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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation(s)</b>	12VAC5-590-10 et. seq
<b>Regulation title(s)</b>	<i>Waterworks Regulations</i>
<b>Action title</b>	Amend regulations to conform to the Revised Total Coliform Rule (RTCR)
<b>Final agency action date</b>	July 14, 2016
<b>Date this document prepared</b>	June 27, 2016

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The 2013 Revised Total Coliform Rule (RTCR) revises the 1989 Total Coliform Rule (TCR), a national primary drinking water regulation. The 1989 TCR was adopted by the Environmental Protection Agency (EPA) to protect public health by ensuring the integrity of the drinking water distribution system and monitoring for the presence of microbial contamination. Enhanced public health protection is expected under the RTCR.

This regulatory action is necessary to update existing sections of the *Waterworks Regulations*. These revisions are required to meet the provisions of the federal National Primary Drinking Water Regulations, Revised Total Coliform Rule (RTCR).

The primary goal of the RTCR is to reduce the potential pathways by which microbial contamination of the waterworks distribution system could occur. Waterworks owners are required to perform assessments, identify sanitary defects, and take corrective actions in a “find and fix” approach using total coliform and *E. coli* drinking water sample results. The ultimate outcome is to enhance public health protection.

The RTCR links monitoring frequency to drinking water bacteriological quality and waterworks performance. This is accomplished by requiring increased monitoring for high-risk small waterworks with poor compliance histories and implementing new monitoring requirements for seasonal waterworks such as campgrounds, state parks, and national parks.

The RTCR establishes a non-numeric Primary Maximum Contaminant Level (PMCL) for *E. coli*, and it establishes a Maximum Contaminant Level Goal (MCLG) of zero for *E. coli*. It eliminates the PMCL and MCLG for total coliforms, replacing them with a treatment technique that requires an assessment with corrective action(s). The treatment technique is triggered based on positive drinking water sample results from both routine and repeat monitoring.

The RTCR eliminates the monthly public notification requirements based solely on the presence of total coliforms. It requires public notification when the *E. coli* PMCL is exceeded, indicating a potential threat to public health. It also requires public notification for treatment technique, monitoring, reporting, and recordkeeping violations.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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On July 14, 2016 the State Health Commissioner, vested with the authority of the State Board of Health pursuant to § 32.1-20 of the Code of Virginia, adopted final amendments to the Waterworks Regulations.

### Family impact

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The provision of safe drinking water to the consumer's tap will increase economic self-sufficiency of the family by making this resource healthier for the consumer. Additionally, increased consumer protection from waterborne disease(s) will minimize lost productivity and personal income.