The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts the amendments to §§290.38, 290.42, 290.46, 290.47, 290.102 - 290.104, 290.106 - 290.119, 290.121, 290.122, 290.272, and 290.275.

The amendments to §§290.38, 290.103, 290.104, 290.111, 290.112, and 290.118 are adopted *without changes* to the proposed text as published in the October 7, 2016, issue of the *Texas Register* (41 TexReg 7949) and will not be republished. The amendments to §§290.42, 290.46, 290.47, 290.102, 290.106 - 290.110, 290.113 - 290.117, 290.119, 290.121, 290.122, 290.272, and 290.275 are adopted *with changes* to the proposed text and will be republished.

Background and Summary of the Factual Basis for the Adopted Rules

Under 40 Code of Federal Regulations (CFR) §142.10 and §142.12, TCEQ shall adopt rules at least as stringent as the federal rules to maintain primacy over the Public Water System Supervision Program in Texas. The Revised Total Coliform Rule (RTCR), a federal drinking water rule, was promulgated by the United States Environmental Protection Agency (EPA) on February 13, 2013. The RTCR increases public health protection through the reduction of potential pathways of entry for fecal contamination into the distribution system of public water systems. Greater public health protection is anticipated under the RTCR as it requires public water systems that are vulnerable to microbial contamination to identify and address problems.

The adopted amendments to Chapter 290, provide rule language that is no less stringent

than the RTCR. The adopted amendments provide for consistency with other federal drinking water provisions, address the EPA's comments on the federal Ground Water Rule (GWR), and provide clarification on existing state rules. Regarding the GWR, the EPA conducted a primacy review of the TCEQ's adopted GWR rules. On March 10, 2014, the EPA provided its GWR comments outlining additional state rule revisions needed. TCEQ adopts the amendments Chapter 290 to ensure that the state rules are no less stringent than with the federal GWR in response to the EPA's primacy review comments.

The RTCR's implementation date for public water systems was April 1, 2016. Due to an open section conflict with an ongoing rulemaking, the commission requested an extension from the EPA on this rule's implementation, and the request was approved by EPA on March 4, 2015. States with an approved extension shall submit complete and final program revision packages to the EPA by February 13, 2017.

Section by Section Discussion

In addition to the adopted revisions associated with this rulemaking, the adopted rulemaking also includes various stylistic, non-substantive changes to update rule language to current *Texas Register* style and format requirements. Such changes included appropriate and consistent use of acronyms, section references, rule structure, and certain terminology. Where the adoption of new subsections, paragraphs, subparagraphs, etc. are adopted, subsequent relettering or renumbering are modified accordingly. These changes are non-substantive and generally not specifically discussed in this preamble.

The terms "system" and "water system" were amended to "public water system" where appropriate and will not be specifically discussed in each section.

§290.38, Definitions

The commission adopts the amendment to add §290.38(31) and (32), defining "Grantee" and "Grantor," to clarify the adopted amendment of §290.46(p)(1). Subsequent definitions are renumbered accordingly due to the addition of "Grantee" and "Grantor." Under previous §290.46(p)(1), notice of the change of ownership is required before the change in owner actually occurs, so the terms of "prospective owner" and "current owner" are unambiguous. Under adopted §290.46(p)(1), notice of the change of ownership is required no later than 30 days after the change in ownership occurs, which will occur at an indefinite point in time. For purposes of enforcement and clarity, the terms "grantee" and "grantor" are substituted for "prospective owner" and "current owner" in adopted §290.46(p)(1).

The commission adopts the amendment to add §290.38(82) to clarify that the use of the word "System" has the same meaning as "Public water system," as described in §290.38(71). The commission adopts a similar addition to §290.38(88) to clarify that the use of the word "Water system" has the same meaning as "Public water system," as described in §290.38(71). Subsequent definitions are renumbered accordingly.

§290.42, Water Treatment

The commission adopts the amendment to §290.42(b)(1) and (e)(2) to clarify the

association between §290.42(b)(1) and (e)(2) with the requirements of §290.110, concerning the disinfection, treatment, and monitoring requirements for public water systems that utilize a groundwater source.

The commission adopts the amendment to §290.42(c) and (c)(1) to address EPA comments concerning rule applicability and treatment requirements for public water systems using groundwater under the direct influence of surface water sources.

The commission adopts the amendment to §290.42(d)(15)(D) to require surface water treatment plants that utilize chlorine dioxide to provide testing equipment for measuring chlorine dioxide and chlorite levels.

The commission adopts the amendment to §290.42(g)(6) and (6)(A) and (B) to address the utilization of membrane filtration for virus removal that achieves at least 4-log removal of viruses to comply with the groundwater rule requirements under §290.109 and §290.116.

§290.46, Minimum Acceptable Operating Practices for Public Drinking Water Systems

The commission adopts the amendment to add §290.46(f)(3)(D)(x) and (xi) and amends (f)(3)(E)(ix) and (x) to require public water systems to maintain and update operating records concerning assessment forms, corrective actions, seasonal operating procedures, Sample Siting Plans, and membrane integrity testing results as required by the RTCR and GWR. The commission adopts the amendment to §290.46(f)(3)(D)(x) to address EPA

comments concerning recordkeeping requirements for assessments and corrective actions under §290.109.

The commission adopts the amendment to add §290.46(f)(3)(D)(xii) to address EPA comments concerning recordkeeping requirements for any repeat sample taken that meets the criteria for an extension of the 24-hour period for collecting repeat samples required by §290.109.

The commission adopts the amendment to §290.46(n)(3) to clarify the recordkeeping requirements for public water systems concerning well completion data as required by §290.41(c)(3)(A).

The commission adopts the amendment to §290.46(p)(1) to require the new owner or grantee of a public water system to notify the executive director of the change in ownership within 30 days after the effective date of the change in ownership and include any other information necessary to identify the transaction. In addition, the commission adopts the added definitions of "Grantee" and "Grantor" as discussed in §290.38 of this preamble. Finally, the commission adopts the removal of the reference to 30 TAC Chapter 291 (Utility Regulations).

The commission adopts the amendment to §290.46(q) to clarify the subject matter of the subsection, which is special precautions, protective measures, and boil water notices. The amendment also adds the abbreviation *E. coli* and adds the language "or other approved

fecal indicator" to be consistent with the federal GWR requirements as described in 40 CFR §141.402. The amendment adds a description of what special precautions, protective measures, and boil water notices are and when they shall be instituted by public water systems. The commission adopts the amendment to §290.46(q) to address public comments and provide clarification concerning the requirements for special precautions, protective measures, and boil water notices.

The commission adopts the amendment to §290.46(q)(1) to clarify when and how a public water system shall issue and rescind boil water notices. The commission adopts the amendment to add language to specify boil water notice delivery requirements by cross-referencing §290.122 and referencing the format specified in §290.47(c)(1) and (2).
The commission adopts the amendment to §290.46(q)(1) to address public comments and provide clarification concerning the requirements for special precautions, protective measures, and boil water notices. The commission clarified that public water systems are allowed to submit a Certificate of Delivery (COD) to the executive director within ten days of its issuance by email and has also clarified this COD delivery option in the proposed amendment as specified in §290.122(f). The commission clarified that public water systems are required to provide a copy of the initial boil water notice to the executive director within 24 hours or no later than the next business day after issuance by the public water system.

The commission adopts the amendment to §290.46(q)(2) to clarify when a boil water notice shall be issued by a public water system in the event distribution system pressure

is lost.

The commission adopts the amendment to add §290.46(q)(3) to specify that a public water system shall issue a boil water notice to customers for a violation of the acute maximum contaminant level (MCL) for *Escherichia coli* (*E. coli*) or other approved fecal indicator. The boil water notice shall be in accordance with rule requirements as described in §290.122(a)(1)(A) and to be consistent with the RTCR.

The commission adopts the amendment to §290.46(q)(4) to specify when a public system shall issue a boil water notice to customers for exceeding certain combined filter effluent turbidity levels at a water treatment plant in accordance with the rule requirements as described in §290.122(a)(1)(B) and to be consistent with the RTCR. The commission adopts the amendment to add §290.46(q)(4)(A) - (D) to summarize the conditions triggering a boil water notice for turbidity.

The commission adopts the amendment to add §290.46(q)(5) to clarify the circumstances when discretionary action by the executive director may be warranted concerning special precautions, protective measures, and boil water notices. The adopted rule requires the executive director to provide written notification to the public water system when exercising this discretionary action.

The commission adopts the amendment to add §290.46(q)(5)(A) and (A)(i) - (iii) to clarify the circumstances that may warrant the exercise of discretionary action by the executive

director. Under adopted §290.46(q)(5)(A)(i), such circumstances include a public water system failing to provide required compliance information to the executive director and the failure results in the inability of the executive director to determine compliance with disinfection and treatment technique requirements for public water systems. Under adopted §290.46(q)(5)(A)(ii), such circumstances include prevention or correction of a potential or actual health hazard as defined in this chapter. Under adopted §290.46(q)(5)(A)(iii), the circumstances include a public water system which has failed to maintain adequate disinfectant residuals. The commission adopts the amendment to §290.46(q)(5)(A) and (A)(i) and (ii) to address EPA and others' public comments and provide clarification concerning the requirements for special precautions, protective measures, and boil water notices.

The commission adopts the amendment to add §290.46(q)(5)(B) to require that the executive director provide written notification to a public water system when requiring the public water system to institute special precautions, protective measures, or issue boil water notices when the executive director exercises his discretion under this subsection. The adopted rule also establishes a timeframe in which the public water system is required to implement the requirements. The commission adopts the amendment to §290.46(q)(5)(B) to address EPA comments and provide clarification concerning requirements for special precautions, protective measures, and boil water notices.

The commission adopts the amendment to add §290.46(q)(5)(C) to establish that a public

water system is required to provide any required information to the executive director when requested to document that the public water system has met the requirements for special precautions, protective measures, and boil water notices required under §290.46(q)(5). The commission adopts the amendment to §290.46(q)(5)(C) to address EPA and others' public comments and provide clarification concerning the requirements for special precautions, protective measures, and boil water notices.

The commission adopts the amendment to add §290.46(q)(6), which summarizes what actions are required to rescind a boil water notice. This language clarifies that the executive director may provide written notification to the public water system once the public water system has provided compliance documentation. This language establishes that the boil water notice shall remain in effect until the public water system establishes that it has met the applicable requirements. The applicable requirements are set forth in adopted §290.46(q)(6)(A) - (E), which incorporate requirements located in former §290.46(q) and adds new language. The commission adopts the amendment to §290.46(q)(6) to address EPA and others' public comments and provide clarification concerning the requirements for special precautions, protective measures, and boil water notices.

The commission adopts the amendment to add §290.46(q)(6)(A), with the requirements to rescind a boil water notice for a public water system which experienced distribution system pressure issues.

The commission adopts the amendment to add §290.46(q)(6)(B), with the requirements to rescind a boil water notice for a public water system which experienced disinfectant residual issues.

The commission adopts the amendment to add §290.46(q)(6)(C), with the requirements to rescind a boil water notice for a public water system which experienced turbidity issues.

The commission adopts the amendment to add §290.46(q)(6)(D), with the requirements to rescind a boil water notice for a public water system which failed to provide required compliance information to the executive director. The commission adopts the amendment to §290.46(q)(6)(D) to correspond with the proper rule reference adopted in §290.46(q)(5)(A)(i).

The commission adopts the amendment to add §290.46(q)(6)(E), with the water sampling and microbiological analysis requirements to rescind a boil water notice for a public water system which has met all other required actions to rescind a boil water notice. The commission adopts the amendment to add language requiring public water systems to collect representative water samples for microbiological analysis which meet specific laboratory labeling and analytical requirements and that the water sample laboratory analysis results are negative for coliform organisms before a public water system may rescind a boil water notice. The commission adopts the amendment to §290.46(q)(6)(E) to address EPA and others' public comments and provide clarification concerning the requirements for special precautions, protective measures, and boil water notices.

The commission adopts the amendment to add §290.46(q)(6)(F), which incorporates rule requirements located in current §290.46(q)(1) and adds new language requiring a public water system to issue a notice rescinding a boil water notice within a specific timeframe once the public water system has met the applicable requirements in adopted §290.46(q)(6)(A) - (E). The commission adopts the amendment to add language requiring a public water system to provide a copy of the rescind notice and associated microbial sample results to the executive director within a specific timeframe, and to issue the rescind notice to customers in accordance with existing rule requirements in §290.122(f).

§290.47, Appendices

The commission adopts the amendment to §290.47(c) and adds §290.47(c)(1) and Figure: 30 TAC §290.47(c)(1) to revise the mandatory boil water notice language that "community" public water systems are required to provide to customers and to add language which establishes that the mandatory boil water notice language is specific to "community" public water systems. The commission adopts the amendment to Figure: 30 TAC §290.47(c)(1) to address EPA and others' public comments concerning required public notice language applicable to boil water notices.

The commission adopts the amendment to add §290.47(c)(2) and Figure: 30 TAC §290.47(c)(2) to establish the mandatory boil water notice language that "noncommunity" public water systems are required to provide to customers, individuals, or employees. The commission adopts the amendment to Figure: 30 TAC §290.47(c)(2) to address EPA

and others' public comments concerning required public notice language applicable to boil water notices.

The commission adopts the amendment to add §290.47(c)(3) and Figure: 30 TAC §290.47(c)(3) to establish the mandatory language to rescind a boil water notice that all public water systems are required to provide to customers, individuals, or employees. The commission adopts the amendment to Figure: 30 TAC §290.47(c)(3) to address EPA and others' public comments concerning required public notice language applicable to boil water notices.

§290.102, General Applicability

The commission adopts the amendment to §290.102(b)(1) to revise variances and exemptions as described in 40 CFR §141.4 by removing the total coliform MCL reference and adding *E. coli* to the list, which establishes that the executive director may not grant variances or exemptions from the MCL for *E. coli* and that the total coliform MCL is no longer applicable, which is consistent with 40 CFR §141.4 and the RTCR.

The commission adopts the amendment to add §290.102(b)(4) to address EPA comments concerning rule variances and exemptions.

The commission adopts the amendment to add revised §290.102(g) to clarify compliance monitoring reporting requirements for public water systems to be consistent with 40 CFR §141.31 and be consistent with the amended rule requirements as described in

§§290.106 - 290.109 and 290.113 - 290.115.

§290.103, Definitions

The commission adopts the amendment to §290.103(3) to clarify the definition of the term "Compliance cycle" to be consistent with 40 CFR §141.23(j), which requires all public water systems to monitor for inorganic chemicals at the time designated by the executive director during each compliance period during each nine-year compliance cycle, and be consistent with the amended rule in §290.106(c)(7)(A), which specifies nitrite monitoring requirements for public water systems.

The commission adopts the amendment to §290.103(4) to clarify the definition of the term "Compliance period" to be consistent with 40 CFR §§141.23, 141.24, and 141.26, which specifies monitoring requirements for public water systems concerning inorganic chemicals, organic chemicals, and radionuclides; and requires public water systems to monitor for inorganic chemicals, organic chemicals, and radionuclides at the time designated by the executive director during each compliance period during each nine-year compliance cycle.

The commission adopts the amendment to §290.103(6) to clarify the definition of the term "Consecutive system" by adding the words "raw water or" prior to the existing "finished water" to be consistent with the applicability requirements as described in 40 CFR §141.400, which applies to all public water systems that use groundwater except that it does not apply to public water systems that combine all of their groundwater with

surface water or with groundwater under the direct influence of surface water prior to treatment. In addition to public water systems that provide "Finished water," as defined in adopted §290.103(19), former §290.103(18), to customers from a groundwater source, the amended language will require public water systems that provide "Raw water," as defined in adopted §290.103(33), former §290.103(30), to other public water systems that provide "Finished water" to customers will be subject to the GWR requirements as described in 40 CFR §141.400.

The commission adopts the amendment to add §290.103(9) to define the term "Domestic or other non-distribution system plumbing problem" as described in 40 CFR §141.2 to be consistent with the RTCR.

The commission adopts the amendment to add §290.103(26) to define the term "Level 1 assessment" as described in 40 CFR §141.2 to be consistent with the RTCR.

The commission adopts the amendment to add §290.103(27) to define the term "Level 2 assessment" as described in 40 CFR §141.2 to be consistent with the RTCR.

The commission adopts the amendment to add §290.103(35) to define the term "Sanitary defect" as described in 40 CFR §141.2 to be consistent with the RTCR.

The commission adopts the amendment to add §290.103(36) to define the term "Seasonal public water system" as described in 40 CFR §141.2 to be consistent with the RTCR.

§290.104, Summary of Maximum Contaminant Levels, Maximum Residual Disinfectant Levels, Treatment Techniques, and Action Levels

The commission adopts the amendment to §290.104(e) to clarify the MCL for microbiological contaminants as described in 40 CFR §141.52, which is based on the presence or absence of *E. coli*, to be consistent with the RTCR.

§290.106, Inorganic Contaminants

The commission adopts the amendment to §290.106(c)(3) to correct a typographical error concerning the initial monitoring frequency for inorganic contaminants (IOC) except asbestos. The commission adopts the amendment to the second use of the word "nitrate" in the existing paragraph from "nitrate" to "nitrite" to correct this typographical error.

The commission adopts the amendment to §290.106(c)(7)(A) to clarify the monitoring requirements for nitrite for public water systems and to be consistent with 40 CFR §141.23(j) which requires all public water systems to monitor for inorganic chemicals at the time designated by the executive director during each compliance period during each nine-year compliance cycle.

The commission adopts the revised amendment to §290.106(e) to clarify the reporting requirements for public water systems regarding ensuring the submission of laboratory analyses and reports to the executive director and to be consistent with 40 CFR §141.31.

§290.107, Organic Contaminants

The commission adopts the revised amendment to §290.107(e) to clarify the reporting requirements for public water systems regarding ensuring the submission of laboratory analyses and reports to the executive director and to be consistent with 40 CFR §141.31.

§290.108, Radionuclides Other than Radon

The commission adopts the revised amendment to §290.108(e) to clarify the reporting requirements for public water systems regarding ensuring the submission of laboratory analyses and reports to the executive director and to be consistent with 40 CFR §141.31.

§290.109, Microbial Contaminants

The commission adopts the amendment to §290.109(b)(1) to clarify the applicability requirements relating to the MCL for microbial contaminants and for public water systems, consistent with the RTCR as described in 40 CFR §141.851.

The commission adopts the amendment to add §290.109(b)(1)(A) - (E) to clarify the applicability requirements relating to the MCL for *E. coli* for public water systems, consistent with the RTCR as described in 40 CFR §141.851.

The commission adopts the amendment to add §290.109(c), which establishes that public water systems shall comply with the requirements to conduct and complete assessments after exceeding any of the treatment technique triggers, as described in §290.109(c)(1) and (2). The commission adopts the amendment to add this language to be consistent

with the RTCR. Subsequent subsections are relettered accordingly.

The commission adopts the amendment to add §290.109(c)(1)(A) - (C) to establish the Level 1 treatment technique triggers and assessment requirements for microbial contaminants for public water systems to be consistent with the RTCR as described in 40 CFR §141.859.

The commission adopts the amendment to add §290.109(c)(2)(A) and (B) to establish the Level 2 treatment technique triggers and assessment requirements for microbial contaminants for public water systems to be consistent with the RTCR as described in 40 CFR §141.859. The commission adopts the amendment to add language which establishes the requirements for public water systems concerning the submission of documentation to the executive director to determine if a Level 2 assessment is required when a second Level 1 assessment trigger has occurred within a rolling 12-month period.

The commission adopts the amendment to §290.109(c)(2)(B) to address EPA comments concerning RTCR requirements for Level 1 and Level 2 assessments.

The commission adopts the amendment to add §290.109(c)(3)(A)(i) and (ii) to establish the Level 1 and Level 2 treatment technique assessment requirements for microbial contaminants for public water systems to be consistent with the RTCR as described in 40 CFR §141.859. Additionally, the commission adopts added language to establish the Level 1 and Level 2 assessment assessor qualifications for public water systems to be

consistent with the RTCR as described in 40 CFR §141.859. The commission adopts the amendment to §290.109(c)(3)(A)(i) to address EPA comments concerning RTCR requirements for assessor training regarding Level 1 and Level 2 assessments.

The commission adopts the amendment to add §290.109(c)(3)(A)(iii) to address EPA comments concerning RTCR requirements for assessor training regarding Level 1 assessments.

The commission adopts the amendment to add §290.109(c)(3)(B)(i) - (vii) to establish the Level 1 and Level 2 assessment requirements and evaluation criteria for public water systems to be consistent with the RTCR as described in 40 CFR §141.859.

The commission adopts the amendment to add §290.109(c)(3)(B)(viii) to address EPA comments concerning RTCR stringency requirements regarding assessments.

The commission adopts the amendment to add §290.109(c)(3)(C) to address EPA comments concerning RTCR requirements for assessments.

The commission adopts the amendment to add §290.109(c)(3)(C)(i) - (iii) to establish the Level 1 assessment requirements regarding completion deadlines, consultations with the executive director, and corrective actions for public water systems to be consistent with the RTCR as described in 40 CFR §141.859. The commission adopts the amendment to add §290.109(c)(3)(C)(i) to address EPA comments concerning RTCR requirements for

assessments. The commission adopts the amendment to add §290.109(c)(3)(C)(iii) to address public comments concerning RTCR requirements for assessments.

The commission adopts the amendment to add §290.109(c)(3)(D)(i) - (iii) to establish the Level 2 assessment requirements, regarding completion deadlines, consultations with the executive director, and corrective actions, for public water systems to be consistent with the RTCR as described in 40 CFR §141.859.

The commission adopts the amendment to §290.109(c)(3)(D) and (D)(i) - (iii) to address EPA comments concerning RTCR stringency requirements regarding assessments.

The commission adopts the amendment to add §290.109(c)(3)(E) and (F) to establish and further clarify the Level 1 and Level 2 assessment requirements, regarding the correction of sanitary defects identified during Level 1 and Level 2 assessments and consultations with the executive director, for public water systems to be consistent with the RTCR as described in 40 CFR §141.859. Subsequent subsections are relettered accordingly.

The commission adopts the amendment to former §290.109(c), adopted as §290.109(d), to establish microbial sampling location and Sample Siting Plan requirements for public water systems to be consistent with the RTCR as described in 40 CFR §141.859.

The commission adopts the amendment to former §290.109(c)(1)(A), adopted as §290.109(d)(1)(A) and (B), to establish microbial sampling location and Sample Siting Plan

requirements for public water systems to be consistent with the RTCR as described in 40 CFR §141.859.

The commission adopts the amendment to amend former §290.109(c)(2)(A)(i) and (ii), adopted as §290.109(d)(2)(A)(i) and (ii), to clarify the methods in which public water system population data is established and reported to the executive director to determine microbial sampling frequency for public water systems to be consistent with the RTCR as described in 40 CFR §§141.853 - 141.857, and Texas Health and Safety Code (THSC), §341.033(d).

The commission adopts the amendment to former §290.109(c)(2)(C), adopted as §290.109(d)(2)(C), to correct a typographical error concerning the use of the words "uses only" which are repeated consecutively in the subparagraph. This revision will remove the second occurrence of these words.

The commission adopts the amendment to §290.109(d)(2)(E) to address EPA comments concerning RTCR stringency requirements regarding microbial sample invalidation.

The commission adopts the amendment to remove former §290.109(c)(2)(F), replaced with adopted §290.109(d)(2)(F), to clarify and establish the routine microbial sampling frequency for public water systems to be consistent with the RTCR. This amended language establishes that public water systems that collect fewer than five routine distribution coliform samples per month will not be required to conduct increased

routine microbial monitoring during the month following a month in which the public water system has one or more total coliform-positive samples.

The commission adopts the amendment to add §290.109(d)(2)(F) and (G) to clarify and establish the routine microbial sampling frequency for public water systems to be consistent with the RTCR. This language establishes that all public water systems shall collect at least the minimum number of required routine microbial samples even if the public water system has had an *E. coli* MCL violation or has exceeded the coliform treatment technique triggers. This language establishes that public water systems may conduct more microbial compliance monitoring than is required to investigate potential problems. This language establishes that if a public water system chooses to take more than the minimum number of required routine samples, the results of all samples shall be used in calculating whether the coliform treatment technique triggers have been exceeded. This language establishes that the routine sample sites shall be included in the public water system's Sample Siting Plan and requires that the samples be collected in accordance with the Sample Siting Plan.

The commission adopts the amendment to former §290.109(c)(3)(A), adopted as §290.109(d)(3)(A), to clarify the 24-hour repeat microbial sampling limit for public water systems to be consistent with the RTCR as described in 40 CFR §141.858. The language specifies that the executive director may extend the 24-hour limit for public water systems on a case-by-case basis under extenuating circumstances. The amended language specifies that all public water systems shall collect no fewer than three repeat samples

for each total coliform-positive sample found. The commission adopts the amendment to §290.109(d)(3)(A) to address EPA comments concerning RTCR stringency requirements regarding repeat microbial monitoring.

The commission adopts the amendment to former §290.109(c)(3)(A)(i) and (ii), adopted as §290.109(d)(3)(A), to clarify and establish the repeat microbial sampling requirements for public water systems which collect only one routine distribution coliform sample per month to be consistent with the RTCR as described in 40 CFR §141.858. The amended language specifies that these public water systems will no longer be required to collect four repeat samples for each coliform-positive sample found and that all public water systems shall collect no fewer than three repeat samples for each total coliform-positive sample found.

The commission adopts the amendment to former §290.109(c)(3)(B), adopted as §290.109(d)(3)(B), to clarify the timeframe in which repeat microbial sampling is required for public water systems to establish that all repeat samples shall be collected on the same day, except for public water systems with a single service connection may collect daily repeat samples over a three-day period until the required number of repeat samples have been collected. This language is consistent with the RTCR as described in 40 CFR §141.858.

The commission adopts the amendment to former §290.109(c)(3)(C), adopted as §290.109(d)(3)(C), to clarify the location in which repeat microbial samples are required

to be collected for public water systems to establish that when a positive routine sample is collected at the end of the distribution system or one service connection away from the end of the distribution system, one repeat sample shall be collected at that point, and all other samples shall be collected within five connections upstream of that point. This language is consistent with the RTCR as described in 40 CFR §141.853. The commission adopts the amendment to §290.109(d)(3)(C) to address EPA comments concerning RTCR stringency requirements regarding repeat microbial monitoring.

The commission adopts the amendment to add §290.109(d)(3)(C)(i) - (iii), which establishes that public water systems may propose alternative repeat microbial sampling locations to the executive director that are representative of a pathway for contamination of the distribution system. The adopted language specifies that the executive director may approve alternative microbial sampling locations for public water systems that elect to propose this repeat sample selection criteria option as an alternative to the repeat microbial sampling requirements as described in adopted §290.109(d)(3)(C). The language specifies that if a public water system proposes this option, they shall do so in a written standard operating procedure (SOP) included in its Sample Siting Plan as described in adopted §290.109(d)(6). The adopted language establishes that the executive director may approve public water systems that use a groundwater source and serve 1,000 or fewer people to specify alternative microbial sampling locations in a written SOP. The language specifies that the executive director may approve a written SOP for public water systems that have only one groundwater well and serve 1,000 or fewer people which allows the public water system to collect one of its repeat samples at the location required for

triggered source monitoring under the GWR and to use this sample to comply with both the repeat monitoring and triggered source monitoring requirements. This language is consistent with the RTCR as described in 40 CFR §141.853.

The commission adopts the amendment to former §290.109(c)(3)(D), adopted as §290.109(d)(3)(D)(i) - (iii), to clarify the required 24-hour repeat microbial sampling limit for public water systems by adding language which specifies that the executive director may extend the 24-hour microbial sampling limit for public water systems under extenuating circumstances. The commission added language to establish the number of repeat microbial samples public water systems are required to collect based on the presence or absence of coliform bacteria, and exceeding coliform treatment technique triggers to be consistent with the RTCR as described in 40 CFR §141.858. The commission adopts the amendment to §290.109(d)(3)(D) to address EPA comments concerning RTCR stringency requirements regarding executive director requirements for waiving repeat microbial monitoring.

The commission adopts the amendment to add §290.109(d)(3)(F) to address EPA comments concerning RTCR stringency requirements regarding microbial sample invalidation.

The commission adopts the amendment to former §290.109(c)(4), adopted as §290.109(d)(4), to clarify the triggered source monitoring requirements for public water systems to be consistent with the GWR as described in 40 CFR §141.402. The commission

added language to establish that the executive director may approve public water systems to collect a triggered source monitoring sample at an alternate location prior to any treatment if the sample is representative of the water quality of that well.

The commission adopts the amendment to former §290.109(c)(4)(A), adopted as §290.109(d)(4)(A), by adding the language "or other approved fecal indicator" to be consistent with the GWR requirements as described in 40 CFR §141.402.

The commission adopts the amendment to former §290.109(c)(4)(A)(i), adopted as §290.109(d)(4)(A)(i), to revise the reference for the definition of "4-log treatment" in §290.103.

The commission adopts the amendment to §290.109(d)(4)(B)(i) to address EPA comments concerning RTCR stringency requirements regarding extensions for repeat microbial monitoring.

The commission adopts removing former §290.109(c)(4)(B)(iii), replaced with adopted §290.109(d)(4)(B)(iii) and add adopted §290.109(d)(4)(B)(iv) and (v), to establish that a public water system that uses a groundwater source, has only one well, and serves 1,000 people or fewer may use one of the three required repeat samples collected from a raw groundwater source to meet both the repeat microbial monitoring requirements as required under the RTCR and the triggered raw source monitoring requirements as required under the GWR. The commission added language to establish that if one of the

required repeat samples is used to meet both of the RTCR and GWR requirements and the sample is found to be *E. coli*-positive, the public water system will have achieved an *E. coli* MCL violation which requires corrective action at the groundwater source where the *E. coli*-positive sample was taken. The commission adopts added language which establishes that if the executive director does not require corrective action, then the public water system will be required to conduct additional microbial monitoring at the groundwater source where the *E. coli*-positive sample was detected. The commission also adopts added language which establishes that public water systems will be able to conduct reduced microbial monitoring for groundwater sources under certain conditions. The commission adopts the amendment to add §290.109(d)(4)(B)(iii) and (iii)(I) - (III) to address EPA comments concerning RTCR stringency requirements regarding repeat and triggered raw source monitoring.

The commission adopts the amendment to former §290.109(c)(4)(C)(i) and (ii), adopted as §290.109(d)(4)(C)(i) and (ii), by adding the language "or other approved fecal indicator" to be consistent with the GWR requirements as described in 40 CFR §141.402.

The commission adopts the amendment to add §290.109(d)(4)(C)(iii) to establish public notification and triggered source monitoring requirements for public water systems that wholesale groundwater to other public water systems. The language specifies that if a wholesale groundwater system receives an *E. coli*-positive raw source sample result, the wholesale groundwater system shall notify all consecutive public water systems served by that groundwater source of the *E. coli*-positive result within 24 hours of being notified of

the result, and the wholesale groundwater system shall conduct triggered source monitoring in accordance with adopted §290.109(d)(4)(B)(iv). The commission adopts this added language to be consistent with the RTCR and the GWR requirements as described in 40 CFR §141.402.

The commission adopts the amendment to former §290.109(c)(4)(E), adopted as §290.109(d)(4)(E), to clarify public notification requirements for public water systems that use groundwater sources and their consecutive public water systems. The language specifies that if a groundwater system receives a fecal indicator positive raw source sample result, the groundwater system shall notify all consecutive public water systems served by that groundwater source of the fecal indicator positive result within 24 hours of being notified of the result. The commission adopts this added language to be consistent with the GWR requirements as described in 40 CFR §141.402.

The commission adopts the amendment to former §290.109(c)(5), adopted as §290.109(d)(5), to establish that public water systems will be required to ensure that if a routine or repeat microbial sample result is total coliform-positive, the total coliform-positive sample medium will be analyzed to determine if *E. coli* are present; and if *E. coli* are present in the sample, the public water system will be required to notify the executive director of the *E. coli* result by the end of the day. The commission adopts this added language to be consistent with the RTCR as described in 40 CFR §141.858.

The commission adopts the amendment to add §290.109(d)(6) and (6)(A) - (E) to require

public water systems to develop a Sample Siting Plan which identifies microbial routine and repeat sampling sites, a sample schedule that is representative of water throughout the distribution system, all groundwater sources, and any associated sampling points necessary to meet the RTCR and GWR requirements. The commission adopts this added language which establishes that the Sample Siting Plan is subject to review and revision by the executive director and shall be included in the public water system's monitoring plan to be consistent with the RTCR. The commission adopts this added language to require public water systems to develop Sample Siting Plans in a format specified by the executive director and that the Sample Siting Plans are subject to review and revision by the executive director to be consistent with the RTCR. The commission adopts this added language, "in a format specified by the executive director," to provide review consistency in determining that Sample Siting Plans identify microbial routine and repeat sampling sites and a sample schedule that is representative of water throughout the distribution system to be consistent with the RTCR. The commission adopts this added language to require public water systems to collect routine and repeat microbial samples and any other samples necessary to meet the requirements of the RTCR and GWR according to their written Sample Siting Plan and that these sample site locations shall be reflected in their Sample Siting Plan to be consistent with the RTCR. The commission adopts this added language to require public water systems to include any SOP for proposed repeat microbial monitoring as described in §290.109(d)(3) in their Sample Siting Plan to be consistent with the RTCR. The commission adopts this added language to establish that the executive director may review, revise, and approve any proposed SOP as required by the executive director to be consistent with the RTCR. The commission adopts this added

language to require public water systems to include a distribution system map, which is required under existing rule requirements as described in §290.46(n)(2), with their Sample Siting Plan. The commission adopts this added language, in addition to the former rule requirements as described in §290.46(n)(2), which requires public water systems to include the location of all routine microbial sample sites, water main sizes, entry point source locations, water storage facilities, and any pressure plane boundaries in their distribution system map. The commission adopts this added language to provide review consistency and assist in determining that Sample Siting Plans identify routine microbial sample site locations that are representative of water throughout the distribution system to be consistent with the RTCR. The commission adopts added language which requires public water systems to update their written Sample Siting Plan as necessary, or as requested by the executive director, to identify the most current microbial routine and repeat sampling sites and a sample collection schedule to be consistent with the RTCR. The commission adopts added language which requires public water systems to maintain a copy of their Sample Siting Plan on file at the public water system for inspection purposes and to submit a copy of their Sample Siting Plan to the executive director upon request to be consistent with existing recordkeeping rule requirements. The commission adopts the amendment to §290.109(d)(6)(A) to address EPA comments concerning RTCR stringency requirements regarding the executive director's evaluation of public water systems during sanitary surveys. The commission adopts the amendment to §290.109(d)(6)(C) to address public comments concerning Sample Siting Plan mapping requirements which specify that a public water system may develop a single map or a series of maps to document required microbial sample site

locations.

The commission adopts the amendment to §290.109(e) to address EPA comments concerning RTCR stringency requirements regarding certified laboratories.

The commission adopts the amendment to former §290.109(d)(1)(B), adopted as §290.109(e)(1)(B), to clarify that unless a total coliform-positive sample has been invalidated by the executive director, public water systems are required to collect the minimum number of required samples even if the system has had an *E. coli* MCL violation or has exceeded the coliform treatment technique triggers, and public water systems are required to continue to collect additional sets of repeat samples until either total coliforms are not detected in one complete set of repeat samples or it has been determined that a coliform treatment technique trigger has been exceeded as a result of a repeat sample being total coliform-positive. The commission adopts this added language to be consistent with the RTCR as described in 40 CFR §141.853 and §141.858. The commission adopts the amendment to §290.109(e)(1)(B) to address EPA comments concerning RTCR stringency requirements regarding microbial sample invalidation by the executive director.

The commission adopts the amendment to former §290.109(d)(1)(C), adopted as §290.109(e)(1)(C), to clarify that public water systems shall collect all repeat microbial samples as required and use all valid repeat samples to assist in determining compliance with the *E. coli* MCL and whether a coliform treatment technique trigger has been

exceeded. The commission adopts the amendment to §290.109(e)(1)(C) to address EPA comments concerning RTCR stringency requirements regarding microbial sample invalidation by the executive director.

The commission adopts the amendment to §290.109(e)(1)(D) to address EPA comments concerning RTCR stringency requirements regarding microbial sample invalidation by laboratories.

The commission adopts the amendment to former §290.109(d)(2)(A) and (B), adopted as §290.109(e)(2)(A) and (B), by adding the language "or other approved fecal indicator" to be consistent with the GWR requirements as described in 40 CFR §141.402.

The commission adopts the amendment to add §290.109(e)(3) to address EPA comments concerning RTCR stringency requirements regarding culture analysis to determine the presence of *E. coli*.

The commission adopts the revised amendment to former §290.109(e), adopted as §290.109(f), to clarify the reporting requirements for public water systems regarding ensuring the submission of laboratory analyses and reports to the executive director to be consistent with 40 CFR §141.31.

The commission adopts the amendment to remove former §290.109(f)(1) - (3), adopted as §290.109(g)(1) and (2), to clarify the MCL compliance determination criteria for public

water systems regarding microbial contaminants to be consistent with the RTCR as described in 40 CFR §141.63.

The commission adopts the amendment to add §290.109(g)(1)(A) - (D) to establish the *E. coli* MCL violation compliance determination criteria for public water systems regarding microbial contaminants to be consistent with the RTCR as described in 40 CFR §141.63.

The commission adopts the amendment to add §290.109(g)(1)(E)(i) - (v), to identify for public water systems the best technology, treatment techniques, or other means available for achieving compliance with the MCL for *E. coli* to be consistent with the RTCR as described in 40 CFR §141.63. The commission also adopts to add §290.109(g)(1)(E)(vi) to establish that the executive director may require additional best technology, treatment techniques, or other means available for achieving compliance with the MCL for *E. coli.* The commission has moved proposed §290.109(g)(1)(E)(i) - (vi) to added §290.109(i)(1) - (6) to address EPA comments to provide consistency in rule organization and format.

The commission adopts the amendment to add §290.109(g)(2) to establish *E. coli* MCL violation scenarios for public water systems regarding repeat samples collected for triggered source monitoring to be consistent with the RTCR as described in 40 CFR §141.853. The commission adopts changes to §290.109(g)(2) from proposal to address public comments concerning clarification of the reference §290.109(d)(4)(B)(v). This reference has been changed to §290.109(d)(4)(B)(iv).

The commission adopts the amendment to amend former §290.109(f)(5), adopted as §290.109(g)(4) and added (5), to establish microbial monitoring violations for public water systems to be consistent with the RTCR as described in 40 CFR §141.860.

The commission adopts the amendment to amend former §290.109(f)(5), adopted as §290.109(g)(4) to address public comments and provide clarification concerning applicability requirements for public water systems that are not on a monthly microbial monitoring frequency.

The commission adopts the amendment to remove former §290.109(f)(9), replaced with adopted §290.109(g)(9), to establish for public water systems that the results of all routine and repeat distribution coliform samples not invalidated by the executive director shall be included in determining compliance with the *E. coli* MCL and whether a coliform treatment technique trigger has been exceeded to be consistent with the RTCR as described in 40 CFR §141.21(b)(7) and §141.858(a)(5). The commission adopts revised §290.109(g)(9) to address EPA comments concerning sample invalidation requirements for microbial groundwater source samples and special purpose samples.

The commission adopts the amendment to former §290.109(f)(10), adopted as §290.109(g)(10), to establish for public water systems that the results of all routine and repeat distribution coliform samples invalidated by the executive director shall not be included in determining compliance with the *E. coli* MCL and whether a coliform treatment technique trigger has been exceeded to be consistent with the RTCR as

described in 40 CFR §141.21(c) and §141.853(c). The commission adopts revised §290.109(g)(10) to address EPA comments concerning sample invalidation requirements for groundwater source samples.

The commission adopts revised §290.109(g)(11) to address EPA comments to establish that special purpose samples shall not be used to determine whether the coliform treatment technique trigger has been exceeded as described in §290.109(c) and that coliform samples taken in accordance to §290.109(d)(3), which are not invalidated under §290.109(e), are not considered special purpose samples.

The commission adopts the amendment to add §290.109(g)(12) to establish the start-up procedures, certification requirements, and reporting violations for seasonal public water systems as defined in §290.103(36) to be consistent with the RTCR as described in 40 CFR §141.854 and §141.861. The commission adopts added language that requires all seasonal public water systems to demonstrate completion of an executive director-approved start-up procedure and certification prior to serving water to the public.

The commission adopts revised §290.109(g)(12) to address EPA comments concerning that a seasonal system must certify, prior to serving water to the public, that it has complied with the executive director-approved start-up procedures.

The commission adopts the amendment to add §290.109(g)(13) to establish the treatment technique violation requirements for seasonal public water systems to be consistent with

the RTCR as described in 40 CFR §141.860.

The commission adopts the amendment to add §290.109(g)(14) to establish the treatment technique violation for public water systems when a system exceeds a treatment technique trigger and then fails to conduct the required assessment or corrective actions within the specified timeframe to be consistent with the RTCR as described in 40 CFR §141.860.

The commission adopts the amendment to add §290.109(g)(15) to establish the assessment, corrective actions, and reporting requirements for public water systems to be consistent with the RTCR as described in 40 CFR §141.859.

The commission adopts the amendment to add §290.109(g)(16) to address EPA comments concerning RTCR stringency requirements regarding reporting violations for microbial contaminants.

The commission adopts the amendment to former §290.109(g)(2) and (3), adopted as §290.109(h)(2) and (3), by adding the language "or other approved fecal indicator" to be consistent with the GWR requirements as described in 40 CFR §141.402.

The commission adopts the amendment to §290.109(h)(3) to address EPA comments concerning when a public water system must notify the executive director of an *E. coli* microbial sample result.

The commission adopts the amendment to add §290.109(h)(5) to establish the reporting requirements for public water systems regarding an *E. coli* MCL violation to be consistent with the GWR requirements as described in 40 CFR §141.860. The commission adopts the amendment §290.109(h)(5) to address EPA comments concerning when a public water system must notify the executive director of an *E. coli* MCL violation.

The commission adopts the amendment to add §290.109(h)(7) to establish the reporting requirements for public water systems regarding an *E. coli* MCL violation to be consistent with the GWR requirements as described in 40 CFR §141.860. The commission adopts the amendment to §290.109(h)(7) to address EPA comments concerning when a public water system must notify the executive director of a treatment technique violation.

The commission adopts the amendment to add §290.109(h)(8) to address EPA comments concerning public notice for a public water system that commits a treatment technique violation for failure to complete and certify seasonal system start-up procedures.

The commission adopts the amendment to add §290.109(i)(1) - (6), which was moved from §290.109(g)(1)(E)(i) – (vi), to address EPA comments concerning best available treatment technologies for the MCL for *E. coli.*

§290.110, Disinfectant Residuals

The commission adopts the amendment to §290.110(c)(4)(D) to clarify the residual

disinfectant concentration monitoring requirements for public water systems during microbial monitoring activities and in accordance with existing residual disinfectant concentration monitoring requirements to be consistent with the RTCR as described in 40 CFR §§141.74, 141.132, 141.854, and 141.858. The commission adopts the amendment to §290.110(c)(4)(D) to address EPA comments concerning residual disinfectant monitoring frequency requirements for public water systems.

The commission adopts the amendment to §290.110(d)(2) and removes the requirements in subsection (d)(2)(A) - (C), to clarify the monitoring requirements for public water systems using chlorine dioxide and to establish executive approval requirements for certain monitoring equipment for testing chlorine dioxide.

The commission adopts the amendment to §290.110(f)(8) to revise a grammatical reference and establish that public water systems shall consult with the executive director upon increasing residual disinfectant levels in the distribution system in order to maintain compliance with the maximum residual disinfectant levels (MRDL).

The commission adopts the amendment to §290.110(g)(3) and removes the requirements in §290.110(g)(3)(A) and (B) to clarify that a public water system shall provide notice to customers in accordance with §290.122 when the public water system does not demonstrate an adequate residual disinfectant concentration in more than 5.0% of the samples collected each month for two consecutive months.

§290.111, Surface Water Treatment

The commission adopts the amendment to §290.111(d)(4)(D) and removes the requirements in §290.111(d)(4)(D)(i) and (ii) to clarify the required analytical methods used for measuring the chlorine dioxide residual and analytical methods that require written permission of the executive director.

The commission adopts the amendment to §290.111(e)(4) to clarify when public water systems are required to conduct a special investigation concerning the removal/inactivation of pathogens during the surface water treatment process.

The commission adopts the amendment to add §290.111(e)(4)(A)(iv) and (C) to establish criteria for public water systems concerning when they may be required to participate in a special investigation conducted by the executive director.

The commission adopts the amendment to §290.111(e)(5)(A) and removes the requirements in §290.110(e)(5)(A)(i) - (iii) to clarify the required analytical methods used for measuring turbidity.

The commission adopts the amendment to add §290.111(e)(5)(E)(i) - (iii) to establish and clarify the precision and accuracy requirements for turbidity monitoring equipment and associated data recording devices used to measure and record combined filter and individual filter effluent turbidity levels.

The commission adopts the amendment to add §290.111(f)(3)(F)(i) - (iii) to establish and clarify the precision and accuracy requirements for turbidity monitoring equipment and associated data recording devices used to measure and record combined filter and individual filter effluent turbidity levels.

The commission adopts the amendment to add §290.111(f)(4)(A) - (C) to establish criteria for public water systems concerning when they may be required to participate in a special investigation conducted by the executive director.

The commission adopts the amendment to §290.111(i)(3) and adds §290.111(i)(3)(A) - (E) to establish the acute treatment technique violation conditions and public notice and boil water notice requirements when a public water system fails to meet specific treatment, turbidity level, monitoring, and/or reporting requirements.

The commission adopts the amendment to §290.111(i)(4) and adds §290.111(i)(4)(A) - (D) to establish the acute treatment technique violation conditions and public notice requirements when a public water system fails to meet specific treatment, turbidity level, monitoring, and/or reporting requirements.

§290.112, Total Organic Carbon (TOC)

The commission adopts the amendment to §290.112(f)(3)(A) to clarify the formula and method for calculating and determining the actual monthly TOC percent removal in a TOC sample set.

The commission adopts the amendment to §290.112(f)(3)(D) and (E) to clarify the terminology of the annual average TOC removal ratio and the method for calculating and determining the annual average TOC removal ratio.

§290.113, Stage 1 Disinfection Byproducts (TTHM and HAA5)

The commission adopts the revised amendment to §290.113(e) to clarify the reporting requirements for public water systems regarding ensuring the submission of laboratory analyses and reports to the executive director to be consistent with 40 CFR §141.31.

§290.114, Other Disinfection Byproducts (Chlorite and Bromate)

The commission adopts the amendment to §290.114(a)(3)(A) and removes the requirements in §290.111(a)(3)(A)(i) and (ii) to clarify that public water systems are required to use facilities that are approved by the executive director for the analysis of chlorite concentrations in water entering the distribution system.

The commission adopts the revised amendment to §290.114(a)(4)(B) to clarify the reporting requirements for public water systems regarding ensuring the submission of any required chlorite test, measurement, or analysis to the executive director to be consistent with 40 CFR §141.31.

The commission adopts the revised amendment to §290.114(b)(4) to clarify the reporting requirements for public water systems regarding ensuring the submission of laboratory

analyses and reports to the executive director to be consistent with 40 CFR §141.31.

§290.115, Stage 2 Disinfection Byproducts (TTHM and HAA5)

The commission adopts the revised amendment to §290.115(e)(1) to clarify the reporting requirements for public water systems regarding ensuring the submission of laboratory analyses and reports to the executive director to be consistent with 40 CFR §141.31.

§290.116, Groundwater Corrective Actions and Treatment Techniques

The commission adopts the amendment to §290.116(a) to clarify the applicability requirements for public water systems to be consistent with the GWR and RTCR as described in 40 CFR §141.859. This amended language specifies the treatment technique and corrective action requirements for public water systems that use groundwater sources to be consistent with the GWR and the treatment technique and corrective action requirements for these public water systems when they have exceeded a treatment technique trigger under the RTCR as described in §141.859. The commission adopts changes to §290.116(a) to address EPA comments concerning applicability with the GWR.

The commission adopts the amendment to §290.116(a)(1) and (2) to establish that public water systems that use groundwater sources shall receive prior written approval from the executive director before the public water system discontinues the use of 4-log treatment for their groundwater sources to be consistent with the GWR.

The commission adopts the amendment to §290.116(b)(5) to clarify the corrective action

plan and approval requirements for public water systems that are required to complete the corrective action to be consistent with the GWR.

The commission adopts the amendment to §290.116(c) by removing the words "or in lieu of the" and adding the words "instead of conducting" to clarify the microbial inactivation and removal requirements for public water systems that treat groundwater sources in response to a fecal indicator positive source sample or significant deficiency, instead of conducting raw groundwater source monitoring, shall meet minimum requirements demonstrating at least 4-log treatment of viruses to be consistent with the GWR.

The commission adopts the amendment to §290.116(c)(2) and adds the requirements in §290.116(c)(2)(A) and (B) to include and establish the monitoring and operating requirements for membrane treatment systems and to specify the approval process for monitoring and recording the performance of these alternative treatment technologies to be consistent with the GWR.

The commission adopts the amendment to add §290.116(c)(3)(F) to establish that membrane treatment system integrity monitoring shall be conducted in accordance with executive director specified requirements to be consistent with the GWR.

The commission adopts the amendment to §290.116(c)(4) to clarify the recordkeeping applicability requirements for public water systems to be consistent with the GWR.

The commission adopts the amendment to §290.116(d) by removing the words "in lieu of the" and "to conduct" and adding the words "instead of conducting" to clarify that public water systems that treat groundwater sources in response to a fecal indicator positive source sample or significant deficiency, instead of conducting raw groundwater source monitoring, shall report to the executive director to be consistent with the GWR.

The commission adopts the amendment to add §290.116(d)(6) to establish the reporting requirements for public water systems that are required to conduct integrity monitoring for membrane treatment systems for groundwater sources.

The commission adopts the amendment to §290.116(e)(4) and (5) to clarify the compliance monitoring and reporting requirements for public water systems that use membrane systems to treat groundwater sources.

The commission adopts the amendment to §290.116(f)(1) to clarify and establish the public notification requirements for community public water systems that use groundwater sources when the public water system receives notice from the executive director of a significant deficiency or notification of a fecal indicator positive groundwater source sample to be consistent with the GWR. This amended language requires these public water systems to provide public notice to customers on an annual basis until the significant deficiency is corrected or the fecal contamination in the groundwater source is corrected as determined by the executive director.

§290.117, Regulation of Lead and Copper

The commission adopts the amendment to §290.117(c)(2)(D)(i) - (vi) to add the word "reduced" to clarify the reduced nine-year tap sampling requirements for public water systems regarding lead and copper monitoring to be consistent with the federal Lead and Copper Rule Minor Revisions (LCRMR) as described in 40 CFR §141.86. This amended language removes the word "waiver" and replaces it with "schedule" for consistency with amended rule language. This amended language will provide clarification concerning the executive director's authority to modify reduced nine-year tap sampling schedules. The commission adopts changes to §290.117(c)(2)(D) by revising the reference "EPA's Lead and Copper Rule Minor Revisions." The referenced has been changed to "the EPA's Lead and Copper Rule Minor Revisions as described in 40 CFR §141.86" to address public comments requesting that specific federal citations be added for clarity.

The commission adopts the amendment to §290.117(c)(2)(D)(vii) by removing the executive director's approval of waivers regarding the lead and copper nine-year tap sampling requirements for public water systems that received such waivers. This amended language is consistent with a new provision under the LCRMR and supersedes pre-existing waivers that were granted for lead and copper tap monitoring. This amended language provides clarification for public water systems with state-approved waivers that the waivers are no longer valid in accordance with the LCRMR provision. The public water systems that were granted waivers will be eligible for reduced nine-year monitoring if the public water system meets the federal criteria outlined in the LCRMR and will be required to re-apply for reduced monitoring every nine years.

The commission adopts the amendment to §290.117(e) to remove and clarify an incorrect table reference and to clarify the applicability of monitoring requirements for Water Quality Parameters (WQPs).

The commission adopts the amendment to §290.117(e)(1) by adding the words "take two samples" to clarify the sampling requirements for public water system's relating to monitoring for WQPs to be consistent with the LCRMR as described in 40 CFR §141.87(a)(2). This amended language requires public water systems to also take two samples at all raw WQP sites in addition to entry points and distribution WQP sites in accordance with the table referenced in Figure: 30 TAC §290.117(e)(1). The requirement to monitor at raw WQP sites was added to be consistent with the March 2016 EPA *Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems* guidance document.

The commission adopts the amendment to §290.117(e)(1) and removes the requirement for raw WQP sampling to address public comments.

The commission adopts the amendment to add §290.117(e)(1)(C) to establish the raw water monitoring requirements for WQP sample sites to be consistent with the March 2016 EPA *Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems* guidance document. The commission adopts the amendment to remove §290.117(e)(1)(C) and removes the requirement for raw

WQP sampling to address public comments.

The commission adopts the amendment to §290.117(e)(2) to establish the initial and routine raw water monitoring requirements for WQP sample sites to be consistent with the March 2016 *EPA Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems* guidance document.

The commission adopts the amendment to Figure: 30 TAC §290.117(e)(2) to include raw water monitoring WQP sample sites in the title and to include total dissolved solids, sodium, sulfate, chloride, hardness, manganese, and iron as additional WQP monitoring constituents to be consistent with the March 2016 EPA *Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems* guidance document. The commission adopts the amendment to Figure: 30 TAC §290.117(e)(2) and removes the requirement for raw WQP sampling to address public comments.

The commission adopts the amendment to §290.117(e)(2)(A) to establish the initial and routine raw water monitoring requirements for WQP sample site locations as referenced in Figure: 30 TAC §290.117(e)(1) to be consistent with the March 2016 EPA *Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems* guidance document. The commission adopts the amendment to §290.117(e)(2)(A) and removes the requirement for raw WQP sampling to address public comments.

The commission adopts the amendment to §290.117(e)(2)(B) to establish the frequency for initial and routine WQP monitoring on a quarterly basis to reflect seasonal variability in water quality conditions to be consistent with the March 2016 EPA *Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems* guidance document.

The commission adopts the amendment to §290.117(e)(3) to establish the entry point and distribution WQP monitoring requirements for public water systems after the installation of corrosion control treatment as referenced in Figure: 30 TAC §290.117(e)(3). This amended language clarifies the Figure: 30 TAC §290.117(e)(3) table reference.

The commission adopts the amendment to Figure: 30 TAC §290.117(e)(3) to amend the title and to include calcium, total dissolved solids, temperature, sodium, sulfate, chloride, hardness, manganese, and iron as additional WQP monitoring constituents and remove the requirement to measure calcium if calcium carbonate stabilization is used as part of corrosion control to be consistent with the March 2016 EPA *Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems* guidance document.

The commission adopts the amendment to §290.117(e)(4) to clarify the Figure: 30 TAC §290.117(e)(4) table reference.

The commission adopts the amendment to §290.117(f)(1)(C) to clarify the reference to corrosion control treatment methods as described in §290.117(f)(1)(B) and to make grammatical revisions.

The commission adopts the amendment to §290.117(i)(4)(B)(i) - (iii) to add the word "reduced" to clarify the reduced nine-year tap sampling requirements for public water system's regarding lead and copper monitoring to be consistent with the LCRMR as described in 40 CFR §141.85. This amended language removes the word "waiver" and replaces it with "schedule" for consistency with amended rule language.

The commission adopts the amendment to §290.117(k)(2)(B)(i) and (ii) and removes §290.117(k)(2)(B)(iii), to establish that community public water systems serving 3,300 or fewer people are allowed to limit certain aspects of their public education programs by distributing required public education materials to facilities and organizations served by the public water system that are most likely to be visited regularly by pregnant women and children. This amended language allows community public water systems serving 3,300 or fewer people the option to distribute notices to every household served by the public water system instead of delivering notices by media release. This amended language requires community public water systems serving 3,300 or fewer people to implement at least one of nine possible options to deliver public education materials to customers.

§290.118, Secondary Constituent Levels

The commission adopts the amendment to §290.118(g)(1) to clarify terminology for public water systems regarding secondary constituent levels to be consistent with existing rule language.

§290.119, Analytical Procedures

The commission adopts the amendment to §290.119(a)(1) to address EPA comments concerning laboratory accreditation requirements for microbial contaminants.

The commission adopts the amendment to §290.119(b)(1) to reference and include the acceptable federal analytical methods as described in 40 CFR §141.852. This language specifies that public water systems are required to conduct total coliform and *E. coli* analyses in accordance with the analytical methods or alternative methods as described in 40 CFR §141.852 to be consistent with the RTCR. The commission adopts the amendment to §290.119(b)(1) to address EPA comments concerning acceptable analytical methods in 40 CFR §141.852(c) for microbiological analyses.

§290.121, Monitoring Plans

The commission adopts the amendment to add §290.121(b)(3) to require public water systems to include a list of all repeat microbial sample sites which are associated to their originating routine microbial sample sites in a Sample Siting Plan to be consistent with the RTCR as described in 40 CFR §141.853. The RTCR requires public water systems to include routine and repeat microbial sample sites in a Sample Siting Plan. The amended language specifies that the Sample Siting Plan shall be included in the public water

system's monitoring plan. This requirement is included in the amended rule language regarding Sample Siting Plans as described in §290.109. The commission adopts the amendment to §290.121(b)(3) to address EPA comments concerning Sample Siting Plan requirements for public water systems that list more than the minimum number of required microbial samples on their Sample Siting Plan.

§290.122, Public Notification

The commission adopts the amendment to §290.122(a) to establish the Tier 1 public notice category and to describe that a Tier 1 public notice is associated to acute violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure and which require a Tier 1 public notice. The commission adopted this language to be consistent with 40 CFR Part 141, Subpart Q.

The commission adopts the amendment to §290.122(a)(1)(A) to establish that a Tier 1 public notice is required for a violation of the *E. coli* MCL as described in §290.109(g)(1)(A) - (D), and the acute MCL for microbial contaminants is no longer applicable to be consistent with the RTCR as described in 40 CFR §141.63 and §141.860.

The commission adopts the amendment to add §290.122(a)(1)(B)(v) and (vi) to establish the Tier 1 public notice requirements when a public water system fails to meet specific treatment, turbidity level, monitoring, and/or reporting requirements as described in §290.111(i)(3) and (4).

The commission adopts the amendment to §290.122(a)(1)(F) to revise the citation reference from §290.109(b)(2) to §290.109(h)(2) to clarify public notice requirements when a public water system receives and *E. coli*-positive source water sample to address EPA comments.

The commission adopts the amendment to §290.122(a)(1)(G) to address EPA comments concerning health effects language for public notice.

The commission adopts the amendment to add §290.122(a)(1)(H) to address EPA comments concerning executive director discretion regarding Tier 1 public notices.

The commission adopts the amendment to §290.122(a)(2) to clarify and establish the methods in which public water systems are required to issue a Tier 1 public notice to customers to be consistent with 40 CFR Part 141, Subpart Q. The commission adopts this language to specify that public water systems shall issue the initial Tier 1 public notice to customers for an acute violation or situation in one or more manners that are reasonably calculated to reach persons served by the public water system within the required time period. The commission adopts the amendment to this language to specify that public water systems are no longer required to issue a Tier 1 public notice by using two of the approved methods described in rule and are now allowed to issue a Tier 1 public notice by using one or more of the approved methods described in rule to be consistent with 40 CFR §141.202.

The commission adopts the amendment to §290.122(a)(2)(A) to clarify the Tier 1 public notice and/or boil water notice requirements when a public water system fails to meet specific treatment, turbidity level, monitoring, and/or reporting requirements as referenced in §290.122(a)(1)(B)(vi) and described in §290.111(i)(4).

The commission adopts the amendment to remove §290.122(a)(4) to establish that public water systems are not required to issue a public notice to customers when the public water system has corrected a Tier 1 acute violation or situation to be consistent with 40 CFR Part 141, Subpart Q.

The commission adopts the amendment to §290.122(b) to establish the Tier 2 public notice category and to describe that a Tier 2 public notice is associated to other MCL, MRDL, or treatment technique violations and for variance and exemption violations which are violations and situations with potential to have serious adverse effects on human health and which require a Tier 2 public notice. The commission adopts the amendment to this language to be consistent with 40 CFR Part 141, Subpart Q.

The commission adopts the amendment §290.122(b)(1)(E) to address EPA comments concerning Tier 1 public notice requirements for public water systems.

The commission adopts the amendment to add §290.122(b)(1)(F) to address EPA comments concerning Tier 2 public notice requirements for public water systems.

The commission adopts the amendment to §290.122(b)(2) to provide consistency with revised terminology concerning Tier 2 public notices to be consistent with 40 CFR Part 141, Subpart Q.

The commission adopts the amendment to remove §290.122(b)(4) to establish that public water systems are not required to issue a public notice to customers when the public water system has corrected a Tier 2 violation to be consistent with 40 CFR Part 141, Subpart Q.

The commission adopts the amendment to §290.122(c) and (c)(1) to establish the Tier 3 public notice category and to describe that a Tier 3 public notice is associated with other violations, situations, variances, and exemptions as defined and which require a Tier 3 public notice. The commission adopts this amended language to be consistent with 40 CFR Part 141, Subpart Q.

The commission adopts the amendment to add §290.122(c)(1)(F) - (K) to require a community and nontransient, noncommunity public water system to provide notification to its customers of the availability of unregulated contaminant monitoring results. These systems will also be required to issue a Tier 3 public notice to customers in the event the public water system fails to notify customers of the availability of unregulated contaminant monitoring results to be consistent with 40 CFR §141.204 and §141.207. The commission adopts the added amended language to establish that a public water system is required to issue a Tier 3 public notice for failure to maintain any assessment

form and documentation of corrective actions completed as a result of those assessments to be consistent with 40 CFR §141.204 and §141.861. The commission adopts the added language to establish that a public water system is required to issue a Tier 3 public notice for failure to maintain a record of any repeat sample taken that meets the criteria for an extension of the 24-hour period for collecting repeat samples to be consistent with 40 CFR §141.204 and §141.861. The commission adopts the added language that may require public water systems to issue a Tier 1 public notice instead of a Tier 3 public notice for other violations or situations deemed by the executive director to pose an acute risk to human health or with significant potential to have serious adverse effects on human health as a result of short-term exposure to be consistent with 40 CFR §141.202. The commission adopts the added language that may require public water systems to issue a Tier 2 public notice instead of a Tier 3 public notice for other violations or situations, at the discretion of the executive director, which take into account potential health impacts and persistence of the violation and failure to comply with the terms and conditions of any variance or exemption to be consistent with 40 CFR §141.203.

The commission adopts the amendment to §290.122(c)(1)(H) to address EPA comments concerning Consumer Confidence Report (CCR) requirements for corrective actions conducted by public water systems.

The commission adopts the amendment to add §290.122(c)(1)(L) to address EPA comments concerning Tier 3 public notice requirements for public water systems.

The commission adopts the amendment to §290.122(c)(2) to clarify and establish the methods in which public water systems are required to issue the initial and repeat Tier 3 public notices to customers to be consistent with 40 CFR §141.204. The commission adopts the added language to specify that public water systems shall issue the initial Tier 3 public notice to customers not later than one year after the public water system learns of the violation or situation or begins operating under a variance or exemption. The commission adopts the added language to specify that public water systems shall issue the repeat Tier 3 public notice to customers annually for as long as the violation, variance, exemption, or other situation persists. The commission adopts the added language to specify that if the public notice is posted, the notice shall remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days even if the violation or situation is resolved. The commission adopts the amended language to specify that public water systems are no longer required to issue a Tier 3 public notice within three months of the violation or the granting of a variance or exemption and may now issue a Tier 3 public notice on an annual basis unless otherwise specified by rule to be consistent with 40 CFR §141.204.

The commission adopts the amendment to add §290.122(c)(2)(C)(i) - (iii) to establish the criteria that allows community public water systems to use their annual CCR for delivering the initial Tier 3 public notice and all required repeat Tier 3 public notices to be consistent with 40 CFR §141.204.

The commission adopts the amendment to §290.122(c)(3)(A) to establish the criteria that

allows community public water systems to use their annual CCR for delivering repeat Tier 3 public notices to be consistent with 40 CFR §141.204.

The commission adopts the amendment to remove §290.122(c)(4) to establish that public water systems are not required to issue a public notice to customers when the public water system has corrected a Tier 3 violation to be consistent with 40 CFR Part 141, Subpart Q.

The commission adopts the amendment to §290.122(d)(3)(A) to address EPA comments concerning health effects information for a variance or exemption.

The commission adopts the amendment to §290.122(d)(8) to address EPA comments concerning public notice distribution requirements to all persons served by the public water system.

The commission adopts the amendment to §290.122(f) to clarify the reporting methods for public water systems regarding the proof of public notification delivery.

The commission adopts the amendment to §290.122(g) to clarify the public notification requirements for public water systems that sell or provide drinking water to other public water systems (i.e., consecutive systems) and to clarify that consecutive systems are responsible for and shall provide public notice to the persons it serves to be consistent with 40 CFR §141.201(c)(1).

§290.272, Content of the Report

The commission adopts the amendment to add §290.272(b)(1)(A) and (B) to establish the content requirements for CCR regarding Level 1 and Level 2 assessments to be consistent with the RTCR, as described in 40 CFR §141.153.

The commission adopts the amendment to §290.272(c)(4)(D) and (D)(i) to establish the content requirements for CCR regarding contaminants subject to an MCL, except turbidity, total coliform, fecal coliform, and *E. coli* to be consistent with the RTCR.

The commission adopts the amendment to §290.272(c)(4)(G) and to remove §290.272(c)(4)(H) to establish the content requirements for CCR regarding *E. coli* reporting to be consistent with the RTCR.

The commission proposed adding §290.272(d)(4) to establish the content requirements for CCR regarding community and nontransient, noncommunity public water systems that exceed the secondary constituent level for fluoride but are below the MCL. The commission adopts changes to §290.272(d)(4) by removing the reference to nontransient, noncommunity public water systems to address public comments concerning clarification of applicability requirements.

The commission adopts the amendment to add §290.272(g)(9) - (11) to establish the content requirements for CCR regarding Level 1 or Level 2 assessments, associated

corrective actions, monitoring and reporting, and the *E. coli* MCL to be consistent with the RTCR.

The commission adopts the amendment §290.272(g)(9) and (10) to address EPA comments concerning CCR requirements for Level 1 and Level 2 assessments.

The commission adopts the amendment to add §290.272(h) to establish the content requirements for CCR regarding when a public water system detects *E. coli* and has not violated the *E. coli* MCL to be consistent with the RTCR, as described in 40 CFR §141.153.

§290.275, Appendices A - D

The commission adopts the amendment to Figure: 30 TAC §290.275(1) to correct the MCL units for Total trihalomethanes (TTHMs).

The commission adopts the amendment to Figure: 30 TAC §290.275(1) and (2) to address EPA comments concerning CCR requirements for information contained in the appendices to include *E. coli* and total coliform MCL units, and *Legionella* and *Cryptosporidium* MCLG units.

The commission adopts the amendment to Figure: 30 TAC §290.275(3) to establish the mandatory health effects language required for CCR regarding coliforms and *E. coli* bacteria to be consistent with the RTCR.

Final Regulatory Impact Analysis Determination

The commission reviewed the rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225 and determined that the rulemaking is not subject to Texas Government Code, §2001.0225. A "major environmental rule" means a rule with a specific intent to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

First, the rulemaking does not meet the statutory definition of a "major environmental rule" because its specific intent is not to protect the environment or reduce risks to human health from environmental exposure. The specific intent of the rulemaking is to incorporate changes in the federal drinking water regulations in order to maintain the state's primary enforcement responsibility with regard to drinking water. This is accomplished by enacting state rules no less stringent than the federal regulations and adopting adequate procedures for implementation and enforcement of these rules, while providing alternative approaches to compliance based in part on stakeholder input and taking into account special considerations related to the state's particular source water conditions. The federal regulations in the RTCR that will be implemented through the rulemaking are designed to increase public human health protection through the reduction of potential pathways of entry for fecal contamination into the distribution systems of public drinking water systems, which should reduce the potential risk from all waterborne pathogens including bacteria, viruses, parasitic protozoa, and their associated

illnesses. In addition, the rulemaking addresses specific comments from the EPA regarding state implementation of the federal GWR, ensuring that the state rules are no less stringent than the federal GWR. Finally, the rulemaking clarifies state implementation of the federal Lead and Copper Rule, the TOC Rule, and incorporates other federal analytical and reporting requirements for public drinking water systems.

Second, the rulemaking does not meet the statutory definition of a "major environmental rule" because the rules will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. It is not anticipated that the cost of complying with the rules will be significant with respect to the economy as a whole or with respect to a sector of the economy; therefore, the amendments will not adversely affect in a material way the economy, a sector of the economy, competition, or jobs.

Finally, the rulemaking does not meet any of the four applicability requirements for a "major environmental rule" listed in Texas Government Code, §2001.0225(a). Texas Government Code, §2001.0225 only applies to a major environmental rule, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not

meet any of the preceding four applicability requirements because this rulemaking: does not exceed any standard set by federal law for public water systems and is consistent with and no less stringent than federal rules; does not exceed any express requirement of state law under THSC, Chapter 341, Subchapter C; does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government, but rather is to be consistent with applicable federal rules in order to allow the state to maintain its authority to implement the federal Safe Drinking Water Act, pursuant to agreements between the commission and the EPA; and is not based solely under the general powers of the agency, but specifically under THSC, §341.031, which allows the commission to adopt and enforce rules to implement the federal Safe Drinking Water Act, as well under as the other general powers of the commission.

The commission invited public comment regarding the Draft Regulatory Impact Analysis Determination. No comments received on the regulatory impact analysis determination.

Takings Impact Assessment

The commission evaluated this rulemaking and performed a preliminary assessment of whether these rules constitute a taking under Texas Government Code, Chapter 2007.

The commission adopts these rules for the specific purpose of maintaining the state's primary enforcement responsibility by incorporating federal drinking water regulations related to: 1) increasing public health protection through the reduction of potential

pathways of entry for fecal contaminants into distribution systems of public drinking water systems in response to the RTCR, published by the EPA in the February 13, 2013, issue of the *Federal Register*; 2) responding to comments from the EPA on state implementation of the federal GWR to ensure that the state rules are no less stringent than the federal. The rules clarify state rules governing lead and copper, TOC, and other state drinking water analytical and reporting requirements governed by federal requirements and/or addressed in federal guidance documents. In addition, the rules clarify requirements for special precautions, protective measures, boil water notices, and special investigation requirements for elevated turbidity levels and for failure to provide compliance data. Finally, the rules correct typographical errors, formatting, internal cross-references, and citation changes.

The commission's analysis indicates that Texas Government Code, Chapter 2007, does not apply to these rules based upon exceptions to applicability in Texas Government Code, §2007.003(b). First, the rulemaking is an action that is reasonably taken to fulfill an obligation mandated by federal law, Texas Government Code, §2007.003(b)(4). In order to maintain primacy over public drinking water, the state must enact rules no less stringent than the federal drinking water regulations as required by 40 CFR §142.10. Second, the rulemaking is an action that is taken in response to a real and substantial threat to public health and safety; that is designed to significantly advance the public health and safety purpose; and that does not impose a greater burden than is necessary to achieve the public health and safety purpose, Texas Government Code, §2007.003(b)(13). Though health and safety purpose is incidental to the rulemaking's goal of maintaining state

primacy over drinking water regulation, fecal contamination in the distribution systems of public drinking water systems constitutes a real and substantial threat to public health and safety and requires appropriate governmental regulation. Reducing potential pathways for fecal contamination in drinking water distribution systems should reduce the potential risk from all waterborne pathogens including bacteria, viruses, parasitic protozoa, and their associated illnesses. The rules significantly advance the public health and safety purpose by ensuring appropriate governmental regulation of these items, and do so in a way that does not impose a greater burden than is necessary to achieve the public health and safety purpose.

Further, the commission has determined that promulgation and enforcement of these rules would be neither a statutory nor a constitutional taking of private real property. Specifically, there are no burdens imposed on private real property under the rule because the rules neither relate to, nor have any impact on, the use or enjoyment of private real property, and there would be no reduction in property value as a result of these rules. The rules require public water systems to comply with drinking water standards protective of human health and the environment, and the rules bring those standards into concurrence with the corresponding federal regulations. Therefore, the rules do not constitute a taking under Texas Government Code, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the adopted rules and found that they are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(b)(2) or (4), nor will they

affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(a)(6). Therefore, the adopted rules are not subject to the Texas Coastal Management Program.

The commission invited public comment regarding the consistency with the Coastal Management Program during the public comment period, and no comments were received.

Public Comment

The commission held a public hearing on November 7, 2016. The comment period closed on November 22, 2016. The commission received written comments from Aqua Texas Incorporated (ATI), the City of Austin (COA), the City of Corpus Christi (COCC), the City of Dallas (COD), the City of Houston (COH), San Antonio Water System (SAWS), South Central Membrane Association (SCMA), Steve Walden Consulting (SWC), Texas Rural Water Association (TRWA), and the EPA. Most comments received were neither in support of nor against the rulemaking, but rather suggested changes to the proposed rule language.

Response to Comments

Oral Comments

Comment

The COA commented that the drinking water rules process could be better if the draft rules were shared prior to being proposed for publication, and indicated that the wastewater program shared its draft 30 TAC Chapter 217 rules prior to proposal.

Response

The commission responds that it is agency policy to not release drafts of a proposed rule prior to filing the rule package with the TCEQ Chief Clerk's Office. A draft of the 30 TAC Chapter 217 rules was provided earlier in the process to allow additional stakeholder review due to the length of that rule package and the number of changes proposed.

Fiscal Note Costs to State and Local Government

Comment

ATI, COA, COCC, and COH commented that they have concerns with the commission's contemplated plans for an additional 14 full-time equivalents (FTEs) to implement the proposed RTCR. The commenters stated that not all of the activities listed for the 14 FTEs are required by federal regulations. They commented that the commission's estimated need for an additional 14 FTEs was not substantially supported with quantifiable data; that it was not clearly communicated what workload activities are associated to these FTEs; and that the commission's fee increase for public water systems, effective June 2, 2016, under §290.51, poses an unwarranted burden on the regulated community because such fees have historically failed to adequately fund the commission's services provided to public water systems. The commenters stated that shifting of the financial burden from the commission to the local level in order to fund commission operations significantly inhibits a municipality or public water system from investing in infrastructure and operational improvements that would benefit customers. They

commented on the number of Level 1 and Level 2 assessments that the commission anticipates processing on an annual basis and requested an estimate of these assessments based on historical program data.

Response

The commission respectfully disagrees that the fiscal note in the proposal preamble lacked sufficient information, and notes again that the commission anticipates significant resource implications as a result of the administration and enforcement of the RTCR and does not have sufficient staff resources to implement the rules.

In order for the commission to implement the provisions of the RTCR and obtain primary enforcement authority (primacy) from the EPA for the RTCR under the Public Water System Supervision Program for approximately 6,900 public water systems, the commission will be required to conduct and complete additional workload tasks. The following summarizes the additional workload tasks concerning the commission's request for 14 FTEs which will be dispersed among commission central office staff and its 16 statewide regional offices: performing compliance determinations for Sample Siting Plans submitted by all public water systems, which may include review of SOPs for microbial sample collection processes; issuing approximately 300 *E. coli* MCL, treatment technique, and monitoring/reporting violations per month based on historical data under the Total Coliform Rule; conducting the review and evaluation of approximately 260 Level 1 assessments and 60 Level 2 assessments on an annual basis which will require administering and coordinating associated compliance

determination activities and enforcement actions with EPA; conducting compliance tracking activities for the assessments which are intended to identify the possible presence of sanitary defects in public water system distribution systems; tracking of sanitary defects identified during the assessments and any associated corrective actions; ensuring compliance with RTCR-related public notice requirements; providing specialized technical assistance and advanced technical training that may include conducting on-site visits to assist public water systems conducting assessments; reviewing, approving, and monitoring the specific requirements concerning start-up procedures for seasonal public water systems which are required to conduct these activities prior to serving water to the public; providing technical assistance and training to seasonal systems who receive treatment technique violations for failure to conduct seasonal start-up procedures; providing technical and regulatory assistance on a daily basis to all public water systems; developing and providing compliance assistance outreach training for public water system management and operations staff; reviewing sample analysis and sampling locations; and reviewing monthly operating reports to ensure compliance with the additional regulatory requirements. This will also require additional time to document findings and complete written reports and address the potential subsequent increase in associated enforcement actions and complaints.

Under the RTCR, specific compliance scenarios will require public water systems to conduct Level 1 and Level 2 assessments which will require commission staff to review and perform qualitative evaluations for each assessment completed by public

water systems and conduct subsequent compliance determination reviews and enforcement tracking activities. The Level 1 and Level 2 assessments are an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the public water system triggered the assessment. A Level 2 assessment provides a more detailed examination of the public water system than does a Level 1 assessment through the use of a more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. The commission will conduct enhanced investigations of community distribution systems on a discretionary basis in addition to the currently required Comprehensive Compliance Investigations conducted at public water systems once every three years during which the investigators will review the RTCR Sample Siting Plan to ensure that it is representative of the public water system. Implementation of the RTCR will involve the administration and coordination of compliance and enforcement activities between the commission's central office and statewide regional offices as well as with the EPA, which will also include quarterly reporting of all applicable compliance data to the EPA. No change was made in response to these comments.

§290.46, Minimum Acceptable Operating Practices for Public Drinking Water Systems (Well Recordkeeping)

Comment

ATI, SAWS, SCMA, SWC, and TRWA commented that they have concerns with proposed §290.46(n)(1) regarding the proposal and adoption of §290.46(n)(1) which was effective

on September 13, 2000. They commented that this rule was never intended to be implemented retroactively to facilities constructed prior to the effective date and that during promulgation water suppliers assumed that this new rule did not apply to infrastructure already in place because one cannot "maintain" a record that was never previously required to be maintained. They commented that further maintenance of the records does not improve water quality and the cost of re-creation of the documents imposes a financial burden and hardship on public water systems.

Response

The commission respectfully disagrees with these comments requesting the addition of a "grandfather clause" date of September 13, 2000, to the rule because adequate records are required for protective operation and management of public water systems. Grandfathering systems constructed prior to a particular date could put those systems at risk for ability to operate and properly treat water. Failure to maintain these records could have a detrimental impact on the water quality produced by the public water system. These records provide important information on the construction of the public water system including location of hazards and materials used in construction. A public water system operator needs to know the location of potential sources of contamination when making plant repairs in order to avoid unintended contamination of the water. Lack of knowledge regarding treatment plant or tank materials could also detrimentally impact water quality if the public water system does not have accurate information on type, age of material, and material coatings. Over time, harmful materials could leach from the materials in these

facilities. A public water system must also take facility materials into account when proposing treatment changes. Chemicals intended to correct a minor water quality issue could cause a different water quality issue if existing facility materials are not compatible with the proposed treatment chemical. Knowledge of facility construction materials is necessary to make knowledgeable treatment changes. The commission acknowledges that public water systems without accurate and up-to-date detailed as-built plans or record drawings for each treatment plant, pump station, and storage tank will be required to hire a professional engineer licensed in Texas to prepare these documents. No change has been made in response to these comments.

Comment

ATI, SAWS, SCMA, SWC, and TRWA commented that they have concerns with proposed §290.46(n)(3) which adds a reference to §290.41(c)(3)(A) to clarify the documents included in well completion data. They commented that the reference is an increase in requirements and the change in recordkeeping should be limited to those wells installed after the effective date of the rule revision which was September 13, 2000.

Response

The commission respectfully disagrees with the comment stating that the amendment of §290.46(n)(3) increases requirements. The commission responds that well completion data have always included the information referenced in §290.41(c)(3)(A); therefore, the amendment clarifies the rule by formalizing the commission's understanding. The commission further responds that well completion data help to

ensure that the well is safe from contamination and determine possible sources of contamination if future problems arise by examining the documentation maintained by a public water system.

The commission also respectfully disagrees with the comment asking that the recordkeeping requirement be limited for facilities constructed after September 13, 2000. The commission responds that assembling and maintaining well completion data aid a public water system if the system needs to know whether its groundwater source is adequately protected from migration of contaminants by utilizing adequate construction materials and pressure cementing the well casing. Public water systems also need to know pump setting and water levels in order to monitor a well for loss of water supply. The commission further responds that well completion data aid the agency when assisting in emergency situations, such as natural or man-made disasters, and in providing adequate documentation for federal reporting of infrastructure needs. No changes have been made in response to these comments.

§290.46, Minimum Acceptable Operating Practices for Public Drinking Water Systems (Special Precautions, Protective Measures and Boil Water Notice Requirements)

Comment

COA, COCC, COD, COH, EPA, SCMA, and TRWA commented that they have concerns with proposed §290.46(q) and requested that the commission further clarify the situations and actions that may be required at the executive director's discretion concerning special precautions, protective measures, and boil water notices. They requested clarification or

definition of the terms special precautions, protective measures, and boil water notices.

Response

The commission agrees with this comment and has made changes to §290.46(q) by adding the language "as specified in this subsection" to further clarify the situations which require special precautions, protective measures, and boil water notices.

The commission further responds that special precautions, protective measures, and boil water notices are described in §290.46(q) as corrective or protective actions. These corrective or protective actions should be instituted by a public water system to correct or protect against an identified sanitary defect, significant deficiency, and/or a situation that poses a potential or actual health hazard. The commission responds that a boil water notice is a protective action instituted by a public water system as a precautionary measure in response to specific circumstances, or when a situation within a public water system poses a potential or actual health hazard to customers or individuals served by the public water system. The commission further responds that "Sanitary defect" is defined in amended §290.103 as "A defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place;" "Significant deficiency" is defined in §290.103 as "Significant deficiencies cause, or have the potential to cause, the introduction of contamination into water delivered to customers. This could include defects in design, operation, or maintenance of the source, treatment, storage, or distribution systems;" and "Health

hazard" is defined in §290.38 as "A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply."

Comment

ATI commented concerning §290.46(q)(1) that the required language and format for boil water notices do not provide flexibility for public water systems or the commission to make modifications for specific issues that may be necessitated by unique circumstances and requested that the language "or approved equivalent" be added to §290.46(q)(1) which references the required boil water notice templates specified in Figure: 30 TAC §290.47(c)(1) and (2).

Response

The commission respectfully disagrees with this comment. The commission responds that the proposed boil water notice language specified in Figure: 30 TAC §290.47(c)(1) and (2) allows public water systems the flexibility to add explanatory language concerning the conditions that require a boil water notice. The commission responds that the proposed boil water notice language provides regulatory consistency for public water systems and ensures that customers or individuals served by public water systems receive uniform notification concerning situations that pose a potential or actual health hazard to the potable drinking water supply. No changes have been made in response to this comment.

Comment

COCC and SAWS commented concerning §290.46(q)(1) that the required deadline for public water systems to provide the executive director with a copy of the initial boil water notice and COD within 24 hours or no later than the next business day after issuance does not allow a public water system adequate time to compile this information under certain circumstances and requested that email notification be allowed for the "Certificate of Delivery" form.

Response

The commission agrees with these comments and revised §290.46(q)(1) to provide consistency with §290.122(f) which allows public water systems to provide the COD to the executive director within ten days of its distribution. The commission responds that the executive director currently allows public water systems to submit the COD by email and has clarified this COD delivery option in the proposed amendment as specified in §290.122(f). The commission further responds that public water systems are required to provide a copy of the initial boil water notice to the executive director within 24 hours or no later than the next business day after issuance by the public water system.

Comment

SAWS commented concerning §290.46(q)(2) that the boil water notice flowchart referenced in Figure: 30 TAC §290.47(e), which is used to determine when a boil water

notice is required for low distribution system pressure issues, is difficult to follow and should be revised.

Response

The commission respectfully disagrees with these comments requesting a revision to Figure: 30 TAC §290.47(e). Because adoption of the recommended changes would go beyond the scope of the proposed rule, the commission responds that this issue may be addressed by proposing the amendment of Figure: 30 TAC §290.47(e) or other applicable rules in a future rulemaking for Chapter 290. No change has been made in response to these comments.

Comment

COA commented concerning §290.46(q)(5) and suggested that language be added which specifies that the executive director will allow public water system staff and officials the opportunity to provide initial comment, reaction, and discussion with the executive director when special precautions, protective measures, and boil water notices may be required at the discretion of the executive director.

Response

The commission respectfully disagrees with these comments requesting a revision to §290.46(q)(5). The commission responds that the executive director's current regulatory business processes involve and encourage open communication with public water systems to promote the protection of public health when special

precautions, protective measures, and boil water notices may be required at the discretion of the executive director. However, it will still be the responsibility of the public water system to institute special precautions, protective measures, and boil water notices in accordance with the deadlines established in §290.46(q). No change has been made in response to these comments.

Comment

COA, COCC, COD, COH, EPA, SCMA, and TRWA commented that they have concerns with proposed §290.46(q)(5)(A) and (5)(A)(i) and (ii) and requested that the commission further clarify the situations and actions that may be required at the executive director's discretion concerning special precautions, protective measures, and boil water notices. They requested clarification or definition of the terms special precautions, protective measures, and boil water notices. EPA commented and recommended that the commission consider referencing language from 40 CFR §141.2 to specify the executive director's discretionary requirements concerning special precautions, protective measures, and boil water notices for waterborne disease outbreaks or other waterborne emergencies.

Response

The commission agrees with these comments and has made changes to §290.46(q)(5)(A) to clarify the circumstances warranting the executive director's discretion when special precautions, protective measures, and boil water notices may be required. The commission has made changes to §290.46(q)(5)(A)(i) to clarify the

circumstances warranting the executive director's discretion when special precautions, protective measures, and boil water notices may be required when a public water system that uses surface water sources or groundwater sources under the direct influence of surface water fails to provide any of the required compliance information to the executive director in a Surface Water Monthly Operating Report and the failure to provide the required compliance information results in the inability of the executive director to determine compliance as described in §290.111(i) or the failure to provide any of the required compliance information to the executive director results in the existence of a potential or actual health hazard, as described in §290.38. The commission has made changes to §290.46(q)(5)(A)(ii) to clarify the circumstances warranting the executive director's discretion when special precautions, protective measures, and boil water notices may be required for waterborne disease outbreaks or other waterborne emergencies.

Comment

ATI, COA, and COCC commented that they have concerns with proposed §290.46(q)(5)(A)(iii) and have requested that the commission further clarify the situations concerning the executive director's discretion when requiring special precautions, protective measures, and boil water notices for failure to maintain adequate disinfection residuals. They expressed concern that the proposed amendment may provide for issuance of a boil water notice based on a single failure to maintain disinfectant residuals and requested that the commission consider less severe responses based on results of further investigations by a public water system. They proposed that the commission

adopt a 5.0% rule, as described in §290.110, to be used as a primary method to determine boil water notice requirements when a public water system fails to maintain the residual disinfectant concentration in the water within the distribution system.

Response

The commission respectfully disagrees with these comments and responds that §290.46(q)(5)(A)(iii) establishes that the executive director will exercise discretion to determine special precautions, protective measures, and boil water notice requirements when a public water system fails to maintain minimum disinfectant residuals during treatment processes, in each finished water storage tank, throughout the distribution system, and/or when disinfection equipment is not operated in a manner to maintain minimum disinfectant residuals as described in §290.46(d) and §290.110. The commission responds that the executive director considers all applicable contributing conditions which have the potential to impact the potability of drinking water when determining special precautions, protective measures, and boil water notice requirements that may be necessary as a result of a public water system failing to maintain required minimum disinfectant residuals. The commission further responds that the application of these requirements may be used at the discretion of the executive director to address site specific and variable conditions and that these determinations are not typically based on a single distribution system event. No change has been made in response to these comments.

Comment

COCC and SAWS commented concerning §290.46(q)(5)(B) that the proposed rule places the liability of protecting public health on the executive director through additional notification and instruction prior to a public water system instituting special precautions, protective measures, and boil water notices. They commented that the proposed amendment which requires a public water system to implement special precautions, protective measures, or issue boil water notices to customers "within 24 hours or within time period specified by the executive director" under specific circumstances at the executive director's discretion, does not provide a public water system adequate time to respond and implement such orders.

Response

The commission respectfully disagrees with these comments requesting a revision to §290.46(q)(5)(B). The commission responds that §290.46(q)(4) currently provides the executive director discretion when requiring public water systems to implement special precautions, protective measures, and boil water notices in response to specific circumstances, or when a situation within a public water system poses a potential or actual health hazard to customers or individuals served by the public water system. The commission responds that the executive director's regulatory implementation process for boil water notices requires that public water systems issue boil water notices to customers within 24 hours, which is consistent with existing and proposed rule requirements. The commission further responds that the proposed amendments are intended to clarify when boil water notices must be issued and how they should be rescinded, as well as clarifying when the commission's

executive director may exercise his discretion by requiring a public water system to implement special precautions and protective measures, such as a boil water notice to be protective of public health; however, it will still be the responsibility of the public water system to issue the boil water notice. The rule revisions clarify when and how a public water system must issue and rescind boil water notices but do not restrict a public water system's authority to implement special precautions and protective measures or issue boil water notices. No change has been made in response to these comments.

Comment

SAWS commented concerning §290.46(q)(5)(C) and requested that the language in the proposed amendment be clarified concerning when public water systems are required to provide information to the executive director to document that the public water system has met the requirements for special precautions, protective measures, and boil water notices required at the discretion of the executive director.

Response

The commission agrees with this comment and has made changes to §290.46(q)(5)(C) to provide clarification. The commission responds that specific circumstances will determine when a public water system shall provide any required information to the executive director to document that the public water system has met the requirements for special precautions, protective measures, and boil water notices required at the discretion of the executive director.

Comment

ATI, COA, and COCC commented concerning §290.46(q)(6) and requested that the language, "The executive director may provide written notification to the public water system once the public water system has provided required compliance documentation to the executive director", within the proposed amendment be clarified or removed.

Response

The commission agrees with this comment and has made this change to §290.46(q)(6) by removing this specific language.

Comment

SAWS commented concerning §290.46(q)(6)(A) and requested that the language in the proposed amendment be revised to add the phrase "or affected area(s)" after the language "throughout the distribution system" to reflect certain language contained in the flowchart found in Figure: 30 TAC §290.47(e), which references guidelines, conditions, and procedures a public water system must follow in order to determine if a boil water notice is required in response to water distribution system pressures that fall below 20 pounds per square inch (psi).

Response

The commission respectfully disagrees with this comment and responds that the proposed amendment establishes that prior to rescinding a boil water notice, public

water systems must ensure, at a minimum, that water distribution system pressures in excess of 20 psi are consistently being maintained throughout the distribution system following water distribution system repairs and/or other events or defects that may cause water distribution system pressures to fall below 20 psi. The commission further responds that this added barrier of protection is necessary to ensure that water distribution system pressures do not fall below 20 psi in other areas of the distribution system when a boil water notice has been rescinded. The commission further responds that this requirement provides an additional barrier of protection against a potential pathway of entry for microbial contamination into the distribution system or a potential contamination hazard that may cause a distribution system backflow condition to occur which allows contamination to be introduced into the water supply. No change has been made in response to these comments.

Comment

ATI and COCC commented that §290.46(q)(6)(E) is interpreted to mean that public water systems will not be allowed to use microbial samples that have not been collected within 24 hours or the next business day to meet the requirements to rescind a boil water notice and have requested a language revision to this proposed amendment to provide clarification. The commenters requested clarification concerning whether or not microbial samples are required only for boil water notices associated with microbial and disinfectant level related events. The commenters also requested clarification on whether the public water system or commission determines the microbial sample site locations in order to rescind a boil water notice event.

Response

The commission agrees with these comments and has made changes to §290.46(q)(6)(E) by adding language which specifies that public water systems are required to collect water samples for microbiological analysis from representative locations throughout the distribution system or in the affected area(s) of the distribution system after the public water system has met all other applicable requirements for special precautions, protective measures, and boil water notices. The commission responds that boil water notices are typically required as a result of microbial and disinfectant level related events that could provide a pathway of entry for microbial contamination into the distribution system or that are indicative of a failure or imminent failure in a barrier that is already in place. The commission responds that the proposed amendment requires public water systems to collect microbial samples from representative locations throughout the distribution system or in the affected area(s) of the distribution system in order to rescind all boil water notices that are issued under §290.46(q). The commission responds that public water systems are responsible for ensuring that microbial sample sites are representative of locations throughout the distribution system or affected area(s) of the distribution system. The commission further responds that the proposed amendment requires boil water notices to remain in effect until the public water system has provided required compliance documentation to the executive director which establishes that the public water system has met these requirements which are referenced in §290.46(q).

Comment

ATI commented that the language contained in §290.46(q)(6)(F) is redundant to language contained in the proposed amendment in §290.46(q)(6).

Response

The commission respectfully disagrees with this comment and responds that the language contained in the proposed amendment to §290.46(q)(6)(F) establishes that public water systems are required to notify its customers within a specific timeframe that a boil water notice has been rescinded and that public water systems are required to use specific language and format for the rescind notice once a public water system has met certain requirements. The commission further responds that the proposed amendment establishes that a public water system is required to provide documentation to the executive director within a specific time which demonstrates that the public water system has met the requirements of §290.46(q)(6). No change has been made in response to this comment.

§290.47, Appendices

Comment

ATI commented that the mandatory boil water notice language contained in Figure: 30 TAC §290.47(c)(1) and (3) implies that public water systems are not willing to issue a boil water notice since the language references that the "Texas Commission on Environmental Quality" is requiring the public water system to issue the boil water notice to its customers and requested that this and similar language be revised. ATI commented that

the proposed language referencing the terms "human consumption" and "drinking water" as defined in §290.38 is redundant and requested that this language be revised to provide clarification. ATI commented that the public water system identification number required on these notices doesn't add clarity for the general public and requested that the identification number be removed from these notices.

Response

The commission respectfully disagrees with these comments and responds that it appreciates and is aware that the majority of public water systems actively pursue and encourage voluntary compliance measures concerning the commission's regulatory requirements. The commission responds that a boil water notice remains a regulatory requirement of the executive director and that the proposed boil water notice format specified in Figure: 30 TAC §290.47(c)(1) allows public water systems the flexibility to include explanatory language concerning the conditions and/or corrective actions taken by a public water system in response to a boil water notice. The commission responds that both of the terms "human consumption" and "drinking water" as defined in §290.38, reference activities that require a public water system to protect the water supplied to these activities for the protection of public health. The commission responds that the public water system identification number listed on the boil water notice forms provides the executive director with an essential component to properly administer regulatory compliance. The commission further responds that this information assists customers to locate information about their public water system on the commission's Texas Drinking Water Watch website. No changes have

been made in response to these comments.

Comment

ATI and COA commented concerning the boil water notice forms listed in Figure: 30 TAC §290.47(c)(1) and (3) and requested that the format in these two notices allow public water systems to provide statements to describe the actions they have taken to address the boil water notice situation. They commented and requested that the executive director's contact information and non-substantive language listed in the notices be revised to provide clarification and consistency.

Response

The commission agrees with these comments and has made changes to Figure: 30 TAC §290.47(c)(1) - (3) to provide clarification and consistency. The commission responds that the boil water notice template forms now allow public water systems to provide statements to describe the actions they have taken to address the boil water notice situation and that the executive director's contact information has been revised to provide clarification and consistency.

§§290.102, 290.106 - 290.109, and 290.113 - 290.115, Sample Analyses Reporting

Comment

COCC, COD, COH, SAWS, and TRWA commented that they have concerns with the proposed amendments to §§290.102(g), 290.106(e), 290.107(e), 290.108(e), former §290.109(e), adopted as §290.109(f), 290.113(e), 290.114(a)(4)(B) and (b)(4), and

290.115(e)(1), which clarify the reporting requirements for public water systems regarding the submission of laboratory analyses and reports to the executive director. They commented that public water systems should not be penalized for failure to provide sample analyses reports to the executive director in a timely manner when the delay is caused by events outside control of the public water system. They commented that the amendments should stipulate that a public water system should not receive a violation for failure to report analyses results to the executive director when the agency sampling contractor and contracted laboratory have not met the sampling, analysis, and reporting deadlines. They requested clarification on whether the proposed amendments require public water systems to directly report these data to the executive director in addition to the laboratory reporting process to the executive director, and recommended that the amendments limit these requirements to only analyses results from sampling and analysis under the control of public water systems. They urged the commission to consider allowing public water systems the option of collecting their own compliance samples by licensed individuals and having them analyzed by an accredited laboratory chosen by the public water system instead of relying on the agency contractor to collect compliance samples. They requested that the amendments should align more consistently with 40 CFR §141.31(c) which states: "The supplier of water is not required to report analytical results to the state in cases where a state laboratory performs the analysis and reports the results to the state office which would normally receive such notification from the supplier."

Response

The commission respectfully disagrees with these comments and responds that the proposed amendments are consistent with 40 CFR §141.31 which requires public water systems to report the results of any test measurement or analysis as required under 40 CFR Part 141 National Primary Drinking Water Regulations. The commission responds that public water systems are ultimately responsible for ensuring that laboratory data are reported timely and accurately to the executive director and that public water systems and laboratories are not required to conduct dual reporting of data to the executive director. The commission responds that under §290.51, it collects fees for services to public water systems which require the commission to provide services that include the collection of samples of drinking water for chemical analyses in accordance with §290.51(a)(2)(B). The commission responds that it utilizes a third-party contractor to collect all chemical compliance samples, which include: minerals, metals, nitrate/nitrite, asbestos, disinfection by-products, radionuclides, and organic contaminants for all public water systems in the state. The commission responds that this requirement is in place to better ensure the protection of human health and safety of public water system consumers, individuals, or employees since the commission's sampling contract requires that all chemical compliance samples are collected by trained, certified sample collectors and requires that the samplers hold a valid water operator license. The commission responds that it also conducts annual audits of the sampling contractor to ensure that samples are collected according to required analysis method, consistently, and from the proper locations. The commission responds that it requires all laboratories which are utilized for compliance analysis be accredited under the National Environmental Laboratory

Accreditation Program and inspected by the commission's Laboratory Accreditation Section and/or the EPA. The commission responds that contracted sampling activities offer compliance assistance for public water systems and provide consistency with required sampling methodologies and protocol. The commission responds that the executive director's regulatory business processes involve and encourage open communication with public water systems concerning monitoring and reporting requirements. The commission responds that public water systems will not be penalized when chemical sampling results are not available to the commission to conduct compliance as the result of a commission confirmed contractor and/or laboratory error outside the control of the public water system. The commission further responds that it currently allows public water systems the option to use analytical laboratories chosen by the system for the analysis of microbial contaminants and lead and copper at laboratories accredited by the executive director in accordance with 30 TAC Chapter 25 (Environmental Testing Laboratory Accreditation and Certification). No change was made in response to these comments, but to address continuing concerns re-iterated by some stakeholders who had filed comments, the commission revised the affected subsections in §§290.102, 290.106 - 290.109, and 290.113 - 290.115 to clarify that public water systems must ensure that the executive director is provided with a copy of sample analyses required in Chapter 290, Subchapter F.

§290.103, Definitions

Comment

SAWS commented concerning §290.103(26) which defines a Level 1 assessment as described under 40 CFR §141.2 and requested that the definition include language that is more consistent with 40 CFR §141.2 which specifies that a Level 1 assessment is conducted by the public water system operator or owner.

Response

The commission respectfully disagrees with this comment and responds that the definition in §290.103(26) does not reference who conducts a Level 1 assessment since §290.109(c)(3)(A)(i) and (ii) establish assessor qualifications for both Level 1 and Level 2 assessments which are consistent with 40 CFR §141.2 and 40 CFR Part 141, Subpart Y. The commission further responds that the Level 1 and Level 2 assessor qualifications and training requirements are referenced in §290.109(c)(3)(A)(i) and (ii) which establish that public water systems, licensed operators as required under §290.46(e), or other parties approved by the executive director may conduct and complete a Level 1 or Level 2 assessment. The commission responds that public water systems, licensed operators as required under §290.46(e), and other parties approved by the executive director shall have also completed any training required by the executive director. The commission further responds that the reference to public water systems includes the owner of a public water system which will be required to have also completed any training required by the executive director in order to conduct and complete a Level 1 or Level 2 assessment. No change has been made in response to this comment.

§290.109, Microbial Contaminants

Revised Total Coliform Rule (RTCR)

Comment

COA and COH commented concerning §290.109 and commended the commission on the proposed amendments to Chapter 290. They commented that the amendments not only provide transparent alignment with the EPA RTCR, but also are transparent and able to be clearly understood by public water systems. They commented that the commission's proposed definitions, MCL for *E. coli*, monitoring, reporting, recordkeeping requirements, and updated federal analytical methods are clearly in accordance with the EPA RTCR provisions in 40 CFR Part 141, Subpart Y. They also commented that the proposed amendment to §290.109(d)(3), which allows executive director discretion to extend the 24-hour requirement for repeat sample collection based on a logistical problem beyond the public water systems' control, fosters an environment for the commission and public water systems to work as partners to find solutions.

Response

The commission responds that the COA and COH have provided valuable stakeholder interaction and assistance throughout the RTCR Plus rule project and would like to extend its appreciation for continued input, encouragement, and support.

Comment

EPA commented concerning §290.46(e)(1) - (6) that the existing rule language is not as stringent as the federal regulations under 40 CFR §141.403(a)(5)(i) as described in the

GWR and under 40 CFR §141.859(b)(4) as described under the RTCR. They commented that under the GWR and RTCR, the definition of corrective action is broad and that the commission has the discretion to require with corrective actions requirements related to operator certification; therefore, corrective action can include requiring a transient, noncommunity public water system to have a certified operator or for a public water system to have an additional operator or an operator with a higher certification level. They commented that the commission's operator certification regulations in §290.46(e) must not prohibit the commission from requiring corrective actions that involve certified operators. They commented that the commission must have regulatory authority to require public water systems to have certified operators or to have higher than the minimum licensed operator especially when required as part of commission directives for corrective actions for a significant deficiency, or as part of commission directives in the case of an *E. coli* MCL. They suggested that the commission make revisions to §290.46(e)(1) - (6) to ensure commission regulations are as stringent as the federal regulations.

Response

The commission respectfully disagrees with the comments that §290.46(e)(1) - (6) should include language that provides the executive director with discretionary authority to require a public water system to use an additional operator with the same level of license or higher license as described in §290.46(e) to conduct and complete corrective actions as described in 40 CFR §141.403(a)(5)(i) under the GWR regarding treatment technique requirements for groundwater systems, and 40 CFR

§141.859(b)(4) as described under the RTCR to conduct and complete a Level 1 or Level 2 assessment and/or correct sanitary defects identified during assessments and as part of any required expedited actions or additional actions in the case of an *E. coli* MCL violation as described under §290.109(c). The commission responds that it has implemented federal provisions under 40 CFR §142.16(h)(2) which requires states to implement program requirements to qualify operators of public water systems subject to 40 CFR Part 141, Subpart L, and to establish qualification requirements for operators of public water systems subject to 40 CFR Part 141, Subpart H. The commission further responds that it has implemented federal provisions under 40 CFR §141.130(c) which requires states to implement program requirements to ensure that community public water systems and nontransient, noncommunity public water systems are operated by qualified personnel who meet the requirements specified by the State and are included in a state register of qualified operators. The commission responds that since its implementation of the GWR, the majority of corrective actions required by the executive director under §290.116 are associated with general disinfection, microbiological sampling, and well maintenance activities. The commission responds that these types of general activities are addressed under the commission's licensing and training requirements as described in 30 TAC Chapter 30 and §290.46(e). The commission further responds that corrective actions which require enhanced treatment such as 4-log treatment of viruses (using inactivation, removal, or a commission-approved combination of 4-log virus inactivation and removal) must provide notification to the executive director and the notification must include engineering, operational, and other information required by the executive

director to evaluate the submission. No change has been made in response to this comment.

Comment

ATI commented concerning §290.109(c)(3)(C)(iii) and (D)(iii) and requested to add the language "the likely cause(s)" to more closely match the federal language as described in 40 CFR Part 141, Subpart Y, since it will be impossible to say for certain that a particular defect actually caused the trigger concerning assessments.

Response

The commission agrees with these comments and has added the requested language to §290.109(c)(3)(C)(iii) and (D)(iii). The commission responds that the language "the likely cause(s)" has been added to more closely match the federal language as described in 40 CFR Part 141, Subpart Y.

Comment

COD commented concerning §290.109(d)(2)(F) and (G) and requested clarification as to the interpretation of this amendment. They commented that this amendment allows a public water system to collect more than the minimum required number of routine samples for microbial monitoring per month as long as the sites are listed in the Sample Siting Plan. They asked if this amendment will allow a public water system to have more routine sites listed in the Sample Siting Plan than the minimum requirement, but not have to monitor all of them every month, or at least not with the same frequency?

Response

The commission responds that the RTCR allows public water systems to collect more than the minimum required number of routine microbial samples per month as long they are included in their Sample Siting Plan. The commission responds that the additional routine sample sites are available to public water systems as discretionary microbial monitoring sites and public water systems are required to collect only the minimum number of routine microbial samples per month in accordance with Figure: 30 TAC §290.109(d)(2)(A)(iii) and their Sample Siting Plan. No change has been made in response to these comments.

Comment

COH commented concerning §290.109(d)(3)(C)(i) and requested that the commission provide clarity throughout the proposed amendments to note that Sample Siting Plans should include repeat sites and/or SOP as described in §290.109(d)(3)(C)(i). They requested that the commission allow public water systems to propose a format equivalent to the commission's Sample Siting Plan form to include in the public water system's monitoring plan as required in §290.121.

Response

The commission respectfully disagrees with these comments and responds that repeat microbial monitoring locations for Sample Siting Plans are specifically addressed in §290.109(d)(3)(C)(i) and (6). The commission further responds that to provide

consistency, it is also revising the monitoring plan document for public water systems in a format similar to the current Sample Siting Plan compliance document. The Sample Siting Plan document was developed to be consistent with the RTCR requirements and to allow regulatory consistency for public water systems. No change has been made in response to these comments.

Comment

COA commented concerning §290.109(c)(3)(C)(iii) and (D)(iii) and requested that the language: "The assessment may also state that no cause was found and no sanitary defects were identified" be added at the end of the paragraphs in §290.109(c)(3)(C)(iii) and (D)(iii) to provide consistency with the language in §290.109(c)(3)(A) which states: "The assessments may also indicate that no sanitary defects were identified."

Response

The commission agrees with these comments and has added this language in §290.109(c)(3)(C)(iii) and (D)(iii) to provide consistency with the language in §290.109(c)(3)(A) and the RTCR.

Comment

SAWS commented concerning §290.109(d)(3)(C)(iii) and requested that the word "all" be included in the opening sentence of this amendment to reflect "all" sample sites and any SOPs required by this paragraph in the Sample Siting Plan.

Response

The commission respectfully disagrees with this comment and responds that §290.109(d)(3)(C)(iii) includes the language as follows: "All public water systems shall include all sample sites as required by this subparagraph and any required SOPs for any proposed sampling sites as described in clauses (i) and (ii) of this subparagraph in the public water system's Sample Siting Plan in accordance with paragraph (6) of this subsection." No change has been made in response to this comment.

Comment

The COA commented concerning §290.109(d)(3)(D) and suggested adding wording to read as follows: "If one or more repeat samples in the set is total coliform-positive, the public water system must collect an additional set of repeat samples *from the same set of 3 sites (repeat, upstream and downstream) originally sampled and in the same* manner as specified in subparagraphs (A) - (C) of this paragraph" to clarify this policy.

Response

The commission respectfully disagrees with these comments and responds that §290.109(d)(3)(D) establishes that if one or more repeat samples in the set is total coliform-positive, the public water system must collect an additional set of repeat samples in the manner specified in §290.109(d)(3)(A) - (C) which requires public water systems to collect at least one repeat sample from the sampling tap where the original coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five

service connections downstream of the original sampling site. The commission further responds that §290.109(d)(3)(C) allows public water systems to propose repeat monitoring locations to the executive director that the public water system considers to be representative of a pathway for contamination of the distribution system by specifying either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a written SOP in its Sample Siting Plan. No change has been made in response to these comments.

Comment

SAWS commented concerning §290.109(d)(3)(D)(i) - (iii) and asked if a public water system has more routine sites listed in their Sample Siting Plan as backups, does the public water system have to monitor at all of them every month?

Response

The commission responds that the RTCR allows public water systems to collect more than the minimum required number of routine microbial samples per month as long as the sample site locations are included in their Sample Siting Plan. The commission responds that the additional routine sample sites are available to public water systems as discretionary microbial monitoring sites and public water systems are required to collect only the minimum number of routine microbial samples per month in accordance with Figure: 30 TAC §290.109(d)(2)(A)(iii) and their Sample Siting Plan. No change has been made in response to these comments.

Comment

The COA commented concerning §290.109(d)(6) and requested that the commission provide clarification concerning Sample Siting Plans and required SOPs for repeat microbial monitoring locations proposed by public water systems regarding the collection of samples from either designated upstream and downstream repeat sample sites or collecting samples from alternative sample locations designated in an SOP. They requested a language revision to §290.109(d)(6) to clarify these requirements.

Response

The commission respectfully disagrees with the comment proposing a revision to §290.109(d)(6). To provide clarification, the commission responds that §290.109(d)(3)(C) allows public water systems to propose repeat monitoring locations to the executive director that the public water system considers to be representative of a pathway for contamination of the distribution system by specifying either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a written SOP in its Sample Siting Plan. No change has been made in response to these comments.

Comment

ATI commented concerning §290.109(d)(6)(C) - (E) that the requirements contained in the referenced sections as it relates to the distribution maps content and maintenance is beyond the federal RTCR requirements. The level of detail represents a compilation of data, which due to security concerns about critical infrastructure systems should not be

maintained in publicly accessible files and requested that the phrase from §290.109(d)(6)(E) that states "provide a copy of their Sample Siting Plan and/or map to the executive director for review and/or revision purposes" should be removed or otherwise modified to not require submission of the map detail required in §290.109(d)(6)(C). They commented that compelling a public water system to provide copies of data that will become accessible through commission public records is considered an unacceptable risk.

Response

The commission respectfully disagrees with these comments and responds that the amendments specified in §290.109(d)(6)(C) - (E) provide the executive director with distribution system data in order to be consistent with RTCR provisions under 40 CFR §141.853(a) which specify that all public water systems must develop a written Sample Siting Plan that identifies microbial sampling sites and a sample collection schedule that are representative of water throughout the distribution system. The commission responds that 40 CFR §141.853(a) specifies that routine and repeat sample sites and any sampling points necessary to meet the requirements of the GWR must be reflected in the Sample Siting Plan. The commission responds that 40 CFR §141.853(a) also specifies that these plans are subject to State review and revision in order to determine these requirements. The commission refers to the Texas Government Code, §418.181 "Confidentiality of Certain Information Relating to Critical Infrastructure," which states, "Those documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical

details of particular vulnerabilities of critical infrastructure to an act of terrorism." The commission further responds that it will coordinate with public water systems to address concerns and take appropriate action regarding the review and submission of data that are considered by public water systems to be sensitive and/or create an unacceptable risk to critical infrastructure. No change has been made in response to these comments.

Comment

ATI commented concerning §290.109(d)(6)(C) and requested that language "or series of maps" be added to the statement: "The Sample Siting Plan shall include a distribution system map 'or series of maps' which identifies distribution system valves and mains as described in §290.46(n)(2) of this title." They commented that although the commission has presented in stakeholder presentations that the map requirement could be met by a single map showing all the data or a series of maps which includes the required data, ATI has already experienced field investigators interpreting this section as requiring all data on one map. They commented that modification to the language is needed to insure clarity of intent.

Response

The commission agrees with these comments and responds that the language "or series of maps" has been added to §290.109(d)(6)(C) to provide clarification.

Comment

COA commented concerning §290.109(e)(1)(B) and requested that the language "cease sampling and" not be deleted from this paragraph and remain in the current rule. They commented that by removing this language the water system is dependent on the commission to respond with 24 hours of the request or the system must continue repeat sampling as required in the rules. They commented that without the "cease resampling" wording and a prompt response by the commission, the public water system cannot be certain of the commission's invalidation request determination. They suggested that language be added that requires the commission to respond to the public water system within 24 hours concerning the invalidation request if this language is removed.

Response

The commission respectfully disagrees with these comments and responds that the amendment in §290.109(e)(1)(B) is consistent with the RTCR as described in 40 CFR §141.853 and §141.858. The commission responds that public water systems must continue to collect repeat microbial samples until certain conditions are met in §290.109(d)(3)(D) and that the allowance to cease repeat microbial monitoring pending a sample invalidation request determination conflicts with the RTCR language and may prevent an accurate and timely evaluation of the Level 1 and Level 2 assessment triggers under the RTCR. The commission further responds that sample invalidation requests will be reviewed and evaluated in an expedited manner. No change has been made in response to these comments.

Comment

ATI commented concerning §290.109(g)(2) and asked that the rule reference to §290.109(d)(4)(B)(v) be verified to clarify this reference which allows for the reduction of additional source water samples. They commented that this reference is intended to be §290.109(d)(4)(B)(iv) instead of clause (v).

Response

The commission agrees with these comments and responds that it has made changes to §290.109(g)(2) to reflect that the reference is §290.109(d)(4)(B)(iv) instead of clause (v).

Comment

ATI commented concerning §290.109(g)(4) and suggested striking the phrase "or additional routine" for clarity since this phrase is not defined.

Response

The commission agrees with these comments and has removed the phrase "or additional routine" from §290.109(g)(4) to provide clarity. The commission further responds that this phrase refers to noncommunity public water systems under the RTCR that are not on a monthly microbial monitoring frequency and are required to conduct additional routine monitoring the month following a month in which a public water system receives one or more total coliform-positive samples.

§290.109, Microbial Contaminants

Comment

ATI, COA, COH, SCMA, and TRWA commented concerning §290.103(26) and (27) and §290.109(c)(3)(A) and (B) which define Level 1 and Level 2 assessments and describe the requirements for assessments as required under the RTCR. They commented that the focus of the assessment forms should be in responding to microbial contamination and should not be diluted with other questions on the form that take away from that important mission or put an operator or reviewer down pathways taking time away from that goal. They commented that the proposed amendments clearly support that mission and goal in defining the assessments and requested that the commission set up a structured process such as a formal advisory group, separate from this rulemaking, with stakeholders to revise the assessment forms that meet the proposed regulatory language and to ensure the forms are useful tools in solving the public health risks associated with the RTCR provisions that trigger them. They urged the commission to consider the training requirements in the amendments be included as part of operator licensing certification and continuing education. They commented that the current draft assessment forms go beyond the original scope and intent of the RTCR which is increasing the burden and associated cost beyond that which is necessary on both the public water systems and commission staff and that the format of the draft assessment forms being prescribed represent rulemaking through policy. They commented that there is no formal mechanism to provide comment nor is there any requirement for the commission staff to respond to any comment or input provided on the assessment forms. They commented that the version of the assessment forms published on the commission website are far and above what was intended by EPA as is represented in EPA

guidance and by federal definitions of the Level 1 and 2 assessments. They commented that the proposed amendment is too general and should note that the required content of the assessments shall not be extended beyond the minimum elements of the assessments as defined the federal rules and that any additional content is strictly voluntary. They commented that this is to ensure an effective and efficient assessment of the likely cause of the assessment trigger as intended and described in the federal statute while being protective of public health. They encouraged the commission to structure the assessment forms as provided in the rule language where it states in §290.109(c)(3)(A) "assessments are conducted in order to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices." They commented that the current proposed draft assessment forms include elements beyond the scope of the federal rule which is to identify (find and fix) any sanitary defects as defined in 40 CFR §141.2 and §290.103(35). They commented that some of the requested information in the draft assessment forms is unrelated to sanitary defects and that this this information does not directly correlate with identifying a pathway for contamination or help to explain why a sample was positive for contamination and that the information being requested in the proposed forms is burdensome and dilutes the focus of the assessor's efforts to identify a sanitary defect. They requested that the commission align the forms with the federal rule requirements and intent as set forth in the assessment forms in the EPA guidance manual. They commented that they would like to see a close and transparent alignment of the commission's RTCR compliance forms with the amendments described in §290.103(26) and (27) and §290.109(c)(3)(A) and (B) and urged the commission to structure the Level 1 and Level 2 assessment forms according to the proposed language

in the rule. They requested that the commission allow opportunity for further input and public comment regarding its assessment forms to help ensure that these forms are not unduly burdensome and focus on the issue of quickly identifying and addressing public health concerns.

Response

The commission responds that the Level 1 and Level 2 assessment forms were developed to meet the federal RTCR requirements and designed to be a useful tool to identify and correct any sanitary defects when sampling results show that the public water system may be vulnerable to contamination. The commission responds that the assessment forms were also designed to assist public water systems in complying with the RTCR provisions particularly for small public water systems who may struggle to meet the requirements of the RTCR. The commission responds that comments were requested and received from stakeholders concerning the assessment forms. The commission responds that stakeholders submitted comments during September 2016. In addition, the commission responds that comments concerning the assessment forms were received during the October 25, 2016, Drinking Water Advisory Work Group meeting in Austin. The commission responds that the executive director also received comments from public water systems after providing on-site assistance to complete the assessment forms to be in compliance with the RTCR. The commission responds that the executive director continues to implement stakeholder comments to improve the assessment forms. The commission responds that it appreciates stakeholder suggestions for improvements of the Level 1 and Level 2

assessment forms required under the provisions of the RTCR. The commission responds that it is developing training opportunities for public water systems concerning RTCR requirements and assessments to assist systems and operators in obtaining compliance with RTCR provisions and is evaluating and considering training requirements to be included as part of operator licensing certification and continuing education. No change has been made to the amendments in response to these comments; however, the commission will continue to have open dialogue with stakeholders concerning the Level 1 and Level 2 assessments.

§290.110, Disinfectant Residuals

Comment

COA commented concerning §290.110(f)(8) and asked for clarification of the sentence "Public water systems shall consult with the executive director upon increasing residual disinfectant levels in the distribution system in order to maintain compliance with the MRDLs listed in subsection (b) of this section" and when these conditions apply to public water systems.

Response

The commission responds that this requirement is a coordination and assistance effort between the executive director and public water systems when it is necessary to increase residual disinfectant levels in their distribution system to a level significantly above their normal operating conditions to address specific microbiological contamination problems caused by circumstances such as distribution

line breaks, storm runoff events, source water contamination, or cross-connections. The commission responds that this action instituted by public water systems may be considered a special precaution or protective measure as described in §290.46(q). No change has been made in response to these comments.

§290.111, Surface Water Treatment

Comment

COA and COH commented concerning §290.111(i)(3)(D), which cross-references §290.46(q), and requested clarification on when these conditions apply and whether a Tier 1 public notice and/or boil water notice would apply to public water systems when the system fails to complete a portion of a report due to equipment failure or other situations outside of the control of the public water system or the entire report.

Response

The commission responds that §290.111(i)(3)(D) establishes that a public water system that fails to submit a report required by §290.111(h) for two consecutive months commits an acute treatment technique violation and is required to issue a public notice and a boil water notice within 24 hours in accordance with §290.122(a).
The commission further responds that it has made changes to §290.46(q)(5)(A)(i) to clarify the circumstances warranting the executive director's discretion when special precautions, protective measures, and boil water notices may be required when a public water system that uses surface water sources or groundwater sources under the direct influence of surface water fails to provide any of the required compliance

information to the executive director in a Surface Water Monthly Operating Report as required by §290.111(h), and the failure to provide the required compliance information results in the inability of the executive director to determine compliance as described in §290.111(i) or the failure to provide any of the required compliance information to the executive director results in the existence of a potential or actual health hazard, as described in §290.38. No change has been made in response to these comments.

§290.116, Groundwater Corrective Actions and Treatment Techniques

Comment

ATI commented that the language in §290.116 (b)(5)(E) should be modified for clarity to read: "Investigate and correct all significant deficiencies if any are determined to exist." They commented that the added language is consistent with the "find it and fix it" approach similar to the RTCR assessments while providing clarity that there may not be a significant deficiency present at the time of the raw water *E. coli* sample result either due to previous repairs or generally acceptable maintenance.

Response

The commission respectfully disagrees with the comment due to the necessity to maintain consistency with the federal language found in 40 CFR §141.403(a)(6). The commission will not require any corrective action under the requirements of §290.116(b)(5)(E) unless an actual significant deficiency has been identified. No change has been made in response to these comments.

Comment

SAWS commented concerning §290.116(f)(1) and asked if public water systems are required to re-issue a public notice annually, thereafter, until fixed in the annual CCR when a public water system has a fecal indicator- positive source sample and/or a significant deficiency?

Response

The commission responds that public water systems that use groundwater are required to inform the public annually in the CCR of any uncorrected significant deficiencies or *E. coli*-positive raw groundwater (triggered or assessment) source samples. When the significant deficiency or *E. coli* situations have been corrected, the public water system must then inform the public in the CCR. If the significant deficiency or *E. coli*-positive raw groundwater source sample remains uncorrected, the system must inform the public annually in the CCR including the approved corrective action plan and schedule. No change has been made in response to these comments.

§290.117, Regulation of Lead and Copper

Comment

COA, COD, and SAWS commented concerning §290.117(e)(1) and requested clarification concerning the meaning of the language "take two samples." They asked if this a reference to the amendment to §290.117(e)(2)(B) which requires public water systems to collect samples on a quarterly basis every six months, or is it requiring that samples be

collected in duplicate.

Response

The commission responds that the language specified in §290.117(e)(1), which requires public water systems to "take two samples," means that public water systems are required to collect one set of WQP samples each quarter during a six-month period at all entry points and locations within the distribution system as described in Figure: 30 TAC §290.117(e)(2) to address seasonal variability in water quality conditions to be consistent with 40 CFR §141.87. The commission further responds that the language "take two samples" refers to WQP sample collection over the six-month monitoring period. No change has been made in response to these comments.

Comment

ATI, COH, and EPA commented concerning §290.117(c)(2)(D) and requested clarification concerning the applicability reference to the EPA's LCRMR concerning reduced nine-year tap sampling. They requested that the commission replace this reference with the specific 40 CFR citation. EPA also commented that §290.117 is incorrectly cited and should reference EPA's LCRMR 40 CFR §141.86 instead of 40 CFR §141.85.

Response

The commission agrees with the comments and adopts revisions to §290.117 to reference the EPA's LCRMR as described in 40 CFR §141.86.

Comment

SAWS commented concerning §290.117(c)(2)(D)(i) - (vi) and requested that the commission allow partial waivers for reduced nine-year tap sampling.

Response

The commission respectfully disagrees with this comment concerning the allowance of partial waivers for reduced nine-year tap sampling. Because adoption of the recommended changes would go beyond the scope of the proposed rule, the commission responds that this issue may be addressed by proposing the amendment of §290.117(c)(2)(D)(i) - (vi) or other applicable rules in a future rulemaking for Chapter 290. No change has been made in response to these comments.

Comment

ATI, COA, COD, COH, SAWS, SCMA, and TRWA commented that they have concerns with §290.117(e)(1)(C) as it requires the collection of raw WQPs under the Lead and Copper Rule. They commented that commission rules should not be based on federal guidance as referenced in the March 2016 EPA *Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems* guidance document**.** They commented that commission rules should not be based on federal guidance and have concerns regarding the cost benefit of public water systems collecting WQPs from raw water sources.

Response

The commission agrees with these comments and has removed the requirement for raw water WQP sampling in §290.117(e)(1)(C) and any associated rule references. WQPs are used for evaluation of corrosivity and treatment analysis. Proposed treatment for water stability or to reduce the aggressive nature of water is generally based on raw water chemical characteristics. The commission acknowledges that in this case, treatment analysis may be based on WQPs collected at the point of entry since the WQP data for many groundwater systems will not differ significantly between the raw water and point of entry.

Comment

ATI, COA, COD, COH, SAWS, SCMA, and TRWA commented that they have concerns with Figure: 30 TAC §290.117(e)(2) which adds total dissolved solids, sodium, sulfate, chloride, hardness, manganese, and iron to the list of WQPs a public water system must collect when conducting lead and copper monitoring. As proposed, §290.117(e)(2)(A) and (B) and (3) refer to WQP monitoring requirements established in §290.117(e)(2)(A) and (B) and (3). They commented that commission rules should not be based on federal guidance and have concerns regarding the cost benefit of public water systems collecting the additional WQPs.

Response

The commission respectfully disagrees with these comments. The commission has a duty to evaluate potential corrosivity at public water systems to ensure that lead and copper do not leach out of plumbing materials. The commission accomplishes the

evaluation of potential corrosivity through the use of indices. The commission acknowledges that the additional WQPs are found in the March 2016 EPA *Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems* guidance document rather than rule. However, the commission's procedure to use certain indices for evaluating potential corrosivity requires the input of the additional WQPs into the indices. The commission currently requires the proposed additional WQPs for evaluation of corrosivity indices for approval of new sources and treatments under §290.117(d)(2)(E). Requiring public water systems to include these WQPs in routine monitoring will enable the public water system and the commission to ensure that corrosivity indices are not signaling a potential problem. No change was made in response to these comments.

§290.121, Monitoring Plans

Comment

ATI commented concerning §290.121(b)(3) and suggested that the statement be removed to avoid misinterpretation between Sample Siting Plan and monitoring plan requirements.

Response

The commission respectfully disagrees with the comment and responds that additional language has been included in §290.121(b)(3) to address EPA comments concerning primacy requirements. No change was made in response to the comment.

§290.122, Public Notification

Comment

SAWS commented concerning §290.122(a) concerning public notice requirements and suggested that the commission adopt the term "Tier 1" and as defined in 40 CFR Part 141, Subpart Q, to clarify wording to be more consistent with 40 CFR Part 141.

Response

The commission responds that §290.122(a) includes the reference to Tier 1 public notice. No change was made in response to the comment.

Comment

COA commented concerning §290.122(a) and asked for clarification concerning boil water notice requirements for special investigations referenced in §290.111(i)(3) and (4).

Response

The commission responds that §290.122(a) references §290.111(i)(3)(A) - (E) which establishes that a public water system is required to issue a public notice and a boil water notice if the public water system experiences one or more conditions as specified in §290.111(i)(3)(A) - (E) for an acute treatment technique violation. The commission responds that §290.122(a) also references §290.111(i)(4)(A) - (D) which establishes that a public water system using conventional filters is required to issue a public notice if the public water system experiences one or more conditions as specified in §290.111(i)(4)(A) - (D) for an acute treatment technique violation. The commission further responds that §290.122(a)(2)(A) establishes that a public water

system is not required to issue a boil water notice under the conditions specified in §290.111(i)(4)(A) - (D) unless required at the discretion of the executive director due to a specific treatment issue which may present a risk to public health. No change was made in response to the comment.

Comment

SAWS commented concerning §290.122(c)(1)(F) - (K) concerning the Unregulated Contaminant Monitoring Rule (UCMR) and requested that the commission incorporate UCMR monitoring results in the commission's Drinking Water Watch data system.

Response

The commission respectfully disagrees with this comment since it is the responsibility of the public water system to provide the UCMR results to its customers. No change was made in response to the comment.

Comment

SAWS commented concerning §290.122(c)(1)(F) - (K) and requested that this section be removed concerning Tier 1 public notice or define "other violations and situations."

Response

The commission respectfully disagrees with the comment. Unique situations may arise that require other situations be placed in a higher public notice tier based on a threat to public health. The commission is given this authority based on 40 CFR Part

141, Subpart Q, Appendix A, End Note #21. No change was made in response to the comment.

Comment

SAWS commented concerning §290.122(c)(2) and asked that "other or situations" be defined.

Response

The commission respectfully disagrees with the comment. Unique situations may arise that require other situations be placed in a higher public notice tier based on a threat to public health. The commission is given this authority based on 40 CFR Part 141, Subpart Q, Appendix A, End Note #21. No change was made in response to the comment.

Comment

COA commented concerning §290.122(c)(1)(F) and requested clarification concerning public notice requirements for public water systems that monitor for unregulated contaminants and are required to notify customers of the availability of unregulated contaminant monitoring results.

Response

The commission respectfully disagrees with the comment because 40 CFR §141.207 requires public water systems to follow the requirements for a Tier 3 public notice

prescribed in 40 CFR §141.204(c), (d)(1), and (d)(3). The commission further responds that public water systems that monitor for unregulated contaminants are required to notify customers of the availability of unregulated contaminant monitoring results and are also required to notify customers if the public water system fails to provide the availability notice. No change was made in response to the comment.

§290.272, Content of the Report

Comment

ATI commented concerning §290.272(b)(1)(A) and (B) and suggested that these two terms be moved to §290.272(b)(2) which is for terms that must be defined if they appear in the report.

Response

The commission respectfully disagrees with these comments since §290.272(b)(1) is specific to definitions contained in the CCR. No change was made in response to the comment.

Comment

ATI commented concerning §290.272(d)(4) and suggested that the nontransient, noncommunity reference be removed to clarify applicability requirements.

Response

The commission agrees with this comment and has made changes to §290.272(d)(4) by

removing the nontransient, noncommunity reference to clarify applicability requirements.

Comment

ATI commented concerning §290.272(h) and suggested that this language be removed and that it is more appropriate for guidance.

Response

The commission respectfully disagrees with this comment and responds that §290.272(h) has been added to be consistent with the RTCR concerning CCR requirements and provides optional language for public water systems to use in their CCR. The commission further responds that §290.272(h) establishes that if a public water system detects *E. coli* and has not violated the *E. coli* MCL, the public water system may include a statement in their CCR. The statement may specify that although the public water system has detected *E. coli*, they are not in violation of the *E. coli* MCL. No change was made in response to this comment.

EPA comments

Comment

EPA commented concerning §290.109(g)(1)(E)(i) - (vi) and requested that this amendment be moved to add amendment §290.109(i) to provide clarification concerning the applicability for the best technology, treatment techniques, or other means available for achieving compliance with the MCL for *E. coli* pursuant to 40 CFR §141.63(e).

Response

The commission agrees with this comment and adopts the amendment §290.109(i)(1) - (6) which was moved from §290.109(g)(1)(E)(i) - (vi) to address EPA comments concerning best available treatment technologies for the MCL for *E. coli.*

Comment

EPA commented concerning §290.116(a) that the commission cannot exempt these public water systems beyond GWR triggered source water monitoring requirements. EPA commented that 40 CFR §141.403(a)(3) does not allow groundwater only systems to get an exemption from the GWR treatment technique requirements related to significant deficiencies and fecal contamination. EPA commented that 40 CFR Part 141, Subpart H, means groundwater under the direct influence of surface water (GUDI), referenced in commission rules as GUI, or surface water-groundwater blended systems which are required to filter and disinfect and comply with the filtration and disinfection regulations are allowed an exemption under 40 CFR §141.403(a).

Response

The commission agrees with the comment and adopts the recommended language from EPA to ensure the rule is as stringent as the federal regulations in 40 CFR §141.400(c)(3) and §141.402(a)(5). The commission has revised §290.116(a) to include the recommended citation §290.109(d)(3)(C)(ii) which emphasizes that the samples required under this citation are included in the applicability statement that could lead

to corrective actions. The commission has revised §290.116(a) to clarify that a significant deficiency identified in a portion of the distribution system served by surface water or groundwater under the influence of surface water would be exempted from the corrective action requirements of this section.

Comment

EPA commented that §290.42(c)(1) is not as stringent as the federal regulations in 40 CFR §141.70(a). EPA commented that the existing language is missing equivalent language from 40 CFR §141.70(a) and specifically omits the federal requirement that systems using groundwater under the direct influence of surface water (GUDI), referenced in commission rules as GUI, must require filtration. EPA suggested that the commission modify §290.42(c)(1) by adding the equivalent language to §290.42(c)(1).

Response

The commission agrees with the comment and adopts the recommended language from EPA to ensure the rule language is as stringent as the federal regulations. The commission adopts §290.42(c)(1) and adds the language "Groundwater under the direct influence of surface water" to the catch phrase of the subsection, and "Groundwater under the direct influence of surface water as defined in §290.38 shall be provided minimum treatment as required by the executive director under this subsection or subsection (d) of this section, as applicable."

Comment

EPA commented that the commission cannot exempt a groundwater only public water system beyond GWR triggered source water monitoring requirements. EPA commented that 40 CFR §141.403(a)(3) does not allow a groundwater only systems to get an exemption from the GWR treatment technique requirements related to significant deficiencies and fecal contamination. EPA commented that 40 CFR Part 141, Subpart H, means GUDI, referenced in commission rules as GUI, or surface water-groundwater blended systems which are required to filter and disinfect and comply with the filtration and disinfection regulations are allowed an exemption under 40 CFR §141.403(a).

Response

The commission agrees with this comment and adopts the recommended language from EPA to ensure the rule is as stringent as the federal regulations in 40 CFR §141.400(c)(3) and §141.402(a)(5). The commission adopts §290.116(a) to include the citation §290.109(d)(3)(C)(ii) and clarifies that a significant deficiency identified in an area served by a surface or groundwater under the influence of surface water portion of this distribution system, would be exempted from the corrective actions requirements of this section.

Comment

EPA commented that §290.117 incorrectly cites the federal LCRMR as described in 40 CFR §141.85. EPA commented that this should reference LCRMR as described in 40 CFR §141.86.

Response

The commission agrees that the citation is incorrectly cited in §290.117 and adopts language that references 40 CFR §141.86.

Comment

EPA commented that §290.46(f)(3)(D) is missing the recordkeeping requirements in 40 CFR §141.861(b)(2) and should be modified by adding §290.46(f)(3)(D)(xii) to include the equivalent language in 40 CFR Part 141.

Response

The commission agrees with the comment and adopts the recommended language by adding §290.46(f)(3)(D)(xii) which specifies that any record of a repeat sample that meets the criteria for an extension to the 24-hour sample collection requirement be maintained for five years.

Comment

EPA commented that §290.46(f)(3)(D)(x) does not clarify that the assessment form must be maintained for recordkeeping purposes regardless of who conducts the assessment per 40 CFR §141.861(b)(1). They request the commission modify §290.46(f)(3)(D)(x) to include equivalent language in 40 CFR §141.861(b)(1).

Response

The commission agrees with the comment and adopts the recommended language in

§290.46(f)(3)(D)(x) to ensure it is as stringent as federal regulations in 40 CFR §141.861(b)(1) by requiring documentation of assessments and the accompanying corrective actions, no matter who completes the assessment, be maintained for five years.

Comment

EPA commented that §290.46(q)(5)(A) - (C) is required in order to be consistent with the federal regulations to ensure the commission has specific authority to implement corrective actions and expedited actions as required in 40 CFR §142.16(q)(2). They commented that the commission must have authority specific enough to allow the commission to require correction of conditions that have the potential for causing the introduction of contamination into the water delivered to consumers. They commented that the commission must have authority to require expedited actions to address any areas of concern from the assessment and to require correction of all sanitary defects, including when the sanitary defect(s) does not rise to the level of imminent and substantial endangerment. They commented that this includes commission authority to require expedited actions such as boil water notices. They commented that boil water notices are a Tier 1 public notice that is also re-emphasized in 40 CFR Part 141, Subpart Q, Appendix A, End Note #20 and End Note #21, and the commission must have the authority and equivalent regulatory citations to require a Tier 1 public notice under 40 CFR §141.202(a) for situations that do not meet the definition of a waterborne disease outbreak in 40 CFR §141.2, but that still have the potential to have serious adverse effects on health as a result of short-term exposure. They commented that primacy

agencies may place other situations in any tier they believe appropriate based on a threat to public health.

Response

The commission agrees with this comment and adopts revisions to §290.46(q)(5)(A) - (C) to ensure that the executive director has the necessary authority to require correction of conditions that have the potential for causing the introduction of contamination into the water delivered to consumers as well as to require expedited actions to address any areas of concern from the assessments and to require correction of all sanitary defects.

Comment

EPA commented that language should be added to community and noncommunity public water systems in Figure: 30 TAC §290.47(c)(1) to ensure that the commission's regulations are as stringent as the federal requirements in 40 CFR §141.205(a)(4), (9), and (10) and (c)(2)(i).

Response

The commission agrees with the comment and adopts revisions to Figure: 30 TAC §290.47(c)(1) and (2) to ensure the figures include all of the required federal language in 40 CFR §141.205(a)(4), (9), (10) and (c)(2)(i).

Comment

EPA commented that language should be added to the Figure: 30 TAC §290.47(c)(2) to ensure the commission's regulations are as stringent as the federal requirements in 40 CFR §141.205(a)(4), (9), and (10) and (c)(2)(i).

Response

The commission agrees with the comment and adopts revisions to Figure: 30 TAC §290.47(c)(2) to ensure the figure includes all of the required federal language in 40 CFR §141.205(a)(4), (9), and (10) and (c)(2)(i).

Comment

EPA commented that language should be added to Figure: 30 TAC §290.47(c)(3) to ensure the commission's regulations are as stringent as the federal requirements in 40 CFR §141.205(c)(2)(i).

Response

The commission agrees with the comment and adopts revisions to figure: 30 TAC §290.47(c)(3) to ensure the figure includes all of the required federal language found in 40 CFR §141.205(c)(2)(i).

Comment

EPA suggested language be added to §290.102(b) to clarify the commission regulations that are prohibited from receiving a variance. The EPA commented that §290.102(c) is not as stringent as the federal regulations in 40 CFR §141.4(b) and §142.304(a). EPA stated

the rules should include language prohibiting small system variances for rules addressing microbial contaminants such as treatment technique requirements under various other rules including the RTCR (assessments and corrective actions treatment technique requirements) and the GWR source water triggered monitoring and correction of significant deficiencies.

Response

The commission agrees with this comment and adopts revisions to §290.102(b)(4) to include the EPA's language in 40 CFR §141.4(b) and §142.304(a) which prohibits system variances for rules addressing microbial contaminants.

Comment

EPA commented that §290.109(c)(2)(B), (3)(C)(i), and (D)(i) is not as stringent as the federal regulations in 40 CFR §§141.854(a)(3), 141.855(a)(3), 141.856(a)(3), 141.857(a)(3), and 141.859(b)(3)(i) and (4)(i). Specifically, the commission's rule is missing the language that specifies when the treatment technique trigger determination must be made. They commented that the rule is missing the federal requirement that public water systems must describe in the assessment form specific items such as sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed.

Response

The commission agrees with this comment and adopts revisions to §290.109(c)(2)(B),

(3)(C)(i) and (iii), and (D)(i) - (iii) to include the EPA's suggested language to clarify the federal requirements in 40 CFR §§141.854(a)(3), 141.855(a)(3), 141.856(a)(3), 141.857(a)(3), and 141.859(b)(3)(i) and (4)(i). The commission's adopted revisions describe when a public water system must make a treatment technique trigger determination and the requirement that public water systems must describe in the assessment form specific items such as sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed including expedited corrective actions when there is a potential for an acute health risk.

Comment

EPA commented that §290.109(c)(3)(A) does not clarify the requirements to ensure that the Level 2 assessor's training is more comprehensive than the Level 1 assessor's training. EPA commented that the language concerning qualifications or training of a Level 1 and Level 2 assessor must clearly delineate the difference between these two types of assessor criteria.

Response

The commission agrees with this comment and adopts revisions to §290.109(c)(3)(A)(i) to clarify the training requirements for assessors and includes the addition of §290.109(c)(3)(A)(iii) which establishes that the executive director may require additional training or certifications for Level 1 assessors when Level 1 assessments have been determined by the executive director to be insufficient or inadequate.

The commission further responds that Level 1 and Level 2 assessors shall also complete any additional training required by the executive director and specifically, the commission is developing an advanced level of training for Level 2 assessors.

Comment

EPA commented that §290.109(c)(3)(B) is not as stringent as the federal regulations in 40 CFR §141.859(b)(1). EPA commented specifically, that it is a public water system requirement to ensure the Level 1 and Level 2 assessments are conducted to identify the possible presence of sanitary defects.

Response

The commission agrees with the comment and adopts revisions to §290.109(c)(3)(B)(viii) to describe the purpose of the assessment is to identify the possible presence of sanitary defects.

Comment

EPA commented that §290.109(c)(3)(C)(i) and (D)(i) is not as stringent as the federal regulations in 40 CFR §§141.854(a)(3), 141.855(a)(3), 141.856(a)(3), 141.857(a)(3), and 141.859(b)(3)(i) and (4)(i). EPA commented that the commission's rule is missing the language that specifies when the treatment technique trigger determination must be made. Also, the EPA commented that commission's rule must ensure that both the Level 1 and Level 2 assessments and the associated assessment forms are completed and

submitted. EPA commented that the rule is missing the federal requirement that public water systems must describe in the assessment form specific items such as sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed.

Response

The commission agrees with this comment and adopts revisions to §290.109(c)(3)(D) to specify when the treatment technique trigger determination must be made and that both the Level 1 and Level 2 assessment and the associated assessment forms are completed and submitted with a description of the sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed.

Comment

EPA commented that §290.109(c)(2)(B), (3)(C)(i), and (D)(i) is not as stringent as the federal regulations in 40 CFR §§141.854(a)(3), 141.855(a)(3), 141.856(a)(3), 141.857(a)(3), and 141.859(b)(3)(i) and (4)(i). EPA commented specifically, that the commission's rule is missing the language that specifies when the treatment technique trigger determination must be made. EPA commented that the rule is missing the federal requirement that must describe in the assessment form specific items such as sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed.

Response

The commission agrees with this comment and adopts revisions to §290.109(c)(3)(C) and (D) to include the EPA's suggested language to clarify the federal requirements in 40 CFR §141.857(a)(3), §§141.854(a)(3), 141.855(a)(3), 141.856(a)(3), 141.857(a)(3), and 141.859(b)(3)(i) and (4)(i). The revisions describe the requirements for completing the assessment forms.

Comment

EPA commented that §290.109(c)(3)(D)(ii) should be modified to be consistent with federal regulations to specify that if the commission requires revisions to an assessment after consultation with the public water system, the system must submit a revised assessment form to the commission on an agreed-upon schedule not to exceed 30 days from the date of consultation.

Response

The commission agrees with the comment and adopts revisions to §290.109(c)(3)(D)(ii) to specify the time frame for a public water system to submit revisions to the assessment forms.

Comment

EPA commented that §290.109(d)(3) is not as stringent as the federal regulations in 40 CFR §141.853(c) and §141.858(A)(5). EPA commented specifically, that the commission does not have regulations concerning invalidated repeat samples not being able to be

counted towards the minimum monitoring requirements of the RTCR. EPA commented that the commission does not have regulations concerning compliance samples that are not invalidated, must be used to determine a coliform treatment technique trigger or to determine an *E. coli* MCL violation.

Response

The commission agrees with this comment and adopts §290.109(d)(2)(E) to establish that unless the executive director has invalidated a coliform-positive sample all routine coliform sample results must be used to determine compliance with determining treatment technique triggers and assessment requirements. The commission further responds that it has adopted §290.109(d)(3)(F) to describe that an invalidated repeat sample does not counted towards meeting the minimum monitoring requirements of the RTCR and compliance samples that are not invalidated, must be used to determine compliance with coliform treatment technique trigger and/or *E. coli* MCL violations.

Comment

EPA commented that §290.109(g)(9) and (10) is not as stringent as the federal regulations in 40 CFR §141.858(5) because not all repeat coliform samples are distribution samples. EPA suggested that the commission delete §290.109(g)(9) and (10) and include the suggested changes in §290.109(d)(2)(E) and (3)(F). EPA commented that the commission has allowed some RTCR – GWR dual compliance repeat samples to be collected at the groundwater raw well site and has not applied the required invalidation criteria to these

samples.

Response

The commission agrees with this comment and instead of deleting the amendments in §290.109(g)(9) and (10), the commission adopts revisions to §290.109(g)(9) and (10) to specify that the invalidation criteria is applied to groundwater source samples.

Comment

EPA commented that §290.109(d)(3)(A) is missing the equivalent federal language in 40 CFR §141.853(a)(3). EPA commented specifically, that the minimum number of both routine samples and repeat samples must be collected even if there is an *E. coli* MCL violation or an RTCR treatment technique trigger.

Response

The commission agrees with this comment and adopts revisions to §290.109(d)(3)(A) to ensure the adopted language is equivalent to the required federal language in 40 CFR §141.853(a)(3) to specify that the minimum number of both routine samples and repeat samples must be collected even if there is an *E. coli* MCL violation or an RTCR treatment technique trigger.

Comment

EPA commented that §290.109(d)(3)(C) is missing the equivalent federal language in 40 CFR §141.853(a)(5) specifying that if a total coliform-positive sample is at the end of the

distribution system, or one service connection away from the end of the distribution system, the system must still take all required repeat samples and the commission may allow an alternative sampling location.

Response

The commission agrees with this comment and adopts revisions to §290.109(d)(3)(C) to ensure the adopted language is equivalent to the required federal language in 40 CFR §141.853(a)(5) which specifies that if a positive routine sample was collected at the end of the distribution system, or one service connection away from the end of the distribution system, {line} one repeat sample must be collected at that point and the other two repeat samples must be collected within five connections upstream of that point.

Comment

EPA commented that §290.109(d)(3)(C)(ii) and (4)(B)(iii) is not as stringent as the federal regulations in 40 CFR §141.402(a)(2)(iv) and §141.853(a)(5)(ii). EPA commented that the commission cannot allow groundwater systems with one well and serving fewer than 1,000 persons to use one of the repeat samples as both an RTCR repeat and GWR triggered raw source monitoring sample unless all of the following requirements are met: 1) the fecal indicator used is *E. coli* 2) the commission has provided written approval for the public water system to use of a single sample for meeting both the GWR triggered raw water monitoring and RTCR repeat monitoring requirements, and 3) the public water system's Sample Siting Plan remains representative of water quality in the distribution

system.

Response

The commission agrees with the comment and adopts revisions to §290.109(d)(4)(B)(iii) to ensure the adopted language is equivalent to the federal language in 40 CFR §141.402(a)(2)(iv) and §141.853(a)(5)(ii) to establish the requirements that a groundwater system with one well serving 1,000 people or fewer may use one of the three required repeat samples collected from a raw groundwater source to meet both the repeat and triggered raw source monitoring requirements.

Comment

EPA commented that §290.109(d)(3)(D) is not as stringent as the federal regulations in 40 CFR §141.858(a)(1). EPA commented specifically that the commission is missing the citation that says the commission cannot waive the requirement for a public water system to collect repeat samples.

Response

The commission agrees with the comment and adopts revisions to §290.109(d)(3)(D) to ensure the adopted rule language is as stringent as the federal regulations in 40 CFR §141.858(a)(1) to establish that the commission cannot waive the requirement for a public water system to collect repeat samples.

Comment

EPA commented that §290.109(d)(3) is not as stringent as the federal regulations in 40 CFR §141.853(c). EPA commented specifically that the commission does not have regulations concerning invalidated repeat samples not being able to be counted towards the minimum monitoring requirements of the RTCR.

Response

The commission agrees with the comment and adopts added §290.109(d)(3)(F) to ensure the adopted language is as stringent as the federal regulations in 40 CFR §141.853(c).

Comment

EPA commented that §290.109(d)(4)(B)(i) is not as stringent as the federal regulations in 40 CFR §141.402(a)(1)(i). EPA commented that the federal regulations specify that in the case of an extension, the commission must specify how much time the system has to collect the sample.

Response

The commission agrees with this comment and adopts revisions to §290.109(d)(4)(B)(i) to ensure the adopted language is as stringent as the federal regulations in 40 CFR §141.402(a)(1)(i) which specifies the timeframe of the extension given to public water systems to complete sampling due to special circumstances.

Comment

EPA commented that the commission must add rule language to be consistent with federal regulations in 40 CFR §141.854(c)(2) and §141.855(c)(2) which requires the State to perform a special monitoring evaluation during each sanitary survey for community and noncommunity public water systems serving 1,000 or fewer people using only groundwater, to review the status of the system including the distribution system, and to determine whether the system is on an appropriate monitoring schedule. EPA commented that the special monitoring evaluation is required even when the required RTCR routine monitoring frequency is monthly.

Response

The commission agrees with the comment and adopts revisions to §290.109(d)(6)(A) to be consistent with the federal regulations in 40 CFR §141.854(c)(2) and §141.855(c)(2) requiring the commission to conduct special monitoring evaluations.

Comment

EPA commented that §290.109(e) is not as stringent as the federal regulations in 40 CFR §141.402(a)(2)(iv) and §141.852(b) EPA commented specifically, that the commission is missing the statement that the public water system must use a laboratory certified for each method and associated contaminants used for compliance monitoring analyses under the RTCR. EPA commented that laboratories can be certified but not for a specific method, and therefore, the commission regulations must specify that the lab is certified and that the lab uses the appropriate certified method.

Response

The commission agrees with the comments and adopts revisions to §290.109(e) to be as stringent as the federal regulations in 40 CFR §141.402(a)(2)(iv) to specify that public water systems must use a laboratory certified for each method and associated contaminants used for compliance monitoring analyses under the RTCR.

Comment

EPA commented that §290.109(e)(1)(B) is not as stringent as the federal regulations in 40 CFR §141.402(a)(1)(iii) and §141.853(c)(1)(ii). EPA commented that the federal regulations only allow invalidation of a total coliform-positive sample result as specified in 40 CFR §141.853(c)(1)(i) - (iii) and (2). EPA commented that §290.109(e)(1)(B) is missing federal language that says the State cannot invalidate a total coliform-positive sample on the basis that all the repeat samples are total coliform-negative or if the system has only one service connection as specified in 40 CFR §141.853(c)(1)(ii).

Response

The commission agrees with this comment and adopts revisions to §290.109(e)(1)(B) to be as stringent as the federal regulations in 40 CFR §141.853(c)(1)(ii) which specifies prohibitions on the invalidation of total coliform-positive samples.

Comment

EPA commented that §290.109(e)(1)(C) is not as stringent as the federal regulations in 40 CFR §141.402(a)(1)(iii) and §141.853(c)(1)(i) - (iii) and (2). The federal regulations only

allow invalidation of a total coliform-positive sample result as specified in 40 CFR §141.853(c)(1)(i-iii) and (2). EPA commented that §290.109(e)(1)(C) is missing the federal language that says the State cannot invalidate a total coliform-positive sample unless the written documentation is approved and signed by the State per 40 CFR §141.853(c)(1)(iii).

Response

The commission agrees with the comment and adopts revisions to §290.109(e)(1)(C) to be as stringent as the federal regulations in 40 CFR §141.853(c)(1)(iii) requiring written approval for the invalidation of a total coliform-positive sample.

Comment

EPA commented that §290.109(e)(1)(D) is not as stringent as the federal regulations in 40 CFR §141.402(a)(1)(iii) and §141.853(c)(1)(i) - (iii) and (2). EPA commented that the federal regulations only allow invalidation of a total coliform-positive sample result as specified in 40 CFR §141.853(c)(1)(i) - (iii) and (2). EPA commented specifically that the commission's rules allow the invalidation of a total coliform-positive sample result that is not allowed by the federal regulations in 40 CFR Part 141.

Response

The commission agrees with the comment and adopts revisions to §290.109(e)(1)(D) to be as stringent as the federal regulations in 40 CFR §141.402(a)(1)(iii) and §141.853(c)(1)(i) - (iii) and (2) specifying when a public water system must resample based on an invalidation of a sample from the laboratory.

Comment

EPA commented that §290.109(g) is not as stringent as the federal regulations in 40 CFR §141.860(d)(2) because it is missing the citation that deems failure to notify the State about an *E.coli*-positive is a reporting violation.

Response

The commission agrees with the comment and adopts added §290.109(g)(16) to be consistent with the federal regulations in 40 CFR §141.860(d)(2) to specify *E. coli*-positive reporting violations.

Comment

EPA commented that §290.109(g)(11) is not as stringent as the federal regulations in 40 CFR §141.853(b). EPA commented specifically, that the commission regulations are missing the requirement that prohibits special purpose samples from being used to determine whether the coliform treatment technique trigger has been exceeded.

Response

The commission agrees with the comment and adopts revisions to §290.109(g)(11) to specify that special purpose samples shall not be used to determine whether the coliform treatment technique trigger has been exceeded as described in §290.109(c) of this section. Coliform samples taken in accordance to §290.109(d)(3) that are not invalidated under §290.109(e) are not considered special purpose samples.

Comment

EPA commented that §290.109(g)(12) is incomplete and missing part of the federal regulations specified in 40 CFR §141.861(a)(5). EPA requested that §290.109(g)(12) be modified to incorporate the federal language.

Response

The commission agrees with these comments and adopts revisions to §290.109(g)(12) by adopting additional language to be consistent with the federal regulations in 40 CFR §141.861(a)(5) to specify that a seasonal public water system must certify with the executive director that the system has completed executive director-approved start-up procedures prior to serving water to the public.

Comment

EPA commented that §290.109(h) is missing the public notification requirements in 40 CFR §141.205(d) as required by 40 CFR Part 141, Subpart Q, Appendix B, Contaminant 1h. EPA commented that the commission should modify the reference in §290.122(a)(1)(F) by removing §290.109(b)(3).

Response

The commission agrees with the comment and adopts added §290.109(h)(8) to be consistent with the federal regulations in 40 CFR §141.205(d) and has replaced the reference in §290.122(a)(1)(F) with §290.109(h)(2) instead of §290.109(b)(3).

Comment

EPA commented that §290.109(h)(5) is not as stringent as the federal regulations in 40 CFR §141.861(a)(1)(i). EPA commented specifically, that the commission has an after-hours phone line and/or an alternative notification procedure for public water systems to use to notify the commission of *E. coli* MCL violations, and therefore, public water systems must notify the commission by the end of the day and not the end of the next business day when an *E. coli* MCL or *E. coli*-positive sample result occurs.

Response

The commission agrees with the comment and adopts revisions to §290.109(h)(3) and (5) to ensure the consistency with the federal regulations in 40 CFR §141.861(a)(1)(i) to specify that a public water system must notify the executive director of an *E. coli* violation by the end of the day.

Comment

EPA commented that §290.109(h)(7) is inaccurately written. EPA commented specifically, that a treatment technique violation occurs when the treatment technique trigger requirements are not met. EPA suggested that the commission revise the language to be equivalent to the federal language in 40 CFR §141.861(a)(2).

Response

The commission agrees with the comment and adopts revisions to §290.109(h)(7) to

be consistent with the federal regulations in 40 CFR §141.861(a)(2) to specify that a treatment technique violation occurs when the treatment technique trigger requirements are not met.

Comment

EPA commented that §290.110(c)(4)(D) is not as stringent as the federal regulations and is missing equivalent federal language in 40 CFR §141.74(b)(6)(i) and (c)(3)(i) and §141.132(c)(1)(i).

Response

The commission agrees with the comment and adopts revisions to §290.110(c)(4)(D) to be consistent with the federal regulations in 40 CFR §141.74(b)(6)(i) and (c)(3)(i), and §141.132(c)(1)(i) to specify that monitoring for disinfectant residual must take place at the same site and time as the bacteriological monitoring.

Comment

EPA commented that §290.119(a) is not as stringent as the federal regulations in 40 CFR §141.852(b). EPA commented that Chapter 25, Subchapter C, uses laboratory conformance standards referenced in an EPA lab manual that is several editions and several supplemental editions out of date. EPA suggested that the commission modify the language in §290.119(a)(1) to be as stringent as the federal regulations in 40 CFR §141.852(b).

Response

The commission agrees with the comment and adopts revisions to §290.119(a)(1) to be as stringent as the federal regulations in 40 CFR §141.852(b) by updating laboratory conformance standards.

Comment

EPA commented that §290.119(b)(1) is missing the equivalent federal language in 40 CFR §141.852(b) and (c). EPA commented that 40 CFR §141.852(c) has numerous analytical method reference materials that the commission has not adopted. EPA suggested that the commission modify the language in §290.119(b)(1) to be as stringent as the federal regulations in 40 CFR §141.852(c).

Response

The commission agrees with the comment and adopts revisions to §290.119(b)(1) to be as stringent as the federal regulations in 40 CFR §141.852(c) by referencing that samples used to determine compliance must be analyzed by a laboratory accredited by the executive director in accordance with Chapter 25, Subchapters A and B using acceptable analytical methods as specified in §290.119(b).

Comment

EPA commented that §290.121 is missing the equivalent federal language in 40 CFR §141.853(a)(1). EPA commented specifically, that the RTCR Sample Siting Plan must also have any sampling points necessary to meet the requirements of the GWR. EPA

commented that the federal regulation requires the GWR sites as part of the RTCR Sample Siting Plan to better assist public water systems and the State with determining the cause of any sanitary defects. EPA commented that the cross-references in §290.121(b)(3) are incomplete and do not ensure federal stringency with Sample Siting Plan requirements in 40 CFR §141.853(a)(1). EPA suggested that the commission revise §290.121(b)(3) to include the commission's existing language that is located in various sections of the commission's rules, and consolidate it in one section with corrected citations for clarity and federal stringency requirements.

Response

The commission agrees with the comment and adopts revisions in §290.121(b)(3) to be as stringent as the federal regulations in 40 CFR §141.853(a)(1) and to specify that the required sample sites must be included in the public water system's Sample Siting Plan.

Comment

EPA commented that the commission's regulations are inadequate because in the event of a waterborne emergency, the commission's regulations do not require the executive director to make the declaration that the situation poses an acute health risk for the public water system to be required to issue a Tier 1 public notice. EPA commented that in the event of a waterborne emergency, the situation only has to have the potential for an acute health risk and does not have to actually pose an acute health risk for a Tier 1 public notice to be required. EPA commented that §290.122(a)(1) is missing equivalent

federal language in 40 CFR Part141, Subpart Q, Appendix A, of the Table Line IV. E. and 40 CFR Part 141, Subpart Q, Appendix A, End Note #20. EPA suggested the commission modify language in §290.122(a)(1)(G) to be consistent with the federal regulations.

Response

The commission agrees with the comment and adopts revisions to §290.122(a)(1)(G) to be consistent with federal regulations in 40 CFR Part 141, Subpart Q, Appendix A, by specifying other situations that have the potential to have serious adverse effects on health as a result of short-term exposure.

Comment

EPA commented that the commission must have the authority to require other situations to be placed in a higher public notification tier based on a threat to public health, including situations that do not constitute an acute public health threat. EPA suggested that the commission add §290.122(a)(1)(H) to ensure the executive director has the authority to require a Tier 1 public notice when necessary.

Response

The commission agrees with the comment and adopts revisions to add §290.122(a)(1)(H) to ensure the executive director has the authority to require a Tier 1 public notice when necessary.

Comment

EPA commented that §290.122(b)(1)(E) is not as stringent as the federal regulations in 40 CFR Part 141, Subpart Q, Appendix A, End Note #21. EPA suggested that the commission modify §290.122(b)(1)(E) to ensure it is as stringent as the federal regulations.

Response

The commission agrees with the comment and adopts revisions to §290.122(b)(1)(E) to be as stringent as the federal regulations in 40 CFR Part 141, Subpart Q, Appendix A, to specify that the executive director can require a Tier 1 public notice for other situations or violations that are deemed by the executive director to have significant potential to have serious adverse effects on human health as a result of short-term exposure.

Comment

EPA commented that §290.122(b)(1)(F) should be added to ensure consistency with the federal regulations, 40 CFR Part 141, Subpart Q, Appendix A, Table Lines I. A. 1b and 1c. EPA suggested that the commission modify language in §290.122(b)(1) to include public notice Tier 2 criteria for treatment technique violations under the RTCR. EPA also suggested that the commission modify language in §290.122(b)(1) to ensure that the rule is as stringent as the federal regulations.

Response

The commission agrees with the comment and adopts revisions to add §290.122(b)(1)(F) to ensure it is as stringent as the federal regulations in 40 CFR Part

141, Subpart Q, Appendix A, to specify the public notice requirements for the failure to conduct Level 1 or Level 2 assessments and associated corrective/expedited action(s) or seasonal start-up procedures.

Comment

EPA commented that §290.122(c)(1) is not as stringent as the federal regulations in 40 CFR §141.204(a)(6). EPA suggested that the commission modify §290.122(c)(1) to make it as stringent as the federal regulations in 40 CFR §141.204(a)(6).

Response

The commission agrees with the comment and adopts added §290.122(c)(1)(L) to ensure that the adopted rule is as stringent as the federal regulations in 40 CFR §141.204(a)(6) by specifying that public notice is required for failure to maintain records for seasonal start-up procedures and seasonal start-up procedures certification form(s).

Comment

EPA commented that the commission modify §290.122(c)(1)(H) to include the corrective actions required even if the corrective actions are not completed because the CCR requirements require standard language that describes how many corrective actions were not completed.

Response

The commission agrees with the comment and adopts revisions to §290.122(c)(1)(H) to specify the requirement for documentation of corrective actions that are required but have not been completed.

Comment

EPA commented that §290.122(d) is not as stringent as the federal regulations in 40 CFR §141.205(d)(1) and Part 141, Subpart Q, Appendix A, End Note #19, because the commission has omitted the language for violations of the condition of a variance or exemption. EPA suggested that the commission modify §290.122(d) to be as stringent as the federal regulations.

Response

The commission agrees with the comment and adopts revisions to §290.122(d)(3)(A) to ensure the adopted rule is as stringent as the federal regulations in 40 CFR §141.205(d)(1) and Part 141, Subpart Q, Appendix A.

Comment

EPA commented that §290.122(d)(8) is not as stringent as the federal regulations in 40 CFR §141.205(d)(3) because it has omitted the language to encourage distribution of the public notice to all persons served.

Response

The commission agrees with the comment and adopts revisions to §290.122(d)(8) to

ensure that the adopted rule is as stringent as the federal regulations in 40 CFR §141.205(d)(3) to establish that public water systems shall provide distribution of the public notice to all persons served and to those who might not have received the public notice.

Comment

EPA commented that §290.272(g)(9) is not as stringent as the federal regulations in 40 CFR §141.153(h)(7)(i). EPA suggested that the commission revise §290.272(g)(9) to ensure that the language is equivalent to the federal regulations in 40 CFR §141.153(h)(7)(i).

Response

The commission agrees with the comment and adopts revisions to §290.272(g)(9) to ensure the adopted rule is as stringent as the federal regulations in 40 CFR §141.153(h)(7)(i) to ensure a public water system includes required elements regarding any RTCR assessments performed by the public water system in their CCR.

Comment

EPA commented that §290.272(g)(10) is not as stringent as the federal regulations in 40 CFR §141.153(h)(7)(ii). EPA suggested that the commission revise §290.272(g)(10) to ensure that language is equivalent to the federal regulations in 40 CFR §141.153(h)(7)(ii).

Response

The commission agrees with the comment and adopts revisions to §290.272(g)(10) to

ensure that the adopted rule is as stringent as the federal regulations in 40 CFR §141.153(h)(7)(ii) which specifies the required language for any applicable treatment technique triggers, failures to complete assessments, and failure to correct identified sanitary defects required in a public water system's CCR.

Comment

EPA commented that Figure: 30 TAC §290.275(2) (Appendix B) is not as stringent as the federal regulations. EPA suggested that the commission include the contaminants: *E. coli* and total coliform MCL units in CCR.

Response

The commission agrees with the comment and adopts the revisions to Figure: 30 TAC §290.275(2) (Appendix B) by including the *E. coli* and total coliform MCL units and deleting the reference to fecal coliform.

Comment

EPA commented that Figure: 30 TAC §290.275(2) (Appendix B) is not as stringent as the federal regulations in 40 CFR §141.52(a)(3) and (6). EPA suggested that the commission update the graphic to include *Legionella* and *Cryptosporidium* MCLG units in CCR.

Response

The commission agrees with the comments and adopts the revisions Figure: 30 TAC §290.275(2) (Appendix B) to include *Legionella* and *Cryptosporidium* MCL and MCLG

units.

SUBCHAPTER D: RULES AND REGULATIONS FOR PUBLIC WATER SYSTEMS

§§290.38, 290.42, 290.46, 290.47

Statutory Authority

These amendments are adopted under the Texas Water Code (TWC), §5.102, which establishes the commission's general authority necessary to carry out its jurisdiction; TWC, §5.103, which establishes the commission's general authority to adopt rules; TWC, §5.105, which establishes the commission's authority to set policy by rule; Texas Health and Safety Code (THSC), §341.031, which allows the commission to adopt rules to implement the federal Safe Drinking Water Act, 42 United States Code, §§300f - 300j-26; and THSC, §341.0315, which requires public water systems to comply with commission rules adopted to ensure the supply of safe drinking water.

§290.38. Definitions.

The following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise. If a word or term used in this chapter is not contained in the following list, its definition shall be as shown in 40 Code of Federal Regulations (CFR) §141.2. Other technical terms used shall have the meanings or definitions listed in the latest edition of *The Water Dictionary: A Comprehensive Reference of Water Terminology*, prepared by the American Water Works Association.

(1) Affected utility--A retail public utility (§291.3 of this title (relating to Definitions of Terms)), exempt utility (§291.103(d)(1) of this title (relating to Certificates Not Required)), or provider or conveyor of potable or raw water service that furnishes water service to more than one customer:

(A) in a county with a population of 3.3 million or more; or

(B) in a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more.

(2) Air gap--The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, fixture, receptor, sink, or other assembly and the flood level rim of the receptacle. The vertical, physical separation must be at least twice the diameter of the water supply outlet, but never less than 1.0 inch.

(3) American National Standards Institute (ANSI) standards--The standards of the American National Standards Institute, Inc.

(4) American Society of Mechanical Engineers (ASME) standards--The standards of the ASME.

(5) American Water Works Association (AWWA) standards--The latest edition of the applicable standards as approved and published by the AWWA.

(6) Approved laboratory--A laboratory approved by the executive director to analyze water samples to determine their compliance with certain maximum or minimum allowable constituent levels.

(7) ASTM International standards--The standards of ASTM International (formerly known as the American Society for Testing and Materials).

(8) Auxiliary power--Either mechanical power or electric generators which can enable the system to provide water under pressure to the distribution system in the event of a local power failure. With the approval of the executive director, dual primary electric service may be considered as auxiliary power in areas which are not subject to large scale power outages due to natural disasters.

(9) Bag filter--Pressure-driven separation device that removes particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to the outside.

(10) Baseline performance--In reference to a membrane treatment facility, the detailed assessment of observed operational conditions at the time the membrane

facility is placed in service for the purpose of tracking changes over time and determining when maintenance or service is required. Examples of parameters where baseline performance data is collected include: net driving pressure, normalized permeate flow, salt rejection, and salt passage.

(11) Cartridge filter--Pressure-driven separation device that removes particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

(12) Certified laboratory--A laboratory certified by the commission to analyze water samples to determine their compliance with maximum allowable constituent levels. After June 30, 2008, laboratories must be accredited, not certified, in order to perform sample analyses previously performed by certified laboratories.

(13) Challenge test--A study conducted to determine the removal efficiency (log removal value) of a device for a particular organism, particulate, or surrogate.

(14) Chemical disinfectant--Any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to the water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

(15) Community water system--A public water system which has a potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis.

(16) Connection--A single family residential unit or each commercial or industrial establishment to which drinking water is supplied from the system. As an example, the number of service connections in an apartment complex would be equal to the number of individual apartment units. When enough data is not available to accurately determine the number of connections to be served or being served, the population served divided by three will be used as the number of connections for calculating system capacity requirements. Conversely, if only the number of connections is known, the connection total multiplied by three will be the number used for population served. For the purposes of this definition, a dwelling or business which is connected to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection if:

(A) the water is used exclusively for purposes other than those defined as human consumption (see human consumption);

(B) the executive director determines that alternative water to achieve the equivalent level of public health protection provided by the drinking water standards

is provided for residential or similar human consumption, including, but not limited to, drinking and cooking; or

(C) the executive director determines that the water provided for residential or similar human consumption is centrally treated or is treated at the point of entry by a provider, a pass through entity, or the user to achieve the equivalent level of protection provided by the drinking water standards.

(17) Contamination--The presence of any foreign substance (organic, inorganic, radiological, or biological) in water which tends to degrade its quality so as to constitute a health hazard or impair the usefulness of the water.

(18) Cross-connection--A physical connection between a public water system and either another supply of unknown or questionable quality, any source which may contain contaminating or polluting substances, or any source of water treated to a lesser degree in the treatment process.

(19) Direct integrity test--A physical test applied to a membrane unit in order to identify and isolate integrity breaches/leaks that could result in contamination of the filtrate.

(20) Disinfectant--A chemical or a treatment which is intended to kill or inactivate pathogenic microorganisms in water.

(21) Disinfection--A process which inactivates pathogenic organisms in the water by chemical oxidants or equivalent agents.

(22) Distribution system--A system of pipes that conveys potable water from a treatment plant to the consumers. The term includes pump stations, ground and elevated storage tanks, potable water mains, and potable water service lines and all associated valves, fittings, and meters, but excludes potable water customer service lines.

(23) Drinking water--All water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in the preparation of foods or beverages or for the cleaning of any utensil or article used in the course of preparation or consumption of food or beverages for human beings. The term "drinking water" shall also include all water supplied for human consumption or used by any institution catering to the public.

(24) Drinking water standards--The commission rules covering drinking water standards in Subchapter F of this chapter (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Systems).

(25) Elevated storage capacity--That portion of water which can be stored at least 80 feet above the highest service connection in the pressure plane served by the storage tank.

(26) Emergency operations--The operation of an affected utility during an extended power outage at a minimum water pressure of 35 pounds per square inch.

(27) Emergency power--Either mechanical power or electric generators which can enable the system to provide water under pressure to the distribution system in the event of a local power failure. With the approval of the executive director, dual primary electric service may be considered as emergency power in areas which are not subject to large scale power outages due to natural disasters.

(28) Extended power outage--A power outage lasting for more than 24 hours.

(29) Filtrate--The water produced from a filtration process; typically used to describe the water produced by filter processes such as membranes.

(30) Flux--The throughput of a pressure-driven membrane filtration system expressed as flow per unit of membrane area. For example, gallons per square foot per day or liters per hour per square meter.

(31) Grantee--For purposes of this chapter, any person receiving an ownership interest in a public water system, whether by sale, transfer, descent, probate, or otherwise.

(32) Grantor--For purposes of this chapter, any person who conveys an ownership interest in a public water system, whether by sale, transfer, descent, probate, or otherwise.

(33) Groundwater--Any water that is located beneath the surface of the ground and is not under the direct influence of surface water.

(34) Groundwater under the direct influence of surface water--Any water beneath the surface of the ground with:

(A) significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*;

(B) significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions; or

(C) site-specific characteristics including measurements of water quality parameters, well construction details, existing geological attributes, and other features that are similar to groundwater sources that have been identified by the executive director as being under the direct influence of surface water.

(35) Health hazard--A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply.

(36) Human consumption--Uses by humans in which water can be ingested into or absorbed by the human body. Examples of these uses include, but are not limited to drinking, cooking, brushing teeth, bathing, washing hands, washing dishes, and preparing foods.

(37) Indirect integrity monitoring--The monitoring of some aspect of filtrate water quality, such as turbidity, that is indicative of the removal of particulate matter.

(38) Innovative/alternate treatment--Any treatment process that does not have specific design requirements in §290.42(a) - (f) of this title (relating to Water Treatment).

(39) Interconnection--A physical connection between two public water supply systems.

(40) International Fire Code (IFC)--The standards of the International Code Council.

(41) Intruder-resistant fence--A fence six feet or greater in height, constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle with the smooth side of the fence on the outside wall. In lieu of the barbed wire, the fence must be eight feet in height. The fence must be in good repair and close enough to surface grade to prevent intruder passage.

(42) L/d ratio--The dimensionless value that is obtained by dividing the length (depth) of a granular media filter bed by the weighted effective diameter "d" of the filter media. The weighted effective diameter of the media is calculated based on the percentage of the total bed depth contributed by each media layer.

(43) Licensed professional engineer--An engineer who maintains a current license through the Texas Board of Professional Engineers in accordance with its requirements for professional practice.

(44) Log removal value (LRV)--Removal efficiency for a target organism, particulate, or surrogate expressed as $\log_{10}$ (i.e., $\log_{10}$ (feed concentration) - $\log_{10}$ (filtrate concentration)).

(45) Maximum daily demand--In the absence of verified historical data or in cases where a public water system has imposed mandatory water use restrictions within

the past 36 months, maximum daily demand means 2.4 times the average daily demand of the system.

(46) Maximum contaminant level (MCL)--The MCL for a specific contaminant is defined in the section relating to that contaminant.

(47) Membrane filtration--A pressure or vacuum driven separation process in which particulate matter larger than one micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test; includes the following common membrane classifications microfiltration (MF), ultrafiltration (UF), nanofiltration (NF), and reverse osmosis (RO), as well as any "membrane cartridge filtration" (MCF) device that satisfies this definition.

(48) Membrane $LRV_{C\text{-}Test}$ --The number that reflects the removal efficiency of the membrane filtration process demonstrated during challenge testing. The value is based on the entire set of log removal values (LRVs) obtained during challenge testing, with one representative LRV established per module tested.

(49) Membrane module--The smallest component of a membrane unit in which a specific membrane surface area is housed in a device with a filtrate outlet structure.

(50) Membrane sensitivity--The maximum log removal value that can be reliably verified by a direct integrity test.

(51) Membrane unit--A group of membrane modules that share common valving, which allows the unit to be isolated from the rest of the system for the purpose of integrity testing or other maintenance.

(52) Milligrams per liter (mg/L)--A measure of concentration, equivalent to and replacing parts per million in the case of dilute solutions.

(53) Monthly reports of water works operations--The daily record of data relating to the operation of the system facilities compiled in a monthly report.

(54) National Fire Protection Association (NFPA) standards--The standards of the NFPA.

(55) NSF International--The organization and the standards, certifications, and listings developed by NSF International (formerly known as the National Sanitation Foundation) related to drinking water.

(56) Noncommunity water system--Any public water system which is not a community system.

(57) Nonhealth hazard--A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water supply.

(58) Nontransient, noncommunity water system--A public water system that is not a community water system and regularly serves at least 25 of the same persons at least six months out of the year.

(59) Pass--In reference to a reverse osmosis or nanofiltration membrane system, stages of pressure vessels in series in which the permeate from one stage is further processed in a following stage.

(60) Peak hourly demand--In the absence of verified historical data, peak hourly demand means 1.25 times the maximum daily demand (prorated to an hourly rate) if a public water supply meets the commission's minimum requirements for elevated storage capacity and 1.85 times the maximum daily demand (prorated to an hourly rate) if the system uses pressure tanks or fails to meet the commission's minimum elevated storage capacity requirement.

(61) Plumbing inspector--Any person employed by a political subdivision for the purpose of inspecting plumbing work and installations in connection with health and safety laws and ordinances, who has no financial or advisory interest in any plumbing

company, and who has successfully fulfilled the examinations and requirements of the Texas State Board of Plumbing Examiners.

(62) Plumbing ordinance--A set of rules governing plumbing practices which is at least as stringent and comprehensive as one of the following nationally recognized codes:

(A) the International Plumbing Code; or

(B) the Uniform Plumbing Code.

(63) Potable water customer service line--The sections of potable water pipe between the customer's meter and the customer's point of use.

(64) Potable water service line--The section of pipe between the potable water main and the customer's side of the water meter. In cases where no customer water meter exists, it is the section of pipe that is under the ownership and control of the public water system.

(65) Potable water main--A pipe or enclosed constructed conveyance operated by a public water system which is used for the transmission or distribution of drinking water to a potable water service line.

(66) Potential contamination hazard--A condition which, by its location, piping or configuration, has a reasonable probability of being used incorrectly, through carelessness, ignorance, or negligence, to create or cause to be created a backflow condition by which contamination can be introduced into the water supply. Examples of potential contamination hazards are:

(A) bypass arrangements;

(B) jumper connections;

(C) removable sections or spools; and

(D) swivel or changeover assemblies.

(67) Process control duties--Activities that directly affect the potability of public drinking water, including: making decisions regarding the day-to-day operations and maintenance of public water system production and distribution; maintaining system pressures; determining the adequacy of disinfection and disinfection procedures; taking routine microbiological samples; taking chlorine residuals and microbiological samples after repairs or installation of lines or appurtenances; and operating chemical feed systems, filtration, disinfection, or pressure maintenance equipment; or performing other duties approved by the executive director.

(68) psi--Pounds per square inch.

(69) Public drinking water program--Agency staff designated by the executive director to administer the Safe Drinking Water Act and state statutes related to the regulation of public drinking water. Any report required to be submitted in this chapter to the executive director must be submitted to the Texas Commission on Environmental Quality, Water Supply Division, MC 155, P.O. Box 13087, Austin, Texas 78711-3087.

(70) Public health engineering practices--Requirements in this chapter or guidelines promulgated by the executive director.

(71) Public water system--A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes: any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the

combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

(72) Quality Control Release Value (QCRV)--A minimum quality standard of a non-destructive performance test established by the manufacturer for membrane module production that ensures that the module will attain the targeted log removal value demonstrated during challenge testing.

(73) Reactor Validation Testing--A process by which a full-scale ultraviolet (UV) reactor's disinfection performance is determined relative to operating parameters that can be monitored. These parameters include flow rate, UV intensity as measured by a UV sensor and the UV lamp status.

(74) Resolution--The size of the smallest integrity breach that contributes to a response from a direct integrity test in membranes used to treat surface water or groundwater under the direct influence of surface water.

(75) Sanitary control easement--A legally binding document securing all land, within 150 feet of a public water supply well location, from pollution hazards. This document must fully describe the location of the well and surrounding lands and must be

filed in the county records to be legally binding. For an example, see commission Form 20698.

(76) Sanitary survey--An onsite review of a public water system's adequacy for producing and distributing safe drinking water by evaluating the following elements: water source; treatment; distribution system; finished water storage; pump, pump facilities, and controls; monitoring, reporting, and data verification; system management, operation and maintenance; and operator compliance.

(77) Sensitivity--The maximum log removal value (LRV) that can be reliably verified by a direct integrity test in membranes used to treat surface water or groundwater under the direct influence of surface water; also applies to some continuous indirect integrity monitoring methods.

(78) Service line--A pipe connecting the utility service provider's main and the water meter, or for wastewater, connecting the main and the point at which the customer's service line is connected, generally at the customer's property line.

(79) Service pump--Any pump that takes treated water from storage and discharges to the distribution system.

(80) Significant deficiency--Significant deficiencies cause, or have the potential to cause, the introduction of contamination into water delivered to customers.

This may include defects in design, operation, or maintenance of the source, treatment, storage, or distribution systems.

(81) Stage--In reference to a reverse osmosis or nanofiltration membrane system, a set of pressure vessels installed in parallel.

(82) System--Public water system as defined in this section unless otherwise modified (i.e., distribution system).

(83) Transfer pump--Any pump which conveys water from one point to another within the treatment process or which conveys water to storage facilities prior to distribution.

(84) Transient, noncommunity water system--A public water system that is not a community water system and serves at least 25 persons at least 60 days out of the year, yet by its characteristics, does not meet the definition of a nontransient, noncommunity water system.

(85) Vessel--In reference to a reverse osmosis or nanofiltration membrane system, a cylindrical housing unit where membrane modules are placed in a series to form one unit.

(86) Wastewater lateral--Any pipe or constructed conveyance carrying wastewater, running laterally down a street, alley, or easement, and receiving flow only from the abutting properties.

(87) Wastewater main--Any pipe or constructed conveyance which receives flow from one or more wastewater laterals.

(88) Water system--Public water system as defined in this section unless otherwise modified (i.e., distribution system).

§290.42. Water Treatment.

(a) Capacity and location.

(1) Based on current acceptable design standards, the total capacity of the public water system's treatment facilities must always be greater than its anticipated maximum daily demand.

(2) The water treatment plant and all pumping units shall be located in well-drained areas not subject to flooding and away from seepage areas or where the groundwater water table is near the surface.

(A) Water treatment plants shall not be located within 500 feet of a sewage treatment plant or lands irrigated with sewage effluent. A minimum distance of 150 feet must be maintained between any septic tank drainfield line and any underground treatment or storage unit. Any sanitary sewers located within 50 feet of any underground treatment or storage unit shall be constructed of ductile iron or polyvinyl chloride (PVC) pipe with a minimum pressure rating of 150 pounds per square inch (psi) and have watertight joints.

(B) Plant site selection shall also take into consideration the need for disposition of all plant wastes in accordance with all applicable regulations and state statutes, including both liquid and solid wastes, or by-product material from operation and/or maintenance.

(3) Each water treatment plant shall be located at a site that is accessible by an all-weather road.

(b) Groundwater.

(1) Disinfection facilities shall be provided for all groundwater supplies for the purpose of microbiological control and distribution protection and shall be in conformity with applicable disinfection requirements in subsection (e) of this section and in a manner consistent with the requirements of §290.110 of this title (relating to Disinfectant Residuals).

(2) Treatment facilities shall be provided for groundwater if the water does not meet the drinking water standards. The facilities provided shall be in conformance with established and proven methods.

(A) Filters provided for turbidity and microbiological quality control shall be preceded by coagulant addition and shall conform to the requirements of subsection (d)(11) of this section. Filtration rates for iron and manganese removal, regardless of the media or type of filter, shall be based on a maximum rate of five gallons per minute per square foot (gpm/sq ft).

(B) The removal of iron and manganese may not be required if it can be demonstrated that these metals can be sequestered so that the discoloration problems they cause do not exist in the distribution system.

(C) All processes involving exposure of the water to atmospheric contamination shall provide for subsequent disinfection of the water ahead of ground storage tanks. Likewise, all exposure of water to atmospheric contamination shall be accomplished in a manner such that insects, birds, and other foreign materials will be excluded from the water. Aerators and all other such openings shall be screened with 16-mesh or finer corrosion-resistant screen.

(D) If reverse osmosis or nanofiltration membrane systems are used, the design shall conform to the requirements in paragraph (9) of this subsection.

(3) Any proposed change in the extent of water treatment required will be determined on the basis of geological data, well construction features, nearby sources of contamination, and on qualitative and quantitative microbiological and chemical analyses.

(4) Appropriate laboratory facilities shall be provided for controls as well as to check the effectiveness of disinfection or any other treatment processes employed.

(5) All plant piping shall be constructed to minimize leakage.

(6) All groundwater systems shall provide sampling taps for raw water, treated water, and at a point representing water entering the distribution system at every entry point.

(7) Air release devices shall be installed in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. In this respect, all openings to the atmosphere shall be covered with 16-mesh or finer corrosion-resistant screening material or an equivalent acceptable to the executive director.

(8) The executive director may require 4-log removal or inactivation of viruses based on raw water sampling results required by §290.116 of this title (relating to Groundwater Corrective Actions and Treatment Techniques).

(9) Reverse osmosis or nanofiltration membrane systems used for the treatment of primary and secondary contaminants defined in Subchapter F of this chapter (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Systems), must meet the design criteria in subparagraphs (A) - (L) of this paragraph.

(A) The design for all reverse osmosis and nanofiltration membrane systems must be in accordance with the findings of the engineering report. Variations from the engineering report must be explained and shall not compromise public health. Minimum engineering report requirements are found in §290.39(e)(1) and (6) of this title (relating to General Provisions).

(B) The reverse osmosis and nanofiltration membrane systems must be designed to ensure adequate cleaning of the membrane system.

(C) The reverse osmosis or nanofiltration membrane systems must be designed to operate at flux rates which assure effective filtration at all times based on at least one of the following:

(i) manufacturer's computer models for new and end-of-life membranes;

(ii) site-specific pilot study;

(iii) comparable design data from an alternative site; or

(iv) the manufacturer's allowable operating parameters, if the membrane unit's capacity is rated less than 300 gallons per minute.

(D) Pretreatment shall be provided such that the feed water quality to the membrane units shall meet the minimum allowable requirements of the membrane manufacturer. Pretreatment processes shall be sized correctly for the flow of the plant, and the components and chemicals used for pretreatment in contact with the water must conform to American National Standards Institute/NSF International (ANSI/NSF) Standard 60 for Drinking Water Treatment Chemicals or ANSI/NSF Standard 61 for Drinking Water System Components. Other pretreatment processes will be reviewed on an individual basis in accordance with the innovative/alternate treatment requirements specified in subsection (g) of this section. Acceptable pretreatment techniques include:

(i) bags, cartridge filters, or screens for particulate removal;

(ii) chemical addition that will not adversely affect the reverse osmosis or nanofiltration membrane;

(iii) filters for iron and manganese removal in accordance with paragraph (2)(A) of this subsection;

(iv) aeration or degasification; and

(v) ion exchange softening.

(E) The treatment plant must include post-treatment facilities for corrosivity control, re-mineralization and the removal of dissolved gases, such as carbon dioxide and hydrogen sulfide, if necessary to meet the system's water quality goals. The treatment must be sized correctly for the flow of the plant, and the components and chemicals used for treatment must conform to ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals or ANSI/NSF Standard 61 for Drinking Water System Components.

(F) Pipes and pipe galleries shall meet the minimum requirements specified in subsection (d)(12) and (13) of this section.

(G) Each reverse osmosis or nanofiltration membrane unit shall be equipped to measure conductivity or total dissolved solids in the feed and the permeate water.

(H) Chemical storage and chemical feed facilities shall comply with subsection (f) of this section.

(I) Provide cross-connection protection for common piping used for cleaning and normal production modes.

(J) Provide flow meters on the pipes for feed, permeate, and concentrate water. Additional metering devices shall be provided as appropriate to monitor the flow rate through specific treatment processes. Metering devices shall be located to facilitate use and to assist in the determination of chemical dosages, the accumulation of water production data, and the operation of plant facilities.

(K) The water system must provide pressure measuring and recording devices before and after each membrane stage.

(L) The water system must provide equipment to monitor the temperature of the water. The temperature of the water must be measured using a thermometer or thermocouple with a minimum accuracy of plus or minus 0.5 degrees Celsius.

(c) Groundwater under the direct influence of surface water, springs, and other water sources.

(1) Water obtained from springs, infiltration galleries, wells in fissured areas, wells in carbonate rock formations, or wells that do not penetrate impermeable strata or any other source subject to surface or near surface contamination of recent origin shall be evaluated for the provision of treatment facilities. Groundwater under the direct influence of surface water, as defined in §290.38 of this title (relating to Definitions), shall be provided minimum treatment as required by the executive director under this subsection or subsection (d) of this section, as applicable. Minimum treatment shall consist of coagulation with direct filtration and adequate disinfection. In all cases, the treatment process shall be designed to achieve at least a 2-log removal of *Cryptosporidium* oocysts, a 3-log removal or inactivation of *Giardia* cysts, and a 4-log removal or inactivation of viruses before the water is supplied to any consumer. The executive director may require additional levels of treatment in cases of poor source water quality. Based on raw water monitoring results, the executive director may require additional levels of treatment for *Cryptosporidium* treatment as specified in §290.111 of this title (relating to Surface Water Treatment).

(A) Filters provided for turbidity and microbiological quality control shall conform to the requirements of subsection (d)(11) of this section.

(B) All processes involving exposure of the water to atmospheric contamination shall provide for subsequent disinfection of the water ahead of ground storage tanks. Likewise, all exposure of water to atmospheric contamination shall be

accomplished in a manner such that insects, birds, and other foreign materials will be excluded from the water. Aerators and all other such openings shall be screened with 16-mesh or finer corrosion-resistant screen.

(2) Any proposed change in the extent of water treatment required will be determined on the basis of geological data, well construction features, nearby sources of contamination, and qualitative and quantitative microbiological and chemical analyses.

(3) Appropriate laboratory facilities shall be provided for controls as well as for checking the effectiveness of disinfection or any other treatment processes employed.

(4) All plant piping shall be constructed to minimize leakage. No cross-connection or interconnection shall be permitted to exist between a conduit carrying potable water and another conduit carrying raw water or water in a prior stage of treatment.

(5) All systems using springs and other water sources shall provide sampling taps for raw water, treated water, and at a point representing water entering the distribution system at every entry point.

(6) Return of the decanted water or sludge to the treatment process shall be adequately controlled so that there will be a minimum of interference with the treatment process and shall conform to the applicable requirements of subsection (d)(3) of this

section. Systems that do not comply with the provisions of subsection (d)(3) of this section commit a treatment technique violation and must notify their customers in accordance with the requirements of §290.122(b) of this title (relating to Public Notification).

(7) Air release devices on treated waterlines shall be installed in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. In this respect, all openings to the atmosphere shall be covered with 16-mesh or finer corrosion-resistant screening material or an equivalent acceptable to the executive director.

(8) Reverse osmosis and nanofiltration membrane systems not provided for microbiological quality control shall conform to the requirements of subsection (b) of this section.

(d) Surface water.

(1) All water secured from surface sources shall be given complete treatment at a plant which provides facilities for pretreatment disinfection, taste and odor control, continuous coagulation, sedimentation, filtration, covered clearwell storage, and terminal disinfection of the water with chlorine or suitable chlorine compounds. In all cases, the treatment process shall be designed to achieve at least a 2-log removal of *Cryptosporidium* oocysts, a 3-log removal or inactivation of *Giardia* cysts, and a 4-log

removal or inactivation of viruses before the water is supplied to any consumer. The executive director may require additional levels of treatment in cases of poor source water quality. Based on raw water monitoring results, the executive director may require additional levels of treatment for *Cryptosporidium* treatment as specified in §290.111 of this title.

(2) All plant piping shall be constructed so as to be thoroughly tight against leakage. No cross-connection or interconnection shall be permitted to exist in a filtration plant between a conduit carrying filtered or post-chlorinated water and another conduit carrying raw water or water in any prior stage of treatment.

(A) Vacuum breakers must be provided on each hose bibb within the plant facility.

(B) No conduit or basin containing raw water or any water in a prior stage of treatment shall be located directly above, or be permitted to have a single common partition wall with another conduit or basin containing finished water.

(C) Make-up water supply lines to chemical feeder solution mixing chambers shall be provided with an air gap or other acceptable backflow prevention device.

(D) Filters shall be located so that common walls will not exist between them and aerators, mixing and sedimentation basins or clearwells. This rule is not strictly applicable, however, to partitions open to view and readily accessible for inspection and repair.

(E) Filter-to-waste connections, if included, shall be provided with an air gap connection to waste.

(F) Air release devices on treated waterlines shall be installed in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. In this respect, all openings to the atmosphere shall be covered with 16-mesh or finer corrosion-resistant screening material or an equivalent acceptable to the executive director.

(3) Return of the decanted water or solids to the treatment process shall be adequately controlled so that there will be a minimum of interference with the treatment process. Systems that do not comply with the provisions of this paragraph commit a treatment technique violation and must notify their customers in accordance with the requirements of §290.122(b) of this title.

(A) Unless the executive director has approved an alternate recycling location, spent backwash water and the liquids from sludge settling lagoons, spent backwash water tanks, sludge thickeners, and similar dewatering facilities shall be

returned to the raw waterline upstream of the raw water sample tap and coagulant feed point. The blended recycled liquids shall pass through all of the major unit processes at the plant.

(B) Recycle facilities shall be designed to minimize the magnitude and impact of hydraulic surges that occur during the recycling process.

(C) Solids produced by dewatering facilities such as sludge lagoons, sludge thickeners, centrifuges, mechanical presses, and similar devices shall not be returned to the treatment plant without the prior approval of the executive director.

(4) Reservoirs for pretreatment or selective quality control shall be provided where complete treatment facilities fail to operate satisfactorily at times of maximum turbidities or other abnormal raw water quality conditions exist. Recreational activities at such reservoirs shall be prohibited.

(5) Flow-measuring devices shall be provided to measure the raw water supplied to the plant, the recycled decant water, the treated water used to backwash the filters, and the treated water discharged from the plant. Additional metering devices shall be provided as appropriate to monitor the flow rate through specific treatment processes. Metering devices shall be located to facilitate use and to assist in the determination of chemical dosages, the accumulation of water production data, and the operation of plant facilities.

(6) Chemical storage facilities shall comply with applicable requirements in subsection (f)(1) of this section.

(7) Chemical feed facilities shall comply with the applicable requirements in subsection (f)(2) of this section.

(8) Flash mixing equipment shall be provided.

(A) Plants with a design capacity greater than 3.0 million gallons per day (MGD) must provide at least one hydraulic mixing unit or at least two sets of mechanical flash mixing equipment designed to operate in parallel. Public water systems with other surface water treatment plants, interconnections with other systems, or wells that can meet the system's average daily demand are exempt from the requirement for redundant mechanical flash mixing equipment.

(B) Flash mixing equipment shall have sufficient flexibility to ensure adequate dispersion and mixing of coagulants and other chemicals under varying raw water characteristics and raw water flow rates.

(9) Flocculation equipment shall be provided.

(A) Plants with a design capacity greater than 3.0 MGD must provide at least two sets of flocculation equipment which are designed to operate in parallel. Public water systems with other surface water treatment plants, interconnections with other systems, or wells that can meet the system's average daily demand are exempt from the requirement for redundant flocculation equipment.

(B) Flocculation facilities shall be designed to provide adequate time and mixing intensity to produce a settleable floc under varying raw water characteristics and raw water flow rates.

(i) Flocculation facilities for straight-flow and up-flow sedimentation basins shall provide a minimum theoretical detention time of at least 20 minutes when operated at their design capacity. Flocculation facilities constructed prior to October 1, 2000, are exempt from this requirement if the settled water turbidity of each sedimentation basin remains below 10.0 nephelometric turbidity units and the treatment plant meets with turbidity requirements of §290.111 of this title.

(ii) The mixing intensity in multiple-stage flocculators shall decrease as the coagulated water passes from one stage to the next.

(C) Coagulated water or water from flocculators shall flow to sedimentation basins in such a manner as to prevent destruction of floc. Piping, flumes, and troughs shall be designed to provide a flow velocity of 0.5 to 1.5 feet per second.

Gates, ports, and valves shall be designed at a maximum flow velocity of 4.0 feet per second in the transfer of water between units.

(10) Clarification facilities shall be provided.

(A) Plants with a design capacity greater than 3.0 MGD must provide at least two sedimentation basins or clarification units which are designed to operate in parallel. Public water systems with other surface water treatment plants, interconnections with other systems, or wells that can meet the system's average daily demand are exempt from the requirement for redundant sedimentation basins or clarification units.

(B) The inlet and outlet of clarification facilities shall be designed to prevent short-circuiting of flow or the destruction of floc.

(C) Clarification facilities shall be designed to remove flocculated particles effectively.

(i) When operated at their design capacity, basins for straight-flow or up-flow sedimentation of coagulated waters shall provide either a theoretical detention time of at least six hours in the flocculation and sedimentation chambers or a maximum surface overflow rate of 0.6 gpm/sq ft of surface area in the sedimentation chamber.

(ii) When operated at their design capacity, basins for straight-flow or up-flow sedimentation of softened waters shall provide either a theoretical detention time of at least 4.5 hours in the flocculation and sedimentation chambers or a maximum surface overflow rate of 1.0 gpm/sq ft of surface area in the sedimentation chamber.

(iii) When operated at their design capacity, sludge-blanket and solids-recirculation clarifiers shall provide either a theoretical detention time of at least two hours in the flocculation and sedimentation chambers or a maximum surface overflow rate of 1.0 gpm/sq ft in the settling chamber.

(iv) A side wall water depth of at least 12 feet shall be provided in clarification basins that are not equipped with mechanical sludge removal facilities.

(v) The effective length of a straight-flow sedimentation basin shall be at least twice its effective width.

(D) Clarification facilities shall be designed to prevent the accumulation of settled solids.

(i) At treatment plants with a single clarification basin, facilities shall be provided to drain the basin within six hours. In the event that the plant site topography is such that gravity draining cannot be realized, a permanently installed

electric-powered pump station shall be provided to dewater the basin. Public water systems with other potable water sources that can meet the system's average daily demand are exempt from this requirement.

(ii) Facilities for sludge removal shall be provided by mechanical means or by hopper-bottomed basins with valves capable of complete draining of the units.

(11) Gravity or pressure type filters shall be provided.

(A) The use of pressure filters shall be limited to installations with a treatment capacity of less than 0.50 MGD.

(B) Filtration facilities shall be designed to operate at filtration rates which assure effective filtration at all times.

(i) The design capacity of gravity rapid sand filters shall not exceed a maximum filtration rate of 2.0 gpm/sq ft. At the beginning of filter runs for declining rate filters, a maximum filtration rate of 3.0 gpm/sq ft is allowed.

(ii) Where high-rate gravity filters are used, the design capacity shall not exceed a maximum filtration rate of 5.0 gpm/sq ft. At the beginning of filter runs for declining rate filters, a maximum filtration rate of 6.5 gpm/sq ft is allowed.

(iii) The design capacity of pressure filters shall not exceed a maximum filtration rate of 2.0 gpm/sq ft with the largest filter off-line.

(iv) Except as provided in clause (vi) of this subparagraph, any surface water treatment plant that provides, or is being designed to provide, less than 7.5 MGD must be able to meet either the maximum daily demand or the minimum required 0.6 gpm per connection, whichever is larger, with all filters on-line.

(v) Any surface water treatment plant that provides, or is being designed to provide, 7.5 MGD or more must be able to meet either the maximum daily demand or the minimum required 0.6 gpm per connection, whichever is larger, with the largest filter off-line.

(vi) Any surface water treatment plant that uses pressure filters must be able to meet either the maximum daily demand or the minimum required 0.6 gpm per connection, whichever is larger, with the largest filter off-line.

(C) The depth and condition of the media and support material shall be sufficient to provide effective filtration.

(i) The filtering material shall conform to American Water Works Association (AWWA) standards and be free from clay, dirt, organic matter, and other impurities.

(ii) The grain size distribution of the filtering material shall be as prescribed by AWWA standards.

(iii) The depth of filter sand, anthracite, granular activated carbon, or other filtering materials shall be 24 inches or greater and provide an L/d ratio, as defined in §290.38 of this title , of at least 1,000.

(I) Rapid sand filters typically contain a minimum of eight inches of fine sand with an effective size of 0.35 to 0.45 millimeter (mm), eight inches of medium sand with an effective size of 0.45 to 0.55 mm, and eight inches of coarse sand with an effective size of 0.55 to 0.65 mm. The uniformity coefficient of each size range should not exceed 1.6.

(II) High-rate dual media filters typically contain a minimum of 12 inches of sand with an effective size of 0.45 to 0.55 mm and 24 inches of anthracite with an effective size of 0.9 to 1.1 mm. The uniformity coefficient of each material should not exceed 1.6.

(III) High-rate multi-media filters typically contain a minimum of three inches of garnet media with an effective size of 0.2 to 0.3 mm, nine inches of sand with an effective size of 0.5 to 0.6 mm, and 24 inches of anthracite with an effective size of 0.9 to 1.1 mm. The uniformity coefficient of each size range should not exceed 1.6.

(IV) High-rate mono-media anthracite or granular activated carbon filters typically contain a minimum of 48 inches of anthracite or granular activated carbon with an effective size of 1.0 to 1.2 mm. The uniformity coefficient of each size range should not exceed 1.6.

(iv) Under the filtering material, at least 12 inches of support gravel shall be placed varying in size from 1/16 inch to 2.5 inches. The gravel may be arranged in three to five layers such that each layer contains material about twice the size of the material above it. Other support material may be approved on an individual basis.

(D) The filter shall be provided with facilities to regulate the filtration rate.

(i) With the exception of declining rate filters, each filter unit shall be equipped with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators.

(ii) Each declining rate filter shall be equipped with a rate-of-flow limiting device or an adjustable flow control valve with a rate-of-flow indicator.

(iii) The effluent line of each filter installed after January 1, 1996, must be equipped with a slow opening valve or another means of automatically preventing flow surges when the filter begins operation.

(E) The filters shall be provided with facilities to monitor the performance of the filter. Monitoring devices shall be designed to provide the ability to measure and record turbidity as required by §290.111 of this title.

(i) Each filter shall be equipped with a sampling tap so that the effluent turbidity of the filter can be individually monitored.

(ii) Each filter operated by a public water system that serves fewer than 10,000 people shall be equipped with an on-line turbidimeter and recorder which will allow the operator to measure and record the turbidity at 15-minute intervals. The executive director may allow combined filter effluent monitoring in lieu of individual filter effluent monitoring under the following conditions:

(I) The public water system has only two filters that were installed prior to October 1, 2000, and were never equipped with individual on-line turbidimeters and recorders; and

(II) The plant is equipped with an on-line turbidimeter and recorder which will allow the operator to measure and record the turbidity level of the combined filter effluent at a location prior to clearwell storage at 15-minute intervals.

(iii) Each filter operated by a public water system that serves at least 10,000 people shall be equipped with an on-line turbidimeter and recorder which will allow the operator to measure and record the turbidity at 15-minute intervals.

(iv) Each filter installed after October 1, 2000, shall be equipped with an on-line turbidimeter and recorder which will allow the operator to determine the turbidity at 15-minute intervals.

(v) Each filter unit that is not equipped with an on-line turbidimeter and recorder shall be equipped with a device to indicate loss of head through the filter. In lieu of loss-of-head indicators, declining rate filter units may be equipped with rate-of-flow indicators.

(F) Filters shall be designed to ensure adequate cleaning during the backwash cycle.

(i) Only filtered water shall be used to backwash the filters. This water may be supplied by elevated wash water tanks, by the effluent of other filters,

or by pumps which take suction from the clearwell and are provided for backwashing filters only. For installations having a treatment capacity no greater than 150,000 gallons per day, water for backwashing may be secured directly from the distribution system if proper controls and rate-of-flow limiters are provided.

(ii) The rate of filter backwashing shall be regulated by a rate-of-flow controller or flow control valve.

(iii) The rate of flow of backwash water shall not be less than 20 inches vertical rise per minute (12.5 gpm/sq ft) and usually not more than 35 inches vertical rise per minute (21.8 gpm/sq ft).

(iv) The backwash facilities shall be capable of expanding the filtering bed during the backwash cycle.

(I) For facilities equipped with air scour, the backwash facilities shall be capable of expanding the filtering bed at least 15% during the backwash cycle.

(II) For mixed-media filters without air scour, the backwash facilities shall be capable of expanding the filtering bed at least 25% during the backwash cycle.

(III) For mono-media sand filters without air scour, the backwash facilities shall be capable of expanding the filtering bed at least 40% during the backwash cycle.

(v) The filter freeboard in inches shall exceed the wash rate in inches of vertical rise per minute.

(vi) When used, surface filter wash systems shall be installed with an atmospheric vacuum breaker or a reduced pressure principle backflow assembly in the supply line. If an atmospheric vacuum breaker is used, it shall be installed in a section of the supply line through which all the water passes and which is located above the overflow level of the filter.

(vii) Gravity filters installed after January 1, 1996, shall be equipped with air scour backwash or surface wash facilities.

(G) Each filter installed after October 1, 2000, shall be equipped with facilities that allow the filter to be completely drained without removing other filters from service.

(12) Pipe galleries shall provide ample working room, good lighting, and good drainage provided by sloping floors, gutters, and sumps. Adequate ventilation to prevent condensation and to provide humidity control is also required.

(13) The identification of influent, effluent, waste backwash, and chemical feed lines shall be accomplished by the use of labels or various colors of paint. Where labels are used, they shall be placed along the pipe at no greater than five-foot intervals. Color coding must be by solid color or banding. If bands are used, they shall be placed along the pipe at no greater than five-foot intervals.

(A) A plant that is built or repainted after October 1, 2000, must use the following color code. The color code to be used in labeling pipes is as follows:

Figure: 30 TAC §290.42(d)(13)(A) (No change to the figure as it currently exists in TAC.)

LETTERS	COLOR OF PIPE
Potable Water	Light Blue
Compressed Air	Light Green
Instrument Air	Light Green with Dark Green Bands
Chlorine (gas, liquid, or vent)	Yellow
Chlorine (solution)	Yellow with Red Bands
Liquid Alum	Yellow with Orange Bands
Alum (solution)	Yellow with Green Bands
Ammonia	Yellow with Brown Bands
Chlorine Dioxide (solution)	Yellow with Blue Bands
Ferric chloride	Brown with Red Bands
Ferric sulfate	Brown with Yellow Bands
Polymers	White with Green Bands
Liquid caustic	White with Red Bands
Caustic (solution)	White with Orange Bands
Fluoride	White with Yellow Bands

Ozone	Stainless Steel with White Bands
Settled Water	Green
Filter Effluent	Light Blue
Backwash Supply	Light Blue
Backwash Waste	Dark Grey
Drain	Dark Grey
Raw Water	Tan

(B) A plant that was repainted before October 1, 2000, may use an alternate color code. The alternate color code must provide clear visual distinction between process streams.

(C) The system must maintain clear, current documentation of its color code in a location easily accessed by all personnel.

(14) All surface water treatment plants shall provide sampling taps for raw, settled, individual filter effluent, and clearwell discharge. Additional sampling taps shall be provided as appropriate to monitor specific treatment processes.

(15) An adequately equipped laboratory shall be available locally so that daily microbiological and chemical tests can be conducted.

(A) For plants serving 25,000 persons or more, the local laboratory used to conduct the required daily microbiological analyses must be accredited by the executive director to conduct coliform analyses.

(B) For plants serving populations of less than 25,000, the facilities for making microbiological tests may be omitted if the required microbiological samples can be submitted to a laboratory accredited by the executive director on a timely basis.

(C) All surface water treatment plants shall be provided with equipment for making at least the following determinations:

(i) pH;

(ii) temperature;

(iii) disinfectant residual;

(iv) alkalinity;

(v) turbidity;

(vi) jar tests for determining the optimum coagulant dose; and

(vii) other tests deemed necessary to monitor specific water quality problems or to evaluate specific water treatment processes.

(D) Each surface water treatment plant that uses chlorine dioxide shall provide testing equipment for measuring chlorine dioxide and chlorite levels.

(E) Each surface water treatment plant that uses sludge-blanket clarifiers shall be equipped with facilities to monitor the depth of the sludge blanket.

(F) Each surface water treatment plant that uses solids-recirculation clarifiers shall be equipped with facilities to monitor the solids concentration in the slurry.

(16) Each surface water treatment plant shall be provided with a computer and software for recording performance data, maintaining records, and submitting reports to the executive director. The executive director may allow a water system to locate the computer at a site other than the water treatment plant only if performance data can be reliably transmitted to the remote location on a real-time basis, the plant operator has access to the computer at all times, and performance data is readily accessible to agency staff during routine and special investigations.

(17) Reverse osmosis and nanofiltration membrane systems not provided for microbiological quality control shall conform to the requirements of subsection (b)(9) of this section.

(e) Disinfection.

(1) All water obtained from surface sources or groundwater sources that are under the direct influence of surface water must be disinfected in a manner consistent with the requirements of §290.110 of this title.

(2) All groundwater must be disinfected prior to distribution and in a manner consistent with the requirements of §290.110 of this title. The point of application must be ahead of the water storage tank(s) if storage is provided prior to distribution. Permission to use alternate disinfectant application points must be obtained in writing from the executive director.

(3) Disinfection equipment shall be selected and installed so that continuous and effective disinfection can be secured under all conditions.

(A) Disinfection equipment shall have a capacity at least 50% greater than the highest expected dosage to be applied at any time. It shall be capable of satisfactory operation under every prevailing hydraulic condition.

(B) Automatic proportioning of the disinfectant dosage to the flow rate of the water being treated shall be provided at plants where the treatment rate varies automatically and at all plants where the treatment rate varies more than 50% above or below the average flow. Manual control shall be permissible only if an operator is always on hand to make adjustments promptly.

(C) All disinfecting equipment in surface water treatment plants shall include at least one functional standby unit of each capacity for ensuring uninterrupted operation. Common standby units are permissible but, generally, more than one standby unit must be provided because of the differences in feed rates or the physical state in which the disinfectants are being fed (solid, liquid, or gas).

(D) Facilities shall be provided for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use.

(E) When used, solutions of calcium hypochlorite shall be prepared in a separate mixing tank and allowed to settle so that only a clear supernatant liquid is transferred to the hypochlorinator container.

(F) Provisions shall be made for both pretreatment disinfection and post-disinfection in all surface water treatment plants. Additional application points shall be installed if they are required to adequately control the quality of the treated water.

(G) The use of disinfectants other than free chlorine and chloramines will be considered on a case-by-case basis under the exception guidelines of §290.39(l) of this title. If water containing chloramines and water containing free chlorine are blended, then a case-by-case review under §290.39(l) of this title will be required.

(4) Systems that use chlorine gas must ensure that the risks associated with its use are limited as follows.

(A) When chlorine gas is used, a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration (OSHA) standards for construction and operation, and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage shall be readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency.

(B) Housing for gas chlorination equipment and cylinders of chlorine shall be in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities. Housing shall be located above ground level as a measure of safety. Equipment and cylinders may be installed on the outside of the buildings when protected from adverse weather conditions and vandalism.

(C) Adequate ventilation, which includes both high level and floor level screened vents, shall be provided for all enclosures in which gas chlorine is being stored or fed. Enclosures containing more than one operating 150-pound cylinder of chlorine shall also provide forced air ventilation which includes: screened and louvered floor level and high level vents; a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent; and a fan

switch located outside the enclosure. Alternately, systems may install negative pressure ventilation as long as the facilities also have gas containment and treatment as prescribed by the current International Fire Code (IFC).

(5) Hypochlorination solution containers and pumps must be housed in a secure enclosure to protect them from adverse weather conditions and vandalism. The solution container top must be completely covered to prevent the entrance of dust, insects, and other contaminants.

(6) Where anhydrous ammonia feed equipment is utilized, it must be housed in a separate enclosure equipped with both high and low level ventilation to the outside atmosphere. The enclosure must be provided with forced air ventilation which includes: screened and louvered floor level and high level vents; a fan which is located at and draws air in through the floor vent and discharges through the top vent; and a fan switch located outside the enclosure. Alternately, systems may install negative pressure ventilation as long as the facilities also have gas containment and treatment as prescribed by the current IFC.

(7) Chloramine disinfection shall be performed in a manner which assures that the proper chlorine to ammonia (as nitrogen) ratio is achieved in order to maintain a monochloramine residual and limit nitrification.

(A) The order of chlorine and ammonia injection must be accomplished in a manner which allows inactivation of viruses and oxidation of cyanide.

(i) When chlorine is injected upstream of any other disinfectant, the ammonia injection point must be downstream of the chlorine injection point.

(ii) When chlorine and ammonia are added to distribution water that has a chloramine residual, ammonia should be added first.

(iii) When chlorine and ammonia are added to distribution water that has a free chlorine residual, chlorine should be added first.

(B) Mixing shall be provided to disperse chemicals.

(C) Sampling taps must be provided at locations that allow for chlorine and ammonia to be added to the water to form monochloramine as the primary chloramine species. These locations must be listed in the system's monitoring plan as described in §290.121 of this title (relating to Monitoring Plans). Sample taps must be provided as follows:

(i) upstream of the chlorine or ammonia chemical injection point, whichever is furthest upstream;

(ii) between the addition of the chloramine chemicals at chloramination facilities submitted for plan review after December 31, 2015. For these facilities, an installation without this sample tap may be approved if an acceptable technical reason is described in the plan review documents. Technical reasons, such as disinfection byproduct control, must be supported by bench scale sampling results. Other technical reasons, such as membrane integrity, must be supported by documentation; and

(iii) at a point after mixing to be able to measure fully-formed monochloramine levels.

(D) When using chloramines, the feed and storage must be designed as described in subsection (f) of this section, regardless of water source.

(E) When using chloramines, the public water systems shall provide equipment for making at least the following determinations for purposes of complying with the requirements in §290.110 of this title:

(i) free ammonia (as nitrogen);

(ii) monochloramine;

(iii) total chlorine;

(iv) free chlorine; and

(v) nitrite and nitrate (both as nitrogen). The public water systems must either obtain equipment for measuring nitrite and nitrate or identify an accredited laboratory that can perform nitrite and nitrate analysis and can provide results to the public water systems within 48 hours of sample delivery.

(f) Water treatment plant chemical storage and feed facilities.

(1) Chemical storage facilities shall be designed to ensure a reliable supply of chemicals to the feeders, minimize the possibility and impact of accidental spills, and facilitate good housekeeping.

(A) Bulk storage facilities at the plant shall be adequate to store at least a 15-day supply of all chemicals needed to comply with minimum treatment technique and maximum contaminant level (MCL) requirements. The capacity of these bulk storage facilities shall be based on the design capacity of the treatment plant. However, the executive director may require a larger stock of chemicals based on local resupply ability.

(B) Day tanks shall be provided to minimize the possibility of severely overfeeding liquid chemicals from bulk storage facilities. Day tanks will not be required if adequate process control instrumentation and procedures are employed to prevent chemical overfeed incidents.

(C) Every chemical bulk storage facility and day tank shall have a label that identifies the facility's or tank's contents and a device that indicates the amount of chemical remaining in the facility or tank.

(D) Dry chemicals shall be stored off the floor in a dry room that is located above ground and protected against flooding or wetting from floors, walls, and ceilings.

(E) Bulk storage facilities and day tanks must be designed to minimize the possibility of leaks and spills.

(i) The materials used to construct bulk storage and day tanks must be compatible with the chemicals being stored and resistant to corrosion.

(ii) Except as provided in this clause, adequate containment facilities shall be provided for all liquid chemical storage tanks.

(I) Containment facilities for a single container or for multiple interconnected containers must be large enough to hold the maximum amount of chemical that can be stored with a minimum freeboard of six vertical inches or to hold 110% of the total volume of the container(s), whichever is less.

(II) Common containment for multiple containers that are not interconnected must be large enough to hold the volume of the largest container with a minimum freeboard of six vertical inches or to hold 110% of the total volume of the container(s), whichever is less.

(III) The materials used to construct containment structures must be compatible with the chemicals stored in the tanks.

(IV) Incompatible chemicals shall not be stored within the same containment structure.

(V) No containment facilities are required for hypochlorite solution containers that have a capacity of 55 gallons or less.

(VI) On a site-specific basis, the executive director may approve the use of double-walled tanks in lieu of separate containment facilities.

(F) Chemical transfer pumps and control systems must be designed to minimize the possibility of leaks and spills.

(G) Piping, pumps, and valves used for chemical storage and transfer must be compatible with the chemical being fed.

(2) Chemical feed and metering facilities shall be designed so that chemicals shall be applied in a manner which will maximize reliability, facilitate maintenance, and ensure optimal finished water quality.

(A) Each chemical feeder that is needed to comply with a treatment technique or MCL requirement shall have a standby or reserve unit. Common standby feeders are permissible, but generally, more than one standby feeder must be provided due to the incompatibility of chemicals or the state in which they are being fed (solid, liquid, or gas).

(B) Chemical feed equipment shall be sized to provide proper dosage under all operating conditions.

(i) Devices designed for determining the chemical feed rate shall be provided for all chemical feeders.

(ii) The capacity of the chemical feeders shall be such that accurate control of the dosage can be achieved at the full range of feed rates expected to occur at the facility.

(iii) Chemical feeders shall be provided with tanks for chemical dissolution when applicable.

(C) Chemical feeders, valves, and piping must be compatible with the chemical being fed.

(D) Chemical feed systems shall be designed to minimize the possibility of leaks and spills and provide protection against backpressure and siphoning.

(E) If enclosed feed lines are used, they shall be designed and installed so as to prevent clogging and be easily maintained.

(F) Dry chemical feeders shall be located in a separate room that is provided with facilities for dust control.

(G) Coagulant feed systems shall be designed so that coagulants are applied to the water prior to or within the mixing basins or chambers so as to permit their complete mixing with the water.

(i) Coagulant feed points shall be located downstream of the raw water sampling tap.

(ii) Coagulants shall be applied continuously during treatment plant operation.

(H) Chlorine feed units, ammonia feed units, and storage facilities shall be separated by solid, sealed walls.

(I) Chemical application points shall be provided to achieve acceptable finished water quality, adequate taste and odor control, corrosion control, and disinfection.

(g) Other treatment processes. Innovative/alternate treatment processes will be considered on an individual basis, in accordance with §290.39(l) of this title. Where innovative/alternate treatment systems are proposed, the licensed professional engineer must provide pilot test data or data collected at similar full-scale operations demonstrating that the system will produce water that meets the requirements of Subchapter F of this chapter. Pilot test data must be representative of the actual operating conditions which can be expected over the course of the year. The executive director may require a pilot study protocol to be submitted for review and approval prior to conducting a pilot study to verify compliance with the requirements of §290.39(l) of this title and Subchapter F of this chapter. The executive director may require proof of a

one-year manufacturer's performance warrantee or guarantee assuring that the plant will produce treated water which meets minimum state and federal standards for drinking water quality.

(1) Package-type treatment systems and their components shall be subject to all applicable design criteria in this section.

(2) Bag and cartridge filtration systems or modules installed or replaced after April 1, 2012, and used for microbiological treatment, can receive up to 3.0-log *Giardia* removal credit, up to 2.0-log *Cryptosporidium* removal credit for individual bag or cartridge filters, and up to 2.5-log *Cryptosporidium* removal credit for bag or cartridge filters operated in series only if the cartridges or bags meet the criteria in subparagraphs (A) - (C) of this paragraph.

(A) The filter system must treat the entire plant flow.

(B) To be eligible for this credit, systems must receive approval from the executive director based on the results of challenge testing that is conducted according to the criteria established by 40 Code of Federal Regulations (CFR) §141.719(a) and the executive director.

(i) A factor of safety equal to 1.0-log for individual bag or cartridge filters and 0.5-log for bag or cartridge filters in series must be applied to challenge testing results to determine removal credit.

(ii) Challenge testing must be performed on full-scale bag or cartridge filters, and the associated filter housing or pressure vessel, that are identical in material and construction to the filters and housings the system will use for removal of *Cryptosporidium* and *Giardia*.

(iii) Bag or cartridge filters must be challenge tested in the same configuration that the system will use, either as individual filters or as a series configuration of filters.

(iv) Systems may use results from challenge testing conducted prior to January 5, 2006, if prior testing was consistent with 40 CFR §141.719, submitted by the system's licensed professional engineer, and approved by the executive director.

(v) If a previously tested filter is modified in a manner that could change the removal efficiency of the filter product line, additional challenge testing to demonstrate the removal efficiency of the modified filter must be conducted and results submitted to the executive director for approval.

(C) Pilot studies must be conducted using filters that will meet the requirements of this section.

(3) Membrane filtration systems or modules installed or replaced after April 1, 2012, and used for microbiological treatment, can receive *Cryptosporidium* and *Giardia* removal credit for membrane filtration only if the systems or modules meet the criteria in subparagraphs (A) - (F) of this paragraph.

(A) The membrane module used by the system must undergo challenge testing to evaluate removal efficiency. Challenge testing must be conducted according to the criteria established by 40 CFR §141.719(b)(2) and the executive director.

(i) All membrane module challenge test protocols and results, the protocol for calculating the representative Log Removal Value (LRV) for each membrane module, the removal efficiency, calculated results of Membrane $LRV_{C\text{-}Test}$, and the non-destructive performance test with its Quality Control Release Value (QCRV) must be submitted to the executive director for review and approval prior to beginning a membrane filtration pilot study at a public water system.

(ii) Challenge testing must be conducted on either a full-scale membrane module identical in material and construction to the membrane modules to be used in the system's treatment facility, or a smaller-scale membrane module identical in

material and similar in construction to the full-scale module if approved by the executive director.

(iii) Systems may use data from challenge testing conducted prior to January 5, 2006, if prior testing was consistent with 40 CFR §141.719, submitted by the system's licensed professional engineer, and approved by the executive director.

(iv) If a previously tested membrane is modified in a manner that could change the removal efficiency of the membrane product line or the applicability of the non-destructive performance test and associated QCRV, additional challenge testing to demonstrate the removal efficiency of the modified membrane and determine a new QCRV for the modified membrane must be conducted and results submitted to the executive director for approval.

(B) The membrane system must be designed to conduct and record the results of direct integrity testing in a manner that demonstrates a removal efficiency equal to or greater than the removal credit awarded to the membrane filtration system approved by the executive director and meets the requirements in clauses (i) and (ii) of this subparagraph.

(i) The design must provide for direct integrity testing of each membrane unit.

(ii) The design must provide direct integrity testing that has a resolution of 3 micrometers or less.

(iii) The design must provide direct integrity testing with sensitivity sufficient to verify the log removal credit approved by the executive director. Sensitivity is determined by the criteria in 40 CFR §141.719(b)(3)(iii).

(iv) The executive director may reduce the direct integrity testing requirements for membrane units.

(C) The membrane system must be designed to conduct and record continuous indirect integrity monitoring on each membrane unit. The turbidity of the water produced by each membrane unit must be measured using the Hach FilterTrak Method 10133. The executive director may approve the use of alternative technology to monitor the quality of the water produced by each membrane unit.

(D) The level of removal credit approved by the executive director shall not exceed the lower of:

(i) the removal efficiency demonstrated during challenge testing conducted under the conditions in subparagraph (A) of this paragraph; or

(ii) the maximum removal efficiency that can be verified through direct integrity testing used with the membrane filtration process under the conditions in subparagraph (B) of this paragraph.

(E) Pilot studies must be conducted using membrane modules that will meet the requirements of this section.

(F) Membrane systems must be designed so that membrane units' feed water, filtrate, backwash supply, waste, and chemical cleaning piping shall have cross-connection protection to prevent chemicals from all chemical cleaning processes from contaminating other membrane units in other modes of operation. This may be accomplished by the installation of a double block and bleed valving arrangement, a removable spool system, or other alternative methods approved by the executive director.

(4) Bag, cartridge, or membrane filtration systems or modules installed or replaced before April 1, 2012, and used for microbiological treatment, can receive up to a 2.0-log removal credit for *Cryptosporidium* and up to a 3.0-log removal credit for *Giardia* based on site-specific pilot study results, design, operation, and reporting requirements.

(5) Ultraviolet (UV) light reactors used for microbiological inactivation can receive *Cryptosporidium*, *Giardia*, and virus inactivation credit if the reactors meet the criteria in subparagraphs (A) - (C) of this paragraph.

(A) UV light reactors can receive inactivation credit only if they are located after filtration.

(B) In lieu of a pilot study, the UV light reactors must undergo validation testing to determine the operating conditions under which a UV reactor delivers the required UV dose. Validation testing must be conducted according to the criteria established by 40 CFR §141.720(d)(2) and the executive director.

(i) The validation study must include the following factors: UV absorbance of the water; lamp fouling and aging; measurement uncertainty of on-line sensors; UV dose distributions arising from the velocity profiles through the reactor; failure of UV lamps and other critical system components; inlet and outlet piping or channel configuration of the UV reactor; lamp and sensor locations; and other parameters determined by the executive director.

(ii) Validation testing must be conducted on a full-scale reactor that is essentially identical to the UV reactor(s) to be used by the system and using waters that are essentially identical in quality to the water to be treated by the UV reactor.

(C) The UV light reactor systems must be designed to monitor and record parameters to verify the UV reactors operation within the validated conditions approved by the executive director. The UV light reactor must be equipped with facilities

to monitor and record UV intensity as measured by a UV sensor, flow rate, lamp status, and other parameters designated by the executive director.

(6) Membrane filtration used by groundwater systems to achieve at least 4-log removal of viruses to comply with the groundwater rule requirements under §290.109 of this title (relating to Microbial Contaminants) and §290.116 of this title, the public water system shall meet the following criteria.

(A) The membrane module must have an absolute molecular weight cut-off, or an alternate parameter that describes the exclusion characteristics of the membrane, that can reliably achieve at least 4-log removal of viruses.

(B) The membrane system must be designed to conduct and record the results of integrity testing in a manner that demonstrates a removal efficiency equal to or greater than the removal credit awarded to the membrane system approved by the executive director.

(h) Sanitary facilities for water works installations. Toilet and hand washing facilities provided in accordance with established standards of good public health engineering practices shall be available at all installations requiring frequent visits by operating personnel.

(i) Permits for waste discharges. Any discharge of wastewater and other plant wastes shall be in accordance with all applicable state and federal statutes and regulations. Permits for discharging wastes from water treatment processes shall be obtained from the commission, if necessary.

(j) Treatment chemicals and media. All chemicals and any additional or replacement process media used in treatment of water supplied by public water systems must conform to ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals and ANSI/NSF Standard 61 for Drinking Water System Components. Conformance with these standards must be obtained by certification of the product by an organization accredited by ANSI.

(k) Safety.

(1) Safety equipment for all chemicals used in water treatment shall meet applicable standards established by the OSHA or Texas Hazard Communication Act, Texas Health and Safety Code, Chapter 502.

(2) Systems must comply with United States Environmental Protection Agency (EPA) requirements for Risk Management Plans.

(l) Plant operations manual. A thorough plant operations manual must be compiled and kept up-to-date for operator review and reference. This manual should be of

sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency. If operating a reverse osmosis or nanofiltration membrane system, the manual must also include the system's configuration, baseline performance data, and any set point for membrane cleaning or replacement.

(m) Security. Each water treatment plant and all appurtenances thereof shall be enclosed by an intruder-resistant fence. The gates shall be locked during periods of darkness and when the plant is unattended. A locked building in the fence line may satisfy this requirement or serve as a gate.

(n) Corrosion control treatment. Systems must install any corrosion control or source water treatment required by §290.117(f) and (g) of this title (relating to Regulation of Lead and Copper), respectively. Such treatment must be designed and installed consistent with the requirements of this subchapter. The requirements of 40 CFR §141.82(i) and §141.83(b)(7) relating to EPA involvement in treatment determination are adopted by reference.

§290.46. Minimum Acceptable Operating Practices for Public Drinking Water Systems.

(a) General. When a public drinking water supply system is to be established, plans shall be submitted to the executive director for review and approval prior to the construction of the system. All public water systems are to be constructed in conformance with the requirements of this subchapter and maintained and operated in accordance with the following minimum acceptable operating practices. Owners and operators shall allow entry to members of the commission and employees and agents of the commission onto any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to public water systems in the state including the required elements of a sanitary survey as defined in §290.38 of this title (relating to Definitions). Members, employees, or agents acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials.

(b) Microbiological. Submission of samples for microbiological analysis shall be as required by Subchapter F of this chapter (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Systems). Microbiological samples may be required by the executive director for monitoring purposes in addition to the routine samples required by the drinking water standards. These samples shall be submitted to an accredited laboratory. (A list of the accredited laboratories can be obtained by contacting the executive director.) The samples shall be submitted to the executive director in a manner prescribed by the executive director.

(c) Chemical. Samples for chemical analysis shall be submitted as directed by the executive director.

(d) Disinfectant residuals and monitoring. A disinfectant residual must be continuously maintained during the treatment process and throughout the distribution system.

(1) Disinfection equipment shall be operated and monitored in a manner that will assure compliance with the requirements of §290.110 of this title (relating to Disinfectant Residuals).

(2) The disinfection equipment shall be operated to maintain the following minimum disinfectant residuals in each finished water storage tank and throughout the distribution system at all times:

(A) a free chlorine residual of 0.2 milligrams per liter (mg/L); or

(B) a chloramine residual of 0.5 mg/L (measured as total chlorine) for those systems that distribute chloraminated water.

(e) Operation by trained and licensed personnel. Except as provided in paragraph (1) of this subsection, the production, treatment, and distribution facilities at the public

water system must be operated at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the executive director. Except as provided in paragraph (1) of this subsection, all public water systems must use a water works operator who holds an applicable, valid license issued by the executive director to meet the requirements of this subsection. The licensed operator of a public water system may be an employee, contractor, or volunteer.

(1) Transient, noncommunity public water systems are exempt from the requirements of this subsection if they use only groundwater or purchase treated water from another public water system.

(2) All public water systems that are subject to the provisions of this subsection shall meet the following requirements.

(A) Public water systems shall not allow new or repaired production, treatment, storage, pressure maintenance, or distribution facilities to be placed into service without the prior guidance and approval of a licensed water works operator.

(B) Public water systems shall ensure that their operators are trained regarding the use of all chemicals used in the water treatment plant. Training programs shall meet applicable standards established by the Occupational Safety and Health Administration or the Texas Hazard Communication Act, Texas Health and Safety Code, Chapter 502.

(C) Public water systems using chlorine dioxide shall place the operation of the chlorine dioxide facilities under the direct supervision of a licensed operator who has a Class "C" or higher license.

(D) Effective September 1, 2016, reverse osmosis or nanofiltration membrane systems must have operators that have successfully completed at least one executive director-approved training course or event specific to the operations and maintenance of reverse osmosis or nanofiltration membrane treatment.

(3) Systems that only purchase treated water shall meet the following requirements in addition to the requirements contained in paragraph (2) of this subsection.

(A) Purchased water systems serving no more than 250 connections must use an operator who holds a Class "D" or higher license.

(B) Purchased water systems serving more than 250 connections, but no more than 1,000 connections, must use an operator who holds a Class "C" or higher license.

(C) Purchased water systems serving more than 1,000 connections must use at least two operators who hold a Class "C" or higher license and who each work

at least 16 hours per month at the public water system's treatment or distribution facilities.

(4) Systems that treat groundwater and do not treat surface water or groundwater that is under the direct influence of surface water shall meet the following requirements in addition to the requirements contained in paragraph (2) of this subsection.

(A) Groundwater systems serving no more than 250 connections must use an operator with a Class "D" or higher license.

(B) Groundwater systems serving more than 250 connections, but no more than 1,000 connections, must use an operator with a Class "C" or higher groundwater license.

(C) Groundwater systems serving more than 1,000 connections must use at least two operators who hold a Class "C" or higher groundwater license and who each work at least 16 hours per month at the public water system's production, treatment, or distribution facilities.

(5) Systems that treat groundwater that is under the direct influence of surface water must meet the following requirements in addition to the requirements contained in paragraph (2) of this subsection.

(A) Systems which serve no more than 1,000 connections and utilize cartridge or membrane filters must use an operator who holds a Class "C" or higher groundwater license and has completed a four-hour training course on monitoring and reporting requirements or who holds a Class "C" or higher surface water license and has completed the Groundwater Production course.

(B) Systems which serve more than 1,000 connections and utilize cartridge or membrane filters must use at least two operators who meet the requirements of subparagraph (A) of this paragraph and who each work at least 24 hours per month at the public water system's production, treatment, or distribution facilities.

(C) Systems which serve no more than 1,000 connections and utilize coagulant addition and direct filtration must use an operator who holds a Class "C" or higher surface water license and has completed the Groundwater Production course or who holds a Class "C" or higher groundwater license and has completed a Surface Water Production course. Effective January 1, 2007, the public water system must use at least one operator who has completed the Surface Water Production I course and the Surface Water Production II course.

(D) Systems which serve more than 1,000 connections and utilize coagulant addition and direct filtration must use at least two operators who meet the requirements of subparagraph (C) of this paragraph and who each work at least 24 hours

per month at the public water system's production, treatment, or distribution facilities. Effective January 1, 2007, the public water system must use at least two operators who have completed the Surface Water Production I course and the Surface Water Production II course.

(E) Systems which utilize complete surface water treatment must comply with the requirements of paragraph (6) of this subsection.

(F) Each plant must have at least one Class "C" or higher operator on duty at the plant when it is in operation or the plant must be provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the commission's drinking water standards during periods when the plant is not staffed.

(6) Systems that treat surface water must meet the following requirements in addition to the requirements contained in paragraph (2) of this subsection.

(A) Surface water systems that serve no more than 1,000 connections must use at least one operator who holds a Class "B" or higher surface water license. Part-time operators may be used to meet the requirements of this subparagraph if the operator is completely familiar with the design and operation of the plant and spends at least four consecutive hours at the plant at least once every 14 days and the system also uses an operator who holds a Class "C" or higher surface water license. Effective January

1, 2007, the public water system must use at least one operator who has completed the Surface Water Production I course and the Surface Water Production II course.

(B) Surface water systems that serve more than 1,000 connections must use at least two operators; one of the required operators must hold a Class "B" or higher surface water license and the other required operator must hold a Class "C" or higher surface water license. Each of the required operators must work at least 32 hours per month at the public water system's production, treatment, or distribution facilities. Effective January 1, 2007, the public water system must use at least two operators who have completed the Surface Water Production I course and the Surface Water Production II course.

(C) Each surface water treatment plant must have at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or the plant must be provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the commission's drinking water standards during periods when the plant is not staffed.

(D) Public water systems shall not allow Class "D" operators to adjust or modify the treatment processes at surface water treatment plant unless an operator who holds a Class "C" or higher surface license is present at the plant and has issued specific instructions regarding the proposed adjustment.

(f) Operating records and reports. All public water systems must maintain a record of water works operation and maintenance activities and submit periodic operating reports.

(1) The public water system's operating records must be organized, and copies must be kept on file or stored electronically.

(2) The public water system's operating records must be accessible for review during inspections and be available to the executive director upon request.

(3) All public water systems shall maintain a record of operations.

(A) The following records shall be retained for at least two years:

(i) the amount of chemicals used:

(I) Systems that treat surface water or groundwater under the direct influence of surface water shall maintain a record of the amount of each chemical used each day.

(II) Systems that serve 250 or more connections or serve 750 or more people shall maintain a record of the amount of each chemical used each day.

(III) Systems that serve fewer than 250 connections, serve fewer than 750 people, and use only groundwater or purchased treated water shall maintain a record of the amount of each chemical used each week;

(ii) the volume of water treated and distributed:

(I) Systems that treat surface water or groundwater under the direct influence of surface water shall maintain a record of the amount of water treated and distributed each day.

(II) Systems that serve 250 or more connections or serve 750 or more people shall maintain a record of the amount of water distributed each day.

(III) Systems that serve fewer than 250 connections, serve fewer than 750 people, and use only groundwater or purchase treated water shall maintain a record of the amount of water distributed each week.

(IV) Systems that serve 250 or more connections or serve 750 or more people and also add chemicals or provide pathogen or chemical removal shall maintain a record of the amount of water treated each day.

(V) Systems that serve fewer than 250 connections, serve fewer than 750 people, use only groundwater or purchase treated water, and also add chemicals or provide pathogen or chemical removal shall maintain a record of the amount of water treated each week;

(iii) the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation;

(iv) the dates that dead-end mains were flushed;

(v) the dates that storage tanks and other facilities were cleaned;

(vi) the maintenance records for water system equipment and facilities. For systems using reverse osmosis or nanofiltration, maintain records of each clean-in-place process including the date, duration, and procedure used for each event;

(vii) for systems that do not employ full-time operators to meet the requirements of subsection (e) of this section, a daily record or a monthly summary of the work performed and the number of hours worked by each of the part-time operators used to meet the requirements of subsection (e) of this section; and

(viii) the owner or manager of a public water system that is operated by a volunteer to meet the requirements of subsection (e) of this section, shall maintain a record of each volunteer operator indicating the name of the volunteer, contact information for the volunteer, and the time period for which the volunteer is responsible for operating the public water system. These requirements apply to full-time and part-time licensed volunteer operators. Part-time licensed volunteer operators are excluded from the requirements of clause (vii) of this subparagraph.

(B) The following records shall be retained for at least three years:

(i) copies of notices of violation and any resulting corrective actions. The records of the actions taken to correct violations of primary drinking water regulations must be retained for at least three years after the last action taken with respect to the particular violation involved;

(ii) copies of any public notice issued by the water system;

(iii) the disinfectant residual monitoring results from the distribution system;

(iv) the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers;

(v) the records of backflow prevention device programs;

(vi) the raw surface water monitoring results and source water monitoring plans required by §290.111 of this title (relating to Surface Water Treatment) must be retained for three years after bin classification required by §290.111 of this title;

(vii) notification to the executive director that a system will provide 5.5-log *Cryptosporidium* treatment in lieu of raw surface water monitoring;

(viii) except for those specified in subparagraphs (C)(iv) and (E)(i) of this paragraph, the results of all surface water treatment monitoring that are used to demonstrate log inactivation or removal;

(ix) free and total chlorine, monochloramine, ammonia, nitrite, and nitrate monitoring results if chloramines are used in the water system; and

(x) the records of treatment effectiveness monitoring for systems using reverse osmosis or nanofiltration membranes. Treatment effectiveness monitoring includes the parameters for determining when maintenance is required. Examples of parameters to be monitored include conductivity (or total dissolved solids) on each membrane unit, pressure differential across a membrane vessel, flow, flux, and water temperature. At a minimum, systems using reverse osmosis or nanofiltration membranes must monitor the conductivity (or total dissolved solids) of the feed and permeate water once per day.

(C) The following records shall be retained for a period of five years after they are no longer in effect:

(i) the records concerning a variance or exemption granted to the system;

(ii) Concentration Time (CT) studies for surface water treatment plants;

(iii) the Recycling Practices Report form and other records pertaining to site-specific recycle practices for treatment plants that recycle; and

(iv) the turbidity monitoring results and exception reports for individual filters as required by §290.111 of this title.

(D) The following records shall be retained for at least five years:

(i) the results of microbiological analyses;

(ii) the results of inspections (as required in subsection (m)(1) of this section) for all water storage and pressure maintenance facilities;

(iii) the results of inspections (as required by subsection (m)(2) of this section) for all pressure filters;

(iv) documentation of compliance with state approved corrective action plan and schedules required to be completed by groundwater systems that must take corrective actions;

(v) documentation of the reason for an invalidated fecal indicator source sample and documentation of a total coliform-positive sample collected at a location with conditions that could cause such positive samples in a distribution system;

(vi) notification to wholesale system(s) of a distribution coliform-positive sample for consecutive systems using groundwater;

(vii) Consumer Confidence Report compliance documentation;

(viii) records of the lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the executive director-approved minimum specified disinfectant residual for a period of more than four hours for groundwater systems providing 4-log treatment;

(ix) records of executive director-specified compliance requirements for membrane filtration, records of parameters specified by the executive director for approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four hours for groundwater systems. Membrane filtration can only be used if it is approved by the executive director and if it can be properly validated;

(x) assessment forms, regardless of who conducts the assessment, and documentation of corrective actions completed or documentation of corrective actions required but not yet completed as a result of those assessments and any other available summary documentation of the sanitary defects and corrective actions taken in accordance with §290.109 of this title (relating to Microbial Contaminants) for executive director review;

(xi) seasonal public water systems shall maintain executive director-approved start-up procedures and certification documentation in accordance with §290.109 of this title for executive director review; and

(xii) records of any repeat sample taken that meets the criteria for an extension of the 24-hour period for collecting repeat samples under §290.109 of this title.

(E) The following records shall be retained for at least ten years:

(i) copies of Monthly Operating Reports and any supporting documentation including turbidity monitoring results of the combined filter effluent;

(ii) the results of chemical analyses;

(iii) any written reports, summaries, or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by the executive director shall be kept for a period not less than ten years after completion of the survey involved;

(iv) copies of the Customer Service Inspection reports required by subsection (j) of this section;

(v) copy of any Initial Distribution System Evaluation (IDSE) plan, report, approval letters, and other compliance documentation required by §290.115 of this title (relating to Stage 2 Disinfection Byproducts (TTHM and HAA5));

(vi) state notification of any modifications to an IDSE report;

(vii) copy of any 40/30 certification required by §290.115 of this title;

(viii) documentation of corrective actions taken by groundwater systems in accordance with §290.116 of this title (relating to Groundwater Corrective Actions and Treatment Techniques);

(ix) any Sample Siting Plans required by §290.109(d)(6) of this title and monitoring plans required by §290.121(b) of this title (relating to Monitoring Plans); and

(x) records of the executive director-approved minimum specified disinfectant residual and executive director-approved membrane system integrity monitoring results for groundwater systems providing 4-log treatment, including wholesale, and consecutive systems, regulated under §290.116(c) of this title.

(F) A public water system shall maintain records relating to lead and copper requirements under §290.117 of this title (relating to Regulation of Lead and Copper) for no less than 12 years. Any system subject to the requirements of §290.117 of this title shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, executive determinations, and any other information required by the executive director under §290.117 of this title. These records include, but are not limited to, the following items: tap water monitoring results including the location of each site and date of collection; certification of the volume and validity of first-draw-tap sample criteria via a copy of the laboratory analysis request form; where residents collected the sample; certification that the water system informed the resident of proper sampling procedures; the analytical results for lead and copper concentrations at each tap sample site; and designation of any substitute site not used in previous monitoring periods.

(G) A public water system shall maintain records relating to special studies and pilot projects, special monitoring, and other system-specific matters as directed by the executive director.

(4) Public water systems shall submit routine reports and any additional documentation that the executive director may require to determine compliance with the requirements of this chapter.

(A) The reports must be submitted to the Texas Commission on Environmental Quality, Water Supply Division, MC 155, P.O. Box 13087, Austin, Texas 78711-3087 by the tenth day of the month following the end of the reporting period.

(B) The reports must contain all the information required by the drinking water standards and the results of any special monitoring tests which have been required.

(C) The reports must be completed in ink, typed, or computer-printed and must be signed by the licensed water works operator.

(5) All public water systems that are affected utilities must maintain the following records for as long as they are applicable to the system:

(A) An emergency preparedness plan approved by the executive director and a copy of the approval letter.

(B) All required operating and maintenance records for auxiliary power equipment, including periodic testing of the auxiliary power equipment under load and any associated automatic switch over equipment.

(C) Copies of the manufacturer's specifications for all generators that are part of the approved emergency preparedness plan.

(g) Disinfection of new or repaired facilities. Disinfection by or under the direction of water system personnel must be performed when repairs are made to existing facilities and before new facilities are placed into service. Disinfection must be performed in accordance with American Water Works Association (AWWA) requirements and water samples must be submitted to a laboratory approved by the executive director. The sample results must indicate that the facility is free of microbiological contamination before it is placed into service. When it is necessary to return repaired mains to service as rapidly as possible, doses may be increased to 500 mg/L and the contact time reduced to 1/2 hour.

(h) Calcium hypochlorite. A supply of calcium hypochlorite disinfectant shall be kept on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service.

(i) Plumbing ordinance. Public water systems must adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted (See §290.47(b) of this title (relating to Appendices)). Should sanitary control of the distribution system not reside with the purveyor, the entity retaining sanitary control shall be responsible for establishing and enforcing adequate regulations in this regard. The use of pipes and pipe fittings that contain more than 0.25% lead or solders and flux that contain more than 0.2% lead is prohibited for installation or repair of any public

water supply and for installation or repair of any plumbing in a residential or nonresidential facility providing water for human consumption and connected to a public drinking water supply system. This requirement may be waived for lead joints that are necessary for repairs to cast iron pipe.

(j) Customer service inspections. A customer service inspection certificate shall be completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. Any customer service inspection certificate form which varies from the format found in commission Form 20699 must be approved by the executive director prior to being placed in use.

(1) Individuals with the following credentials shall be recognized as capable of conducting a customer service inspection certification.

(A) Plumbing Inspectors and Water Supply Protection Specialists licensed by the Texas State Board of Plumbing Examiners (TSBPE).

(B) Customer service inspectors who have completed a commission-approved course, passed an examination administered by the executive director, and hold current professional license as a customer service inspector.

(2) As potential contaminant hazards are discovered, they shall be promptly eliminated to prevent possible contamination of the water supplied by the public water system. The existence of a health hazard, as identified in §290.47(f) of this title, shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the health hazard no longer exists, or until the health hazard has been isolated from the public water system in accordance with §290.44(h) of this title (relating to Water Distribution).

(3) These customer service inspection requirements are not considered acceptable substitutes for and shall not apply to the sanitary control requirements stated in §290.102(a)(5) of this title (relating to General Applicability).

(4) A customer service inspection is an examination of the private water distribution facilities for the purpose of providing or denying water service. This inspection is limited to the identification and prevention of cross-connections, potential contaminant hazards, and illegal lead materials. The customer service inspector has no authority or obligation beyond the scope of the commission's regulations. A customer service inspection is not a plumbing inspection as defined and regulated by the TSBPE. A customer service inspector is not permitted to perform plumbing inspections. State statutes and TSBPE adopted rules require that TSBPE licensed plumbing inspectors perform plumbing inspections of all new plumbing and alterations or additions to existing plumbing within the municipal limits of all cities, towns, and villages which have

passed an ordinance adopting one of the plumbing codes recognized by TSBPE. Such entities may stipulate that the customer service inspection be performed by the plumbing inspector as a part of the more comprehensive plumbing inspection. Where such entities permit customer service inspectors to perform customer service inspections, the customer service inspector shall report any violations immediately to the local entity's plumbing inspection department.

(k) Interconnection. No physical connection between the distribution system of a public drinking water supply and that of any other water supply shall be permitted unless the other water supply is of a safe, sanitary quality and the interconnection is approved by the executive director.

(l) Flushing of mains. All dead-end mains must be flushed at monthly intervals. Dead-end lines and other mains shall be flushed as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels as specified in §290.110 of this title.

(m) Maintenance and housekeeping. The maintenance and housekeeping practices used by a public water system shall ensure the good working condition and general appearance of the system's facilities and equipment. The grounds and facilities shall be maintained in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water.

(1) Each of the system's ground, elevated, and pressure tanks shall be inspected annually by water system personnel or a contracted inspection service.

(A) Ground and elevated storage tank inspections must determine that the vents are in place and properly screened, the roof hatches closed and locked, flap valves and gasketing provide adequate protection against insects, rodents, and other vermin, the interior and exterior coating systems are continuing to provide adequate protection to all metal surfaces, and the tank remains in a watertight condition.

(B) Pressure tank inspections must determine that the pressure release device and pressure gauge are working properly, the air-water ratio is being maintained at the proper level, the exterior coating systems are continuing to provide adequate protection to all metal surfaces, and the tank remains in watertight condition. Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

(C) All tanks shall be inspected annually to determine that instrumentation and controls are working properly.

(2) When pressure filters are used, a visual inspection of the filter media and internal filter surfaces shall be conducted annually to ensure that the filter media is in

good condition and the coating materials continue to provide adequate protection to internal surfaces.

(3) When cartridge filters are used, filter cartridges shall be changed at the frequency required by the manufacturer, or more frequently if needed.

(4) All water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances shall be maintained in a watertight condition and be free of excessive solids.

(5) Basins used for water clarification shall be maintained free of excessive solids to prevent possible carryover of sludge and the formation of tastes and odors.

(6) Pumps, motors, valves, and other mechanical devices shall be maintained in good working condition.

(7) Reverse osmosis or nanofiltration membrane systems shall be cleaned, or replaced, in accordance with the allowable operating conditions of the manufacturer and shall be based on one or more of the following: increased salt passage, increased or decreased pressure differential, and/or change in normalized permeate flow.

(n) Engineering plans and maps. Plans, specifications, maps, and other pertinent information shall be maintained to facilitate the operation and maintenance of the

system's facilities and equipment. The following records shall be maintained on file at the public water system and be available to the executive director upon request.

(1) Accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank shall be maintained at the public water system until the facility is decommissioned. As-built plans of individual projects may be used to fulfill this requirement if the plans are maintained in an organized manner.

(2) An accurate and up-to-date map of the distribution system shall be available so that valves and mains can be easily located during emergencies.

(3) Copies of well completion data as defined in §290.41(c)(3)(A) of this title (relating to Water Sources) shall be kept on file for as long as the well remains in service.

(o) Filter backwashing at surface water treatment plants. Filters must be backwashed when a loss of head differential of six to ten feet is experienced between the influent and effluent loss of head gauges or when the turbidity level at the effluent of the filter reaches 1.0 nephelometric turbidity unit (NTU).

(p) Data on public water system ownership and management. The agency shall be provided with information regarding public water system ownership and management.

(1) When a public water system changes ownership, a written notice of the transaction must be provided to the executive director. The grantee shall notify the executive director of the change in ownership within 30 days after the effective date of the change in ownership by providing the name of the grantor, the effective date of the change in ownership, the physical and mailing address and phone number of the grantee, the public water system's drinking water supply identification number, and any other information necessary to identify the transaction.

(2) On an annual basis, the owner of a public water system shall provide the executive director with a list of all the operators and operating companies that the public water system uses. The notice shall contain the name, contact information, work status, license number, and license class of each operator and the name and registration number of each operating company. Public water systems may report the list of operators and operating companies to the executive director by utilizing the Texas Commission on Environmental Quality (TCEQ) online "Operator Notice" form. If reporting cannot be accomplished utilizing the TCEQ online "Operator Notice" form, then a public water system may report the list of operators and operating companies on the written "Operator Notice" form to the executive director by mail, email or facsimile. (See §290.47(d) of this title).

(q) Special precautions, protective measures, and boil water notices. Special precautions, protective measures, and boil water notices shall be instituted by the public water system as specified in this subsection in the event of low distribution pressures

(below 20 pounds per square inch (psi)), water outages, microbiological samples found to contain *Escherichia coli* (*E. coli*) (or other approved fecal indicator), failure to maintain adequate disinfectant residuals, elevated finished water turbidity levels, or other conditions which indicate that the potability of the drinking water supply has been compromised. Special precautions, protective measures, and boil water notices are corrective or protective actions which shall be instituted by the public water system to comply with the requirements of this subsection.

(1) Boil water notices and rescind notices. A public water system shall issue a boil water notice to customers throughout the distribution system or in the affected area(s) of the distribution system as soon as possible, but in no case later than 24 hours after the public water system has met any of the criteria described in paragraphs (2) - (5) of this subsection. Boil water notices shall be issued to customers by using one or more of the Tier 1 delivery methods as described in §290.122(a)(2) of this title (relating to Public Notification) and using the applicable boil water notice language and format specified in Figure: 30 TAC §290.47(c)(1) and (2) of this title. A copy of this notice shall be provided to the executive director within 24 hours or no later than the next business day after issuance by the public water system and a signed Certificate of Delivery shall be provided to the executive director within ten days after issuance by the public water system in accordance with §290.122(f) of this title. The boil water notice shall be multilingual where appropriate based upon local demographics. Once the boil water notice is no longer in effect, the public water system shall notify customers throughout the distribution system or in the affected area(s) of the distribution system that the boil

water notice has been rescinded using the language and format specified in Figure: 30 TAC §290.47(c)(3) of this title. A public water system shall not rescind a boil water notice and/or notify customers that the boil water notice has been rescinded until the public water system has met all of the applicable requirements as described in paragraph (6) of this subsection.

(2) Boil water notices for low distribution pressures. The flowchart found in §290.47(e) of this title shall be used to determine if a boil water notice shall be issued by the public water system to customers in the event of a loss of distribution system pressure.

(3) Boil water notices for *E. coli* (or other approved fecal indicator) maximum contaminant level (MCL) violations. A public water system shall issue a boil water notice to customers for a violation of the MCL for *E. coli* (or other approved fecal indicator) as described in §290.109(b)(1) of this title.

(4) Boil water notices for turbidity requirements. A public water system shall issue a boil water notice to customers if the combined filter effluent turbidity of the finished water, produced by a treatment plant that is treating surface water or groundwater under the direct influence of surface water, is above the turbidity level requirements as described in §290.122(a)(1)(B) of this title, specifically:

(A) a combined filter effluent turbidity level above 5.0 NTU;

(B) a combined filter effluent turbidity level above 1.0 NTU at a treatment plant using membrane filters;

(C) a combined filter effluent turbidity level above 1.0 NTU at a plant using other than membrane filters at the discretion of the executive director after consultation with the public water system; or

(D) failure of a public water system with treatment other than membrane filters to consult with the executive director within 24 hours after a combined filter effluent reading of 1.0 NTU.

(5) Actions which may be required by the executive director. Special precautions, protective measures, and boil water notices may be required at the discretion of the executive director and shall be instituted by the public water system, upon written notification to the public water system, and shall remain in effect until the public water system meets the requirements of subparagraph (C) of this paragraph and paragraph (6) of this subsection.

(A) Circumstances warranting the exercise of such discretion may include:

(i) the public water system has failed to provide any of the required compliance information to the executive director as described in §290.111(h)(2) of this title and the failure results in the inability of the executive director to determine compliance as described in §290.111(i) of this title or the existence of a potential or actual health hazard, as described in §290.38 of this title;

(ii) a waterborne disease outbreak, as defined in 40 Code of Federal Regulations §141.2, or other waterborne emergencies for situations that do not meet this definition, but that still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water; or

(iii) the public water system has failed to maintain adequate disinfectant residuals as described in subsection (d) of this section and as described in §290.110 of this title.

(B) The executive director will provide written notification to the public water system in the event a public water system is required to institute special precautions, protective measures, or issue boil water notices to customers at the discretion of the executive director. Upon written notification from the executive director,

the public water system shall implement special precautions, protective measures, or issue boil water notices to customers within 24 hours or within the time period specified by the executive director.

(C) The public water system shall provide any required information to the executive director to document that the public water system has met the requirements for special precautions, protective measures, and boil water notices required at the discretion of the executive director under this paragraph.

(6) Required actions prior to rescinding a boil water notice. A public water system shall notify customers throughout the distribution system or in the affected area(s) of the distribution system that a boil water notice has been rescinded after the public water system has met the requirements of this paragraph. A boil water notice issued under the requirements of this subsection shall remain in effect until the public water system has provided required compliance documentation to the executive director which establishes that the public water system has met the following requirements, as applicable:

(A) water distribution system pressures in excess of 20 psi are consistently being maintained throughout the distribution system in accordance with the flowchart found in §290.47(e) of this title;

(B) affected area(s) of the distribution system have been thoroughly flushed until a minimum of 0.2 mg/L free chlorine residual or 0.5 mg/L chloramine residual (measured as total chlorine) is present and is consistently being maintained in each finished water storage tank and throughout the distribution system as described in subsection (d) of this section;

(C) finished water entering the distribution system, produced by a treatment plant that is treating surface water or groundwater under the direct influence of surface water, has a turbidity level that is consistently being maintained below 1.0 NTU;

(D) actions required by the executive director under paragraph (5) of this subsection have been met and the public water system is operating in accordance with §290.111(h)(2) of this title as described in paragraph (5)(A)(i) of this subsection; and

(E) water samples for microbiological analysis, marked as "special" on the laboratory sample submission form, were collected from representative locations throughout the distribution system or in the affected area(s) of the distribution system after the public water system has met all other applicable requirements of this paragraph and the water samples collected for microbiological analysis are found negative for coliform organisms. The water samples described in this subparagraph shall be analyzed at laboratories in accordance with §290.119 of this title (relating to Analytical Procedures).

(F) A public water system shall notify customers throughout the distribution system or in the affected area(s) of the distribution system that a boil water notice has been rescinded within 24 hours or no later than the next business day, using the language and format specified in Figure: 30 TAC §290.47(c)(3) of this title, once the public water system has met the requirements of this paragraph. The public water system shall provide a copy of the "Boil Water Notice Rescinded" notice and a copy of the associated microbiological laboratory analysis results, as required by subparagraph (E) of this paragraph, to the executive director within ten days after the public water system has issued the rescind notice to customers in accordance with §290.122(f) of this title.

(r) Minimum pressures. All public water systems shall be operated to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions. The system shall also be operated to maintain a minimum pressure of 20 psi during emergencies such as fire fighting. As soon as safe and practicable following the occurrence of a natural disaster, a public water system that is an affected utility shall maintain a minimum of 35 psi throughout the distribution system during an extended power outage.

(s) Testing equipment. Accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment or pathogen inactivation or removal processes must be used by the system.

(1) Flow-measuring devices and rate-of-flow controllers that are required by §290.42(b) and (d) of this title (relating to Water Treatment) shall be calibrated at least once every 12 months. Well meters required by §290.41(c)(3)(N) of this title shall be calibrated at least once every three years.

(2) Laboratory equipment used for compliance testing shall be properly calibrated.

(A) pH meters shall be properly calibrated.

(i) Benchtop pH meters shall be calibrated according to manufacturer specifications at least once each day.

(ii) The calibration of benchtop pH meters shall be checked with at least one buffer each time a series of samples is run, and if necessary, recalibrated according to manufacturer specifications.

(iii) On-line pH meters shall be calibrated according to manufacturer specifications at least once every 30 days.

(iv) The calibration of on-line pH meters shall be checked at least once each week with a primary standard or by comparing the results from the on-

line unit with the results from a properly calibrated benchtop unit. If necessary, the on-line unit shall be recalibrated with primary standards.

(B) Turbidimeters shall be properly calibrated.

(i) Benchtop turbidimeters shall be calibrated with primary standards at least once every 90 days. Each time the turbidimeter is calibrated with primary standards, the secondary standards shall be restandardized.

(ii) The calibration of benchtop turbidimeters shall be checked with secondary standards each time a series of samples is tested, and if necessary, recalibrated with primary standards.

(iii) On-line turbidimeters shall be calibrated with primary standards at least once every 90 days.

(iv) The calibration of on-line turbidimeters shall be checked at least once each week with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit. If necessary, the on-line unit shall be recalibrated with primary standards.

(C) Chemical disinfectant residual analyzers shall be properly calibrated.

(i) The accuracy of manual disinfectant residual analyzers shall be verified at least once every 90 days using chlorine solutions of known concentrations.

(ii) The accuracy of continuous disinfectant residual analyzers shall be checked at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the result of approved benchtop method in accordance with §290.119 of this title.

(iii) If a disinfectant residual analyzer produces a result which is not within 15% of the expected value, the cause of the discrepancy must be determined and corrected and, if necessary, the instrument must be recalibrated.

(D) Analyzers used to determine the effectiveness of chloramination in §290.110(c)(5) of this title shall be properly verified in accordance with the manufacturer's recommendations every 90 days. These analyzers include monochloramine, ammonia, nitrite, and nitrate equipment used by the public water system.

(E) Ultraviolet (UV) light disinfection analyzers shall be properly calibrated.

(i) The accuracy of duty UV sensors shall be verified with a reference UV sensor monthly, according to the UV sensor manufacturer.

(ii) The reference UV sensor shall be calibrated by the UV sensor manufacturer on a yearly basis, or sooner if needed.

(iii) If used, the UV Transmittance (UVT) analyzer shall be calibrated weekly according to the UVT analyzer manufacturer specifications.

(F) Systems must verify the performance of direct integrity testing equipment in a manner and schedule approved by the executive director.

(G) Conductivity (or total dissolved solids) monitors and pressure instruments used for reverse osmosis and nanofiltration membrane systems shall be calibrated at least once every 12 months.

(H) Any temperature monitoring devices used for reverse osmosis and nanofiltration shall be verified and calibrated in accordance with the manufacturer's specifications.

(t) System ownership. All community water systems shall post a legible sign at each of its production, treatment, and storage facilities. The sign shall be located in plain

view of the public and shall provide the name of the water supply and an emergency telephone number where a responsible official can be contacted.

(u) Abandoned wells. Abandoned public water supply wells owned by the system must be plugged with cement according to 16 TAC Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers). Wells that are not in use and are non-deteriorated as defined in those rules must be tested every five years or as required by the executive director to prove that they are in a non-deteriorated condition. The test results shall be sent to the executive director for review and approval. Deteriorated wells must be either plugged with cement or repaired to a non-deteriorated condition.

(v) Electrical wiring. All water system electrical wiring must be securely installed in compliance with a local or national electrical code.

(w) Security. All systems shall maintain internal procedures to notify the executive director by a toll-free reporting phone number immediately of the following events, if the event may negatively impact the production or delivery of safe and adequate drinking water:

(1) an unusual or unexplained unauthorized entry at property of the public water system;

(2) an act of terrorism against the public water system;

(3) an unauthorized attempt to probe for or gain access to proprietary information that supports the key activities of the public water system;

(4) a theft of property that supports the key activities of the public water system; or

(5) a natural disaster, accident, or act that results in damage to the public water system.

(x) Public safety standards. This subsection only applies to a municipality with a population of 1,000,000 or more, with a public utility within its corporate limits; a municipality with a population of more than 36,000 and less than 41,000 located in two counties, one of which is a county with a population of more than 1.8 million; a municipality, including any industrial district within the municipality or its extraterritorial jurisdiction (ETJ), with a population of more than 7,000 and less than 30,000 located in a county with a population of more than 155,000 and less than 180,000; or a municipality, including any industrial district within the municipality or its ETJ, with a population of more than 11,000 and less than 18,000 located in a county with a population of more than 125,000 and less than 230,000.

(1) In this subsection:

(A) "Regulatory authority" means, in accordance with the context in which it is found, either the commission or the governing body of a municipality.

(B) "Public utility" means any person, corporation, cooperative corporation, affected county, or any combination of these persons or entities, other than a municipal corporation, water supply or sewer service corporation, or a political subdivision of the state, except an affected county, or their lessees, trustees, and receivers, owning or operating for compensation in this state equipment or facilities for the transmission, storage, distribution, sale, or provision of potable water to the public or for the resale of potable water to the public for any use or for the collection, transportation, treatment, or disposal of sewage or other operation of a sewage disposal service for the public, other than equipment or facilities owned and operated for either purpose by a municipality or other political subdivision of this state or a water supply or sewer service corporation, but does not include any person or corporation not otherwise a public utility that furnishes the services or commodity only to itself or its employees or tenants as an incident of that employee service or tenancy when that service or commodity is not resold to or used by others.

(C) "Residential area" means:

(i) an area designated as a residential zoning district by a governing ordinance or code or an area in which the principal land use is for private residences;

(ii) a subdivision for which a plat is recorded in the real property records of the county and that contains or is bounded by public streets or parts of public streets that are abutted by residential property occupying at least 75% of the front footage along the block face; or

(iii) a subdivision a majority of the lots of which are subject to deed restrictions limiting the lots to residential use.

(D) "Industrial district" has the meaning assigned by Texas Local Government Code, §42.044, and includes an area that is designated by the governing body of a municipality as a zoned industrial area.

(2) When the regulatory authority is a municipality, it shall by ordinance adopt standards for installing fire hydrants in residential areas in the municipality. These standards must, at a minimum, follow current AWWA standards pertaining to fire hydrants and the requirements of §290.44(e)(6) of this title.

(3) When the regulatory authority is a municipality, it shall by ordinance adopt standards for maintaining sufficient water pressure for service to fire hydrants adequate to protect public safety in residential areas in the municipality. The standards specified in paragraph (4) of this subsection are the minimum acceptable standards.

(4) A public utility shall deliver water to any fire hydrant connected to the public utility's water system located in a residential area so that the flow at the fire hydrant is at least 250 gallons per minute for a minimum period of two hours while maintaining a minimum pressure of 20 psi throughout the distribution system during emergencies such as fire fighting. That flow is in addition to the public utility's maximum daily demand for purposes other than fire fighting.

(5) When the regulatory authority is a municipality, it shall adopt the standards required by this subsection within one year of the effective date of this subsection or within one year of the date this subsection first applies to the municipality, whichever occurs later.

(6) A public utility shall comply with the standards established by a municipality under both paragraphs (2) and (3) of this subsection within one year of the date the standards first apply to the public utility. If a municipality has failed to comply with the deadline required by paragraph (5) of this subsection, then a public utility shall comply with the standards specified in paragraphs (2) and (4) of this subsection within two years of the effective date of this subsection or within one year of the date this subsection first applies to the public utility, whichever occurs later.

(y) Fire hydrant flow standards.

(1) In this subsection:

(A) "Municipal utility" means a retail public utility, as defined by Texas Water Code (TWC), §13.002, that is owned by a municipality.

(B) "Residential area" means an area used principally for private residences that is improved with at least 100 single-family homes and has an average density of one home per half acre.

(C) "Utility" includes a "public utility" and "water supply or sewer service corporation" as defined by TWC, §13.002.

(2) The governing body of a municipality by ordinance may adopt standards set by the executive director requiring a utility to maintain a minimum sufficient water flow and pressure to fire hydrants in a residential area located in the municipality or the municipality's ETJ. The municipality must submit a signed copy of the ordinance to the executive director within 60 days of the adoption of an ordinance by its governing body.

(3) In addition to a utility's maximum daily demand, the utility must provide, for purposes of emergency fire suppression:

(A) a minimum sufficient water flow of at least 250 gallons per minute for at least two hours; and

(B) a minimum sufficient water pressure of at least 20 psi.

(4) If a municipality adopts standards for a minimum sufficient water flow and pressure to fire hydrants, the municipality must require a utility to maintain at least the minimum sufficient water flow and pressure described by paragraph (3) of this subsection in fire hydrants in a residential area located within the municipality or the municipality's ETJ. If the municipality adopts a fire flow standard exceeding the minimum standards set in paragraph (3) of this subsection, the standard adopted by the municipality must be based on:

(A) the density of connections;

(B) service demands; and

(C) other relevant factors.

(5) If the municipality owns a municipal utility, it may not require another utility located in the municipality or the municipality's ETJ to provide water flow and pressure in a fire hydrant greater than that provided by the municipal utility as determined by the executive director.

(6) If the municipality does not own a municipal utility, it may not require a utility located in the municipality or the municipality's ETJ to provide a minimum sufficient water flow and pressure greater than the standard established by paragraph (3) of this subsection.

(7) An ordinance under paragraph (2) of this subsection may not require a utility to build, retrofit, or improve infrastructure in existence at the time the ordinance is adopted.

(8) A municipality with a population of less than 1.9 million that adopts standards under paragraph (2) of this subsection or that seeks to use a utility's water for emergency fire suppression shall enter into a written memorandum of understanding with the utility.

(A) The memorandum of understanding must provide for:

(i) the necessary testing of fire hydrants; and

(ii) other relevant issues pertaining to the use of the water and maintenance of the fire hydrants to ensure compliance with this subsection.

(B) The municipality must submit a signed copy of the memorandum of understanding to the executive director within 60 days of the execution of the memorandum of understanding between its governing body and the utility.

(9) A municipality may notify the executive director of a utility's failure to comply with a standard adopted under paragraph (3) of this subsection.

(10) On receiving the notice described by paragraph (9) of this subsection, the executive director shall require a utility in violation of a standard adopted under this subsection to comply within a reasonable time established by the executive director.

(z) Nitrification Action Plan (NAP). Any water system distributing chloraminated water must create a NAP. The system must create a written NAP that:

(1) contains the system-specific plan for monitoring free ammonia, monochloramine, total chlorine, nitrite, and nitrate levels;

(2) contains system-specific action levels of the above monitored chemicals where action must be taken;

(3) contains specific corrective actions to be taken if the action levels are exceeded; and

(4) is maintained as part of the system's monitoring plan in §290.121 of this title.

§290.47. Appendices.

(a) Appendix A. Recognition as a Superior or Approved Public Water System.

Figure: 30 TAC §290.47(a) (No change to the figure as it currently exists in TAC.)

APPENDIX A

Requirements. Public water supply systems which achieve and maintain recognition must exceed the minimum acceptable standards of the commission in these sections.

(1) To attain recognition as a "Superior Public Water System", the following additional requirements must be met:

(A) Physical facilities shall comply with the requirements in these sections.

(B) There shall be a minimum of two licensed operators with additional operators required for larger systems.

(C) The system's microbiological record for the previous 24 months period shall indicate no violations (frequency, number or maximum contaminant level) of the drinking water standards.

(D) The quality of the water shall comply with all primary water quality parameters listed in the drinking water standards.

(E) The chemical quality of the water shall comply with all secondary constituent levels listed in the drinking water standards.

(F) The system's operation shall comply with applicable state statutes and minimum acceptable operating practices set forth in §290.46 of this title (relating to Minimum Acceptable Operating Practices for Public Drinking Water Systems).

(G) The system's capacities shall meet or exceed minimum water system capacity requirements set forth in §290.45 of this title (relating to Minimum Water System Capacity Requirements).

(H) The system shall have at least two wells, two raw water pumps or a combination of these with enough capacity to provide average daily consumption with the largest well or pump out of service. This requirement shall also apply to treatment plant pumps necessary for operation in accordance with §290.42 of this title (relating to Water Treatment).

(I) The water system shall be well maintained and the facilities shall present a pleasing appearance to the public.

(2) To attain recognition as an "Approved Public Water System," all additional requirements listed under subsection (a)(1) of this section with exception of secondary constituents, subsection (a)(1)(E) of this section must be met. Public water systems which provide water quality that exceeds the secondary chemical standards may be excluded from this recognition program at the discretion of the executive director.

Signs. Systems which have met the requirements for recognition as a superior or approved system may erect signs denoting this honor.

Inspections. To receive or maintain recognition as a superior or approved water system, the system must be inspected and evaluated by commission personnel as to physical facilities, appearance and operation. Systems which fail to meet the above requirements in this section will be denied recognition or will have their recognition revoked. The signs shall be immediately removed on notice from the executive director.

(b) Appendix B. Sample Retail Service Agreement.

Figure: 30 TAC §290.47(b) (No change to the figure as it currently exists in TAC.)

Appendix B: Sample Retail Service Agreement

I. PURPOSE. The NAME OF WATER SYSTEM is responsible for protecting the drinking water supply from contamination or pollution which could result from improper system construction or configuration on the retail connection owner's side of the meter. The purpose of this service agreement is to notify each

customer of the restrictions which are in place to provide this protection. The public water system enforces these restrictions to ensure the public health and welfare. Each retail customer must sign this agreement before the NAME OF WATER SYSTEM will begin service. In addition, when service to an existing retail connection has been suspended or terminated, the water system will not re-establish service unless it has a signed copy of this agreement.

II. RESTRICTIONS. The following unacceptable practices are prohibited by State regulations.

A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.

B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.

C. No connection which allows water to be returned to the public drinking water supply is permitted.

D. No pipe or pipe fitting which contains more than 0.25% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.

E. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

III. SERVICE AGREEMENT. The following are the terms of the service agreement between the NAME OF WATER SYSTEM (the Water System) and NAME OF CUSTOMER (the Customer).

A. The Water System will maintain a copy of this agreement as long as the Customer and/or the premises is connected to the Water System.

B. The Customer shall allow his property to be inspected for possible cross-connections and other potential contamination hazards. These inspections shall be conducted by the Water System or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspections shall be conducted during the Water System's normal business hours.

C. The Water System shall notify the Customer in writing of any cross-connection or other potential contamination hazard which has been identified during the initial inspection or the periodic reinspection.

D. The Customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on his premises.

E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the Water System. Copies of all testing and maintenance records shall be provided to the Water System.

IV. ENFORCEMENT. If the Customer fails to comply with the terms of the Service Agreement, the Water System shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.

CUSTOMER'S
SIGNATURE:_____

DATE:_____

(c) Appendix C. Boil Water Notices.

(1) Appendix C1: Boil Water Notice for Community Public Water Systems.

Figure: 30 TAC §290.47(c)(1)

Appendix C1: Boil Water Notice for Community Public Water Systems
<Date>

Due to <**See Instruction 1**>, the Texas Commission on Environmental Quality has required the <**See Instruction 2**> public water system to notify all customers to boil their water prior to consumption (e.g., washing hands/face, brushing teeth, drinking, etc). Children, seniors, and persons with weakened immune systems are particularly vulnerable to harmful bacteria, and all customers should follow these directions).

To ensure destruction of all harmful bacteria and other microbes, water for drinking, cooking, and ice making should be boiled and cooled prior to use for drinking water or

human consumption purposes. The water should be brought to a vigorous rolling boil and then boiled for two minutes.

In lieu of boiling, individuals may purchase bottled water or obtain water from some other suitable source for drinking water or human consumption purposes.

When it is no longer necessary to boil the water, the public water system officials will notify customers that the water is safe for drinking water or human consumption purposes.

Once the boil water notice is no longer in effect, the public water system will issue a notice to customers that rescinds the boil water notice in a manner similar to this notice.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

If you have questions concerning this matter, you may contact < **See Instruction 3**> at < **See Instruction 4**>.

< **See Instruction 5**>

Instructions:
Delete instructions below on copy given to customers.

This is the mandatory language for your "Boil Water Notice". Please replace all of the above referenced < **See Instruction**> numbers with the information as follows:

<1> A description of the conditions that require a "Boil Water Notice" to be issued for the public water system that may include but are not limited to: reduced distribution system pressure, line break, low disinfection residuals, etc.

<2> Public Water System Name / Public Water System Identification Number

<3> Name of public water system official and any other primary contact names. **(Do not list TCEQ as the primary contact.)**

<4> Public water system official(s) phone number, business address, and any other useful contact numbers. Where appropriate, provide a telephone number or address where consumers may obtain a translated copy of the notice or assistance in the appropriate language.

<5> Public water systems may add optional language here concerning the actions they have taken to address the boil water notice situation.

The public water system customers and the executive director shall be able to reach the public water system at one of the numbers listed in this notice.

If a customer, individual, or employee wishes to contact the executive director, please call (512) 239-4691.

(2) Appendix C2: Boil Water Notice for Noncommunity Public Water Systems.

Figure: 30 TAC §290.47(c)(2)

Appendix C2: Boil Water Notice for Noncommunity Public Water Systems

<Date>

Due to <**See Instruction 1**>, the Texas Commission on Environmental Quality has required the <**See Instruction 2**> public water system to notify all customers, individuals, or employees that this establishment or business has implemented a boil water notice. All water provided by this establishment or business shall be boiled prior to use for drinking water or human consumption purposes prior to consumption (e.g., washing hands/face, brushing teeth, drinking, etc). Children, seniors, and persons with weakened immune systems are particularly vulnerable to harmful bacteria, and all customers should follow these directions).

To ensure destruction of all harmful bacteria and other microbes, water for drinking, cooking, and ice making should be boiled and cooled prior to use for drinking water or human consumption purposes. The water should be brought to a vigorous rolling boil and then boiled for two minutes.

In lieu of boiling, all customers, individuals, or employees may purchase bottled water or obtain water from some other suitable source for drinking water or human consumption purposes.

When it is no longer necessary to boil the water, the public water system officials of this establishment or business will notify customers, individuals, or employees that the water is safe for drinking water or human consumption purposes. Once the boil water notice is no longer in effect, the public water system officials will issue a notice to customers, individuals, or employees of this establishment or business that rescinds the boil water notice in a manner similar to this notice.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments,

nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

If you have questions concerning this matter, you may contact < **See Instruction 3**> at < **See Instruction 4**>.

< **See Instruction 5**>

Instructions:

Delete instructions below on copy given to customers.
This is the mandatory language for your "Boil Water Notice". Please replace all of the above referenced < **See Instruction**> numbers with the information as follows:

<1> A description of the conditions that require a "Boil Water Notice" to be issued for the public water system that may include but are not limited to (e.g., reduced distribution system pressure, line break, low disinfection residuals, etc.).

<2> Public Water System Name / Public Water System Identification Number

<3> Name of public water system official and any other primary contact names. **(Do not list TCEQ as the primary contact.)**

<4> Public water system official(s) phone number, business address, and any other useful contact numbers. Where appropriate, provide a telephone number or address where consumers may obtain a translated copy of the notice or assistance in the appropriate language.

<5> Public water systems may add optional language here concerning the actions they have taken to address the boil water notice situation.

The public water system customers and the executive director shall be able to reach the public water system at one of the numbers listed in this notice.

If a customer, individual, or employee wishes to contact the executive director, please call (512) 239-4691.

(3) Appendix C3: Boil Water Notice Rescinded.

Figure: 30 TAC §290.47(c)(3)

Appendix C3: Boil Water Notice Rescinded
<Date>

On <**See Instruction 1**>, the Texas Commission on Environmental Quality required the <**See Instruction 2**> public water system, <**See Instruction 3**>, to issue a Boil Water Notice to inform customers, individuals, or employees that due to conditions which occurred recently in the public water system, the water from this public water system was required to be boiled prior to use for drinking water or human consumption purposes.

The public water system has taken the necessary corrective actions to restore the quality of the water distributed by this public water system used for drinking water or human consumption purposes and has provided TCEQ with laboratory test results that indicate that the water no longer requires boiling prior to use as of < **See Instruction 4**>.

If you have questions concerning this matter, you may contact < **See Instruction 5**> at < **See Instruction 6**>.

< **See Instruction 7**>

Instructions:
Delete instructions below on copy given to customers.
This is the mandatory language for your "Boil Water Notice Rescinded" notice. Please replace all of the above referenced < **See Instruction**> numbers with the information as follows:

<1> Insert date that the initial Boil Water Notice was issued.

<2> Public Water System Name.

<3> Public Water System Identification Number.

<4> Boil Water Notice Rescind Date.

<5> Name of public water system official and any other primary contact names. **(Do not list TCEQ as the primary contact.)**

<6> Public water system official(s) phone number, business address, and any other useful contact numbers. Where appropriate, provide a telephone number or address where consumers may obtain a translated copy of the notice or assistance in the appropriate language.

<7> Public water systems may add optional language here concerning the actions they have taken to address the boil water notice situation.

The public water system customers and the executive director shall be able to reach the public water system at one of the numbers listed in this notice.

If a customer, individual, or employee wishes to contact the executive director, please call (512) 239-4691.

(d) Appendix D. Operator Notice.

Figure: 30 TAC §290.47(d) (No change to the figure as it currently exists in TAC.)

30 TAC §290.46(p)(2), Data on water system ownership and management, requires the owner of a public water system to annually provide the executive director with a list of all the water works operators and operating companies that the public water system uses. The following form may be used to facilitate compliance with this requirement. This notice shall be submitted to the Texas Commission on Environmental Quality (TCEQ), Water Supply Division, MC-155, P.O. Box 13087, Austin, Texas 78711-3087 or via the TCEQ online "Operator Notice" form. Upon request, the "Operator Notice" form shall also be provided to the executive director during on-site inspections.

Appendix D: Operator Notice

Name of Operator or Operating Company	For Operators				For Companies
	Contact Information	Full, Part-time or Volunteer	License No.	Class of License	Registration No.
1.					
2.					
3.					
4.					
5.					
6.					
7.					

8.					
9.					
10.					

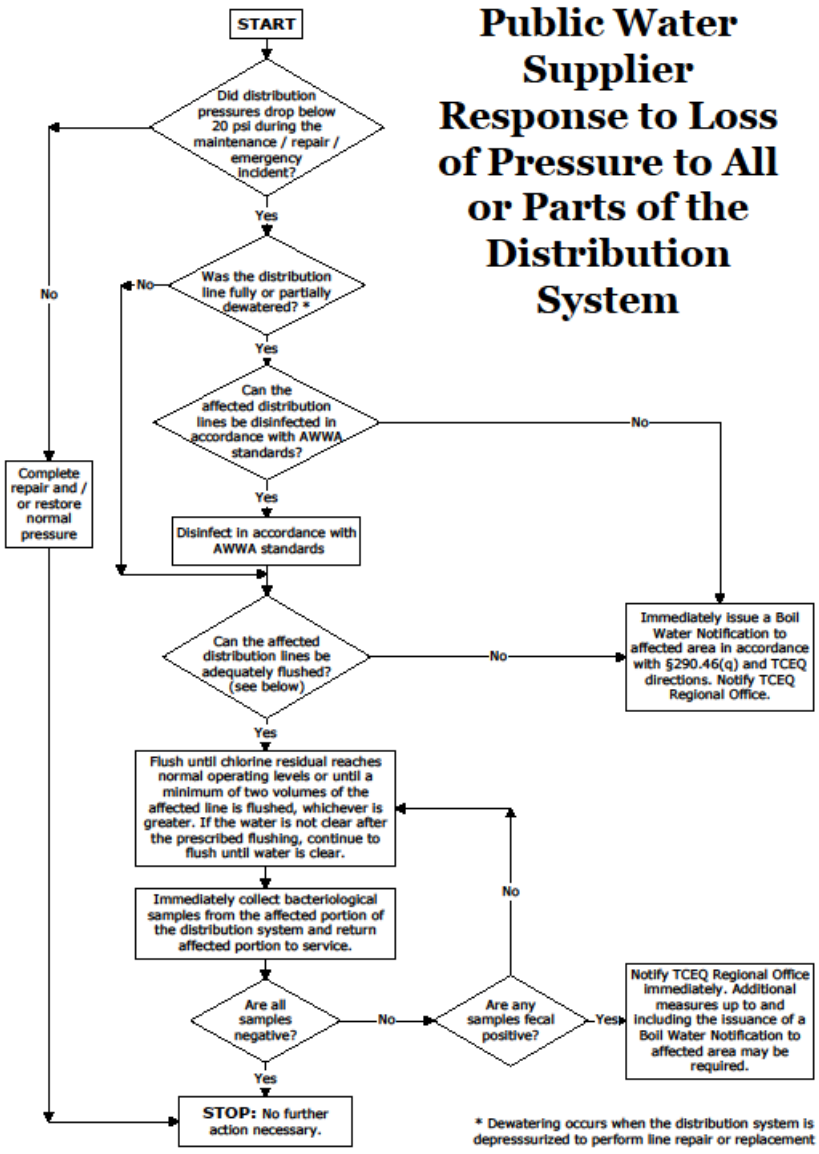
_____
Signature of Water System Owner or Responsible / Official Date

_____
Name of Water System Owner or Responsible Official / Title of Owner or Responsible Official

(e) Appendix E. Special Precautions.

Figure: 30 TAC §290.47(e) (No change to the figure as it currently exists in TAC.)

Figure: 30 TAC §290.47(e)



(f) Appendix F. Assessment of Hazards and Selection of Assemblies.

Figure: 30 TAC §290.47(f) (No change to the figure as it currently exists in TAC.)

Appendix F: Assessment of Hazards and Selection of Assemblies

The following table lists many common hazards. It is not an all-inclusive list of the hazards which may be found connected to public water systems.

Premises Isolation: Description of Premises	Assessment of Hazard	Required Assembly
Aircraft and missile plants	Health	RPBA or AG
Animal feedlots	Health	RPBA or AG
Automotive plants	Health	RPBA or AG
Breweries	Health	RPBA or AG
Canneries, packing houses and rendering plants	Health	RPBA or AG
Commercial car wash facilities	Health	RPBA or AG
Commercial laundries	Health	RPBA or AG
Cold storage facilities	Health	RPBA or AG
Connection to sewer pipe	Health	RPBA or AG
Dairies	Health	RPBA or AG
Docks and dockside facilities	Health	RPBA or AG
Dye works	Health	RPBA or AG
Food and beverage processing plants	Health	RPBA or AG
Hospitals, morgues, mortuaries, medical clinics, dental clinics, veterinary clinics, autopsy facilities, sanitariums, and medical labs	Health	RPBA or AG
Metal manufacturing, cleaning, processing, and fabrication plants	Health	RPBA or AG
Microchip fabrication facilities	Health	RPBA or AG
Paper and paper products plants	Health	RPBA or AG
Petroleum processing or storage facilities	Health	RPBA or AG

Photo and film processing labs	Health	RPBA or AG
Plants using radioactive material	Health	RPBA or AG
Plating or chemical plants	Health	RPBA or AG
Pleasure-boat marinas	Health	RPBA or AG
Private/Individual/Unmonitored wells	Health	RPBA or AG
Rainwater harvesting system	Health	RPBA or AG
Reclaimed water systems	Health	RPBA or AG
Restricted, classified or other closed facilities	Health	RPBA or AG
Rubber plants	Health	RPBA or AG
Sewage lift stations	Health	RPBA or AG
Sewage treatment plants	Health	RPBA or AG
Slaughter houses	Health	RPBA or AG
Steam plants	Health	RPBA or AG
Tall buildings or elevation differences where the highest outlet is 80 feet or more above the meter	Nonhealth	DCVA

Internal Protection - Description of Cross-Connection	Assessment of Hazard	Required Assembly
Aspirators	Nonhealth†	AVB
Aspirator (medical)	Health	AVB or PVB
Autoclaves	Health	RPBA
Autopsy and mortuary equipment	Health	AVB or PVB
Bedpan washers	Health	AVB or PVB
Connection to industrial fluid systems	Health	RPBA
Connection to plating tanks	Health	RPBA
Connection to salt-water cooling systems	Health	RPBA
Connection to sewer pipe	Health	AG

Cooling towers with chemical additives	Health	AG
Cuspidors	Health	AVB or PVB
Degreasing equipment	Nonhealth†	DCVA
Domestic space-heating boiler	Nonhealth†	RPBA
Dye vats or machines	Health	RPBA
Fire-fighting system (toxic liquid foam concentrates)	Health	RPBA
Flexible shower heads	Nonhealth†	AVB or PVB
Heating equipment		
Commercial	Nonhealth†	RPBA
Domestic	Nonhealth†	DCVA
Hose bibs	Nonhealth†	AVB
Irrigation systems		
with chemical additives	Health	RPBA
without chemical additives	Nonhealth†	DCVA, AVB, or PVB
Kitchen equipment - Commercial	Nonhealth†	AVB
Lab bench equipment	Health or Nonhealth†	AVB or PVB
Ornamental fountains	Health	AVB or PVB
Swimming pools		
Private	Nonhealth†	PVB or AG
Public	Nonhealth†	RPBA or AG
Sewage pump	Health	AG
Sewage ejectors	Health	AG
Shampoo basins	Nonhealth†	AVB
Specimen tanks	Health	AVB or PVB
Steam generators	Nonhealth†	RPBA
Steam tables	Nonhealth†	AVB
Sterilizers	Health	RPBA
Tank vats or other vessels containing toxic substances	Health	RPBA
Trap primers	Health	AG

Vending machines	Nonhealth†	RPBA or PVB
Watering troughs	Health	AG or PVB

NOTE: AG = air gap; AVB = atmospheric vacuum breaker; DCVA = double check valve backflow prevention assembly; PVB = pressure vacuum breaker; RPBA = reduced-pressure principle backflow prevention assembly.

*AVBs and PVBs may be used to isolate health hazards under certain conditions, that is, back siphonage situations. Additional area of premises isolation may be required.

†Where a greater hazard exists (due to toxicity or other potential health impact) additional area protection with RPBAs is required.

(g) Appendix G. Emergency Preparedness Plan Template.

Figure: 30 TAC §290.47(g) (No change to the figure as it currently exists in TAC.)

Appendix G: Emergency Preparedness Plan Template

This appendix contains information to assist an affected utility in preparing an emergency preparedness plan. A comprehensive guide and shell form, TCEQ Form No. 20536, for preparing a plan is available from the executive director upon request. A cover letter containing the name of the affected utility; the affected utility representative's name, title, and contact telephone number; and, if applicable, the public water system's identification number (PWS ID) and district number must be included with the plan submittal.

Information provided by an affected utility relating to its emergency preparedness plan is confidential and is not subject to disclosure under Texas Government Code, Chapter 552.

Rules. All of 30 TAC Chapter 291, Subchapter L applies to affected utilities that are not public water systems. The following commission rules apply to affected utilities that are public water systems:

Definitions: §290.38

General Provisions: §290.39(c)(4)(A) - (E) and (o)(1) - (5)

Water Distribution: §290.44(d)

Minimum Water System Capacity Requirements: §290.45(a)(7), (b)(3), (c)(3), (d)(4), (e)(4), (g)(5)(A)(iv), (g)(5)(B), and (h).

Minimum Acceptable Operating Practices for Public Drinking Water Systems: §290.46(f)(5) and (r).

Plan Options. A submitted emergency preparedness plan must include one of the following:

(1) Auxiliary generators equipped with automatic starting generators and switch over equipment. This equipment must have the ability to detect the failure of normal power from the electric grid; automatically start the generator; isolate necessary water equipment from the normal power grid; and switch the running generator's power to power the necessary water equipment to maintain the required minimum pressure.

(2) Two or more affected utilities may propose the sharing of auxiliary generator power. Necessary electrical and/or water connections equipped with automatic switch over and opening valves must be presented in the plan to demonstrate how one or more affected utilities will be able to maintain the required minimum pressure. Describe which equipment will share the auxiliary generator power and which equipment, if any, would receive power from only a single affected utility's auxiliary power equipment.

(3) Copies of negotiated leasing and contract agreements for emergency power equipment and any necessary fuel. This includes mutual aid agreements with other retail public utilities, exempt utilities, or providers or conveyors of potable or raw water service if the agreements provide for coordination with the division of emergency management in the governor's office. Consideration must be given to the location of where the other water supplier(s) are located as they may also be affected by the same natural disaster. In addition, when entering into a contract for leasing of emergency power equipment and necessary fuel, the contractual commitments of the supplier to other water suppliers and businesses within an area subject to the same natural disaster event must be taken into consideration.

(4) Use of portable generators capable of serving multiple facilities. The portable generator(s) and the necessary water equipment must be pre-equipped with quick-connect, mating electrical connectors to facilitate the rapid implementation of the emergency preparedness plan. The plan must address whether there is an adequate number of portable generators to operate all of the necessary water equipment in order to maintain the required minimum pressure in multiple pressure plans or at multiple systems, if affected by the same natural disaster event.

(5) In lieu of generators, alternative on-site electrical generation, or distributed electrical generation facilities, may be used. This may include the use of wind, solar

or other power as a means of providing sufficient emergency power to operate the necessary water equipment to maintain the required minimum pressure.

(6) Hardening of the electric transmission and distribution system serving the affected utility. One alternative is to relocate electric transmission lines for the system from overhead to underground and protect them from flooding. Another alternative is to replace overhead transmission lines, poles, and related appurtenances with ones that can withstand historical hurricane-force wind velocities, and trim or remove any trees next to and above the overhead transmission lines. Either alternative must include documentation on the ability of applicable power plant(s) and station(s) to withstand hurricane-force winds.

(7) Engines equipped with direct or right angle drives can be used as auxiliary power sources. Each pump or other equipment must be equipped with appropriate mechanical fittings to facilitate the use of engines. The plan must address the operation of chemical feed pumps using a generator(s).

(8) Any other alternative determined by the executive director to be acceptable.

Plan Contents. An emergency preparedness plan must provide for any applicable production, treatment, transfer and service pumps at an adequate flow rate and at a minimum pressure of 35 pounds per square inch in the far reaches of an affected distribution system, including multiple pressure planes. If applicable, provide the following information:

□ Contact information, including names, emergency telephone and pager numbers, and e-mail addresses.

□ List all ground, surface, and purchased water sources, with locations and individual capacities.

□ List all interconnections with other water providers; whether normally open or closed; size; whether wholesale, purchase, or both; available capacity; and any other pertinent information. Include the names of each interconnection and their contact information, including names, titles, telephone and pager numbers, and e-mail addresses.

□ List the capacity and power requirements of all treatment equipment.

□ For each chemical, list the type of storage, volume, and volume required per day during emergency operations.

□ Provide a copy of all water distribution and transmission piping maps.

□ Provide the maximum and average daily demands. If the emergency preparedness plan is for a proposed affected utility, the minimum specified capacities in §290.45 of this subchapter shall be used for the maximum daily demand.

□ List all primary electrical power sources.

□ List all equipment necessary to provide water to customers at the required minimum pressure and adequate flow rate, and the power requirements for each piece of equipment.

□ List the size, location and fuel requirement in gallons per hour at the load necessary to maintain emergency operations for all on-site manual and automatic auxiliary power equipment, and provide information as to how the affected utility determined the necessary fuel quantity.

□ Provide documentation as to how the affected utility will ensure that it maintains an adequate supply of fuel during emergency operations.

□ List the size, location, fuel requirement in gallons per hour at the load necessary to maintain emergency operations, and the name of the system sharing the equipment for all shared auxiliary power equipment. Include the other system's contact persons with their emergency telephone and pager numbers and e-mail addresses.

□ Provide a copy of any leasing and contracting agreements, including mutual aid agreements with other retail public utilities, exempt utilities, or providers or conveyors of potable or raw water service, if the agreements provide for coordination with the division of emergency management in the governor's office. If leasing, include the vendor's name, location, and contact information.

□ List all portable generators' power, phase, type of quick-connect, fuel type, and fuel demand in gallons per hour.

□ Provide specifications, a description, and detailed capacity information for all on-site electrical generation or distributive generation equipment. Include all fuel demands for this equipment.

□ List all direct or right angle drive emergency power equipment with the name, type of engine, fuel type, and fuel demand in gallons per hour.

□ Provide details for any other proposed alternative.

□ For each fuel tank, provide the location, volume, name of fuel suppliers, contact names, titles, telephone and pager numbers, and e-mail addresses.

□ List all local and state emergency responders and their emergency contact telephone and pager numbers. Include medical facilities.

□ List all priority water users, such as hospitals and nursing homes, and their emergency contact names, titles, telephone and pager numbers, and e-mail addresses.

□ List any bulk water haulers that could be used, including contact names, telephone and pager numbers, and e-mail addresses.

□ Provide the system's designated media spokesperson with a list of local media contact names, titles, type of media, telephone and pager numbers, and e-mail addresses.

□ Provide the water restrictions that the system will implement during an emergency response.

□ Provide a proposed time frame for full implementation of the emergency preparedness plan.

(h) Appendix H. Sample Language for Notification Upon Changing from Free Chlorine to Chloramines.

Figure: 30 TAC §290.47(h) (No change to the figure as it currently exists in TAC.)

Appendix H: Sample Language for Notification Upon Changing from Free Chlorine to Chloramines

A public water system (PWS) must notify its customers, in writing, at least 14 days before starting to use chloramines. This notification must contain the Sample Language for Notification Upon Changing from Free Chlorine to Chloramines included below. The notification should be provided to the news media, renal disease facilities, dialysis clinics, hospitals, physicians, local health departments, pet stores, zoos, and any other facilities that may be impacted by the change.

Sample Language for Notification Upon Changing from Free Chlorine to Chloramines

"On <**Date**>, the <**Water System Name**> will be changing the disinfectant that we use

from chlorine to chloramines. This change is intended to benefit our customers by reducing the levels of disinfection byproducts in the system, while still providing protection from waterborne disease.

However, the change to chloramines can cause problems to persons dependent on dialysis machines. A condition known as hemolytic anemia can occur if the disinfectant is not completely removed from the water that is used for the dialysate. Consequently, the pretreatment scheme used for the dialysis units must include some means, such as a charcoal filter, for removing the chloramine prior to this date. Medical facilities should also determine if additional precautions are required for other medical equipment. In addition, chloraminated water may be toxic to fish. If you have a fish tank, please make sure that the chemicals or filters that you are using are designed for use in water that has been treated with chloramines. You may also need to change the type of filter that you use for fish tanks."

Optional: "When the chloraminated water first flushes out the chlorinated water there may be a slight taste and odor, and possibly discoloration for a short period of time. This will not compromise the safety of the water."

Important notes:
1. The PWS may not begin using chloramines prior to the date shown in the notice.

2. The Texas Commission on Environmental Quality does not require the PWS to include the name or contact telephone number of a PWS employee that the customers can contact if they have questions; however, several PWSs have included this information as a courtesy to its customers.

SUBCHAPTER F: DRINKING WATER STANDARDS GOVERNING DRINKING WATER QUALITY AND REPORTING REQUIREMENTS FOR PUBLIC WATER SYSTEMS

§§290.102 - 290.104, 290.106 - 290.119, 290.121, 290.122

Statutory Authority

These amendments are adopted under the Texas Water Code (TWC), §5.102, which establishes the commission's general authority necessary to carry out its jurisdiction; TWC, §5.103, which establishes the commission's general authority to adopt rules; TWC, §5.105, which establishes the commission's authority to set policy by rule; and Texas Health and Safety Code (THSC), §341.031, which allows the commission to adopt rules to implement the federal Safe Drinking Water Act, 42 United States Code §§300f - 300j-26; and THSC, §341.0315, which requires public water systems to comply with commission rules adopted to ensure the supply of safe drinking water.

§290.102. General Applicability.

(a) General applicability. This subchapter shall apply to all public water systems as described in each section, unless the system:

(1) consists only of distribution and storage facilities (and does not have any production and treatment facilities);

(2) obtains all of its water from, but is not owned or operated by, a public water system to which such standards apply;

(3) does not sell water to any person;

(4) is not a carrier which conveys passengers in interstate commerce; and

(5) is subject to plumbing restrictions and inspections by the public water system which provides the water.

(b) Variances and exemptions. Variances and exemptions may be granted at the discretion of the executive director according to the Safe Drinking Water Act (SDWA), 42 United States Code (USC), §300g-4 and §300g-5, and according to National Primary Drinking Water Regulations Implementation, Subpart K, 40 Code of Federal Regulations §§142.301 - 142.313. The executive director may not approve variances or exemptions from:

(1) the maximum contaminant level (MCL) for *Escherichia coli* , nitrate, nitrite, or total nitrate and nitrite;

(2) the maximum residual disinfection level for chlorine dioxide; or

(3) the treatment technique requirements for filtration and disinfection.

(4) Variances are prohibited for rules addressing microbial contaminants, including rules in §290.109 - 209.111 and §290.116 of this title (relating to Microbial Contaminants; Disinfectant Residuals; Surface Water Treatment; and Groundwater Corrective Actions and Treatment Techniques).

(c) Extensions. An extension to the compliance deadline for an MCL or treatment technique that becomes effective on or after January 1, 2002, may be granted at the discretion of the executive director in accordance with the SDWA, 42 USC, §300g-1(b)(10).

(1) The executive director may extend the effective date of an MCL or treatment technique for up to two years if all of the following conditions apply:

(A) there are no acute violations associated with the new MCL or treatment technique for which the extension is being granted;

(B) the executive director determines that granting the extension will not result in an unreasonable risk to public health;

(C) the extension is granted only to public water systems that were in operation on the date that the MCL or treatment technique was promulgated by the United States Environmental Protection Agency (EPA);

(D) the executive director determines that capital improvements are needed to comply with the new MCL or treatment technique;

(E) the executive director approves a schedule identifying the capital improvements necessary to bring the system into compliance with the new MCL or treatment technique; and

(F) the EPA has not already incorporated a two-year extension into the effective date for the new MCL or treatment technique requirement.

(2) An application for an extension must be submitted to the executive director in writing by the owner or responsible party of the water system. The request must include a statement identifying the new MCL or treatment technique which is not being met and a general long range plan for meeting the new requirement.

(3) The executive director may issue an extension covering a group or class of systems with a common MCL or treatment technique which is not met without individual applications.

(d) Motion to overturn. Any person may file a motion to overturn the executive director's decision to grant or deny a variance, exemption, or extension under this section according to the procedures set out in §50.139 of this title (relating to Motion to Overturn Executive Director's Decision).

(e) Monitoring schedule. All monitoring required by this chapter shall be conducted in a manner and on a schedule approved by the executive director in concurrence with the requirements of the administrator of the EPA.

(f) Modified monitoring. When a public water system supplies water to one or more other public water systems, the executive director may modify the monitoring requirements imposed by this chapter to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the executive director in concurrence with the requirements of the administrator of the EPA.

(g) The owner or operator of a public water system shall ensure that the executive director is provided with a copy of the results of any test, measurement, or analysis required by this subchapter. The copies shall be submitted within the first ten days following the month in which the result is received by the public water system, or the first ten days following the end of the required monitoring period as provided by this subchapter, whichever occurs first.

§290.103. Definitions.

The following definitions shall apply in the interpretation and enforcement of this subchapter. If a word or term used in this subchapter is not contained in the following

list, its definition shall be as shown in §290.38 of this title (relating to Definitions) or in 40 Code of Federal Regulations (CFR) §141.2. Other technical terms used shall have the meanings or definitions listed in the latest edition of "Glossary, Water and Wastewater Control Engineering," prepared by a joint editorial board representing the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and the Water Pollution Control Federation.

(1) Assessment source monitoring--Raw groundwater source monitoring required by the executive director based on groundwater source susceptibility to fecal contaminants.

(2) Combined distribution system (CDS)--The interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

(A) The executive director may determine that the CDS does not include certain systems based on factors such as providing or receiving a relatively small amount of water or only on an emergency basis.

(B) A public water system may be determined to be in a different CDS for the purposes of compliance with regulations based on the Stage 2 Disinfection Byproducts Rule (DBP2) and the Long Term Stage 2 Enhanced Surface Water Treatment Rule (LT2).

(i) For the purposes of raw water monitoring under LT2, the CDS shall be based on the retail and wholesale population served by each surface water treatment plant or plant treating groundwater under the direct influence of surface water.

(ii) For the purposes of DBP2, the CDS shall be determined based on the retail population served within each individual system's distribution system.

(3) Compliance cycle--The nine-year (calendar year) cycle during which public water systems must monitor. Each compliance cycle consists of three, three-year compliance periods.

(4) Compliance period--A three-year (calendar year) period within a compliance cycle. Each compliance cycle has three, three-year compliance periods. Within the first compliance cycle, the first compliance period is called the initial compliance period.

(5) Comprehensive performance evaluation (CPE)--A thorough review and analysis of a treatment plant's performance-based capabilities and the associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and to emphasize approaches that can be implemented without significant capital improvements. The comprehensive performance evaluation consists of the following

components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

(6) Consecutive system--A public water system that receives some or all of its raw water or finished water from one or more other public water systems.

(7) Disinfection profile--A summary of daily *Cryptosporidium*, *Giardia lamblia*, and viral inactivation obtained through disinfection at the treatment plant.

(8) Disinfection by-products (DBP)--Chemical compounds formed by the reaction of a disinfectant with the natural organic matter present in water.

(9) Domestic or other non-distribution system plumbing problem--A coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

(10) DPD--Abbreviation for N,N-diethyl-p-phenylenediamine, a reagent used in the determination of several residuals. DPD methods are available for both volumetric (titration) and colorimetric determinations, and are commonly used in the field as part of a colorimetric test kit.

(11) Dual sample set--A set of two samples collected at the same time and same location, with one sample analyzed for total trihalomethanes (TTHM) and the other sample analyzed for haloacetic acids-group of five (HAA5). Dual sample sets are collected for the purposes of conducting an initial distribution system evaluation and determining compliance with the TTHM and HAA5 maximum contaminant levels.

(12) Enhanced coagulation--The removal of disinfection by-product precursors to a specified level by conventional coagulation and sedimentation.

(13) Enhanced softening--The removal of disinfection by-product precursors to a specified level by softening.

(14) Entry point--Any point where a source of treated water first enters the distribution system. Entry points to the distribution system may include points where chlorinated well water, treated surface water, rechlorinated water from storage, or water purchased from another supplier enters the distribution system.

(15) Entry point sampling site--A sampling site representing the quality of the water entering the distribution system at each designated entry point.

(16) Fecal indicators--Microbiological organisms used to indicate the presence of fecal contamination. Examples include; fecal coliform, *Escherichia coli* (*E. coli*), enterococci, and coliphage.

(17) Filter assessment--An in-depth evaluation of an individual filter, including the analysis of historical filtered water turbidity from the filter, development of a filter profile, evaluation of media condition, identification and prioritization of factors limiting filter performance, appraisal of the applicability of corrections, and preparation of a filter self-assessment report.

(18) Filter profile--A graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run. The filter profile must include all the data collected from the time that the filter placed into service until the time that the backwash cycle is complete and the filter is restarted. The filter profile must also include data collected as another filter is being backwashed.

(19) Finished water--Water that is introduced into the distribution system of a public water system and intended for distribution and consumption without further treatment, except as necessary to maintain water quality within the distribution system (e.g., booster disinfection, addition of corrosion control chemicals).

(20) Groundwater corrective action--Action required when a raw groundwater source sample is found to be positive for *Escherichia coli* (*E. coli*) or other fecal indicators as described under §290.116(b) of this title (relating to Groundwater Corrective Actions and Treatment Techniques).

(21) Groundwater corrective action plan--A plan approved by the executive director documenting the steps to be taken to address fecal contamination of a groundwater source as described under §290.116(b) of this title (relating to Groundwater Corrective Actions and Treatment Techniques). The groundwater corrective action plan must be approved within 30 days of being notified of the fecal contamination.

(22) Groundwater system--For the purposes of compliance with §290.109 of this title (relating to Microbial Contaminants) and with §290.116 of this title (relating to Groundwater Corrective Actions and Treatment Techniques), a public water system that provides, uses, or distributes any groundwater except if the groundwater is combined with surface water (or with groundwater under the direct influence of surface water) prior to treatment.

(23) Haloacetic acids (five) (HAA5)--The sum of the monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid concentrations in milligrams per liter, rounded to two significant figures after adding the sum.

(24) Halogen--One of the chemical elements chlorine, bromine, or iodine.

(25) Hydrogeologic sensitivity assessment--A determination of whether groundwater systems obtain water from hydrogeologically sensitive sources.

(26) Level 1 assessment--An evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the public water system triggered the assessment. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including, but not limited to water storage); source and treatment considerations that bear on distributed water quality, where appropriate; existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The public water system must conduct the assessment consistent with any executive director directives that tailor specific assessment elements with respect to the size and type of the public water system and the size, type, and characteristics of the distribution system.

(27) Level 2 assessment--An evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the public water system triggered the assessment. A Level 2 assessment provides a more detailed examination of the public water system (including, but not limited to the public water system's monitoring and operational practices) than does a Level 1 assessment through the use of a more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. Minimum elements include review and identification of atypical events

that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including, but not limited to water storage); source and treatment considerations that bear on distributed water quality, where appropriate; existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The public water system must conduct the assessment consistent with any executive director directives that tailor specific assessment elements with respect to the size and type of the public water system and the size, type, and characteristics of the distribution system. The public water system must comply with any expedited actions or additional actions required by the executive director in the case of an *Escherichia coli* (*E.coli*) maximum contaminant level violation.

(28) Locational running annual average (LRAA)--The average of analytical results for samples taken at a specific monitoring location during the previous four calendar quarters.

(29) Maximum contaminant level (MCL)--The maximum concentration of a regulated contaminant that is allowed in drinking water before the public water system is cited for a violation. MCLs for regulated contaminants are defined in the applicable sections of this subchapter.

(30) Maximum residual disinfectant level (MRDL)--The disinfectant concentration that may not be exceeded in the distribution system. There is convincing

evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants.

(31) Minimum acceptable disinfectant residual--The lowest disinfectant concentration allowed in the distribution system for microbial control.

(32) Operational evaluation level (OEL)--Calculated level of total trihalomethanes (TTHM) or haloacetic acid group of five (HAA5), an exceedance of which requires a system to perform an evaluation of factors in the distribution system contributing to disinfection by-product formation and submit an operation evaluation report as described in §290.115(e)(2) of this title (relating to Stage 2 Disinfection Byproducts (TTHM and HAA5)). The OEL at any monitoring location is the sum of the two previous quarters' results plus twice the current quarter's result, divided by 4 to determine an average.

(33) Raw water--Water prior to any treatment including disinfection that is intended to be used, after treatment, as drinking water.

(A) Raw groundwater is water from a groundwater source.

(B) Raw surface water is any water from a surface water source or from a groundwater under the direct influence of surface water source.

(34) Raw groundwater source monitoring--Fecal indicator sampling at untreated groundwater sources including triggered source water and assessment source monitoring.

(35) Sanitary defect--A defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.

(36) Seasonal public water system--A noncommunity public water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season.

(37) Significant deficiency--Significant deficiencies cause, or have the potential to cause, the introduction of contamination into water delivered to customers. This could include defects in design, operation, or maintenance of the source, treatment, storage, or distribution systems.

(38) Specific ultraviolet absorption at 254 nanometers (nm) (SUVA)--An indirect indicator of whether the organic carbon in water is humic or non-humic. It is calculated by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV254) (in inverse meters) by its concentration of dissolved organic carbon (DOC) (in milligrams per liter).

(39) Total organic carbon (TOC)--The concentration of total organic carbon, in milligrams per liter, measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures. TOC is a surrogate measure for precursors to formation of disinfection by-products.

(40) Total trihalomethanes (TTHM)--The sum of the chloroform, dibromochloromethane, bromodichloromethane, and bromoform concentrations in milligrams per liter, rounded to two significant figures after summing.

(41) Triggered source water monitoring--Raw groundwater source monitoring required for systems not providing at least 4-log treatment of viruses when a routine distribution coliform sample is positive.

(42) Trihalomethane (THM)--One of the family of organic compounds named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

(43) Wholesale system--A public water system that delivers water to another public water system.

(44) 4-log treatment--At least 99.99% (4-log) treatment of viruses using inactivation, removal, or an executive director-approved combination of 4-log virus

inactivation and removal. The 4-log treatment must be able to be properly validated and achieved before the first connection of the specified water source.

§290.104. Summary of Maximum Contaminant Levels, Maximum Residual Disinfectant Levels, Treatment Techniques, and Action Levels.

(a) Summary table purpose. The maximum contaminant levels (MCLs), maximum residual disinfectant levels (MRDLs), treatment techniques, and action levels are presented in this section as a reference source. Only the regulatory concentrations are shown in these tables. Compliance requirements are given in the specific section for each chemical.

(b) MCLs for inorganic compounds. The MCLs for inorganic contaminants listed in this subsection apply to public water systems as provided in §290.106 of this title (relating to Inorganic Contaminants).

Figure: 30 TAC §290.104(b) (No change to the figure as it currently exists on TAC.)

Contaminant	**MCL (mg/L)**
Antimony	0.006
Arsenic	0.010
Asbestos	7 million fibers/liter (longer than 10 µm)
Barium	2
Beryllium	0.004
Cadmium	0.005
Chromium	0.1
Cyanide	0.2 (as free Cyanide)

Fluoride	4.0
Mercury	0.002
Nitrate	10 (as Nitrogen)
Nitrite	1 (as Nitrogen)
Nitrate &	10 (as Nitrogen)
Nitrite (Total)	0.05
Selenium	0.002
Thallium	

(c) MCLs for organic compounds. The following MCLs for synthetic organic contaminants and volatile organic contaminants apply to public water systems as provided in §290.107 of this title (relating to Organic Contaminants).

(1) The following are the MCLs for synthetic organic contaminants.

Figure: 30 TAC §290.104(c)(1) (No change to the figure as it currently exists in TAC.)

Contaminant	**MCL (mg/L)**
Alachlor	0.002
Atrazine	0.003
Benzopyrene	0.0002
Carbofuran	0.04
Chlordane	0.002
Dalapon	0.2
Dibromochloropropane	0.0002
Di(2-ethylhexyl)adipate	0.4
Di(2-ethylhexyl)phthalate	0.006
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene dibromide	0.00005
Glyphosate	0.7

Heptachlor	0.0004
Heptachlor epoxide	0.0002
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.04
Oxamyl (Vydate)	0.2
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated biphenyls (PCB)	0.0005
Simazine	0.004
Toxaphene	0.003
2,3,7,8-TCDD (Dioxin)	3×10^{-8}
2,4,5-TP	0.05
2,4-D	0.07

(2) The following are the MCLs for volatile organic contaminants.

Figure: 30 TAC §290.104(c)(2) (No change to the figure as it currently exists in TAC.)

Contaminant	MCL (mg/L)
1,1-Dichloroethylene	0.007
1,1,1-Trichloroethane	0.2
1,1,2-Trichloroethane	0.005
1,2-Dichloroethane	0.005
1,2-Dichloropropane	0.005
1,2,4-Trichlorobenzene	0.07
Benzene	0.005
Carbon tetrachloride	0.005
cis-1,2-Dichloroethylene	0.07

Dichloromethane	0.005
Ethylbenzene	0.7
Monochlorobenzene	0.1
o-Dichlorobenzene	0.6
para-Dichlorobenzene	0.075
Styrene	0.1
Tetrachloroethylene	0.005
Toluene	1
trans-1,2-Dichloroethylene	0.1
Trichloroethylene	0.005
Vinyl chloride	0.002
Xylenes (total)	10

(d) MCLs for radionuclide contaminants. MCLs for radionuclide contaminants apply to public water systems as provided in §290.108 of this title (relating to Radionuclides Other than Radon).

(e) Microbial contaminants. The MCL for microbial or bacteriological contaminants applies to public water systems as provided in §290.109 of this title (relating to Microbial Contaminants). The MCL for microbiological contaminants is based on the presence or absence of *Escherichia coli* (*E. coli*).

(f) Minimum residual disinfectant concentrations and MRDLs. Minimum residual disinfectant concentrations and MRDLs apply to public water systems as provided in §290.110 of this title (relating to Disinfectant Residuals).

(1) The minimum residual disinfectant concentration in the water entering the distribution system is 0.2 milligrams per liter (mg/L) free chlorine or 0.5 mg/L chloramine.

(2) The minimum residual disinfectant concentration in the water within the distribution system is 0.2 mg/L free chlorine or 0.5 mg/L chloramine.

(3) The MRDL of chlorine dioxide in the water entering the distribution system is 0.8 mg/L.

(4) The MRDL of free chlorine or chloramine in the water within the distribution system is 4.0 mg/L based on a running annual average.

(g) Surface water treatment. Systems treating surface water or groundwater under the direct influence of surface water must meet the turbidity treatment technique requirements as provided in §290.111 of this title (relating to Surface Water Treatment).

(1) The turbidity level of the combined filter effluent must never exceed 1.0 nephelometric turbidity unit (NTU) and the turbidity level of the combined filter effluent must be 0.3 NTU or less in at least 95% of the samples tested each month.

(2) Systems are subject to the raw water monitoring, pathogen removal and inactivation and individual filter turbidity provisions of §290.111 of this title.

(h) Disinfection by-product precursors. The treatment technique requirements for disinfection by-product precursors apply to water systems as provided in §290.112 of this title (relating to Total Organic Carbon (TOC)).

(i) Disinfection by-products (total trihalomethanes (TTHM) and haloacetic acids (HAA5)). The MCLs for TTHM and HAA5 apply to water systems as provided in §290.113 of this title (relating to Stage 1 Disinfection By-products (TTHM and HAA5)) and in §290.115 of this title (relating to Stage 2 Disinfection By-products (TTHM and HAA5)). The MCLs for TTHM and HAA5 are:

(1) 0.080 mg/L for TTHM; and

(2) 0.060 mg/L for HAA5.

(j) Disinfection by-products other than TTHM and HAA5. The MCLs for chlorite and bromate apply to water systems as provided in §290.114 of this title (relating to Other Disinfection By-products (Chlorite and Bromate)). The MCLs for chlorite and bromate are as follows:

(1) 1.0 mg/L for chlorite; and

(2) 0.010 mg/L for bromate.

(k) Lead and copper action levels. The action levels for lead and copper apply to water systems as provided in §290.117 of this title (relating to Regulation of Lead and Copper). Action levels for lead and copper are as follows:

(1) 0.015 mg/L for lead; and

(2) 1.3 mg/L for copper.

(l) Recycle streams. The treatment technique requirements for recycle streams are specified in §290.42(c)(6) and (d)(3) of this title (relating to Water Treatment).

§290.106. Inorganic Contaminants.

(a) Applicability. All public water systems are subject to the requirements of this section.

(1) Community and nontransient, noncommunity systems shall comply with the requirements of this section regarding monitoring, reporting, and maximum contaminant levels (MCLs) for all inorganic contaminants (IOCs) listed in this section.

(2) Transient, noncommunity systems shall comply with the requirements of this section regarding monitoring, reporting, and MCL for nitrate and nitrite.

(3) For purposes of this section, systems using groundwater under the direct influence of surface water shall meet the inorganic sampling requirements given for surface water systems.

(b) MCLs for IOCs. The MCLs for IOCs listed in the following table apply to community and nontransient, noncommunity water systems. The MCLs for nitrate, nitrite, and total nitrate and nitrite also apply to transient, noncommunity water systems.

Figure: 30 TAC §290.106(b) (No change to the figure as it currently exists in TAC.)

Contaminant	**MCL (mg/L)**
Antimony	0.006
Arsenic	0.010
Asbestos	7 million fibers/liter (longer than 10µm)
Barium	2
Beryllium	0.004
Cadmium	0.005
Chromium	0.1
Cyanide	0.2 (as free Cyanide)
Fluoride	4.0
Mercury	0.002
Nitrate	10 (as Nitrogen)
Nitrite	1 (as Nitrogen)
Nitrate & Nitrite (Total)	10 (as Nitrogen)
Selenium	0.05
Thallium	0.002

(c) Monitoring requirements for IOCs. Public water systems shall monitor for IOCs at the locations specified by the executive director. All monitoring conducted under the requirements of this section must be conducted at sites designated in the public water system's monitoring plan. Each public water system shall monitor at the time designated during each compliance period.

(1) Routine monitoring locations for IOCs except asbestos. Antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nitrate, nitrite, selenium, and thallium shall be monitored at each entry point to the distribution system.

(A) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point that is representative of all sources and during periods of normal operating conditions.

(B) Systems shall take all subsequent samples at the same entry point to the distribution system unless the executive director determines that conditions make another entry point more representative of the source or treatment plant being monitored.

(C) The executive director may approve the use of composite samples.

(i) Compositing must be done in the laboratory or in the field by persons designated by the executive director.

(ii) Compositing shall be allowed only at groundwater entry points to the distribution system.

(iii) Compositing shall be allowed only within a single system. Samples from different systems shall not be included in a composite sample.

(iv) No more than five individual samples shall be included in a composite sample.

(v) The maximum number of individual samples allowed in a composite sample shall not exceed the number obtained by dividing the MCL for the contaminant by the detection limit of the analytical method and rounding the quotient to the next lowest integer. Detection limits for each analytical method are as listed in 40 Code of Federal Regulations (CFR) §141.23(a)(4)(i).

(vi) If the concentration in the composite sample is greater than or equal to the proportional contribution of the MCL (e.g., 20% of MCL when five points are composited) for any inorganic chemical, then a follow-up sample must be collected from each sampling point included in the composite sample.

(I) Follow-up samples must be collected within 14 days of receipt of the composite sample results.

(II) If duplicates of the original sample taken from each entry point to the distribution system used in the composite are available, the system may use these instead of resampling. The duplicates must be analyzed within 14 days of the composite.

(III) The follow-up or duplicate samples must be analyzed for the contaminant(s) which were excessive in the composite sample.

(D) Initial monitoring for a new water source must be conducted at a site representative of the water quality of the new source of water. For systems with one well and one entry point, initial monitoring may be conducted at the entry point to the distribution system.

(2) Monitoring locations for asbestos. Asbestos shall be monitored at locations where asbestos contamination is most likely to occur.

(A) A system vulnerable to asbestos contamination due solely to source water shall sample at the entry point to the distribution system.

(B) A system vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall sample at a tap served by asbestos-cement pipe, under conditions where asbestos contamination is most likely to occur.

(C) A system vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall sample at a tap served by asbestos-cement pipe, under conditions where asbestos contamination is most likely to occur.

(D) The executive director may require additional sampling locations based on the size, length, age, and location of asbestos-cement pipe in the distribution system. The system must provide information regarding the size, length, age, and location of asbestos-cement pipe in the distribution system to the executive director upon request.

(3) Initial monitoring frequency for IOCs except asbestos. Prior to using water as a drinking water source, public water systems shall monitor at the frequency determined by the executive director to ensure that the water distributed to customers will comply with the MCLs for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, nitrate, nitrite, nitrate and nitrite (total), mercury, selenium, and thallium.

(4) Monitoring frequency for IOCs except asbestos, nitrate, and nitrite. Community and nontransient, noncommunity public water systems shall monitor for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, and thallium at the following frequency.

(A) Routine monitoring frequency. A public water system shall routinely monitor for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, and thallium.

(i) Each groundwater entry point shall be sampled once every three years.

(ii) Each surface water entry point shall be sampled annually.

(iii) Each of the sampling frequencies listed in this paragraph constitutes one round of sampling for groundwater and surface water entry points, respectively.

(B) Reduced monitoring. The executive director may reduce the monitoring frequency for a system that has completed a minimum of three rounds of sampling by granting a waiver to the routine monitoring frequency for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, and thallium.

(i) Systems that use a new water source are not eligible for a waiver until three rounds of sampling from the new source have been completed.

(ii) To be considered for a waiver, systems shall demonstrate that all previous analytical results at that sample site were less than the MCL.

(iii) In determining the appropriate reduced monitoring frequency, the executive director shall consider:

(I) the reported contaminant concentrations from all previous samples;

(II) the degree of variation in reported concentrations; and

(III) other factors that may affect contaminant concentrations such as changes in groundwater pumping rates, changes in the system's configuration, changes in the system's operating procedures, or changes in the flow or characteristics of a reservoir or stream used as the water source.

(iv) If the executive director grants a waiver, it shall be made in writing and shall set forth the basis for the determination. The determination may be

initiated by the executive director. The executive director shall review and, where appropriate, revise the waiver of monitoring frequency when other data relevant to the system becomes available.

(v) The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).

(vi) A system must take a minimum of one sample during each compliance cycle while the waiver is effective.

(C) Increased monitoring. The executive director may increase the monitoring frequency for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, or thallium.

(i) If the results from a sample site exceed any of the MCLs in subsection (b) of this section, the system shall immediately begin quarterly sampling at that sample site starting in the next quarter after the exceedance occurs.

(ii) After the initiation of quarterly monitoring, the executive director may return a system to the routine monitoring frequency if monitoring shows that the sampling site is reliably and consistently below the MCL.

(I) The executive director shall not decrease the quarterly sampling requirement until a groundwater system has taken a minimum of two quarterly samples.

(II) The executive director shall not decrease the quarterly sampling requirement until a surface water system has taken a minimum of four quarterly samples.

(5) Asbestos monitoring frequency. Community and nontransient, noncommunity water systems shall monitor for asbestos at the following frequency.

(A) A public water system shall routinely monitor for asbestos once during the first three years of each compliance cycle.

(B) The executive director may waive the routine monitoring frequency requirements for asbestos.

(i) When determining if a waiver should be granted, the executive director shall consider:

(I) the potential for asbestos contamination of the water source;

(II) the use of asbestos-cement pipe for finished water distribution; and

(III) the corrosivity of the water.

(ii) If the executive director grants a waiver, it shall be made in writing and shall set forth the basis for the determination. The determination may be initiated by the executive director. The executive director shall review and, where appropriate, revise the waiver of monitoring frequency when other data relevant to the system becomes available.

(iii) The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).

(C) The executive director may increase the monitoring frequency for asbestos.

(i) A system that exceeds the MCL for asbestos shall sample quarterly beginning in the next quarter after the violation occurs.

(ii) After the initiation of quarterly sampling, the executive director may return a system to the routine monitoring frequency if monitoring shows that the system is reliably and consistently below the MCL.

(I) The executive director shall not decrease the quarterly sampling requirement until a groundwater system has taken a minimum of two quarterly samples.

(II) The executive director shall not decrease the quarterly sampling requirement until a surface (or combined surface water and groundwater) water system has taken a minimum of four quarterly samples.

(6) Nitrate monitoring frequency. All public water systems shall monitor for nitrate at the following frequency.

(A) Routine nitrate monitoring frequency. All public water systems shall routinely monitor for nitrate.

(i) All public water systems shall annually sample at each groundwater entry point to the distribution system.

(ii) A community or nontransient, noncommunity water system shall sample quarterly at each surface water entry point to the distribution system.

(iii) A transient, noncommunity water system shall sample annually at each surface water entry point to the distribution system.

(B) Reduced nitrate monitoring frequency. The executive director may reduce the monitoring frequency for community or nontransient, noncommunity water systems using surface water sources by granting a waiver to the routine monitoring frequency.

(i) To be considered for a waiver, a system shall demonstrate that the nitrate concentration in each sample collected during the previous four consecutive quarters was less than 50% of the nitrate MCL.

(ii) If the executive director grants a waiver, it shall be made in writing and shall set forth the basis for the determination. The determination may be initiated by the executive director. The executive director shall review and, where appropriate, revise the waiver of monitoring frequency when other data relevant to the system becomes available.

(iii) A system that receives a waiver to the routine nitrate monitoring frequency must sample annually for nitrate. The annual sample must be collected in the quarter that previously resulted in the highest nitrate concentration.

(C) Increased nitrate monitoring frequency. The executive director may increase the nitrate monitoring frequency for community or nontransient, noncommunity water systems using groundwater sources.

(i) A system that is sampling annually shall begin quarterly nitrate sampling if the nitrate concentration in any sample is equal to or greater than 50% of the nitrate MCL. Quarterly sampling must begin the first quarter after the elevated nitrate level was detected.

(ii) After the initiation of quarterly sampling, the executive director may return a system to the routine annual nitrate monitoring frequency if quarterly sampling shows that the system is reliably and consistently below the nitrate MCL for a minimum of four consecutive quarters.

(7) Nitrite monitoring frequency. All public water systems shall monitor for nitrite at the following frequency.

(A) All public water systems shall routinely take one nitrite sample during each nine-year compliance cycle. All public water systems shall monitor at the time designated by the executive director during each compliance period during each nine-year compliance cycle. New entry points will be scheduled for nitrite sample collection during the first year of operation, and then every nine years thereafter unless increased nitrite monitoring is required in accordance with this paragraph.

(B) The executive director may reduce the monitoring frequency for nitrite by granting a waiver to the routine monitoring frequency.

(i) To be considered for a waiver, a system shall demonstrate that the nitrite concentration in the initial sample was less than 50% of the nitrite MCL.

(ii) If the executive director grants a waiver, it shall be made in writing and shall set forth the basis for the determination. The determination may be initiated by the executive director. The executive director shall review and, where appropriate, revise the waiver of monitoring frequency when other data relevant to the system becomes available.

(iii) A system that receives a waiver to the routine nitrite monitoring frequency must sample at a frequency specified by the executive director.

(C) The executive director may increase the monitoring frequency for nitrite.

(i) A system shall sample quarterly for at least one year following any sample in which the nitrite concentration is greater than or equal to 50% of the MCL.

(ii) The executive director may allow a system to return to the routine monitoring frequency after determining the system is reliably and consistently less than the MCL.

(8) Confirmation sampling for all IOCs. The executive director may require a public water system to confirm the results of any individual sample.

(A) If a sample result exceeds the MCL, a public water system may be required to collect one additional sample to confirm the results of the initial test. If an additional sample is required:

(i) Confirmation samples must be collected at the same entry point to the distribution system as the sample that exceeded the MCL;

(ii) Confirmation samples for IOCs except nitrate and nitrite shall be collected as soon as possible after the system receives the analytical results of the first sample; and

(iii) Confirmation samples for nitrate and nitrite shall be collected within 24 hours of the system's receipt of notification of the analytical results of the first sample. Systems unable to comply with the 24-hour sampling requirement must immediately notify the consumers served by the public water system in accordance with subsection (f) of this section. Systems exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.

(B) The executive director may require a confirmation sample for any sample with questionable results.

(9) More frequent monitoring. The executive director may require more frequent monitoring than specified in paragraphs (4) - (7) of this subsection.

(d) Analytical requirements for IOCs. Analytical procedures shall be performed in accordance with §290.119 of this title (relating to Analytical Procedures). Testing for inorganic contaminants shall be performed at a laboratory certified by the executive director.

(e) Reporting requirements for IOCs. The owner or operator of a public water system shall ensure that the executive director is provided with a copy of the results of any test, measurement, or analysis required by this subsection. The copies must be submitted within the first ten days following the month in which the result is received by the public water system, or the first ten days following the end of the required monitoring period as provided by this subsection, whichever occurs first. The copies must be mailed to the Texas Commission on Environmental Quality, Water Supply Division, MC 155, P.O. Box 13087, Austin, Texas 78711-3087.

(f) Compliance determination for IOCs. Compliance with this section shall be determined using the following criteria.

(1) Compliance with the MCL for each IOC shall be based on the analytical results obtained at each individual sampling point.

(2) A public water system that exceeds the levels for nitrate, nitrite, or the sum of nitrate and nitrite specified in subsection (b) of this section commits an acute MCL violation. Compliance shall be based on the results of the single sample. If a confirmation sample is collected, compliance shall be based on the average result of the original and confirmation samples.

(3) A public water system that exceeds the levels of antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, or thallium (i.e., any IOC except nitrate and nitrite) specified in subsection (b) of this section at any sampling point commits an MCL violation.

(A) For systems that are sampling annually or less frequently, compliance may be based on the results of a single sample, if a confirmation sample is not collected.

(B) For systems that are sampling annually or less frequently, if a confirmation sample is collected, compliance will be based on the average result of the original and confirmation samples.

(C) For systems that are sampling more frequently than annually, compliance is based on the running annual average for each sampling point.

(D) If a single quarterly sample would cause the running annual average to be exceeded, then the system is immediately out of compliance.

(4) Any result below the method detection limits of 40 CFR §141.23(a)(4)(i) shall be considered to be zero for the purpose of calculating compliance.

(5) The executive director may exclude the results of obvious sampling errors from the compliance calculations.

(6) Compliance with the IOC MCLs must be based on the results of all samples required by the executive director, regardless of whether that number is greater or less than the minimum required number.

(7) For purposes of determining compliance, arsenic results must be reported to the nearest 0.001 milligram per liter.

(8) A public water system that fails to do a required public notice or certify that the public notice has been performed commits a public notice violation.

(g) Public notice for IOCs. A public water system that violates the requirements of this section must notify the executive director and the system's customers.

(1) A public water system that violates the MCL for nitrate, nitrite, or the sum of nitrate and nitrite shall notify the executive director within 24 hours and the water system customers of this acute violation in accordance with the requirements of §290.122(a) of this title (relating to Public Notification).

(2) A public water system that violates the MCL for nitrate, nitrite, or the sum of nitrate and nitrite that is unable to comply with the 24-hour confirmation sampling requirement must immediately notify the consumers served by the public water system in accordance with §290.122(a) of this title.

(3) A public water system that fails to meet the MCL for any of the regulated IOCs except nitrate and nitrite (i.e., antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, and thallium) shall notify the executive director by the end of the next business day and the water system customers in accordance with the requirements of §290.122(b) of this title.

(4) A public water system that fails to conduct the monitoring required by this section must notify its customers of the violation in accordance with the requirements of §290.122(c) of this title.

(5) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the executive director may allow the system to give public notice to only the area served by that portion of the system that is out of compliance.

(h) Best available technology (BAT) for IOCs. BAT for treatment of violations of MCLs in subsection (b) of this section are listed in 40 CFR §141.62.

(i) Small system compliance technologies (SSCTs) for arsenic. SSCTs for arsenic are listed in 40 CFR §141.62(d) and may be utilized with commission approval. When point-of-use or point-of-entry devices are used for compliance, the water system must develop a program for the long-term operation, maintenance, and monitoring of the devices to ensure adequate performance.

(j) Bottled water. In accordance with 40 CFR §141.101, bottled water may be used on a temporary basis only and with approval by the commission in order to avoid unreasonable risk to health.

§290.107. Organic Contaminants.

(a) Applicability. All community and nontransient, noncommunity water systems shall comply with the requirements of this section regarding organic contaminants. For

purposes of this section, systems using groundwater under the direct influence of surface water shall meet the organic sampling requirements given for surface water systems.

(b) Maximum contaminant levels (MCLs) for organic contaminants. The concentration of synthetic and volatile organic chemicals shall not exceed the MCLs specified in this section.

(1) The following are MCLs for synthetic organic chemical (SOC) contaminants.

Figure: 30 TAC §290.107(b)(1) (No change to the figure as it currently exists in TAC.)

Contaminant	**MCL (mg/L)**
Alachlor	0.002
Atrazine	0.003
Benzopyrene	0.0002
Carbofuran	0.04
Chlordane	0.002
Dalapon	0.2
Dibromochloropropane	0.0002
Di(2-ethylhexyl)adipate	0.4
Di(2-ethylhexyl)phthalate	0.006
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene dibromide	0.00005
Glyphosate	0.7
Heptachlor	0.0004
Heptachlor epoxide	0.0002
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.04
Oxamyl (Vydate)	0.2
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated biphenyls	0.0005
(PCB)	0.004
Simazine	0.003
Toxaphene	3×10^{-8}
2,3,7,8-TCDD (Dioxin)	0.05
2,4,5-TP	0.07
2,4-D	

(2) The following are MCLs for volatile organic chemical (VOC) contaminants.

Figure: 30 TAC §290.107(b)(2) (No change to the figure as it currently exists in TAC.)

Contaminant	MCL (mg/L)
1,1-Dichloroethylene	0.007
1,1,1-Trichloroethane	0.2
1,1,2-Trichloroethane	0.005
1,2-Dichloroethane	0.005
1,2-Dichloropropane	0.005
1,2,4-Trichlorobenzene	0.07
Benzene	0.005
Carbon tetrachloride	0.005
cis-1,2-Dichloroethylene	0.07
Dichloromethane	0.005
Ethylbenzene	0.7
Monochlorobenzene	0.1
o-Dichlorobenzene	0.6
para-Dichlorobenzene	0.075
Styrene	0.1
Tetrachloroethylene	0.005
Toluene	1
trans-1,2-Dichloroethylene	0.1
Trichloroethylene	0.005
Vinyl chloride	0.002
Xylenes (total)	10

(3) Each public water system must certify annually to the executive director (using third-party or manufacturer's certification) that when acrylamide or epichlorohydrin are used in drinking water systems, the combination (or product) of dose and monomer level does not exceed 0.05% dosed at 1.0 milligrams per liter (mg/L) (or equivalent) for acrylamide and 0.01% dosed at 20 mg/L (or equivalent) for epichlorohydrin.

(c) Monitoring requirements for organic contaminants. Public water systems shall monitor for organic contaminants at the locations and frequency in paragraphs (1) and (2) of this subsection. All monitoring conducted under the requirements of this section must be conducted at sites designated in the public water system's monitoring plan. All samples must be taken during periods of normal operation.

(1) SOC monitoring requirements. Monitoring of the SOC contaminants shall be conducted at the frequency and locations given in this paragraph.

(A) SOC monitoring locations. Monitoring of the SOC contaminants shall be conducted at the following locations.

(i) Systems shall routinely sample at sample sites representative of each entry point to the distribution system.

(ii) Subsequent samples must be taken at the same sample site unless the executive director determines that a change in conditions makes a different sample site more representative of the water available to customers.

(iii) The executive director must approve any change in sampling location.

(B) Initial SOC monitoring frequency. Prior to using a new source of water as drinking water, public water systems shall monitor at the frequency established by the executive director to ensure that the water distributed to customers will comply with the MCLs for SOCs.

(C) Routine SOC monitoring frequency. Monitoring of the SOC contaminants shall be conducted at the following frequency.

(i) Community and nontransient, noncommunity water systems shall take four consecutive quarterly samples for each SOC contaminant listed in subsection (b)(1) of this section during each compliance period beginning with the initial compliance period.

(ii) Community and nontransient, noncommunity water systems serving more than 3,300 persons that do not detect a contaminant in the initial

compliance period may reduce the sampling frequency at that sample site to a minimum of two consecutive quarterly samples in one year during each repeat compliance period.

(iii) Community and nontransient, noncommunity water systems serving 3,300 persons or fewer that do not detect a contaminant in the initial compliance period may reduce the sampling frequency at that sample site to a minimum of one sample during each repeat compliance period.

(iv) Each public water system shall monitor at the time designated by the executive director within each compliance period.

(D) Increased SOC monitoring. The executive director may change the monitoring frequency for SOCs.

(i) Entry points that exceed the SOC MCLs of subsection (b)(1) of this section as determined by subsection (f) of this section must be monitored quarterly. After a minimum of four quarterly samples shows the system is in compliance and the executive director determines the system is reliably and consistently below the MCL, as determined by the methods specified in subsection (f) of this section, the executive director may allow the system to monitor annually. Systems that monitor annually must monitor during the quarter that previously yielded the highest analytical result.

(ii) The executive director may change the monitoring frequency if an organic SOC contaminant is detected in any sample.

(I) If an organic SOC contaminant is detected in any sample, the system must monitor quarterly at each entry point to the distribution system at which a detection occurs.

(II) After a system collects a minimum of two consecutive quarterly samples at a groundwater sample site, the executive director may decrease the quarterly monitoring requirement specified in subclause (I) of this clause, if the sample site is reliably and consistently below the MCL.

(III) After a system collects a minimum of four consecutive quarterly samples at a surface water sample site or a groundwater under the direct influence of surface water sample site, the executive director may decrease the quarterly monitoring requirement specified in subclause (I) of this clause, if the sample site is reliably and consistently below the MCL.

(IV) After the executive director determines that a sample site is reliably and consistently below the MCL, the executive director may allow the sample site to be monitored annually. Systems that monitor annually must monitor during the quarter that previously yielded the highest analytical result.

(V) Sample sites that have three consecutive annual samples with no detection of a contaminant may be granted a waiver at the discretion of the executive director. The executive director will consider the waiver for each compliance period.

(VI) If monitoring results in detection of one or more of certain related contaminants (i.e., heptachlor and heptachlor epoxide), then subsequent monitoring shall analyze for all related contaminants.

(iii) The executive director may increase the required SOC monitoring frequency, where necessary, to detect variations within the system (e.g., fluctuations in concentration due to seasonal use, changes in water source, etc.).

(iv) The executive director may require a confirmation sample for positive or negative results. If a confirmation sample is required by the executive director, the result must be averaged with the first sampling result and the average used for the compliance determination as specified in subsection (f) of this section. The executive director has discretion to delete results of obvious sampling errors from this calculation.

(E) Waivers for SOC monitoring. The executive director may grant a waiver to reduce the SOC monitoring frequency from the monitoring frequency requirements of subparagraphs (B) and (C) of this paragraph, based on previous use of

the contaminant within the watershed or zone of influence of the water source. Examples of use of a contaminant include transport, storage, or disposal. If a determination by the executive director reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted. If the executive director cannot determine whether the contaminant has been used in the watershed or if the contaminant has been used previously, then the following factors shall be used to determine whether a waiver is granted:

(i) previous analytical results;

(ii) the proximity of the system to a potential point or non-point source of contamination. Point sources include spills and leaks of chemicals at or near a water treatment facility or at drinking water sources, manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities. Non-point sources include the use of pesticides to control insects, weeds, or pests on agricultural areas, forest lands, home and garden property, or other land application uses;

(iii) the environmental persistence and transport of the pesticide herbicide or contaminant;

(iv) how well the water source is protected against contamination due to such factors as depth of the well, type of soil, and the integrity of

well construction. Surface water systems must consider watershed vulnerability and protection;

(v) elevated nitrate levels at the water supply source; and

(vi) use of polychlorinated byphenyls (PCBs) in equipment used in the production, storage, or distribution of water (i.e., PCBs used in pumps, transformers, etc.).

(F) Compositing for SOC monitoring. The executive director may reduce the total number of samples required from a system for analysis by allowing the use of compositing. Composite samples from a maximum of five entry points to the distribution system are allowed. Compositing of samples must be done in the laboratory and analyzed within 14 days of sample collection.

(i) If any of the SOC contaminants listed in subsection (b)(1) of this section are detected in a composite sample, then a follow-up sample must be taken from each entry point to the distribution system included in the composite and analyzed within 14 days of collection.

(ii) If duplicates of the original SOC sample taken from each entry point to the distribution system used in the composite are available, the executive

director may use these duplicates instead of resampling. The duplicate must be analyzed within 14 days of collection and the results reported to the executive director.

(iii) Compositing may only be permitted at entry points to the distribution system within a single system.

(2) VOC monitoring requirements. Monitoring of the VOC contaminants shall be conducted at the frequency and locations given in this paragraph.

(A) VOC monitoring locations. Monitoring of the VOC contaminants shall be conducted at the following locations.

(i) Systems shall routinely sample at sample sites representative of each entry point to the distribution system.

(ii) Subsequent samples must be taken at the same sample site unless the executive director determines that a change in conditions makes a different sample site more representative of the water available to customers.

(iii) The executive director must approve any change in sampling location.

(B) Initial VOC monitoring frequency. Prior to using water as a drinking water source, public water systems shall monitor at the frequency established by the executive director to ensure that the water distributed to customers will comply with the MCLs for VOCs.

(C) Routine VOC monitoring frequency. Monitoring of the VOC contaminants shall be conducted at the following frequency.

(i) Community and nontransient, noncommunity water systems shall take four consecutive quarterly samples for each VOC contaminant listed in subsection (b)(2) of this section during each compliance period, beginning with the initial compliance period.

(ii) If the initial monitoring for VOC contaminants has been completed, and the system did not detect any VOC contaminant listed in subsection (b)(2) of this section, the system shall take one sample annually beginning with the initial compliance period.

(iii) After a minimum of three years of annual sampling, the executive director may allow groundwater systems with no previous detection of any VOC contaminant listed in subsection (b)(2) of this section to take one sample during each compliance period.

(iv) Each community and nontransient, noncommunity groundwater system that does not detect a VOC contaminant listed in subsection (b)(2) of this section may be granted a waiver from the annual or triennial requirements of subsection (c)(2)(C)(ii) and (iii) of this section after completing the initial monitoring. For the purposes of this section, detection is defined as an analytical result of 0.0005 mg/L or greater. A waiver shall be effective for no more than six years (two compliance periods).

(v) Each public water system shall monitor at the time designated by the executive director within each compliance period.

(D) Increased VOC monitoring. The executive director may change the monitoring frequency for VOCs.

(i) Sample sites that exceed the VOC MCLs of subsection (b)(2) of this section, as determined by subsection (f) of this section, must be monitored quarterly. After a minimum of four consecutive quarterly samples that show the system is in compliance as specified in subsection (f) of this section and after the executive director determines that the system is reliably and consistently below the MCL, the executive director may allow the system to monitor annually during the quarter that previously yielded the highest analytical result.

(ii) The executive director may require a confirmation sample for positive or negative results. If a confirmation sample is required by the executive

director, the result must be averaged with the first sampling result and the average is used for the compliance determination as specified by subsection (f) of this section. The executive director has discretion to delete results of obvious sampling errors from this calculation.

(iii) If a VOC contaminant listed in subsection (b)(2) of this section is detected at a level exceeding 0.0005 mg/L in any sample, then:

(I) the system must monitor quarterly at each entry point to the distribution system that resulted in a detection;

(II) the executive director may decrease the quarterly monitoring requirement specified in subsection (c)(2)(D)(iii)(I) of this section provided that the executive director has determined that the system is reliably and consistently below the MCL. In no case shall the executive director make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface water system takes a minimum of four quarterly samples;

(III) if the executive director determines that the system is reliably and consistently below the MCL, the executive director may allow the system to monitor annually. Systems that monitor annually must monitor during the quarter that previously yielded the highest analytical result;

(IV) systems which have three consecutive annual samples with no detection of a contaminant may be granted a waiver as specified in subparagraph (E) of this paragraph; and

(V) groundwater systems that have detected one or more of the following two-carbon organic compounds: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each entry point to the distribution system at which one or more of the two-carbon organic compounds was detected. If the result of the first analysis does not detect vinyl chloride, the executive director may reduce the quarterly monitoring frequency for vinyl chloride to one sample during each compliance period. Surface water systems are required to monitor for vinyl chloride as specified by the executive director.

(iv) The executive director may increase the required VOC monitoring frequency, where necessary, to detect variations within the system (e.g., fluctuations in concentration due to seasonal use, changes in water source, etc.).

(E) Waivers for VOC monitoring. The executive director may grant a waiver after evaluating the previous use (including transport, storage, or disposal) of the contaminant within the watershed or zone of influence of the water sources. If a determination by the executive director reveals no previous use of the contaminant

within the watershed or zone of influence, a waiver may be granted. If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted:

(i) previous analytical results;

(ii) the proximity of the system to a potential point or non-point source of contamination. Point sources include spills and leaks of chemicals at or near a water treatment facility or at drinking water sources manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities;

(iii) the environmental persistence and transport of the contaminants;

(iv) the number of persons served by the public water system and the proximity of a smaller system to a larger system;

(v) how well the water source is protected against contamination (e.g., is it a surface or groundwater system). Groundwater systems must consider factors such as depth of the well, the type of soil, and well construction. Surface water systems must consider watershed protection;

(vi) as a condition of the waiver, a groundwater system must take one sample at each entry point to the distribution system during the time the waiver is effective (i.e., one sample during two compliance periods or six years) and update its vulnerability assessment considering the factors listed in this paragraph. Based on this updated vulnerability assessment, the executive director must reconfirm that the system is not vulnerable. If the executive director does not make this reconfirmation within three years of the initial determination, then the waiver is invalid and the system is required to sample annually; and

(vii) community and nontransient surface water systems that do not detect a VOC contaminant listed in subsection (b)(2) of this section may be considered by the executive director for a waiver from the annual sampling requirements of subparagraph (C)(ii) of this paragraph after completing the initial monitoring. Systems meeting this criteria must be determined by the executive director to be non-vulnerable based on a vulnerability assessment during each compliance period. Each system receiving a waiver shall sample at the frequency specified by the executive director (if any).

(F) Compositing for VOC monitoring. The executive director may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of entry points to the distribution system are allowed. Compositing of samples must be done in the laboratory and analyzed within 14 days of sample collection.

(i) If the VOC concentration in the composite sample is 0.0005 mg/L or greater for any contaminant listed in subsection (b)(2) of this section, then a follow-up sample must be taken and analyzed within 14 days from each entry point to the distribution system included in the composite.

(ii) If duplicates of the original sample taken from each entry point to the distribution system used in the composite are available, the system may use these instead of resampling. The duplicate must be analyzed within 14 days of collection.

(iii) Compositing may only be permitted by the executive director at entry points to the distribution system within a single system.

(iv) Procedures for compositing VOC samples are as stated in 40 Code of Federal Regulations (CFR) §141.24(f)(14)(iv).

(d) Analytical requirements for organic contaminants. Analytical procedures shall be performed in accordance with §290.119 of this title (relating to Analytical Procedures). Testing for organic contaminants shall be performed at a laboratory certified by the executive director.

(e) Reporting requirements for organic contaminants. The owner or operator of a public water system shall ensure the executive director is provided with a copy of the

results of any test, measurement, or analysis required by this subsection. The copies must be submitted within the first ten days following the month in which the result is received by the public water system, or the first ten days following the end of the required monitoring period as provided by this subsection, whichever occurs first. The copies must be mailed to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

(f) Compliance determination for organic contaminants. Compliance with the MCLs of subsection (b)(1) and (2) of this section shall be determined based on the analytical results obtained at each entry point to the distribution system.

(1) If one sampling point is in violation of any MCL in subsection (b) of this section, then the system is in violation of the MCL for that contaminant.

(A) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.

(B) Systems monitoring annually or less frequently whose sample result exceeds the MCL must begin quarterly sampling; systems will not be considered in violation of the MCL until they have completed one year of quarterly sampling.

(C) If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately.

(D) If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.

(E) If a sample result is less than the detection limit, zero will be used to calculate the annual average.

(2) The executive director has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by sanctioned representatives and agencies.

(3) A public water system that fails to do a required public notice or certify that the public notice has been performed commits a public notice violation.

(g) Public notification requirements for organic contaminants. A public water system that violates the requirements of this section must notify the executive director and the system's customers. If a public water system has a distribution system separate from other parts of the distribution system with no interconnections, the executive director may allow the system to give public notice to only that portion of the system that is out of compliance.

(1) A system that violates an MCL given in subsection (b) of this section, shall report to the executive director and notify the public as provided under §290.122(b) of this title (relating to Public Notification).

(2) A public water system that fails to conduct the monitoring required by this section must notify its customers of the violation in accordance with the requirements of §290.122(c) of this title.

(h) Best available technology for organic contaminants. Best available technology for treatment of violations of MCLs in subsection (b) of this section are listed in 40 CFR §141.61. Copies are available for review in the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

§290.108. Radionuclides Other than Radon.

(a) Applicability. All community water systems shall comply with the requirements of this section regarding radionuclide contaminants. Public water systems treating groundwater under the direct influence of surface water must comply with the radionuclide requirements for surface water systems. Public water systems shall comply with the initial monitoring requirements.

(b) Maximum contaminant levels (MCL). The concentration of radionuclide contaminants in the water entering the distribution system shall not exceed the following MCLs.

(1) MCLs for naturally occurring radionuclides are as follows:

(A) 5 picoCuries per liter (pCi/L) for combined radium-226 and radium-228, as calculated by the summation of the results for radium-226 and radium-228;

(B) 15 pCi/L for gross alpha particle activity (including radium-226 but excluding radon and uranium); and

(C) 30 micrograms per liter for uranium.

(2) MCLs for beta particle and photon radioactivity from man-made radionuclides in drinking water in community water systems are equivalent to the MCLs under 40 Code of Federal Regulations (CFR) §141.66(d), as amended and adopted in the CFR through December 7, 2000 (65 FR 76708), which is adopted by reference.

(c) Monitoring requirements. Public water systems shall measure the concentration of radionuclides at locations and frequencies specified in the system's monitoring plan. All samples must be collected during normal operating conditions.

(1) Monitoring frequency for naturally occurring radionuclides. The monitoring frequency requirements for gross alpha particle activity, combined radium-226 and radium-228, and uranium are as follows.

(A) Initial monitoring frequency. All systems that use a new source of water must begin to conduct initial monitoring of the new source within 90 days after initiating use of the source.

(i) If the initial monitoring results are at or above an MCL, the system must perform quarterly monitoring as described in subparagraph (C) of this paragraph.

(ii) If the initial monitoring results are below all of MCLs given in subsection (b)(1) of this section, the system shall perform routine monitoring as described in subparagraph (B) of this paragraph.

(B) Routine monitoring. The results of samples collected during initial and routine monitoring periods will be used to determine the monitoring frequency for subsequent monitoring periods.

(i) If the results for all contaminants (gross alpha particle activity, combined radium-226 and radium-228, and uranium) are below the detection

limits specified in Table A of this clause, the system must collect and analyze at least one sample at that sampling point once every nine years.

Figure: 30 TAC §290.108(c)(1)(B)(i) (No change to the figure as it currently exists in TAC.)

Table A: Detection Limits for Radionuclides

Contaminant	**Detection limit**
Gross alpha particle activity	3 picoCuries per liter (pCi/L)
Radium 226	1 pCi/L
Radium 228	1 pCi/L
Uranium	1 microgram per liter

(ii) If the result for any contaminant is at or above the detection limit but at or below one-half the MCLs given in subsection (b) of this section, the system must collect and analyze at least one sample at that sampling point every six years.

(iii) If the result for any contaminant is above one-half the MCLs given in subsection (b) of this section but below the MCL, the system must collect and analyze at least one sample at that sampling point every three years.

(iv) If the result for any contaminant is at or above any of the MCLs given in subsection (b) of this section, monitoring must be performed at the frequency given in subparagraph (C) of this paragraph.

(C) Increased monitoring. A system must perform increased monitoring if any results at a sampling point are at or above the MCLs, or at the direction of the executive director.

(i) If the results for any contaminant are at or above any of the MCLs given in subsection (b) of this section, consecutive quarterly monitoring must be performed at that sample point.

(ii) If the average of quarterly monitoring results is less than the MCLs in subsection (b) of this section, the sample point may be returned to the routine sampling frequency given in subparagraph (B) of this paragraph.

(iii) To fulfill quarterly monitoring requirements a system may composite up to four consecutive quarterly samples from a single entry point if analysis is done within a year of the first sample.

(iv) The analytical results from a composite sample will be treated as the annual average to determine compliance with the MCLs and future monitoring frequency requirements.

(v) When required by the executive director, more frequent monitoring must be conducted in the vicinity of mining or other operations that may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water, or when changes in the distribution system or treatment processing occur that may increase the concentration of radionuclide in the finished water.

(vi) Community public water systems shall conduct monitoring when required by the executive director.

(D) Historical data. A system may use historical data to comply with the initial monitoring requirement, if approved by the executive director.

(i) A system having only one entry point to the distribution system may use the monitoring data from the previous entry point or distribution system compliance monitoring to satisfy initial monitoring requirements.

(ii) A system with multiple entry points that has appropriate historical monitoring data for each entry point to the distribution system may use previous compliance monitoring data to satisfy initial monitoring requirements.

(iii) To satisfy initial monitoring requirements, a community water system with appropriate historical data for a representative point in the

distribution system may use the monitoring data from the distribution system, provided that the executive director finds that the historical data satisfactorily demonstrates that each entry point to the distribution system is expected to be in compliance based upon the historical data and reasonable assumptions about the variability of contaminant levels between entry points.

(E) Sample invalidation. The executive director may invalidate the results of obvious sampling or analytic errors.

(F) Confirmation samples. The executive director may require more frequent monitoring or may require confirmation samples at the executive director's discretion.

(G) Sampling scheduling. Systems shall monitor at the time designated by the executive director.

(2) Monitoring and compliance for man-made radionuclides. The monitoring and compliance requirements for man-made radionuclide under 40 CFR §141.26(b), as amended and adopted in the CFR through December 7, 2000 (65 FR 76708), are adopted by reference.

(3) Monitoring locations for radionuclide contaminants. Systems must monitor at sample sites described in the system's monitoring plan.

(A) Initial monitoring for a new water source must be conducted at a site representative of the water quality of the new source of water.

(B) Routine compliance monitoring for the radionuclide covered by this section must be performed at sampling points representing each entry point to the distribution system. If results from an entry point exceed one-half the MCL, the executive director may require the system to sample all water sources providing water to that entry point.

(d) Analytical requirements for radionuclide contaminants. Analytical procedures shall be performed in accordance with §290.119 of this title (relating to Analytical Procedures). Testing for radionuclide contaminants shall be performed at a laboratory certified by the executive director.

(e) Reporting requirements. The owner or operator of a public water system must ensure the executive director is provided with a copy of the results of any test, measurement, or analysis required by this section. The copies must be submitted within the first ten days following the month in which the result is received by the public water system, or the first ten days following the end of the required monitoring period as provided by this subsection, whichever occurs first. The copies must be mailed to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

(f) Compliance determination. Compliance with the requirements of this section shall be determined as follows.

(1) If the running average annual MCL for gross alpha particle activity, combined radium-226 and radium-228, or uranium as set forth in subsection (b) of this section is exceeded, based on quarterly monitoring results, the system has committed an MCL violation.

(A) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis provided that the measured gross alpha particle activity does not exceed 5 pCi/L at a confidence level of 95% (1.65 theta where theta is the standard deviation of the net counting rate of the sample).

(B) When the gross alpha particle activity exceeds 5 pCi/L, the same or an equivalent sample shall be analyzed for radium-226 and radium-228.

(C) If a sample result is less than the detection limit, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, one-half the detection limit will be used to calculate the annual average.

(D) The results of all samples taken and analyzed under the provisions of this section will be used in determining compliance, even if that number is greater or less than the minimum required.

(E) If a system fails to complete required increased monitoring, the executive director may base compliance on all available sample results.

(F) If the results at one sample site are in violation, the public water system is in violation.

(G) When confirmation samples are collected, the average of an initial sample and its confirmation sample must be averaged for the purposes of determining compliance.

(H) To judge compliance with the MCLs, sample results must be rounded to the same number of significant figures as the MCL for the substance in question.

(2) If the average annual MCL for man-made radionuclide set forth in subsection (b) of this section is exceeded, the system has committed an MCL violation.

(3) A public water system that fails to conduct the monitoring tests required by this subsection commits a monitoring violation.

(4) A public water system that fails to report the results of the monitoring tests required by this subsection commits a reporting violation.

(5) A public water system that fails to do a required public notice or certify that the public notice has been performed commits a public notice violation.

(g) Public notification. A public water system that violates the requirements of this section must notify the executive director and the system's customers, as follows.

(1) A public water system that violates the MCL for gross alpha particle activity, combined radium-226 and radium-228, or uranium shall give notice to the executive director and notify the public as required by §290.122(b) of this title (relating to Public Notification).

(2) The operator of a community water system that violates the MCL for man-made radionuclide shall give notice to the executive director and to the public as required by §290.122(b) of this title.

(3) A public water system that fails to conduct the monitoring required by this subsection must notify its customers of the violation in accordance with the requirements of §290.122(c) of this title.

(h) Best available technology for radionuclides other than radon. Best available technology for treatment of violations of MCLs in subsection (b) of this section are listed in 40 CFR §141.66(g).

(i) Small system compliance technologies (SSCTs) for radionuclides. SSCTs for radionuclides are listed in 40 CFR §141.66(h) and may be utilized with commission approval. When point-of-use or point-of-entry devices are used for compliance, the water system must develop a program for the long-term operation, maintenance, and monitoring of the devices to ensure adequate performance.

(j) Bottled water. In accordance with 40 CFR §141.101, bottled water may be used on a temporary basis only and with approval by the commission in order to avoid unreasonable risk to health.

§290.109. Microbial Contaminants.

(a) Applicability. All public water systems must produce and distribute water that meets the provisions of this section regarding microbial contaminants.

(b) Maximum contaminant levels (MCL) for microbial contaminants. Treatment techniques and MCL requirements for microbial contaminants are based on detection of those contaminants or fecal indicator organisms.

(1) A public water system is in compliance with the MCL for *Escherichia coli* (*E. coli*) unless any of the following conditions occur:

(A) The public water system has an *E. coli*-positive repeat sample following a total-coliform-positive routine sample;

(B) The public water system has a total coliform-positive repeat sample following an *E. coli*-positive routine sample;

(C) The public water system fails to take all required repeat samples following an *E. coli*-positive routine sample; or

(D) The public water system fails to test for *E. coli* when any repeat sample tests positive for total coliform.

(E) The *E. coli* MCL is defined as when a condition described in subparagraphs (A) - (D) of this paragraph occurs.

(2) For public water systems required to collect raw groundwater samples, the standard is no detection of fecal indicators in a raw groundwater sample.

(c) Treatment technique triggers and assessment requirements for microbial contaminants. All public water systems shall comply with the requirements as described

in this subsection. Public water systems shall conduct assessments after exceeding any of the treatment technique triggers as described in paragraphs (1) and (2) of this subsection.

(1) Level 1 treatment technique triggers are:

(A) For a public water system which collects 40 or more distribution samples per month, the treatment technique trigger is defined as when more than 5.0% of samples collected in a month are total coliform-positive.

(B) For a public water system which collects fewer than 40 distribution samples per month, the treatment technique trigger is defined as when two or more samples collected in a month are total coliform-positive.

(C) When a public water system fails to collect all required repeat samples after a total coliform-positive result.

(2) Level 2 treatment technique triggers are:

(A) An *E. coli* MCL violation as specified in subsection (b)(1)(A) - (D) of this section occurs.

(B) A second Level 1 treatment technique trigger occurs as defined in paragraph (1) of this subsection , within a rolling 12-month period. If the executive

director has determined the reason that the samples that caused the first Level 1 treatment technique trigger were total coliform-positive and has established that the public water system has corrected the problem, a public water system will not be required to conduct and complete a Level 2 assessment. The public water system shall have identified any sanitary defect and provided adequate documentation to the executive director in the initial Level 1 assessment which established the reason that caused the first Level 1 treatment technique trigger and that the public water system corrected the problem. If the executive director has determined that a public water system is not required to conduct a Level 2 assessment based on the occurrence of a second Level 1 treatment technique trigger within a rolling 12-month period, the public water system shall still conduct the required Level 1 assessment and shall complete and submit the executive director-approved Level 1 assessment form.

(3) Treatment technique assessment requirements are:

(A) Level 1 and Level 2 assessments are conducted in order to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices. The assessments may also indicate that no sanitary defects were identified. When conducting assessments, systems shall ensure that the assessor evaluates minimum elements that include review and identification of inadequacies in sample sites; sampling protocol; sample processing; atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect

distributed water quality (including, but not limited to water storage); source and treatment considerations that bear on distributed water quality; and existing water quality monitoring data. The system shall conduct and complete the assessment in the format as prescribed by the executive director that tailors specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

(i) Level 1 and Level 2 assessments shall be conducted and completed by the public water system, licensed operators as required under §290.46(e) of this title (relating to Minimum Acceptable Operating Practices for Public Drinking Water Systems), or other parties approved by the executive director. The public water system, licensed operators, as required under §290.46(e) of this title, and other parties approved by the executive director shall have also completed training as required in clause (iii) of this subparagraph and any additional training required by the executive director in writing, upon notice to the public water system, licensed operators, and other parties approved by the executive director.

(ii) Other parties approved by the executive director include, but are not limited to:

(I) backflow prevention assembly testers and customer service inspectors licensed under Chapter 30 of this title (relating to Occupational Licenses and Registrations);

(II) plumbing inspectors and water supply protection specialists licensed by the Texas State Board of Plumbing Examiners;

(III) licensed professional engineers licensed by the Texas Board of Professional Engineers;

(IV) circuit riders or technical assistance providers under contract with the executive director or other government agency as approved by the executive director; or

(V) utility supervisor or manager supported by various utility staff or other individuals that meet the assessment requirements as described in this paragraph.

(iii) Assessors who have conducted Level 1 assessments which were determined by the executive director to be insufficient or inadequate may be required to complete additional training or obtain certifications as prescribed by the executive director.

(B) The Level 1 and Level 2 assessments shall be conducted and completed consistent with all directives set forth by the executive director and with respect to the size, type, and characteristics of the public water system. When conducting

assessments, at a minimum, public water systems shall ensure that the following items are evaluated:

(i) review and identification of inadequacies in sample sites;

(ii) sampling protocol;

(iii) sample processing;

(iv) atypical events that could affect distributed water quality or indicate that distributed water quality was impaired;

(v) changes in distribution system maintenance and operation that could affect distributed water quality (including, but not limited to water storage);

(vi) source and treatment considerations that bear on distributed water quality, where appropriate;

(vii) existing water quality monitoring data; and

(viii) the possible presence of sanitary defects.

(C) A public water system shall conduct a Level 1 assessment and complete the executive director-approved Level 1 assessment form when the public water system exceeds one of the treatment technique triggers in paragraph (1) of this subsection. The public water system must note no sanitary defects were identified or describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed in the Level 1 assessment form. At the discretion of the executive director, the public water system shall comply with any additional or expedited corrective actions when there is a potential for an acute health risk.

(i) Both the Level 1 assessment and the executive director-approved Level 1 assessment form shall be completed and the form submitted to the executive director as soon as practical, but no later than 30 days after the public water system learns that it has exceeded a trigger, or 30 days after all routine and repeat monitoring was required to be completed for the calendar month in which the system exceeded the trigger, whichever is earlier.

(ii) If the executive director determines that the Level 1 assessment is not sufficient, the public water system shall consult with the executive director and submit a revised assessment form to the executive director within 30 days from the date of consultation.

(iii) The executive director will determine if the public water system has identified the likely cause(s) of the trigger and, if so, was the cause(s) corrected, or has an acceptable schedule to correct the problem been included. The assessments may also indicate that no sanitary defects were identified.

(D) A public water system shall ensure that a Level 2 assessment and the executive director-approved Level 2 assessment form are conducted and completed consistently with all directives set forth by the executive director if the public water system exceeds one of the treatment technique triggers in paragraph (2) of this subsection. The public water system shall comply with any expedited actions or additional actions required by the executive director in the case of an *E. coli* MCL violation.

(i) After any trigger in paragraph (2) of this subsection, the public water system shall ensure that both the Level 2 assessment and the executive director-approved Level 2 assessment form are completed by the public water system, licensed operators as required under §290.46(e) of this title, or by parties approved by the executive director and the completed form submitted to the executive director as soon as practical but no later than 30 days after the public water system learns that it has exceeded a trigger in paragraph (2) of this subsection, or 30 days after all routine and repeat monitoring was required to be completed for the calendar month in which the system exceeded the trigger, whichever is earlier.

(ii) If the executive director determines that the completed Level 2 assessment is not sufficient or the proposed timetable for any corrective actions not completed is not sufficient, the public water system shall consult with the executive director. If any revisions are required after consultation, the public water system shall submit a revised assessment form to the executive director within 30 days from the date of the consultation.

(iii) After the Level 2 assessment is submitted, the executive director will determine if the public water system has identified the likely cause(s) of the trigger and corrected the cause(s), or has included an acceptable timetable for correcting the cause(s). The assessments may also indicate that no sanitary defects were identified.

(E) Public water systems must correct sanitary defects found through either Level 1 or Level 2 assessments described in this subsection. For corrective actions not completed by the time of submission of the assessment form, the public water system must complete the corrective actions in compliance with a timetable approved by the executive director in consultation with the public water system. The public water system must notify the executive director when scheduled corrective actions have been completed.

(F) At any time during the assessment or corrective action phase, either the public water system or the executive director may request a consultation with the other party to determine the appropriate actions. The public water system shall

consult with the executive director on all relevant information that may impact its ability to comply with a requirement of this subsection.

(d) Monitoring requirements for microbial contaminants. Public water systems shall collect samples for total coliform, fecal coliform, *E. coli* (or other approved fecal indicator) at sampling sites and a sample collection schedule, as designated by the public water system, which are subject to review and revision as directed by the executive director. All compliance samples must be collected at sampling sites and a sample collection schedule that are representative of water throughout the distribution system and shall be reflected in the public water system's Sample Siting Plan and included with the public water system's monitoring plan in accordance with §290.121 of this title (relating to Monitoring Plans). All public water systems shall develop a written Sample Siting Plan as described in paragraph (6) of this subsection.

(1) Routine microbial sampling locations. Public water systems shall routinely monitor for microbial contaminants at the following locations.

(A) Public water systems must collect routine distribution coliform samples at a customer's premise, dedicated sampling station, or other designated compliance sampling location at active service connections which are representative of water quality throughout the distribution system. Other sampling sites may be used if located adjacent to active service connections.

(B) Public water systems shall collect distribution coliform samples at locations specified in the public water system's Sample Siting Plan which shall be included in the public water system's monitoring plan.

(2) Routine distribution coliform sampling frequency. All public water systems must sample for distribution coliform at the following frequency.

(A) Community and noncommunity public water systems must collect routine distribution coliform samples at a frequency based on the population served by the system.

(i) The population for noncommunity systems will be based on the maximum number of persons served on any given day during the month based on the data reported by the public water system to the executive director during the most recent sanitary survey of the public water system or any other data as required by the executive director.

(ii) The population of community systems will be based on the data reported by the public water system to the executive director during the most recent sanitary survey of the public water system or any other data as required by the executive director.

(iii) The minimum sampling frequency for public water systems is shown in the following table.

Figure: 30 TAC §290.109(d)(2)(A)(iii)

Population Served	Minimum Number of Samples per Month
1 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

(B) A public water system which uses surface water or groundwater under the direct influence of surface water must collect routine distribution coliform samples at regular time intervals throughout the month.

(C) A public water system which uses only purchased water or groundwater not under the direct influence of surface water and serves more than 4,900 persons must collect routine distribution coliform samples at regular time intervals throughout the month.

(D) A public water system which uses only purchased water or groundwater not under the direct influence of surface water and serves 4,900 persons or fewer may collect all required routine distribution coliform samples on a single day if they are taken from different sites.

(E) A total coliform-positive sample invalidated under this subsection does not count towards meeting the minimum routine monitoring requirements of this subsection. Unless the executive director has invalidated the sample in accordance with subsection (e) of this section, all routine coliform sample results must be used to determine compliance with subsection (b)(1) of this section and to determine treatment technique trigger and assessment requirements as described in subsection (c)(1) and (2) of this section.

(F) All public water system shall collect at least the minimum number of required routine microbial samples even if the public water system has had an *E. coli* MCL violation under any of the conditions as described in subsection (b)(1)(A) - (D) of this section or has exceeded the coliform treatment technique triggers as described in subsection (c)(1) and (2) of this section.

(G) A public water system may conduct more microbial compliance monitoring than is required by this subsection to investigate potential problems in the public water system treatment facilities and distribution system and use monitoring to assist in identifying problems. A public water system may collect more than the minimum number of required routine samples required by this subsection. A public water system that collects more than the minimum number of required routine samples required by this subsection shall include the results of these samples in calculating whether the coliform treatment technique triggers as described in subsection (c)(1) and (2) of this section have been exceeded. The additional routine sample sites shall be included in the public water system's Sample Siting Plan and collected in accordance with the Sample Siting Plan and shall be representative of water throughout the distribution system.

(3) Repeat distribution coliform sampling requirements. Public water systems shall conduct repeat monitoring if one or more of the routine samples is found to contain coliform organisms.

(A) If a routine distribution coliform sample is coliform-positive, the public water system must collect a set of repeat distribution coliform samples within 24 hours of being notified of the positive result, or as soon as possible if the local laboratory is closed. The executive director may extend the 24-hour limit on a case-by-case basis if the public water system has a logistical problem in collecting the repeat samples within 24 hours that is beyond the public water system's control. All public water systems shall collect no fewer than three repeat samples for each total coliform-positive sample found even if the public water system has had an *E. coli* MCL violation under any of the conditions as described in subsection (b)(1)(A) - (D) of this section or has exceeded the coliform treatment technique triggers as described in subsection (c)(1) and (2) of this section.

(B) The public water system must collect all repeat samples on the same day, except a public water system with a single service connection may collect daily repeat samples over a three-day period until the required number of repeat samples has been collected.

(C) Unless the public water system meets the provisions of clause (i) or (ii) of this subparagraph, the public water system must collect at least one repeat sample from the sampling tap where the original coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If the positive routine sample was collected at the end of the distribution

system, or one service connection away from the end of the distribution system, one repeat sample must be collected at that point and the other two repeat samples must be collected within five connections upstream of that point.

(i) As approved by the executive director, public water systems may propose repeat monitoring locations to the executive director that the public water system considers to be representative of a pathway for contamination of the distribution system. A public water system may elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a written standard operating procedure (SOP) in its Sample Siting Plan. The public water system shall design its SOP to focus the repeat samples at locations that best verify and determine the extent of potential contamination of the distribution system area based on specific situations. The executive director may modify the SOP or require alternative monitoring locations as needed.

(ii) As approved by the executive director, groundwater public water systems serving 1,000 or fewer people may propose repeat sampling locations to the executive director, in a written SOP in its Sample Siting Plan, that differentiate potential source water and distribution system contamination (e.g., by sampling at entry points to the distribution system). A groundwater public water system with a single well required to conduct triggered source water monitoring may, with written executive director approval, take one of its repeat samples at the monitoring location required for triggered source water monitoring under paragraph (4) and (4)(A) of this subsection if the

public water system demonstrates to the executive director that the Sample Siting Plan remains representative of water quality in the distribution system. If approved by the executive director, the public water system may use that sample result to meet the monitoring requirements for both repeat monitoring under this paragraph and triggered source monitoring under paragraph (4) and (4)(A) of this subsection.

(iii) All public water systems shall include all sample sites as required by this subparagraph and any required SOPs for any proposed sampling sites as described in clauses (i) and (ii) of this subparagraph in the public water system's Sample Siting Plan in accordance with paragraph (6) of this subsection.

(D) If one or more repeat samples in the set is total coliform-positive, the public water system must collect an additional set of repeat samples in the manner specified in subparagraphs (A) - (C) of this paragraph. The additional samples must be collected within 24 hours of the public water system being notified of the positive result or as soon as possible if the local laboratory is closed. The executive director may extend the 24-hour limit on a case-by-case basis if the public water system has a logistical problem in collecting the repeat samples within 24 hours that is beyond the public water system's control. In accordance with 40 Code of Federal Regulations (CFR) §141.858(a)(1) the executive director is prohibited from waiving the requirement for a public water system to collect repeat samples as specified in subparagraphs (A) - (D) of this paragraph. The public water system must repeat this process until either one of the following occurs:

(i) total coliforms are not detected in one complete set of repeat samples;

(ii) a coliform treatment technique trigger as described in subsection (c)(1) and (2) of this section has been exceeded; or

(iii) If a treatment technique trigger as described in subsection (c)(1) and (2) of this section is exceeded as a result of a routine sample being total coliform-positive, public water systems are required to conduct only one round of repeat monitoring for each total coliform-positive routine sample.

(E) After a public water system collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample is found to contain total coliform bacteria, then the public water system may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

(F) A total coliform-positive sample invalidated under this subsection does not count towards meeting the minimum repeat monitoring requirements of this subsection. Unless the executive director has invalidated the sample in accordance with subsection (e) of this section, all repeat coliform sample results must be used to determine compliance with subsection (b)(1) of this section and to determine treatment

technique trigger and assessment requirements as described in subsection (c)(1) and (2) of this section.

(4) General requirements for raw groundwater source monitoring. Groundwater systems must comply, unless otherwise noted, with the requirements of this section. Any raw groundwater source sample required under this paragraph must be collected at a location prior to any treatment of the groundwater source and use analytical procedures and methods described in §290.119(b)(10) of this title (relating to Analytical Procedures). The public water system may collect a sample at an executive director-approved location prior to any treatment to meet the requirements of this paragraph and subparagraph (A) of this paragraph if the sample is representative of the water quality of that well.

(A) Triggered source monitoring general requirements. A groundwater system must conduct triggered source water monitoring for *E. coli* (or other approved fecal indicator), if both of the following conditions exist.

(i) The system does not provide at least 4-log treatment of viruses (as defined in §290.103(44) of this title (relating to Definitions)) before the first customer for each groundwater source; and

(ii) The system is notified that a routine distribution coliform sample is positive and the sample is not invalidated under subsection (e)(1) of this section.

(B) Triggered source monitoring sampling requirements. A groundwater system must collect, within 24 hours of notification of the routine distribution total coliform-positive sample, at least one raw groundwater source *E. coli* (or other approved fecal indicator) sample from each groundwater source in use at the time the distribution coliform-positive sample was collected.

(i) The executive director may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the raw groundwater source sample within 24 hours due to circumstances beyond its control. If the executive director extends the 24-hour time limit on a case-by-case basis, the public water system must collect the sample within 48 hours.

(ii) If approved by the executive director and documented in the public water system's monitoring plan, public water systems with more than one groundwater source may be allowed to sample a representative groundwater source or sources. Public water systems shall modify their current monitoring plan to identify one or more groundwater sources that are representative of each distribution coliform sampling site and is intended to be used for representative source sampling.

(iii) A groundwater system with one well serving 1,000 people or fewer may use one of the three required repeat samples collected from a raw groundwater source to meet both the repeat requirements of paragraph (3) of this subsection and the triggered raw source monitoring requirements in this paragraph when all of the following requirements are met:

(I) the fecal indicator used is *E. coli*;

(II) the executive director has provided written approval for the public water system to meet the monitoring requirements for both repeat monitoring under paragraph (3) of this subsection and triggered source monitoring under this paragraph and subparagraph (A) of this paragraph; and

(III) the public water system's sample siting plan remains representative of water quality in the distribution system. If a required repeat sample is used to meet both requirements and found to be *E. coli*-positive, the public water system will have achieved an *E. coli* MCL as defined in subsection (b)(1)(A) - (D) of this section and corrective action will be required for the groundwater source where the sample was found to be *E. coli*-positive.

(iv) If the executive director does not require corrective action under §290.116 of this title (relating to Groundwater Corrective Actions and Treatment Techniques) for a fecal indicator positive source water sample collected under this

subparagraph that is not invalidated under subsection (e) of this section, the public water system shall collect five additional source water samples from the same source within 24 hours of being notified of the fecal indicator positive sample.

(v) If a public water system takes more than one repeat sample at the monitoring location required for triggered source water monitoring, the public water system may reduce the number of additional source water samples required under clause (iv) of this subparagraph by the number of repeat samples taken at that location that were not *E. coli*-positive.

(C) Consecutive and wholesale systems. Consecutive groundwater systems receiving drinking water from a wholesaler must notify the wholesale system(s) within 24 hours of being notified of the positive coliform distribution sample. The wholesale groundwater system(s) must comply with the following:

(i) A wholesale groundwater system that receives notice of a distribution coliform sample positive from a consecutive system it serves must collect a sample from each of its groundwater sources within 24 hours of the notification and analyze each sample for the presence of *E. coli* (or other approved fecal indicator).

(ii) If any raw source sample is *E. coli* (or other approved fecal indicator) positive, the wholesale groundwater system must notify all consecutive systems served by that groundwater source of the fecal indicator positive within 24 hours

of being notified. The wholesale system and all consecutive systems served by that groundwater source must notify their water system customers in accordance with subsection (h)(2) of this section and shall meet the requirements of subparagraph (B)(iv) of this paragraph.

(iii) If any raw source sample is *E. coli*-positive, the wholesale groundwater system shall notify all consecutive systems served by that groundwater source of the fecal indicator source water positive within 24 hours of being notified and shall meet the requirements of subparagraph (B)(iv) of this paragraph.

(D) Exceptions to the triggered source monitoring requirements. A groundwater system is not required to comply with the triggered source monitoring requirements if any of the following conditions exist.

(i) The executive director determines and documents in writing, that the distribution coliform-positive sample is caused by a distribution system deficiency; or

(ii) The distribution coliform-positive sample is collected at a location that meets the distribution coliform sample invalidation criteria as specified in subsection (e)(1) of this section and the replacement sample is negative for coliforms.

(E) Assessment source monitoring. The executive director may require monthly source assessment raw monitoring without the presence of a positive total coliform distribution sample if well conditions exist that indicate the groundwater may be susceptible to fecal contamination. The executive director may conduct a hydrogeological sensitivity assessment to determine if the source is susceptible to fecal contamination. If requested by the executive director, groundwater systems must provide the executive director with any existing information that will enable the executive director to perform a hydrogeological sensitivity assessment. A groundwater system conducting assessment source monitoring may use a triggered source sample collected under subparagraph (A) of this paragraph to meet the assessment source monitoring requirement. A groundwater system with a groundwater source sample collected under this subparagraph or under subparagraph (A) of this paragraph that is fecal indicator positive and that is not invalidated under subsection (e)(2) of this section, including consecutive systems served by the groundwater source, shall conduct public notification under §290.122(a) of this title (relating to Public Notification). Additionally, an assessment source monitoring sample may be used as a triggered source monitoring sample if collected within 24 hours of notification of the coliform-positive distribution sample. Assessment source monitoring requirements may include:

(i) Source monitoring, collected in a manner described in §290.119(b)(10) of this title, for a period of 12 months that represents each month that the system provides groundwater to the public from the raw groundwater source or such time period as specified by the executive director.

(ii) Collection of samples from each well unless the system has an approved triggered source monitoring plan under subparagraph (B)(ii) of this paragraph.

(5) Culture analysis. If any routine or repeat sample is total coliform-positive, that total coliform-positive medium will be analyzed to determine if *E. coli* are present. If *E. coli* are present, the public water system shall notify the executive director by the end of the day in accordance with subsection (h) of this section.

(6) Sample Siting Plan requirements. All public water systems shall develop and complete a written Sample Siting Plan as described in this paragraph that identifies routine and repeat microbial sampling sites and a sample collection schedule as required by this subsection that are representative of water throughout the distribution system. The Sample Siting Plan shall include all groundwater sources and any associated sampling points necessary to meet the requirements of this subsection. The Sample Siting Plan shall be included as a part of the public water system's monitoring plan as described in §290.121 of this title. Sample Siting Plans shall be completed in a format specified by the executive director and are subject to review and revision by the executive director.

(A) All public water systems shall collect routine and repeat samples according to a written Sample Siting Plan. All routine and repeat sample site locations, any required SOP, and any sampling point locations necessary to meet the requirements

of this subsection shall be reflected in the written Sample Siting Plan. For community and noncommunity public water systems serving 1,000 or fewer people using only groundwater, the executive director shall evaluate during every sanitary survey (on-site inspection) the water system factors (including but not limited to pertinent water quality, compliance history, distribution system, all the components of a sanitary survey and its findings) to ensure the timeframe during the month, locations, and number of microbial compliance monitoring sample sites are adequate for producing and distributing safe drinking water.

(B) All public water systems shall include any required SOP for any proposed repeat sampling sites as described in paragraph (3)(C) of this subsection in the Sample Siting Plan. As required by the executive director, the executive director may review, revise, and approve any repeat sampling proposed by public water systems under paragraph (3)(C) of this subsection.

(C) The Sample Siting Plan shall include a distribution system map or series of maps which identifies distribution system valves and mains as described in §290.46(n)(2) of this title. The distribution system map shall also include the location of all routine microbial sample sites, water main sizes, entry point source locations, water storage facilities, and any pressure plane boundaries.

(D) All public water systems shall update their written Sample Siting Plan and map as necessary, or as requested by the executive director, to identify the most

current microbial routine and repeat sampling sites and a sample collection schedule that are representative of water throughout the public water system's distribution system.

(E) All public water systems shall maintain a copy of their updated Sample Siting Plan and map on-site at the public water system for inspection purposes and at the request of the executive director, provide a copy of their Sample Siting Plan and/or map to the executive director for review and/or revision purposes.

(e) Analytical and invalidation requirements for microbial contaminants. Analytical procedures shall be performed in accordance with §290.119 of this title. Testing for microbial contaminants shall be performed at a laboratory certified by the executive director. The public water system must use a certified laboratory certified for each method and associated contaminant(s) for compliance analyses in accordance with §290.119 of this title.

(1) Distribution coliform sample invalidation. The executive director may invalidate a distribution total coliform-positive sample if one of the following conditions is met.

(A) The executive director may invalidate a sample if the laboratory provides written notice that improper sample analysis caused the total coliform-positive result.

(B) The executive director may invalidate a sample if the results of repeat samples collected, as required by this section, determine that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. The executive director cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected within five service connections of the original tap are total coliform-negative. Under those circumstances, the system may request that the executive director invalidate the sample. The system must provide copies of the routine positive and all repeat samples. The executive director may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative or if the system has only one service connection.

(C) The executive director may invalidate a sample if there are substantial grounds to believe that the total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, the system must still collect all repeat samples required by this section, and use them to determine compliance with the *E. coli* MCL as described in subsection (g) of this section and whether a coliform treatment technique trigger has been exceeded as described in subsection (c) of this section. The system must provide written documentation which must state the specific cause of the total coliform-positive sample, and the action the system has taken, or will take, to correct this problem. The system must obtain the written and signed approval from the executive director before the

sample can be invalidated under this condition. The executive director may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

(D) The executive director may invalidate a sample if the laboratory provides written notice that the sample was unsuitable for analysis and the laboratory invalidated the sample based on the requirements of 40 CFR §141.853(c)(2). When the sample is invalidated under this condition, the system must collect another sample from the same location as the original sample within 24 hours of being notified, and have it analyzed for the presence of total coliforms. The system must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The executive director may waive the 24-hour time limit on a case-by-case basis. Alternatively, the executive director may implement criteria for waiving the 24-hour sampling time limit to use in lieu of case-by-case extension.

(E) If a sample is invalidated by the laboratory, the public water system must collect another sample from the same location as the original sample within 24 hours of being notified, or as soon as possible if the laboratory is closed, and have it analyzed for the presence of total coliform. The system must continue to resample within 24 hours and have the samples analyzed until it obtains a valid result.

(2) A groundwater system may obtain invalidation of a fecal indicator positive groundwater source sample if the conditions of subparagraphs (A) and (B) of this

paragraph apply. If the executive director invalidates a fecal indicator positive groundwater source sample, the system must collect another source sample as specified in subsection (d)(4) of this section within 24 hours of being notified of the invalidation.

(A) Notice from the laboratory must document that improper sample analysis occurred. If a laboratory invalidates a sample, the system must collect another sample from the same location as the original sample within 24 hours of being notified of the invalidated sample, and have it analyzed for the presence of *E. coli* (or other approved fecal indicator). The public water system must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. If approved by the executive director, the 24-hour time limit may be extended.

(B) The executive director may invalidate the sample if the public water system provides written documentation that there is substantial evidence that a fecal indicator positive groundwater source sample is not related to source water quality. If the executive director invalidates a sample, the public water system must collect another sample from the same location as the original sample within 24 hours of being notified of the invalidated sample, and have it analyzed for the presence of *E. coli* (or other approved fecal indicator).

(3) Culture analysis. If any distribution system coliform sample is total coliform-positive, that total coliform-positive medium will be analyzed to determine if *E. coli* are present. If *E. coli* are present, the public water system shall notify the executive

director by the end of the day in accordance with subsection (h) of this section. If any raw groundwater source sample is used to meet the repeat requirements of subsection (d)(3)(C)(ii) and (4)(B)(iii) then it must be analyzed to determine if *E. coli* are present.

(f) Reporting requirements for microbial contaminants. The owner or operator of a public water system must ensure the executive director is provided with a copy of the results of any test, measurement, or analysis required by this subsection. The copies must be submitted within the first ten days following the month in which the result is received by the public water system, or the first ten days following the end of the required monitoring period as provided by this subsection, whichever occurs first. The copies must be mailed to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

(g) Compliance determination for microbial contaminants. Compliance with the requirements of this section shall be determined using the following criteria each month that the system is in operation.

(1) A public water system commits an *E. coli* MCL violation if any of the following conditions occur:

(A) The public water system has an *E. coli*-positive repeat samples following a total coliform-positive routine sample;

(B) The public water system has a total coliform-positive repeat sample following an *E. coli*-positive routine sample;

(C) The public water system fails to take all required repeat samples following an *E. coli*-positive routine sample; or

(D) The public water system fails to test for *E. coli* when any repeat sample tests positive for total coliform.

(2) If all repeat samples taken for triggered source water monitoring are *E. coli*-negative and a repeat sample taken at a monitoring location other than the one required for triggered source water monitoring is *E. coli*-positive, the public water system has violated the *E. coli* MCL, but is not required to comply with subsection (d)(4)(B)(iv) of this section. If a public water system takes more than one repeat sample at the monitoring location required for triggered source water monitoring under subsection (d)(4) of this section, and more than one repeat sample is *E. coli*-positive, the public water system has violated the *E. coli* MCL and shall also comply with the treatment technique and corrective action requirements as described in §290.116 of this title.

(3) A public groundwater system that is required to collect raw source samples is required to conduct corrective action as described in §290.116 of this title and is required to provide public notification in accordance with §290.122(a) of this title if a source sample is confirmed positive for *E. coli* or other approved fecal indicator.

(4) A public water system that fails to collect every required routine sample in a compliance period and/or to submit the analytical results to the executive director commits a monitoring violation.

(5) A public water system that fails to analyze for *E. coli* following a total coliform-positive routine sample commits a monitoring violation.

(6) A public water system that fails to monitor in accordance with the requirements of subsection (d)(4) of this section commits a monitoring violation and must provide public notification in accordance with §290.122 of this title.

(7) A public water system that fails to report the results of the monitoring tests required by this section commits a reporting violation.

(8) A public water system that fails to do a required public notice or certify that notification has been performed commits a public notice reporting violation.

(9) The results of all routine and repeat distribution coliform samples or groundwater source samples not invalidated by the executive director shall be included in determining compliance with the *E. coli* MCL as described in paragraph (1)(A) - (D) of this subsection and whether a coliform treatment technique trigger has been exceeded as described in subsection (c) of this section.

(10) The results of all routine and repeat distribution coliform samples or groundwater source samples invalidated by the executive director shall not be included in determining compliance with the *E. coli* MCL as described in paragraph (1)(A) - (D) of this subsection and whether a coliform treatment technique trigger has been exceeded as described in subsection (c) of this section.

(11) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, shall not be used to determine compliance with the MCL for microbiological contaminants. Special purpose samples shall not be used to determine whether the coliform treatment technique trigger has been exceeded as described in subsection (c) of this section. Coliform samples taken in accordance with subsection (d)(3) of this section and that are not invalidated under subsection (e) of this section are not considered special purpose samples.

(12) All seasonal public water systems shall complete executive director-approved start-up procedures and certification and maintain a copy of the start-up procedures and certification on-site at the public water system for inspection purposes. A seasonal system must certify, prior to serving water to the public, that it has complied with the executive director-approved start-up procedures. At the executive director's request, seasonal public water systems shall submit a copy of the start-up procedures and certification to the executive director for review purposes. Failure by a seasonal

public water system to complete executive director-approved start-up procedures prior to serving water to the public is a treatment technique violation. Failure by a seasonal public water system to maintain or submit certification of completion of executive director-approved start-up procedures is a reporting violation.

(13) A public water system commits a treatment technique violation when a seasonal public water system fails to complete an executive director-approved start-up procedure prior to serving water to the public.

(14) A public water system commits a treatment technique violation when a public water system exceeds a treatment technique trigger specified in subsection (c) of this section and then fails to conduct the required assessment or corrective actions within the timeframe specified in subsection (c) of this section.

(15) A public water system required to conduct an assessment under the provisions of subsection (c) of this section shall submit the assessment report to the executive director within 30 days. The public water system shall notify the executive director in accordance with subsection (c) of this section when scheduled corrective actions are complete and for corrective actions not completed by the time of submission of the assessment form. For corrective actions not completed by the time of submission of the assessment form to the executive director, the public water system shall complete corrective actions in compliance with a timetable approved by the executive director in

consultation with the public water system. The assessment may also indicate that no sanitary defects were identified.

(16) A public water system that fails to notify the executive director before the end of the day in accordance with subsection (h)(3) of this section commits a reporting violation.

(h) Public notification for microbial contaminants. A public water system that is out of compliance with the requirements described in this section must notify the public using the procedures described in §290.122 of this title for microbial contamination.

(1) A public water system that commits an acute MCL violation for microbial contaminants must notify the public water system customers in accordance with the boil water notice requirements of §290.46(q) of this title and the public notice requirements of §290.122(a) of this title.

(2) A public groundwater system that receives an *E. coli* (or other approved fecal indicator) positive source sample that has not been invalidated by the executive director, or a notice of an *E. coli* (or other approved fecal indicator) positive source sample from a wholesale system, including consecutive systems, must notify the public water system customers within 24-hours in accordance with the requirements of §290.122(a) of this title and include notice in the next Consumer Confidence Report for community public water systems or provide as a special notice for noncommunity

systems in accordance with §290.272(g)(7) of this title (relating to Content of the Report) for community public water systems and §290.116(f)(2) of this title for noncommunity public water systems. Consecutive systems must issue public notice in accordance with §290.122(g) of this title. The public water system must continue to notify the public annually until the fecal contamination in the source water is determined by the executive director to be corrected as specified under §290.116 of this title.

(3) A public water system that has *E. coli* (or other approved fecal indicator) present must notify the executive director by the end of the day when the public water system is notified of the test result.

(4) A public water system which commits an MCL violation must report the violation to the executive director immediately after it learns of the violation, but no later than the end of the next business day, and notify the public in accordance with §290.122(b) of this title.

(5) A public water system which commits an *E. coli* MCL violation shall report the violation to the executive director immediately after it learns of the violation, but no later than the end of the day, and notify the public in accordance with §290.122(a) of this title.

(6) A public water system which has failed to comply with a coliform monitoring requirement must report the monitoring violation to the executive director

within ten days after the system discovers the violation and notify the public in accordance with §290.122(c) of this title.

(7) A public water system that has committed a treatment technique trigger and assessment requirement for coliforms in subsection (c)(1) and (2) of this section and commits a treatment technique violation as described in subsection (g)(15) of this section shall report the violation to the executive director no later than the end of the next business day after it learns of the violation, and notify the public in accordance with §290.122(b) of this title.

(8) A public water system that commits a treatment technique violation for failure to complete and certify seasonal system start-up procedures as described in subsection (g)(10) and (11) of this section shall report the violation to the executive director no later than the end of the next business day after it learns of the violation, and notify the public in accordance with §290.122(b) of this title. In the notification in accordance with §290.122(b) of this title, if a seasonal system fails to monitor for total coliforms or *E. coli* prior to serving water to the public, it must include the following language: We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During {COMPLIANCE PERIOD}, we "did not monitor or test" or "did not complete all monitoring or testing" for {CONTAMINANT(S)}, and therefore cannot be sure of the quality of your drinking water during that time.

(i) The executive director, pursuant to 40 CFR §141.63(e), recognizes the following as the best technology, treatment techniques, or other means available for achieving compliance with the MCL for *E. coli* as described in subsection (b)(1)(A) - (D) of this section as follows:

(1) protection of wells from fecal contamination by appropriate placement and construction;

(2) maintenance of a disinfectant residual throughout the distribution system;

(3) proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs, cross-connection control, and continual maintenance of positive water pressure in all parts of the distribution system;

(4) filtration and disinfection of surface water, as described in this chapter, or disinfection of groundwater, as described in chapter, using strong oxidants such as chlorine, chlorine dioxide, or ozone;

(5) for systems using groundwater, development and implementation of a Wellhead Protection Program, as directed by the executive director, and in accordance with the federal Safe Drinking Water Act, United States Code, §1428; or

(6) the executive director may require additional best technology, treatment techniques, or other means available for achieving compliance with the MCL for *E. coli* as described in subsection (g)(1) of this section.

§290.110. Disinfectant Residuals.

(a) Applicability. All public water systems shall properly disinfect water before it is distributed to any customer and shall maintain acceptable disinfectant residuals within the distribution system.

(b) Minimum and maximum acceptable disinfectant concentrations. All public water systems shall provide the minimum levels of disinfectants in accordance with the provisions of this section. Public water systems shall not exceed the maximum residual disinfectant levels (MRDLs) provided in this section.

(1) The disinfection process used by public water systems must ensure that water has been adequately disinfected before it enters the distribution system.

(A) The disinfection process used by public water systems treating surface water sources or groundwater sources that are under the direct influence of surface water must meet the requirements of §290.111(d) of this title (relating to Surface Water Treatment).

(B) The executive director may require the disinfection process used by public water systems treating groundwater sources that are not under the direct influence of surface water to meet the requirements of §290.116 of this title (relating to Groundwater Corrective Actions and Treatment Techniques).

(C) The disinfection process at other types of treatment plants shall provide the level of disinfection required by the executive director.

(2) The residual disinfectant concentration in the water entering the distribution system shall be at least 0.2 milligram per liter (mg/L) free chlorine or 0.5 mg/L chloramine (measured as total chlorine).

(3) The chlorine dioxide residual of the water entering the distribution system shall not exceed an MRDL of 0.8 mg/L.

(4) The residual disinfectant concentration in the water within the distribution system shall be at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine (measured as total chlorine).

(5) The running annual average of the free chlorine or chloramine residual (measured as total chlorine) of the water within the distribution system shall not exceed an MRDL of 4.0 mg/L.

(c) Monitoring requirements. All public water systems shall monitor the performance of the disinfection facilities to ensure that appropriate disinfectant levels are maintained. All monitoring conducted pursuant to the requirements of this section must be conducted at sites designated in the public water system's monitoring plan.

(1) Entry point compliance monitoring for surface water and groundwater under the direct influence of surface water. Public water systems that treat surface water or groundwater under the direct influence of surface water must verify that they meet the disinfection requirements of subsection (b)(2) of this section.

(A) Public water systems that treat surface water or groundwater under the direct influence of surface water and sell treated water on a wholesale basis or serve more than 3,300 people must continuously monitor and record the disinfectant residual of the water at each entry point. If there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment.

(B) Public water systems that treat surface water or groundwater under the direct influence of surface water, serve 3,300 or fewer people and do not sell treated water on a wholesale basis must monitor and record the disinfectant residual of the water at each entry point with either continuous monitors or grab samples.

(i) If a system uses grab samples, the samples must be collected on an ongoing basis at the frequency prescribed in the following table.

Figure: 30 TAC §290.110(c)(1)(B)(i) (No change to the figure as it currently exists in TAC.)

Entry Point Disinfectant Residual Monitoring
Frequency for Grab Samples

System Size by Population	Samples/day
500	1
501 to 1,000	2
1,001 to 2,500	3
2,501 to 3,300	4

(ii) The grab samples cannot be taken at the same time and the sampling interval is subject to the executive director's review and approval.

(iii) Treatment plants that use grab samples and fail to detect an appropriate disinfectant residual must repeat the test at four-hour or shorter intervals until compliance has been reestablished.

(C) Continuous monitors must record the disinfectant residual of the water every 30 minutes.

(2) Entry point compliance monitoring for groundwater and purchased water. Public water systems that treat groundwater or that purchase and resell treated water must, upon the request of the executive director, verify that they meet the disinfection requirements of subsection (b)(2) of this section.

(A) A public water system that uses free chlorine must measure free chlorine.

(B) A public water system that has a chloramine residual must measure total chlorine.

(3) Chlorine dioxide compliance monitoring. Each treatment plant using chlorine dioxide must monitor and record the chlorine dioxide residual of the water entering the distribution system at least once each day. If the chlorine dioxide residual in the water entering the distribution system exceeds the MRDL contained in subsection (b)(3) of this section, the treatment plant must conduct additional tests.

(A) If the public water system does not have additional chlorination facilities in the distribution system, it must conduct three additional tests at the service connection nearest the treatment plant where an elevated chlorine dioxide residual was detected. The first additional test must be conducted within two hours after detecting an elevated chlorine dioxide residual at the entry point to the distribution system. The two subsequent tests must be conducted at six-hour to eight-hour intervals thereafter.

(B) If the public water system has additional chlorination facilities in the distribution system, it must conduct an additional test at the service connection nearest the treatment plant where an elevated chlorine dioxide residual was detected, an additional test at the first service connection after the point where the water is rechlorinated, and an additional test at a location in the far reaches of the distribution system. The additional test at the location nearest the treatment plant must be conducted within two hours after detecting an elevated chlorine dioxide residual at the entry point to the distribution system. The two other tests must be conducted at six-hour to eight-hour intervals thereafter.

(4) Distribution system compliance monitoring. All public water systems shall monitor the disinfectant residual at various locations throughout the distribution system.

(A) Public water systems that use groundwater or purchased water sources only and serve fewer than 250 connections and fewer than 750 people daily, must monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.

(B) Public water systems that serve at least 250 connections or at least 750 people daily, and use only groundwater or purchased water sources must

monitor the disinfectant residual at representative locations in the distribution system at least once per day.

(C) Public water systems using surface water sources or groundwater under the direct influence of surface water must monitor the disinfectant residual tests at least once per day at representative locations in the distribution system.

(D) All public water systems must monitor the residual disinfectant concentration at the same time and at the same sampling site a bacteriological sample is collected, as specified in §290.109 of this title (relating to Microbial Contaminants) in addition to the residual disinfectant concentration monitoring requirements as described in this subsection and chapter.

(E) All public water systems with a chloramine residual must monitor the total chlorine residual downstream of any chlorine and ammonia injection points, in conjunction with the chloramine effectiveness sampling in paragraph (5)(C) of this subsection, in the distribution system weekly and whenever the chemical dose is changed.

(5) Chloramine effectiveness sampling. Public water systems with a chloramine residual shall monitor to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled. Sample sites and procedures used for chloramine effectiveness sampling must be documented in the system's nitrification action plan (NAP) required by §290.46(z) of this title (relating to Minimum Acceptable

Operating Practices for Public Drinking Water Systems). Sample results determined by monitoring required under this paragraph will not be used to determine compliance with the maximum contaminant levels, MRDLs, action levels, or treatment techniques of this subchapter.

(A) Source water. Public water systems must monitor source water (including raw and treated purchased water) to establish baseline ammonia, nitrite, and nitrate levels (all as nitrogen) at least once to determine the availability of ammonia for chloramine formation and to provide a reference for downstream nitrite and nitrate levels that may indicate nitrification. If any source has more than 0.5 mg/L free ammonia (as nitrogen) in the initial sample, then raw water ammonia (as nitrogen) shall be monitored monthly for six months to determine the baseline free ammonia level.

(B) Water entering distribution system. All public water systems that have chloramines present shall perform sampling to represent the water entering the distribution system.

(i) Total chlorine, free ammonia (as nitrogen) and monochloramine shall be monitored weekly at all entry points to the distribution system or at a location before the first customer.

(ii) Nitrite and nitrate (as nitrogen) levels at the first customer shall be monitored monthly for at least six months to determine baseline nitrite and

nitrate levels in the water prior to consumption. Nitrite and nitrate samples collected at the first customer will not be used for compliance with §290.106 of this title (relating to Inorganic Contaminants).

(iii) Nitrite and nitrate (as nitrogen) shall be monitored quarterly at the first customer after establishing the baseline. Nitrite and nitrate samples collected at entry points for compliance with §290.106 of this title may be used for these quarterly samples.

(C) Treatment sampling. Public water systems that inject chlorine at any location to form chloramines or to convert from chloramines to free chlorine must monitor to ensure that chemical addition is effective and the proper chlorine to ammonia (as nitrogen) ratio is achieved. Samples must be collected and analyzed weekly and whenever the chemical dosage is changed.

(i) Sampling must be performed upstream of the chlorine or ammonia chemical injection point, whichever is furthest upstream.

(ii) Sampling must be performed downstream of all the chlorine and ammonia chemical injection points.

(iii) The residual of the chemical injected upstream must be determined to properly dose the downstream chemical where sample taps are present or required under §290.42(e)(7)(C)(ii) of this title (relating to Water Treatment).

(iv) The total chlorine, ammonia (as nitrogen), and monochloramine residuals must all be monitored if the treatment occurs before the entry point.

(v) The ammonia (as nitrogen) and monochloramine residuals must all be monitored if the treatment occurs in the distribution system. The monitoring must occur at the same time as a compliance sampling required under paragraph (4)(E) of this subsection.

(D) Distribution system. Public water systems that distribute water and have a chloramine residual must ensure the efficacy of disinfection within the distribution system.

(i) Monochloramine and free ammonia (as nitrogen) must be monitored weekly at the same time as a compliance sample required under paragraph (4) of this subsection.

(ii) Nitrite and nitrate (as nitrogen) must be monitored quarterly.

(d) Analytical requirements. All monitoring required by paragraphs (1) and (2) of this subsection must be conducted at a facility approved by the executive director and using methods that conform to the requirements of §290.119 of this title (relating to Analytical Procedures). All monitoring for chloramine effectiveness required by paragraphs (3) - (6) of this subsection must be analyzed to the accuracy provided therein.

(1) The free chlorine or chloramine residual (measured as total chlorine) must be measured to a minimum accuracy of plus or minus 0.1 mg/L. Color comparators may be used for distribution system samples only. When used, a color comparator must have current reagents, an unfaded and clear color comparator, a sample cell that is not discolored or stained, and must be properly stored in a cool, dark location where it is not subjected to conditions that would result in staining. The color comparator must be used in the correct range. If a sample reads at the top of the range, the sample must be diluted with chlorine-free water, then a reading taken and the resulting residual calculated.

(2) The chlorine dioxide residual must be measured to a minimum accuracy of plus or minus 0.05 mg/L using a method that conforms to the requirements of §290.119 of this title. The DPD-glycine method using a colorimeter or spectrophotometer may be utilized only with the written permission of the executive director.

(3) The free ammonia level must be measured to a minimum accuracy of plus or minus 0.1 mg/L.

(4) The monochloramine level must be measured to a minimum accuracy of plus or minus 0.15 mg/L using a procedure that has the ability to distinguish between monochloramine and other forms of chloramine.

(5) The nitrate (as nitrogen) level must be measured to a minimum accuracy of plus or minus 0.1 mg/L.

(6) The nitrite (as nitrogen) level must be measured to a minimum accuracy of plus or minus 0.01 mg/L.

(e) Reporting requirements. Any owner or operator of a public water system subject to the provisions of this section is required to report to the executive director the results of any test, measurement, or analysis required by this section.

(1) Public water systems exceeding the MRDL for chlorine dioxide in subsection (b)(3) of this section must report the exceedance to the executive director within 24 hours of the event.

(2) Public water systems that use surface water sources or groundwater sources under the direct influence of surface water must submit a Surface Water Monthly Operating Report (commission Form 0102C), a Surface Water Monthly Operating Report (commission Form 0102D) for alternative technologies, or a Surface Water Monthly

Operational Report for Plants That Do Not Have a Turbidimeter on Each Filter (commission Form 0103) each month.

(3) Public water systems that use chlorine dioxide must submit a Chlorine Dioxide Monthly Operating Report (commission Form 0690) each month.

(4) Public water systems that use purchased water or groundwater sources only must complete a Disinfection Level Quarterly Operating Report (commission Form 20067) each quarter.

(A) Community and nontransient, noncommunity public water systems must submit the Disinfection Level Quarterly Operating Report each quarter, by the tenth day of the month following the end of the quarter.

(B) Transient, noncommunity public water systems must retain the Disinfection Level Quarterly Operating Reports and must provide a copy if requested by the executive director.

(5) Systems that use chloramines must retain their NAP required under §290.46(z) of this title and must provide a copy upon request by the executive director.

(6) Monthly and quarterly reports required by this section must be submitted to the Water Supply Division, MC 155, Texas Commission on Environmental

Quality, P.O. Box 13087, Austin, Texas 78711-3087 by the tenth day of the month following the end of the reporting period.

(f) Compliance determinations. Compliance with the requirements of this section shall be determined using the following criteria.

(1) All samples used for compliance must be obtained at sampling sites designated in the monitoring plan.

(A) All samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites shall be included in the compliance determination calculations.

(B) Samples collected at sites in the distribution system not designated in the monitoring plan shall not be included in the compliance determination calculations.

(2) A public water system that fails to conduct the monitoring tests required by this section commits a monitoring violation.

(3) A public water system that fails to report the results of the monitoring tests required by this section commits a reporting violation.

(4) A public water system that uses surface water sources or groundwater sources under the direct influence of surface water and fails to meet the requirements of subsection (b)(2) of this section for a period longer than four consecutive hours commits a nonacute treatment technique violation. A public water system that fails to conduct the additional testing required by subsection (c)(1)(B)(iii) of this section also commits a nonacute treatment technique violation.

(5) A public water system that uses chlorine dioxide and exceeds the level specified in subsection (b)(3) of this section violates the MRDL for chlorine dioxide.

(A) If a public water system violates the MRDL for chlorine dioxide and any of the three additional distribution samples exceeds the MRDL, the system commits an acute MRDL violation for chlorine dioxide.

(B) If a public water system violates the MRDL for chlorine dioxide and fails to collect each of the three additional distribution samples required by subsection (c)(3) of this section, the system commits an acute MRDL violation for chlorine dioxide.

(C) If a public water system violates the MRDL for chlorine dioxide but none of the three additional distribution samples violates the MRDL, the system commits a nonacute MRDL violation for chlorine dioxide.

(6) A public water system that fails to meet the requirements of subsection (b)(4) of this section, in more than 5.0% of the samples collected each month, for any two consecutive months, commits a nonacute treatment technique violation. Specifically, the system commits a nonacute violation if the value "V" in the following formula exceeds 5.0% per month for any two consecutive months:

Figure: 30 TAC §290.110(f)(6) (No change to the figure as it currently exists in TAC.)

$$V = \frac{b}{a} \times 100$$

Where:

a = number of instances where the residual disinfectant concentration is measured during the month; and

b = number of instances during the month where the residual disinfectant concentration is measured but is detected at less than 0.2 milligrams per liter (mg/L) free chlorine or less than 0.5 mg/L chloramine (measured as total chlorine).

(7) A public water system violates the MRDL for chlorine or chloramine (measured as total chlorine) if, at the end of any quarter, the running annual average of monthly averages exceeds the level specified in subsection (b)(5) of this section.

(8) Public water systems shall increase residual disinfectant levels of free chlorine, or chloramines measured as total chlorine, (but not chlorine dioxide) in the

distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections. Public water systems shall consult with the executive director upon increasing residual disinfectant levels in the distribution system in order to maintain compliance with the MRDLs listed in subsection (b) of this section.

(9) If a public water system's failure to monitor makes it impossible to determine compliance with the MRDL for chlorine or chloramines (measured as total chlorine), the system commits an MRDL violation for the entire period covered by the annual average.

(10) A public water system that fails to issue a required public notice or certify that it has issued that notice commits a violation.

(g) Public notification requirements. The owner or operator of a public water system that violates the requirements of this section must notify the executive director and the people served by the system.

(1) A public water system that fails to meet the requirements of subsection (b)(3) of this section, shall notify the executive director within 24 hours of the event and the customers in accordance with the requirements of §290.122 of this title (relating to Public Notification).

(A) A public water system that has an acute violation of the MRDL for chlorine dioxide must notify the customers in accordance with the requirements of §290.122(a) of this title.

(B) A public water system that has a non-acute violation of the MRDL for chlorine dioxide must notify the customers in accordance with the requirements of §290.122(b) of this title.

(2) A public water system that uses surface water sources or groundwater sources under the direct influence of surface water and fails to meet the minimum disinfection requirements of subsection (b)(2) of this section shall notify the executive director by the end of the next business day and the customers in accordance with the requirements of §290.122(b) of this title.

(3) A public water system that fails to meet the requirements of subsection (b)(4) of this section in more than 5.0% of the samples collected each month for two consecutive months must notify its customers in accordance with the requirements of §290.122(b) of this title.

(4) A public water system that fails to meet the requirements of subsection (b)(5) of this section shall notify the executive director by the end of the next business day and the customers in accordance with the requirements of §290.122(b) of this title.

(5) A public water system which fails to conduct the monitoring required by subsection (c)(1) - (4) of this section must notify its customers of the violation in accordance with the requirements of §290.122(c) of this title.

(6) A public water system that uses chloramines shall notify their retail and wholesale customers of the use of chloramines.

(A) This notification must contain the exact wording included in Appendix H of §290.47 of this title (relating to Appendices).

(B) Prior to initially providing the chloraminated water to its existing customers, the water system must provide notification by mail or direct delivery at least 14 days before the change.

(C) Additionally, the notification must be provided to the news media, hospitals, renal disease facilities, dialysis clinics, physicians, local health departments, and entities which maintain live fish directly by letter, e-mail, or hand delivery.

(D) New customers must also be notified before they begin receiving water from the water system.

(E) Where appropriate, the notice must be multilingual.

§290.111. Surface Water Treatment.

(a) Applicability. A public water system that treats surface water or groundwater under the direct influence of surface water must comply with the requirements of this section.

(1) A public water system that treats surface water must comply with the requirements of this section beginning on the effective date of the rule.

(2) A public water system that treats groundwater under the direct influence of surface water must comply with the requirements of this section beginning on a date specified by the executive director. This compliance date shall not exceed 18 months from the date that the executive director first notifies the system that the groundwater source is under the direct influence of surface water.

(3) A public water system that treats both surface water and groundwater under the direct influence of surface water must meet the compliance date in paragraph (1) of this subsection at plants that treat any surface water and must meet the compliance date in paragraph (2) of this subsection at plants that treat only groundwater under the direct influence of surface water.

(b) Raw surface water monitoring. A public water system that treats surface water or groundwater under the direct influence of surface water must conduct at least two rounds of special raw surface water monitoring at each surface water intake and at each well producing groundwater under the direct influence of surface water for the purpose of establishing minimum treatment technique requirements for *Cryptosporidium* and other pathogens. The executive director may waive the raw surface water monitoring requirements for an intake or a well if the combination of pathogen removal and disinfection processes used to treat the raw water achieves at least a 5.5-log total removal and inactivation of *Cryptosporidium parvum*.

(1) Raw water monitoring plans. A system must submit a proposed raw surface water monitoring plan when requested by the executive director. The proposed plan must identify all of the system's intakes and wells; provide the location of each raw water sampling point; include the parameters that will be monitored and the frequency and dates that samples will be collected; and specify the laboratories that will perform the analyses. Raw surface water monitoring must be conducted in accordance with a monitoring plan that has been approved by the executive director. The executive director shall not approve a raw surface water monitoring plan unless it indicates that the system will meet the requirements of 40 Code of Federal Regulations (CFR) §§141.701 - 141.707.

(2) Sampling location. A system must collect each raw water sample at a location approved by the executive director. Samples must be collected from the raw

water line prior to any treatment and before the first point where a recycled stream is returned to the treatment process.

(3) Sampling parameters and frequency. A system must collect raw water samples at a frequency approved by the executive director.

(A) Unless the executive director approves an alternate sampling regimen, a system must monitor turbidity, *Escherichia coli* (*E. coli*), and *Cryptosporidium* levels in the raw water at least once each month for a period of not less than 24 consecutive months if the system:

(i) serves at least 10,000 people; or

(ii) is part of combined distribution system in which one or more systems serve at least 10,000 people and the system with the well or intake regularly provides water to another public water supply.

(B) A system that is not required to monitor under subparagraph (A) of this paragraph must either monitor in accordance with the requirements of subparagraph (A) of this paragraph or monitor *E. coli* levels in their raw water at least once every two weeks for a period of not less than 12 consecutive months. A system that does not initially monitor for *Cryptosporidium* and has elevated *E. coli* levels must conduct additional raw water monitoring.

(i) A system must conduct additional monitoring if the average *E. coli* level exceeds 100 colony-forming units per 100 milliliters in the raw water produced by a surface water intake located on a river or flowing stream or the raw water from a well producing groundwater under the direct influence of surface water located closest to a river or flowing stream.

(ii) A system must conduct additional monitoring if the average *E. coli* level exceeds 100 colony-forming units per 100 milliliters in the raw water from a surface water intake not located on a river or flowing stream or the raw water produced by a well producing groundwater under the direct influence of surface water not located on a river or flowing stream.

(iii) A system that must conduct additional monitoring must monitor *Cryptosporidium* levels in the raw water at least twice each month for a period of not less than 12 consecutive months, or at least once each month for a period of not less than 24 consecutive months.

(C) The executive director may approve an alternate sampling frequency for intakes and wells that operate only part of the year.

(4) Sampling schedule and dates. A system must collect raw water samples in accordance with a schedule approved by the executive director.

(A) Except as provided in subparagraph (B) of this paragraph, a system must begin each round of raw source water monitoring no later than the date shown in the following table titled "Raw Source Water Monitoring Schedule."

Figure: 30 TAC §290.111(b)(4)(A) (No change to the figure as it currently exists in TAC.)

Raw Source Water Monitoring Schedule		
Systems that are not part of a combined distribution system[(1)] and serve. . .	must begin the first round of source water monitoring no later than the month beginning. . .	and must begin the second round of source water monitoring no later than the month beginning. . .
At least 100,000 people	October 1, 2006	April 1, 2015
From 50,000 to 99,999 people	April 1, 2007	October 1, 2015
From 10,000 to 49,999 people	April 1, 2008	October 1, 2016
Fewer than 10,000 people and monitor for *E. coli*	October 1, 2008	October 1, 2017
Fewer than 10,000 and monitor for *Cryptosporidium*	April 1, 2010	April 1, 2019
[(1)]Systems that provide treated surface water to another system and are part of a combined distribution system must begin monitoring at the same time as the system in the combined distribution system that has the earliest compliance date.		

(B) If a system installs a new well or intake after the date the first round of raw source water monitoring must begin, the system must:

(i) submit a proposed monitoring schedule for the first round of special raw surface water monitoring no later than three months after first placing the new source in operation; and

(ii) begin the second round of special raw surface water monitoring no later than six years after initial bin classification.

(C) A system must collect a raw water sample no sooner than two days before the date approved by the executive director and no later than two days after the approved date, unless an extreme condition or situation exists that poses a danger to the sample collector.

(D) A system which is unable to collect a sample within this five-day period must collect the sample as close as possible to the approved date and must notify the executive director in writing why the sample was not collected on the approved date.

(5) Replacement samples. If, for any reason, the laboratory is unable to report a valid analytical result for a scheduled sample, the system must submit a replacement sample on a date approved by the executive director.

(6) Analytical requirements. Raw water samples collected pursuant to this subsection must be analyzed at an United States Environmental Protection Agency (EPA) approved or a Texas Commission on Environmental Quality accredited laboratory.

(A) *Cryptosporidium* samples must be analyzed using one of the methods approved in 40 CFR §141.704(a) and by a laboratory that is approved under

EPA's Laboratory Quality Assurance Evaluation Program for Analysis of *Cryptosporidium* in Water.

(B) *E. coli* samples must be analyzed using one of the methods approved in 40 CFR §136.3(a) for the enumeration of *E. coli* in source water and by a laboratory that is accredited by the executive director.

(i) Systems must ensure that samples are maintained between 0 degrees Celsius and 10 degrees Celsius during storage and transportation to the laboratory.

(ii) The time between sample collection and the initiation of the analysis may not exceed 30 hours without the prior approval of the executive director.

(iii) The executive director may allow up to 48 hours between sample collection and the initiation of the analysis if the analysis is conducted by the Colilert reagent version of Standard Method 9223B.

(C) Turbidity samples must be analyzed using a method and at a laboratory approved by the executive director.

(7) Reporting requirements for raw surface water sample results. The owner or operator of a public water system must provide to the executive director with a copy of the results of any test, measurement, or analysis required by this subsection.

(A) Results must be submitted using the Raw Surface Water Sampling Report (commission Form 20358) or in another format that is approved by the executive director and contains the information required by 40 CFR §141.706(e).

(i) If the sample was not collected within the five-day window described in paragraph (4)(C) of this subsection, the result must be accompanied by the information required in paragraph (4)(D) of this subsection.

(ii) If the laboratory report indicates that a valid analytical result could not be reported, the laboratory report must be accompanied by a request to collect a replacement sample.

(B) The results must be submitted within ten days of their receipt by the public water system and no later than ten days after the end of the first month following the month that the sample was collected.

(C) The results and any additional information must be mailed to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

(c) Treatment technique requirements. A system that treats surface water or groundwater under the direct influence of surface water must meet minimum treatment technique requirements before the water reaches the entry point to the distribution system.

(1) The combination of pathogen removal and disinfection processes used by a public water system must achieve at least a 4.0-log removal/inactivation of viruses.

(2) The combination of pathogen removal and disinfection processes used by a public water system must achieve at least a 3.0-log removal/inactivation of *Giardia lamblia*.

(3) A public water system that is required by subsection (b) of this section to conduct raw surface water monitoring must comply with the requirements of this paragraph.

(A) The average *Cryptosporidium* level and bin classification shall be determined in accordance with the requirements established by 40 CFR §141.710.

(i) For systems that collect a total of at least 48 *Cryptosporidium* samples, the average concentration is equal to the arithmetic mean of all sample concentrations.

(ii) For systems that collect a total of at least 24 samples, but not more than 47 *Cryptosporidium* samples, the average concentration is equal to the highest arithmetic mean of all sample concentrations in any 12 consecutive months during which *Cryptosporidium* samples were collected.

(iii) For systems that serve fewer than 10,000 people and monitor for *Cryptosporidium* for only one year (i.e., collect 24 samples in 12 months), the average concentration is equal to the arithmetic mean of all sample concentrations.

(iv) For systems with plants operating only part of the year that monitor fewer than 12 months per year under 40 CFR §141.701(e), the bin concentration is equal to the highest arithmetic mean of all sample concentrations during any year of *Cryptosporidium* monitoring.

(v) If the monthly *Cryptosporidium* sampling frequency varies, systems must first calculate a monthly average for each month of monitoring. Systems must then use these monthly average concentrations, rather than individual sample concentrations, in the applicable calculation for bin classification in paragraphs.

(B) Unless otherwise specified in this paragraph, the combination of pathogen removal and disinfection processes must achieve the removal/inactivation of *Cryptosporidium parvum* specified in the following table titled "Treatment Technique

Requirements for *Cryptosporidium*," beginning 36 months after being assigned a bin classification by the executive director.

Figure: 30 TAC §290.111(c)(3)(B) (No change to the figure as it currently exists in TAC.)

Treatment Technique Requirements for *Cryptosporidium* [1]		
Average *Cryptosporidium* Level in the Raw Water	**Bin Classification**	**Minimum Removal/Inactivation Requirement**
Cryptosporidium < 0.075 oocysts/L	Bin 1	2.0-log
0.075 oocysts/L ≤ *Cryptosporidium* < 1.0 oocysts/L	Bin 2	4.0-log
1.0 oocysts/L ≤ *Cryptosporidium* < 3.0 oocysts/L	Bin 3	5.0-log
Cryptosporidium ≥ 3.0 oocysts/L	Bin 4	5.5-log

[1]The executive director will assign *Cryptosporidium* removal credit based on the treatment
processes used at the plant:

a) Treatment plants utilizing coagulation, flocculation, and granular media filtration will receive a 2.5-log *Cryptosporidium* removal credit.

b) Treatment plants utilizing coagulation, flocculation, clarification, and granular media filtration will receive a 3.0-log *Cryptosporidium* removal credit.

c) The executive director will assign *Cryptosporidium* removal credit to treatment plants utilizing bag, cartridge, or membrane filters on an individual basis.

(i) A system that conducts the first round of special raw surface water monitoring according to the schedule contained in subsection (b)(4)(A) of this section must comply with the requirements of this paragraph no later than the date shown in the following table, titled "Compliance Date for Existing Sources."

Figure: 30 TAC §290.111(c)(3)(B)(i) (No change to the figure as it currently exists in TAC.)

Compliance Date for Existing Sources	
A system that serves . . .	Must comply with the requirements of this paragraph no later than . . .
At least 100,000 people	April 1, 2012
From 50,000 to 99,999 people	October 1, 2012
From 10,000 to 49,999 people	October 1, 2013
Fewer than 10,000 people	October 1, 2014

(ii) A system that conducts the first round of special raw surface water monitoring according to the schedule contained in subsection (b)(4)(B)(i) of this section must comply with the requirements of this paragraph no later than six years after beginning the first round of monitoring on the new source.

(iii) The executive director may allow a system making capital improvements an additional two years to comply with the treatment requirement of this paragraph.

(C) A system that has been assigned to Bin 3 or Bin 4 must achieve at least 1.0-log removal/inactivation of *Cryptosporidium* using one or a combination of the following: bag filters, cartridge filters, chlorine dioxide, membranes, ozone, or ultraviolet light (UV).

(D) Prior to the effective date of subparagraph (B) of this paragraph, the combination of disinfection and filtration processes used by a public water system to treat for *Cryptosporidium* must achieve at least a 2.0-log removal/inactivation of *Cryptosporidium parvum*.

(4) The combination of disinfection and filtration processes at plants that do not monitor each source in accordance with the requirements of subsection (b) of this section must achieve at least a 5.5-log removal/inactivation of *Cryptosporidium parvum*.

(5) The executive director may require additional levels of treatment in cases of poor source water quality.

(6) The executive director may establish minimum design, operational, and reporting requirements for watershed control programs and treatment processes used to meet the treatment technique requirements of this subsection.

(d) Microbial inactivation requirements. A system that treats surface water or groundwater under the direct influence of surface water must meet minimum disinfection requirements before the water is supplied to any consumer.

(1) Inactivation table. The disinfection process must achieve the minimum microbial inactivation levels shown in the following table.

Figure: 30 TAC §290.111(d)(1) (No change to the figure as it currently exists in TAC.)

Microbial Inactivation Requirements				
	Filter Technology Used			
	Conventional Filters[1]		**Membrane Filters and Cartridge Filters[2]**	
Pretreatment Provided	*Giardia*	Virus	*Giardia*[3]	Virus
No coagulation	NA[4]	NA[4]	0.0-log	4.0-log
Coagulation and flocculation	1.0-log	3.0-log	0.0-log	3.0-log
Coagulation, flocculation, and clarification	0.5-log	2.0-log	0.0-log	2.0-log

[1]Filters in which water passes through a porous granular media and which utilize depth filtration processes.

[2]Filters in which particulate matter larger than 1 micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism.

[3]The executive director will determine the required *Giardia* inactivation on a case-by-case basis.

[4]NA = Not Allowed. Conventional filtration with no coagulation is not allowed to receive *Giardia* or viral treatment credit.

(A) The disinfection process at treatment plants not described in the Microbial Inactivation Requirements table must provide the level of disinfection required by the executive director.

(B) The executive director may require additional levels of treatment in cases of poor source water quality.

(C) The executive director may reduce the inactivation requirement for plants that meet the individual filter effluent performance criteria contained in subsection (g)(1) of this section and have been assigned a Bin 1 classification under the provisions of subsection (c)(3) of this section.

(D) A system that fails to meet the inactivation requirements of this section for a period of longer than four consecutive hours commits a nonacute treatment technique violation. A system that fails to conduct the additional testing required by paragraph (2)(C) of this subsection also commits a nonacute treatment technique violation.

(E) A system that has a plant assigned a Bin 2, 3, or 4 classification under the provisions of subsection (c)(3) of this section and uses UV disinfection facilities to meet the treatment technique requirements for *Cryptosporidium* must meet the inactivation requirements of this subsection in at least 95% of the water treated each month.

(2) Monitoring requirements for chemical disinfectants. Public water systems must monitor the performance of the disinfection facilities to ensure that appropriate disinfectant levels are maintained. All monitoring conducted pursuant to the

requirements of this subsection must be conducted at sites designated in the public water system's monitoring plan.

(A) The disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone must be measured at least once each day during a time when peak hourly raw water flow rates are occurring.

(B) Disinfection contact time will be based on tracer study data or a theoretical analysis submitted by the system owner or their designated agent and approved by the executive director and the actual flow rate that is occurring at the time that monitoring occurs.

(C) Treatment plants that fail to demonstrate an appropriate level of treatment must repeat these tests at four-hour or shorter intervals until compliance has been reestablished.

(3) Monitoring requirements for UV disinfection facilities. Public water systems must monitor the performance of the UV disinfection facilities.

(A) A system must continuously monitor and record UV intensity as measured by a UV sensor, lamp status, the flow rate through the unit, and other parameters prescribed by the executive director to ensure that the units are operating within validated conditions.

(B) A system with a plant that has been assigned a Bin 2, 3, or 4 classification under the provisions of subsection (c)(3) of this section must also monitor and record the amount of water treated by each UV unit each month and the amount of water produced each month when the unit was not operating within validated conditions.

(4) Analytical requirements. All monitoring required by this subsection must be conducted at a facility approved by the executive director and using methods that conform to the requirements of §290.119 of this title (relating to Analytical Procedures).

(A) The pH analysis must be conducted using a pH meter with a minimum accuracy of plus or minus 0.1 pH units.

(B) The temperature of the water must be measured using a thermometer or thermocouple with a minimum accuracy of plus or minus 0.5 degrees Celsius.

(C) The free chlorine or chloramine residual (measured as total chlorine) must be measured to a minimum accuracy of plus or minus 0.1 milligrams per liter (mg/L). Color comparators may be used for distribution system samples only. When used, a color comparator must have current reagents, an unfaded and clear color comparator, a sample cell that is not discolored or stained, and must be properly stored in a cool, dark location where it is not subjected to conditions that would result in

staining. The color comparator must be used in the correct range. If a sample reads at the top of the range, the sample must be diluted with chlorine-free water, then a reading taken and the resulting residual calculated.

(D) The chlorine dioxide residual must be measured to a minimum accuracy of plus or minus 0.05 mg/L using a method that conforms to the requirements of §290.119 of this title. The DPD-glycine method using a colorimeter or spectrophotometer may be utilized only with the written permission of the executive director.

(E) The ozone residual must be measured to a minimum accuracy of plus or minus 0.05 mg/L using the Indigo Method and using a colorimeter or spectrophotometer.

(F) The UV dose must be measured by a calibrated sensor approved by the executive director.

(e) Filtration requirements for conventional filters. A system that uses granular media filters to treat surface water or groundwater under the direct influence of surface water must meet minimum filtration requirements before the water is supplied to any consumer.

(1) Treatment technique requirements for combined filter effluent. Treatment plants using conventional media filtration must meet the following turbidity requirements.

(A) The turbidity level of the combined filter effluent must never exceed 1.0 nephelometric turbidity unit (NTU).

(B) The turbidity level of the combined filter effluent must be 0.3 NTU or less in at least 95% of the samples tested each month.

(2) Performance criteria for individual filter effluent. The filtration techniques must ensure the public water system meets the following performance criteria.

(A) The turbidity from each individual filter effluent should never exceed 1.0 NTU.

(B) At a public water system that serves 10,000 people or more, the turbidity from each individual filter effluent should not exceed 0.5 NTU at four hours after the individual filter is returned to service after backwash or shutdown.

(3) Routine turbidity monitoring requirements. A system must monitor the performance of its filtration facilities.

(A) A system that serves fewer than 500 people and continuously monitors the turbidity level of each individual filter must measure and record the turbidity level of the combined filter effluent at least once each day that the plant is in operation.

(B) A system that serves at least 500 people and continuously monitors the turbidity level of each individual filter must measure and record the turbidity level of the combined filter effluent at least every four hours that the system serves water to the public.

(C) Except as provided in subparagraph (D) of this paragraph, a system must continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity value every 15 minutes.

(D) A system that serves fewer than 10,000 people and monitors combined filter effluent turbidity in lieu of individual filter effluent turbidity under the provisions of §290.42(d)(11)(E)(ii) of this title (relating to Water Treatment) must:

(i) continuously monitor the turbidity of the combined filter effluent and record the turbidity value every 15 minutes; and

(ii) measure and record the turbidity level at the effluent of each filter at least once each day the plant is in operation.

(4) Special investigation requirements. A system which fails to produce water with acceptable turbidity levels or if the level of removal/inactivation of pathogens is inadequate or cannot be determined, the system must investigate the cause of the problem and take appropriate corrective action. The executive director can waive these special monitoring requirements for systems that have a corrective action schedule approved by the executive director.

(A) A public water system that fails to meet the turbidity criteria specified in paragraph (2) of this subsection must conduct additional monitoring.

(i) Each time a filter exceeds an applicable filtered water turbidity level specified in paragraph (2) of this subsection for two consecutive 15-minute readings, the public water system must either identify the cause of the exceedance or produce a filter profile on the filter within seven days of the exceedance.

(ii) Each time a filter exceeds the filtered turbidity level specified in paragraph (2)(A) of this subsection for two consecutive 15-minute readings on three separate occasions during any consecutive three-month period, the public water system must conduct a filter assessment on the filter within 14 days of the third exceedance.

(iii) Each time the filtered water turbidity level for a specific filter or any combination of individual filters exceeds 2.0 NTU on two consecutive 15-minute readings during two consecutive months, the public water system must participate in a third-party comprehensive performance evaluation (CPE). If the system serves at least 10,000 people, the CPE must be conducted within 90 days of the first exceedance in the second month. If the system serves fewer than 10,000 people, the CPE must be conducted within 120 days of the first exceedance in the second month.

(iv) A public water system that uses conventional filters may be required to participate in a special investigation conducted by the executive director if, during two consecutive months, the public water system fails to report individual filter effluent turbidity levels on a day when the combined filter effluent turbidity level exceeds 1.0 NTU.

(B) A system that serves fewer than 10,000 people, monitors combined filter effluent turbidity in lieu of individual filter effluent turbidity, and fails to meet the turbidity criteria in paragraph (1)(A) of this subsection must conduct additional monitoring. The executive director may waive these special monitoring requirements for systems that have a corrective action schedule approved by the executive director.

(i) Each time the combined filter effluent turbidity level exceeds 1.0 NTU for two consecutive 15-minute readings, the public water system must

either identify the cause of the exceedance or complete a filter profile on the combined filter effluent within seven days of the exceedance.

(ii) Each time the combined filter effluent turbidity level exceeds 1.0 NTU for two consecutive 15-minute readings on three separate occasions during any consecutive three-month period, the public water system must conduct a filter assessment on each filter within 14 days of the third exceedance.

(iii) Each time the combined filter effluent turbidity level exceeds 2.0 NTU on two consecutive 15-minute readings during two consecutive months, the public water system must participate in a third-party CPE within 120 days of the first exceedance in the second month.

(C) A public water system may be required to participate in a special investigation conducted by the executive director when documentation or lack of documentation from a public water system indicates that the pathogen removal/inactivation levels are inadequate or cannot be determined.

(5) Analytical requirements for turbidity. All monitoring required by this subsection must be conducted by a facility approved by the executive director and using methods that conform to the requirements of §290.119 of this title. Equipment used for compliance measurements must be maintained and calibrated in accordance with

§290.46(s) of this title (relating to Minimum Acceptable Operating Practices for Public Drinking Water Systems).

(A) Turbidity must be measured with turbidimeters that use a method that conforms with the requirements as described in §290.119 of this title.

(B) A system monitoring the performance of individual filters with on-line turbidimeters and recorders may monitor combined filter effluent turbidity levels by either continuously monitoring turbidity levels with an on-line turbidimeter or measuring the turbidity level in grab samples with a bench-top turbidimeter.

(C) Continuous turbidity monitoring must be conducted using a continuous, on-line turbidimeter and a device that records the turbidity level reading at least once every 15 minutes.

(i) Turbidity data may be recorded electronically by a supervisory control and data acquisition system (SCADA) or on a strip chart. The recorder must be designed so that the operator can accurately determine the turbidity level readings at 15-minute intervals.

(ii) If there is a failure in the continuous turbidity monitoring equipment at a system serving 10,000 people or more, the system must conduct grab

sampling every four hours in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment.

(iii) If the continuous turbidity monitoring equipment at a system serving fewer than 10,000 people malfunctions, the system must conduct grab sampling every four hours in lieu of continuous monitoring, but for no more than 14 working days following the failure of the equipment.

(D) A system that monitors combined filter effluent turbidity in lieu of individual filter effluent turbidity under §290.42(d)(11)(E)(ii) of this title must monitor the performance of individual filters using a bench-top turbidimeter.

(E) Combined filter effluent and individual filter effluent turbidity monitoring equipment and all associated data recording devices shall read and record turbidity levels to adequately determine compliance with the requirements as described in this subchapter. The turbidity equipment and all associated recording devices shall read and record levels:

(i) at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement as described in this subchapter;

(ii) at the lowest method detection limit of the approved turbidimeter; and

(iii) at the precision and accuracy necessary to determine compliance with the requirements as described in this subchapter.

(f) Filtration requirements for other filters. A system that uses cartridge filters, membrane filters, or other unconventional filtration systems to treat surface water or groundwater under the direct influence of surface water must meet minimum filtration requirements before the water is supplied to any consumer.

(1) Treatment technique requirements. A system that uses unconventional filtration technologies such as membrane filters or cartridge filters must meet treatment technique requirements prescribed by the executive director.

(A) The filtration facilities must meet combined filter effluent and individual filter effluent turbidity limits established by the executive director.

(B) The filtration facilities must be operated and maintained in accordance with requirements that the executive director determines are needed to demonstrate the amount of *Giardia* and *Cryptosporidium* removal achieved.

(2) Monitoring requirements. A system must monitor the performance of its filtration facilities.

(A) A system that serves fewer than 500 people and continuously monitors the turbidity level of each individual cartridge or membrane unit must measure and record the turbidity level of the combined effluent at least once each day that the plant is in operation.

(B) A system that serves at least 500 people and continuously monitors the turbidity level of each individual cartridge or membrane unit must measure and record the turbidity level of the combined effluent at least every four hours that the system serves water to the public.

(C) A system using membranes must use a method approved by the executive director to continuously monitor the quality of the water produced by each membrane unit and record the monitoring results at least once every five minutes. The executive director may approve monitoring parameters other than turbidity and decrease the frequency to once every 15 minutes if the approved operating parameters will allow consecutive readings to be obtained between backwash or backflush cycles.

(D) A system using membranes must conduct direct integrity testing on each membrane unit using a procedure approved by the executive director.

(i) Direct integrity tests must be conducted in a manner that will detect a membrane defect of 3 microns or smaller and demonstrates a removal efficiency equal to or greater than the removal credit awarded to the membrane filtration process by the executive director.

(ii) Direct integrity test method must calculate the log removal value for a 3-micron size particle and establish an upper control limit which assures that the unit is capable of meeting the removal credit approved by the executive director.

(iii) A system that has been assigned a Bin 1 classification under the provisions of subsection (c)(3)(B) of this section must conduct direct integrity tests at least once every seven days. The executive director may reduce the testing requirements for other membrane units.

(iv) A system that has been assigned a Bin 2, 3, or 4 classification under the provisions of subsection (c)(3)(B) of this section must conduct direct integrity tests at least once each day that the membrane unit is used for filtration. The executive director may approve less frequent testing, based on demonstrated process reliability, the use of multiple barriers effective for *Cryptosporidium* removal or inactivation, or reliable process safeguards.

(v) A system must immediately conduct a direct integrity test on any membrane unit that produces filtered water with turbidity level above 0.15 NTU

on two consecutive readings. The executive director must establish alternate site-specific control limits for systems that use other approved technology in lieu of turbidimeters to continuously monitor the performance of membrane units.

(vi) A system must immediately remove any membrane unit that fails a direct integrity test from service until the membrane modules in that unit are inspected and, if necessary, repaired. A membrane unit that has been removed from service may not be returned to service until it has passed a direct integrity test.

(E) A system that uses cartridge filters must continuously monitor the performance of the filtration process in a manner approved by the executive director.

(3) Analytical requirements. All monitoring required by this subsection must be conducted by a facility approved by the executive director and using methods that conform to the requirements of §290.119 of this title. Equipment used for compliance measurements must be maintained and calibrated in accordance with §290.46(s) of this title.

(A) Turbidity of the combined effluent must be measured with turbidimeters that meet the requirements of subsection (e)(5)(A) of this section.

(B) The turbidity of the water produced by each membrane unit must be measured using the Hach FilterTrak Method 10133. The executive director may

approve the use of alternative technology to monitor the quality of the water produced by each membrane unit.

(C) A system continuously monitoring the performance of individual cartridges or membrane units may monitor combined effluent turbidity levels by either continuously monitoring turbidity levels with an on-line turbidimeter, or by measuring the turbidity level in grab samples with a bench-top turbidimeter.

(D) Data collected from on-line instruments may be recorded electronically by a SCADA system or on a strip chart recorder. The recorder must be designed so that the operator can accurately determine the value of readings at the monitoring interval approved by the executive director.

(i) If there is a failure in the continuous monitoring equipment at a system serving 10,000 people or more, the system must conduct grab sampling every four hours in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment.

(ii) If there is a failure in the continuous monitoring equipment at a system serving fewer than 10,000 people, the system must conduct grab sampling every four hours in lieu of continuous monitoring, but for no more than 14 working days following the failure of the equipment.

(E) A system that uses cartridge filters and does not continuously monitor the turbidity of each filter unit must monitor the performance of individual filters at least once each day using a bench-top turbidimeter.

(F) Combined filter effluent and individual filter effluent turbidity monitoring equipment and all associated data recording devices shall read and record turbidity levels to adequately determine compliance with the requirements as described in this subchapter. The turbidity equipment and all associated recording devices shall read and record levels:

(i) at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement as described in this subchapter;

(ii) at the lowest method detection limit of the approved turbidimeter; and

(iii) at the precision and accuracy necessary to determine compliance with the requirements as described in this subchapter.

(4) Special investigation requirements. A system which fails to produce water with acceptable turbidity levels, or if the level of removal/inactivation of pathogens is inadequate or cannot be determined, the system shall investigate the cause of the

problem and take appropriate corrective action. The executive director can waive these special monitoring requirements for systems that have a corrective action schedule approved by the executive director.

(A) A public water system that utilizes membrane filters for pathogen removal may be required to participate in a special investigation conducted by the executive director if, during two consecutive months, the system fails to report all required direct integrity test results for a specific membrane unit.

(B) A public water system that utilizes membrane filters for pathogen removal may be required to participate in a special investigation conducted by the executive director if, during two consecutive months, a specific membrane unit fails at least one direct integrity test and continues to produce water.

(C) A public water system may be required to participate in a special investigation conducted by executive director when documentation or lack of documentation from a public water system indicates that the pathogen removal/inactivation levels are inadequate or cannot be determined.

(g) Other treatment credits for systems in Bins 2 through 4. The executive director may grant additional pathogen removal and inactivation credit to systems that meet enhanced design, operational, maintenance, and reporting requirements.

(1) Individual filter effluent. The executive director may approve an additional 1.0-log removal credit for *Giardia* and *Cryptosporidium* to a treatment plant that uses conventional granular media filters.

(A) The executive director will approve the additional credit for a plant if:

(i) the system continuously monitored the filtered water turbidity at the effluent of each individual filter and recorded the turbidity value every 15 minutes that the filter was sending water to the clearwell;

(ii) the turbidity level at each individual filter effluent is less than or equal to 0.15 NTU in at least 95% of the measurements recorded during the month; and

(iii) no individual filter produced water with turbidity level above 0.3 NTU in two consecutive 15-minute readings.

(B) The executive director may also approve the additional credit for a plant that does not meet the requirements of subparagraph (A) of this paragraph if:

(i) the executive director determines that the failure to meet the requirements of subparagraph (A) of this paragraph could not have been prevented through optimizing plant operations, design, or maintenance; and

(ii) the system has experienced no more than two such failures within the most recent 12 months.

(2) Combined filter effluent. The executive director may approve an additional 0.5-log removal credit for *Cryptosporidium* to a treatment plant that uses conventional granular media filters if:

(A) the system continuously monitored the filtered water turbidity at the effluent of each individual filter and recorded the turbidity value every 15 minutes that the filter was sending water to the clearwell;

(B) the turbidity level at the combined filter effluent is less than or equal to 0.15 NTU in at least 95% of the measurements recorded during the month; and

(C) the plant does not receive additional treatment credit under paragraph (1) of this subsection.

(3) Second stage filtration. The executive director will approve an additional 0.5-log removal credit for *Giardia* and *Cryptosporidium* to a treatment plant that uses a second, separate stage of conventional granular media filters if:

(A) the filters in both stages meet minimum design criteria approved by the executive director;

(B) all of the water produced by the plant passes through both stages of filtration;

(C) the system continuously monitored the filtered water turbidity at the effluent of each individual filter in the first stage of filtration and recorded the turbidity value every 15 minutes that the filter was sending water to the clearwell; and

(D) no individual filter in the first stage of filtration produced water with turbidity level above 1.0 NTU in two consecutive 15-minute readings.

(4) Other pathogen control strategies. The executive director may approve an additional removal or inactivation credit for other pre-filtration, filtration, or post-filtration strategies that can demonstrate effective, consistent levels of enhanced pathogen control.

(A) The alternative strategy must achieve a quantifiable reduction in the risk of waterborne disease in all of the treated water produced by the plant.

(B) The alternative strategy must conform to any applicable requirement of 40 CFR §§141.715 - 141.720.

(C) The executive director may establish minimum site-specific design, operational, maintenance, and reporting requirements for any alternative strategy used to meet minimum treatment technique requirements of subsection (c) of this section.

(D) The executive director may not approve additional removal credit under the provisions of this paragraph to any strategy that includes a treatment process has been assigned additional removal or inactivation credit under any other provision of this subsection.

(h) Reporting requirements. Public water systems must properly complete and submit periodic reports to demonstrate compliance with this section.

(1) A system that has a turbidity level exceeding 1.0 NTU in the combined filter effluent must consult with the executive director within 24 hours.

(2) A system that treats surface water sources or groundwater sources under the direct influence of surface water must submit a Surface Water Monthly Operating Report each month for each plant.

(A) A system that uses alternative treatment technologies or has been assigned a Bin 2, Bin 3, or Bin 4 classification under subsection (c)(3)(B) of this section must submit a Surface Water Monthly Operating Report (commission Form 0102D) for alternative technologies.

(B) A system that continuously monitors the performance of individual filters, but is not required to submit commission Form 0102D, must submit a Surface Water Monthly Operating Report (commission Form 0102C).

(C) A system that is allowed by the executive director to submit combined filter effluent turbidity in lieu of individual filter effluent turbidity under §290.42(d)(11)(E)(ii) of this title must submit a Surface Water Monthly Operational Report for Plants That Do Not Have a Turbidimeter on Each Filter (commission Form 0103) each month for each plant that treats surface water or groundwater under the direct influence of surface water.

(3) A system that must complete the additional monitoring required by subsection (e)(4)(A)(i) or (B)(i) of this section must submit a Filter Profile Report for

Individual Filters (commission Form 10276) with its Surface Water Monthly Operating Report.

(4) A system that must complete the additional monitoring required by subsection (e)(4)(A)(ii) or (B)(ii) of this section must submit a Filter Assessment Report for Individual Filters (commission Form 10277) with its Surface Water Monthly Operating Report.

(5) A system that must complete the additional monitoring required by subsection (e)(4)(A)(iii) or (B)(iii) of this section must submit a Comprehensive Performance Evaluation Request Form (commission Form 10278) with its Surface Water Monthly Operating Report.

(6) A system must submit any additional reports required by the executive director to verify the level of pathogen removal or inactivation achieved by the system's treatment plants.

(7) A system must submit its *Cryptosporidium* bin classification.

(8) A system must submit reports required by subsection (b)(7) of this section.

(9) Periodic reports required by this section must be submitted to the Water Supply Division, Texas Commission on Environmental Quality, MC 155, P.O. Box 13087, Austin, Texas 78711-3087 by the tenth day of the month following the end of the reporting period.

(i) Compliance determination. Compliance with the requirements of this section must be determined using the criteria of this subsection.

(1) A public water system that fails to complete source water monitoring or conduct the routine monitoring tests and any applicable special investigations required by this section commits a monitoring violation.

(2) A public water system that fails to submit a report required by subsection (h) of this section commits a reporting violation.

(3) A public water system that has one or more of the following conditions as specified in subparagraphs (A) - (E) of this paragraph commits an acute treatment technique violation and is required to issue a public notice and a boil water notice within 24 hours in accordance with §290.122(a) of this title (relating to Public Notification).

(A) A public water system using conventional filters that has a turbidity level exceeding 5.0 NTU in the combined filter effluent.

(B) A public water system using conventional filters that has a combine filter effluent (CFE) turbidity level exceeding 2.0 NTU at plants that are required to have individual filter effluent (IFE) turbidimeters and failed to properly monitor or record IFE turbidity data during the period when the CFE turbidity level was above 2.0 NTU.

(C) A public water system using conventional filters that has a CFE turbidity level exceeding 2.0 NTU at a plant that has only two filters, is not required to continuously monitor the IFE turbidity level at the effluent of each filter, and did not collect IFE turbidity grab samples during the period when CFE levels were above 2.0 NTU.

(D) A public water system that fails to submit a report required by subsection (h) of this section for two consecutive months.

(E) A public water system using membrane or cartridge filters that has a turbidity level exceeding 1.0 NTU in the combined filter effluent.

(4) A public water system using conventional filters that has one or more of the following conditions as specified in subparagraphs (A) - (D) of this paragraph, and has not met the conditions as specified in paragraph (3) of this subsection, commits an acute treatment technique violation and is required to issue a public notice within 24 hours in accordance with §290.122(a) of this title.

(A) A CFE turbidity level exceeding 1.0 NTU during a period when the disinfection protocol did not achieve an inactivation ratio of at least 2.0 for both *Giardia* and viruses.

(B) A CFE turbidity level exceeding 1.0 NTU during a period that IFE turbidity levels were above 2.0 NTU at one or more filters.

(C) A CFE turbidity level exceeding 1.0 NTU occurring at a plant that is required to have IFE turbidimeters and fails to properly monitor or record IFE turbidity data during the period when the CFE turbidity level was above 1.0 NTU.

(D) A CFE turbidity level exceeding 1.0 NTU occurred at a plant that has only two filters, is not required to continuously monitor the IFE turbidity level at the effluent of each filter, and did not collect IFE turbidity grab samples during the period when CFE levels were above 1.0 NTU.

(5) Except as provided in paragraphs (3) and (4) of this subsection, a public water system that violates the requirements of subsections (c), (d)(1), (e)(1), and (f)(1) of this section commits a nonacute treatment technique violation.

(6) A system that fails to request a bin classification within six months of completing a round of source water monitoring commits a treatment technique violation.

(7) A system that fails to correct the performance-limiting factors identified in a comprehensive performance evaluation conducted under the requirements of subsection (e)(4)(A)(iii) or (B)(iii) of this section commits a violation.

(8) A system that fails to properly issue a public notice required by subsection (j) of this section commits a violation.

(j) Public notification. The owner or operator of a public water system that violates the requirements of this section must notify the executive director and the people served by the system.

(1) A public water system that commits an acute treatment technique violation must notify the executive director and the water system customers of the acute violation within 24 hours in accordance with the requirements of §290.46(q) of this title and §290.122(a) of this title (relating to Public Notification).

(2) A public water system that has a turbidity level exceeding 1.0 NTU in the combined filter effluent must consult with the executive director within 24 hours of the violation.

(A) Based on the results of the consultation, the executive director will determine whether the water system must notify its customers in accordance with the requirements of §290.122(a) or (b) of this title.

(B) A water system that fails to consult with the executive director as required by this paragraph must notify its customers in accordance with the requirements of §290.122(a) of this title.

(3) Except as provided in paragraphs (1) and (2) of this subsection, a public water system that fails to meet the treatment technique requirements of subsections (c), (d)(1), (e)(1), or (f)(1) of this section must notify the executive director by the end of the next business day and the water system customers in accordance with the requirements of §290.122(b) of this title.

(4) A public water system that fails to conduct the monitoring required by this section must notify its customers of the violation in accordance with the requirements of §290.122(c) of this title.

§290.112. Total Organic Carbon (TOC).

(a) Applicability. A water treatment plant must meet the provisions of this section if the plant:

(1) serves a community or nontransient, noncommunity public water system;

(2) treats surface water or groundwater under the direct influence of surface water; and

(3) uses a series of treatment processes that includes coagulation, flocculation, sedimentation or clarification, and filtration as part of the overall treatment protocol.

(b) Treatment technique. Systems must achieve the Step 1 removal requirements in paragraph (1) of this subsection, meet one of the alternative compliance criteria described in paragraph (2) of this subsection, or apply for the alternative Step 2 removal requirements described in paragraph (3) of this subsection.

(1) Systems must determine their ability to meet the Step 1 removal requirements given in the following table. A water treatment plant's Step 1 total organic carbon (TOC) required percent removal is based upon plant's source water TOC and alkalinity. Step 1 TOC percent removal requirements are indicated in the following table. Systems practicing softening are evaluated based on the Step 1 TOC removal in the far-right column (Source water alkalinity >120 milligrams per liter (mg/L)) for the specified source water TOC.

Figure: 30 TAC §290.112(b)(1) (No change to the figure as it currently exists in TAC.)

Figure: 30 TAC §290.112(b)(1)

Step 1 TOC Removal Requirements

Source-water TOC (mg/L)	Source-water alkalinity (mg/L as $CaCO_3$) Less than or Equal to...		
	0 - 60	≥60 - 120	≥120
≥ 2.0 - 4.0	35.0% Removal	25.0% Removal	15.0% Removal
≥ 4.0 - 8.0	45.0% Removal	35.0% Removal	25.0% Removal
≥ 8.0	50.0% Removal	40.0% Removal	30.0% Removal

(2) Systems may determine their ability to meet one of the eight alternative compliance criteria listed in this paragraph.

(A) A system meets alternative compliance criteria Number 1 if the system's source water TOC level is less than 2.0 mg/L, calculated quarterly as a running annual average.

(B) A system meets alternative compliance criteria Number 2 if the system's treated water TOC level is less than 2.0 mg/L, calculated quarterly as a running annual average.

(C) A system meets alternative compliance criteria Number 3 if: the system's source water TOC level is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity is greater than 60 mg/L (as calcium carbonate (CaCO3), calculated quarterly as a running annual average; and the total trihalomethanes (TTHM) and haloacetic acid-group of five (HAA5) running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively.

(D) The system meets alternative compliance criteria Number 4 if the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.

(E) The system meets alternative compliance criteria Number 5 if the system's source water specific ultraviolet absorbance (SUVA), prior to any treatment, measured monthly, is less than or equal to 2.0 liters per milligram-meter (L/mg-m), calculated quarterly as a running annual average.

(F) The system meets alternative compliance criteria Number 6 if the system's finished water SUVA, measured monthly at a point prior to any disinfection, is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

(G) The system meets alternative compliance criteria Number 7 if the system practices softening, cannot achieve the Step 1 TOC removals required by

paragraph (1) of this subsection, and has treated water alkalinity less than 60 mg/L (as CaCO3) and calculated quarterly as a running annual average.

(H) The system meets alternative compliance criteria Number 8 if the system practices softening, cannot achieve the Step 1 TOC removals required by paragraph (1) of this subsection, and has magnesium hardness removal greater than or equal to 10 mg/L (as CaCO3), measured monthly calculated quarterly as a running annual average.

(3) If a system fails to meet the Step 1 TOC removal requirement required by paragraph (1) of this subsection and does not meet one of eight alternative compliance criteria described in paragraph (2) of this subsection, the system must apply to the executive director for approval of Step 2 removal requirements.

(A) The plant must perform Step 2 jar testing to determine the coagulant dose at which the removal of TOC is less than 0.3 mg/L for an increase in coagulant of 10 mg/L alum or its equivalent. This dose is referred to as the point of diminishing returns (PODR).

(B) The system must submit the results of the Step 2 jar testing to the executive director for approval of the alternative removal requirements at least 15 days before the end of the applicable quarter.

(C) The executive director may approve Step 2 alternative removal requirements.

(i) If approved, the removal achieved at the PODR becomes the alternative full-scale TOC removal requirement for the plant.

(ii) The alternate removal requirements may be applied to the quarter in which the jar test results are received and for the following quarter.

(c) TOC monitoring requirements. Systems must conduct required TOC monitoring during normal operating conditions at sites and at the frequency designated in the system's monitoring plan.

(1) Systems must monitor for TOC and alkalinity in the source water prior to any treatment. Between one and eight hours after taking the source water sample, systems must measure each treatment plant TOC after filtration in the combined filter effluent stream. These samples (source water alkalinity, source water TOC, and treated water TOC) are referred to as a TOC sample set.

(2) Systems must take one TOC sample set monthly (every 30 days) at a time representative of normal operating conditions and influent water quality. With the executive director's approval, a system may reduce monitoring according to subparagraphs (A) - (C) of this paragraph.

(A) Systems with a running annual average treated water TOC of less than 2.0 mg/L for two consecutive years may reduce monitoring to one TOC sample set per plant per quarter (every 90 days). The system must revert to routine monitoring in the month following the quarter when the running annual average treated water TOC is greater than or equal to 2.0 mg/L.

(B) Systems with a running annual average treated water TOC of less than 1.0 mg/L for one year may reduce monitoring to one TOC sample set per plant per quarter (every 90 days). The system must revert to routine monitoring in the month following the quarter when the running annual average treated water TOC is greater than or equal to 2.0 mg/L.

(C) Systems with a running annual average source water TOC at each plant of less than or equal to 4.0 mg/L based on the running annual average of the most recent four quarters of monitoring may reduce source TOC monitoring to one source TOC sample per quarter (every 90 days) if they also meet criteria for reduced disinfection byproduct monitoring. In order to remain on quarterly source TOC monitoring, the system must also meet the criteria for reduced trihalomethane and haloacetic acid monitoring given in §290.113(c)(4) of this title (relating to Stage 1 Disinfection Byproducts (TTHM and HAA5)) until the date shown in table §290.113(a)(2) of this title. After the date shown in §290.115(a)(2) of this title (relating to Stage 2 Disinfection Byproducts (TTHM and HAA5)), the system must also meet the criteria for reduced

trihalomethane and haloacetic acid monitoring in §290.115(c)(3) of this title in order to remain on quarterly source TOC monitoring. The system must revert to routine monitoring in the first month following the quarter when the running annual average source water TOC is greater than 4.0 mg/L, or the system no longer meets the reduced monitoring criteria for disinfection byproducts.

(3) A public water system attempting to meet the treatment technique requirements for TOC using alternative compliance criteria Number 5 (as defined in subsection (b)(2)(E) of this section) must monitor for SUVA in the source water prior to any treatment at least once each month.

(4) A public water system attempting to meet the treatment technique requirements for TOC using alternative compliance criteria Number 7 (as defined in subsection (b)(2)(G) of this section) must monitor for alkalinity in the treated water at any point prior to distribution system at least once each month.

(5) A public water system attempting to meet the treatment technique requirements for TOC using alternative compliance criteria Number 8 (as defined in subsection (b)(2)(H) of this section) must monitor for magnesium in both the source water prior to any treatment at and the treated water at any point prior to the distribution system least once each month.

(d) Analytical requirements for TOC treatment. Analytical procedures required by this section must be conducted at a facility approved by the executive director and using methods that conform to the requirements of §290.119 of this title (relating to Analytical Procedures).

(e) Reporting requirements for TOC. Systems treating surface water or groundwater under the direct influence of surface water shall properly complete and submit periodic reports to demonstrate compliance with this section.

(1) The reports must be submitted to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 by the tenth day of the month following the end of the reporting period.

(2) Public water systems must submit a Monthly Operational Report for Total Organic Carbon (commission Form 0879) each month.

(3) A system that does not meet the Step 1 removal requirements must submit a Request for Alternate TOC Requirements at least 15 days before the end of the quarter.

(A) If the system meets alternative compliance criterion Number 3, subsection (b)(2)(C) of this section, the system must report the running annual average

TTHM and HAA5 concentrations as determined under the requirements of §290.113 of this title.

(B) If the system meets alternative compliance criterion Number 4, subsection (b)(2)(D) of this section, the system must report the running annual average TTHM and HAA5 concentrations as determined under the requirements of §290.113 or §290.115 of this title, and report all disinfectants used by the system during last 12 months.

(C) If the system meets alternative compliance criterion Number 5, subsection (b)(2)(E) of this section, the system must report the average source water SUVA for each of the preceding 12 months.

(D) If the system meets alternative compliance criterion Number 6, subsection (b)(2)(F) of this section, the system must report the average treated water SUVA for each of the preceding 12 months.

(E) If the system practices softening and meets alternative compliance criterion Number 8, subsection (b)(2)(H) of this section, the system must report the source water and treated water magnesium concentrations and the average percent removal of magnesium obtained during each of the preceding 12 months.

(F) A system that does not meet any of the alternative compliance criteria must apply for the Step 2 alternative removal requirements and must submit the results of Step 2 jar testing.

(f) Compliance determination. Compliance with the requirements of this section shall be based on the following criteria:

(1) A system that fails to conduct the monitoring tests required by this section commits a monitoring violation. Failure to monitor will be treated as a violation for the entire period covered by the annual average.

(2) A system that fails to report the results of monitoring tests required by this section commits a reporting violation. Systems may use only data collected under the provisions of this section to qualify for reduced monitoring.

(3) A system that does not meet any of the alternative compliance criteria and does not achieve the required TOC removal commits a treatment technique violation. Compliance shall be determined quarterly by determining an annual average removal ratio using the following method:

(A) The actual monthly TOC percent removal must be determined for each month. The actual removal for a TOC sample set is equal to (1 - (treated water TOC/source water TOC)). The actual monthly percent removal is calculated as the average

of all actual removals for all TOC sample sets collected in the month, expressed as a percent.

(B) The required monthly Step 1 or Step 2 TOC percent removal must be determined as provided in subsection (b) of this section. The executive director will approve or disapprove Step 2 requirements based on jar or pilot data. Until the executive director approves the Step 2 TOC removal requirements, the system must meet the Step 1 TOC removals contained in subsection (b)(1) of this section.

(C) The monthly removal ratio must be determined. The monthly removal ratio is determined by dividing the actual monthly TOC percent removal for each month by the required monthly Step 1 or approved Step 2 TOC percent removal for the month. The alternative compliance criteria may be used on a monthly basis as described in clauses (i) - (iv) of this subparagraph.

(i) If the monthly average source or treated water TOC is less than 2.0 mg/L, a monthly removal ratio value of 1.0 may be assigned (in lieu of the value calculated in subparagraph (C) of this paragraph) when calculating compliance under the provisions of this section.

(ii) If the monthly average water source or treated SUVA level is less than 2.0 L/mg-m, a monthly removal ratio value of 1.0 may be assigned (in lieu of

the value calculated in subparagraph (C) of this paragraph) when calculating compliance under the provisions of this section.

(iii) In any month that a softening system lowers alkalinity below 60 mg/L (as CaCO3), a monthly removal ratio value of 1.0 may be assigned (in lieu of the value calculated in subparagraph (C) of this paragraph) when calculating compliance under the provisions of this section.

(iv) In any month that a softening system removes at least 10 mg/L of magnesium hardness (as CaCO3) a monthly value of 1.0 may be assigned (in lieu of the value calculated in subparagraph (C) of this paragraph) when calculating compliance under the provisions of this section.

(D) The annual average removal ratio must be determined. The annual average removal ratio is the average of all monthly removal ratios over the most recent 12-month period. To determine the annual average removal ratio, determine the sum of all monthly removal ratios in the most recent 12-month period, and divide that sum by 12.

(E) If the annual average removal ratio is less than 1.00, the system commits a treatment technique violation.

(4) A public water system that fails to do a required public notice or certify that the public notice has been performed commits a public notice violation.

(g) Public Notification. A public water system that violates the treatment technique requirements of this section must notify the executive director and the system's customers.

(1) A public water system that commits a TOC treatment technique violation shall notify the executive director and the water system customers in accordance with the requirements of §290.122(b) of this title (relating to Public Notification).

(2) A public water system which fails to conduct the monitoring required by this section must notify its customers of the violation in accordance with the requirements of §290.122(c) of this title.

§290.113. Stage 1 Disinfection Byproducts (TTHM and HAA5).

(a) Applicability for total trihalomethanes (TTHM) and haloacetic acids (group of five) (HAA5). All community and nontransient, noncommunity water systems shall comply with the requirements of this section.

(1) Systems must comply with the Stage 1 requirements in this section until the date shown in the table entitled "Date to Start Stage 2 Compliance."

(2) Until the date shown in the table in Figure: 30 TAC §290.113(a)(2) of this paragraph, systems must continue to monitor according to this section.

Figure: 30 TAC §290.113(a)(2) (No change to the figure as it currently exists in TAC.)

Date to Start Stage 2 Compliance	
This type of system:	**Must comply with Stage 2 starting:**
Systems that are not part of a combined distribution system and systems that serve the largest population in the combined distribution system:	
System serving 100,000 or more population	April 1, 2012
System serving 50,000 to 99,999 population	October 1, 2012
System serving 10,000 to 49,999 population	October 1, 2013
System serving fewer than 10,000 population if the system distributes only treated groundwater or potable water purchased from another system	October 1, 2013
System serving fewer than 10,000 population that treats surface water (or groundwater under the direct influence of surface water) if no *Cryptosporidium* monitoring is required under §290.111(b)(3)(B) of this title (relating to Surface Water Treatment)	October 1, 2013
System serving fewer than 10,000 population that treats surface water (or groundwater under the direct influence of surface water) if *Cryptosporidium* monitoring is required under §290.111(b)(3)(B) of this title	October 1, 2014
Systems of any population that are part of a combined distribution system:	

Consecutive system or wholesale system that is part of a combined distribution system	At the same time as the system with the earliest compliance date in the combined distribution system

(b) Maximum contaminant level (MCL) for TTHM and HAA5. The running annual average concentration of TTHM and HAA5 shall not exceed the MCLs.

(1) The MCL for TTHM is 0.080 milligrams/liter (mg/L).

(2) The MCL for HAA5 is 0.060 mg/L.

(c) Monitoring requirements for TTHM and HAA5. Systems must take all TTHM and HAA5 samples during normal operating conditions. Monitoring shall be performed at locations and frequency specified in the system's monitoring plan.

(1) The minimum number of samples required to be taken shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer shall be considered as one treatment plant for determining the minimum number of samples.

(2) All samples taken within one sampling period shall be collected within a 24-hour period.

(3) Systems must routinely sample at the frequency and locations given in the following table entitled "Stage 1 Routine Monitoring Frequency and Locations for TTHM and HAA5."

Figure: 30 TAC §290.113(c)(3) (No change to the figure as it currently exists in TAC.)

STAGE 1 ROUTINE MONITORING FREQUENCY AND LOCATIONS FOR TTHM AND HAA5		
Type of System	**Minimum Monitoring Frequency**	**Sample Location in the Distribution System**
Surface water or groundwater under the direct influence of surface water system serving at least 10,000 persons	four water samples per quarter per treatment plant	At least 25 % of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods[1].
Surface water or groundwater under the direct influence of surface water system serving from 500 to 9,999 persons	one water sample per quarter per treatment plant	Locations representing maximum residence time[1].
Surface water or groundwater under the direct influence of surface water system serving fewer than 500 persons	one sample per year per treatment plant during month of warmest water temperature	Locations representing maximum residence time[1]. If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in subsection (c) of this section.
System using only groundwater not under direct influence	one water sample per quarter per	Locations representing maximum residence time[1].

of surface water using chemical disinfectant and serving at least 10,000 persons	treatment plant[2]	
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons	one sample per year per treatment plant[2] during month of warmest water temperature	Locations representing maximum residence time[1]. If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets criteria in subsection (c) of this section for reduced monitoring.

[1] If a system elects to sample more frequently than the minimum required, at least 25% of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.
[2] With approval of the executive director, multiple wells drawing water from a single aquifer may be considered one treatment plant for determining the minimum number of samples required.

(4) The executive director may reduce the monitoring frequency for TTHM and HAA5 as indicated in the following table entitled "Stage 1 Reduced Monitoring Frequency and Locations for TTHM and HAA5."

Figure: 30 TAC §290.113(c)(4) (No change to the figure as it currently exists in TAC.)

STAGE 1 REDUCED MONITORING FREQUENCY AND LOCATIONS FOR TTHM AND HAA5		
IF YOU ARE A...	**YOU MAY REDUCE MONITORING IF YOU HAVE MONITORED AT LEAST ONE YEAR AND YOUR...**	**TO THIS LEVEL**

Surface water or groundwater under the direct influence of surface water system serving at least 10,000 persons which has a source water annual average TOC level, before any treatment, less than or equal to 4.0 mg/L[1]	TTHM annual average less than or equal to 0.040 mg/L and HAA5 annual average less than or equal to 0.030mg/L	one sample per treatment plant per quarter at distribution system location reflecting maximum residence time
Surface water or groundwater under the direct influence of surface water system serving from 500 to 9,999 people which has a source water annual average TOC level, before any treatment, less than or equal to 4.0 mg/L[1]	TTHM annual average less than or equal to 0.040 mg/L and HAA5 annual average less than or equal to 0.030mg/L	one sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
Surface water or groundwater under the direct influence of surface water system serving fewer than 500 people		Any surface water or groundwater under the direct influence of surface water system serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons	TTHM annual average less than or equal to 0.040 mg/L and HAA5 annual average less than or equal to 0.030mg/L	one sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons	TTHM annual average less than or equal to 0.040 mg/L and HAA5 annual average less than or equal to 0.030mg/L for two consecutive years OR TTHM annual average	one sample per treatment plant per three year monitoring cycle at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1

	less than or equal to 0.020 mg/L and HAA5 annual average less than or equal to 0.015mg/L for one year	following quarter in which system qualifies for reduced monitoring.

[1]TOC sampling must be performed in accordance with §290.112(c)(2)(C) of this title (relating to Total Organic Carbon (TOC))

(A) The executive director may not reduce the routine monitoring requirements for TTHM and HAA5 until a system has completed one year of routine monitoring in accordance with the provisions of paragraph (3) of this subsection.

(B) A system that is on reduced monitoring and collects quarterly samples for TTHM and HAA5 may remain on reduced monitoring as long as the running annual average of quarterly averages for TTHM and HAA5 is no greater than 0.060 mg/L and 0.045 mg/L, respectively, and as long as it meets the requirements in subparagraph (D) of this paragraph.

(C) A system that is on a reduced monitoring and monitors no more frequently than once each year may remain on reduced monitoring as long as TTHM and HAA5 concentrations are no greater than 0.060 mg/L and 0.045 mg/L, respectively, and as long as it meets the requirements in subparagraph (D) of this paragraph.

(D) To remain on reduced TTHM and HAA5 monitoring, systems that treat surface water or groundwater under the direct influence of surface water must also

maintain a source water annual average total organic carbon (TOC) level, before any treatment, less than or equal to 4.0 mg/L (based on the most recent four quarters of monitoring) on a continuing basis at each plant.

(5) The executive director may require a system to return to the routine monitoring frequency described in paragraph (3) of this subsection.

(A) A system that does not meet the requirements of paragraph (4)(B), (C) or (D) of this subsection must return to routine monitoring in the quarter immediately following the quarter in which the results exceed 0.060 mg/L or 0.045 mg/L for TTHMs and HAA5, respectively, or when the source water annual average TOC level, before any treatment, exceeds 4.0 mg/L at any plant.

(B) A system that is on reduced monitoring and makes any significant change to its source of water or treatment program shall return to routine monitoring in the quarter immediately following the quarter when the change was made.

(C) If a system is returned to routine monitoring, routine monitoring shall continue for at least one year before a reduction in monitoring frequency may be considered.

(D) The executive director may return a system on reduced monitoring to routine monitoring at any time.

(6) Systems monitoring no more frequently than once each year must increase their monitoring frequency to quarterly if either the TTHM annual average is >0.080 mg/L or the HAA5 annual average is >0.060 mg/L. The system must begin monitoring quarterly immediately following the monitoring period in which the system exceeds 0.080 mg/L or 0.060 mg/L for TTHMs or HAA5, respectively.

(d) Analytical requirements for TTHM and HAA5. Analytical procedures required by this section shall be performed in accordance with §290.119 of this title (relating to Analytical Procedures). Testing for TTHM and HAA5 shall be performed at a laboratory accredited by the executive director.

(e) Reporting requirements for TTHM and HAA5. The owner or operator of a public water system must ensure the executive director is provided with a copy of the results of any test, measurement, or analysis required by this subsection. The copies must be submitted within the first ten days following the month in which the result is received by the public water system, or the first ten days following the end of the required monitoring period as provided by this subsection, whichever occurs first. The copies must be mailed to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

(f) Compliance determination for TTHM and HAA5. Compliance with the provisions of this section shall be determined as follows.

(1) A system that fails to monitor in accordance with this section commits a monitoring violation. Failure to monitor will be treated as a violation for the entire period covered by the annual average.

(2) A public water system that fails to report the results of the monitoring tests required by subsection (e) of this section commits a reporting violation.

(3) Compliance with the MCLs for TTHM and HAA5 shall be based on the running annual average of all samples collected during the preceding 12 months.

(A) A public water system that samples for TTHM and HAA5 each quarter must calculate the running annual average of the quarterly averages.

(B) A public water system that samples for TTHM and HAA5 no more frequently than once each year must calculate the annual average of all samples collected during the year.

(C) All samples collected at the sampling sites designated in the public water system's monitoring plan shall be used to compute the quarterly and annual averages unless the analytical results are invalidated by the executive director for technical reasons.

(4) A public water system violates the MCL for TTHM if the running annual average for TTHM exceeds the MCL specified in subsection (b)(1) of this section.

(5) A public water system violates the MCL for HAA5 if the running annual average for HAA5 exceeds the MCL specified in subsection (b)(2) of this section.

(6) If a public water system is routinely sampling in accordance with the requirements of subsection (c)(3) of this section and an individual sample or quarterly average will cause the system to exceed the MCL for TTHM or HAA5, the system is in violation of the respective MCL at the end of that quarter.

(7) If a public water system's failure to monitor makes it impossible to determine compliance with the MCL for TTHM or HAA5, the system commits an MCL violation for the entire period covered by the annual average.

(g) Public Notification Requirements for TTHM and HAA5. A public water system that violates the treatment technique requirements of this section must notify the executive director and the system's customers.

(1) A public water system that violates an MCL given in subsection (b)(1) or (2) of this section shall report to the executive director and the water system customers in accordance with the requirements of §290.122(b) of this title (relating to Public Notification).

(2) A public water system which fails to conduct the monitoring required by subsection (c) of this section must notify its customers of the violation in accordance with the requirements of §290.122(c) of this title.

(h) Best available technology for TTHM and HAA5. Best available technology for treatment of violations of MCLs in subsection (b) of this section are listed in 40 Code of Federal Regulations §141.64(b)(1)(ii).

§290.114. Other Disinfection Byproducts (Chlorite and Bromate).

(a) Chlorite. All public water systems that use chlorine dioxide must comply with the requirements of this subsection.

(1) Maximum contaminant level (MCL) for chlorite. The chlorite concentration in the water in the distribution system shall not exceed an MCL of 1.0 milligrams per liter (mg/L).

(2) Monitoring requirements for chlorite. Public water systems shall measure the chlorite concentration at locations and intervals specified in the system's monitoring plan. All samples must be collected during normal operating conditions.

(A) Each plant using chlorine dioxide must monitor the chlorite concentration in the water entering the distribution system at least once each day. The monitoring frequency at the entry point to the distribution system may not be reduced.

(B) Each plant using chlorine dioxide must monitor the chlorite concentration in the water within the distribution system at each of the following three locations: at a location near the first customer of a plant using chlorine dioxide; at a location representative of the average residence time in the distribution system; and at a location reflecting maximum residence time in the distribution system. The group of three samples must be collected on the same day and is called a "three-sample set."

(i) Each system must collect at least one three-sample set each month.

(ii) If the chlorite concentration entering the distribution system exceeds 1.0 mg/L, the system must collect a three-sample set within 24 hours.

(iii) The frequency of chlorite monitoring in the distribution system may be reduced to one three-sample set per quarter if none of the entry point or distribution system samples tested during the preceding 12 months contained a chlorite concentration above 1.0 mg/L. A system must revert to the monthly monitoring frequency if the chlorite concentration exceeds 1.0 mg/L in any sample.

(3) Analytical requirements for chlorite. Analytical procedures required by this section shall be performed in accordance with the requirements of §290.119 of this title (relating to Analytical Procedures).

(A) The chlorite concentration of the water entering the distribution system must be analyzed at a facility approved by the executive director. The analysis must have a minimum accuracy of 0.05 mg/L.

(B) The chlorite concentration of the water within the distribution system must be analyzed using ion chromatography at a facility accredited by the executive director.

(4) Reporting requirements for chlorite. Public water systems that are subject to the provisions of this subsection must ensure the executive director is provided with the results of any test, measurement, or analysis required by this section.

(A) Systems using chlorine dioxide must submit a Chlorine Dioxide Monthly Operating Report (commission Form 0690) by the tenth day of the month following the end of the reporting period.

(B) Except where a shorter period is specified in this section, a public water system shall ensure the executive director is provided with a copy of the results of any chlorite test, measurement, or analysis required by paragraph (2)(B) of this

subsection within the first ten days following the end of the required monitoring period or ten days following receipt of the results of such test, measurement, or analysis whichever occurs first.

(C) Reports and analytical results must be mailed to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

(5) Compliance determination for chlorite. Compliance with the requirements of this subsection shall be based on the following criteria.

(A) A public water system that fails to conduct the monitoring tests required by this subsection commits a monitoring violation.

(B) A public water system that fails to report the results of the monitoring tests required by this subsection commits a reporting violation.

(C) A public water system commits an MCL violation if the arithmetic average of any three-sample set collected in the distribution system exceeds the MCL for chlorite.

(D) A public water system that fails to do a required public notice or certify that the public notice has been performed commits a public notice violation.

(6) Public notification requirements for chlorite. A public water system that violates the requirements of this subsection must notify the executive director and the system's customers.

(A) A public water system that violates the MCL for chlorite shall notify the executive director by the end of the next business day and the customers in accordance with the requirements of §290.122(b) of this title (relating to Public Notification).

(B) A public water system which fails to conduct the monitoring required by this subsection must notify its customers of the violation in accordance with the requirements of §290.122(c) of this title.

(b) Bromate. Community and nontransient, noncommunity public water systems that use ozone must comply with the requirements of this subsection beginning on January 1, 2002.

(1) MCL for bromate. The concentration of bromate at the entry point to the distribution system shall not exceed an MCL of 0.010 mg/L.

(2) Monitoring requirements for bromate. Each plant using ozone must measure the bromate concentration in the water entering the distribution system at least

once each month. The monitoring frequency at the entry point to the distribution system may not be reduced. Samples shall be collected when the ozonation system is operating under normal conditions and at locations and intervals specified in the system's monitoring plan.

(3) Analytical requirements for bromate. Analytical procedures required by this section shall be performed in accordance with §290.119 of this title. Testing for bromate shall be performed at a laboratory certified by the executive director.

(4) Reporting requirements for bromate. The owner or operator of a public water system must ensure the executive director is provided with a copy of the results of any test, measurement, or analysis required by this subsection. The copies must be submitted within the first ten days following the month in which the result is received by the public water system, or the first ten days following the end of the required monitoring period as provided by this subsection, whichever occurs first. The copies must be mailed to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

(5) Compliance determination for bromate. Compliance with the requirements of this subsection shall be determined using the following criteria.

(A) A system that fails to monitor in accordance with this section commits a monitoring violation. Failure to monitor will be treated as a violation for the entire period covered by the annual average.

(B) A public water system that fails to report the results of the monitoring tests required by this subsection commits a reporting violation.

(C) A public water system violates the MCL for bromate if, at the end of any quarter, the running annual average of monthly averages, computed quarterly, exceeds the maximum contaminant level specified in paragraph (1) of this subsection.

(D) A public water system that fails to do a required public notice or certify that the public notice has been performed commits a public notice violation.

(E) A public water system that 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.

(6) Public notification requirements for bromate. A public water system that violates the requirements of this subsection must notify the water system's customers and the executive director.

(A) A public water system that violates the MCL for bromate shall notify the customers in accordance with the requirements of §290.122(b) of this title.

(B) A public water system which fails to conduct the monitoring required by this subsection must notify its customers of the violation in accordance with the requirements of §290.122(c) of this title.

§290.115. Stage 2 Disinfection Byproducts (TTHM and HAA5).

(a) Applicability for total trihalomethanes (TTHM) and haloacetic acids (group of five) (HAA5). All community and nontransient, noncommunity water systems shall comply with the requirements of this section for TTHM and HAA5.

(1) Systems must comply with the initial monitoring requirements starting on the dates given in subsection (c) of this section.

(2) Systems must comply with all of the additional requirements in this section starting on the date shown in the table entitled "Date to Start Stage 2 Compliance."

Figure: 30 TAC §290.115(a)(2) (No change to the figure as it currently exists in TAC.)

Date to Start Stage 2 Compliance[1]

This type of system:	**Must comply with Stage 2 starting:**
Systems that are not part of a combined distribution system and systems that serve the largest population in the combined distribution system:	
System serving 100,000 or more population	April 1, 2012
System serving 50,000 to 99,999 population	October 1, 2012
System serving 10,000 to 49,999 population	October 1, 2013
System serving fewer than 10,000 population if the system distributes only treated groundwater or potable water purchased from another system	October 1, 2013
System serving fewer than 10,000 population that treats surface water (or groundwater under the direct influence of surface water) if no *Cryptosporidium* monitoring is required under §290.111(b)(3)(B) of this title (relating to Surface Water Treatment)	October 1, 2013
System serving fewer than 10,000 population that treats surface water (or groundwater under the direct influence of surface water) if *Cryptosporidium* monitoring is required under §290.111(b)(3)(B) of this title	October 1, 2014
Systems of any population that are part of a combined distribution system:	
Consecutive system or wholesale system that is part of a combined distribution system	At the same time as the system with the earliest compliance date in the combined distribution system

[1]The executive director may grant up to an additional 24 months for compliance with maximum contaminant levels (MCLs) and operational evaluation levels if the system requires capital improvements to comply with an MCL in accordance with 40 Code of Federal Regulations §141.620(c).

(A) Systems required to conduct quarterly monitoring, must begin monitoring in the first full calendar quarter that includes the compliance date in the table titled "Date to Start Stage 2 Compliance."

(B) Systems required to conduct routine monitoring less frequently than quarterly must begin monitoring in the calendar month approved by the executive director in their Initial Distribution System Evaluation (IDSE) report or revised monitoring plan identifying Stage 2 sample sites.

(3) Systems must complete their monitoring plan for the additional Stage 2 TTHM and HAA5 requirements according to §290.121 of this title (relating to Monitoring Plans) before the date shown in the table entitled "Date to Start Stage 2 Compliance."

(b) Maximum contaminant levels (MCL) and operational evaluation levels (OELs) for TTHM and HAA5. Systems shall comply with MCLs and OELs.

(1) The locational running annual average (LRAA) concentration of TTHM and HAA5 shall not exceed the MCLs. A public water system that exceeds a MCL shall determine compliance as described in subsection (f) of this section.

(A) The MCL for TTHM is 0.080 milligrams/liter (mg/L).

(B) The MCL for HAA5 is 0.060 mg/L.

(2) The OEL at any monitoring location is the sum of the two previous quarters' results plus twice the current quarter's result, divided by 4 to determine an

average. A public water system that exceeds an OEL shall perform operation evaluation monitoring and reporting described in subsection (e) of this section.

(A) The OEL for TTHM is 0.080 mg/L.

(B) The OEL for HAA5 is 0.060 mg/L.

(c) Monitoring requirements for TTHM and HAA5. Monitoring shall be performed at locations and frequency specified in the system's monitoring plan as approved by the executive director. The executive director may require changes to a system's sampling locations. The executive director may require sampling at additional sampling locations.

(1) Monitoring locations. Systems must establish Stage 2 compliance monitoring sites throughout the distribution system at locations with the potential for relatively high disinfection byproduct formation. Systems must determine Stage 2 compliance monitoring locations by the dates shown in the table titled "Date to Establish Stage 2 Sites."

Figure: 30 TAC §290.115(c)(1) (No change to the figure as it currently exists in TAC.)

Date to Establish Stage 2 Sites	
This type of system:	**Must establish Stage 2 sites by:**
Systems that are not in a combined distribution system:	

System serving 100,000 or more people	January 1, 2009
System serving 50,000 to 99,999 people	July 1, 2009
System serving 10,000 to 49,999 people	January 1, 2010
System serving fewer than 10,000 people	July 1, 2010
Systems in a combined distribution system	
Consecutive or wholesale system of any population	At the same time as the largest system in the combined distribution system

(A) Systems that perform IDSE sampling in accordance with paragraph (5) of this subsection must use the IDSE and Stage 1 results to set Stage 2 compliance monitoring sites.

(B) Systems that do not perform IDSE sampling must set Stage 2 compliance monitoring sites through consultation with the executive director in accordance with this subparagraph.

(i) Systems required to sample at the same number of sites under Stage 1 and Stage 2, can use the Stage 1 sites for Stage 2 compliance monitoring.

(ii) Systems required to sample at more sites under Stage 2 than Stage 1 must identify Stage 2 sites in addition to the existing Stage 1 sites. Systems must identify additional sites representing areas of the distribution system with potentially high TTHM or HAA5 levels and provide the rationale for identifying these locations as having high levels of TTHM or HAA5. The required number of compliance monitoring locations must be identified.

(iii) Systems required to sample at fewer sites under Stage 2 than Stage 1 must identify which locations will be used for Stage 2. Stage 2 sites will be selected by alternating selection of Stage 1 locations representing the highest TTHM levels and highest HAA5 levels until the required number of compliance monitoring locations have been identified.

(C) The protocol given in 40 Code of Federal Regulations (CFR) §141.605(c) - (e) for selecting Stage 2 sample sites is hereby adopted by reference.

(D) To change monitoring locations, a system must replace existing compliance monitoring locations with the lowest LRAA with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels. Changes must be approved by the executive director and included in the monitoring plan.

(2) Monitoring frequency and number of sample sites. Routine sampling frequency and number of sample sites are given in the following table, titled "Routine Stage 2 Monitoring Frequency and Number of Sites." Systems must take all routine compliance TTHM and HAA5 samples during normal operating conditions.

Figure: 30 TAC §290.115(c)(2) (No change to the figure as it currently exists in TAC.)

Routine Stage 2 Monitoring Frequency and Number of Sites			
Water Type	**Retail Population**	**Routine Frequency[1]**	**Routine Number of Sites[5]**
Surface Water (or Groundwater Under the Direct Influence of Surface Water)[2]	fewer than 500	annual	1 or 2[3]
	500 to 3,300	quarterly	1 or 2[3]
	3,301 to 9,999	quarterly[4]	2
	10,000 to 49,999	quarterly[4]	4
	50,000 to 249,999	quarterly[4]	8
	250,000 to 999,999	quarterly[4]	12
	1,000,000 to 4,999,999	quarterly[4]	16
	5,000,000 or more	quarterly[4]	20
Groundwater	fewer than 500	annual	1 or 2[3]
	500 to 9,999	annual	2
	10,000 to 99,999	quarterly[4]	4
	100,000 to 499,999	quarterly[4]	6
	500,000 or more	quarterly[4]	8

[1]All systems must monitor during month of highest disinfection byproduct concentrations.

[2]A system that uses any treated surface water or groundwater under the direct influence of surface water shall be considered a surface water system for purposes of this section.

[3]Systems serving fewer than 500 people and surface water systems serving 500 to 3,300 people must identify two sample sites in accordance with 40 Code of Federal Regulations §141.605(b) and may sample at a single site if the highest total trihalomethanes (TTHM) and haloacetic acids (group of five) (HAA5) concentrations occur at the same time and place. If highest TTHM and HAA5 concentrations occur at the same time and location, one dual sample set must be collected at that location. If highest TTHM and HAA5 concentrations occur at different locations, then a single TTHM sample must be collected at the location with higher historical TTHM, and a single HAA5 sample must be collected at the location with higher historical HAA5.

[4]Systems on quarterly monitoring must take dual sample sets every 90 days.

[5]Monitoring locations must be approved by the executive director.

(3) Reduced monitoring for TTHM and HAA5. Monitoring may be reduced when the LRAA is less than or equal to 0.040 mg/L for TTHM and less than or equal to 0.030 mg/L for HAA5 at all Stage 2 compliance monitoring locations. The Stage 2 reduced sampling frequency and number of sample sites are given in the following table, titled "Reduced Stage 2 Monitoring Frequency and Number of Sites."

Figure: 30 TAC §290.115(c)(3) (No change to the figure as it currently exists in TAC.)

Reduced Stage 2 Monitoring Frequency and Number of Sites			
Source Water Type	Population Size Category	Monitoring Frequency [1]	Distribution System Monitoring Location Total per Monitoring Period
Surface or GUI	less than 500	Annual	Monitoring may not be reduced.
	500 to 3,300	Annual	1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.[2]
	3,301 to 9,999	Annual	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement.
	10,000 to 49,999	quarterly	2 dual sample sets at the locations with the highest TTHM and highest HAA5 LRAAs
	50,000 to 249,999	quarterly	4 dual sample sets at the locations with the two highest TTHM and two highest HAA5 LRAAs
	250,000 to 999,999	quarterly	6 dual sample sets at the locations with the three highest TTHM and three highest HAA5 LRAAs

	1,000,000 to 4,999,999	quarterly	8 dual sample sets at the locations with the four highest TTHM and four highest HAA5 LRAAs
	5,000,000 or more	quarterly	10 dual sample sets at the locations with the five highest TTHM and five highest HAA5 LRAAs
Ground-water	less than 500	every third year (triennial)	1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter. [2]
	500 to 9,999	Annual	1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.[2]
	10,000 to 99,999	Annual	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement
	100,000 to 499,999	quarterly	2 dual sample sets at the locations with the highest TTHM and highest HAA5 LRAAs
	500,000 or more	quarterly	4 dual sample sets at the locations with the two highest TTHM and two highest HAA5 LRAAs

[1]Systems on quarterly monitoring must take dual sample sets every 90 days.

[2]Systems on annual monitoring and surface water systems serving 500 to 3,300 people will use a single site if the highest TTHM and HAA5 concentrations occur at the same time and place. Any such system may be required to take individual TTHM and HAA5 samples (instead of a dual sample set) at sites identified as the highest TTHM and HAA5 sites, respectively. If separate sites for individual TTHM and HAA5 samples are used, then the TTHM sample must be collected during the quarter with highest historical TTHM levels and the HAA5 sample must be collected during the quarter with the highest historical HAA5 level.

(A) Only data collected under the provisions of §290.113 of this title (relating to Stage 1 Disinfection Byproducts (TTHM and HAA5)) and under this section may be used to qualify for reduced monitoring.

(B) In order to remain on reduced monitoring, a system must meet the applicable conditions of this subparagraph.

(i) Systems with annual or less frequent reduced monitoring qualify to remain on reduced monitoring as long as each TTHM sample is less than or equal to 0.060 mg/L and each HAA5 sample is less than or equal to 0.045 mg/L.

(ii) Systems on quarterly reduced monitoring qualify to remain on reduced monitoring as long as the TTHM LRAA is less than or equal to 0.040 mg/L and the HAA5 LRAA is less than or equal to 0.030 mg/L at each monitoring location.

(iii) To qualify for and remain on reduced monitoring, the source water annual average Total Organic Carbon (TOC) level, before any treatment, must be less than or equal to 4.0 mg/L at each treatment plant treating surface water or groundwater under the direct influence of surface water, based on monitoring conducted under §290.112(c)(2)(C) of this title (relating to Total Organic Carbon (TOC)).

(C) Systems will be returned to routine monitoring:

(i) if the LRAA at any monitoring location exceeds either 0.040 mg/L for TTHM or 0.030 mg/L for HAA5 based on quarterly monitoring, or

(ii) if the annual (or triennial) sample at any location exceeds either 0.060 mg/L for TTHM or 0.045 mg/L for HAA5, or

(iii) if the source water annual average TOC level, before any treatment, exceeds 4.0 mg/L at any treatment plant treating surface water or groundwater under the direct influence of surface water.

(D) The executive director may return a system on reduced monitoring to routine monitoring at any time.

(E) A system that is on reduced Stage 1 monitoring in accordance with §290.113(c)(4) of this title that has monitoring locations for Stage 2 different from those under Stage 1 must initiate routine monitoring in accordance with paragraph (2) of this subsection on the schedule given in subsection (a) of this section.

(F) A system that is on reduced monitoring in accordance with §290.113(c)(4) of this title may remain on reduced monitoring after the dates identified in subsection (a)(2) of this section only if the system:

(i) received a very small system (VSS) IDSE waiver under paragraph (5)(A) of this subsection or received a 40/30 IDSE waiver under paragraph (5)(B) of this subsection,

(ii) meets the reduced monitoring criteria in subparagraph (B) of this paragraph, and

(iii) is approved to use the same monitoring locations under Stage 1 and Stage 2.

(G) The executive director may choose to perform calculations and determine whether the system is eligible for reduced monitoring in lieu of having the system report that information.

(4) Increased monitoring for TTHM and HAA5. The executive director may increase monitoring in accordance with this paragraph.

(A) A system required to routinely monitor at a particular location annually or less frequently than annually under paragraph (2) of this subsection must increase monitoring to quarterly dual sample sets (every 90 days) at all locations if any TTHM compliance sample is greater than 0.080 mg/L or if any HAA5 compliance sample is greater than 0.060 mg/L at any location.

(B) The executive director may return a system on increased quarterly monitoring to routine monitoring after at least four consecutive quarters if the LRAA for every monitoring location is less than or equal to 0.060 mg/L for TTHM and less than or equal to 0.045 mg/L for HAA5.

(C) A system that is on increased monitoring under §290.113 of this title must remain on increased monitoring until the system qualifies for a return to routine monitoring under subparagraph (B) of this paragraph. The increased monitoring schedule must be conducted at the Stage 2 monitoring locations approved under paragraph (1) of this subsection, beginning on the date identified in subsection (a)(2) of this section.

(5) IDSE requirements. All community systems of any size and nontransient, noncommunity systems that serve at least 10,000 people must comply with these IDSE requirements.

(A) The executive director may grant a VSS IDSE monitoring waiver to systems that serve fewer than 500 people. Systems that receive a VSS IDSE monitoring waiver are not required to do IDSE monitoring. Systems must be compliant with all of the Stage 1 monitoring requirements of §290.113 of this title to be eligible for a VSS IDSE waiver.

(B) The executive director may grant a 40/30 IDSE monitoring waiver to IDSE monitoring to systems with levels for TTHM less than 0.040 mg/L and levels for HAA5 less than 0.030 mg/L. Systems that receive a 40/30 IDSE monitoring waiver are not required to do IDSE monitoring. Systems must be compliant with all of the Stage 1 monitoring requirements of §290.113 of this title to be eligible for a 40/30 IDSE waiver. The timing of samples that all need to be less than 0.040 mg/L and 0.030 mg/L respectively for TTHM and HAA5 are given in the following table, titled "Timing of Stage 1 Samples Evaluated for 40/30 Initial Distribution System Evaluation (IDSE) Waiver."

Figure: 30 TAC §290.115(c)(5)(B) (No change to the figure as it currently exists in TAC.)

Timing of Stage 1 Samples Evaluated for 40/30 Initial Distribution System Evaluation (IDSE) Waiver	
This type of system:	**40/30 certification is based on eight consecutive calendar quarters of Stage 1 compliance monitoring results beginning no earlier than[1]**
Systems that are not in a combined distribution system:	
System serving 100,000 or more people	January 2004
System serving 50,000 to 99,999 people	
System serving 10,000 to 49,999 people	January 2005
System serving fewer than 10,000 people	
Systems in a combined distribution system	
Consecutive or wholesale system of any population	At the same time as the largest system in the combined distribution system

[1]A system that did not monitor during the specified period must base eligibility on compliance samples taken during the 12 months preceding the specified period.

(i) To qualify for a 40/30 IDSE waiver a system must certify to the executive director that every individual sample taken under §290.113 of this title were less than 0.040 mg/L for TTHM and less than 0.030 mg/L for HAA5, and must have not had any TTHM or HAA5 monitoring violations during the period specified in subsection (a) of this section.

(ii) To qualify for a 40/30 IDSE waiver, a system must submit compliance monitoring results, distribution system schematics, and recommended Stage 2 compliance monitoring locations to the executive director upon request. The executive director may require a system that fails to submit the requested information to perform IDSE sampling.

(iii) The executive director may still require a system that meets the 40/30 IDSE waiver or VSS IDSE waiver requirements to do IDSE sampling under subparagraph (C) of this paragraph.

(C) Systems that must perform IDSE sampling must submit any needed documentation for waivers, produce an IDSE Plan, do IDSE sampling, and report the IDSE results to the executive director on the schedule in the following table titled "Initial Distribution Schedule Evaluation (IDSE) Schedule."

Figure: 30 TAC §290.115(c)(5)(C) (No change to the figure as it currently exists in TAC.)

Initial Distribution System Evaluation (IDSE) Schedule			
Retail population	**Submit IDSE plan or waiver documentation by:**[1, 2]	**Complete IDSE by:**	**Submit IDSE report by:**[3]
Systems that are not part of a combined distribution system and systems that serve the largest population in the combined distribution system			
100,000 or more	October 1, 2006	September 30, 2008	January 1, 2009
50,000 through 99,999	April 1, 2007	March 31, 2009	July 1, 2009
10,000 through 49,999	October 1, 2007	September 30, 2009	January 1, 2010
less than 10,000 (Community Only)	April 1, 2008	March 31, 2010	July 1, 2010
Other systems that are part of a combined distribution system:			
Any population	At the same time as the system with the earliest compliance date in the combined distribution system		

[1]If, within 12 months after the date identified in this column, the executive director does not approve a system's IDSE plan or notify the system that review is incomplete, the IDSE plan will be considered approved. The system must implement that plan and must complete standard IDSE monitoring or a system specific study no later than the date identified in the third column.

[2]Waiver documentation must be submitted by the date indicated.
[3]If the executive director does not approve an IDSE report or notify a system that review is incomplete within three months after the IDSE report is due to be submitted, or within nine months of the date that waiver documentation must be submitted for systems receiving

waivers, the submitted report or waiver documentation will be considered approved and must be implemented.

(i) The IDSE plan has required elements.

(I) The IDSE plan must include a schematic of the distribution system (including distribution system entry points and their sources, and storage facilities), with notes indicating locations and dates of all projected standard monitoring, and also Stage 1 compliance monitoring under §290.113 of this title.

(II) The IDSE plan must include justification of IDSE monitoring location selection and a summary of data used to justify IDSE monitoring location selection.

(III) The IDSE plan must include the system type and population served by the system.

(ii) Systems must do required IDSE sampling in accordance with this clause.

(I) Systems must monitor at the number and type of sites indicated in the following table titled "Number and Type of Initial Distribution System Evaluation (IDSE) Sample Sites:"

Figure: 30 TAC §290.115(c)(5)(C)(ii)(I) (No change to the figure as it currently exists in TAC.)

Number and Type of Initial Distribution System Evaluation (IDSE) Sample Sites[1]					
Population and water type	**IDSE Site Type**				
	Near Entry Points	**Average Residence Time**	**Potential High TTHM Locations**	**Potential High HAA5 Locations**	**Total Number of Sites**
Systems distributing surface water or groundwater under the direct influence of surface water (GUI)					
less than 500 that purchase treated surface water or GUI	1	-	1	-	2
less than 500 with no purchased water source	-	-	1	1	2
500 to 3,300 that purchase treated surface water or GUI	1	-	1	-	2
500 to 3,300 with no purchased water source	-	-	1	1	2
3,301 to 9,999	-	1	2	1	4
10,000 to 49,999	1	2	3	2	8
50,000 to 249,999	3	4	5	4	16
250,000 to 999,999	4	6	8	6	24
1,000,000 to 4,999,999	6	8	10	8	32

5,000,000 or more	8	10	12	10	40
Systems that only use groundwater not under the direct influence of surface water					
less than 500 that purchase treated groundwater	1	-	1	-	2
less than 500 with no purchased water source nonconsecutive systems	-	-	1	1	2
500 to 9,999	-	-	1	1	2
10,000 to 99,999	1	1	2	2	6
100,000 to 499,999	1	1	3	3	8
500,000 or more	2	2	4	4	12

[1]If the number of entry points to the distribution system is fewer than the specified number of entry point monitoring locations, excess entry point samples must be replaced equally at high TTHM and HAA5 locations. If there is an odd extra location number, the system must take a sample at a high TTHM location. If the number of entry points to the distribution system is more than the specified number of entry point monitoring locations, the system must take samples at entry points to the distribution system having the highest annual water flows.

(II) Systems must collect dual sample sets at each monitoring location. One sample in the dual sample set must be analyzed for TTHM. The other sample in the dual sample set must be analyzed for HAA5.

(III) IDSE sample locations must be different than the existing Stage 1 monitoring locations established under §290.113 of this title.

(IV) IDSE sample locations must be distributed throughout the distribution system.

(V) Systems must monitor at the frequency indicated in the following table titled "Frequency of Initial Distribution System Evaluation (IDSE) Monitoring:"

Figure: 30 TAC §290.115(c)(5)(C)(ii)(V) (No change to the figure as it currently exists in TAC.)

Frequency of Initial Distribution System Evaluation (IDSE) Monitoring[1]	
Population and Type of Water	**Sampling Frequency and Timing[2]**
Systems distributing surface water or groundwater under the direct influence of surface water (GUI)	
less than 500 that purchase treated surface water or GUI	one (during peak historical month[2])
less than 500 with no purchased water source	
500 to 3,300 that purchase treated surface water or GUI	four (every 90 days)
500 to 3,300 with no purchased water source	
3,301 to 9,999	
10,000 to 49,999	six (every 60 days)
50,000 to 249,999	
250,000 to 999,999	

1,000,000 to 4,999,999	
5,000,000 or more	
Systems that only use groundwater not under the direct influence of surface water	
less than 500 that purchase treated groundwater	one (during peak historical month[2])
less than 500 with no purchased water source nonconsecutive systems	
500 to 9,999	four (every 90 days)
10,000 to 99,999	
100,000 to 499,999	
500,000 or more	

[1]A dual sample set with both a total trihalomethanes (TTHM) and an haloacetic acids (group of five (HAA5) sample must be taken at each monitoring location during each monitoring period.

[2]The peak historical month is the month with the highest TTHM or HAA5 levels or the warmest water temperature month. Monitoring must be conducted during the peak historical month for TTHM levels or HAA5 levels. Available compliance, study, or operational data must be reviewed to determine the peak historical month for TTHM or HAA5 levels.

(VI) The IDSE monitoring frequency and locations may not be reduced.

(iii) The IDSE report must comply with the elements in this clause.

(I) The IDSE report must include all TTHM and HAA5 analytical results from Stage 1 compliance monitoring under §290.113 of this title and all IDSE sample results and locational running annual averages presented in a tabular or

spreadsheet format acceptable as described in Texas Commission on Environmental Quality regulatory guidance number 384: "How to Develop a Monitoring Plan for a Public Water System."

(II) If changed from the IDSE plan submitted under clause (ii) of this subparagraph, the IDSE report must also include an updated distribution system map, documentation verifying the population served, and an updated list of sources including their water type.

(III) The IDSE report must include an explanation of any deviations from the approved IDSE plan.

(IV) The IDSE report must recommend and justify Stage 2 compliance monitoring locations consistent with paragraph (1) of this subsection. The recommended Stage 2 compliance monitoring locations must be listed in a Stage 2 sample plan as part of the system's monitoring plan.

(V) The IDSE report must include recommendations and justification for when Stage 2 samples should be collected.

(iv) The executive director may approve a system specific study that meets the requirements in 40 CFR §141.602 to comply with IDSE sampling

requirements. The commission hereby adopts the requirements of 40 CFR §141.602 by reference.

(D) The executive director may require a system to perform IDSE sampling or a system specific study for any reason. The executive director may require a system to perform IDSE sampling or a system specific study even if the system meets the criteria for an IDSE waiver. The executive director may require new systems and systems with a change in population or system type to perform IDSE sampling or a system specific study.

(d) Analytical requirements for TTHM and HAA5. Analytical procedures required by this section shall be performed in accordance with §290.119 of this title (relating to Analytical Procedures). Testing for TTHM and HAA5 shall be performed at a laboratory accredited by the executive director.

(e) Reporting requirements for TTHM and HAA5. Public water systems must submit reports related to TTHM and HAA5 to the executive director. Reports must be mailed to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

(1) The owner or operator of a public water system must ensure the executive director is provided with a copy of the results of any test, measurement, or analysis required by this subsection. The copies must be submitted within the first ten

days following the month in which the result is received by the public water system, or the first ten days following the end of the required monitoring period as provided by this subsection, whichever occurs first.

(A) The owner or operator of a public water system is responsible for reporting the following information for each monitoring location to the executive director within ten days of the end of any quarter in which monitoring is required:

(i) number of samples taken during the last quarter;

(ii) date and results of each sample taken during the last quarter;

(iii) arithmetic average of quarterly results for the last four quarters for each monitoring location (LRAA), beginning at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter;

(iv) whether the MCL was violated at any monitoring location; and

(v) any OELs that were exceeded during the quarter and, if so, the location and date, and the calculated TTHM and HAA5 levels.

(B) If the LRAA based on fewer than four quarters would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters, the system must report a potential MCL violation as part of the first report due following the compliance date or anytime thereafter that this determination is made. A system required to conduct monitoring at a frequency that is less than quarterly must make compliance calculations beginning with the first compliance sample taken after the compliance date, unless the system is required to conduct increased monitoring under subsection (c)(4) of this section.

(C) A system that treats surface water or groundwater under the direct influence of surface water that seeks to qualify for or remain on reduced TTHM and HAA5 monitoring must measure and report TOC monthly in accordance with §290.112 of this title and distribution system disinfection levels in accordance with §290.110 of this title (relating to Disinfectant Residuals).

(2) A system that exceeds an OEL described in subsection (b)(2) of this section must conduct an operation evaluation and submit a written operation evaluation report that meets the requirements of this paragraph.

(A) The operation evaluation report must be submitted to the executive director no later than 90 days after being notified of the analytical result that causes the exceedance of the OEL.

(B) The operation evaluation report must document an examination of system treatment and distribution operation practices that may contribute to TTHM and HAA5 formation, including:

(i) storage tank operations;

(ii) excess storage capacity;

(iii) distribution system flushing;

(iv) changes in sources or source water quality;

(v) treatment changes or problems; and

(vi) what steps could be considered to minimize future exceedances.

(C) If the cause of the OEL exceedance is identifiable the scope of the report may be limited with the approval of the executive director. A request to limit the scope of the evaluation does not extend the schedule in subparagraph (A) of this paragraph for submitting the written report. The executive director's approval to limit the scope of the operation evaluation report must be in writing. The system must keep a copy of the executive director's approval with the completed operation evaluation report.

(D) The operation evaluation report must be submitted and approved in writing.

(f) Compliance determination for TTHM and HAA5. Compliance with the provisions of this section shall be determined as follows.

(1) A public water system violates the MCL for TTHM if any locational running annual average for TTHM exceeds an MCL specified in subsection (b)(1)(A) of this section. A public water system violates the MCL for HAA5 if any locational running annual average for HAA5 exceeds the MCL specified in subsection (b)(1)(B) of this section.

(A) Compliance with the MCLs for TTHM and HAA5 shall be based on the LRAA of all samples collected during four consecutive quarters of monitoring. If a single quarterly sample would cause an LRAA exceedance regardless of the results of subsequent quarters, compliance may be based on fewer than four quarters of data. Should a system fail to collect all required samples, compliance will be based on the available data. All samples collected at the sampling sites designated in the public water system's monitoring plan shall be used to compute the quarterly and annual averages unless the analytical results are invalidated by the executive director for technical reasons.

(B) Stage 2 MCL compliance determination with LRAAs will start after Stage 2 samples are collected.

(i) For systems required to conduct routine quarterly monitoring, compliance calculations will be made starting at the end of the fourth calendar quarter that follows the compliance date in subsection (a)(2) of this section and at the end of each subsequent quarter.

(ii) For systems on quarterly monitoring, where the LRAA based on fewer than four quarters would exceed the MCL regardless of the monitoring results of subsequent quarters, compliance will be calculated beginning with the first sample that causes that exceedance.

(iii) For systems that are required to monitor less frequently than quarterly, compliance shall be calculated beginning with the first compliance sample taken after the compliance date.

(iv) For systems monitoring annually or triennially that start monitoring quarterly in the quarter following an LRAA exceedance, compliance shall be calculated based on the results of all available samples.

(C) If a public water system's failure to monitor makes it impossible to determine compliance with the MCL for TTHM or HAA5, the system commits an MCL violation for the entire period covered by the annual average.

(D) The executive director may choose to perform calculations and determine MCL exceedances in lieu of having the system report that information.

(E) IDSE results will not be used for the purpose of determining compliance with MCLs.

(2) A system that fails to monitor in accordance with this section commits a monitoring violation. A system on a quarterly monitoring schedule is in violation of the monitoring requirements for each quarter that it fails to monitor.

(3) A system that fails to perform a required operation evaluation under subsection (e)(2) of this section commits a monitoring violation.

(4) A public water system that fails to report the results of the monitoring tests required by subsection (e) of this section commits a reporting violation.

(5) A system that fails to submit an operation evaluation report as required under subsection (e)(2) of this section commits a reporting violation.

(6) A system that fails to perform a required public notification commits a public notification violation.

(g) Public notification requirements for TTHM and HAA5. A public water system that violates the treatment technique requirements of this section must notify the executive director and the system's customers.

(1) A public water system that commits an MCL violation described in subsection (f)(1) of this section shall report to the executive director and the water system customers in accordance with the requirements of §290.122(b) of this title (relating to Public Notification).

(2) A public water system which fails to conduct the monitoring required by subsection (c) of this section must notify its customers of the violation in accordance with the requirements of §290.122(c) of this title.

(3) Any IDSE compliance documents required under subsection (c)(5) of this section must be made available to the executive director or the public upon request.

(4) Any operation evaluation report required under subsection (e)(2) of this section must be made available to the executive director or the public upon request.

(h) Best available technology for TTHM and HAA5. Best available technology for treatment of violations of MCLs in subsection (b) of this section are listed in 40 CFR §141.64(b)(2)(ii) and (iii).

§290.116. Groundwater Corrective Actions and Treatment Techniques.

(a) Applicability. All public water systems that use groundwater, except public water systems that combine all of their groundwater with surface water or with groundwater under the direct influence of surface water prior to treatment as described in §290.111 of this title (relating to Surface Water Treatment), must comply with one or more of the treatment techniques and corrective actions of this section if a raw groundwater source sample collected under §290.109(d)(3)(C)(ii), (4)(B), (C), or (E) of this title (relating to Microbial Contaminants) was positive for fecal indicators, or if a significant deficiency was identified, or if the system is not required to conduct raw groundwater source monitoring because it provides at least 4-log treatment of viruses at each groundwater source. At the discretion of the executive director, a public water system not excluded under this subsection, shall comply with the requirements of this section after exceeding a treatment technique trigger as described in accordance with §290.109 of this title. A public water system shall comply with provisions of §290.109(d)(3)(C)(ii), (4)(B), (C), or (E) of this title except in cases where the executive director determines that the sample collected under §290.109(d)(1) and (2) of this title meets the executive director's criteria for invalidation as described in §290.109(e)(1) of this title. A public water system with a groundwater under the direct influence of surface

water (GUI) or surface water/groundwater blended source(s), which provides disinfection and filtration, shall comply with provisions of this section except in cases where the executive director determines that the significant deficiency is in a portion of the distribution system that is served solely by surface water or groundwater under the direct influence of surface water.

(1) A groundwater system must provide written notification to the executive director that it is not required to meet the raw groundwater source monitoring requirements under §290.109(d)(4) of this title because it provides at least 4-log treatment of viruses for the specified groundwater source and must begin compliance monitoring in accordance with subsection (c) of this section. The notification must include engineering, operational, and other information required by the executive director to evaluate the submission. If the executive director determines and documents in writing that 4-log treatment of viruses is no longer necessary for a specified groundwater source or if the system discontinues 4-log treatment of viruses before the first connection for any groundwater source, the system must document this in writing and conduct raw groundwater source sampling as required under §290.109(d)(4) of this title. If the public water system discontinues 4-log treatment it shall receive prior approval in writing from the executive director that 4-log treatment is no longer necessary for that groundwater source.

(2) A groundwater system that places a groundwater source in service after November 30, 2009, that is not required to meet the raw source monitoring requirements

under §290.109(d)(4) of this title because the system provides at least 4-log treatment of viruses for a specified groundwater source must begin compliance monitoring within 30 days of placing the source in service in accordance with subsection (c) of this section. The system must provide written notification to the executive director that it provides at least 4-log treatment of viruses before the first connection for the specified groundwater source. The notification must include engineering, operational, and other information required by the executive director to evaluate the submission. The system must conduct triggered source monitoring under §290.109(d)(4) of this title until the executive director provides written approval of the system's request to provide the 4-log treatment. If the system discontinues 4-log treatment of viruses before the first connection for a groundwater source, the system must conduct raw groundwater source sampling as required under §290.109(d)(4) of this title. If the public water system discontinues 4-log treatment it shall receive prior approval in writing from the executive director that 4-log treatment is no longer necessary for that groundwater source.

(b) Groundwater corrective action plan. All public water systems using groundwater must submit a corrective action plan and implement corrective action if a raw groundwater source sample was positive for fecal indicators or if a significant deficiency was identified.

(1) If a groundwater source sample was found to be fecal indicator positive or if a significant deficiency was identified, the system must consult with the executive director regarding appropriate corrective action and have an approved corrective action

plan in place within 30 days of receiving written notification from a laboratory of the fecal indicator positive source sample collected under §290.109(d)(4) of this title or within 30 days of receiving written notification from the executive director of the identification of a significant deficiency.

(2) Within 120 days of receiving written notification from a laboratory of the fecal indicator positive source sample or receiving written notification from the executive director of a significant deficiency, the system must have completed corrective action or be in compliance with an approved corrective action plan and schedule.

(3) Any changes to the approved corrective action plan or schedule must be approved by the executive director.

(4) The executive director may require interim measures for the protection of public health pending approval of the corrective action plan. The system must comply with these interim measures as well as with any schedules specified by the executive director.

(5) Systems that are required to complete corrective action must implement one or more of the procedures in this paragraph and the details of the implementation must be specified in the approved corrective action plan. If subparagraph (A) or (F) of this paragraph is selected as part of the corrective action plan, then subparagraph (B), (C), (D), or (E) of this paragraph must also be selected.

(A) The system may disinfect the groundwater source where the fecal indicator positive source sample was collected following the American Water Works Association (AWWA) standards for well disinfection and start monthly fecal indicator sampling at that source within 30 days after well disinfection. The executive director may discontinue the monthly source sampling requirement if corrective action is sufficient.

(B) The system may eliminate the groundwater source that was found to be fecal indicator positive and provide an alternate groundwater source if necessary. Eliminated groundwater sources must be disconnected from the distribution system until the contamination is corrected and the executive director approves it for use.

(C) The system may identify and eliminate the source of fecal contamination followed by well disinfection according to AWWA well disinfection standards and begin monthly fecal indicator sampling within 30 days after well disinfection. The executive director may allow the system to discontinue the monthly source sampling requirement after making a determination that corrective action is sufficient.

(D) The system may provide treatment that reliably achieves at least 4-log treatment of viruses using inactivation, removal or an executive director-approved combination of inactivation and removal before the first connection of the groundwater source.

(E) Correct all significant deficiencies.

(F) Assessment source monitoring for a period of 12 months or a time period specified by the executive director from the raw groundwater source in accordance with §290.109(d)(4)(E) of this title.

(c) Microbial inactivation and removal requirements. A public water system that treats groundwater in response to a fecal indicator positive source sample or significant deficiency, instead of conducting raw groundwater source monitoring, shall meet minimum requirements demonstrating at least 4-log treatment of viruses before the water is distributed to the first connection of the specified groundwater source.

(1) Monitoring requirements for chemical disinfectants. Groundwater systems shall monitor the performance of the disinfection facilities to ensure that appropriate disinfectant levels are maintained every day the specified source serves the public. All monitoring conducted pursuant to the requirements of this section must be conducted at sites designated in the system's monitoring plan in accordance with §290.121 of this title (relating to Monitoring Plans).

(A) Groundwater systems serving a population greater than 3,300 must continuously monitor the residual disinfectant concentration in accordance with the analytical methods specified in 40 Code of Federal Regulations (CFR) §141.74(a)(2) at a

location approved by the executive director and must record the lowest residual disinfectant concentration every day the groundwater source serves the public.

(i) The groundwater system must maintain the executive director-approved minimum specified disinfectant residual every day the groundwater system serves water from the specified groundwater source to the public. If there is a failure in the continuous monitoring equipment, the groundwater system must conduct grab sampling every four hours until the continuous monitoring equipment is returned to service.

(ii) The system must resume continuous residual disinfectant monitoring within 14 days.

(B) Groundwater systems serving a population of 3,300 or fewer must monitor the disinfectant residual in accordance with the analytical methods specified in 40 CFR §141.74(a)(2) in each disinfection zone at least once each day that water from the specified groundwater source is served to the public during either a time when peak hourly raw water flow rates are occurring or at another time specified by the executive director. The system must record and maintain the disinfectant residual every day the system serves water from the groundwater source to the public. The system must collect a daily grab sample during the hour of peak flow or at another time specified by the executive director. If any daily grab sample measurement falls below the executive director-approved minimum specified disinfectant residual, the groundwater system

must collect follow-up samples every four hours until the residual disinfectant concentration is restored to the executive director-approved level. Alternatively, a groundwater system that serves 3,300 or fewer people may monitor the residual disinfectant concentration continuously and meet the requirements of subparagraph (A) of this paragraph.

(C) Disinfection contact time will be based on tracer study data or a theoretical analysis submitted by the system owner or their designated agent and approved by the executive director.

(D) Groundwater treatment plants that fail to demonstrate an appropriate level of treatment must repeat these tests at four-hour or shorter intervals until compliance has been reestablished.

(2) Monitoring and operating requirements for commission-approved alternative treatment, including ultraviolet light (UV) disinfection facilities, membrane systems, and other methods that can obtain 4-log inactivation or removal of viruses.

(A) Public water systems shall monitor the UV intensity as measured by a UV sensor, lamp status, the flow rate through the unit, and other parameters prescribed by the executive director as specified in §290.42(g)(5) of this title (relating to Water Treatment) to ensure that the units are operating within validated conditions.

(B) Public water systems shall monitor and record membrane system performance in accordance with executive director specified requirements.

(3) Analytical requirements. All monitoring required by this section must be conducted at a facility approved by the executive director and using methods that conform to the requirements of §290.119 of this title (relating to Analytical Procedures).

(A) The pH analysis must be conducted using a pH meter with a minimum accuracy of plus or minus 0.1 pH units.

(B) The temperature of the water must be measured using a thermometer or thermocouple with a minimum accuracy of plus or minus 0.5 degrees Celsius.

(C) The free chlorine or chloramine residual (measured as total chlorine) must be measured to a minimum accuracy of plus or minus 0.1 milligrams per liter (mg/L). Color comparators may be used for distribution system samples only. When used, a color comparator must have current reagents, an unfaded and clear color comparator, a sample cell that is not discolored or stained, and must be properly stored in a cool, dark location where it is not subjected to conditions that would result in staining. The color comparator must be used in the correct range. If a sample reads at the top of the range, the sample must be diluted with chlorine-free water, then a reading taken and the resulting residual calculated.

(D) The chlorine dioxide residual must be measured to a minimum accuracy of plus or minus 0.05 mg/L using one of the following methods:

(i) Amperometric titrator with platinum-platinum electrodes; or

(ii) Lissamine Green B.

(E) The ozone residual must be measured to a minimum accuracy of plus or minus 0.05 mg/L using an indigo method that uses a colorimeter or spectrophotometer.

(F) Membrane system integrity monitoring shall be conducted in accordance with executive director specified requirements.

(4) Recordkeeping requirements for microbial inactivation and removal treatment. Groundwater systems, including wholesale, and consecutive systems, regulated under this subsection must comply with §290.46 of this title (relating to Minimum Acceptable Operating Practices for Public Drinking Water Systems).

(d) Reporting requirements. Groundwater systems conducting 4-log treatment instead of conducting raw groundwater source monitoring or required corrective action

in response to a fecal indicator positive source sample, or a significant deficiency, must report to the executive director in accordance with this subsection.

(1) A groundwater system required to conduct compliance monitoring for chemical disinfectants must complete a Groundwater Treatment Monthly Operating Report (commission Form 20362) for groundwater disinfection facilities monthly. Groundwater systems must maintain the reports on site and make them available to the executive director upon request.

(2) A groundwater system must provide written notification to the executive director that it is not required to meet the raw groundwater source monitoring requirements under §290.109(d)(4) of this title because it provides at least 4-log treatment of viruses for a specified groundwater source and must begin compliance monitoring in accordance with subsection (c) of this section. The notification must include engineering, operational, and other information required by the executive director to evaluate the submission.

(3) A groundwater system required to complete corrective action under subsection (b) of this section must notify the executive director within 30 days of completing the corrective action.

(4) If a groundwater system is subject to the triggered source monitoring requirements of §290.109(d)(4)(A) of this title and does not conduct source monitoring,

the system must provide written documentation that it was providing 4-log treatment of viruses for the specified groundwater source or that it met the criteria set out in §290.109(d)(4)(D) of this title within 30 days of the positive distribution coliform sample.

(5) A groundwater system conducting compliance monitoring under subsection (a) of this section must notify the executive director any time the system fails to meet any executive director-specified requirements (including, but not limited to, minimum residual disinfectant concentration, and alternative treatment operating criteria) if the operation in accordance with the criteria or requirements is not restored within four hours. The system must notify the executive director as soon as possible, but no later than the end of the next business day.

(6) A groundwater system required to conduct integrity monitoring for membrane systems shall complete the executive director specified reports. The reports shall be maintained in accordance with executive director specified requirements.

(e) Compliance determination. In accordance with this subsection, the executive director shall determine compliance for groundwater systems required to conduct corrective action within 120 days, or pursuant to a groundwater corrective action plan.

(1) A groundwater system is in violation of the treatment technique requirement if it does not complete corrective action in accordance with the executive

director-approved corrective action plan or any interim measures required by the executive director.

(2) A groundwater system is in violation of the treatment technique requirement if it is not in compliance with the executive director-approved corrective action plan and schedule.

(3) A groundwater system subject to the requirements of subsection (c) of this section that fails to maintain at least 4-log treatment of viruses is in violation of the treatment technique requirement if the failure is not corrected within four hours. The groundwater system must notify the executive director as soon as possible but no later than the next business day if there is a failure in maintaining the 4-log treatment for more than four hours.

(4) A groundwater system that fails to conduct the disinfectant or membrane system integrity monitoring required under subsection (c) of this section commits a monitoring violation.

(5) A groundwater system that fails to report the results of the disinfectant or membrane system integrity monitoring required under subsection (c) of this section commits a reporting violation.

(6) A groundwater system that fails to issue a required public notice or certify that the public notice has been performed commits a public notice violation.

(f) Public notification. A groundwater system that commits a treatment technique, monitoring, or reporting violation or situation as identified in this section must notify its customers of the violation in accordance with the requirements of §290.122 of this title (relating to Public Notification).

(1) Special notice to the public of significant deficiencies or source water fecal contamination for community systems. In addition to the applicable public notice requirements of §290.122(a) of this title, a community groundwater system that receives notice from the executive director of a significant deficiency or notification of a fecal indicator positive groundwater source sample that is not invalidated under §290.109(e)(2) of this title must inform the public served by the water system of the fecal indicator positive source sample or of any significant deficiency that has not been corrected in its Consumer Confidence Report as specified in §290.272(g)(7) and (8) of this title (relating to Content of the Report). The system shall continue to inform the public annually until the significant deficiency is corrected or the fecal contamination in the groundwater source is determined by the executive director to be corrected under subsection (b)(2) of this section.

(2) Special notice to the public of significant deficiencies or source water fecal contamination for noncommunity systems. In addition to the applicable public

notice requirements of §290.122(a) of this title, a noncommunity groundwater system that receives notice from the executive director of a significant deficiency or notification of a fecal indicator positive groundwater source sample that is not invalidated under §290.109(e)(2) of this title must inform the public served by the water system of any significant deficiency that has not been corrected within 12 months of being notified by the executive director, or earlier if directed by the executive director. The system must continue to inform the public annually until the significant deficiency is corrected. The information must include:

(A) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection; and

(B) any other method reasonably calculated to notify other persons served by the system, if they would not normally be notified by the methods set out in subparagraph (A) of this paragraph. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely frequent. Other methods may include publication in a local newspaper, newsletter, or e-mail; or, delivery of multiple copies in central locations (e.g., community centers).

(C) If directed by the executive director, a noncommunity groundwater system with significant deficiencies that have been corrected must inform

its customers of the significant deficiencies, how deficiencies were corrected, and the dates of correction.

§290.117. Regulation of Lead and Copper.

(a) Applicability. The requirements of this section apply to community and nontransient, noncommunity public water systems. These regulations establish requirements for monitoring, reporting, corrosion control studies and treatment, source water treatment, lead service line replacement, and public education. Public water systems must control the levels of lead and copper in drinking water by controlling the corrosivity of the water. New water systems will be required to meet the requirements of this section when notified by the executive director.

(b) Compliance levels and ranges. Community and nontransient, noncommunity systems must meet designated lead and copper levels and water quality parameter ranges.

(1) Lead and copper action levels. Public water systems must meet action levels for lead and copper in drinking water.

(A) Lead action level. The lead action level is 0.015 milligrams per liter (mg/L). The action level is exceeded if the "90th percentile" lead level exceeds 0.015

mg/L in any monitoring period. The 90th percentile lead level is exceeded when more than 10% of tap water samples have a concentration over the action level.

(B) Copper action level. The copper action level is 1.3 mg/L. The action level is exceeded if the concentration of copper in more than 10% of tap water samples collected during any monitoring period is greater than 1.3 mg/L.

(2) Reduced lead and copper monitoring levels. Systems with levels of lead and copper less than the reduced monitoring levels may be eligible for reduced monitoring under subsections (c) - (e) of this section.

(A) The reduced monitoring level for lead is 0.005 mg/L.

(B) The reduced monitoring level for copper is 0.65 mg/L.

(C) A system with 90th percentile levels of lead and copper less than or equal to the reduced monitoring levels in two consecutive six-month initial or routine tap sampling periods may be eligible for reduced monitoring under subsections (c) - (e) of this section.

(3) Lead and copper Practical Quantitation Levels (PQLs). The PQLs for lead and copper are defined by this paragraph.

(A) The PQL for lead is 0.005 mg/L.

(B) The PQL for copper is 0.050 mg/L.

(4) Optimal water quality parameter (OWQP) ranges. The executive director shall set approved OWQP ranges for systems based on corrosion control studies described in subsection (f)(1) of this section. All systems that exceed an action level for lead or copper based on the 90th percentile are required to have approved OWQP ranges. Systems that serve more than 50,000 people that exceed the PQL for lead based on the 90th percentile are required to have approved OWQP ranges. Systems with approved water quality parameter ranges shall operate within the approved OWQP ranges at all times.

(A) OWQP ranges shall include all elements contained in this subparagraph.

(i) OWQPs shall include a minimum value or a range of values for negative log of hydrogen ion concentration (pH) measured at each entry point to the distribution system.

(ii) OWQPs shall include a minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the executive director

determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control.

(iii) If a corrosion inhibitor is used, OWQPs shall include a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the executive director determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system.

(iv) If alkalinity is adjusted as part of optimal corrosion control treatment, OWQPs shall include a minimum concentration or a range of concentrations for alkalinity, measured at each entry point and in all distribution samples.

(v) If calcium carbonate stabilization is used as part of corrosion control, OWQPs shall include a minimum concentration or a range of concentrations for calcium, measured in all distribution samples.

(B) Systems that must perform corrosion controls studies under subsection (f) of this section shall submit proposed system-specific OWQP ranges in writing for the executive director's approval.

(C) The executive director shall review and designate OWQPs in writing within six months after receipt of the system's recommended OWQPs.

(5) Deemed to have optimized corrosion control. A system may be considered deemed to have optimized corrosion control if it meets the requirements of this paragraph.

(A) A system that serves 50,000 or fewer people may be deemed to have optimized corrosion control if the system meets the lead and copper action levels in two consecutive initial or routine monitoring periods.

(B) A system that serves more than 50,000 people may be deemed to have optimized corrosion control if the difference between the 90th percentile lead level and the highest entry point lead level is less than the PQL and the system meets the copper action levels in two consecutive initial or routine monitoring periods.

(C) Those systems whose highest source water lead level is below the method detection limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead level is less than or equal to the PQL for lead for two consecutive six-month monitoring periods.

(D) Any water system may be deemed by the executive director to have optimized corrosion control treatment if the system demonstrates, to the satisfaction of the executive director, that it has conducted activities equivalent to the

corrosion control requirements of this section, including all applicable monitoring requirements.

(E) Any system that fails to perform required monitoring or reporting, operates outside any approved OWQP ranges, or exceeds a lead or copper action level shall no longer be deemed to have optimized corrosion control.

(6) Maximum permissible levels (MPLs) for source water lead. The executive director shall designate MPLs for lead and copper at entry points to the distribution system for systems that are required to install source water treatment under subsection (g) of this section. Such MPLs shall reflect the contaminant-removal capability of the source water treatment properly operated and maintained. The executive director shall determine MPLs based on source water samples taken by the water system before and after the system installs the approved source water treatment. The executive director will set MPLs in writing, explaining the basis of that decision, within six months after the system completes follow-up tap sampling for lead and copper after source water treatment installation under subsection (g) of this section.

(c) Lead and copper tap sampling locations and frequency. Community and nontransient, noncommunity public water systems shall sample at sites approved by the executive director and at a frequency set by the executive director. Systems shall conduct initial tap sampling until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring.

(1) Lead and copper tap sampling locations. Systems shall sample at sites approved by the executive director and documented in the system's monitoring plan required under §290.121 of this title (relating to Monitoring Plans).

(A) Number of tap sample sites. The minimum number of sample sites required for initial, routine, or reduced lead and copper tap sampling are listed in the following table, entitled "Required Number of Lead and Copper Tap Sample Sites:"

Figure: 30 TAC §290.117(c)(1)(A) (No change to the figure as it currently exists in TAC.)

Required Number of Lead and Copper Tap Sample Sites		
System Size (Number of People Served)	**Number of Sites for Initial/Routine Monitoring**	**Number of Sites for Reduced Monitoring: annual, three-year, and nine-year**
more than 100,000	100	50
10,001 to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
100 or fewer	5	5

(B) Suitable sample taps. All sites from which lead and copper tap samples are collected shall be selected from a pool of targeted sampling sites identified through a materials survey of the distribution system. Sample sites shall be selected first at tier 1, then tier 2, then tier 3 locations as defined in subparagraph (D) of this

paragraph. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic chemicals.

(C) Material survey and sample site selection form. Sample sites shall be representative of the distribution system and specifically represent areas of the system most vulnerable to corrosion of lead and copper into the water. The system must maintain a current copy of their Material Survey Form with the monitoring plan.

(i) Material survey. Systems shall perform a materials survey to select sample appropriate tap sampling sites using the Material Survey Form and Instructions (TCEQ Form Number 20467). The material survey shall be submitted in writing for executive director review and approval. In performing the material survey, the system shall review the sources of information listed in this clause in order to identify sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (for example, while checking service line materials when reading water meters or performing maintenance activities). Sources of information that must be reviewed include:

(I) all plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;

(II) all inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system;

(III) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations; and

(IV) a water system shall use the information on lead, copper, and galvanized steel that it is required to collect when performing a corrosion control study that is required under subsection (f) of this section.

(ii) Sample site selection form. After completing sample site selection, the system will submit the Lead and Copper Sample Site Selection form (TCEQ Form Number 20467) to the executive director for approval. Systems shall identify routine and reduced monitoring sites on their Lead and Copper Sample Site Selection form.

(I) Selecting tier 1, 2, and 3 sites. Systems shall identify tier 1, tier 2, and tier 3 sites as described in subparagraph (D) of this paragraph.

(II) Sites for community systems with insufficient tier 1, 2, or 3 sites. A community water system with insufficient tier 1, tier 2, and tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system.

(III) Sites for nontransient, noncommunity systems with insufficient tier 1, 2, or 3 sites. A nontransient, noncommunity water system with insufficient tier 1 sites shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the nontransient, noncommunity water system shall use representative sites throughout the distribution system.

(IV) Sites for systems with lead service lines. Any water system whose distribution system contains lead service lines shall draw 50% of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50% of the samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by a lead service line shall collect first-draw samples from all of the sites identified as being served by such lines.

(V) Supplemental information with Site Selection Form. Systems shall submit supplemental explanatory information as part of the sample site selection documentation.

(D) Tier 1, 2, and 3 sites. Tier 1, 2, and 3 sites representing potential for leaching lead or copper under corrosive conditions shall be defined as described in this subparagraph.

(i) Definition of community tier 1. The sampling sites selected for a community water system's sampling pool, called "tier l sampling sites," shall consist of single family structures that:

(I) contain copper pipes with lead solder installed after 1982 or contain lead pipes; or

(II) are served by a lead service line. When multiple-family residences comprise at least 20% of the structures served by a water system, the system may include these types of structures in its sampling pool.

(ii) Definition of community tier 2. Any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "tier 2 sampling sites", consisting of buildings, including multiple-family residences that:

(I) contain copper pipes with lead solder installed after 1982 or contain lead pipes; or

(II) are served by a lead service line.

(iii) Definition of community tier 3. Any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with tier 3 sampling sites consisting of single family structures that contain copper pipes with lead solder installed before 1983.

(iv) Definition of community "other representative sites". A representative site is a site in which the plumbing materials used at that site would commonly be found at other sites served by the water system.

(v) Definition of nontransient, noncommunity tier 1 sites. Tier 1 sampling sites selected for a nontransient, noncommunity water system shall consist of buildings that:

(I) contain copper pipes with lead solder installed after 1982 or contain lead pipes; or

(II) are served by a lead service line.

(vi) Nontransient, noncommunity representative sites. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

(E) Sites for systems missing first-draw sites. A water system may request approval of non-first-draw sample sites if it meets the requirements in this paragraph. The executive director will use all written documentation provided by the system in reviewing the request.

(i) Type of system for non-first-draw sites. In order to request use of non-first-draw sites, the system must be either a nontransient, noncommunity system, or a community system where:

(I) the system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

(II) the system provides water as part of the cost of services provided and does not separately charge for water consumption.

(ii) The request for approval of non-first-draw sites must provide written documentation identifying standing times and locations for enough non-first-draw samples to make up its sampling pool. A system must update their sample sites when system conditions changes, such as changes in population and destruction of previously used sites.

(F) Sites for systems with less than five taps. A public water system that has fewer than five drinking water taps that can be used for human consumption may request a five-tap waiver to collect samples at fewer than five locations. The executive director may allow these public water systems to collect a number of samples less than the number of sites specified in paragraph (1) of this subsection, provided that all taps that can be used for human consumption are sampled. The system must request this reduction of the minimum number of sample sites in writing based on a request from the system or on-site verification. In no case can the system reduce the number of samples required below the minimum of one sample per available tap.

(G) Use of same taps each round. A water system must collect tap samples from the same sampling sites in each sampling round.

(i) If a water system changes a sampling site for any reason allowed in this section, the water system must provide the executive director with a written explanation showing which sampling site will be abandoned and the sampling site that replaces the abandoned sampling site. The water system's report shall include an explanation as to why a sampling site was changed from the previous round of sampling.

(ii) If a water system cannot collect a sample from a previously used site, the water system shall provide a written explanation to the executive director. The water system must select an alternate sampling site from the system's sampling pool

which meets similar criteria and is within reasonable proximity to the original sampling site.

(2) Lead and copper tap sampling frequency. Water systems shall collect at least one sample from the number of sites listed in the table in paragraph (1) of this subsection during each monitoring period. Systems shall sample on the schedule determined by the executive director.

(A) Initial and routine tap sampling. New systems, systems that exceed any action level, systems that install corrosion control treatment, systems that exceed a reduced monitoring level, and systems that operate outside an approved OWQP range shall collect tap samples in two consecutive six-month monitoring periods at the initial/routine number of sample sites.

(i) Initial tap sampling. New systems shall collect tap samples in two consecutive six-month monitoring periods at the initial/routine number of sample sites. A new community or nontransient, noncommunity water system begins the first six-month initial monitoring period in the year after it becomes active. Initial tap sampling shall be conducted after the executive director has determined that a system has had sample sites approved based on the materials survey and sample site selection form required by subsection (b)(2) of this section.

(ii) Routine tap sampling. Systems on reduced monitoring may be required to return to routine sampling in two consecutive six-month periods.

(I) Systems that exceed the lead action level during any 4-month monitoring period shall return to routine tap sample monitoring.

(II) Systems required to perform biweekly water quality parameter (WQP) sampling that have WQP levels that are outside the system's approved OWQP range for more than nine days in any six-month period shall return to routine tap sample monitoring.

(III) Systems that are required to return to routine tap sampling because of an action level, reduced monitoring level, or OWQP range exceedance shall start the two consecutive six-month periods in the next calendar year after the exceedance or event that triggers routine monitoring.

(IV) Within 36 months after the executive director designates optimal corrosion control treatment, systems that serve fewer than 50,000 people shall return to routine tap sampling.

(V) Any system that installs corrosion control treatment shall return to routine tap sampling.

(VI) Any system that installs source treatment shall return to routine tap sampling.

(B) Reduced annual tap sampling. Systems that meet the requirements of this paragraph shall collect tap samples every year. Systems on annual reduced monitoring shall collect tap samples at the number of sites in the table entitled "Required Number of Lead and Copper Tap Sample Sites" in paragraph (1) of this subsection. Systems shall collect samples at sites approved by the executive director and documented in the monitoring plan. Reduced annual monitoring shall be performed during June, July, August, or September. This annual sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. The executive director shall notify each water system if it is eligible for reduced annual tap sample monitoring.

(i) Systems serving more than 50,000 people that meet the lead action levels, and operate within any approved OWQP ranges, during two consecutive six-month periods may have their sampling frequency reduced to once a year.

(ii) Systems serving 50,000 or fewer people that meet the lead and copper action levels during two consecutive six-month periods may have their sampling frequency reduced to once a year.

(iii) Systems serving 50,000 or fewer people that meet the lead action level, and operate within any approved OWQP ranges, during two consecutive six-month periods may have their sampling frequency reduced to once a year.

(iv) Systems that meet the action levels, but whose 90th percentile levels exceed 0.005 mg/L for lead or 0.65 for copper during two consecutive six-month initial or routine sampling periods must perform two consecutive years of annual monitoring.

(v) Systems monitoring annually, that have been collecting samples during the months of June through September and that receive approval from the executive director to alter their sample collection period under subparagraph (E) of this paragraph must collect their next round of samples during a time period that ends no later than 21 months after the previous round of sampling.

(vi) Systems with approved OWQP ranges that operate outside those ranges are not eligible for reduced annual monitoring.

(C) Reduced three-year tap sampling. Systems which meet the requirements of this paragraph, shall collect tap samples every three years. Systems on reduced three-year monitoring shall collect tap samples at the reduced number of sites in the table entitled "Required Number of Lead and Copper Tap Sample Sites" in paragraph (1) of this subsection. Systems shall collect samples at the sites approved by the executive

director and documented in the monitoring plan. Reduced three-year monitoring shall be performed during June, July, August, or September, unless the executive director has designated a different four-month period under subparagraph (E) of this paragraph.

(i) Any system that demonstrates during two consecutive six-month initial or routine monitoring periods that the 90th percentile lead level is less than or equal to 0.005 mg/L and the 90th percentile copper level is less than or equal to 0.65 mg/L shall have the required frequency of sampling reduced to once every three years.

(ii) A system that serves 50,000 or fewer people that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years.

(iii) A system with approved OWQP ranges must operate within those ranges to remain eligible for reduced three-year monitoring.

(iv) Samples collected once every three years shall be collected no later than every third calendar year.

(v) Systems on reduced three-year monitoring that have been collecting samples during the months of June through September, and receive approval from the executive director to alter the sampling collection period as per subparagraph

(E) of this paragraph must collect their next round of samples during a time period that ends no later than 45 months after the previous round of sampling.

(D) Reduced nine-year tap sampling. Systems that meet the requirements of the United States Environmental Protection Agency's (EPA's) Lead and Copper Rule Minor Revisions as described in 40 Code of Federal Regulations §141.86 , and serve 3,300 or fewer people shall be eligible for reduced nine-year tap sampling. Systems on reduced monitoring shall collect tap samples at the number of sites in the table entitled "Required Number of Lead and Copper Tap Sample Sites" in paragraph (1) of this subsection. Systems shall collect samples at the sites approved by the executive director and documented in the monitoring plan. Reduced nine-year tap sampling shall be performed during June, July, August, or September, unless the executive director has designated a different four-month period under subparagraph (E) of this paragraph. The executive director shall notify a system that it is eligible for reduced monitoring.

(i) Initiation of reduced nine-year tap sampling. The first round of reduced nine-year tap sampling shall be completed no later than nine years after the last time the system monitored for lead and copper at the tap.

(ii) Materials requirement for reduced nine-year tap sampling. In order to be eligible for reduced nine-year tap sampling, a system must provide the executive director with an updated materials survey certifying that the system meets the requirements of this clause.

(I) The water system must demonstrate on the Materials Survey and Lead/Copper Sample Site Selection form (TCEQ Form Number 20467) that its distribution system, service lines, and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials and/or copper-containing materials to demonstrate the risk from lead and/or copper exposure is negligible throughout the water system.

(II) To qualify for reduced nine-year tap sampling, the water system must certify in writing and provide supporting documentation that the system is free of all lead-containing materials. The system must contain no plastic pipes that contain lead plasticizers, or plastic service lines that contain lead plasticizers. The system must be free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of any standard established pursuant to 42 United States Code, §300g-6(e) (Safe Drinking Water Act, §1417(e)).

(III) To qualify for reduced nine-year tap sampling the water system must provide certification and supporting documentation to the executive director that the system contains no copper pipes or copper service lines.

(IV) The executive director shall not issue any "partial waivers" for lead and copper monitoring.

(iii) Lead and copper levels for reduced nine-year tap sampling eligibility. To qualify for reduced nine-year tap sampling, the public water system must have completed at least one six-month period of initial tap water monitoring. Also, all of the system's 90th percentile lead and copper levels must have been less than or equal to 0.005 mg/L for lead and 0.65 for copper in all sampling performed by the system.

(iv) Conditions for reduced nine-year tap sampling eligibility. As a condition of the reduced nine-year tap sampling schedule, the executive director may require the system to perform specific activities to avoid the risk of lead or copper concentration of concern in tap water. For example, additional monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the reduced nine-year tap sampling schedule, or other activities may be required.

(v) Reduced nine-year tap sampling revocation. If a water system with a nine-year tap sampling schedule adds a new source of water, changes any water treatment, or no longer meets the requirements of this subparagraph, the water system must notify the executive director in writing within 60 days of the change as required by §290.39(j) of this title (relating to General Provisions). The executive director has the authority to modify the reduced nine-year tap sampling schedule to address changes.

(vi) Notification of change in lead or copper materials. If a system on reduced nine-year tap sampling becomes aware that the system is no longer free of lead-containing or copper-containing materials, the system shall notify the executive director in writing no later than 60 days after becoming aware of such a change. If the system met both the lead and the copper action levels in all previous lead and copper tap sampling results, the system must return to three-year tap sampling schedule contained in subparagraph (C) of this paragraph.

(vii) Tap sampling frequency sequence. Subsequent rounds of sampling, after a return to routine monitoring, must be collected once a year, every three years, or every nine years, as required by this section.

(E) Alternate months for reduced lead and copper tap sampling. The executive director may approve a different period, other than June through September, for systems conducting reduced lead and copper tap sampling. Such a period shall be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a nontransient, noncommunity water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the executive director shall designate a period that represents a time of normal operation for the system. This sampling shall begin during the period designated by the executive director in the calendar year immediately

following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual monitoring for systems initiating three-year reduced monitoring.

(F) Tap sampling monitoring period. For systems on annual or less frequent schedules, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the executive director has established an alternate monitoring period, the last day of that period.

(G) Return to initial/routine tap sampling frequency. The executive director shall determine whether a system continues to meet the requirements to remain on reduced annual, three-year, or nine-year monitoring. A system on reduced monitoring may be required to return to routine monitoring as described in subparagraph (A)(i) of this paragraph. Systems required to return to routine monitoring shall sample at the number of routine sites listed in the table entitled "Required Number of Lead and Copper Tap Sample Sites" under paragraph (1) of this subsection.

(H) Replacement tap samples. The water system must collect replacement samples for any samples invalidated under subsection (h) of this section. Any such replacement samples must be collected as soon as possible, but no later than twenty days after receiving notification of sample invalidation approval from the executive director. If a water system discovers that a sample has been collected at an

inappropriate sampling site, the water system may request in writing that the sample be invalidated. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those with valid results for the monitoring period.

(I) Nontransient, noncommunity systems with less than five taps. A nontransient, noncommunity system that has fewer than five drinking water taps meeting the sample site criteria of this paragraph must collect at least one sample from each tap and then must collect additional samples from those same taps on different days during the monitoring period to meet the required number of samples unless the system has received a five-tap waiver from the executive director under paragraph (1)(F) of this subsection.

(3) Consumer sampling for lead action level exceeders. Water systems that exceed the lead action level must arrange to sample the tap water of any customer who requests it. Analytical costs may be borne by the consumer.

(d) Lead and copper entry point sampling. Systems must perform entry point lead and copper sampling after the system exceeds a lead or copper action level, installs source water treatment, or exceeds any MPLs set by the executive director. Systems must routinely monitor lead and copper in conjunction with monitoring for inorganic contaminants other than asbestos or nitrate under §290.106 of this title (relating to Inorganic Contaminants).

(1) Lead and copper entry point sampling locations. Systems required to perform entry point sampling under this subsection shall sample at every entry point to the distribution system including purchased water entry points. The system shall take each subsequent sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. The system must seek executive director approval to modify an entry point sample location, and must revise its monitoring plan.

(2) Lead and copper entry point sampling frequency. If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions when water is representative of all sources being used.

(A) Entry point lead and copper sampling after an action level exceedance. Any system which exceeds the lead or copper action level shall collect one sample from each entry point no later than 180 days after the end of the monitoring period during which the lead or copper action level was exceeded. For systems on annual or less frequent schedules, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the executive director has established an alternate monitoring period, the last day of that period.

(B) Entry point lead and copper sampling for systems that meet the action levels. A system is not required to conduct entry point lead and copper sampling if the system meets the lead and copper action levels during the entire entry point sampling period.

(C) Entry point lead and copper monitoring frequency after installing source water treatment. Any system that installs source water lead or copper removal treatment shall collect entry point samples during two consecutive six-month periods within 36 months after source water treatment begins.

(D) Entry point lead and copper sampling frequency after specification of MPLs. A system shall monitor at the frequency specified below.

(i) Starting the year after the executive director specifies MPLs, water systems using any surface water shall collect annual samples once during each calendar year.

(ii) Starting the year after the executive director specifies MPLs, a water system using only groundwater shall collect samples once during the three-year compliance period in effect at that time. Such systems shall collect samples once during each subsequent compliance period. Triennial samples shall be collected every third calendar year.

(iii) A water system using only groundwater may sample entry points every ninth year if the system meets one of the following criteria.

(I) The entry point lead and copper levels are below the lead and copper MPLs during at least three consecutive compliance periods; or

(II) The executive director has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive annual or three-year compliance periods, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

(iv) A water system using surface water (or a combination of surface water and ground water) may reduce the lead and copper entry point monitoring frequency to once during every ninth year if the system meets one of the following criteria:

(I) The entry point lead and copper levels are below the MPLs for lead and copper for at least three consecutive years; or

(II) The executive director has determined that source water treatment is not needed and the concentration of lead at all entry points was less

than or equal to 0.005 mg/L and the concentration of copper at all entry points was less than or equal to 0.65 mg/L during at least three consecutive years.

(v) A water system that uses a new source of water is not eligible for reduced entry point monitoring for lead and copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the lead and copper MPLs.

(vi) Where the results of sampling indicate an exceedance of a lead or copper MPL, one additional sample must be collected within two weeks after the initial sample was taken at the same entry point. Samples will be averaged for compliance determination.

(E) All water systems shall notify the executive director in writing of any proposed change in treatment or the addition or deletion of a source of water. The executive director may require any such system to conduct additional monitoring or to take other action to ensure that the system maintains minimal levels of corrosion in the distribution system.

(e) WQP monitoring requirements. Systems shall monitor WQPs to determine the potential for corrosion. All systems that serve more than 50,000 people shall monitor in accordance with this subsection. Systems that serve 50,000 or fewer people that exceed a lead or copper action level shall monitor in accordance with this subsection, during the

monitoring period in which the system exceeds the action level. Sites shall be submitted to the executive director for approval in conjunction with the system's monitoring plan.

(1) WQP monitoring locations. Systems that are required to monitor WQPs shall take two samples at all entry points and distribution WQP sites, as specified in subparagraphs (A) and (B) of this paragraph , where applicable, and at the number of distribution sites shown in Figure: 30 TAC §290.117(e)(1). Systems on initial or routine monitoring, as described in paragraph (2) of this subsection, must sample at the number of sample sites in the column entitled "Initial and Routine Number of WQP Distribution Sites." Systems on reduced monitoring must sample at the number of sites in the column entitled "Reduced Number of WQP Distribution Sites."

Figure: 30 TAC §290.117(e)(1) (No change to the figure as it currently exists in TAC.)

Number of Water Quality Parameter (WQP) Distribution Sample Sites		
System Size (Number of People Served)	**Initial and Routine Number of WQP Distribution Sites**	**Reduced Number of WQP Distribution Sites**
more than 100,000	25	10
10,001 - 100,000	10	7
3,301 - 10,000	3	3
501 - 3,300	2	2
101 - 500	1	1
less than 101	1	1

(A) Entry point WQP sites. Systems that are required to perform entry point WQP monitoring under this subsection must perform monitoring at every entry point to the distribution system. The executive director may allow systems using only groundwater to forego entry point monitoring, and monitor only at representative distribution system locations according to paragraph (6) of this subsection.

(B) Distribution WQP sites. Sites normally used for bacteriological monitoring or other appropriate sites may be used for WQP sampling. Samples need not be collected inside a customer's home. These sites shall represent water quality throughout the entire distribution system.

(2) Initial and routine WQP monitoring. New systems must perform at least one initial WQP monitoring round in the year following the year that the system is identified as active. Systems that exceed lead or copper action levels shall perform two consecutive six-month periods of routine WQP monitoring. Systems must monitor in accordance with subparagraphs (A) and (B) of this paragraph.

Figure: 30 TAC §290.117(e)(2)

Initial or Routine Entry Point and Distribution Water Quality Parameter (WQP) Monitoring			
Monitoring Period	**Initial/Routine WQP List**	**Location**	**Frequency**

Initial or routine monitoring	pH, alkalinity, calcium, conductivity, temperature, total dissolved solids, sodium, sulfate, chloride, hardness, manganese, iron and orthophosphate or silica[1]	Routine number of distribution sites and all entry point(s)WQP sites	Quarterly

[1]Orthophosphate (measured as phosphate-phosphorous (PO_4-P)) must be measured only when an inhibitor containing a phosphate compound is used; inhibitors that contain phosphate include orthophosphate and polyphosphate. Silica must be measured only when an inhibitor containing silicate compound is used.

(A) Locations for initial and routine WQP monitoring. Systems must conduct WQP monitoring at the locations specified in paragraph (1)(A) and (B) of this subsection, where applicable, and at the number of distribution sites specified in Figure: 30 TAC §290.117(e)(1).

(B) Frequency of initial and routine WQP monitoring. Systems serving 50,000 or fewer people shall measure the WQPs listed in this paragraph during each six-month monitoring period in which the system exceeds the lead or copper action level. Systems serving more than 50,000 people must perform two consecutive six-month periods of sampling. Public water systems shall collect WQP samples on a quarterly basis as described in Figure: 30 TAC §290.117(e)(2) to reflect seasonal variability in water quality conditions.

(3) WQP monitoring after installation of corrosion control treatment. Any system that installs optimal corrosion control treatment as required by subsection (f) of this section shall measure the list of WQPs at the locations and frequencies as specified in Figure: 30 TAC §290.117(e)(3). Any system serving more than 50,000 people that installs optimal corrosion control treatment shall monitor once during each six-month period. Any system serving 50,000 or fewer people that installs corrosion control treatment shall monitor during each six-month monitoring period specified in which the system exceeds the lead or copper action level.

Figure: 30 TAC §290.117(e)(3)

Water Quality Parameter (WQP) Entry Point and Distribution Monitoring After Installing Corrosion Control			
Monitoring Period	**Corrosion Control Installation WQP List**	**Location**	**Frequency**
After installation of corrosion control	pH, alkalinity, calcium, total dissolved solids, temperature, sodium, sulfate, chloride, hardness, manganese, iron and orthophosphate or silica[1]	Routine number of distribution sites	Quarterly
	pH, alkalinity, calcium, total dissolved solids, temperature, sodium, sulfate, chloride, hardness, manganese, iron, alkalinity dosage rate and concentration[2], and inhibitor dosage rate and inhibitor residual[3]	All entry points	At least every two weeks.

[1]Orthophosphate must be measured if an inhibitor containing a phosphate compound is used. Silica must be measured if an inhibitor containing silicate compound is used.
[2]Alkalinity must be measured if alkalinity is adjusted as part of corrosion control.

[3]Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured if an inhibitor is used.

(A) Frequency of WQP monitoring after installation of corrosion control treatment. After a system installs corrosion control treatment, it must collect least one sample every two weeks (biweekly) at every entry point to the distribution system, except as provided under paragraph (6) of this subsection.

(B) Documentation for WQP sample locations after installation of corrosion control treatment. Prior to the starting date of the monitoring period for any monitoring under this paragraph, the system shall provide the executive director with an updated list of entry points and their sources, a list of distribution sites, and information on seasonal variability of water usage to demonstrate that the sites are representative of water quality and treatment conditions throughout the system. The system shall submit this information to the executive director upon request or when circumstances change and retain a copy of the submittal and approval with the system's monitoring plan.

(C) Additional monitoring when determining optimal corrosion control treatment. The executive director may require the system to conduct additional WQP monitoring in to assist in evaluating the system's sample sites.

(4) WQP monitoring after designation of OWQP ranges. After the executive director approves OWQP ranges, systems shall measure the list of WQPs at the frequency and locations as described in Figure: 30 TAC §290.117(e)(4).

Figure: 30 TAC §290.117(e)(4) (No change to the figure as it currently exists in TAC.)

Water Quality Parameter (WQP) Entry Point and Distribution Monitoring After Optimal Water Quality Parameter (OWQP) Determination			
Monitoring Period	**Post-OWQP Designation WQP List**	**Location**	**Frequency**
After determination of approved OWQP ranges by the executive director	pH, alkalinity, orthophosphate or silica[1], and calcium[2]	Routine number of distribution sites	Quarterly
	pH, alkalinity dosage rate and concentration[3], and inhibitor dosage rate and inhibitor residual[4]	All entry points	At least every two weeks

[1]Orthophosphate must be measured if an inhibitor containing a phosphate compound is used. Silica must be measured if an inhibitor containing silicate compound is used.
[2]Calcium must be measured if calcium carbonate stabilization is used as part of corrosion control.
[3]Alkalinity must be measured if alkalinity is adjusted as part of corrosion control.
[4]Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured if an inhibitor is used.

(A) After the executive director approves OWQP ranges, systems serving more than 50,000 people shall measure the WQPs listed in this paragraph and determine compliance with the OWQP ranges quarterly starting with the first six-month period after the executive director specifies the OWQPs beginning on either January 1 or July 1, whichever comes first.

(B) Any system serving 50,000 or fewer people shall conduct WQP monitoring during each six-month period specified in this paragraph in which the system exceeds the lead or copper action level. If the system is eligible for reduced lead and

copper tap sampling, the system shall collect WQPs during the same monitoring periods that it collects lead and copper tap samples.

(C) The system shall complete follow-up sampling within 36 months after the executive director designates optimal corrosion control treatment.

(D) Systems shall measure WQPs at every entry point to the distribution system, except as allowed under paragraph (6) of this subsection.

(5) Reduced WQP monitoring. The executive director may reduce monitoring for systems that demonstrate a low risk of corrosion of lead and copper into the drinking water. Water systems on reduced schedules shall monitor the list of WQPs at the locations and frequency given in the table entitled "Reduced Water Quality Parameter (WQP) Entry Point and Distribution Monitoring."

Figure: 30 TAC §290.117(e)(5) (No change to the figure as it currently exists in TAC.)

Reduced Water Quality Parameter (WQP) Entry Point and Distribution Monitoring			
Monitoring Period	**Reduced WQP List**	**Location**	**Frequency**
Reduced monitoring	pH, alkalinity, orthophosphate or silica[1], calcium[2]	Reduced number of distribution sites	Quarterly, annually[5], or every 3 years[6]
	pH, alkalinity dosage rate and concentration[3], inhibitor dosage rate and inhibitor residual[4]	All entry point(s)	Every two weeks

[1]Orthophosphate must be measured if an inhibitor containing a phosphate compound is used. Silica must be measured if an inhibitor containing silicate compound is used
[2]Calcium must be measured if calcium carbonate stabilization is used as part of corrosion control.
[3]Alkalinity must be measured if alkalinity is adjusted as part of corrosion control.
[4]Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured if an inhibitor is used.
[5]In accordance with subparagraph (B) of this paragraph, the executive director may allow a system to sample WQPs in distribution annually if it has operated within approved Optimal Water Quality Parameters (OWQPs) three consecutive years of monitoring.
[6]In accordance with subparagraph (C) of this paragraph, the executive director may allow systems to sample WQP in distribution once every three years if the system has operated within approve OWQP ranges during three consecutive years of annual monitoring. The executive director may allow a system to sample WQPs in the distribution once every three years if it has maintained 90th percentile lead levels less than or equal to 0.005 milligrams per liter (mg/L), 90th percentile copper levels less than or equal to 0.65 mg/L, and has operated within approved OWQP ranges during two consecutive six-month monitoring periods.

(A) Reduced quarterly WQP distribution monitoring. A system that operates within approved OWQP ranges in all samples taken during two consecutive six-month initial or routine monitoring periods under paragraph (2) of this subsection may collect tap samples for applicable WQPs from the reduced number of sites quarterly. A water system sampling quarterly shall collect samples evenly throughout the year so as to reflect seasonal variability.

(B) Reduced annual WQP distribution monitoring. Any water system that operates within approved OWQP ranges during three consecutive years of quarterly monitoring may reduce the frequency with which it collects distribution WQP samples to annually. Annual WQP sampling shall begin during the calendar year immediately following the end of the monitoring period in which the third consecutive year of

quarterly monitoring occurs. A water system sampling annually shall collect samples evenly throughout the year so as to reflect seasonal variability.

(C) Reduced triennial WQP distribution monitoring. The executive director may reduce the WQP monitoring frequency to once every three years if a system meets the criteria of this subparagraph. Triennial monitoring shall be done no later than every third calendar year.

(i) A system that operates within approved OWQP ranges during three consecutive years of annual monitoring is eligible to reduce the frequency of distribution WQP monitoring to once in every third year. This sampling shall begin no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.

(ii) A system that demonstrates during two consecutive six-month periods that the entry point 90th percentile lead level is less than or equal to the PQL for lead in subsection (b)(3) of this section, and that operates within approved OWQP ranges during that time may reduce the frequency of distribution monitoring to once every third year. This sampling shall begin no later than the third calendar year following the end of the year in which the second consecutive six-month period occurs.

(D) Return to routine WQP monitoring. The executive director may return a system to monitoring at the routine frequency and routine number of sample

sites. Any water system on reduced monitoring that fails to operate within the approved OWQP range for more than nine days in any six-month monitoring period shall resume routine WQP distribution system sampling in accordance with the number and frequency requirements in paragraph (2) of this subsection. Any system required to return to routine frequency for lead and copper tap sampling under subsection (c)(2)(A)(ii) of this section shall also return to routine WQP monitoring.

(E) Entry point WQP monitoring. Systems on reduced WQP monitoring shall measure WQPs at every entry point to the distribution system, except as provided under paragraph (6) of this subsection.

(6) Distribution system sampling for systems using only groundwater. The executive director may allow a system using only groundwater to perform WQP sampling required by paragraph (3), (4), or (5) of this subsection to sample only at representative distribution system sites, and to forego sampling at entry points. Prior to foregoing entry point monitoring, the system shall provide written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system to the executive director for approval.

(f) Corrosion control. Systems may be required to perform corrosion control studies to determine whether treatment is necessary to reduce the corrosivity of the water. Systems may be required to install optimal corrosion control treatment in order to

control corrosion in the system. The executive director may modify the designated corrosion control treatment or parameters. A system's request for changes and executive director response pursuant to modification shall be in writing.

(1) Corrosion control studies. Systems may be required to perform corrosion control studies to determine whether treatment is necessary to reduce the corrosivity of the water.

(A) Corrosion control studies applicability. Systems that meet the conditions in this subparagraph are required to perform corrosion control studies.

(i) Corrosion control studies for systems serving more than 50,000 people. Systems serving more than 50,000 people are required to conduct corrosion control studies unless the executive director has determined that the system is currently deemed to have optimized corrosion control, as defined in subsection (b)(5) of this section.

(I) Systems serving more than 50,000 people that exceed either the lead or copper action level during any a reduced tap sampling monitoring round must perform a corrosion control study within six months.

(II) Systems serving more than 50,000 people that have not been deemed at any previous time that exceed lead or copper action levels must conduct a demonstration study as described in subparagraph (C) of this paragraph.

(III) The corrosion control study must be conducted and submitted within 12 months after the end of the monitoring period in which the system exceeded the action level.

(ii) Corrosion control studies for systems serving 50,000 or fewer people. Any system serving 50,000 or fewer people that exceeds the lead or copper action level must perform a corrosion control study to identify optimal corrosion control treatment for the system. The system must conduct the study within 12 months after the end of the monitoring period in which the system exceeded the action level.

(B) Scope of corrosion control study. A system required to perform a corrosion control study shall include evaluation of treatment methods and potential constraints to treatment.

(i) Corrosion control treatment methods. Any public water system performing a corrosion control study shall evaluate the effectiveness of each of the following treatments (or combinations of treatments) to identify the optimal control treatment:

(I) alkalinity and pH adjustment;

(II) calcium hardness adjustment; and

(III) the addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.

(ii) Potential constraints to corrosion control treatment methods. The system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment. The system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes. The system shall document treatment considerations with at least one of the following:

(I) data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality characteristics, or

(II) data and documentation demonstrating that the water system has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.

(C) Demonstration corrosion control study requirements. The water system shall conduct this evaluation using pipe rig/loop tests, metal coupon tests, or partial systems tests called a demonstration study. The water system shall measure the parameters in this clause in any tests conducted under this subparagraph before and after evaluating the corrosion control treatments listed in subparagraph (B) of this paragraph:

(i) lead;

(ii) copper;

(iii) pH;

(iv) alkalinity;

(v) calcium;

(vi) conductivity;

(vii) orthophosphate (when an inhibitor containing a phosphate compound is used);

(viii) silicate (when an inhibitor containing a silicate compound is used); and

(ix) water temperature.

(D) Desk-top corrosion control study requirements. A desk-top corrosion control study shall recommend treatment and OWQPs based on data for treatments in documented analogous systems called a desk-top study. Analogous system means a system of similar size, water chemistry, and distribution system configuration. The water system shall evaluate each of the corrosion control treatments in subparagraph (B)(i) of this paragraph.

(2) Setting approved OWQP ranges based on corrosion control study data. On the basis of the corrosion control study evaluation, the water system shall recommend to the executive director, in writing, an OWQP range based on normal system operating conditions. Systems must recommend OWQPs consistent with subsection (b)(4) of this section. The executive director will review the study and designate OWQPs. The executive director shall designate OWQP ranges based on the results of lead, copper, and WQP monitoring by the system, both before and after the system installs optimal corrosion control treatment. The executive director may designate values for additional water quality control parameters determined to reflect optimal corrosion control for the system. The executive director shall notify the system in writing of these determinations and will provide the basis for the decision.

(3) Optimal corrosion control treatment designation. A system exceeding the action level for lead or copper based on the 90th percentile level shall submit recommendations for optimal corrosion control treatment within six months after the end of the monitoring period during which it exceeds one of the action levels. The executive director shall designate the optimal corrosion control treatment method.

(A) On the basis of the corrosion control study in paragraph (1) of this subsection, lead and copper tap sampling, and WQP sampling the water system shall recommend to the executive director, in writing, the treatment option that constitutes optimum corrosion control. The system shall submit all corrosion control data and shall provide sufficient documentation as required by the executive director to establish the validity of the evaluation procedure.

(B) The executive director shall designate optimal corrosion control treatment. The executive director shall either approve the corrosion control treatment option recommended by the system, or designate alternative corrosion control treatment(s) from among those listed in paragraph (1)(B)(i) of this subsection. When designating optimal treatment the executive director shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes. If the executive director requests additional information, the water system shall provide the information.

(C) Upon its own initiative or in response to a request by a water system or other interested party, the executive director may modify the determination of the optimal corrosion control treatment. A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The executive director may modify the determination when the change is necessary to ensure that the system continues to optimize corrosion control treatment. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the decision, and provide an implementation schedule for completing the treatment modifications.

(D) The executive director shall notify the system of the decision on optimal corrosion control treatment in writing and will provide the basis for this determination. The executive director will review the study and designate optimal corrosion control treatment and water quality parameters.

(i) For systems serving more than 50,000 customers, optimal corrosion control treatment and OWQPs shall be designated within six months of submittal.

(ii) For systems serving 3,300 to 50,000 customers, optimal corrosion control treatment and OWQPs shall be designated within 18 months of submittal.

(iii) For systems serving fewer than 3,300, optimal corrosion control treatment and OWQPs shall be designated within 24 months of submittal.

(4) Installation of optimal corrosion control treatment. A system shall perform corrosion control activities identified in their approved corrosion control study. A system shall install optimal corrosion control treatment within 24 months after the executive director designates optimal corrosion control treatment and notifies the water system. All applicable water systems shall operate optimal corrosion control treatment in a manner that minimizes lead and copper concentrations at users' taps while ensuring that the treatment does not cause the system to violate any other drinking water standard.

(5) Operation of corrosion control treatment. All systems optimizing corrosion control shall continue to operate and maintain optimal corrosion control treatment, including operating within approved OWQP ranges and complying with all other requirements of this section.

(A) The executive director shall evaluate the results of all lead and copper tap samples and WQP samples submitted by the water system to determine whether the corrosion control treatment was properly installed and if the system is properly operating the designated optimal corrosion control treatment.

(B) The system shall operate in such a manner as to meet any requirements that the executive director determines appropriate to ensure optimal corrosion control treatment is maintained.

(6) Small system activities cessation. A system serving 50,000 or fewer people that is required to perform corrosion control activities because of an action level exceedance may cease the corrosion control activities if it conducts two consecutive six-month lead and copper monitoring rounds and meets the lead and copper action levels based on the 90th percentile in both rounds.

(g) Treatment of source water lead and copper. Systems may be required to perform treatment to remove lead or copper from source water. Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the executive director under this subsection. The executive director will determine whether such treatment is required.

(1) Determination of need for source water treatment. Any system which exceeds the lead or copper action level shall recommend in writing to the executive director the installation and operation of ion exchange, reverse osmosis, lime softening or coagulation/filtration. The executive director shall evaluate all entry point water sample results, along with the corrosion control study, to determine if source water treatment is necessary. If source water treatment is required by the executive director, the system

must install the treatment in accordance with the scheduling requirements specified in this subsection.

(A) The system shall submit the results for all source water samples to aid in the executive director's evaluation of whether source water treatment is necessary.

(B) The executive director may approve the treatment recommended by the system or may require installation and operation of another source water treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration.

(C) If the executive director requests additional information to aid in its review, the water system shall provide the information by the date specified by the executive director in the request.

(D) A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

(E) The executive director shall notify the system in writing of the determination and will provide the basis for the decision.

(2) Schedule for installation of treatment of source water lead and copper. If source water treatment is required, the system must install the treatment in accordance with the scheduling requirements specified in this subsection.

(A) A system exceeding the lead or copper action level shall recommend treatment to the executive director no later than 180 days after the end of the monitoring period during which the lead or copper action level was exceeded.

(B) The executive director shall make a determination regarding source water treatment within six months after the system submits the treatment recommendation and supporting data under subparagraph (A) of this paragraph.

(C) The system shall properly install and operate the source water treatment approved by the executive director within 24 months after the executive director's determination under subparagraph (B) of this paragraph.

(D) The system shall complete follow-up tap sampling under subsection (c) of this section and entry point monitoring under subsection (d) of this section within 36 months after the executive director's determination of source water treatment under subparagraph (B) of this paragraph.

(3) Operation of source water lead and copper treatment. If source water treatment is required, the system shall properly operate the treatment in compliance with

the specified MPLs for lead and copper and continue entry point monitoring under subsection (d) of this section.

(A) A water system shall operate the source water treatment in a manner that maintains lead and copper levels below the MPLs designated by the executive director at each entry point.

(B) The executive director may review the system's data and determine whether the system has properly installed and operated the source water treatment.

(4) Modification of source water treatment decisions. Upon its own initiative or in response to a request by a water system or other interested party, the executive director may modify the determination of the source water treatment under paragraph (1) of this subsection, or MPLs for lead and copper at entry points under subsection (b)(6) of this section. A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The executive director may modify the determination when the change is necessary to ensure that the system continues to minimize lead and copper concentrations in water entering the distribution system. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the executive director's decision, and provide an implementation schedule for completing the treatment modifications.

(h) Analytical methods, sample collection, and sample invalidation. All methods used for analysis under this section shall be consistent with 40 CFR Part 141, Subpart I, concerning Lead and Copper.

(1) Lead and copper tap sample collection method. A first draw tap sample means a one liter or one quart sample of tap water collected from a cold water, frequently used interior tap, after the water has been standing in the plumbing for at least six hours without first flushing the tap. The kitchen cold water faucet is the preferred sampling tap at residential sites. It is recommended that the water not be allowed to stand in the plumbing for more than 18 hours prior to a sample collection. A sample collection may be conducted by either water system personnel or the residents. If the resident is allowed to collect samples for lead and copper monitoring, the water system must provide written instructions for sample collection procedures.

(2) Lead and copper tap sample analytical methods. Analysis for lead and copper shall be conducted using methods stated in 40 CFR §141.89, in laboratories accredited by the executive director. Analysis for pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature may be conducted in any laboratory approved by the executive director under §290.121 of this title utilizing the EPA methods prescribed in 40 CFR §141.89.

(A) The PQLs and the method detection limits (MDLs) must comply with 40 CFR §141.89. The laboratory accredited for the analysis of lead and copper tap samples must achieve the MDL of 0.001 mg/L for lead if composited entry point water samples are analyzed for lead.

(B) The executive director may allow the use of previously collected monitoring data if the data were collected in accordance with 40 CFR §141.89.

(C) All lead levels measured between the PQL and MDL must either be reported as measured or reported as one-half the PQL. All levels below the lead MDLs must be reported as zero.

(D) All copper levels measured between the PQL and the MDL must be either reported as measured or reported as one-half the PQL. All levels below the copper MDL must be reported as zero.

(E) First-draw-tap samples must be received in the laboratory within 14 days after the collection date.

(3) Lead and copper tap sample invalidation. The executive director may invalidate a lead or copper tap sample if one of the conditions in subparagraphs (A) - (D) of this paragraph is met:

(A) The laboratory establishes that improper sample analysis caused erroneous results.

(B) The executive director determines that the sample was taken from an inappropriate site.

(C) The sample was damaged in transit.

(D) The executive director determines that the sample was subject to tampering, as based on substantial documentation.

(E) The executive director shall not invalidate a sample based solely on the fact that a follow-up sample result is higher or lower than the original sample.

(F) The water system must provide written documentation to the executive director for samples the water system believes should be invalidated. The executive director must document any decision to invalidate a sample in writing.

(4) Water quality parameter analytical methods. Water quality parameter testing must be conducted at a laboratory that uses the methods described in 40 CFR §141.89, and it is the responsibility of the water system to collect, submit, and report these values.

(A) Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted in accordance with 40 CFR §141.23(k)(1).

(B) Analyses for alkalinity, calcium, conductivity, orthophosphate and phosphate compounds, pH, silica, and temperature must be performed by a lab approved by the executive director under the Texas Commission on Environmental Quality Regulatory Guidance 384 "How to Develop a Monitoring Plan for a Public Water System." Analyses under this section for lead and copper shall only be conducted by laboratories that have been accredited by the executive director under Chapter 25, Subchapter B of this title (relating to Environmental Testing Laboratory Accreditation and Certification).

(C) The executive director may allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected and analyzed in accordance with the requirements of this section and 40 CFR Part 141, Subpart I.

(i) Reporting. Systems shall report any information required by this section and 40 CFR Part 141, Subpart I to the executive director.

(1) Reporting lead and copper tap sample results. Tap sample results shall be reported within ten days following the end of each monitoring period as specified by the executive director. For systems on annual or less frequent schedules, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or

if the executive director has established an alternate monitoring period, the last day of that period.

(A) A system shall provide documentation for each tap water lead or copper sample for which the water system requests invalidation.

(B) The system shall provide the following information to the executive director:

(i) the results of all tap samples for lead and copper including the location of each site and the criteria under which the site was selected for the system's sampling pool; and

(ii) an identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed.

(2) Reporting entry point lead and copper sample results. A water system shall report the sampling results for all source water samples collected in accordance with subsection (e) of this section within the first 10 days following the end of each source water monitoring period.

(3) Reporting WQP results. Systems must report all results of WQP analyses including the location/address of each distribution system sampling point. This report must include each WQP specified in subsection (e) of this section, as well as all sample results from entry points to the distribution system. WQP reports should be submitted to the executive director within the first ten days following the end of each applicable monitoring period. For monitoring periods with a duration less than six months, the end of the monitoring period is the last date samples can be collected during that period.

(A) Systems shall report the results of all distribution samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica.

(B) Systems shall report the results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters.

(C) A system using only groundwater that is allowed to limit WQP monitoring to a subset of entry points shall report, by the commencement of such monitoring, written correspondence to the executive director that identifies the sources flowing to each of the system's entry points and report information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(4) Reporting distribution material and sample site data. New systems shall submit the first material survey by December 31 of the year in which they are assigned a Public Water System Identification Number. The executive director may allow a system to submit the first material survey by December 31 of the year in which the system's status becomes active.

(A) All systems shall submit Materials Survey and Site Selection Forms (TCEQ Form Number 20467) describing the entire system before performing tap sampling.

(B) Any system seeking reduced nine-year tap sampling under subsection (c)(2)(D) of this section shall submit current documentation showing that there are no lead- or copper-containing materials within the distribution system.

(i) Prior to starting reduced nine-year tap sampling, a system shall submit documentation showing that there are no lead- or copper- containing materials within the distribution system and that the system complies with all drinking water standards of this subchapter.

(ii) No later than nine years after the first nine-year tap samples are collected, any system desiring to remain on reduced nine-year tap sampling shall provide updated documentation showing that there are no lead- or copper-

containing materials within the distribution system and that the system complies with all drinking water standards of this subchapter.

(iii) No later than 60 days after detecting lead-containing and/or copper-containing material, as appropriate, each system with a reduced nine-year tap sampling schedule shall provide written notification to the executive director, setting forth the circumstances resulting in the lead-containing or copper-containing materials being introduced into the system and what corrective action, if any, the system plans to remove these materials.

(C) Water systems requesting a change to previously approved sample sites shall report supporting information, including an explanation as to why a sampling site was changed from the previous round of sampling, if applicable. If a water system changes a sampling site for any reason allowed in this section, the water system must provide the executive director with a written explanation showing which sampling site will be abandoned and the sampling site that replaces the abandoned sampling site.

(5) Reporting public education. A system that is required to perform public education must provide copies of public education materials and certification that distribution of said materials is being conducted in accordance with this subsection to the executive director within ten days after the delivery of the materials to the public.

(6) Reporting consumer notification. No later than three months following the end of the monitoring period, each system must mail a sample copy of the consumer notification of tap results to the executive director along with a certification that the notification has been distributed in a manner consistent with the requirements of subsection (j) of this section.

(7) Corrosion control reporting. Systems that are required to perform corrosion control studies and install corrosion control treatment shall report all information required under subsection (f) of this section. Corrosion control treatment data shall be reported as required by the executive director. Systems shall report the following information listed in this paragraph.

(A) Systems demonstrating that they have already optimized corrosion control, must provide all information required in subsection (f) of this section.

(B) Systems that are recommending optimal corrosion control treatment must provide all supporting documentation for their recommendation regarding optimal corrosion control treatment under 40 CFR §141.82(a).

(C) Systems that are required to evaluate the effectiveness of corrosion control treatments under subsection (f) of this section, must submit the information required by that section.

(D) Systems required to install optimal corrosion control designated by the executive director under 40 CFR §141.82(d), must submit a letter certifying that the system has completed installing that treatment.

(8) Reporting source treatment. A system that is required to install source water lead or copper removal treatment must certify in writing that the system has completed installing the approved treatment within 24 months after the executive director approved that treatment.

(9) Reporting system conditions and facility changes. Systems must report changes of system conditions and facilities that may impact corrosion to the executive director.

(A) The water system must inform the executive director of the identity of treated and non-treated entry points and their seasonal use, if any, and demonstrate that the WQPs represent water quality and treatment conditions throughout the system.

(B) At a time specified by the executive director, or if no specific time is designated by the executive director, then as early as possible prior to the addition of a new source or any long-term change in water treatment, a water system deemed to have optimized corrosion control or subject to reduced tap sampling shall submit written documentation to the executive director describing the change or addition. The water

system may not implement the addition of a new source or long-term change in treatment until notified in writing that the change is approved by the executive director. Examples of long-term treatment changes include the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants (for example, alum to ferric chloride), and switching corrosion inhibitor products (for example, orthophosphate to blended phosphate). Long-term changes can include dose changes to existing chemicals if the system is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes would not include chemical dose fluctuations associated with daily raw water quality changes.

(10) Other reporting. Any system which collects sampling data in addition to that required by this section shall report the results to the executive director within the first ten days following the end of the applicable monitoring period during which the samples are collected.

(11) Reporting lead service line replacement. A water system that is replacing lead service lines must certify that lead service lines have been replaced in accordance with directives of the executive director.

(j) Consumer notification. All water systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested.

(1) Timing of consumer notification. A water system must provide the consumer notice as soon as practical, but no later than 30 days after the system receives the tap sampling results.

(2) Content of consumer notification. The consumer notice must include the results of lead tap sampling for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water, and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from 40 CFR §141.153(c).

(3) Delivery of consumer notification. The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the executive director. Upon approval by the executive director, a nontransient, noncommunity water system may post the results on a bulletin board in the facility to allow users to review the information. The system must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

(k) Public education. A public water system that exceeds the lead action level based on tap water samples collected in accordance with subsection (c) of this section shall deliver the public education materials in accordance with the requirements of this subsection.

(1) Content of public education materials. Public water systems must include the elements in this paragraph in their printed materials in the same order as listed. Language in subparagraphs (A), (B), and (F) of this paragraph must be included in the materials, exactly as written, except for the text in brackets for which the public water system must include system-specific information. Any additional information presented by a public water system must be consistent with the information below and be in plain language that can be understood by the general public. Water systems must submit all written public education materials to the executive director prior to delivery. Public education materials must be approved by the executive director prior to delivery.

(A) "IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER. {INSERT NAME OF WATER SYSTEM} found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water."

(B) "*Health effects of lead*." Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it

can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development."

(C) Sources of lead.

(i) Explain what lead is.

(ii) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home and building plumbing materials and service lines that may contain lead.

(iii) Discuss other important sources of lead exposure in addition to drinking water such as lead-based paint or lead-contaminated soils.

(D) Discuss the steps the consumer can take to reduce their exposure to lead in drinking water.

(i) Encourage running the water to flush out the lead.

(ii) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

(iii) Explain that boiling water does not reduce lead levels.

(iv) Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.

(v) Suggest that parents have their child's blood tested for lead.

(E) Explain why there are elevated levels of lead in the system's drinking water (if known) and what the water system is doing to reduce the lead levels in homes and buildings in this area.

(F) "For more information, call us at {INSERT YOUR SYSTEM's PHONE NUMBER} if applicable) or visit our website at {INSERT YOUR WEBSITE HERE}. For more information on reducing lead exposure around your home or building and the health effects of lead, visit EPA's website at *www.epa.gov/lead* or contact your health care provider."

(G) In addition to including the elements specified in subparagraphs (A) - (F) of this paragraph, community water systems must:

(i) tell consumers how to get their water tested, and

(ii) discuss lead in plumbing components and the difference between low lead and lead free.

(H) For public water systems serving a large proportion of non-English speaking consumers, as determined by the executive director, the public education materials must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the public education materials or to request assistance in the appropriate language.

(2) Delivery of public education materials by community systems. Systems must provide public education materials meeting the criteria of paragraph (1) of this subsection to the public in accordance with this paragraph.

(A) A community system must directly deliver printed public education materials to all bill paying customers.

(i) The community system must deliver public education materials to local public health agencies even if they are not located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users. The system must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community based organizations serving target populations, which may include organizations outside

the service area of the water system. If such lists are provided, systems must deliver public education materials to all organizations on the provided lists.

(ii) The community system must contact customers who are most at risk by delivering public education materials to the organizations listed in this clause that are located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users.

(I) Public and private schools or school boards;

(II) Women, Infants and Children (WIC) and Head Start programs;

(III) Public and private hospitals and medical clinics;

(IV) Pediatricians;

(V) Family planning clinics; and

(VI) Local welfare agencies.

(iii) The community system must make a good faith effort to locate organizations of the types listed in this clause within the service area and deliver public education materials to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at-risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the water system's service area.

(I) Licensed childcare centers;

(II) Public and private preschools; and

(III) Obstetricians-Gynecologists and Midwives.

(iv) The community system must implement at least three activities from one or more categories listed in this clause. The educational content and selection of these activities must be determined in consultation with the executive director.

(I) Public service announcements;

(II) Paid advertisements;

(III) Public area information displays;

(IV) E-mails to customers;

(V) Public meetings;

(VI) Household deliveries;

(VII) Targeted Individual Customer Contact;

(VIII) Direct material distribution to all multi-family homes and institutions; or

(IX) Other methods approved by the executive director.

(v) At least quarterly, the community system must provide information on or in each water bill as long as the system exceeds the action level for lead. The message on the water bill must include the following statement exactly as written except for the text in brackets for which the water system must include system-specific information: "{INSERT NAME OF WATER SYSTEM} found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call {INSERT NAME OF WATER SYSTEM}" Upon written request, the

executive director may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

(vi) A community system serving more than 100,000 people must post public education materials on the water system's website.

(vii) The community system must submit a press release to newspaper, television and radio stations.

(B) With executive director approval, a community public water system serving 3,300 or fewer people may limit certain aspects of their public education programs by distributing the public education materials required by subparagraph (A)(ii) of this paragraph to facilities and organizations served by the public water system that are most likely to be visited regularly by pregnant women and children. In addition:

(i) The executive director may waive the requirement of subparagraph (A)(vii) of this paragraph, to submit press releases to the media, as long as the public water system distributes notices to every household served by the system.

(ii) The public water system shall implement at least one of the requirements found in subparagraph (A)(iv) of this paragraph.

(C) A community water system may apply to the executive director, in writing, to use only the text specified in paragraph (1)(A) - (F) of this subsection, omitting the text specified in paragraph (1)(G) of this subsection, and to post public education materials as described in paragraph (3) of this subsection, omitting the tasks in subparagraph (A) of this paragraph if:

(i) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

(ii) The system provides water as part of the cost of services provided and does not separately charge for water consumption.

(3) Delivery of public education materials by nontransient, noncommunity systems. Systems must provide public education materials meeting the criteria of paragraph (1) of this subsection to the public in accordance with this paragraph.

(A) The system must post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system.

(B) The system must distribute informational brochures on lead in drinking water to each person served by the nontransient, noncommunity water system.

The executive director may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.

(4) Frequency and timing of public education. A system that exceeds the lead action level must provide educational materials meeting the content requirements of paragraph (1) of this subsection to the public within 60 days after the end of the monitoring period in which the exceedance occurred. For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the executive director has established an alternate monitoring period, the last day of that period.

(A) Frequency and timing of public education activities for community systems. As long as a community water system exceeds the action level, it must repeat the activities of this paragraph at the frequency contained in this paragraph.

(i) A community system shall repeat tasks contained in paragraph (2)(A)(v) of this subsection every billing cycle.

(ii) A community system serving a population greater than 100,000 shall post and retain material on a publicly accessible website.

(iii) The community system shall repeat the press release task in paragraph (2)(A)(vii) of this subsection twice every 12 months on a schedule agreed upon with the executive director.

(B) Frequency and timing of public education activities for nontransient, noncommunity systems. A nontransient, noncommunity water system shall maintain the posting required by repeat the tasks contained in paragraph (3) of this subsection at least once during each calendar year in which the system exceeds the lead action level. Posted materials must remain posted until the system no longer exceeds the lead action level, and the executive director informs the system that the posting may be discontinued.

(C) Extension to public education start date. A nontransient, noncommunity system may request, and the executive director can approve, an extension for starting public education beyond the 60-day requirement on a case-by-case basis. The request and approval must be made in writing prior to the 60-day deadline.

(D) Discontinuing public education. A system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period conducted pursuant to subsection (c) of this section. Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.

(5) Notifying the executive director of public education activities. Any water system that is subject to the public education requirements of this subsection shall, within ten days after the end of each period in which the system is required to perform public education, send written documentation to the executive director containing all the elements in this paragraph.

(A) The system must provide documentation that the system has delivered the public education materials that meet the content requirements in paragraph (1) of this subsection and the delivery requirements in paragraph (2) or (3) of this subsection.

(B) The system must provide a list of all the newspapers, radio stations, television stations, and facilities and organizations to which the system delivered public education materials during the period in which the system was required to perform public education tasks.

(C) The system must resubmit certification of delivery of public education materials every time it distributes materials. Unless required by the executive director, a system that previously has submitted the information required by subparagraphs (A) and (B) of this paragraph need not resubmit the information as long as there have been no changes in the distribution list.

(l) Compliance determination. All applicable water systems shall determine compliance based on monitoring and reporting requirements established in this section or contained in 40 CFR Part 141, Subpart I.

(1) Compliance determination with action levels of subsection (b) of this section for lead and copper shall be based on the 90th percentile as described in this paragraph.

(A) The 90th percentile lead and copper levels shall be computed as provided in this subparagraph:

(i) Determination of 90th percentile levels shall be obtained by ranking the results of lead and copper samples collected during a monitoring period in ascending order (lowest concentration is sample Number 1; highest concentration are samples Numbers 10, 20, 30, 40, 50, and so on), up to the total number of samples collected.

(ii) The number of samples collected during the monitoring period shall be multiplied by 0.9. The concentration of lead and copper in sample with the number yielded by this calculation is the 90th percentile level, for systems serving 100 or more people.

(iii) For water systems serving fewer than 100 people, the 90th percentile level is computed by taking the average of the highest two sample results.

(iv) For a public water system that has been allowed by the executive director to collect fewer than five samples in accordance with subsection (c)(1)(F) of this section, the sample result with the highest concentration is considered the 90th percentile value.

(B) A sample invalidated under this section does not count toward determining lead or copper 90th percentile levels or toward meeting the minimum number of tap sample requirements.

(C) Monitoring approved by the executive director and conducted by systems in addition to the minimum requirements of this section shall be considered by the executive director in making any determination of compliance.

(D) The system is in compliance with the lead or copper action levels if the 90th percentile level of lead or copper, respectively, is equal to or less than the action levels specified in subsection (b)(1) of this section.

(2) Compliance determination for water quality parameters. If a water system fails to meet the OWQP values or ranges approved by the executive director, it is

out of compliance with this section. WQP confirmation sample results will be included in compliance determination.

(A) A OWQP-range excursion occurs whenever the daily value for one or more WQPs measured at a sampling location is below a minimum value or outside a range approved by the executive director. The executive director has the discretion to delete results of obvious sampling errors from this calculation. Daily values are calculated as follows.

(i) Water systems that collect more than one WQP measurement in one day must record the daily value as an average of all WQP values collected during the day regardless of whether the measurements are collected through continuous monitoring, grab sampling, or a combination of both.

(ii) On days when only one measurement for the WQP is collected at the sampling location, the daily value shall be the result of that measurement.

(iii) On days when no measurement is collected for the WQP at the sampling location, the daily value last calculated on the most recent day shall serve as the daily value.

(B) Compliance periods for this paragraph are two six-month periods, January 1 to June 30, and July 1 to December 31. A water system is out of compliance

with this subsection for a six-month period if the water system has OWQP excursions for any approved range for more than nine days during that period.

(C) The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the executive director in making any determinations under this section.

(D) The executive director may delete results of obvious sampling errors from this calculation.

(3) Compliance determination for source water treatment. A system required to install and operate source water treatment for lead or copper under subsection (g) of this section is out of compliance if the level of lead or copper in any sample collected under subsection (d)(2)(D)(v) of this section is greater than the MPL designated by the executive director. The initial and confirmation sample shall be averaged in determining compliance. Any sample value below the method detection limit shall be considered to be zero. Any value above the method detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.

(4) Compliance determination for public education. Failure to deliver public education materials required under subsection (k) of this section to customers is a public notification violation. Failure to certify delivery of public education materials to the executive director is a reporting violation.

(5) Failure to conduct or report any requirements of this section shall constitute a monitoring, reporting or treatment technique violation and shall be a violation of these standards.

(m) Lead service line replacement. The provisions of 40 CFR §141.84 and §141.90(e) relating to lead service line replacement are adopted by reference. Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in 40 CFR §141.84. Any such water system shall submit reports required under 40 CFR §141.90(e).

(n) Additional sampling. The executive director may require systems to sample at additional times or locations in order to ensure that systems maintain minimal levels of corrosion in the distribution system.

§290.118. Secondary Constituent Levels.

(a) Applicability for secondary constituents. The requirements for secondary constituents apply to all public water systems. Water that does not meet the secondary constituent levels may not be used for public drinking water without written approval from the executive director. When drinking water that does not meet the secondary constituent levels is accepted for use by the executive director, such acceptance is valid

only until such time as water of acceptable chemical quality can be made available at reasonable cost to the area(s) in question.

(b) Secondary constituent levels. The maximum secondary constituent levels are as follows.

Figure: 30 TAC §290.118(b) (No change to the figure as it currently exists in TAC.)

CONSTITUENT	LEVEL (mg/l except where otherwise stated)
Aluminum	0.05 to 0.2
Chloride	300
Color	15 color units
Copper	1.0
Corrosivity	Non-corrosive
Fluoride	2.0
Foaming agents	0.5
Hydrogen sulfide	0.05
Iron	0.3
Manganese	0.05
Odor	3 Threshold Odor Number
pH	>7.0
Silver	0.1
Sulfate	300
Total Dissolved Solids	1,000
Zinc	5.0

(c) Monitoring frequency for secondary constituents. All public water systems shall monitor for secondary constituents at the following frequency.

(1) Each groundwater source shall be sampled once every three years at the entry point to the distribution system.

(2) Each surface water source shall be sampled annually at the entry point to the distribution system.

(3) Each of the sampling frequencies listed in paragraph (3) of this subsection constitute one round of sampling for groundwater and surface water systems, respectively.

(d) Analytical requirements for secondary constituents. All analyses for determining compliance with the provisions of this subsection shall be conducted in accordance with §290.119 of this title (relating to Analytical Procedures) at a facility certified by the executive director.

(e) Reporting requirements for secondary constituents. Any owner or operator of a public water system subject to the provisions of this section is required to report to the executive director the results of any test, measurement, or analysis required to be made by this section within ten days following receipt of results of such test, measurement, or analysis.

(f) Compliance determination for secondary constituents. Compliance with the requirements of this subsection shall be based on the following criteria:

(1) A public water system that fails to conduct the monitoring tests required by this subsection commits a monitoring violation;

(2) A public water system that fails to report the results of the monitoring tests required by this subsection commits a reporting violation; and

(3) A public water system that exceeds the secondary constituent levels in subsection (b) of this section commits a secondary constituents level violation.

(g) Public notification for secondary constituents. Public notification must be consistent with the requirements of §290.122 of this title (relating to Public Notification).

(1) Community and nontransient, noncommunity water systems that exceed the secondary constituent level for fluoride but are below the maximum contaminant level listed in §290.106 of this title (relating to Inorganic Contaminants) must notify the public. The notice must be made annually by including it with the water bill or by separate mailing to all customers. The form and content of the notice shall be as prescribed by the executive director.

(2) If a system exceeds the secondary constituent levels, notice must be given to new customers and in the annual Consumer Confidence Report.

§290.119. Analytical Procedures.

(a) Acceptable laboratories. Samples collected to determine compliance with the requirements of this chapter shall be analyzed at accredited or approved laboratories.

(1) Samples used to determine compliance with the maximum contaminant levels, samples used to determine compliance with action level, and raw groundwater source monitoring requirements of this subchapter, and samples for microbial contaminants must be analyzed by a laboratory accredited by the executive director in accordance with Chapter 25, Subchapter A and B of this title (relating to General Provisions; and Environmental Testing Laboratory Accreditation) using acceptable analytical methods as specified in subsection (b) of this section. These samples include:

(A) compliance samples for synthetic organic chemicals;

(B) compliance samples for volatile organic chemicals;

(C) compliance samples for inorganic contaminants;

(D) compliance samples for radiological contaminants;

(E) compliance samples for microbial contaminants;

(F) compliance samples for total trihalomethanes (TTHM);

(G) compliance samples for haloacetic acid-group of five (HAA5);

(H) compliance samples for chlorite;

(I) compliance samples for bromate; and

(J) compliance samples for lead and copper.

(2) Samples used to determine compliance with the treatment technique requirements and maximum residual disinfectant levels (MRDLs) of this subchapter must be analyzed by a laboratory approved by the executive director. These samples include:

(A) compliance samples for turbidity treatment technique requirements;

(B) compliance samples for the chlorine MRDL;

(C) compliance samples for the chlorine dioxide MRDL;

(D) compliance samples for the combined chlorine (chloramine) MRDL;

(E) compliance samples for the disinfection byproduct precursor treatment technique requirements, including alkalinity, total organic carbon, dissolved organic carbon analyses, and specific ultraviolet absorbance;

(F) samples used to monitor chlorite levels at the point of entry to the distribution system; and

(G) samples used to determine pH.

(3) Non-compliance tests, such as control tests taken to operate the system, may be run in the plant or at a laboratory of the system's choice.

(b) Acceptable analytical methods. Methods of analysis shall be as specified in 40 Code of Federal Regulations (CFR) or by any alternative analytical technique as specified by the executive director and approved by the Administrator under 40 CFR §141.27. Copies are available for review in the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. The following National Primary Drinking Water Regulations set forth in Title 40 CFR are adopted by reference:

(1) 40 CFR §141.852(a) and (c) for microbiological analyses;

(2) 40 CFR §141.74(a)(1) for turbidity analyses;

(3) 40 CFR §141.23(k) for inorganic analyses;

(4) 40 CFR §141.24(e) - (g) for organic analyses;

(5) 40 CFR §141.25 for radionuclide analyses;

(6) 40 CFR §141.131(a) and (b) for disinfection byproduct methods and analyses;

(7) 40 CFR §141.131(c) for disinfectant analyses other than ozone, and 40 CFR §141.74(b) for ozone disinfectant;

(8) 40 CFR §141.131(d) for alkalinity analyses, bromide and magnesium, total organic carbon analyses, dissolved organic carbon analyses, specific ultraviolet absorbance analyses, and pH analyses;

(9) 40 CFR §141.89 for lead and copper analyses and for water quality parameter analyses that are performed as part of the requirements for lead and copper;

(10) 40 CFR §141.402(c) for groundwater source microbiological analyses; and

(11) if a method is not contained in this section, a drinking water quality method can be approved for analysis if it is listed in 40 CFR Part 141, Subpart C, Appendix A.

(c) The definition of detection contained in 40 CFR §141.151(d) is adopted by reference.

§290.121. Monitoring Plans.

(a) Applicability. All public water systems shall maintain an up-to-date chemical and microbiological monitoring plan. Monitoring plans are subject to the review and approval of the executive director. A copy of the monitoring plan must be maintained at each water treatment plant and at a central location.

(b) Monitoring plan requirements. The monitoring plan shall identify all sampling locations, describe the sampling frequency, and specify the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements of this subchapter.

(1) The monitoring plan shall include information on the location of all required sampling points in the system. Required sampling locations for regulated chemicals are provided in §290.106 of this title (relating to Inorganic Contaminants),

§290.107 of this title (relating to Organic Contaminants), §290.108 of this title (relating to Radionuclides Other than Radon), §290.109 of this title (relating to Microbial Contaminants), §290.110 of this title (relating to Disinfectant Residuals), §290.111 of this title (relating to Surface Water Treatment), §290.112 of this title (relating to Total Organic Carbon (TOC)), §290.113 of this title (relating to Stage 1 Disinfection Byproducts (TTHM and HAA5)), §290.114 of this title (relating to Other Disinfection Byproducts (Chlorite and Bromate)), §290.115 of this title (relating to Stage 2 Disinfection Byproducts (TTHM and HAA5)), §290.116 of this title (Relating to Groundwater Corrective Actions and Treatment Techniques), §290.117 of this title (relating to Regulation of Lead and Copper), and §290.118 of this title (relating to Secondary Constituent Levels).

(A) The location of each sampling site at a treatment plant or pump station must be designated on a plant schematic. The plant schematic must show all water pumps, flow meters, unit processes, chemical feed points, and chemical monitoring points. The plant schematic must also show the origin of any flow stream that is recycled at the treatment plant, any pretreatment that occurs before the recycle stream is returned to the primary treatment process, and the location where the recycle stream is reintroduced to the primary treatment process.

(B) Each entry point to the distribution system shall be identified in the monitoring plan as follows:

(i) a written description of the physical location of each entry point to the distribution system shall be provided; or

(ii) the location of each entry point shall be indicated clearly on a distribution system or treatment plant schematic.

(C) The address of each sampling site in the distribution system shall be included in the monitoring plan or the location of each distribution system sampling site shall be designated on a distribution system schematic. The distribution system schematic shall clearly indicate the following:

(i) the location of all pump stations in the distribution system;

(ii) the location of all ground and elevated storage tanks in the distribution system; and

(iii) the location of all chemical feed points in the distribution system.

(D) The system must revise its monitoring plan if changes to a plant or distribution system require changes to the sampling locations.

(2) The monitoring plan must include a written description of sampling frequency and schedule.

(A) The monitoring plan must include a list of all routine samples required on a daily, weekly, monthly, quarterly, annual, or less frequent basis and identify the sampling location where the samples will be collected.

(B) The system must maintain a current record of the sampling schedule.

(3) The monitoring plan shall include the public water system's Sample Siting Plan as required by §290.109(d)(1) - (6) of this title. The public water system's Sample Siting Plan shall include a list of all microbial distribution compliance monitoring sites as required by §290.109(d) of this title, including all routine and repeat microbial sample sites. As required by §290.109(d)(2)(G) of this title, a public water system that collects more than the minimum number of required routine microbial samples shall include the additional routine sample sites in the public water system's Sample Siting Plan. In addition, a public water system that is required to collect any associated raw groundwater source(s) compliance samples, as required by §290.109(d)(4) of this title, shall include the microbial raw groundwater well compliance sites in the public water system's Sample Siting Plan. The repeat sample sites, as required by §290.109(d)(3) of this title, shall be associated to their originating routine microbial sample sites. The Sample

Siting Plan shall include all groundwater sources and any associated sampling points necessary to meet the requirements of §290.109(d) of this title.

(4) The monitoring plan must identify the analytical procedures that will be used to perform each of the required analyses.

(5) The monitoring plan must identify all laboratory facilities that may be used to analyze samples required by this chapter.

(6) The monitoring plan shall include a written description of the methods used to calculate compliance with all maximum contaminant levels, maximum residual disinfectant levels, and treatment techniques that apply to the system.

(7) The monitoring plan shall include any groundwater source water monitoring plan developed under §290.109(d)(4) of this title to specify well sampling for triggered coliform monitoring.

(8) The monitoring plan shall include any initial distribution system evaluation compliance documentation required by §290.115(c)(5) of this title. The monitoring plan must be revised to show Stage 2 sample sites by the date shown in Figure: 30 TAC §290.115(a)(2) titled "Date to Start Stage 2 Compliance."

(9) The monitoring plan shall include any raw surface water monitoring plan required under §290.111 of this title.

(c) Reporting requirements. All public water systems shall maintain a copy of the current monitoring plan at each treatment plant and at a central location. The water system must update the monitoring plan when the water system's sampling requirements or protocols change.

(1) Public water systems that treat surface water or groundwater under the direct influence of surface water must submit a copy of the monitoring plan to the executive director upon development and revision.

(2) Public water systems that treat groundwater that is not under the direct influence of surface water or purchase treated water from a wholesaler must develop a monitoring plan and submit a copy of the monitoring plan to the executive director upon request.

(3) All water systems must provide the executive director with any revisions to the plan upon request.

(d) Compliance determination. Compliance with the requirements of this section shall be determined using the following criteria.

(1) A public water system that fails to submit an administratively complete monitoring plan by the required date documented in a request from the executive director or fails to submit updates to a plan when changes are made to a system's surface water treatment commits a reporting violation.

(2) A public water system that fails to maintain an up-to-date monitoring plan commits a monitoring violation.

(e) Public notification. A community system that commits a violation described in subsection (d) of this section shall notify its customers of the violation in the next Consumer Confidence Report that is issued by the system.

§290.122. Public Notification.

(a) Tier 1 public notification requirements for acute violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure which require a Tier 1 public notice as described in this subsection. The owner or operator of a public water system must notify persons served by their system of any maximum contaminant level (MCL), maximum residual disinfectant level (MRDL), treatment technique violation, or other situation that poses an acute threat to public health. Each notice required by this section must meet the requirements of subsection (d) of this section.

(1) Situations that pose an acute threat to public health include:

(A) a violation of the *Escherichia coli* (*E. coli*) MCL as described in §290.109(g)(1)(A) - (D) of this title (relating to Microbial Contaminants);

(B) an acute turbidity issue at a treatment plant that is treating surface water or groundwater under the direct influence of surface water, specifically:

(i) a combined filter effluent turbidity level above 5.0 nephelometric turbidity units (NTU);

(ii) a combined filter effluent turbidity level above 1.0 NTU at a treatment plant using membrane filters;

(iii) a combined filter effluent turbidity level above 1.0 NTU at a plant using other than membrane filters at the discretion of the executive director after consultation with the system;

(iv) failure of a system with treatment other than membrane filters to consult with the executive director within 24 hours after a combined filter effluent reading of 1.0 NTU;

(v) failure of a system to meet turbidity level, monitoring, and/or reporting requirements as described in §290.111(i)(3) of this title (relating to Surface Water Treatment); or

(vi) failure of a system to meet treatment, turbidity level, monitoring, and/or reporting requirements as described in §290.111(i)(4) of this title;

(C) a violation of the MCL for nitrate or nitrite as defined in §290.106(f)(2) of this title (relating to Inorganic Contaminants);

(D) a violation of the acute MRDL for chlorine dioxide as defined in §290.110(f)(5)(A) or (B) of this title (relating to Disinfectant Residuals);

(E) occurrence of a waterborne disease outbreak;

(F) Detection of *E. coli* or other fecal indicators in source water samples as specified in §290.109(h)(2) of this title, which requires a public notice to be issued within 24 hours of notification of the positive sample;

(G) other situations that have the potential to have serious adverse effects on health as a result of short-term exposure; and

(H) at the discretion of the executive director, other situations may require a Tier 1 public notice based on a threat to public health.

(2) The initial Tier 1 acute public notice and/or boil water notice required by this subsection shall be issued as soon as possible, but in no case later than 24 hours after the violation or situation is identified. The initial public notice for an acute violation or situation shall be issued in one or more of the following manners that are reasonably calculated to reach persons served by the public water system within the required time period.

(A) The owner or operator of a public water system with an acute microbiological or turbidity violation as described in paragraph (1)(A) or (B) of this subsection shall include a boil water notice issued in accordance with the requirements of §290.46(q) of this title (relating to Minimum Acceptable Operating Practices for Public Drinking Water Systems). Public water systems are not required to issue a boil water notice under the conditions as referenced in paragraph (1)(B)(vi) of this subsection, unless required at the discretion of the executive director in accordance with §290.46(q)(5) of this title.

(B) The owner or operator of a community water system shall furnish a copy of the notice to the radio and television stations serving the area served by the public water system.

(C) The owner or operator of a community water system shall publish the notice in a daily newspaper of general circulation in the area served by the system. If the area is not served by a daily newspaper of general circulation, notice shall instead be issued by direct delivery or by continuous posting in conspicuous places within the area served by the system. Other methods of delivery may include electronic delivery or alert systems (e.g., reverse 911).

(D) The owner or operator of a noncommunity water system shall issue the notice by direct delivery or by continuously posting the notice in conspicuous places within the area served by the water system. Other methods of delivery may include electronic delivery or alert systems (e.g., reverse 911).

(E) If notice is provided by posting, the posting must remain in place for as long as the violation or situation exists or seven days, whichever is longer.

(3) The owner or operator of a water system required to issue an initial notice for an acute MCL or treatment technique violation shall issue additional notices. The additional public notices for acute violations shall be issued in the following manner.

(A) Not later than 45 days after the violation, the owner or operator of a community water system shall notify persons served by the system using mail (by direct mail or with the water bill) or hand delivery. The executive director may waive mail or hand delivery if it is determined that the violation was corrected within the 45-day

period. The executive director must make the waiver in writing and within the 45-day period.

(B) The owner or operator of a community water system must issue a notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation exists.

(C) If the owner or operator of a noncommunity water system issued the initial notice by continuous posting, posting must continue for as long as the violation exists and in no case less than seven days. If the owner or operator of a noncommunity water system issued the initial notice by direct delivery, notice by direct delivery must be repeated at least every three months for as long as the violation exists.

(4) Copies of all notifications required under this subsection must be submitted to the executive director within ten days of its distribution.

(b) Tier 2 public notification requirements for other MCL, MRDL, or treatment technique violations and for variance and exemption violations which are violations and situations with potential to have serious adverse effects on human health, as defined in this subsection. The owner or operator of a public water system must notify persons served by their system of any MCL, MRDL, or treatment technique violation other than those described in subsection (a)(1) of this section and of any violation involving a

variance or exemption requirement. Each notice required by this section must meet the requirements of subsection (d) of this section.

(1) Violations that require notification under this subsection include:

(A) any violation of an MCL, MRDL, or treatment technique not listed under subsection (a) of this section;

(B) failure to comply with the requirements of any variance or exemption granted under §290.102(d) of this title (relating to General Applicability);

(C) failure for a groundwater system to take corrective action, including uncorrected significant deficiencies, or failure to maintain at least 4-log treatment of viruses (using inactivation, removal, or a combination of 4-log virus inactivation and removal approved by the executive director) before or at the first customer under §290.116 of this title (relating to Groundwater Corrective Actions and Treatment Techniques);

(D) failure to perform any three months of raw surface water monitoring as required by §290.111(b) of this title or request bin classification from the executive director under §290.111(c)(3)(A) of this title;

(E) other violations or situations deemed by the executive director to have significant potential to have serious adverse effects on human health as a result of short-term exposure may require a Tier 1 public notice as described in subsection (a)(2) of this section; or

(F) failure of a public water system to conduct Level 1 assessment(s) or Level 2 assessment(s) or failure to complete corrective/expedited action(s) as required by §290.109 of this title or failure of a system to conduct seasonal start-up procedures as required by §290.109 of this title.

(2) The initial Tier 2 public notice for any violation, situation, or significant deficiency identified in this subsection must be issued as soon as possible, but in no case later than 30 days after the violation is identified. The initial public notice shall be issued in the following manner.

(A) The owner or operator of a community water system shall issue the notice by:

(i) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(ii) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in clause (i) of this subparagraph. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.) Other methods may include: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide drinking water to others (e.g., apartment building owners or large private employers); continuous posting in conspicuous public places within the area served by the system or on the Internet; electronic delivery or alert systems (e.g., reverse 911); or delivery to community organizations.

(B) The owner or operator of a noncommunity water system shall issue the notice by:

(i) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

(ii) any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: publication in a local newspaper or newsletter distributed to customers; use of e-mail to notify

employees or students; electronic delivery or alert systems (e.g., reverse 911); or, delivery of multiple copies in central locations (e.g., community centers).

(C) If notice is provided by posting, the posting must remain in place for as long as the violation exists or seven days, whichever is longer.

(3) The owner or operator of a system required to issue an initial violation notice shall issue additional notices. The additional notices shall be issued in the following manner.

(A) The owner or operator of a community water system must issue a notice at least once every three months by mail delivery (by direct mail or with the water bill) or by direct delivery, for as long as the violation exists.

(B) If the owner or operator of a noncommunity water system issued the initial notice by continuously posting the notice, the posting must continue for as long as the violation exists, and in no case less than seven days. If the owner or operator of a noncommunity water system issued the initial notice by direct delivery, notice by direct delivery must be repeated at least every three months for as long as the violation exists.

(c) Tier 3 public notification requirements for other violations, situations, variances, exemptions as defined in this subsection. The owner or operator of a public

water system who fails to perform monitoring required by this chapter, fails to comply with a testing procedure established by this chapter, or is subject to a variance or exemption granted under §290.102(b) of this title shall notify persons served by the system. Each notice required by this section must meet the requirements of subsection (d) of this section.

(1) Violations or other situations that require notification as described in this subsection include:

(A) exceedance of the secondary constituent levels (SCL) for fluoride;

(B) failure to perform monitoring or reporting required by this subchapter;

(C) failure to comply with the analytical requirements or testing procedures required by this subchapter;

(D) operating under a variance or exemption granted under §290.102(b) of this title;

(E) failure to maintain records on recycle practices as required by §290.46(f)(3)(C)(iii) of this title;

(F) a community and nontransient, noncommunity public water system shall notify its customers of the availability of unregulated contaminant monitoring results, as required under 40 Code of Federal Regulations (CFR) §141.207;

(G) failure of a community and nontransient, noncommunity water public water system to notify of the availability of unregulated contaminant monitoring results, as required under 40 CFR §141.207;

(H) failure of a public water system to maintain any assessment form, regardless of who conducts the assessment, and documentation of corrective actions completed as a result of those assessments, or documentation of corrective actions required but not yet complete, or other available summary documentation of the sanitary defects and corrective actions taken under §290.109 of this title;

(I) failure of a public water system to maintain a record of any repeat sample taken that meets the criteria for an extension of the 24-hour period for collecting repeat samples under §290.109 of this title;

(J) other violations or situations deemed by the executive director to pose an acute risk to human health or with significant potential to have serious adverse effects on human health as a result of short-term exposure may require a Tier 1 public notice as described in subsection (a)(2) of this section;

(K) other violations or situations at the, discretion of the executive director, may require a Tier 2 public notice as described in subsection (b)(2) of this section; and

(L) failure to maintain records for seasonal start-up procedures and seasonal start-up procedures certification form(s) as required by §290.109 of this title.

(2) The initial Tier 3 public notice issued pursuant to this section shall be issued no later than one year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system shall repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice shall remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days even if the violation or situation is resolved. The initial public notice shall be issued in the following manner.

(A) The owner or operator of a community water system shall issue the notice by mail or other direct delivery to each customer receiving a bill and to other service connections. The owner or operator of a noncommunity water system shall issue the notice by either posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection. Other methods of delivery may include electronic delivery or alert systems (e.g., reverse 911).

(B) The owner or operator of any public water system shall also notify the public using another method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in subparagraph (A) of this paragraph. Such persons may include people who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). These other methods may include publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations. Other methods of delivery may include electronic delivery or alert systems (e.g., reverse 911).

(C) For community public water systems, the Consumer Confidence Report (CCR) as required under Subchapter H of this chapter (relating to Consumer Confidence Reports) may be used for delivering the initial Tier 3 public notice and all required repeat notices, under the following conditions.

(i) The CCR is provided to persons served no later than 12 months after the public water system learns of the violation or situation as described under paragraph (1) of this subsection.

(ii) The Tier 3 notice contained in the CCR follows the content requirements under §290.272 of this title (relating to Content of the Report).

(iii) The CCR is distributed following the delivery requirements under §290.274 of this title (relating to Report Delivery and Recordkeeping).

(D) If notice is provided by posting, the posting must remain in place for as long as the violation exists or seven days, whichever is longer.

(3) The owner or operator of a system required to issue an initial violation notice shall issue additional notices. The additional notices shall be issued in the following manner.

(A) The owner or operator of a community water system shall issue repeat notices at least once every 12 months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation exists or variance or exemption remains in effect. Repeat public notice may be included as part of the CCR as described in paragraph (2) of this subsection.

(B) If the owner or operator of a noncommunity water system issued the initial notice by continuously posting the notice, the posting must continue for as long as the violation exists, and in no case less than seven days. If the owner or operator of a noncommunity water system issued the initial notice by direct delivery, notice by

direct delivery must be repeated at least every 12 months for as long as the violation exists.

(d) Each public notice must conform to the following general requirements.

(1) The notice must contain a clear and readily understandable explanation of the violation, significant deficiency, or situation that led to the notification. The notice must not contain very small print, unduly technical language, formatting, or other items that frustrate or defeat the purpose of the notice.

(2) If the notice is required for a specific event or significant deficiency, it must state when the event occurred or the date the significant deficiency was identified by the executive director.

(3) For notices required under subsections (a), (b), or (c)(1)(A) of this section, the notice must describe potential adverse health effects.

(A) For MCL, MRDL, or treatment technique violations or situations (including uncorrected significant deficiencies), the notice must contain the mandatory federal contaminant-specific language contained in 40 CFR Part 141, Subpart Q, Appendix B, in addition to any language required by the executive director. For violations of the condition of a variance or exemption, the notice must contain the health effects information and include the items and schedule milestones of the variance or exemption.

(B) For fluoride SCL violations, the notice must contain the mandatory federal contaminant-specific language contained in 40 CFR §141.208, in addition to any language required by the executive director.

(C) For failure to perform any three months of raw surface water monitoring or request bin classification from the executive director, the notice must contain the mandatory federal contaminant specific language contained in 40 CFR §141.211(d)(1) and (2), respectively, in addition to any language required by the executive director.

(D) The notice must describe the population at risk, especially subpopulations particularly vulnerable if exposed to the given contaminant.

(4) The notice must state what actions the water system is taking to correct the violation or situation, and when the water system expects to return to compliance. For groundwater systems with significant deficiencies, the notice must contain the executive director-approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed.

(5) The notice must state whether alternative drinking water sources should be used, and what other actions consumers should take, including when they should seek medical help, if known.

(6) Each notice must contain the name, business address and telephone number at which consumers may contact the owner, operator, or designee of the public water system for additional information concerning the notice.

(7) Where appropriate, the notice must be multilingual. The multilingual notice must explain the importance of the notice or provide a telephone number or address where consumers may contact the system to obtain a translated copy of the notice or assistance in the appropriate language.

(8) The notice shall include a statement to encourage the notice recipient to distribute the public notice to the other persons served. Public water systems must include in their notice the following language: Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

(9) Systems with variances or exemptions must notify in accordance with 40 CFR §141.205(b).

(10) Systems must notify customers at sampled taps of the results of any required lead or copper analyses and certify completion of the notification to the executive director.

(e) Notice to new billing units. The owner or operator of a community water system must give a copy of the most recent public notice for any outstanding violation of any MCL, or any treatment technique requirement, or any variance or exemption schedule to all new billing units or new hookups prior to or at the time service begins. The owner or operator of a noncommunity water system must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.

(f) Proof of public notification. A copy of any public notice required under this section must be submitted to the executive director within ten days of its distribution as proof of public notification. The copies must be mailed to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or other method of submission as specified by the executive director. Each proof of public notification must be accompanied with a signed Certificate of Delivery.

(g) Notice to consecutive systems. All public water systems shall provide public notice to persons served by the public water system in accordance with this section. All public water systems that are required to issue public notice to persons in accordance with this section, and that sell or otherwise provide drinking water to other public water systems (i.e., consecutive systems), shall provide public notice to the owner or operator of

the consecutive system. The consecutive system is responsible for and shall provide public notice to the persons it serves in accordance with this section.

(h) Notices given by the executive director. The executive director may give the notice required by this section on behalf of the owner and operator of the public water system following the requirements of this section. The owner or operator of the public water system remains responsible for ensuring that the requirements of this section are met.

(i) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the executive director may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the executive director for limiting distribution of the notice must be granted in writing.

SUBCHAPTER H: CONSUMER CONFIDENCE REPORTS

§290.272, §290.275

Statutory Authority

The amendments are adopted under Texas Water Code (TWC), §5.102, which establishes the commission's general authority necessary to carry out its jurisdiction; TWC, §5.103, which establishes the commission's general authority to adopt rules; TWC, §5.105, which establishes the commission's authority to set policy by rule; Texas Health and Safety Code (THSC), §341.031, which allows the commission to adopt rules to implement the federal Safe Drinking Water Act, 42 United States Code, §§300f - 300j-26; and THSC, §341.0315, which requires public water systems to comply with commission rules adopted to ensure the supply of safe drinking water.

§290.272. Content of the Report.

(a) Information on the source of the water delivered must be included in the report.

(1) Each report must identify the source(s) of the water delivered by the community water system by providing information on the type of the water (such as surface water or groundwater) and any commonly used name and location of the body(ies) of water.

(2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In the reports, systems should highlight significant sources of contamination in the source water area if they have readily available information.

(3) If a system has received a source water assessment from the executive director, the report must include a brief summary of the system's susceptibility to potential sources of contamination using language provided by the executive director or written by a water system official and approved by the executive director.

(b) The following explanations must be included in the annual report.

(1) Each report must contain the following definitions.

(A) Level 1 assessment--A Level 1 assessment is a study of the water system to identify potential problems and determine (if possible) why total coliform bacteria were found.

(B) Level 2 assessment--A Level 2 assessment is a very detailed study of the water system to identify potential problems and determine (if possible) why an *Escherichia coli* (*E. coli*) maximum contaminant level (MCL) violation has occurred and/or why total coliform bacteria were found on multiple occasions.

(C) Maximum contaminant level goal (MCLG)--The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

(D) Maximum contaminant level (MCL)--The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to maximum contaminant level goals as feasible using the best available treatment technology.

(E) Maximum residual disinfectant level goal (MRDLG)--The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

(F) Maximum residual disinfectant level (MRDL)--The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

(2) The following terms and their descriptions must be included when they appear in the report:

(A) MFL--million fibers per liter (a measure of asbestos);

(B) mrem/year--millirems per year (a measure of radiation absorbed by the body);

(C) NTU--nephelometric turbidity units (a measure of turbidity);

(D) pCi/L--picocuries per liter (a measure of radioactivity);

(E) ppb--parts per billion, or micrograms per liter (µg/L);

(F) ppm--parts per million, or milligrams per liter (mg/L);

(G) ppq--parts per quadrillion, or picograms per liter (pg/L); and

(H) ppt--parts per trillion, or nanograms per liter (ng/L).

(3) A report for a community water system operating under a variance or an exemption of the Safe Drinking Water Act must include a description of the variance or the exemption granted under §290.102(b) of this title (relating to General Applicability).

(4) A report that contains data on a contaminant for which the United States Environmental Protection Agency (EPA) has set a treatment technique (TT) or an action level (AL) must include, depending on the contents of the report, the following definitions.

(A) AL--The concentration of a contaminant which, if exceeded, triggers treatment or other requirements that a water system must follow.

(B) TT--A required process intended to reduce the level of a contaminant in drinking water.

(c) Information on detected contaminants.

(1) This subsection specifies the requirements for information to be included in each report for detected contaminants subject to mandatory monitoring, excluding *Cryptosporidium*. Mandatory monitoring is required for:

(A) regulated contaminants subject to an MCL, MRDL, AL, or TT; and

(B) unregulated contaminants for which monitoring is required by 40 Code of Federal Regulations (CFR) §141.40, and found in §290.275(4) of this title (relating to Appendices A - D).

(2) The data relating to these detected contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results that a community water system chooses to include in its reports must be displayed separately.

(3) The data must be derived from data collected to comply with EPA and the commission monitoring and analytical requirements during the previous calendar year, except when a system is allowed to monitor for regulated contaminants less often than once per year. In that case, the table(s) must include the date and results of the most recent sampling, and the report must include a brief statement indicating that the data presented in the report is from the most recent testing done in accordance with the regulations. The report does not need to include data that is older than five years.

(4) For detected regulated contaminants listed under §290.275 of this title, the table(s) must contain:

(A) the MCLs for those contaminants expressed as a number equal to or greater than 1.0 (as provided under §290.275 of this title);

(B) the MCLGs for those contaminants expressed in the same units as the MCLs (as provided for under §290.275 of this title);

(C) if there is no MCL for a detected contaminant, the TT or specific AL applicable to that contaminant; and

(D) for contaminants subject to an MCL, except turbidity, total coliform, fecal coliform, and *E. coli* the highest contaminant level used to determine

compliance with *National Primary Drinking Water Regulations* (NPDWR) and the range of detected levels.

(i) For contaminants subject to MCLs, except turbidity, total coliform, fecal coliform, and *E. coli*, when sampling takes place once per year or less often, the table(s) must contain the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

(ii) When sampling takes place more than once per year at each sampling point, the table(s) must contain the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.

(iii) In accordance with date requirements included in the table under §290.115(a) of this title (relating to Stage 2 Disinfection Byproducts (TTHM and HAA5)), entitled "Date to Start Stage 2 Compliance," for the MCLs for total trihalomethanes (TTHM) and haloacetic acids (HAA5), systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than one location exceeds the TTHM or HAA5 MCL, the system must include the locational running annual averages for all sampling points that exceed the MCL.

(iv) When compliance with any MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points,

the table(s) must include the average and range of detections expressed in the same units as the MCL.

(v) When the executive director allows the rounding of results to determine compliance with the MCL, rounding should be done after multiplying the results by the factor listed under §290.275 of this title.

(E) When turbidity is reported under §290.111 of this title (relating to Surface Water Treatment), the table(s) must contain the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in that section for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity.

(F) When lead and copper are reported, the table(s) must contain the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the AL.

(G) When *E. coli* is reported, the table(s) shall contain the total number of *E. coli*-positive samples.

(H) The table(s) must contain information on the likely source(s) of detected contaminants based on the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys or source water assessments and

should be used when available. If the operator lacks specific information on the likely source, the report must include one or more typical sources most applicable to the system for any particular contaminant listed under §290.275 of this title.

(i) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table(s) must contain a separate column for each service area, and the report must identify each separate distribution system. Systems may produce separate reports tailored to include data for each service area.

(ii) The table(s) must clearly identify any data indicating violations of MCLs, MRDLs, or TTs. The report must contain a clear and readily understandable explanation of the violation. The explanation must include the length of the violation, the potential adverse health effects, and the actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language contained under §290.275 of this title.

(5) For detected unregulated contaminants found under §290.275 of this title, for which monitoring is required (except *Cryptosporidium*), the table(s) must contain the average and range of concentrations at which the contaminant was detected. The report must include the following explanation: "Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated

contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted."

(d) Information on *Cryptosporidium*, radon, and other contaminants.

(1) If the system has performed any monitoring for *Cryptosporidium*, the report must include a summary of the results of any detections and an explanation of the significance of the results.

(2) If the system has performed any monitoring for radon, which indicates that radon may be present in the finished water, the report must include the results of the monitoring and an explanation of the significance of the results.

(3) If the system has performed additional monitoring, which indicates the presence of other contaminants in the finished water, the executive director strongly encourages systems to report any results which may indicate a health concern. To determine if the results may indicate a health concern, the executive director recommends that systems find out if the EPA has proposed a standard in the NPDWR or issued a health advisory for any particular contaminant. This information may be obtained by calling the Safe Drinking Water Hotline at (800) 426-4791. The executive director considers detections that are above a proposed MCL or health advisory level to indicate possible health concerns. For such contaminants, the executive director recommends that the report include the results of the monitoring and an explanation of

the significance of the results. The explanation should note the existence of a health advisory or a proposed regulation.

(4) Community water systems that exceed the secondary constituent level for fluoride as described in §290.118 of this title (relating to Secondary Constituent Levels) but are below the maximum contaminant level listed in §290.106 of this title (relating to Inorganic Contaminants) shall notify the public using the mandatory language as described in 40 CFR §141.208(c).

(e) Compliance with NPDWR. In addition to the requirements in subsection (c)(4)(H)(ii) of this section, the report must note any violation that occurred during the year covered by the report of a requirement listed in paragraphs (1) - (8) of this subsection.

(1) The report must include a clear and readily understandable explanation of each violation of monitoring and reporting of compliance data and explain any adverse health effects and steps the system has taken to correct the violation.

(2) The report must include a clear and readily understandable explanation of each violation of filtration and disinfection prescribed by Subchapter F of this chapter (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Systems) and explain any adverse health effects and steps the system has taken to correct the violation. This applies both to systems that have

failed to install adequate filtration, disinfection equipment, or processes, and to systems that have had a failure of such equipment or processes, each of which constitutes a violation. In either case, the report must include the following language as part of the explanation of potential adverse health effects: "Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

(3) The report must include a clear and readily understandable explanation of each violation of the lead and copper control requirements prescribed by §290.117 of this title (relating to Regulation of Lead and Copper). For systems that fail to take one or more actions prescribed by §290.117(g), (h), and (i) of this title, the report must include the applicable health effects language of §290.275(3) of this title for lead, copper, or both and the steps the system has taken to correct the violation.

(4) The report must include a clear and readily understandable explanation of each violation of TTs for Acrylamide and Epichlorohydrin prescribed by §290.107 of this title (relating to Organic Contaminants). If a system violates these requirements, the report must include the relevant health effects language from §290.275 of this title and the steps the system has taken to correct the violation.

(5) The report must include a clear and readily understandable explanation of each violation of recordkeeping of compliance data and explain any adverse health effects and steps the system has taken to correct the violation.

(6) The report must include a clear and readily understandable explanation of each violation of special monitoring requirements for unregulated contaminants and special monitoring for sodium as prescribed by 40 CFR §141.40 and §141.41 and explain any adverse health effects and steps the system has taken to correct the violation.

(7) For systems required to conduct initial distribution sampling evaluation (IDSE) sampling in accordance with §290.115(c)(5) of this title, the system is required to include individual sample results for the IDSE when determining the range of TTHM and HAA5 results to be reported in the annual Consumer Confidence Report for the calendar year that the IDSE samples were taken.

(8) The report must include a clear and readily understandable explanation of each violation of the terms of a variance, exemption, administrative order, or judicial order and explain any adverse health effects and steps the system has taken to correct the violation.

(f) Variances and exemptions. If a system is operating under the terms of a variance or exemption issued under §290.102(b) of this title, the report must contain:

(1) an explanation of the variance or exemption;

(2) the date on which the variance or exemption was issued and on which it expires;

(3) a brief status report on the steps the system is taking, such as installing treatment processes or finding alternative sources of water, to comply with the terms and schedules of the variance or exemption; and

(4) a notice of any opportunity for public input as the review or renewal of the variance or exemption.

(g) Additional information.

(1) The report must contain a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water (including bottled water). This explanation may include the language contained within subparagraphs (A) - (C) of this paragraph, or systems may include their own comparable language. The report must include the language of subparagraphs (D) and (E) of this paragraph.

(A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

(B) Contaminants that may be present in source water include:

(i) microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;

(ii) inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;

(iii) pesticides and herbicides, which might have a variety of sources such as agriculture, urban storm water runoff, and residential uses;

(iv) organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban storm water runoff, and septic systems; and

(v) radioactive contaminants, which can be naturally occurring or the result of oil and gas production and mining activities.

(C) In order to ensure that tap water is safe to drink, the EPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

(D) Contaminants may be found in drinking water that may cause taste, color, or odor problems. These types of problems are not necessarily causes for health concerns. For more information on taste, odor, or color of drinking water, please contact the system's business office.

(E) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline at (800) 426-4791.

(2) The report must include the telephone number of the owner, operator, or designee of the community water system as an additional source of information concerning the report.

(3) Each English language report must include the following statement in a prominent place on the first page: "Este reporte incluye informacion importante sobre el agua para tomar. Para asistencia en español, favor de llamar al telefono (XXX) XXX-XXXX."

In addition to this statement in Spanish, for communities with a large proportion of limited English proficiency residents, as determined by the executive director, the report must contain information in the appropriate language(s) regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

(4) The report must include information about opportunities for public participation in decisions that may affect the quality of the water (e.g., time and place of regularly scheduled board meetings). Investor-owned utilities are encouraged to conduct public meetings, but must include a phone number for public input.

(5) The systems may include such additional information for public education consistent with, and not detracting from, the purposes of the report.

(6) Systems that use an interconnect or emergency source to augment the drinking water supply during the calendar year of the report must provide the source of the water, the length of time used, an explanation of why it was used, and whom to call for the water quality information.

(7) Beginning December 1, 2009, any groundwater system that receives notice from a laboratory of a fecal indicator positive groundwater source sample that is not invalidated by the executive director under §290.109(e) of this title (relating to

Microbial Contaminants) must inform its customers of any fecal indicator positive groundwater source sample in the next report. The system must continue to inform the public annually until the executive director determines that the fecal contamination in the groundwater source is addressed under §290.116(a) of this title (relating to Groundwater Corrective Actions and Treatment Techniques). Each report must include the following elements:

(A) the source of the fecal contamination (if the source is known) and the dates of the fecal indicator positive groundwater source samples;

(B) actions taken to address the fecal contamination in the groundwater source as directed by §290.116 of this title and the date of such action;

(C) for each fecal contamination in the groundwater source that has not been addressed under §290.116 of this title, the plan approved by the executive director and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

(D) for a fecal indicator positive groundwater source sample that is not invalidated by the executive director under §290.109(e) of this title, the potential health effects using the health effects language of §290.275(3) of this title.

(8) Beginning December 1, 2009, any groundwater system that receives notice from the executive director of a significant deficiency must inform its customers of any significant deficiency that is uncorrected at the time of the next report. The system must continue to inform the public annually until the executive director determines that particular significant deficiency is corrected under §290.116 of this title. Each report must include the following elements:

(A) the nature of the particular significant deficiency and the date the significant deficiency was identified by the executive director;

(B) for each significant deficiency, the plan approved by the executive director and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

(C) if corrected before the next report, the nature of the significant deficiency, how the deficiency was corrected, and the date of the corrections.

(9) Any public water system required to comply with the Level 1 or Level 2 assessment requirements under §290.109 and §290.116 of this title that is not due to an *E. coli* MCL violation shall include in the report the information in subparagraph (A) of this paragraph. In addition to the elements in subparagraph (A) of this paragraph, the public water system shall include the elements in subparagraph (B) of this paragraph when it has a Level 1 treatment technique trigger as specified under §290.109(c)(1) of this

title and shall include the elements in subparagraph (C) of this paragraph in the report when it has a Level 2 treatment technique trigger as specified under §290.109(c)(2)(B) of this title. Furthermore, any public water system that failed to complete all the required assessments shall also include the statement in subparagraph (D)(i) of this paragraph. Any public water system that failed to correct all identified sanitary defects shall also include the statement in subparagraph (D)(ii) of this paragraph.

(A) Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.

(B) During the past year we were required to conduct {INSERT NUMBER OF LEVEL 1 ASSESSMENTS} Level 1 assessment(s). {INSERT NUMBER OF LEVEL 1 ASSESSMENTS} Level 1 assessment(s) were completed. In addition, we were required to take {INSERT NUMBER OF CORRECTIVE ACTIONS} corrective actions and we completed {INSERT NUMBER OF CORRECTIVE ACTIONS} of these actions.

(C) During the past year {INSERT NUMBER OF LEVEL 2 ASSESSMENTS} Level 2 assessments were required to be completed for our water system. {INSERT

NUMBER OF LEVEL 2 ASSESSMENTS} Level 2 assessments were completed. In addition, we were required to take {INSERT NUMBER OF CORRECTIVE ACTIONS} corrective actions and we completed {INSERT NUMBER OF CORRECTIVE ACTIONS} of these actions.

(D) Any public water system that failed to complete all the required assessments or correct all identified sanitary defects, is in violation of the treatment technique requirement and shall also include one or both of the following statements as appropriate:

(i) During the past year we failed to conduct all of the required assessment(s).

(ii) During the past year we failed to correct all identified defects that were found during the assessment.

(10) Any public water system required to comply with the Level 2 assessment requirements under §290.109 and §290.116 of this title that is due to an *E. coli* MCL violation shall include in the report the information in subparagraph (A) of this paragraph. In addition to the elements in subparagraph (A) of this paragraph, the public water system shall include the elements in subparagraph (B) of this paragraph when it has a Level 2 treatment technique trigger as specified under §290.109(c)(2) of this title and shall include the following elements in subparagraph (C) in the report when it has a Level 2 treatment technique trigger as specified under §290.109(c)(2)(A). Furthermore,

any public water system that failed to complete all the required assessments shall also include the statement in subparagraph (C)(i) of this paragraph. Any public water system that failed to correct all identified sanitary defects shall also include the statement in subparagraph (C)(ii) of this paragraph.

(A) *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We found *E. coli* bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.

(B) We were required to complete a Level 2 assessment because we found *E. coli* in our water system. In addition, we were required to take {INSERT NUMBER OF CORRECTIVE ACTIONS} corrective actions and we completed {INSERT NUMBER OF CORRECTIVE ACTIONS} of these actions.

(C) Any public water system that has failed to complete the required assessment or correct all identified sanitary defects, is in violation of the treatment technique requirement and shall also include one or both of the following statements, as appropriate:

(i) We failed to conduct the required assessment.

(ii) We failed to correct all sanitary defects that were identified during the assessment that we conducted.

(11) If a public water system detects *E. coli* and has violated the *E. coli* MCL, in addition to completing the table as required in subsection (c)(4) of this section, the system shall include one or more of the following statements to describe any noncompliance, as applicable:

(A) We had an *E. coli*-positive repeat sample following a total coliform-positive routine sample.

(B) We had a total coliform-positive repeat sample following an *E. coli*-positive routine sample.

(C) We failed to take all required repeat samples following an *E. coli*-positive routine sample.

(D) We failed to test for *E. coli* when any repeat sample tests positive for total coliform.

(12) Every report must include the following lead-specific information - a short informational statement about lead in drinking water and its effect on children.

(A) The statement must include the information set forth in this example statement. "If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. NAME OF UTILITY is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to two minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at *http://www.epa.gov/safewater/lead*."

(B) A public water system may write its own educational statement, but only in consultation with the executive director.

(h) If a public water system detects *E. coli* and has not violated the *E. coli MCL*, in addition to completing the table as required in subsection (c)(4) of this section, the system may include a statement that explains that although they have detected *E. coli*, they are not in violation of the *E. coli* MCL.

(i) Customer notification of water loss by a retail public utility. A retail public utility required to file a water loss audit with the Texas Water Development Board under the provisions of Texas Water Code, §16.0121, shall notify its customers of its water loss reported in the water loss audit by including the water loss information on or with the next report following the filing of the water loss audit, unless the retail public utility elects to notify its customers of its water loss reported in the water loss audit by including the water loss information on or with the next bill sent to its customers following the filing of the water loss audit in accordance with §291.87 of this title (relating to Billing).

§290.275. Appendices A - D.

The following appendices are integral components of the subchapter.

(1) Appendix A--Converting Maximum Contaminant Level Compliance Values for Consumer Confidence Reports (CCR).

Figure: 30 TAC §290.275(1)

Appendix A - Converting Maximum Contaminant Level Compliance Values for Consumer Confidence Reports (CCR)
Key

AL	Action Level
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MFL	million fibers per liter
mrem/year	millirems per year (a measure of radiation absorbed by the body)
n/a	Not Applicable
NTU	Nephelometric Turbidity Units
pCi/L	picocuries per liter (a measure of radioactivity)
ppm	parts per million, or milligrams per liter (mg/L)
ppb	parts per billion, or micrograms per liter (µg/L)
ppt	parts per trillion, or nanograms per liter
ppq	parts per quadrillion, or picograms per liter
TT	Treatment Technique

Contaminant	**MCL in compliance units (mg/L)**	**multiply by...**	**MCL in CCR units**	**MCLG in CCR units**
Microbiological Contaminants				
1. Total Coliform Bacteria			TT	0
2. *E. coli*	Routine and repeat samples are total coliform-positive and either is *E. coli*-positive or system fails to take repeat samples following *E. coli*-positive routine sample or		Routine and repeat samples are total coliform-positive and either is *E. coli*-positive or system fails to take repeat samples following *E. coli*-positive routine sample or system fails to analyze total coliform-	0

	system fails to analyze total coliform-positive repeat sample for *E. coli*.		positive repeat sample for *E. coli*. .	
3. Fecal indicators (enterococci or coliphage)			TT. An uncorrected fecal indicator positive sample at the raw groundwater source is a TT for the Ground Water Rule (GWR).	n/a
4. Total organic carbon			TT (ppm)	n/a
5. Turbidity			TT (NTU)	n/a
Radioactive Contaminants				
6. Beta/photon emitters	4 mrem/yr		4 mrem/yr	0
7. Alpha emitters	15 pCi/L		15 pCi/L	0
8. Combined radium	5 pCi/L		5 pCi/L	0
9. Uranium	30 µg/L		30 µg/L	0
Inorganic Contaminants				
10. Antimony	.006	1000	6 ppb	6
11. Arsenic	.010	1000	10 ppb	n/a
12. Asbestos	7 MFL		7 MFL	7
13. Barium	2		2 ppm	2
14. Beryllium	.004	1000	4 ppb	4
15. Bromate	.010	1000	10 ppb	0
16. Cadmium	.005	1000	5 ppb	5
17. Chloramines	MRDL=4		MRDL=4 ppm	4
18. Chlorine	MRDL=4		MRDL=4 ppm	4

19. Chlorine Dioxide	MRDL=.8	1000	MRDL=800 ppb	800
20. Chlorite	1.0		1 ppm	0.8
21. Chromium	.1	1000	100 ppb	100
22. Copper	AL=1.3		AL=1.3 ppm	1.3
23. Cyanide	.2	1000	200 ppb	200
24. Fluoride	4		4 ppm	4
25. Lead	AL=.015	1000	AL=15 ppb	0
26. Mercury (inorganic)	.002	1000	2 ppb	2
27. Nitrate (as Nitrogen)	10		10 ppm	10
28. Nitrite (as Nitrogen)	1		1 ppm	1
29. Selenium	.05	1000	50 ppb	50
30. Thallium	.002	1000	2 ppb	0.5
Synthetic Organic Contaminants including Pesticides and Herbicides				
31. 2,4-D	.07	1000	70 ppb	70
32. 2,4,5-TP (Silvex)	.05	1000	50 ppb	50
33. Acrylamide			TT	0
34. Alachlor	.002	1000	2 ppb	0
35. Atrazine	.003	1000	3 ppb	3
36. Benzo(a)pyrene (PAH)	.0002	1,000,000	200 ppt	0
37. Carbofuran	.04	1000	40 ppb	40
38. Chlordane	.002	1000	2 ppb	0
39. Dalapon	.2	1000	200 ppb	200
40. Di(2-ethylhexyl) adipate	.4	1000	400 ppb	400
41. Di(2-ethylhexyl) phthalate	.006	1000	6 ppb	0
42. Dibromochloropropane	.0002	1,000,000	200 ppt	0
43. Dinoseb	.007	1000	7 ppb	7
44. Diquat	.02	1000	20 ppb	20
45. Dioxin (2,3,7,8-TCDD)	.00000003	1,000,000,000	30 ppq	0

46. Endothall	.1	1000	100 ppb	100
47. Endrin	.002	1000	2 ppb	2
48. Epichlorohydrin			TT	0
49. Ethylene dibromide	.00005	1,000,000	50 ppt	0
50. Glyphosate	.7	1000	700 ppb	700
51. Heptachlor	.0004	1,000,000	400 ppt	0
52. Heptachlor epoxide	.0002	1,000,000	200 ppt	0
53. Hexachlorobenzene	.001	1000	1 ppb	0
54. Hexachloro-cyclopentadiene	.05	1000	50 ppb	50
55. Lindane	.0002	1,000,000	200 ppt	200
56. Methoxychlor	.04	1000	40 ppb	40
57. Oxamyl (Vydate)	.2	1000	200 ppb	200
58. PCBs (Polychlorinated biphenyls)	.0005	1,000,000	500 ppt	0
59. Pentachlorophenol	.001	1000	1 ppb	0
60. Picloram	.5	1000	500 ppb	500
61. Simazine	.004	1000	4 ppb	4
62. Toxaphene	.003	1000	3 ppb	0
Volatile Organic Contaminants				
63. Benzene	.005	1000	5 ppb	0
64. Carbon tetrachloride	.005	1000	5 ppb	0
65. Chlorobenzene	.1	1000	100 ppb	100
66. o-Dichlorobenzene	.6	1000	600 ppb	600
67. p-Dichlorobenzene	.075	1000	75 ppb	75
68. 1,2-Dichloroethane	.005	1000	5 ppb	0
69. 1,1-Dichloroethylene	.007	1000	7 ppb	7
70. cis-1,2-Dichloroethylene	.07	1000	70 ppb	70
71. trans-1,2-Dichloroethylene	.1	1000	100 ppb	100
72. Dichloromethane	.005	1000	5 ppb	0
73. 1,2-Dichloropropane	.005	1000	5 ppb	0

74. Ethylbenzene	.7	1000	700 ppb	700
75. Haloacetic acids	0.060	1000	60 ppb	n/a
76. Styrene	.1	1000	100 ppb	100
77. Tetrachloroethylene	.005	1000	5 ppb	0
78. 1,2,4-Trichlorobenzene	.07	1000	70 ppb	70
79. 1,1,1-Trichloroethane	.2	1000	200 ppb	200
80. 1,1,2-Trichloroethane	.005	1000	5 ppb	3
81. Trichloroethylene	.005	1000	5 ppb	0
82. TTHMs (Total trihalomethanes)	.080	1000	80 ppb	n/a
83. Toluene	1		1 ppm	1
84. Vinyl Chloride	.002	1000	2 ppb	0
85. Xylenes	10		10 ppm	10

(2) Appendix B--Sources of Regulated Contaminants.

Figure: 30 TAC §290.275(2)

Appendix B - Sources of Regulated Contaminants	
Key	
AL	Action Level
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MFL	million fibers per liter
mrem/year	millirems per year (a measure of radiation absorbed by the body)
n/a	Not Applicable
NTU	Nephelometric Turbidity Units
pCi/L	picocuries per liter (a measure of radioactivity)

ppm	parts per million, or milligrams per liter (mg/L)		
ppb	parts per billion, or micrograms per liter (µg/L)		
ppt	parts per trillion, or nanograms per liter		
ppq	parts per quadrillion, or picograms per liter		
TT	Treatment Technique		
Contaminant (units)	**MCLG**	**MCL**	**Major sources in drinking water**
Microbiological Contaminants			
1. Total Coliform Bacteria	0	TT	Naturally present in the environment.
2. *E. coli*	0	Routine and repeat samples are total coliform-positive and either is *E. coli*-positive or system fails to take repeat samples following *E. coli*-positive routine sample or system fails to analyze total coliform-positive repeat sample for *E. coli*.	Human and animal fecal waste.
3. Fecal indicators (enterococci or coliphage)	n/a	TT. An uncorrected fecal indicator positive sample at the raw groundwater source is a TT for the Ground Water Rule (GWR).	Human and animal fecal waste.
4. Total organic carbon (ppm)	n/a	TT	Naturally present in the environment.
5. Turbidity (*Cryptosporidium*)* (*Legionella*)*	n/a (0) (0)	TT (TT) (TT)	Soil runoff. (Human and animal fecal waste.) (Found naturally in water; multiplies in heating systems.)

*Federal and state surface water treatment rules require systems using surface water or ground water under the direct influence of surface water to (1) disinfect their water, and (2) filter their water so that these contaminants are controlled.			
Radioactive Contaminants			
6. Beta/photon emitters (mrem/yr)	0	4	Decay of natural and man-made deposits.
7. Alpha emitters (pCi/L)	0	15	Erosion of natural deposits.
8. Combined radium (µg/L)	0	5	Erosion of natural deposits.
Inorganic Contaminants			
9. Uranium (µg/L)	0	30	Erosion of natural deposits.
10. Antimony (ppb)	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
11. Arsenic (ppb)	n/a	10	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.
12. Asbestos (MFL)	7	7	Decay of asbestos cement water mains; Erosion of natural deposits.
13. Barium (ppm)	2	2	Discharge of drilling wastes; Discharge from metal refineries;

			Erosion of natural deposits.
14. Beryllium (ppb)	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries.
15. Bromate (ppb)	0	10	By-product of drinking water disinfection.
16. Cadmium (ppb)	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; runoff from waste batteries and paints.
17. Chloramines (ppm)	MRDLG=4	MRDL=4	Water additive used to control microbes.
18. Chlorine (ppm)	MRDLG=4	MRDL=4	Water additive used to control microbes.
19. Chlorine Dioxide (ppb)	800	800	Water additive used to control microbes.
20. Chlorite (ppm)	1.0	1.0	By-product of drinking water disinfection.
21. Chromium (ppb)	100	100	Discharge from steel and pulp mills; Erosion of natural deposits.
22. Copper (ppm)	1.3	AL=1.3	Corrosion of household

			plumbing systems; Erosion of natural deposits.
23. Cyanide (ppb)	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories.
24. Fluoride (ppm)	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.
25. Lead (ppb)	0	AL=15	Corrosion of household plumbing systems; Erosion of natural deposits.
26. Mercury (inorganic) (ppb)	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland.
27. Nitrate (as Nitrogen) (ppm)	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
28. Nitrite (as Nitrogen) (ppm)	1	1	Runoff from fertilizer use; Leaching

			from septic tanks, sewage; Erosion of natural deposits.
29. Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.
30. Thallium (ppb)	0.5	2	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.
Synthetic Organic Contaminants including Pesticides and Herbicides			
31. 2,4-D (ppb)	70	70	Runoff from herbicide used on row crops.
32. 2,4,5-TP (Silvex) (ppb)	50	50	Residue of banned herbicide.
33. Acrylamide	0	TT	Added to water during sewage/wastewater treatment.
34. Alachlor (ppb)	0	2	Runoff from herbicide used on row crops.
35. Atrazine (ppb)	3	3	Runoff from herbicide used on row crops.
36. Benzo(a)pyrene (PAH) (nanograms/L)	0	200	Leaching from linings of water storage tanks and distribution lines.
37. Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa.

38. Chlordane (ppb)	0	2	Residue of banned termiticide.
39. Dalapon (ppb)	200	200	Runoff from herbicide used on rights of way.
40. Di(2-ethylhexyl) adipate (ppb)	400	400	Discharge from chemical factories.
41. Di(2-ethylhexyl)phthalate (ppb)	0	6	Discharge from rubber and chemical factories.
42. Dibromochloropropane (ppt)	0	200	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
43. Dinoseb (ppb)	7	7	Runoff from herbicide used on soybeans and vegetables.
44. Diquat (ppb)	20	20	Runoff from herbicide use.
45. Dioxin (2,3,7,8-TCDD) (ppq)	0	30	Emissions from waste incineration and other combustion; Discharge from chemical factories.
46. Endothall (ppb)	100	100	Runoff from herbicide use.
47. Endrin (ppb)	2	2	Residue of banned insecticide.
48. Epichlorohydrin	0	TT	Discharge from industrial chemical factories; An impurity of some water treatment chemicals.
49. Ethylene dibromide (ppt)	0	50	Discharge from petroleum refineries.

50. Glyphosate (ppb)	700	700	Runoff from herbicide use.
51. Heptachlor (ppt)	0	400	Residue of banned termiticide.
52. Heptachlor epoxide (ppt)	0	200	Breakdown of heptachlor.
53. Hexachlorobenzene (ppb)	0	1	Discharge from metal refineries and agricultural chemical factories.
54. Hexachlorocyclopentadiene (ppb)	50	50	Discharge from chemical factories.
55. Lindane (ppt)	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens.
56. Methoxychlor (ppb)	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.
57. Oxamyl (Vydate) (ppb)	200	200	Runoff/leaching from insecticide used on apples, potatoes, and tomatoes.
58. PCBs (Polychlorinated biphenyls) (ppt)	0	500	Runoff from landfills; Discharge of waste chemicals.
59. Pentachlorophenol (ppb)	0	1	Discharge from wood preserving factories.
60. Picloram (ppb)	500	500	Herbicide runoff.
61. Simazine (ppb)	4	4	Herbicide runoff.
62. Toxaphene (ppb)	0	3	Runoff/leaching from insecticide used on cotton and cattle.

Volatile Organic Compounds			
63. Benzene (ppb)	0	5	Discharge from factories; Leaching from gas storage tanks and landfills.
64. Carbon tetrachloride (ppb)	0	5	Discharge from chemical plants and other industrial activities.
65. Chlorobenzene (ppb)	100	100	Discharge from chemical and agricultural chemical factories.
66. o-Dichlorobenzene (ppb)	600	600	Discharge from industrial chemical factories.
67. p-Dichlorobenzene (ppb)	75	75	Discharge from industrial chemical factories.
68. 1,2-Dichloroethane (ppb)	0	5	Discharge from industrial chemical factories.
69. 1,1-Dichloroethylene (ppb)	7	7	Discharge from industrial chemical factories.
70. cis-1,2-Dichloroethylene (ppb)	70	70	Discharge from industrial chemical factories.
71. trans-1,2-Dichloroethylene (ppb)	100	100	Discharge from industrial chemical factories.
72. Dichloromethane (ppb)	0	5	Discharge from pharmaceutical and chemical factories.
73. 1,2-Dichloropropane (ppb)	0	5	Discharge from industrial chemical factories.

74. Ethylbenzene (ppb)	700	700	Discharge from petroleum refineries.
75. Haloacetic acids (HAA) (ppb)	n/a	60	By-product of drinking water disinfection.
76. Styrene (ppb)	100	100	Discharge from rubber and plastic factories; Leaching from landfills.
77. Tetrachloroethylene (ppb)	0	5	Leaching from PVC pipes; Discharge from factories and dry cleaners.
78. 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile-finishing factories.
79. 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories.
80. 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories.
81. Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories.
82. TTHMs (Total trihalomethanes) (ppb)	n/a	80	By-product of drinking water disinfection.
83. Toluene (ppm)	1	1	Discharge from petroleum factories.
84. Vinyl Chloride (ppb)	0	2	Leaching from PVC piping; Discharge from plastics factories.
85. Xylenes (ppm)	10	10	Discharge from petroleum factories;

			Discharge from chemical factories.

(3) Appendix C--Health Effects Language.

Figure: 30 TAC §290.275(3)

Appendix C--Health Effects Language

Microbiological Contaminants

(1) Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.

(2) *Escherichia* (*E. coli)* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely-compromised immune systems.

(3) Fecal indicators (enterococci or coliphage). Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

(4) Total organic carbon. Total organic carbon (TOC) has no health effects. However, TOC provides a medium for the formation of disinfection by-products. These by-products include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these by-products in excess of the maximum contaminant level (MCL) may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

(5) Turbidity. Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

Radioactive Contaminants

(6) Beta/photon emitters. Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

(7) Alpha emitters. Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

(8) Combined Radium 226/228. Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

(9) Uranium. Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

Inorganic Contaminants

(10) Antimony. Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

(11) Arsenic. Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

(12) Asbestos. Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

(13) Barium. Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

(14) Beryllium. Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

(15) Bromate. Some people who drink water containing bromate in excess of the MCL over many years could experience an increased risk of getting cancer.

(16) Cadmium. Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

(17) Chloramines. Some people who use water containing chloramines well in excess of the maximum residual disinfectant level (MRDL) could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of theMRDL could experience stomach discomfort or anemia.

(18) Chlorine. Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

(19) Chlorine dioxide. Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

(20) Chlorite. Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

(21) Chromium. Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

(22) Copper. Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

(23) Cyanide. Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

(24) Fluoride. Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Children may get mottled teeth.

(25) Lead. Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

(26) Mercury (inorganic). Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

(27) Nitrate. Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

(28) Nitrite. Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

(29) Selenium. Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

(30) Thallium. Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic Organic Contaminants Including Pesticides and Herbicides

(31) 2,4-D. Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

(32) 2,4,5-TP (Silvex). Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

(33) Acrylamide. Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

(34) Alachlor. Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

(35) Atrazine. Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

(36) Benzo(a)pyrene (PAH). Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

(37) Carbofuran. Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

(38) Chlordane. Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

(39) Dalapon. Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

(40) Di (2-ethylhexyl) adipate. Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects such as weight loss, liver enlargement, or possible reproductive difficulties.

(41) Di (2-ethylhexyl) phthalate. Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

(42) Dibromochloropropane (DBCP). Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

(43) Dinoseb. Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

(44) Dioxin (2,3,7,8-TCDD). Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

(45) Diquat. Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

(46) Endothall. Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.

(47) Endrin. Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

(48) Epichlorohydrin. Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

(49) Ethylene dibromide. Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

(50) Glyphosate. Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

(51) Heptachlor. Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

(52) Heptachlor epoxide. Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

(53) Hexachlorobenzene. Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

(54) Hexachlorocyclopentadiene. Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

(55) Lindane. Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

(56) Methoxychlor. Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

(57) Oxamyl. Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

(58) PCBs (polychlorinated byphenols). Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

(59) Pentachlorophenol. Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

(60) Picloram. Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

(61) Simazine. Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

(62) Toxaphene. Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

Volatile Organic Contaminants

(63) Benzene. Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

(64) Carbon Tetrachloride. Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

(65) Chlorobenzene. Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

(66) o-Dichlorobenzene. Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

(67) p-Dichlorobenzene. Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

(68) 1,2-Dichloroethane. Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

(69) 1,1-Dichloroethylene. Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

(70) cis-1,2-Dichloroethylene. Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

(71) trans-1,2-Dicholoroethylene. Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

(72) Dichloromethane. Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

(73) 1,2-Dichloropropane. Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

(74) Ethylbenzene. Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

(75) Haloacetic acids (HAAs). Some people who drink water containing HAAs in excess of the MCL over many years may have an increased risk of getting cancer.

(76) Styrene. Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

(77) Tetrachloroethylene. Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

(78) 1,2,4-Trichlorobenzene. Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

(79) 1,1,1,-Trichloroethane. Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

(80) 1,1,2-Trichloroethane. Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

(81) Trichloroethylene. Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

(82) TTHMs (Total Trihalomethanes). Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.

(83) Toluene. Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

(84) Vinyl Chloride. Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

(85) Xylenes. Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

(4) Appendix D--Unregulated Contaminants.

Figure: 30 TAC §290.275(4) (No change to the figure as it currently exists in TAC.)

Appendix D-Unregulated Contaminants

(1) Chloroform
(2) Bromodichloromethane
(3) Chlorodibromomethane
(4) Bromoform
(5) Dibromomethane
(6) m-Dichlorobenzene
(7) [Reserved]
(8) 1,1-Dichloropropene
(9) 1,1-Dichloroethane
(10) 1,1,2,2-Tetrachloroethane
(11) 1,3-Dichloropropane
(12) Chloromethane
(13) Bromomethane
(14) 1,2,3-Trichloropropane
(15) 1,1,1,2-Tetrachloroethane
(16) Chloroethane
(17) 2,2-Dichloropropane
(18) o-Chlorotoluene
(19) p-Chlorotoluene
(20) Bromobenzene
(21) 1,3-Dichloropropene