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ARKANSAS STATE BOARD OF HEALTH

**DEPARTMENT OF HEALTH
CENTER FOR LOCAL PUBLIC HEALTH
ENVIRONMENTAL HEALTH BRANCH
ENGINEERING SECTION**

RULES ~~AND REGULATIONS~~

PERTAINING

TO

PUBLIC WATER SYSTEMS

Promulgated under the authority of Act 96 of 1913
and
Act 8 of the Second Extraordinary Session of 1961, as amended

This Revision Effective ~~February 24, 2014~~ (New Date)

By the Arkansas State Board of Health

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I. AUTHORITY

A. State Authority

The following Rules ~~and Regulations~~ Pertaining to Public Water Systems are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 96 of 1913, as amended Ark. Code Ann. § 20-7-109, and Act 788 of 2019.

B. Incorporation by Reference

The Rules ~~and Regulations~~ Pertaining to Public Water Systems incorporate by reference the federal National Primary Drinking Water Regulations found in 40 CFR Parts 141, 142 and 143.

II. PURPOSE

These Rules ~~and Regulations~~ are adopted for the purpose of ensuring that all persons in the State of Arkansas receiving water from a public water system are provided with ample quantities of safe, palatable water which is in full compliance with the National Primary Drinking Water Regulations.

III. DEFINITIONS

For the purpose of these Rules ~~Regulations~~, the following terms are defined:

A. Contaminant:

Any physical, chemical, biological, or radiological substance or matter in water.

B. Cross-Connection:

A physical connection between a public water supply and either an unsafe or a questionable quality water supply or any toxic or objectionable material.

C. Distribution System:

All systems of conduits and their appurtenances by which water is distributed to consumers.

D. Financial Capacity:

Financial resources of the water system including, but not limited to, the revenue sufficiency, credit worthiness and fiscal controls.

1. Community Public 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.

2. Non-Community Public Water System:

A public water system that serves at least 15 service connections or at least 25 persons per day that is not a community water system, or a water source that is not a community water system that is utilized as a source for bottled water.

a) Non-Transient Non-Community Public Water System:

A Non-Community Water System that serves at least 25 of the same individuals at least 180 days (or portions thereof) per year.

b) Transient Non-Community Public Water System:

Any Non-Community Water System that is not a Non-Transient Non-Community Public Water System.

L. Restricted intake zone

An area immediately adjacent to a surface water source intake, in which no activity unrelated to the operation of the intake or water system is permitted.

M. Restricted buffer zone

An area, larger than the restricted intake zone, surrounding a surface water intake, a spring, or a wellhead, in which activity is restricted to those activities that will not have the potential to cause contamination of the water source.

N. Surface Water Influenced Ground Water:

A ground water with significant occurrence of insects or other macro-organisms, algae, or large diameter pathogens such as Giardia lamblia, or which is subject to significant changes in water quality which are determined to be in direct relationship with the climatological or surface water conditions.

O. Surface Water:

Water that flows over or rests upon the surface of the earth. The term surface water includes rivers, lakes, impoundments, reservoirs and springs in addition to other man made and naturally occurring bodies of water on the surface of the earth. Thermal springs with minimum water temperatures greater than 120 degrees Fahrenheit are not considered surface water.

Surface water shall not include those springs for which a comprehensive hydrogeologic and microbiologic study has been performed by the owner which indicates a lack of surface water influence, and which has been accepted by the

These Rules ~~and Regulations~~ shall apply to all public water systems utilized as a source for bottled water without regard to population served.

V. WATER QUALITY

A. Drinking Water Standards

The quality of the water made available must conform to the National Primary Drinking Water Regulations. The Arkansas Department of Health may require the quality of the water to conform to the National Secondary Drinking Water Regulations.

B. Approval

The quality of new or additional sources of supply must be approved by the Arkansas Department of Health before being made available for public use. Production of water that poses no threat to the consumer's health depends on continuous protection. Because of human frailties associated with protection, priority should be given to selection of the purest source. Polluted sources should not be used unless other sources are not feasible and then only when adequate personnel, equipment, and operating procedures are proposed or in-place to purify and otherwise continuously protect the drinking water supply.

VI. ALTERATIONS OR CHANGES REQUIRED

A. Authority to Issue Orders

The Arkansas Department of Health may, in order to protect the public health and to ensure compliance with these rules and other applicable rules or regulations, issue orders to public water systems requiring any one or more of the following actions:

1. The securing of a new source;
2. The modification of treatment facilities;
3. The addition of treatment facilities;
4. The securing of new or additional testing equipment;
5. The modification or expansion of monitoring or operating procedures;
6. The updating and submission to the Arkansas Department of Health of the system's long range plan, or the submission of other financial or technical reports requested by the Department, to document the system's technical, financial, and managerial capacity to comply with the requirements of the Safe Drinking Water Act.

B. Records

The owner shall make such suitable analyses and keep such records of operation as required by the Arkansas Department of Health. True and accurate reports of such analyses and operational records for each month shall be submitted to the Arkansas Department of Health by the tenth day of the following month. (See also Section XVII.)

Unless a longer record retention period is specified elsewhere or required by the National Primary Drinking Water Regulations, all records including analyses results, reports, forms, charts, daily logs, and electronic files shall be retained for a minimum of three (3) years and shall be made available for review if requested.

C. Responsibility

Every owner or their agents shall be responsible for compliance with these **Rules Regulations** and shall submit samples of water to the Arkansas Department of Health Laboratory whenever requested by the Arkansas Department of Health. Such samples must be representative of the water in the system and must not be tampered with in any manner which may affect the analytical results.

D. License

The owner of any community public water system, non-transient non-community public water system, or any other non-community public water system which utilizes a surface water or surface water influenced source shall utilize water operators duly licensed under the provisions of Act 333 of 1957, as amended, and such **Rules and Regulations** as may be adopted under the provisions of Act 333 of 1957 as amended. (See Arkansas Code Annotated § 17-51-101 et seq)

The owner shall place the direct supervision of the water system under an available Water Operator(s) in Responsible Charge holding a valid license equal to or greater than the classification of the treatment facility and/or distribution facility.

E. Cross-Connection Program

The owner shall institute a routine cross-connection program to locate and eliminate cross-connections. The program shall include routine inspections of commercial and industrial establishments and the routine maintenance of a listing of locations of cross-connection control devices. Each program shall include the mandatory testing of backflow prevention devices by certified testers, on a frequency approved by the Arkansas Department of Health.

F. Fluoridation

1. Application

In accordance with Act 197 of 2011 (§ 20-7-136) , the owner of a public water system

or other ANSI/NSF drinking water standards in lieu of certification with the appropriate ANSI/NSF 60/61 and AWWA standards.

H. Emergency Planning

Each Community Public Water System and each Non-Transient Non-Community Public Water System shall have a written emergency plan. The emergency plan shall include, at a minimum, names and telephone numbers of responsible utility personnel, procedures to be followed in the event of loss of electricity, source, treatment, storage, or distribution facilities, and procedures to be followed in the event of a loss of distribution system pressure or a known or suspected introduction of contaminants into the distribution system, as approved by the Arkansas Department of Health.

I. Long Range Planning

Each Community Public Water System and each Non-Transient Non-Community Public water system shall have a written long-range plan. The long-range plan shall address, at a minimum, projected needs for source, treatment, storage and distribution for a planning period of at least ten years, and shall demonstrate the system's technical, financial, and managerial capacity to comply with the requirements of the Safe Drinking Water Act.

J. New Systems/Modification of Existing Systems

Prior to the startup of a new public water system or specified extensions or modifications of existing systems, the Owner shall notify the Department of Health that the system is in full compliance with the approved plans, specifications, and special conditions imposed by the Department, and obtain written approval from the Department to initiate use of the new system or modifications. The Department shall issue written approval or disapproval within five working days of the receipt of the certification. If the Department fails to issue an approval or disapproval within five working days following the Department's receipt of the certification, use of the project may be initiated. The Department may grant verbal interim approvals in emergency or critical situations.

VIII. GROUND WATER SUPPLIES

A. Location

1. Surface Drainage

Every well must be located on a site having good surface drainage, at a higher elevation than, and at a safe distance from, any barnyard, privy, soil pipe, any pipe through which sewage may back up or overflow or from any other possible

1. Casing

Every well must have an outside water tight casing extending below the ground surface to such a depth as may be necessary, depending upon the character of the underground formations, to exclude the entrance of undesirable water and sub-surface contamination, as determined by the Arkansas Department of Health. The outer casing should be seated securely into an impervious formation whenever possible, otherwise the casing should extend as far as practical below the water table. The casing, when it extends into a pump room, shall project above the pump room floor, and safely above maximum flood elevation.

The annular space between the excavation line and the outside of the casing shall be filled with impervious cement grout in such a manner as to prevent surface water or shallow ground water from running directly down the outside of the casing. The required depth of the grout seal will be determined by the Arkansas Department of Health after a review of the geological formation.

2. Surface Protection

When required, the well must be protected at the surface by a water tight slab or platform extending a minimum of two feet in all directions from the well and sloped to provide drainage away from the well.

3. Wellhead and Pump

The discharge tee of the pump, together with the valves, shall be above the pump room floor. Any pump placed immediately over the well casing must have a watertight metal base to form a cover for the well. The base plate of the pump shall be recessed on the under side to permit the casing to extend into it at least one inch above the level of the concrete foundation. All air-relief vent openings must be at least 24 inches above the floor and must be screened and protected against the possibility of contaminating material entering the vent. Each wellhead shall be provided with a raw water sample tap and the means for measuring drawdown. Exceptions to this may be allowed for pitless adapters provided they conform with all requirements of the latest edition of "Recommended Standards for Waterworks" by the Great Lakes – Upper Mississippi river Board of State Sanitary Engineers (Ten States Standards).

4. Abandonment of Wells

All abandoned wells in consolidated formations must be filled from bottom to within two feet of the top with cement. All wells in unconsolidated formations must be filled with sand or natural material from the bottom to twelve (12) feet

Intake structures shall be located and designed such that the best possible water quality can be obtained. Multi-level intake ports shall be provided.

Buoys shall be located in the water supply reservoir at a minimum distance of 300 feet from the intake and the use of the water or land within this 300 foot zone shall be restricted to water supply activity only (restricted intake zone). Greater distances may be required when deemed necessary by the Arkansas Department of Health.

3. Ownership of Restricted Zones

a) River Sources

The owners of water systems utilizing river intakes shall own and effectively control a restricted buffer zone around the water intake. The minimum restricted buffer zone shall include all land from the riverbank to a line 300 feet back, if within a one fourth mile radius of the intake. The maximum extent of this zone will be determined by the Arkansas Department of Health on an individual basis after a sanitary survey of the intake site has been made.

The Department may reduce the downstream protected zone if a weir or other physical barrier precludes downstream water from backing up to the intake.

b) Public Water Supply Reservoirs

The owners of water systems shall own and effectively control a restricted buffer zone around the reservoir. The restricted buffer zone shall include all of the land bounded by a fixed line which is at least 300 feet horizontally from the shore line when the reservoir is at the maximum high water level contour as established by the Arkansas Department of Health. Use of the restricted buffer zone will be determined by the Arkansas Department of Health.

c) Other Reservoir Sources

In the case of large multi- purpose reservoirs developed, owned and operated by the federal government, the water system owner shall effectively control a restricted buffer zone on land around the water intake structure. The extent of this restricted buffer zone will be determined on an individual basis by the Arkansas Department of Health after a sanitary survey of the proposed intake site has been made. All possible sources of contamination are prohibited within this restricted buffer zone.

reservoir; provided, however, that the water utility may, upon approval by the Arkansas Department of Health, construct such structures in the restricted buffer zone that are necessary for the protection of the reservoir. All sewage disposal facilities located on the watershed of the reservoir shall be constructed and maintained in accordance with the requirements of the Arkansas Department of Health.

d) Picnicking and Camping

Camping is prohibited in the restricted buffer zone of the water supply. Picnicking is prohibited in the restricted intake zone.

e) Swimming, Bathing, Skiing

Swimming, bathing, or skiing in the restricted intake zone of the water supply, or other zones as specified by the Arkansas Department of Health, is prohibited.

C. Filtration Required

1. Approval Required

Filtration of all surface water sources and surface water influenced groundwater sources, by a method approved by the Arkansas Department of Health, is required.

2. Use of Discretion

The Arkansas Department of Health may, by using a published policy, signed by the Director of the Department and approved by the U.S. Environmental Protection Agency, utilize discretion allowed in the National Primary Drinking Water Regulations to allow an alternate MCL for turbidity.

D. Determination of Level of Treatment Required

The Arkansas Department of Health shall:

Set the level of removal/inactivation for enteric cysts and viruses (logarithmic removal rates) required for each surface water source and each surface water influenced groundwater source.

Determine treatment plant efficiency for removal of enteric cysts and viruses.

Determine the contact time or other operational parameter associated with each treatment plant and its equipment, based on information submitted by the owner or established by the staff of the Arkansas Department of Health, for

F. Disinfection Equipment

All disinfection equipment shall be maintained in good working condition. All leaks shall be corrected immediately. Ammonia or other suitable leak indicators shall be kept on hand at all times and shall be used for the determination of leaks. Disinfection equipment shall be kept clean and free from deposits so as to not impede the feed or regulating devices. Adequate heating, safety equipment, spare parts, and ventilation facilities shall be provided.

G. Laboratory

Adequate laboratory facilities suitable for the control of the treatment processes involved shall be provided and shall be certified by the Arkansas Department of Health, if necessary.

H. Plant Maintenance

All treatment plants shall be kept and maintained in a clean and sanitary manner. All accumulations of trash, chemical bags, cans, etc., shall be removed from the premises daily. Surrounding grounds shall be maintained in a suitable manner.

XI. POTABLE WATER STORAGE TANKS

A. Location

Potable water storage tanks shall be located above ground water level unless otherwise approved in writing by the Arkansas Department of Health. The location must be such that surface water and underground drainage will be away from the structure. They shall not be placed in close proximity to any sewer, privy, septic tank, absorption field or other source of pollution from which either surface or underground drainage might flow toward the storage tank. The minimum distances from any sources of pollution shall be in accordance with Section VIII. A. Any sewer located within 100 feet of any storage tank that has a portion which is located below grade should be constructed with water-tight mechanical joints.

B. Drainage

All potable water storage tanks shall be protected against flooding. The ground surface shall be sloped to drain or divert surface water away from the storage tank and shall be so graded that no surface water will pool within the vicinity of the storage tank. Floors of passageways, galleries or compartments adjacent to any potable water storage tank shall have free drainage to the surface of the ground or into a

dust, rain, bird, insects and any other material that might include contamination. Any such opening shall be provided with a pipe sleeve or other device making a watertight junction with the storage tank cover and extending without openings to at least 12 inches above the surface of the cover with a stuffing box at the top. No such vents or openings shall be provided near sources of dust, smoke and the like nor where surface water might splash into them. Vents must be protected with a 24-mesh screen.

H. Cleaning and Disinfection

Potable water storage tanks shall be cleaned as often as necessary. They shall be effectively disinfected before being placed into service in accordance with the "American Water Works Association Standard for Disinfection of Water Storage Facilities" (the latest edition of AWWA ~~C652-92~~ C652-11 or the latest revision thereof). Before the storage tank is placed in service, two consecutive series of samples that are not collected on the same day must show that the water is bacteriologically safe for drinking purposes.

XII. DISINFECTION REQUIRED

Disinfection of all public water supplies by a method approved by the Arkansas Department of Health must be provided. Disinfection must include adequate contact holding time prior to pumping into the distribution and storage system. An adequate residual of the disinfectant must be carried to all points throughout the distribution system.

XIII. BOOSTER PUMP STATIONS

Booster pump stations shall be located on sites having good surface drainage and not subject to flooding. When the pump suction lines are connected to the distribution system, they must be automatically controlled so as not to reduce the suction line pressure to less than 20 pounds per square inch. The suction line on any booster pump shall be so located and constructed to prevent contamination of the water supply.

XIV. DISTRIBUTION SYSTEM

All public water supply distribution systems shall be tested and constructed using materials and construction methods in accordance with the latest edition of the applicable AWWA standards and approved by the Arkansas Department of Health.

carefully referenced to reasonably permanent aboveground objects in order that the underground structure may be properly located. Such records should show all pipes carrying domestic sewage or toxic industrial wastes located within 10 feet of any element of the distribution system.

3. Depth of Mains

All water pipes must be located at sufficient depth to protect the pipe from the direct effect of traffic and at least below maximum frost depth of the locality, or be otherwise protected.

4. Valves

Valves shall be located at frequent intervals along all water mains and at such points to permit closing off of any section of a water main for repairs or testing without affecting water service to any extended area. All valves shall be tested for leakage and operation by routine inspection at frequent intervals. Leaky stuffing boxes shall be properly and promptly repaired.

5. Blowoff Drainage

Blowoffs shall be so located that the distribution system may be properly flushed, and so that danger of contamination of the water line by backflow will be eliminated. No blowoff shall be connected to any sewer or storm drain, submerged in any surface water or installed in any manner that will permit backsiphonage into the distribution system. The discharge of the blowoff shall be located above natural grade, and be screened, capped, or plugged.

C. Water Main Construction

Construction shall be carried out so as to insure a water distribution system free from leaks, thoroughly supported to prevent settlement or breakage of pipes and thoroughly sterilized to remove all possibility of infection or contamination. Particular care must be taken to guard against the entrance of sewage into the trench during or after construction. Any sewage matter that might be found in the trench shall be carefully removed and the location sterilized with a suitable chlorine compound spread over the area. Ample provision must be made to remove all ground or surface water from the trenches and no such water shall be allowed to enter the pipe. The interior of all pipe, fittings, and other accessories shall be kept free from dirt and foreign matter at all times. They shall be carefully inspected and thoroughly cleaned before laying. After laying and before completion of backfill, lines shall be tested in accordance with the latest edition of the applicable AWWA specifications for the pipe material being used.

D. Used Pipe

b) Temporary Construction Service

Temporary service for construction purposes, in unsewered areas, may be provided only after compliance with Section XIV. F. 1, above.

XV. RETURN OF COOLING WATER

The return of heating or cooling water to a potable water storage reservoir or distribution system is prohibited.

XVI. CROSS CONNECTIONS

Any physical connection is prohibited whereby a public water system whether community or non-community, is connected to an unsafe or questionable water supply system either inside or outside of any building or buildings.

A. Prohibited Services

Domestic water shall not be supplied to any device, equipment, or service connection which may permit the contamination of the water supply by backsiphonage or backflow. Provision of water service to any service connection found to contain a cross-connection shall immediately be terminated, unless a backflow prevention device of a type approved by the Arkansas Department of Health is installed between the cross-connection and the public water system.

XVII. NOTIFICATION

A. Notification of Arkansas Department of Health

The owner shall report to the Arkansas Department of Health within the 48 hour time limit prescribed by the Arkansas Department of Health the failure to comply with any primary drinking water regulation including failure to comply with monitoring requirements. The owner is not required to report analytical results to the Arkansas Department of Health in cases where the analysis was performed by the Arkansas Department of Health Laboratory.

The owner shall report to the Arkansas Department of Health within four hours of the discovery and evaluation of any emergency condition located in the water system which affects the ability of the water system to deliver adequate quantities of safe water to its customers. Examples of such emergencies include loss of pressure in the distribution system, failure of the source or treatment facility or parts thereof, voluntary

XX. PRELIMINARY REPORTS

Before detailed plans and specifications are prepared for the construction of new public water systems or major improvements to existing public water systems are prepared, the owner or his authorized agent shall submit to the Arkansas Department of Health a preliminary report containing data and information sufficient for the complete understanding of the proposed work. The "Recommended Standards for Waterworks" by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers (Ten States Standards) is recommended as a guide. An inspection by Arkansas Department of Health staff of all proposed surface water and all groundwater source locations shall be conducted as part of the review of the preliminary report.

For proposed new Community Public Water Systems and Non-Transient Non-Community Public Water Systems, the preliminary report shall include sufficient information to demonstrate the system's technical, financial, and managerial capacity to comply with the requirements of the Safe Drinking Water Act (See Section VII. H.). The Department shall not approve the construction of any new Community Public Water System or Non-Transient Non-Community Public Water System unless the Department formally concurs that the report demonstrates the system's technical, financial, and managerial capacity to comply with the requirements of the Safe Drinking Water Act.

XXI. SUBMISSION OF PLANS AND SPECIFICATIONS

A. Submission of Plans

The owner or his authorized agent shall submit two complete sets of engineering plans and specifications to, and receive written approval of, the Arkansas Department of Health, before constructing or entering into a contract to construct a water supply system, source of supply, water purification plant and/or distribution system, or any alterations thereto. Thereafter such engineering plans and specifications must be adhered to unless deviations are submitted to, and receive written approval of, the Arkansas Department of Health. The Arkansas Department of Health may, upon approval of a written agreement between the owner and the Arkansas Department of Health, delegate plan review responsibility for minor distribution improvements to the owner.

B. Extensions to Existing Distribution Systems

If the engineering plans are solely for the extension to an existing distribution system, only such information as is necessary for a clear understanding of the proposed extension will be required. This information must, in general, conform to the requirements for a complete system.

D. Unsupplied Area

Should there be areas within the area served by the public water system which, on account of topography or other reasons, cannot feasibly be supplied with water, a definite statement to this effect must be made and the probable future methods of supplying water to the area should be discussed.

E. Estimate of Cost

An estimate of the cost for the construction of the water supply, source of supply, water treatment plant and/or distribution system shall accompany all engineering plans. The estimate shall include quantities of the necessary materials.

F. Plan Review Fee.

In accordance with Act 469 of 1965, as amended (Ark. Code Ann. § 20-123 et seq.), a review fee of one percent (1%) of the estimated cost shall be submitted with the engineering plans and specifications. The maximum fee is five hundred dollars (\$500.00). A minimum fee of \$50.00 is required. Unless the maximum fee is paid, a detailed cost estimate must accompany the engineering plans and specifications. No fee is required for preliminary engineering reports.

XXIII. RIGHT OF ACCESS

The owners of public water systems shall permit reasonable access to personnel of the Arkansas Department of Health for the purpose of inspection of facilities and records, or collection of samples. Access shall be permitted whether or not there is any question that the system is in compliance with applicable legal requirements.

XXIV. ADMINISTRATIVE PENALTY AUTHORITY

The Arkansas Department of Health shall have the authority to assess administrative penalties against any public water system and/or its authorized agent for failure to comply with any portion of these [rules regulations](#), provided that such penalties and procedures are in accordance with Arkansas Statutes.

XXV. ANNUAL FEES

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1737

4
5 By: Representative D. Douglas
6 By: Senator D. Wallace

For An Act To Be Entitled

7
8
9 AN ACT TO INCREASE CERTAIN FEES ASSOCIATED WITH THE
10 PUBLIC WATER SYSTEM SERVICE ACT; AND FOR OTHER
11 PURPOSES.

Subtitle

12
13
14 TO INCREASE CERTAIN FEES ASSOCIATED WITH
15 THE PUBLIC WATER SYSTEM SERVICE ACT.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code § 20-28-104(a)(1)(A), concerning the fees
22 from each public water system for service, is amended to read as follows:

23 (1)(A) For a community public water system and a nontransient
24 noncommunity water system, not more than ~~thirty cents (30¢)~~ forty cents (40¢)
25 per service connection per month.
26

27 SECTION 2. Arkansas Code § 20-28-105(b), concerning the payment of
28 fees by water systems, is amended to read as follows:

29 (b) All water systems issuing regular water bills for water service
30 may recover the cost of the fees stated in § 20-28-104 by one (1) of the
31 following methods:

32 (1) Assessing a direct charge on each bill of not more than
33 ~~thirty cents (30¢)~~ forty cents (40¢) per month per service connection; or

34 (2)(A) Apportioning the total amount of the annual fee charged
35 to the water system among its customers in any manner that the water system
36 determines to be more equitable.



1 (B) However, ~~no~~ a charge in excess of ~~thirty cents (30¢)~~
2 forty cents (40¢) per month per service shall not be charged for any service
3 through which water is provided to another community public water system.
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6 APPROVED: 4/8/19
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