

401 KAR 8:200. Microbiological monitoring.

RELATES TO: KRS 224.10-110, 40 C.F.R. 141.21, 141.52, 141.63, 141.851 - 861

STATUTORY AUTHORITY: KRS 224.10-100(28), 224.10-110(2), 40 C.F.R. 141.21, 42 U.S.C. 300f-300j-26

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-110(2) requires the cabinet to enforce administrative regulations promulgated by the secretary for the regulation and control of the purification of water for public and semipublic use. This administrative regulation establishes a schedule and method for sampling drinking water to test for bacteriological contaminants, establishes maximum contaminant levels for bacteria, and establishes requirements if tests show maximum contaminant levels have been exceeded.

Section 1. A "public water system" as defined by 40 C.F.R. 141.2", shall meet the requirements established in 40 C.F.R. 141.21, 141.52, and 141.63.

Section 2. Beginning January 1, 2016, a public water system shall comply with the requirements established in 40 C.F.R. 141.851 through 141.861, except that a sample site plan required by 40 C.F.R. 141.853 shall be submitted to the cabinet no later than December 31, 2015. A semipublic water system shall take a minimum of one (1) total coliform bacteria sample each month the system is in operation.

Section 3. Population served shall be determined by the appropriate method established in this section.

(1) A "community water system", as defined by 40 C.F.R. 141.2, and a "semipublic water system", as defined by 401 KAR 8:010, shall:

- (a) Use the most recent decennial census count conducted by the United States Census Bureau;
- (b) Use the serviceable population established by the Water Resources Information System database located at <http://wris.ky.gov/portal/sysdata>;
- (c) Multiply the number of service connections by 2.69; or
- (d) Utilize a method mutually agreed upon by a community or semipublic water system and the cabinet.

(2) A "non-transient non-community public water system", as defined by 40 C.F.R. 141.2, shall use the actual population served.

(3) A "transient non-community public water system", as defined by 40 C.F.R. 141.2, shall use the actual population served.

(4) A public water system shall provide the figure to the cabinet in its December Monthly Operating Report established in 401 KAR 8:020, Section 3(7), by the tenth day of the month following the determination.

(5) A semipublic water system shall immediately notify the cabinet in writing if the population served calculation changes its classification from a semipublic water system to another classification.

(401 KAR 008:200. 17 Ky.R. 614; 1440; eff. 11-15-1990; 18 Ky.R. 1186; 1857; eff. 11-26-1991; 20 Ky.R. 3045; 21 Ky.R. 321; eff. 8-24-1994; 23 Ky.R. 2568; eff. 5-14-1997; 35 Ky.R. 1546; 2017; eff. 4-3-2009; 36 Ky.R. 2097-A; 2323; eff. 6-3-2010; 41 Ky.R. 316; 807; 1050; eff. 12-5-2014; TAm eff. 10-10-2017; Crt eff. 10-3-2018; Crt eff. 10-1-2025.)