

TITLE 327 WATER POLLUTION CONTROL DIVISION

Rule Information Sheet

Definition of “Public Water System”
LSA Document #21-132

Overview

The United States Environmental Protection Agency (U.S. EPA) has approved the Indiana Department of Environmental Management’s (IDEM) Office of Water Quality, Drinking Water Branch to have primacy for implementing drinking water programs in Indiana under the Safe Drinking Water Act (SDWA). Because the programs are delegated by U.S. EPA to IDEM, U.S. EPA maintains the final authority over the requirements of the programs. In this capacity, U.S. EPA conducts periodic audits of IDEM’s drinking water programs. Under review of Indiana’s drinking water rules, U.S. EPA found the state’s definition of “public water system” is not consistent with the federal definition. To correct this inconsistency, the state’s definition of a public water system needs to add the words “an average of” before “at least twenty-five (25) individuals” to all definitions of “public water system” in order to be as stringent as the federal definition. The locations of the definitions in need of correction are 327 IAC 8-1-3(5), 327 IAC 8-2-1(74), 327 IAC 8-4.1-1(20), and 327 IAC 8-10-1(16). Additionally, a definition of “public water system” is being added to 327 IAC 8-3.4-1(24) to include it and the variations that occur in rule language, such as “public water supply”, “public water supply system”, and the acronyms for these terms, and connect them to the definition of “public water system” at 327 IAC 8-2-1(74). Similarly, additions have been made to the definitions of “community water system” and “noncommunity water system” to include variations of the terms used in rule language plus the acronyms of those terms.

This rulemaking also is amending the rule language at 327 IAC 8-2.5-2(b)(2) by adding the term “GAC10” before “enhanced coagulation”. This is another U.S. EPA requested clarification to make it clear that the GAC10 treatment, which refers to ten minutes of contact time in granular activated carbon filter beds, applies to enhanced coagulation as well as enhanced softening.

The addition of the words “an average of” to the definition of “public water system” and the addition of “GAC10” to the best available technology description for disinfection byproducts will cause no implementation change for drinking water systems because for years IDEM has been determining whether a drinking water system is or is not a public water system according to the federal definition and applying the requirement that GAC10 treatment applies to both enhanced coagulation and enhanced softening.

Affected Persons

The rules being amended in this rulemaking apply to public water systems.

Reasons for the Rule

IDEM must maintain its drinking water rules according to U.S. EPA’s requirements and keep them as stringent as the federal rules in order to maintain primacy for the drinking water programs.

Economic Impact of the Rule

This rulemaking has no fiscal impact because IDEM's Drinking Water Branch has been implementing these rules according to the federal definition of "public water system" and applying the "GAC10" requirement to both enhanced coagulation and enhanced softening.

Scheduled Board Action and Hearings

First Public Hearing: November 10, 2021, at 1:30 P.M., at the Indiana Government Center North, 100 North Senate Avenue, Conference Room 1319, Indianapolis, Indiana.

Second Public Hearing: February 9, 2022, at 1:30 P.M., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, Indiana. The public may attend the Environmental Rules Board meeting in person or join by using the Zoom link, meeting ID, and passcode, or telephone numbers that can be found prior to the meeting at:

<https://events.in.gov/idem>.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635, (800) 451-6027 (in Indiana), or mstevens@idem.in.gov.