

## MEMORANDUM OF UNDERSTANDING

### NON-PUBLIC WATER SUPPLIES

This MOU is between the Georgia Department of Natural Resources (DNR), Environmental Protection Division (EPD), and the Georgia Department of Human Resources (DHR), Division of Public Health (DPH).

#### I. PURPOSE OF THIS AGREEMENT:

1. To protect the health of the citizens and visitors of the State of Georgia.
2. To protect the water resources of the State of Georgia.
3. To ensure a safe, quality and quantity of water is provided and maintained for regulated facilities.
4. To facilitate efficient and effective government function and actions.

#### II. BACKGROUND

In 1977, the EPD of Georgia Department of Natural Resources applied to and received authorization from the U.S. Environmental Protection Agency (EPA) to carry out the purposes and requirements of the Federal Safe Drinking Water Act of 1974 as amended. This federal act established definitions for public drinking water systems and established a permitting program for community and non-community drinking water systems in the United States.

To implement the purposes of the Federal Safe Drinking Water Act, EPD promulgated the Rules for Safe Drinking Water in 1977 (Rules) to establish the organizational and administrative procedures. These Rules require that drinking water systems meeting the definition of a Public Water System (PWS) obtain a permit from EPD. A PWS as defined by the Rules is a system that provides water to the public for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of twenty-five (25) individuals daily at least 60 days out of the year. A PWS is either a Community Water System (CWS), a Non-Transient Non-Community Water System (NTNCWS), or a Transient Non-Community Water System (TNCWS) depending on the circumstances. The Rules contain standards for construction, operation, and reporting, and also establish standards for chemical, microbiological, radiological, and physical quality. Since 1977, EPD has issued permits to water systems according to the definition of a PWS. Permits are issued to cities, towns, mobile home parks, schools, motels, as well as some businesses, industries and food service establishments that serve drinking water to 25 or more people 60 days or more per year.

The DHR Rules and Regulations for Food Service establish a definition for "Potable" which states "means water intended for human consumption that meets the bacteriological and chemical requirements of the federal EPA's Safe Drinking Water Act, or other regulatory agency having equivalent authority." The Rules and Regulations for Food Service require a potable water supply but do not require the water supply to be permitted by EPD.

The Water Well Standards Act (O.C.G.A. 12-5-122) establishes the definition for a "non public water well" as a "well constructed as a source of water supply for a water system which provides piped water to the public for human consumption, if such system has less than 15 connections or regularly serves less than 25 individuals, excluding individual water wells." The Water Wells Standards Act establishes minimum construction standards for non public wells.

Because there are instances where the water supply systems that serve food service establishments and other facilities do not meet the definition of a public water system (and are therefore a non public water system) a procedure is needed whereby the County Boards of Health and the DHR Division of Public Health can assure that these food service establishments, tourist accommodations, and public swimming pools have a source of potable water that meets applicable codes.

This MOU seeks to insure ongoing cooperation between EPD and DHR Division of Public Health in matters relating to both PWS's and non public water systems.

### III. GUIDELINES AND PROCEDURES

The following are EPD's standard operating procedures with respect to non-community water system permitting for food service establishments and other facilities:

1. EPD's district offices will be the only department, which distributes permit applications for Public Water System Permits.
2. EPD's district offices will evaluate applications for Public Water Systems Permits and will be the only department to assist the permit applicant in completing the application.
3. If the information on the application indicates that the water system is a non-community public water system, EPD will inform the applicant in writing of the requirements for approval and permitting. A copy of that letter will be sent to the local county health department.
4. If the application indicates that the water system is non public, EPD will inform the applicant in writing that they do not require a permit for a PWS and they must conform to the applicable requirements of the DHR for their water system. A copy of that letter will be sent to the local county health department.

The following are DHR's and the local county health department's procedures in assuring potable water sources at food service establishments, tourist accommodations, and public swimming pools in Georgia:

1. The local county health department will ascertain whether an existing or proposed facility is served by a PWS permitted by EPD.

2. If the existing water system is not permitted by EPD, the local county health department will refer the owner of the existing facility to the appropriate EPD district office for permit evaluation.
3. If a proposed water system is not permitted by EPD, the local county health department will refer the owner of the proposed facility to the appropriate EPD district office for permit evaluation
4. If EPD determines the water system serving the existing or proposed food service establishment, tourist accommodation, or public swimming pool is a PWS, then the water system will be required to meet EPD regulations and a letter will be sent to the county health department to notify them of the water supply's status.
5. If EPD determines that the water system serving the existing or proposed facility is a non public water system, the local county health department will be copied on a letter to the owner of the establishment notifying him that the water system is a non public water system and then must conform to the applicable DHR regulation for non public water systems.

#### IV. INTERDEPARTMENTAL COOPERATION

EPD has in the past provided cooperative assistance to DHR in sample analysis and in emergency assistance to individual and non public water supplies following disasters. This cooperation will continue and EPD will provide technical assistance (when requested) to DHR in other areas to assist DHR in its role of assuring potable water for nonpublic water supplies serving food service establishments, tourist accommodations, and public swimming pools. DHR will provide assistance to EPD in the case of waterborne disease outbreaks in public water supplies and in other applicable situations.

Both DNR and DHR will insure that this MOU is distributed to all relevant staff members of each agency at the field or point of delivery level and meetings, explanatory memos, or other means to promote awareness and proper utilization of this MOU are employed.

#### V. DISPUTE RESOLUTION

If there should arise a dispute between the local county health department and EPD's district office about a permitting issue the following procedure will be employed:

1. The dispute should be discussed and resolved at the lowest staff level possible, preferably between the Environmental Health Specialist with the local environmental health office and the Environmental Specialist in the EPD district office.
2. If the dispute can not be resolved at the level described above, the District Environmental Health Director and the EPD District Operations Manager or Region Manager will discuss and seek to resolve the dispute.

3. As a final resort the Branch Chief of EPD's Program Coordination Branch will review the facts surrounding the case and render a final decision for EPD and inform the Director of the DHR Environmental Health Section, the district health office and the county environmental health office in writing of the final decision.

VI. AGREEMENT

Whereas EPD has authority over all public water systems and some other aspects of water management in the State of Georgia, EPD agrees that DHR/DPH/County Boards of Health should regulate water supply systems serving food service establishments, tourist accommodations, and public swimming pools that EPD determines are not PWS.

The appropriate person in DNR and DHR by their signature agrees to the terms of this MOU.

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Dr. Kathleen Toomey  
Director Division of Public  
Health (DHR)

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Date

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Harold F. Reheis  
Director, EPD

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Date