

**Title 15 - Mississippi Department of Health**  
**Part 20: Bureau of Public Water Supply**  
**Subpart 72: Public Water Supply**

**CHAPTER 1. MISSISSIPPI PRIMARY DRINKING WATER REGULATION Subchapter**

**1. General Provisions:**

Rule 1.1.1. **Legal Authority.** This regulation has been promulgated under the authority of and pursuant to the Mississippi Safe Drinking Water Act of 1997 (Section 41-26-1 through Section 41-26-101, Mississippi Code of 1972, Annotated).

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.1.2. **Definitions.**

1. **Department** shall mean the Mississippi State Department of Health.
2. **Director** shall mean the Executive Officer of the Mississippi State Department of Health or his authorized agent.
3. **Municipality** shall mean a city, town, village, or other public body created by state law, or an Indian tribal organization authorized by law.
4. **Federal Agency** shall mean any department, agency, or instrumentality of the United States.
5. **Administrator** shall mean the Administrator of the U.S. Environmental Protection Agency or his authorized representative.
6. **Federal Act** shall mean the Safe Drinking Water Act (SDWA) of 1974, cited as Public Law 93-523, or any subsequent revisions thereto.
7. **Regulations** shall mean primary drinking water regulations promulgated by the administrator pursuant to the federal act.
8. **Backflow** shall mean the reversal of normal flow direction where water flows from the intended point of delivery towards the public water supply.
9. **Cross Connection** shall mean any direct interconnection between a public water system and a non-public water system or other source which may result in the contamination of the drinking water provided by the public water system. This definition includes any arrangement of piping where a potable water line is connected to non potable water; it may be a pipe-to-pipe connection where potable and non potable water lines are directly connected or a pipe-to-water connection

where the potable water outlet is submerged in non potable water. If the potable and non-potable source are separated by gate valves, check valves or devices other than the appropriate backflow preventer as outlined by this regulation, a cross connection exists. By-pass arrangements, jumper connections, swivel or change over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.

**10. Public water system** means a system for the provision to the public of water for Human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Furthermore, two or more water systems that are adjacent, that are owned or operated by the same supplier of water, that individually serve less than 15 service connections or less than 25 persons but in combination serve 15 or more service connections or 25 or more persons, shall also be defined as a public water system. Such term includes: Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and 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.” Service connection, as used in the definition of public water system, 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, cooking, or other similar uses);
- b. The Director or Administrator 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 Director or Administrator 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 regulation.
- d. Special irrigation district means an irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use where the system or the residential or similar users of the system comply with the exclusion provisions in Section 1401(4)(B)(i)(II) or (III) of the Federal Safe Drinking Water Act.

11. **Professionally installed** shall mean installed in a workmanlike manner with no apparent errors in installation.
12. **Significant deficiencies** cause or have the potential to cause the introduction of contamination into drinking water delivered to customers of a public water supply. This could include defects in design, operation or maintenance of the source, treatment or distribution systems.
13. **Sanitary defect** is a defect that could provide a pathway for 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.
14. **Assessment – Level 1** 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 State 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.
15. **Assessment – Level 2** 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 State, 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 State 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 State in the case of an E. coli MCL violation.

**16. Clean Compliance History** shall mean that the public water supply has a record of no MCL violations under Title 40 Code of Federal Regulations Section 141.63 or subpart Y; no monitoring violations under 40 Code of Federal Regulations Section 141.21 or subpart Y; and no coliform treatment technique trigger exceedances or treatment technique violations under subpart Y.

**17. Seasonal System** shall mean 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

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.1.3. The definitions as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.2 are hereby adopted.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.1.4. **Coverage.** This regulation shall apply to each public water system in the State, except that it shall not apply to a public water system:

1. Which consists only of distribution and storage facilities which does not have any collection and treatment facilities; and
2. Which obtains all of its water from, but is not owned or operated by, a public water system to which such regulation applies; and
3. Which does not sell water to any person; and
4. Which is not a carrier which conveys passengers in interstate or intrastate commerce.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.1.5. **Variations and Exemptions.** Variations and exemptions may be issued by the Director in accordance with Sections 1415 and 1416 of the federal act. Treatment utilizing best available technology, as stipulated in Title 40 Code of Federal Regulations, Part 142, Subparts F and G, may be required in order to grant variations and exemptions under this regulation. Variations and exemptions shall not be issued if not allowed by the National Primary Drinking Water Regulations.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.1.6. **Construction, Preconstruction, Treatment, and Operational Requirements.** Planning and design of improvements for existing public water systems or the creation of new community or non-transient non-community public water system shall be in accordance with the Department's current version of the "*Minimum Design Criteria for Public Water Supplies.*"

1. **Siting Requirements.** Before a person may initiate construction of a new community or non-transient non-community public water system or increase the capacity of an existing community or non-transient non-community public water system, he shall submit sufficient information to the Director for evaluation of the proposed site, to determine whether the site and design of the proposed construction or modification will enable the system to comply with this regulation including Title 40 Code of Federal Regulations Sections 141.63.
2. **Plans and Specifications Approval.** Prior to advertising for bids and/or initiating construction of a new community or non-transient non-community public water system or making significant extensions or alterations to an existing community or non-transient non-community public water system which may affect the operation of that system, plans and specifications for the proposed construction shall be approved by the Director. Plans and specifications submitted to the Director for approval shall be prepared by a professional engineer licensed to practice in the State of Mississippi.
3. **Operation and Maintenance Plans.** Each applicant for a new community or non-transient non-community public water system shall submit an operation and maintenance plan for review and approval by the Director. The plan must be approved by the Director prior to beginning construction.
4. **Financial and Managerial Viability.** Each applicant for a new community or non-transient non-community public water system shall submit financial and managerial information as required by the Public Utilities Staff. Plans and specifications shall not be approved by the Director until written certification of the financial and managerial viability of the new water system is received from the Executive Director of the Public Utilities Staff.
5. **Changes to Existing Public Water Systems.** Plans and specification for changes to an existing community or non-transient non-community public water systems shall not be approved if the Director determines the changes would threaten the viability of the water system or if the changes may overload the operational capabilities of the water system.
6. **Non-Centralized Treatment Devices.** Public water systems may utilize point-of-entry devices to comply with maximum contaminant levels as stipulated in the National Primary Drinking Water regulations as published at Title 40 Code of Federal Regulations Sections 141.100 and 141.101.

7. **Ban of Use of Lead Products.** Any pipe, solder, or flux used in the installation or repair of any public water system, or any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system shall be lead free. Solders and flux are defined as "lead free" when they contain not more than 0.2 percent lead. Pipes and pipe fittings are defined as "lead free" when they contain not more than 0.25 percent lead in the wetted surface material. Plumbing fittings and fixtures intended by the manufacturer to dispense water for human ingestion are defined as "lead free" when they comply with standards established in accordance with 42 U.S.C. 300g-6(e).
8. **Lead Service Line Replacement.** It shall be the responsibility of each supplier of water to comply with the lead service line replacement requirements and lead service line reporting requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.84 and 141.90.
9. **Overloaded Public Water Systems.** Public water systems that are serving customers in excess of the design capacity as determined by the Director shall be identified as overloaded and shall immediately, upon written notification by the Director, cease adding new customers. Public water systems identified as overloaded shall not add new customers until notified, in writing, by the Director that the system's design capacity has been increased and that the water system can resume adding new customers.
10. **Corrosion Control Treatment.** Where deemed necessary based on a determination by the Bureau that the water provided to customers is corrosive in nature, the Director shall have the authority to require corrosion control treatment be installed at existing system treatment facilities where none has been previously and operated properly to prevent corrosive water from delivery to customers. A corrosive water determination will be made based on the established methods outlined in the Department's Minimum Design Criteria of Public Water Supplies. This required installation of treatment does not require the system to have an exceedance of the Lead and Copper Rule action levels in order for it to occur.
11. **Public Water Supply Operations Standards.** Operations of the public water supply shall be governed by the applicable provisions of the Federal and State Safe Drinking Water Acts and the *Public Water Supply Operations Manual* as outlined in the current edition of the *Public Water System Operations Manual* published by the Bureau of Public Water Supply. As a public water supply, responsible official(s) must ensure that those minimal operation standards are performed by the certified waterworks operator and applicable public water supply staff for the safety and welfare of the public water supply's facilities and customers.
12. **Drug Free Operation Policy.** Operation of a public water supply should be performed in a manner that is free of both illegal and legal substances that would impair the ability of the certified operator of record and water system personnel to

perform their duties and thereby potentially cause harm to the customers of the public water supply that they are charged to operate. By this purpose, the public water system should create and maintain an appropriate Workplace Substance Abuse Policy. If a public water supply becomes aware that a certified operator has operated his/her public water supply while under the influence of illegal or legal substances that impair his/her judgement, official(s) of the public water system shall notify the Bureau of Public Water Supply's Office of Compliance and Enforcement.

*SOURCE: Miss. Code Ann. §41-26-8*

## **Subchapter 2. Maximum Contaminant Levels**

Rule 1.2.1. **Microbiological.** All microbiological maximum contaminant levels, maximum contaminant level goals, and treatment technique requirements shall apply to public water systems as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.52, 141.63, 141.851, and 141.860.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.2.2. **Inorganic Chemicals.** All inorganic chemical maximum contaminant levels and action levels shall apply to public water systems as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.6, 141.11, 141.23 (d & e), 141.51, 141.60, 141.62 (b, c & d) and 141.80.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.2.3. **Organic Chemicals.** All organic chemical maximum contaminant levels shall apply to public water systems as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.50, 141.60 and 141.61.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.2.4. **Turbidity.** The maximum contaminant levels for turbidity shall apply to public water systems as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.13, 141.73 and 141.173.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.2.5. **Radionuclides.** All radionuclide maximum contaminant levels and maximum contaminant level goals shall apply to public water systems as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.15, 141.16, 141.55 and 141.66.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.2.6. **Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors.** All disinfectant residuals, disinfection byproduct and disinfection byproduct precursor maximum contaminant levels, operational evaluation levels, best technologies, treatment techniques, and other means available for achieving compliance shall apply to public water systems as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.53, 141.54, 141.64, 141.65, 141.130, 141.620 and 141.626.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.2.7. **Miscellaneous Contaminants.** All maximum contaminant levels not previously referenced in this regulation shall apply to public water systems as stipulated in the latest revision of the National Primary Drinking Water Regulations.

*SOURCE: Miss. Code Ann. §41-26-6*

### **Subchapter 3. Monitoring, Analytical, And Treatment Technique Requirements**

Rule 1.3.1. **Coliform Sampling, Analyses, Treatment Technique Triggers and Assessment Requirements.** It shall be the responsibility of each supplier of water to comply with the treatment technique triggers, assessment requirements, and Coliform Monitoring and Analytical Requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.21 or any subsequent revisions thereto including 141.851 – 141.860 except that the following optional provisions of Title 40 Code of Federal Regulations Section 141.21, 141.854, 141.855, and 141.857 are not adopted:

1. The provision of Title 40 Code of Federal Regulations Section 141.21 (a)(2) concerning the reduction of the monitoring frequency for community water systems serving 1,000 or fewer persons;
2. The provision of Title 40 Code of Federal Regulations Section 141.21 (a)(5) concerning waiver of the time limit for sampling after a turbidity sampling result exceeds 1 NTU;
3. The provision of Title 40 Code of Federal Regulations Section 141.21 (b)(3) concerning collection of large volume repeat samples in containers of any size;
4. The provision of Title 40 Code of Federal Regulations Section 141.21 (d) concerning agents other than State personnel conducting sanitary surveys;
5. The provisions of Title 40 Code of Federal Regulations Section 141.21 (e)(2) with respect to waiver of E. Coli testing on a total coliform positive sample;
6. Provisions allowing systems to perform reduced monitoring below the minimum of monthly. All systems regardless of type and operational status will be on monthly monitoring schedules.



*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.3.2. **Inorganic Chemical Sampling and Analyses.** It shall be the responsibility of each supplier of water to comply with the inorganic chemical sampling/analysis requirements, analytical techniques, and water quality parameters as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.6, 141.23, 141.86, 141.87, 141.88 and 141.89 except that the following optional provisions of Title 40 Code of Federal Regulations are not adopted: Section 141.23 (a)(4) and Section 141.88(a)(1)(iv) which allow compositing of samples. The provisions of Title 40 Code of Federal Regulations, Section 141, Subpart I – Control of Lead and Copper are hereby incorporated by reference including any subsequent amendments and editions.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.3.3. **Organic Chemical Sampling and Analyses.** It shall be the responsibility of each supplier of water to comply with the organic chemical sampling and analysis requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.6, 141.24, 141.30 and 141.40 except that the following optional provisions of Title 40 Code of Federal Regulations are not adopted: Sections 141.24 (f) (14) and (h) (10) and Section 141.40 (n)(9) which allow compositing of samples.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.3.4. **Radionuclides.** It shall be the responsibility of each supplier of water to comply with the radionuclide sampling and analysis requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.25 and 141.26.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.3.5. **Turbidity and Source Water Sampling and Analyses.** It shall be the responsibility of each supplier of water to comply with the turbidity and source water sampling and analysis requirements and state notification procedures as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.22, 141.174, 141.560 – 141.564, 141.701 – 141.704, 141.707 and Appendix B to Subpart Q of Part 41.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.3.6. **Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors Sampling and Analyses.** It shall be the responsibility of each supplier of water to comply with the disinfectant monitoring, disinfection byproduct sampling, analysis and all other requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.131, 141.132, 141.531, 141.600-605,

141.620-625, 141.627, and 141.628. Compliance with this section shall be determined as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.133 and 141.620.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.3.7. **Ground Water Microbial Sampling and Analyses.** It shall be the responsibility of each supplier of ground water to comply with the source microbial monitoring and analytical requirements and if requested, provide any information that will allow the state to perform a hydrogeologic sensitivity assessment as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.400, 141.402, 141.853, and Subpart Y.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.3.8. **Filtration and Disinfection.** It shall be the responsibility of each supplier of water to comply with the filtration and disinfection analytical and monitoring requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.70, 141.71, 141.73, 141.74, 141.174, and 141.856.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.3.9. **Miscellaneous Contaminants.** It shall be the responsibility of the supplier of water to comply with the special monitoring requirements of the National Primary Drinking Water Regulation Title 40 Code of Federal Regulations Section 141.41 (special monitoring for sodium) and Section 141.42 (special monitoring for corrosivity characteristics). It shall also be the responsibility of the supplier of water to comply with all other monitoring and analysis requirements not previously addressed in this regulation as stipulated in the National Primary Drinking Water Regulations.

*SOURCE: Miss. Code Ann. §41-26-6*

#### **Subchapter 4. Sanitary Surveys.**

Rule 1.4.1. **Surface Water Systems:** The Mississippi State Department of Health shall make periodic on-site surveys of each public surface water system for the purpose of determining the adequacy of the water source, facilities, equipment, watershed control program, operation and maintenance procedures and monitoring and compliance as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.63, 141.522 and 141.723. These surveys include the right to inspect all records, take water quality samples, or verify procedures, to determine compliance with this regulation. Significant deficiencies, as determined by the Department utilizing current EPA guidance manuals, shall be identified by Department staff during the

conduct of sanitary surveys. Public water systems shall, upon receipt of the sanitary survey report, provide a written response to all significant deficiencies identified in the report to the Department within 45 days of receipt of the report. In this written response, the public water system shall outline its plan to correct the significant deficiencies identified in the survey report. After reviewing the public water system's written response, the Director shall require, by means of a written order, that the public water system correct the significant deficiencies within a reasonable period of time as determined by the Department.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.4.2. **Ground Water Systems:** The Mississippi State Department of Health shall make periodic on-site surveys of each public ground water system for the purpose of determining the adequacy of the water source, treatment, distribution, storage, pumps, reporting, management and operator compliance as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.63 and 141.401. These surveys include the right to inspect all records, take water quality samples, or verify procedures, to determine compliance with this regulation. Significant deficiencies, as determined by the Department utilizing current EPA guidance, shall be identified by Department staff during the conduct of sanitary surveys. Public water systems shall, upon receipt of the sanitary survey report, provide a written response to all significant deficiencies identified in the report to the Department within 30 days of receipt of the report. In this written response, the public water system shall outline its plan to correct the significant deficiencies identified in the survey report. After reviewing the public water system's written response, the Director shall require, by means of a written order, that the public water system correct the significant deficiencies within 120 days or within a reasonable period of time as determined by the Department.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.4.3. **Treatment Techniques.** It shall be the responsibility of each supplier of water to comply with the treatment techniques as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.76, 141.81, 141.82, 141.83, 141.110, 141.111, 141.135, 141.403, and 141.404. Violations as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.403 and 141.404 are hereby incorporated.

*SOURCE: Miss. Code Ann. §41-26-6*

## **Subchapter 5. Reporting, Records, And Public Notification**

Rule 1.5.1. **Reporting Requirements.**

1. The supplier of water shall provide the results of all water quality analyses, assessments, corrective actions, and certifications to be utilized for compliance with this regulation to the Director as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.31, 141.35, 141.73, 141.75, 141.76, 141.90, 141.134, 141.173, 141.175, 141.405, 141.570, 141.601, 141.602, 141.629, 141.706, 141.710, 141.712, 141.860, and 141.861.
2. The supplier of water shall report to the Director the failure to comply with these regulations, including failure to comply with monitoring and analytical requirements, failure to comply with treatment technique requirements, and failure to meet maximum contaminant levels as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.31, 141.35, 141.73, 141.75, 141.76, 141.173, 141.175, 141.405, 141.860, 141.861.
3. The supplier of water shall provide proof of public notification to the Director as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.31(d), 141.90(f) and 141.405.
4. The supplier of water or consecutive ground water system shall maintain records and submit to the Director copies of all required records as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.31 (e), 141.90, 141.91, 141.75, 141.76, 141.175, 141.405, 141.721, 141.722, 141.860, and 141.861.
5. The state shall be responsible for submitting to the Administrator all information stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 142.15.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.5.2. **Public Notification and Education.** Each supplier of water shall provide public notification or education as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.35, 141.71, 141.73, 141.74, 141.85, 141.90(f), 141.170-141.174, 141.201-141.211, 141.402- 141.404(d), 141.500-141.553, 141.560, 141.564, Appendices A-C to Subpart Q, and Subpart Y of Part 141. Public notification of fluoride content is required of all public water suppliers as stipulated in Title 40 Code of Federal Regulations Section 143.5.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.5.3. **Record Maintenance.** Each supplier of water shall retain records and make such records available to the Director as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations

Sections 141.33, 141.35, 141.75, 141.76, 141.134, 141.155, 141.175, 141.571, 141.601, 141.602, 141.629, 142.62, and 141.861.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.5.4. **Records Kept by States.** Records of currently applicable or most recent tests, measurements, analyses, decisions, and determinations performed on each public water system, including all supporting information and an explanation of the technical basis of each decision to determine compliance with applicable provisions of the Mississippi Primary Drinking Water Regulations will be maintained in accordance with the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 142.14.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.5.5. **Laboratory Certification.**

1. The Director may prescribe minimum requirements for a laboratory to be certified by the Mississippi State Department of Health to perform water quality analyses required under this regulation.
2. Each supplier of water must utilize the services of certified laboratory or party approved by the state where applicable to complete all water quality analyses as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.28, 141.705, 141.852.

*SOURCE: Miss. Code Ann. §41-26-6*

## **Subchapter 6. Filtration and Disinfection - Surface Water Treatment Rule.**

Rule 1.6.1. **General Requirements:** Each public water system that uses a surface water source or a ground water source under the direct influence of surface water must comply with the treatment technique requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.70.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.6.2. **Criteria for Avoiding Filtration:** In order to avoid filtration, a public water system that uses a surface water source or a ground water source under the direct influence of surface water must comply with the criteria for avoiding filtration as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.71.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.6.3. **Disinfection:** A public water system that uses a surface water source or a ground water source under the direct influence of surface water must comply with the disinfection requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.72.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.6.4. **Filtration:** A public water system that uses a surface water source or a ground water source under the direct influence of surface water and does not meet all of the criteria in Title 40 Code of Federal Regulations Section 141.71 for avoiding filtration must comply with the treatment requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.73.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.6.5. **Recycle Provisions:** A public water system that uses a surface water source or a ground water source under the direct influence of surface water must comply with the recycle provisions as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.76.

*SOURCE: Miss. Code Ann. §41-26-6*

### **Subchapter 7. Enhanced Filtration and Disinfection - Surface Water Treatment Rule.**

Rule 1.7.1. **General Requirements:** Each public water system that uses a surface water source or a ground water source under the direct influence of surface water must comply with the treatment technique and microbial protection requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.170, 141.500-141.503, 141.510-141.511, 141.520, 141.700, 141.710 – 141.720.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.7.2. **Criteria for Avoiding Filtration:** In order to avoid filtration, a public water system that uses a surface water source or a ground water source under the direct influence of surface water must comply with the criteria for avoiding filtration as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.171 and 141.521.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.7.3. **Disinfection:** A public water system that uses a surface water source or a ground water source under the direct influence of surface water must comply with the disinfection, profiling and benchmarking requirements as stipulated in

the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.172, 141.530-141.536, 141.540-141.544, 141.708 and 141.709.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.7.4. **Filtration:** A public water system that uses a surface water source or a ground water source under the direct influence of surface water and does not meet all of the criteria in Title 40 Code of Federal Regulations Section 141.171 for avoiding filtration must comply with the monitoring, reporting, records maintenance, assessment and treatment requirements as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Sections 141.173, 141.550-141.553, and 141.560-141.564. A public water system that uses a surface water source or a ground water source under the influence of surface water shall arrange for the conduct of a comprehensive performance evaluation by the Department or a third party approved by the Department within 30 days of exceeding the filter performance triggers stipulated by the National Primary Drinking Water Regulations published under Title 40 Code of Federal Regulations Section 141.175 (b)(4). Based upon the results of this comprehensive performance evaluation, the public water system shall arrange for the completion of a composite correction program developed in accordance with current EPA guidance documents. This composite correction program shall be submitted to the Department for review and approval prior to actual implementation. The Director, after reviewing and approving the composite correction program, shall, by means of a written order, require the public water system to implement the approved composite correction program on a time schedule approved by the Department as stipulated in Title 40 Code of Federal Regulations Section 142.16(g)(1) and 142.16(j)(1).

*SOURCE: Miss. Code Ann. §41-26-6*

## **Subchapter 8. Cross Connections**

Rule 1.8.1. **Cross Connections Prohibited.** No person shall install, permit to be installed or maintain any cross connection between a public water system and any other non-public water system or a line from any container of liquids or other substances, except as specifically authorized by this regulation, unless a backflow prevention assembly is installed between the public water system and the source of contamination. Direct connections between a public water supply and sewer or storm sewer are prohibited.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.8.2. **Low Hazard Cross Connection.**

1. A connection between a public water system and a service or other water system not hazardous to health but not meeting established water quality standards for public water systems and not cross connected within its system with a potentially dangerous substance shall be considered a low hazard category cross connection. An appropriate backflow prevention assembly or device recommended by the Department for low hazard cross connections shall be installed except as provided in section 104.02(2).
2. Pursuant to Section 41-26-14(2)(b) of the Mississippi Code of 1972, as amended, the following cross connections shall be considered as low hazard posing a very low risk and shall not be required to have a backflow preventer device:
  - a. Any lawn sprinkler system or lawn irrigation system that is connected to a public water system and was professionally installed regardless of whether the system is underground or above ground or whether the system has pop-up sprinkler heads.
  - b. Any swimming pool that is connected to a public water system and was professionally installed or any swimming pool that is connected to a public water system and has a fill line with an anti-siphon air gap.
  - c. Any water fountain or cooler that provides drinking water for human consumption that is connected to a public water system and was professionally installed.
  - d. Any fire sprinkler system that contains only water or a dry pipe and no chemicals that is connected to a public water system and was professionally installed.
  - e. Any commercial establishment that is connected to a public water system that contains no cross connections directly with a dangerous or hazardous substance or material.

*SOURCE: Miss. Code Ann. §41-26-14*

### **Subchapter 9. High Hazard Cross Connection.**

- Rule 1.9.1. A connection between a public water system and a non-public water system or other source of contamination which has or may have any material in the water dangerous to health, or connected to any material dangerous to health, that is or may be handled under pressure, or subject to negative pressure, shall be considered a high hazard category cross connection. The cross connection shall be eliminated by air gap separation or shall be protected by the installation of an appropriate backflow prevention assembly or device recommended by the Department for high hazard cross connections.

*SOURCE: Miss. Code Ann. §41-26-14*



Rule 1.9.2. Any lawn sprinkler system or lawn irrigation system that is connected to a public water system and either injects or stores lawn chemicals or is connected to a wastewater supply shall be considered a high hazard cross connection and shall be protected by the installation of a backflow prevention assembly or device.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.9.3. Additional backflow prevention assemblies or devices shall not be required for carbonated beverage dispensers if 1) the water supply connection to the carbonated beverage dispenser is protected against backflow by a backflow prevention assembly or device that conforms to ASSE 1022 or by an air gap, and 2) the backflow prevention assembly or device and the piping downstream from the device are not affected by carbon dioxide gas.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.9.4. **Distinction Between Low and High Hazard Cross Connection.** The distinction between low hazard cross connection and high hazard cross connections shall be made by an authorized representative of the public water system subject to review by the Department.

*SOURCE: Miss. Code Ann. §41-26-14*

#### **Subchapter 10. Responsibility Of Public Water Systems To Establish Cross Connection Control Programs**

Rule 1.10.1. **Cross Connection Control Program.** All public water supplies shall adopt and enforce a cross connection control policy or ordinance that is no less stringent than the provisions of this regulation; however, the adopted policy or ordinance shall not be more stringent than the provisions of House Bill 692 enacted by the 2001 Mississippi Legislature, as codified in Section 41-26-14 et. seq. of the Mississippi Code of 1972, Annotated. This policy or ordinance shall establish a cross connection control program consisting of the following:

1. Locating and eliminating unprotected cross connections.
2. Preventing the occurrence of new cross connections with the public water system.
3. Maintaining records pertaining to the location of existing backflow prevention assemblies, type and size of each assembly and results of all tests of backflow prevention assemblies by a tester certified by the Department.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.10.2. **Cross Connection Surveys.** It shall be the responsibility of each public water system to conduct surveys and on-site visits as necessary to locate existing cross connections. Single family dwellings and multi-family dwellings shall not be

included in this survey unless the officials of the public water system have reason to believe that a cross connection exists. This survey shall be performed by an authorized representative of the public water system utilizing established written guidelines as published by the Department.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.10.3. Each public water system shall complete an initial cross connection survey by December 31, 2000.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.10.4. Upon completion of the required cross connection survey, the responsible official of each public water system shall certify to the Department, on forms provided by the Department, that the required survey has been properly completed in accordance with the written guidelines published by the Department.

*SOURCE: Miss. Code Ann. §41-26-14*

### **Subchapter 11. Installation of Backflow Preventers**

Rule 1.11.1. Across connection is identified, the public water system shall require that the property owner eliminate the cross connection or install the proper type backflow prevention assembly.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.11.2. When a cross connection is identified, the public water system shall notify the property owner, in writing and within ten (10) days, of the existence of the cross connection and that the cross connection must be eliminated or protected.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.11.3. If the public water system determines that the cross connection is a high hazard category cross connection, it shall be eliminated or protected by the appropriate backflow preventer by June 30, 2001. If a public water system identifies an existing high hazard cross connection after June 30, 2001, the high hazard cross connection shall be eliminated or protected by the property owner within ninety (90) days of written notification by the public water system. If the property owner has an existing backflow preventer, the public water system shall allow the backflow preventer to remain in place until it fails to function properly.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.11.4. If the public water system determines that the cross connection is a low hazard cross connection, it shall be eliminated or protected by the property owner by installing an appropriate backflow preventer by June 30, 2004. If an existing low

hazard cross connection is identified by a public water system after June 30, 2004, the cross connection shall be eliminated or protected by the property owner by installing an approved backflow preventer within one (1) year of written notification by the public water system. If the property owner has an existing backflow preventer, the public water system shall consider the backflow preventer approved and shall allow the installed backflow preventer to remain in place until the backflow preventer fails to function properly.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.11.5. **Public Water System Enforcement Actions.** In the event a customer refuses to comply with the cross connection control provisions of this regulation, the public water system is authorized to discontinue water service to the customer until such time as the customer complies with this regulation.

*SOURCE: Miss. Code Ann. §41-26-14*

## **Subchapter 12. Recommended Backflow Preventers**

Rule 1.12.1. **List of Recommended Backflow Preventers.** The Department shall prepare and publish a list of backflow prevention assemblies recommended for use in the State of Mississippi. The Department shall routinely update this list as necessary.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.12.2. **Recommended Devices for High Hazard Cross Connections.**

1. **Reduced Pressure Principle Backflow Prevention Assemblies.** Backflow prevention assemblies recommended to protect high hazard cross connections shall include reduced pressure principle backflow prevention assemblies.
2. **Pressure Vacuum Breaker Assemblies.** Backflow prevention assemblies recommended to protect high hazard cross connections shall include pressure vacuum breaker assemblies. Pressure vacuum breaker assemblies shall not be used in locations where the vacuum breaker may be subject to back pressure and shall not be used in locations where the vacuum breaker is not higher than all downstream connections.
3. **Atmospheric Vacuum Breakers.** Backflow prevention devices recommended to protect high hazard cross connections shall include atmospheric vacuum breakers. Atmospheric vacuum breakers shall not be installed in locations that may be subject to back pressure, shall not be installed in locations where the vacuum breaker is not higher than all downstream locations, shall not be installed in locations with valves downstream and shall not be installed in locations of continuous use.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.12.3. **Low Hazard Cross Connections.** Backflow prevention assemblies recommended to protect low hazard cross connections shall include reduced pressure principle assemblies, pressure vacuum breaker assemblies, atmospheric vacuum breaker assemblies, and double check valve assemblies. Pressure vacuum breaker assemblies shall not be used in locations where the vacuum breaker may be subject to back pressure and shall not be used in locations where the vacuum breaker is not higher than all downstream connections. Atmospheric vacuum breakers shall not be installed in locations that may be subject to back pressure, shall not be installed in locations where the vacuum breaker is not higher than all downstream locations, shall not be installed in locations with valves downstream and shall not be installed in locations of continuous use.

*SOURCE: Miss. Code Ann. §41-26-14*

### **Subchapter 13. Installation Requirements.**

Rule 1.13.1. Reduced pressure principle backflow prevention assemblies, double check valve assemblies, and pressure vacuum breaker assemblies shall be installed in a location that provides adequate access for testing and repair of the assembly.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.13.2. Reduced pressure principle backflow prevention assemblies and double check valve assemblies shall not be subject to possible flooding. Reduced pressure principle backflow prevention assemblies and double check valve assemblies shall not be located in a pit below ground level.

*SOURCE: Miss. Code Ann. §41-26-14*

### **Subchapter 14. Testing Of Backflow Prevention Assemblies**

Rule 1.14.1. **Testing By Certified Tester.** When a reduced pressure principle backflow prevention assembly, double check valve assembly, or pressure vacuum breaker assembly is installed to protect a public water system against the possibility of a backflow from a customer's water service, inspection and testing of the assembly, where required by this regulation, shall be performed by an individual who has been licensed as a Certified Tester by the Department.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.14.2. Each backflow prevention assembly shall be inspected and tested by a Certified Tester after installation and before use by the customer. Reduced pressure principle backflow prevention assemblies and pressure vacuum breakers shall be inspected and tested at least once a year by a Certified Tester.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.14.3. The Certified Tester shall provide the property owner and the public water system with a written report of the inspection and test results on each assembly tested. This written report shall be on a form provided by the Department. The report shall be prepared and submitted by the Certified Tester making the inspection and test. The Certified Tester and the public water system shall retain all backflow prevention assembly test and inspection results for at least five (5) years from the date of test and inspection.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.14.4. Reduced pressure principle backflow prevention assemblies and pressure vacuum breaker assemblies that fail to function properly or fail the routine required test shall be repaired or replaced within thirty (30) days of identification of the failure. Double check valves that fail to function properly shall be repaired or replaced within ninety (90) days of identification of the failure.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.14.5. **Licensing of Certified Testers.** Each Certified Tester shall be licensed by the Department. All tester training shall be submitted to the Department for approval at least 45 days prior to the scheduled date of training. The Department shall review the instructors and course curriculum for all proposed tester training. The Department shall approve proposed tester training if it determines that the proposed training program and instructor(s) meets the Department's minimum guidelines. The Department shall develop and administer the backflow tester certification test at the conclusion of each approved tester training program. A minimum score of 70% on the Department's written examination and successful performance of prescribed tests on a reduced pressure principle backflow prevention assembly, double check valve assembly, and pressure vacuum breaker assembly will be required for certification. Any applicant not successfully completing both the written and performance tests must attend a Department approved tester training program before taking the certification tests again. Under special circumstances and upon receipt of a written request by the applicant, the Department may allow an applicant to take the written and performance tests without attending a Department approved tester training program.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.14.6. The Department may issue, solely at its discretion and without testing, certification to a Tester possessing certification from a nationally recognized backflow prevention assembly tester certification program.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.14.7. Each Tester's certification will expire three (3) years from the date issued. To become re-certified, the Tester must successfully complete a recertification

examination developed by the Department and administered by the Department or an authorized representative of the Department.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.14.8. The Certified Tester shall maintain the accuracy of the testing equipment to be used to test backflow prevention devices. The testing equipment shall be checked for proper calibration and shall be recalibrated, as needed, in accordance with the recommendations of the manufacturer. Only properly trained individuals shall perform calibration adjustments or repair or testing equipment. Calibration standards utilized in the testing or repair of this testing equipment shall have their accuracy checked and adjusted to within allowable tolerances against standard instruments traceable to the National Institute for Standards and Technology (NIST).

*SOURCE: Miss. Code Ann. §41-26-14*

#### **Subchapter 15. Suspension or Revocation of Tester's Certificate.**

Rule 1.15.1. A Tester's Certificate may be revoked or suspended by the Department for just cause. Causes include, but are not limited to, the following:

1. Fraud, deception, or misrepresentation of a material fact to either the public or the Department;
2. Misfeasance, malfeasance or nonfeasance;
3. Failure to file any official reports required by the Department;
4. Failure to maintain all official records required by the Department;
5. Failure to respond to any official correspondence from the Department;
6. Failure to obey a lawful order of the Director or any duly appointed Administrative Hearing Officer of the Department;
7. Failure to exercise reasonable care or judgment in the testing of backflow prevention devices;
8. Failure to comply with the terms of a suspension of a certificate issued by the Department;

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.15.2. No Tester's Certificate will be suspended or revoked without notice to the Certificate holder and an opportunity for a hearing. Hearings shall be held in conformity with Sections 41-26-17 and 41-26-21 Mississippi Code of 1972 Annotated.

*SOURCE: Miss. Code Ann. §41-26-14*

Rule 1.15.3. Notwithstanding the requirement for a hearing, the Director may, if he determines that public health is threatened, issue any such orders as are deemed necessary to protect the public health, including, but not limited to, orders to individual(s) to cease all actions as a Certified Tester of backflow prevention devices in the State of Mississippi.

*SOURCE: Miss. Code Ann. §41-26-14*

### **Subchapter 16. Cross Connection Control Waivers**

Rule 1.16.1. **Waivers.** The Director may issue a waiver to a public water system to any part or parts of the cross connection control provisions of this regulation if the Department deems such waiver to be appropriate and will not potentially jeopardize public health.

*SOURCE: Miss. Code Ann. §41-26-14*

### **Subchapter 17. Application And Fees For Certified Tester**

#### **Rule 1.17.1. Filing Application.**

1. A tester desiring certification shall file an application with the Department on forms provided by the Department.
2. The Department shall review the application and supporting documents, determine the eligibility of the applicant, and issue a certificate when the minimum requirements are met.

*SOURCE: Miss. Code Ann. §41-26-14*

#### **Rule 1.17.2. Backflow Prevention Assembly Tester Certification Fees.**

1. An initial fee of fifty dollars (\$50.00) shall be charged for certification as a Backflow Prevention Assembly Tester. The Department shall invoice each applicant for the \$50 fee and the certificate will not be issued until the fee is received by the Department.
2. A fee of thirty dollars (\$30.00) shall be charged for the renewal of a certificate. The Department shall invoice each applicant for the \$30 fee and the renewal certificate will not be issued until the fee is received by the Department.

*SOURCE: Miss. Code Ann. §41-26-14*

### **Subchapter 18. Consumer Confidence Reports**

Rule 1.18.1. **Purpose and Applicability.** Each community public water system shall prepare and deliver to their customers an annual consumer confidence report as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.151.

1. **Effective Dates.** The effective dates for community public water supplies to prepare and deliver annual consumer confidence reports shall be as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.152.
2. **Content of the Reports.** The content of the Consumer Confidence Reports prepared by community public water supplies shall be as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.153 and subpart Y.
3. **Required Additional Health Information.** It shall be the responsibility of each community public water supply preparing a consumer confidence report to include the required additional health information as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.154.
4. **Report Delivery.** Delivery of Consumer Confidence Reports prepared by community public water supplies shall be as stipulated in the National Primary Drinking Water Regulations as published under Title 40 Code of Federal Regulations Section 141.155.

*SOURCE: Miss. Code Ann. §41-26-6*

### **Subchapter 19. Emergency Conditions And Enforcement**

Rule 1.19.1. **Emergency Conditions.** The Director is authorized to develop and implement a plan for the provision of safe drinking water in emergency circumstances for any public water system.

*SOURCE: Miss. Code Ann. §41-26-6*

Rule 1.19.2. **Enforcement.** Violations of any requirement of this regulation shall be subject to the enforcement provisions of the Mississippi Safe Drinking Water Act of 1997 as found at Sections 41-26-1 through 41-26-101, Mississippi Code of 1972, Annotated.

*SOURCE: Miss. Code Ann. §41-26-6*



## Chapter 2. REGULATION GOVERNING THE CERTIFICATION OF MUNICIPAL AND DOMESTIC WATER SYSTEM OPERATORS

### Subchapter 1. General Provisions

Rule 2.1.1. **Legal Authority.** This regulation has been promulgated under the authority of and pursuant to the Municipal and Domestic Water and Wastewater System Operator's Certification Act of 1986, Sections 21-27-201 through 21-27-221, Mississippi Code of 1972. Annotated.

*SOURCE: Miss. Code Ann. §§21-27-207 and 41-26-6*

#### Rule 2.1.2. **Definitions**

1. **Available** shall mean a certified waterworks operator or his/her designee employed by the water system holding a waterworks operator certification equivalent to or higher than the class of the public water system. The water system must be able to contact the certified operator or his/her designee at all times by telephone, pager or other reliable mode of communication acceptable to the Bureau of Public Water Supply to address system needs and problems as they occur.
2. **Board** shall mean the Mississippi State Board of Health.
3. **Bureau** shall mean the Bureau of Public Water Supply of the Mississippi State Department of Health.
4. **Community Water System** shall mean any water system serving piped water for human consumption to fifteen (15) or more individual service connections used year-round by consumers or regularly serving at least twenty-five (25) or more individual consumers year-round, including, but not limited to, any collection, pretreatment, treatment, storage and/or distribution facilities or equipment used primarily as part of, or in connection with such system, regardless of whether or not such components are under the ownership or control of the operator of such system.
6. **Department** shall mean the Mississippi State Department of Health.
7. **Director** shall mean the director of the Bureau of Public Water Supply or his designated representative.
8. **Distribution System** shall mean all water mains, repumping facilities, and appurtenances past treatment.
9. **Non-transient non-community water system** shall mean a public water system that is not a community water system and that regularly serves at least twenty-five (25) of the same persons.

10. **Operator** shall mean the designated certified waterworks operator who directly supervises and is personally responsible for the daily operation and maintenance of a community or non-transient non-community public water system.
11. **Person** shall mean the state or other agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation, or the United States or any officer or employee thereof.
12. **Responsible Charge** shall mean a waterworks operator, holding a Bureau issued waterworks operator certification at a class equivalent to or higher than the class of the water system, who is officially designated by the owner or responsible official of the water system as the operator responsible for making all decisions regarding the daily operational activities of the public water system including all components of the water system such as treatment plants, water wells, distribution systems, etc. Decisions carried out by the operator in responsible charge shall be performed with reasonable care and ethical judgement. Under special circumstances, the Director may authorize a water system(s) to have more than one operator in responsible charge.
13. **Restricted Certification** shall mean a certified waterworks operator that is given a temporary certification in order to operate a public water system that has received a change in classification or a sudden loss of their certified operator. Operators with this type of Certification are restricted to a specific public water supply temporarily until such time as the operator attends a water operator short course within three years of receiving the Restricted Certification and passes the written examination required by the Bureau. This Restricted Certification is only provided for a period of three years. The Director may extend the restricted period of time of the certification due to the experience requirements of system classification.

*SOURCE: Miss. Code Ann. §21-27-203*

Rule 2.1.3. **Certificates.** Effective July 1, 1987, all municipal and domestic community water systems must be operated by persons who are certified by the Bureau of Public Water Supply as qualified to operate such facilities. Effective July 1, 1998, all non-transient non-community public water systems must be operated by persons who are certified by the Bureau to operate such facilities.

1. Certificates of competency will be issued by the Bureau only after the applicant has passed the appropriate examination and has met the minimum requirements as specified in Subchapters 3 & 4.
2. Certifications issued in accordance with section 21-27-213 (Grandfather Clause) of the Municipal and Domestic Water and Wastewater System Operator's

Certification Act of 1986, shall be valid only for the particular public water system operated by the applicant at the time the certification was issued, and then only so long as the system remains active in the same or lower classification and the operator completes the continuing education requirement found in Rule 2.6.2. (2).

3. Certifications shall be valid for three (3) years from the date of issuance, unless suspended or revoked for cause.
4. In the event of temporary loss of an operator, notice shall be immediately given to the Bureau. Continued operation of such system, without a certified operator, may proceed on an interim basis for a period not to exceed one hundred eighty (180) days, except for good cause shown upon written petition to the Director or designated representative.
5. Reciprocal certification may be issued in a comparable classification to an operator who holds a valid certification in any state, territory, or possession of the United States, provided the applicant's current certification is comparable to the class being applied for and the state from which the operator is requesting reciprocity utilizes a formal examination process. Any operator requesting reciprocal certification may request a waiver from the Director if they hold a valid certification in any state, territory or possession of the United States that does not utilize a formal examination process.
6. Any person allowed to actually make physical changes on a public water system that impact water quality or quantity must hold a waterworks operator's license issued by the Bureau at a class equivalent to or higher than the class of the public water system or be under the supervision of the certified waterworks operator for that system.

*SOURCE: Miss. Code Ann. §§21-27-205 and 21-27-211*

## **Subchapter 2. Classification of Public Water Systems & Operator in Responsible Charge**

Rule 2.2.1. **Classes of Water Systems.** Water systems shall be classified in accordance with the criteria outlined below. Special systems which do not fall within these guidelines shall be considered as individual cases and be classified by the Bureau. All public water systems shall be under the direct supervision of a Bureau certified waterworks operator who is designated by the owner or responsible official of the system as the operator in responsible charge of the water system. In those situations where a public water system contracts with a private operating company to operate the public water system, the responsible official of the public water system may authorize the private company to designate an operator employed by the company as the operator in responsible charge of the water system. In either case, the water system shall identify, by means of the Public Water Supply Annual Report

submitted each year to the Bureau, the certified operator in responsible charge of the public water system.

1. **Class E.** Water systems that purchase water only and do not provide additional treatment. This classification shall also apply to waterworks operators whose only job responsibility is the operation and maintenance of the distribution system(s). The certified operator in responsible charge or his/her designee shall be available twenty-four (24) hours a day to address system needs and problems as they occur.
2. **Class D.** Water systems with no treatment other than chlorination and/or fluoridation or direct chemical feed such as polyphosphate. The certified operator in responsible charge or his/her designee shall be available twenty-four (24) hours per day to address system needs and problems as they occur.
3. **Class C.** Water systems with aeration, pH adjustment, corrosion control or closed pressure filtration treatment facilities including zeolite softening or iron removal. The certified operator in responsible charge or his/her designee shall be available twenty-four (24) hours per day to address system needs and problems as they occur.
4. **Class B.** Water systems with two (2) or more Class C treatment facilities of different types, with iron or manganese removal facilities breaking pressure or requiring flocculation and/or sedimentation, a system utilizing membrane filtration, or ion exchange treatment. The certified operator in responsible charge or his/her designee shall be available twenty-four (24) hours per day to address system needs and problems as they occur.
5. **Class A.** Systems with surface water treatment, groundwater under the direct influence of surface water, lime softening, or coagulation and filtration for the removal of constituents other than iron or manganese. A certified class A operator shall be onsite whenever the treatment plant for a Class A public water system treating surface water is in operation. The certified operator in responsible charge shall be available twenty-four (24) hours per day to address system needs and problems as they occur.

*SOURCE: Miss. Code Ann. §21-27-205*

### **Subchapter 3. Waterworks Operator Qualifications.**

- Rule 2.3.1. **Class A.** The applicant must have at least a bachelor's degree in engineering or applied sciences from an accredited college or university, at least one years of experience in a Class A or B water treatment plant, and pass the written examination required by the Bureau. Or alternatively, an applicant must be a graduate of an accredited high school or possess an equivalent (GED), have at least six (6) years of experience in a Class A or B water plant, and pass the written examination required by the Bureau. In both applicant cases, at least one (1) year of working experience must be in a Class A plant.

*SOURCE: Miss. Code Ann. §21-27-205*

Rule 2.3.2. **Class B.** The applicant must have graduated from an accredited high school or possess a General Equivalency Diploma (GED), have at least three (3) years of experience in the operation of a Class A, B, or C water treatment plant, of which one (1) year of working experience must be in a Class A or B water treatment plant. The applicant must also pass the written examination required by the Bureau.

*SOURCE: Miss. Code Ann. §21-27-205*

Rule 2.3.3. **Class C.** The applicant must have graduated from an accredited high school or possess a General Equivalency Diploma (GED), have at least two (2) years of working experience in the operation a Class A, B, C, or D water treatment plant of which one (1) year of working experience must be in a Class A, B, or C water treatment plant. The applicant must also pass the written examination required by the Bureau.

*SOURCE: Miss. Code Ann. §21-27-205*

Rule 2.3.4. **Class D.** The applicant must have graduated from an accredited high school or possess a General Equivalency Diploma (GED), and have at least one (1) year of working experience in operation of the same class facility as being applied for or a higher level. The applicant must also pass the written examination required by the Bureau.

*SOURCE: Miss. Code Ann. §21-27-205*

Rule 2.3.5. **Class E.** The applicant must have graduated from an accredited high school, or possess a General Equivalency Diploma (GED), and have at least one (1) year of working experience in the operation of the same class facility as being applied for or a higher level. The applicant must also pass the written examination required by the Bureau.

*SOURCE: Miss. Code Ann. §21-27-205*

#### **Subchapter 4. General Qualifications for all Certified Waterworks Operators**

Rule 2.4.1. One (1) year of the required working experience must be earned under the direct supervision of a certified waterworks operator who holds a valid certification issued by the Bureau at a class equivalent to or higher than that for which certification is being requested. The year of supervised working experience must be obtained in a public water system of a class equivalent to or higher than that for which certification is being applied. The supervising operator must sign a certification statement verifying the successful completion of the required period of supervision. Under special circumstances, the Director may waive the requirements of this section based upon written evidence of good cause.

*SOURCE: Miss. Code Ann. §21-27-205*

Rule 2.4.2. To be eligible to serve as the designated certified waterworks operator for a community or non-transient non-community public water system, an operator's primary residence must be no more than fifty (50) miles from the system. Under special circumstances, the responsible official of the water system may appeal to the Director in writing for a waiver of the fifty (50) mile requirement.

*SOURCE: Miss. Code Ann. §21-27-205*

Rule 2.4.3. An operator whose certification has been expired for twenty-four (24) months or less shall be eligible to receive a new waterworks operator certification at a level no higher than the certification previously issued by the Bureau if he/she successfully passes the written examination required by the Bureau. To be eligible to retake the examination, the operator must comply with the provisions of Rule 2.6.1(5) of this regulation. The provisions of Rule 2.4.1 of this regulation shall be waived for applications received under this section. An operator whose certification has been expired more than twenty-four (24) months must successfully pass the written examination required by the Bureau and comply fully with the provisions of Rule 2.4.1.

*SOURCE: Miss. Code Ann. §21-27-205*

Rule 2.4.4. Operators who have completed special vocational training, such as special schools, correspondence courses, etc., may be given credit for some portion of the deficiency in their experience. Except that such courses cannot be substituted for the required one (1) year of supervised working experience. Approval of credits shall be at the discretion of the Director. Credit for experience shall be awarded using the following criteria:

1. Eight (8) weeks of classroom instruction will be equivalent to one-year experience.
2. Special vocational training programs that have combinations of classroom instruction and on-the-job training will be evaluated by first separating classroom instruction from on-the-job training. Credit for working experience will be given for experience on the basis of the previous criteria
3. Applicants with a four (4) year college degree will receive the equivalent of two (2) years of experience. Applicants with an associate's degree will receive the equivalent of a one (1) year of experience. Credit for each year of college successfully completed in engineering, biological sciences, mathematics, chemistry, ~~or~~ physics, or environmental sciences will be considered on a case-by-case basis at the discretion of the Director. Twenty-four (24) semester hours completed in the above courses are equal to one (1) year of experience, with a maximum credit of two (2) years.

4. Special education training or experience which does not fall within these guidelines may be considered by the Director.

*SOURCE: Miss. Code Ann. §21-27-205*

## **Subchapter 5. Application and Fees**

### **Rule 2.5.1. Filing Application**

1. Applicants seeking certification as a certified waterworks operator shall file an application with the Bureau.
2. The Bureau will review the application and supporting documents, determine the eligibility of the applicant, and issue a certification when the applicant meets the minimum requirements of the class requested.

*SOURCE: Miss. Code Ann. §21-27-205*

### **Rule 2.5.2. Fees**

1. A fee of fifty dollars (\$50.00) shall be charged for an initial certification in any classification and must be paid to the Bureau prior to issuance of the certification.
2. A fee of thirty dollars (\$30.00) shall be charged for the renewal of an active certification and must be paid to the Bureau prior to the renewal of the certification.
3. All application fees must be received within fifteen (15) calendar days of being invoiced by the Bureau. Application fees received after fifteen days will be returned to the applicant and the applicant must reapply to the Bureau for certification or renewal. No application or fee will be accepted thirty (30) days after the expiration of a certification and the applicant must restart the certification process as outlined in Rule 2.4.3.

*SOURCE: Miss. Code Ann. §21-27-207*

## **Subchapter 6. Examinations**

### **Rule 2.6.1. Written Examinations**

1. The Bureau shall prepare written examinations to be used in determining knowledge, ability, and judgment of operators.
2. Examinations shall be held at places and times set by the Bureau.

3. An individual who passes an examination must be certified within three (3) years following the date the examination was taken. Otherwise, the individual will be required to pass another written examination in order to be certified.
4. Examination papers will not be returned to the individuals.
5. To be eligible to take a written examination, an individual must satisfactorily demonstrate to the Bureau that he/she has attended a Bureau sponsored waterworks operator short course within the previous twelve (12) months.

*SOURCE: Miss. Code Ann. §21-27-215*

**Rule 2.6.2. Renewal of Waterworks Operator Certificate**

1. Certifications may be renewed without examination. An application for renewal of a waterworks operator certification must be physically received by the Bureau within thirty (30) calendar days following the date the certification expires. This application must be accompanied by proof of completion of the continuing education requirements found in Rule 2.6.2(2). Upon approval of the renewal application, the applicant will be invoiced for the renewal fee. The Bureau must receive the fee prior to renewing the waterworks operator certification. Operators who file renewal applications more than thirty (30) calendar days after expiration of their certification will be denied the renewal of their certificate and must pass the appropriate written examination and reapply for certification. To be eligible to retake the examination, the operator must comply with the provisions of Rule 2.6.1(5) of this regulation.
2. Operators who have been continuously certified by the Bureau less than nine (9) years are required to obtain at least forty-eight (48) hours of related continuing education units (CEUs) per three (3) year renewal period with at least twelve (12) hours of these CEUs in Bureau approved “Regulation and Compliance” training topics.

At the beginning of the 10<sup>th</sup> year as a certified operator or operators who have been continuously certified by the Bureau for more than nine (9) years are required to obtain at least twenty-four (24) hours of related CEUs in the three (3) year renewal period with at least twelve (12) hours of these CEUs in Bureau approved “Regulation and Compliance” training topics. All continuing education requirements must be met prior to the expiration date of the certification. These CEUs may only be obtained by attending training sessions approved by the Bureau. Approval shall be strictly at the discretion of the Bureau. Training will be evaluated by the Bureau on an hour for hour basis for continuing education credit.

*SOURCE: Miss. Code Ann. §21-27-207*



Rule 2.6.3. Mississippi Department of Environmental Quality approved wastewater training programs will be awarded CEU credit by the Bureau at the rate of (1) water CEU hour for every 2 wastewater CEU hours earned. The ability to receive CEU credit for wastewater hours will end January 1, 2021.

*SOURCE: Miss. Code Ann. §21-27-207*

Rule 2.6.4. Each certified operator is responsible for maintaining all necessary records to document the completion of the required hours of continuing education. Original documentation of the completion of the required continuing education must be submitted with the application for renewal of the operator's certification. Copies of CEU certificates will not be accepted. Additionally, the Bureau reserves the right to audit the record of CEUs obtained for any operator certification up for renewal.

Rule 2.6.5. Restricted certifications issued by the Bureau are non-renewable. In order to obtain a non-restricted waterworks operator certification, the operator shall attend a Bureau sponsored short course during the three (3) year restricted certification period. The operator must also pass the appropriate written examination at the level of classification of the water system. This requirement may be waived by the Director at his/her discretion.

*SOURCE: Miss. Code Ann. §21-27-207*

## **Subchapter 7. Record Keeping, Reporting and Job Performance**

### **Rule 2.7.1. Annual Reporting Requirements**

1. Each certified waterworks operator and responsible official shall sign the certification statement on the Public Water Supply Annual Report for each public water system for which he/she is the designated certified waterworks operator in responsible charge of the public water system as required by Mississippi State Law. If a public water system fails to provide a completed Public Water System Annual Report to the Bureau within forty-five (45) days of this Report being mailed to the water system by the Bureau, the Bureau shall officially declare the public water system to be without a certified waterworks operator and the water system shall be in violation of this regulation and Mississippi State law.
2. The water system shall maintain Public Water System Operations Record documenting activities completed on the public water system by the certified waterworks operator of record or his/her designee. This record must be available for inspection by Bureau staff. The Public Water System Operations Record is the property of the public water system and must remain as part of the official records of the Public Water System.

*SOURCE: Miss. Code Ann. §21-27-207*

Rule 2.7.2. **Job Performance:** Each certified waterworks operator shall perform, under the direction of public water system’s responsible official(s), the necessary duties and actions to ensure compliance for the public water system with the Federal and State Safe Drinking Water Acts (SDWA) as outlined in the current edition of the *Public Water System Operations Manual* published by the Bureau of Public Water Supply. This manual presents the minimum duties and responsibilities for the operation of a public water supply. Bureau certified waterworks operators and employees under their supervision shall perform operational duties exercising reasonable care and ethical judgement to assist the public water systems in maintaining compliance with the SDWA and to ensure that water systems operate safely and in perpetuity.

*SOURCE: Miss. Code Ann. §21-27-207*

Rule 2.7.3. **Presence of Certified Waterworks Operator during Sanitary Surveys and Inspections:** The certified waterworks operator for a public water system shall be present for the conduct of sanitary surveys and inspections by Bureau staff when requested by Bureau staff and when provided at least twenty-four (24) hours notice of the survey or inspection. Under special circumstances, this requirement may be waived by the Director provided the certified operator arranges for someone to represent him/her during the survey or inspection.

*SOURCE: Miss. Code Ann. §21-27-207*

Rule 2.7.4. **Waterworks Operator Certification Waiver:** The Director may waive any part or parts of this regulation if the Director determines that such waiver will not potentially jeopardize public health.

*SOURCE: Miss. Code Ann. §21-27-207*

## **Subchapter 8. Suspension or Revocation of Certification**

Rule 2.8.1. A waterworks operator certification may be revoked or suspended by the Department for just cause. Causes include, but are not limited to, the following:

1. Fraud or deception;
2. An act or acts of conduct, including, but not limited to the arrest or conviction for a felony or misdemeanor, occurring on or off the job;
3. Violation of any provision of the “Mississippi Municipal and Domestic Water and Wastewater System Operators’ Certification Law of 1986,” or any rule or regulation of the Department promulgated there under;

4. Violation of any provision of the Federal Safe Drinking Water Act or the Mississippi Safe Drinking Water Act; or any rule or regulation, federal or state, promulgated under these laws;
5. Failure to file any official reports required by the Department;
6. Failure to maintain all official records required by the Department;
7. Failure to respond to any official correspondence from the Department;
8. Failure to obey a lawful order of the Director or any duly appointed Administrative Hearing Officer of the Department;
9. Failure to exercise reasonable care or judgment in the operation of a public water supply or in the performance of official duties; to include, but not limited to, misfeasance, malfeasance or nonfeasance;
10. Failure to comply with the terms of a suspension of certification issued by the Department.

*SOURCE: Miss. Code Ann. §21-27-219*

Rule 2.8.2. No certificate of competency will be suspended or revoked without notice to the waterworks operator and an opportunity for a hearing. Hearings shall be held in conformity with Sections 21-27-219 and 21-27-221 Mississippi Code of 1972 Annotated.

*SOURCE: Miss. Code Ann. §§21-27-219 and 21-27-221*

Rule 2.8.3. Notwithstanding the requirement for a hearing, the Department may, if it determines that public health is threatened, issue any such orders as are deemed necessary to protect the public health, including, but not limited to, orders to individual(s) to cease all actions as a certified waterworks operator in the State of Mississippi.

*SOURCE: Miss. Code Ann. §§21-27-217 and 21-27-219*

### **Subchapter 9. Enforcement and Appeals Procedures**

Rule 2.9.1. **Procedures:** Enforcement and appeals shall be in accordance with the Municipal and Domestic Water and Wastewater System Operator's Certification Act of 1986.

*SOURCE: Miss. Code Ann. §§21-27-217 through 21-27-221*

## **Chapter 3 REGULATION GOVERNING FLUORIDATION OF COMMUNITY WATER SUPPLIES**

## Subchapter 1 GENERAL PROVISIONS

### Rule 3.1.1 Coverage

1. This regulation shall only apply to community water systems (CWS) serving a population of at least two thousand (2,000).
2. Each CWS shall be required to acquire and install fluoridation treatment equipment capable of maintaining fluoride levels within the optimal range as defined in this regulation, and shall comply with all requirements of this regulation for the purpose of protecting the dental health of the citizens of this State. No System shall be required to comply unless sufficient funds are identified by the Department, whether by appropriation, capital outlay, grants or similar means or source of funds, as available to that system for the cost of acquiring and installing fluoridation equipment, and the cost of material required to fluoridate said system for at least one year from the date of initial installation.
3. A CWS that changes treatment to include fluoridation shall maintain optimal fluoridation as specified by the Bureau of Public Water Supply.
4. Any CWS that fluoridates and wishes to discontinue community water fluoridation must provide a written request to the Director of the Bureau of Public Water Supply; comply with the Bureau of Public Water Supply policy for *Discontinuation of Community Water Fluoridation for a Public Water Supply* and receive written approval from the Director of the Bureau of Public Water Supply.

*SOURCE: Miss. Code Ann. § 41-26-6*

### Rule 3.1.2 Definitions.

1. **Adjusted fluoridated water system** shall mean a public water system that adjusts the fluoride concentration in the drinking water to the optimal level for consumption (within the recommended control range).
2. **Community Water System (CWS)** shall mean any water system serving piped water for human consumption to fifteen (15) or more individual service connections used year-round by consumers or regularly serving twenty-five (25) or more individual consumers year-round, including, but not limited to, any collection, pretreatment, treatment, storage and/or distribution facilities or equipment used primarily as part of, or in connection with such system, regardless of whether or not such components are under the ownership or control of the operator of such system.
3. **Department** shall mean the Mississippi State Department of Health.

4. **Entry point** shall mean a location following one or more finished (fluoridated) water sampling points but prior to the beginning of the distribution system of the public water system.
5. **Natural fluoride content** shall mean the concentration of fluoride in milligrams per liter (mg/L) that is present in the water source from naturally occurring fluoride sources.
6. **Optimal fluoride level** in Mississippi shall mean the amount of fluoride in water that is found naturally or adjusted should be within a recommended control range of 0.6-1.2 parts per million fluoride (ppm) with the optimal fluoride level being 0.7 ppm.
7. **Parts per million** shall mean a unit of measurement that is equivalent to 1 milligram per liter (mg/L) where the density of the liquid measured is 1.0 gram per cubic centimeter (the density of water is 1.0).
8. **Public water system (CWS)** means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year.
9. **Raw water** is defined as water that has not been treated or had fluoride injected into it by the CWS and that contains only naturally occurring levels of fluoride.

*SOURCE: Miss. Code Ann. § 41-26-6*

## **Subchapter 2 ADJUSTED FLUORIDATED WATER SYSTEM REQUIREMENTS**

Rule 3.2.1 **Testing** : A minimum number of samples shall be collected by designated CWS personnel based on the water supply's classification on different days each week at all entry points and analyzed for fluoride content. At least once each month at each entry point, designated CWS personnel shall divide (split) one sample (hereinafter referred to as the split sample) and have one portion analyzed for fluoride by designated CWS personnel and the other portion analyzed by the Department's laboratory or a private lab certified by the Department for fluoride testing.

*SOURCE: Miss. Code Ann. § 41-26-6*

Rule 3.2.2 **Verification** : Designated CWS personnel shall use water sample fluoride content results to compare with a calculated fluoride dosage to verify fluoridation program operation. The calculated dosage is defined as the calculated amount of fluoride that has been added to a water system. The calculation is based on the total amount of fluoride (weight) that was added to the water system and the total amount of water (volume) that was produced plus the naturally occurring fluoride at the source.

*SOURCE: Miss. Code Ann. § 41-26-6*

### **Subchapter 3 Optimal Fluoridation Requirements**

#### **Rule 3.3.1 Monitoring**

1. The monthly average fluoride content of all water samples requested in Rule 3.2.1 shall have fluoride content within the optimal fluoride control range defined in Rule 3.1.2.
2. The designated CWS personnel shall collect no less than no less than 13 water samples per month from each entry point for analysis for fluoride from each entry point for analysis for fluoride and at least 90% of collected samples shall have fluoride content within the optimal fluoride control range defined in Rule 3.1.2. Results from that analysis shall be recorded in the public water system's Operations Record.
3. The split sample result determined through analysis by designated CWS personnel shall agree with the result analyzed by the Department within a range of +/- 0.2 ppm in at least nine of 12 months during the calendar year.
4. Designated CWS personnel shall submit a report of the results of required water sample testing each month to the Department and shall include the type of fluoride chemical used.

*SOURCE: Miss. Code Ann. § 41-26-6*

#### **Rule 3.3.2 Quality Assurance**

1. MSDH Bureau of Water Supply will assess each system's compliance with this policy on a monthly basis and send letters to the Responsible Official and Operator if the system is not compliant.
2. MSDH will prepare a compliance progress report on a monthly basis that will be made available to interested parties.
3. Each CWS that complies with the optimal fluoridation requirements during the calendar year to the satisfaction of the Department shall be recognized by the Department pursuant to its health promotion policies and guidelines.

*SOURCE: Miss. Code Ann. § 41-26-6*

### **Subchapter 4 Compliance**

#### **Rule 3.4.1 Compliance**

1. CWS that fluoridate shall list in the Consumer Confidence Report the number of months in the previous calendar year that average sample results from a certified laboratory were within the optimal range.
2. Each CWS that fluoridates shall list in the Consumer Confidence Report the percentage of all samples collected in the previous calendar year that sample results were within the optimal range.

*SOURCE: Miss. Code Ann. § 41-26-6*

## **Subchapter 5 AUTHORITY TO REQUEST RAW WATER SAMPLE**

Rule 3.5.1 **Verification.** : The Department shall have the authority to request samples of the CWS raw water source seasonally for fluoride content analysis at the Department's laboratory.

*SOURCE: Miss. Code Ann. § 41-26-6*

## **Chapter 4 REGULATION GOVERNING DRINKING WATER QUALITY ANALYSIS FUND**

### **Subchapter 1 General Provisions:**

Rule 4.1.1. **Legal Authority.** This regulation has been promulgated under the authority of and pursuant to the Mississippi Safe Drinking Water Act of 1997 (Section 41-26-1 through Section 41-26-101, Mississippi Code of 1972, Annotated).

*SOURCE: Miss. Code Ann. §41-26-23*

### **Subchapter 2 Assessment and Collection of Fees**

Rule 4.2.1. **Fees.** The department annually shall assess and collect fees for water quality analysis and related activities as required by the federal Safe Drinking Water Act, as amended, which shall not exceed the amount authorized by the Mississippi State Legislature and approved by the State Board of Health per connection or Forty Thousand Dollars (\$40,000.00) per system, whichever is less. The department annually shall adopt by rule, in accordance with the Administrative Procedures Law and following a public hearing, a fee schedule to cover all reasonable direct and indirect costs of water quality analysis and related activities as required by the federal Safe Drinking Water Act, as amended. In adopting a fee schedule, the department shall consider the recommendations of the advisory committee created in this section, if those recommendations are made in a timely manner as provided.

*SOURCE: Miss. Code Ann. §41-26-23*

Rule 4.2.2. **Advisory Committee.** An advisory committee is created to study the program needs and costs for the implementation of the water quality analysis program and to conduct an annual review of the needs and costs of administering that program. The annual review shall include an independent recommendation on an equitable fee schedule for the succeeding fiscal year. Each annual review report shall be due to the department by May 1. The advisory committee shall consist of one (1) member appointed by the Mississippi Rural Water Association, one (1) member appointed by the Mississippi Municipal Association, one (1) member appointed by the Mississippi Association of Supervisors and one (1) member appointed by the Mississippi Water and Pollution Control Operators Association, Inc.

*SOURCE: Miss. Code Ann. §41-26-23*

Rule 4.2.3. **Payments and Penalties.** All suppliers of water for which water quality analysis and related activities as required by the federal Safe Drinking Water Act, as amended, are performed by the State Department of Health shall pay the water quality analysis fee within forty-five (45) days following receipt of an invoice from the department. In the discretion of the department, any supplier of water required to pay the fee shall be liable for a penalty equal to a maximum of two (2) times the amount of fees due and payable plus an amount necessary to reimburse the costs of delinquent fee collection for failure to pay the fee within ninety (90) days following the receipt of the invoice. Any person making sales to customers of water for residential, noncommercial or nonagricultural use and who recovers the fee required by this section or any portion thereof from any customer shall indicate on each statement rendered to customers that these fees are for water quality analyses required by the federal government under the Safe Drinking Water Act, as amended.

*SOURCE: Miss. Code Ann. §41-26-23*