

Brazoria County Environmental Health Department	Food Service Establishment Policies and Procedures	Subject: Water Quality Standards
	Laws/Ordinances: Texas Administrative Code 229.166 and 290.38,109& 122 Court Order # 84 – July 29, 2008	Effective Date: September 9, 2008 Court Order # 6

Water Quality Standards for Food Service Establishments

Section I. Authority

The Texas Department of State Health Services regulates food establishments and the Texas Commission on Environmental Quality regulates the water source for a food establishment. The Brazoria County Environmental Health Department is the designated authorized agent for both agencies. This department is responsible for the inspection and permitting of food service establishments, retail food stores, mobile food units, roadside food vendors and temporary food service establishments (hereinafter collectively referred to as “food service establishments”).

Section II. Food Service Establishment Inspections

Identification of a food service establishment’s water source is a required element of a facility inspection. The result of this investigation is documented on item #14 of the County’s Food Service Establishment Inspection Form. Acceptable and unacceptable water sources are described in Section III.

Section III. Acceptable and Unacceptable Water Sources

Acceptable Water Sources

1) Community (municipal) water system.

A public water system operated by a municipal government. Documentation of the municipal water supply shall be recorded in the food establishment file.

2) Noncommunity water system.

A public water system operated by the establishment owner. This system must have the required State Public Water System ID – a seven digit number beginning 020 (designating Brazoria County). Documentation of this State Permit will be required from the owner and recorded in the food establishment file.

3) Non-public water system serving more than 25 customers per day for a total of more than 60 days per year.

A private water well operated by the establishment owner, provided the establishment was permitted for operation on or prior to July 29, 2008 and provided water quality testing is maintained as described in this policy.

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4) Non-public water system serving fewer than 25 customers per day for a total of 60 days or less per year.

A private water well operated by the establishment owner, provided water quality testing is maintained as described in this policy.

Unacceptable Water Sources

1) Non-public water system, a private water well operated by the establishment owner, said establishment being permitted for operation after July 29, 2008.

2) Any other sources not described as Acceptable.

Section IV. Water Quality Standards

Community Water System

Community (municipal) water systems are permitted and monitored by TCEQ.

Non- community Water System

Non-community water systems are permitted and monitored by TCEQ. This department will ensure the establishment maintains copies of all required tests submitted to TCEQ. These documents shall be readily available to the inspector upon inspection.

Non-public water system

Establishments using private water wells shall be required to obtain and maintain proof of monthly compliance bacteriological testing. Maintaining test results is the responsibility of the food service establishment. These documents shall be readily available to the inspector upon inspection. Failure to obtain and maintain these monthly compliance tests and documents may result in the revocation of the food service establishment’s County permit.

Test supplies and instructions may be obtained through the Brazoria County Water Laboratory located at 434 E. Mulberry; Angleton, Texas; phone (979) 864-1628; fax (979) 849-1678. The current fee for this test is \$12.00 (subject to change). The required bacteriological test will determine the presence or absence of Coliform and/or E. coli organisms in drinking water.

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This department will require a copy of test results at the following times:

- 1) The most recent test results submitted simultaneously with the annual permit renewal
- 2) Any positive test results indicating the potential presence of Coliform and/or E. coli organisms.

Procedures in the event of a positive bacteriological test result:

- 1) The Water Lab will be requested to fax a copy of any food service establishment's positive test result to the Environmental Health Department at (979) 864-1904.
- 2) Once notified by the Water Lab, the Environmental Health Department will confirm the positive result with the food service establishment owner or manager as soon as possible, but no later than 24 business hours.
- 3) First Repeat Sampling Event
The establishment will be required to draw four repeat samples within 24 hours of notification of the positive result, or as soon as possible if the local laboratory is closed. At least one repeat sample must be drawn from the same water source as the original sample. If there are other water sources within the establishment, the other three samples must be taken at those locations. If there are fewer than four water sources, duplicate samples may be taken at available locations within the establishment.
- 4) Results of First Repeat Sampling Event
 - 4a) All Negative
Sample results must be supplied to the Environmental Health Department. No further action is required. Monthly testing will continue for following months.
 - 4b) One or More Positive Total Coliform or E-coli
Second Repeat Sampling required. Sample results must be supplied to the Environmental Health Department. As soon as possible, but in no case longer than 24 hours of notification of positive test results, the food service establishment owner or manager shall be required to boil

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“drinking water” as defined in 290.38. The owner/manager shall also be required to post a public notice as shown in Section VII of this policy.

5) Second Repeat Sampling Event

The establishment will be required to draw four repeat samples within 24 hours of notification of the positive result, or as soon as possible if the local laboratory is closed. At least one repeat sample must be drawn from the same water source as the original sample. If there are other water sources within the establishment, the other three samples must be taken at those locations. If there are fewer than four water sources, duplicate samples may be taken at available locations within the establishment.

6) Results of Second Repeat Sampling Event

6a) All Negative

Sample results must be supplied to the Environmental Health Department. The establishment may discontinue the “boil water” requirement and remove the public notice. The establishment will begin twice a month testing at 15 and 30 days following the last water samples.

6b) One or more Positive E-coli test

Third Repeat Sampling required. All sample results must be supplied to the Environmental Health Department. The establishment will be required to close and cease all food service operations. To re-open, the establishment will be required to install a chlorinator and begin testing and documenting daily chlorine residuals.

7) Third Repeat Sampling Event

A chlorinator must be installed prior to drawing these samples. The establishment will be required to draw four repeat samples. At least one repeat sample must be drawn from the same water source as the original sample. If there are other water sources within the establishment, the other three samples must be taken at those locations. If there are fewer than four water sources, duplicate samples may be taken at available locations within the establishment.

8) Results of Third Repeat Sampling Event

8a) All Negative

Sample results must be supplied to the Environmental Health Department. The establishment must continue twice a month bacteriological testing at 15 and 30 day intervals following the last water samples. The

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establishment must continue testing and documenting daily chlorine residuals.

8b) One or more Positive E-coli test

The establishment must remain closed until all E-coli results are negative. Refer to #10 below if repeat sampling due to positive total Coliform or E-coli results is required more than three times in a twelve month period

9) If a repeat sampling event due to positive total Coliform or E-coli results is required more than twice in a twelve month period, the establishment will be required to install a chlorinator and begin testing and documenting daily chlorine residuals.

10) If a repeat sampling event due to positive total Coliform or E-coli results is required more than three times in a twelve month period, the Department will recommend to the Brazoria County Commissioners Court that the establishment be referred to the Texas Commission on Environmental Quality for review of the food service establishment's water well system.

11) Failure to follow these bacteriological sampling procedures may result in the revocation of a food establishment's County permit.

Section V. Texas Statute References:

Texas Administrative Code §290.38 Public Drinking Water Definitions

(13) Community water system--A public water system which has a potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis. (EXAMPLE from TCEQ: Mobile Home Park)

21) Drinking water--All water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in the preparation of foods or beverages or for the cleaning of any utensil or article used in the course of preparation or consumption of food or beverages for human beings. The term "Drinking Water" shall also include all water supplied for human consumption or used by any institution catering to the public.

29) Human consumption--Uses by humans in which water can be ingested into or absorbed by the human body. Examples of these uses include, but are not

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limited to drinking, cooking, brushing teeth, bathing, washing hands, washing dishes, and preparing foods.

(49) Noncommunity water system--Any public water system which is not a community system.

(51) Nontransient noncommunity water system--A public water system that is not a community water system and regularly serves at least 25 of the same persons at least six months out of the year. (EXAMPLE from TCEQ: Day Care Facility)

(63) Public water system--A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes; any collection, treatment, storage, and distribution facilities under the 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. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

(73) Transient noncommunity water system--A public water system that is not a community water system and serves at least 25 persons at least 60 days out of the year, yet by its characteristics, does not meet the definition of a nontransient noncommunity water system. (EXAMPLE from TCEQ: Restaurant or RV Park)

Texas Administrative Code §229.166 Texas Food Establishments: Water, Plumbing and Waste

(a) Source.

(1) Approved system. Drinking water shall be obtained from an approved source that is:

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- (A) a public water system; or
- (B) a nonpublic water system that is constructed, maintained, and operated according to law.
- (2) System flushing and disinfection. A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system.
- (3) Bottled drinking water. Bottled drinking water used or sold in a food establishment shall be obtained from approved sources in accordance with 21 CFR 129 – Processing and Bottling of Bottled Drinking Water.
- (b) Water quality standards.
 - (1) Public and private water systems. Except as specified under §229.166(b)(2):
 - (A) Water from a public water system shall meet 40 CFR 141 – National Primary Drinking Water Regulations, and state drinking water quality standards in accordance with 30 TAC §§290.101 – 290.114, 290.117 – 290.119, 290.121, and 290.122 (Drinking Water Standards Governing Drinking Water Quality and Reporting Requirement for Public Water Systems); and
 - (B) Water from a nonpublic water system shall meet state drinking water quality standards.
 - (2) Nondrinking water.
 - (A) A nondrinking water supply shall be used only if its use is approved by the regulatory authority.
 - (B) Nondrinking water shall be used only for nonculinary purposes such as air conditioning, nonfood equipment cooling, fire protection, and irrigation.
 - (3) Sampling. Except when used as specified under paragraph (2) of this subsection, water from a nonpublic water system shall be sampled and tested at least annually and as required by state water quality regulations.
 - (4) Sample report. The most recent sample report for the nonpublic water system shall be retained on file in the food establishment or the report shall be maintained as specified by state water quality regulations.

Section VI. TCEQ Public Drinking Water Section Contacts

- **Call 512/239-4691.** This line is answered 8 a.m.–5 p.m. Monday–Friday, except for state holidays. To connect with the person you need, tell the receptionist why you are calling. (This line serves all programs in the Water Supply Division.)
- **Fax 512/239-6050.** This line goes directly to the Public Drinking Water Section.

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- **Regular mail.** Submit records or correspondence to:
Water Supply Division PDWS MC-155
Texas Commission on Environmental Quality
PO Box 13087
Austin TX 78711-3087
- **E-mail** pdws@tceq.state.tx.us.

Section VII. Boil Water Notice

Boil Water Notification

Due to a positive Coliform or E-coli result on our monthly water quality test, the Brazoria County Environmental Health Department has required our establishment to boil our water prior to consumption.

To ensure destruction of all harmful bacteria and other microbes, water for drinking, cooking, and for making ice should be boiled and cooled prior to consumption. The water should be brought to a vigorous, rolling boil and then boiled for two minutes. In lieu of boiling, we may purchase bottled water or obtain water from some other suitable source. When it is no longer necessary to boil the water, the Environmental Health Department will notify us that the water is safe for consumption. This rescind notice will be issued in the same manner as the Boil Water Notice.

If you have questions regarding this matter, you may contact Karen Carroll at (979) 864-1600.