

**SYNOPSIS OF
PROPOSED AMENDMENTS TO THE
RULES OF THE DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO SAFE DRINKING WATER, CHAPTER 391-3-5**

The Proposed Amendments revise **Chapter 391-3-5 Rules for Safe Drinking Water**.

Purpose of Amendment:

The primary purpose of the proposed rule amendments is to comply with the federal Safe Drinking Water Act establishing the minimum standards for the Long Term 2 Enhanced Surface Water Treatment Rule, Stage 2 Disinfectants and Disinfection Byproducts Rule, Groundwater Rule and Short Term Revisions to the Lead and Copper Rule. Other proposed rule amendments accomplish miscellaneous housekeeping changes, which include correcting typographical errors, numerical and alphabetical inconsistencies; and clarification of language and definitions. Noncompliance with the federal Safe Drinking Water Act would cause Georgia to lose primacy for implementing these nationally mandated programs. All the above federally mandated rules being proposed for adoption are consistent with the federal rules.

391-3-5-.02 Definitions – is proposed for amendment by adding 17 definitions to include vocabulary from New Rules.

391-3-5-.06 Source Water – is proposed for amendment by adding language to include 4-log treatment, which is 99.99% removal of *Cryptosporidium*, and is consistent with new Groundwater Rule, 391-3-5.54.

391-3-5-.15 Record Keeping – is proposed for amendment by adding language to broaden the range of records that must be kept on site.

391-3-5-.18 Maximum Contaminant Level – is proposed for amendment by changing language to be consistent with new Stage 2 Disinfectants and Disinfection Byproducts Rule, 391-3-5.53, and correcting grammatical errors.

391-3-5-.23 Sanitary Survey – is proposed for amendment by adding language to increase the frequency at which sanitary surveys must be performed.

391-3-5-.24 Total Trihalomethanes Sampling – is proposed for amendment by adding language to clarify requirements of new Stage 2 Disinfectants and Disinfection Byproducts Rule, 391-3-5.53 and correct grammatical and numbering errors.

391-3-5-.25 Lead and Copper Requirements – is proposed for amendment by adding language to clarify the purpose and use of short-term revisions in order to comply with federal regulations. These revisions address implementation issues with the existing rule, such as monitoring revisions of sampling number and timing clarifications, additional requirements for providing public information, advanced notification of treatment changes and source additions, and reevaluation of “tested-out” lead service lines. Also, there were a few changes to improve the rule grammatically.

391-3-5-.29 Certified Laboratory Requirements – is proposed for amendment by adding language to be consistent with the new Groundwater Rule, 391-3-5.54.

391-3-5-.32 Public Notification – is proposed for amendment by adding language to incorporate federal regulations by reference related to the new rules.

391-3-5-.52 Long Term 2 Enhanced Surface Water Treatment Rule – is a proposed amendment to adopt new federal regulations. The purpose of Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) is to reduce illness linked with the contaminant *Cryptosporidium* and other pathogenic microorganisms in drinking water. The Long Term 2 Enhanced Surface Water Treatment Rule will supplement existing regulations by targeting additional *Cryptosporidium* treatment requirements to higher risk systems. This rule also contains provisions to reduce risks from uncovered finished water reservoirs and provisions to ensure that systems maintain microbial protection when they take steps to decrease the formation of disinfection byproducts that result from chemical water treatment. Current regulations require filtered water systems to reduce source water *Cryptosporidium* levels by 2-log (99 percent). Recent data on *Cryptosporidium* infectivity and occurrence indicate that this treatment requirement is sufficient for most systems, but additional treatment is necessary for certain higher risk systems. These higher risk systems include filtered water systems with high levels of *Cryptosporidium* in their water sources and all unfiltered water systems, which do not treat for *Cryptosporidium*.

391-3-5-.53 Stage 2 Disinfectants and Disinfection Byproducts Rule – is a proposed amendment to adopt new federal regulations. The Stage 2 Disinfectants and Disinfection Byproducts Rule will reduce potential cancer and reproductive and developmental health risks from disinfection byproducts (DBPs) in drinking water, which form when disinfectants are used to control microbial pathogens. This final rule strengthens public health protection for customers by tightening compliance monitoring requirements for two groups of disinfection byproducts, trihalomethanes (TTHM) and haloacetic acids (HAA5). The rule targets systems with the greatest risk and builds incrementally on existing rules. This regulation will reduce disinfection byproduct exposure and related potential health risks and provide more equitable public health protection.

391-3-5-.54 Groundwater Rule – is a proposed amendment to adopt new federal regulations. The goal of the Groundwater Rule (GWR) is to provide increased protection against microbial pathogens, specifically bacterial and viral pathogens, in public water systems (PWSs) that use ground water. Instead of requiring disinfection for all ground water systems (GWSs), the Groundwater Rule establishes a risk-targeted approach to identifying ground water systems that are susceptible to fecal contamination. The Groundwater Rule requires systems at risk of microbial contamination to take corrective action to protect consumers from harmful bacteria and viruses. The Groundwater Rule applies to all public water systems that rely entirely on one or more ground water sources, or those consecutive systems receiving ground water, and those that mix surface and ground water, where ground water is added directly to the distribution system and delivered to consumers without treatment equivalent to the treatment provided for surface water.

STATEMENT OF RATIONALE

Rules for Safe Drinking Water, Chapter 391-3-5

Chapter 391-3-5, Rules for Safe Drinking Water establishes, pursuant to Official Code of Georgia Annotated (O.C.G.A.) Section 12-5-192, drinking water standards for the State of Georgia. The Georgia Rules for Safe Drinking Water under the Federal Safe Drinking Water Act ensure that Georgia's public water systems are operating properly to supply safe drinking water to citizens. The State of Georgia has been approved by Environmental Protection Agency as having primary enforcement responsibility (e.g. primacy) for public water systems. To maintain primacy the State of Georgia must adopt and adhere to new federal regulations. In compliance with the federal requirements, EPD is proposing to amend nine (9) rules and add three (3) new rules to the Georgia Rules for Safe Drinking Water. As a result of new federal requirements we propose major revisions to our Lead and Copper Rule, a new Surface Water Rule, a new Disinfection Byproducts Rule, a new Groundwater Rule, and a few minor revisions to incorporate these new rules or make grammatical corrections.

These modifications and new rules further protect public health by:

- Protect the public from lead poisoning, by putting more emphasis on its effects on early childhood development and pregnant women
- Protect drinking water supplies by controlling microbial contaminants like *Cryptosporidium* in surface water
- protect against damage to reproductive health, nervous system damage and cancer linked to disinfection byproducts, which are produced when chlorine reacts with the organic compounds naturally found in water
- protect against fecal contamination in groundwater

The proposed revisions described above are not expected to result in significant additional costs to the Department of Natural Resources. Failure to adopt these new rules, on the other hand, may result in the loss of primacy as granted by Environmental Protection Agency and insufficient protection of drinking water quality. The proposed revisions are not more restrictive than Federal regulations, and do not incur any additional costs to any regulated entities in Georgia beyond what would be required by Federal agencies.