

**From:** [Tyler Fortunati](#)  
**To:** [Paula Wilson](#)  
**Subject:** FW: Public Comment Submission to Docket No. 58-0108-2301  
**Date:** Monday, April 17, 2023 12:50:16 PM  
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**Tyler Fortunati, REHS, CPM, MSIH | Drinking Water Bureau Chief**

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**From:** carol clausen <caclausen@hotmail.com>  
**Sent:** Monday, April 17, 2023 12:47 PM  
**To:** Tyler Fortunati <Tyler.Fortunati@deq.idaho.gov>  
**Subject:** Public Comment Submission to Docket No. 58-0108-2301

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Hi Tyler,

Here's my public comment submission to Docket No. 58-0108-2301:

I appreciate the opportunity to participate in the zero-based negotiated rule making process and to attend the meeting on April 11. As a board member and the Administrative contact of a very small water system it has been challenging for me to reach compliance with the rules in Section 450, USE OF NON-CENTRALIZED TREATMENT DEVICES. The main problem has been in the organization of the material and trying to distinguish the criteria necessary for a "program" and a "plan", "pursuant to and in accordance with", often finding that a POU maintenance plan's requirements are not organized in a way that is easy to follow.

I am attaching an edited version of the rule draft 1.doc in which I simplified and reorganized the rules without omitting any of your original edits. I hope your team will view the changes as worthy of consideration. I understand there may be reasons for the original format that are beyond the scope of my legal understanding, and they need to stand as written.

Therefore, I am respectfully requesting that your team consider the idea of drafting a template of a POU maintenance plan that can be copied and utilized by any small PWS. For example, the Idaho Rural Water Association's website has a page dedicated to developing

a Cross Connection Control Program- an eight stage process with a downloadable template that covers all of the IDAPA code. It is a very useful tool in providing technical assistance to PWS's seeking to comply with Idaho code without having to navigate the code itself.

Thank you for taking the time to consider my suggestions.

Carol Clausen,  
Mission Creek Water Association

#### 450. USE OF NON-CENTRALIZED TREATMENT DEVICES.

##### 01. Criteria and Procedures for Public Water Systems Using Point of Entry Devices.

40 CFR 141.100 is ~~herein~~ incorporated by reference.

##### 02. Point of Use (POU) Treatment Devices.

a. A ~~public water system~~ PWS owner may use point of use (POU) treatment ~~in order~~ to ~~achieve compliance~~ comply with certain maximum contaminant levels (MCL) or treatment techniques, in accordance with Subsection 450.02.b., when the following conditions are met:

i. A ~~public water system~~ PWS owner must obtain written Department approval ~~by the Department~~ before ~~installation of a~~ installing a POU treatment device for the purpose of achieving compliance with a MCL or treatment technique.

ii. ~~The Each~~ POU treatment device must be certified by an accredited American National Standards Institute (ANSI) certification body to meet applicable ANSI/National Sanitation Foundation (NSF) Standards.

iii. The PWS must submit the following documentation to the Department: identify the ~~public water system~~ PWS name and PWS identification number, total number of service connections, contaminant(s) to be treated, type of POU treatment device, ~~to be installed~~, manufacturer and model number ~~of the POU treatment device~~, type and function of a mechanical warning mechanism (performance indicator) ~~on the POU treatment device~~, certification verification for ANSI/NSF, installer qualifications, and a proposed date for ~~installation of the POU treatment device(s)~~ completing installation(s).

iv. The manufacturer's specifications for the POU treatment device including demonstration that the POU treatment device is suited for the water chemistry of the ~~public water system~~ PWS and contaminant(s) of concern and is of sufficient design and capacity for the ~~particular~~ application.

v. Each POU treatment device is equipped with a mechanical warning mechanism to ensure ~~that~~ customers are automatically notified of operational problems.

b. POU treatment devices ~~shall will~~ not be used to ~~achieve compliance~~ comply with an MCL or treatment technique requirement for a microbial contaminant or an indicator of a microbial contaminant. Community ~~water systems~~ PWSs may not use POU treatment devices to ~~achieve compliance~~ comply with a nitrate or nitrite MCL.

c. The ~~public water system~~ PWS owner or a vendor of POU treatment devices under contract with the ~~public water system~~ shall PWS must own, control, and maintain the POU

treatment system to ensure proper operation and maintenance and compliance with the MCL or treatment technique.

d. A program for long-term operation, maintenance, and monitoring of the POU treatment system is approved by the Department, and meets the following guidelines:

- i. A sampling plan identifying the location of all service connections and demonstrating ~~how the system will ensure~~ that all POU treatment devices ~~are~~ will be sampled for compliance with the treated contaminant(s) ~~being treated~~ during every compliance period or ~~at a other~~ frequency designated by the Department.
- ii. A maintenance plan that demonstrates how the PWS owner will address and perform on-going maintenance activities ~~will be performed and on what frequency~~, including: frequency of treatment media replacements, ~~frequency of POU and~~ treatment device replacements, periodic verification that the mechanical warning device is functional, schedule of planned maintenance activities, a plan of how the system will to address unscheduled maintenance problems, and a plan and method of waste disposal.
- iii. Information relating to how other drinking water dispensing units, such as instant hot water dispensers and refrigerator water and ice dispensers, ~~whose primary function is to provide drinking water~~, will be provided with treated water. If water is transported from a POU treatment device to another drinking water dispensing unit, the conducting tube ~~shall~~ must be of non-reactive material.
- iv. The PWS owner's plan for on-going education and outreach to ~~the its~~ customers ~~of the public water system, including rental customers, on~~, including renters PWS regarding POU treatment and health effects of the contaminant(s) of concern.
- v. A The PWS owner's plan ~~for how the system will to~~ ensure real estate disclosures for the POU treatment system.
- vi. For non-transient non-community ~~water systems~~ PWSs and transient non-community ~~water systems~~ PWSs, demonstration that the drinking water dispensing units are located in areas adequate to protect public health.
- vii. Documentation that a customer at each service connection has agreed to installation and use of a POU treatment device and has granted access for installation, maintenance, and sampling.
- viii. A plan that describes how the ~~public water system~~ PWS owner will address any non-compliance with Subsection 450.02.d.vii.
- ix. Documentation that the ~~system meets the current requirements for a certified~~

~~operator~~ PWS is current with certified operator requirements pursuant to Section 554.

x. A statement of recognition that failure to maintain compliance with the MCL, or the failure to operate and maintain compliance with a POU treatment system as approved by the Department, may necessitate installation of centralized treatment

e. Within thirty (30) days of installing the approved POU treatment system, the ~~public water system shall~~ PWS owner must notify the Department in writing that the POU treatment system was installed as approved by the Department.

f. Within thirty (30) days of installing the approved POU treatment system, the ~~public water system shall~~ PWS owner must submit samples from each POU treatment device to a certified laboratory for the contaminant(s) being treated ~~by the POU treatment device~~. The samples ~~shall~~ will be used to demonstrate initial compliance with the MCL.

g. The ~~water system~~ PWS owner or operator must maintain records for a POU treatment system. Records ~~shall~~ must be submitted to the Department at a frequency and in a format specified by the Department. Records to maintain ~~shall~~ include:

- i. Requirements of Subsection 450.02.d.;
- ii. All sampling performed on the POU treatment devices;
- iii. Maintenance logs and schedules;
- iv. Log of installed units; and
- v. Contracts, lease agreements, or other legal documents with vendors and consumers.

h. The Department will waive the plan and specification requirements of Section 504 relating to material modifications for the following systems only to the extent that the material modification ~~proposed~~ is limited to the installation or use of a POU treatment device(s):

- i. Community ~~water systems~~ PWSs serving two hundred (200) or fewer service connections;
- ii. Non-transient non-community ~~water systems~~ PWSs;
- iii. Transient non-community ~~water systems~~ PWSs; or
- iv. Community ~~water systems~~ PWSs serving more than two hundred (200) service connections if approved by the Department through the waiver process outlined in Subsection 005.01.a.

