

The Texas Natural Resource Conservation Commission (commission) proposes amendments to §§290.42, 290.44, 290.46, and 290.47 relating to the rules and regulations for public water supply systems.

The purpose of the proposed rules is to clarify the response of public water suppliers to drops in pressure in the water distribution system, and to correct typographical errors. The proposed amendment to §290.42(e)(4)(G) would correct the reference for exception guidelines from §290.39(h)(2) to §290.39(i). The proposed amendment to §290.44(c), Water Distribution, would correct a misspelled word. The proposed amendment to §290.46(j)(3)(E) would correct a typographical error by changing the minimum lead content of solder or flux from 0.02% to 0.2%. Only the referenced subsections are proposed for amendment.

The proposed amendment to §290.46(s) would clarify when a boil water notice to customers is required and specifies other responses to a drop in pressure in water distribution lines required of public water suppliers.

The proposed amendment to §290.47(H) would add an appendix that diagrams decisions and corrective action that a public water supply system must take in response to a drop in water distribution system pressure.

The commission is only soliciting comments on the proposed subsections.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that, for the first five years these sections as proposed are in effect, there will be no significant fiscal implications for state or

local government as a result of enforcing and administering the sections. Many public water systems potentially subject to these proposed sections are operated by local units of government. The effects on local governments are equivalent to those for any class of operator, whether public or private.

Mr. Minick has also determined that, for the first five years these sections as proposed are in effect, the public benefit anticipated as a result of enforcement of, and compliance with, the sections will be clarification of drinking water system operating regulations, more cost-effective regulation of public water supply quality and protection of public health and safety. The effects anticipated for public water system operators are a potential cost savings related to the proposed relaxation of existing customer notification requirements. The extent of cost savings will vary with each individual system and will depend on the nature and extent to which losses of water pressure below 20 pounds per square inch occur in the water distribution system. Potential cost savings for an individual utility are not anticipated to represent substantial operating cost reductions. The effects on small businesses operating as private utility providers will be similar to public utilities of equal size. There are no anticipated effects on other small businesses. There are no other anticipated costs to any person required to comply with these sections as proposed.

Written comments on the proposal should mention Rule Log No. 96132-290-WT and may be submitted to Lutrecia Oshoko, Texas Natural Resource Conservation Commission, Office of Policy and Regulatory Development, MC-205, P.O. Box 13087, Austin, Texas 78711-3087, (512)239-4640. Written comments must be received by 5:00 p.m. 30 days from the date of publication of this proposal in the Texas Register. For further information or questions concerning this proposal, please contact James Pope at 239-6020.

The amended sections are proposed under Texas Water Code, §5.103, which provides the commission the authority to adopt and enforce rules necessary to carry out its powers and duties under the laws of this state. The sections are also proposed under the Texas Health and Safety Code, Chapter 341, Subchapter C, which governs sanitary standards for drinking water, protection of public water supplies, and bodies of water.

No other statute or codes are affected by the proposed amendments.

RULES AND REGULATIONS FOR PUBLIC WATER SYSTEMS

The sections are proposed under Texas Water Code §5.103 which provide the Texas Natural Resource Conservation Commission (commission) with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and under Texas Health and Safety Code, Chapter 341, Subchapter C, which governs sanitary standards for drinking water, protection of public water supplies, and bodies of water.

§290.42. Water Treatment.

(a) - (d) (No change.)

(e) Disinfection.

(1) - (3) (No change.)

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

(A) - (F) (No change.)

(G) The use of disinfectants other than chlorine will be considered on a case-by-case basis under the exception guidelines of §290.39(i) [. (h)(2)] of this title (relating to General Provisions).

(5) - (11) No change.)

(f) - (j) (No change.)

§290.44. Water Distribution.

(a) - (b) (No change.)

(c) Minimum water line sizes. These are minimum requirements for domestic flows only and do not consider fire flows. These requirements should be exceeded when the registered professional engineer deems it necessary. It should be noted that the required sizes are based strictly on the number of customers to be served and not on the distances between connections or differences in elevation or the type of pipe. No new water line under two inches in diameter will be allowed to be installed in a public water system distribution system. These minimum line sizes do not apply to individual customer service lines. (Figure 1: 30 TAC §290.44 (c))

Figure 1: 30 TAC §290.44 (c)

Maximum Number of Connections	<u>Minimum</u> [Minimun] Line Size (inches)
10	2
25	2.5
50	3
100	4
150	5
250	6
>250	8 and larger

(d) - (i) (No change.)

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

(a) - (i) (No change.)

(j) Customer Service Inspections. Effective January 1, 1996, a customer service inspection certification shall be completed prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private plumbing facilities. See §290.47(d) of this title (relating to Appendices).

(1) - (2) (No change.)

(3) Copies of properly completed inspection certifications must be kept on file by the water purveyor and made available, upon request, for commission review. These certifications shall be retained for a minimum of ten years. If the suggested certification form (see Appendix D) is not used, the Inspection Certifications must minimally include the name and registration number of the inspector, the type of registration (Plumbing Inspectors, Water Supply Protection Specialists, Certified Operator, etc.), and be dated and signed. It must also certify that:

(A) - (D) (No change.)

(E) No solder or flux which contains more than 0.2% [0.02%] percent lead exists in private plumbing facilities installed on or after July 1, 1988.

(F) (No change.)

(4) (No change.)

(k) - (r) (No change.)

(s) Special Precautions. [Boil water notification.] In the event of low distribution pressures (below 20 psi), water outages, repeated unacceptable microbiological samples or failure to maintain adequate chlorine residuals, special precautions [a boil water notification] must be instituted by the water

system owner or responsible official. A flowchart has been provided to guide water system owners and operators in taking appropriate action in the above situations. This flowchart can be found in §290.47(h) of this title (relating to Appendices). If the flowchart indicates that a boil water notification is required, the [The] system must notify its customers within 24 hours using the prescribed notification format as specified in §290.47 (e) of this title (relating to Appendices). A copy of this notice shall be provided to the executive director. Bilingual notification may be appropriate based upon local demographics. Boil water notices shall remain in effect until water distribution pressures in excess of 20 psi can consistently be maintained, a minimum of 0.2 mg/l free chlorine residual or 0.5 mg/l chloramine residual (measured as total chlorine) is present throughout the system and water samples collected for microbiological analysis are found negative for coliform organisms. Once the above conditions are met, the customers must be notified in a manner similar to the original notice. [A copy of this notice shall be provided to the executive director.] Other protective measures may be required at the discretion of the executive director. [Line maintenance situations which effect only limited and localized segments of the distribution system are exempt from system-wide notification unless a significant public health risk is involved.]

(t) - (y) (No change.)

§290.47. Appendices.

(a) - (g) (No Change.)

(h) Appendix H. Special Precautions Flowchart. (Figure 1: 30 TAC §290.47 (h))

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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