

Georgia Rules and Regulations

Administrative Bulletin for April 2021

OFFICE OF SECRETARY OF STATE ADMINISTRATIVE PROCEDURE DIVISION

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Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

Chapter 40-4. ENTOMOLOGY AND PLANT INDUSTRY

Subject 40-4-25. [Repealed]

40-4-25-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.01

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Establishment and Purpose of Quarantine" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.02

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Definitions" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.03

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Regulated Articles" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.04

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Quarantined Areas" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.05 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.05

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Conditions Governing the Intrastate Movement of Regulated Articles" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.06 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.06

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Conditions Governing the Movement of Regulated Articles from Quarantined Areas" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.07 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.07

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Issuance and Cancellation of Certificates and Limited Permits" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.08 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.08

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Compliance Agreements and Cancellation" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.09 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.09

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Assembly and Inspection of Regulated Articles" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.10 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.10

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Attachment and Disposition of Certificates and Limited Permits" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.11 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.11

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Costs and Charges" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.12 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.12

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Inspection and Disposal of Regulated Articles and Pests" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.13 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.13

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Unlawful Acts" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

40-4-25-.14 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.14

AUTHORITY: O.C.G.A. §§ [2-7-20](#), [2-7-23](#).

HISTORY: Original Rule entitled "Enforcement and Penalties" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-1. ORGANIZATION

54-1-.01 Administration

All rules and regulations which are promulgated by the Secretary of State pertaining to the Uniform Athlete Agents Act shall be administered by the Professional Licensing Boards Division of the Office of the Secretary of State, through the Division Director of the Professional Licensing Boards Division. The Office of the Division Director is located at 237 Coliseum Drive, Macon, Georgia 31217-3858.

Cite as Ga. Comp. R. & Regs. R. 54-1-.01

AUTHORITY: O.C.G.A. § [43-1-2](#).

HISTORY: Original Rule entitled "Administration" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: New Rule of same title adopted. F. Aug. 22, 2001; eff. Sept. 11, 2001.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-1-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-1-.02

AUTHORITY: O.C.G.A. § [43-4A-1](#).

HISTORY: Original Rule entitled "Organization" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-1-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-1-.03

AUTHORITY: O.C.G.A. § [43-4A-1](#).

HISTORY: Original Rule entitled "Officers" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-1-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-1-.04

AUTHORITY: O.C.G.A. § [43-4A-1](#).

HISTORY: Original Rule entitled "Quorum" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-2. DEFINITIONS

54-2-.01 Definitions

As used in these Rules and Regulations and in the Uniform Athlete Agents Act, the following terms shall mean the following:

- (a) "Law" means the Uniform Athlete Agents Act, O.C.G.A. § 43-4A.
- (b) "Agent Contract" means an agreement between an athlete and an athlete agent which authorizes the agent to pursue employment for the athlete with a professional sports team or as a professional athlete.
- (c) "Athlete" means an individual who is eligible to participate in any Intercollegiate sport and who is currently enrolled as a student at an institution of higher education, or has signed a national grant-in-aid with an institution of higher education.
- (d) "Athlete Agent" means:
 - (1) any individual, company, corporation, association, partnership, or other legal entity which directly or indirectly recruits or solicits an athlete to enter into an agent contract or professional sports service contract, or, for a fee, procures, offers, promises, or attempts to obtain employment for an athlete with a professional sports team; or
 - (2) Any owner, employee, or other representative of a professional sports team is not deemed an athlete agent if he/she does not recruit or solicit such athlete to enter into an offer, promise, or attempt to obtain employment for an athlete with a professional sports team.
- (e) "Athletic Department" means the entity which exercises control over the intercollegiate sports program at a public or private post-secondary school in Georgia.
- (f) "Professional Sports Service Contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.
- (g) "Athletic Director" means the representative of the Georgia public or private post-secondary school who is in responsible charge of the Athletic Department of the school.
- (h) "Institution of Higher Education" means a public or private post-secondary school which is located in Georgia.
- (i) "Person" means any individual, company, corporation, association, partnership, or other legal entity.

Cite as Ga. Comp. R. & Regs. R. 54-2-.01

AUTHORITY: O.C.G.A. § [43-4A-2](#).

HISTORY: Original Rule entitled "Law" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: New title "Definitions. F. Apr. 21, 2021; eff. May 11, 2021.

54-2-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-2-.02

AUTHORITY: O.C.G.A. § [43-4A-2](#).

HISTORY: Original Rule entitled "Agent Contract" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-2-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-2-.03

AUTHORITY: O.C.G.A. § [43-4A-2](#).

HISTORY: Original Rule entitled "Athlete" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Jan. 18, 1991; eff. Feb. 7, 1991.

Amended: F. Jul. 30, 1991; eff. Aug. 19, 1991.

Amended: F. Dec. 3, 1992; eff. Dec. 23, 1992.

Amended: F. Feb. 10, 1995; eff. Mar. 2, 1995.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-2-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-2-.04

AUTHORITY: O.C.G.A. § [43-4A-2](#).

HISTORY: Original Rule entitled "Athlete Agent" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-2-.05 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-2-.05

AUTHORITY: O.C.G.A. § [43-4A-2](#).

HISTORY: Original Rule entitled "Athletic Department" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-2-.06 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-2-.06

AUTHORITY: O.C.G.A. § [43-4A-2](#).

HISTORY: Original Rule entitled "Professional Sports Service Contract" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-2-.07 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-2-.07

AUTHORITY: O.C.G.A. § [43-4A-2](#).

HISTORY: Original Rule entitled "Athletic Director" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-2-.08 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-2-.08

AUTHORITY: O.C.G.A. § [43-4A-2](#).

HISTORY: Original Rule entitled "Institution of Higher Education" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-2-.09 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-2-.09

AUTHORITY: O.C.G.A. § [43-4A-2](#).

HISTORY: Original Rule entitled "Person" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-3. APPLICATION PROCEDURES

54-3-.01 Application

- (1) Any person who seeks to practice as an athlete agent shall apply for registration on forms which are available online through the Secretary of State's website, or will be provided upon request.
- (2) Any person who seeks to practice as an athlete agent shall submit an Application for Athlete Agent Registration.
- (3) Business Location. The applicant shall provide the Secretary of State with the street address of the principal place of business from which the applicant proposes to conduct business as an athlete agent.
- (4) Training and Experience. Each applicant shall submit affidavits or certificates of completion of any and all formal training and practical experience in any one of the following areas:
 - (a) Contracts,
 - (b) Contract negotiations,
 - (c) Complaint resolution,
 - (d) Arbitration, and
 - (e) Civil resolution of contract disputes.
- (f) Persons without experience in at least one of the five (5) areas listed in this subsection may request in writing that the Secretary of State consider other relevant training and practical experience. The written request must set forth with particularity the specific training and practical experience which the applicant possesses and the applicant's reasons for requesting that the requirements of this subsection be waived. The Secretary of State, in its sole discretion, may accept other relevant training, education or experience that it deems to be appropriate.
- (5) An application must be completed within six (6) months of the date the first document was received by the Secretary of State. The Secretary of State will only approve qualified applicants who submit a complete file which consists of an Application for Athlete Agent Registration (with attached affidavits or certificates of completion), Surety Bond, and appropriate application fee.

Cite as Ga. Comp. R. & Regs. R. 54-3-.01

AUTHORITY: O.C.G.A. § [43-4A-4](#), [43-4A-5](#).

HISTORY: Original Rule entitled "Person" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-3-.02 Fees

Each application must be accompanied by an application fee. Application fees are non-refundable. See fee schedule for the current list of fees.

Cite as Ga. Comp. R. & Regs. R. 54-3-.02

AUTHORITY: O.C.G.A. § [43-4A-8](#).

HISTORY: Original Rule entitled "Fees" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: New Rule of same title adopted. F. Sept. 5, 1990; Sept. 25, 1990.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-3-.03 Surety Bond

(1) An applicant for registration shall deposit with the Secretary of State a surety bond in the penal sum of not less than \$10,000. At no time during any registration period shall the athlete agent be without the bond. The bond shall be executed in favor of the State with a surety company authorized to do business in Georgia. The bond shall be conditioned to pay a pro rata share of the amount of the bond for damages to each athletic department aggrieved by any act which the agent commits which violates Official Code of Georgia Annotated § [43-4A-16](#) or any act which would be grounds for revocation of the athlete agent's registration under Official Code of Georgia Annotated §§ [43-4A-7](#) or [43-4A-8](#).

(2) If a registered athlete agent fails to maintain a surety bond, the Secretary of State shall suspend the registration until such time as the agent obtains a new bond. An athlete agent shall not carry on business as an athlete agent during such period of suspension.

Cite as Ga. Comp. R. & Regs. R. 54-3-.03

AUTHORITY: O.C.G.A. § [43-4A-12](#).

HISTORY: Original Rule entitled "Surety Bond" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Jan. 18, 1991; eff. Feb. 7, 1991.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-3-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-3-.04

AUTHORITY: O.C.G.A. § [43-4A-6](#).

HISTORY: Original Rule entitled "Investigation of Applicants" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-3-.05 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-3-.05

AUTHORITY: O.C.G.A. § [43-4A-5](#).

HISTORY: Original Rule entitled "Approval of Registration" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-3-.06 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-3-.06

AUTHORITY: O.C.G.A. § [43-1-19](#).

HISTORY: Original Rule entitled "Temporary Registration" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-3-.07 Refusal to Grant Registration

- (1) The Secretary of State may refuse to grant a registration or may limit and/or restrict a registration upon making a finding that an applicant has committed any act which is enumerated in Official Code of Georgia Annotated Title 43.
- (2) The Secretary of State shall notify an applicant in writing of the Secretary of State's refusal to grant a registration. The notice shall set forth the reason(s) for the refusal.
- (3) Within sixty (60) days of receipt of a notice of refusal to grant a registration, an applicant may file a written request to appear before the Secretary of State as a non-contested case under the Administrative Procedures Act. The Secretary of State will then schedule a time for the applicant to appear before the Secretary of State at a regularly scheduled meeting. The applicant may present additional documentation at the scheduled appearance.
- (4) The Secretary of State shall notify the applicant, in writing, of the decision after a scheduled appearance with the applicant.
- (5) An applicant who has been refused registration may submit a new application, supporting documentation, and the appropriate fee to the Secretary of State subsequent to receipt of notification of the refusal of the registration.

Cite as Ga. Comp. R. & Regs. R. 54-3-.07

AUTHORITY: O.C.G.A. §§ [43-4A-6](#), [43-1-19](#)

HISTORY: Original Rule entitled "Refusal to Grant Registration" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-3-.08 Military Spouses and Transitioning Service Members

- (1) As used in this rule, the following terms shall mean:
 - (a) "License" means any license issued by the Secretary of State to practice as an Athlete Agent in the state of Georgia.
 - (b) "Military" means the United States armed forces, including the National Guard.
 - (c) "Service member" means an active or reserve member of the armed forces, including the National Guard.
 - (d) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
 - (e) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within twenty-four (24) months of retirement or twelve (12) months of separation.

(2) Effective January 1, 2021, military spouses and transitioning service members stationed within this state shall qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied and:

(a) Holds a current license to practice such occupation or profession issued by another state for which the training, experience, and testing are substantially similar in qualifications and scope to the requirements under this state to obtain a license;

(b) Is in good standing in such other state; and

(c) Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the profession, business, or trade for which such expedited license by endorsement is being sought.

Cite as Ga. Comp. R. & Regs. R. 54-3-.08

AUTHORITY: O.C.G.A. §§ [43-1-34](#), [43-1-34.1](#).

HISTORY: Original Rule entitled "Military Spouses and Transitioning Service Members" adopted. F. Apr. 21, 2021; eff. May 11, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-4. RENEWAL/REGISTRATION UPDATE

54-4-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-4-.01

AUTHORITY: O.C.G.A. § [43-4A-6](#).

HISTORY: Original Rule entitled "Refusal to Grant Registration" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-4-.02 Change of Name or Address

It is the duty of each registrant to notify the Secretary of State in writing if their name or address changes from that which they previously filed with the Secretary of State. A notice of change of name must be accompanied by a certified copy of a marriage certificate, Court order or other legal document. Changes of address may be made online by the registrant, or by written request to the Secretary of State.

Cite as Ga. Comp. R. & Regs. R. 54-4-.02

AUTHORITY: O.C.G.A. § [43-1-25](#).

HISTORY: Original Rule entitled "Change of Name or Address" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-4-.03 Biennial Renewal Cycle

(1) An initial registration shall become effective upon issuance of the registration number by the Secretary of State that the applicant has been assigned a registration number.

(2) All registrations shall expire on June 30 of odd numbered years.

(3) Notice of registration expiration will be emailed to all registered athlete agents with valid email addresses on file with the Secretary of State; otherwise, notice of registration expiration will be mailed by regular mail to the mailing address on file. Notice will provide instruction on renewing the registration online, as well as providing instruction on obtaining a renewal application by mail.

(4) The applicant for renewal shall submit to the Secretary of State, on or before June 30 of odd numbered years:

(a) a complete Application for Renewal; and

(b) the biennial renewal fee (See Fee Schedule); and

(c) a surety bond in accordance with these rules.

(5) A person whose registration has expired may no longer practice the occupation of athlete agent.

Cite as Ga. Comp. R. & Regs. R. 54-4-.03

AUTHORITY: O.C.G.A. §§ [43-4A-6](#), [43-4A-4](#)

HISTORY: Original Rule entitled "Biennial Renewal Cycle" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-4-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-4-.04

AUTHORITY: O.C.G.A. §§ [43-4A-6](#), [43-4A-4](#)

HISTORY: Original Rule entitled "Late Renewal" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-4-.05 Revocation for Failure to Renew

A registration shall be revoked for failure to renew if the registration has expired and the licensee has failed to meet the requirements for renewal on or before July 1 of the renewal year. In order to reinstate the registration, a person whose registration has been revoked for failure to renew must apply for registration following the procedure set out in Chapter 54-3. The applicant must satisfy the current requirements for registration set out in Chapter 54-3. In order to meet the current requirements, the applicant may use any qualifying experience and training, including any which was applied toward their initial registration. In addition to all other fees, a person seeking to reinstate a registration that has been revoked, must pay a reinstatement fee (see Fee Schedule).

Cite as Ga. Comp. R. & Regs. R. 54-4-.05

AUTHORITY: O.C.G.A. § [43-1-19\(1\)](#).

HISTORY: Original Rule entitled "Revocation for Failure to Renew" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-4-.06 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-4-.06

AUTHORITY: O.C.G.A. § [43-4A-6](#).

HISTORY: Original Rule entitled "Reinstatement" adopted. F. Feb. 10, 1995; eff. Mar. 2, 1995.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-5. [Repealed]

54-5-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-5-.01

AUTHORITY: O.C.G.A. § [43-4A-4](#).

HISTORY: Original Rule entitled "Annual Report" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-5-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-5-.02

AUTHORITY: O.C.G.A. §§ [43-4A-2](#), [43-4A-4](#), [43-4A-14](#), [43-4A-15](#) [43-4A-16](#).

HISTORY: Original Rule entitled "Notification of Signing" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: New Rule entitled "Notification" adopted. F. Aug. 22, 2001; eff. Sept. 11, 2001.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-6. SIGNING PROVISIONS

54-6-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-6-.01

AUTHORITY: O.C.G.A. §§ [43-4A-15](#), [43-4A-14](#).

HISTORY: Original Rule entitled "Notice to Commission of Intent to Sign" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-6-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-6-.04

AUTHORITY: O.C.G.A. §§ [43-4A-15](#), [43-4A-14](#).

HISTORY: Original Rule entitled "Signing Date" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-7. SANCTIONS

54-7-.01 Revocation of Registration or Discipline of Registrant

(1) The Secretary of State may revoke a registration or may discipline a registrant upon a finding that the registrant, its representative or employee has violated Official Code of Georgia Annotated Chapter 43-4A.

(2) When the Secretary of State finds that a registrant should be disciplined, any one or more of the actions enumerated in Official Code of Georgia Annotated Section [43-1-19](#) may be taken.

Cite as Ga. Comp. R. & Regs. R. 54-7-.01

AUTHORITY: O.C.G.A. § [43-1-19](#).

HISTORY: Original Rule entitled "Revocation of Registration or Discipline of Registrant" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-7-.02 Violations: Felony, Unregistered Practice, Void Contract

(1) Any person who violates Chapter 43-4A shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than \$5,000.00 or more than \$100,000.00 or by imprisonment from one to five years, or both.

(2) Any agent contract or professional services contract that is negotiated for, with, or on behalf of an athlete by a person who has not first registered with the Secretary of State is void.

Cite as Ga. Comp. R. & Regs. R. 54-7-.02

AUTHORITY: O.C.G.A. §§ [43-4A-11](#), [43-4A-4](#).

HISTORY: Original Rule entitled "Unregistered Practice; Felony, Void Contract" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: New title "Violations: Felony, Unregistered Practice, Void Contract." F. Apr. 21, 2021; eff. May 11, 2021.

54-7-.03 Failure to Maintain Surety Bond

(1) The Secretary of State shall suspend a registration if the registrant fails to maintain such bond so as to comply with Official Code of Georgia Annotated Section [43-4A-13](#) or Section [43-4A-14](#). An athlete agent shall not carry on business as an athlete agent during the period of suspension.

Cite as Ga. Comp. R. & Regs. R. 54-7-.03

AUTHORITY: O.C.G.A. §§ [43-4A-12](#), [43-4A-6](#).

HISTORY: Original Rule entitled "Failure to Maintain Surety Bond" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-7-.04 Failure to Comply with Signing Provisions

Regardless of an athlete's eligibility to participate in intercollegiate sports at an institution of higher education, the athlete agent must comply with signing provisions of O.C.G.A. § [43-4A-14](#) and [43-4A-15](#). Failure to do so shall result in the following:

- (a) The agent shall be liable for damages in the amount of the surety bond to the athletic department at the institution of higher education at which the athlete is enrolled; and
- (b) The agent shall be subject to disciplinary action by the Secretary of State pursuant to Rule [54-7-.01](#), and to a civil penalty pursuant to O.C.G.A. § [43-4A-15](#).

Cite as Ga. Comp. R. & Regs. R. 54-7-.04

AUTHORITY: O.C.G.A. §§ [43-4A-14](#), [43-4A-15](#).

HISTORY: Original Rule entitled "Failure to Comply with Signing Provision" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-8. COMPLAINTS

54-8-.01 Complaints

(1) Any person may file a complaint against a registered athlete agent or an unregistered person who is practicing as an athlete agent. The Complaint must be in writing and must be delivered to the Secretary of State at 237 Coliseum Drive, Macon, GA 31217. The Complaint may also be filed online through the Secretary of State's website.

(2) The complaint shall include the complainant's name and contact information, shall be signed by the complainant if submitted in writing, and shall give the name and address of the person or business entity against whom the complaint is filed.

(3) The complaint must specify the circumstances which led to the complaint being filed.

Cite as Ga. Comp. R. & Regs. R. 54-8-.01

AUTHORITY: O.C.G.A. § [43-1-19](#).

HISTORY: Original Rule entitled "Complaints" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-9. FEES

54-9-.01 Fees

Refer to Fee Schedule for appropriate fees payable to the Secretary of State. Fees may be reviewed and changed at the discretion of the Secretary of State. Any request for refund must be submitted in writing.

Cite as Ga. Comp. R. & Regs. R. 54-9-.01

AUTHORITY: O.C.G.A. § [43-4A-8](#).

HISTORY: Original Rule entitled "Fees" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

54-9-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-9-.02

AUTHORITY: O.C.G.A. § [16-9-20](#).

HISTORY: Original Rule entitled "Bad Checks" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-10. PROCEDURAL RULES

54-10-.01 Administrative Procedures

The Secretary of State hereby adopts by reference Procedures for Hearings before the several Professional Licensing Boards Chapter 13 of Title 50, the Georgia Administrative Procedures Act and any future amendments thereto.

Cite as Ga. Comp. R. & Regs. R. 54-10-.01

AUTHORITY: O.C.G.A. § [43-4A-7](#).

HISTORY: Original Rule entitled "Administrative Procedures" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

Department 54. DEPARTMENT OF GEORGIA ATHLETE AGENTS

Chapter 54-11. [Repealed]

54-11-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-11-.01

AUTHORITY: O.C.G.A. § [50-14-1](#).

HISTORY: Original Rule entitled "Public Records" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: New Rule of same title adopted. F. Aug. 22, 2001; eff. Sept. 11, 2001.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

54-11-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 54-11-.02

AUTHORITY: O.C.G.A. § [43-1-3](#).

HISTORY: Original Rule entitled "Open Meetings" adopted. F. Oct. 17, 1989; eff. Nov. 6, 1989.

Repealed: F. Apr. 21, 2021; eff. May 11, 2021.

Department 55. GEORGIA AUCTIONEERS COMMISSION

Chapter 55-6. FEES

55-6-.01 Fees, Expiration Dates, and Late Renewals

(1) All fees for applications for license, renewals, late renewals, reinstatements, and all other fees which may be authorized by law shall be established by the Commission periodically as set forth on a fee schedule and may be obtained from the Commission office. Such fees must be paid directly to the Commission office.

(2) Late Renewal Fee: All licenses expire on February 28 of each even numbered year.

Renewals received after February 28th will result in a penalty fee so long as a renewal is received by March 31st following the February 28th expiration deadline. Failure to renew a license prior to April 1st following the expiration deadline, will result in revocation of the license and will require a new application, reexamination, license fees and penalty fee for reinstatement of such revoked license. (See fee schedule maintained by Commission Office.)

(3) Fees for Auctioneering Schools: All fees for applications for auctioneering schools and other licenses, renewals, late renewals, and all other fees that may be authorized by law shall be established by the Commission periodically as set forth on a fee schedule and may be obtained from the Commission office.

(a) A penalty fee as prescribed by the Commission shall be imposed for practicing as an auctioneer or operating an auctioneering company prior to being licensed by the Georgia Auctioneers Commission. (See fee schedule maintained by Commission Office.)

(4) When an application for an original license is made, the licensee shall contribute an amount established by the Commission into the Education, Research and Recovery Fund. See fee schedule maintained by the Commission Office for current contribution required.

(5) The Commission may require additional contributions to the Education, Research and Recovery Fund at any renewal period, provided the request is in compliance with O.C.G.A. Section [43-6-22.1](#).

Cite as Ga. Comp. R. & Regs. R. 55-6-.01

AUTHORITY: O.C.G.A. §§ [43-6-3](#), [43-6-7](#), [43-6-10](#), [43-6-13](#), [43-6-22.1](#).

HISTORY: Original Rule entitled "Fees" adopted. F. Sept. 23, 1983; eff. Oct. 13, 1983.

Amended: F. Aug. 8, 1985; eff. Aug. 28, 1985.

Amended: F. Sept. 20, 1989; eff. Oct. 10, 1989.

Amended: F. May 17, 1990; eff. June 6, 1990.

Amended: F. Oct. 24, 1991; eff. Nov. 13, 1991.

Amended: F. Nov. 13, 1995; eff. Dec. 3, 1995.

Amended: F. June 6, 1996; eff. June 26, 1996.

Amended: F. Nov. 13, 1997; eff. Dec. 3, 1997.

Repealed: New Rule entitled "Fees, Expiration Dates, and Late Renewals" adopted. F. May 10, 2005; eff. May 30, 2005.

Repealed: New Rule of same title adopted. F. Oct. 14, 2010; eff. Nov. 1, 2010.

Amended: F. Apr. 14, 2021; eff. May 4, 2021.

Department 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH

Chapter 111-8. HEALTHCARE FACILITY REGULATION

Subject 111-8-25. GENERAL LICENSING AND ENFORCEMENT REQUIREMENTS

111-8-25-.02 Definitions

- (1) "Administrative action" means the initiation of a contested case as defined in the Georgia Administrative Procedures Act (APA), O.C.G.A. § [50-13-2\(2\)](#).
- (2) "Alter ego" means a person who acts pursuant to the control or influence of another while purporting to act independently.
- (3) "Commissioner" means the Commissioner of the Department of Community Health.
- (4) "Department" means the Department of Community Health, its agents and employees.
- (5) "Document" means any book, record, paper, or other information related to initial and continued licensing.
- (6) "Facility" means any agency, institution, entity or person subject to regulation by the department under Chapters 7, 13, 22, 23, 44 of Title 31, paragraph (8) of subsection (d) of Code § [31-2-4](#), Chapter 5 of Title 26, and Article 7 of Chapter 6 of Title 49 of the Official Code of Georgia Annotated.
- (7) "Final Adverse Finding" means:
- (a) the issuance of a ruling by the Commissioner on any appeal from a decision of a hearing officer or hearing examiner pursuant to a contested case involving the imposition of a sanction;
 - (b) when a decision of the hearing officers or hearing examiner becomes final by operation of law because no appeal is made to the Commissioner;
 - (c) where the parties to a contested case dispose of the case by settlement; or
 - (d) where a facility does not contest within the allotted time period a sanction imposed by the department.
- (8) "Formal Order" means any ruling following an administrative or judicial hearing or an emergency directive issued by the Commissioner as authorized by law related to the initial or continued licensing of a facility which requires the facility to take or refrain from taking specified action. Formal orders include, but are not limited necessarily to final administrative hearing decisions and settlement agreements between the department and facilities. Additionally, formal orders, as defined herein, may include any orders issued by the Commissioner as authorized by law, such as but not limited to O.C.G.A. § [31-7-2.2](#) or as authorized by similar statutes enacted after the effective date of these rules.
- (9) "Inspection" means any examination by the department or its representatives of a facility, including but not necessarily limited to the premises, and staff, persons in care, and documents pertinent to initial and continued licensing so that the department may determine whether a facility is operating in compliance with licensing requirements. The term "inspection" includes any survey, monitoring visit, or other inquiry conducted for the purpose of making a compliance determination with respect to licensing requirements.

(10) "Investigation" means any examination, conducted in response to an allegation or allegations of noncompliance, by the department or its representative of a facility, including but not necessarily limited to the premises, and staff, persons in care, and documents pertinent to initial and continued licensing so that the department may determine whether a facility has violated any licensing requirement.

(11) "License" means the official authorization granted by the department pursuant to any of the provisions of law cited in Rule [111-8-25-.01](#) to operate a facility physically located in Georgia. The term "license" includes any permit, registration, commission, or similar designation reflecting such authorization.

(12) "Licensee" means any person holding a license.

(13) "Licensing requirements" means any provisions of law, rule, regulation, or formal order of the department which apply to facilities with respect to initial or continued authority to operate.

(14) "Long-term care facility" means a licensed adult day center, assisted living community, home health agency, hospice, intermediate care home, nursing home, personal care home or private home care provider.

(15) "Management or Control", for the purpose of imposing the sanction pursuant to Rule [111-8-25-.04\(1\)\(c\)](#) or [111-8-25-.04\(2\)\(b\)](#), means the exercise of or authority to exercise direction, administration, or oversight over a facility's operations by certain persons which include owners, directors, or administrators.

(16) "Memory Care Certificate" means a certificate issued by the department to a licensed assisted living community or personal care home to authorize the operation of a memory care center.

(17) "Person" means any individual, agent, representative, governing authority, firm, organization, partnership, agency, association, corporation, facility, or other entity.

Cite as Ga. Comp. R. & Regs. R. 111-8-25-.02

AUTHORITY: O.C.G.A. §§. 31-2-9, 31-7-2.1, 31-7-2.2, 31-7-3.2, 31-7-12.4.

HISTORY: Original Rule entitled "Title and Purposes" adopted. F. Mar. 17, 2010; eff. Apr. 6, 2010.

Repealed: New Rule entitled "Definitions" adopted. F. July 14, 2010; eff. Aug. 3, 2010.

Amended: F. Apr. 16, 2021; eff. May 6, 2021.

111-8-25-.03 General Licensing Requirements and Fee Schedules

(1) No facility shall offer or provide services which are required to be licensed under rules enforced by the department without a current license issued by the department.

(2) No license shall be issued by the department unless the facility is in compliance with applicable rules set forth in these rules, specific rules applicable to the particular facility type and all licensure activity fees due the department have been paid.

(3) Fees will be assessed to facilities and applicants for licensure for the following licensure activities: processing applications for a new license or a change in ownership, initial license fees, annual licensure activity fees to maintain current license, follow-up visits to periodic inspections, training materials, returned check and mail processing charges and civil monetary penalties.

(4) Application for License. An application for a license to provide regulated services shall be submitted on forms made available by the department in a format acceptable to the department. No application shall be acted upon by the department until the application is determined complete by the department with all required attachments and applicable fees submitted.

(5) Where the department denies an initial license for non-payment of fees or any other reason, such action may be taken by the department prior to an administrative hearing on the denial being held. The applicant whose license has been denied may obtain an administrative hearing, subsequent to the decision to deny the license, as authorized under Georgia law.

(6) Ongoing Licensure Activity Fees. All licenses issued by the department require payment of ongoing licensure activity fees as calculated by the department each state fiscal year, including the state fiscal year that these rules take effect. For annual licenses, such licensure activity fees will be due on the anniversary date of the issuance of the previous year's license. For continuing licenses, such ongoing licensing activity fees will be due October 31st of each state fiscal year. The annual fees shall include the base licensure activity fee and any additional fees incurred during the previous year. Such fees are due and payable to the department within thirty (30) days of receipt of the licensure activity fee invoice. Fees will be calculated by the department in a manner so as to help defray the direct and indirect costs incurred by the department in providing such licensure activities for all programs, but in no event shall exceed such costs.

(7) Effective January 31, 2011, the department may revoke any license if the facility has failed to pay the annually recurring licensure activity fees within sixty (60) days of receipt of a written invoice from the department. The revocation action is subject to written notice of the proposed revocation and a right to receive an administrative hearing on the amount past due and owing prior to the revocation action becoming final.

(8) Schedule of Fees. Fees collected by the department are not refundable, except in extraordinary circumstances as determined by the department in its sole discretion. The decision of the department as to whether to refund a payment is final and may not be appealed. Payment of fees must be in a form of payment accepted by the department. Some forms of electronic payment may result in an additional convenience charge being added to the licensing fee that is due. Any convenience charge for which the user is responsible must be disclosed to the potential user before completion of the transaction. No cash payments are accepted by the Department. The following schedule of fees applies for the listed licensure activities:

| Licensure Activity | Fee | Fee Frequency |
|---|-----------------------------------|---|
| Application Processing Fee, Change in Ownership, Change in Service Level (requiring on site visit), Name Change - Any Program | \$300 | Upon submission |
| Initial Provisional or Regular License (Same as annual licensure activity fee for each program type) | Varies by program | Submitted with application processing fee |
| Involuntary Application Processing Fee subsequent to unlicensed complaint investigation | \$550 | |
| Follow-up Visit to Periodic Inspection - Any Program | \$250 | License renewal date |
| Licenses and Certificates | | |
| Adult Day Centers ** | \$250 (social) \$350 (medical) | Annually |
| Ambulatory Surgical Treatment Centers ** | \$750 | Annually |
| Assisted Living Communities ** (see Personal Care Homes) | | |
| Birthing Centers ** | \$250 | Annually |
| Clinical Laboratories ** | \$500 | Annually |
| Community Living Arrangements ** | \$350 | Annually |
| Drug Abuse Treatment Programs ** | \$500 | Annually |
| End Stage Renal Disease Centers ** | | Annually |
| 1-12 stations | \$600 | Annually |

| Licensure Activity | Fee | Fee Frequency |
|---|------------------------------|----------------------|
| 13-24 stations | \$1,000 | Annually |
| 25 or more | \$1,100 | Annually |
| Stand Alone ESRD Facilities Offering Peritoneal Dialysis Only | \$800 | Annually |
| Eye Banks | \$250 | Annually |
| HMOs (if subject to licensure) | \$2,000 | Annually |
| Home Health Agencies ** | \$1,000 | Annually |
| Hospices ** | \$1,000 | Annually |
| Hospitals ** | | Annually |
| CAHS < 25 beds | \$250 | Annually |
| 25 =< 50 beds | \$750 | Annually |
| >50 beds | \$1,500 | Annually |
| Imaging Centers (rules to be developed) ** | \$3,000 | Annually |
| Infirmaries | \$250 | Annually |
| Intermediate Care Facilities/MR (private) ** | \$250 | Annually |
| Memory Care Certificate ** | \$200 | Annually |
| Narcotic Treatment Programs ** | \$1,500 | Annually |
| Nursing Homes ** | | Annually |
| 1 =< 99 | \$500 | Annually |
| >99 | \$750 | Annually |
| Personal Care Homes ** | | Annually |
| < 25 beds | \$350 | Annually |
| 25 =< 50 beds | \$750 | Annually |
| >50 beds | \$1,500 | Annually |
| Private Home Care Providers ** | | Annually |
| For each service offered: Companion Sitter, Personal Care and/or Nursing Maximum of \$750 | \$250 (per service) | Annually |
| Traumatic Brain Injury Facilities | \$250 | Annually |
| X-Ray Facilities (per machine) | \$300 | Annually |
| Miscellaneous Fees | | |
| Civil monetary penalties as finally determined | | Case-by-case basis |
| Late Fee: Sixty (60) days past due | \$150 | Per instance |
| Lists of Facilities by license type (electronic only) | \$25 | Per request |
| Replacement of Lost Permit | \$50 | Per request |
| Returned check charge - as assessed by bank | <\$50 | Per instance |
| Special handling charges when required (special courier/mailing costs) | Cost | Per instance |
| Training materials - cost to reproduce for participant | \$.25 per page, \$5 per disc | Per participant |
| ** Eligible for a 25% discount if currently accredited by a nationally recognized accreditation organization approved by the department as having standards comparable to specific state licensure requirements, and complete copy of current decision is submitted to the department at the time of renewal or is already on file with the department. | | |

Cite as Ga. Comp. R. & Regs. R. 111-8-25-.03

AUTHORITY: O.C.G.A. §§ [31-2-4](#), [31-2-7](#), [31-2-8](#), [31-7-3](#).

HISTORY: Original Rule entitled "Definitions" adopted. F. Mar. 17, 2010; eff. Apr. 6, 2010.

Repealed: New Rule entitled "General Licensing Requirements and Fee Schedules" adopted. F. July 14, 2010; eff. Aug. 3, 2010.

Amended: F. Aug. 22, 2012; eff. Sep. 11, 2012.

Amended: F. Apr. 16, 2021; eff. May 6, 2021.

111-8-25-.05 Sanctions

(1) **Sanctions against Licensees.** When the department finds that any licensee has violated any provision of Rule [111-8-25-.04](#), Enforcement, the department, subject to notice and opportunity for a hearing, may impose any one or more of the sanctions in subparagraphs (a) through (f) below.

(a) **Administer a Public Reprimand.** If the sanction of public reprimand is finally imposed, as defined by a final adverse finding, the public reprimand shall consist of a notice prepared by the department that the facility has been reprimanded; such notice shall include a written report of the department's findings along with the facility's response and corrective action plan.

1. **Location of Notice.** The facility shall post the public reprimand in places readily accessible and continuously visible to persons in care and their representatives. Additionally, if the facility maintains a website, it shall post a web link in a prominent location on the main page of the website that provides access to a copy of the public reprimand.

2. **Timing of Notice.** The facility shall post the public reprimand on the day the public reprimand is received by the facility and such reprimand shall remain posted for a period of ninety (90) days.

3. **Notice for Service Inquiries.** During any period that the reprimand is required to be posted, the facility shall advise persons seeking services and representatives of persons seeking services of the reprimand. In response to a notice by the department of the imposition of a public reprimand, a facility may request that the department not require the facility to advise persons seeking services and representatives of persons seeking services of the reprimand if such requirement would compromise its ability to provide services, and is not feasible given the facility's range of services and the ways its services are provided. Such request must be made within ten (10) calendar days from receipt of the notice from the department. The department upon such a convincing showing, as well as a showing that the correction of the violation has been achieved and will be sustained by the facility, may elect not to enforce this requirement. If the department elects to enforce the requirement and the facility appeals the imposition of the sanction, the issue of this requirement may become an issue for consideration by the hearing examiner at any hearing held on the sanction, unless waived by the facility.

(b) **Suspend any License.** The department may suspend for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of said license.

1. The department may impose the sanction of suspension for a definite period calculated by it as the period necessary for the facility to implement long-term corrective measures and for the facility to be deterred from lapsing into noncompliance in the future. As an alternative to suspending a license for a definite period, the department may suspend the license for an indefinite period in connection with the imposition of any condition or conditions reasonably calculated to elicit long-term compliance with licensing requirements which the facility must meet and demonstrate before it may regain its license.

2. If the sanction of license suspension is finally imposed, as defined by a final adverse finding, the department shall effectuate it by requiring the facility to return its license to the department. Upon the expiration of any period of suspension, and upon a showing by the facility that it has achieved compliance with licensing requirements, the department shall reissue the facility a license. Where the license was suspended for an indefinite period in

connection with conditions for the re-issuance of a license, once the facility can show that any and all conditions imposed by the department have been met, the department shall reissue the facility a license.

(c) **Prohibit Persons in Management or Control.** The department may prohibit a licensee from allowing a person who previously was involved in the management or control of any facility which has had its license revoked or application denied within the past twelve (12) months to be involved in the management or control of such facility. Any such person found by the department to have acted diligently and in good faith to ensure correction of violations in a facility which has had its license revoked or denied, however, shall not be subject to this prohibition if that person became involved in the management or control of the facility after the facility was notified by the department of violations of licensing requirements giving rise to a revocation or denial action. This subparagraph shall not be construed to require the department to obtain any information that is not readily available to it regarding any person's involvement with a facility. For the purpose of this Rule, the twelve (12) month period will begin to run from the date of any final adverse finding or the date that any stay of enforcement ceased, whichever first occurs.

(d) **Revoke any License.** The department may revoke any license. If the sanction of license revocation is finally imposed, as defined by a final adverse finding, the department shall effectuate it by requiring the facility to return its license to the department.

(e) **Impose a Civil Penalty Fine.** The department may impose a civil penalty fine of up to \$2,000 per day for each violation of a law, rule, regulation, or formal order related to the initial or continued licensing of a facility; provided, however, that no such fines shall exceed \$40,000 for violations found during the same inspection. If a violation is found on two (2) consecutive inspections, there shall exist a rebuttable presumption that the violation continued throughout the period of time between each inspection.

1. Categories of Violations. Violations shall be assigned a category based upon the following criteria:

(i) **Category I** (\$1,201-\$2,000 per violation per day): A violation or combination of violations of licensing requirements which has caused death or serious physical or emotional harm to a person or persons in care or poses an imminent and serious threat or hazard to the physical or emotional health and safety of one or more persons in care;

(ii) **Category II** (\$601-\$1,200 per violation per day): A violation or combination of violations of licensing requirements which has direct adverse effect on the physical or emotional health and safety of a person or persons in care; and

(iii) **Category III** (\$100-\$600 per violation per day): A violation or combination of violations of licensing requirements which indirectly or over a period of time has or is likely to have an adverse effect on the physical or emotional health and safety of a person or persons in care, or a violation or violations of administrative, reporting, or notice requirements.

2. Fine Amounts. The specific amount of the fine for each violation in each category shall be determined based upon whether and when the particular or similar rule, law, or order, or the act, omission, incident, circumstance, or conduct giving rise to the violation of the same regulatory requirement, or one substantially similar thereto, has been cited by the department previously. In no case, however, shall a facility be sanctioned for a violation characterized as a subsequent or repeat violation unless the time frame identified in the acceptable plan of correction has passed and the facility nonetheless has failed to attain or maintain correction.

(i) **Initial Violation.** If the same or a substantially similar violation has not been cited previously by the department within the past twenty-four (24) months against the facility, it shall be considered to be an initial violation. The fine amount for initial violations shall be the bottom figure in the appropriate category.

(ii) **Subsequent Violation.** If the present violation or a substantially similar violation had been found and cited by the department as the result of the last inspection of the facility, or as the result of any one other inspection during the previous twenty-four (24) months, the violations shall be considered to be a subsequent violation. The fine amount for subsequent violations shall be in the range between the top and bottom figures of the appropriate

category and other factors, such as the existence of mitigating or aggravating circumstances, shall be considered in determining the fine amount within the range.

(iii) **Repeat Violation.** If the present violation or a substantially similar violation also had been found and cited any two (2) other times during the past twenty-four (24) months, it shall be considered to be a repeat violation. The fine amount for repeat violations shall be the top figure in the category.

3. **Limitation of Fines.** A single act, omission, incident, circumstance, or conduct shall not give rise to the imposition of more than one fine even though such act, omission, incident, circumstance, or conduct may have violated more than one licensing requirement. In such a case, the fine shall be based upon the highest category in which any one violation resulting from the same act, omission, incident, circumstance, or conduct falls. Correction by the facility of cited violations tolls the continuation of the assessment of the daily fine, provided, however, that the department shall confirm that such cited violations were corrected.

4. **Financial Hardships.** In response to a notice by the department of the imposition a fine, a facility may request that the department reduce the fine amount if the fine would cause significant financial hardship that would compromise its ability to provide care or services in compliance with licensing requirements. The department, in its discretion, upon such a convincing showing as well as a showing that correction of the violation has been achieved and will be sustained by the facility, may reduce the amount of the fine. If the department proceeds with the imposition of the fine as proposed, the issue of significant financial hardship may become an issue for consideration by the hearing examiner at any hearing held on the sanction, unless waived by the facility.

5. **Mandatory Fines.** The Department shall impose a mandatory fine of no less than \$5,000.00 for a violation of a law, rule, regulation, or formal order related to the initial or ongoing licensing of a long-term care facility which has caused the death of or serious physical harm to a resident in such facility. For purposes of this subparagraph, the term 'serious physical harm' means an injury which causes any significant impairment of the physical condition of the resident as determined by qualified medical personnel which may be proven by testimony or by submission of the medical record. Any mandatory fine imposed by the Department may not be reduced on the basis of financial hardship.

6. **Federal Preemption.** No fine, whether discretionary or mandatory, may be imposed against any nursing facility, nursing home, or intermediate care facility which is subject to intermediate sanctions under the provisions of 42 U.S.C. § 1396r(h)(2)(A), as amended, whether or not those sanctions actually are imposed.

(f) **Limit or Restrict any License.** The department may limit or restrict any license as the department deems necessary for the protection of the public (a provisional or temporary time-limited license granted by the department shall not be considered to be a limited or restricted license).

1. Limitation or restriction of a license may occur to:

(i) prohibit the provision of a particular service or services when a facility is unable or unwilling to render or perform the service or services in compliance with licensing requirements;

(ii) restrict the authorized number of persons cared for by a facility when the facility is unable or unwilling to render care in compliance with licensing requirements; and/or

(iii) prohibit a facility from caring for persons with specific types or degrees of needs that the facility is not capable of meeting in compliance with licensing requirements.

2. If the sanction of license limitation or restriction is finally imposed, as defined by a final adverse finding, the department shall effectuate it by sending the facility a restricted or limited license. Upon receipt of the restricted or limited license, the facility shall return to the department its original license. Upon expiration of the restriction or limitation period, and upon proof by the facility that it has taken effective corrective action and has sustained that action during the period of the sanction, the department shall fully restore the facility's license. The department shall take any steps it deems necessary to verify compliance prior to the expiration of the sanction period so that a compliant facility is restored its license without delay.

(2) **Sanctions against Applicants.** When the department finds that any applicant for a license has violated any provision of Rule [111-8-25-.04](#), Enforcement, the department, subject to notice and opportunity for a hearing, may impose any one or more of the following sanctions in subparagraphs (a) through (c) below.

(a) **Refuse to Grant License.** The department may refuse to grant (deny) a license; provided, however, that the department may refuse to grant an initial license without holding a hearing prior to taking such action.

1. The department may deny an application for a license where the facility has failed to demonstrate compliance with licensing requirements. Additionally, the department may deny an application for a license where the applicant or alter ego of the applicant has had a license denied, revoked, or suspended within one year of the date of an application, or where the applicant has surrendered the license or transferred ownership or governing authority of a facility within one year of the date of a new application when such surrender or transfer was made in order to avert denial, revocation, or suspension of a license or payment of fines. For the purpose of determining the one-year denial period, the period shall begin to run from the date of the final adverse finding, or the date any stay of enforcement ceased, whichever first occurs. In further determining whether to grant or deny a license, the department may consider the applicant's overall record of compliance with licensing requirements.

(b) **Prohibit Persons in Management or Control.** The department may prohibit an applicant from allowing a person who previously was involved in the management or control of any facility which has had its license revoked or application denied within the past twelve (12) months to be involved in the management or control of such facility. Any such person found by the department to have acted diligently and in good faith to ensure correction of violations in a facility which has had its license revoked or denied, however, shall not be subject to this prohibition if that person became involved in the management or control of the facility after the facility was notified by the department of violations of licensing requirements giving rise to denial action. This subparagraph shall not be construed to require the department to obtain any information that is not readily available to it regarding any person's involvement with a facility. For the purpose of this rule, the twelve (12) month period will begin to run from the date of any final adverse finding or the date that any stay of enforcement ceased, whichever first occurs.

(c) **Limit or Restrict any License.** The department may limit or restrict any license as it deems necessary for the protection of the public (a provisional or temporary time-limited license granted by the department shall not be considered to be a limited or restricted license).

1. Limitations or restrictions of a license may include any or all of the following as determined necessary by the department:

(i) prohibiting the provision of a particular service or services when a facility is unable or unwilling to render or perform the service or services in compliance with licensing requirements;

(ii) restricting the authorized number of persons cared for by a facility when the facility is unable or unwilling to render care in compliance with licensing requirements; and

(iii) prohibiting a facility from caring for persons with specific types or degrees of needs that the facility is not capable of meeting in compliance with licensing requirements.

2. The department may restrict a license where any applicant or alter ego of the applicant has had a license denied, revoked, or suspended within one (1) year of the date of an application, or where the applicant has surrendered the license or transferred ownership or governing authority of a facility within one (1) year of the date of a new application when such surrender or transfer was made in order to avert denial, revocation, suspension of a license, or payment of fines. For the purpose of determining the one (1) year denial period, the period shall begin to run from the date of the final adverse finding or the date any stay of enforcement ceased, whichever occurs first.

3. If the sanction of license limitation or restriction is finally imposed, as defined by a final adverse finding, the department shall effectuate it by sending the facility a restricted or limited license. Upon receipt of the restricted or limited license, the facility shall return to the department its original license if one was granted. Upon expiration of the restriction or limitation period, and upon proof by the facility that it has taken effective corrective action and has

sustained that action during the period of the sanction, the department may issue the facility a license. The department shall take any steps it deems necessary to verify compliance prior to the expiration of the sanction period so that a compliant facility may be issued a license without delay.

(3) Extraordinary Sanctions Where Imminent and Substantial Danger. Where the Commissioner of the department determines that the patients or residents in the care of an institution, community living arrangement or drug abuse treatment program subject to licensure are subject to an imminent and substantial danger, the Commissioner may order any of the extraordinary sanctions listed in subsections (b), (c), (d) and (e), of this rule, 111-8-25-.05(3), to take effect immediately unless otherwise specified in the order, without notice and opportunity for hearing prior to the order taking effect.

(a) Content of the Order. The order shall contain the following:

1. the scope of the order;
2. reasons for the issuance of the order;
3. effective date of the order if other than the date the order is issued;
4. person to whom questions concerning the order are to be addressed; and
5. notice of the right to obtain after the issuance of the order, a preliminary hearing and an administrative hearing regarding the emergency order as a contested case.

(b) Emergency Relocation. The Commissioner may order emergency relocation of the patients or residents of any institution, community living arrangement or drug abuse treatment program subject to licensure to the nearest appropriate institution, community living arrangement or drug abuse treatment program. Prior to issuing an emergency order, the Commissioner may consult with persons knowledgeable in the field of medical care and a representative of the facility to determine if there is a potential for greater adverse effects on patient or resident care as a result of the proposed issuance of an emergency order. The Commissioner shall provide for notice to the patient or resident, his or her next of kin or guardian and his or her physician of the emergency relocation and the reasons therefore; relocation to the nearest appropriate institution, community living arrangement or drug abuse treatment and education program and other protection designed to ensure the welfare and, when possible, the desires of the patient or resident.

1. When provided with the notice of the execution of the emergency relocation order, the institution, community living arrangement or drug abuse treatment program shall make patient/resident information available to the department in usable formats.
2. The institution, community living arrangement or drug abuse treatment program that is the subject of the emergency relocation order shall not impede in any way the Department's communications with the patients/residents, next of kin or guardians of the patients/residents and attending physicians.
3. The institution, community living arrangement or drug abuse treatment program shall continue to provide care and services to the patients/residents and shall prepare records required by the receiving facility which are necessary to facilitate continuity of patient/resident care for the patients/residents to be relocated.
4. The institution, community living arrangement or drug abuse treatment program shall make any personal property, such as but not limited to patient/resident funds, available to the receiving facility at the time of transfer.

(c) Emergency Placement of Monitor. The Commissioner may order the emergency placement of a monitor in an institution community living arrangement or drug abuse treatment program subject to licensure when conditions at the facility require immediate oversight for the safety of the patients or residents.

1. **Conditions.** The placement of a monitor may be required when one or more of the following circumstances are present:

- (i) the institution, community living arrangement or drug abuse treatment program is operating without a permit or license;
- (ii) the department has denied the application for a permit or a license or has initiated an action to revoke the existing permit or license of the institution, community living arrangement or drug abuse treatment program;
- (iii) the institution, community living arrangement or drug abuse treatment program is closing or plans to close and adequate arrangement for the relocation of the patients or residents have not been made at thirty (30) days before the date of closure; or
- (iv) the health, safety, security, rights or welfare of the patients or residents cannot be adequately assured by the institution, community living arrangement or drug abuse treatment program. For example, the department is informed that essential service vendors (electricity, gas, water, food or pharmacy) have not been paid and anticipate discontinuing service and the institution, community living arrangement or drug abuse treatment program does not have a signed contract with another vendor establishing that there will be no disruption in service.

2. Role of Monitor. The monitor may be placed in the institution, community living arrangement or drug abuse treatment program for no more than ten (10) days during which time the monitor shall observe conditions and compliance with remedial action recommended by the department. The monitor shall not assume any administrative responsibility for the institution, community living arrangement or drug abuse treatment program, nor shall the monitor be liable for any of the actions of the institution, community living arrangement or drug abuse treatment program.

3. Cost of Monitor. The institution, community living arrangement or drug abuse treatment program shall pay the costs associated with the placement of the monitor unless the Commissioner's order placing the monitor is determined to be invalid in a contested case proceeding under the Georgia Administrative Procedure Act, Chapter 13 of Title 50.

(d) Emergency Prohibition of Admissions. The Commissioner may order the emergency prohibition of admissions to an institution, community living arrangement or drug abuse treatment program when such facility has failed to correct a violation of departmental permit rules within a reasonable period of time, as specified in the department's corrective order, and the violation could either jeopardize the health and safety of the residents/patients if allowed to remain uncorrected or is a repeat violation over a twelve (12) month period, which is intentional or due to gross negligence.

(e) Emergency Suspension of Admissions. The Commissioner may order admissions to an institution, community living or drug abuse treatment program, may be suspended until the department has determined that the violation has been corrected or until the department has determined that the facility has undertaken the action necessary to effect correction of the violation.

(f) Preliminary Hearing. The institution, community living arrangement or drug abuse treatment program affected by the Commissioner's emergency order, may request that the department hold a preliminary hearing within the department on the validity of the order and the need for its continuation. Such hearing shall occur within ten (10) days following the request.

1. A request for a preliminary hearing shall be made in writing to the representative of the department designated in the emergency order. Unless a request is made to appear in person, the preliminary hearing shall consist of an administrative review of the record, written evidence submitted by the institution affected, and a preliminary written argument in support of its contentions.

2. If a request is made to appear in person at the preliminary hearing, the following information shall be included in the request, or provided prior to the hearing:

- (i) the name and address of person or persons, if any, who will be representing the institution in the preliminary hearing;

(ii) the names and titles of all other persons who will attend the preliminary hearing; and

(iii) any additional evidence the institution wishes to submit for consideration at the hearing.

3. Upon receipt of a request for a preliminary hearing, the department shall set and give notice of the date, time, and location of the preliminary hearing. The preliminary hearing shall be held within ten (10) calendar days of receipt of the request.

4. If a personal appearance is requested, the preliminary hearing shall consist of a review of the evidence in the record; any additional evidence introduced at the hearing; and any arguments made. A sound recording shall be made of the hearing.

5. Within seven (7) calendar days of the close of the preliminary hearing, the department shall render a written decision. The decision shall be divided as follows:

(i) description of additional evidence submitted by the affected institution;

(ii) summary of the arguments and/or brief submitted by the institution in support of its contention that the emergency order is invalid;

(iii) a statement as to whether the emergency order issued by the department is found valid and the reasons therefore; and

(iv) notice of the affected institution's right to obtain an administrative hearing regarding the Commissioner's emergency order pursuant to O.C.G.A. § [50-13-13](#), if the emergency order is found valid as a result of the department's preliminary hearing.

6. Pending final appeal of the validity of any emergency order issued as provided herein through the administrative hearing process, such emergency order shall remain in full effect until vacated or rescinded by the Commissioner.

(g) **Cumulative Remedy.** The department is not limited to a single emergency action under these rules, nor is the department precluded from other actions permitted by other law or regulations during the time an emergency order is in force.

(4) **Standards for Taking Sanctions.** In taking any of the actions pursuant to subparagraphs (1), (2) or (3) of this rule, the department shall consider the seriousness of the violation or violations, including the circumstances, extent, and gravity of the prohibited act or acts or failure to act, and the hazard or potential hazard created to the physical or emotional health and safety of the public.

(5) **Non-Compliance with Sanctions.** Failure on the part of any facility to abide by any sanction, including payment of a fine, which is finally imposed against it, shall constitute grounds for the imposition of additional sanctions, including revocation.

(6) **Settlements.** With regard to any contested case instituted by the department pursuant to this Chapter or other provisions of law or regulation which may now or hereafter authorize remedial or disciplinary grounds and action, the department may, in its discretion, dispose of the action so instituted by settlement. In such cases, the department, the facility, and those persons deemed by the department to be successors in interest to any settlement agreement, shall be bound by the terms specified therein. Violation thereof by any applicant or licensee, their agents, employees, or others acting on their behalf, shall constitute grounds for the imposition of any sanctions enumerated in this Chapter, including revocation.

(7) **Sanctions for Nursing Facilities.** With respect to any facility classified as a nursing facility, nursing home, or intermediate care home, the department may not take an action to fine or restrict the license of any such facility based on the same act, occurrence, or omission for which: the facility has received an intermediate sanction under the provisions of 42 U.S.C. § 1396r(h)(2)(A), as amended, or 42 U.S.C. § 1395i-3(h)(2)(B); or such facility has been

served formal notice of intent to take such a sanction which the Division of Medical Assistance, based on administrative review, or any other appropriate body, based on administrative or judicial review, determines not to impose, provided however, that nothing in this subparagraph shall prohibit the department from using the provisions authorized by law in paragraph (5) above.

Cite as Ga. Comp. R. & Regs. R. 111-8-25-.05

AUTHORITY: O.C.G.A. §§. 31-2-8, 31-7-2.2, 31-7-4.

HISTORY: Original Rule entitled "Sanctions" adopted. F. Mar. 17, 2010; eff. Apr. 6, 2010.

Repealed: New Rule entitled "Sanctions" adopted. F. July 14, 2010; eff. Aug. 3, 2010.

Amended: F. Apr. 16, 2021; eff. May 6, 2021.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-1. GENERAL PROVISIONS

375-3-1-.21 Distinctive Driver's License, Permit, and Identification Card for Persons Under Age Twenty-One (21)

All driver's licenses, permits, and identification cards issued to applicants under age twenty-one (21) shall have a vertical format and "Under 21" printed on the card. After having attained twenty-one (21) years of age, the holder of any such distinctive license, permit, or identification card may obtain a new card which shall not be distinctive.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.21

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-5-26](#).

HISTORY: Original Rule entitled "Distinctive Drivers License for Persons Under Age 21" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Amended: New title "Distinctive Driver's License, Permit, and Identification Card for Persons Under Age Twenty-One (21)." F. Apr. 19, 2021; eff. May 9, 2021.

375-3-1-.29 Replacement of Lost, Stolen, or Destroyed Cards

(1) Customers who are REAL ID compliant and only hold a regular non-commercial driver's license or permit, or identification card may apply for replacement of a lost, stolen, or destroyed card via electronic means.

(2) Customers who are REAL ID compliant and applying in-person for replacement of a lost, stolen, or destroyed license, permit, or identification card may be asked to provide proof of their identity using one of the documents listed in Ga. Comp. R. & Regs. R. [375-3-1-.02\(3\)](#) or proof of the following:

(a) Social Security Number; and

(b) Address

(3) Customers who are not REAL ID compliant must apply in-person for replacement of a lost, stolen, or destroyed license, permit, or identification card and provide the required documents listed in Ga. Comp. R. & Regs. R. [375-3-1-.02](#).

(4) Non-U.S. citizen customers must apply in-person for replacement of a lost, stolen, or destroyed card and provide proof of their identity using one of the documents listed in Ga. Comp. R. & Regs. R. [375-3-1-.02\(3\)](#) or the following:

(a) Copy of receipt for replacement immigration document containing USCIS A#

(5) Non-U.S. citizen customers must be verified through SAVE (Systematic Alien Verification for Entitlements) and will be issued a replacement credential with an expiration date not to exceed the length of their authorized stay in the United States, and in accordance with DDS rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.29

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-16-2](#), [40-16-3](#), [40-16-4](#), [40-16-5](#), [40-5-101](#).

HISTORY: New Rule entitled "Replacement of Lost, Stolen or Destroyed Cards" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Amended: F. Dec. 26, 2012; eff. Jan. 15, 2012.

Amended: F. Nov. 19, 2018; eff. Dec. 9, 2018.

Note: Correction of non-substantive typographical error in paragraph (3), as requested by the Agency. "Customers who provide a document pursuant to paragraph 1(h) of this regulation." corrected to "Customers who provide a document pursuant to paragraph 1(i) of this regulation." Effective January 24, 2019.

Amended: New title "Replacement of Lost, Stolen, or Destroyed Cards." F. Apr. 19, 2021; eff. May 9, 2021.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-3. ENVIRONMENTAL PROTECTION

Subject 391-3-5. RULES FOR SAFE DRINKING WATER

391-3-5-.02 Definitions

All terms used in these rules shall be interpreted in accordance with the definitions as set forth in the Georgia Safe Drinking Water Act of 1977 or as herein defined:

- (1) "Act" means the Georgia Safe Drinking Water Act of 1977, as amended.
- (2) "Action Level" means the concentration of a contaminant, which if exceeded, triggers treatment or other requirements which a water system must follow.
- (3) "Aquifer" means any stratum or zone of rock beneath the surface of the earth capable of containing water or producing water from a well.
- (4) "Aquifer Testing" means a controlled pumping test of a well lasting at least 24 continuous hours in which the water level and the pumping rate are monitored at closely spaced intervals and the water level is monitored for at least as long a time following the test as the duration of the test.
- (5) "Backflow" means the reverse flow of contaminated water, other liquid, gas, or substance into the distribution system of a potable water supply.
- (6) "Back pressure" means a condition in which the pressure in a non-potable system is greater than the pressure in the potable distribution system and can cause contaminants to backflow into the potable system.
- (7) "Backsiphonage" means a form of backflow caused by a negative or below atmospheric pressure within the potable water system.
- (8) "Bag filters" are pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to outside.
- (9) "Bank filtration" is a water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well(s).
- (10) "Business plan" means a written plan which is prepared to demonstrate a public water system's managerial and financial capacity to comply with all drinking water regulations in effect, or likely to be in effect. The business plan is to be prepared in conformance with Appendix A of the Division's "Minimum Standards for Public Water Systems", latest edition. The business plan shall be updated at intervals determined by the Director.
- (11) "Best Available Technology" or "BAT" means the best technology, treatment techniques, or other means promulgated by EPA and adopted by the Division. In promulgating BAT the EPA examines the efficacy under field conditions and not solely under laboratory conditions, and takes costs into consideration when determining what technology or treatment technique is available.

(12) "CFR" means the Code of Federal Regulations, Title 40. The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

(13) "Capacity" means the overall capability of a water system to reliably produce and deliver water meeting all national primary drinking water regulations in effect, or likely to be in effect. Capacity encompasses the technical, managerial, and financial capabilities, as described in the latest edition of EPD's "Minimum Standards for Public Water Systems" and will enable a water system to plan for, achieve, and maintain compliance with applicable drinking water standards.

(14) "Cartridge filters" are pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

(15) "Casing" means the tubular material used to shut off or exclude a stratum or strata and to protect against entrance of contaminants during the expected life of the well.

(16) "Clean compliance history" is, for the purposes of the Revised Total Coliform Rule, [391-3-5-.55](#), a record of: no MCL violations under Rule [391-3-5-.18\(4\)\(a\)-\(c\)](#) or Rule [391-3-5-.55](#); no monitoring violations under Rule [391-3-5-.23](#) or Rule [391-3-5-.55](#); and no coliform treatment technique trigger exceedances or treatment technique violations under Rule [391-3-5-.55](#).

(17) "Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

(18) "Combined distribution system" is the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

(19) "Community water system" or "CWS" means a public water system, which serves at least 15 service connections, used by year-round residents or regularly serves at least 25 year-round residents.

(20) "Compliance cycle" means the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three-year compliance periods. The first compliance cycle begins January 1, 1993.

(21) "Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three-year compliance periods.

(22) "Comprehensive performance evaluation" or "CPE" means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purpose of compliance with subparts P and T of 40 CFR Part 141, the CPE shall consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

(23) "Confirmation Sample" means a sample analysis or analyses taken to verify the results of an original analysis. Each sample for the analysis shall be taken or measured at the same location in the water system as the original sample. The results of the confirmation samples shall be averaged with the original sample to determine compliance.

(24) "Confined Aquifer" means an aquifer which is separated from the land surface by a significant zone of low permeability which prevents surface recharge or pollutants from readily reaching the aquifer.

(25) "Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

(26) "Consecutive system" is a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

(27) "Consumer Confidence Report" means an annual report that community water systems must deliver to their customers which, as a minimum, contains information on the quality of the water delivered by the system and characterizes the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

(28) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(29) "Conventional filtration treatment" means a series of processes including coagulation flocculation, sedimentation, and filtration resulting in substantial particulate removal.

(30) "Corrosion Inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

(31) "Cross-connection" means any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste, or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as the result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross-connections.

(32) "CT" is the product of "residual disinfectant concentration" (C) in milligrams per liter determined before or at the first customer tap where water is provided for human consumption and the corresponding "disinfectant contact time" (T) in minutes.

(33) "Department" means the Department of Natural Resources of the State of Georgia.

(34) "Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which (1) a pre-coat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and (2) while the water is filtered by passing through the cake on the septum, additional filter media known as the body feed is continuously added to feed water to maintain the permeability of the filter cake.

(35) "Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

(36) "Director" means the Director of the Environmental Protection Division, Department of Natural Resources of the State of Georgia, or his designee.

(37) "Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

(38) "Disinfectant contact time" ("T" in CT calculations) means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point where residual disinfectant concentration ("C") is measured.

(39) "Disinfection" means a process, which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

- (40) "Disinfection profile" means a summary of *Giardia lamblia* inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in [40 CFR §141.172](#). (Disinfection profiling and benchmarking) in subpart P and §§141.530-141.536 (Disinfection profile) in subpart T of 40 CFR Part 141.
- (41) "Division" means the Environmental Protection Division, Department of Natural Resources of the State of Georgia.
- (42) "Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.
- (43) "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).
- (44) "Drinking Water" means water supplied to the public for human consumption from a public water system.
- (45) "Dual sample set" is a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purposes of conducting an IDSE under subpart U of 40 CFR, Part 141 and determining compliance with the TTHM and HAA5 MCLs under subpart V of 40 CFR, Part 141.
- (46) "Effective corrosion inhibitor residual" for the purpose of compliance with Rule 395-3-5-.25, means a concentration sufficient to form a protective film on the interior walls of a pipe.
- (47) "Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.
- (48) "Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.
- (49) "Entry Point" means the sample point where after treatment drinking water enters the distribution system. For purposes of the Act and the Rules, "entry point" shall be defined as a sample location anywhere on the finished water line after treatment, up to and including the first service or customer tap.
- (50) "EPA" means the United States Environmental Protection Agency.
- (51) "Exemption" means approval from the Division affording a public water system, existing as of the effective date of these rules, an extended time for compliance with a maximum contaminant level or treatment technique contained in a drinking water standard. An exemption pertains to non-compliance with a maximum contaminant level for reasons other than that instance when application of a generally available treatment method fails to adequately treat the raw water source.
- (52) "Federal Act" means the Federal Safe Drinking Water Act, 1974 P.L. 93-523, as amended.
- (53) "Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.
- (54) "Filtration" means a process for removing particulate matter from water by passage through porous media.
- (55) "Finished water" is water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except as treatment necessary to maintain water quality in the distribution system (*e.g.*, booster disinfection, addition of corrosion control chemicals).

(56) "First draw sample" means a one-liter sample of tap water collected in accordance with Rule [391-3-5-.25](#), that has been standing in the plumbing pipes at least 6 hours and is collected without flushing the tap.

(57) "Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles by gentle stirring by hydraulic or mechanical means.

(58) "Flowing stream" is a course of running water flowing in a definite channel.

(59) "GAC10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with subpart V MCLs under [40 CFR §141.64\(b\)\(2\)](#) shall be 120 days.

(60) "GAC20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

(61) "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

(62) "Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurement on a dry sample.

(63) "Ground water" means water obtained from wells and/or springs used as a source of water supply for a public water system.

(64) "Ground water under the direct influence of surface water" (GWUDI) means any water beneath the surface of the ground with:

(a) significant occurrence of insects or other microorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*, or *Cryptosporidium*, or

(b) significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

(65) "Haloacetic acids (five)" (HAA5) mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

(66) "Halogen" means one of the chemical elements chlorine, bromine or iodine.

(67) "Hazardous Material" means any chemical, substance or material that is classified as Hazardous by the U.S. Environmental Protection Agency (CFR 40, Part 261).

(68) "Health hazards" mean any conditions, devices, or practices in a water supply system or its operation, which create or may create an imminent and substantial danger to the health and well-being to the water consumer.

(69) "Heterotrophic plate count" formerly known as the standard plate count, is a procedure for estimating the number of live heterotrophic bacteria in water. Unless stated otherwise, heterotrophic plate count refers to Method 9215, the pour plate method, as set forth in *Standard Methods for the Examination of Water and Wastewater*, American Public Health Association, 18th Edition, 1992, pp. 9-32 to 9-34, or subsequent edition.

(70) "Initial compliance period" means the first full three-year compliance period that begins January 1, 1993.

(71) "Inventory" for the purpose of Rule [391-3-5-.40](#) means a written or computer database listing of all potential sources of ground-water pollution located within a wellhead protection area.

(72) "Lake/reservoir" refers to a natural or man-made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

(73) "Large water system" for the purpose of Rule [391-3-5-.25](#) (Lead & Copper) means a water system that serves more than 50,000 persons.

(74) "Lead service line" means a line made of lead, which connects the discharge side of the water meter to the building inlet and any lead pigtail, gooseneck or other fitting, which is connected to such lead line.

(75) "*Legionella*" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

(76) "Level 1 assessment" is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. It is conducted by the system operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any Division directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

(77) "Level 2 assessment" is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the Division, which may include the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any Division directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. The system must comply with any expedited actions or additional actions required by the Division in the case of an *E. coli* MCL violation.

(78) "Locational running annual average" (LRAA) is the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.

(79) "Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

(80) "Maximum contaminant level" (MCL) means the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

(81) "Maximum contaminant level goal" (MCLG) means the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

(82) "Maximum residual disinfectant level" (MRDL) means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

(83) "Maximum residual disinfectant level goal" (MRDLG) means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are non-enforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contamination.

(84) "Medium-size water system" for the purpose of Rule [391-3-5-.25](#) (Lead & Copper), means a water system that serves greater than 3,300 and less than or equal to 50,000 persons.

(85) "Membrane filtration" is a pressure or vacuum driven separation process in which particulate matter larger than 1 micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

(86) "Minimum Community Population Determination" for the purpose of the Act and the Rules means the minimum residential population shall be determined by a mathematical calculation of the total number of active residential service connections, multiplied by Georgia's average population per household, as published in the most recent Federal Census Bureau Statistics. Multiple residential units served by a single connection (master meter) shall be included in the determination of population for a water system.

(87) "Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system.

(88) "Non-community water system" or "NCWS" means a public water system, which provides piped water for human consumption to at least 15 service connections or which serves at least 25 individuals at least 60 days out of the year but which is not a community water system. A non-community water system may be further classified as a "non-transient, non-community water system" or a "transient, non-community water system".

(89) "Non-transient, non-community water system" or "NTNCWS" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

(90) "Operator" means the person responsible for the maintenance and operation of the public water system. A certified operator is an operator registered as a Water Treatment Plant Operator in the State of Georgia in accordance with the provisions of the Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act (Georgia Laws 1969, pp. 272 et. seq., as amended). For purposes of this Act a certified operator also includes persons involved with only the storage and distribution of drinking water.

(91) "Optimal corrosion control treatment" as it applies to Rule 391-3-5.25 (Lead & Copper) of this Chapter, means the corrosion control treatment that minimizes the lead and copper concentrations at user's taps while insuring that the treatment does not cause the water to violate any national primary drinking water regulation.

(92) "Person" means any individual, corporation, company, association, partnership, county, municipality, State agency, State authority, Federal agency, agency, facility, or other entity.

(93) "Picocurie" (pCi) means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

(94) "Plant intake" refers to the works or structures at the head of a conduit through which water is diverted from a source (e.g., river or lake) into the treatment plant.

(95) "Point of disinfection application" is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

(96) "Presedimentation" is a preliminary treatment process used to remove gravel, sand and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

(97) "Professional Engineer" means a person registered to practice professional engineering in the State of Georgia in accordance with the provisions of the Act governing the Practice of Professional Engineering in Georgia. (Ga. Laws 1945, p. 294 et. seq., as amended).

(98) "Professional Geologist" means a person registered to practice professional geology in the State of Georgia in accordance with the provisions of the Registration of Geologist Act of 1975, (Code 1933, § 84-2101a, enacted by the Georgia Legislature 1975, p.163, 1).

(99) "Public water system" or "PWS" means a system that provides water to the public for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of twenty-five (25) individuals daily at least 60 days out of the year. Such terms include:

1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is a "community water system", a "non-transient non-community water system" or a "transient non-community water system".

(100) "Raw water" means water from a source of water supply or a proposed source of water supply, which has not received any type of treatment to change the physical, chemical, biological, or radiological quality of the water.

(101) "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

(102) "Repeat compliance period" means any subsequent compliance period after the initial compliance period.

(103) "Repeat sample" means a sample that is collected and analyzed in response to a previous coliform-positive sample.

(104) "Residual disinfectant concentration" ("C" in CT calculations) means the concentration of disinfectant measured in milligrams per liter in a representative sample of water.

(105) "Sanitary defect" is a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.

(106) "Sanitary survey" means an on-site review of the water source, facilities, equipment, treatment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of each for producing and distributing safe drinking water.

(107) "Seasonal system" is a non-community water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season.

(108) "Sedimentation" means a process for removal of solids before filtration by gravity or separation.

(109) "Service connection" means the point at which the water distribution main and the water service pipe, metered or unmetered, are connected to serve water to a residence or water customer. As used in the definition of PWS, "service connection" does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if:

- (a) The water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);
- (b) The Division determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or
- (c) The Division determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.
- (110) "Service line sample" means a one-liter sample of water collected in accordance with Rule [391-3-5-.25](#) that has been standing for at least 6 hours in the service line.
- (111) "Single family structure" for the purpose of compliance with Rule [391-3-5-.25](#) (Lead & Copper), means a building constructed as a single-family residence that is currently used as either a residence or place of business.
- (112) "Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour) resulting in substantial particulate removal by physical and biological mechanisms.
- (113) "Small water system" for the purpose of Rule [391-3-5-.25](#) (Lead & Copper), means a water system that serves 3,300 persons or fewer.
- (114) "Source of water supply" means the waters of the State from which raw water is taken into a public water system to be treated and/or distributed.
- (115) "Source Water Assessment Plan" (SWAP) means a public report which documents a public drinking water system's and other stakeholders' reasonable efforts to ascertain the potential impact of natural or man-made pollutants, within a wellhead protection or watershed area, on the raw water source for the drinking water supply well or surface water intake.
- (116) "Spring" means a source of water supply which naturally issues forth for the first time from rock or soil onto the land or into a body of water.
- (117) "Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.
- (118) "Storage tank" or "Tank" means any covered structure, such as clearwell, standpipe, reservoir, elevated tank, hydropneumatic tank or other storage facility or combination thereof used to store drinking water.
- (119) "Subpart H systems" means public water systems using surface water or ground water under the direct influence of surface water as a source.
- (120) "Supplier of water" or "Supplier" means any person who owns or operates a public water system.
- (121) "Surface water" means and includes any and all rivers, streams, branches, creeks, ponds, tributary streams, drainage basins, natural lakes, artificial reservoirs and impoundments and ground water under the direct influence of surface water.
- (122) "SUVA" means Specific Ultraviolet Absorption at 254 nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm by its concentration of dissolved organic carbon (DOC) (in mg/L).
- (123) "System with a single service connection" means a system, which supplies drinking water to consumers via a single service line.

(124) "Total Organic Carbon" (TOC) means total organic carbon in mg/L measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

(125) "Total trihalomethanes" (TTHM) means the sum of the concentration in milligrams per liter of the trihalomethane compounds: trichloromethane (chloroform), dibromochloromethane, bromodichloromethane and tribromomethane (bromoform), rounded to two significant figures.

(126) "Too numerous to count" means that the total number of bacterial colonies exceed 200 on a 47-mm diameter membrane filter used for coliform detection.

(127) "Transient non-community water system" or "TNCWS" means a public water system that is not a community water system or a non-transient non-community water system. A transient non-community water system provides piped water for human consumption to at least 15 service connections or which regularly serves at least 25 persons at least 60 days a year.

(128) "Treatment Technique" means a required process intended to reduce the level of contaminants in drinking water.

(129) "Treatment technique requirement" means a requirement, which specifies for a contaminant, a specific treatment technique(s), which leads to a reduction in the level of such contaminant sufficient to comply with the requirements of these Rules.

(130) "Trihalomethane" (THM) means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

(131) "Two-stage lime softening" is a process in which chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration.

(132) "Unconfined aquifer" means an aquifer which is not separated from the land surface by a significant zone of low permeability and, therefore, is more susceptible to pollution from the activities of mankind. Wellhead Protection Areas for unconfined aquifers are larger than such areas for confined aquifers.

(133) "Uncovered finished water storage facility" means a tank, reservoir or other facility used to store water that will undergo no further treatment except residual disinfection and is open to the atmosphere.

(134) "Variance" means approval from the Division affording a public water system an extended time for compliance with a maximum contaminant level or treatment technique contained in a drinking water standard. A variance pertains to non-compliance with a maximum contaminant level due to the inability to meet the maximum contaminant level even when a treatment method has been applied to a raw water source. The non-compliance is due to the quality of the raw water.

(135) "Virus" means a microorganism of fecal origin, which is infectious to humans by waterborne transmission.

(136) "Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the Division.

(137) "Waters" or "Waters of the State" means and includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and all other bodies of surface or underground water, natural or artificial, of this State.

(138) "Watershed Area" means the entire drainage basin upstream of a water intake located on a stream or lake.

(139) "Well" means any excavation that is cored, bored, drilled, jetted, dug, or otherwise constructed for the purpose of locating, testing, or withdrawing ground water.

(140) "Wellhead protection area" means an area of potential ground water recharge around a well which should be protected from surface and subsurface sources of manmade pollution in order to protect the quality of drinking water supplies.

(141) "Wholesale system" is a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.02

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Designation of Department as Proper Authority to Administer and Enforce Rules" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Definitions" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. Aug. 4, 1983.

Amended: F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Repealed: New Rule same title adopted. F. June 25, 1992; eff. July 15, 1992.

Repealed: New Rule, same title, adopted. F. June 7, 1993; eff. June 27, 1993.

Repealed: New Rule, same title, adopted. F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

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Amended: New title "Definitions. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Definitions." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.04 Approval Required. Amended

(1) **Approval.** No person shall erect, construct, or operate a public water system, nor undertake substantial enlargements, extensions, additions, modifications, renovations or repairs to any public water system, including storage, distribution, purification, or treatment components, without having first secured the Division's approval of:

the source of water supply; the means and methods of treating, purifying, storing and distributing said water; and obtaining a permit to operate a public water system, except as provided by paragraph (2) of this Rule. The approval of the Director must be obtained prior to the dividing of a public water system. For purposes of these rules "substantial" as used in this Rule shall not include routine maintenance.

(2) **Limited Additions.** Governmentally owned public water systems and water authorities and privately owned community water systems whose owners serves a combined population of greater than 10,000, with qualified staff and meeting operating criteria developed by the Division may, with prior approval from the Division, approve limited additions to the water system. These additions will be limited to water distribution lines to serve subdivisions, apartment complexes and shopping centers. The review of other additional types of water distribution system additions and/or extensions may be delegated to those water systems that have demonstrated the capability for such reviews. All delegations shall be by written agreement. Additions approved by the water system must be reported annually in a format prescribed by the Division. The report shall be due by July 1 of each year and describe additions approved in the previous calendar year.

(3) **Local Governmental Approval.** Before a person may initiate construction of a new public water system or increase the capacity of an existing public water system, the person shall notify the local government in which the system is located and obtain the local government's approval for development of the project within its jurisdiction, prior to the submittal of the plans and specifications to the Division for approval. To the extent practicable, the person should avoid locating part or all of the new or expanded facility at a site which:

(a) is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof; or

(b) except for intake structures, is within the floodplain of a 100- year flood or is lower than any recorded high tide where appropriate records exist; or

(c) is on or in close proximity to an abandoned landfill or any other site used for waste disposal.

(4) **Connect to Local Governmental Public Water System.** Any person who desires to own or operate or who desires to commence the operation of a public water system shall first evaluate connecting to an existing local governmentally owned and operated public water system.

(5) **Approval for No Connection to Local Governmental Public Water System.** No approval of the plans and specifications for the development of a separate source of water supply or the construction of the water system will be made and no permit to operate will be issued until the owner has provided acceptable certification to the Division outlining the reasons why the system cannot connect to an existing local governmentally owned water system.

(6) **Pre-Operating Compliance Conditions.** Beginning January 1, 1998, the Division shall require compliance with the following conditions prior to the issuance of the initial permit to operate to a new privately owned community public water system:

(a) The owner shall provide written certification from the local government in which the system is located, that the local government is in concurrence with the development of the privately owned public water system. The certification shall be provided to the Division with the submission of the permit application and prior to or concurrently with the submission to the Division of the plans and specifications for construction of the proposed public water system.

(b) The owner must retain a Professional Engineer, registered in the State of Georgia, to prepare plans and specifications for approval by the Division for the construction of the proposed public water system, and the owner shall submit to the Division a certification from the engineer that the water system was constructed according to the plans and specifications approved by the Division. The public water system must be designed and constructed in accordance with the Division's "Minimum Standards for Public Water Systems", latest edition.

(c) The owner must provide an approved back-up water source, such as an additional well, capable of providing adequate water service if the primary source becomes nonfunctional. The requirement for an approved back-up water source may be waived by the Director for systems with less than 25 service connections.

(7) Treatment Products and Materials. Products added directly to drinking water for its treatment or introduced indirectly into drinking water through its contact with surfaces of materials or products used for its treatment, storage, transmission, or distribution shall not adversely affect drinking water quality and public health.

(a) All treatment chemicals that come into contact with drinking water shall be certified for conformance with American National Standards Institute/National Sanitation Foundation Standard 60 (ANSI/NSF Standard 60) by an American National Standards Institute (ANSI) approved third-party certification program or laboratory.

(b) All products that come into contact with drinking water during its treatment, storage, transmission or distribution shall be certified for conformance with American National Standards Institute/ National Sanitation Foundation Standard 61 (ANSI/NSF Standard 61) by an American National Standards Institute (ANSI) approved third-party certification program or laboratory.

(8) Infrastructure Security. Public water systems must provide appropriate measures to protect and secure its critical drinking water supply infrastructure, including its water source, treatment, distribution, and any other component that is deemed pertinent to the safe operation and maintenance of the drinking water supply system.

(9) Performance Bond or Letter of Credit.

(a) A performance bond or letter of credit may be required by the director to further assist in the assurance that a public water system serving year-round residents maintains compliance with the established contaminant levels and the provision of an adequate supply of water at or above the required minimum pressure. Such a performance bond or letter of credit shall be required of the owner or operator of any public water system serving year-round residents if:

1. After the first violation of contaminant or water supply standards or requirements, the owner or operator of the public water system fails to make the necessary corrections after receiving a notice from the director specifying:

(i) The corrections which must be made; and

(ii) A reasonable period of time for the completion of necessary corrective action; or

2. After a second violation of contaminant or water supply standards or requirements, the director makes a determination, based on factors such as past performance, frequency and severity of violations, and timeliness of corrective action, that a performance bond or letter of credit is required.

(b) Any owner or operator of a public water system serving year-round residents who is required to obtain a performance bond or letter of credit pursuant to subparagraph (9)(a) shall file with the director the following:

1. A performance bond, payable to the director and issued by an insurance company authorized to issue such bonds in this state; or

2. An irrevocable letter of credit, issued in favor of and payable to the director, from a commercial bank or other financial institution approved by the director.

(c) The bond or letter of credit required in subparagraph (9)(a) shall be:

1. Conditioned upon faithful compliance with the Georgia Safe Drinking Water Act of 1977, the Rules for Safe Drinking Water Chapter 391-3-5, and the conditions and terms of the permit issued for the operation of the public water system;

2. In such amount as determined by the director as necessary to ensure the continued lawful operation of the public water system for a period up to ten years in the event the owner or operator fails to do so; provided, however, the range shall be as follows:

(i) Systems with 25 service connections or less - an amount not to exceed \$30,000.00;

(ii) Systems with 26 to 50 service connections - an amount not to exceed \$40,000.00; or

(iii) Systems with more than 50 service connections - an amount not to exceed \$50,000.00;

3. Subject to termination or expiration only upon 120 days' written notice to the director; and

4. Conditioned upon coverage for any violation occurring during the term of the bond or letter of credit of which written notice has been given to the owner or operator prior to 120 days after said term even though the initial or final determination of the violation occurs after the term of the bond or letter of credit.

(d) If an existing bond or letter of credit is to expire or terminate, the owner or operator of the public water system shall file a replacement bond or letter of credit meeting the requirements of this paragraph at least 60 days prior to the termination or expiration of the existing bond or letter of credit.

(e) Upon a determination by the director that an owner or operator has violated the Georgia Safe Drinking Water Act of 1977, the Rules for Safe Drinking Water Chapter 391-3-5, or the terms or conditions of a permit, the director may, after written notice of the violation to the owner or operator:

1. Forfeit or draw that amount of such bond or letter of credit that the director determines necessary to correct the violations determined and continue the lawful operation of the public water system; and

2. Expend such amount for such purposes.

(f) No action taken by the director pursuant to this paragraph, including the forfeiture of a bond or the drawing of funds from a letter of credit, shall relieve the owner or operator of a public water system from compliance with all provisions of this part, including the requirement to maintain in full force and effect a bond or letter of credit meeting the requirements of this paragraph.

(g) Every permit issued under the Rules for Safe Drinking Water, Chapter 391-3-5, shall be conditioned upon compliance with this paragraph.

(h) The provisions of this paragraph shall not apply to:

1. Any public water system of the state, an agency of the state, a county, a municipality, or of any other political subdivision or governmental entity;

2. Any water system owned by a church or other religious institution;

3. Any water system owned or provided by an employer and used primarily to serve employees; and

4. Any water system which is jointly owned by private individuals who are the users of the water supplied by the system.

(10) **Business Plan.** Beginning January 1, 1998, prior to the issuance of the initial permit to operate to a new community public water system, and beginning October 1, 1999, prior to the issuance of the initial permit to operate a new non transient, noncommunity water system, the Division shall require the owner to submit to the Division for approval a multiyear business plan. The multiyear business plan must adequately demonstrate the water system's managerial and financial capacity to comply with all drinking water regulations in effect, or likely to be in effect. The business plan shall be prepared in accordance with the latest edition of the Division's "Minimum Standards for Public Water Systems." The business plan shall be updated at intervals determined by the Director.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.04

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "General Provisions" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Approval Required" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. Aug. 4, 1983.

Repealed: New Rule, same title adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Dec. 21, 2004; eff. Jan. 10, 2005.

Amended: New title "Approval Required. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. July 26, 2016; eff. Aug. 15, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.05 Preparation and Submission of Engineering Reports, Plans and Specifications for Public Water Systems

(1) **General Provisions.** For any activity listed in paragraph (1) of Rule [391-3-5-.04](#) an engineering report prepared by a professional engineer shall be submitted to the Division prior to the preparation of the final construction plans and specifications. Plans and Specifications shall be prepared by a professional engineer and submitted to the Division, accompanied by a letter of submittal identifying the project, owner and owner's address. No construction shall be initiated without prior approval from the Division. The engineering report and/or plans and specifications may be waived by the Director when information submitted by the supplier of water allows an engineering appraisal of the proposed activity to be made by the Division as follows:

(a) For minor extensions, additions and/or modification to an existing governmentally owned public water systems which do not affect the normal operation of said water system.

(b) For new public water systems which are classified as transient non-community water systems and for additions to existing transient non-community water systems.

(2) **Engineering Report.** The Engineering report shall contain a comprehensive description of the proposed activity including, but not limited to the following:

(a) scope and description of proposed activity;

- (b) description of the proposed source of water supply, and data concerning the quality of the water;
 - (c) pertinent information regarding present available sources of water supply, water treatment facilities, and existing public water systems;
 - (d) sufficient maps, diagrams, charts, tables, calculations, basis of design data and graphs to make the reports readily understandable; all sheets shall be descriptively labeled and bound together or folded in a folder attached to the report;
 - (e) operational and maintenance program description;
 - (f) the known character and depth of the natural earth formations through and from which groundwater sources are to developed;
 - (g) factors which may affect the quality of a source of water supply as determined by a survey of the water shed above the surface water intake or the surrounding area of a groundwater source.
- (3) **Minimum Standards.** Beginning January 1, 1998, all new, additions, or extensions to public water systems shall be designed and constructed in accordance with the latest edition of the Division's "Minimum Standards for Public Water Systems".
- (4) **Plans and Specifications.** Plans and specifications must be submitted with additional copies as may be requested, and shall include, but not be limited to the following:
- (a) map plans of the area to be served by the public water system, including, but not limited to: geographical location of the project, location of all existing and proposed streets in the area to be served, location of the source of water supply and the treatment facilities, and elevations of the principal parts of the public water system;
 - (b) detailed plans of the location and the construction of the storage tank, water mains, valves, fire hydrants and appurtenances;
 - (c) detailed plans of: the location and construction of the water treatment facilities including layout and relationship of the various units of the treatment facility; general piping, pumps, reservoirs, flow measuring devices, controls, points of chemical application, water sampling points, plant control laboratory, chemical feed equipment and chemical storage area. Sufficient dimensions and elevations shall be provided to make all parts of the readily understandable.
 - (d) the dimensions of the plan sheets must be within the following limits: twenty (20) to thirty (30) inches in height and twenty-four (24) to forty-two (42) inches in length;
 - (e) each plan sheet shall have printed thereon the name and location of the public water system, name and registration stamp of the professional engineer, scale, true and magnetic north, and shall be bound together and numbered consecutively;
 - (f) if the plans are solely for extensions to an existing public water system, only such information as is necessary for comprehension of the plans and construction of the project will be required;
 - (g) specifications will be separate from the plans and shall have printed thereon the name and location of the public water system, name and stamp of the professional engineer, and shall be bound together and numbered consecutively;
 - (h) specifications for the construction of the public water system shall accompany all plans for new or existing public water systems and shall describe the plans for the whole and for each unit or component of construction of the proposed public water system, including where necessary, testing and disinfection, painting, laboratory equipment, metering and recording devices and related material;

(i) the specifications may be omitted for extensions or additions to existing systems provided the proposed construction is in accordance with specifications previously approved and on file with the Division;

(j) manufacturers' brochures of specifications of materials are not acceptable for purposes of this requirement.

(5) **Deviations from Approved Plans.** Any significant deviation from the approved plans or specification must receive prior approval by the Division.

(6) **Installation According to Plans and Specifications.** Upon completion of the installation of the public water system or any modification, the owner must send to the Division a statement from the engineer who prepared the plans and specifications that the system, as installed, is in accordance with the approved plans and specifications.

(7) **Integrity of Treatment Units or Equipment.** Approval of plans and specifications by the Division does not include approval of the structural, electrical, mechanical, or design integrity of the treatment units or equipment.

(8) **Construction Without Division Approval.** At the discretion of the Director, an existing public water system that is constructed without obtaining prior approval from the Division may be considered acceptable by the Director, provided all of the following are accomplished to the satisfaction of the Division:

(a) An engineering evaluation of the constructed facilities is made by a professional engineer, licensed in the state of Georgia, to evaluate and certify conformance of the constructed facilities with all of the applicable paragraphs of the rules in this Chapter. The engineer's certification, along with the "as-built" plans and specifications must be submitted to the Division for review and comment.

(b) All items, data, documentation and information required for source approvals and permit issuances for a public water system, as stated in the rules of this Chapter, must be submitted to the Division. Any additional and/or corrective action that is required by the Division for the owner or operator of the system to complete, prior to issuance of the permit, must be accomplished within ninety (90) days from the date of notification by the Division.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.05

AUTHORITY: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. § [12-5-170](#) *et seq.*, as amended.

HISTORY: Original Rule entitled "Source of Water Supply" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Preparations and Submission of Engineering Report, Plans and Specifications for Public Water System" adopted. Filed July 5, 1977; effective July 26 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.07 Wells

(1) **Approval.** No person shall construct a well as a source of water supply for a public water system without having first obtained approval from the Division. This requirement may be waived by the Director during emergency situations. Any well that is constructed and does not meet the rules of this Chapter shall not later be used as a drinking water source for a public water system.

(2) **Prohibited Wells.** Dug, bored, or jetted wells are prohibited for all new public water systems.

(3) **Protection from Contamination.** Each well must be protected from contamination by surface waters and other sources of contamination. The location of wells must be in compliance with the latest edition of the Division's "Minimum Standards for Public Water Systems."

(4) **Fill, Plug and Seal.** Whenever a bore hole of any depth is excavated for, but not used as a source of water supply it shall be the supplier's responsibility to fill, plug and seal the hole within thirty (30) days of the excavation in a manner approved by the Division to restore as nearly as possible the natural earth condition existing before the hole was excavated and to protect against contamination of the ground water. This paragraph shall not apply where some other use is made of the ground water from the well hole.

(5) **Well Construction Standards.** All wells must be constructed as hereinafter provided, however, deviations from these rules may be permitted or required by the Division due to the variable conditions of the subsurface and ground water quality in a specific area.

(a) Drilling fluids must be from an uncontaminated source or must be disinfected.

(b) All permanent casing, liners, screens and other manufactured material used in the well installation must be new and adequate to protect the well against entrance of contaminants during the expected life of the well. All casing and liner pipe joints shall be water tight the entire length in drilled wells.

1. Steel pipe well casing shall conform to American Society for Testing and Materials (ASTM) Specification A 53, American Petroleum Institute (API) Specification 5L, or equal standard, and meet the following minimum wall thickness unless otherwise approved by the Division.

| Nominal Casing Diameter (inches) | Minimum Wall Thickness (inches) |
|----------------------------------|---------------------------------|
| 4 | 0.237 |
| 5 | 0.258 |
| 6 | 0.280 |
| 8 | 0.322 |
| 10 | 0.365 |
| 12 | 0.375 |
| 14 | 0.375 |
| 16 | 0.375 |
| 18 | 0.375 |
| 20 | 0.375 |
| 24 | 0.500 |
| 26 | 0.500 |

2. The use of plastic well casing and screens must be approved by the Division prior to well installation. The well casing and couplings shall meet the requirements of the ASTM Standard F 480 or equal standard and the National Sanitation Foundation for use with potable water. When approved for use by the Division, plastic well casing shall conform to the following minimum wall thickness. However, plastic well casing diameters of 12 inches or greater or deep wells may require greater wall thickness to meet the collapse strength requirements.

| Nominal Casing Diameter (inches) | Minimum Wall Thickness (inches) |
|----------------------------------|---------------------------------|
| 4 | 0.265 |
| 4.5 | 0.291 |
| 6 | 0.390 |
| 8 | 0.508 |
| 10 | 0.632 |
| 12 | 0.750 |

Plastic well casing and screen shall not extend to a depth of greater than 300 feet below the ground surface.

(c) The outer, permanent, protective casing shall extend at least five (5) feet into the first solid, unweathered or impervious subsurface rock strata encountered, and shall have a minimum length of twenty-five (25) feet from the ground surface into a well excavated into water-bearing formations in crystalline rocks and fifty (50) feet in a well excavated into sedimentary water-bearing formations. The outer, permanent, protective casing shall be cement grouted its entire length with a cement slurry consisting of not more than six (6) gallons of water to one cubic foot cement, plus standard additives, when necessary, to facilitate placing or setting and shall be placed under pressure from the bottom of the annular space to be grouted upward until the grout is extruded at the earth's surface. The wall thickness of the cement grout surrounding the outer, permanent, protective casing shall be not less than one and one-half (1-1/2) inches at any point. Subsurface well construction shall cease for at least twenty-four (24) hours after grouting. Other grouting materials for sealing the annular space may be used upon the approval of the Division prior to well construction.

(d) Any ground water of unacceptable quality encountered during the well construction must be sealed off.

(e) The gravel for gravel-packed wells must be washed, free of organic matter, and composed of well rounded particles.

(6) **Stoppage During Construction.** During the periods of stoppage of the well construction and when the site is unattended, the drilling contractor must have the well opening securely covered to prevent tampering and possible contamination.

(7) **Sanitary Conditions.** During the well construction, the premises, construction material, tools and equipment must be maintained in a sanitary manner to prevent contamination of the well by the person excavating the well.

(8) **Proper Well Development.** Every well must be properly developed, disinfected, and pump tested by the drilling contractor. The well must be test pumped at not less than the desired yield for a period of at least twenty-four (24) hours and shall continue for at least four (4) hours after the pumping level has stabilized. The static water level, drawdown and pumping water level must be measured.

(9) **Disinfection of the Well.**

(a) The well must be disinfected prior to the pumping test by the introduction of a chlorine solution into the well under sufficient pressure to overcome the natural flow pressures of all developed water-bearing zones, and in sufficient quantity to produce a minimum chlorine residual of fifty (50) parts per million in six (6) hours after such application.

(b) After disinfection, the well must be pumped until no trace of chlorine remains in the water, and water samples taken for microbiological analysis. No water may be furnished for human consumption until samples of water are collected by the supplier, and submitted to the Division for microbiological examination, and the quality of the water approved by the Division. If the water samples submitted are found to be unsatisfactory, the disinfection procedure must be repeated as required by the Division.

(c) The permanent pump and pumping equipment shall be disinfected with a chlorine solution prior to being placed into service.

(d) Well disinfection shall be conducted in accordance with American Water Works Association (AWWA) Standard C654.

(10) **Licensed Water Well Contractor.** The person constructing the well shall be a licensed water well contractor in the State of Georgia in accordance with the provisions of the Water Well Standards Act of 1985 (O.C.G.A. § [12-5-120](#), et. seq.). The contractor must maintain accurate driller logs, material setting and grouting data, complete results of the pump test, including water level measurements, and must furnish a signed copy of the results to the owner and to the Division on forms provided by the Division.

(11) **Installation Standards.** A well used as a source of water supply must include the following:

(a) A concrete slab with a minimum thickness of six (6) inches shall be constructed around the well casing and shall extend at least two (2) feet in all directions, and slope away, from the casing.

(b) The well casing shall extend at least twelve (12) inches above the concrete slab of the floor.

(c) For submersible pump installations, the well casing shall be provided with a sealed cover plate and, when required by the Division, vented by a screened riser pipe so that the screened opening terminated downward at least twelve (12) inches above the top of the casing or ground level.

(d) For turbine pump installations, a concrete block to support the pump motor shall be constructed around the outer well casing and shall extend at least twelve (12) inches above the concrete slab, and:

1. the outer casing shall extend at least one (1) inch above the pump motor block;

2. the well head and pump base shall be sealed to prevent seepage and the casing shall be vented by a screened riser pipe so that the screen opening terminates downward and above any point of back flow of contaminants into the well; and

3. oil lubricated vertical turbine pumps shall be lubricated with an acceptable turbine oil as prescribed by the pump manufacturer.

(e) A raw water sampling tap shall be installed prior to the well discharge pipe check valve.

(f) An access port of not less than five-eighths (5/8) inch in diameter, with screw cap, for water level measurements; a deep well air line and gage may also be used in conjunction with the access port.

(12) **Deepening Existing Wells.** Existing wells that are deepened shall be regarded by the Division as a development of a new ground water source and must meet the requirements for approval.

(13) **Rehabilitating Existing Wells.** When an existing well is rehabilitated or reworked, the well shall be disinfected according to procedures described in this Rule.

(14) **Infrastructure Security.** The pumping and water treatment equipment shall be protected from unauthorized entry and use by an enclosed shelter or enclosed by a fence. In addition, the water treatment equipment shall be enclosed in a weather proof shelter.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.07

AUTHORITY: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. § [12-5-170](#) *et seq.*, as amended.

HISTORY: Original Rule entitled "General Plan Map Requirements" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Wells" adopted. Filed July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-47](#).

Amended: Filed July 15, 1983; effective August 4, 1983;

Amended: F. May 12, 1989; eff. Jun. 1, 1989.

Amended: F. Sept. 26, 1997; eff. Oct 16, 1997.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.10 Distribution System

(1) **Design for Flow and Pressure.** The water distribution system must be designed and the water lines sufficiently sized to furnish at all times the instantaneous demand flow of water required and to maintain at all times a pressure of twenty (20) pounds per square inch at each service connection in the distribution system under all conditions of flow.

(2) **Looped Lines.** Distribution lines must be looped whenever possible.

(3) **Metering.** Beginning January 1, 1998, all new services connected to community and non-transient non-community water systems shall be metered, unless specifically directed otherwise by the Director. For existing water systems, metering of existing services shall be performed when required by the Director.

(4) **Prevent Contamination.** It is the responsibility of the supplier of water to maintain the distribution system to prevent contamination of the drinking water and to provide the required pressure and flow at all times.

(5) **Minimum Pipe Size.** The minimum size water main shall be two (2) inches in nominal diameter. The Division may allow for a departure in sizing provided it is justified by hydraulic analysis and future water use of the area to be served and such departures will be considered only in special circumstances.

(6) **Lines in Contaminated Areas.** Water lines must not be installed in contaminated areas such as sanitary landfill or dump areas.

(7) **Sewer Line Contact.** No water main or pipe shall pass through or come into contact with any part of a sewer or sewer manhole.

(8) **Minimum Cover.** The minimum recommended cover for water distribution mains or lines shall be twenty-four (24) inches.

(9) **Installation Requirements.** All newly installed distribution mains and appurtenances shall be flushed, pressure tested and disinfected.

(10) **Lead Free.**

(a) For purposes of this rule, the term "lead free" means:

1. not containing more than 0.2 percent lead when used with respect to solder and flux; and

2. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

(b) The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (a). For lead content of materials that are provided as a range, the maximum content of the range shall be used.

(c) When used with respect to plumbing fittings and fixtures intended by the manufacturer to dispense water for human ingestion refers to fittings and fixtures that are in compliance with standards established in accordance with [42 U.S.C. 300g-6\(e\)](#).

(d) This term does not apply to leaded joints necessary for the repair of cast iron pipes.

(11) **Notification of Lead-containing Service Lines.** Suppliers of water shall identify and report to the Division any lead pipe and/or lead service connections known to be installed in the distribution system. Suppliers shall adopt a local plumbing code that requires use of lead free solder for plumbing.

(12) **Infrastructure Security.** Public water distribution network and its related components must be protected to prevent unauthorized tampering.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.10

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Water Treatment Facilities" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Distribution System" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule of same title adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.15 Record Maintenance

(1) **Requirements for Records and Retention.** Any supplier of water shall retain on its premises or at a convenient location near its premises, the following records:

(a) Records of microbiological analyses and turbidity analyses made pursuant to these rules shall be kept for not less than five (5) years. Records of chemical analyses made pursuant to these rules shall be kept for not less than ten (10) years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

1. the date, place and time of sampling and the name of the person who collected the sample;
2. identification of the sample as to whether it was routine distribution system sample, check sample, raw or drinking water sample or other special purpose sample;
3. date of analysis;
4. laboratory and person responsible for performing analysis;
5. the analytical technique/method used; and
6. the results of the analysis.

(b) Records of public notices, certifications of public notices and any actions taken by the system to correct violations of these rules shall be kept for a period not less than three (3) years after either the public notice was issued, certification was submitted or the last corrective action was taken with respect to the particular violation involved.

(c) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, state or federal agency, shall be kept for a period not less than ten (10) years after completion of the sanitary survey involved.

(d) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than five (5) years following the expiration of such variance or exemption.

(e) Any system subject to the lead and copper requirements shall retain on its premises original records of all sampling data, analyses, reports, surveys, letters, evaluations, schedules, Division determinations, and any other information required by Rules [391-3-5-.25](#) or [.30](#). Each water system shall retain the records required by this rule for no fewer than twelve (12) years.

(f) Systems must maintain the results of individual filter monitoring taken under Rule [391-3-5-.20\(7\)\(c\) and \(8\)\(h\)](#) for at least three (3) years.

(g) Any system subject to disinfection profiling and benchmarking shall keep the results of the profile and the benchmark (including raw data and analysis) indefinitely.

(h) Copies of monitoring plans developed pursuant to this part shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under paragraph (1)(a), except as specified elsewhere in this part.

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391-3-5-.17 Permit to Operate a Public Water System

(1) **Permit Required from the Director.** Any person who owns or operates a public water system or who desires to commence operation of a public water system shall obtain a permit from the Director.

(2) **Permit Application.** Applicants for permits under the Act shall be on forms as may be prescribed and furnished by the Division. The permit application form shall be signed by the owner or their duly authorized agent.

(3) **Additional Information.** Any applicant for a permit whose application is pending final consideration shall upon the request of the Director provide such additional information as may be necessary to enable the Director to properly pass upon the application. Such additional information may include, but not be limited to, complete engineering report, quantitative and qualitative determinations of the source of water supply and drinking water, plans, specifications, maps, measurements, records, documentation to demonstrate system's financial, technical and

managerial capacity with respect to drinking water regulations in effect or likely to be in effect, source water assessments and protection plan, water conservation plan, cross-connection plan, operations and maintenance plan, infrastructure protection plan, and all related material.

(4) **Complete Applications.** Applications for permits will be reviewed together with the submitted information and when the Director is satisfied that the application is complete a determination to issue or deny the permit will be made.

(5) **Public Participation.** Whenever in the judgment of the Director public participation may be required prior to the final determination to issue or deny a permit the Director may give public notice of the proposed action. Public notice will be prepared and circulated in a manner designed to inform interested and potentially interested persons of the permit application. Procedures for circulation of the public notice shall include the following:

(a) A copy of the public notice will be provided to the permit applicant, will be available at the Division office in Atlanta, and will be posted to the Division's website.

(b) Electronic mailing (e-mail) notification of the public notice to any persons or groups included on the electronic mailing list to receive such notices. The EPD shall maintain an electronic mailing list for distribution of public notices. Any person or group may request that their e-mail address be added to the electronic mailing list or they may sign-up through the EPD website.

(c) The Director shall provide a period of not less than thirty (30) days following the public notice in which interested persons may submit their written views with respect to the permit application. All written comments submitted during the thirty (30) day comment period will be retained by the Division and considered in the final determination of the permit application.

(d) The contents of the public notice will be in accordance with applicable Federal regulations and State laws.

(6) **Public Hearing.** The Director shall hold a public hearing if he determines that there is sufficient public interest or need for a public hearing prior to the final determination to issue or deny a permit.

(a) Any public hearing held pursuant to this paragraph shall be held in the geographical area of the proposed or existing public water system or other appropriate location at the discretion of the Director.

(b) The Director may hold one public hearing on related groups of permit applications.

(c) Public notice of any public hearing held pursuant to this paragraph shall be provided at least thirty (30) days in advance of the hearing date and shall be circulated in accordance with paragraph (5) of this rule.

(7) **Permit Conditions.** A permit issued by the Director shall stipulate such terms, and conditions and schedules of compliance as the Director deems necessary to meet the requirements of these rules and which are consistent and in conformity with the Act and the Federal Act. Any permit issued pursuant to the Act may be subject to such monitoring, recording and reporting requirements as may be reasonably required by the Director including the installation, use and maintenance of monitoring equipment or methods; specific requirements for recording of monitoring activities and results; and periodic reporting of monitoring results. The monitoring, recording and reporting requirements shall be specified in a permit issued, provided, however, the Director may modify or require additional monitoring, recording and reporting by written notification to the permittee.

(8) **Permit Transfers.** A permit issued by the Director may be transferred due to a change in ownership of the public water system. The permittee shall notify the succeeding owner by letter of the existing permit and shall surrender the permit to the Director along with a copy of the letter to the succeeding owner. It shall be the succeeding owner's responsibility to request a transfer of the permit. A completed permit application shall be submitted to the Director on the forms prescribed and furnished by the Division within 30 days of transfer. The succeeding owner shall upon the request of the Director provide such additional information as may be necessary (including but not limited to proof of ownership and business plan) to enable the Director to transfer the permit.

(9) **Permit Application Denials.** Based on the information submitted or available to the Director, a permit application may be denied by the Director for any one of the following reasons where the proposed activity or system would:

- (a) present an immediate or potential health hazard to the public, or
- (b) not adequately supply water under sufficient pressure and flow at all times, or
- (c) not meet the requirements of these rules or the Act.

(10) **Notice In Case of Application Denial.** In the event an applicant's permit is denied, the Director shall serve written notice of such action to the applicant setting forth in such notice the reason for the action.

(11) **Permit Expiration Term.** Each permit issued under this Rule shall have a fixed term not to exceed ten (10) years. The permittee shall apply for a renewal at least 90 days prior to the expiration of the permit. A new permit may be issued by the Director if, after a review, the Director determines that the continued operation of such public water system meets or will meet all applicable drinking water standards, maximum contaminant levels and all requirements of the Act and these rules. Any permit issued under this paragraph may include any of the terms, conditions and schedules of compliance under paragraph (7) of this Rule.

(12) **Revocation, Suspension, or Modification.** The Director may revoke, suspend, or modify a permit issued under this Rule for cause, including, but not limited to, the following:

- (a) violation of any condition of said permit;
- (b) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;
- (c) change in any condition that requires either:
 - 1. a temporary or permanent decrease in the maximum contaminant levels; or
 - 2. elimination of the permitted operation.

(13) **Notice In Case of Permit Revocation, Suspension, or Modification.** In the event of modification, suspension, or revocation of a permit, the Director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for the action.

(14) **Access by Division.** The Director or any agents or employees of the Division shall be permitted access in or upon any private or public property at all reasonable times for the purpose of investigating conditions, processes, methods of treatment, records relating to the operation of any public water system, compliance with any operating permit issued, to make sanitary surveys, to determine compliance with the Act and any rules promulgated thereunder, or to make such investigations and studies as the Director deems advisable and necessary for the protection of the public health.

(15) **Previous Permits.** In the event of reissue, modification, suspension, revocation or transfer of a permit all previously issued permits for the system shall be surrendered to the Division upon written notice by the Director.

(16) **Compliance with Wellhead Protection.** All community public water systems utilizing ground water sources and serving a municipality, county, or an authority are required to comply with the Wellhead Protection rule, Rule [391-3-5-.40](#).

(17) **Conformance with Minimum Standards.** Design and construction of all public water systems shall conform to the latest edition of the Division's "Minimum Standards for Public Water Systems".

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391-3-5-.18 Primary Maximum Contaminant Levels for Drinking Water

(1) **Primary MCLs for Inorganics.** INORGANICS - The maximum contaminant levels (MCLs) for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, mercury, nickel, selenium and thallium of this Rule apply to community water systems and non-transient, non-community water systems. The MCLs for fluoride in this Rule apply to community water systems. The MCLs for nitrate, nitrite, and total nitrate-nitrite of this Rule apply to all (CWS, NTNCWS, TNCWS) public water systems.

(a) The following are the maximum contaminant levels for inorganic chemicals:

| Contaminant | Maximum Contaminant Level (mg/L) | Applicable Systems |
|-------------------------|---|---------------------------|
| Antimony | 0.006 | CWS, NTNCWS |
| Arsenic | 0.010 | CWS, NTNCWS |
| Asbestos | 7 Million Fibers/Liter Longer than 10 µm | CWS, NTNCWS |
| Barium | 2 | CWS, NTNCWS |
| Beryllium | 0.004 | CWS, NTNCWS |
| Cadmium | 0.005 | CWS, NTNCWS |
| Chromium | 0.1 | CWS, NTNCWS |
| Cyanide | 0.2 | CWS, NTNCWS |
| Fluoride ^{1,2} | 4.0 | CWS |
| Lead | see 391-3-5-.25 Treatment Technique | CWS, NTNCWS |
| Mercury | 0.002 | CWS, NTNCWS |
| Nickel | 0.1 | CWS, NTNCWS |
| Nitrate | 10 (as N) | CWS, NTNCWS, TNCWS |
| Nitrite | 1 (as N) | CWS, NTNCWS, TNCWS |
| Total Nitrate + Nitrite | 10 (as N) | CWS, NTNCWS, TNCWS |
| Selenium | 0.05 | CWS, NTNCWS |

| Contaminant | Maximum Contaminant Level (mg/L) | Applicable Systems |
|-------------|----------------------------------|--------------------|
| Thallium | 0.002 | CWS, NTNCWS |

NOTES:

1. Effective date for fluoride was October 2, 1987.

2. Fluoride also has a secondary MCL (Rule [391-3-5-.19\(2\)](#)).

(b) At the discretion of the Director, nitrate levels not to exceed 20 mg/L may be allowed in a non-community water system if the supplier of water demonstrates to the satisfaction of the Director that:

1. such water will not be available to children under 6 months of age;

2. the water system is meeting the public notification requirements under Rule [391-3-5-.32](#), including continuous posting of the fact that nitrate levels exceed 10 mg/L and the potential health effects of exposure;

3. local and State public health authorities will be notified annually of nitrate levels that exceed 10 mg/L; and

4. no adverse health effects shall result.

(2) **Primary MCLs for Organics.** ORGANIC CHEMICALS - The following maximum contaminant levels for organic contaminants apply to community water systems and non-transient, non-community water systems. Compliance with maximum contaminant levels for the following organics is to be calculated pursuant to Rule [391-3-5-.22](#).

(a) Synthetic Organic Chemicals, Pesticides and Polychlorinated biphenyls

| Contaminant | Maximum Contaminant Level (mg/L) |
|-----------------------------|----------------------------------|
| Alachlor | 0.002 |
| Aldicarb | Deferred |
| Aldicarb sulfone | Deferred |
| Aldicarb sulfoxide | Deferred |
| Atrazine | 0.003 |
| Benzo(a) Pyrene | 0.0002 |
| Carbofuran | 0.04 |
| Chlordane | 0.002 |
| Dalapon | 0.2 |
| Di(2-ethylhexyl) adipate | 0.4 |
| Di(2-ethylhexyl) phthalate | 0.006 |
| Dibromochloropropane (DBCP) | 0.0002 |
| Dinoseb | 0.007 |
| Diquat | 0.02 |
| 2,4-D | 0.07 |
| Endothall | 0.1 |
| Endrin | 0.002 |
| Ethylene dibromide (EDB) | 0.00005 |
| Glyphosate | 0.7 |
| Heptachlor | 0.0004 |
| Heptachlor Epoxide | 0.0002 |
| Hexachlorobenzene | 0.001 |
| Hexachlorocyclopentadiene | 0.05 |
| Lindane | 0.0002 |
| Methoxychlor | 0.04 |

| Contaminant | Maximum Contaminant Level (mg/L) |
|----------------------------------|----------------------------------|
| Oxamyl (Vydate) | 0.2 |
| Pentachlorophenol | 0.001 |
| Picloram | 0.5 |
| Polychlorinated biphenyls (PCBs) | 0.0005 |
| Simazine | 0.004 |
| Toxaphene | 0.003 |
| 2,4,5-TP (Silvex) | 0.05 |
| 2,3,7,8-TCDD (Dioxin) | 3×10^{-8} |

(b) Volatile Organic Contaminants (VOCs)

| Contaminant | Maximum Contaminant Level (mg/L) |
|----------------------------|----------------------------------|
| Vinyl chloride | 0.002 |
| Benzene | 0.005 |
| Carbon tetrachloride | 0.005 |
| 1,2-Dichloroethane | 0.005 |
| Trichloroethylene | 0.005 |
| para-Dichlorobenzene | 0.075 |
| 1,1-Dichloroethylene | 0.007 |
| 1,1,1-Trichloroethane | 0.2 |
| cis-1,2-Dichloroethylene | 0.07 |
| 1,2-Dichloropropane | 0.005 |
| Ethylbenzene | 0.7 |
| Monochlorobenzene | 0.1 |
| o-Dichlorobenzene | 0.6 |
| Styrene | 0.1 |
| Tetrachloroethylene | 0.005 |
| Toluene | 1 |
| trans-1,2-Dichloroethylene | 0.1 |
| Xylenes (total) | 10 |
| Dichloromethane | 0.005 |
| 1,2,4-Trichlorobenzene | 0.07 |
| 1,1,2-Trichloroethane | 0.005 |

(3) **Primary MCLs for Turbidity.** Turbidity - Treatment Technique Requirements:

(a) The maximum contaminant level for turbidity is determined by a treatment technique requirement as set forth in this Rule.

(b) The treatment technique requirement for turbidity is applicable to both community water systems and non-community water systems using surface water sources or ground water sources under the direct influence of surface water in whole or in part. The treatment technique requirement for turbidity in drinking water, measured at a representative point(s) in the filtered water is:

1. Less than or equal to 0.3 turbidity unit in at least 95 percent of the monthly measurements. One turbidity unit is the maximum allowable level and must not be exceeded at any time.

2. Five turbidity units is the maximum allowable level and must not be exceeded at any time.

3. In accordance with [40 CFR §141.73](#), the Division may allow higher turbidity levels for slow sand filtration, diatomaceous earth filtration, or other filtration technologies.

4. Beginning January 1, 2002, public water systems that use surface water or ground water under the direct influence of surface water and serve at least 10,000 people must meet the filtration requirements specified in [40 CFR §141.173](#) (see Rule [391-3-5-.20\(5\)](#)).

5. The Enhanced Filtration and Disinfection requirements specified in 40 CFR Part 141, Subpart P are applicable to Subpart H systems serving at least 10,000 people (see Rule [391-3-5-.20\(8\)](#)).

6. Beginning January 14, 2005, public water systems that use surface water or ground water under the direct influence of surface water as a source and serve fewer than 10,000 people must meet the filtration and disinfection requirements in 40 CFR Part 141, Subpart T. This requirement is in addition to complying with requirements in Subpart H of 40 CFR Part 141 [see Rule [391-3-5-.20\(8\)](#)].

(4) Primary MCLs for Microbiologicals. Microbiological - Maximum contaminant levels (MCLs) for microbiological contaminants.

(a) Until March 31, 2016, the total coliform MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.

1. For a system that collects at least 40 samples per month, if no more than 5.0 percent of the samples collected during a month are total coliform-positive, the system is in compliance with the MCL for total coliforms.

2. For a system that collects fewer than 40 samples per month, if no more than one sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliforms.

(b) Until March 31, 2016, any fecal coliform-positive repeat sample or *E. coli*-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or *E. coli*-positive routine sample, constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in Rule [391-3-5-.32](#), this is a violation that may pose an acute risk to health.

(c) Beginning April 1, 2016, a system is in compliance with the MCL for *E. coli* for samples taken under the provisions of Rule [391-3-5-.55](#) unless any of the conditions identified in paragraphs (4)(c)1. through (4)(c)4. occur. For purposes of the public notification requirements in Rule [391-3-5-.32](#), violation of the MCL may pose an acute risk to health.

1. The system has an *E. coli*-positive repeat sample following a total coliform-positive routine sample.

2. The system has a total coliform-positive repeat sample following an *E. coli*-positive routine sample.

3. The system fails to take all required repeat samples following an *E. coli*-positive routine sample.

4. The system fails to test for *E. coli* when any repeat sample tests positive for total coliform.

(d) Until March 31, 2016, a public water system must determine compliance with the MCL for total coliforms in paragraphs (4)(a) and (4)(b) for each month in which it is required to monitor for total coliforms. Beginning April 1, 2016, a public water system must determine compliance with the MCL for *E. coli* in paragraph (4)(c) for each month in which it is required to monitor for total coliforms.

(e) The EPA Administrator, pursuant to section 1412 of the federal Safe Drinking Water Act, identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant level for total coliforms in paragraphs (4)(a) and (4)(b) and for achieving compliance with the maximum contaminant level for *E. coli* in paragraph (4)(c):

1. Protection of wells from fecal contamination by appropriate placement and construction;

2. Maintenance of a disinfectant residual throughout the distribution system;

3. Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs, cross connection control, and continual maintenance of positive water pressure in all parts of the distribution system;

4. Filtration and/or disinfection of surface water, as described in 40 CFR Part 141 Subparts H, P, T, and W, or disinfection of ground water, as described in 40 CFR Part 141 Subpart S, using strong oxidants such as chlorine, chlorine dioxide, or ozone; and

5. For systems using ground water, compliance with the requirements of an EPA-approved Division Wellhead Protection Program developed and implemented under section 1428 of the federal Safe Drinking Water Act.

(f) The EPA Administrator, pursuant to section 1412 of the federal Safe Drinking Water Act, identifies the technology, treatment techniques, or other means available identified in paragraph (4)(e) as affordable technology, treatment techniques, or other means available to systems serving 10,000 or fewer people for achieving compliance with the maximum contaminant level for total coliforms in paragraphs (4)(a) and (4)(b) and for achieving compliance with the maximum contaminant level for *E. coli* in paragraph (4)(c).

(5) **Primary MCLs for Radioactivity and Radionuclides.** Radioactivity - Maximum contaminant levels for Radium-226, Radium-228, gross alpha particle radioactivity, beta particle and photon radioactivity from man-made radionuclides in community water systems.

(a) The following are the maximum contaminant levels for Radium-226, Radium-228, gross alpha radioactivity, and Uranium:

| Radionuclides / Radioactivity | Maximum Contaminant Level |
|--|---------------------------|
| Combined Radium-226 and Radium-228 (²²⁶ Ra, ²²⁸ Ra) | 5 pCi/L |
| Gross alpha particle activity (including Radium-226 but excluding Radon and Uranium) | 15 pCi/L |
| Uranium | 30 µg/L |

(b) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem per year.

(c) Except for the radionuclides listed in Table A, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents shall be calculated on the basis of a 2 liter per day drinking water intake using the 168 hour data listed in "*Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure*", NBS Handbook 69 as amended August, 1963, U.S. Department of Commerce. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem per year.

TABLE A. - Average annual concentrations assumed for the purpose of this rule to produce a total body or organ dose of 4 millirem per year.

| Radionuclide | Critical Organ | Average Annal Concentration |
|----------------------------------|----------------|-----------------------------|
| Tritium (³ H) | Total Body | 20,000 pCi/L |
| Strontium-90 (⁹⁰ Sr) | Bone Marrow | 8 pCi/L |

(6) **Primary MCLs for Trihalomethanes.** TRIHALOMETHANES - Maximum contaminant level for trihalomethanes: see paragraph (7), DISINFECTANTS and DISINFECTION BYPRODUCTS, below.

(7) **Primary MCLs for Disinfectants and Disinfection Byproducts.** DISINFECTANTS and DISINFECTION BYPRODUCTS (D/DBPs). Beginning January 1, 2002, this paragraph shall be applicable as specified below:

(a) The maximum contaminant levels (MCLs) for disinfection byproducts (DBPs) are as specified in [40 CFR §141.64](#) and the maximum residual disinfectant levels (MRDLs) are as specified in [40 CFR §141.65](#).

| Disinfection Byproduct | Maximum Contaminant Level (mg/L) |
|-------------------------|----------------------------------|
| Total trihalomethanes | 0.080 |
| Haloacetic acids (five) | 0.060 |
| Bromate | 0.010 |
| Chlorite | 1.0 |

| Disinfectant Residuals | Maximum Residual Disinfectant Level (mg/L) |
|------------------------|--|
| Chlorine | 4.0 (as Cl ₂) |
| Chloramines | 4.0 (as Cl ₂) |
| Chlorine Dioxide | 0.8 (as ClO ₂) |

(b) Beginning January 1, 2002, community and non-transient, non-community Subpart H water systems which serve a population of 10,000 people or more must comply with paragraph (7). All systems must comply with these MCLs until the date specified for Subpart V compliance in [40 CFR §141.620\(c\)](#).

(c) Beginning January 1, 2004, community and non-transient, non-community Subpart H water systems serving fewer than 10,000 people and systems using only ground water not under the direct influence of surface water must comply with paragraph (7). All systems must comply with these MCLs until the date specified for Subpart V compliance in [40 CFR §141.620\(c\)](#).

(d) The Subpart V MCLs for TTHM and HAA5 must be complied with as a locational running annual average at each monitoring location beginning the date specified for Subpart V compliance in [40 CFR §141.620\(c\)](#).

(e) A system that is installing granular activated carbon (GAC) or membrane technology to comply with paragraph (7) may apply to the Division for an extension of up to 24 months past the dates in paragraphs (7)(b) and (7)(c), but not beyond December 31, 2003.

(f) Transient non-community Subpart H water systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002.

(g) Transient non-community Subpart H water systems serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

(h) The best technology, treatment technique, or other means available for achieving compliance with the maximum contaminant levels for disinfection byproducts identified in paragraph (7)(a) shall be in accordance with [40 CFR §§141.64\(a\)\(2\) and \(b\)\(2\)](#).

(8) **Maximum Contamination Level Goals (MCLG).** The maximum contaminant level goals for organic contaminants, inorganic contaminants, and microbiological contaminants shall be in accordance with [40 CFR §§141.50, 141.51, 141.52, 141.53, and 141.54](#).

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Repealed: New Rule of same title adopted. F. Mar. 10, 1994; eff. Mar. 30, 1994.

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391-3-5-.19 Secondary Maximum Contaminant Levels for Drinking Water

(1) **Adverse Effects on Drinking Water.** The drinking water should not contain any contaminant which will adversely affect the odor or appearance of the drinking water and consequently may cause a substantial number of the persons served by the public water system to discontinue its use or which may adversely affect the public welfare.

(2) **Secondary MCLs.** The Secondary maximum contaminant levels established below represent reasonable goals for drinking water quality:

| Contaminant | Secondary Level |
|--------------------|------------------------|
| Aluminum (Al) | 0.05 to 0.2 mg/L |
| Chloride | 250 mg/L |
| Color | 15 color units |
| Copper (Cu) | 1.0 mg/L |
| Corrosivity | Non-corrosive |
| Fluoride (F) | 2.0 mg/L |
| Foaming Agents | 0.5 mg/L |
| Iron (Fe) | 0.3 mg/L |

| Contaminant | Secondary Level |
|------------------------------|-------------------------|
| Manganese (Mn) | 0.05 mg/L |
| Odor | 3 threshold odor number |
| pH | 6.5 to 8.5 |
| Silver (Ag) | 0.1 mg/L |
| Sulfate | 250 mg/L |
| Total dissolved solids (TDS) | 500 mg/L |
| Zinc (Zn) | 5.0 mg/L |

(3) **Standard Methods.** Any analyses required under this rule shall be conducted in accordance with the analytical recommendations set forth in the latest edition of "Standard Methods of Examination of Water and Wastewater" as published by the American Public Health Association, or as such analyses may be modified by the Director.

(4) **Collect and Submit Samples for Analyses.** Upon written direction of the Director, the supplier shall collect drinking water samples and submit them to the Division's water laboratory or other laboratory for analyses in accordance with the schedule furnished to the supplier.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.19

AUTHORITY: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. § [12-5-170](#) *et seq.*, as amended.

HISTORY: Original Rule entitled "Drinking Water Standards" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Microbiological Contaminant Sampling and Analytical Requirements" adopted. Filed July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: Filed July 15, 1983; effective August 4, 1983.

Repealed: New Rule entitled "Secondary Maximum Contaminant Levels for Drinking Water" adopted. F. May 12, 1989; eff. Jun. 1, 1989.

Repealed: New Rule, same title, adopted. F. Jun. 25, 1992; eff. Jul. 15, 1992.

Repealed: New Rule, same title, adopted. F. Mar. 10, 1994; eff. Mar 30, 1994.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.20 Turbidity Sampling and Analytical Requirements

(1) **Turbidity Testing Frequency.** On and after June 29, 1993, representative samples of filtered water shall be taken and analyzed by said suppliers at least every four hours when the plant is in operation, for the purpose of making turbidity measurements to determine compliance with the treatment technique requirement of Rule [391-3-5-.18\(3\)](#). If the Division determines that a reduced sampling frequency in a non-community system will not pose a risk to public health, it can reduce the required sampling frequency in accordance with [40 CFR 141.74](#) for systems using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration. The option of reducing the turbidity frequency shall be permitted only in those public water systems that practice disinfection and which maintain an active residual disinfectant in the distribution system and in those cases where the Division has indicated in writing that no unreasonable risk to health existed under the circumstances of this option. The turbidity measurements shall be made in accordance with the recommendations set forth in [40 CFR Part 141.22](#).

(2) **Exceedance Determination.** If a turbidity treatment violation has occurred based on a single exceedance of the maximum allowable turbidity limit, the supplier of water shall consult with the Division as soon as practical but no later than 24 hours after learning of the violation ([40 CFR 141.203\(b\)](#)). If the consultation does not occur within those 24 hours, the violation is elevated to Tier 1 under 40 CFR Subpart Q. If the monthly treatment technique requirement is exceeded, or if any measured turbidity level exceeds the maximum allowable level, the supplier of water shall report to the Division and notify the public as directed in Rules [391-3-5-.30](#) and [.32](#).

(3) **Applicability to Surface Water Sources.** The requirements of this Rule shall apply only to public water systems, which use water obtained in whole or in part from surface water sources or ground water sources under the direct influence of surface water.

(4) **Compliance and Enforcement.** The Division has the authority to determine compliance or initiate enforcement action based upon analytical results or other information compiled by their sanctioned representatives or agencies.

(5) **Filtration Requirements for Greater than 10,000 Population Water Systems.** Beginning January 1, 2002, public water systems that use surface water or ground water under the direct influence of surface water and serve at least 10,000 people must meet the filtration requirements specified in [40 CFR §141.173](#).

(6) **Enhanced Filtration Requirements.** The Enhanced Filtration and Disinfection requirements specified in 40 CFR, Subpart P are applicable to Subpart H systems serving at least 10,000 people.

(a) General requirements: 40 CFR, Subpart P § 141.170 is hereby incorporated by reference. Subpart H systems that did not conduct optional monitoring under § 141.172 because they served fewer than 10,000 persons when such monitoring was required, but serve more than 10,000 persons prior to January 14, 2005 must comply with §§ 141.170, 141.171, 141.173, 141.174, and 141.175. These systems must contact the Division and establish a disinfection benchmark. A system that decides to make a significant change to its disinfection practice, as described in § 141.172(c)(1)(i) through (iv) must obtain prior approval from the Division prior to making such change.

(b) Criteria for avoiding filtration: 40 CFR, Subpart P § 141.171 is hereby incorporated by reference.

(c) Disinfection profiling and benchmarking: 40 CFR, Subpart P § 141.172 is hereby incorporated by reference.

(d) Determination of systems required to profile: 40 CFR, Subpart P § 141.172(a) is hereby incorporated by reference.

(e) Disinfection profiling: 40 CFR, Subpart P § 141.172(b) is hereby incorporated by reference.

(f) Disinfection benchmarking: 40 CFR, Subpart P § 141.172(c) is hereby incorporated by reference.

(7) **Filtration.** 40 CFR, Subpart P § 141.173 is hereby incorporated by reference.

(a) Conventional filtration treatment or direct filtration: 40 CFR, Subpart P § 141.173(a) is hereby incorporated by reference. (For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.3 NTU (Nephelometric Turbidity Units) in at least 95 percent of the measurements taken each month, measured as specified in 40 CFR §141.74(a) and (c), and the turbidity level of representative samples of a system's filtered water must at no time exceed 1 NTU, measured as specified in 40 CFR §141.74(a) and (c)).

(b) Systems using filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration: 40 CFR, Subpart P § 141.173(b) is hereby incorporated by reference. Beginning January 1, 2002, systems serving at least 10,000 people must meet the requirements for other filtration technologies referenced in 141.173(b).

(c) Filtration sampling requirements: 40 CFR, Subpart P § 141.174 is hereby incorporated by reference. (A public water system subject to the requirements of this section that provides conventional filtration treatment or direct

filtration must conduct continuous monitoring of turbidity for each individual filter using an approved method in [40 CFR §141.74\(a\)](#) and must calibrate turbidimeters using the procedure specified by the manufacturer. Systems must record the results of individual filter monitoring every fifteen (15) minutes. If there is a failure in the continuous turbidity monitoring equipment, the system must conduct grab sampling every four (4) hours in lieu of continuous monitoring, but for no more than five (5) working days following the failure of the equipment.)

(8) Filtration Requirements for Fewer than 10,000 Population Water Systems. Beginning January 14, 2005, public water systems that use surface water or ground water under the direct influence of surface water as a source and serve fewer than 10,000 people must meet the filtration and disinfection requirements in 40 CFR Part 141, Subpart T. This requirement is in addition to complying with requirements in Subpart H of 40 CFR Part 141.

(a) Beginning January 14, 2005, public water systems that use surface water or ground water under the direct influence of surface water and serve fewer than 10,000 people must meet the filtration requirements specified in [40 CFR §§141.550](#) through [141.553](#).

(b) Other filtration technologies: [40 CFR §141.73\(d\)](#) is hereby incorporated by reference. Beginning January 14, 2005, systems serving fewer than 10,000 people must meet the requirements for other filtration technologies in [40 CFR §§141.550](#) through [141.553](#).

(c) General requirements: 40 CFR, Subpart T § 141.500 is hereby incorporated by reference.

(d) Additional watershed control requirements for unfiltered systems: 40 CFR, Subpart T §§ 141.520 through 141.522 is hereby incorporated by reference. This is in addition to the continued requirement to comply with the filtration avoidance criteria in [40 CFR §141.71](#).

(e) Disinfection Profile: 40 CFR, Subpart T §§ 141.530 through 141.536 is hereby incorporated by reference. This requirement applies both to community and non-transient non-community water systems.

(f) Disinfection benchmark: 40 CFR, Subpart T §§ 141.540 through 141.544 is hereby incorporated by reference. If you are a subpart H system required to develop a disinfection profile under Rule 391-3-5-.20(10)(e), your system must develop a disinfection benchmark if you decide to make a significant change to your disinfection practice. Before implementing a significant disinfection practice change, a prior approval from the Division must be obtained. Significant changes to disinfection practice include:

1. Changes to the point of disinfection;
2. Changes to the disinfectant(s) used in the treatment plant;
3. Changes to the disinfection process; or
4. Any other modification identified by the Division.

(g) Combined filter effluent requirements: 40 CFR, Subpart T § 141.550 through 141.553 is hereby incorporated by reference. This requirement applies to all subpart H systems which serve populations fewer than 10,000, are required to filter, and utilize filtration other than slow sand filtration or diatomaceous earth filtration.

1. For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month, and the maximum turbidity level of representative samples of a system's filtered water must at no time exceed 1 NTU. All measurements must be taken as described in 40 CFR §141.74(a) and (c).
2. For systems using "alternative" filtration (filtration other than slow sand filtration, diatomaceous earth filtration, conventional filtration, or direct filtration), the 95th percentile turbidity value, not to exceed 1 NTU, and the maximum turbidity value, not to exceed 5 NTU, shall be determined by the Division based on the demonstration as described in 40 CFR, Subpart T § 141.552. The systems, using pilot plant studies or other means, must demonstrate that the system's filtration, in combination with disinfection treatment, consistently achieves: two-log (99%) removal

of *Cryptosporidium* oocysts; three-log (99.9%) removal and/or inactivation of *Giardia lamblia* cysts; and four-log (99.99%) removal and/or inactivation of viruses.

(h) Individual filter turbidity requirements for systems utilizing conventional filtration or direct filtration: 40 CFR, Subpart T §§ 141.560 through 141.564 is hereby incorporated by reference. A subpart H public water system subject to the requirements of this Rule must conduct continuous monitoring of turbidity for each individual filter using an approved method in [40 CFR §141.74\(a\)](#) and must calibrate turbidimeters using the procedure specified by the manufacturer. Systems must record the results of individual filter monitoring every fifteen (15) minutes. If there is a failure in the continuous turbidity monitoring equipment, the system must conduct grab sampling every four (4) hours in lieu of continuous monitoring until the turbidimeter is back on-line. The system has fourteen (14) days to resume continuous monitoring before a violation is incurred.

1. Systems with two or fewer filters may conduct continuous monitoring of combined filter effluent turbidity in lieu of individual filter effluent turbidity monitoring, in accordance with the same requirements set forth in 40 CFR §141.560(a) through (d) and § [141.561](#).

2. Based on continuous turbidity monitoring of individual filters, the systems are required to take the follow-up actions described in [40 CFR §141.563\(a\), \(b\) and \(c\)](#).

(i) Reporting and recordkeeping requirements: 40 CFR, Subpart T §§ 141.570 through 141.571 is hereby incorporated by reference. The items which must be reported and the frequency of reporting must be as specified in [40 CFR §141.570](#). Based on the requirements of subpart T of 40 CFR Part 141, applicable systems must keep several required records, in addition to the recordkeeping required under [40 CFR §141.75](#). Specifically, the results of individual filter monitoring must be kept for at least three (3) years and the results of any disinfection profiling or benchmarking (including raw data and analysis) must be kept indefinitely.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.20

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Enforcement" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Turbidity Sampling and Analytical Requirements" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. Aug. 4, 1983.

Repealed: New Rule same title adopted. F. May 12, 1989; eff. June 1, 1989.

Repealed: New Rule of same title adopted. F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. June 25, 1992; eff. July 15, 1992.

Repealed: New Rule of same title, adopted. F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Dec. 21, 2004; eff. Jan. 10, 2005.

Amended: New title "Turbidity Sampling and Analytical Requirements. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.21 Inorganic Chemical Sampling and Analytical Requirements

(1) **CWS and NTNCWS Monitoring.** Community and non-transient, non-community water systems shall conduct monitoring to determine compliance with the maximum contaminant levels specified in Rule [391-3-5-.18](#) in accordance with this rule.

(2) **TNCWS Monitoring.** Transient, non-community water systems shall conduct monitoring to determine compliance with the nitrate and nitrite maximum contaminant levels in Rule [391-3-5-.18](#) in accordance with this rule.

(3) **Nitrate Monitoring for NCWS with Alternate Limit.** The frequency of monitoring conducted to determine compliance with the maximum contaminant level for Nitrate as specified in Rule [391-3-5-.18\(1\)\(b\)](#) shall be conducted as follows:

(a) Analyses for all non community water systems (NTNCWS and TNCWS) utilizing surface water sources shall be repeated at yearly intervals. Analyses for all non community water systems (NTNCWS and TNCWS) utilizing only ground water sources shall be repeated at three-year intervals.

(b) For any non community water system (NTNCWS and TNCWS) that the Director has granted an alternate nitrate MCL of 20 mg/l pursuant to Rule [391-3-5-.18\(1\)\(b\)](#) the monitoring frequency shall be conducted at intervals determined by the Director.

(c) If the result of an analysis made pursuant to paragraph (3) of this Rule indicates that the level of Nitrate listed in Rule [391-3-5-.18\(1\)\(b\)](#) exceeds the maximum contaminant level, the supplier of water shall report to the Division in writing within seven (7) days and initiate three additional analyses at the same sampling point within fourteen (14) days.

(d) When the average of four analyses made pursuant to paragraph (3)(c), rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall notify the Division pursuant to Rule [391-3-5-.30](#) and give notice to the public pursuant to Rule [391-3-5-.32](#). Monitoring after public notification shall be at a frequency designated by the Division and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a permit, variance, exception or enforcement action shall become effective.

(e) If the four analyses are not made pursuant to paragraph (3)(c), the Division will use the analyses available to prepare compliance calculations pursuant to paragraph (3)(d).

(f) The Division has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by their sanctioned representatives or agencies.

(g) The provisions of paragraphs (3)(c) and (3)(d) notwithstanding, compliance with maximum contaminant for nitrate shall be determined based on the mean of the two analyses. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within 24 hours and if the mean of the two analyses exceeds the maximum contamination level, the supplier of water shall report the findings to the Director pursuant to Rule [391-3-5-.30](#) and shall notify the public pursuant to Rule [391-3-5-.32](#).

(4) **Inorganic Monitoring.** Monitoring for inorganic chemicals shall be conducted as follows:

(a) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point) beginning in the compliance period

starting January 1, 1993. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(b) Surface water systems shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point) beginning in the compliance period starting January 1, 1993. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. [NOTE: For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.]

(c) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(d) The Division may reduce the total number of samples, which must be analyzed by allowing the use of compositing. Composite samples shall be collected and analyzed in accordance with [40 CFR, Part 141.23\(a\)\(4\)](#). In the case of arsenic, if a PWS supplies water to one or more other PWSs and the interconnection justifies treating them as a single system for monitoring purposes, then the PWSs receiving the supplied water may have their arsenic monitoring requirements modified.

(5) **Asbestos Monitoring.** The frequency of monitoring conducted to determine compliance with the maximum contaminant level for asbestos specified in Rule [391-3-5-.18](#) shall be conducted as follows:

(a) Community or non-transient, non-community water systems are required to monitor for asbestos during the first three-year compliance period of each nine-year compliance cycle beginning in the compliance period starting January 1, 1993.

(b) If the system believes it is not vulnerable to either asbestos contamination in its source water or due to corrosion of asbestos-cement pipe, or both, it may apply to the Division for a waiver of the monitoring requirements in paragraph (5)(a) above. If the waiver is granted by the Division, the system is not required to monitor.

(c) The Division may grant a waiver based on a consideration of the following factors:

1. Potential asbestos contamination of the water source.
2. The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.

(d) A waiver remains in effect until the completion of the three-year compliance period. Systems not receiving a waiver must monitor in accordance with the provisions of paragraph (5)(a).

(e) A system vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(f) A system vulnerable to asbestos contamination due solely to source water shall monitor in accordance with the provision of paragraph (4).

(g) A system vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(h) A system which exceeds the maximum contaminant levels as determined in Rule 391-3-5-.21(12) shall monitor quarterly beginning in the next quarter after the violation occurred.

(i) The Division may decrease the quarterly monitoring requirement to the frequency specified in paragraph (5)(a) provided the Division has determined that the system is reliably and consistently below the maximum contaminant

level. In no case can the Division make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface (or combined surface/ground) water system takes a minimum of four quarterly samples.

(j) If monitoring data collected after January 1, 1990 are generally consistent with the requirements of Rule 391-3-5-.21(5) then the Division may allow systems to use that data to satisfy the monitoring requirement for the initial compliance period beginning January 1, 1993.

(6) **Other Inorganics Monitoring.** The frequency of monitoring conducted to determine compliance with the maximum contaminant levels in Rule [391-3-5-.18](#) for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium shall be as follows:

(a) Groundwater systems shall take one sample at each sampling point during each compliance period beginning in the compliance period starting January 1, 1993. Surface water systems (or combined surface/ground) shall take one sample annually at each sampling point beginning January 1, 1993.

(b) The system may apply to the Division for a waiver from the monitoring frequencies specified in paragraph (6)(a).

(c) A condition of the waiver shall require that a system shall take a minimum of one sample while the waiver is effective. The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).

(d) The Division may grant a waiver provided surface water systems have monitored annually for at least three years and groundwater systems have conducted a minimum of three rounds of monitoring. (At least one sample shall have been taken since January 1, 1990.) Both surface and groundwater systems shall demonstrate that all previous analytical results were less than the maximum contaminant level. Systems that use a new water source are not eligible for a waiver until three rounds of monitoring from the new source have been completed. In the case of arsenic, new water systems are not eligible for a waiver until three rounds of monitoring have been completed.

(e) In determining the appropriate reduced monitoring frequency, the Division shall consider:

1. Reported concentrations from all previous monitoring;

2. The degree of variation in reported concentrations; and

3. Other factors which may affect contaminant concentrations such as changes in groundwater pumping rates, changes in the system's configuration, changes in the system's operating procedures, or changes in stream flows or characteristics.

(f) A decision by the Division to grant a waiver shall be made in writing and shall set forth the basis for the determination. The determination may be initiated by the Division or upon an application by the public water system. The public water system shall specify the basis for its request. The Division shall review and, where appropriate, revise its determination of the appropriate monitoring frequency when the system submits new monitoring data or when other data relevant to the system's appropriate monitoring frequency become available.

(g) Systems which exceed the maximum contaminant levels as calculated in paragraphs (3)(d) and (12) shall monitor quarterly beginning in the next quarter after the violation occurred.

(h) The Division may decrease the quarterly monitoring requirement to the frequencies specified in paragraphs (3)(a), (3)(b), (6)(a) and (6)(b) provided it has determined that the system is reliably and consistently below the maximum contaminant level. In no case can the Division make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface water system takes a minimum of four quarterly samples.

(i) All new systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by the Division. The system must also comply with the initial sampling frequencies specified by the Division to ensure a system can demonstrate

compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this paragraph.

(7) **Nitrate Monitoring.** The frequency of monitoring for nitrate shall be as follows: All public water systems (community; non-transient, non-community; and transient, non-community systems) shall monitor to determine compliance with the maximum contaminant level for nitrate in Rule [391-3-5-.18](#).

(a) Community and non-transient, non-community water systems served by groundwater systems shall monitor annually beginning January 1, 1993; systems served by surface water shall monitor quarterly beginning January 1, 1993.

(b) For community and non-transient, non-community water systems, the repeat monitoring frequency for ground water systems shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to fifty percent ($\geq 50\%$) of the MCL. The Division may allow a groundwater system to reduce the sampling frequency to annually after four consecutive quarterly samples are reliably and consistently less than the MCL.

(c) For community and non-transient, non-community water systems, the Division may allow a surface water system to reduce the sampling frequency to annually if all analytical results from four consecutive quarters are less than fifty percent (50%) of the MCL. A surface water system shall return to quarterly monitoring if any one sample is greater than or equal to fifty percent ($\geq 50\%$) of the MCL.

(d) Each transient non-community water system shall monitor annually beginning January 1, 1993.

(e) After the initial round of quarterly sampling is completed, each community and non-transient non-community system which is monitoring annually shall take subsequent samples during the quarter(s) which previously resulted in the highest analytical result.

(8) **Nitrite Monitoring.** The frequency of monitoring for nitrite shall be as follows: All public water systems (community; non-transient, non-community; and transient, non-community systems) shall monitor to determine compliance with the maximum contaminant level for nitrite in Rule [391-3-5-.18](#).

(a) All public water systems shall take one sample at each sampling point in the compliance period beginning January 1, 1993 and ending December 31, 1995.

(b) After the initial sample, systems where an analytical result for nitrite is less than fifty percent ($< 50\%$) of the MCL shall monitor at the frequency specified by the Division.

(c) For community, non-transient, non-community, and transient non-community water systems, the repeat monitoring frequency for any water system shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to fifty percent ($\geq 50\%$) of the MCL. The Division may allow a system to reduce the sampling frequency to annually after determining the system is reliably and consistently less than the MCL.

(d) Systems which are monitoring annually shall take each subsequent sample during the quarter(s) which previously resulted in the highest analytical result.

(9) **Confirmation samples.**

(a) Where the results of sampling for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium indicate an exceedance of the maximum contaminant level, the Division may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point.

(b) Where nitrate or nitrite sample results indicate an exceedance of the maximum contaminant level, the system shall take a confirmation sample within 24 hours of the system's receipt of notification of the analytical results of the

first sample. Systems unable to comply with the 24-hour sampling requirement must immediately notify the customers served by the area served by the public water system in accordance with Rule [391-3-5-.32](#). Systems exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.

(c) If a Division-required confirmation sample is taken for any contaminant, then the results of the initial and confirmation sample shall be averaged. The resulting average shall be used to determine the system's compliance in accordance with paragraph (12).

(10) **Increased Frequency of Monitoring.** The Division may require more frequent monitoring than specified in paragraphs (5), (6), (7), and (8) or may require confirmation samples for positive and negative results at its discretion.

(11) **Request for Increased Monitoring Frequency.** Systems may apply to the Division to conduct more frequent monitoring than the minimum monitoring frequencies specified in this rule.

(12) **Compliance Based on Analytical Results.** Compliance with Rule [391-3-5-.18](#) (as appropriate) shall be determined based on the analytical result(s) obtained at each sampling point.

(a) For systems which are conducting monitoring at a frequency greater than annual, compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium is determined by a running annual average at each sampling point. If the average at any sampling point is greater than the MCL, then the system is out of compliance. If any single sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any sample below the detection limit shall be calculated at zero for the purpose of determining the annual average.

(b) For systems which are monitoring annually, or less frequently, the system is out of compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium if the level of a contaminant at any sampling point is greater than the MCL. The Division may require one or more additional confirmation samples per paragraph (10). If a confirmation sample is required, the determination of compliance will be based on the annual average of the initial MCL exceedance and any state required confirmation sample(s).

(c) Compliance with the maximum contaminant levels for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate and/or nitrite exceed the MCLs in the initial sample, a confirmation sample is required in accordance with paragraph (9), and compliance shall be determined based on the average of the initial and confirmation samples.

(d) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Division may allow the system to give public notice to only the area served by that portion of the system which is out of compliance.

(13) **Monitor at Time Designed by Division.** Each public water system shall monitor at the time designated by the Division during each compliance period.

(14) **Analyses to Determine Compliance.** All analyses conducted to determine compliance with paragraph (1)(a) of Rule [391-3-5-.18](#) and this Rule shall be in accordance with [40 CFR, Part 141.23\(k\)](#). Detection limits must be no less stringent than the detection limits presented in [40 CFR Part 141.23\(a\)\(4\)](#). Arsenic sampling results shall be reported to the nearest 0.001 mg/L.

(15) **Certified Laboratories.** Analysis under this rule shall only be conducted by laboratories that have received approval by EPA fulfilling the requirements listed in [40 CFR, Part 141.23\(k\)\(3\)](#) or have received certification from the Division. Laboratories may conduct sample analysis under provisional certification until January 1, 1996.

(16) **Treatment to Achieve Compliance.** The best technology, treatment technique, or other means available for achieving compliance with the maximum contaminant level for inorganic contaminants identified in Rule [391-3-5-.18\(1\)\(a\)](#) shall be in accordance with [40 CFR, Part 141.62\(c\)](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.21

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Inorganic Chemical Sampling and Analytical Requirements" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. Aug. 4, 1983.

Repealed: New Rule of same title adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Repealed: New Rule of same title adopted. F. June 25, 1992; eff. July 15, 1992.

Repealed: New Rule of same title adopted F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.22 Organic Chemical Sampling and Analytical Requirements

(1) **Organic Monitoring.** Beginning on January 1, 1993, analysis of the contaminants listed in Rule 391-3-5-.18(2)(b)1-21 for the purpose of determining compliance with the maximum contaminant level shall be conducted as follows:

(a) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source, treatment plant, or within the distribution system.

(b) Surface water systems (or combined surface/ground) shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source, treatment plant, or within the distribution system.

(c) If the system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water representative of all sources is being used).

(d) Each community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in Rule 391-3-5-.18(2)(b)2-21 during each compliance period.

(e) If the initial monitoring for contaminants listed in Rule 391-3-5-.18(2)(b)1-8 and the monitoring for the contaminants listed in Rule 391-3-5-.18(2)(b)9-21 as allowed in paragraph (1)(q) has been completed by December

31, 1992 and the system did not detect any contaminant listed in Rule 391-3-5-.18(2)(b)1-21, then each ground and surface water system shall take one sample annually.

(f) After a minimum of three years of annual sampling, the Division may allow groundwater systems with no previous detection of any contaminant listed in Rule [391-3-5-.18\(2\)\(b\)](#) to take one sample during each compliance period.

(g) Each community and non-transient groundwater system which does not detect a contaminant listed in Rule 391-3-5-.18(2)(b)1-21 may apply to the Division for a waiver from the requirement of paragraph (1)(e) and (1)(f) after completing the initial monitoring. (For the purposes of paragraph (1), detection is defined as 0.0005 mg/L.) A waiver shall be effective for no more than six years (two compliance periods). The Division may also issue waivers to small systems for the initial round of monitoring for 1,2,4-trichlorobenzene.

(h) The Division may grant a waiver after evaluating the factors in accordance with [40 CFR, Part 141.24\(f\)\(8-9\)](#).

(i) Each community and non-transient surface water system which does not detect a contaminant listed in Rule 391-3-5-.18(2)(b)1-21 may apply to the Division for a waiver from the requirements of paragraph (1)(e) after completing the initial monitoring. Composite samples from a maximum of five sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Systems meeting this criteria must be determined by the Division to be non-vulnerable based on a vulnerability assessment during each compliance period. Each system receiving a waiver shall sample at the frequency specified by the Division (if any).

(j) If a contaminant listed in Rule 391-3-5-.18(2)(b)2-21 is detected at a level exceeding 0.0005 mg/L in any sample, then:

1. The system must monitor quarterly at each sampling point which resulted in a detection.
2. The Division may decrease the quarterly monitoring requirements specified in paragraph (1)(j)(1); provided it has determined that the system is reliably and consistently below the maximum contaminant level. In no case shall the Division make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface water system takes a minimum of four quarterly samples.
3. If the Division determines that the system is reliably and consistently below the MCL, the Division may allow the system to monitor annually. Systems which monitor annually must monitor during the quarter(s) which previously yielded the highest analytical result.
4. Systems which have three consecutive annual samples with no detection of a contaminant may apply to the Division for a waiver as specified in paragraph (1)(g).
5. Groundwater systems which have detected one or more of the following two-carbon organic compounds: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each sampling point at which one or more of the two-carbon organic compounds was detected. If the results of the first analysis do not detect vinyl chloride, the Division may reduce the quarterly monitoring frequency of vinyl chloride monitoring to one sample during each compliance period. Surface water systems are required to monitor for vinyl chloride as specified by the Division.

(k) Systems which violate the requirements of Rule 391-3-5-.18(2)(b)1-21 as determined by paragraph (1)(n) must monitor quarterly. After a minimum of four quarterly samples which show the system is in compliance as specified in paragraph (1)(n), and the Division determines that the system is reliably and consistently below the maximum contaminant level, the system may monitor at the frequency and time specified in paragraph (1)(j)3.

(l) The Division may require a confirmation sample for positive or negative results. If a confirmation sample is required by the Division, the result must be averaged with the first sampling result and the average is used for the compliance determination as specified by paragraph (1)(n). The Division has the discretion to delete results of obvious sampling errors from this calculation.

(m) The Division may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite sampling and their analysis shall be in accordance with [40 CFR, Part 141.24\(f\)\(14\)](#).

(n) Compliance with Rule 391-3-5-.18(2)(b)1-21 shall be determined based on the analytical results obtained at each sampling point.

1. For systems which are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point. If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately.

2. If monitoring is conducted annually, or less frequently, the system is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the Division, the determination of compliance will be based on the average of two samples.

3. If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Division may allow the system to give public notice to only that area served by that portion of the system which is out of compliance.

4. If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.

(o) Analysis for the contaminants listed in Rule 391-3-5-.18(2)(b)1-21 shall be conducted in accordance with [40 CFR, Part 141.24\(f\)\(17\)](#). These methods are contained in Methods for the Determination of Organic Compounds in Drinking Water, EPA/600/4-88/039, December 1988 and are available from the National Technical Information Service (NTIS) NTIS PB91-231480 and PB91-146027, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

(p) Analysis under paragraph (1) shall only be conducted by laboratories certified by the Division or laboratories certified by EPA in accordance with conditions listed in [40 CFR, Part 141.24\(f\)\(17\)](#).

(q) The Division may allow the use of monitoring data collected after January 1, 1998 required under section 1445 of the Public Health Service Act, as amended by the Federal Safe Drinking Water Act, Public Law 93-523, for purposes of initial monitoring compliance. If the data are generally consistent with the other requirements in this rule, the Division may use these data (i.e., a single sample rather than four quarterly samples) to satisfy the initial monitoring requirement of paragraph (1)(d). Systems which use grandfathered samples and did not detect any contaminant listed in Rule 391-3-5-.18(2)(b)2-21 shall begin monitoring annually in accordance with paragraph 1(e).

(r) The Division may increase required monitoring where necessary to detect variations within the system.

(s) Each certified laboratory must determine the method detection limit (MDL), as defined in 40 CFR, Part 136 appendix B, at which it is capable of detecting VOCs. The acceptable MDL is 0.0005 mg/L. This concentration is the detection concentration for purposes of paragraph (1).

(t) Each public water system shall monitor at the time designated by the Division within each compliance period.

(2) Initial Organic Monitoring. For systems in operation before January 1, 1993, for purposes of initial monitoring, analysis of the contaminants listed in Rule 391-3-5-.18(2)(b)1-8 for purposes of determining compliance with the maximum contaminant levels shall be conducted as follows:

(a) Ground-water systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. Sampling must be conducted at the same location(s) or more representative location(s) every three months for one year except as provided in paragraph (2)(h).

(b) Surface water systems shall sample at points in the distribution system representative of each source or at entry points to the system after any application of treatment. Surface water systems must sample each source every three months except as provided in paragraph (2)(h). Sampling must be conducted at the same location or a more representative location each quarter.

(c) If the system draws water from more than one source and sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions.

(d) All community water systems and non-transient, non-community water systems serving more than 10,000 people shall analyze all distribution or entry-point samples, as appropriate, representing all source waters beginning no later than January 1, 1988. All community water systems and non-transient, non-community water systems serving from 3,300 to 10,000 people shall analyze all distribution or entry point samples, as required in this paragraph (2), representing source waters no later than January 1, 1989. All other community and non-transient, non-community water systems shall analyze distribution or entry-point samples as required in this paragraph (2), representing all source waters beginning no later than January 1, 1991.

(e) The Division may require confirmation samples for positive or negative results. If a confirmation sample(s) is required by the Division, then the sample results(s) should be averaged with the first sampling result and used for compliance determination in accordance with paragraph (2)(i). The Division has the discretion to delete results of obvious sampling errors from this calculation.

(f) Analysis for vinyl chloride is required only for ground water systems that have detected one or more of the following two-carbon organic compounds: Trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene. The analysis for vinyl chloride is required at each distribution or entry point at which one or more of the two-carbon organic compounds were found. If the first analysis does not detect vinyl chloride, the Division may reduce the frequency of vinyl chloride monitoring to once every three years for that sample location or other sample locations that are more representative of the same source. Surface water systems may be required to analyze for vinyl chloride at the discretion of the Division.

(g) The Division may allow compositing of up to five samples from one or more public water systems.

(h) The Division may reduce the monitoring frequency specified in paragraphs (2)(a) and (b) as explained in this paragraph.

(i) Compliance with Rule [391-3-5-.18\(2\)\(b\)](#) shall be determined based on the results of running annual average of quarterly sampling for each sampling location. If one location's average is greater than the MCL, then the system shall be deemed to be out of compliance. If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, only that part of the system that exceeds any MCL as specified in Rule [391-3-5-.18\(2\)\(b\)](#) will be deemed out of compliance. The Division may reduce the public notice requirement to that portion of the system which is out of compliance. If any single sample result would cause the annual average to be exceeded, then the system shall be deemed to be out of compliance immediately. For systems that only take one sample per location because no VOCs were detected, compliance shall be based on that one sample.

(j) Analysis under paragraph (2) shall only be conducted by laboratories certified by the Division or have been certified by the EPA.

(k) The Division may allow the use of monitoring data collected after January 1, 1983, for purposes of monitoring compliance. If the data is consistent with other requirements of this rule, the Division may use that data to represent the initial monitoring if the system is determined by the Division not to be vulnerable under the requirements of paragraph (2). In addition, the result of EPA's Ground Water Supply Survey may be used in a similar manner for systems supplied by a single well.

(l) The Division may increase required monitoring where necessary to detect variations within the system.

(m) The Division may determine compliance or initiate enforcement action based on analytical results or other information compiled by their sanctioned representatives and agencies.

(n) Each certified laboratory must determine the method detection limit (MDL), as defined in 40 CFR, Part 136 appendix B, at which it is capable of detecting VOCs. The acceptable MDL is 0.0005 mg/L. This concentration is the detection level for purposes of paragraphs (2)(e), (f), and (g).

(3) **Ongoing Organic Monitoring.** Analysis of the contaminants listed in Rule [391-3-5-.18\(2\)\(a\)](#) for the purposes of determining compliance with the maximum contaminant level shall be conducted as follows:

(a) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(b) Surface water systems shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. [Note: For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.]

(c) If the system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water representative of all sources is being used).

(d) Monitoring frequency:

1. Each community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in Rule [391-3-5-.18\(2\)\(a\)](#) during each compliance period beginning with the compliance period starting January 1, 1993.

2. Systems serving more than 3,300 persons which do not detect a contaminant in the initial compliance period, may reduce the sampling frequency to a minimum of two quarterly samples in one year during each repeat compliance period.

3. Systems serving less than or equal to 3,300 persons which do not detect a contaminant in the initial compliance period may reduce the sampling frequency to a minimum of one sample during each repeat compliance period.

(e) Each community and non-transient water system may apply to the Division for a waiver from the requirement of paragraph (3)(d). A system must reapply for a waiver for each compliance period.

(f) The Division may grant a waiver after evaluating the factors in accordance with [40 CFR, Part 141.24\(h\)\(6\)](#).

(g) If an organic contaminant listed in Rule [391-3-5-.18\(2\)\(a\)](#) is detected (as defined by paragraph (3)(q)) in any sample, then:

1. Each system must monitor quarterly at each sampling point which resulted in a detection.

2. The Division may decrease the quarterly monitoring requirement specified in paragraph (3)(g)1 provided it has determined that the system is reliably and consistently below the maximum contaminant level. In no case shall the Division make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface water system takes a minimum of four quarterly samples.

3. After the Division determines the system is reliably and consistently below the maximum contaminant level the Division may allow the system to monitor annually. Systems which monitor annually must monitor during the quarter that previously yielded the highest analytical result.

4. Systems which have three (3) consecutive annual samples with no detection of a contaminant may apply to the Division for a waiver as specified in paragraph (3)(f).

5. If monitoring results in detection of one or more of certain related contaminants (aldicarb, aldicarb sulfone, aldicarb sulfoxide and heptachlor, heptachlor epoxide), then subsequent monitoring shall analyze for all related contaminants.

(h) Systems which violate the requirements of Rule [391-3-5-.18\(2\)\(a\)](#) as determined by paragraph (3)(k) must monitor quarterly. After a minimum of four quarterly samples show the system is in compliance and the Division determines the system is reliably and consistently below the MCL, as specified in paragraph (3)(k), the system shall monitor at the frequency specified in paragraph (3)(g)3.

(i) The Division may require a confirmation sample for positive or negative results. If a confirmation sample is required by the Division, the result must be averaged with the first sampling result and the average used for the compliance determination as specified by paragraph (3)(k). The Division has the discretion to delete results of obvious sampling errors from this calculation.

(j) The Division may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite sampling and their analysis shall be in accordance with [40 CFR, Part 141.24\(h\)\(10\)](#).

(k) Compliance with Rule [391-3-5-.18\(2\)\(a\)](#) shall be determined based on the analytical results obtained at each sampling point.

1. For systems which are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point. If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any samples below the detection limit shall be calculated as zero for purposes of determining the annual average.

2. If monitoring is conducted annually, or less frequently, the system is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the Division, the determination of compliance will be based on the average of two samples.

3. If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Division may allow the system to give public notice to only that portion of the system which is out of compliance.

4. If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.

(l) Analysis for the contaminants listed in Rule [391-3-5-.18\(2\)\(a\)](#) shall be conducted in accordance with [40 CFR, Part 141.24\(h\)](#) (12-13). These methods are contained in "Methods for the Determination of Organic Compounds in Drinking Water", ORD Publications, CERL, EPA/600/4-88/039, December 1988.

(m) If monitoring data collected after January 1, 1990, are generally consistent with the requirements of Rule 391-3-5-.22(3), then the Division may allow systems to use that data to satisfy the monitoring requirement for the initial compliance period beginning January 1, 1993.

(n) The Division may increase the required monitoring frequency, where necessary, to detect variations within the system (e.g., fluctuations in concentration due to seasonal use, changes in water source).

(o) The Division has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by their sanctioned representatives and agencies.

(p) Each public water system shall monitor at the time designated by the Division within each compliance period.

(q) Detection limits for contaminants used in paragraph (3) shall be in accordance with [40 CFR, Part 141.24\(h\)\(18\)](#).

(r) Analysis under paragraph (3) shall conform to paragraph (1) of Rule [391-3-5-.29](#).

(s) The best technology, treatment technique, or other means available for achieving compliance with the maximum contaminant level for organic contaminants in Rule 391-3-5-.18(2)(a) and (2)(b) shall be in accordance with [40 CFR, Part 141.61\(b\)](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.22

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

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Amended: F. July 15, 1983; eff. Aug. 4, 1983.

Repealed: New Rule of same title adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Repealed: New Rule of same title adopted. F. June 25, 1992; eff. July 15, 1992.

Repealed: New Rule, same title, adopted F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.23 Coliform Sampling

(1) Routine Coliform Monitoring.

(a) Public water systems must collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. These plans are subject to Division review and revision.

(b) The minimum residential population of a community water system shall be determined by a mathematical calculation of the total number of active residential service connections multiplied by Georgia's average population per household, as published in the most recent Federal Census Bureau Statistics. Multiple residential units served by a single connection (master meter) shall be included in the determination of population for a water system. The minimum monitoring frequency for total coliforms for community water systems is based on the population served by the system, as follows:

| Population Served | Minimum Number of Samples per Month |
|--------------------------|--|
| 25 to 1,000 ¹ | 1 |
| 1,001 to 2,500 | 2 |
| 2,501 to 3,300 | 3 |
| 3,301 to 4,100 | 4 |

| Population Served | Minimum Number of Samples per Month |
|--------------------------|--|
| 4,101 to 4,900 | 5 |
| 4,901 to 5,800 | 6 |
| 5,801 to 6,700 | 7 |
| 6,701 to 7,600 | 8 |
| 7,601 to 8,500 | 9 |
| 8,501 to 12,900 | 10 |
| 12,901 to 17,200 | 15 |
| 17,201 to 21,500 | 20 |
| 21,501 to 25,000 | 25 |
| 25,001 to 33,000 | 30 |
| 33,001 to 41,000 | 40 |
| 41,001 to 50,000 | 50 |
| 50,001 to 59,000 | 60 |
| 59,001 to 70,000 | 70 |
| 70,001 to 83,000 | 80 |
| 83,001 to 96,000 | 90 |
| 96,001 to 130,000 | 100 |
| 130,001 to 220,000 | 120 |
| 220,001 to 320,000 | 150 |
| 320,001 to 450,000 | 180 |
| 450,001 to 600,000 | 210 |
| 600,001 to 780,000 | 240 |
| 780,001 to 970,000 | 270 |
| 970,001 to 1,230,000 | 300 |
| 1,230,001 to 1,520,000 | 330 |
| 1,520,001 to 1,850,000 | 360 |
| 1,850,001 to 2,270,000 | 390 |
| 2,270,001 to 3,020,000 | 420 |
| 3,020,001 to 3,960,000 | 450 |
| 3,960,001 or more | 480 |

¹Includes public water systems which have at least 15 service connections, but serve fewer than 25 persons.

If a community water system serving 25 to 1,000 persons has no history of total coliform contamination in its current configuration and a sanitary survey conducted in the past five years shows that the system is supplied solely by a protected ground water source and is free of sanitary defects, the Division may reduce the monitoring frequency specified above, except that in no case shall it be reduced to less than one sample per quarter.

(c) The monitoring frequency for total coliform for non-community water systems is as follows:

1. A non-community water system using only ground water (except ground water under the direct influence of surface water) and serving 1,000 persons or fewer must monitor each calendar quarter that the system provides water to the public, except that the Division may adjust this monitoring frequency in writing, if a sanitary survey shows that the system is free of sanitary defects.
2. A non-community water system using only ground water (except ground water under the direct influence of surface water) and serving more than 1,000 persons during any month must monitor at the same frequency as a like-sized community water system, except that the Division may adjust this monitoring frequency, in writing for any month the system serves 1,000 persons or fewer.
3. A non-community water system using surface water, in total or in part, must monitor at the same frequency as a like-sized community water system, regardless of the number of persons it serves.

4. A non-community water system using ground water under the direct influence of surface water must monitor at the same frequency as a like-sized community water system. The system must begin monitoring at this frequency beginning six months after the Division determines that the ground water is under the direct influence of surface water.

(d) The public water system must collect samples at regular time intervals throughout the month, except that a system which uses only ground water (except ground water under the direct influence of surface water), and serves 4,900 persons or fewer, may collect all required samples on a single day if they are taken from different sites.

(e) 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 compliance with the MCL for total coliforms. Repeat samples are not considered special purpose samples, and must be used to determine compliance with the MCL for total coliforms.

(2) Repeat Coliform Monitoring.

(a) If a routine sample is total coliform-positive, the public water system must collect a set of repeat samples within 24 hours of being notified of the positive result. A system which collects more than one routine sample per month must collect no fewer than three repeat samples for each total coliform-positive sample found. A system which normally collects one routine sample per month or fewer must collect no fewer than four repeat samples for each total coliform-positive sample found. The Division may extend the 24-hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control.

(b) The system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one away from the end of the distribution system, the Division may waive the requirement to collect at least one repeat sample upstream or downstream of the original sampling site.

(c) The system must collect all repeat samples on the same day, except that the Division may allow a system with a single service connection to collect the required set of repeat samples over a four-day period.

(d) If one or more repeat samples in the set is total coliform-positive, the public water system must collect an additional set of repeat samples in the manner specified in paragraph (2). The additional samples must be collected within 24 hours of being notified of the positive result, unless the Division extends the limit as provided in paragraph (2). The system must repeat this process until either total coliforms are not detected in one complete set of repeat samples or the system determines that the MCL for total coliforms has been exceeded and notifies the Division.

(e) If a system collecting fewer than five routine samples per month has one or more total coliform-positive samples and the Division does not invalidate the sample(s), it must collect at least five routine samples during the next month the system provides water to the public, except that the Division may waive this requirement if the conditions specified below are met. The Division cannot waive the requirement for a system to collect repeat samples.

1. The Division may waive the requirement to collect five routine samples the next month the system provides water to the public if the Division, or an agent approved by the Division, performs a site visit before the end of the next month the system provides water to the public. Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Division to determine whether additional monitoring and/or any corrective action is needed. The Division cannot approve an employee of the system to perform this site visit, even if the employee is an agent approved by the Division to perform sanitary surveys.

2. The Division may waive the requirement to collect five routine samples the next month the system provides water to the public if the Division has determined why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. The Division cannot waive the requirement to collect five routine samples the next month the

system provides water to the public solely on the grounds that all repeat samples are total coliform-negative. Under this paragraph, a system must still take at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with the MCL for total coliforms, unless the Division has determined that the system has corrected the contamination problem before the system took the set of repeat samples required above, and all repeat samples were total coliform-negative.

(f) After a system collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the system may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

(g) Results of all routine and repeat samples not invalidated by the Division must be included in determining compliance with the MCL for total coliforms.

(3) Invalidation of Total Coliform Samples. A total coliform-positive sample invalidated under this paragraph does not count towards meeting the minimum monitoring requirements of this Rule.

(a) The Division may invalidate a total coliform-positive sample only if the conditions that follow below are met:

1. The laboratory establishes that improper sample analysis caused the total coliform-positive result.

2. The Division, on the basis of the results of repeat samples collected as required by this Rule, determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. The Division cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected within five service connections of the original tap are total coliform-negative (e.g., the Division cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the public water system has only one service connection).

3. The Division has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, the system must still collect all repeat samples required under this Rule, and use them to determine compliance with the MCL for total coliforms. The Division may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

(b) A laboratory must invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence of an acid reaction in the Presence-Absence (P-A) Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the system must collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The system must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Division may waive the 24-hour time limit on a case-by-case basis.

(4) Sanitary Surveys.

(a) All ground water systems must undergo sanitary surveys no less frequently than every three years for community systems, except as provided in paragraph (4)(b), and no less frequently than every five years for non-community systems. The initial sanitary survey for each community ground water system must be conducted by December 31, 2012, unless the system meets requirements of paragraph (4)(b).

(b) For community ground water systems determined by the Division to have outstanding performance based on prior sanitary surveys, or that provide at least 4-log (99.99%) treatment of viruses (using inactivation, removal, or a combination of the two) subsequent sanitary surveys may be conducted no less than every five years. The initial

sanitary survey for community systems that meet these requirements and for each non-community system must be conducted by December 31, 2014.

(c) All surface water systems (including ground water under the influence) must undergo sanitary surveys no less frequently than every three years for community systems and no less frequently than every five years for non-community systems. For community systems determined by the Division to have outstanding performance based on prior sanitary surveys, subsequent sanitary surveys may be conducted no less than every five years.

(d) Sanitary surveys must be performed by the Division or an agent approved by the Division. The system is responsible for ensuring the survey takes place.

(5) Fecal Coliforms - *Escherichia coli* (*E. coli*) Testing.

(a) If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if fecal coliforms are present, except that the system may test for *E. coli* in lieu of fecal coliforms. If fecal coliforms or *E. coli* are present, the system must notify the Division by the end of the day when the system is notified of the test result, unless the system is notified of the result after the Division office is closed, in which case the system must notify the Division before the end of the next business day.

(b) The Division has the discretion to allow a public water system, on a case-by-case basis, to forego fecal coliform or *E. coli* testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is fecal coliform-positive or *E. coli*-positive. Accordingly, the system must notify the Division as specified in this Rule and the MCL applies.

(6) Analytical Methodology.

(a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.

(b) Public water systems need only determine the presence or absence of total coliforms; a determination of total coliform density is not required.

(c) Public water systems must conduct total coliform analyses in accordance with [40 CFR §141.21](#).

(d) Public water systems must conduct fecal coliform analyses in accordance with [40 CFR §141.21](#).

(7) Response to Violation.

(a) A public water system which has exceeded the MCL for total coliforms must report the violation to the Division no later than the end of the next business day after it learns of the violation, and notify the public in accordance with this chapter.

(b) A public water system which has failed to comply with a coliform monitoring requirement, including the sanitary survey requirement, must report the monitoring violation to the Division within ten days after the system discovers the violation, and notify the public in accordance with this chapter.

(8) The provisions of paragraphs (1) and (4) are applicable until March 31, 2016. The provisions of paragraphs (2), (3), (5), (6), and (7) are applicable until all required repeat monitoring under paragraph (2) and fecal coliform or *E. coli* testing under paragraph (5) that was initiated by a total coliform-positive sample taken before April 1, 2016 is completed, as well as analytical method, reporting, recordkeeping, public notification, and consumer confidence report requirements associated with that monitoring and testing. Beginning April 1, 2016, the provisions of Rule [391-3-5-.55](#) are applicable, with systems required to begin regular monitoring at the same frequency as the system-specific frequency required on March 31, 2016, except for seasonal systems which must monitor monthly beginning April 1, 2016.

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AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Alternative Analytical Techniques" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-47](#).

Repealed: New Rule entitled "Microbiological Contaminant Sampling and Analytical Requirements" adopted. F. May 12, 1989; eff. June 1, 1989.

Repealed: New Rule entitled "Coliform Sampling" adopted. F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: New title "Coliform Sampling. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Coliform Sampling." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.24 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors Sampling, Analytical and Other Requirements

(1) **Purpose.** The purpose of this Rule is to provide for the procedures for establishing maximum contaminant levels, monitoring and other requirements for trihalomethanes, disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors.

(2) **Variances.** Variances from the maximum contaminant level for total trihalomethanes shall be conducted in accordance with [40 CFR §142.60](#).

(3) Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors.

(a) Community water systems and non-transient, non-community water systems which add a chemical disinfectant to the water in any part of the drinking water treatment process must modify their practices to meet MCLs and MRDLs specified in subparagraph (7)(a) of Rule [391-3-5-.18](#), and must meet the treatment technique requirements for disinfection byproduct precursors specified in paragraph (10).

(b) Transient non-community water systems that use chlorine dioxide as a disinfectant or oxidant must modify their practices to meet the MRDL for chlorine dioxide specified in subparagraph (7)(a) of Rule [391-3-5-.18](#).

(c) Community Subpart H water systems and non-transient, non-community Subpart H water systems must comply with the requirements of this Rule, as specified in paragraphs (7)(b) and (7)(c) of Rule [391-3-5-.18](#), respectively.

(d) Beginning January 1, 2002, transient non-community Subpart H water systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the requirements for chlorine dioxide and chlorite in this Rule.

(e) Beginning January 1, 2004, transient non-community Subpart H water systems serving fewer than 10,000 people and using chlorine dioxide as a disinfectant or oxidant and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the requirements for chlorine dioxide and chlorite in this Rule.

(f) Systems may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

(g) Systems must use the analytical method(s) specified in [40 CFR §141.131](#) to demonstrate compliance with the requirements of this Rule. The analytical requirements specified in [40 CFR §141.131](#), which is hereby incorporated by reference, are required to demonstrate compliance with the requirements of Subpart L (Disinfectant Residuals, Disinfection ByProducts, and Disinfection ByProduct Precursors), Subpart U (Initial Distribution System Evaluations), and Subpart V (Stage 2 Disinfection ByProducts Requirements) of 40 CFR Part 141.

(h) Monitoring Requirements. [40 CFR §141.132](#), in its entirety, is hereby incorporated by reference. For compliance with the requirements of this Rule, the water systems must monitor the applicable parameters included in this Rule at the frequency specified in [40 CFR §141.132](#). Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs.

1. Systems must take all samples during normal operating conditions.

2. Systems may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required, with the Division approval.

3. Systems may use only data collected under the provisions of this Rule to qualify for reduced monitoring.

4. Each system required to monitor under this Rule must develop and implement a monitoring plan. The plan must include at least the following elements: specific locations and schedules for collecting samples for any parameters included in this Rule; how the system will calculate compliance with MCLs, MRDLs, and treatment techniques; and if approved for monitoring as a consecutive system, or if providing water to a consecutive system, the sampling plan must reflect the entire distribution system.

(i) The system must maintain the plan and make it available for inspection by the Division and the general public no later than thirty (30) days following applicable compliance dates stated in paragraph (3)(c).

(ii) All Subpart H systems serving more than 3,300 people must submit a copy of the monitoring plan to the Division no later than the date of the first report required under [40 CFR §141.134](#).

(iii) The Division may require a monitoring plan to be submitted by any other system. The Division may also require changes in any plan elements.

(4) Monitoring and Compliance for Disinfection Byproducts. Monitoring for disinfection byproducts shall be conducted as specified in [40 CFR §141.132\(b\)](#). Compliance with the disinfection byproducts requirements shall be determined in accordance with [40 CFR §141.133\(b\)](#).

(5) Monitoring and Compliance for Disinfectant Residuals.

(a) Monitoring for disinfectant residuals shall be conducted as specified in [40 CFR §141.132\(c\)](#). Compliance with the disinfectant residuals requirements shall be determined in accordance with [40 CFR §141.133\(c\)](#).

(b) *Routine monitoring.* Until March 31, 2016, community and non-transient non-community water systems that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in [40 CFR §141.21](#). Beginning April 1, 2016, community and non-transient non-community water systems that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in Rule 391-3-5-.55(4) through

(8). 40 CFR Part 141 Subpart H systems may use the results of residual disinfectant concentration sampling conducted under [40 CFR §141.74\(c\)\(3\)\(i\)](#) for systems which filter, in lieu of taking separate samples.

(6) **Monitoring and Compliance for Disinfection Byproduct Precursors.** Monitoring for disinfection byproduct precursors shall be conducted as specified in [40 CFR §141.132\(d\)](#). Compliance with the disinfection byproduct precursors requirements shall be determined in accordance with [40 CFR §141.133\(c\)](#) and as specified by [40 CFR §141.135\(b\)](#).

(7) **Non-Compliance in First Monitoring Year.** If, during the first year of monitoring under [40 CFR §141.132](#), any individual quarter's average will cause the running annual average of that system to exceed the MCL, the system shall be considered out of compliance at the end of that quarter.

(8) **Samples for Compliance Determination.** All samples taken and analyzed under the provisions of this Rule must be included in determining compliance, even if that number is greater than the minimum required. Compliance requirements specified in 40 CFR Part 141, Subpart L § 141.133 is hereby incorporated by reference.

(9) **Treatment Techniques.** Treatment techniques for control of disinfection byproduct precursors requirements specified in 40 CFR Part 141, Subpart L § 141.135 is hereby incorporated by reference.

(a) Subpart H systems using conventional filtration treatment (as defined in § 141.2) must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in [40 CFR §141.135\(b\)](#) unless the system meets at least one of the alternative compliance criteria specified in 40 CFR §§141.135(a)(2) or (a)(3).

(b) Alternative compliance criteria for enhanced coagulation and enhanced softening systems: 40 CFR Part 141, Subpart L § 141.135(a)(2) is hereby incorporated by reference.

(c) Additional alternative compliance criteria for softening systems: 40 CFR Part 141, Subpart L, § 141.135(a)(3) is hereby incorporated by reference.

(d) Enhanced coagulation and enhanced softening performance requirements: 40 CFR Part 141, Subpart L § 141.135(b) is hereby incorporated by reference.

(e) Compliance calculations: 40 CFR Part 141, Subpart L § 141.135(c) is hereby incorporated by reference.

(f) Treatment technique requirements for disinfection byproduct precursors: 40 CFR Part 141, Subpart L § 141.135(d) is hereby incorporated by reference.

(g) Required additional health information: [40 CFR §141.154](#) is hereby incorporated by reference.

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HISTORY: Original Rule entitled "Laboratory Approval" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

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Repealed: New Rule entitled "Trihalomethanes" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Repealed: New Rule entitled "Total Trihalomethanes Sampling. Analytical and Other Requirements" adopted. F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. May 29, 2009; eff. June 16, 2009.

Amended: New title "Disinfection Byproducts Sampling, Analytical and Other Requirements. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors Sampling, Analytical and Other Requirements." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.25 Treatment Techniques, Lead and Copper Requirements

(1) General Requirements.

(a) These requirements constitute the primary drinking water rules for lead and copper. Unless otherwise indicated, each of these provisions applies to community water systems and non-transient, non-community water systems (hereinafter referred to as "water systems" or "systems").

(b) These rules establish a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.

(c) Lead and copper action levels:

1. The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with paragraph (7) is greater than 0.015 mg/L.

2. The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with paragraph (7) is greater than 1.3 mg/L.

3. Calculation of the lead and copper action levels shall be based on the "90th percentile" rule in accordance with [40 CFR, Part 141.80\(c\)\(3\)](#).

(d) Corrosion control treatment requirements:

1. All water systems shall install and operate optimal corrosion control treatment as defined in Rule [391-3-5-.02\(73\)](#).

2. Any water system that complies with the applicable corrosion control treatment requirements specified by the Division under paragraphs (2) and (3) shall be deemed in compliance with the treatment requirement contained in paragraph (d)(1).

(e) Source water treatment requirements; Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the "Division" under paragraph (4).

(f) Lead service line replacement requirements; Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service replacement requirements contained in paragraph (5).

(g) Public education requirements; Pursuant to [40 CFR, Part 141.85](#), 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 contained in paragraph (6).

(h) Monitoring and analytical requirements; Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this subpart shall be completed in compliance with paragraphs (7)-(10).

(i) Reporting requirements; Systems shall report to the Division any information required by the treatment provisions of this subpart and Rule [391-3-5-.30\(7\)](#).

(j) Record keeping requirements; Systems shall maintain records in accordance with Rule [391-3-5-.15](#).

(k) Violation of national primary drinking water regulations; Failure to comply with the applicable requirements of paragraphs (1)-(10), including requirements established by the Division pursuant to the provisions, shall constitute a violation of the national primary drinking water regulations for lead and/or copper.

(l) The maximum contaminant level goals (MCLGs) for lead and copper are as follows:

| Contaminant | MCLG (mg/L) |
|-------------|-------------|
| Copper | 1.3 |
| Lead | 0 (zero) |

(2) Applicability of Corrosion Control Treatment Steps to Small, Medium and Large Water Systems.

(a) Systems shall complete the applicable corrosion control treatment requirements described in paragraph (3) by the deadlines established in this paragraph.

1. A large system (serving more than 50,000 persons) shall complete the corrosion control treatment steps specified in paragraph (2)(d), unless it is deemed to have optimized corrosion control under paragraphs (2)(b)2. or (2)(b)3..

2. A small system (serving less than 3,301 persons) and a medium-size system (serving more than 3,300 and less than 50,001 persons) shall complete the corrosion control treatment steps specified in paragraph (2)(d), unless it is deemed to have optimized corrosion control under paragraphs (2)(b)1., (2)(b)2., or (2)(b)3..

(b) A system is deemed to have optimized corrosion control and is not required to complete the applicable control treatment steps identified in this section if the system satisfies one of the criteria specified in paragraphs (2)(b)1. through (2)(b)3.. Any such system deemed to have optimized corrosion control under this paragraph, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the State determines appropriate to ensure optimal corrosion control treatment is maintained.

1. A small or medium-size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with paragraph (7).

2. Any water system may be deemed by the Division to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the Division that it has conducted activities equivalent to the corrosion control steps applicable to such system under this rule. If the Division makes this determination, it shall provide the system with written notice explaining the basis for its decision and shall specify the water quality control parameters representing optimal corrosion control in accordance with paragraph (3). Water systems deemed to have optimized corrosion control under this paragraph shall operate in compliance with the Division designated optimal water quality control parameters in accordance with paragraph (3) and continue to conduct lead and copper tap water quality parameter sampling in accordance with paragraphs (7)(d)3. and (8)(d). A system shall provide the Division with the following information in order to support a determination under this paragraph.

- (i) the results of all test samples collected for each of the water quality parameters in paragraph (3).
- (ii) a report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in paragraph (3), the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment.
- (iii) a report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps.
- (iv) the results of tap water samples collected in accordance with paragraph (7) at least once every six months for one year after corrosion control has been installed.

3. Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with paragraph (7) and source water monitoring conducted in accordance with paragraph (9) that demonstrates for two consecutive six-month monitoring periods that the difference between the 90th percentile tap water lead level computed under paragraph (1)(c)3., and the highest source water lead concentration, is less than the Practical Quantitation Level for lead specified in paragraph (10).

- (i) Those systems whose highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead levels is less than or equal to the Practical Quantitation Level for the lead for two consecutive 6-month monitoring periods.
- (ii) Any water system deemed to have optimized corrosion control in accordance with this paragraph shall continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in Rule 391-3-5-.25(7)(c) and collecting samples at times and locations specified in Rule 391-3-5-.25(7)(d)4.
- (iii) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the Division in writing pursuant to Rule 391-3-5-.25(11) of any upcoming long-term change in treatment or addition of a new source. The Division 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 Division may require any system to conduct additional monitoring or to take other action the Division deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.
- (iv) As of July 12, 2001, a system is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment pursuant to paragraph (2)(b)3.(v) unless it meets the copper action level.
- (v) Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in paragraph (2)(d). Any such large system shall adhere to schedule specified in that paragraph for medium-size systems, with the time periods for completing each step being triggered by the date the system is no longer deemed to have optimized corrosion control under this paragraph.

(c) Any small or medium-size water system that is required to complete the corrosion control steps due to its exceedance of the lead or copper action level may request approval from the Division to cease completing the treatment steps if the system meets both lead and copper action levels during each of two consecutive monitoring periods conducted pursuant to paragraph (7) and submits the results to the Division. If approval is granted, any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system (or the Division, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The Division may require a system to repeat treatment steps previously completed by the system where the Division determines that this is necessary to implement properly the treatment requirements of this rule. The Division shall notify the water system in writing of such a determination and explain the basis for its decision. The requirement for any small- or medium-size water system to implement corrosion control treatment steps in accordance with paragraph (2)(d) (including, water systems deemed to have optimized corrosion control under paragraph (2)(b)1.) is triggered whenever any small- or medium-size water system exceeds the lead or copper action level.

(d) Treatment steps and deadlines for all systems affected by this rule shall be in accordance with 40 CFR, Part 141.81(d) and (e).

(3) **Description of Corrosion Control Treatment Requirements.** Each system shall complete the corrosion control treatment requirements as described and in accordance with [40 CFR Part 141.82](#) and as approved by the Division.

(4) **Source Water Treatment Requirements.** Systems shall complete the applicable source water monitoring and treatment requirements, described in the referenced portions of paragraph (4)(b), and in paragraphs (7) and (9) by the following deadlines.

(a) Deadlines for Completing Source Water Treatment Steps.

1. Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (paragraph (9)(b)) and make a treatment recommendation to the Division (paragraph (4)(b) 1.) no later than 180 days after the end of the monitoring period in which the lead or copper action level was exceeded.

2. Step 2: The Division shall make a determination regarding source water treatment (paragraph (4)(b) 2.) within 6 months after submission of monitoring results under Step 1.

3. Step 3: If the Division requires installation of source water treatment, the system shall install the treatment (paragraph (4)(b) 3.) within 24 months after completion of Step 2.

4. Step 4: The system shall complete follow-up tap water monitoring for lead and copper (paragraph (7)(d) 2.) and source water monitoring for lead and copper (paragraph (9)(c)) within 36 months after completion of Step 2.

5. Step 5: The Division shall review the system's installation and operation of source water treatment and specify maximum permissible source water levels (paragraph (4)(b) 4.) within 6 months after completion of Step 4.

6. Step 6: The system shall operate in compliance with the Division specified maximum permissible lead and copper source water levels (paragraph (4)(b) 4.) and continue source water monitoring for lead and copper (paragraph (9)(d)).

(b) Description of Source Water Treatment Requirements:

1. System treatment recommendation. Any system which exceeds the lead or copper action level shall recommend in writing to the Division the installation and operation of one of the source water treatments listed in paragraph (4)(b)2.. A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

2. Division determination regarding source water treatment. The Division shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the Division determines that treatment is needed, the Division shall either require installation and operation of the source water treatment recommended by the system (if any) or require the installation and operation of another source water treatment such as: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the Division requests additional information to aid in its review, the water system shall provide the information by the date specified by the Division in its request. The Division shall notify the system in writing of its determination and set forth the basis for its decision.

3. Installation of source water treatment. Each system shall properly install and operate the source water treatment designated by the Division under paragraph (4)(b)2..

4. Division review of source water treatment and specification of maximum permissible source water levels. The Division shall review the source water samples taken by the water system both before and after the system installs source water treatment, and determine whether the system has properly installed and operated the source water

treatment designated by the Division. Based upon its review, the Division shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The Division shall notify the system in writing and explain the basis for its decision.

5. Continued operation and maintenance. Each water system shall maintain lead and copper levels below the maximum permissible concentrations designated by the Division at each sampling point monitored in accordance with paragraph (9). The system is out of compliance with this paragraph if the level of lead and/or copper at any sampling point is greater than the maximum permissible concentration designated by the Division.

6. Modification of Division treatment decisions. Upon its own initiative or in response to a request by a water system or other interested party, the Division may modify its determination of the source water treatment under paragraph (2), or maximum permissible lead and copper concentrations for finished water entering the distribution system under paragraph (4). A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Division may modify its determination where it concludes that such change is necessary to ensure that the system continues to minimize lead and copper concentrations in source water. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the Division's decision, and provide an implementation schedule for completing the treatment modifications.

7. EPA may review treatment determinations made by the Division and issue federal treatment determinations as outlined in [40 CFR, Part 141.83\(b\)\(7\)](#).

(5) Lead Service Line Replacement Requirements. Systems may be required to replace lead service lines in accordance with [40 CFR Parts 141.84](#) and [141.90\(e\)](#) when they fail to meet the lead action level in tap samples. [40 CFR Part 141.84](#) describes the conditions that will require lead service line replacement.

(6) Public Educational 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 the sites/taps that are tested. A water system that exceeds the lead action level based on tap water samples collected in accordance with paragraph (7) shall carry out a public education program as described in [40 CFR, Part 141.85](#).

(7) Monitoring Requirements for Lead and Copper in Tap Water.

(a) Sample site location.

1. By the applicable date for commencement of monitoring under paragraph (7)(d)1., each water system shall complete a materials evaluation of its distribution system. In order to identify a pool of targeted sampling sites that meets the requirements of this rule, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in paragraph (7)(c). All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices.

2. A water system shall use the information on lead, copper, and galvanized steel that it is required to collect under Rule [391-3-5-.26\(4\)](#) of this part [special monitoring for corrosivity characteristics] when conducting a materials evaluation. When an evaluation of the information collected pursuant to Rule [391-3-5-.26\(4\)](#) is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in paragraph (7)(a)1., the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):

(i) all plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;

(ii) all inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and

(iii) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.

3. The sampling sites selected for a community water system's sampling pool ("tier 1 sampling sites") shall consist of single family structures that:

(i) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or

(ii) are served by a lead service line. When multiple-family residences comprise at least 20 percent of the structures served by a water system, the system may include these types of structures in its sampling pool.

4. Any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "tier 2 sampling sites", consisting of buildings, including multiple-family residences that:

(i) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or

(ii) are served by a lead service line.

5. Any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with "tier 3 sampling sites", consisting of single family structures that contain copper pipes with lead solder installed before 1983. A community water system with insufficient tier 1, tier 2, and tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

6. The sampling sites selected for a non-transient non-community water system ("tier 1 sampling sites") shall consist of buildings that:

(i) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or

(ii) are served by a lead service line.

7. A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in paragraph (7)(a)6 shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the nontransient non-community water system shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

8. Any water system whose sampling pool does not consist exclusively of tier 1 sites shall demonstrate to the Division under paragraph (11) why a review of the information listed in paragraph (7)(a)2. was inadequate to locate a sufficient number of tier 1 sites. Any community water system which includes tier 3 or other representative sampling sites in its sampling pool shall demonstrate why it was unable to locate a sufficient number of tier 1 and tier 2 sampling sites.

9. Any water system whose distribution system contains lead service lines shall draw 50 percent of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of those samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by lead service line shall collect first draw samples from all of the sites identified as being served by such lines.

(b) Sample collection methods.

1. All tap samples for lead and copper collected in accordance with this subpart, with the exception of lead service line samples collected under paragraph (5), shall be first draw samples.

2. Each first-draw tap sample for lead and copper shall be one liter in volume and must have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold-water kitchen or bathroom sink tap. First-draw samples from a non-residential building shall be one liter in volume and shall be collected at an interior tap from which is typically drawn for consumption. First draw samples may be collected by the system or the system may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to fourteen (14) days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved EPA method before the sample can be analyzed. If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

3. Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:

(i) at the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;

(ii) tapping directly into the lead service line; or

(iii) if the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.

4. A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample or a particular site is no longer available, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

5. A non-transient non-community water system, or a community water system that meets the criteria of Rule 391-3-5-.25(7)(a)3.-7. that does not have enough taps that can supply first-draw samples, as defined in Rule 391-3-5-.25(7)(b)2., must collect multiple samples from available sites/taps, provided the samples are collected at different times and/or on different days in order to meet the "first-draw"/6-hour minimum non-use time criteria.

(c) Number of samples.

Water systems shall collect at least one sample during each monitoring period specified in paragraph (7)(d) from the number of sites listed in the first column below ("# of Sites Standard Monitoring") of the table in this paragraph. A system conducting reduced monitoring under paragraph (7)(d)4. shall collect at least one sample from the number of sites specified in the second column ("# of Sites Reduced Monitoring") of the table in this paragraph during each monitoring period specified in paragraph (7)(d)4.. Such reduced monitoring sites shall be representative of the sites required for standard monitoring. States may specify sampling locations when a system is conducting reduced monitoring. The table is as follows:

| System Size Population Served | Number of Sites Standard Monitoring | Number of Sites Reduced Monitoring |
|--------------------------------------|--|---|
| 100,001 or more | 100 | 50 |
| 10,001 to 100,000 | 60 | 30 |
| 3,301 to 10,000 | 40 | 20 |
| 501 to 3,300 | 20 | 10 |

| System Size Population Served | Number of Sites Standard Monitoring | Number of Sites Reduced Monitoring |
|--------------------------------------|--|---|
| 101 to 500 | 10 | 5 |
| 100 or fewer | 5 | 5 |

(d) Timing of monitoring.

1. Initial tap sampling: Two consecutive six-month periods, between January-June and between July-December.

(i) All large systems shall monitor at the required number of standard monitoring sites during two consecutive six-month periods.

(ii) All small and medium-size systems shall monitor at the required number of standard monitoring sites during each six-month monitoring period until:

(I) the system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under paragraph (2), in which case the system shall continue monitoring in accordance with paragraph (7)(d)2., or

(II) the system meets the lead or copper action levels during two consecutive six-month monitoring periods, in which case the system may reduce monitoring in accordance with paragraph (7)(d)4..

2. Monitoring after installation of corrosion control and source water treatment.

(i) Any large system which installs optimal corrosion control treatment pursuant to paragraph (2)(d) shall monitor during two consecutive six-month monitoring periods by the date specified in paragraph (2)(d).

(ii) Any small or medium-size system which installs optimal corrosion control treatment pursuant to paragraph (2) shall monitor during two consecutive six-month monitoring periods by the date specified in paragraph (2)(d).

(iii) Any system which installs source water treatment pursuant to paragraph (4)(a)3. shall monitor during two consecutive six-month monitoring periods by the date specified in paragraph (4)(a)4.

3. Monitoring after Division specifies water quality parameter values for optimal corrosion control. After the Division specifies the value for water quality control parameters under paragraph (3), the system shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the Division specifies the optimal values under paragraph (3).

4. Reduced monitoring.

(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 paragraph (7)(c), and reduce the frequency of sampling to once per year between the months of June and September of the calendar year immediately following the end of the second consecutive six-month monitoring period.

(ii) Any water system that meets the lead and copper action levels and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Division under paragraph (3) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year between the months of June and September and reduce the number of lead and copper samples in accordance with paragraph (7)(c) if it receives written approval from the division. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. The Division shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with paragraph (11) and shall notify the water system in writing when the Division determines the water system is eligible to commence reduced monitoring to once every three (3) years pursuant to this paragraph. The Division 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.

(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. Sampling must still occur between the months of June and September of the year in which monitoring is required. Any water system that meets the lead and copper action levels and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Division under paragraph (3) during three consecutive years of monitoring may reduce the frequency from annually to once every three years if it receives written approval from the Division. Samples collected once every three years must be collected no later than every third calendar year. The Division shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with paragraph (11) 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 Division 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.

(iv) A water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the original pool of targeted sampling sites identified in paragraph (7)(a)1. Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September unless the Division has approved a different sampling period in accordance with paragraph (7)(d)4.(iv)(1).

(I) The Division, 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 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 Division shall designate a period that represents a time of normal operation for the system. Any alternate reduced monitoring must meet criteria set forth in [40 CFR, Part 141.86\(d\)\(4\)\(iv\)\(A\)](#).

(II) Systems monitoring annually, that have been collecting samples during the months of June through September and that receive Division approval to alter their sample collection period under paragraph (7)(d)4.(iv)(I), must collect their next round of samples during a time period that ends no later than 21 months after the previous round of sampling. Systems monitoring triennially that have been collecting samples during the months of June through September, and receive Division approval to alter the sampling collection period per paragraph (7)(d)4.(iv)(I), must collect their next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or triennially, as requested by this rule. Small systems with waivers, granted pursuant to paragraph (7)(g), that have been collecting samples during the months of June through September and receive Division approval to alter their sample collection period under paragraph (7)(d)4.(iv)(I) must collect their next round of samples before the end of the 9-year period.

(v) Any water system that demonstrates for two consecutive 6- month monitoring periods that the tap water lead level computed under paragraph (1)(c) 3. is less than or equal to 0.005 mg/L and the tap water copper level computed under paragraph (1)(c) 3. is less than or equal to 0.65 mg/L may reduce the number in accordance with paragraph (3) and reduce the frequency of sampling to once every three calendar years.

(vi) (I) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance with paragraph (7)(d)3. and collect the number of samples for standard monitoring under paragraph (7)(c). Such a system shall also conduct water quality parameter monitoring in accordance with 40 CFR, Part 141.87(b), (c) or (d) (as appropriate) during the monitoring period in which it exceeded the action level. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (7)(c) after it has completed two consecutive six-month rounds of monitoring with no action level exceeded.

(II) Any water system subject to the reduced monitoring frequency that fails to meet the lead or copper 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 Division for more than nine days in any six-month monitoring period shall conduct tap water sampling for lead and copper at the frequency specified in paragraph

(7)(d)3., collect the number of samples specified for standard monitoring under paragraph (c), and shall resume monitoring for water quality parameters within the distribution system in accordance with [40 CFR, Part 141.87\(d\)](#). This standard tap water sampling shall begin no later than the six-month period beginning January 1 of the calendar year following the lead or copper 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:

I. The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (7)(c) after it has completed two consecutive six-month rounds of monitoring that meet both lead and copper action levels and the system has received written approval from the Division 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.

II. The system may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the action level criteria for lead and copper and has received approval from the Division that it is appropriate to resume triennial monitoring.

III. The system may reduce the number of water quality parameter tap water samples required and the frequency with which it collects such samples in accordance with 40 CFR, Part 141.87(e)(1) and (2). Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates that it has re-qualified for triennial monitoring, in accordance with [40 CFR, Part 141.87\(e\)\(2\)](#).

(vii) Any water system subject to a reduced monitoring frequency under paragraph (7)(d)(4) shall notify the Division in writing of any upcoming long-term change in treatment or addition of a new source as described in [40 CFR, Part 141.90\(a\)\(3\)](#). The Division 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 Division may require the system to resume sampling in accordance with paragraph (7)(d)3. and collect the number of samples specified for standard monitoring under paragraph (7)(c) or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

(e) Additional monitoring by systems. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Division in making any determinations (i.e., calculating the 90th percentile lead or copper level) under this subpart or [40 CFR Part 141.82](#).

(f) Invalidation of lead or copper tap water samples. A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under paragraph (1)(c) or toward meeting the minimum monitoring requirements of paragraph (7)(c).

1. The Division may invalidate a lead or copper tap water sample if at least one of the following conditions is met.

(i) The laboratory establishes that improper sample analysis caused erroneous results.

(ii) The Division determines that the sample was taken from a site that did not meet the site selection criteria of this rule.

(iii) The sample container was damaged in transit.

(iv) There is substantial reason to believe that the sample was subject to tampering.

2. The system must report the results of all samples to the Division and all supporting documentation for samples the system believes should be invalidated.

3. To invalidate a sample under paragraph (7)(f)1., the decision and the rationale for the decision must be documented in writing. The Division may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

4. The water system must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the system has too few samples to meet the minimum requirements of paragraph (7)(c). Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Division invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

(g) Monitoring waivers for small systems. Any small system that meets the criteria of [40 CFR, Section 141.86\(g\)](#) may apply to the Division to reduce the frequency of monitoring for lead and copper in accordance with the requirements of [40 CFR Section 141.86\(g\)](#).

(8) Monitoring Requirements for Water Quality Parameters. All large water systems and all small and medium-size systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this paragraph. The requirements of this paragraph are summarized in a table at the end of [40 CFR, Part 141.87](#).

(a) Systems will have to monitor water quality parameters at different locations.

1. Representative taps throughout the distribution system (system can use total coliform sample sites). The system should take into account the number of persons served, the different sources of water, the different treatment methods employed by the system, and seasonal variability.

2. Samples are to be collected of the treated water from each source before entry point to the distribution system. If the system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

3. Number of samples.

(i) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period as described in paragraphs (8)(b) thru (8)(e). The following number of sites is required:

Distribution System Tap Sampling Requirements for Water Quality Parameters. (Other Than Lead and Copper)

| System Size Population Served | Number of Distribution Sampling Sites Base Monitoring |
|-------------------------------|---|
| 100,001 or more | 25 |
| 10,001 to 100,000 | 10 |
| 3,301 to 10,000 | 3 |
| 501 to 3,300 | 2 |
| 101 to 500 | 1 |
| 100 or fewer | 1 |

(ii) Except as provided in paragraph (8)(c), systems shall collect two samples for each water quality parameter at each entry point to the distribution system during each monitoring period as described in paragraph (8)(b). During each monitoring period specified in paragraphs (8)(c)-(8)(e), systems shall collect one sample for each applicable water quality parameter at each entry point to the distribution system.

(b) Initial Sampling - All large water systems shall measure the water quality parameters listed below at distribution system taps and at each entry point to the distribution system during each six-month monitoring period (specified in paragraph (7)(d)1.).

1. pH;

2. alkalinity;
3. calcium;
4. conductivity;
5. orthophosphate, when an inhibitor containing phosphate is used;
6. silica, when an inhibitor containing silica is used;
7. Water temperature.

(c) Monitoring after installation of corrosion control. All large systems which install optimal corrosion control treatment according to paragraph (7)(d)2.(i) shall measure water quality parameters at the locations and frequencies listed below during each six month monitoring period. All small or medium size systems which install optimal corrosion treatment shall conduct such monitoring during each six-month monitoring period specified in paragraph (7)(d)2.(ii) only when the system exceeds the lead and copper action level.

1. At the required number of distribution system sites/taps, two samples every six months for:

- (i) pH;
- (ii) alkalinity;
- (iii) orthophosphate, when an inhibitor containing phosphate is used;
- (iv) silica, when an inhibitor containing silica is used;
- (v) calcium;

2. At each entry point to the distribution system, one sample every two weeks for:

- (i) pH;
- (ii) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration.
- (iii) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica.

(d) Monitoring after the Division specifies water quality parameter values for optimal corrosion control will be as follows. The Division will specify the values for applicable water quality control parameters reflecting optimal corrosion control treatment in accordance with 40 CFR, Part, 141.82(f). All large systems shall measure the applicable water quality parameters in accordance with paragraph (8)(c) and determine compliance with the requirements of paragraph (7)(d)3. every six months with the first six-month period to begin on January 1 or July 1, whichever comes first, after the Division specifies optimal values under [40 CFR, Part 141.82\(f\)](#). Any small or medium-size system shall conduct such monitoring during each six-month period specified in this paragraph in which the system exceeds the lead and/or copper action level(s). For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to 391-3-5-.25(7)(d)4. at the time of the action level exceedance, the start of the applicable six-month period under this paragraph shall coincide with the start of the applicable monitoring period under paragraph (7)(d)4. Compliance with the division-designated optimal water quality parameter values shall be determined as specified under paragraph (7)(d)3.

- (e) Reduced monitoring for water quality parameters.

1. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under paragraph (8)(d) shall continue monitoring at the entry point(s) to the distribution system as specified in paragraph (8)(c)2.. Such system may collect two tap samples for applicable water quality parameters from the following reduced number of sites during each six-month monitoring period.

| System Size Population Served | Number of Distribution Sampling Sites Reduced Monitoring |
|-------------------------------|--|
| 100,001 or more | 10 |
| 10,001 to 100,000 | 7 |
| 3,301 to 10,000 | 3 |
| 501 to 3,300 | 2 |
| 101 to 500 | 1 |
| 100 or fewer | 1 |

2. (i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Division 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 paragraph (8)(e)1. 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 the water quality parameters reflecting optimal corrosion control treatment specified by the Division under [40 CFR Part 141.82\(f\)](#) or Rule 391-3-5-.25(3) 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 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.

(ii) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in paragraph (8)(e)1. 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 practical quantitation limit (PQL) for lead specified in paragraph (10), that its tap water copper level is less than or equal to 0.65 mg/L for copper in paragraph (2)(c), and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the division under paragraph (2)(d). Monitoring conducted every three years must be done no later than every third calendar year.

3. A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

4. Any water system subject to reduced monitoring frequency that fails to operate at or above the minimum value within the range of values for the water quality parameters specified by the Division under paragraph (3) shall resume distribution system tap water sampling in accordance with the number and frequency requirements in paragraph (8)(d). Such a water system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified under paragraph (8)(e)1. after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that paragraph or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after the water system demonstrates through subsequent rounds of monitoring that the water system meets the criteria of either paragraphs (8)(e)2.(i) or (e)2.(ii) or both.

(f) Additional monitoring by systems must be approved by the Division.

(9) Monitoring Requirements for Lead and Copper in Source Water.

(a) Sample location, collection methods, and number of samples.

1. A water system that fails to meet the lead or copper action level on the basis of routine tap samples collected in accordance with paragraph (7) shall collect lead and copper source water samples in accordance with the

requirements regarding sample location, number of samples, and collection methods specified in [40 CFR, Part 141.88\(a\)\(1\)\(i\)-\(iv\) and \(A\)-\(B\)](#).

2. Where the results of sampling indicate an exceedance of maximum permissible source water levels established under paragraph (4)(b)4., the Division may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a Division-required confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the Division-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.

(b) Monitoring frequency after system exceeds tap water action level. Any system that exceeds the lead or copper action level during routine tap water monitoring 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 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 sampling occurs, or if the Division has established an alternate monitoring period, the last day of that period.

(c) Monitoring frequency after installation of source water treatment. Any system which installs source water treatment pursuant to paragraph (4)(a)2. shall collect an additional source water sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in paragraph (4)(a)4.

(d) Monitoring frequency after Division specifies maximum permissible source water levels or determines that source water treatment is not needed.

1. A system shall monitor at the frequency specified below in cases where the Division specifies maximum permissible source water levels under paragraph (4)(b)4. or determines that the system is not required to install source water treatment under paragraph (4)(b)2.

(i) A water system using only groundwater shall collect samples once during the three-year compliance period (as that term is defined in Rule [391-3-5-.02](#)) in effect when the applicable Division determination under paragraph (9)(d)1. is made. Such systems shall collect samples once during each subsequent compliance period. Triennial samples shall be collected every third year.

(ii) A water system using surface water (or a combination of surface and groundwater) shall collect samples once during each year, the first annual monitoring period to begin during the year in which the applicable Division determination is made under paragraph (9)(d)1. of this.

2. A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under paragraphs (9)(d)1.(i) or (ii).

(e) Reduced monitoring frequency.

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, as is defined in [40 CFR, Part 141.2](#), provided the samples are collected no later than every ninth calendar year and if the system meets one of the following:

(i) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Division under Rule 391-3-5-.25(1)(c) during at least three consecutive compliance periods under paragraph (9)(d)1.; or

(ii) The Division has determined that source water treatment is not needed and the system demonstrates that, at least three consecutive compliance periods in which sampling was conducted under paragraph (9)(d)1., the concentration

of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

2. A water system using surface water or a combination of surface and groundwater may reduce the monitoring frequency in paragraph (9)(d)1. to once during each nine-year compliance cycle, as is defined in [40 CFR, Part 141.2](#), provided the samples are collected no later than every ninth calendar year and if the system meets one of the following:

(i) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Division under paragraph (1)(c) during at least three consecutive years; or

(ii) The Division has determined that source water treatment is not needed and the system demonstrates that, for at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

3. A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified in paragraph (4)(a)5.

(10) **Analytical Methods.** Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted in accordance with [40 CFR, Part 141.89](#).

(11) **Reporting Requirements.** All water systems shall report all information to the Division in accordance with [40 CFR, Part 141.90](#).

(12) **Record Keeping Requirements.** All systems subject to the requirements of this rule shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, Division determinations, and any other information required in accordance with [40 CFR, Part 141.91](#).

(13) **Treatment Techniques.**

(a) These regulations establish treatment techniques in lieu of maximum contaminant levels for acrylamide and epichlorohydrin.

(b) Each public water system must certify annually in writing to the Division (using third party or manufacturer's certification) that when acrylamide and epichlorohydrin are used in drinking water systems, the combination (or product) of dose and monomer level does not exceed the levels specified as follows:

1. Acrylamide = 0.05% dosed at 1 ppm (or equivalent);

2. Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent); certifications can rely on manufacturers or third parties, as approved by the Division.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.25

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Reporting Requirements" adopted F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. Aug. 4, 1983.

Repealed: New Rule entitled "Volatile Synthetic Organic Chemical Sampling and Analytical Requirements" adopted. F. May 12, 1989; eff. June 1, 1989.

Repealed: New Rule of same title adopted. F. Dec. 4, 1990; eff. Dec. 24, 1990. Repealed: New Rule, entitled "Treatment Techniques, Lead and Copper Requirements" adopted. F. June 25, 1992; eff. July 15, 1992.

Amended: F. Mar. 10, 1994; eff. Mar. 30, 1994.

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Amended: New title "Treatment Techniques, Lead and Copper Requirements. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.27 Monitoring Frequency and Analytical Methods for Radioactivity in Community Water Systems

(1) Monitoring Requirements for Gross Alpha Particle Activity, Radium-226, Radium-228, and Uranium.

(a) Compliance with Rule [391-3-5-.18\(5\)](#) shall be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals.

1. A gross alpha particle activity measurement may be substituted for the required Radium-226 and Radium-228 analysis provided that the measured gross alpha particle activity does not exceed 5 pCi/L, at a confidence level of 95 percent (1.65 [LOWER CASE SIGMA], where [LOWER CASE SIGMA] [sigma] is the standard deviation of the net counting rate of the sample). In localities where Radium-228 may be present in drinking water, Radium-226 and/or Radium-228 analyses are required when the gross alpha particle activity exceeds 2 pCi/L.

2. When the gross alpha particle activity exceeds 5 pCi/L, the same or an equivalent sample shall be analyzed for Radium-226. If the concentration of Radium-226 exceeds 3 pCi/L the same or an equivalent sample shall be analyzed for Radium-228.

(b) The initial analysis required by subparagraph (1)(a) for new water systems shall be completed within two years from the effective date of the permit to operate.

(c) Suppliers of water shall monitor at least once every four years following the procedure required by subparagraph (1)(a). At the discretion of the Director when an annual record taken in conformance with subparagraph (1)(a) has established that the average annual concentration is less than half the maximum contaminant levels established by Rule [391-3-5-.18\(6\)](#), analysis of a single sample may be substituted for the quarterly sampling procedure required by subparagraph (1)(a).

1. More frequent monitoring shall be conducted when ordered by the Director in the vicinity of mining or other operations which may contribute alpha particle radioactivity to either surface or ground water sources of drinking water.

2. A supplier of water shall monitor in conformance with subparagraph (1)(a) within one year of the introduction of a new water source for a community water system. More frequent monitoring shall be conducted when ordered by the Director in the event of possible contamination or when changes in the distribution system or treatment process occur which may increase the concentration of radioactivity in drinking water.

3. A community water system using two or more sources having different concentrations of radioactivity shall monitor each source of water, in addition to water from a free flowing drinking water tap, when ordered by the Director.
 4. Monitoring for compliance with Rule [391-3-5-.18\(5\)](#) after the initial period need not include Radium-228 except when required by the Director provided, that the average annual concentration of Radium-228 has been assayed at least once using the quarterly sampling procedure required by subparagraph (l)(a).
 5. Suppliers of water shall, as ordered by the Director, conduct annual monitoring of any community water system in which the Radium-228 concentration exceeds 3 pCi/L.
- (d) If the MCL for gross alpha particle activity or total radium as set forth in Rule [391-3-5-.18\(5\)](#) is exceeded, the supplier of a community water system shall give notice to the Division pursuant to Rule [391-3-5-.30](#) and notify the public pursuant to Rule [391-3-5-.32](#). Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a permit, variance, exemption or enforcement action shall become effective.
- (e) The Division may require more frequent monitoring than specified in this section, or may require confirmation samples at its discretion. The results of the initial and confirmation samples will be averaged for use in compliance determinations.
- (f) Compliance with Rule [391-3-5-.18\(5\)](#) will be determined based on the analytical result(s) obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL. Systems must include all samples taken and analyzed under the provisions of this section in determining compliance, even if that number is greater than the minimum required.

(2) Monitoring Requirements for Man-made Radioactivity in Community Water Systems.

- (a) Within two years following June 24, 1977 systems using surface water sources and serving more than 100,000 persons and such other community water systems as are designated by the Division shall be monitored for compliance with Rule [391-3-5-.18\(5\)](#) by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Rule [391-3-5-.18\(5\)](#) may be assumed without further analysis if the average annual concentrations of tritium and strontium-90 are less than those listed in Table A, provided, that in no case shall the sum of their annual dose equivalents to bone marrow exceed 4 milligrams per year.
1. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with Rule [391-3-5-.18\(5\)](#).
 2. Suppliers of water shall conduct additional monitoring, as ordered by the Director, to determine the concentration of man-made radioactivity in principal watersheds designated by the Division.
 3. At the discretion of the Director suppliers of water utilizing only ground waters may be required to monitor for man-made radioactivity.
- (b) After the initial analysis required by subparagraph (2)(a) suppliers of water shall monitor at least every four years following the procedure given in subparagraph (2)(a).
- (c) Within two years of June 24, 1977 the supplier of any community water system designated by the Division as utilizing waters contaminated by effluents from nuclear facilities shall initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.
1. Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. The former is recommended. If the gross beta particle activity in a sample exceeds 15 pCi/L, the same or an equivalent sample shall be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major

radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with Rule [391-3-5-.18\(5\)](#).

2. For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As ordered by the Director, more frequent monitoring shall be conducted when iodine-131 is identified in the drinking water.

3. Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. The latter procedure is recommended.

4. The Division may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made radioactivity by the supplier of water where the Division determines such data is applicable to a particular community water system.

(d) If the average annual maximum contaminant level for manmade radioactivity set forth in Rule [391-3-5-.18\(5\)](#) is exceeded, the operator of a community water system shall give notice to the Division pursuant to Rule [391-3-5-.30](#) and to the public as required by Rule [391-3-5-.32](#). Monitoring at monthly intervals shall be continued until the concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a permit, variance, exemption or enforcement action shall become effective.

(3) **Sample Collection and Analysis.** Upon written direction of the Director, the supplier shall collect and submit drinking water samples for analysis in accordance with the schedule furnished. The Division shall have the discretion to delete results of obvious sampling or analytic errors. CWSs must conduct more frequent monitoring when ordered by the State in the event of possible contamination or when changes in the distribution system or treatment processes occur which may increase the concentration of radioactivity in finished water.

(4) **Analytical Methods.** Analytical methods for measurements, detection limits and determining compliance with maximum contaminant levels listed in Rule [391-3-5-.18](#) for radioactivity shall be in accordance with [40 CFR, Part 141.25](#).

(5) **Monitoring Requirements Effective December 7, 2003.** All existing community water systems (CWSs) must conduct initial monitoring to determine compliance with this rule between December 7, 2003 and December 31, 2007. CWSs must sample each entry point to the distribution system for four consecutive quarters. All existing CWSs using ground water, surface water or systems using both ground and surface water systems must sample at every entry point to the distribution system that is representative of all sources being used under normal operating conditions. The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or the Division has designated a distribution system location, in accordance with [40 CFR §141.26\(a\)\(2\)\(ii\)\(C\)](#).

(6) **New Sources.** All new CWSs or CWSs that use a new source of water shall begin to conduct initial monitoring within the first quarter after initiating use of the source.

(7) **Initial Monitoring Waiver.** For gross alpha particle activity, uranium, radium-226, and radium-228 monitoring, the Division may waive the final two quarters of initial monitoring for a sampling point if the results of the samples from the previous two quarters are below the detection limit.

(8) **Initial Monitoring Above MCL.** If the average of the initial monitoring results for a sampling point is above the MCL, the system must collect and analyze quarterly samples at the sampling point until the system has results from four consecutive quarters that are at or below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the Division.

(9) **Reduced Monitoring.** The Division may allow community water systems to reduce the future frequency of monitoring from once every three years to once every six or nine years at each sampling point, based on the following criteria:

(a) If the average of the initial monitoring results for each contaminant (i.e., gross alpha particle activity, uranium, radium-226, or radium-228) is below the detection limit specified in Table B, in Sec. 141.25(c)(1), the system must collect and analyze for that contaminant using at least one sample at the sampling point every nine years.

(b) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit but at or below half (1/2) the MCL, the system must collect and analyze for that contaminant using at least one sample at that sampling point every six years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit but at or below half (1/2) the MCL, the system must collect and analyze for that contaminant using at least one sample at that sampling point every six years.

(c) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is above half (1/2) the MCL but at or below the MCL, the system must collect and analyze at least one sample at that sampling point every three years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is above half (1/2) the MCL but at or below the MCL, the system must collect and analyze at least one sample at that sampling point every three years.

(d) Systems must use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods, (e.g., if a system's sampling point is on a nine year monitoring period, and the sample result is above half (1/2) MCL, then the next monitoring period for that sampling point is three years).

(e) If a system has a monitoring result that exceeds the MCL while on reduced monitoring, the system must collect and analyze quarterly samples at that sampling point until the system has results from four consecutive quarters that are below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the Division.

(10) **Compositing.** To fulfill quarterly monitoring requirements for gross alpha particle activity, radium-226, radium-228, or uranium, a system may composite up to four consecutive quarterly samples from a single entry point if analysis is done within a year of the first sample. The Division will treat analytical results from the composited as the average analytical result to determine compliance with the MCLs and the future monitoring frequency. If the analytical result from the composited sample is greater than half (1/2) MCL, the Division may direct the system to take additional quarterly samples before allowing the system to sample under a reduced monitoring schedule.

(11) **Gross Alpha Particle Activity.** A gross alpha particle activity measurement may be substituted for the required radium-226 measurement provided that the measured gross alpha particle activity does not exceed 5 pCi/L. A gross alpha particle activity measurement may be substituted for the required uranium measurement provided that the measured gross alpha particle activity does not exceed 15 pCi/L. The gross alpha measurement shall have a confidence interval of 95% (1.65 [LOWER CASE SIGMA], where [LOWER CASE SIGMA] is the standard deviation of the net counting rate of the sample) for radium-226 and uranium. When a system uses a gross alpha particle activity measurement in lieu of a radium-226 and/or uranium measurement, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, the detection limit will be used to determine compliance and the future monitoring frequency.

(12) **Monitoring and Compliance Requirements for Beta Particle and Photon Radioactivity.** To determine compliance with the maximum contaminant levels in [40 CFR Sec. 141.66\(d\)](#) for beta particle and photon radioactivity, a system must monitor at a frequency as follows:

(a) Community water systems (both surface and ground water) designated by the Division as vulnerable must sample for beta particle and photon radioactivity. Systems must collect quarterly samples for both beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Division. Systems already designated by the Division must continue to sample until the Division reviews and either reaffirms or removes the designation.

1. If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/L (screening level), the Division may reduce the frequency of monitoring at that sampling point to once every 3 years. Systems must collect all samples required in paragraph 12(a) during the reduced monitoring period.

2. For systems in the vicinity of a nuclear facility, the Division may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry point(s), where the Division determines if such data is applicable to a particular water system. In the event that there is a release from a nuclear facility, systems which are using surveillance data must begin monitoring at the community water system's entry point(s) in accordance with paragraph 12(a) of this rule.

(b) Community water systems (both surface and ground water) designated by the Division as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. Systems must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Division. Systems already designated by the Division as systems using waters contaminated by effluents from nuclear facilities must continue to sample until the Division reviews and either reaffirms or removes the designation.

1. Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. The former is recommended.

2. For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As ordered by the Division, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.

3. Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. The latter procedure is recommended.

4. If the gross beta particle activity beta minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/L, the Division may reduce the frequency of monitoring at that sampling point to every 3 years. Systems must collect the same type of samples required in paragraph 12(b) during the reduced monitoring period.

5. For systems in the vicinity of a nuclear facility, the Division may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry point(s), where the Division determines if such data is applicable to a particular water system. In the event that there is a release from a nuclear facility, systems which are using surveillance data must begin monitoring at the community water system's entry point(s) in accordance with paragraph 12(b).

(c) Community water systems designated by the Division to monitor for beta particle activity and photon radioactivity cannot apply to the Division for a waiver from the monitoring frequencies specified in paragraphs 12(a) or 12(b).

(d) Community water systems may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. Systems are allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/L) by a factor of 0.82.

(e) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with [40 CFR Sec. 141.66\(d\)\(1\)](#), using the formula in [40 CFR Sec. 141.66\(d\)\(2\)](#). Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.

(13) **Monthly Sampling.** Systems must monitor monthly at the sampling point(s) which exceed the maximum contaminant level in [40 CFR Sec. 141.66\(d\)](#) beginning the month after the exceedance occurs. Systems must continue monthly monitoring until the system has established, by a rolling average of 3 monthly samples, that the MCL is being met. Systems who establish that the MCL is being met must return to quarterly monitoring until they meet the requirements set forth in paragraphs (12)(a)(1) or 12(b)(4).

(14) **Running Annual Average.** For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. If the average of any sampling point is greater than the MCL, then the system is out of compliance with the MCL.

(15) **Exceeding MCL.** For systems monitoring more than once per year, if any sample result will cause the running average to exceed the MCL at any sample point, the system is out of compliance with the MCL immediately.

(16) **Running Annual Average Calculation.** If a system does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.

(17) **Detection Limit and Running Annual Average Calculation.** If a sample result is less than the detection limit, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, half (1/2) the detection limit will be used to calculate the annual average.

(18) **MCLGs.** The Maximum Contaminant Level Goal (MCLG) for Combined radium-226 and radium-228, Gross alpha particle activity, Beta particle and photon radioactivity, and uranium is zero.

(19) **MCLs.** The Maximum Contaminant Level (MCL) for radioactive particles is as follows:

(a) MCL for combined radium-226 and radium-228. The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/L. The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.

(b) MCL for gross alpha particle activity (excluding radon and uranium). The maximum contaminant level for gross alpha particle activity (including radium-226 but excluding radon and uranium) is 15 pCi/L.

(c) MCL for beta particle and photon radioactivity. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than four millirem per year (4 mrem/yr).

(d) MCL for uranium. The maximum contaminant level for uranium is 30 µg/L.

(20) **Best available technology.** [40 CFR Parts 141.66\(g\)](#) and [141.66\(h\)](#) are incorporated by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.27

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Secondary Maximum Contaminant Levels for Drinking Water" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-47](#).

Repealed: New Rule of the same title adopted. F. July 15, 1983; eff. Aug. 4, 1983.

Repealed: New Rule entitled "Monitoring Frequency and Analytical Methods for Radioactivity in Community Water Systems" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Monitoring Frequency and Analytical Methods for Radioactivity in Community Water Systems." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.29 Certified Laboratories

(1) **Laboratories Approved by the Division.** For the purpose of determining compliance with Rules [391-3-5-.18](#), [.19](#), [.20](#), [.21](#), [.22](#), [.23](#), [.24](#), [.25](#), [.26](#), [.27](#), [.28](#), [.52](#), [.53](#), [.54](#) and [.55](#), samples may be considered only if they have been analyzed by a laboratory approved by the Division or by EPA, in accordance with [40 CFR Part 141.28](#), except that measurements for turbidity, disinfectant residual, fluoride residual, temperature, pH, conductivity, calcium, alkalinity, orthophosphate, and silica may be performed by any person acceptable to the Division. Fluoride analysis for determining compliance with MCL must be conducted by a laboratory approved by the Division or by EPA.

(2) **Laboratory Personnel Changes.** All drinking water analysis laboratories certified by the Division must notify the Division of personnel changes within thirty (30) days from the time of the change.

(3) **Division-Collected Samples.** Nothing in this Chapter shall be construed to preclude the Division or any duly designated representative of the Division from taking samples or from using the results from such samples to determine compliance by a supplier of water with the applicable requirements of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.29

AUTHORITY: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. § [12-5-170](#) *et seq.*, as amended.

HISTORY: Original Rule entitled "Maximum Contaminant Levels for Beta Particle and Photon Radioactivity from Man-Made Radionuclides in Community Water Systems" was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Laboratory Approval" adopted. F. May 12, 1989; eff. Jun. 1, 1989.

Repealed: New Rule, same title, adopted. F. Jun. 25, 1992; eff. Jul. 15, 1992.

Amended: F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: Rule retitled "Certified Laboratories" adopted F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: New title "Certified Laboratories. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Certified Laboratories." F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.30 Reporting Requirements

(1) **Reporting Period.** Except where a shorter period is specified by the Director, the supplier of water shall report to the Division the results of any test measurement or analysis required by this Chapter within:

(a) the first ten days following the month in which the results are received; or

(b) the first ten days following the end of the required monitoring period as stipulated by the Division, whichever of these is shortest. Note: Test measurements and results should be reported on the Division's reporting forms. Copies of these forms can be found on the Division web page.

(2) **Violation.** Failure to comply with paragraphs (1)(a) and (b) of Rule 391-3-5-.30 will result in a monitoring/reporting violation.

(3) **Analysis by Division Laboratory.** The supplier of water is not required to report analytical results to the Division in cases where the Division's laboratory performs the analysis and reports the results to the Division's office which would normally receive such notification from the supplier.

(4) **Analysis by Non-Division Laboratory.** The supplier of water is not required to report analytical results to the Division in cases where the Division's laboratory performs the analysis and reports the results to the Division's office, which would normally receive such notification from the supplier. When the Division's laboratory does not perform the analysis, and the supplier chooses to use a laboratory certified by the Division, analytical results shall be reported to the Division's office in a manner that is specified by the Division.

(5) **Records Maintained by Public Water System.** The water supply system shall submit to the Division within the time stated in the request copies of any records required to be maintained under Rule [391-3-5-.15](#) hereof or copies of any documents then in existence which the Division is entitled to inspect pursuant to the authority of the Act.

(6) **Failure to Comply with National Primary Drinking Water Regulation.** Each system, upon discovering that an exceedance of any National Primary Drinking Water Regulation has occurred, must report that occurrence to the Division by telephone within forty-eight (48) hours or before the end of the next business day, whichever is earlier, followed by a written report, except where a different reporting period is specified in federal regulations.

(7) **Lead and Copper Information.** All water systems shall report all lead and copper information in accordance with [40 CFR Part 141.90](#) when applicable. Separate reports are required for each of the following:

1. tap water monitoring for lead and copper, and other water quality monitoring;
2. source water monitoring;
3. corrosion control treatment;
4. source water treatment;
5. lead service line replacement;
6. public education programs.

(8) **Reserved.**

(9) **Disinfection Byproducts Information.** Systems monitoring for disinfection by products (TTHM, HAA5, chlorite, bromate) under the requirements of [40 CFR §141.132\(b\)](#) must report the information specified in section [40 CFR §141.134\(b\)](#).

(10) **Disinfectants Information.** Systems monitoring for disinfectants (chlorine, chloramines, chlorine dioxide) under the requirements of [40 CFR §141.132\(c\)](#) must report the information specified in Section [40 CFR §141.134\(c\)](#).

(11) **Disinfection Byproduct Precursors Information.** Systems monitoring for disinfection byproduct precursors (TOC) under the requirements of [40 CFR §141.132\(d\)](#) and required to meet the enhanced coagulation or enhanced

softening requirements in 141.135(b)(2) or (3) or meeting one or more of the alternative compliance criteria in 141.135(a)(2) or (3) must report the information specified in section [40 CFR §141.134\(d\)](#).

(12) **Conventional or Direct Filtration Information for Systems Serving At Least 10,000 Persons.** Beginning January 1, 2002, in addition to the requirement in this Chapter, the Subpart H water systems serving at least 10,000 people and providing conventional filtration treatment or direct filtration must report monthly to the Division the information specified in 40 CFR §141.175(a) and (b). Those systems using filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration must report monthly to the Division the information in [40 CFR §141.175\(a\)](#) in lieu of reporting in (b)(1).

(13) **Content of Consumer Confidence Reports.** [40 CFR §141.153](#) is hereby incorporated by reference.

(14) **Filtration Information for Systems Serving Less Than 10,000 Persons.** In addition to the requirements in this Chapter, the Subpart H water systems serving fewer than 10,000 people must report the required items at the frequency described in 40 CFR Subpart T § 141.570.

(15) **Filter Backwash Information.** All subpart H systems that employ conventional filtration or direct filtration treatment and that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes must report the information specified in 40 CFR §141.76(b)(1) and (2) to the Division no later than December 8, 2003.

(16) **Waterborne Disease Outbreak.** Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Division by telephone within forty-eight (48) hours or before the end of the next business day, whichever is earlier, followed by a written report.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.30

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Analytical Methods for Radioactivity" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Reporting Requirements" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.32 Public Notification

(1) **Public Notification Requirements.** 40 CFR, Part 141, Subpart Q §§ 141.201 through 141.210, including Appendices A, B and C to subpart Q of Part 141, is hereby incorporated by reference. Any amendments to any part of the appendices in 40 CFR, Subpart Q are hereby incorporated by reference. If a community or non-community water system fails to comply with an applicable primary maximum contaminant level or maximum residual disinfectant level established in Rule [391-3-5-.18](#); fails to comply when applicable with the secondary maximum contaminant level for fluoride established in Rule [391-3-5-.19](#); fails to comply with an applicable testing procedure

established in Rules [391-3-5-.20](#), [.21](#), [.22](#), [.23](#), [.24](#), [.25](#), [.27](#), [.52](#), [.53](#), [.54](#), or [.55](#); is granted a variance or an exemption from an applicable maximum contaminant level; fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption; or fails to comply with any treatment technique requirement specified by the Director; or fails to perform any monitoring or reporting required pursuant to Rules [391-3-5-.20](#), [.21](#), [.22](#), [.23](#), [.24](#), [.25](#), [.26](#), [.27](#), [.30](#), [.52](#), [.53](#), [.54](#), and [.55](#); the supplier of water shall notify persons (including the mandatory health effects language) served by the system as required in 40 CFR, Part 141, Subpart Q. Other situations that require public notification include: occurrence of waterborne disease outbreak or other waterborne emergency; availability of unregulated contaminant monitoring data; detection of *E. Coli* in source water samples collected under Rule [391-3-5-.54\(3\)](#); exceedance of the nitrate MCL by non-community water systems, where granted permission by the Division in accordance with Rule [391-3-5-.18\(1\)\(b\)](#); and other situations not already listed and determined by EPD to require a public notice. The public water system, within ten (10) days of completing the public notification requirements under 40 CFR, Parts 141, Subpart Q for the initial public notice and any repeat notices, must submit to the Division a certification that it has fully complied with the public notification regulations. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

(2) **Public Notification of Lead Contamination.** The owner or operator of each community water system and each non-transient, non-community water system shall issue notice, in accordance with [40 CFR, Part 141.34](#), to persons served by the system that may be affected by lead contamination of their drinking water. The owner or operator shall provide notice under this rule even if there is no violation of the national primary drinking water regulation for lead.

(3) **Provide Notice Prior to New Service.** The owner or operator of a community or non-community water system must deliver a copy of the most recent public notice for any outstanding violation of any maximum contaminant level, any maximum residual disinfectant level, any treatment technique requirement, any monitoring or reporting requirement, any variance or exemption schedule and other situations requiring public notice to all new consumers at the time service begins. The owner or operator of a non-community water system shall continuously post such public notice in conspicuous locations to inform new consumers for as long as the situation persists.

(4) **Cryptosporidium Public Notice.** Special public notice for repeated failure to conduct monitoring of the source water for *Cryptosporidium* and for failure to determine bin classification or mean *Cryptosporidium* level: 40 CFR, Subpart Q § 141.211, in its entirety, including Appendix A, is hereby incorporated by reference. The specified mandatory language must be included in the special notice.

(5) **Non-Applicability.** Any reference to public notification requirements in [40 CFR 141.32](#) is not applicable.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.32

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Requirements for a Variance" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Public Notification" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Repealed: New Rule of same title adopted. F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: New title "Public Notification. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Public Notification." F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.33 Variances and Exemptions

(1) Variances and exemptions from certain provisions of these regulations may be granted by the Director pursuant to O.C.G.A. Sec. [12-5-178](#) and [40 CFR §141.4](#) and in the case of arsenic, [40 CFR §142.20\(b\)](#).

(2) Variances or exemptions from the MCLs for total coliforms and *E. coli* and variances from any of the treatment technique requirements of Subpart H systems may not be granted. As provided in [40 CFR §142.304\(a\)](#), small systems variances are not available for rules addressing microbial contaminants, which would include 40 CFR Part 141 Subparts H, P, S, T, W, and Y.

(3) The Division has stayed the effective date relating to the total coliform MCL of Rule [391-3-5-.18\(4\)\(a\)](#) for systems that demonstrate to the Division that the violation of the total coliform MCL is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system. This is stayed until March 31, 2016, at which time the total coliform MCL is no longer effective.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.33

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Variance Request" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Variances and Exemptions" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Variances and Exemptions." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.38 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.38

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#)

Repealed: New Rule entitled "Effective Date" adopted. F. May 12, 1989; eff. Jun. 1, 1989.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Repealed: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.52 Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR)

(1) **Purpose.** The purpose of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) is to reduce illness linked with the contaminant *Cryptosporidium* and other disease-causing microorganisms in drinking water. The rule supplements existing regulations by targeting additional *Cryptosporidium* treatment requirements to higher risk systems. This rule also contains provisions to reduce risks from uncovered finished water reservoirs and to ensure that systems maintain microbial protection when they take steps to decrease the formation of disinfection byproducts that result from chemical water treatment.

(2) **Applicability.** This regulation applies to all public water systems that use surface water or ground water under the direct influence (GWUDI) of surface water.

(3) Enhanced Treatment for *Cryptosporidium*.

(a) General requirements. The requirements of 40 CFR Part 141 Subpart W are national primary drinking water regulations. The regulations in this subpart establish or extend treatment technique requirements in lieu of maximum contaminant levels for *Cryptosporidium*. These requirements are in addition to requirements for filtration and disinfection in Subparts H, P, and T of 40 CFR Part 141.

(b) Applicability. The requirements of 40 CFR Part 141 Subpart W apply to all public water systems supplied by a surface water source and public water systems supplied by a ground water source under the direct influence of surface water.

1. Wholesale systems, as defined in 40 CFR § 141.2, must comply with the requirements of 40 CFR Part 141 Subpart W based on the population of the largest system in the combined distribution system.

2. The requirements of 40 CFR Part 141 Subpart W for filtered systems apply to systems required by National Primary Drinking Water Regulations to provide filtration treatment, whether or not the system is currently operating a filtration system.

3. The requirements of 40 CFR Part 141 Subpart W for unfiltered systems apply only to unfiltered systems that timely met and continue to meet the filtration avoidance criteria in Subparts H, P, and T of 40 CFR Part 141, as applicable.

(c) Requirements. Systems subject to 40 CFR Part 141 Subpart W must comply with the following requirements:

1. Systems must conduct an initial and a second round of source water monitoring for each plant that treats a surface water or GWUDI source. This monitoring may include sampling for *Cryptosporidium*, *E. coli*, and turbidity as described in [40 CFR §141.701](#) through [141.706](#), to determine what level, if any, of additional *Cryptosporidium* treatment they must provide.

2. Systems that plan to make a significant change to their disinfection practice must develop disinfection profiles and calculate disinfection benchmarks, as described in [40 CFR §§141.708](#) through [141.709](#).

3. Filtered systems must determine their *Cryptosporidium* treatment bin classification as described in [40 CFR §141.710](#) and provide additional treatment for *Cryptosporidium*, if required, as described in [40 CFR §141.711](#). All unfiltered systems must provide treatment for *Cryptosporidium* as described in [40 CFR §141.712](#). Filtered and unfiltered systems must implement *Cryptosporidium* treatment according to the schedule in [40 CFR §141.713](#).

4. Systems with uncovered finished water storage facilities must comply with the requirements to cover the facility or treat the discharge from the facility as described in [40 CFR §141.714](#).

5. Systems required to provide additional treatment for *Cryptosporidium* must implement microbial toolbox options that are designed and operated as described in [40 CFR §141.715](#) through [141.720](#).

6. Systems must comply with the applicable recordkeeping and reporting requirements described in [40 CFR §141.721](#) through [141.722](#).

7. Systems must address significant deficiencies identified in sanitary surveys performed by EPA or Division as described in [40 CFR §141.723](#).

(4) **Source Water Monitoring.** 40 CFR, Subpart W § 141.701(a) through (h), in its entirety, is hereby incorporated by reference. Systems are required to conduct source water monitoring for *Cryptosporidium*, *E. coli*, and turbidity in accordance with the monitoring schedule specified in this section.

(5) **Sampling Schedules.** 40 CFR, Subpart W § 141.702(a) through (c), in its entirety, is hereby incorporated by reference. Systems required to conduct source water monitoring under [40 CFR §141.701](#) must submit a sampling schedule that specifies the calendar dates when the system will collect each required sample.

(6) **Sampling Locations.** 40 CFR, Subpart W § 141.703(a) through (f), in its entirety, is hereby incorporated by reference. Systems required to conduct source water monitoring under [40 CFR §141.701](#) must collect samples for each plant that treats a surface water or GWUDI source. Where multiple plants draw water from the same influent, such as the same pipe or intake, the Division may approve one set of monitoring results to be used to satisfy the requirements of [40 CFR §141.701](#) for all plants. Systems must collect source water samples prior to chemical treatment, such as coagulants, oxidants and disinfectants, unless the Division determines that collecting a sample prior to chemical treatment is not feasible for the system and that the chemical treatment is unlikely to have a significant adverse effect on the analysis of the sample.

(7) **Analytical Methods.** 40 CFR, Subpart W § 141.704(a) through (c), in its entirety, is hereby incorporated by reference.

(8) **Approved Laboratories.** 40 CFR, Subpart W § 141.705(a) through (c), in its entirety, is hereby incorporated by reference.

(9) **Reporting Source Water Monitoring Results.** 40 CFR, Subpart W § 141.706(a) through (e), in its entirety, is hereby incorporated by reference.

(10) **Grandfathering Previously Collected Data.** 40 CFR, Subpart W § 141.707(a) through (h), in its entirety, is hereby incorporated by reference. Systems may comply with the initial source water monitoring requirements of [40 CFR §141.701\(a\)](#) by grandfathering sample results collected before the system is required to begin monitoring (i.e., previously collected data). To be grandfathered, the sample results and analysis must meet the criteria in this section and the Division must approve.

(11) **Requirements when Making a Significant Change in Disinfection Practice.** 40 CFR, Subpart W § 141.708(a) through (b), in its entirety, is hereby incorporated by reference. Following the completion of initial source water monitoring under [40 CFR §141.701\(a\)](#), a system that plans to make a significant change to its disinfection practice, as defined in this section, must calculate disinfection benchmarks for *Giardia lamblia* and viruses as described in [40 CFR §141.709](#). Prior to changing the disinfection practice, the system must notify the Division and must include in this notice the information outlined in this section. Significant changes to disinfection practice are defined as follows:

(a) Changes to the point of disinfection;

(b) Changes to the disinfectant(s) used in the treatment plant;

(c) Changes to the disinfection process; or

(d) Any other modification identified by the State as a significant change to disinfection practice.

(12) **Developing the Disinfection Profile and Benchmark.** 40 CFR, Subpart W § 141.709(a) through (e), in its entirety, is hereby incorporated by reference. Systems required to develop disinfection profiles under [40 CFR](#)

[§141.708](#) must follow the requirements of this section. Systems must monitor at least weekly for a period of 12 consecutive months to determine the total log inactivation for *Giardia lamblia* and viruses. The disinfection benchmark is the lowest monthly mean value (for systems with one year of profiling data) or the mean of the lowest monthly mean values (for systems with more than one year of profiling data) of *Giardia lamblia* and virus log inactivation in each year of profiling data.

(13) **Bin Classification for Filtered Systems.** 40 CFR, Subpart W § 141.710(a) through (f), in its entirety, is hereby incorporated by reference. Following completion of the initial round of source water monitoring required under [40 CFR §141.701\(a\)](#), filtered systems must calculate an initial *Cryptosporidium* bin concentration for each plant for which monitoring was required. Calculation of the bin concentration must use the *Cryptosporidium* results reported under [40 CFR §141.701\(a\)](#) and must follow the procedures outlined in this section.

(a) Filtered systems must determine their initial bin classification from the table in [40 CFR 141.710\(c\)](#) and using the *Cryptosporidium* bin concentration calculated under paragraphs (a)-(b) of this section (40 CFR, Subpart W § 141.710).

(b) Following completion of the second round of source water monitoring required under [40 CFR §141.701\(b\)](#), filtered systems must recalculate their *Cryptosporidium* bin concentration using the *Cryptosporidium* results reported under [40 CFR §141.701\(b\)](#) and following the procedures in paragraphs (b)(1) through (4) of [40 CFR §141.710](#). Systems must then redetermine their bin classification using this bin concentration and the table in paragraph (c) of [40 CFR §141.710](#).

(14) **Filtered System Additional *Cryptosporidium* Treatment Requirements.** 40 CFR, Subpart W § 141.711(a) through (d), in its entirety, is hereby incorporated by reference. Filtered systems must provide the level of additional treatment for *Cryptosporidium* specified in paragraph (a) of [40 CFR §141.711](#) based on their bin classification as determined under [40 CFR §141.710](#) and according to the schedule in [40 CFR §141.713](#).

(a) Filtered systems must use one or more of the treatment and management options listed in [40 CFR §141.715](#), termed the microbial toolbox, to comply with the additional *Cryptosporidium* treatment required in paragraph (a) of [40 CFR §141.711](#).

(b) Systems classified in Bin 3 and Bin 4 must achieve at least 1-log of the additional *Cryptosporidium* treatment required under paragraph (a) of [40 CFR §141.711](#) using either one or a combination of the following: bag filters, bank filtration, cartridge filters, chlorine dioxide, membranes, ozone, or UV, as described in [40 CFR §§141.716 through 141.720](#).

(c) Failure by a system in any month to achieve treatment credit by meeting criteria in §§ 141.716 through 141.720 for microbial toolbox options that is at least equal to the level of treatment required in paragraph (a) of [40 CFR §141.711](#) is a violation of the treatment technique requirement.

(15) **Unfiltered System *Cryptosporidium* Treatment Requirements.** All systems that are using surface water sources or groundwater sources that are determined to be under the direct influence of surface water supplies are required to provide filtration and disinfection treatments, in addition to that other treatments that are required by the Division, in order to comply with the drinking water standards, regulations and operating permit conditions, required by the Rules for Safe Drinking Water, Chapter 391-3-5. In order to provide regulatory information on the *Cryptosporidium* treatment requirements for unfiltered water systems, 40 CFR, Subpart W § 141.712(a) through (d) is hereby incorporated by reference.

(16) **Schedule for Compliance with *Cryptosporidium* Treatment Requirements.**

(a) Following initial bin classification under [40 CFR §141.710\(c\)](#), filtered systems must provide the level of treatment for *Cryptosporidium* required under [40 CFR §141.711](#) according to the schedule in paragraph (16)(c).

(b) Following initial determination of the mean *Cryptosporidium* level under [40 CFR §141.712\(a\)\(1\)](#), unfiltered systems must provide the level of treatment for *Cryptosporidium* required under [40 CFR §141.712](#) according to the schedule in paragraph (16)(c).

(c) *Cryptosporidium* treatment compliance dates.

| CRYPTOSPORIDIUM TREATMENT COMPLIANCE DATES TABLE | |
|---|---|
| Systems that serve ... | Must comply with <i>Cryptosporidium</i> treatment requirements no later than ... ⁽¹⁾ |
| At least 100,000 people. | April 1, 2012 |
| From 50,000 to 99,999 people. | October 1, 2012 |
| From 10,000 to 49,999 people. | October 1, 2013 |
| Fewer than 10,000 people. | October 1, 2014 |
| Note: ⁽¹⁾ States may allow up to an additional two years for complying with the treatment requirement for systems making capital improvements. | |

(d) If the bin classification for a filtered system changes following the second round of source water monitoring, as determined under [40 CFR §141.710\(d\)](#), the system must provide the level of treatment for *Cryptosporidium* required under [40 CFR §141.711](#) on a schedule the Division approves.

(e) If the mean *Cryptosporidium* level for an unfiltered system changes following the second round of monitoring, as determined under [40 CFR §141.712\(a\)\(2\)](#), and if the system must provide a different level of *Cryptosporidium* treatment under [40 CFR §141.712](#) due to this change, the system must meet this treatment requirement on a schedule the Division approves.

(17) **Requirements for Uncovered Finished Water Storage Facilities.** All finished water storage facilities must be provided with a permanent cover, in accordance with Rule [391-3-5-.11](#). In order to provide regulatory information on the requirements for uncovered finished water storage facilities, 40 CFR, Subpart W § 141.714(a) through (d) is hereby incorporated by reference.

(18) **Microbial Toolbox Options for Meeting *Cryptosporidium* Treatment Requirements.** 40 CFR, Subpart W § 141.715(a) through (b) is hereby incorporated by reference.

(a) Source toolbox components. 40 CFR, Subpart W § 141.716(a) through (b) is hereby incorporated by reference.

(b) Pre-filtration treatment toolbox components. 40 CFR, Subpart W § 141.717(a) through (c) is hereby incorporated by reference.

(c) Treatment performance toolbox components. 40 CFR, Subpart W § 141.718(a) through (c) is hereby incorporated by reference.

(d) Additional filtration toolbox components. 40 CFR, Subpart W § 141.719(a) through (d) is hereby incorporated by reference.

(e) Inactivation toolbox components. 40 CFR, Subpart W § 141.720(a) through (d) is hereby incorporated by reference.

(19) **Reporting Requirements.** 40 CFR, Subpart W § 141.721(a) through (f) is hereby incorporated by reference.

(20) **Recordkeeping Requirements.** 40 CFR, Subpart W § 141.722(a) through (c) is hereby incorporated by reference.

(21) **Requirements to Respond to Significant Deficiencies Identified in Sanitary Surveys Performed by EPA or Division.** 40 CFR, Subpart W § 141.723(a) through (d) is hereby incorporated by reference. Systems must respond in writing to significant deficiencies identified in sanitary survey reports no later than forty-five (45) days after receipt of the report, indicating how and on what schedule the system will address significant deficiencies noted in the survey. Systems must correct significant deficiencies identified in sanitary survey reports according to

the approved schedule, or if there is no approved schedule, according to the schedule submitted by the system if such deficiencies are within the control of the system.

(22) **Division Recordkeeping.** The records kept by the Division shall be in accordance with [40 CFR §142.14](#).

(23) **Division Reporting.** The reporting by the Division shall be performed as required by [40 CFR §142.15](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.52

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR)" adopted. F. May 27, 2009; eff. June 16, 2009.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.53 Stage 2 Disinfection Byproducts Rule (Stage 2 DBPR)

Purpose. The Stage 2 Disinfection Byproducts Rule (DBPR) (40 CFR, Subpart V § 141) builds on existing regulations by requiring water systems to meet disinfection byproduct (DBP) maximum contaminant levels (MCLs) at each monitoring site in the distribution system to better protect public health. The Stage 2 DBPR includes a provision requiring all community water systems (CWS) and only non-transient non-community water systems (NTNCWS) serving more than 10,000 people to conduct an initial distribution system evaluation (IDSE) (40 CFR, Subpart U § 141). NTNCWS serving less than 10,000 are exempted from IDSE requirements, but will need to comply with the Stage 2 DBPR compliance monitoring requirements. The goal of the IDSE is to characterize the distribution system and identify monitoring sites where customers may be exposed to high levels of total trihalomethanes (TTHM) and haloacetic acids (HAA5).

(1) Initial Distribution System Evaluations.

(a) General requirements: The requirements of 40 CFR Part 141 Subpart U constitute national primary drinking water regulations. The regulations in 40 CFR Part 141 Subpart U establish monitoring and other requirements for identifying 40 CFR Part 141 Subpart V compliance monitoring locations for determining compliance with maximum contaminant levels for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5). A system must use an Initial Distribution System Evaluation (IDSE) to determine locations with representative high TTHM and HAA5 concentrations throughout its distribution system. IDSEs are used in conjunction with, but separate from, compliance monitoring per 40 CFR Part 141 Subpart L, to identify and select compliance monitoring locations per 40 CFR Part 141 Subpart V.

(b) Applicability: Public water systems are subject to these requirements if the water system is a community water system that uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light; or if the water system is a non-transient non-community water system that serves at least 10,000 people and uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light.

(c) Schedule: 40 CFR Subpart U § 141.600(c), in its entirety, is hereby incorporated by reference. Systems required to comply with Initial Distribution System Evaluations - Subpart U, must comply with the schedule specified in the table [40 CFR §141.600\(c\)\(1\)](#). A wholesale system or a consecutive system must comply with the specified schedule at the same time as the system with the earliest compliance date in the combined distribution system.

(d) 40 CFR Subpart U § 141.600(d) through (f), in its entirety, is hereby incorporated by reference.

(e) Standard Monitoring: 40 CFR Subpart U [§ 141.601](#) is hereby incorporated by reference.

1. Standard monitoring plan: 40 CFR Subpart U § 141.601(a) through (c), in its entirety, is hereby incorporated by reference.

2. System specific studies: 40 CFR Subpart U § 141.602(a) through (b), in its entirety, is hereby incorporated by reference.

3. 40/30 Certification: 40 CFR Subpart U § 141.603(a) through (b), in its entirety, is hereby incorporated by reference.

4. Very small system waivers: 40 CFR Subpart U § 141.604(a) through (b), in its entirety, is hereby incorporated by reference.

(f) 40 CFR Part 141 Subpart V Compliance Monitoring Location Recommendations: 40 CFR Subpart U § 141.605(a) through (e), in its entirety, is hereby incorporated by reference. Water system's IDSE report must include the recommendations and justification for where and during what month(s) TTHM and HAA5 monitoring for Subpart V of part 141 should be conducted. Water system must base its recommendations on the criteria in paragraphs (b) through (e) of this section.

(2) Stage 2 Disinfection Byproducts Requirements.

(a) General Requirements: The requirements of 40 CFR Part 141 Subpart V constitute national primary drinking water regulations. The regulations establish monitoring and other requirements for achieving compliance with maximum contaminant levels based on locational running annual averages (LRAA) for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5), and for achieving compliance with maximum residual disinfectant residuals for chlorine and chloramine for certain consecutive systems.

(b) Applicability: Public water systems are subject to these requirements if the system is a community water system or a non-transient non-community water system that uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light.

(c) Schedule: 40 CFR Subpart V § 141.620(c), in its entirety, is hereby incorporated by reference. Systems required to comply with Stage 2 Disinfection Byproducts Requirements - Subpart V, must comply with the schedule specified in the table [40 CFR §141.620\(c\)](#). A wholesale system or a consecutive system must comply with the specified schedule at the same time as the system with the earliest compliance date in the combined distribution system.

1. Systems serving 100,000 or more people: April 1, 2012

2. Systems serving 50,000-99,999 people: October 1, 2012

3. Systems serving 10,000-49,999 people: October 1, 2013

4. Systems serving fewer than 10,000 people: October 1, 2013 if no *Cryptosporidium* monitoring is required under [40 CFR §141.701\(a\)\(4\)](#) OR October 1, 2014 if *Cryptosporidium* monitoring is required under [40 CFR §141.701\(a\)\(4\) or \(a\)\(6\)](#).

(d) Monitoring frequency must be in accordance with 40 CFR Subpart V § 141.621(a)(2).

1. If a water system is required to conduct quarterly monitoring, it must begin monitoring in the first full calendar quarter that includes the compliance date in the table in paragraph [40 CFR §141.620\(c\)](#).

2. If a water system is required to conduct monitoring at a frequency that is less than quarterly, it must begin monitoring in the calendar month recommended in the IDSE report prepared under [40 CFR §141.601](#) or

40 CFR § 141.602 or the calendar month identified in the Subpart V monitoring plan developed under [40 CFR §141.622](#) no later than twelve (12) months after the compliance date in paragraph [40 CFR §141.620\(c\)](#).

3. If a water system is required to conduct quarterly monitoring, it must make compliance calculations at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than four quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters). If a water system is required to conduct monitoring at a frequency that is less than quarterly, it must make compliance calculations beginning with the first compliance sample taken after the compliance date.

4. For the purpose of the schedule in paragraph [40 CFR §141.620\(c\)](#), the Division may determine that the combined distribution system does not include certain consecutive systems based on factors such as receiving water from a wholesale system only on an emergency basis or receiving only a small percentage and small volume of water from a wholesale system. The Division may also determine that the combined distribution system does not include certain wholesale systems based on factors such as delivering water to a consecutive system only on an emergency basis or delivering only a small percentage and small volume of water to a consecutive system.

(e) Monitoring and Compliance.

1. Systems required to monitor quarterly. To comply with Subpart V MCLs in [40 CFR §141.64\(b\)\(2\)](#), water systems must calculate LRAAs for TTHM and HAA5 using monitoring results collected under this Subpart and determine that each LRAA does not exceed the MCL. If a water system fails to complete four consecutive quarters of monitoring, it must calculate compliance with the MCL based on the average of the available data from the most recent four quarters. If a water system takes more than one sample per quarter at a monitoring location, it must average all samples taken in the quarter at that location to determine the quarterly average to be used in the LRAA calculation.

2. Systems required to monitor yearly or less frequently. To determine compliance with Subpart V MCLs in [40 CFR §141.64\(b\)\(2\)](#), water systems must determine that each sample taken is less than the MCL. If any sample exceeds the MCL, the water system must comply with the requirements of [40 CFR §141.625](#). If no sample exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.

(f) Violations: A water system is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if it fails to monitor.

(g) Routine Monitoring: If a water system submitted an IDSE report, it must begin monitoring at the locations and months it has recommended in its IDSE report submitted under [40 CFR §141.605](#) following the schedule in [40 CFR §141.620\(c\)](#), unless the Division requires other locations or additional locations after its review. If a water system submitted a 40/30 certification under [40 CFR §141.603](#) or it qualified for a very small system waiver under [40 CFR §141.604](#) or it is a non-transient non-community water system serving less than 10,000, it must monitor at the location(s) and dates identified in its monitoring plan in [40 CFR §141.132\(f\)](#), updated as required by [40 CFR §141.622](#).

(h) Water systems must monitor at no fewer than the number of locations identified in this paragraph:

| Source Water Type | Population Served | Monitoring Frequency ⁽¹⁾ | Distribution System Monitoring Locations Total per Monitoring Period ⁽²⁾ |
|-------------------|-------------------|-------------------------------------|---|
| Subpart H | Fewer than 500 | per year | 2 |
| | 500-3,300 | per quarter | 2 |
| | 3,301-9,999 | per quarter | 2 |
| | 10,000-49,999 | per quarter | 4 |
| | 50,000-249,999 | per quarter | 8 |
| | 250,000-999,999 | per quarter | 12 |

| Source Water Type | Population Served | Monitoring Frequency ⁽¹⁾ | Distribution System Monitoring Locations Total per Monitoring Period ⁽²⁾ |
|-------------------|--------------------|-------------------------------------|---|
| | 1,00,000-4,999,999 | per quarter | 16 |
| | 5,000,000 or more | per quarter | 20 |
| Ground Water | Fewer than 500 | per year | 2 |
| | 500-9,999 | per year | 2 |
| | 10,000-99,999 | per quarter | 4 |
| | 100,000-499,999 | per quarter | 6 |
| | 500,000 or more | per quarter | 8 |

NOTES:

(1) All systems must monitor during the highest month of DBP concentrations.

(2) Systems on quarterly monitoring must take dual sample sets every 90 days at each monitoring location, except for Subpart H systems serving 500-3,300 persons. Systems on annual monitoring and Subpart H systems serving 500-3,300 persons are required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the locations with the highest TTHM and HAA5 concentrations, respectively. Only one location with a dual sample set per monitoring period is needed if highest TTHM and HAA5 concentrations occur at the same location (and month, if monitored annually).

(i) If a water system is an undisinfected system that begins using a disinfectant other than UV light after the dates in 40 CFR Part 141 Subpart U for complying with the Initial Distribution System Evaluation requirements, it must consult with the Division to identify compliance monitoring locations for 40 CFR Part 141 Subpart V. The water system must then develop a monitoring plan under [40 CFR §141.622](#) that includes those monitoring locations.

(j) Analytical Methods: The water system must use an approved method listed in [40 CFR §141.131](#), as stated in Rule [391-3-5-.24\(4\)\(g\)](#) for TTHM and HAA5 analyses. Analyses must be conducted by laboratories that have received certification by EPA or the Division.

(3) Monitoring Plans for Stage 2 Disinfection Byproducts Requirements.

(a) Water systems must develop and implement a monitoring plan to be kept on file for Division and public review. The monitoring plan must contain the following elements and be complete no later than the date it conducts its initial monitoring under 40 CFR Part 141 Subpart V.

1. Monitoring locations;
2. Monitoring dates;
3. Compliance calculation procedures; and
4. Monitoring plans for any other systems in the combined distribution system.

(b) If a water system was not required to submit an IDSE report under either [40 CFR §141.601](#) or [§ 141.602](#), and it does not have sufficient 40 CFR Part 141 Subpart L (Stage 1 DBPR) monitoring locations to identify the required number of 40 CFR Part 141 Subpart V (Stage 2 DBPR) compliance monitoring locations indicated in [40 CFR §141.605\(b\)](#), it must identify additional locations by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified. It must also provide the rationale for identifying the locations as having high levels of TTHM or HAA5. If it has more Subpart L monitoring locations than required for Subpart V compliance monitoring in [40 CFR §141.605\(b\)](#), it must identify which locations it will use for Subpart V compliance monitoring by alternating selection of locations

representing high TTHM levels and high HAA5 levels until the required number of Subpart V compliance monitoring locations have been identified.

(c) A Subpart H water system serving over 3,300 people must submit a copy of its monitoring plan to the Division prior to the date it conducts its initial monitoring under this Subpart, unless its IDSE report submitted under Subpart U of this part contains all the information required by this section.

(d) A water system may revise its monitoring plan to reflect changes in treatment, distribution system operations and layout (including new service areas), or other factors that may affect TTHM or HAA5 formation, or for Division-approved reasons, after consultation with the Division regarding the need for changes and the appropriateness of changes. If a water system changes monitoring locations, it must replace existing compliance monitoring locations with the lowest LRAA with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels. The Division may also require modifications in water system's monitoring plan. A Subpart H system serving over 3,300 people must submit a copy of its modified monitoring plan to the Division prior to the date it is required to comply with the revised monitoring plan.

(4) Reduced Monitoring.

(a) The water system may reduce monitoring to the level specified in table [40 CFR §141.623\(a\)](#) any time the LRAA is less than or equal to (\leq) 0.040 mg/L for TTHM and less than or equal to (\leq) 0.030 mg/L for HAA5 at all monitoring locations. It may only use data collected under the provisions of this Subpart or Subpart L of this part to qualify for reduced monitoring. In addition, the source water annual average TOC level, before any treatment, must be less than or equal to (\leq) 4.0 mg/L at each treatment plant treating surface water or ground water under the direct influence of surface water, based on monitoring conducted under either [40 CFR §141.132\(b\)\(1\)\(iii\)](#) or § [141.132\(d\)](#).

(b) The water system may remain on reduced monitoring as long as the TTHM LRAA less than or equal to (\leq) 0.040 mg/L and the HAA5 LRAA less than or equal to (\leq) 0.030 mg/L at each monitoring location (for systems with quarterly reduced monitoring) or each TTHM sample less than or equal to (\leq) 0.060 mg/L and each HAA5 sample less than or equal to (\leq) 0.045 mg/L (for systems with annual or less frequent monitoring). In addition, the source water annual average TOC level, before any treatment, must be less than or equal to (\leq) 4.0 mg/L at each treatment plant treating surface water or ground water under the direct influence of surface water, based on monitoring conducted under either [40 CFR §141.132\(b\)\(1\)\(iii\)](#) or § [141.132\(d\)](#).

(c) If the LRAA based on quarterly monitoring at any monitoring location exceeds either 0.040 mg/L for TTHM or 0.030 mg/L for HAA5 or if the annual (or less frequent) sample at any location exceeds either 0.060 mg/L for TTHM or 0.045 mg/L for HAA5, or if the source water annual average TOC level, before any treatment, is greater than ($>$) 4.0 mg/L at any treatment plant treating surface water or ground water under the direct influence of surface water, the water system must resume routine monitoring under [40 CFR §141.621](#) or begin increased monitoring if [40 CFR §141.625](#) applies.

(d) The Division may return the water system to routine monitoring at its discretion.

(5) Additional Requirements for Consecutive Systems. A consecutive system that does not add a disinfectant but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light must comply with analytical and monitoring requirements for chlorine and chloramines in [40 CFR §141.131\(c\)](#) and § [141.132\(c\)\(1\)](#) and the compliance requirements in [40 CFR §141.133\(c\)\(1\)](#) beginning April 1, 2009, unless required earlier by the Division, and report monitoring results under [40 CFR §141.134\(c\)](#).

(6) Conditions Requiring Increased Monitoring.

(a) A water system that is required to monitor at a particular location annually or less frequently than annually under [40 CFR §141.621](#) or § [141.623](#) must increase monitoring to dual sample sets once per quarter (taken every 90 days) at all locations if a TTHM sample is >0.080 mg/L or a HAA5 sample is >0.060 mg/L at any location.

(b) A water system is in violation of the MCL when the LRAA exceeds the Subpart V MCLs in [40 CFR §141.64\(b\)\(2\)](#), calculated based on four consecutive quarters of monitoring (or the LRAA calculated based on fewer

than four quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters). The water system is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if it fails to monitor.

(c) A water system may return to routine monitoring once it has conducted increased monitoring for at least four consecutive quarters and the LRAA for every monitoring location is ≤ 0.060 mg/L for TTHM and ≤ 0.045 mg/L for HAA5.

(7) Operational Evaluation Levels.

(a) The water system has exceeded the operational evaluation level at any monitoring location where the sum of the two previous quarters' TTHM results plus twice the current quarter's TTHM result, divided by 4 to determine an average, exceeds 0.080 mg/L, or where the sum of the two previous quarters' HAA5 results plus twice the current quarter's HAA5 result, divided by 4 to determine an average, exceeds 0.060 mg/L.

1. If a water system exceeds the operational evaluation level, it must conduct an operational evaluation and submit a written report of the evaluation to the Division no later than 90 days after being notified of the analytical result that causes it to exceed the operational evaluation level. The written report must be made available to the public upon request.

2. The operational evaluation must include an examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedances.

(i) The water system may request and the Division may allow limiting the scope of the water system's evaluation if it is able to identify the cause of the operational evaluation level exceedance.

(ii) The water system's request to limit the scope of the evaluation does not extend the schedule in paragraph (7)(a)1. for submitting the written report. The Division must approve this limited scope of evaluation in writing and the water system must keep that approval with the completed report.

(8) Requirements for Remaining on Reduced TTHM and HAA5 Monitoring Based on Subpart L Results. 40 CFR Subpart V § 141.627 is hereby incorporated by reference.

(9) Requirements for Remaining on Increased TTHM and HAA5 Monitoring Based on Subpart L Results. 40 CFR Subpart V § 141.628 is hereby incorporated by reference.

(10) Reporting and Recordkeeping Requirements. 40 CFR Subpart V § 141.629 is hereby incorporated by reference.

(11) Division Recordkeeping. The records kept by the Division shall be in accordance with [40 CFR §142.14](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.53

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

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Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

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391-3-5-.54 Ground Water Rule

Purpose. The United States Environmental Protection Agency established the Ground Water Rule, which the Division has adopted, to provide increased protection against microbial pathogens in public water systems that use ground water as the source of drinking water.

(1) **General Requirements and Applicability.** 40 CFR Part 141, Subpart S § 141.400 is hereby incorporated by reference.

(a) This Rule applies to the following:

1. Systems relying totally on ground water; purchased water systems or consecutive systems receiving ground water;
2. Mixed surface and ground water systems where ground water is added directly to the distribution system or to the treated surface water prior to entry into the distribution system.

(b) Hydrogeologic Sensitivity Assessments.

1. Hydrogeologically sensitive settings include Karst (carbonate rock, i.e. limestone and dolostone), fractured bedrock and gravel.
2. Drinking water produced by water systems from aquifers consisting of the above geologic materials require hydrogeologic sensitivity assessments prepared by the Division.
3. The information that the Division requires to prepare a hydrogeologic sensitivity assessment may be requested by the Division from the water source's owner and/or found in one or all of three regulatory reports approved by the EPA:

(i) A water source's Well Head Protection Plan,

(ii) The Source Water Assessment, and/or

(iii) The Individual Source Vulnerability Assessment.

4. A water source Well Head Protection Plan consists of the information outlined in Rule [391-3-5-.40\(3\) through \(7\)](#).

5. A water source, Source Water Assessment consists of the information outlined in Rules [391-3-5-.06\(4\)](#) and [391-3-5-.42\(3\) and \(4\)](#).

6. A water source Individual Source Vulnerability Assessment consists of the information outlined in Rule [391-3-5-.22\(g\) through \(i\)](#).

7. The water source rating developed for Individual Source Vulnerability Assessments is to be used to determine if a source is at high, medium, or low risk to microbiological contamination.

(c) Ground water systems must comply with the requirements of this Rule beginning December 1, 2009.

(2) **Sanitary Surveys for Ground Water Systems.** 40 CFR Part 141, Subpart S § 141.401 is hereby incorporated by reference.

(a) Ground water systems must provide the Division, at the Division's request, any existing information that will enable the Division to conduct a sanitary survey.

(b) A sanitary survey conducted by the Division includes an onsite review of the water source(s), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.

(c) The sanitary survey includes an evaluation of the applicable components listed below:

1. Source,
2. Treatment,
3. Distribution system,
4. Finished water storage,
5. Pumps, pump facilities, and controls,
6. Monitoring, reporting, and data verification,
7. System management and operation, and
8. Operator compliance with Division requirements.

(3) **Ground Water Source Microbial Monitoring and Analytical Methods.** 40 CFR Part 141, Subpart S § 141.402 is hereby incorporated by reference with the exceptions that the Division only allows E. Coli as a fecal indicator for compliance under this rule and the Division does not allow triggered source water samples collected under paragraph (3)(a) to also serve as repeat samples collected under Rule [391-3-5-.55\(8\)\(a\)](#).

(a) Triggered source water monitoring.

1. *General requirements.* A ground water system must conduct triggered source water monitoring in accordance with [40 CFR §141.402\(a\)](#) if the conditions identified in paragraphs (3)(a)1.(i) and either (3)(a)1.(ii) or (3)(a)1.(iii) exist.

(i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a Division-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and either

(ii) The system is notified that a sample collected under Rule [391-3-5-.23\(1\)](#) is total coliform-positive and the sample is not invalidated under Rule [391-3-5-.23\(3\)](#) until March 31, 2016, or

(iii) The system is notified that a sample collected under Rule [391-3-5-.55\(4\) through \(7\)](#) is total coliform-positive and the sample is not invalidated under Rule [391-3-5-.55\(3\)\(c\)](#) beginning April 1, 2016.

2. *Sampling requirements.* A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or collected under Rule [391-3-5-.55\(4\) through \(7\)](#) beginning April 1, 2016, except as provided in paragraph (3)(a)2.(ii).

(i) The Division may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the ground water source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Division must specify how much time the system has to collect the sample.

(ii) If approved by the Division, systems with more than one ground water source may meet the requirements of paragraph (3)(a)2. by sampling a representative ground water source or sources. If directed by the Division, systems must submit for Division approval a triggered source water monitoring plan that identifies one or more ground water sources that are representative of each monitoring site in the system's sample siting plan under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or under Rule [391-3-5-.55\(3\)](#) beginning April 1, 2016, and that the system intends to use for representative sampling under this paragraph.

3. *Additional requirements.* If the Division does not require corrective action under paragraph (4)(a)2 for an *E. coli* positive source water sample collected under paragraph (3)(a)2. that is not invalidated under paragraph (3)(d), the system must collect five additional source water samples from the same source within 24 hours of being notified of the *E. coli*-positive sample.

4. *Consecutive and wholesale systems.*

(i) In addition to the other requirements of paragraph (3)(a), a consecutive ground water system that has a total coliform-positive sample collected under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or under Rule [391-3-5-.55\(4\) through \(7\)](#) beginning April 1, 2016, must notify the wholesale system(s) within 24 hours of being notified of the total coliform-positive sample.

(ii) In addition to the other requirements of paragraph (3)(a), a wholesale ground water system must comply with paragraphs (3)(a)4.(ii)(I) and (3)(a)4.(ii)(II).

(I) A wholesale ground water system that receives notice from a consecutive system it serves that a sample collected under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or collected under Rule [391-3-5-.55\(4\) through \(7\)](#) beginning April 1, 2016, is total coliform-positive must, within 24 hours of being notified, collect a sample from its ground water source(s) under paragraph (3)(a)(2) and analyze it for *E. Coli* under paragraph (3)(c).

(II) If the sample collected under paragraph (3)(a)4.(ii)(I) is *E. Coli*-positive, the wholesale ground water system must notify all consecutive systems served by that ground water source of the *E. Coli* source water positive within 24 hours of being notified of the ground water source sample monitoring result and must meet the requirements of paragraph (3)(a)3.

5. *Exceptions to the triggered source water monitoring requirements.* A ground water system is not required to comply with the source water monitoring requirements of paragraph (3)(a) if either of the following conditions exists:

(i) The Division determines, and documents in writing, that the total coliform-positive sample collected under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or under Rule [391-3-5-.55\(4\) through \(7\)](#) beginning April 1, 2016, is caused by a distribution system deficiency; or

(ii) The total coliform-positive sample collected under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or under Rule [391-3-5-.55\(4\) through \(7\)](#) beginning April 1, 2016, is collected at a location that meets Division criteria for distribution system conditions that will cause total coliform-positive samples.

(b) *Assessment Source Water Monitoring.* If directed by the Division, ground water systems must conduct assessment source water monitoring that meets Division-determined requirements for such monitoring. A ground water system conducting assessment source water monitoring may use a triggered source water sample collected under [40 CFR §141.402\(a\)\(2\)](#) to meet the requirements of this paragraph. Division-determined assessment source water monitoring requirements may include:

1. Collection of a total of 12 ground water source samples that represent each month the system provides ground water to the public,

2. Collection of samples from each well unless the system obtains written Division approval to conduct monitoring at one or more wells within the ground water system that are representative of multiple wells used by that system and that draw water from the same hydrogeological setting,

3. Collection of a standard sample volume of at least 100 mL for *E. coli* analysis,

4. Analysis of all ground water source samples using one of the analytical methods listed in [40 CFR §141.402\(c\)\(2\)](#) for the presence of *E. coli*,

5. Collection of ground water source samples at a location prior to any treatment of the ground water source unless the Division approves a sampling location after treatment, and

6. Collection of ground water source samples at the well itself unless the system's configuration does not allow for sampling at the well itself and the Division approves an alternate sampling location that is representative of the water quality of that well.

(c) Analytical Methods.

1. A ground water system subject to the source water monitoring requirements of paragraph (3)(a) must collect a standard sample volume of at least 100 mL for *E. coli* analysis.

2. A ground water system must analyze all ground water source samples collected under paragraph (3)(a) using one of the analytical methods listed in the following table in [40 CFR §141.402\(c\)\(2\)](#) or one of the alternative methods listed in Appendix A to Subpart C of 40 CFR Part 141 (Alternative Testing Methods Approved for Analyses Under the Safe Drinking Water Act) for the presence of *E. coli*.

(d) Invalidation of a Fecal Indicator-Positive Ground Water Source Sample.

1. A ground water system may obtain Division invalidation of an *E. coli*-positive ground water source sample collected under paragraph (3)(a) only under the conditions specified in paragraphs (3)(d)1.(i) and (ii).

(i) The system provides the Division with written notice from the laboratory that improper sample analysis occurred; or

(ii) The Division determines and documents in writing that there is substantial evidence that an *E. coli*-positive ground water source sample is not related to source water quality.

2. If the Division invalidates an *E. coli*-positive ground water source sample, the ground water system must collect another source water sample under paragraph (3)(a) within 24 hours of being notified by the Division of its invalidation decision and have it analyzed using the analytical methods in paragraph (3)(c). The Division may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Division must specify how much time the system has to collect the sample.

(e) Sampling Location.

1. Any ground water source sample required under [40 CFR §141.402\(a\)](#) must be collected at a location prior to any treatment of the ground water source unless the Division approves a sampling location after treatment.

2. If the system's configuration does not allow for sampling at the well itself, the system may collect a sample at a Division-approved location to meet the requirements of paragraph (3)(a) if the sample is representative of the water quality of that well.

(f) New Sources. If directed by the Division, a ground water system that places a new ground water source into service after November 30, 2009, must conduct assessment source water monitoring under paragraph (3)(b). If directed by the Division, the system must begin monitoring before the ground water source is used to provide water to the public.

(g) Public Notification. A ground water system with a ground water source sample collected under 40 CFR §141.402(a) or (b) that is *E. Coli*-positive and that is not invalidated under [40 CFR §141.402\(d\)](#), including consecutive systems served by the ground water source, must conduct public notification under [40 CFR §141.202](#).

(h) Monitoring Violations. Failure to meet the requirements of paragraphs (3)(a) through (3)(f) is a monitoring violation and requires the ground water system to provide public notification under [40 CFR §141.204](#).

(4) Treatment Technique Requirements for Ground Water Systems. 40 CFR Part 141, Subpart S § 141.403 is hereby incorporated by reference.

(a) The treatment technique requirements of this paragraph must be met by ground water systems with significant deficiencies or source water fecal contamination:

1. When a significant deficiency is identified or when a groundwater source sample collected under [40 CFR § 141.402\(a\)\(3\)](#) is fecal positive.

2. When directed by the Division, if a ground water system with a ground water source sample collected under [40 CFR § 141.402\(a\)\(2\)](#), [§ 141.402\(a\)\(4\)](#), or [§ 141.402\(b\)](#) is fecal positive.

3. When a significant deficiency is identified at a 40 CFR Part 141 Subpart H public water system that uses both ground water and surface water or ground water under the direct influence of surface water, the system must comply with paragraph (4) except in cases where the Division determines that the significant deficiency is in a portion of the distribution system that is served solely by surface water or ground water under the direct influence of surface water.

4. Unless directed by the Division to implement a specific corrective action, the ground water system must consult with the Division regarding the appropriate corrective action within thirty (30) days of receiving written notice from the Division of a significant deficiency, written notice from a laboratory that a ground water source sample collected under [40 CFR § 141.402\(a\)\(3\)](#) was found to be fecal positive, or direction from the Division that a fecal positive collected under [40 CFR § 141.402\(a\)\(2\)](#), [§ 141.402\(a\)\(4\)](#), or [§ 141.402\(b\)](#) requires corrective action. For purposes of this section, significant deficiencies include, but are not limited to, defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the Division determines to be causing, or have the potential for causing, the introduction of contamination into the water delivered to consumers.

5. Within 120 days (or earlier if directed by the Division) of receiving written notification from the Division of a significant deficiency, written notice from a laboratory that a ground water source sample collected under 40 CFR § 141.402(a)(3) was found to be fecal positive, or direction from the Division that a fecal positive collected under [40 CFR § 141.402\(a\)\(2\)](#), [§ 141.402\(a\)\(4\)](#), or [§ 141.402\(b\)](#) requires corrective action, the ground water system must either:

(i) Have completed corrective action in accordance with a Division approved corrective action plan.

(ii) Be in compliance with a Division approved corrective action plan and schedule subject to the following conditions.

(I) The Division must approve any modifications to the corrective action plan and schedule.

(II) The system must comply with any interim measures specified by the Division for the protection of the public health pending Division approval of the corrective action plan and schedule or pending completion of the corrective action.

6. Ground water systems that meet the conditions of paragraphs (4)(a)1. or (4)(a)2. must implement one or more of the following corrective action alternatives:

(i) Correct all significant deficiencies;

(ii) Provide an alternate source of water;

(iii) Eliminate the source of contamination; or

(iv) Provide treatment that reliably achieves at least 4-log treatment of viruses (using inactivation, removal, or a Division-approved combination of both) before or at the first customer for the ground water source.

7. Special Notice to the public of significant deficiencies or source water fecal contamination.

(i) In addition to the applicable public notification requirements of 40 CFR § 141.4202, a community ground water system that receives notice from the Division of a significant deficiency or notification of a fecal positive ground water source sample that is not invalidated by the Division under [40 CFR § 141.402\(d\)](#) must inform the public served by the water system under [40 CFR § 141.153\(h\)\(6\)](#) of the fecal positive source sample or of any significant deficiency that has not been corrected. The system must continue to inform the public annually until the significant deficiency is corrected or the fecal contamination in the groundwater source is determined by the Division to be corrected under paragraph (4)(a)5.

(ii) In addition to the applicable public notification requirements of 40 CFR § 141.4202, a non-community ground water system that receives notice from the Division of a significant deficiency must inform the public served by the water system in a manner approved by the Division of any significant deficiency that has not been corrected within twelve (12) months of being notified, or earlier if directed by the Division. The system must continue to inform the public annually until the significant deficiency is corrected. The information must include:

(I) The nature of the significant deficiency and the date the significant deficiency was identified by the Division;

(II) The Division approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed; and

(III) For systems with a large portion of non-English speaking consumers, as determined by the Division, information in the appropriate language regarding the importance of the notice or a telephone number or address where consumers may contact the system to obtain a translated copy of the notice or assistance in the appropriate language.

(iii) If directed by the Division, a non-community water system with significant deficiencies that have been corrected must inform its customers of the significant deficiencies, how the deficiencies were corrected, and the dates of correction.

(b) Compliance Monitoring.

1. A ground water system that is not required to meet the source water monitoring requirements in this Rule because it provides at least 4-log treatment of viruses for any ground water source must notify the Division in writing that it is providing at least 4-log treatment of viruses and begin compliance monitoring in accordance with paragraph (4)(b) by December 1, 2009.

2. A ground water system that places a ground water source in service after November 30, 2009, and provides at least 4-log treatment of viruses before or at the first customer is not required to meet the source water monitoring requirements in this Rule. Such system must notify the Division in accordance with 40 CFR § 141.403(b)(2)(i), (b)(2)(ii) and (b)(2)(iii) and conduct compliance monitoring as required under [40 CFR § 141.403\(b\)\(3\)](#) within thirty days of placing the source in service.

3. If the system subsequently discontinues 4-log treatment of viruses before or at the first customer for a ground water source, the system must conduct ground water source monitoring as required under [40 CFR § 141.402](#).

4. A ground water system serving greater than 3,300 people that is required to conduct compliance monitoring must continuously monitor the residual disinfectant concentration using analytical methods specified in 40 CFR § 141.74(a)(2) at a location approved by the Division and must record the lowest residual disinfectant concentration each day that water from the ground water source is served to the public. The ground water system must maintain the Division-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. If there is a failure in the continuous monitoring equipment, the ground water system must conduct grab sampling every four hours until the continuous monitoring equipment is returned to service. The system must resume continuous residual disinfectant monitoring within 14 days.

5. A ground water system serving 3,300 or fewer people that is required to conduct compliance monitoring must monitor the residual disinfectant concentration using analytical methods specified in [40 CFR § 141.74\(a\)\(2\)](#) at a

location approved by the Division and record the residual disinfectant concentration each day that water from the ground water source is served to the public. The ground water system must maintain the Division-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. The ground water system must take a daily grab sample during the hour of peak flow or at another time specified by the Division. If any daily grab sample measurement falls below the Division-determined residual disinfectant concentration, the ground water system must take follow-up samples every four hours until the residual disinfectant concentration is restored to the Division-determined level. Alternatively, a ground water system that serves 3,300 or fewer people may monitor continuously and meet the requirements of [40 CFR § 141.403\(b\)\(3\)\(i\)\(A\)](#).

6. Membrane Filtration. A ground water system that uses membrane filtration to meet the requirements of this section must monitor the membrane filtration process in accordance with all Division-specified monitoring requirements and must operate the membrane filtration in accordance with all Division-specified compliance requirements. A ground water system that uses membrane filtration is in compliance with the requirement to achieve at least 4-log removal of viruses when:

(i) The membrane has an absolute molecular weight cut-off (MWCO), or an alternate parameter that describes the exclusion characteristics of the membrane, that can reliably achieve at least 4-log removal of viruses;

(ii) The membrane process is operated in accordance with Division-specified compliance requirements; and

(iii) The integrity of the membrane is intact.

7. Alternative treatment. A ground water system that uses a Division-approved alternative treatment to meet the requirements of this subpart by providing at least 4-log treatment of viruses (using inactivation, removal, or a Division-approved combination of 4-log virus inactivation and removal) before or at the first customer must:

(i) Monitor the alternative treatment in accordance with all Division-specified monitoring requirements; and

(ii) Operate the alternative treatment in accordance with all compliance requirements that the Division determines to be necessary to achieve at least 4-log treatment of viruses.

8. A ground water system may discontinue 4-log treatment of viruses if the Division determines and documents in writing that 4-log treatment of viruses is no longer necessary for that groundwater source. A system that discontinues 4-log treatment of viruses is subject to the source water monitoring and analytical methods requirements of 40 CFR Part 141 Subpart S, § 141.402.

9. Failure to meet the monitoring requirements of paragraph (4)(b) is a monitoring violation and requires the ground water system to provide public notification under 40 CFR Part 141 Subpart Q, § 141.204.

10. A ground water system conducting compliance monitoring under [40 CFR § 141.403\(b\)](#) must notify the Division any time the system fails to meet any Division-specified requirements including, but not limited to, minimum residual disinfectant concentration, membrane operating criteria or membrane integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four hours. The ground water system must notify the Division as soon as possible, but in no case later than the end of the next business day.

(5) Treatment Technique Violations for Ground Water Systems. 40 CFR, Subpart S, § 141.404 is hereby incorporated by reference.

(a) A ground water system with a significant deficiency is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the Division) of receiving written notice from the Division of the significant deficiency, the system:

1. Does not complete corrective action in accordance with any applicable Division plan review processes including interim actions and measures specified by the Division, or

2. Is not in compliance with a Division approved corrective action plan and schedule.

(b) Unless the Division invalidates a fecal positive ground water source sample under [40 CFR § 141.402\(d\)](#), a ground water system is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the Division) of meeting the conditions of [40 CFR § 141.403\(a\)\(1\)](#) or § [141.403\(a\)\(2\)](#), the system:

1. Does not complete corrective action in accordance with any applicable Division plan review processes including interim actions and measures specified by the Division, or

2. Is not in compliance with a Division approved corrective action plan and schedule.

(c) A ground water system subject to the requirements of [40 CFR § 141.403\(b\)\(3\)](#) that fails to maintain at least 4-log treatment of viruses (using inactivation, removal, or a Division-approved combination of both) is in violation of the treatment technique requirement if the failure is not corrected within four hours of determining the system is not maintaining at least 4-log treatment of viruses before or at the first customer.

(d) Ground water systems must give public notification under [40 CFR § 141.203](#) for the treatment technique violations specified in paragraphs (5)(a), (5)(b) and (5)(c).

(6) Reporting and Recordkeeping for Ground Water Systems. 40 CFR Part 141, Subpart S, § 141.405 is hereby incorporated by reference.

(a) In addition to the requirements of [40 CFR § 141.31](#), a groundwater system regulated under 40 CFR Part 141 Subpart S must provide the following information to the Division:

1. A ground water system conducting compliance monitoring under [40 CFR § 141.403\(b\)](#) must notify the Division any time the systems fails to meet any Division-specified requirements including, but not limited to, minimum residual disinfectant concentration, membrane operating criteria or integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four (4) hours. The ground water system must notify the Division as soon as possible, but in no case later than the end of the next business day.

2. After completing any corrective action under [40 CFR § 141.403\(a\)](#), a ground water system must notify the Division within thirty (30) days of completion of the corrective action.

3. If a ground water system that is subject to the requirements of [40 CFR § 141.402\(a\)](#) does not conduct source water monitoring under [40 CFR § 141.402\(a\)\(5\)\(ii\)](#), the system must provide documentation to the Division within thirty (30) days of the total coliform positive sample that it met the Division criteria.

(b) In addition to the requirements of [40 CFR § 141.33](#), a groundwater system regulated under 40 CFR Part 141 Subpart S must maintain the following information in its records:

1. Documentation of corrective actions. Documentation shall be kept for a period of not less than ten years.

2. Documentation of notice to the public as required under [40 CFR § 141.403\(a\)\(7\)](#). Documentation shall be kept for a period not less than three years.

3. Records of decisions under [40 CFR § 141.402\(a\)\(5\)\(ii\)](#) and records of invalidation of fecal indicator-positive ground water samples under [40 CFR § 141.402\(d\)](#). Documentation shall be kept for a period of not less than five years.

4. For consecutive systems, documentation of notification to the wholesale system(s) of total coliform-positive samples that are not invalidated under Rule [391-3-5-.23\(3\)](#) until March 31, 2016, or under Rule [391-3-5-.55\(3\)](#) beginning April 1, 2016. Documentation shall be kept for a period of not less than five years.

5. For systems, including wholesale systems, that are required to perform compliance monitoring under 40 CFR § 141.403(b):

(i) Records of the Division-specified minimum disinfectant residual. Documentation shall be kept for a period of not less than ten years.

(ii) Records of lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the Division-prescribed minimum residual disinfectant concentration for a period of more than four hours. Documentation shall be kept for a period of not less than five years.

(iii) Records of Division-specified compliance requirements for membrane filtration and of parameters specified by the Division for Division-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four hours. Documentation shall be kept for a period of not less than five years.

(7) **Division Recordkeeping.** The records kept by the Division shall be in accordance with [40 CFR § 142.14](#).

(8) **Division Reporting.** The reporting by the Division shall be performed as required by [40 CFR § 142.15](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.54

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

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Amended: F. Apr. 22, 2021; eff. May 12, 2021.

391-3-5-.55 Revised Total Coliform Rule

(1) General.

(a) *General.* The provisions of this Rule include both maximum contaminant level and treatment technique requirements.

(b) *Applicability.* The provisions of this Rule apply to all public water systems.

(c) *Compliance date.* Systems must comply with the provisions of this Rule beginning April 1, 2016, unless otherwise specified in this Rule.

(d) *Violations of national primary drinking water regulations.* Failure to comply with the applicable requirements of this Rule, including requirements established by the Division pursuant to these provisions, is a violation of the national primary drinking water regulations.

(2) Analytical Methods and Laboratory Certification.

(a) Analytical Methodology.

1. The standard sample volume required for analysis, regardless of analytical method used, is 100 ml.

2. Systems need only determine the presence or absence of total coliforms and *E. coli*; a determination of density is not required.

3. The time from sample collection to initiation of test medium incubation may not exceed 30 hours. Systems are encouraged but not required to hold samples below 10 deg. C during transit.

4. If water having residual chlorine (measured as free, combined, or total chlorine) is to be analyzed, sufficient sodium thiosulfate ($\text{Na}_2\text{S}_2\text{O}_3$) must be added to the sample bottle before sterilization to neutralize any residual chlorine in the water sample. Dechlorination procedures are addressed in Section 9060A.2 of *Standard Methods for the Examination of Water and Wastewater* (20th and 21st editions).

5. Systems must conduct total coliform and *E. coli* analyses in accordance with one of the analytical methods in [40 CFR § 141.852\(a\)\(5\)](#) or one of the alternative methods listed in Appendix A to Subpart C of 40 CFR Part 141.

(b) *Laboratory certification.* Systems must have all compliance samples required under this Rule analyzed by a laboratory certified by the Division or by EPA to analyze drinking water samples. The laboratory used by the system must be certified for each method (and associated contaminant(s)) used for compliance monitoring analyses under this Rule.

(c) *Incorporation by reference.* The standards required in paragraph (2) of this Rule are incorporated by reference under [40 CFR § 141.852\(c\)](#).

(3) General Monitoring Requirements for all Public Water Systems.

(a) Sample Site Plans.

1. Systems must develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system not later than March 31, 2016. These plans are subject to Division review and revision. Systems must collect total coliform samples according to the written sample siting plan. Monitoring required by paragraphs (4) through (8) of this Rule may take place at a customer's premise, dedicated sampling station, or other designated compliance sampling location. Routine and repeat sample sites and any sampling points necessary to meet the requirements of Rule [391-3-5-.54](#) must be reflected in the sampling plan.

2. Systems must collect samples at regular time intervals throughout the month, except that systems that use only groundwater and serve 4,900 or fewer people may collect all required samples on a single day if they are taken from different sites.

3. Systems must take at least the minimum number of required samples even if the system has had an *E. coli* MCL violation or has exceeded the coliform treatment technique triggers in paragraph (9)(a).

4. A system may conduct more compliance monitoring than is required by this Rule to investigate potential problems in the distribution system and use monitoring as a tool to assist in uncovering problems. A system may take more than the minimum number of required routine samples and must include the results in calculating whether the coliform treatment technique trigger in paragraphs (9)(a)1.(i) and (ii) has been exceeded only if the samples are taken in accordance with the existing sample siting plan and are representative of water throughout the distribution system.

5. Systems must identify repeat monitoring locations in the sample siting plan. Unless the provisions of paragraph (3)(a)5.(i) are met, the system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one service connection away from the end of the distribution system, the system must still take all required repeat samples. However, the Division may allow an alternative sampling location in lieu of the requirement to collect at least one repeat sample upstream or downstream of the original sampling site. Systems required to conduct triggered source water monitoring under [391-3-5-.54\(3\)\(a\)](#) must take ground water source sample(s) in addition to repeat samples required under this Rule.

(i) Systems may propose repeat monitoring locations to the Division that the system believes to be representative of a pathway for contamination of the distribution system. A system may elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a standard operating procedure (SOP) in its sample siting plan. The system must design its SOP to focus the repeat samples at locations that best verify and

determine the extent of potential contamination of the distribution system area based on specific situations. The Division may modify the SOP or require alternative monitoring locations as needed.

6. The Division may review, revise, and approve, as appropriate, repeat sampling proposed by systems under paragraph (3)(a)5.(i). The system must demonstrate that the sample siting plan remains representative of the water quality in the distribution system. The Division may determine that monitoring at the entry point to the distribution system (especially for undisinfected ground water systems) is effective to differentiate between potential source water and distribution system problems.

(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) are not considered special purpose samples, and must be used to determine whether the coliform treatment technique trigger has been exceeded.

(c) *Invalidation of total coliform samples.* A total coliform-positive sample invalidated under this paragraph does not count toward meeting the minimum monitoring requirements of this Rule.

1. The Division may invalidate a total coliform-positive sample only if any of the following conditions are met:

(i) The laboratory establishes that improper sample analysis caused the total coliform-positive result.

(ii) The Division, on the basis of the results of repeat samples collected as required under paragraph (8)(a), determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. The Division cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected at a location other than the original tap are total coliform-negative (e.g., the Division cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the system has only one service connection).

(iii) The Division has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition that does not reflect water quality in the distribution system. In this case, the system must still collect all repeat samples required under paragraph (8)(a), and use them to determine whether a coliform treatment technique trigger in paragraph (9) has been exceeded. To invalidate a total coliform-positive sample under this paragraph, the decision and supporting rationale must be documented in writing, and approved and signed by the supervisor of the Division official who recommended the decision. The Division must make this document available to EPA and the public. The written documentation must state the specific cause of the total coliform-positive sample, and what action the system has taken, or will take, to correct this problem. The Division may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

2. A laboratory must invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence of an acid reaction in the Presence-Absence (P-A) Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the system must collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The system must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Division may waive the 24-hour time limit on a case-by-case basis. Alternatively, the Division may implement criteria for waiving the 24-hour sampling time limit to use in lieu of case-by-case extensions.

(4) Routine Monitoring Requirements for Non-Community Water Systems Serving 1,000 or Fewer People Using Only Ground Water.

(a) *General.*

1. The provisions of this paragraph (4) apply to non-community water systems using only ground water (except ground water under the direct influence of surface water, as defined in Rule [391-3-5-.02\(64\)](#)) and serving 1,000 or fewer people.

2. Following any total coliform-positive sample taken under the provisions of paragraph (4), systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in paragraph (8).

3. Once all monitoring required by paragraphs (4) and (8) for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in paragraph (9) have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by paragraph (9).

4. For the purpose of determining eligibility for remaining on or qualifying for quarterly monitoring under the provisions of paragraphs (4)(d)4. and (4)(e)2., respectively, for transient non-community water systems, the Division may elect to not count monitoring violations under paragraph (10)(c)1. if the missed sample is collected no later than the end of the monitoring period following the monitoring period in which the sample was missed. The system must collect the make-up sample in a different week than the routine sample for that monitoring period and should collect the sample as soon as possible during the monitoring period. This authority does not affect the provisions of paragraphs (10)(c)1. and (11)(a)4.

(b) *Monitoring frequency for total coliforms.* Systems must monitor each calendar quarter that the system provides water to the public, except for seasonal systems or as provided under paragraphs (4)(c) through (4)(e) and (4)(g). Seasonal systems must meet the monitoring requirements of paragraph (4)(f).

(c) *Transition to Rule 391-3-5-.55.*

1. Systems, excluding seasonal systems, must continue to monitor according to the total coliform monitoring schedules under Rule [391-3-5-.23](#) that were in effect on March 31, 2016, unless any of the conditions for increased monitoring in paragraph (4)(d) are triggered on or after April 1, 2016, or unless otherwise directed by the Division. Seasonal Systems must comply with paragraph (4)(f) as of April 1, 2016.

2. Beginning April 1, 2016, the Division must perform a special monitoring evaluation during each sanitary survey to review the status of the system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule. After the Division has performed the special monitoring evaluation during each sanitary survey, the Division may modify the system's monitoring schedule, as necessary, or it may allow the system to stay on its existing monitoring schedule, consistent with the provisions of paragraph (4). The Division may not allow systems to begin less frequent monitoring under the special monitoring evaluation unless the system has already met the applicable criteria for less frequent monitoring in paragraph (4).

(d) *Increased monitoring requirements for systems on quarterly monitoring.* A system on quarterly monitoring that experiences any of the events identified in paragraphs (4)(d)1. through (4)(d)4. must begin monthly monitoring the month following the event. The system must continue monthly monitoring until the requirements in paragraph (4)(e) for quarterly monitoring are met. A system on monthly monitoring for reasons other than those identified in paragraphs (4)(d)1. through (4)(d)4. is not considered to be on increased monitoring for the purposes of paragraph (4)(e).

1. The system triggers a Level 2 assessment or two Level 1 assessments under the provisions of paragraph (9) in a rolling 12-month period.

2. The system has an *E. coli* MCL violation.

3. The system has a coliform treatment technique violation.

4. The system has two monitoring violations under Rule 391-3-5-.55 or one monitoring violation under Rule 391-3-5-.55 and one Level 1 assessment under the provisions of paragraph (9) in a rolling 12-month period.

(e) *Requirements for returning to quarterly monitoring.* The Division may reduce the monitoring frequency for a system on monthly monitoring triggered under paragraph (4)(d) to quarterly monitoring if the system meets the following criteria:

1. Within the last 12 months, the system must have a completed sanitary survey or a site visit by the Division or a voluntary Level 2 assessment by a party approved by the Division, be free of sanitary defects, and have a protected water source; and
2. The system must have a clean compliance history for a minimum of 12 months.

(f) *Seasonal systems.*

1. Beginning April 1, 2016, all seasonal systems must demonstrate completion of a Division-approved start-up procedure, which includes a requirement for startup sampling prior to serving water to the public.
2. A seasonal system must monitor every month that it is in operation.
3. The Division may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

(g) *Additional routine monitoring the month following a total coliform-positive sample.* Systems collecting samples on a quarterly frequency must conduct additional routine monitoring the month following one or more total coliform-positive samples (with or without a Level 1 treatment technique trigger). Systems must collect at least three routine samples during the next month, except that the Division may waive this requirement if the conditions of paragraph (4)(g)1., 2., or 3. are met. Systems may either collect samples at regular time intervals throughout the month or may collect all required routine samples on a single day if samples are taken from different sites. Systems must use the results of additional routine samples in coliform treatment technique trigger calculations under paragraph (9)(a).

1. The Division may waive the requirement to collect three routine samples the next month in which the system provides water to the public if the Division, or an agent approved by the Division, performs a site visit before the end of the next month in which the system provides water to the public. Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Division to determine whether additional monitoring and/or any corrective action is needed. The Division cannot approve an employee of the system to perform this site visit, even if the employee is an agent approved by the Division to perform sanitary surveys.
2. The Division may waive the requirement to collect three routine samples the next month in which the system provides water to the public if the Division has determined why the sample was total coliform-positive and has established that the system has corrected the problem or will correct the problem before the end of the next month in which the system serves water to the public. In this case, the Division must document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the Division official who recommends such a decision, and make this document available to the EPA and public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the system has taken and/or will take to correct this problem.
3. The Division may not waive the requirement to collect three additional routine samples the next month in which the system provides water to the public solely on the grounds that all repeat samples are total coliform-negative. If the Division determines that the system has corrected the contamination problem before the system takes the set of repeat samples required in paragraph (8), and all repeat samples were total coliform-negative, the Division may waive the requirement for additional routine monitoring the next month.

(5) Routine Monitoring Requirements for Community Water Systems Serving 1,000 or Fewer People Using Only Ground Water.

(a) *General.*

1. The provisions of paragraph (5) apply to community water systems using only ground water (except ground water under the direct influence of surface water, as defined in [391-3-5-.02\(64\)](#)) and serving 1,000 or fewer people.

2. Following any total coliform-positive sample taken under the provisions of paragraph (5), systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in paragraph (8).

3. Once all monitoring required by paragraphs (5) and (8) for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in paragraph (9) have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by paragraph (9).

(b) *Monitoring frequency for total coliforms*. The monitoring frequency for total coliforms is one sample/month, except as provided below:

1. All systems must continue to monitor according to the total coliform monitoring schedules under Rule [391-3-5-.23](#) that were in effect on March 31, 2016, unless otherwise directed by the Division.

2. Beginning April 1, 2016, the Division must perform a special monitoring evaluation during each sanitary survey to review the status of the system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule. After the Division has performed the special monitoring evaluation during each sanitary survey, the Division may modify the system's monitoring schedule, as necessary, or it may allow the system to stay on its existing monitoring schedule, consistent with the provisions of paragraph (5).

(6) Routine Monitoring Requirements for 40 CFR Part 141 Subpart H Public Water Systems Serving 1,000 or Fewer People.

(a) *General*.

1. The provisions of paragraph (6) apply to 40 CFR Part 141 Subpart H public water systems serving 1,000 or fewer people.

2. Following any total coliform-positive sample taken under the provisions of paragraph (6), systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in paragraph (8).

3. Once all monitoring required by paragraphs (6) and (8) for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in paragraph (9) have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by paragraph (9).

4. Seasonal systems.

(i) Beginning April 1, 2016, all seasonal systems must demonstrate completion of a Division-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.

(ii) The Division may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

(b) *Routine monitoring frequency for total coliforms*. 40 CFR Part 141 Subpart H systems (including consecutive systems) must monitor monthly. Systems may not reduce monitoring.

(7) Routine Monitoring Requirements for Public Water Systems Serving More than 1,000 People.

(a) *General*.

1. The provisions of paragraph (7) apply to public water systems serving more than 1,000 persons.

2. Following any total coliform-positive sample taken under the provisions of paragraph (7), systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in paragraph (8).

3. Once all monitoring required by paragraphs (7) and (8) for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in paragraph (9) have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by paragraph (9).

4. Seasonal systems.

(i) Beginning April 1, 2016, all seasonal systems must demonstrate completion of a Division-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.

(ii) The Division may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

(b) *Monitoring frequency for total coliforms.* The monitoring frequency for total coliforms is based on the population served by the system, as follows:

Total Coliform Monitoring Frequency for Public Water Systems Serving More Than 1,000 People.

| Population Served | Minimum number of samples per month |
|------------------------|-------------------------------------|
| 1,001 to 2,500 | 2 |
| 2,501 to 3,300 | 3 |
| 3,301 to 4,100 | 4 |
| 4,101 to 4,900 | 5 |
| 4,901 to 5,800 | 6 |
| 5,801 to 6,700 | 7 |
| 6,701 to 7,600 | 8 |
| 7,601 to 8,500 | 9 |
| 8,501 to 12,900 | 10 |
| 12,901 to 17,200 | 15 |
| 17,201 to 21,500 | 20 |
| 21,501 to 25,000 | 25 |
| 25,001 to 33,000 | 30 |
| 33,001 to 41,000 | 40 |
| 41,001 to 50,000 | 50 |
| 50,001 to 59,000 | 60 |
| 59,001 to 70,000 | 70 |
| 70,001 to 83,000 | 80 |
| 83,001 to 96,000 | 90 |
| 96,001 to 130,000 | 100 |
| 130,001 to 220,000 | 120 |
| 220,001 to 320,000 | 150 |
| 320,001 to 450,000 | 180 |
| 450,001 to 600,000 | 210 |
| 600,001 to 780,000 | 240 |
| 780,001 to 970,000 | 270 |
| 970,001 to 1,230,000 | 300 |
| 1,230,001 to 1,520,000 | 330 |
| 1,520,001 to 1,850,000 | 360 |
| 1,850,001 to 2,270,000 | 390 |
| 2,270,001 to 3,020,000 | 420 |
| 3,020,001 to 3,960,000 | 450 |
| 3,960,001 or more | 480 |

(8) Repeat Monitoring and *E. Coli* Requirements.

(a) Repeat Monitoring.

1. If a sample taken under paragraphs (4) through (7) of this Rule is total coliform-positive, the system must collect a set of repeat samples within 24 hours of being notified of the positive result. The system must collect no fewer than three repeat samples for each total coliform-positive sample found. The Division may extend the 24-hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. Alternatively, the Division may implement criteria for the system to use in lieu of case-by-case extensions. In the case of an extension, the Division must specify how much time the system has to collect the repeat samples. The Division cannot waive the requirement for a system to collect repeat samples in paragraphs (8)(a)1. through (8)(a)3.

2. The system must collect all repeat samples on the same day, except that the Division may allow a system with a single service connection to collect the required set of repeat samples over a three-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 300 ml.

3. The system must collect an additional set of repeat samples in the manner specified in paragraphs (8)(a)1. through (8)(a)3. if one or more repeat samples in the current set of repeat samples is total coliform-positive. The system must collect the additional set of repeat samples within 24 hours of being notified of the positive result, unless the Division extends the limit as provided in paragraph (8)(a)1. The system must continue to collect additional sets of repeat samples until either total coliforms are not detected in one complete set of repeat samples or the system determines that a coliform treatment technique trigger specified in paragraph (9)(a) has been exceeded as a result of a repeat sample being total coliform-positive and notifies the Division. If a trigger identified in paragraph (9) is exceeded as a result of a routine sample being total coliform-positive, systems are required to conduct only one round of repeat monitoring for each total coliform-positive routine sample.

4. After a system collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the system may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

5. Results of all routine and repeat samples taken under paragraphs (4) through (8) of this Rule not invalidated by the Division must be used to determine whether a coliform treatment technique trigger specified in paragraph (9) has been exceeded.

(b) *Escherichia coli* (*E. coli*) testing.

1. If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if *E. coli* are present. If *E. coli* are present, the system must notify the Division by the end of the day when the system is notified of the test result, unless the system is notified of the result after the Division office is closed and the Division does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the Division before the end of the next business day.

2. The Division has the discretion to allow a system, on a case-by-case basis, to forgo *E. coli* testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is *E. coli*-positive. Accordingly, the system must notify the Division as specified in paragraph (8)(b)1. and the provisions of Rule [391-3-5-.18\(4\)\(c\)](#) apply.

(9) Coliform Treatment Technique Triggers and Assessment Requirements for Protection Against Potential Fecal Contamination.

(a) *Treatment technique triggers.* Systems must conduct assessments in accordance with paragraph (9)(b) after exceeding treatment technique triggers in paragraphs (9)(a)1. and (9)(a)2.

1. Level 1 treatment technique triggers.

- (i) For systems taking 40 or more samples per month, the system exceeds 5.0% total coliform-positive samples for the month.
- (ii) For systems taking fewer than 40 samples per month, the system has two or more total coliform-positive samples in the same month.
- (iii) The system fails to take every required repeat sample after any single total coliform-positive sample.

2. Level 2 treatment technique triggers.

- (i) An *E. coli* MCL violation, as specified in paragraph (10)(a).
 - (ii) A second Level 1 trigger as defined in paragraph (9)(a)1., within a rolling 12-month period, unless the Division has determined a likely reason that the samples that caused the first Level 1 treatment technique trigger were total coliform-positive and has established that the system has corrected the problem.
- (b) *Requirements for assessments.*

1. Systems must ensure that Level 1 and 2 assessments are conducted in order to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices. Level 2 assessments must be conducted by parties approved by the Division.

2. When conducting assessments, systems must ensure that the assessor evaluates minimum elements that include review and identification of inadequacies in sample sites; sampling protocol; sample processing; atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., small ground water systems); and existing water quality monitoring data. The system must conduct the assessment consistent with any Division directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

3. Level 1 assessments. A system must conduct a Level 1 assessment consistent with Division requirements if the system exceeds one of the treatment technique triggers in paragraph (9)(a)1.

- (i) The system must complete a Level 1 assessment as soon as practical after any trigger in paragraph (9)(a)1. In the completed assessment form, the system must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified. The system must submit the completed Level 1 assessment form to the Division within 30 days after the system learns that it has exceeded a trigger.
- (ii) If the Division reviews the completed Level 1 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Division must consult with the system. If the Division requires revisions after consultation, the system must submit a revised assessment form to the Division on an agreed-upon schedule not to exceed 30 days from the date of the consultation.
- (iii) Upon completion and submission of the assessment form by the system, the Division must determine if the system has identified a likely cause for the Level 1 trigger and, if so, establish that the system has corrected the problem, or has included a schedule acceptable to the Division for correcting the problem.

4. Level 2 assessments. A system must ensure that a Level 2 assessment consistent with Division requirements is conducted if the system exceeds one of the treatment technique triggers in paragraph (9)(a)2. The system must comply with any expedited actions or additional actions required by the Division in the case of an *E. coli* MCL violation.

(i) The system must ensure that a Level 2 assessment is completed by the Division or by a party approved by the Division as soon as practical after any trigger in paragraph (9)(a)2. The system must submit a completed Level 2 assessment form to the Division within 30 days after the system learns that it has exceeded a trigger. The assessment form must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified.

(ii) The system may conduct Level 2 assessments if the system has staff or management with the certification or qualifications specified by the Division unless otherwise directed by the Division.

(iii) If the Division reviews the completed Level 2 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Division must consult with the system. If the Division requires revisions after consultation, the system must submit a revised assessment form to the Division on an agreed-upon schedule not to exceed 30 days.

(iv) Upon completion and submission of the assessment form by the system, the Division must determine if the system has identified a likely cause for the Level 2 trigger and determine whether the system has corrected the problem, or has included a schedule acceptable to the Division for correcting the problem.

(c) *Corrective action.* Systems must correct sanitary defects found through either Level 1 or 2 assessments conducted under paragraph (9)(b). For corrections not completed by the time of submission of the assessment form, the system must complete the corrective action(s) in compliance with a timetable approved by the Division in consultation with the system. The system must notify the Division when each scheduled corrective action is completed.

(d) *Consultation.* At any time during the assessment or corrective action phase, either the water system or the Division may request a consultation with the other party to determine the appropriate actions to be taken. The system may consult with the Division on all relevant information that may impact on its ability to comply with a requirement of this Rule, including the method of accomplishment, an appropriate timeframe, and other relevant information.

(10) Violations.

(a) *E. coli MCL Violation.* A system is in violation of the MCL for *E. coli* when any of the following conditions occur:

1. The system has an *E. coli*-positive repeat sample following a total coliform-positive routine sample.
2. The system has a total coliform-positive repeat sample following an *E. coli*-positive routine sample.
3. The system fails to take all required repeat samples following an *E. coli*-positive routine sample.
4. The system fails to test for *E. coli* when any repeat sample tests positive for total coliform.

(b) *Treatment technique violation.*

1. A treatment technique violation occurs when a system exceeds a treatment technique trigger specified in paragraph (9)(a) and then fails to conduct the required assessment or corrective actions within the timeframe specified in paragraphs (9)(b) and (9)(c).
2. A treatment technique violation occurs when a seasonal system fails to complete a Division-approved start-up procedure prior to serving water to the public.

(c) *Monitoring violations.*

1. Failure to take every required routine or additional routine sample in a compliance period is a monitoring violation.

2. Failure to analyze for *E. coli* following a total coliform-positive routine sample is a monitoring violation.

(d) Reporting violations.

1. Failure to submit a monitoring report or completed assessment form after a system properly conducts monitoring or assessment in a timely manner is a reporting violation.

2. Failure to notify the Division following an *E. coli*-positive sample as required by paragraph (8)(b)1. in a timely manner is a reporting violation.

3. Failure to submit certification of completion of Division-approved start-up procedure by a seasonal system is a reporting violation.

(11) Reporting and Recordkeeping.

(a) Reporting.

1. *E. coli*.

(i) A system must notify the Division by the end of the day when the system learns of an *E. coli* MCL violation, unless the system learns of the violation after the Division office is closed and the Division does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the Division before the end of the next business day, and notify the public in accordance with Rule [391-3-5-.32](#).

(ii) A system must notify the Division by the end of the day when the system is notified of an *E. coli*-positive routine sample, unless the system is notified of the result after the Division office is closed and the Division does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the Division before the end of the next business day.

2. A system that has violated the treatment technique for coliforms in paragraph (9) must report the violation to the Division no later than the end of the next business day after it learns of the violation, and notify the public in accordance with Rule [391-3-5-.32](#).

3. A system required to conduct an assessment under the provisions of paragraph (9) must submit the assessment report within 30 days. The system must notify the Division in accordance with paragraph (9)(c) when each scheduled corrective action is completed for corrections not completed by the time of submission of the assessment form.

4. A system that has failed to comply with a coliform monitoring requirement must report the monitoring violation to the Division within 10 days after the system discovers the violation, and notify the public in accordance with Rule [391-3-5-.32](#).

5. A seasonal system must certify, prior to serving water to the public, that it has complied with the Division-approved start-up procedure.

(b) Recordkeeping.

1. The system must maintain any assessment form, regardless of who conducts the assessment, and documentation of corrective actions completed as a result of those assessments, or other available summary documentation of the sanitary defects and corrective actions taken under paragraph (9) for Division review. This record must be maintained by the system for a period not less than five years after completion of the assessment or corrective action.

2. The system must maintain a record of any repeat sample taken that meets Division criteria for an extension of the 24-hour period for collecting repeat samples as provided for under paragraph (8)(a)1.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.55

AUTHORITY: O.C.G.A. § [12-5-170](#) *et seq.*

HISTORY: Original Rule entitled "Revised Total Coliform Rule" adopted. F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Department 464. GEORGIA PEACE OFFICER STANDARDS AND TRAINING COUNCIL

Chapter 464-8. HEARINGS

464-8-.01 Requests to be Heard. Amended

Upon service of notice of adverse action, an officer or applicant, within thirty (30) calendar days, must request to be heard and, under oath, answer and respond to the notice of adverse action by either admitting or denying each and every allegation presented in the case summary attached to the notice of adverse action, or said adverse action becomes final. All allegations which are not specifically answered are deemed to be admitted. A request to be heard is defined as a clear written expression by the affected party or authorized representative on his/her behalf to the effect that he/she wants the opportunity to contest his/her case. For the purposes of notification, mailing by certified mail to the last address specified on the application or the last known address of the officer or applicant on the POST Data Gateway system shall constitute proper service. Accompanying the request for hearing and answer to each allegation under oath, the officer or applicant must include the fee set by Council to have his/her case reviewed at a pre-hearing conference.

Cite as Ga. Comp. R. & Regs. R. 464-8-.01

AUTHORITY: O.C.G.A. § [35-8-7\(23\)](#).

HISTORY: Original Rule entitled "Actions Relating to Denial, Revocation or Suspension of Certification or Registration" adopted. F. July 7, 1978; eff. July 27, 1978.

Repealed: New Rule entitled "Hearing Requests" adopted. F. Mar. 2, 1988; eff. Mar. 22, 1988.

Amended: F. May 25, 1993; eff. June 14, 1993.

Repealed: New Rule of same title adopted. F. Mar. 19, 1998; eff. Apr. 8, 1998.

Repealed. New rule with same title adopted. F. Jun. 15, 2011; eff. Jul. 5, 2011.

Amended: New title "Requests to be Heard. Amended." F. Feb. 2, 2021; eff. Feb. 22, 2021.

Note: Correction of non-substantive typographical error in Rule, "**Amended:** F. Feb. 2, 2021; eff. Feb. 22, 2021." deleted, posted in error. Effective April 27, 2021.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-6. PHARMACY LICENSES

480-6-.02 Nonresident Pharmacy Permit

(1) Effective April 1, 2015, it shall be unlawful for any person, pharmacy, or facility located outside this state to ship, mail, or deliver prescription drugs orders into this state or to advertise its services, personally or through an in-state third party, unless such person, pharmacy or facility holds a pharmacy license pursuant to O.C.G.A. Section [26-4-110.1](#), or holds a nonresident pharmacy permit pursuant to O.C.G.A. Section [26-4-114.1](#), or is otherwise exempt from Georgia registration as a matter of Georgia law.

(2) Application for a non-resident pharmacy permit:

(a) Applications must be filed with the Georgia State Board of Pharmacy located at 2 Peachtree Street, NW, 6th Floor, Atlanta, Georgia 30303, along with the required fee.

(b) The Board requires information from each applicant for a nonresident pharmacy permit on its application, including but not limited to, the following:

1. The name, full business address, and telephone number of the applicant;
2. All trade or business names used by the applicant;
3. Address, telephone numbers, and the names of contact persons for each facility used by the applicant for the records, storage, handling, and distribution of prescription drugs into this state;
4. Address, telephone number and name of agent of service for the applicant;
5. The type of ownership or operations (i.e., partnership, corporation, or sole proprietorship);
6. The name(s) of the owner and/or operator of the pharmacy, including:
 - (i) If a person, the name of the person;
 - (ii) If a partnership, the name of each partner and the name of the partnership;
 - (iii) If a corporation, the name and title of each corporate officer and director, the corporate names, and the name of the incorporation, and the name of the parent company, if any; or
 - (iv) If a sole proprietorship, the full name of the sole proprietorship and the name of the business entity.
7. Where operations are conducted at more than one location by a single pharmacy, each such location shall be permitted by the Board;
8. Proof of a valid, unexpired license, permit, or registration to operate a pharmacy in the compliance with the laws and rules of each state in which the applicant receives and dispenses prescription drug orders;
9. The names and license numbers of the pharmacist-in-charge of each facility involved in dispensing drugs to residents of this state and evidence that the pharmacist(s) are licensed and in good standing in the state where they are located;
10. Information necessary to demonstrate compliance with O.C.G.A. T. 50, Ch. 36;

11. Evidence satisfactory to the Board that the applicant is in compliance with all laws and investigations from each regulatory or licensing agency in which the applicant holds a license; and

12. If dispensing sterile or nonsterile compounding for practitioners to use in patient care in the practitioner's office, a copy of the most recent inspection report that is no older than two (2) years before the date of application was submitted and which is from an inspection conducted by the regulatory or licensing agencies of the jurisdiction in which the applicant is located that indicates compliance with the Board's rules and regulations and compliance with USP-NF standards for pharmacies performing sterile and nonsterile compounding, or another inspection approved by or conducted by the Board.

(3) Registration of a nonresident pharmacy permit will be considered on the basis of the application filed with the Board, fee paid, and a report from the Director of the GDNA certifying the applicant possesses the necessary qualifications for a permit.

(4) Application fees and renewal fees shall be set by the Board in a fee schedule and shall not be refundable.

(5) Permits may be denied for failure to comply with rules of the Board, for failure to meet the minimum qualifications for a permit, for the conviction by an owner or pharmacist of a felony involving the practice of pharmacy or the distribution of drugs, for false representations on an application, and for any other good cause related to evidence of misfeasance or malfeasance by the applicant.

(6) Permits become null and void upon the sale, transfer or change of mode of operation or location of the business. Prior to the sale, transfer or change in mode of operation or the location of the business, the nonresident pharmacy may apply for such change by submitting a Board- approved application to the Board, and paying a fee. The permits of nonresident pharmacies will not become void if proper application is made and approved prior to the change.

(7) Permits are issued for two years and expire on June 30th of each odd-numbered year, and may be renewed for two years upon the payment of the required fee for each place of business and the filing of a completed application for renewal. Applicants for renewal must submit such evidence as requested by the Board including, but not limited to evidence of certain inspection reports on compounding and the status of the licenses of the pharmacy and pharmacists in the state of location. If the application for renewal is not made and the fee not paid before September 1st of the odd-numbered year, the permit shall lapse and shall not be renewed, and an application for reinstatement shall be required. Reinstatement is at the sole discretion of the Board.

(8) The denial of a nonresident pharmacy permit and the denial of the renewal of a nonresident pharmacy permit shall not be considered a contested case under the provisions of O.C.G.A. T. 50, Ch. 13, but the applicant shall be entitled to an appearance before the Board.

(9) Nonresident pharmacy permit holders shall comply with all the recordkeeping requirements of the state in which they are located and licensed for all prescriptions shipped, mailed or delivered to patients or practitioners in the State of Georgia, but shall be maintained a minimum of two (2) years. Nonresident pharmacy permit holders shall notify the Board of each location where the required records are being maintained, and such records must be readily retrievable and produced to the Board within fifteen (15) business days, upon written request.

(10) In addition to labeling requirements required by the state where the nonresident pharmacy is located, the permit holders shall label the drugs dispensed with the following minimum information:

- (a) The name and address of the dispenser;
- (b) The serial number and date of the prescription or of its filling;
- (c) The name of the prescriber;
- (d) The name of the patient;

(e) The name of the drug dispensed;

(f) The direction for use and cautionary statements; and

(g) Identification of the pharmacist filling the prescription.

(11) Nonresident pharmacy permit holders shall comply with the Board's rules and regulations on delivery of prescriptions by mail in Board Chapter 480-48.

(12) Nonresident pharmacy permit holders shall comply with the laws and rules and regulations of the state where such pharmacies are located.

(13) Nonresident pharmacy permit holders who compound drugs must comply with the federal compounding laws as required in Board Chapter 480-11.

(14) Nonresident pharmacy permit holders shall maintain a toll-free telephone number operational during the permit holder's regular hours of operation, but not less than six days per week for a minimum of 60 hours per week, in order to provide patient counseling. Such toll-free number shall be capable of receiving inbound call from patients to the permit holder, and such number shall be on file with Board and shall be included on the label affixed to each container of all dispensed and distributed drugs sent into the State of Georgia.

(15) Nonresident pharmacy permit holders must notify the Board within five (5) business days of the receipt of any final order or decision by any other licensing board or federal agency of the imposition of disciplinary action or restriction by such other licensing board or federal agency. A final order or decision includes a consent order or agreement and is any decision, regardless whether there still exists an appellate right to the state or federal courts. Any revocation or suspension of a state or federal license or permit will result in the immediate suspension of the nonresident pharmacy permit pending a final decision by the Board.

(16) Within 72 hours, nonresident permit holders must update the Board of any change in pharmacist-in-charge of shipping into Georgia by completing forms provided by the Board and including such pharmacist licensure information and criminal history. Where a criminal background check cannot be completed within the seventy-two (72 hours) contemplated by this section, nonresident pharmacy permit holders must still update the Board of any change in pharmacist-in-charge of shipping into Georgia by completing forms provided by the Board and including such pharmacist licensure information, but shall have up to fifteen (15) business days to provide criminal history information.

(17) Nonresident pharmacy permit holders shall cooperate with the Board in any investigation involving prescription drugs distributed by such permit holder into this state or related to the permit holder's compounding practices. The permit holder shall respond within ten (10) business days to all communications from the Board or its designee. Failure to respond or cooperate with the Board shall be grounds for the immediate suspension of the nonresident pharmacy permit, pending a hearing on further disciplinary action by the Board. Failure to cooperate with the Board is grounds for disciplinary action by the Board.

(18) Notices to nonresident pharmacy permit holders shall be made on the agent of record with the Board. If notices are returned as undeliverable or unclaimed, service shall be made on the Executive Director, and any disciplinary proceedings shall proceed, or if a final decision, the decision shall become effective.

(19) If, in the course of investigation of a nonresident pharmacy permit holder or applicant, an onsite inspection by the Board or its designee is required, the permit holder or applicant shall be responsible for the cost of such onsite inspection.

(20) A nonresident pharmacy permit may be revoked or suspended or otherwise disciplined for any reason that a permit may be denied, for failure to comply with this rule, for disciplinary action by other states and federal agencies, for conduct causing bodily or psychological injuries to a resident of this state, and for failure to comply with Board laws and other applicable rules as provided herein.

(21) If a nonresident pharmacy holder has an affiliate as defined by O.C.G.A. § [26-4-119](#), it shall annually file a disclosure statement identifying all such affiliates no later than June 30 every year.

Cite as Ga. Comp. R. & Regs. R. 480-6-.02

AUTHORITY: O.C.G.A. §§ [26-3-8](#), [26-4-5](#), [26-4-27](#), [26-4-28](#), [26-4-60](#), [26-4-80](#), [26-4-82](#), [26-4-83](#), [26-4-85](#), [26-4-110](#), [26-4-110.1](#), [26-4-114.1](#), [26-4-119](#), [43-1-19](#).

HISTORY: Original Rule entitled "To Provide for the Revocation and Suspensions of Licenses and Registration for Certain Causes" adopted. F. and eff. June 30, 1965.

Repealed: F. Oct. 6, 1970; eff. Oct. 26, 1970.

Adopted: New rule entitled "Nonresident Pharmacy Permit." F. Sep. 17, 2014; eff. Oct. 7, 2014.

Amended: F. Dec. 18, 2014; eff. Jan. 7, 2015.

Amended: F. Jan. 23, 2015; eff. Feb. 12, 2015.

Amended: F. June 29, 2015; eff. July 19, 2015.

Amended: F. Apr. 13, 2021; eff. May 3, 2021.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-10. RETAIL PHARMACY REGULATIONS

480-10-.02 Prescription Department, Requirement, Supervision, Hours Closed

(1) For the purpose of this rule, the following definitions shall apply:

(a) "Direct supervision" shall mean that a pharmacist is physically present, providing care at the address listed on the pharmacy license, and is in the prescription department, consultation room, vaccination room, or areas where over-the-counter drugs, devices, or durable medical equipment are displayed. The supervising pharmacist is professionally responsible and accountable for all activities performed by authorized pharmacy personnel and is available to provide assistance and direction to authorized pharmacy personnel. This shall not require a pharmacist to maintain a direct line of sight to authorized pharmacy personnel. The supervising pharmacist shall provide a final check of prepared products and document final checks before any prescription drug is dispensed.

(b) "Pharmacy care" shall mean those services related to the interpretation, evaluation, or dispensing of prescription drug orders, the participation in drug and device selection, drug administration, and drug regimen reviews, and the provision of patient counseling related thereto.

(c) "Preparation" shall mean the functions of preparing a prescription to be dispensed, including product selection, data entry into a pharmacy dispensing system, and any other functions required to have the prescription ready to be verified, checked, and dispensed by a pharmacist or pharmacy intern working under the direct supervision of a pharmacist.

(d) "Pharmacy" shall mean all areas of a facility when the prescription department is not closed or locked separately from the facility or only the area of the prescription department in those facilities where the prescription department is locked and separated.

(e) "Prescription Department" shall mean an area set aside for the preparation and dispensing of prescription drugs. In a facility offering other departments and types of merchandise not requiring a pharmacist to be open for business, this term shall apply only to the area in which prescriptions are prepared and dispensed.

(f) "Vaccination room" is an area adjacent to the pharmacy where vaccinations are administered.

(g) "Consultation room" is an area adjacent to the pharmacy where patient or customer consultations are done, and more in-depth pharmacy care may be provided.

(2) Except for pharmacy benefit manager retail pharmacies and retail pharmacies located in the same space as hospital pharmacies, the owner, manager or proprietor of each pharmacy shall designate an area, room or rooms, which shall be known as the "Prescription Department," and which is primarily devoted to activities related to prescriptions, including preparation and dispensing.

(3) A licensed pharmacist shall be in charge of each pharmacy. His or her name shall be upon the application for the license of the pharmacy; he or she shall be the pharmacist in charge of and have supervision of not more than one pharmacy at one time; and he or she shall be responsible and accountable for the conduction of business related to prescriptions within and access to said retail pharmacy.

(a) This regulation is not intended to prohibit any pharmacist from engaging in the practice of pharmacy at more than one pharmacy, if conducted in compliance with the other provisions of this rule and regulation.

(b) This regulation does not prohibit a pharmacist from being in charge of one separately licensed Home Health Care Pharmacy, as defined by Board Rule 480-21, and/or one Nursing Home Pharmacy, and/or one Long Term

Health Care Facility Pharmacy, as both are defined in Board Rule 480-24, in addition to being in charge of a retail pharmacy, licensed under Rule 480-10, as long as each pharmacy is operated under the same ownership and is located under the same roof, provided that there is a physical separation of the two pharmacies and separate inventories are maintained for the two pharmacies.

(4) Except for pharmacy benefit manager retail pharmacies and retail pharmacies located in the same space as hospital pharmacies, a Licensed Pharmacist shall be present and on duty in a licensed retail pharmacy as follows:

(a) Entire business establishments which are licensed under O.C.G.A. § [26-4-110](#) as a pharmacy shall have a pharmacist on duty at all times the pharmacy is open for business as follows:

1. Such times when the pharmacist is absent from the pharmacy cannot exceed three (3) hours daily, or more than one and one half (1 1/2) hours at any one time. If a pharmacist is absent less than five minutes from the prescription department, this absence is not considered an "absence" within the meaning of this rule and will not require a posted notice, provided that the prescription department's security is not compromised.

2. In the absence of a pharmacist from the pharmacy, the area designated as the prescription department shall be closed and locked in such a manner as to prevent unauthorized entry; and

3. Whenever the pharmacist is absent from the pharmacy, a sign shall be prominently displayed on the entrance to the prescription department announcing "Prescription Department Closed" and such sign shall be clear and legible with letters not less than three (3) inches in size.

4. The pharmacist on duty shall be responsible and accountable for the direct supervision of all personnel working in the pharmacy or prescription department. Pharmacy technicians and pharmacy interns/externs can continue preparation of a prescription when the pharmacist is in the immunization or consultation room or is providing pharmacy care services.

(b) If a pharmacy is located in a general merchandising establishment, or if the owner of a business licensed as a pharmacy so chooses, a portion of the space in the business establishment may be set aside and permanently enclosed or otherwise secured; only the permanently enclosed area shall be subject to provisions of this rule and shall be licensed as a pharmacy;

1. In such cases, the area to be licensed or registered as a pharmacy shall be permanently enclosed with a partition built from the floor to the ceiling or in a manner which meets security guidelines submitted to and approved by the Board and upon inspection by the GDNA;

2. In the absence of a pharmacist from the Prescription Department, consultation room, vaccination room, and area where over-the-counter drugs, devices, and durable medical equipment are displayed, the area designated as the Prescription Department shall be closed and locked in such a manner as to prevent unauthorized entry; and

3. Whenever the pharmacist is absent from the Prescription Department, consultation room, vaccination room, and area where over-the-counter drugs, devices, and durable medical equipment are displayed, a sign shall be prominently displayed on the entrance to the Prescription Department announcing "Prescription Department Closed" and such sign shall be clear and legible with letters not less than three (3) inches in size.

4. If a pharmacist is absent less than five minutes from the prescription department, this absence is not considered an "absence" within the meaning of this rule and will not require a posted notice, provided that the prescription department's security is not compromised. No prescription shall be dispensed in the absence of a licensed pharmacist. The pharmacist on duty shall be responsible and accountable for the direct supervision of all personnel working in the pharmacy or prescription department. Pharmacy technicians and pharmacy interns/externs can continue preparation of a prescription when the pharmacist is in the immunization or consultation room or is providing pharmacy care services.

(5) If a retail pharmacy license and hospital pharmacy license occupy the same physical space, nothing shall prohibit one nursing supervisor from having access to the pharmacy in accordance with Board Rule [480-13-.04\(8\)](#).

Cite as Ga. Comp. R. & Regs. R. 480-10-.02

AUTHORITY: O.C.G.A. §§ [26-4-27](#), [26-4-28](#), [26-4-82](#), [26-4-110](#), [26-4-110.1](#)

HISTORY: Original Rule entitled "Prescription Department, Requirement, Supervision, Hours Closed" adopted. F. Oct. 6, 1970; eff. Oct. 26, 1970.

Amended: F. Oct. 6, 1976; eff. Oct. 26, 1976.

Amended: F. Aug. 12, 1997; eff. Sept. 1, 1997.

Repealed: New Rule of same title adopted. F. Mar. 5, 2003; eff. Mar. 25, 2003.

Amended: F. May 1, 2003; eff. May 21, 2003.

Amended: F. May 24, 2017; eff. June 13, 2017.

Amended: F. Apr. 13, 2021; eff. May 3, 2021.

480-10-.12 Minimum Equipment for Prescription Departments

(1) No pharmacy licensed in accordance with O.C.G.A. T. 26, Ch. 4, shall engage in the practice of filling, compounding or dispensing prescriptions unless it shall possess the following items:

(a) Copies of and/or computer or electronic access to current reference materials appropriate to the individual pharmacy practice. These reference materials shall be authoritative on at least the topics of drug interactions; patient counseling; compounding and pharmaceutical calculations; and generic substitution.

(b) The telephone number of a poison control center. This number shall be conspicuously posted within the prescription department.

(c) Current copies of and/or computer or electronic access to the following:

1. Georgia Pharmacy Practice Act, O.C.G.A. T. 26, Ch. 4;
2. Georgia Controlled Substances Act & Dangerous Drug Act, O.C.G.A. T. 16, Ch. 13; and
3. Official Rules of the Georgia State Board of Pharmacy.

(d) Equipment (appliances):

1. Refrigerator in operating condition with a thermometer; and
2. Sink in working condition with both hot and cold running water.

(e) Weighing and labeling:

1. If compounding onsite using components which must be weighed, Class A Balance with an assortment of metric weights or a Class I or II Electronic Balance;
2. Appropriate prescription labels consistent with the requirements of the Georgia Drug and Cosmetic Act, O.C.G.A. Title 26, Chapter 3; and

3. Appropriate auxiliary labels that should be used in the pharmacist's professional judgment.

(f) Other equipment:

1. Graduates of assorted sizes;
2. Two mortars and pestles of assorted sizes;
3. Two spatulas;
4. One pill counting tray;
5. Ointment slab, tile or ointment paper pad;
6. Stirring rods;
7. Typewriter, word processor or computer with label-printer; and
8. Any other equipment necessary for a specialized practice setting where such a specialized practice takes place.

(g) Adequate supply of drugs most commonly prescribed (ONLY to be on hand after a permit has been issued by the Board).

(h) Assorted sizes and types of child-resistant dispensing containers.

(2) The pharmacist-in-charge of a facility may submit to the Georgia State Board of Pharmacy a typed request for a variance to these provisions relating to minimum equipment requirements. Stated reasons for application for variances must be included in submitted request. A variance may be granted by the Board only when, in the judgment of the Board, there are sound reasons for doing so which relate to the necessary or efficient delivery of health care.

(a) Any variance granted by the Board must be in writing, and this variance must be posted in the pharmacy next to the current Board issued permit/renewal certificate.

Cite as Ga. Comp. R. & Regs. R. 480-10-.12

AUTHORITY: O.C.G.A. §§ 16-3-16, [26-3-8](#), [26-4-27](#), [26-4-28](#), [26-4-110](#), [50-13-9.1](#).

HISTORY: Original Rule entitled "Minimum Equipment for Prescription Department" adopted. F. Oct. 6, 1970; eff. Oct. 26, 1970.

Repealed: New Rule of same title adopted. F. Sept. 7, 1993; eff. Sept. 27, 1993.

Repealed: New Rule of same title adopted. F. Mar. 5, 2003; eff. Mar. 25, 2003.

Amended: F. Apr. 20, 2021; eff. May 10, 2021.

480-10-.18 Pharmacy Anti-Steering and Transparency Act and Affiliates

If a retail pharmacy has an affiliate as defined by O.C.G.A. § [26-4-119](#), it shall annually file a disclosure statement identifying all such affiliates no later than June 30 every year.

Cite as Ga. Comp. R. & Regs. R. 480-10-.18

AUTHORITY: O.C.G.A. § [26-4-119](#).

HISTORY: Original Rule entitled "Utilization of Unused Prescription Drugs" adopted. F. Sept. 17, 2007; eff. Oct. 7, 2007.

Repealed: F. May 24, 2017; eff. June 13, 2017.

Adopted: New Rule entitled "Pharmacy Anti-Steering and Transparency Act and Affiliates." F. Apr. 13, 2021; eff. May 3, 2021.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-11. PHARMACEUTICAL COMPOUNDING

480-11-.04 Facilities and Equipment

(1) Facilities.

(a) Pharmacies engaging in compounding shall have an adequate area for the orderly compounding of prescriptions, including the placement of equipment and materials. The drug compounding area for sterile preparations shall be separate and distinct from the area used for the compounding of non-sterile drug preparations. The area(s) used for compounding of drugs shall be maintained in a good state of repair.

(b) Bulk drugs and other chemicals or materials used in the compounding of prescription drug orders must be stored in adequately labeled containers in a clean, dry area or, if required, under proper refrigeration.

(c) Adequate lighting and ventilation shall be provided in all drug-compounding areas. Potable water shall be supplied under continuous positive pressure in a plumbing system free of defects that could contribute to contamination of any compounded drug preparation. Adequate washing facilities, easily accessible to the compounding area(s) of the pharmacy shall be provided. These facilities shall include, but not be limited to, hot and cold water, soap or detergent, and air dryers or single-use towels.

(d) Sewage, trash, and other refuse in and from the pharmacy and immediate drug compounding area(s) shall be disposed of in a safe and sanitary manner.

(2) Equipment.

(a) Equipment used in the compounding of drug preparation shall be of appropriate design, appropriate capacity, and suitably located to facilitate operations for its intended use and for its cleaning and maintenance. Equipment used in the compounding of drug preparations shall be of suitable composition so that surfaces that contact components, in-process materials, or drug preparations shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug preparation beyond that desired.

(b) Equipment and utensils used for compounding shall be cleaned and sanitized immediately prior to use to prevent contamination that would alter the safety, identity, strength, quality, or purity of the drug preparation beyond that desired. In the case of equipment, utensils, and containers/closures used in the compounding of sterile drug preparations, cleaning, sterilization, and maintenance procedures as set forth in Board Rules.

(c) Equipment and utensils used for compounding drugs must be stored in a manner to protect them from contamination. Immediately prior to the initiation of compounding operations, they must be inspected by the pharmacist and determined to be suitable for use.

(d) Automatic, mechanical, electronic, or other types of equipment other than commercial scale manufacturing or testing equipment, may be used in the compounding of drug preparations. If such equipment is used, it shall be routinely inspected, calibrated (if necessary), or checked to ensure proper performance.

(3) Physical requirements for pharmacies compounding sterile parenteral preparations.

(a) A pharmacy compounding or preparing sterile parenteral preparations shall have a designated area for preparing compounded, sterile parenteral preparations as defined in USP 797. This area shall be physically separate from other areas and should be designed to avoid unnecessary traffic and airflow disturbances. It shall be used only for the preparation of sterile parental preparations.

(b) Equipment and supplies for compounding sterile parenteral preparations. A pharmacy compounding sterile parenteral preparations shall have the following minimum equipment and supplies:

1. Laminar airflow hood (ISO 5) located within a clean room, or barrier isolator as described in USP 797.
2. Infusion pumps, if appropriate.
3. Sink, in working condition, with hot and cold running water, which is convenient to the compounding area for the purpose of hand scrubs prior to compounding.
4. Facility for light/dark field examination.
5. Appropriate disposal containers for used needles, syringes, etc., and if applicable, cytotoxic waste from the preparation of chemotherapy agents.
6. A Class II, vertical flow biological safety cabinet or appropriate barrier isolator, if chemotherapy agents are routinely prepared.
7. Refrigerator/freezer in working condition.
8. If compounding onsite using components which must be weighed, Class A Balance with an assortment of metric weights or a Class I or II Electronic Balance.
9. Disposable needles, syringes and other supplies needed for aseptic admixture.
10. Disinfectant cleaning solutions.
11. Handwashing agent with bactericidal action.
12. Disposable, lint free towels or an automatic hand dryer.
13. Appropriate filters and filtration equipment.
14. Disposable masks and sterile, disposable gloves, gowns, hair and shoe covers and goggles when indicated.
15. An oncology drug spill kit, if chemotherapy agents are routinely prepared.
16. For the purpose of emergency or immediate patient care, compounded sterile preparations are exempted from the requirements as outlined in USP 797.

(4) Minimum equipment for pharmacies compounding non-sterile preparations.

(a) A compounding pharmacy must have all equipment required of a pharmacy in Chapter 480-10 of the Board Rules.

(b) Additionally, a compounding pharmacy must have the appropriate equipment for use in compounding as defined in USP Chapters 795 and 797.

(5) References. In addition to references required of a pharmacy, pharmacies compounding sterile pharmaceuticals shall also have a current edition of or electronic access to an established reference on IV stability and incompatibility, such as, Handbook on Injectable Drugs or King's Guide to Parenteral Admixtures, current Federal requirements for sterile compounding and other reference material including but not limited to:

(a) "USP Pharmacists Pharmacopeia",

(6) Variances.

(a) The pharmacist-in-charge may submit to the Georgia State Board of Pharmacy a typed request for a variance to the provisions relating to minimum equipment requirements. The reasons for the request for a variance must be included in the submitted request. A variance shall be granted by the Board only when, in the judgment of the Board, there are sound reasons for doing so that relate to the necessary or efficient delivery of health care. After consideration by the Board, the requestor will be notified of the Board's decision in writing.

(b) If approved, said letter(s) will serve as proof of the Board's approval for the variance indicated in the letter, and must be posted next to the inspection report.

Cite as Ga. Comp. R. & Regs. R. 480-11-.04

AUTHORITY: O.C.G.A. §§ [26-4-5](#), [26-4-27](#), [26-4-28](#), [26-4-86](#), [26-4-110](#).

HISTORY: Original Rule entitled "Facilities and Equipment" adopted. F. Apr. 19, 2004; eff. May 9, 2004.

Repealed: New Rule of same title adopted. F. Nov. 22, 2006; eff. Dec. 12, 2006.

Amended: F. Apr. 13, 2021; eff. May 3, 2021.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-18. OPIOID TREATMENT PROGRAM CLINIC PHARMACIES

480-18-.05 Physical Requirements and Equipment

(1) Physical Area. An OTP clinic pharmacy shall have within the clinic which it serves, sufficient floor space allocated to it to insure that drugs are prepared in sanitary, well-lighted and enclosed space, and which meet the other requirements of this section, the Georgia Pharmacy laws, and other applicable state and federal laws and rules. Such space shall be at a minimum 150 square feet. Such space shall include all areas which are assigned and under the direct control of the Director.

(2) Minimum equipment. No OTP clinic pharmacy licensed in accordance with O.C.G.A. Title 26, Ch. 4 shall engage in the practice of filling, compounding or dispensing prescription drugs for an OTP Clinic unless it shall possess the following items:

(a) Copies of and/or electronic access to current reference materials appropriate to the practice of pharmacy related to OTP. These reference materials shall be authoritative on at least the topics of drug interactions; patient counseling; compounding and pharmaceutical calculations; and generic substitution.

(b) Authoritative, current antidote information as well as the telephone number of the regional poison control information center shall be posted or readily available in areas both inside and outside of the pharmacy where drugs are stored or patients are being cared for.

(c) Current copies or electronic or computer access to the following:

1. The Georgia Pharmacy Practice Act/Drug and Cosmetic Act, O.C.G.A. §§ 26-4 and 26-3;
2. The Georgia Controlled Substances Act/Dangerous Drug Act, O.C.G.A. § 16-13;
3. The official rules of the Georgia State Board of Pharmacy.

(d) Equipment:

1. Sink in working condition with both hot and cold running water;
2. Two spatulas;
3. One oral solid counting tray;
4. Typewriter, word processor or computer with label printer;
5. A refrigerator in working order with a thermometer.
6. Any other equipment the Board may deem necessary for a specialized practice setting where such a specialized practice takes place.

(e) Weighing and labeling:

1. Appropriate prescription labels consistent with the requirements of O.C.G.A. §§ 16-13, 26-3 and 26-4; and

2. Appropriate auxiliary labels that should be used in the pharmacist's professional judgement.
 3. If compounding onsite using components which must be weighed, Class A Balance with an assortment of metric weights or a Class I or II Electronic Balance.
- (f) An adequate supply of drugs used in an OTP Clinic setting.
- (g) Assorted sizes and types of appropriate dispensing containers.
- (3) The Director in an OTP clinic pharmacy may submit to the Board a typed request for a variance to the provisions relating to the minimum equipment requirements.
- (a) The reason for requesting each variance must be included in the typed request;
- (b) A variance shall be granted by the Board only when, in the judgement of the Board, there are sound reasons for doing so which relate to the necessary or efficient delivery of health care.
- (c) Any variance granted by the Board shall be in writing, and the variance must be posted in the pharmacy next to the current Board issued license certificate.

Cite as Ga. Comp. R. & Regs. R. 480-18-.05

AUTHORITY: O.C.G.A. §§ [16-13-34](#), [26-4-27](#), [26-4-28](#), [26-4-110](#), [26-4-111](#).

HISTORY: Original Rule entitled "Physical Requirements and Equipment" adopted. F. Feb. 25, 2002; eff. Mar. 17, 2002.

Amended: F. Apr. 13, 2021; eff. May 3, 2021.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-33. OUTPATIENT CLINIC PHARMACIES

480-33-.05 Physical Requirements

(1) Area. An outpatient clinic pharmacy shall have within the clinic which it serves, sufficient floor space allocated to it to insure that drugs are prepared in sanitary, well-lighted and enclosed places, and which meet the other requirements of this section and the Georgia Pharmacy Laws. The outpatient clinic pharmacy space requirements shall be a minimum of 150 square feet. Such space shall include all areas which are assigned and under the direct control of the pharmacist-in-charge.

(2) Minimum Equipment. No outpatient clinic pharmacy licensed in accordance with Title 26, Chapter 4 of the Official Code of Georgia Annotated shall engage in the practice of filing, compounding or dispensing prescription drugs unless it shall possess the following items:

(a) Copies of and/or electronic access to current reference materials appropriate to the individual pharmacy practice. These reference materials shall be authoritative on at least the topics of drug interactions; patient counseling; compounding and pharmaceutical calculations; and generic substitution.

(b) The telephone number of a poison control center. This number shall be conspicuously posted within the pharmacy and at other locations within the clinic facility.

(c) Current copies of or computer or electronic access to the following:

1. The Georgia Pharmacy Practice Act, O.C.G.A. Title 26, Chapter 4;
2. The Georgia Controlled Substances Act/Dangerous Drug Act, O.C.G.A. Title 16, Chapter 13;
3. Official Rules of the Georgia State Board of Pharmacy.

(d) Equipment (appliances):

1. Refrigerator in operating condition and a thermometer; and
2. Sink in working condition with both hot and cold running water.

(e) Weighing and labeling:

1. If compounding onsite using components which must be weighed, Class A Balance with an assortment of metric weights or a Class I or II Electronic Balance;
2. Appropriate prescription labels consistent with the requirements of the Georgia Drug and Cosmetic Act, O.C.G.A. Title 26, Chapter 3; and
3. Appropriate auxiliary labels that should be used in the pharmacist's professional judgment.

(f) Other equipment;

1. Graduates of assorted sizes;
2. Two mortars and pestles of assorted sizes;

3. Two spatulas;
4. One oral solid counting tray;
5. Ointment slab, tile or ointment paper pad;
6. Typewriter, word processor or computer with label printer; and
7. Any other equipment necessary for a specialized practice setting where such a specialized practice takes place.

(g) Adequate supply of drugs most commonly prescribed.

(h) Assorted sizes and types of appropriate dispensing containers.

(3) Variances.

(a) The pharmacist-in-charge in an outpatient clinic facility may submit to the Georgia State Board of Pharmacy a typed request for a variance to these provisions relating to minimum equipment requirements. The reasons for the request for the variance must be included in the submitted request. A variance may be granted by the Board only when, in the judgment of the Board, there are sound reasons for doing so that relate to the necessary or efficient delivery of health care. After consideration by the Board, the requester will be notified of the Board's decision in writing.

(b) If approved, said letter(s) will serve as the proof of the Board's approval for the variances indicated in the letter, and must be posted next to the facility's inspection report.

(4) The compounding, admixture, and quality control of large volume parenterals is the responsibility of a pharmacist and shall be prepared under a laminar flow hood within the pharmacy. Other licensed healthcare professionals who are authorized by law to prepare or administer large volume parenterals must have special training to do so. These functions of compounding shall be done primarily by the pharmacy department with exceptions allowed for specialty-care areas, emergency situations, and during unattended hours of the pharmacy department. The pharmacist-in-charge shall be responsible for providing written guidelines and for approving the procedure to assure that all pharmaceutical requirements are met when any part of the above functions (preparing, sterilizing and labeling parenteral medications and solutions) is performed within the clinic by other licensed healthcare professionals who are authorized by law to prepare parenteral medications and solutions.

(5) Storage. All drugs shall be stored in designated areas within the clinic pharmacy which are sufficient to insure proper sanitation, temperature, light, ventilation, moisture control, segregation, and security. Drug storage areas shall be locked or otherwise secured when health care professionals are not present.

(6) Controlled drug storage for Schedule II drugs. An enclosed controlled room or space with limited access capable of showing forced entry is preferable. However, a safe or metal cabinet that can be locked and that is permanently affixed to the structure is acceptable.

(7) Unattended areas. Whenever any area of a clinic pharmacy is not under the personal and direct supervision of authorized personnel, such areas shall be locked.

(8) Security. All areas occupied by a clinic pharmacy shall be capable of being locked by key or combination, so as to prevent access by unauthorized personnel by force. The director of pharmacy shall designate in writing, the name and specific area, of persons who shall have access to particular areas within the pharmacy. These areas shall meet the security requirements of Federal and State Laws and Regulations. Only those persons so authorized shall be permitted to enter these areas.

Cite as Ga. Comp. R. & Regs. R. 480-33-.05

AUTHORITY: O.C.G.A. §§ [26-4-27](#), [26-4-28](#), [26-4-37](#), [26-4-100](#), [26-4-110](#), [26-4-111](#), [50-13-9.1](#).

HISTORY: Original Rule entitled "Physical Requirements" adopted. F. June 7, 1995; eff. June 27, 1995.

Amended: F. Sept. 19, 1998; eff. Oct. 19, 1998.

Repealed: New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

Amended: F. Apr. 13, 2021; eff. May 3, 2021.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-36. RETAIL PHARMACY REQUIREMENTS FOR REMOTE PRESCRIPTION DRUG ORDER PROCESSING

480-36-.03 Personnel and Supervision

(1) The primary dispensing pharmacy shall have a licensed pharmacist on site during business hours and his/her shall duties shall include the verification of the validity of all prescriptions. Such pharmacist shall be responsible for obtaining and recording all information needed. This shall include but not be limited to the following patient information: biographical information, medication history, drug allergies, and other information as required. Pharmacy technicians and pharmacy interns/externs may assist a pharmacist located at the primary dispensing pharmacy with remote prescription drug order processing. Such pharmacies shall comply with Georgia laws and rules set forth pertaining to ratios and the supervision of pharmacy technicians and pharmacy interns/externs.

(2) The secondary remote entry pharmacy shall have a pharmacist on duty, licensed in this State, who is physically present and personally supervising all pharmacy activities. Remote prescription drug order processing in a retail pharmacy without the direct supervision of a pharmacist is prohibited.

(3) Pharmacy technicians and pharmacy interns/externs may assist a pharmacist located at the secondary remote entry pharmacy with remote prescription drug order processing. Such pharmacies shall comply with Georgia laws and rules set forth pertaining to ratios and the supervision of pharmacy technicians and pharmacy interns/externs.

(4) The pharmacist on duty at the secondary remote entry pharmacy shall be responsible for assuring the accuracy of prescriptions for which he/she performed or supervised remote prescription drug order processing. This responsibility shall exclude the compounding, preparation, dispensing, and counseling for prescriptions for which he/she has performed remote prescription drug order processing. The pharmacist shall verify the data entered into the computer system is consistent with the prescription. The pharmacist shall conduct a drug regimen review for each prescription. Any activity requiring the exercise of professional judgment shall be performed by the pharmacist on duty and shall not be delegated to pharmacy technicians. The pharmacist on duty at the secondary remote entry pharmacy shall be responsible for verification of all activities performed by pharmacy technicians, or pharmacy interns/externs.

Cite as Ga. Comp. R. & Regs. R. 480-36-.03

AUTHORITY: O.C.G.A. §§ [26-4-4](#), [26-4-5](#), [26-4-27](#), [26-4-28](#), [26-4-60](#), [26-4-80](#), [26-4-82](#), [26-4-83](#), [26-4-110](#).

HISTORY: Original Rule entitled "Personnel and Supervision" adopted. F. Feb. 21, 2011; eff. Mar. 13, 2011.

Amended: F. Apr. 13, 2021; eff. May 3, 2021.

Department 513. RULES OF PUBLIC RETIREMENT SYSTEMS

Chapter 513-1. EMPLOYEES' RETIREMENT SYSTEM OF GEORGIA

Subject 513-1-1. ADMINISTRATIVE RULES

513-1-1-.05 Post-Retirement Benefit Adjustment

(1) "Post-retirement benefit adjustment" shall not include any increases in member's retirement benefit associated with the type of optional form of payment selected at retirement.

(2) Each January 1 and July 1, post-retirement benefit adjustment may be granted to each beneficiary who has attained age forty-five (45) and has been retired at least seven (7) months. The post-retirement benefit adjustment may be granted to beneficiaries who are receiving a disability allowance regardless of age. An increase not to exceed one and one-half percent (1.5%) may be made and shall apply only to the current retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(3) An ad hoc benefit adjustment may be granted based upon provisions adopted by the Board of Trustees and shall apply to the retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(4) Any increase in benefit shall become effective only if the necessary appropriations/funds are available to maintain the actuarial soundness of the System.

(5) A member who becomes or became a member of this retirement system on or after July 1, 2009 shall not be entitled to receive any post-retirement benefit adjustment.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.05

AUTHORITY: O.C.G.A. §§ [47-2-20](#), 47-2-29.

HISTORY: Original Rule entitled "Post-Retirement Cost-of-Living Adjustments" was filed on July 17, 1987; effective August 6, 1987.

Repealed: New Rule, same title, adopted. F. Mar. 24, 1992; eff. Apr. 13, 1992.

Amended: F. Dec. 22, 1993; eff. Jan. 11, 1994.

Amended: F. Mar. 19, 1999; eff. Apr. 8, 1999.

Amended: New title "Post-Retirement Benefit Adjustment." F. Apr. 15, 2021; eff. May 5, 2021.

513-1-1-.08 Membership Eligibility

Eligibility for first-time ERS membership requires an employee to be employed with an eligible employer working at least 35 hours per week for a minimum of 9 months per calendar year.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.08

AUTHORITY: O.C.G.A. § [47-2-1\(23\)](#).

HISTORY: Original Rule entitled "Membership Eligibility" adopted. F. Apr. 15, 2021; eff. May 5, 2021.

Department 513. RULES OF PUBLIC RETIREMENT SYSTEMS

Chapter 513-2. PUBLIC SCHOOL EMPLOYEES RETIREMENT SYSTEM

Subject 513-2-1. RULES OF GENERAL APPLICABILITY

513-2-1-.02 Post-Retirement Benefit Adjustment

(1) "Post-retirement benefit adjustment" shall not include any increases in member's retirement benefit associated with the type of optional form of payment selected at retirement.

(2) Each January 1 and July 1, a post-retirement benefit adjustment may be granted to each beneficiary who has attained age forty-five (45) and has been retired at least seven (7) months. The post-retirement benefit adjustment may be granted to beneficiaries who are receiving a disability allowance regardless of age. An increase not to exceed one and one-half percent (1.5%) may be made and shall apply only to the current retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(3) An ad hoc benefit adjustment may be granted based upon provisions adopted by the Board of Trustees and shall apply to the retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(4) Any increase in benefit shall become effective only if the necessary appropriations/funds are available to maintain the actuarial soundness of the System.

Cite as Ga. Comp. R. & Regs. R. 513-2-1-.02

AUTHORITY: O.C.G.A. §§ [47-4-25](#), [47-4-105](#).

HISTORY: Original Rule entitled "Post-Retirement Benefit Adjustment" adopted. F. Apr. 15, 2021; eff. May 5, 2021.

Department 513. RULES OF PUBLIC RETIREMENT SYSTEMS
Chapter 513-3. GEORGIA LEGISLATIVE RETIREMENT SYSTEM
Subject 513-3-1. RULES OF GENERAL APPLICABILITY

513-3-1-.02 Post-Retirement Benefit Adjustment

(1) "Post-retirement benefit adjustment" shall not include any increases in member's retirement benefit associated with the type of optional form of payment selected at retirement.

(2) Each January 1 and July 1, a post-retirement benefit adjustment may be granted to each beneficiary who has attained age forty-five (45) and has been retired at least seven (7) months. The post-retirement benefit adjustment shall apply uniformly and equally to all members. An increase shall apply only to the current retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(3) An ad hoc benefit adjustment may be granted based upon provisions adopted by the Board of Trustees and shall apply to the retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(4) Any increase in benefit shall become effective only if the necessary appropriations/funds are available to maintain the actuarial soundness of the System.

(5) A member who becomes or became a member of this retirement system on or after July 1, 2009 shall not be entitled to receive any post-retirement benefit adjustment.

Cite as Ga. Comp. R. & Regs. R. 513-3-1-.02

AUTHORITY: O.C.G.A. § [47-6-80](#).

HISTORY: Original Rule entitled "Post-Retirement Benefit Adjustment" adopted. F. Apr. 15, 2021; eff. May 5, 2021.

Department 513. RULES OF PUBLIC RETIREMENT SYSTEMS

Chapter 513-16. GEORGIA JUDICIAL RETIREMENT SYSTEM

Subject 513-16-1. RULES OF GENERAL APPLICABILITY

513-16-1-.01 Organization

- (1) The mailing address of the Georgia Judicial Retirement System is Two Northside 75, Atlanta, Georgia 30318.
- (2) All correspondence respecting rules and regulations consistent with the requirements of Code Section [47-1-10](#) is to be directed to the Director of the Board of Trustees of the Georgia Judicial Retirement System of Georgia.

Cite as Ga. Comp. R. & Regs. R. 513-16-1-.01

AUTHORITY: O.C.G.A. § [47-1-10](#).

HISTORY: Original Rule entitled "Organization" adopted. F. Apr. 15, 2021; eff. May 5, 2021.

513-16-1-.02 Post-Retirement Benefit Adjustment

- (1) "Post-retirement benefit adjustment" shall not include any increases in member's retirement benefit associated with the type of optional form of payment selected at retirement.
- (2) Each January 1 and July 1, a post-retirement benefit adjustment may be granted to each beneficiary who has attained age forty-five (45) and has been retired at least seven (7) months. The post-retirement benefit adjustment may be granted to beneficiaries who are receiving a disability allowance regardless of age. An increase shall apply only to the current retirement allowance not in excess of the Social Security wage base as established for that calendar year.
- (3) An ad hoc benefit adjustment may be granted based upon provisions adopted by the Board of Trustees and shall apply to the retirement allowance not in excess of the Social Security wage base as established for that calendar year.
- (4) Any increase in benefit shall become effective only if the necessary appropriations/funds are available to maintain the actuarial soundness of the System.
- (5) A member who becomes or became a member of this retirement system on or after July 1, 2009 shall not be entitled to receive any post-retirement benefit adjustment.

Cite as Ga. Comp. R. & Regs. R. 513-16-1-.02

AUTHORITY: O.C.G.A. § [47-23-21](#).

HISTORY: Original Rule entitled "Post-Retirement Benefit Adjustment" adopted. F. Apr. 15, 2021; eff. May 5, 2021.

Department 546. REGISTRATION OF IMMIGRATION ASSISTANCE PROVIDERS

Chapter 546-1. APPLICATIONS

546-1-.03 Applications for Military Spouses and Transitioning Service Members

1) As used in this rule, the following terms shall mean:

- a) "Military" means the United States armed forces, including the National Guard.
- b) "Military spouse" means a spouse of a service member or transitioning service member.
- c) "Service member" means an active or reserve member of the armed forces, including the National Guard.
- d) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

2) Notwithstanding any other provisions of law, a professional licensing board or other board shall issue an expedited license by endorsement to any individual that:

- a) Is a spouse of a service member or transitioning service member stationed within this state;
- b) Holds a current license to practice such occupation or profession issued by another state for which the training, experience, and testing are substantially similar in qualifications and scope to the requirements under this state to obtain a license;
- c) Is in good standing in such other state; and
- d) Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the profession, business, or trade for which such expedited license by endorsement is being sought.

Cite as Ga. Comp. R. & Regs. R. 546-1-.03

AUTHORITY: O.C.G.A. §§ [43-1-34](#), [43-1-34.1](#).

HISTORY: Original Rule entitled "Applications for Military Spouses and Transitioning Service Members" adopted. F. Sep. 3, 2020; eff. Sep. 23, 2020.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

Department 550. REGISTRATION OF TRAUMA SCENE WASTE MANAGEMENT PRACTITIONERS

Chapter 550-2. INITIAL REGISTRATION

550-2-.02 Applications for Military Spouses and Transitioning Service Members

1) As used in this rule, the following terms shall mean:

- a) "Military" means the United States armed forces, including the National Guard.
- b) "Military spouse" means a spouse of a service member or transitioning service member.
- c) "Service member" means an active or reserve member of the armed forces, including the National Guard.
- d) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

2) Notwithstanding any other provisions of law, a professional licensing board or other board shall issue an expedited license by endorsement to any individual that:

- a) Is a spouse of a service member or transitioning service member stationed within this state;
- b) Holds a current license to practice such occupation or profession issued by another state for which the training, experience, and testing are substantially similar in qualifications and scope to the requirements under this state to obtain a license;
- c) Is in good standing in such other state; and
- d) Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the profession, business, or trade for which such expedited license by endorsement is being sought.

Cite as Ga. Comp. R. & Regs. R. 550-2-.02

AUTHORITY: O.C.G.A. §§ [43-1-34](#), [43-1-34.1](#)

HISTORY: Original Rule entitled "Applications for Military Spouses and Transitioning Service Members" adopted. F. Mar. 2, 2021; eff. Mar. 22, 2021.

Amended: F. Apr. 21, 2021; eff. May 11, 2021.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-7. INCOME TAX DIVISION

Subject 560-7-8. RETURNS AND COLLECTIONS

560-7-8-.56 Historic Rehabilitation Tax Credit

(1) **Purpose.** This regulation provides guidance concerning the implementation and administration of the tax credits under O.C.G.A. § [48-7-29.8](#).

(2) **Coordination of Agencies.** The Georgia Department of Community Affairs is the state agency responsible for certifying that the rehabilitation meets the requirements of O.C.G.A. § [48-7-29.8](#).

(3) **Definitions.** As used in this regulation, the terms "certified rehabilitation", "certified structure", "historic home", "qualified rehabilitation expenditure", "substantial rehabilitation", and "target area" shall have the same meaning as in O.C.G.A. § [48-7-29.8](#). As used in this regulation, the terms "full-time employee" and "full-time permanent job" means a person who works a job that requires 30 or more hours per week.

(4) **Historic Rehabilitation Tax Credit for a Historic Home.** A taxpayer shall be allowed a tax credit equal to 25 percent of the qualified rehabilitation expenditures for the certified rehabilitation of a historic home in the taxable year in which the certified rehabilitation is placed in service; except that in the case of a historic home located within a target area, an additional credit equal to 5 percent of the qualified rehabilitation expenditures shall be allowed.

(a) Credit limitation. The amount of historic rehabilitation tax credit for a historic home shall not exceed \$100,000.00 in any 120 month period.

(b) Claiming the Historic Rehabilitation Tax Credit for a Historic Home. For a taxpayer to claim the historic rehabilitation tax credit for a historic home, the taxpayer must submit with the taxpayer's Georgia income tax return Form IT-RHC, the property tax bill for the year immediately before the beginning of the 24 month (or 60 month) period, the property tax bill for the year immediately after the beginning of the 24 month (or 60 month) period, and their completed final certification from the Georgia Department of Community Affairs.

(c) Carry Forward. Any unused historic rehabilitation tax credit for a historic home may be carried forward for ten years after the close of the taxable year in which the certified rehabilitation was completed.

(d) Sale of the Historic Home. Except as provided in subparagraph (4)(e) of this regulation, in the event a historic rehabilitation tax credit for a historic home is claimed and allowed the taxpayer, upon the sale or transfer of the historic home, the taxpayer shall be authorized to transfer the remaining unused amount of such historic rehabilitation tax credit for a historic home to the purchaser of such historic home. If a historic home for which a certified rehabilitation has been completed by a nonprofit corporation is sold or transferred, the full amount of the credit to which the nonprofit corporation would be entitled if taxable shall be transferred to the purchaser or transferee at the time of the sale or transfer.

1. Such purchaser shall be subject to the limitations of this paragraph and O.C.G.A. § [48-7-29.8](#), and shall file with the purchaser's tax return a copy of the final certification from the Georgia Department of Community Affairs and a copy of the form evidencing the transfer of the tax credit.

2. Such purchaser shall be entitled to rely in good faith on the information contained in and used in connection with obtaining the final certification of the credit including without limitation, the amount of the qualified rehabilitation expenditures.

(e) Recapture of the Historic Rehabilitation Tax Credit for a Historic Home. If an owner other than a nonprofit corporation sells a historic home within three years of receiving the credit, the seller shall recapture the credit to the Department as follows:

1. If the property is sold within one year of receiving the credit, the recapture amount will equal the lesser of the credit or the net profit of the sale;
2. If the property is sold within two years of receiving the credit, the recapture amount will equal the lesser of two-thirds of the credit or the net profit of the sale; or
3. If the property is sold within three years of receiving the credit, the recapture amount will equal the lesser of one-third of the credit or the net profit of the sale.

(f) Exception to Recapture Provision. The recapture provisions in subparagraph (4)(e) of this regulation shall not apply to a sale resulting from the death of the owner.

(5) Historic Rehabilitation Tax Credit for Any Other Certified Structure. A taxpayer shall be allowed a tax credit equal to 25 percent of the qualified rehabilitation expenditures for the certified rehabilitation of any other certified structure, other than a historic home, in the taxable year in which the certified rehabilitation is placed in service, except as provided in subparagraph (5)(j) of this regulation and paragraph (6) of this regulation.

(a) Credit limitations. For certified rehabilitations completed before January 1, 2017, the historic rehabilitation tax credit for any other certified structure shall not exceed \$300,000 in any 120 month period.

(b) For certified rehabilitations completed on or after January 1, 2017, the maximum credit for any other individual certified structure shall be \$5 million per taxable year; except that in the case of a project that creates 200 or more full-time permanent jobs or \$5 million in annual payroll within two years of the placed in service date, the maximum credit amount is \$10 million for any other individual certified structure. For purposes of this regulation, a full-time permanent job means a person who works a job that requires 30 or more hours per week.

(c) For certified rehabilitations completed on or after January 1, 2017, in no event shall more than one application for any individual certified structure be approved in any 120 month period.

(d) Credit Carry Forward. For certified rehabilitations completed before January 1, 2017, any unused historic rehabilitation tax credit for any other certified structure may be carried forward for ten years after the close of the taxable year in which the certified rehabilitation was completed. For certified rehabilitations completed on or after January 1, 2017, no unused historic rehabilitation tax credit for any other certified structure shall be allowed the taxpayer or the transferee against succeeding years' tax liability.

(e) Credit cap for any other certified structure. For certified rehabilitations completed on or after January 1, 2017, in no event shall historic rehabilitation tax credits for any other certified structure earning more than \$300,000 in historic rehabilitation tax credits under subparagraph (5)(b) of this regulation, exceed \$25 million per calendar year.

(f) Preapproval. For certified rehabilitations completed on or after January 1, 2017, any taxpayer seeking preapproval to claim the tax credits under subparagraph (5)(b) of this regulation must electronically submit Form IT-RHC-AP, including the information required by subparagraph (5)(f)1. of this regulation, and their precertification from the Georgia Department of Community Affairs through the Georgia Tax Center. The taxpayer must estimate their credit amounts on Form IT-RHC-AP if the certified rehabilitation has not been completed. The amount of tax credit claimed on the taxpayer's applicable Georgia income tax return must be based on the actual amount of the qualified rehabilitation expenditures. If the taxpayer is preapproved for an amount that exceeds the amount that is calculated using the actual amount of the qualified rehabilitation expenditures when the return is filed, the excess preapproved amount cannot be claimed by the taxpayer, nor shall the excess preapproved amount be claimed by, reallocated to, assigned to, or transferred or sold to any other taxpayer. If the taxpayer is a disregarded entity then such information should be submitted in the name of the owner of the disregarded entity.

1. The following information must be submitted with Form IT-RHC-AP:

(i) Documentation to show one of the following:

(I) If the certified structure was purchased by the applicant, a copy of the warranty deed indicating the applicant as the owner of the property; or

(II) If the certified structure is leased by the applicant, documentation showing that the applicant leases the property and showing that the qualified rehabilitation expenditures would not be disqualified by Internal Revenue Code Section 47(c)(2)(B), which disallows expenditures if on the date the rehabilitation is completed, the remaining term of the lease is less than the building's recovery period. This documentation must include a copy of the lease and documentation showing whether the property is residential rental property with a recovery period of 27.5 years or nonresidential real property with a recovery period of 39 years;

(ii) The ownership and or membership of the applicant entity. This documentation must include information regarding each owner or member of the applicant, and, if any owner or member is itself a pass-through entity, information regarding its ownership and or membership. Such information must include the name, federal identification number, ownership percentage, whether or not they are a tax exempt entity, and whether they control the applicant entity;

(iii) Which entities or members of a pass-through entity intend to claim the credit and in what percentage(s);

(iv) The percentage of the subject property that will be used for non-profit purposes, if any;

(v) Whether the applicant or another entity intends to sublease the property to other entities and which entities they intend to sublease to and if such entities are tax exempt entities;

(vi) If the property is being leased, whether or not the owner of the property is a tax exempt entity;

(vii) Whether or not the project qualifies for the Federal Rehabilitation Credit allowed under Internal Revenue Code Section 47; and

(viii) Any other information requested by the Department.

(g) Notification. The Department will notify each taxpayer of the tax credits preapproved and allocated to such taxpayer, within thirty (30) days from the date the fully completed Form IT-RHC-AP and all required supporting documentation was submitted through the Georgia Tax Center.

(h) Allocation of Tax Credit. The Commissioner shall allow the tax credit under subparagraph (5)(b) of this regulation on a first-come, first-served basis. The date the fully completed Form IT-RHC-AP is electronically submitted shall be used to determine such first-come, first-served basis.

(i) Applications received on the day the maximum credit amount is reached. In the event that the credit amounts on applications received by the Commissioner exceed the maximum aggregate limit in subparagraph (5)(e) of this regulation, then the tax credits shall be allocated among the taxpayers who submitted Form IT-RHC-AP on the day the maximum aggregate limit was exceeded on a pro rata basis based upon amounts otherwise allowed under O.C.G.A. § [48-7-29.8](#) and this regulation. Only credit amounts on applications received on the day the maximum aggregate limit was exceeded will be allocated on a pro rata basis.

(j) Priority for pro-rated applications and applications submitted after a calendar year cap is reached. Any application that is prorated because a calendar year credit cap is reached and any application that is submitted after a calendar year credit cap is reached shall be approved for a subsequent calendar year whose credit cap has not been reached, and shall have priority over any applications with a latter submission date. In such case, the taxpayer shall claim the credit in the taxable year that begins in such subsequent preapproved calendar year or as provided in paragraph (6) of this regulation. If the calendar year credit cap for all subsequent calendar years has been reached then the application shall be denied.

(k) Claiming the Historic Rehabilitation Tax Credit for Any Other Certified Structure. A taxpayer claiming the tax credits under subparagraph (5)(a) of this regulation shall attach to its Georgia income tax return for each year the credit is claimed Form IT-RHC, the property tax bill for the year immediately before the beginning of the 24 month (or 60 month) period, the property tax bill for the year immediately after the beginning of the 24 month (or 60 month) period, and their completed final certification from the Georgia Department of Community Affairs. A taxpayer claiming the tax credits under subparagraph (5)(b) of this regulation must attach to its Georgia income tax return for each year the credit is claimed an approved Form IT-RHC-AP, Form IT-RHC, the property tax bill for the year immediately before the beginning of the 24 month (or 60 month) period, the property tax bill for the year immediately after the beginning of the 24 month (or 60 month) period, and their completed final certification from the Georgia Department of Community Affairs.

(l) In the event it is determined that the taxpayer has not met all the requirements of O.C.G.A. § [48-7-29.8](#) and this regulation then the amount of credits shall not be approved or the approved credits shall be retroactively denied. The taxpayer shall file amended returns for the taxable year the credit was claimed reducing the credit. With respect to such denied credits, tax, interest, and penalties shall be due if the credits have already been used by the taxpayer or have been sold or transferred regardless of whether the transferee has used the credit or not.

(m) Pass-through entities. When the taxpayer is a pass-through entity, and has no income tax liability of its own, the historic rehabilitation tax credit for any other certified structure, shall be allocated to the partners, members, or shareholders of that entity in accordance with the provisions of any agreement among the partners, members, or shareholders of that entity and without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified structure, provided that the entity or person that claims the credit must be subject to Georgia tax. The credit forms will initially be filed with the tax return of the pass-through entity to establish the amount of the credit available for pass through. The credit will then pass through to its shareholders, members, or partners to be applied against the tax liability on their income tax returns. The credits are available for use as a credit by the shareholders, members, or partners for their tax year in which the income tax year of the pass-through entity ends. For example: A partnership earns the credit for its tax year ending January 31, 2017. The partnership passes the credit to a calendar year partner. The credit is available for use by the individual partner beginning with the calendar 2017 tax year.

(n) Selling or Transferring the Historic Rehabilitation Tax Credit for Any Other Certified Structure. The taxpayer may sell or transfer in whole or in part any historic rehabilitation tax credit for any other certified structure earned under subparagraph (5)(b) of this regulation that was previously claimed but not used by such taxpayer against its income tax, to another Georgia taxpayer subject to the following conditions:

1. The taxpayer may only make a one-time sale or transfer of historic rehabilitation tax credits for any other certified structure earned in each taxable year. However, the sale or transfer may involve more than one transferee. For example, taxpayer 1 earns a \$100,000 credit in year 1. In year 2 they sell \$75,000 of the credit to taxpayer 2. In year 3 they are allowed to sell the remaining \$25,000 of the credit to taxpayer 3. However, both taxpayer 2 and taxpayer 3 are not allowed to resell the credit since the credit can only be sold one-time.

2. The historic rehabilitation tax credits for any other certified structure may be transferred before the tax return is filed by the taxpayer provided the historic rehabilitation tax credits have been earned. However, the amount transferred cannot exceed the amount of the credit which will be claimed and not used on the income tax return of the transferor. The credit is considered earned when the credit has been preapproved by the Department, the certified rehabilitation has been completed, and the taxpayer has received their completed final certification from the Georgia Department of Community Affairs. Preapproval of the credits by itself does not qualify as earning the credit.

3. The taxpayer and transferee must jointly file Form IT-TRANS "Notice of Tax Credit Transfer" with the Department of Revenue within 30 days of the transfer or sale of the historic rehabilitation tax credit for any other certified structure. Form IT-TRANS must be submitted electronically to the Department of Revenue through the Georgia Tax Center or alternatively as provided in subparagraph (5)(n)3(i) of this regulation. The Department of Revenue will not process any Form IT-TRANS submitted or filed in any other manner. If the taxpayer is a disregarded entity then Form IT-TRANS should be filed in the name of the owner of the disregarded entity but the Form IT-RHC should be in the name of the disregarded entity and attached to the owner's Georgia income tax return.

(i) The web-based portal on the Georgia Tax Center. The taxpayer may provide selective information to a representative for the purpose of allowing the representative to submit Form IT-TRANS on their behalf on the Georgia Tax Center outside of a login. The provision of such information shall authorize the representative to submit such Form IT-TRANS. The representative must provide all information required by the web-based portal on the Georgia Tax Center to submit Form IT-TRANS.

4. The taxpayer must provide all required historic rehabilitation tax credit for any other certified structure detail and transfer information to the Department of Revenue. Failure to do so will result in the historic rehabilitation tax credit for any other certified structure being disallowed until the taxpayer complies with such requirements.

5. The carry forward period of the historic rehabilitation tax credit for any other certified structure for the transferee will be the same as it was for the taxpayer. For certified rehabilitations completed on or after January 1, 2017 no unused historic rehabilitation tax credit for any other certified structure shall be allowed to be carried forward.

(i) Example: Taxpayer sells the historic rehabilitation tax credit for any other certified structure on March 15, 2018. This credit is from a certified rehabilitation that received preapproval from the Department for calendar year 2017 and was placed in service in the taxpayer's calendar 2017 tax year. The transferee is a calendar year taxpayer. The credit may be claimed by the transferee on the calendar 2017 tax year return. This credit cannot be carried forward by the taxpayer or the transferee. This credit can only be utilized in tax year 2017.

6. A transferee shall have only such rights to claim and use the historic rehabilitation tax credit for any other certified structure that were available to the taxpayer at the time of the transfer. Thus, a transferee shall not have the right to subsequently transfer such credit since that right has been utilized by the transferor.

7. Only the taxpayer who earned the historic rehabilitation tax credit for any other certified structure, and no subsequent good faith transferee, shall be responsible in the event of a recapture, reduction, disallowance, or other failure related to such credit provided the credit was properly claimed by the taxpayer.

(o) How to Sell or Transfer the Historic Rehabilitation Tax Credit for Any Other Certified Structure. The taxpayer may sell or transfer the historic rehabilitation tax credit for any other certified structure directly to a Georgia taxpayer (or multiple Georgia taxpayers as provided in subparagraph (5)(n)1. of this rule). A pass-through entity may make an election to sell or transfer the unused historic rehabilitation tax credit for any other certified structure earned in a taxable year at the entity level. If the pass-through entity makes the election to sell the historic rehabilitation tax credit for any other certified structure at the entity level, the credit does not pass through to the shareholders, members, or partners. In all cases, the effect of the sale of the credit on the income of the seller and buyer of the credit will be the same as provided in the Internal Revenue Code.

1. Pass-Through Entity. The taxpayer may be structured as a pass-through entity. If a pass-through entity does not make an election to sell or transfer the tax credit at the entity level as provided in subparagraph (5)(o) of this rule, the tax credit will pass through to the shareholders, partners or members of the entity based on any agreement among the partners, members, or shareholders of that entity without regard to the ownership interest of the partners, members or shareholders in the rehabilitated certified structure, provided that the entity or person that claims the credit must be subject to Georgia tax. The shareholders, members, or partners may then sell their respective historic rehabilitation tax credit for any other certified structure to a Georgia taxpayer.

2. Transferee Pass-Through Entity. The taxpayer or its shareholders, members, or partners, may sell or transfer the tax credit to a pass-through entity. If the pass-through entity has no income tax liability of its own, the pass-through entity may then pass the credit through to its shareholders, members, or partners based on any agreement among the partners, members, or shareholders of that entity without regard to the ownership interest of the partners, members, or shareholders in the pass-through entity, provided that the entity or person that claims the credit must be subject to Georgia tax. For example, if a calendar year partnership is buying the credit earned by a taxpayer in the calendar 2017 tax year and preapproved by the Department for calendar year 2017, then all of the partners receiving the credit must have been a partner in the partnership no later than the end of the 2017 tax year of the partnership. The credits are available for use as a credit by the shareholders, members, or partners for their tax year in which the income tax year of the pass-through entity ends. For example, a taxpayer that received preapproval for calendar year

2017 and placed in service the certified rehabilitation for any other certified structure in July of 2017, sells the credit to a pass-through entity in August of 2017, and the generating taxpayer claims the credit on their calendar year 2017 income tax return. The pass-through entity is entitled to use the credits on its calendar year 2017 tax return. The pass-through entity has two partners. The first partner is a calendar year partner. This credit can only be utilized on the calendar tax year 2017 return and cannot be carried forward by the partner. The second partner is a corporation with fiscal year ending June 30, 2018. This credit can only be utilized on the fiscal year ending June 30, 2018 and cannot be carried forward by the partner.

3. The credits are available for use by the transferee, provided the time has not expired for filing a claim for refund of a tax or fee erroneously or illegally assessed and collected under O.C.G.A. § [48-2-35](#) in the transferee's tax year in which the income tax year of the taxpayer which claims the historic rehabilitation tax credit for any other certified structure for the certified rehabilitation associated with the credit being sold, ends.

(i) Example: Taxpayer sells the historic rehabilitation tax credit for any other certified structure on March 15, 2018. This credit is from a certified rehabilitation that received preapproval from the Department for calendar year 2017 and was placed in service on or after January 1, 2017 and within the generating taxpayer's fiscal tax year ending June 30, 2017. The transferee is a calendar year taxpayer. The credit may be claimed by the transferee on the calendar 2017 tax year return. This credit cannot be carried forward by the taxpayer or the transferee. This credit can only be utilized in tax year 2017 by the transferee.

(ii) Example: Taxpayer sells the historic rehabilitation tax credit for any other certified structure on March 15, 2018. This credit is from a certified rehabilitation that received preapproval from the Department for calendar year 2017 (on their Form IT-RHC-AP the completion calendar year was 2017 and the credit was awarded for such year) and was placed in service on December 31, 2019. As provided in paragraph (6), the taxpayer chooses to claim the credit on their tax year ending June 30, 2020 tax return. The transferee is a calendar year taxpayer. The credit may be claimed by the transferee on the calendar 2020 tax year return. This credit cannot be carried forward by the taxpayer or the transferee. This credit can only be utilized on the transferee's calendar 2020 tax year return.

(p) Required reporting. Notwithstanding Code Sections [48-2-15](#), [48-7-60](#), and [48-7-61](#), the Department shall furnish a report to the chairperson of House Committee on Ways and Means and the chairperson of the Senate Finance Committee by June 30 of each year. Such report shall contain the total sales tax collected in the prior calendar year and the average number of full-time employees at the certified structure and the total value of credits claimed for each taxpayer claiming credits under subparagraph (5)(b).

1. For certified rehabilitations completed on or after January 1, 2017, any taxpayer that generates and claims the tax credit under subparagraph (5)(b) of this regulation must electronically report to the Department through the Georgia Tax Center, using Form IT-RHC-RPT, the monthly average full-time employees employed at the certified structure, the total sales tax collected, and the credits claimed. Such reports must be submitted to the Department for five calendar years following the calendar year in which the credit is claimed by the taxpayer. Such report shall be due by the February 28 that follows the calendar year that is being reported.

2. For purposes of this subparagraph in the event that the taxpayer that generates and claims the tax credit under subparagraph (5)(b) of this regulation leases such other certified structure, all total sales tax receipts from the certified structure and all total full-time employees at the certified structure shall be aggregated.

3. For certified rehabilitations completed on or after January 1, 2017, where the maximum credit amount exceeds \$5 million for any other individual certified structure, the taxpayer shall report using Form IT-RHC-RPT whether or not they created 200 or more full-time permanent jobs or had \$5 million in annual payroll within two years of the placed in service date. Such report shall be due no later than 60 days following the end of such 2 year period.

(6) Completion of the Project.

(a) For certified rehabilitations of any other certified structure earning more than \$300,000 in historic rehabilitation tax credits under subparagraph (5)(b) of this regulation completed on or after January 1, 2017, the project must be placed in service within two years after the completion calendar year listed in the taxpayer's Form IT-RHC-AP. If the taxpayer has a fiscal year, such completion calendar year shall for purposes of this paragraph be the tax year that

begins in such completion calendar year. If this requirement is met the taxpayer claims the credit in the year listed in the taxpayer's preapproval letter from the Department of Revenue; or the taxpayer may claim the credit in the tax year in which the project is placed in service provided the project is placed in service within two years after the completion calendar year listed in their Form IT-RHC-AP and provided such placed in service year ends later than the end of the year listed in the taxpayer's preapproval letter from the Department of Revenue. If the project is not placed in service within such time period the credit is lost and cannot be claimed, sold, or transferred, unless the taxpayer reapplies for the credit and receives preapproval for such other time period. Unless the Department has evidence to the contrary, the date of completion listed in the final certification authorized by the Georgia Department of Community Affairs shall be used to determine when the project was placed in service. This paragraph shall apply even if the taxpayer is given priority under subparagraph (5)(j) of this regulation and is preapproved for a subsequent calendar year.

1. Example 1. The taxpayer lists 2017 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2017. The taxpayer is a calendar year taxpayer. The taxpayer must place the project in service on or before December 31, 2019. This taxpayer places the project in service on November 15, 2019. The taxpayer may claim the credit on their taxable year end December 31, 2017 Georgia income tax return or their taxable year end December 31, 2019 Georgia income tax return.

2. Example 2. The taxpayer lists 2018 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2018. The taxpayer is a fiscal year filer with a February 28 taxable year end. The taxpayer must place the project in service on or before February 28, 2021. This taxpayer places the project in service on March 31, 2019. The taxpayer may claim the credit on their taxable year end February 28, 2019 Georgia income tax return or their February 28, 2020 Georgia income tax return.

(b) The following examples illustrate how the credit is claimed if the taxpayer is preapproved for the credit in a subsequent year as provided by subparagraph (5)(j):

1. Example 3. The taxpayer lists 2018 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2019. The taxpayer is a calendar year taxpayer. This taxpayer places the project in service on November 15, 2020. The taxpayer may claim the credit on their taxable year end December 31, 2019 Georgia income tax return or their taxable year end December 31, 2020 Georgia income tax return.

2. Example 4. The taxpayer lists 2018 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2019. The taxpayer is a fiscal year filer with a February 28 taxable year end. This taxpayer places the project in service on January 31, 2021. The taxpayer may claim the credit on their taxable year end February 28, 2020 Georgia income tax return or their February 28, 2021 Georgia income tax return.

(7) Qualified Rehabilitation Expenditures only Counted Once. Qualified rehabilitation expenditures can only be counted once in determining the amount of the tax credit available, and more than one entity may not utilize the historic rehabilitation tax credit for the same qualified expenditures.

(8) Effective Date. This regulation shall be applicable to certified rehabilitations completed on or after January 1, 2017 regardless of when the certified rehabilitation was started.

Cite as Ga. Comp. R. & Regs. R. 560-7-8-.56

AUTHORITY: O.C.G.A. §§ [48-2-12](#), [48-7-29.8](#).

HISTORY: Original Rule entitled "Historic Rehabilitation Tax Credit" adopted. F. Dec. 8, 2015; eff. Dec. 28, 2015.

Amended: F. Sep. 19, 2016; eff. Oct. 9, 2016.

Amended: F. Dec. 13, 2019; eff. Jan. 2, 2020.

Amended: F. Apr. 13, 2021; eff. May 3, 2021.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-12. SALES AND USE TAX DIVISION

Subject 560-12-2. SUBSTANTIVE RULES AND REGULATIONS

560-12-2-.64 Energy Necessary and Integral to Manufacturing

(1) **Purpose.** This Rule addresses the sales and use tax exemptions for energy used in manufacturing.

(2) **Definitions.** The terms defined in Rule [560-12-2-.62](#) entitled "Manufacturing Machinery and Equipment, Industrial Materials, and Packaging Supplies" apply to this Rule. In addition, for purposes of this Rule:

(a) "Competitive project of regional significance" means the location or expansion of some or all of a business enterprise's operations in Georgia where the Department of Economic Development determines that the project would have a significant regional impact.

(b) "Energy" means natural or artificial gas, oil, gasoline, electricity, solid fuel, wood, waste, ice, steam, water, and other materials necessary and integral for heat, light, power, refrigeration, climate control, processing, or any other use in any phase of the manufacture of tangible personal property. The term excludes energy purchased by a manufacturer that is primarily engaged in producing electricity for resale.

(3) **Exemption under O.C.G.A § [48-8-3.2](#).**

(a) **Requirements.** Except as otherwise provided in this paragraph, the sale and use of energy are exempt from sales and use tax if the energy is:

1. necessary and integral to the manufacture of tangible personal property, and
2. sold, used, stored, or consumed at a manufacturing plant in Georgia.

(b) **Energy used to produce electricity.** This exemption does not apply to energy purchased by a manufacturer that is primarily engaged in producing electricity for resale.

(c) **Sales and use tax for educational purposes.** Energy otherwise exempt under O.C.G.A § [48-8-3.2](#) is not exempt from the sales and use tax for educational purposes levied pursuant to Part 2 of Article 3 of Chapter 8 and Article VIII, Section VI, Paragraph IV of the Constitution or from local sales and use taxes for educational purposes authorized by or pursuant to local constitutional amendment.

(d) **Phase-in period.** Except as provided in subsections (b), (c), and (e) of this paragraph, such sale and use of energy qualify for a phased-in exemption in accordance with the following schedule:

1. Transactions occurring during the 2013 calendar year qualify for a 25 percent exemption.
2. Transactions occurring during the 2014 calendar year qualify for a 50 percent exemption.
3. Transactions occurring during the 2015 calendar year qualify for a 75 percent exemption.
4. Transactions occurring on or after January 1, 2016, qualify for a 100 percent exemption.

(e) **Competitive projects of regional significance.**

1. **Energy necessary and integral to manufacturing.** Beginning April 19, 2012, manufacturers qualifying as a competitive project of regional significance are exempt from all state and local sales and use tax on the sale and use

of energy that is necessary and integral to the manufacture of tangible personal property, except as provided in subparagraphs (b) and (c). The phase-in period set forth in subsection (d) does not apply.

2. Energy used in construction. In addition to the exemption in O.C.G.A. § [48-8-3.2](#), for projects approved by the Department of Economic Development during the time period of January 1, 2012 through June 30, 2019, sales of energy used for and in the construction of a competitive project of regional significance are exempt from all state and local sales and use tax pursuant to O.C.G.A. § [48-8-3\(93\)](#), including sales and use taxes for educational purposes.

(4) Exemption from the Special District Transportation Sales and Use Tax and the Special District Mass Transportation Sales and Use Taxes.

(a) **Requirements.** Except as otherwise provided in this paragraph, the sale and use of energy are exempt from the Special District Transportation Sales and Use Tax (O.C.G.A. Title 48, Chapter 8, Article 5) and the Special District Mass Transportation Sales and Use Taxes (O.C.G.A. Title 48, Chapter 8, Article 5A, Parts 1, 2, and 3) if the energy is:

1. necessary and integral to the manufacture of tangible personal property, and
2. sold, used, stored, or consumed at a manufacturing plant.

(b) **No phase-in period.** This exemption is not subject to a phase-in period.

(c) **Energy used to produce electricity.** This exemption does not apply to energy purchased by a manufacturer primarily engaged in producing electricity for resale.

(5) Scope of the exemptions: Necessary and integral to the manufacture of tangible personal property. Energy used for any purpose at a manufacturing plant is considered necessary and integral to the manufacture of tangible personal property. This includes, for example, energy used:

- (a) to operate machinery or equipment;
- (b) to create conditions necessary for the manufacture of tangible personal property;
- (c) to perform an actual part of the manufacture of tangible personal property;
- (d) in administrative or other ancillary activities that are located and performed at the manufacturing plant;
- (e) in related operations that convey, transport, handle, or store raw materials or finished goods at the manufacturing plant; and
- (f) for heating, cooling, ventilation, illumination, fire safety or prevention, or personal comfort and convenience of the manufacturer's employees at the manufacturing plant.

(6) Examples.

(a) A manufacturer uses fuel gases to perform repairs for unrelated parties at a Georgia manufacturing plant. The fuel gases are not exempt because they are not used in the manufacture of tangible personal property and, therefore, do not meet the definition of "energy."

(b) A manufacturer uses fuel gases to perform repairs to its own machinery and equipment at a Georgia manufacturing plant. The fuel gases are exempt to the extent provided in this Rule because they are used in the manufacture of tangible personal property.

(7) Certificates of Exemption.

(a) Any person making a sale of energy that is necessary and integral to the manufacture of tangible personal property must collect sales and use tax unless the purchaser furnishes the supplier with a properly completed Certificate of Exemption or a direct pay permit.

(b) Where a Certificate of Exemption or direct pay permit has not been previously obtained and submitted and tax is remitted on the sale of exempt energy, the purchaser may apply to the Commissioner for a refund of such tax.

(8) **Transaction date.** For purposes of this Rule, a transaction occurs on the date of purchase or, in the case of energy billed on a monthly basis, on the billing date.

Cite as Ga. Comp. R. & Regs. R. 560-12-2-.64

AUTHORITY: O.C.G.A. §§ [48-2-12](#), [48-8-3](#), [48-8-3.2](#), [48-8-241](#), [48-8-269](#), [48-8-269.15](#), [48-8-269.30](#).

HISTORY: Original Rule entitled "Manufacturers" adopted. F. and eff. June 30, 1965.

Amended: F. Jan. 13, 1975; eff. Feb. 2, 1975.

Amended: Title changed to "Energy Necessary and Integral to Manufacturing." F. Feb. 10, 2014; eff. Mar. 2, 2014.

Amended: F. Dec. 18, 2015; eff. Jan. 7, 2016.

Amended: F. Mar. 16, 2017; eff. Apr. 5, 2017.

Note: Correction of administrative typographical error on the Rules and Regulations website, Rule corrected to reflect the numbering and text of paragraphs "**(7) Certificates of Exemption.**" and "**(8) Transaction date.**," as originally filed March 16, 2017, effective April 5, 2017. The error was discovered by the Agency and correction request submitted April 28, 2021. Effective April 28, 2021.

Department 620. RULES OF GEORGIA STRUCTURAL PEST CONTROL COMMISSION

Chapter 620-9. CONTROL AND REMOVAL OF HONEYBEES FROM STRUCTURES

620-9-.01 [Effective 7/1/2021] Definitions

- (1) Honeybee Control and Removal-means the control and removal of an established colony of honeybees from a structure by a Certified Honeybee Control and Removal Operator without the use of pesticides.
- (2) Certified Honeybee Control and Removal Operator-means a person who engages in the business of honeybee control and removal without the use of pesticides.
- (3) Structure-means any building, regardless of design or type of material used in its construction, whether public or private, vacant or occupied, and adjacent outside areas.
- (4) Cavity-means any area within elements of construction of a structure that provides honeybees space for residence.
- (5) Established honeybee colony-means any colony of honeybees that has established a nest in a cavity within a structure.
- (6) Free-hanging swarm-means a mass of honeybees which temporarily cluster on an object.
- (7) Open air hive-means a honeybee colony nest whose removal does not require modification or alternation of the structure.
- (8) Cut-out-means any act, process, or method of removing an established honeybee colony from within a cavity that involves alternation to the structure.
- (9) Trap-out-means any act, process, or method of removing honeybees by restricting their reentry leading them to abandon the next.
- (10) Under the Direct Supervision of-means a competent person who engages in Honeybee Control and Removal acting under the instructions and control of a Certified Honeybee Control and Removal Operator that is present on site during the removal job.

Cite as Ga. Comp. R. & Regs. R. 620-9-.01

AUTHORITY: O.C.G.A. § [43-45-8](#).

HISTORY: Original Rule entitled "Definition of Terms: Structural Pest Control" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "Definition of Terms: Fumigation" adopted. Filed October 25, 1966; effective November 13, 1966.

Amended: Rule repealed. Filed February 14, 1985; effective March 4, 1985.

Adopted: New Rule entitled "Definitions." F. Apr. 26, 2021; eff. July 1, 2021, as specified by the Agency.

620-9-.02 [Effective 7/1/2021] General Requirements

(1) Control and removal of honeybees from a structure must be made consistent with the following:

- a. The use of any "pesticide" as defined in Rule [620-2-.01\(z\)](#), to control, remove, or eliminate honeybees in, on, or under a structure shall be considered household pest control.
- b. The use of any "pesticide" as defined in Rule [620-2-.01\(z\)](#), to control, remove, or eliminate honeybees in, on, or under a structure is prohibited unless the licensee holds a Household Pest Control license.
- c. "Honeybee control and removal" is limited to the control and removal of honeybees. The control, removal, or elimination of other types of bees requires a Household Pest Control license as defined in Rule [620-2-.01\(s\)](#).

(2) A honeybee control and removal contract shall be issued on all honeybee control and removal jobs in accordance with requirements of the Fair Business Practices Act of 1975, and the rules of the Federal Trade Commission, 16 C.F.R. 429, including disclosure by the licensee of the three (3) day right of cancellation. The terms of any contract extension beyond the original terms shall be indicated on the contract. The contract shall include a description of scope of work including the type of honeybee removal.

(3) A cut-out, or open-air hive in a structure, honeybee control and removal job must include the removal of the honeybees, wax comb, honey, brood and other associated material and debris from the structure in addition to sealing all possible reentry points.

(4) Every contract for a trap-out honeybee removal job type must contain the following statement, "This job will only remove honeybees. The wax comb, honey, brood and other associated material will remain in the structure and may result in reinfestation and secondary pest issues."

(5) Any person engaging in honeybee control and removal must be a Certified Honeybee Control and Removal Operator and must hold a Structural Pest Control Company License in the Operational Category of Honeybee Removal.

(6) Before being issued a Honeybee Removal Operator certification, the applicant must provide the Commission with satisfactory evidence of his or her qualifications including the following:

- a. Completed application form;
- b. Eight (8) hours of classroom training approved by the Commission and presented by a currently Certified Honeybee Control and Removal Operator or other person whom the Commission has determined to be competent to deliver training in the following areas:
 - (i) State and Federal laws and regulations on Honeybee Control.
 - (ii) Honeybee identification and types of live honeybee removals (cut-out, trap-out, and swarm removal) including basic removal techniques.
 - (iii) Determining if there is an established honeybee colony, and how to locate a colony living inside of a structure.
 - (iv) Proper cut-out removal techniques including basic construction knowledge, recommended tools, finding and caging the queen, preventing future infestations, saving comb and hiving the bees.
 - (v) Trap-out techniques and negative consequences of leaving honeycomb, honey pollen and brood inside a structure.
 - (vi) Eradication vs. Relocation including common insecticides/pesticides applied to honeybees by homeowners and PCOs.
 - (vii) Potential safety and health hazards.

- c. Participation in a minimum of three (3) honeybee removal jobs.
- d. A score of at least (70) percent on a written examination covering the training; and
- e. Payment of an Operator Certification Fee.

(7) **Recertification:** Certified Honeybee Control and Removal Operators shall complete one of the following requirements prior to expiration of the five (5) year certification period:

- a. Complete a Commission approved five (5) hours of training such as a workshop, seminar, short course or training program that cover new information and subject matter necessary to insure continued competence on Honeybee Removal; or
- b. Complete the eight (8) hours of initial training required under Rule 620-9.02(6)b and pass a written examination.

Cite as Ga. Comp. R. & Regs. R. 620-9-.02

AUTHORITY: O.C.G.A. § [43-45-8](#).

HISTORY: Original Rule entitled "Precautions to be Exercised" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "Fumigation" adopted. Filed October 25, 1966; effective November 13, 1966.

Amended: Filed January 23, 1979; effective February 12, 1979.

Amended: Rule repealed. Filed February 14, 1985; effective March 6, 1985.

Adopted: New Rule entitled "General Requirements." F. Apr. 26, 2021; eff. July 1, 2021, as specified by the Agency.

620-9-.03 [Effective 7/1/2021] Exceptions

- (1) Persons working under the direct supervision of a Certified Honeybee Control and Removal Operator.
- (2) Removal of free-hanging swarms.

Cite as Ga. Comp. R. & Regs. R. 620-9-.03

AUTHORITY: O.C.G.A. § [43-45-8](#).

HISTORY: Original Rule entitled "Exceptions" adopted. F. Apr. 26, 2021; eff. July 1, 2021, as specified by the Agency.

Department 700. RULES OF GEORGIA STATE BOARD OF VETERINARY MEDICINE

Chapter 700-3. [REPEALED]

700-3-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 700-3-.01

AUTHORITY: O.C.G.A. § [43-50-21](#).

HISTORY: Original Rule entitled "Ethics" was filed and effective on June 30, 1985.

Amended: Rule repealed and a new Rule entitled "Examination" adopted. Filed October 8, 1974; effective October 28, 1974.

Amended: Filed April 16, 1976; effective May 6, 1976.

Amended: Filed March 18, 1980; effective April 7, 1980.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 14, 1983; effective October 4, 1983.

Amended: Filed June 18, 1985; effective July 8, 1985.

Amended: Filed April 6, 1987; effective April 26, 1987.

Amended: Filed September 10, 1987; effective September 30, 1987.

Amended: Filed November 4, 1988; effective November 24, 1988.

Amended: F. Jun. 19, 1992; eff. Jul. 9, 1992.

Repealed: New Rule of same title adopted. F. June 28, 2001; eff. July 18, 2001.

Repealed: F. Apr. 1, 2021; eff. Apr. 21, 2021.