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Sequence Number: 00-13-15
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 File Date: 0/19/15

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	Water Resources
Contact Person:	Anna Rollins
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 11 th Floor Nashville, Tennessee 37243
Phone:	615-532-0159
Email:	anna.r.sartors@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator Beverly Evans 2nd Floor William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue Nashville, Tennessee 37243
Address:	Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service at 1-800-848-0298.
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	The Nashville Room		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 3 rd Floor		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	08/14/15		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

Changes in Rule 0400-45-01-.06 are corrections of the EPA terminology of the phrase "subpart V" to "Stage 2 Disinfection Byproduct Rule Requirements" used elsewhere in the Rule Chapter.

The change in Rule 0400-45-01-.07(1)(g) is to sunset the existing special purpose sample rule at the end of the day on March 31, 2016 to coincide with the start of the Revised Total Coliform Rule on April 1, 2016.

The change in Rule 0400-45-01-.17(22) for what is defined as "lead free" is being done to be in line with the recent change in the TN Safe Drinking Water Act, which was required to be changed due to the change in the Federal Act.

The change in Rule 0400-45-01-.41(3)(b) is being made to reflect the exact language in the federal rule on special

purpose samples. Compliance samples are intended to reflect the quality of the water within the entire distribution system, which line repairs samples do not. The changes under special purpose sampling are due to discussions with EPA – EPA only wants water systems to count those samples as compliance samples that are contained within the sampling plan and not count any repair samples for compliance. Special purpose repair samples have counted in the past where water was served to the public before sampling results were returned and would have varied month to month. EPA's position is also that systems cannot be allowed to take additional samples that would bias the percentage of positive bacteria samples in effect, and, in essence, "sampling themselves back into compliance."

The Department prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review at the Tennessee Department of Environment and Conservation's (TDEC's) Environmental Field Offices located as follows:

Cookeville Environmental Field Office
1221 South Willow Avenue
Cookeville, TN 38506
(931) 432-4015/ 1-888-891-8332

Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400/1-888-891-8332

Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305
(731) 512-1300/ 1-888-891-8332

Chattanooga Environmental Field Office
Suite 206
1301 Riverfront Parkway
Chattanooga, TN 37402-2013
(423) 634-5745/ 1-888-891-8332

Columbia Environmental Field Office
1421 Hampshire Pike
Columbia, TN 38401
(931) 380-3371/ 1-888-891-8332

Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921-5602
(865)594-6035/ 1-888-891-8332

Nashville Environmental Field Office
711 R. S. Gass Blvd.
Nashville, TN 37243-1550
(615) 687-7000/1-888-891-8332

Memphis Environmental Field Office
8383 Wolf Lake Drive
Bartlett, Tennessee 38133
(901) 371-3000/1-888-891-8332

The "Draft" rules may also be accessed for review using <http://tn.gov/environment/ppo/#dwr>

Draft copies are also available for review at the following address:

Tennessee Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243
(615) 532-0159

Office hours are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Department of Environment and Conservation, Water Resources Division; Attention: Ms. Anna Rollins, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor, Nashville, Tennessee 37243; telephone 615-532-0159 or fax 615-532-0199. However, such written comments must be received by 4:30 PM CDT, August 14, 2015, in order to assure consideration. For further information, please contact Ms. Anna Sartors at the above address or telephone number or by e-mail at anna.r.sartors@tn.gov.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0400-45-01	Public Water Systems
Rule Number	Rule Title
0400-45-01-.06	Maximum Contaminant Levels
0400-45-01-.07	Monitoring and Analytical Requirements
0400-45-01-.17	Operation and Maintenance Requirements
0400-45-01-.41	Revised Total Coliform Rule

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Amendments

Chapter 0400-45-01 Public Water Systems

Subpart (i) of part 1 of subparagraph (b) of paragraph (6) of Rule 0400-45-01-.06 Maximum Contaminant Levels is amended by deleting the phrase "(subpart V)" and substituting the phrase "(Stage 2 Disinfection Byproducts Reporting Requirements)" such that, as amended the subpart shall read:

- (i) Compliance dates. Subpart H systems serving 10,000 or more persons must comply with this part beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with this this part beginning January 1, 2004. All systems must comply with these MCLs until the date specified for Locational Running Annual Average (Stage 2 Disinfection Byproducts Reporting Requirements) compliance in Rule 0400-45-01-.38.

Authority: T.C.A. §§ 68-221-701 et seq. and 4-5-201 et seq.

Subpart (i) of part 2 of subparagraph (b) of paragraph (6) of Rule 0400-45-01-.06 Maximum Contaminant Levels is amended by twice deleting the phrase "subpart V" and substituting the phrase "Stage 2 Disinfection Byproducts Reporting Requirements" such that, as amended the subpart shall read:

- (i) Compliance dates. The Stage 2 Disinfection Byproducts Reporting Requirements MCLs for TTHM and HAA5 must be complied with as a locational running annual average (LRAA) at each monitoring location beginning the date specified for Stage 2 Disinfection Byproducts Reporting Requirements compliance in subparagraph (1)(c) of Rule 0400-45-01-.38.

Authority: T.C.A. §§ 68-221-701 et seq. and 4-5-201 et seq.

Subparagraph (g) of paragraph (1) of Rule 0400-45-01-.07 Monitoring and Analytical Requirements is amended by the addition of the sentence "This subparagraph shall applicable until March 31, 2016." At the end of the subparagraph such that as amended, the subparagraph shall read:

- (g) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, shall not be used to determine whether the coliform treatment technique trigger has been exceeded compliance with the MCL for total coliforms in paragraph (4) of Rule 0400-45-01-.06 provided the water is not served to customers before negative analytical results are obtained. Samples representing water served to customers prior to obtaining analytical results shall not be special purpose samples and shall not count toward compliance with the MCL for total coliforms in paragraph (4) of Rule 0400-45-01-.06 with the MCL for total coliforms in paragraph (4) of Rule 0400-45-01-.06. After March 31, 2016, this subparagraph is no longer applicable.

Authority: T.C.A. §§ 68-221-701 et seq. and 4-5-201 et seq.

Paragraph (22) of Rule 0400-45-01-.17 Operation and Maintenance Requirements is amended by deleting it in its entirety and substituting instead the following:

- (22) All pipe, pipe or plumbing fitting or fixture, solder, or flux which is used in the installation or repair of any public water system shall be lead free. The term "lead free" shall have the meaning given it in T.C.A. § 68-221-703.

Authority: T.C.A. §§ 68-221-701 et seq. and 4-5-201 et seq.

Subparagraph (b) of paragraph (3) of Rule 0400-45-01-.41 Revised Total Coliform Rule is amended by deleting it in its entirety and substituting the following:

- (b) Special purpose samples. Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, must not be used to determine whether the coliform treatment technique trigger has been exceeded. Repeat samples taken pursuant to paragraph (8) of this rule are not considered special purpose samples, and must be used to determine whether the coliform treatment technique trigger has been exceeded.

Authority: T.C.A. §§ 68-221-701 et seq. and 4-5-201 et seq.

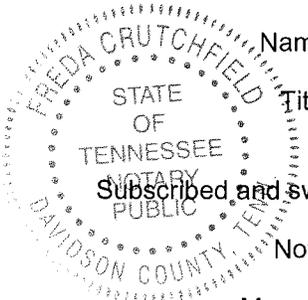
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: June 19, 2015

Signature: 

Name of Officer: Tisha Calabrese-Benton

Title of Officer: Director of the Division of Water Resources



Subscribed and sworn to before me on: June 19, 2015

Notary Public Signature: 

My commission expires on: May 3, 2016

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Tre Hargett
Secretary of State

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