

TITLE 179 PUBLIC WATER SYSTEMS

CHAPTER 6 VARIANCES AND EXEMPTIONS

6-001 SCOPE AND AUTHORITY: These regulations establish the requirements for variances from drinking water standards, including small systems variances. They also establish the requirements for exemptions from any requirement respecting a maximum contaminant level or any treatment technique requirement, or from both, of a drinking water standard. The statutory authority is found in Neb. Rev. Stat. §§ 71-5301 to 71-5313.

6-002 DEFINITIONS

Code of Federal Regulations (CFR) means the Code of Federal Regulations as it existed on the effective date of these regulations, and any CFR citations mentioned in these regulations are hereby incorporated by reference. Copies of the CFR as it existed on the effective date of these regulations can be obtained on the DHHS website at [http://dhhs.ne.gov/publichealth/Pages/enh\\_pwsindex.aspx](http://dhhs.ne.gov/publichealth/Pages/enh_pwsindex.aspx) or by requesting a copy via email from the Department at: [DHHS.drinkingwater@nebraska.gov](mailto:DHHS.drinkingwater@nebraska.gov) or by calling 402-471-2541.

Department means the Division of Public Health of the Department of Health and Human Services.

Director means the Director of Public Health or his/her authorized representative.

EPA means the U.S. Environmental Protection Agency.

6-003 CONDITIONS:

6-003.01 In accordance with the requirements of Neb. Rev. Stat. 71-5310 the Director may grant variances or exemptions from certain provisions of the regulations under the Nebraska Safe Drinking Water Act, in compliance with 42 U.S.C. §300g-4 and 42 U.S.C. §300g-5 and 40 CFR 142 Subpart K of the Code of Federal Regulations (for small system variances), except that variances or exemptions from the MCLs for total coliforms and *E. coli* and variances from any of the treatment technique requirements of 179 NAC 13 may not be granted. These documents are available for viewing at the Division of Public Health of the Department of Health and Human Services, 301 Centennial Mall South, Lincoln, NE 68509; or 42 U.S.C. §300g-4 and 42 U.S.C. §300g-5 are available online at <http://www.gpo.gov/fdsys/search/submitcitation.action?publication=USCODE>.

6-003.02 The Director has stayed the effective date of this chapter relating to the total coliform MCL of 179 NAC 2-002.04C for systems that demonstrate to the Department that the violation of the total coliform MCL is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system. This is stayed through March 31, 2016, at which time the total coliform MCL is no longer effective.

6-003.03 Small system variances are not available for rules addressing microbial contaminants, which would include 179 NAC 8, 13, 17, 19, 25, and 26.