

TITLE 64
LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 3
PUBLIC WATER SYSTEMS

MODIFIED PROPOSED RULE
AFTER REVIEW BY THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TITLE 64
LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

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64CSR3

TITLE 64
LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF THE SECRETARY OF STATE

FILED
DEC 26 2 23 PM '98

SERIES 3
PUBLIC WATER SYSTEMS

§64-3-1. General.

1.1. Scope - This legislative rule establishes State standards and procedures and adopts national drinking water standards for public water systems. It establishes standards for the production and distribution of bottled drinking water, and also adopts federal standards for the certification of laboratories performing analyses of drinking water.

1.2. Authority - W.Va. Code §16-1-9a and 16-1-7.

1.3. Filing Date -

1.4. Effective Date -

~~1.5. Supersession or Repeal of Former Regulations - This rule amends and reenacts Public Water Systems, West Virginia Administrative Rules, Division of Health, 64 CSR 3, 1994.~~

§64-3-2. Application and Enforcement.

2.1. Application - This rule applies to public drinking water systems, to bottled water treatment plants and distributors and to laboratories desiring certification to perform analytic tests of drinking water.

2.2. Enforcement - This rule is enforced by the director of the division of health.

§64-3-3. Definitions.

3.1. Bottled Water - Any natural or artificial mineral, spring, well, distilled or other water bottled or containerized for use primarily as drinking water.

3.2. Bottled Water Distributor - A person who buys and sells bottled water on a wholesale basis.

3.3. Community Water System - A public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

3.4. Director - Director of the division of health or his or her designee.

3.5. Non-Community Water System - Any public water system that is not a community water system.

3.6. Person - Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency or any other entity recognized by law.

3.7. Public Water System -

3.7.a. Any water system or water supply which regularly supplies or offers to supply, piped water to the public for human consumption, if serving at least an average of twenty-five (25) individuals per day for at least sixty (60) days per year, or which has at least fifteen (15) service connections and includes:

~~(1)~~ 3.7.a.1. Any collection, treatment, storage, and distribution facilities under the control of the owner or operator of the system and used primarily in connection with the system; and

~~(2)~~ 3.7.a.2. Any collection or pretreatment storage facilities not under ~~such~~ the control of the owner or operator of the system which are used primarily in connection with the system.

3.7.b. A public water system does not include a system: ~~which meets all of the following conditions:~~

~~(1)~~ 3.7.b.1. Which consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

~~(2) 3.7.b.2.~~ Which obtains all of its water from, but is not owned or operated by, a public water system; ~~which otherwise meets the definition;~~

~~(3) 3.7.b.3.~~ Which does not sell water to any person; and

~~(4) 3.7.b.4.~~ Which is not a carrier conveying passengers in interstate commerce.

3.8. Sanitary Survey - An on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of the source, design, facilities, equipment, operation and maintenance for producing and distributing drinking water, as described in the federal regulations adopted in this rule.

§64-3-4. Public Water System Construction, Alteration or Renovation; Standards; Exceptions.

4.1. No person may construct, alter, renovate or award a contract for any construction, alteration or renovation of a public water system without obtaining a permit from the director.

~~4.2. Application for a permit to construct, alter or renovate shall be made to the director on forms prescribed by the director at least forty five (45) days prior to the date on which approval by the director is desired.~~ At least forty-five (45) days prior to the date on which approval by the director is desired, a person proposing to construct, alter or renovate shall submit a permit application to the director. The director shall prescribe the permit application forms. The application shall be accompanied by an engineering report, maps, and detailed plans and specifications of the proposed construction, alteration or renovation prepared by or under the direction of a registered professional engineer.

4.3. A permit to construct, alter or renovate may be revoked by the director for failure of the public water system to comply with this rule.

4.4. A permit to construct, alter or renovate is valid for two (2) years from the date of issuance.

4.5. The public water system shall be constructed, altered or renovated in accordance with the plans and specifications approved by the director in accordance with ~~Design Standards for Public Water Supply Systems, West Virginia Administrative Rules, Division of Health, 64 CSR 42~~ the division of health rule "Design Standards for Public Water Supply Systems," 64CSR42.

4.6. To the extent practical, all new or expanded facilities shall be located outside of the one-hundred-year flood plain.

4.7. The director ~~has the authority to~~ may issue an order requiring a change in the source of the water supply for the system or in the manner of collection, treatment, storage, or distribution facilities of the system before delivery to the consumer as may be necessary to safeguard the public health.

4.8. A permit to construct, alter or renovate is not required for any minor addition to, or alteration or renovation of an existing public water system which will not significantly affect the quality or quantity of the water supply service rendered.

4.8.a. The work shall be done in accordance with the provisions of ~~Design Standards for Public Water Supply Systems, West Virginia Administrative Rules, Division of Health, 64 CSR 42~~ the division of health rule "Design Standards for Public Water Supply Systems," 64CSR42.

4.8.b. A written description of the proposed additions, alterations or renovations shall be submitted to the director no less than ten (10) working days prior to implementing the additions, alterations or renovations under this ~~provision~~ Subsection. The director shall notify the system whether or not the proposed additions, alterations or renovations qualify under this ~~provision~~ Subsection within five (5) days of receipt of the description.

4.9. All public water supply systems using a raw water source which is open to the atmosphere or subject to surface runoff shall, at a minimum, provide filtration treatment.

§64-3-5. Permit to Operate a Public Water System.

5.1. A public water system shall be operated in accordance with this rule and the federal regulations adopted in this rule.

5.2. ~~The director has the authority to develop a program for the issuing of A permit to operate a public water system. The permit is renewable annually and may be revoked for failure to comply with the requirements of this rule or the federal standards adopted herein in this rule. The permit program shall be administered uniformly. No permit shall be granted until after the director has completed a sanitary survey. The director may grant a permit only after completing a sanitary survey.~~

5.3. In the event of a proposed change in the ownership of a public water system, a written application to transfer the permit to operate shall be made to the director by the new owner at least fifteen (15) days before the proposed change.

5.4. The current permit to operate shall be posted in a conspicuous place at the public water system's treatment plant or main office.

§64-3-6. Inspections and Sanitary Surveys of Public Water Systems.

6.1. ~~Public water systems shall be inspected as scheduled by the director and sanitary surveys shall be conducted by the director in accordance with the federal regulations adopted in this rule. The director shall schedule sanitary surveys of public water systems and inspect the systems in accordance with the federal regulations adopted in this rule.~~

6.2. The director has the right of access to all parts of a public water system and shall be furnished access to all information and records required to be kept by this rule and the federal regulations adopted in this rule.

§64-3-7. Public Water System Disinfection Requirements.

7.1. Disinfection with chlorine, chlorine dioxide, chloramine or ozone is required of all public water systems, provided the requirements of ~~Section~~ Subsection 7.6 of this rule are met.

7.2. The disinfectant shall be applied during treatment at a point before entering the distribution system which will pro-

vide effective contact time.

7.3. The minimum chlorine contact time for groundwater systems not influenced by surface waters is thirty (30) minutes from the point of application to the point of delivery to the first consumer or as stipulated in ~~Design Standards for Public Water Supply Systems, West Virginia Administrative Rules, Division of Health, 64 CSR 42~~ the division of health rule "Design Standards for Public Water Supply Systems," 64CSR42. At the end of the chlorine contact time, minimum free chlorine residuals shall comply with the requirements of Table 64-3A ~~found at the end~~ of this rule. For these systems, the amount of residual disinfectant in the drinking water at the treatment plant and in the distribution system shall be determined at least once per day, or more often if considered necessary by the director.

7.4. Surface water systems and groundwater systems under the direct influence of surface waters shall meet the disinfection requirements of the federal regulations adopted in this rule.

7.5. Chlorine residual testing equipment shall enable measurement of free and total chlorine residuals to the nearest 0.2 milligrams per liter in the range of 0.0 milligrams per liter to 2.0 milligrams per liter.

7.6. For all public water systems, at least 0.2 milligrams per liter of total chlorine residual shall be maintained throughout the distribution system at all times.

7.7. The director ~~has the authority to~~ may authorize variances in the chlorine disinfection parameters specified in this section.

§64-3-8. Public Water System Fluoridation.

8.1. Except for water systems operated by public schools, average concentrations of fluoride present in the drinking water of a public water system, which artificially adjusts fluoride concentrations, shall be no less than the minimum and no higher than the maximum concentrations shown in Table 64-3B ~~found at the end~~ of this rule.

8.2. Average concentrations of fluoride present in a public

school drinking water system shall be no less than three (3.0) milligrams per liter and no higher than six (6.0) milligrams per liter, with an optimum concentration of four and one-half (4.5) milligrams per liter.

8.3. The drinking water of fluoridated or defluoridated public water systems shall be monitored once per day for fluoride concentration. Records of the monitoring shall be maintained in accordance with Sections 9 and 10 of this rule.

8.4. At least once a month, a sample of drinking water shall be submitted by the public water system to the director or to a certified laboratory for fluoride analysis.

8.5. The requirements of ~~Section~~ Subsection 8.2 of this rule supersede the requirements of the National Secondary Drinking Water Regulations, 40 CFR Part 143, as applicable to fluoridation of public school drinking water.

§64-3-9. Public Water System Control Tests and Record Maintenance

9.1. Records of microbiological, turbidity, radiological and chemical analyses, or a summary ~~thereof~~ of the records, shall be retained at a convenient location on or near the premises of the public water system. Turbidity, radiological and chemical analytical records shall be kept for ten (10) years. Control test, microbiological and operational records shall be kept for five (5) years. All tests and analyses required by this rule or the federal regulations adopted in this rule, with the exception of on-site water system operational tests, shall be conducted by a laboratory certified by the director.

9.2. The records shall include the date, place and time of sampling; the name of the person who collected the sample; identification as to whether it was a routine distribution system sample, resample, raw or drinking water sample, or other special purpose sample; the date of the analysis; the laboratory and person responsible for performing the analysis; the analytical technique or method used for microbiological testing; and the results of the analysis.

9.3. Records of action taken by the system to correct violations of this rule or the federal regulations adopted in this

rule shall be kept for three (3) years after the correction is completed.

9.4. Copies of written reports relating to sanitary surveys of the system shall be kept for ten (10) years.

9.5. Records concerning a variance or exemption from this rule or the federal regulations adopted in this rule shall be kept for at least five (5) years following the expiration of the variance or exemption.

§64-3-10. Adoption of National Regulations.

10.1. The following National Primary Drinking Water Regulations and National Secondary Drinking Water Regulations, promulgated and published prior to January 1, 1994, as final rules are hereby adopted by reference:

10.1.a. 40 C.F.R. Part 141;

10.1.b. Subparts F and G of 40 C.F.R. Part 142, except for Sections 142.57, 142.60, 142.61, and 142.62(c)-142.62(h); and

10.1.c. 40 C.F.R. Part 143.

10.2. The Director shall use the provisions of 40 C.F.R. Part 142, Subparts F and G, as adopted in this rule ~~as applicable~~ in granting exemptions.

10.3. In the event of a conflict between a federal standard adopted in this rule and a state standard adopted in this rule, the more stringent standard applies, except as stated in ~~Section~~ Subsection 8.5 of this rule.

10.4. Copies of these regulations are available from:

U.S. Environmental Protection Agency
Region III
841 Chestnut Building
Philadelphia, PA 19107

§64-3-11. Bottled Water Treatment Plants and Distributors.

11.1. ~~No person may operate a bottled water treatment plant~~

~~in this State without receiving a permit to bottle and distribute water from the director. Before bottling and distributing water, a person shall obtain from the director a permit to operate a bottled water treatment plant.~~

11.2. ~~No person may distribute bottled water in this State without receiving a permit to distribute bottled water from the director. Before distributing bottled water in this State, a person shall obtain from the director a permit to distribute bottled water.~~

11.3. Application for a permit to bottle and distribute water shall be made to the director. ~~on forms prescribed by the director. The director shall prescribe the permit application forms.~~ Four (4) sets of completed applications, and plans and specifications for the treatment plant shall be submitted to the director for approval at least forty-five (45) days prior to the date on which a permit from the director is desired.

11.4. The source of the water to be bottled and the bottled water shall comply with the requirements of this rule and the requirements of the federal regulations adopted in this rule pertaining to primary and secondary contaminants, sodium, fluoridation, maximum contaminant levels, sampling techniques and monitoring frequencies, for a community water system, except that the monitoring frequency for microbiological contaminants shall be no less than once each week.

11.5. A bottled water treatment plant shall be operated in accordance with the provisions of the federal standards, Current Good Manufacturing Practice in Manufacturing, Packaging or Holding Human Food, 21 CFR Part 110, in effect as of October 30, 1990, and these standards are hereby adopted by reference.

11.6. ~~Each in State bottled water treatment plant shall be inspected every twelve (12) months or as otherwise determined by the director. The director shall inspect each in-State bottled water treatment plant every twelve (12) months or as otherwise determined by the director.~~

11.7. An out-of-State bottled water treatment plant desiring to distribute bottled water in West Virginia shall apply for a permit to bottle and distribute bottled water. ~~on forms approved by the director. The director shall prescribe the~~

permit application forms. Four (4) copies of all materials shall be submitted. The out-of-State treatment plant shall comply with the requirements of this rule and the federal regulations adopted in this rule for in-State bottled water treatment plants. ~~Subsequent to the initial evaluation, monitoring of the treatment plant by the regulatory agency of the state wherein the treatment plant is located is considered acceptable for the purposes of this rule.~~ After the issuance of a permit to an out-of-State bottled water treatment plant, the director may from time to time determine the extent to which the plant is monitored. The out-of-State treatment plant shall notify the director of any corrective action it is required to take by its state regulatory authority and shall notify the director of any change in ownership or in the event that it closes.

11.8. A person wishing to distribute bottled water in the State who does not operate a bottled water treatment plant shall apply for a permit to distribute bottled water. ~~on a form approved by the director.~~ The director shall prescribe the permit application forms. The applicant shall identify the location of the plants from which the bottled water is obtained and any distributor other than the bottled water plant from which the bottled water is obtained and shall provide other information required by the director. The director shall grant a permit to distribute bottled water if the bottled water complies with the requirements of this rule.

11.9. ~~A permit issued by the director may be revoked for failure to comply with provisions of this rule.~~ The director may revoke a permit for failure to comply with the provisions of this rule.

§64-3-12. Public Water System Reporting Requirements.

12.1. Unless otherwise specified in this rule or the federal regulations adopted in this rule, ~~the results of any test, measurement or analysis required to be made by this rule or the federal regulations adopted in this rule shall be reported to the director within forty (40) days of the system's receipt of the test, measurement or analysis.~~ a public water system shall report the results of any test, measurement or analysis required to be made by this rule or the federal regulations adopted in this rule. The report shall be delivered to the director within forty (40) days of the system's receipt of the test, measurement or

analysis.

~~12.2. Analytical results for total trihalomethane (TTHM) analyses shall be reported to the director within thirty (30) days of the system's receipt of the results. A public water system shall report to the director the results for total trihalomethane (TTHM) analysis. The report shall be delivered to the director within thirty (30) days of the system's receipt of the results.~~

~~12.3. Failure to comply with this rule or the federal regulations adopted in this rule shall be reported to the director within forty eight (48) hours of the discovery of the violation. A public water system shall report to the director the system's discovery of its violation of this rule or the federal regulations adopted in this rule. The report shall be delivered to the director within forty-eight (48) hours of the discovery.~~

12.4. Analytical results of tests performed by the laboratory of the division of health are not required to be reported.

~~12.5. A written summary of the public water system operation, test data, and other information as may be required by the director shall be submitted to the director at least once per month. At least once per month, a public water system shall provide a written summary to the director concerning the system's operation, test data and other information as may be required by the director. The director may require more frequent reports in cases where there are public health concerns.~~

12.6. All reports and summaries required by this rule or the federal regulations adopted in this rule shall be submitted in a manner or form approved by the director.

12.7. The water supply system shall submit to the director a representative copy of each type of notice distributed, posted or made available to the public or media within seven (7) days following any notification of the public of a violation of this rule or of the federal regulations adopted in this rule.

§64-3-13. Certification of Laboratories to Conduct Drinking Water Tests.

13.1. All laboratories providing drinking water testing

results for purposes of this rule or the federal regulations adopted in this rule shall be certified by the director or by the Federal Environmental Protection Agency.

~~13.2. A certified laboratory shall comply with the requirements of this rule and with the requirements and criteria contained in the sections titled "Local Laboratories," "Other Considerations for Laboratory Certification," "Requirements for Maintaining Certification Status," "Criteria and Procedures for Downgrading/Revoking Certification Status," and "Training," of Chapter III, and in Chapters IV, V and VI of the federal Environmental Protection Agency's Manual for the Certification of Laboratories Analyzing Drinking Water, Third Edition, April, 1990, Change 1, October, 1991, and Change 2, September, 1992 and these parts of the manual are hereby adopted by reference.~~

13.2. A certified laboratory shall:

13.2.a. Comply with the requirements contained in the federal Environmental Protection Agency's manual for the certification of laboratories analyzing drinking water, fourth edition, March 1997, and the requirements of this manual are hereby incorporated by reference; or

13.2.b. Comply with the requirements of this rule and hold a certificate of recognition from the National Environmental Laboratory Accreditation Program (NELAP) for the analysis of drinking water.

13.3. An in-State laboratory shall submit an application form when seeking initial approval sixty (60) days prior to the date certification is desired.

13.4. A laboratory located outside the boundaries of this State shall be certified by the director if:

13.4.a. It has been certified by the Federal Environmental Protection Agency; or

13.4.b. It has been certified by a program for the certification of laboratories equivalent to the program of this State as determined by the director. If the program of the state in which the laboratory is located is not judged equivalent, the laboratory may request an on-site evaluation and full

certification review by the director.

13.5. An out-of-state laboratory shall submit an application form when seeking initial approval and shall include with its application evidence of compliance with ~~Section~~ Subdivision 13.4.a or 13.4.b of this rule. The out-of-state laboratory shall notify the director immediately of any change in its certification status under ~~Section~~ Subdivision 13.4.a or 13.4.b of this rule.

13.6. ~~An on-site inspection of in-State laboratories to determine compliance with this rule and the federal standards adopted in this rule shall be conducted initially prior to certification, and at least every three (3) years thereafter. The director shall conduct on-site inspections of in-State laboratories to determine compliance with this rule and the federal standards adopted in this rule. An inspection shall be conducted prior to certification, and inspections shall be conducted at least every three (3) years thereafter. The division has the right of entry~~ may enter a laboratory upon proper identification at any time considered necessary during operating hours in order to conduct the inspections.

13.7. ~~The director shall issue certificates of approval shall be issued upon initial approval and are renewable shall renew the certificates~~ on an annual basis thereafter pursuant to the conditions listed in this rule. Certificates issued ~~will~~ shall contain the name and location of the laboratory, a laboratory code number, the name of the laboratory director and the date of expiration of the certificate.

13.8. Certified laboratories shall notify the director when there is a change in ownership, laboratory director, technical personnel or location of the laboratory.

13.9. The director shall administer and use the criteria and procedures of the Section titled "Criteria and Procedures for Downgrading/Revoking Certification Status" of the Manual for the Certification of Laboratories Analyzing Drinking Water referenced in ~~Section~~ Subsection 13.2 of this rule.

§64-3-14. Penalties.

Any person who violates any provision of this rule or orders

issued under this rule, is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) and each day's violation shall constitute a separate offense. In addition, thereto, the director of health or his or her authorized representative may seek injunctive relief in the circuit court of the county in which all or part of the public water system is situated for threatened or continuing violations. For a willful violation of this rule or orders issued under this rule, a person, upon a finding thereof by the circuit court of the county in which the violation occurs, is subject to a civil penalty of not more than five thousand dollars (\$5,000), and each day's violation is grounds for a separate penalty.

§64-3-15. Administrative Due Process.

Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in the ~~Rules of Procedure for Contested Case Hearings and Declaratory Rulings, West Virginia Administrative Rules, Division of Health, 64 CSR 1~~ division of health rule "Rules of Procedure for Contested Case Hearings and Declaratory Rulings," 64CSR1.

~~§64-3-16. Severability.~~

~~The provisions of this rule are declared to be severable. If any provision of this rule is held invalid, the remaining provisions remain in effect.~~

TABLE 64-3A.

MINIMUM LEVELS OF FREE CHLORINE RESIDUAL AT VARIOUS
WATER SAMPLE pH LEVELS

pH VALUE	FREE CHLORINE RESIDUAL
Up to 7.0	0.4 mg/l
7.1 to 8.0	0.6 mg/l
8.1 to 9.0	1.0 mg/l

TABLE 64-3B.

AVERAGE ACCEPTABLE RANGE OF FLUORIDE CONCENTRATION
AT VARIOUS ANNUAL AVERAGE MAXIMUM DAILY AIR TEMPERATURES

ANNUAL AVERAGE MAXIMUM DAILY AIR TEMPERATURE	FLUORIDE CONCENTRATION IN MILLIGRAMS PER LITER		
	Lower	Optimum	Upper
53.8 - 58.3° F 12.1 - 14.6° C	0.8	1.1	1.5
58.4 - 63.8° F 14.7 - 17.7° C	0.8	1.0	1.3
63.9 - 70.6° F 17.7 - 21.4° C	0.7	0.9	1.2

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Division of Health, Department of Health and Human Resources

Subject: Public Water Systems, 64CSR3

PERTINENT DATES

Filed for public comment: June 30, 1998
Public comment period ended: July 30, 1998
Filed following public comment period: July 31, 1998
Filed LRMRC: July 31, 1998
Filed as emergency:

Fiscal Impact: None

OFFICE OF THE CLERK OF THE SENATE
SECRETARY OF STATE
DEC 2 9 15 AM '98
64 CSR 3

ABSTRACT

The proposed rule amends a current legislative rule. Section 13 has been amended to provide that the Director may certify laboratories providing drinking water testing results if the Office of Laboratory Services is accredited by the National Environmental Laboratory Accreditation Program. It requires a certified laboratory to comply with the Fourth Edition of the EPA'S manual for the certification of laboratories or comply with the provisions of the proposed rule and hold a certificate of recognition from the National Environmental Laboratory Accreditation Program for the analysis of drinking water.

AUTHORITY

Statutory authority: W.Va. Code, §16-1-9a & 16-1-7, which provide, in part, as follows:

§16-1-9a

...(b)(1) The division of health shall prescribe by legislative rule the maximum contaminant levels to which all public water systems shall conform in order to prevent

adverse effects on the health of individuals, and, if it deems appropriate, treatment techniques that reduce the contaminant or contaminants to a level which will not adversely affect the health of the consumer. Such rule shall contain provisions to protect and prevent contamination of wellheads and well fields used by public water supplies so that contaminants do not reach a level which would adversely affect the health of the consumer.

(2) It shall further prescribe by legislative rule minimum requirements for: Sampling and testing; system operation; public notification by a public water system on being granted a variance or exemption or upon failure to comply with specific requirements of this section and regulations promulgated under this section; record keeping; laboratory certification; as well as procedures and conditions for granting variances and exemptions to public water systems from state public water systems regulations...

§16-1-7

The secretary of the department of health and human resources shall have the power to promulgate such rules and regulations, in accordance with the provisions of chapter twenty-nine-a of the code, as are necessary and proper to effectuate the purposes of this chapter and prevent the circumvention and evasion thereof...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes. The proposed rule is necessary for the State to retain primacy for the national Safe Drinking Water Act.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

The new language in Section 13 needs to be clarified so that it is more understandable.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.



FILED

Dec 21 2 03 PM '98

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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December 15, 1998

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NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Marsha Dadisman
Health & Human Resources
Capitol Complex
Building 3, Room 265

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Public Water Systems, 64CSR3**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.



FILED

Dec 21 2 03 PM '98

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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December 15, 1998

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NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Frank W. Lambert, Jr.
Office of Laboratory Services
167 11th Avenue
South Charleston, WV 25303

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Public Water Systems, 64CSR3**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency ✓
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____