall be submitted in accordance with subsection (t) of this section.

(IV) If the department determines that a Subpart H system is not carrying out the approved watershed control plan, the department may withdraw the watershed control

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program treatment credit.

(ii) Alternative source/intake management.

(I) A Subpart H system seeking to conduct source water monitoring that reflects a different intake location (either in the same source or for an alternate source) or a different procedure for the timing or level of withdrawal from the source (alternative source monitoring) shall submit an application to the department requesting approval to do so. Such application shall include the reason or reasons for requesting to conduct source water monitoring that reflects a different intake location or a different procedure for the timing or level of withdrawal from the source and shall be submitted in accordance with subsection (t) of this section. If the department approves the application of the Subpart H system, the Subpart H system may determine its bin classification under subparagraph (A) of this subdivision based on the alternative source monitoring results.

(II) If a Subpart H system conducts alternative source monitoring approved by the department under subclause (I) of this clause, the Subpart H system shall also monitor its current plant intake concurrently as described in subsection (e)(7)(T)(ii) of this section.

(III) To be approved by the department under subclause (I) of this clause, the alternative source monitoring shall meet the requirements for source monitoring to determine bin classification, as described subsections (e)(7)(T)(ii) through (e)(7)(T)(vi), inclusive, and (h)(9) of this section. A Subpart H system shall report the alternative source monitoring results in writing to the department, along with supporting information documenting the operating conditions under which the samples were collected.

(IV) If a Subpart H system determines its bin classification under subparagraph (A) of this subdivision using alternative source monitoring results that reflect a different intake location or a different procedure for managing the timing or level of withdrawal from the source that was approved by the department, the Subpart H system shall relocate the intake or permanently adopt the withdrawal procedure, as applicable, not later than the applicable treatment compliance date in subdivision (12)(C) of this subsection.

(C) Pre-filtration treatment toolbox options.

(i) Presedimentation. A Subpart H system that has a presedimentation basin may submit an application to the department requesting approval to receive a 0.5 log *Cryptosporidium* treatment credit for the presedimentation basin during any month the process meets the criteria in subclauses (I) through (III), inclusive, of this clause. Such application shall include documentation demonstrating that the process meets the criteria in subclauses (I) through (III), inclusive, of this clause, and shall be submitted in accordance with subsection (t) of this section.

(I) The presedimentation basin shall be in continuous operation and shall treat the entire plant flow taken from a surface water or GWUDI source.

(II) The Subpart H system shall continuously add a coagulant to the presedimentation basin.

(III) The presedimentation basin shall achieve the performance criteria in subclause (III)(1) or (2) of this clause.

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(1) Demonstrate at least 0.5 log mean reduction of influent turbidity. This reduction shall be determined using daily turbidity measurements in the presedimentation process influent and effluent and shall be calculated as follows:  $\log_{10}$  (monthly mean of daily influent turbidity) -  $\log_{10}$  (monthly mean of daily effluent turbidity).

(2) The presedimentation basin shall comply with department-approved performance criteria that demonstrate at least 0.5 log mean removal of micron-sized particulate material through the presedimentation process. In order for the performance criteria to be department-approved, a Subpart H system shall submit an application to the department requesting approval of the performance criteria to demonstrate at least 0.5 log mean removal of micron-sized particulate material through the presedimentation process and receive department approval of such application. Such application shall be submitted in accordance with subsection (t) of this section.

(ii) Two-stage lime softening. A Subpart H system that has a two-stage lime softening plant may submit an application to the department requesting approval to receive a 0.5 log *Cryptosporidium* treatment credit for the two-stage lime softening plant. Such application shall include documentation demonstrating that the chemical addition and hardness precipitation occur in 2 separate and sequential softening stages prior to filtration, and shall be submitted in accordance with subsection (t) of this section. Both softening stages shall treat the entire plant flow taken from a surface water or GWUDI source.

(iii) Bank filtration. A Subpart H system that uses bank filtration that serves as pretreatment to a filtration plant may submit an application to the department requesting approval to receive a *Cryptosporidium* treatment credit for the bank filtration. Such application shall include documentation demonstrating that the bank filtration of the Subpart H system meets the criteria in subclauses (I) through (VII), inclusive, of this clause, and shall be submitted in accordance with subsection (t) of this section. A Subpart H system using bank filtration when it began source water monitoring under 40 CFR 141.701(a) shall collect samples as described in subsection (e)(7)(T)(iv)(IV) of this section and is not eligible for this credit.

(I) The wells of a Subpart H system with a ground water flow path of at least 25 feet are eligible to receive a 0.5 log treatment credit; the wells of a Subpart H system with a ground water flow path of at least 50 feet are eligible to receive a 1.0 log treatment credit. The ground water flow path shall be determined as specified in subclause (IV) of this clause.

(II) Only the wells of a Subpart H system in granular aquifers are eligible to receive a treatment credit. Granular aquifers are those comprised of sand, clay, silt, rock fragments, pebbles or larger particles, and minor cement. A Subpart H system shall characterize in the Subpart H system's application the aquifer at the well site to determine aquifer properties. To do so, the Subpart H system shall extract a core from the aquifer and demonstrate that in at least 90 percent of the core length, grains less than 1.0 mm in diameter constitute at least 10 percent of the core material.

(III) Only the horizontal and vertical wells of a Subpart H system are eligible to receive a treatment credit.



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(IV) For vertical wells, the ground water flow path is the measured distance from the edge of the surface water body under high flow conditions (determined by the 100 year floodplain elevation boundary or by the floodway, as defined in Federal Emergency Management Agency flood hazard maps) to the well screen. For horizontal wells, the ground water flow path is the measured distance from the bed of the river under normal flow conditions to the closest horizontal well lateral screen.

(V) A Subpart H system shall monitor each wellhead for turbidity at least once every 4 hours while the bank filtration process is in operation. If monthly average turbidity levels, based on daily maximum values in the well, exceed 1 NTU, the Subpart H system shall report this result to the department in writing pursuant to subsection (h)(6)(B)(iii) of this section and shall conduct an assessment not later than 30 days after such exceedance to determine the cause of the high turbidity levels in the well. If the department determines that microbial removal has been compromised, the department may revoke the department's approval of the treatment credit until the Subpart H system implements corrective actions approved by the department to remediate the problem. A Subpart H system seeking approval of a corrective action shall submit an application to the department requesting approval of such corrective actions in accordance with subsection (t) of this section. The Subpart H system shall not implement a corrective action unless the corrective action is approved by the department.

(VI) Springs and infiltration galleries are not eligible for treatment credit under this subparagraph.

(VII) Bank filtration demonstration of performance. A Subpart H system that uses bank filtration may submit an application to the department requesting approval to receive a *Cryptosporidium* treatment credit for the bank filtration if its demonstration of performance study meets the criteria in subclauses (VII)(1) and (2) of this clause. Such application shall include documentation demonstrating that the Subpart H system's demonstration of performance study meets the requirements of subclauses (VII)(1) and (2) of this clause, and shall be submitted in accordance with subsection (t) of this section. The treatment credit, if approved by the department, may be greater than 1.0 log and may be approved by the department for bank filtration that does not meet the criteria in subclauses (I) through (V), inclusive, of this clause.

(1) The study shall follow a department-approved protocol and shall involve the collection of data on the removal of *Cryptosporidium* or a surrogate for *Cryptosporidium* and related hydrogeologic and water quality parameters during the full range of operating conditions. To request approval of the protocol of the Subpart H system, the Subpart H system shall submit an application to the department in accordance with subsection (t) of this section. The study shall not follow such protocol unless the protocol is approved by the department.

(2) The study shall include sampling both from the production well(s) and from monitoring wells that are screened and located along the shortest flow path between the surface water source and the production well(s).



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(D) Treatment performance toolbox options.

(i) Combined filter performance. A Subpart H system that uses conventional filtration treatment or direct filtration treatment may submit an application to the department in accordance with subsection (t) of this section requesting approval to receive an additional 0.5 log *Cryptosporidium* treatment credit during any month the combined filter effluent (CFE) turbidity of the Subpart H system is less than or equal to 0.15 NTU in at least 95 percent of the measurements. Such application shall include documentation demonstrating that the CFE turbidity of the Subpart H system is less than or equal to 0.15 NTU in at least 95 percent of the measurement. Turbidity shall be measured as described in 40 CFR 141.74(a) and (c), as amended from time to time.

(ii) Individual filter performance. A Subpart H system that uses conventional filtration treatment or direct filtration treatment may submit an application to the department requesting approval to receive 0.5 log *Cryptosporidium* treatment credit, which can be in addition to the 0.5 log credit under clause (i) of this subparagraph, during any month the Subpart H system meets the criteria in subclauses (I) through (III), inclusive, of this clause. Such application shall include documentation demonstrating that the Subpart H system met the criteria in subclauses (I) through (III), inclusive, of this clause and shall be submitted in accordance with subsection (t) of this section. Compliance with the criteria in subclauses (I) through (III), inclusive, of this clause shall be based on individual filter turbidity monitoring as described in subsection (e)(7)(S)(i) of this section.

(I) The filtered water turbidity for each individual filter shall be less than or equal to 0.15 NTU in at least 95 percent of the measurements recorded each month.

(II) No individual filter may have a measured turbidity greater than 0.3 NTU in 2 consecutive measurements taken 15 minutes apart.

(III) Any Subpart H system that has received a treatment credit for individual filter performance and fails to meet the requirements in subclause (I) or (II) of this clause during any month may submit an application to the department requesting that the department grant the Subpart H system a waiver from such requirements and not find the Subpart H system in violation of the treatment technique requirements pursuant to subdivision (12)(B)(iv) of this subsection. Such application shall include documentation demonstrating that the Subpart H system has satisfied the criteria in subclauses (III)(1) and (2) of this clause and shall be submitted in accordance with subsection (t) of this section. The department may issue such waiver if the department determines that:

(1) The failure was due to unusual and short-term circumstances that could not reasonably be prevented through optimizing treatment plant design, operation, and maintenance; and

(2) The Subpart H system has experienced no more than 2 such failures in any calendar year.

(E) Additional filtration toolbox options.

(i) Bag and cartridge filters. A Subpart H system that uses individual bag or cartridge filters or bag or cartridge filters operated in series may submit an application to the

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department requesting approval to receive a *Cryptosporidium* treatment credit of up to 2 log and up to 2.5 log, respectively. To be eligible for this credit, the bag and cartridge filters of the Subpart H system shall meet the criteria in subclauses (I) through (X), inclusive, of this clause. The Subpart H system shall submit an application to the department in accordance with subsection (t) of this section and shall include with the application documentation demonstrating that the results of challenge testing meet the requirements of subclauses (II) through (IX), inclusive, of this clause, the filters treat the entire plant flow taken from a surface water or GWUDI source, or both, and the bag and cartridge filters of the Subpart H system meet the following criteria:

(I) The department-approved *Cryptosporidium* treatment credit awarded to bag or cartridge filters shall be based on the removal efficiency demonstrated during challenge testing that is conducted according to the criteria in subclauses (II) through (IX), inclusive, of this clause. A factor of safety equal to 1 log for individual bag or cartridge filters and 0.5 log for bag or cartridge filters in series shall be applied to challenge testing results to determine removal credit. A Subpart H system that conducted challenge testing prior to January 5, 2006 may submit an application to the department requesting approval to use the results from such challenge testing. Such application shall include documentation demonstrating that the prior testing was consistent with the criteria specified in subclauses (II) through (IX), inclusive, of this clause, and shall be submitted in accordance with subsection (t) of this section. The department shall only approve the use of such results if the prior testing was consistent with the criteria specified in subclauses (II) through (IX), inclusive, of this clause.

(II) Challenge testing shall be performed on full-scale bag or cartridge filters, and the associated filter housing or pressure vessel, that are identical in material and construction to the filters and housings the Subpart H system will use for removal of *Cryptosporidium*. Bag or cartridge filters shall be challenge tested in the same configuration that the Subpart H system will use, either as individual filters or as a series configuration of filters.

(III) Challenge testing shall be conducted using *Cryptosporidium* or a surrogate that is removed no more efficiently than *Cryptosporidium*. The microorganism or surrogate used during challenge testing is referred to as the challenge particulate. The concentration of the challenge particulate shall be determined using a method capable of discreetly quantifying the specific microorganism or surrogate used in the test. Gross measurements such as turbidity shall not be used.

(IV) The maximum feed water concentration that can be used during a challenge test shall be based on the detection limit of the challenge particulate in the filtrate (i.e., filtrate detection limit) and shall be calculated using the following equation: Maximum Feed Concentration =  $1 \times 10^4 \times (\text{Filtrate Detection Limit})$ .

(V) Challenge testing shall be conducted at the maximum design flow rate for the filter as specified by the manufacturer.

(VI) Each filter evaluated shall be tested for a duration sufficient to reach 100 percent of the terminal pressure drop, which establishes the maximum pressure drop under which

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the filter may be used to comply with the requirements of this subdivision, subdivision (12) of this subsection and subsections (e)(7)(T), (h)(9), and (i)(5) of this section.

(VII) Removal efficiency of a filter shall be determined from the results of the challenge test and expressed in terms of log removal values using the following equation:

$$\text{LRV} = \text{LOG}_{10}(\text{Cf}) - \text{LOG}_{10}(\text{Cp})$$

Where:

LRV = log removal value demonstrated during challenge testing; Cf = the feed concentration measured during the challenge test; and Cp = the filtrate concentration measured during the challenge test. In applying this equation, the same units shall be used for the feed and filtrate concentrations. If the challenge particulate is not detected in the filtrate, then the term Cp shall be set equal to the detection limit.

(VIII) Each filter tested shall be challenged with the challenge particulate during 3 periods over the filtration cycle: not later than 2 hours after start-up of a new filter; when the pressure drop is between 45 percent and 55 percent of the terminal pressure drop; and at the end of the cycle after the pressure drop has reached 100 percent of the terminal pressure drop. An LRV shall be calculated for each of these challenge periods for each filter tested. The LRV for the filter (LRV<sub>filter</sub>) shall be assigned the value of the minimum LRV observed during the 3 challenge periods for that filter.

(IX) If fewer than 20 filters are tested, the overall removal efficiency for the filter product line shall be set equal to the lowest LRV<sub>filter</sub> among the filters tested. If 20 or more filters are tested, the overall removal efficiency for the filter product line shall be set equal to the 10th percentile of the set of LRV<sub>filter</sub> values for the various filters tested. The percentile is defined by  $(i/(n+1))$  where  $i$  is the rank of  $n$  individual data points ordered lowest to highest. If necessary, the 10th percentile may be calculated using linear interpolation.

(X) If a previously tested filter is modified in a manner that could change the removal efficiency of the filter product line, the Subpart H system shall conduct challenge testing to demonstrate the removal efficiency of the modified filter and shall submit an application to the department requesting approval of such modified filter. Such application shall include the reason or reasons for such request, including the results of the challenge testing, and shall be submitted in accordance with subsection (t) of this section.

(ii) Membrane filtration.

(I) A Subpart H system that uses membrane filtration that meets the criteria in this clause and the definition of membrane filtration in subsection (a) of this section may submit an application to the department requesting approval to receive a *Cryptosporidium* treatment credit. Such application shall include documentation demonstrating that the membrane filtration meets the criteria specified in this clause and the definition of membrane filtration in subsection (a) of this section, and shall be submitted in accordance with subsection (t) of this section. The level of treatment credit the department approves is equal to the lower of the values determined under this subclause (I)(1) and (2) of this clause.

(1) The removal efficiency demonstrated during challenge testing conducted under the conditions in subclause (II) of this clause.

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(2) The maximum removal efficiency that can be verified through direct integrity testing used with the membrane filtration process in subclause (III) of this clause.

(II) Challenge testing. The membrane used by the Subpart H system shall undergo challenge testing to evaluate removal efficiency, and the Subpart H system shall report the results of challenge testing to the department for review and approval in accordance with subsection (t) of this section. Challenge testing shall be conducted according to the criteria in subclauses (II)(1) through (7), inclusive, of this clause. A Subpart H system that conducted challenge testing prior to January 5, 2006 may submit the results from such challenge testing to the department for review and approval in accordance with subsection (t) of this section. The Subpart H system shall include with the results of its challenge testing that occurred prior to January 5, 2006, documentation demonstrating that the prior testing was consistent with the criteria specified in subclauses (II)(1) through (7), inclusive, of this clause. The department shall only approve the use of such results if the prior testing was consistent with the criteria specified in subclauses (II)(1) through (7), inclusive, of this clause.

(1) Challenge testing shall be conducted on either a full-scale membrane module that is identical in material and construction to the membrane modules used in the treatment facility of the Subpart H system or a smaller-scale membrane module that is identical in material and similar in construction to the full-scale module. A module is defined as the smallest component of a membrane unit in which a specific membrane surface area is housed in a device with a filtrate outlet structure.

(2) Challenge testing shall be conducted using *Cryptosporidium* oocysts or a surrogate that is removed no more efficiently than *Cryptosporidium* oocysts. The organism or surrogate used during challenge testing is referred to as the challenge particulate. The concentration of the challenge particulate, in both the feed and filtrate water, shall be determined using a method capable of discretely quantifying the specific challenge particulate used in the test. Gross measurements such as turbidity shall not be used.

(3) The maximum feed water concentration that can be used during a challenge test is based on the detection limit of the challenge particulate in the filtrate and shall be determined according to the following equation: Maximum Feed Concentration =  $3.16 \times 10^6 \times (\text{Filtrate Detection Limit})$ .

(4) Challenge testing shall be conducted under representative hydraulic conditions at the maximum design flux and maximum design process recovery specified by the manufacturer for the membrane module. Flux is defined as the throughput of a pressure driven membrane process expressed as flow per unit of membrane area. Recovery is defined as the volumetric percent of feed water that is converted to filtrate over the course of an operating cycle uninterrupted by events such as chemical cleaning or a solids removal process (i.e., backwashing).

(5) Removal efficiency of a membrane module shall be calculated from the challenge test results and expressed as a log removal value according to the following equation:

$$\text{LRV} = \text{LOG}_{10}(\text{Cf}) \times \text{LOG}_{10}(\text{Cp})$$

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Where:

LRV = log removal value demonstrated during the challenge test; Cf = the feed concentration measured during the challenge test; and Cp = the filtrate concentration measured during the challenge test. Equivalent units shall be used for the feed and filtrate concentrations. If the challenge particulate is not detected in the filtrate, the term Cp is set equal to the detection limit for the purpose of calculating the LRV. An LRV shall be calculated for each membrane module evaluated during the challenge test.

(6) The removal efficiency of a membrane filtration process demonstrated during challenge testing shall be expressed as a log removal value (LRVC-Test). If fewer than 20 modules are tested, then LRVC-Test is equal to the lowest of the representative LRVs among the modules tested. If 20 or more modules are tested, then LRVC-Test is equal to the 10th percentile of the representative LRVs among the modules tested. The percentile is defined by  $(i/(n+1))$  where  $i$  is the rank of  $n$  individual data points ordered lowest to highest. If necessary, the 10th percentile may be calculated using linear interpolation.

(7) The challenge test shall establish a quality control release value (QCRV) for a non-destructive performance test that demonstrates the *Cryptosporidium* removal capability of the membrane filtration module. This performance test shall be applied to each production membrane module used by the Subpart H system that was not directly challenge tested in order to verify *Cryptosporidium* removal capability. Production modules that do not meet the established QCRV are not eligible for the treatment credit demonstrated during the challenge test.

(8) If a previously tested membrane is modified in a manner that could change the removal efficiency of the membrane or the applicability of the non-destructive performance test and associated QCRV, additional challenge testing to demonstrate the removal efficiency of, and determine a new QCRV for, the modified membrane shall be conducted. The Subpart H system shall submit an application to the department in accordance with subsection (t) of this section requesting approval of the modified membrane.

(III) Direct integrity testing. Subpart H systems shall conduct direct integrity testing in a manner that demonstrates a removal efficiency equal to or greater than the removal credit approved by the department for the membrane filtration process and shall meet the requirements described in subclauses (III)(1) through (6), inclusive, of this clause.

(1) The direct integrity test shall be independently applied to each membrane unit in service. A membrane unit is defined as a group of membrane modules that share common valving that allows the unit to be isolated from the rest of the Subpart H system for the purpose of integrity testing or other maintenance.

(2) The direct integrity method shall have a resolution of 3 micrometers or less, where resolution is defined as the size of the smallest integrity breach that contributes to a response from the direct integrity test.

(3) The direct integrity test shall have a sensitivity sufficient to verify the log treatment credit approved by the department for the membrane filtration process of Subpart H system where sensitivity is defined as the maximum log removal value that can be reliably verified



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by a direct integrity test. Sensitivity shall be determined using the approach in either subclause (III)(3)(A) or (B) of this clause that is applicable to the type of direct integrity test the Subpart H system uses:

(A) For direct integrity tests that use an applied pressure or vacuum, the direct integrity test sensitivity shall be calculated according to the following equation:

$$\text{LRVDIT} = \text{LOG10}(\text{Qp} / (\text{VCF} \times \text{Qbreach}))$$

Where:

LRVDIT = the sensitivity of the direct integrity test; Qp = total design filtrate flow from the membrane unit; Qbreach = flow of water from an integrity breach associated with the smallest integrity test response that can be reliably measured, and VCF = volumetric concentration factor. The volumetric concentration factor is the ratio of the suspended solids concentration on the high pressure side of the membrane relative to that in the feed water.

(B) For direct integrity tests that use a particulate or molecular marker, the direct integrity test sensitivity shall be calculated according to the following equation:

$$\text{LRVDIT} = \text{LOG10}(\text{Cf}) - \text{LOG10}(\text{Cp})$$

Where:

LRVDIT = the sensitivity of the direct integrity test; Cf = the typical feed concentration of the marker used in the test; and Cp = the filtrate concentration of the marker from an integral membrane unit.

(4) Subpart H systems shall establish a control limit within the sensitivity limits of the direct integrity test that is indicative of an integral membrane unit capable of meeting the removal credit approved by the department.

(5) If the result of a direct integrity test exceeds the control limit established under subclause (III)(4) of this clause, the Subpart H system shall remove the membrane unit from service. Subpart H systems shall conduct a direct integrity test to verify any repairs, and may return the membrane unit to service only if the direct integrity test is within the established control limit.

(6) Subpart H systems shall conduct direct integrity testing on each membrane unit at a frequency of not less than once each day that the membrane unit is in operation. The Subpart H system may submit an application to the department requesting approval to conduct less frequent testing. Such application shall include documentation of demonstrated process reliability, the use of multiple barriers effective for *Cryptosporidium* or reliable process safeguards, and shall be submitted in accordance with subsection (t) of this section.

(IV) Indirect integrity monitoring. Subpart H systems shall conduct continuous indirect integrity monitoring on each membrane unit according to the criteria in subclauses (IV)(1) through (5), inclusive, of this clause. Indirect integrity monitoring is defined as monitoring some aspect of filtrate water quality that is indicative of the removal of particulate matter. A Subpart H system that implements continuous direct integrity testing of membrane units in accordance with the criteria in subclauses (III)(1) through (5), inclusive, of this clause is not subject to the requirements for continuous indirect integrity monitoring. Subpart H systems shall submit a monthly report to the department for department approval



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summarizing all continuous indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken in each case. Such report shall be submitted in accordance with subsection (t) of this section.

(1) Unless the department approves an alternative parameter, continuous indirect integrity monitoring shall include continuous filtrate turbidity monitoring. A Subpart H system seeking to use an alternative parameter shall submit an application to the department requesting such approval in accordance with subsection (t) of this section. The Subpart H system shall not use an alternative parameter unless the alternative parameter is approved by the department.

(2) Continuous monitoring shall be conducted at a frequency of not less than once every 15 minutes.

(3) Continuous monitoring shall be separately conducted on each membrane unit.

(4) If indirect integrity monitoring includes turbidity and if the filtrate turbidity readings are above 0.15 NTU for a period greater than 15 minutes (i.e., 2 consecutive 15-minute readings above 0.15 NTU), direct integrity testing shall immediately be performed on the associated membrane unit as specified in subclauses (III)(1) through (5), inclusive, of this clause.

(5) If indirect integrity monitoring includes a department-approved alternative parameter and if the alternative parameter exceeds a department-approved control limit for a period greater than 15 minutes, direct integrity testing shall immediately be performed on the associated membrane units as specified in subclauses (III)(1) through (5), inclusive, of this clause.

(iii) Second stage filtration. A Subpart H system that uses a separate second stage of filtration that consists of rapid sand, dual media, granular activated carbon, or other fine grain media following granular media filtration may submit an application to the department requesting approval to receive a 0.5 log *Cryptosporidium* treatment credit. Such application shall include documentation demonstrating that the first stage of filtration is preceded by a coagulation step and that both filtration stages treat the entire plant flow from a surface water or GWUDI source, and shall be submitted in accordance with subsection (t) of this section. A Subpart H system is not eligible for this credit if it uses a cap, such as granular activated carbon, on the single stage of filtration. In determining whether to approve the application, the department shall conduct an assessment of the design characteristics of the filtration process.

(iv) Slow sand filtration as secondary filter. A Subpart H system that uses a slow sand filtration process that follows a separate stage of filtration and both filtration stages treat entire plant flow taken from a surface water or GWUDI source and no disinfectant residual is present in the influent water to the slow sand filtration process may submit an application to the department requesting approval to receive a 2.5 log *Cryptosporidium* treatment credit. Such application shall include the reason or reasons for such request and shall be submitted in accordance with subsection (t) of this section. In determining whether or not to approve the application, the department shall assess the design characteristics of the filtration

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process. This clause does not apply to a treatment credit approved by the department for slow sand filtration used as a primary filtration process.

(F) Inactivation toolbox components.

(i) Calculation of CT values for chlorine dioxide and ozone.

(I) Subpart H systems with a department-approved treatment credit for chlorine dioxide or ozone under clause (ii) or (iii) of this subparagraph shall calculate CT at least once each day, as specified in 40 CFR 141.74(a) through (b), as amended from time to time.

(II) Subpart H systems with several disinfection segments in sequence may calculate CT for each segment, where a disinfection segment is defined as a treatment unit process with a measurable disinfectant residual level and a liquid volume. Under this approach, Subpart H systems shall add the Cryptosporidium CT values in each segment to determine the total CT for the treatment plant.

(ii) CT values for chlorine dioxide and ozone.

(I) A Subpart H system that uses chlorine dioxide that meets the chlorine dioxide CT values for the applicable water temperature, as described in clause (i) of this subparagraph, may submit an application to the department requesting approval to receive the corresponding Cryptosporidium treatment credit listed in Table 13-F1 of this subclause. Such application shall be submitted in accordance with subsection (t) of this section.

**TABLE 13-F1. CT VALUES (mg-min/l) FOR CRYPTOSPORIDIUM INACTIVATION BY CHLORINE DIOXIDE.<sup>1</sup>**

<b>LOG CREDIT</b>	<b>WATER TEMPERATURE (DEGREES IN CELSIUS)</b>										
	< 0.5	1	2	3	5	7	10	15	20	25	30
0.25	159	153	140	128	107	90	69	45	29	19	12
0.5	319	305	279	256	214	180	138	89	58	38	24
1.0	637	610	558	511	429	360	277	179	116	75	49
1.5	956	915	838	767	643	539	415	268	174	113	73
2.0	1275	1220	1117	1023	858	719	553	357	232	150	98
2.5	1594	1525	1396	1278	1072	899	691	447	289	188	122
3.0	1912	1830	1675	1534	1286	1079	830	536	347	226	147

<sup>1</sup> Subpart H systems may use this equation to determine log credit between the indicated values: Log credit = (0.001506 x (1.09116) Temp) x CT.

(II) A Subpart H system that uses ozone that meets the ozone CT values for the applicable water temperature, as described in clause (i) of this subparagraph, may submit an application to the department requesting approval to receive the corresponding Cryptosporidium treatment credit listed in Table 13-F2 of this subclause. Such application shall be submitted in accordance with subsection (t) of this section.

**TABLE 13-F2. CT VALUES (mg-min/l) FOR CRYPTOSPORIDIUM INACTIVATION BY OZONE<sup>1</sup>**

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LOG CREDIT	WATER TEMPERATURE (DEGREES IN CELSIUS)										
	< 0.5	1	2	3	5	7	10	15	20	25	30
0.25	6.0	5.8	5.2	4.8	4.0	3.3	2.5	1.6	1.0	0.6	0.39
0.5	12	12	10	9.5	7.9	6.5	4.9	3.1	2.0	1.2	0.78
1.0	24	23	21	19	16	13	9.9	6.2	3.9	2.5	1.6
1.5	36	35	31	29	24	20	15	9.3	5.9	3.7	2.4
2.0	48	46	42	38	32	26	20	12	7.8	4.9	3.1
2.5	60	58	52	48	40	33	25	16	9.8	6.2	3.9
3.0	72	69	63	57	47	39	30	19	12	7.4	4.7

<sup>1</sup> Subpart H systems may use this equation to determine log credit between the indicated values:  $\text{Log credit} = (0.0397 \times (1.09757) \text{ Temp}) \times \text{CT}$ .

(iii) Ultraviolet (UV). A Subpart H system that uses UV light reactors may submit an application to the department requesting approval to receive a *Cryptosporidium*, *Giardia lamblia* and virus treatment credits. Such application shall include documentation demonstrating that the Subpart H system is achieving the corresponding UV dose values shown in subclause (I) of this clause, and shall be submitted in accordance with subsection (t) of this section. Subpart H systems shall also include documentation demonstrating that the Subpart H system is achieving a particular UV dose value for treatment credit based on its validation and monitoring of its UV reactors as described in subclauses (II) and (III) of this clause.

(I) UV dose table. The treatment credits listed in Table 13-F3 of this subclause are for UV light at a wavelength of 254 nm as produced by a low pressure mercury vapor lamp. To obtain department approval to receive treatment credit for other lamp types, Subpart H systems shall demonstrate in the application submitted to the department an equivalent germicidal dose through reactor validation testing, as described in subclause (II) of this clause. The UV dose values in Table 13-F3 of this subclause are only applicable to post-filter applications in Subpart H systems.

**TABLE 13-F3. UV DOSE TABLE FOR CRYPTOSPORIDIUM, GIARDIA LAM-  
BLIA, AND VIRUS INACTIVATION CREDIT**

LOG CREDIT	CRYPTOSPORID- IUM UV DOSE (MJ/CM <sup>2</sup> )	GIARDIA LAM- BLIA UV DOSE (MJ/CM <sup>2</sup> )	VIRUS UV DOSE (MJ/CM <sup>2</sup> )
0.5	1.6	1.5	39
1.0	2.5	2.1	58
1.5	3.9	3.0	79
2.0	5.8	5.2	100
2.5	8.5	7.7	121

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3.0	12	11	143
3.5	15	15	163
4.0	22	22	186

(II) Reactor validation testing. Subpart H systems shall use UV reactors that have undergone validation testing to determine the operating conditions under which the reactor delivers the UV dose required in subclause (I) of this clause (i.e., validating operating conditions). These operating conditions shall include flow rate, UV intensity as measured by a UV sensor, and UV lamp status.

(1) When determining validated operating conditions, Subpart H systems shall account for the following factors: UV absorbance of the water; lamp fouling and aging; measurement uncertainty of on-line sensors; UV dose distributions arising from the velocity profiles through the reactor; failure of UV lamps or other critical system components; and inlet and outlet piping or channel configurations of the UV reactor.

(2) Validation testing shall include the following: Full scale testing of a reactor that conforms uniformly to the UV reactors used by the Subpart H system and inactivation of a test microorganism whose dose response characteristics have been quantified with a low pressure mercury vapor lamp.

(III) Reactor monitoring.

(1) A Subpart H system shall monitor its UV reactors to determine if the reactors are operating within validated conditions, as determined under subclause (II) of this clause. This monitoring shall include UV intensity as measured by a UV sensor, flow rate, lamp status, and any other parameters identified by the department as necessary to determine if the UV reactors of the Subpart H system are operating within validated conditions. Subpart H systems shall verify the calibration of UV sensors and shall recalibrate sensors in accordance with a protocol the department approves. To request approval of a protocol, the Subpart H system shall submit an application to the department requesting approval of its protocol in accordance with subsection (t) of this section.

(2) To receive treatment credit for UV light, Subpart H systems shall treat at least 95 percent of the water delivered to the public during each month by UV reactors operating within validated conditions for the required UV dose, as described in subclauses (I) and (II) of this clause. Subpart H systems shall demonstrate compliance with this condition by the monitoring required under this subclause (III)(1) of this clause.

(14) Corrective action treatment techniques.

(A) The treatment technique requirements in this subdivision shall be met by ground water systems when a ground water source sample or samples collected under subsection (e)(12)(C)(iii) of this section is fecal indicator-positive. In addition, the treatment technique requirements of this subdivision shall be met by ground water systems when a ground water source sample collected under subsection (e)(12)(C)(ii) or (e)(12)(C)(iv) of this section is fecal indicator-positive, if the department determines that such ground water system shall meet such requirements.

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(i) Corrective action alternatives. A ground water system that has a ground water source sample or samples collected under subsection (e)(12)(C)(iii) of this section that is fecal indicator-positive shall implement 1 or more of the corrective actions in subclauses (I) through (IV), inclusive, of this clause. In addition, if the department determines that a ground water system that has a ground water source sample or samples collected under subsection (e)(12)(C)(ii) or (e)(12)(C)(iv) of this section that is fecal indicator-positive shall implement a corrective action, then the ground water system shall implement 1 or more of the corrective actions in subclauses (I) through (IV), inclusive, of this clause:

- (I) Correct all significant deficiencies;
- (II) Provide an alternate source of water;
- (III) Eliminate the source of contamination; or

(IV) Provide treatment that reliably achieves at least 4 log (99.99 percent) treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for the ground water source.

(ii) Unless the department directs the ground water system to implement a specific corrective action, the ground water system shall consult with the department regarding the appropriate corrective action not later than 30 days after receiving written notice from a laboratory that a ground water source sample or samples collected under subsection (e)(12)(C)(iii) of this section was found to be fecal indicator-positive or direction in writing from the department that a fecal indicator-positive sample collected under subsection (e)(12)(C)(ii) or (e)(12)(C)(iv) of this section requires corrective action.

(iii) Not later than 60 days after receiving direction in writing from the department regarding implementation of a specific corrective action, written notice from the laboratory regarding a fecal indicator-positive sample or samples, collected under subsection (e)(12)(C)(iii) of this section, or direction in writing from the department that a fecal indicator-positive sample, collected under subsection (e)(12)(C)(ii) or (e)(12)(C)(iv) of this section, requires corrective action, the ground water system shall submit an application to the department requesting approval of the corrective action that the ground water system will take to address the fecal indicator-positive sample or samples, and include a proposed schedule for completing that action. Such application shall be submitted in accordance with subsection (t) of this section. If the department approves such application, such application shall constitute the department-approved corrective action plan as referenced in clause (iv) of this subparagraph.

(iv) Not later than 120 days (or earlier if directed by the department) after receiving direction in writing from the department regarding implementation of a specific corrective action, written notice from the laboratory regarding a fecal indicator-positive sample or samples, collected under subsection (e)(12)(C)(iii) of this section, or direction in writing from the department that a fecal indicator-positive sample, collected under subsection (e)(12)(C)(ii) or (e)(12)(C)(iv) of this section, requires corrective action, the ground water system shall either:

- (I) Have completed corrective action in accordance with the department-approved

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corrective action plan and schedule, including department-specified interim measures, if any; or

(II) Be in compliance with a department-approved corrective action plan and schedule, subject to the conditions specified in subclause (II)(1) and (2), inclusive, of this clause.

(1) Any subsequent modifications to a department-approved corrective action plan and schedule shall also be approved by the department. The ground water system shall submit an application to the department requesting approval of the subsequent modifications to a department-approved corrective action plan and schedule in accordance with subsection (t) of this section.

(2) If the department requires the ground water system to implement specific interim measures for protection of public health pending department approval of the corrective action plan and schedule or pending completion of the corrective action plan, the ground water system shall comply with these interim measures as well as any schedule specified by the department. For purposes of this subdivision, interim measures include, but are not limited to, the following:

- (A) Provision of an alternate source of water;
  - (B) Notice to consumers to boil all water to be used for consumption;
  - (C) Temporary disinfection of water in a manner prescribed by the department; and
  - (D) Inactivation of a water source or sources.
- (B) Compliance monitoring.
- (i) Existing ground water sources.

(I) A ground water system seeking approval from the department that the ground water system is not subject to the source water monitoring requirements of subsection (e)(12) of this section because the ground water system provides at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for a specified ground water source or sources shall submit to the department an application requesting such approval. Such application shall include documentation demonstrating that the ground water system provides at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for a specified ground water source or sources, including, but not limited to, engineering, operational, or other information that the department may require to enable the department to evaluate the ground water system's 4 log treatment of viruses, and shall be submitted in accordance with subsection (t) of this section. If the department approves the ground water system's application, the ground water system shall begin compliance monitoring of the specified ground water source or sources in accordance with clause (iii) of this subparagraph. The department's approval shall state the required minimum RDC, or the required minimum RDC and the required minimum CT value, that the ground water system shall maintain every day the ground water system serves water from the ground water source to the public. If a ground water system maintains the RDC at or above the ground water system's required minimum RDC, no CT value calculation is required. If a ground water



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system fails to maintain the RDC at or above the ground water system's required minimum RDC, the ground water system may submit an application to the department under clause (iii)(I)(1) or (2) of this subparagraph requesting a determination as to whether the ground water system is providing at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal.

(II) The department may require a ground water system that subsequently discontinues the department-approved 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for the specified ground water source to conduct assessment source water monitoring under subsection (e)(12)(D)(ii) of this section. A ground water system that discontinues 4 log treatment of viruses shall comply with the source water monitoring requirements in subsection (e)(12)(C) of this section and analytical methods requirements in subsection (e)(12)(E) of this section.

(ii) New ground water sources. A ground water system that places a new ground water source in service that is not subject to the source water monitoring requirements of subsection (e)(12) of this section because the ground water system provides at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for the ground water source shall comply with the following requirements:

(I) The ground water system shall submit an application to the department requesting approval from the department that the ground water system is not subject to the source water monitoring requirements of subsection (e)(12) of this section because the ground water system provides at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for the specified ground water source. Such application shall include documentation demonstrating that the ground water system provides at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for a specified ground water source or sources, including, but not limited to, engineering, operational, or other information that the department may require to enable the department to evaluate the ground water system's 4 log treatment of viruses, and shall be submitted in accordance with subsection (t) of this section. The department's approval shall state the required minimum RDC, or the required minimum RDC and required minimum CT value, the ground water system shall maintain every day the ground water system serves water from the ground water source to the public. If a ground water system maintains the RDC at or above the ground water system's required minimum RDC, no CT value calculation is required. If a ground water system fails to maintain the RDC at or above the ground water system's required minimum RDC, the ground water system may submit an application to the department pursuant to clause (iii)(I)(1) or (2) of this subparagraph requesting a determination as to whether the ground water system is providing at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal.

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(II) If the department approves the ground water system's application submitted under subclause (I) of this clause, the ground water system shall conduct compliance monitoring in accordance with clause (iii) of this subparagraph not later than 30 days after placing the ground water source in service.

(III) The department may require a ground water system that subsequently discontinues the department-approved 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for a ground water source to conduct assessment source water monitoring under subsection (e)(12)(D)(ii) of this section. A ground water system that discontinues 4 log treatment of viruses is subject to the triggered source water monitoring requirements of subsection (e)(12)(C) of this section and analytical methods requirements in subsection (e)(12)(E) of this section.

(iii) Monitoring requirements. A ground water system subject to the requirements of subparagraph (A) of this subdivision, clause (i) or (ii) of this subparagraph or subsection (e)(7)(E)(iv)(II)(4) of this section shall monitor the effectiveness and reliability of treatment for such ground water source before or at the first consumer as follows in subclauses (I) through (III), inclusive, of this clause:

(I) Chemical disinfection.

(1) Ground water systems serving greater than 3,300 people. A ground water system that serves greater than 3,300 people shall submit an application to the department requesting approval of the location at which the ground water system will monitor the RDC and CT value, if the department has stated a required minimum CT value. Such application shall be submitted in accordance with subsection (t) of this section. The ground water system shall continuously monitor the RDC using analytical methods specified in 40 CFR 141.74(a)(2), as amended from time to time, at the location approved by the department and shall record the lowest RDC on each day that water from the ground water source is served to the public. If the lowest daily RDC is below the ground water system's required minimum RDC, but the ground water system's CT value is at or above the ground water system's required minimum CT value, the ground water system may submit an application to the department requesting a determination as to whether the ground water system is providing at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal. Such application shall include documentation demonstrating that the ground water system's lowest daily CT value is at or above the ground water system's required minimum CT value, and shall be submitted in accordance with subsection (t) of this section. If there is a failure in the continuous monitoring equipment, the ground water system shall conduct grab sampling every 4 hours until the continuous monitoring equipment is returned to service. The ground water system shall resume continuous RDC monitoring not later than 14 days after the failure of the continuous monitoring equipment.

(2) Ground water systems serving 3,300 or fewer people. A ground water system that serves 3,300 or fewer people shall submit an application to the department requesting

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approval of the location at which the ground water system will monitor the RDC and CT value, if the department has stated a required minimum CT value. Such application shall be submitted in accordance with subsection (t) of this section. The ground water system shall monitor the RDC using analytical methods specified in 40 CFR 141.74(a)(2), as amended from time to time, at the location approved by the department and shall record the lowest RDC on each day that water from the ground water source is served to the public. If any daily grab sample measurement falls below the ground water system's required minimum RDC, the ground water system shall take follow-up samples every 4 hours until the RDC is restored to the required level. Alternatively, a ground water system that serves 3,300 or fewer people may monitor continuously and meet the requirements of subclause (I)(1) of this clause. If the lowest daily RDC is below the ground water system's required minimum RDC, but the ground water system's CT value is at or above the ground water system's required minimum CT value, the ground water system may submit an application to the department requesting a determination as to whether the ground water system is providing at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal. Such application shall include documentation demonstrating that the ground water system's lowest daily CT value is at or above the ground water system's required minimum CT value, and shall be submitted in accordance with subsection (t) of this section.

(II) Membrane filtration. A ground water system that uses membrane filtration to meet the requirements of this subdivision and subsections (e)(7)(E)(iv)(II)(4) and (e)(12) of this section shall monitor the membrane filtration process in accordance with all department-approved monitoring requirements and shall operate the membrane filtration in accordance with all department-approved compliance requirements. To request approval of the ground water system's monitoring and compliance requirements, a ground water system shall submit an application to the department requesting such approval in accordance with subsection (t) of this section. Such application shall include documentation demonstrating that the ground water system's monitoring and compliance requirements will measure the effectiveness of the membrane filtration and the membrane filtration process to achieve at least 4 log removal of viruses. A ground water system that uses membrane filtration is in compliance with the requirement to achieve at least 4 log removal of viruses when the membrane is in compliance with the following:

(1) The membrane has an absolute MWCO, or an alternate parameter that describes the exclusion characteristics of the membrane, that can reliably achieve at least 4 log removal of viruses;

(2) The membrane process is operated in accordance with department-approved compliance requirements; and

(3) The integrity of the membrane is intact.

(III) Alternative treatment. To request approval of an alternative treatment to meet the requirements of this subdivision and subsections (e)(7)(E)(iv)(II)(4) and (e)(12) of this section by providing at least 4 log treatment of viruses using inactivation, removal, or a

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department-approved combination of 4 log virus inactivation and removal before or at the first consumers, a ground water system shall submit an application to the department requesting such approval in accordance with subsection (t) of this section. Such application shall include documentation demonstrating that the combination of inactivation and removal provides at least 4 log treatment of viruses before or at the first consumer. A ground water system that uses a department-approved alternative treatment shall comply with the following requirements:

(1) Monitor the alternative treatment in accordance with all department-approved monitoring requirements. To request approval of the ground water system's monitoring requirements, a ground water system shall submit an application to the department requesting such approval in accordance with subsection (t) of this section. Such application shall include documentation demonstrating that the ground water system's monitoring requirements will measure the effectiveness of the department-approved combination of 4 log inactivation and removal to achieve at least 4 log removal of viruses; and

(2) Operate the alternative treatment in accordance with all department-approved compliance requirements. To request approval of the ground water system's compliance requirements, a ground water system shall submit an application to the department requesting such approval in accordance with subsection (t) of this section. Such application shall include documentation demonstrating that the ground water system's compliance requirements will maintain and measure the effectiveness of the department-approved combination of 4 log inactivation and removal to achieve at least 4 log treatment of viruses.

(C) Discontinuing treatment.

(i) A ground water system may discontinue a department-approved 4 log treatment of viruses using inactivation, removal, or a combination of 4 log virus inactivation and removal before or at the first consumer for a ground water source if the ground water system satisfies 1 of the following criteria in subclauses (I) through (IV), inclusive, of this clause and the ground water system receives approval from the department to do so. A ground water system seeking such approval shall submit an application to the department requesting approval to discontinue the ground water system's department-approved 4 log treatment of viruses using inactivation, removal, or a combination of 4 log virus inactivation and removal before or at the first consumer for a ground water source. Such application shall include documentation demonstrating that the department-approved 4 log treatment of viruses is no longer necessary for that ground water source because the ground water system satisfies at least 1 of the 4 criteria in subclauses (I) through (IV), inclusive, of this clause, and shall be submitted in accordance with subsection (t) of this section.

(I) The ground water system abandoned the ground water source for which the department-approved 4 log treatment was required;

(II) The ground water system removed the source or sources of contamination for which the department-approved 4 log treatment was required;

(III) The ground water system corrected the significant deficiency or deficiencies for which the department-approved 4 log treatment was required; or

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(IV) Other reason why the department-approved 4 log treatment of viruses is no longer needed for the ground water source.

(ii) A ground water system that discontinues a department-approved 4 log treatment of viruses is subject to the triggered source water monitoring requirements of subsection (e)(12)(C) of this section and analytical methods requirements in subsection (e)(12)(E) of this section.

(iii) The department may require a ground water system that subsequently discontinues the department-approved 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for a ground water source to conduct assessment source water monitoring under subsection (e)(12)(D)(ii) of this section.

(D) Failure to meet the monitoring requirements of subparagraph (B) of this subdivision is a monitoring violation and requires the ground water system to provide public notification under subsection (i)(3) of this section.

(E) Treatment technique violations.

(i) Unless the department invalidates a fecal indicator-positive ground water source sample under subsection (e)(12)(F) of this section, a ground water system is in violation of the treatment technique requirement if, not later than 120 days (or earlier if required by the department) after meeting the conditions of subparagraph (A) of this subdivision, the ground water system:

(I) Does not complete corrective action in accordance with the department-approved corrective action plan and schedule, including department-specified interim measures, if any; or

(II) Is not in compliance with a department-approved corrective action plan and schedule.

(ii) A ground water system subject to the requirements of subparagraph (B)(iii) of this subdivision that fails to maintain at least 4 log treatment of viruses using inactivation, removal, or a department-approved combination of 4 log virus inactivation and removal before or at the first consumer for a ground water source is in violation of the treatment technique requirement if the failure is not corrected within 4 hours of determining the ground water system is not maintaining at least 4 log treatment of viruses before or at the first consumer.

(iii) Ground water systems shall give public notification under subsection (i)(2) of this section for the treatment technique violations specified in clauses (i) and (ii) of this subparagraph.

(k) **Variances and exemptions.** Variances and Exemptions from the MCL for total coliforms of subparagraph 19-13-B102 (e) (6) (B) of the Regulations of Connecticut State Agencies may be granted by the department for systems that demonstrate to the satisfaction of the department that the violation of the total coliform MCL is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system. The department shall use the following criteria to identify systems that



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could operate under a variance without posing an unreasonable risk to health:

- (1) Over the past thirty (30) days, water entering the distribution system is shown to:
  - (A) Be free from fecal coliform or E.coli occurrence based on at least daily sampling;
  - (B) contain less than one (1) total coliform per hundred (100) milliliters of influent water in at least ninety five percent (95%) of all samples based on at least daily sampling;
  - (C) Comply with the total turbidity requirements of Section 19-13-B102 (j);
  - (D) Contain a continuous disinfection residual of at least 0.2 mg/l;
- (2) The system has had no waterborne disease outbreak while operated in its present configuration;
- (3) The system maintains biweekly contact with the department and local health departments to assess illness possibly attributable to microbial occurrence in the public drinking water system;
- (4) The system has evaluated, on a monthly basis, at least the number of samples specified in Section 19-13-B102 (e) and has not had an E.coli-positive compliance sample within the last six months, unless the system demonstrates to the department that the occurrence is not due to contamination entering the distribution system;
- (5) The system has undergone a sanitary survey conducted by a party approved by the department within the past twelve (12) months;
- (6) The system has a cross connection control program acceptable to the department and performs an audit of the effectiveness program;
- (7) The system agrees to submit a biofilm control plan to the department within twelve (12) months of the granting of the first request for a variance;
- (8) The system monitors general distribution system bacterial quality by conducting heterotrophic bacteria plate counts on at least a weekly basis at a minimum of ten percent (10%) of the number of total coliform sites specified for that system size in Section 19-13-B102 (e); and
- (9) The system conducts daily monitoring at distribution system sites approved by the department and maintains a detectable disinfectant residual at a minimum of ninety five percent (95%) of those points and a heterotrophic plate count of less than five hundred (500) colonies per ml at sites without a disinfectant residual.

**(l) Record maintenance.**

(1) Any owner of a system shall retain on its premises or at a convenient location near its premises the records described in subparagraphs (A) to (U) of this subdivision. All such records maintained by an owner of a system shall be available for inspection by the department immediately upon the request of the department:

(A) Records of all microbiological analyses and turbidity analyses made pursuant to this section shall be kept for not less than 5 years. Records of chemical analyses shall be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided the following information is included:

(i) The date, place and time of sampling, and the name of the person who collected the sample;



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(ii) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or processed water sample or other special purpose sample;

(iii) Date of analysis;

(iv) Laboratory and person responsible for performing analysis;

(v) The analytical technique/method used; and

(vi) The results of the analysis.

(B) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved.

(C) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, state or federal agency, shall be kept for a period not less than 10 years after completion of the sanitary survey involved.

(D) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than 5 years following the expiration of such variance or exemption.

(E) Accurate and up-to-date maps and records showing the location of all mains, valves, hydrants, service connections, and other facilities including pumps, tanks and treatment plants shall be maintained for each CWS. An integrated map of the system showing supply, including ground water, surface water and GWUDI sources, as well as any water company land associated with such sources, treatment, pumping and storage facilities and major mains shall be filed with the department and updated at least every 5 years.

(F) Records of each complaint received about water quality or adequacy shall be retained for each CWS. A record of the original complaint shall be kept for a period of 3 years subsequent to the final resolution of the complaint.

(G) Recordkeeping requirements for lead and copper. Any CWS or NTNC subject to the requirements of subsections (e)(7)(K), (e)(8) through (e)(10), inclusive, (h)(5), (i)(6), and (j)(7) through (j)(10), inclusive, of this section shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, department determinations and any other information required by subsections (e)(7)(K), (e)(8) through (e)(10), inclusive, (h)(5) (i)(6), and (j)(7) through (j)(10), inclusive, of this section. Each CWS or NTNC shall retain the records required by this subparagraph for not less than 12 years.

(H) Records of any reports, test results, correspondence or other records collected as part of the system's cross connection control program, pursuant to subsection (f) of this section, shall be kept for not less than 5 years.

(I) A copy of the consumer confidence report shall be kept for not less than 5 years.

(J) A copy of the public records for combined and individual filter turbidity measurements, as required in subsection (e)(7)(S) of this section, shall be kept for not less than 3 years.

(K) A copy of the public notice and certification of compliance pursuant to subsection (i)(8) of this section shall be kept for not less than 3 years.

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(L) A complete copy of the system's department-approved standard monitoring plan, including any department modification of the system's standard monitoring plan, shall be kept for as long as the system is required to retain the system's IDSE report under subparagraph (O) of this subdivision.

(M) A complete copy of the system's department-approved system specific study plan, including any department modification of the system's system specific study plan, shall be kept for as long as the system is required to retain the system's IDSE report under subparagraph (O) of this subdivision.

(N) A complete copy of the system's department-approved 40/30 certification shall be kept for 10 years after the date that the system submitted the system's certification. The system shall make the certification, all data upon which the certification is based, and any department notification available for review by the department and the public.

(O) A complete copy of the system's department-approved IDSE report shall be kept for 10 years after the date that the system submitted the system's IDSE report to the department. If the department modified the subsection (e)(11)(C) of this section monitoring requirements that the system recommended in the system's IDSE report or if the department approved alternative monitoring locations, the system shall keep a copy of the department's approval on file for 10 years after the date of the department's approval. The system shall make the IDSE report and any department approval available for review by the department and the public.

(P) Copies of any monitoring plans and monitoring results under subsection (e)(11)(C) of this section shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under subparagraph (A) of this subdivision, except as specified elsewhere in this subdivision. The system shall make the monitoring plans and the monitoring results under subsection (e)(11)(C) of this section available for review by the department and the public.

(Q) Copies of monitoring plans developed pursuant to this section shall be kept for the same period of time as the records of analyses taken in accordance with the monitoring plan are required to be kept under subparagraph (A) of this subdivision, except as specified elsewhere in this section.

(R) Results from the initial round of source water monitoring under 40 CFR 141.701(a) and the second round of source water monitoring under subsection (e)(7)(T)(ii)(I) of this section shall be kept for a period of not less than 3 years after bin classification under subsection (j)(12)(A) of this section for the particular round of monitoring.

(S) A department-approved application in which the system requested approval of an exemption from source water monitoring because the system met the criteria in subsection (e)(7)(T)(ii)(III) of this section shall be kept for not less than 3 years.

(T) Results of treatment monitoring associated with microbial toolbox options under subsections (j)(13)(B) through (F), inclusive, of this section shall be kept for not less than 3 years.

(U) In addition to the requirements of subparagraphs (A) through (T), inclusive, of this

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subdivision, a ground water system regulated under subsections (e)(7)(E), (e)(12) and (j)(14) of this section shall retain on its premises or at a convenient location near its premises the following records:

(i) Documentation of corrective actions shall be kept for not less than 10 years.  
(ii) Documentation of notice to the public as required under subsection (i)(5)(F) of this section shall be kept for not less than 3 years.

(iii) Records of decisions under subsection (e)(12)(C)(v)(II) of this section and records of invalidation of fecal indicator-positive ground water source samples under subsection (e)(12)(F) of this section shall be kept for not less than 5 years.

(iv) For consecutive systems, documentation of notification provided to the wholesale system(s) under subsection (e)(12)(C)(iv)(I) of this section of total-coliform-positive samples that were not invalidated under subsection (e)(7)(F) of this section shall be kept for not less than 5 years.

(v) For systems, including wholesale systems, that are required to perform compliance monitoring under subsection (j)(14)(B) of this section, the following record-keeping requirements shall apply:

(I) Records of the system's required minimum RDC stated in the department's approval issued pursuant to subsection (j)(14)(B)(i) or (ii) of this section and the required minimum CT value, if the department stated a required minimum CT value in the department's approval issued pursuant to subsection (j)(14)(B)(i) or (ii) of this section, shall be kept for not less than 10 years.

(II) Records of the lowest daily RDC, and records of the date and duration of any failure to maintain the system's required minimum RDC or the system's required minimum CT value, or both, for a period of more than 4 hours shall be kept for not less than 5 years.

(III) Records of department-approved compliance requirements for a department-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than 4 hours shall be kept for not less than 5 years.

(2) Records of decisions, as described in subparagraphs (A) and (B) of this subdivision, shall be maintained by the department in such a manner so as to allow the department to determine each system's current status.

(A) Any decision under subsection (e)(7)(A) of this section to reduce the physical parameters monitoring frequency for a CWS serving 1,000 persons or fewer to less than once per month.

(B) Any decision under subsection (e)(7)(B)(i) of this section to reduce the physical parameter monitoring frequency for a non-community water system using only ground water and serving 1,000 persons or fewer to less than once per quarter.

(m) **Emergency powers.** The state commissioner of public health may, upon receipt of information that the security of a public water system is threatened or suspicious activities are observed on or near water company land or the treatment of a public water supply is interrupted or the source of supply is damaged so as to impair the quality or the sufficiency

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of the supply or a contaminant is present in or is likely to enter a public water system which constitutes an imminent and substantial danger to health, take such actions and issue such orders as the commissioner may deem necessary in order to protect the health of any persons that may be affected.

(n) **Reservoir, ground water and water use monitoring.**

(1) Systems shall have meters installed at all sources of water supply so that the amount of water delivered to the distribution system can be measured.

(2) Systems shall take, record and retain for reference representative weekly readings of instantaneous flow rate and total quantity of water delivered over the previous week. Such records shall be submitted to the department upon request. The system shall take more frequent readings upon request of the department.

(3) Any water company maintaining a reservoir shall submit records of reservoir status to the department according to a schedule specified by the department which shall include at least weekly measurements of water elevation, instantaneous usable storage capacity, reservoir withdrawals, and amount of precipitation.

(4) Any water company with a ground water source in an unconsolidated, unconfined aquifer shall submit records of ground water status to the department according to a schedule specified by the department which shall include at least weekly measurements of instantaneous pumping rates and ground water elevations. A system of observation wells, approved by the department, shall be maintained to provide sufficient information on ground water elevations and ground water quality. To request such approval, the water company shall submit an application to the department requesting approval of a system of observation wells in accordance with subsection (t) of this section.

(5) Any water company serving more than 1,000 people or 250 service connections, and any other water company notified by the department, shall submit to the department on forms provided by the department, according to a schedule specified by the department, records of water use which shall include at least weekly measurements of the volume of water withdrawn from each source and for the total system. The volume of water bought from or sold to another water company, and the type of restrictions, if any, imposed on water use and at least annual records of the volume of water used and average number of consumers shall be submitted to the department on forms provided by the department.

(o) The supply capacity of each community water system shall be maintained in excess of the demand of the system, with sufficient margin of safety to properly allow for:

(1) Sudden increases in consumption which may occur during a dry period.

(2) The time required to bring new sources of supply on line.

(3) Increases or growth in the service area which may be reasonably expected.

A plan shall be prepared for each community water system relating the safe yield and available water, as defined in sections 25-32d-1a(4) and 25-32d-1a(30) of the regulations of Connecticut State Agencies, of the supply system to the existing and projected demands of the service area. The plan shall be updated on a regular basis. If for any reason it becomes evident that the demands of the service area will exceed the supply capability of the system

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for a significant period of time, measures to effectively reduce consumption shall be promptly instituted for the system, and a program to provide sufficient supply capacity to meet existing and projected demands shall be implemented.

(p) Sources of supply, treatment, pumping, transmission and storage facilities of sufficient capacity shall be maintained to provide flows in excess of the maximum flows experienced in the community water system, and in individual service zones within integrated systems. Whenever peak period consumption interrupts water service to consumers under normal conditions, conservation measures that effectively reduce consumption shall be promptly instituted for the community water supply, and a program to provide sufficient supply, treatment, pumping, transmission and storage capacity to meet existing and projected peak period consumption shall be implemented.

(q) Essential water supply valves shall be maintained in operating condition.

(r) All consumers served by a CWS shall be notified by the CWS at least annually of an emergency telephone number which is continuously available for personal contact and reporting service problems. A CWS shall make a crew available to deal with emergencies within each CWS or shall have a working arrangement or contract with others, such as pump installers, pipe layers, electricians or another system, for such coverage. A CWS shall have available sufficient spare parts and clean up and disinfectant equipment. On or before January 1 of each year, or upon any change, a CWS shall report to the department in writing a continuously available emergency telephone number and other methods of contact.

(s) A program to reduce the amount of water which cannot be accounted for, shall be established and filed with the Department for review and approval. Such program shall include a schedule of implementation and consideration of the following elements:

- (1) Calibration of supply and main line meters.
- (2) Calibration of consumers' meters.
- (3) Pipeline flow measurements.
- (4) Leakage surveys.
- (5) Inspection of bleeders.

(t) Department approval of applications, plans, waivers, requests and other documents.

(1) Unless otherwise specified, if an application, plan, request, waiver or other document requires department approval under any subsection of this section, the person seeking approval of such application, plan, request, waiver or other document shall sign the document under oath and file the document in writing with the department. The application, plan, request, waiver or other document requiring approval shall contain a notice that false statements made therein are punishable in accordance with section 53a-157b of the Connecticut General Statutes. Such application, plan, request, waiver or other document shall set forth the reason or reasons for the application, plan, request, waiver, or other document requiring approval and grounds to support the granting of such application, plan, request, waiver or other document by the department. For purposes of this subsection, the term "person" means the person who is authorized to bind and act on behalf of the owner of the system.



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(2) Unless otherwise specified, the department shall issue a decision in writing either approving or disapproving such application, plan, request, waiver or other document, in whole or in part. The department may determine that the department requires additional information to either approve or disapprove such document. If the department determines that such additional information is required, the system shall provide the requested information to the department on or before the date specified by the department in the department's written request for additional information. Failure of the system to provide the requested additional information on or before the date specified by the department in the department's written request shall result in the system's application, plan, request, waiver or other document requiring approval to be denied by the department. Any department approval, in whole or in part, may contain such conditions or orders as the department deems appropriate.

(u) Responsibility of the person or entity that owns or controls the system. The person or entity that owns or controls the system shall be responsible for complying with the requirements of this section.

(v) Sampling taps for source water monitoring.

(1) Systems shall install a sampling tap or taps for sampling a ground water source or sources such that water can be sampled directly from each individual source of supply.

(2) Systems shall locate the sampling tap or taps for sampling ground water and surface water sources before any treatment, and in a location that excludes water from storage tanks and the distribution system.

(3) Systems shall point sampling tap or taps for sampling ground water sources downward and free of any obstructions, and shall allow easy access and sufficient clearance for sampling containers.

(4) Any sampling tap or taps installed by systems for the purposes of sampling a ground water source shall be of the smooth-ended, threadless type.

(w) **Generator and emergency contingency and response plan requirements.**

(1) (A) (i) Each CWS shall have installed and maintained in accordance with the schedule in Table 1-W1 of this clause based on the CWS's type a standby stationary on-site generator capable of providing sufficient power to supply the power demands of the CWS at each of the CWS's facility locations. At a minimum, the generator shall be equipped with an automatic transfer switch system, fueled by either propane or natural gas, and in compliance with all applicable federal, state and local requirements, including all requirements applicable to generators and the installation of such generators. For purposes of this subsection, "facility location" includes, but is not limited to, sources, pumping stations, treatment plants, and storage tanks at which electric power is required to maintain a continuous supply of potable water at adequate volume and pressures.

**TABLE 1-W1. COMPLIANCE DATES**

<b>If the CWS is this type of CWS</b>	<b>The CWS shall comply with subparagraph (A) not later than:</b>
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(1) CWS serving $\geq$ 100,000 people	1 year after the effective date of this sub-section
(2) CWS serving 10,000 – 99,999 people	2 years after the effective date of this sub-section
(3) CWS serving $<$ 10,000 people	3 years after the effective date of this sub-section

(ii) If extenuating circumstances prevent a CWS from complying on or before the date of compliance in Table 1-W1 of clause (i) of this subparagraph, a CWS may submit an application to the department requesting an extension by which to comply with the requirements of clause (i) of this subparagraph. Such application shall include the extenuating circumstances that prevent the CWS from complying with the requirements of clause (i) of this subparagraph, and shall be submitted in accordance with subsection (t) of this section prior to the CWS's date of compliance in Table 1-W1 of clause (i) of this subparagraph. Extenuating circumstances include, but are not limited to, a CWS's acquisition of another CWS pursuant to sections 16-262n and 16-262o of the Connecticut General Statutes and the acquired CWS did not comply on or before the date of compliance in Table 1-W1 of clause (i) of this subparagraph.

(B) A CWS may use a portable generator to meet the requirements of subparagraph (A) of this subdivision if the CWS meets the following requirements, in addition to all federal, state and local requirements applicable to generators and the installation of such generators:

(i) The portable generator shall be capable of providing sufficient power to supply the power demands of the CWS at each of the facility locations at which the portable generator will be used;

(ii) The CWS shall have installed at each of the facility locations at which a portable generator will be used a manual or automatic transfer switch system to facilitate transition to generator power; and

(iii) The CWS shall have installed at each of the facility locations at which a portable generator will be used suitable controls and connections by which to connect the portable generator.

(C) A CWS may use an alternative source of backup power to meet the requirements of subparagraph (A) of this subdivision if the alternative source of backup power is an effective source of backup power that meets the requirements in clauses (i) through (iv), inclusive, of this subparagraph. The CWS shall file with the department prior to the CWS's date of compliance in Table 1-W1 of subparagraph (A)(i) of this subdivision a statement stating the alternative source of backup power the CWS is using to meet the requirements of subparagraph (A) of this subdivision is an effective source of backup power because it meets the requirements in clauses (i) through (iv), inclusive, of this subparagraph. Such statement shall be signed under oath by the owner, or the person who is authorized to bind and act on behalf of the owner, of the CWS and shall contain a notice that false statements made therein are punishable in accordance with section 53a-157b of the Connecticut General Statutes.

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(i) The alternative source of backup power shall be capable of providing sufficient power to supply the power demands of the CWS at the facility location at which the alternative source of backup power will be used;

(ii) The CWS shall have installed at the facility location at which the alternative source of backup power will be used a manual or automatic transfer switch system to facilitate transition to the alternative source of backup power;

(iii) The alternative source of backup power shall, when in use, be connected to a location that meets all applicable federal, state and local requirements; and

(iv) The CWS shall have installed at the facility location at which the alternative source of backup power will be used suitable controls and connections by which to connect the alternative source of backup power, if applicable.

(D) (i) A standby stationary on-site generator installed by the CWS or a portable generator available for use by the CWS prior to the effective date of this subsection, and any replacement of such generator, may be fueled by liquid fuel, instead of propane or natural gas, and shall not be required to meet the conditions in subclauses (I) and (II) of this clause. A standby stationary on-site generator installed or a portable generator to be used by the CWS on or after the effective date of this subsection may be fueled by liquid fuel only if the CWS meets the conditions in subclauses (I) and (II) of this clause. For purposes of this section, “liquid fuel” means a liquid fueling agent including, but not limited to, diesel, gasoline, oil, or kerosene.

(I) The liquid fuel used for fueling the standby stationary on-site or portable generator shall be stored in an above-ground tank with a containment area capable of holding at least 110 percent of the full volume of the tank storing the liquid fuel; and

(II) The above-ground tank in which the liquid fuel is stored, liquid-fuel supply line and liquid-fueled generator shall be located more than 200 feet away from the CWS’s source or sources of supply.

(ii) If extenuating circumstances prevent a CWS from complying with the conditions in clauses (i)(I) and (i)(II) of this subparagraph, a CWS may submit an application to the department requesting a waiver from such conditions. Such application shall include the extenuating circumstances that prevent the CWS from complying with the conditions in clauses (i)(I) and (i)(II) of this subparagraph, and shall be submitted in accordance with subsection (t) of this section. Extenuating circumstances include, but are not limited to, the existence of conditions at the location at which such liquid fuel is stored that prevent a CWS from complying with the conditions in clauses (i)(I) and (i)(II) of this subparagraph.

(E) Each CWS that has a standby stationary on-site generator installed or a portable generator that was available for use prior to the effective date of this subsection shall file with the department a statement stating the make and model of such generator not later than 8 months after the effective date of this subsection. If a CWS fails to file such information with the department not later than 8 months after the effective date of this subsection, the department shall not recognize the CWS’s stationary on-site generator or a portable generator as a generator installed or available for use, respectively, prior to the effective

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date of this subsection for purposes of this subparagraph and the CWS shall comply with the requirements of subparagraph (D) of this subdivision. If extenuating circumstances prevent or have prevented a CWS from providing such information to the department not later than 8 months after the effective date of this subsection, a CWS may submit an application to the department requesting an extension by which to provide such information to the department. Such application shall include the extenuating circumstances that prevent or have prevented the CWS from providing such information to the department not later than 8 months after the effective date of this subsection, and shall be submitted in accordance with subsection (t) of this section. Extenuating circumstances include, but are not limited to, a CWS's acquisition of another CWS pursuant to sections 16-262n and 16-262o of the Connecticut General Statutes and the acquired CWS did not submit the required information timely.

(2) Subdivision (1) of this subsection shall not apply to those CWSs subject to sections 16-11-99 through 16-11-99d, inclusive, of the Regulations of Connecticut State Agencies.

(3) (A) Each CWS that is not subject to the requirements in section 25-32d of the Connecticut General Statutes shall prepare not later than 8 months after the effective date of this subsection, an emergency contingency and response plan. The plan shall contain the CWS's preparations for and proposed responses to any disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply, including, but not be limited to, the following information:

(i) The CWS's plan for restoring service to the CWS's consumers in the event of a disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply;

(ii) The CWS's plan for maintaining an adequate and safe supply of water to the CWS's consumers during a disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply; and

(iii) The CWS's plan for notifying the CWS's consumers and local emergency management officials, including the department and the chief elected official of any municipality and any local health department or district health department in which the CWS is located, in accordance with section 19-13-B46 of the Regulations of Connecticut State Agencies, of the status of the CWS prior to, during, and following an event during which there is a disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply.

(B) The emergency contingency and response plan shall be kept up to date and on file at the CWS. The CWS shall make the plan available to the department for review upon the request of the department and at the time of a sanitary survey.

(4) Each CWS subject to this subsection shall submit to the department in writing in its annual submission required under the provisions of section 25-33 of the Connecticut General Statutes a verification that the CWS has complied with the requirements of this subsection and that the CWS's generator or generators perform in accordance with the manufacturer's specifications to ensure that the generator or generators are capable of providing sufficient

power to supply the power demands of the CWS at each of the CWS's facility locations.

(5) Failure to comply with the provisions of this subsection may result in the imposition of a civil penalty under the provisions of section 25-32e of the Connecticut General Statutes.

(Effective August 23, 1994; Amended September 4, 1997; Amended July 26, 2001; Amended December 5, 2001; Amended May 2, 2003; Amended March 30, 2004; Amended August 1, 2005; Amended January 14, 2014; Amended December 17, 2015)

**On-Site Sewage Disposal Systems with Design Flows of 5,000 Gallons per Day or Less and Non-Discharging Toilet Systems**

**Sec. 19-13-B103a. Scope**

These regulations establish minimum requirements for household and small commercial subsurface sewage disposal systems with a capacity of 5,000 gallons per day or less, non-discharging toilet systems and procedures for the issuance of permits or approvals of such systems by the director of health or registered sanitarian, as required by Section 25-54i (g) of the General Statutes.

(Effective August 16, 1982)

**Sec. 19-13-B103b. Definitions**

The following definitions shall apply for the purposes of Sections 19-13-B103c to 19-13-B103f, inclusive:

(a) "Sewage" means domestic sewage consisting of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a non-residential building, as may be detrimental to the public health or the environment, but not including manufacturing process water, cooling water, waste water from water softening equipment, blow down from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surface or yard drains.

(b) "Septic tank" means a water-tight receptacle which is used for the treatment of sewage and is designed and constructed so as to permit the settling of solids, the digestion of organic matter by detention and the discharge of the liquid portion to a leaching system;

(c) "Subsurface sewage disposal system" means a system consisting of a house sewer; a septic tank followed by a leaching system, any necessary pumps and siphons, and any ground water control system on which the operation of the leaching system is dependent.

(d) "Residential building" means any house, apartment, trailer or mobile home, or other structure occupied by individuals permanently or temporarily as a dwelling place but not including residential institutions;

(e) "Residential institution" means any institutional or commercial building occupied by individuals permanently or temporarily as a dwelling, including dormitories, boarding houses, hospitals, nursing homes, jails, and residential hotels or motels;

(f) "Nonresidential building" means any commercial, industrial, institutional, public or other building not occupied as a dwelling, including transient hotels and motels;

(g) "Impervious soil" means soil that has a minimum percolation rate slower than one

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inch in sixty minutes when the ground water level is at least eighteen inches below the bottom of the percolation test hole;

(h) “Suitable soil” means soil having a minimum percolation rate of one inch in one to sixty minutes when the ground water level is at least eighteen inches below the bottom of the percolation test hole;

(i) “Maximum ground water level” means the level to which ground water rises for a duration of one month or longer during the wettest season of the year;

(j) “Open watercourse” means a well defined surface channel, produced wholly or in part by a definite flow of water and through which water flows continuously or intermittently and includes any ditch, canal, aquaduct or other artificial channel for the conveyance of water to or away from a given place, but not including gutters for storm drainage formed as an integral part of a paved roadway; or any lake, pond, or other surface body of water, fresh or tidal; or other surface area intermittently or permanently covered with water.

(k) “Local director of health” means the local director of health or his authorized agent;

(l) “Technical Standards” means the standards established by the commissioner of health services in the most recent revision of the publication entitled “Technical Standards for Subsurface Sewage Disposal Systems” available from the State Department of Health Services;

(m) “Department” means the State Department of Health Services;

(n) “Gray water” means domestic sewage containing no fecal material or toilet wastes.

(o) “Drawdown area” means the area adjacent to a well in which the water table is lowered by withdrawal of water from the well by pumping at a rate not exceeding the recharge rate of the aquifer.

(Effective August 16, 1982)

**Sec. 19-13-B103c. General provisions**

(a) All sewage shall be disposed of by connection to public sewers, by subsurface sewage disposal systems, or by other methods approved by the Commissioner of Health Services, in accordance with the following requirements.

(b) All sewers, subsurface sewage disposal systems, privies and toilet or sewage plumbing systems shall be kept in a sanitary condition at all times and be so constructed and maintained as to prevent the escape of odors and to exclude animals and insects.

(c) The contents of a septic tank, subsurface sewage disposal system or privy vault shall only be disposed of in the following manner. Each application for a permit under (c) (2) and (3) shall be in writing and designate where and in what manner the material shall be disposed of.

(1) If the contents are to be disposed of on the land of the owner, disposal shall be by burial or other method which does not present a health hazard or nuisance; or

(2) If the contents are to be disposed of on land of other than the owner;

(A) The contents shall be transferred and removed by a cleaner licensed pursuant to



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Connecticut General Statutes § 20-341, and

(B) Only on the application for and an issuance of a written permit from the local director of health in accordance with the provisions of this section;

(3) If the contents are to be dispersed on a public water supply water shed, only on the application and issuance of a written permit by the Commissioner of Health Services in accordance with the provisions of this section.

(d) All material removed from any septic tank, privy, sewer, subsurface sewage disposal system, sewage holding tank, toilet or sewage plumbing system shall be transported in water-tight vehicles or containers in such a manner that no nuisance or public health hazard is presented. All vehicles used for the transportation of such material shall bear the name of the company or licensee and shall be maintained in a clean exterior condition at all times. No defective or leaking equipment shall be used in cleaning operations. All vehicles or equipment shall be stored in a clean condition when not in use. Water used for rinsing such vehicles or equipment shall be considered sewage and shall be disposed of in a sanitary manner approved by the local director of health.

(e) Septic tanks shall be cleaned by first lowering the liquid level sufficiently below the outlet to prevent sludge or scum from overflowing to the leaching system where it could cause clogging and otherwise damage the system. Substantially all of the sludge and scum accumulation shall be removed whenever possible, and the inlet and outlet baffles shall be inspected for damage or clogging. Cleaners shall use all reasonable precaution to prevent damaging the sewage disposal system with their vehicle or equipment. Accidental spillages of sewage, sludge or scum shall be promptly removed or otherwise abated so as to prevent a nuisance or public health hazard.

(f) No sewage shall be allowed to discharge or flow into any storm drain, gutter, street, roadway or public place, nor shall such material discharge onto any private property so as to create a nuisance or condition detrimental to health. Whenever it is brought to the attention of the local director of health that such a condition exists on any property, he shall investigate and cause the abatement of this condition.

(Effective August 16, 1982)

**Sec. 19-13-B103d. Minimum requirements**

(a) Each subsurface sewage disposal system shall be constructed, repaired, altered or extended pursuant to the requirements of this section unless an exception is granted in accordance with the following provisions:

(1) A local director of health may grant an exception, except with respect to the requirements of Section 19-13-B103d (d) and Technical Standard IIA, for the repair, alteration, or extension of an existing subsurface sewage disposal system where he determines the repair, alteration or extension cannot be affected in compliance with the requirements of this section and upon a finding that such an exception is unlikely to cause a nuisance or health hazard. All exceptions granted by the local director of health shall be submitted to the Commissioner of Health Services within thirty days after issuance on forms



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provided by the Department.

(2) The Commissioner of Health Services may grant an exception to the requirements of Section 19-13-B103d (d) upon written application and upon a finding that:

(A) A central subsurface sewage disposal system serving more than one building is technically preferable for reasons of site limitations, or to facilitate construction, maintenance or future connection to public sewers, or;

(B) A subsurface sewage disposal system not located on the same lot as the building served is located on an easement attached thereto. Such easement shall be properly recorded on the land records and shall be revokable only by agreement of both property owners and the Commissioner of Health Services.

(3) The Commissioner of Health Services may grant an exception to the requirements of Technical Standard IIA, upon written application and upon a finding that such an exception is unlikely to pollute the well in such a manner as to cause a health hazard.

(b) **Technical standards.** Subsurface sewage disposal systems within the scope of this regulation shall be designed, installed and operated in accordance with the technical standards established in the “Technical Standards for Subsurface Sewage Disposal Systems” published by the Commissioner of Health Services. The Technical Standards shall be reviewed annually and changes to the Technical Standards shall be available on January 1st of each year.

(c) **Large subsurface disposal systems.** The Commissioner of Health Services shall approve plans for subsurface sewage disposal systems serving a building with a designed sewage flow of two thousand gallons per day or greater, and no such systems shall be constructed, repaired, altered or extended unless the plans for such systems are approved by the Commissioner in accordance with the following:

(1) Plans for the system are submitted at least twenty days prior to approval to construct by the local director of health.

(2) The plans are designed by a professional engineer registered in the State of Connecticut.

(3) The plans submitted contain:

(A) The basis of design,

(B) Soil conditions and test pit locations,

(C) Maximum ground water and ledge rock elevations,

(D) Original and finished surface contours and elevations,

(E) Property lines, and

(F) Locations of buildings, open water courses, ground and surface water drains, nearby wells and water service lines.

(d) **Location.** Each building shall be served by a separate subsurface sewage disposal system. Each such system shall be located on the same lot as the building served.

(e) **Disposal of sewage in areas of special concern.** (1) Disposal system for areas of special concern shall merit particular investigation and special design, and meet the special requirements of this subsection. The following are determined to be areas of special concern:

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(A) A minimum soil percolation rate faster than one inch per minute, or  
(B) Slower than one inch in thirty minutes, or  
(C) Maximum ground water less than three feet below ground surface, or  
(D) Ledge rock less than five feet below ground surface, or  
(E) Soils with slopes exceeding twenty-five per cent, or  
(F) Consisting of soil types interpreted as having severe limitations for on-site sewage disposal by most recent edition of the National Cooperative Soil Survey of the Soil Conservation Service, or

(G) Designated as wetland under the provisions of Sections 22a-36 through 22a-45 of the Connecticut General Statutes, as amended.

(H) Located within the drawdown area of an existing public water supply well with a withdrawal rate in excess of fifty gallons per minute, or within five hundred feet of land owned by a public water supply utility and approved for a future wellsite by the Commissioner of Health Services.

(2) In such areas of special concern, the local director of health may require investigation for maximum ground water level to be made between February 1 and May 31, or such other times when the ground water level is determined by the Commissioner of Health Services to be near its maximum level.

(3) (A) Plans for new subsurface systems in areas of special concern shall:

(i) Be prepared by a professional engineer registered in the State of Connecticut;

(ii) Include all pertinent information as to the basis of design, and soil conditions, test pit locations, ground water and ledge rock elevations, both original and finished surface contours and elevation, property lines, building locations, open water courses, ground and surface water drains, nearby wells and water service lines;

(iii) Demonstrate an ability to solve the particular difficulty or defect associated with the area of special concern and which caused its classification. The Commissioner or local director of health, as the case may be, may require a study of the capacity of the surrounding natural soil to absorb or disperse the expected volume of sewage effluent without overflow, breakout, or detrimental effect on ground or surface waters if in their opinion such may occur.

(B) The plans for new subsurface disposal systems in areas of special concern shall be submitted to the local director of health and the Commissioner of Health Services for a determination as to whether the requirements of the subsection have been met, except that such submission need not be made to the Commissioner of Health Services if the local director or authorized agent has been approved to review such plans by the Commissioner of Health Services in accordance with Section B103e (b). All submissions to the Commissioner of Health Services shall be made at least 20 days prior to issuance of an approval to construct by the local director of health.

(4) If application is made for the repair, alteration or extension of an existing subsurface disposal system in an area of special concern, the local director of health may require that the applicant comply with the requirement of Subdivision (3) if he determines that the

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contemplated repair, alteration or extension involves technical complexities which cannot reasonably be addressed by himself, his authorized agent or the system installer.

(5) While a sewage disposal system in an area of special concern is under construction, the local director of health may require that the construction, be supervised by a professional engineer registered in the State of Connecticut, if in the opinion of the local director of health it is necessary to insure conformance to the plans approved or because of the difficulties likely to be encountered. The engineer shall make a record drawing of the sewage disposal system, as installed, which he shall submit to the local director of health prior to issuance of a discharge permit.

(6) In such areas of special concern, the Commissioner of Health Services or the local director of health who has been approved by the Commissioner to review engineering plans in areas of special concern pursuant to Section 19-13-B103e (b) may require a study of the capacity of the surrounding natural soil to absorb or disperse the expected volume of sewage effluent without overflow, breakout, or detrimental effect on ground or surface waters.

(f) **Gray water systems.** Disposal systems for sinks, tubs, showers, laundries and other gray water from residential buildings, where no water flush toilet fixtures are connected, shall be constructed with a septic tank and leaching system at least one-half the capacity specified for the required residential sewage disposal system.

(Effective August 16, 1982)

**Sec. 19-13-B103e. Procedures and conditions for the issuance of permits and approvals**

No subsurface sewage disposal system shall be constructed, altered, repaired or extended without an approval to construct issued in accordance with this section. No discharge shall be initiated to a subsurface sewage disposal system without a discharge permit issued in accordance with this section. Such permits and approvals shall be issued and administered by the local director of health.

(a) No permit or approval shall be issued:

(1) For any subsurface sewage system which is designed to discharge or overflow any sewage or treated effluent to any watercourse;

(2) For any new subsurface sewage disposal system until it is demonstrated to the satisfaction of the local director of health that there is a public water supply available or a satisfactory location for a water supply well complying with Sections 19-13-B51a through 19-13-B51m of the Public Health Code;

(3) For any new subsurface sewage disposal system where the soil conditions in the area of the leaching system are unsuitable for sewage disposal purposes at the time of the site investigation made pursuant to this section. Unsuitable conditions occur where the existing soil is impervious, or where there is less than four feet depth of suitable existing soil over ledge rock, two feet of which is naturally occurring soil, or where there is less than 18 inches depth of suitable existing soil over impervious soil, or where the ground water level is less than 18 inches below the surface of the ground for a duration of one month or longer during

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the wettest season of the year;

(4) For any new subsurface sewage disposal system where the surrounding naturally occurring soil cannot adequately absorb or disperse the expected volume of sewage effluent without overflow, breakout or detrimental effect on ground or surface water.

**(b) Approval of agents by commissioner of health services.**

(1) A local director of health shall authorize only persons approved by the Commissioner of Health Services to investigate, inspect and approve plans relating to subsurface sewage disposal systems.

(2) The Commissioner of Health Services shall approve agents of the local director of health whose qualifications to investigate, inspect and approve plans relating to subsurface sewage disposal systems have been established by attending training courses and passing examinations given by the Department of Health Services, as follows:

(A) Agents who have attended training courses and passed examinations relative to Sections 19-13-B100, 19-13-B103 and 19-13-B104 of the Public Health Code and the Technical Standards shall be approved to investigate, inspect and approve all plans for subsurface sewage disposal systems except those prepared by a professional engineer registered in the State of Connecticut pursuant to Sections 19-13-B103d (c) or (e).

(B) Agents who have attended training courses and passed examinations relative to the engineering design of subsurface sewage disposal systems shall be approved to investigate, inspect and approve plans for such systems prepared by a professional engineer registered in the State of Connecticut pursuant to Section 19-13-B103d (e).

**(c) Application for permit or approval.**

(1) No investigation, inspection or approval of a subsurface sewage disposal system shall be made, or permit issued without an application by the owner in accordance with the following requirements.

(2) Applications for permits shall:

(A) Be on forms identical to Form #1 in the Technical Standards; or

(B) Be on forms prepared by the local director of health and deemed by the Commissioner of Health Services as equivalent to Form #1 in the Technical Standards; and

(C) Have attached a plot plan of the lot, which shall be a surveyor's plan if available or one prepared from information on the deed or land records.

(3) All the requested information shall be provided. If the information is not provided, it shall be indicated why it is not available or the application may be determined incomplete, and be rejected.

**(d) Site investigation.** (1) The local director of health or a professional engineer registered in the State of Connecticut representing the applicant shall make an investigation of the site proposed for the subsurface sewage disposal system and report the findings and recommendations of the investigation on a form identical to Form #2 in the Technical Standards to include:

(A) A record of soil test location, measures and observations.

(B) Soil percolation results.

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- (C) Observations of ground water and ledge rock.
- (D) A conclusion as to the suitability of the site for subsurface sewage disposal.
- (E) Special requirements for design of the system, or further testing which shall be in accordance with the most recent edition of the Technical Standards.
- (2) Prior to the site investigation, the applicant shall:
  - (A) Provide for the digging of a suitable number of percolation test holes and deep observation pits in the area of the proposed leaching system and extending at least four feet below the bottom of the proposed leaching system, at the direction of the local director of health;
  - (B) Provide water for performing the percolation tests;
  - (C) If required by the local director of health, locate by field stakes or markers the sewage disposal system, house, well or property lines.
- (3) The site investigation shall be made within ten working days of application unless otherwise required by subsection 19-13-B103d (e).
- (4) The local director of health shall:
  - (A) Assure the accuracy of the findings of soil tests and deep observation pits; and
  - (B) When the maximum ground water level is in doubt the local director of health shall investigate pursuant to Section 19-13-B103d (e).
- (5) The size of the leaching system shall be based on the results of soil percolation tests made in the area of the proposed leaching system or on other methods of determining the soil absorption capacity in accordance with the Technical Standards.
- (6) In areas of special concern, or for leaching systems with a design sewage flow of 2,000 gallons per day or greater, the local director of health may require from the applicant whatever further testing or data necessary to assure that the sewage disposal system will function properly. Further testing may be required prior to or subsequent to issuance of the approval to construct. Such tests may include permeability tests, sieve analysis or compaction tests of natural soil or fill materials, and the installation of ground water level monitoring wells, or pipes, as well as additional observation pits and soil percolation tests.
- (e) **Submission of plan.** (1) Every plan for a subsurface sewage disposal system shall be submitted to the local director of health.
- (2) Every plan for a subsurface sewage disposal system shall include all information necessary to assure compliance with the requirements of Section 19-13-B103d of these regulations, and contain as a minimum the following information: the location of the house sewer, the location and size of the septic tank, the location and description of the leaching system, property lines, building locations, watercourses, ground and surface water drains, nearby wells and water service lines.
- (3) Where required by the local director of health under subsections 19-13-B103d (c) and (e) of these regulations, the plan shall be prepared by a professional engineer, registered in the State of Connecticut, and shall be forwarded by the local director to the Commissioner of Health Services, together with his comments and recommendations.
- (4) No plan shall be submitted directly by the applicant or engineer to the Commissioner

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of Health Services, unless requested by the local director of health.

(f) **Approval to construct.** (1) Upon determination that the subsurface sewage disposal system has been designed in compliance with the requirements of Section 19-13-B103d of these regulations, the local director of health shall issue an approval to construct. Approvals to construct shall be valid for a period of one year from the date of their issuance and shall terminate and expire upon a failure to start construction within that period. Approvals to construct may be renewed for an additional one year period by the local director of health upon a demonstration of reasonable cause for the failure to start construction within the one year period.

(2) Each subsurface sewage disposal system shall be constructed by a person licensed pursuant to Section 20-341 of the General Statutes. Such person shall notify the local director of health at least twenty-four hours prior to commencement of construction.

(3) The Commissioner of Health Services shall approve in accordance with Subsection 19-13-B103d (c) plans for a subsurface sewage disposal system to serve a building, the design sewage flow from which is two thousand gallons a day or greater prior to issuance of an approval to construct by the local director of health.

(4) Approval to construct a subsurface sewage disposal system in an area of special concern shall not be issued until twenty days following submission of the plans to the Commissioner of Health Services in accordance with subsection 19-13-B103d (e), unless earlier approved by the Commissioner.

(g) **Inspection.** (1) The local director of health shall inspect all subsurface sewage disposal systems for compliance with Subsection 19-13-B103d and the approved plans for construction prior to covering and at such other times as deemed necessary.

(2) After construction, and prior to covering, the subsurface sewage disposal system installer shall notify the local director of health the site is prepared for inspection. Such inspection shall take place as soon thereafter as feasible, but not later than two (2) working days after receipt of the request unless the owner agrees to an extension.

(3) A final inspection report shall be prepared by the local director of health on forms deemed by the Commissioner of Health Services as equivalent to Form #3 in the Technical Standards.

(4) A record plan of the sewage disposal system, as built, shall be required by the local director of health.

(h) **Permit to discharge.** (1) Upon determination that the subsurface sewage disposal system has been installed in compliance with the requirements of Section 19-13-B103d of these regulations and the approved plans, the local director of health shall issue a permit to discharge. A copy of such permit shall be sent to the local building official. No permit to discharge shall be issued until all required forms are completed and an approved as-built plan or record drawing is received.

(2) Any permit to discharge issued by the Commissioner of Health Services or a local director of health for a household or small commercial subsurface sewage disposal system with a capacity of five thousand gallons per day or less shall be deemed equivalent to a



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permit issued under Subsection 25-54i (b) of the Connecticut General Statutes. Such permits shall:

- (A) specify the manner, nature and volume of discharge;
  - (B) require proper operation and maintenance of any pollution abatement facility required by such permit;
  - (C) be subject to such other requirements and restrictions as the commissioner deems necessary to comply fully with the purposes of this chapter and the Federal Water Pollution Control Act; and
  - (D) be issued on forms approved by the Commissioner of Health Services.
- (3) The local director of health shall record the granting of an exception from any requirement of Section 19-13-B103d on the permit to discharge.

(i) **Enforcement.** (1) A permit to discharge to a subsurface sewage disposal system shall not be construed to permit any sewage overflow, nuisance, or similar condition or the maintenance thereof.

(2) If such a condition is found to exist, the permit to discharge may be revoked, suspended, modified or otherwise limited and any such condition is subject to an order to abate the condition pursuant to Connecticut General Statutes Section 19-79.

(j) **Records.** Copies of completed applications, investigation reports, review and inspection forms and as-built plans or record drawings of each sewage disposal system, certified as complying with this Section, shall be kept in the files of the town or health district for a minimum of ten years.

(k) **Rights of applicant.** (1) All site investigations, inspections, review of plans and issuance of permits or approvals by the local director of health shall be made without unreasonable delay.

(2) When requested in writing by the applicant, the local director of health shall designate in writing within 20 working days the requirement(s) of Section 19-13-B103d or 19-13-B103e of these regulations which prevents such investigation, inspection, review, permit or approval.

(3) Any final decision of the local director of health made in regard to these sections shall be made in writing and sent to the applicant. Any decision adverse to the applicant or which limits the application shall set forth the facts and conclusions upon which the decision is based. Such written decision shall be deemed equivalent to an order, and may be appealed pursuant to Section 19-103 of the General Statutes.

(Effective August 16, 1982)

**Sec. 19-13-B103f. Non-discharging sewage disposal systems**

(a) All non-discharging sewage disposal systems shall be designed, installed and operated in accordance with the Technical Standards and the requirements of this section, unless an exception is granted by the Commissioner upon a determination that system shall provide for the proper and complete disposal and treatment of toilet wastes or gray water.

(b) **Composting toilets.** (1) The local director of health may approve the use of a large

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capacity composting toilet or a heat-assisted composting toilet for replacing an existing privy or failing subsurface sewage disposal system, or for any single-family residential building where application is made by the owner and occupant, and the lot on which the building will be located is tested by the local director of health and found suitable for a subsurface sewage disposal system meeting all the requirements of Section 19-13-B103d of these regulations.

(2) All wastes removed from composting toilets shall be disposed of by burial or other methods approved by the local director of health.

(c) **Incineration toilets.** The local director of health may approve the use of incineration toilets for non-residential buildings or for existing single-family residential dwellings for the purpose of abating existing sewage problems or replacing the existing non-water carriage toilets.

(d) **Chemical flush toilets and chemical privies.** (1) The local director of health may approve chemical flush toilets or chemical privies for nonresidential use where they are located outside of buildings used for human habitation. Chemical flush toilets or chemical privies located inside human habitations shall be approved by the Commissioner of Health Services and the local director of health.

(2) Liquid waste from chemical flush toilets or chemical privies shall be disposed of in a location and manner approved by the local director of health. Such liquid shall not be disposed of on a public water supply watershed or within five hundred feet of any water supply well unless approved by the Commissioner of Health Services.

(e) **Dry Vault Privies.** (1) The local director of health may approve dry vault privies for nonresidential use where they are located outside of buildings used as human habitation.

(2) Wastes removed from dry privy vaults shall be disposed of by burial or other methods approved by the local director of health.

(Effective August 16, 1982)

**On-Site Sewage Disposal Systems with Design Flows Greater than 5,000 Gallons per Day**

**Sec. 19-13-B104a. Scope**

These regulations set standards for domestic sewage disposal systems receiving flows greater than 5,000 gallons per day; community sewage systems as defined in Section 7-245, Connecticut General Statutes, which utilize land treatment and disposal, alternative on-site sewage treatment systems; and septage disposal systems which utilize land treatment and disposal.

(Effective August 16, 1982)

**Sec. 19-13-B104b. Definitions**

(a) “Alternative on-site sewage treatment systems” means a system serving one or more buildings on one property which utilizes a method of treatment other than a subsurface

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sewage disposal system and which involves a discharge to the waters of the state.

(b) “Domestic sewage” means sewage that consists of water and human excretions or other waterborne waste incidental to the occupancy of the residential buildings or a nonresidential building but not including manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellars or floor drains or surface water from roofs, paved surfaces or yard drains.

(c) “House sewer” means a tight sewer pipe extending from the building served by a subsurface sewage disposal system.

(d) “Land treatment and disposal” means a system which utilizes soil materials for the treatment of domestic sewage and disposes of the treated effluent by percolation into underlying soil and mixing with the groundwater.

(e) “Local Director of Health” means the local director of health or his authorized agent.

(f) “Person” means any individual, partnership, association, firm, corporation or other entity, except a municipality, and includes the federal government, the state or any instrumentality of the state and any officer or governing or managing body of any partnership, association, firm or corporation.

(g) “Septage” means any water of material withdrawn from a septic tank used to treat domestic sewage.

(h) “Subsurface sewage disposal system” means a system consisting of a house or collection sewer, a septic tank followed by a leaching system, any necessary pumps or siphons, and any groundwater control system on which the operation of the leaching system is dependent.

(Effective August 16, 1982)

**Sec. 19-13-B104c. General provisions**

(a) All sewers, sewage disposal systems, toilets, or sewage plumbing systems shall be kept in a sanitary condition at all times and be so constructed and maintained as to prevent the escape of odors and to exclude animals and insects. All such systems shall adhere to the requirements set forth in section 25-54i of the Connecticut General Statutes.

(b) The contents of the septic tank, subsurface sewage disposal system or privy vault shall only be disposed of in the following manner.

(1) If the contents are to be disposed of on the land of the owner, disposal shall be by burial or other method which does not present a health hazard or nuisance; or

(2) If the contents are to be disposed of on land of other than the owner;

(A) The contents shall be transferred and removed by a cleaner licensed pursuant to Connecticut General Statutes § 20-341, and

(B) Only on the application for and an issuance of a written permit from the local director of health in accordance with the provisions of this section;

(3) If the contents are to be disposed of on a public water supply water-shed, only on the application and issuance of a written permit by the Commissioner of Health Services in

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accordance with the provisions of this section.

Each application for a permit under subdivisions (2) and (3) of subsection (b) shall be in writing and designate where and in what manner the material shall be disposed of.

(c) All material removed from any septic tank, privy, sewer, subsurface sewage disposal system, sewage holding tank, toilet or sewage plumbing system shall be transported in watertight vehicles or containers in such a manner that no nuisance or public health hazard is presented. All vehicles used for transportation of such material shall bear the name of the company or licensee and shall be maintained and a clean exterior conditions at all times. No defective or leaking equipment shall be used in cleaning operations. All vehicles or equipment shall be stored in a clean condition when not in use. Water used for rinsing such vehicles or equipment shall be considered sewage and shall be disposed of in a sanitary manner approved by the local director of health.

(d) Septic tanks shall be cleaned by first lowering the liquid level sufficiently below the outlet to prevent sludge or scum from overflowing to the leaching system where it could cause clogging or otherwise damage the system. Substantially all of the sludge or scum accumulation shall be removed whenever possible, and the inlet and outlet baffles shall be inspected for damage or clogging. Cleaners shall use all reasonable precautions to prevent damaging the sewage disposal system with vehicles or equipment. Accidental spillages of sewage, sludge, or scum be promptly removed or otherwise abated so as to prevent a nuisance or public health hazard.

(e) No sewage shall be allowed to discharge or flow into any storm drain, gutter, street, roadway or public place, nor shall such material discharge onto any private property so as to create a nuisance or condition detrimental to health. Whenever it is brought to the attention of the local director of health that such a condition exists on any property, he shall investigate and cause the abatement of this condition.

(f) Persons who intend to conduct site investigations for the purpose of designing or constructing any septage or sewage disposal system within the scope of these regulations shall notify the local director of health of the time and place of such site investigations. Notice shall be provided to the local director of health in a timely manner to allow attendance at such site investigations by the director of health.

(g) Persons who propose sewage or septage disposal systems within the scope of this regulation shall submit plans for such systems to the Commissioner of Health Services and the local director of health. Plans shall be submitted in a timely manner to allow review and comment on such plans to be directed to the Commissioner of Environmental Protection. Such plans shall be prepared by a professional engineer registered in the State of Connecticut and shall include a report of the findings of all site investigations, the basis of design, a preliminary or final design and other information necessary for the preservation and improvement of public health.

(h) Persons who intend to construct sewage or septage disposal systems within the scope of these regulations shall file final construction plans with the local director of health at least two working days prior to the start of construction. All such systems shall be inspected

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during construction by the local director of health. Persons constructing such systems shall give prior notification to the local director of health of any changes which are proposed or required during construction. Persons constructing such systems shall provide the local director of health with a record drawing of the system, as-built, prior to utilizing the system.

(Effective August 16, 1982)

**Sec. 19-13-B104d. Minimum requirements**

(a) All sewage or septage disposal systems under the scope of these regulations shall meet the following minimum requirements necessary for the preservation and improvement of public health, unless an exception is granted by the Commissioner of Health Services upon his determination that public health shall not be impaired by such exception.

(b) All structures or facilities for the treatment or disposal of sewage or septage shall be located at least 50 feet from any open water source and 100 feet from any public supply reservoir, unless designed and constructed to prevent the leakage or overflow of raw or treated sewage to the ground or surface water.

(c) All structures, facilities or locations containing sewage or septage which is exposed to the atmosphere shall be located at least 150 feet from any school, residential building or institution, and shall be fenced or otherwise made inaccessible to the public.

(d) The following minimum separating distances shall be maintained between any discharge or overflow of raw or treated sewage or septage to the ground waters and any drinking water supply well or spring.

<i>Required Withdrawal Rate</i>	<i>Minimum Separating Distance</i>
Under 10 gal. per minute	75 feet
10 to 50 gal. per minute	150 feet
Over 50 gal. per minute	200 feet

(e) The following minimum separating distances shall be maintained between any sewer, structure or facility for the conveyance or treatment of sewage or septage and any drinking water supply well or spring.

<i>Required Withdrawal Rate</i>	<i>Minimum Separating Distance</i>
Under 10 gal. per minute	25 feet
10 to 50 gal. per minute	75 feet
Over 50 gal. per minute	100 feet

(Effective August 16, 1982)

**Toilet and Handwashing Facilities at Public Buildings, Places of Public Assembly, Places Dispensing Food and Beverage for Consumption on the Premises, and for the Patrons of Large Stores and Shopping Centers**

**Sec. 19-13-B105. Definitions**

The following definitions shall apply for the purposes of sections 19-13-B106 to 19-13-B113, inclusive:

(a) “Public Building” means any building owned, leased or occupied by the state or any of its subdivisions, or by any town, city or borough in the state such as a courthouse, town or city hall, statehouse, or offices used for public transactions.

(b) “Places of Public Assembly” means structures where fifty (50) or more persons assemble for the purpose of discussing and acting upon some matters in which they have a common interest, transaction of some business of a common interest, religious worship, or attending a recreational, entertainment or educational event. The term shall include but not be limited to churches, chapels, meeting houses, auditoriums, assembly halls, theaters, sports complexes.

(c) “Places Dispensing Food and Beverages for Consumption on the Premises” means any place where food is prepared and intended for individual portion service to patrons, and includes the site at which individual portions are provided. The term includes but is not limited to restaurant, luncheonette and delicatessen-type operations that prepare sandwiches for individual portion service.

(d) “Large Store” (Mercantile) means a commercial establishment where goods are kept for sale, having five thousand (5,000) sq. ft. or more of space for the display of goods for patrons to purchase.

(e) “Shopping Center” or “Shopping Mall” means more than one store forming a central retail market, and situated within the same basic structure having common ownership.

(f) “Patron” means a client or customer of a large store or shopping center or place dispensing food and beverages for consumption on the premises.

(g) “Easily Cleanable” means that surfaces are readily accessible and made of such materials and finish as to be smooth and impervious to water and cleaning agents.

(Effective March 27, 1985)

**Sec. 19-13-B106. Toilet and handwashing facilities**

Toilet and handwashing facilities accessible to the public and separated for each sex, shall be provided at new or extensively renovated public buildings, places of public assembly, places dispensing food and beverage for consumption on the premises, and for the patrons of large stores and shopping centers in accordance with the State of Connecticut Basic Building Code, except that this regulation shall not apply to establishments constructed or altered pursuant to plans and specifications approved or building permits issued prior to October 1, 1977.

(Effective March 27, 1985)



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**Sec. 19-13-B107. Construction materials for fixtures**

All toilets, urinals and lavatories shall be constructed of durable, easily cleanable materials and installed so that the fixture and space around it can be easily cleaned. All toilets, urinals and lavatories shall be kept in good repair, maintained in a clean condition and disinfected as necessary.

(Effective March 27, 1985)

**Sec. 19-13-B108. Accommodations required**

Each toilet shall occupy a separate compartment which shall be equipped with a door, inside latch, and clothes hook. Toilet rooms at places dispensing food and beverages for consumption on the premises shall have self-closing doors. Toilet paper in a holder shall be provided at all times for each toilet.

(Effective March 27, 1985)

**Sec. 19-13-B109. Construction requirements**

The walls of compartments, doors, or partitions between toilets may be less than the height of room walls but the top shall not be less than six feet (1830 mm) from the floor and the bottom not be more than one foot (305 mm) from the floor. The walls, floors, doors, and partitions shall be constructed of durable, easily cleanable materials. They shall be maintained in good repair and in a clean condition.

(Effective March 27, 1985)

**Sec. 19-13-B110. Lighting, heating and ventilating**

All toilet rooms shall be properly lighted, heated and ventilated in accordance with the requirements of the State of Connecticut Basic Building Code.

(Effective March 27, 1985)

**Sec. 19-13-B111. Water requirements**

The toilet room shall be provided with an adequate supply of cold and hot or tempered (warm) water. The temperature of the water shall not exceed 115° F (46° C).

(Effective March 27, 1985)

**Sec. 19-13-B112. Prevention of flies and vermin**

Toilet room outer openings shall be screened to prevent the entrance of flies and vermin.

(Effective March 27, 1985)

**Sec. 19-13-B113. Waste receptacles**

Easily cleanable receptacles shall be provided in toilet rooms for waste materials, and such receptacles in toilet rooms for women shall be covered. Individual hand towels or warm air blowers and soap shall be available at all times.

(Effective March 27, 1985)