

Michigan's *E. coli* TMDL for All Impaired Waters (Statewide)

Frequently Asked Questions – January 10, 2017

Michigan Department of Environmental Quality (MDEQ)

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1) Q: What is an *E. coli* Total Maximum Daily Load (TMDL)?

A: If the *E. coli* levels in a water body exceed Michigan's Water Quality Standards, then Michigan must develop a plan known as a Total Maximum Daily Load (TMDL). TMDLs set specific numeric targets and provide a framework for addressing *E. coli* pollution problems with a goal of meeting the standard.

2) Q: What is the Integrated Report?

A: The Integrated Report is a document where the state of Michigan reports on the status of surface water quality to the public and the U.S. EPA. It contains a list of waters that do not meet the designated uses or water quality standards (waters that will require a TMDL). The MDEQ submits the Integrated Report to the U.S. Environmental Protection Agency (USEPA) every two years for approval. The 2014 Integrated Report has been approved by the USEPA and approval of the 2016 version is expected sometime in early 2017. To view the Integrated Report, enter "Integrated Report" in the search tool on <http://www.michigan.gov>. Impaired waters needing TMDLs are in Appendix C.

3) Q: Will all waters be included in the statewide TMDL?

A: No. Only waters impaired by *E. coli* that are listed in the 2016 version of the Integrated Report (Appendix C) will be included at this time. In the future, the waters that are covered by the TMDL will be specified in an addendum to the TMDL with each Integrated Report (look for this to happen in 2018).

4) Q: A lot of this TMDL process seems to focus on NPDES permits, when it's obvious that nonpoint sources are a huge problem. What will the TMDL do about nonpoint sources?

A: The TMDL will lay out all the regulatory and voluntary ways that nonpoint sources of pollution can be corrected. The MDEQ lacks direct regulatory authority for most nonpoint sources, so the MDEQ and stakeholders must work together with other agencies and groups to solve these problems. The TMDL will provide links to funding sources for stakeholders to use in helping to tackle the problem of nonpoint sources of pollution.

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- 5) Q: There are agricultural best management practices in the TMDL, do farmers in the TMDL have to implement these?

A: No. *The TMDL does not contain any new regulations on agricultural operations with no NPDES permit.* The MDEQ and MDARD will continue to promote the Michigan Agriculture Environmental Assurance Program (MAEAP) throughout the state. In TMDL areas, the MDEQ requests that farmers and local agencies work together to voluntarily address pollution issues. If voluntary solutions do not remedy an identified problem, the MDEQ may step-in to help solve the problem. The TMDL will provide links to funding sources for stakeholders to use in helping to tackle the problem of nonpoint sources of pollution.

- 6) Q: How will the statewide TMDL be updated?

A: Because the MDEQ does not currently know the full extent of *E. coli* impairments in Michigan, the TMDL will be updated to include new impaired waters as we find them based on future monitoring. The statewide TMDL will be updated every two years, consistent with the Integrated Report schedule. Beginning in 2018, the Integrated Report will contain an addendum specifically for updating the statewide *E. coli* TMDL, which will include a map and a comprehensive list of the impaired waters.

- 7) Q: How will I know if my facility or area is included in the statewide TMDL?

A: For your convenience, a general map of waters impaired by *E. coli*, as listed in the 2016 draft Integrated Report, is included on the following pages (Figure 1). Beginning in 2018, the Integrated Report will contain an addendum specifically for updating the statewide *E. coli* TMDL, which will include a map. The MiWaters mapping system will also be available in the future for interested people to interactively view the area and facilities impacted by the TMDL. MDEQ will notify permittees of their proposed inclusion in the TMDL using contact information stored in MiWaters. Watershed councils and health departments, Tribes, and other interested stakeholders will be notified during the Integrated Report update process. In addition, the MDEQ environmental calendar will be used to alert the public of the Integrated Report changes (<http://www.michigan.gov/deqcalendar>).

- 8) Q: How will the MDEQ account for different NPDES facility types in different locations across the state? Not all facilities are the same.

A: All permittees discharging to waters included in the *E. coli* TMDL will be grouped by permit type (such as sanitary wastewater, industrial stormwater, municipal stormwater, or concentrated animal feeding operations). At the normally scheduled time of permit reissuance,

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each of these permit types may have language or requirements added to their permits to be consistent with the TMDL, per federal requirements. Issues that are specific to a particular facility, such as permit violations, will be handled through the MDEQ's normal permitting and enforcement processes. The MiWaters mapping system can be used to search for publicly available information on any facility.

9) Q: What is the MDEQ going to do about failing septic systems?

A: Local health departments have authority over onsite septic systems that serve individual homes, although the MDEQ does have oversight over the design and construction of larger systems and the minimum contents of local sanitary codes. It is illegal to discharge raw sewage directly to the surface waters of the state (unless the discharge is part of an NPDES permit with a combined or sanitary sewer overflow control plan). The TMDL will not change state or local oversight of septic systems or water discharge rules.

10) Q: Will the requirements for NPDES permits under the statewide *E. coli* TMDL be any different than the requirements for the older watershed-based *E. coli* TMDLs

A: The permit requirements are generally the same across all concentration-based *E. coli* TMDLs. Permit requirements do change as part of the regular reissuance process, but they must remain consistent with the TMDLs according to state and federal regulations.

11) Q: I run a wastewater treatment plant (WWTP). We have a fecal coliform limit, but not *E. coli*. Will our limits be affected with new requirements?

A: No. Your effluent monitoring should not be directly affected by the TMDL process.

12) Q: I have an NPDES permit. Is there anything different I will have to do in the future if I am in an *E. coli* TMDL?

A: Permit requirements change at each reissuance but must be consistent with the TMDL if a TMDL is present in the receiving waters. You should read your current permit (start by doing a search for the keyword "TMDL"), or talk to your local MDEQ district NPDES staff expert.

13) Q: When will this statewide *E. coli* TMDL begin showing up in NPDES permits?

A: A TMDL cannot be implemented in a permit until it is approved by the USEPA. After the TMDL is approved, the MDEQ will evaluate each permit at your next regularly scheduled reissuance and incorporate additional requirements, if any, at that time.

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14) Q: Will the new statewide *E. coli* TMDL replace the older waterbody-specific *E. coli* TMDLs?

A: No. Older *E. coli* TMDLs will remain in place; however, the new online resources developed for the Statewide TMDL will be useful to update information in the older TMDLs (such as lists of facilities in the waste load allocations, which are likely out-of-date).

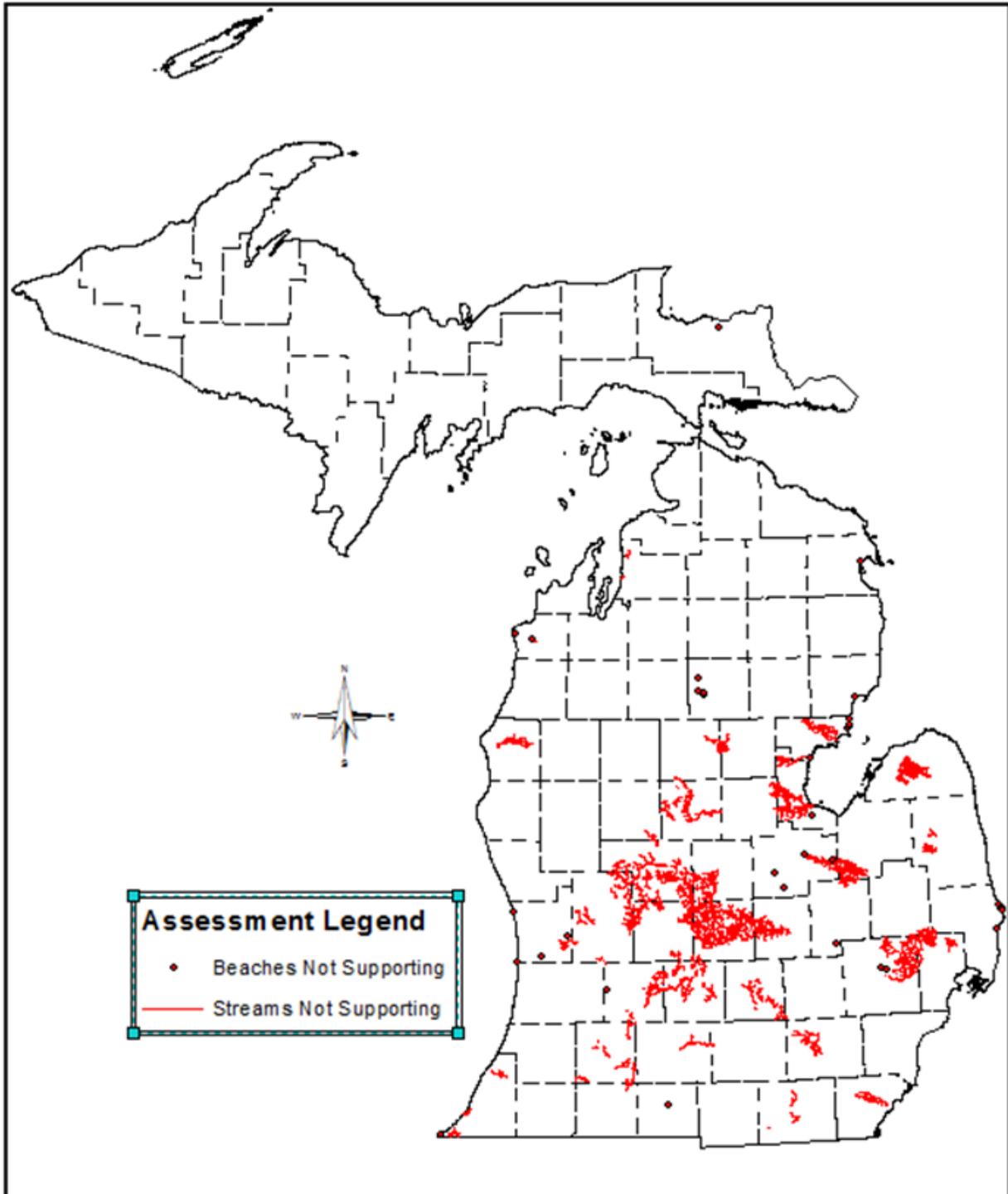
15) Q: Is the MDEQ going to be adopting the 2012 Recreational Criteria recommended by the U.S. Environmental Protection Agency (USEPA)?

A: No. The Region 5 USEPA has agreed that Michigan's current recreational water quality criteria (*E. coli* water quality standard) is consistent with its 2012 recommendations for recreational criteria; therefore, Michigan does not need to change or adopt new water quality standards for *E. coli*.

16) Q: If few waters can meet the WQS, doesn't the standard is unrealistic and we should change it?

A: No, for a couple of reasons. First, MDEQ does not currently have the authority to make or change rules. But more importantly, Michigan's current recreational water quality criteria is designed to protect human health and is based on health studies; it is not based on "background" levels. Our standard is currently based on what is considered an acceptable risk of illness (in waters that are above 300 *E. coli* per 100mL, 8 in 1,000 swimmers may get sick). Raising the standard to a higher concentration would have the unintended effect of raising the acceptable risk of illness.

Figure 1. Map of *E. coli* impaired waters proposed for inclusion in the statewide *E. coli* TMDL, from the 2016 Draft Integrated Report.



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