

mitigation plan approved by the State. Systems must submit risk mitigation plans to the State for approval no later than [Date 24 Months After Date of Publication of Final Rule in the **Federal Register**].

(b) Failure to comply with the requirements of this section in accordance with the schedule in § 141.701(h) is a treatment technique violation.

Requirements for Microbial Toolbox Components

§ 141.725 Source toolbox components.

(a) Watershed control program.

(1) Systems that intend to qualify for a 0.5 log credit for *Cryptosporidium* removal for a watershed control program must notify the State no later than one year after completing the source water monitoring requirements of § 141.702(b) that they intend to develop a watershed control program and to submit it for State approval.

(2) Systems must submit a proposed initial watershed control plan and a request for plan approval and 0.5 log *Cryptosporidium* removal credit to the State no later than two years after completing the source water monitoring requirements of § 141.702(b). Based on a review of the initial proposed watershed control plan, the State may approve, reject, or conditionally approve the plan. If the plan is approved, or if the system agrees to implement the State's conditions for approval, the system is awarded a 0.5 log credit for *Cryptosporidium* removal to apply against additional treatment requirements.

(3) The application to the State for initial program approval must include elements in paragraphs (a)(3)(i) through (iii) of this section.

(i) An analysis of the vulnerability of each source to *Cryptosporidium*. The vulnerability analysis must address the watershed upstream of the drinking water intake and must include the following: a characterization of the watershed hydrology, identification of an "area of influence" (the area to be considered in future watershed surveys) outside of which there is no significant probability of *Cryptosporidium* or fecal contamination affecting the drinking water intake, identification of both potential and actual sources of *Cryptosporidium* contamination, the relative impact of the sources of *Cryptosporidium* contamination on the system's source water quality, and an estimate of the seasonal variability of such contamination.

(ii) An analysis of control measures that could mitigate the sources of

Cryptosporidium contamination identified during the vulnerability analysis. The analysis of control measures must address their relative effectiveness in reducing *Cryptosporidium* loading to the source water and their feasibility and sustainability.

(iii) A plan that establishes goals and defines and prioritizes specific actions to reduce source water *Cryptosporidium* levels. The plan must explain how the actions are expected to contribute to specific goals, identify watershed partners and their role(s), identify resource requirements and commitments, and include a schedule for plan implementation.

(4) Initial State approval of a watershed control plan and its associated 0.5 log *Cryptosporidium* removal credit is valid until the system completes the second round of *Cryptosporidium* monitoring required under § 141.702(d). Systems must complete the actions in paragraphs (a)(4)(i) through (iv) of this section to maintain State approval and the 0.5 log credit.

(i) Submit an annual watershed control program status report to the State by a date determined by the State. The annual watershed control program status report must describe the system's implementation of the approved plan and assess the adequacy of the plan to meet its goals. It must explain how the system is addressing any shortcomings in plan implementation, including those previously identified by the State or as the result of the watershed survey conducted under paragraph (a)(4)(ii) of this section. If it becomes necessary during implementation to make substantial changes in its approved watershed control program, the system must notify the State and provide a rationale prior to making any such changes. If any change is likely to reduce the level of source water protection, the system must also include the actions it will take to mitigate the effects in its notification.

(ii) Conduct an annual watershed sanitary survey and submit the survey report to the State for approval. The survey must be conducted according to State guidelines and by persons approved by the State to conduct watershed surveys. The survey must encompass the area of the watershed that was identified in the State-approved watershed control plan as the area of influence and, at a minimum, assess the priority activities identified in the plan and identify any significant new sources of *Cryptosporidium*.

(iii) Submit to the State a request for review and re-approval of the watershed

control program and for a continuation of the 0.5 log removal credit for a subsequent approval period. The request must be provided to the State at least six months before the current approval period expires or by a date previously determined by the State. The request must include a summary of activities and issues identified during the previous approval period and a revised plan that addresses activities for the next approval period, including any new actual or potential sources of *Cryptosporidium* contamination and details of any proposed or expected changes from the existing State-approved program. The plan must address goals, prioritize specific actions to reduce source water *Cryptosporidium*, explain how actions are expected to contribute to achieving goals, identify partners and their role(s), resource requirements and commitments, and the schedule for plan implementation.

(iv) The annual status reports, watershed control plan and annual watershed sanitary surveys must be made available to the public upon request. These documents must be in a plain language style and include criteria by which to evaluate the success of the program in achieving plan goals. If approved by the State, the system may withhold portions of the annual status report, watershed control plan, and watershed sanitary survey based on security considerations.

(5) Unfiltered systems may not claim credit for *Cryptosporidium* removal under this option.

(b) Alternative source. (1) If approved by the State, a system may be classified in a bin under § 141.709 based on monitoring that is conducted concurrently with source water monitoring under § 141.701 and reflects a different intake location (either in the same source or for an alternate source) or a different procedure for managing the timing or level of withdrawal from the source.

(2) Sampling and analysis of *Cryptosporidium* in the concurrent round of monitoring must conform to the requirements for monitoring conducted under this subpart to determine bin classification. Systems must submit the results of all monitoring to the State, along with supporting information documenting the operating conditions under which the samples were collected.

(3) If the State classifies the system in a bin based on monitoring that reflects a different intake location or a different procedure for managing the timing or level of withdrawal from the source, the system must relocate the intake or use