

Stakeholders Meeting Agenda
Proposed Rules – Supplying Water to the Public

Friday, June 27, 2014, 9:00 a.m. to 12:00 p.m.
Constitution Hall, 525 West Allegan Street, Lansing, Michigan 48933

9:00 Welcome - Richard Benzie, Acting Chief, Field Operations Section
Opening Comments - Liane Shekter Smith, Chief, Office of Drinking Water and
Municipal Assistance
Rule promulgation process - Jean Shekter, Environmental Quality Analyst,
shekterj@michigan.gov, 517-284-6519

9:15 Presentations and discussion

<u>Topic</u>	<u>Rule Manager</u>
Operator Certification Rules 1906a, 1910, and 1915	Paul Brun Del Re, 517-284-5426 brundelrep@michigan.gov
Asset Management Rule 102(i) and Rule 1606	Jason Berndt, 517-284-6513 berndtj1@michigan.gov
Operations Oversight	Richard Benzie, 517-284-6512 benzier@michigan.gov
Cross Connection Rules 1401 to 1407	Pat Cook, 517-284-6514 cookp@michigan.gov
Revised Total Coliform Rule (RTCR) Rules 704a to 704k and 1510	Pat Cook and Carrie Monosmith
Water Quality Report for K-12 and Daycare Centers Rules 416 to 420	Carrie Monosmith, 517-290-2601 monosmithc@michigan.gov

11:55 Wrap up - Richard Benzie

Helpful Information

To review the draft rules and follow the rule process, visit <http://www.michigan.gov/deqwater>, select Drinking Water, Community Water Supply, and **Rule Promulgation**. Scroll down to the Rule Promulgation Steps and click on the June 27 materials.

The current rules and statute are at <http://www.michigan.gov/deqwater>, select Drinking Water, Community Water Supply, and Michigan Safe Drinking Water Act.

See the federal RTCR rule at the United States Environmental Protection Agency Web site at http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/regulation_revisions.cfm. Take note of the state primacy requirements in Section 142.16 of the Federal Register Notice for the RTCR.

Rule Package



- ~~02/13/2013~~ — RTCR in *Federal Register*
- ~~03/03/2014~~ — Request for Rulemaking
- ~~05/29/2014~~ — Stakeholder meeting
- ~~06/27/2014~~ — Stakeholder meeting
- Future date — Submit rules for ORR/LSB review
- Future date — Public hearing
- 02/13/2015 — EPA primacy due (could extend 2 years)
- Future date — Promulgate rules
- Future date — Submit primacy package
- 04/01/2016 — RTCR Compliance date

The screenshot shows the DEQ website with the following structure:

- Navigation: Michigan.gov Home, DEQ, Online Services, Permits, Programs
- Water (print friendly)
 - Aquatic Invasive Species
 - Biosolids & Industrial Pretreatment
 - Campgrounds and Pools
 - Drinking Water**
 - Abandoned Water Wells
 - Community Water Supply
- Community Water Supply
 - Community Water Supply Program
 - The Community Water Supply Program oversees
 - Laws and Rules
 - Michigan Safe Drinking Water Act (Act 399, P.A. 1976) ~~RCR~~
 - Current Drinking Water Standards
 - Administrative Fines
 - Consumer Confidence Report Rule
 - Lead and Copper Rule
 - Public Notification Rule
 - Total Coliform Rule
 - Rule Promulgation

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Rule Promulgation Steps:
 03/03/2015: ORR accepts the RFR 2014-023 EQ and creates website to follow the rulemaking process
 05/29/2014: Stakeholder meeting; agenda and slides
 06/27/2014: Stakeholder meeting; draft proposed rules, agenda, and slides

SUPPLYING WATER TO THE PUBLIC
Administrative rules promulgated under section 5 of
1976 PA 399, MCL 325.1005.
PART 19. EXAMINATION AND CERTIFICATION OF OPERATORS
Proposed Changes

R 325.11906a Restricted certificates for existing operators.

Rule 1906a. ~~(1) The owner of a waterworks system classified for the first time as a result of these revised rules as a class F-5, class D-5, or class S-5 system may designate to the department an operator currently employed by the owner as the certified operator in charge of the system. The designation shall be made within 90 days after notification by the department that the system has been classified as such or by December 8, 2002. If the class F-5, class D-5, or class S-5 system has an acceptable record of compliance with the safe drinking water act requirements and provided that the designated operator attends a specific department approved training program, the department shall issue a site specific, restricted certification to the operator designated in this subrule.~~

~~(2) The owner of a waterworks system reclassified as a result of these revised rules may designate to the department a properly certified operator currently employed by the owner as the operator in charge of the system and any other properly certified operator or operators currently employed by the owner as a shift operator or operators. The designation shall be made within 90 days after notification by the department that the system has been reclassified or by December 8, 2002. The department shall issue site specific, restricted certification to the operator or operators designated in this subrule.~~

~~(3) The owner of a manufactured housing community waterworks system may designate to the department an operator currently employed by the owner as the certified operator in charge of the system or portion of the system. The designation shall be made within 90 days after notification by the department of the system's classification or reclassification as such or by December 8, 2002. Provided that the designated operator attends a specific department approved training program, the department shall issue site specific, restricted certification to the operator designated in this subrule.~~

~~(4) With the concurrence of the advisory board, the department may issue site specific, restricted certification to an operator on a case-by-case basis. An operator issued restricted certification under this rule is only authorized to operate the waterworks system or portion of the system that is designated on the restricted certificate issued to him or her, except such operator may operate any other waterworks system or portion of a system for which he or she holds **an unrestricted** certification. An operator with a restricted certification is subject to the same requirements for performance as other certification classes and the certificate may be suspended or revoked or the operator placed on probation in accordance with **under** R 325.11917.~~

R 325.11910 Application for examination; notice to accepted applicants of examination.

Rule 1910. (1) To be certified for the operation of a public water supply ~~other than a class F-5, class D-5 or class S-5~~, an individual shall submit, to the department, not less than ~~45 days~~ **60 days** before the announced examination date, an application for examination on a form provided by the department. ~~To be certified for the operation of a class F-5, class D-5, or class S-5 an individual shall submit, to the department, not less than 20 days before the examination date, an application for examination on a form provided by the department.~~ **This deadline is extended to not less than 30 days before the examination for the F-5, D-5, or S-5 classification examinations if proof of credit card or debit card fee payment under MCL 324.3110 is submitted with the application.** The information contained on the application shall be evaluated by the department, shall be subject to review by the advisory board, and shall constitute a part of the examination. The department may require verification of the education and experience of an applicant for an examination.

(2) Not less than 15 days before the examination the department shall notify all applicants of its findings and shall notify those applicants accepted for examination of the date, time, and place of the examination.

(3) For the purposes of certifying individuals attending specific department approved training programs specified under R 325.11906a, the department may waive the requirement for an examination application.

R 325.11915 Renewal requirements.

Rule 1915. (1) The department shall renew a certificate on a 3-year cycle. To renew a certificate, a certificate holder shall submit, to the department, an application for renewal on a form provided by the department.

2) To have a certificate renewed, a holder of a drinking water certificate shall satisfy the minimum criteria for continuing education requirements as required in the following table:

Table 1. Minimum requirements for continuing education

Highest certification level held	Minimum number of continuing education training hours required to renew	Minimum number of continuing education training hours categorized as "technical", "managerial," or both*
1 or 2	24	18
3	24	12
4	12	6
5	9	no minimum

~~* A certificate holder is not required to meet the requirements of this column to renew a certificate that was issued on or before the effective date of this rule. A certificate holder shall meet the requirements of this column to renew a certificate that was issued after the effective date of this rule.~~

(3) Types of education or training programs that may be approved include any of the following:

(a) Association programs that are sponsored by any of the following entities:

(i) American water works association.

(ii) Township, municipal, and county organizations.

(iii) Professional and trade organizations.

(iv) National rural water association.

(b) Distance learning, such as videotapes, DVDs, correspondence courses, and online courses.

(c) Private contractor technical courses.

(d) University, college, and community college courses.

(e) Department and environmental protection agency sponsored training programs.

(f) Training sponsored by nationally recognized organizations.

(g) Water utility in-service training.

(4) A holder of a certificate shall be responsible for renewal of a certificate regardless of notification.

(5) A certificate holder shall keep his or her own record of approved training, education, and work experience and be prepared to present proof of that training, education, and experience if required by the department.

(6) The failure of an applicant for renewal to meet the requirements of this subrule and subrules (1) to (5) of this rule shall constitute grounds for refusing to renew a certificate.

(7) For a holder of multiple certificates within a category, the department shall only renew the certificate representing the higher class within a waterworks system category.

(8) A holder of a certificate who is not eligible for renewal or who has been refused renewal pursuant to subrules (1) to (7) of this rule may apply for examination pursuant to R 325.11910.

(9) A holder of a certificate who has not met the continuing education requirements of subrule (2) of this rule for his or her certification may be issued a certificate for the classification within the same category for which the continuing education requirements have been met. A certificate that is not renewed shall expire.

PART 1. GENERAL PROVISIONS

R 325.10102 Definitions; A, B.

* * *

(i) "Asset management program" means a program that identifies the desired level of service at the lowest life cycle cost for rehabilitating, repairing, or replacing the assets associated with the waterworks system.

* * *

Definition adopted from NREPA 1994 PA 451 in MCL 324.5201, as amended in 2012.

PART 16. GENERAL PLANS

R 325.11606 ~~Publicly owned or operated community~~ **Community** water supplies; additional general plan requirements, **asset management program, capital improvements plan.**

~~Rule 1606. (1) The general plan for a waterworks system that is publicly owned or operated shall include a capital improvements plan that identifies water system needs for 5-year and 20-year planning periods. A publicly owned or operated community water supply that existed before the effective date of this rule is not required to comply with this subrule until January 1, 2016.~~

Rule 1606. (1) A community water supply that serves more than 1,000 people shall include in the general plan an asset management program as defined in R 325.10102 beginning January 1, 2018, unless otherwise required in this subrule. As a minimum, the asset management program shall include all of the following:

(a) A system to maintain of an inventory of assets. Priority shall be given to an inventory of source, treatment, pumping, and distribution system assets.

(b) A program to assess the criticality of assets considering the likelihood and consequence of failure.

(c) A statement of level of service goals.

(d) A capital improvements plan that identifies waterworks system needs for 5-year and 20-year planning periods. A publicly owned or operated supply shall comply beginning January 1, 2016. A privately owned supply shall comply beginning January 1, 2018.

(e) A funding structure and rate methodology that provides sufficient resources to implement the asset management program.

(2) A community water supply that serves 1,000 or fewer people and that is publicly owned or operated shall include in the general plan a capital improvements plan that identifies waterworks system needs for 5-year and 20-year planning periods. A supply shall comply beginning January 1, 2016.

~~(2) A publicly owned or operated community system-~~ **(3) A community water supply** may include additional information with the general plan, including the current reliability study, annual pumpage report, sample siting plan, source water protection plan, water conservation/efficiency program, waterworks operation and maintenance programs, regional planning documents, and relevant zoning and land use plans for the service area.

Rule 1606 Applicability and Due Dates

Owner	Public		Private	
Population	More than 1,000	1,000 or Fewer	More than 1,000	1,000 or Fewer
Number of CWS	510	228	22 MHC + 11	326 MHC + 285
Capital Improvements Plan	Due 01/01/02016		Proposed Due 01/04/2018	N/A
Asset Management Program	Proposed Due 01/04/2018	N/A	Proposed Due 01/04/2018	N/A

CWS Community Water Supplies
MHC Manufactured Housing Communities

Operation Oversight

- Current Rules
 - R325.10106(n) defines Operator In Charge (OIC) as a properly certified operator who is designated by the owner of a public water supply as the responsible individual in overall charge of a waterworks system, or portion of a waterworks system, who makes decisions regarding the daily operational activities of the system that will directly impact the quality or quantity of drinking water.

Operation Oversight

- Current Rules
 - R 325.11905(1) requires a system to be under the supervision of an operator in charge (OIC) certified in system classification as specified in these rules.
 - R 325.11905(9) requires water supplies to have in place a plan for proper operation of the waterworks system when the operator in charge is not available.

Operation Oversight

- Current Rules (continued)
 - R 325.11905(3) requires a (certified) shift operator be on site and in charge of each operating shift at a community supply in the F classification when the operator in charge is not on site.
 - R 325.11905(4) allows the DEQ to waive the requirement for a shift operator to be on site for each operating shift upon approval of an operational plan submitted by the supply that demonstrates that public health will be adequately protected when a certified shift operator is not on site.

Operation Oversight

- Rule 325.11905 (7), (8) & (9) Back up Operators and Back up Operations Plan
 - For D-1&2 and S-1&2 Systems, required to have a designated back up operator that holds a D-4 or higher or an S-4 or higher.
 - For all lower levels of D & S systems, required to have a plan in place that identifies person responsible (doesn't have to be certified).
 - For F- plants, not required unless they do not have properly certified shift operators present.

Operation Oversight

- Issues
 - What does “under the supervision” mean?
 - What does “daily” mean?
 - Unanticipated “transition periods?”
 - Standard Operating Practice vs. Interim Operation (Unanticipated transitions)?
 - Expansion of Contract Operations?
 - How many systems/treatment plants can or should be covered by one OIC for F? D? S?

Operation Oversight Policy

- Current Policy defines “Daily” as at least 5 days a week unless otherwise specified
- What about the increased acceptance of alternate work weeks? 4 – 10 hour days or even 3 – 12 hour days?
- Should something be in rule so it can be enforced?

Operation Oversight Policy

- Policy separates approach by classifications – F, D, S, & in some cases, by size – 1,2,3,4 & 5.
- Not intended for systems where an employee is the OIC.
- Differentiates between OIC that is under contract for a lengthy period vs. an OIC that is intended to cover a transition period.

Operation Oversight Policy

- This ***plan*** should include the methods of communication, off-site operation capabilities and the expected response time for the OIC to reach WTP in emergencies.
- This approval shall be in writing and re-assessed when the OIC leaves or if conditions require increased oversight.

Operations Oversight – Possible Rules

- “**Operations plan**” means a written document identifying how the supplier of water will comply with certified operator oversight requirements for the treatment and/or distribution systems when the Operator in Charge is not present (*onsite?*) daily at the water system.

Operations Oversight – Possible Rules

- As a minimum, the plan shall include:
 - the methods of communication with the OIC when not onsite;
 - the expected response time for the OIC to reach the public water system in an emergency;
 - off-site operation capabilities;
 - identification of a knowledgeable person responsible for operation when the OIC is unavailable;

Operations Oversight – Possible Rules

- “**Back-up operations plan**” means a written document that identifies individuals who will be responsible when the OIC is not available as a result of planned absences as well as unexpected reasons. These individuals shall be certified as required in Rule 325.11905 (7) and (8).

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PART 14. CROSS CONNECTIONS
Proposed Changes

PART 1. GENERAL PROVISIONS

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R 325.10113 Compliance with rules; ~~guidance~~**guideline** information.

Rule 113. Public water supplies may use the information in the following publications as ~~guidance~~**guideline documents** to comply with these rules:

* * *

(d) ~~Cross connection rules manual~~ **guideline document**, fourth edition, October 2008, prepared by the Michigan department of environmental quality, ~~water bureau~~, is available for inspection at the department offices in Lansing and on the Internet at <http://www.michigan.gov/deq>.

PART 14. CROSS CONNECTIONS

R 325.11401 Definitions.

Rule 1401. As used in this part:

(a) ~~"Backflow"~~ **"backflow"** means water of questionable quality, wastes, or other contaminants entering a public water supply system due to a reversal of flow.

(b) ~~"Safe air gap"~~ means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device, or container to which public water is furnished which shall be not less than 2 times the inside diameter of the water inlet pipe, but shall not be less than 1 inch and need not be more than 12 inches.

(c) ~~"Secondary water supply"~~ means a water supply system maintained in addition to a public water supply, including, but not limited to, water systems from ground or surface sources not meeting the requirements of Act No. 399 of the Public Acts of 1976, being §§325.1001 to 325.1023 of the Michigan Compiled Laws, or water from a public water supply which in any way has been treated, processed, or exposed to any possible contaminant or stored in other than an approved storage facility.

(d) ~~"Submerged inlet"~~ means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture, or appliance which may contain water of questionable quality, waste or other contaminant, and which is unprotected against backflow.

(e) ~~"Water utility"~~ means a governmental unit, municipal or private corporation, association, partnership, or individual engaged in furnishing water to the public for household or drinking purposes.

R 325.11402 Compliance with regulations and local codes.

Rule 1402. A connection with a public water supply system shall comply with existing laws, ordinances, and rules including:

~~(a) The state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569.~~ **Section 608, protection of potable water supply, of the Michigan plumbing code, R 408.30701.**

(b) Local ordinances or rules providing acceptable protection against cross connections.

R 325.11403 Cross-connections prohibited.

Rule 1403. **(1) A temporary or permanent connection between a public water supply system and any source, piping, or system containing nonpotable water or other substances is prohibited.**

(2) Cross connections are prohibited between public water supply systems and all customer types, such as, industrial, commercial, institutional, governmental and single and multi-unit residential.

~~(1) A cross-connection shall not be made between a public water supply system and a secondary water supply.~~

~~(2) A cross-connection shall not be made by submerged inlet.~~

~~(3) A cross-connection shall not be made between a public water supply and piping which may contain sanitary waste or a chemical contaminant.~~

~~(4) A cross-connection shall not be made between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant.~~

R 325.11404 Local cross connection control programs.

Rule 1404. (1) ~~A water utility~~ **type 1 public water supply** shall develop a comprehensive control program for the elimination and prevention of all cross connections. The plan for the program shall be submitted to the department for review and approval. ~~Public water supplies may use the Cross Connection Rules Manual~~ **Supplies may use the cross connection guideline document** prepared by the Michigan department of environmental quality, ~~water bureau,~~ **office of drinking water and municipal assistance** under R 325.10113 as ~~guidance~~ when developing a cross connection control program. When the plan is approved, the ~~water utility~~ **supply** shall implement the program for removal of all existing cross connections and prevention of all future cross connections.

(2) As a minimum the program shall include all of the following:

(a) A complete description of the method of administering the program, including the designation of inspection and enforcement agency or agencies. The local authority for implementation of the program shall be indicated, preferably by ordinance.

(b) A time schedule for inspection and reinspection of all ~~water utility~~ **supply** customers' premises for possible cross connections. The periodic reinspection shall be to ascertain if safe air gaps or required backflow preventers are in place.

(c) A description of the methods and backflow preventers, as approved by the department, used to protect the public water supply.

(d) A time schedule for the testing of all testable backflow preventers. **The schedule contained in the program shall require testing at least once every 3 years.**

This frequency may have to be changed based on the outcome of HB 5317

(e) A description of the time allowed for a customer to complete necessary corrections.

(f) A description of the record keeping methods.

(3) Upon receiving written notice from the department, a public water supply shall provide an updated program within 6 months.

(4) A water supply shall report annually to the department on the status of the cross connection control program on a form provided by the department.

~~R 325.11405—Corrections and protective devices.~~ **Backflow preventers, tester qualifications and corrections.**

~~Rule 1405. (1) A user of public water supply shall obtain written approval by the water utility or authorized inspection agency of any proposed corrective action or protective device before using or installing it.~~ **Backflow preventers shall meet the applicable asse or csa standards.**

Instead of referencing ASSE and CSA standards, shall we reference the plumbing code?

(2) Test results of backflow preventers are valid only if testing was performed by individuals holding an active asse 5110 certification.

~~(2)~~**(3)** The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross connection has not been removed, after a reasonable period of time, the water utility ~~supply~~ shall physically separate the public water supply **system** from the onsite piping system in a manner that the 2 systems cannot again be connected by any unauthorized person.

~~(3) A water utility shall report annually to the department on the status of the cross connection control program on a form provided by the department.~~