**Section 611.383 Compliance Requirements**

a) General Requirements

1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier's failure to monitor makes it impossible to determine compliance with the MRDL for chlorine or chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

2) All samples taken and analyzed under the provisions of this Subpart I must be included in determining compliance, even if that number is greater than the minimum required.

3) If, during the first year of monitoring under Section 611.382, any individual quarter's average will cause the running annual average of that supplier to exceed the MCL for TTHM, HAA5, or bromate or the MRDL for chlorine or chloramine, the supplier is out of compliance at the end of that quarter.

b) Disinfection Byproducts (DBPs)

1) TTHMs and HAA5

A) For a supplier monitoring quarterly, compliance with MCLs in Section 611.312 must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the supplier as prescribed by Section 611.382(b)(1).

B) For a supplier monitoring less frequently than quarterly, the supplier demonstrates MCL compliance if the average of samples taken that year under the provisions of Section 611.382(b)(1) does not exceed the MCLs in Section 611.312. If the average of these samples exceeds the MCL, the supplier must increase monitoring to once per quarter per treatment plant, and such a system is not in violation of the MCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the MCL, in which case the supplier is in violation at the end of that quarter. A supplier required to increase to quarterly monitoring must calculate compliance by including the sample that triggered the increased monitoring plus the following three quarters of monitoring.

C) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the supplier is in violation of the MCL and must notify the public under Subpart V in addition to reporting to the Agency under Section 611.384.

D) If a PWS fails to complete four consecutive quarter's monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

2) Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the supplier takes more than one sample, the average of all samples taken during the month) collected by the supplier, as prescribed by Section 611.382(b)(3). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the supplier is in violation of the MCL and must notify the public under Subpart V, in addition to reporting to the Agency under Section 611.384. If a PWS supplier fails to complete 12 consecutive months' monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

3) Chlorite. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by Section 611.382(b)(2)(A)(ii) and Section 611.382(b)(2)(B). If the arithmetic average of any three sample set exceeds the MCL, the supplier is in violation of the MCL and must notify the public under Subpart V, in addition to reporting to the Agency under Section 611.384.

c) Disinfectant Residuals

1) Chlorine and Chloramines

A) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the supplier under Section 611.382(c)(1). If the average of quarterly averages covering any consecutive four-quarter period exceeds the MRDL, the supplier is in violation of the MRDL and must notify the public under Subpart V, in addition to reporting to the Agency under Section 611.384.

B) In cases where a supplier switches between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted under Section 611.384 must clearly indicate that residual disinfectant was analyzed for each sample.

2) Chlorine Dioxide

A) Acute Violations. Compliance must be based on consecutive daily samples collected by the supplier under Section 611.382(c)(2). If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceeds the MRDL, the supplier is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public under the procedures for acute health risks in Subpart V, in addition to reporting to the Agency under Section 611.384. Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the supplier must notify the public of the violation in accordance with the provisions for acute violations under Subpart V, in addition to reporting to the Agency under Section 611.384.

B) Nonacute Violations. Compliance must be based on consecutive daily samples collected by the supplier under Section 611.382(c)(2). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the supplier is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and must notify the public under the procedures for nonacute health risks in Subpart V, in addition to reporting to the Agency under Section 611.384. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the supplier must notify the public of the violation in accordance with the provisions for nonacute violations under Subpart V, in addition to reporting to the Agency under Section 611.384.

d) Disinfection Byproduct (DBP) Precursors. Compliance must be determined as specified by Section 611.385(c). A supplier may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the supplier. This monitoring is not required and failure to monitor during this period is not a violation. However, any supplier that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in Section 611.141(b)(2) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed under Section 611.385(b)(3) and is in violation of an NPDWR. A supplier may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For a supplier required to meet Step 1 TOC removals, if the value calculated under Section 611.385(c)(1)(D) is less than 1.00, the supplier is in violation of the treatment technique requirements and must notify the public under Subpart V, in addition to reporting to the Agency under Subpart V.

BOARD NOTE: Derived from 40 CFR 141.133.

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