

401 KAR 8:010. Definitions for 401 KAR Chapter 8.

RELATES TO: KRS 223.160-223.220, 224.10-100, 224.10-110, 322, 40 C.F.R. 141.2

STATUTORY AUTHORITY: KRS 223.160-223.220, 224.10-100(28), 224.10-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) and 224.10-110(2) require the cabinet to promulgate administrative regulations for the regulation and control of the purification of water for public and semipublic use. This administrative regulation establishes the definitions for terms used by the cabinet in 401 KAR Chapter 8.

Section 1. Definitions. Except as provided in this section, the definitions established in 40 C.F.R. 141.2 shall apply. (1) "Board" means the Kentucky Board of Certification of Water Treatment Plant and Water Distribution System Operators as established by KRS 223.170.

(2) "Boil water advisory" means a type of consumer advisory that provides notice to the consuming public through radio, television, direct mail, electronic mail, posting, newspaper, or other media and that conveys in the quickest and most effective manner possible:

(a) Information that water provided by a system might cause adverse human health effects due to possible biological contamination if consumed, unless it is first boiled for three (3) minutes at a rolling boil; and

(b) What action the public is advised to take.

(3) "Bottled water" means water that is:

(a) From an approved bottled water treatment plant as established in 401 KAR 8:700;

(b) Placed in a sealed container or package; and

(c) Offered for human consumption or other consumer uses.

(4) "Bottled water system":

(a) Means a public water system that provides bottled drinking water and includes the sources of water, and treatment, storage, bottling, manufacturing, or distribution facilities; and

(b) Does not mean:

1. A public water system that provides only a source of water supply for a bottled water system; or

2. An entity providing only transportation, distribution, or sale of bottled water in sealed bottles or other sealed containers.

(5) "Bottled water treatment plant" means a facility that provides the product water used for bottled water by processing water from an approved source as established in 401 KAR Chapter 8.

(6) "Bypass" means a physical arrangement whereby water can be diverted around a feature of the purification process of a public or semipublic water supply.

(7) "Certificate" means a certificate of competency issued by the cabinet stating that the operator has met all requirements for the specified operator classification as established by 401 KAR Chapter 8.

(8) "Certified laboratory" means a laboratory:

(a) For which the physical, instrumental, procedural, and personnel capabilities have been approved by the U.S. Environmental Protection Agency or the cabinet pursuant to 401 KAR 8:040 and 40 C.F.R. 141 and 142; and

(b) That is certified for one (1) or more types of the contaminants listed or for one (1) or more of the specific constituents or combinations of constituents listed in 401 KAR Chapter 8.

(9) "Certified operator" means an individual who holds an active certificate.

(10) "Community water system" is defined by 40 C.F.R. 141.2.

(11) "Consumer advisory" means a notice to the consuming public through radio, television,

direct mail, electronic mail, posting, newspaper, or other media to convey in the quickest and most effective manner possible:

(a) Information that water provided by a system might cause adverse human health effects if consumed and what action the public is advised to take; or

(b) Other information that the public needs to know about its water.

(12) "Contaminant group" means all of the constituent members that collectively comprise the individual bacteriological, inorganic chemical, organic chemical, radiological, volatile organic chemical, synthetic organic chemical, or secondary contaminant groups regulated by 401 KAR Chapter 8.

(13) "Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

(14) "Cross connection" means a physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water and the other being either water of unknown or questionable safety, or steam, gas, or chemicals, whereby there can be flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.

(15) "Direct responsible charge" means personal, first hand responsibility to conduct or actively oversee and direct procedures and practices necessary to ensure that the drinking water treatment plant or distribution system is operated in accordance with accepted practices and with KRS Chapter 223 and 401 KAR Chapters 8 and 11.

(17) "Mineral water" means bottled water that contains not less than 250 parts per million total dissolved solids.

(18) "NTU" means nephelometric turbidity unit.

(19) "Operator" means a person involved in the operation of a drinking water treatment plant or distribution system.

(20) "Private water supply" means a residential water supply located on private property for the use of one (1) to three (3) residential households.

(21) "Product water" means the water processed by a bottled water treatment plant that is used for bottled drinking water.

(22) "Professional engineer" means an engineer who is licensed as a professional engineer in Kentucky, pursuant to KRS Chapter 322.

(23) "Secondary contaminant" means a contaminant that does not, in general, have a direct impact on the health of consumers but its presence in excessive quantities can discourage the utilization of drinking water or discredit the supplier.

(24) "Secondary standard" means the maximum contaminant level for a secondary contaminant.

(25) "Semipublic water system" means a water system made available for drinking or domestic use that does not qualify as a private or public water system.

(26) "Submeter" means the use by a property owner or operator of meters that measure water used by tenants for the purpose of passing costs charged by a public water system from the property owner or operator to tenants based on tenants' actual water usage.

(27) "Supplier of water" means the owner or operator of a public water system.

(28) "Surface water" means water that is open to the atmosphere and subject to surface runoff, or groundwater under the direct influence of surface water.

(29) "Surface water source" means ponds, reservoirs, streams of all sizes, free-flowing springs, a source of water supply for a public water system that has a free water surface exposed to the atmosphere, or groundwater under the direct influence of surface water.

(30) "System" means a public water system.

(31) "Turbidity" means the presence of suspended particulates, including sand, silt, clay, finely divided organic or inorganic matter, plankton or other microscopic organisms, or elements that optically interfere with the clarity of liquid.

(32) "Water distribution system" means the portion of the public water system in which water is conveyed from the water treatment plant or other supply point to the premises of a consumer, or a system of piping and ancillary equipment that is owned and operated by an established water system independent of the water supply system from which potable water is purchased.

(33) "Water supply system" means the source of supply and all structures and appurtenances used for the collection, treatment, storage, and distribution of water for a public or semi-public water system.

(34) "Water treatment plant" or "purification plant" means that portion of the water supply system that is designated to alter the physical, chemical, or bacteriological quality of the water prior to entry to the water distribution system. (17 Ky.R. 584; 1422; eff. 11-15-1990; 18 Ky.R. 1165; 1841; eff. 11-26-1991; 20 Ky.R. 3010; 21 Ky.R. 309; eff. 8-24-1994; 23 Ky.R. 2538; eff. 5-14-1997; 27 Ky.R. 1546; 2505; 2728; eff. 4-9-2001; 31 Ky.R. 149; 734; 1081; eff. 1-4-2005; 35 Ky.R. 1511; eff. 4-3-2009; 2804; 36 Ky.R. 579; eff. 9-25-2009; 43 Ky.R. 2040; eff. 9-8-2017; Crt eff. 10-3-2018.)