

Notice of Rulemaking Hearing
Department of Environment and Conservation
Division of Water Supply

There will be a public rulemaking hearing before the Tennessee Department of Environment and Conservation, Division of Water Supply, acting on behalf of the Tennessee Water Quality Control Board to receive comments concerning amendments to Rule Chapter 1200-05-01 Public Water Systems pursuant to Tennessee Code Annotated (TCA) 68-221-701 et seq. Tennessee Safe Drinking Water Act. A hearing will be held at the TDEC Fleming Training Center in Murfreesboro, Tennessee at 2022 Blanton Drive at 10 am CST on October 14, 2008 as well as at the large conference room of the TDEC Offices, 1625 Hollywood Drive in Jackson, Tennessee on October 15, 2008 at 10 am CST and at the conference room of the TDEC Offices, 3711 Middlebrook Pike in Knoxville, Tennessee at 10 am EST on October 16, 2008. Additional written comments must be received by the Division of Water Supply at the accompanying address by 4:30pm CST on October 24, 2008 in order to assure consideration:

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For a copy of the entire text of this notice of rulemaking hearing contact Tom Moss, at Division of Water Supply, 401 Church Street, Nashville TN 37243-1549; (615) 532-0191 or call the nearest field office of the Department of Environment and Conservation, Division of Water Supply at 1-888-891-8332. The text of the rules may also be downloaded from the Department's website at <http://www.state.tn.us/environment/dws>.

Individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be made in person, by writing, telephone, or other means and should be made no less than ten days prior to the (scheduled meeting date) (or the date such party intends to review such filings), to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation, American Disabilities Act (ADA) Coordinator at 1-866-253-5827 (toll free) or 1-615-532-0200 (Nashville) for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

The proposed amendments were drafted for the 1200-05-01-.33 Control of Lead and Copper based on the new federal rule requirements contained in 40 CFR 141.80 – 141.91. There is a proposed change to the requirement for duplicate disinfection under Rule 1200-05-01-.17(11) Operation and Maintenance Requirements to limit the duplicate disinfection requirement pertaining to noncommunity systems such that only those that have demonstrated problems with maintaining disinfection must meet the requirement. There is also a proposed change under Rule 1200-05-01-.36(10) Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors to require wholesale systems to meet levels of 0.048 mg/l total trihalomethanes (TTHM) and 0.036 mg/l haloacetic acids (HAA5) to demonstrate enhanced coagulation where consecutive systems are not meeting the MCLs for TTHM or HAA5.

Substance of the Proposed Rules
Amendments

Chapter 1200-05-01
Public Water Systems

Part 1 of subparagraph (d) of paragraph (10) of Rule 1200-05-01-.14 Laboratory Certification is amended by deleting the rule cite of "Rule 1200-05-01-.33(9)(a)1(iii)" and replacing it with "Rule 1200-05-01-.33(9)(a)1(iv)" such that as amended the part shall read:

1. Laboratories must achieve a method detection limit for lead of 0.001 mg/l according to the procedures in appendix B of part 136 of 40 CFR. This need only be accomplished if the laboratory will be processing source water composite samples under Rule 1200-05-01-.33(9)(a)1(iv).

Authority: T.C.A. §§68-221-704 and 4-5-202.

Paragraph (11) of Rule 1200-05-01-.17 Operation and Maintenance Requirements is amended by deleting the word “all” at the beginning sentence of the second paragraph, replacing it with the word “community” and adding the ending sentence “Noncommunity systems which use a hypochlorinator and show deficiencies in the disinfection process shall also be required to have duplicate disinfection units” so that, as amended, Paragraph (11) shall read as follows:

- (11) All community public water systems serving more than 50 connections and which have their own source of water shall be required to install, operate and maintain duplicate disinfection equipment. Duplicate disinfection equipment means at least two chlorine cylinders connected to at least two chlorinators. Each set of chlorine cylinders consists of one or more cylinders which may be connected together by an automatic switchover valve. The two sets of chlorine cylinders may tee in to a common feed line leading to the chlorinators, but may not be connected together by an automatic switchover valve. The two sets of chlorine cylinders must be weighed independently and operated simultaneously. At least two chlorinators must be operated at all times with each feeding a part of the required dosage. The chlorinators may discharge to a common manifold piping network to allow multiple injection points. Facilities may be exempt from simultaneously operating duplicate disinfection equipment if the facility has a reliable chlorine residual analyzer with an alarm notifying a manned control center capable of immediately shutting down the treatment facility. Facilities, which are staffed during the time water is treated, can use one set of chlorine cylinders with the automatic switchover device provided the free chlorine residual is checked at the facility every two hours. A reliable free chlorine residual analyzer with an alarm system to a manned control center may be used for unmanned facilities that desire to use one set of chlorine cylinders with the automatic switchover device.

Community public water systems which use a hypochlorinator shall be required to have two solution pumps, two tanks for bleach solution and operate both units at the same time. Noncommunity systems which use a hypochlorinator and show deficiencies in the disinfection process shall also be required to have duplicate disinfection units.

Authority: T.C.A. §§68-221-704 and 4-5-202.

Subparagraph (a) of paragraph (1) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting the phrase “and effective dates” such that as amended the subparagraph shall read:

- (a) Applicability

Part 2 of subparagraph (a) of paragraph (1) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and reserving it such that as amended the part shall read:

2. Reserved

Part 3 of subparagraph (c) of paragraph (1) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by the addition of subpart (v) such that the subpart shall read:

- (v) For a public water system that has been allowed by the State to collect fewer than five samples in accordance with subparagraph (7)(c) of this Rule, the sample result with the highest concentration is considered the 90th percentile value.

Subparagraph (g) of paragraph (1) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and substituting the following in its place such that as amended the subparagraph shall read:

- (g) Public education requirements. Pursuant to paragraph (6) of this Rule, all water systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested. Any system exceeding the lead action level shall implement the public education requirements set forth in paragraph (6) of this Rule.

Subpart (iii) of part 3 of subparagraph (b) of paragraph (2) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and substituting the following in its place such that as amended the subpart shall read:

- (iii) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the State in writing pursuant to subparagraph (11)(a) of this Rule of any upcoming long term change in treatment or addition of a new source as described in this Rule. The State must review and approve the addition of a new source or long term change in water treatment before it is implemented by the water systems. The State may require any such system to conduct additional monitoring or to take other action the State deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.

Part 1 of subparagraph (e) of paragraph (2) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by inserting the phrase “the end of the monitoring period during which” after the phrase “within six months after” in the second sentence such that as amended the part shall read:

1. Step 1: The system shall conduct initial tap sampling until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring under 1200-05-01-.33(7)(d)4. A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment [1200-05-01-.33(3)(a)] within six months after the end of the monitoring period during which it exceeds one of the action levels; and

Part 2 of subparagraph (e) of paragraph (2) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by inserting the phrase “the end of the monitoring period during which” after the phrase “Within 12 months after” in the first sentence such that as amended the part shall read:

2. Step 2: Within 12 months after the end of the monitoring period during which a system exceeds the lead or copper action level, the State may require the system to perform corrosion control studies [1200-05-01-.33(3)(b)]. If the State does not require the system to perform such studies, the State shall specify optimal corrosion treatment pursuant to 1200-05-01-.33(3)(d) within the following timeframes:

Subpart (i) of part 2 of subparagraph (e) of paragraph (2) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by inserting the phrase “the end of the monitoring period during which” after the phrase “within 18 months after” such that as amended the subpart shall read:

- (i) for medium-size systems, within 18 months after the end of the monitoring period during which such system exceeds the lead or copper action level; and

Subpart (i) of part 2 of subparagraph (e) of paragraph (2) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by inserting the phrase “the end of the monitoring period during which” after the phrase “within 24 months after” such that as amended the subpart shall read:

- (ii) for small systems, within 24 months after the end of the monitoring period during which such system exceeds the lead or copper action level.

Part 1 of subparagraph (a) of paragraph (4) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting the rest of the sentence after the word "State" and replacing it with the phrase "not later than 180 days after the end of the monitoring period during which the lead or copper action level was exceeded" such that as amended the part shall read:

- 1. Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring and make a treatment recommendation to the State not later than 180 days after the end of the monitoring period during which the lead or copper action level was exceeded.

Subparagraph (b) paragraph (4) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by adding part 7 such that as amended the part shall read:

- 7. Treatment decisions by EPA in lieu of the State. The EPA Regional Administrator may review treatment determinations made by a State under subparagraph (4)(b), parts 2, 4, or 6 of this Rule and issue Federal treatment determinations consistent with the requirements of those paragraphs where the Administrator finds that:
 - (i) The State has failed to issue a treatment determination by the applicable deadlines contained in subparagraph (4)(a) of this Rule,
 - (ii) The state has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or
 - (iii) The technical aspects of a State's determination would be indefensible in an expected Federal enforcement action taken against a system.

Subparagraph (b) of paragraph (5) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting the last sentence and replacing it with the following sentence "The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded in subparagraph (a) of this paragraph" such that, as amended the subparagraph shall read:

- (b) A water system shall replace annually at least 7 percent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system, including an identification of the portion(s) owned by the system, based on a materials evaluation, including the evaluation required under 1200-05-01-.33(7)(a) and relevant legal authorities (e.g., contracts, local ordinances) regarding the portion owned by the system. The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded in subparagraph (a) of this paragraph.

Subparagraph (b) paragraph (5) of Rule 1200-05-01-.33 Control of Lead and Copper is further amended by the addition of parts 1 and 2 such that parts 1 and 2 shall read:

- 1. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs. If the State has established an alternate monitoring period, then the end of the monitoring period will be the last day of that period.

2. Any water system resuming a lead service line replacement program after the cessation of its lead service line replacement program as allowed by subparagraph (f) of this paragraph shall update its inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under subparagraph (c) of this paragraph. The system will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (7 percent lead service line replacement is based on a 15-year replacement program, so, for example, systems resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by 13). For those systems that have completed a 15-year lead service line replacement program, the State will determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the system re-exceeds the action level.

Paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting the paragraph and replacing it with the following such that as amended the paragraph shall read:

- (6) Public education and supplemental monitoring requirements.

All water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in subparagraph (d) of this paragraph. A water system that exceeds the lead action level based on tap water samples collected in accordance with 1200-05-01-.33(7) shall deliver to its customers the public education materials contained in subparagraph (a) of this paragraph in accordance with the requirements of subparagraph (c) of this paragraph. Water systems that exceed the lead action level must sample the tap water of any customer who requests it in accordance with subparagraph (d) of this paragraph.

Part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the part shall read:

1. Community water systems and Non-transient non-community water systems. Water systems must include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed below. In addition, language in subparts (a)1(i) through (ii) and (a)1(vi) of this part must be included in the materials, exactly as written, except for the text in brackets in these subparts for which the water system must include system-specific information. Any additional information presented by a 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 State prior to delivery. The State may require the system to obtain approval of the content of written public materials prior to delivery.

Subpart (i) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the subpart shall read:

- (i) 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.

Subpart (ii) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the subpart shall read:

- (ii) 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.

Subpart (iii) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the subpart shall read:

(iii) Sources of Lead

Item (I) of subpart (iii) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the item shall read:

- (I) Explain what lead is.

Item (II) of subpart (iii) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the item shall read:

- (II) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home/building plumbing materials and service lines that contain lead.

Item (III) of subpart (iii) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the item shall read:

- (III) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).

Subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the subpart shall read:

- (iv) Discuss the steps the consumer can take to reduce their exposure to lead in drinking water.

Item (I) of subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the item shall read:

- (I) Encourage running the water to flush out the lead.

Item (II) of subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended, the item shall read:

- (II) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

Item (III) of subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended, the item shall read:

- (III) Explain that boiling water does not reduce lead levels.

Item (IV) of subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended, the item shall read:

- (IV) Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.

Item (V) of subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by inserting "Suggest that parents have their child's blood tested for lead" at the beginning of the item such that as amended, the item shall read:

- (V) Suggest that parents have their child's blood tested for lead. The following is a list of some State approved laboratories in your area that you can call to have your water tested for lead. [Insert names and phone numbers of at least two laboratories].

Part 1 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Rule 1200-05-01-.33 Control of Lead and Copper is further amended by the addition of subpart (v) and (vii) such that as amended the subparts shall read:

- (v) 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/buildings in this area.
- (vi) For more information call us at [Insert Your Number] [(If Applicable), or visit our Web site at [Insert Your Web Site Here]]. For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's Web site at <http://www.epa.gov/lead> or contact your health care provider.

Part 2 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

2. Community water systems. In addition to including the elements specified in subparagraph (a)(1) of this paragraph, community water systems must:

Subpart (i) of part 2 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

- (i) Tell consumers how to get their water tested.

Subpart (ii) of part 2 of subparagraph (a) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended the subpart shall read:

- (ii) Discuss lead in plumbing components and the difference between low lead and lead free.

Subparagraph (b) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and reserving it such that as amended the subparagraph shall read:

- (b) Reserved

Subparagraph (c) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subparagraph shall read:

- (c) Delivery of public education materials.

Part 1 of subparagraph (c) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

1. For public water systems serving a large proportion of non-English speaking consumers, as determined by the State, 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.

Part 2 of subparagraph (c) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

2. A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with 1200-05-01-.33(7), and that is not already conducting public education tasks under this subparagraph, must conduct the public education tasks under this paragraph within 60 days after the end of the monitoring period in which the exceedence occurred:

Subpart (i) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

- (i) Deliver printed materials meeting the content requirements of subparagraph (a) of this paragraph to all bill paying customers.

Subpart (ii) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and further amended with the addition of the following new item (I) such that as amended the subpart shall read:

- (ii) (I) Contact customers who are most at risk by delivering education materials that meet the content requirements of paragraph (a) of this section 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 water 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 education materials that meet the content requirements of subparagraph (a) of this paragraph to all organizations on the provided lists.

Subpart (ii) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is further amended with the addition of the following new item (II) and subitems I through VI such that as amended the item shall read:

- (II) Contact customers who are most at risk by delivering materials that meet the content requirements of subparagraph (a) of this paragraph to the following organizations listed in subitems I through VI 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.
 - VI. Local welfare agencies.

Subpart (ii) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is further amended with the addition of the following new item (III) and subitems I through III such that as amended the item shall read:

- (III) Make a good faith effort to locate the following organizations within the service area and deliver materials that meet the content requirements of subparagraph (a) of this paragraph 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.
 - III. Obstetricians-Gynecologists and Midwives.

Subpart (iii) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended the subpart shall read:

- (iii) No less often than quarterly, 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] [or visit (Insert Your Website Here)]. The message or delivery mechanism can be modified in consultation with the State; specifically, the State may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

Subpart (iv) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended the subpart shall read:

- (iv) Post material meeting the content requirements of paragraph (a) of this section on the water system's Web site if the system serves a population greater than 100,000.

Part 2 of subparagraph (c) of paragraph (6) of Rule 1200-05-01--.33 Control of Lead and Copper is further amended by the addition of subparts (v), (vii) and (viii) and associated items such that the subparts shall read:

- (v) Submit a press release to newspaper, television and radio stations.
- (vi) In addition to subparts (i) through (v) of this part, systems must implement at least three activities from one or more categories listed below. The educational content and selection of these activities must be determined in consultation with the State.
 - (I) Public Service Announcements.
 - (II) Paid advertisements.
 - (III) Public Area Informational 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.
 - (IX) Other methods approved by the State.
- (vii) 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 State has established an alternate monitoring period, the last day of that period.

Part 3 of subparagraph (c) of paragraph (6) of Rule 1200-05-01--.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part and addition of subparts (i) through (iv) shall read:

3. As long as a community water system exceeds the action level, it must repeat the activities pursuant to part 2 of this subparagraph as described in subparts (i) through (iv) of this part.
 - (i) A community water system shall repeat the tasks contained in subparts 2(i), (ii) and (vi) of this subparagraph every 12 months.
 - (ii) A community water system shall repeat tasks contained in subpart 2(iii) of this subparagraph with each billing cycle.
 - (iii) A community water system serving a population greater than 100,000 shall post and retain material on a publicly accessible Web site pursuant to subpart 2(iv) of this subparagraph.
 - (iv) The community water system shall repeat the task in subpart 2(v) of this subparagraph twice every 12 months on a schedule agreed upon with the State. The State can allow activities in part 2 of this subparagraph to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the State in advance of the 60-day deadline.

Part 4 of subparagraph (c) of paragraph (6) of Rule 1200-05-01--.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

4. Within 60 days after the end of the monitoring period in which the exceedance occurred (unless it already is repeating public education tasks pursuant to part 5 of this subparagraph), a non-transient noncommunity water system shall deliver the public education materials specified by subparagraph (a) of this paragraph as follows:

Part 4 of subparagraph (c) of paragraph (6) of Rule 1200-05-01--.33 Control of Lead and Copper is further amended by the addition of new subpart (iii) such that as amended the subpart shall read:

- (iii) 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 State has established an alternate monitoring period, the last day of that period.

Part 5 of subparagraph (c) of paragraph (6) of Rule 1200-05-01--.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

5. A non-transient non-community water system shall repeat the tasks contained in part 4 of this subparagraph at least once during each calendar year in which the system exceeds the lead action level. The State can allow activities in part (4) of this subparagraph to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the State in advance of the 60-day deadline.

Part 7 of subparagraph (c) of paragraph (6) of Rule 1200-05-01--.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

7. A community water system may apply to the State, in writing, (unless the State has waived the requirement for prior State approval) to use the text specified in part (a)1 of this paragraph in lieu of the text in parts (a)1 and (a)2 of this paragraph and to perform the tasks listed in parts 4 and 5 of this subparagraph in lieu of the tasks in parts 2 and 3 of this subparagraph if:

Part 8 of subparagraph (c) of paragraph (6) of Rule 1200-05-01--.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended the part shall read:

8. A community water system serving 3,300 or fewer people may limit certain aspects of their public education programs as follows:
 - (i) With respect to the requirements of subpart 2(vi) of this subparagraph, a system serving 3,300 or fewer must implement at least one of the activities listed in that subpart.
 - (ii) With respect to the requirements of subpart 2(ii) of this subparagraph, a system serving 3,300 or fewer people may limit the distribution of the public education materials required under that paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.
 - (iii) With respect to the requirements of subpart 2(v) of this subparagraph, the State may waive this requirement for systems serving 3,300 or fewer persons as long as system distributes notices to every household served by the system.

Paragraph (6) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by the addition of subparagraph (e) such that the subparagraph shall read:

- (e) Notification of results.
 1. Reporting requirement. All water systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of paragraph (7) of this Rule to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).
 2. Timing of notification. A water system must provide the consumer notice as soon as practical, but no later than 30 days after the system learns of the tap monitoring results.
 3. Content. The consumer notice must include the results of lead tap water monitoring 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 Rule 1200-05-01-.35.
 4. Delivery. 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 State. For example, upon approval by the State, a non-transient non-community water system could 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.

Subparagraph (c) of paragraph (7) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting the sentence which starts with the phrase "A system conducting" and replacing it with the following such that as amended the subparagraph shall read:

- (c) Number of samples. Water systems shall collect at least one sample during each monitoring period specified in subparagraph (d) of this paragraph from the number of sites listed in the first column ("standard monitoring") of the table in this subparagraph. A system conducting reduced monitoring under part (d)4 of this paragraph only shall collect at least one sample from the number of sites specified in the second column ("reduced monitoring") of the table in this paragraph during each monitoring period specified in part (d)4 of this paragraph. Such reduced monitoring sites shall be representative of the sites required for standard monitoring. A public water system that has fewer than five drinking water taps, that can be used for human consumption meeting the sample site criteria of subparagraph (a) of this paragraph to reach the required number of sample sites listed in this subparagraph, must collect at least one sample from each tap and then must collect additional samples from those taps on different days during the monitoring period to meet the required number of sites. Alternatively, the State may allow these public water systems to collect a number of samples less than the number of sites specified in this subparagraph, provided that 100 percent of all taps that can be used for human consumption are sampled. The State must approve this reduction of the minimum number of samples in writing based on a request from the system or onsite verification by the State. States may specify sampling locations when a system is conducting reduced monitoring. The table is as follows:

Subpart (i) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by placing the language "A small or medium water system collecting fewer than five samples as specified in subparagraph (c) of this paragraph, that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period" at the end of the existing subpart such that as amended the subpart shall read:

- (i) A small or medium-size water system that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subparagraph (c) of this paragraph and reduce the frequency of sampling to once per year. A small or medium water system collecting fewer than five samples as specified in subparagraph (c) of this paragraph, that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

Subpart (ii) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

- (ii) Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the State under subparagraph (3)(f) of this Rule during each of two consecutive six-

month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with subparagraph (c) of this paragraph if it receives written approval from the State. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. The State shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with paragraph (11) of this Rule, and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The State shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

Subpart (iii) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

- (iii) A small or medium-size water system 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. Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the State under subparagraph (3)(f) of this Rule during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if it receives written approval from the State. Samples collected once every three years shall be collected no later than every third calendar year. The State shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with subparagraph (11) of this Rule, and shall notify the system in writing when it determines the system is eligible to reduce the frequency of monitoring to once every three years. The State shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

Item (I) of subpart (iv) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by adding the sentence "This sampling shall begin during the period approved or designated by the State 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 triennial monitoring" at the end of the existing item such that as amended the item shall read:

- (I) The State, at its discretion, may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. 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 non-transient non-community 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 State shall designate a period that represents a time of normal operation for the system. This sampling shall begin during the period approved or designated by the State 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 triennial monitoring.

Item (II) of subpart (vi) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the item shall read:

- (II) Any water system subject to the reduced monitoring frequency that fails to meet the lead action level during any four-month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the State under subparagraph (3)(f) of this Rule for more than nine days in any six-month period specified in subparagraph (8)(d) of this Rule shall conduct tap water sampling for lead and copper at the frequency specified in part 3 of this subparagraph, collect the number of samples specified for standard monitoring under subparagraph (c) of this paragraph, and shall resume monitoring for water quality parameters within the distribution system in accordance with subparagraph (8)(d) of this Rule. This standard tap water sampling shall begin no later than the six-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

Subitem I of Item (II) of subpart (vi) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by adding the sentence "This sampling shall begin during the calendar year immediately following the end of the second consecutive six month monitoring period" at the end of the existing subitem such that as amended the subitem shall read:

- I. The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subparagraph (c) of this paragraph after it has completed two subsequent six-month rounds of monitoring that meet the criteria of subpart (ii) of this part and the system has received written approval from the State that it is appropriate to resume reduced monitoring on an annual frequency. This sampling shall begin during the calendar year immediately following the end of the second consecutive six month monitoring period.

Subpart (vii) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended it shall read:

- (vii) Any water system subject to a reduced monitoring frequency under part 4 of this subparagraph shall notify the State in writing in accordance with part 3 of this Rule of any upcoming long term change in treatment or addition of a new source as described in that paragraph. The State must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The State may require the system to resume sampling in accordance with part 3 of this subparagraph and collect the number of samples specified for standard monitoring under subparagraph (c) of this paragraph or take other appropriate steps such as increased water quality parameter monitoring or reevaluation of its corrosion control treatment given the potentially different water quality considerations.

Subpart (i) of part 4 of subparagraph (g) of paragraph (7) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

- (i) A system with a full waiver must conduct tap water monitoring for lead and copper in accordance with subparagraph (d)4(iv) of this paragraph at the reduced number of sampling sites identified in subparagraph (c) of this paragraph at least once every nine years and provide the materials certification specified in part 1 of this subparagraph for both lead and copper to the State along with the monitoring results. Samples collected every nine years shall be collected no later than every ninth calendar year.

Subpart (iii) of part 4 of subparagraph (g) of paragraph (7) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

- (iii) Any water system with a full or partial waiver shall notify the State in writing in accordance with part (11)(a)3 of this Rule of any upcoming long-term change in treatment or addition of a new source, as described in that paragraph. The State must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The State has the authority to require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

Subparagraph (d) of paragraph (8) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subparagraph shall read:

- (d) Monitoring after State specifies water quality parameter values for optimal corrosion control. After the State specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under paragraph (3)(f) of this Rule, all large systems shall measure the applicable water quality parameters in accordance with subparagraph (c) of this paragraph and determine compliance with the requirements of paragraph (3)(g) of this Rule every six months with the first six-month period to begin either January 1 or July 1, whichever comes first, after the State specifies the optimal values under paragraph (3)(f) of this Rule. Any small or medium-size system shall conduct such monitoring during each six-month period specified in this subparagraph in which the system exceeds the lead or

copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to paragraph (7)(d)4 of this Rule at the time of the action level exceedance, the start of the applicable six-month period under this subparagraph shall coincide with the start of the applicable monitoring period under paragraph (7)(d)4 of this Rule. Compliance with State-designated optimal water quality parameter values shall be determined as specified under paragraph (3)(g) of this Rule.

Subpart (i) of part 2 of subparagraph (e) of paragraph (8) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended such that as amended the subpart shall read:

- (i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the state under subparagraph (3)(f) of this Rule during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in part 1 of this subparagraph from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for water quality parameters reflecting optimal corrosion control treatment specified by the state under subparagraph (3)(f) of this Rule during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in part 1 of this subparagraph from annually to every three years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.

Subpart (ii) of part 2 of subparagraph (e) of paragraph (8) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

- (ii) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in part 1 of this subparagraph to every three years if it demonstrates during two consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in subpart (10)(a)1(ii) of this Rule, that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in part (1)(c)2 of this Rule, and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under subparagraph (3)(f) of this Rule. Monitoring conducted every three years shall be done no later than every third calendar year.

Subparagraph (b) of paragraph (9) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended the subparagraph shall read:

- (b) Monitoring frequency after system exceeds tap water action level. Any system which exceeds the lead or copper action level at the tap shall collect one source water sample from each entry point to the distribution system no later than six months

after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the State has established an alternate monitoring period, the last day of that period.

Subpart (i) of part 1 of subparagraph (d) of paragraph (9) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

- (i) A water system using only groundwater shall collect samples once during the three-year compliance period in effect when the applicable State determination under part 1 of this subparagraph is made. Such systems shall collect samples once during each subsequent monitoring period. Triennial samples shall be collected every third calendar year.

Subpart (ii) of part 1 of subparagraph (d) of paragraph (9) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

- (ii) A water system using surface water (or a combination of surface water and ground water) shall collect samples once during each year, the first annual monitoring period to begin during the year in which the applicable State determination is made under part 1 of this subparagraph.

Part 1 of subparagraph (e) of paragraph (9) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by adding the phrase “provided that the samples are collected no later than every ninth calendar year and” after the phrase “compliance cycle” such that as amended the part shall read:

- 1. A water system using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:

Part 2 of subparagraph (e) of paragraph (9) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting the term “subparagraph” and replacing it with “part” and by adding the phrase “provided that the samples are collected no later than every ninth calendar year and” after the phrase “compliance cycle” such that as amended the part shall read:

- 2. A water system using surface water (or a combination of surface water and ground water) may reduce the monitoring frequency in part (d)1 of this paragraph to once during each nine-year compliance cycle provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:

Part 1 of subparagraph (a) of paragraph (11) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

- 1. Except as provided in subpart (viii) of this part, a water system shall report the information specified below for all tap water samples specified in paragraph (7) of this Rule and for all water quality parameter samples specified in paragraph (8) of this Rule within the first 10 days following the end of each applicable monitoring period specified in paragraphs (7) and (8) of this Rule (i.e., every six months, annually, every 3 years, or every 9

years). 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 as specified in paragraphs (7) and (8) of this Rule.

Part 3 of subparagraph (a) of paragraph (11) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

3. At a time specified by the State, or if no specific time is designated by the State, then as early as possible prior to the addition of a new source or any change in water treatment, a water system deemed to have optimized corrosion control under part (2)(b)3 of this Rule, a water system subject to reduced monitoring pursuant to part (7)(d)4 of this Rule, or a water system subject to a monitoring waiver pursuant to subparagraph (7)(g) of this Rule, shall submit written documentation to the State describing the change or addition. The State must review and approve the addition of a new source or long-term change in treatment before it is implemented by the water system. 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 (e.g., alum to ferric chloride), and switching corrosion inhibitor products (e.g., 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.

Part 1 of subparagraph (e) of paragraph (11) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

1. No later than 12 months after the end of the monitoring period in which a system exceeds the lead action level in sampling referred to in subparagraph (5)(a) of this Rule, the system must submit written documentation to the State of the material evaluation conducted as required in subparagraph (7)(a) of this Rule, identify the initial number of lead service lines in its distribution system at the time the system exceeds the lead action level and provide the system's schedule for annually replacing at least 7 percent of the initial number of lead service lines in its distribution system.

Part 2 of subparagraph (e) of paragraph (11) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

2. No later than 12 months after the end of the monitoring period in which a system exceeds the lead action level in sampling pursuant to subparagraph (5)(a) of this Rule, and every 12 months thereafter, the system shall demonstrate to the State in writing that the system has either:

Subpart (ii) of part 2 of subparagraph (e) of paragraph (11) of Rule 1200-05-01-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

- (ii) Conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to part (7)(b)3 of this Rule is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which meet the criteria in subparagraph (5)(c) of this Rule shall equal at least 7 percent of the initial number of lead lines identified under part 1 of

this subparagraph (or the percentage specified by the State under subparagraph (5)(e) of this Rule).

Subparagraph (f) of paragraph (11) of Rule 1200-05-01-.33 Control of Lead and Copper is amended with the addition of part 3 such that the part shall read:

3. No later than 3 months following the end of the monitoring period, each system must mail a sample copy of the consumer notification of tap results to the State along with a certification that the notification has been distributed in a manner consistent with the requirements of subparagraph (6)(e) of this Rule.

Authority: T.C.A. §§68-221-704 and 4-5-202.

Subparagraph (d) of paragraph (4) of Rule 1200-05-01-.35 Consumer Confidence Reports is amended by deleting it and replacing it with the following such that as amended the subparagraph shall read:

- (d) Every report must include the following lead-specific information:

Part 1 of subparagraph (d) of paragraph (4) of Rule 1200-05-01-.35 Consumer Confidence Reports is amended by deleting it and replacing it with the following such that as amended the subparagraph shall read:

1. A short informational statement about lead in drinking water and its effects on children. The statement must include the following information:

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 2 minutes before using the 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>.

Part 2 of subparagraph (d) of paragraph (4) of Rule 1200-05-01-.35 Consumer Confidence Reports is amended by inserting deleting it and replacing it with the following such that as amended the part shall read:

2. A system may write its own educational statement, but only in consultation with the State.

Authority: T.C.A. §§68-221-704 and 4-5-202.

Rule 1200-05-01-.36 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors is amended by adding paragraph (10) such that the new paragraph shall read:

- (10) For the purposes of determining enhanced coagulation notwithstanding the provisions of paragraph (9) of this Rule, parent systems designated by the department that routinely sell water to consecutive systems with MCL violations for TTHM or HAA5 shall meet 0.048 mg/L TTHM and 0.036 mg/L HAA5 at the entry point and master meter for the consecutive system in order to demonstrate enhanced coagulation.

Authority: T.C.A. §§68-221-704 and 4-5-202.

The notice of rulemaking set out herein was properly filed in the Department of State on the 20th day of August, 2008. (FS 08-14-08; DBID 899)