

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

TO: Liane J. Shekter Smith, Chief, Office of Drinking Water and Municipal Assistance

FROM: Carrie Monosmith, Chief, Environmental Health Section
Office of Drinking Water and Municipal Assistance 

DATE: February 6, 2014

SUBJECT: Revised Total Coliform Rule Implementation Recommendations

This memorandum contains recommendations from the Office of Drinking Water and Municipal Assistance and local health department staff that served on the Revised Total Coliform Rule Workgroup (Workgroup) on how certain requirements of the newly promulgated Revised Total Coliform Rule (rTCR) are best implemented in Michigan.

For several rTCR requirements, the United States Environmental Protection Agency allowed states discretion as to whether or not to adopt the requirement in their individual state. These discretionary requirements are included in the table below. The table lists the rTCR Federal Register citation, a general description of the requirement, a recommendation from the Workgroup, and comments. Please note that a key of the acronyms used in the table appears at the bottom of the table.

Federal Register Citation	Description of Rule Requirement	Workgroup Recommendation	Comments
§141.2 Definitions.	A Level 2 assessment can be conducted by an individual approved by the State (a third-party contractor).	Level 2 assessments at CWSs should be conducted by MDEQ staff; assessments at NCWSs should be conducted by LHD or MDEQ staff. The Workgroup does not recommend that third-party contractors be approved to conduct the Level 2 assessments.	No resources are provided to the MDEQ for training, approval, and certification of third-party contractors to ensure they are capable of conducting the Level 2 assessments. MDEQ and LHD staff are familiar with the CWS and NCWS systems they currently regulate and, therefore, it makes sense that they be responsible for conducting the Level 2 assessments.
§141.4 Variances and exemptions.	Variances or exemptions from certain provisions of the rTCR may be granted.	Variances or exemptions should not be granted.	The MDEQ does not allow variances or exemptions under the current TCR and, therefore, should not allow them under the rTCR.

Federal Register Citation	Description of Rule Requirement	Workgroup Recommendation	Comments
§141.52 Maximum contaminant level goals for microbiological contaminants.	The MCLG for TCs and <i>E. Coli</i> is zero.	The revised MCLGs should not be adopted.	States are not required to adopt MCLGs. Michigan has never adopted them before and, therefore, should not adopt them under the rTCR.
§141.71 Criteria for avoiding filtration.	Unfiltered Subpart H systems must comply with the MCL for <i>E. coli</i> for at least 11 out of 12 months on an ongoing basis.	This requirement should not be adopted.	Act 399 requires filtration at all Subpart H systems; therefore, this requirement does not apply in Michigan.
§141.402 Ground water source microbial monitoring and analytical methods.	A groundwater system serving ≤1000 may use a repeat sample to satisfy GWR monitoring requirements, referred to as a dual purpose sample.	Dual purpose samples should not be allowed.	Allowing dual purpose samples will create confusion, both on the part of the system owner/operator and the analyst reviewing compliance data. Not allowing dual purpose samples will not result in an increase of sampling from what exists today under the TCR.
§141.803 Coliform Sampling	Air carriers must conduct analyses for TC and <i>E. coli</i> in accordance with approved analytical methods.	This requirement should not be adopted.	States are not required to adopt air carrier rules. Michigan has never adopted any and, therefore, should not adopt them under the rTCR.
§141.854 Routine monitoring requirements for non-community water systems serving 1,000 or fewer people using only ground water.	For the purposes of remaining on or qualifying for quarterly monitoring at transient NCWSs only, the state may allow a missed sample to be collected by the system no later than the end of the next monitoring period (quarter).	The Workgroup recommends that this be adopted.	The system will still receive a monitoring violation for a missed sample, but it will not trigger the system into monthly monitoring if the sample is collected before the end of the next monitoring period (quarter).

Federal Register Citation	Description of Rule Requirement	Workgroup Recommendation	Comments
§141.854 Routine monitoring requirements for non-community water systems serving 1,000 or fewer people using only ground water.	A seasonal system must monitor every month that it is in operation, unless it meets criteria specified in the rTCR to reduce monitoring to quarterly or annually.	The Workgroup recommends that all seasonal systems monitor on a quarterly basis beginning on the rTCR's effective date of April 1, 2016; and also recommends that annual monitoring not be permitted at seasonal systems after the effective date.	Workgroup members agreed that the practice of collecting just one sample per year at a seasonal system is not protective of public health. Many seasonal systems are campgrounds and children's camps. Increasing monitoring to quarterly will ensure that susceptible populations will be better protected from enteric diseases caused by pathogenic strains of <i>E. coli</i> .
§141.855 Routine monitoring requirements for community water systems serving 1,000 or fewer people using only groundwater.	The State may reduce the monitoring frequency from monthly to quarterly if the system meets criteria specified in the rTCR.	No CWSs should be allowed to reduce monitoring from monthly to quarterly.	Michigan has required all CWSs to sample monthly for TC for several years now. Allowing a reduction to quarterly could be considered backsliding, which is not allowed under the federal SDWA.

KEY:

CWS	Community Water Supply
MDEQ	Michigan Department of Environmental Quality
NCWS	Noncommunity Water Supply
LHD	Local Health Department
TCR	Total Coliform Rule
rTCR	Revised Total Coliform Rule
MCLG	Maximum Contaminant Level Goal
MCL	Maximum Contaminant Level
GWR	Groundwater Rule
TC	Total Coliform
SDWA	Safe Drinking Water Act

Please contact me directly if you have any questions or comments on the recommendations.
Thank you.

cc: Richard Benzie, DEQ
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