Technical Assistance for Public Water Systems

The Idaho DrinkingWater Newsletter

Department of Environmental Quality Idaho Drinking Water Program

2002, Number 25

*One system owner charged to date*

# Falsifying monitoring results is a felony

Public water systems are charged with providing safe drinking water in order to protect public health, and this makes owning and operating a public drinking water system a serious responsibility.

Water systems are held responsible for complying with all state and federal regulations, including monitoring, reporting, performing treatment techniques, record keeping, and public notice requirements. These regulations are designed to ensure that consumers receive safe drinking water.

The public depends on the owners and operators of public water systems to be honest, as well as accurate, in reporting testing results to consumers. Concealing negative results of water sample tests, of falsifying test results not only violates the law, it violates the public's trust.

Filing a fraudulent test result is not only a violation of the law, it also opens a system to the possibility of a lawsuit filed by the system's consumers.

The state of Idaho takes seriously any conduct that has the potential to expose people to the health hazards of contaminated drinking water. Section 18-3203 of the Idaho Code states that anyone who knowingly falsifies a public record is guilty of a felony. In addition, according to Section 39-117 of the Idaho Code, any person who "willfully or negligently" violates any of the state's Idaho Rules for Public Drinking Water Systems is guilty of a misdemeanor and upon conviction shall be punished by a fine of "not more than $10,000 for each separate violation or $1,000 per day for continuing violations, whichever is greater."

To date, the state has charged one public water system owner with submitting a false water test report to DEQ. The incident took place in southwest Idaho in 2001.

The owner had signed a Consent Order with DEQ requiring him to take monthly samples of the system's drinking water. When the owner submitted a false drinking water testing report, the state charged him with a felony.

Ultimately, he was sentenced to 30 days in jail for a misdemeanor, which was suspended on the condition that he obtain a drinking water Operator's Certificate. The owner was placed on probation for a period of one year.

DEQ has field staff stationed throughout the state in six regional offices. Consequently, DEQ staff are located close to most water systems, and are there to assist you in correcting problems. If you receive a lab report indicating elevated levels of a contaminant, please contact DEQ for assistance. We all share the common goal of safe drinking water for all citizens of Idaho. ■

# New Arsenic Rule of 10 ppb becomes effective

*Systems should take action early to meet compliance*

The new arsenic standard of 10 parts per billion (ppb) became effective February 2002 for community and non-community non-transient drinking water systems. The 10 ppb is a sharp reduction from the 60-year-old standard of 50 ppb.

There is very little data to indicate how many non-transient non-community systems in Idaho will be effected, but the rule is expected to impact about 100 of the state's community systems.

Even though the new rule became law in 2002, compliance with the new maximum contaminant level (MCL) of 10 ppb is not effective until January 23, 2006. That may sound like a long time away, but the Idaho DEQ is urging systems to begin planning now to comply with the expensive new treatment processes the rule requires. *(See the sidebar on page 3 for arsenic treatment studies.)*

As a beginning step, Idaho DEQ recommends that systems analyze each sampling or entry-point for arsenic levels using approved methods. (*Note*: EPA withdrew two analytical methods, ICP-AES 200.7 and SM 3120B, because their detection levels are not low enough for the new MCL of 10 ppb.)

For systems with levels higher than the new MCL, the next step would be to hire an Idaho-licensed consulting

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# Revised Radionuclides Rule calls for new monitoring requirements

The final Radionuclides Rule of December 2000 revised the radionuclides regulation which had been in effect since 1977. The new rule will become effective in December 2003. New monitoring requirements will be phased in between December 8, 2003 and the beginning of the next Standardized Monitoring Framework period, December 31, 2007.

The revised rule sets a maximum contaminant level (MCL) of 30 parts per billion (ppb) for uranium; retains existing MCLs for radium 226-228, gross alpha particle activity, beta particle and photon activity; and revises monitoring requirements.

The rule applies to all community water systems and exempts nontransient noncommunity systems and transient water systems.

The revised rule contains certain "grandfather" monitoring clauses. In this article, the term "grandfather" or "grandfathering" means that some systems are exempted from certain requirements of the revised rule. For example, data collected between June 2000 and December 8, 2003 may be used to satisfy the initial monitoring requirements of the revised rule for gross alpha, radium 226, radium 228 and uranium data to comply with the initial monitoring requirements.

The new rule requires water systems to monitor at all entry points into the system. Under the 1976 rule, water systems with multiple entry points were not required to test at every entry point into the system, but rather at a "representative point to the distribution system." "Grandfathering" distribution samples may be acceptable for systems with only one entry point, but multiple entry systems are encouraged to take their samples before the deadline of December 8, 2003 from each entry point.

Idaho is allowing "grandfathered" data collected between June 2000 and December 8, 2003 to be used to comply

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## What is a "community water system?"

There may be some confusion among public water systems as to what constitutes a "community water system." For example, community water systems must have a certified operator and a backup operator, and community water systems must prepare an annual Consumer Confidence Report due every July 1. Not every public water system, however, is a community water system.

It's easy to see how the term "community water system" may be confusing to some because a water system may say, "we serve the community so we must be a community water system."

Actually, there are three general categories of public water systems as officially designated by the state and federal government. To differentiate between the three categories, we offer the following explanation.

***1. Community Water System:*** A public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents (e.g., a municipality, subdivision, mobile home park, apartment complex, or nursing home).

***2. Nontransient Noncommunity Water System:*** A public water system that regularly serves at least 25 of the same persons over 6 months per year (e.g., a school, hospital, day care center, or a business, factory motel, or restaurant with 25 or more regular employees on-site).

***3. Transient Noncommunity Water System:*** A transient noncommunity water system is a public water system that does not regularly serve at least 25 of the same persons over 6 months per year (e.g., a tavern, restaurant with less than 25 regular employees, motel, church, campground, state or federal park, an RV park, or highway rest area).

***If you are still uncertain, you can tell what type of a public water system you are by looking at your annual fee assessment, which will list your system category. You can also contact your local DEQ regional office or local health district to check your public water system designation.***

# EPA seeks water systems for arsenic treatment studies

The U.S. Environmental Protection Agency announced in March 2002 that they are seeking community water system utilities that serve less than 10,000 persons to participate in an arsenic treatment demonstration project.

The announcement is the result of EPA's commitment to devote $20 million over the next two years to research and develop innovative, reliable, and cost-effective arsenic treatment technologies for small systems and to help operators of small systems achieve compliance at the lowest possible cost.

Nationwide, EPA expects to fund only 8-12 projects for 2002 and 8-12 projects for 2003. For systems interested in participating in the demonstration projects, you can find information and an easy form to fill out at EPA's web-site http://www.epa.gov/ORD/NRMRL/arsenic/detailpart.htm.

Please fax the completed form to DEQ's Jerri Henry at (208) 373-0576 or send the form to Drinking Water Arsenic Project, ATTN: Jerri Henry, Idaho Department of Environmental Quality, 1410 North Hilton, Boise, ID 83706 no later than June 28, 2002.

**A reminder to all community water systems:**

## 2001 CCRs
## are due July 1, 2002

DEQ mailed CCR templates to all community water systems in April.

The template is also available on-line at **http://www2.state.id.us/deq/water/dw/ccr.htm** and can be downloaded to a computer and filled out.

*Not sure whether or not you are a community water system? See "What is a community water system?" on page 2.*

## TRAINING SCHEDULE

| Class/Sponsor | Location | Date |
|---|---|---|
| **BFA - Tester Certification ▲** | Idaho Falls | June 11-14, 2002 |
| **Certification Review - Small Water Systems ★** | Lewiston | June 11, 2002 |
| **Wastewater I & II Certification Review ★** | Lewiston | June 12-13, 2002 |
| **Sanitary Survey Awareness ▲** | Blackfoot | June 13, 2002 |
| **BFA - Tester Recertification ▲** | Idaho Falls | June 14, 2002 |
| **Certification Review - Small Water Systems ★** | Nampa | June 18, 2002 |
| **BFA - Tester Certification ▲** | Caldwell | June 25-28, 2002 |
| **BFA - Tester Recertification ▲** | Caldwell | June 28, 2002 |
| **Cross Control Inspections ▲** | Chubbuck | July 9-11, 2002 |
| **CMOM Regulations ▲** | Boise | July 17, 2002 |
| **Electricity & Motor Controls ★** | Hailey | July 17-18, 2002 |
| **New Cross Connections Control ★** | Hailey | July 19, 2002 |
| **Cross Control Connection Awareness - OPS ▲** | McCall | July 25, 2002 |
| **SWP Case Analysis ▲** | McCall | July 25, 2002 |
| **Systems Tour ▲** | New Meadows | July 26, 2002 |
| **Water Tx Plant Optimization ▲ Operation Basics ▲** | Sandpoint | July 30-31, 2002 |
| **Mechanical Maintenance ★** | Lewiston | August 6-7, 2002 |
| **Operator Safety ★** | Nampa | August 20, 2002 |
| **BFA - Tester Certification ▲** | Lewiston | August 20-23, 02 |
| **BFA - Tester Recertification ▲** | Lewiston | August 23, 2002 |
| **Electrical Maintenance ★** | Coeur d'Alene | August 29-30,02 |
| **Resource Management ▲** | Sandpoint | Sept 4,2002 |
| **Land Application ★** | Pocatello | Sept 4-5,2002 |
| **Cross Control Connection Awareness - OPS ▲** | Sandpoint | Sept 5, 2002 |
| **Systems Tour ▲** | Sandpoint | Sept 6, 2002 |
| **Surface Water Assessment/ Protection ▲** | Island Park | Sept 18, 2002 |
| **Land Application ★** | Boise | Sept 18-19,2002 |
| **Cross Control Connection Awareness - OPS ▲** | Island Park | Sept 19, 2002 |
| **SEIOS - C12 Safety ▲** | Island Park | Sept 19,2002 |
| **Land Application ★** | Sandpoint | Sept 25-26,2002 |

▲ *Idaho Rural Water Association, 1-800-962-3257 or for the Boise area, 208-343-7001. Fax: 208-343-1866. Online information: http://www.idahoruralwater.com*

★ *Brown Environmental, Inc. 1-800-543-4358 or for the Boise area, 208-465-5725. Fax: 208-465-8081. or register online: http://www.idahocertificationtraining.com*

## *Revised Radionuclides* *Continued from page two*

with the initial monitoring requirements. For other systems, the initial monitoring period of four consecutive quarterly samples begins December 8, 2003 and ends December 31, 2007.

Future monitoring frequencies (i.e., beyond December 31, 2007) will be determined by the initial monitoring results and detection limits, and will be integrated into the Standard Monitoring Framework of 3, 6, or 9-year intervals.

The standardized monitoring framework for radionuclides is complex, in part, because of the inter-relationship of the analytes. For example, gross alpha may continue to substitute for the required radium-226 if the gross alpha levels do not exceed 5 pCi/L, and gross alpha may substitute for the uranium monitoring if the gross alpha levels do not exceed 15pCi/L.

EPA recommends that systems substitute gross alpha for radium 226 only if previous gross alpha results are less than the 3pCi/L laboratory detection limit because the system is at risk of exceeding the combined radium 226/228 MCL of 5pCi/L. Gross alpha can no longer be substituted for radium-228 because radium-228 comes from a different source of alpha emitting elements.

Questions? See EPA's recently published Radionuclides in Drinking Water: A Small Entity Compliance Guide. Although not yet available on EPA's web site, systems interested in obtaining the guide should contact the EPA Safe Drinking Water Hotline at 1-800-426-4791. A general implementation guide is available on EPA's web-site at http://www.epa.gov/safewater/rads/implement.html. ■

## *New Arsenic Rule* *Continued from page one*

engineer, and then to seek financial assistance.

Some options for financial assistance are through Idaho DEQ's Drinking Water State Revolving Fund, USDA's Rural Utilities Service, Federal Community Development Block Grants, and the Idaho Department of Water Resources Board Funding Program. For financial assistance information regarding the State Revolving Fund, contact Bill Jerrel or Alan Stanford at (208) 373-0502.

*Note: While Idaho DEQ cannot recommend any particular consultant, engineers must be licensed in the state of Idaho. Systems should inquire about whether a potential consultant has had any experience with drinking water systems.* ■

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