



DRINKING WATER AND ENVIRONMENTAL HEALTH DIVISION POLICY AND PROCEDURE

DWEHD-399-013 – Classification of Public Water Supplies

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ISSUE

Drinking water supplies are classified based on multiple factors including the population served, the type of service, frequency of service, and ownership and operation.

This policy is established to provide the Michigan Department of Environment, Great Lakes, and Energy's (EGLE) Drinking Water and Environmental Health Division (DWEHD) and local health department (LHD) staff with an approach to accurately determine the classification of waterworks systems. Proper classification has significant design and operational implications and is critical for the protection of public health.

STAKEHOLDER INVOLVEMENT

Stakeholders were engaged throughout the revision process. The current stakeholder group includes representatives from the Michigan Departments of Agriculture and Rural Development, Health and Human Services, and Licensing and Regulatory Affairs and LHDs.

AUTHORITY

The Michigan Safe Drinking Water Act, 1976 PA 399, as amended, being MCL 325.1001 *et seq.* (Act 399), and the administrative rules promulgated thereunder, being R 325.10101 *et seq.* (Act 399 Rules), establish the classification of public water supplies (see Part 5 of the Act 399 Rules). EGLE has regulatory authority over public water supplies. It oversees Type I supplies directly and delegates authority over the Type II and Type III supplies to LHDs under Part 16 of the Act 399 Rules.

DEFINITIONS

Drinking Water Supply Classification Review Team (Review Team) – A team consisting of the EGLE, DWEHD's Field Operations Section manager, the Environmental Health Section manager, the Source Water Unit supervisor, the Noncommunity Water Supply Unit supervisor, the Community Water Supply (CWS) Capacity Development staff member, and an enforcement analyst or specialist. The Review Team shall convene to review and make determinations on site specific classification cases. This Review Team will invite and include the CWS district supervisor, other EGLE staff with expertise related to the relevant factors, and two representatives of the LHD in the geographical area of the water supply.

Full Capacity – For purposes of classification, full capacity of licensed facilities, such as agricultural labor camps or childcare centers, is the maximum number of individuals that may occupy the facility. For

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purposes of classification, full capacity is the number of permanent beds available for the people housed in a facility, such as students in a dormitory, prisoners in a penal institution, residents in a nursing home or foster care home, patients in a psychiatric institution, etc. This number does not include temporary beds, such as cots, daybeds, or roll-away beds that are used in times of overcrowding or for short-term visitors who are staying overnight with a resident.

Living Unit – Per Act 399, a house, apartment, or domicile occupied or intended to be occupied on a day-to-day basis by an individual, family group, or equivalent. MCL 325.1002(j).

Person – Per Act 399, an individual, partnership, copartnership, cooperative, firm, company, public or private association or corporation, political subdivision, agency of the state, agency of the federal government, trust, estate, joint structure company, or any other legal entity, or their legal representative, agent, or assigns. MCL 325.1002(m).

Public Water Supply – Per Act 399, a waterworks system that provides water for drinking or household purposes to persons other than the supplier of the water, and does not include either of the following:

- i. A waterworks system that supplies water to only one living unit.
- ii. A waterworks system that consists solely of customer site piping. MCL 325.1002(p).

Resident – Per the administrative rules, a resident is an individual who owns or occupies a living unit. Michigan Administrative Code, R 325.10107(v).

Type I Public Water Supply – A Type I public water supply provides year-round service to no fewer than 15 living units or regularly provides year-round service to no fewer than 25 residents. Type I public water supplies are also called CWSs and may be either publicly or privately owned.

Type II Public Water Supply – A Type II public water supply provides service on an average daily basis to 25 or more individuals or 15 or more service connections for no less than 60 days per year but does not meet Type I criteria. Type II public water supplies are also classified according to their average water production during the month of maximum water use. A Type IIa supply produces 20,000 or more gallons per day (gpd), and a Type IIb supply produces less than 20,000 gpd. Type II public water supplies are called noncommunity supplies and are not intended to serve year-round living units.

Type III Public Water Supply – Type III public water supplies are public water supplies that are not Type I or Type II supplies. Type III public water supplies may or may not serve year-round living units. While this definition and classification is not recognized in the federal Safe Drinking Water Act, Michigan administrative rules applicable to Type III supplies are found in Part 5, Part 7, and Part 8 of the Supplying Water to the Public Rules, Michigan Administrative Code, R 325.10101 *et seq.*

A breakdown of the classification of public drinking water supplies is summarized in the table below:

Types of Public Drinking Water Supplies

Classification		Description	Examples	
Public Water Supplies**	Type I Community	Provides year-round service to ≥15 living units OR to ≥25 residents	Municipalities, subdivisions, apartments, condominiums, nursing homes, manufactured housing communities	
	Type II * Noncommunity	Nontransient	Serves ≥25 of the SAME individuals on an average daily basis for ≥six months per year. (and is not a Type I)	Places of employment, schools, day care centers, bottled water sources
		Transient	Serves ≥25 individuals or ≥15 service connections on an average daily basis for ≥60 days per year. (and is not a Type I)	Hotels, restaurants, campgrounds, churches, highway rest stops
	Type III		Public water supply that is not a Type I or Type II	Subdivisions, apartments, condominiums, or duplexes with fewer than 25 residents and fewer than 15 living units; Very small business with <25 employees and customers or open <60 days per year

* Type II public water supplies are further classified according to their average water production during the month of maximum water use. A Type IIa supply produces 20,000 or more gpd and a Type IIb supply produces less than 20,000 gpd.

** Ownership or operation of multiple waterworks systems in the same general location is critical to determining classification. See Rule 503 of the Act 399 Rules and additional information in this Policy and Procedure.

Year-round Service – Per Act 399, the ability of a supplier of water to provide drinking water on a continuous basis to a living unit or facility. MCL 325.1002(y).

POLICY

Classifying Public Water Supplies

Owners/developers/proprietors/suppliers must submit the necessary plans and documentation for review to either the LHD or EGLE. The LHDs or EGLE will then determine the classification of the supply. Although EGLE and the LHDs work together to classify supplies, EGLE retains authority over Type I water supplies and, therefore, has the authority to classify a water supply as Type I.

The classification methods described here to estimate population may differ from methods utilized for wastewater systems classification and design. The classification methods described here to estimate population may differ from the methods utilized to determine drinking water monitoring schedules.

Type I: Public water supplies that provide year-round service to 15 or more living units shall be classified as Type I public water supplies, regardless of the number of individuals present. Public water supplies that provide year-round service to 25 or more residents shall be classified as Type I public water supplies.

Estimating Population of a Type I Public Water Supply: For the purpose of determining/estimating population when there are less than 15 living units, EGLE or the LHD will use nine living units as a trigger for a review by the Review Team to determine if the supply is a Type I public water supply. The trigger point is based on Michigan's county level census data from 2017 that ranges from 2.03-2.71 persons per living unit. The census data may be used to help the Review Team determine the classification; however, additional data and relevant factors will also inform the decision.

Facilities that are licensed, regulated, or otherwise categorized based on the number of beds at full capacity shall be classified based on their full capacity regardless of the number of beds occupied on any given day, plus the number of workers and their family residing there. These facilities include but are not limited to nursing homes, homes for the aged or indigent, adult foster care homes, year-round agricultural labor camps, dormitories, penal institutions, and psychiatric institutions.

Type II: Public water supplies that are not a Type I public water supply but serve 25 or more people or 15 or more service connections for at least 60 days per year, shall be classified as a Type II public water supply. Examples include but are not limited to schools, daycare centers, campgrounds, restaurants, seasonal resorts, hotels, churches, and licensed facilities with fewer than 25 permanent beds but the sum of residents, employees, and visitors is 25 or greater.

Type II public water supplies are also classified according to their average water production during the month of maximum water use (Type IIa and Type IIb).

Determining Type II Transient Supplies: The key consideration for transient type supplies should be the availability or opportunity to consume water. Individuals that only have access to water in a restroom setting are not intended to be included as persons served in the definition of Type II public water supply. If a transient facility does not have a public drinking fountain, post mix pop, juices, soups, or coffee vending, the patrons should not be counted as consumers.

The same principle applies to small transient facilities with a food license. If the facility has no offering or availability of drinking water to customers, they should be classified as a Type III public water supply. Water that comes in contact with food or food preparation surfaces must be from an approved source, but that does not necessarily classify the facility as a Type II public water supply.

Determining Type II Nontransient Supplies: For purposes of classification as nontransient noncommunity public water supplies, a person shall be counted as a nontransient person if they are present an average of four hours per day for four days per week. Employees and other individuals not meeting these criteria shall be counted as part of the transient population.

Type III: Public water supplies that are not Type I or Type II public water supplies are classified as Type III. These supplies include but are not limited to a duplex, apartments, manufactured housing community serving less than 25 residents and less than 15 service connections, facilities serving less than 25 individuals or open less than 60 days, and adult foster care homes with a combined total number of licensed beds, employees, and visitors of fewer than 25 individuals.

Determining Type III: If the public water supply serves living units, follow the procedure section below to determine if the Review Team should be consulted. Review the waterworks system compared to the Type I definitions regarding service connections, population served, and ability to provide year-round service. Also, evaluate if the ownership or operation of the waterworks system is shared with any other waterworks systems in the same general location.

If the supply is not a Type I, then consider if it should be a Type II. Review the waterworks system compared to the Type II transient and nontransient definitions, ownership and operation, and specific situations. If the public supply is not determined to be a Type I or Type II supply, it is a Type III supply.

SPECIFIC SITUATIONS

Rule 503: According to R 325.10503 of the Act 399 Rules, two or more waterworks systems owned or operated by the same person at the same general location not individually meeting the definition of a community supply or a noncommunity supply, but collectively meeting the definition of a community supply or a noncommunity supply, shall be considered by the department to be a single public water supply for classification purposes. Also, a waterworks system meeting the definition of a community or noncommunity water supply and a waterworks system not meeting the definition of a community or noncommunity water supply in the same general location collectively owned or operated by the same person may be considered by the department to be a single public water supply. If each waterworks system only supplies water to one living unit, Rule 503 may not apply. See MCL 325.1002(p).

When evaluating related systems under Rule 503, consult the Review Team.

Notice of Proposed Action (for Condominium Project): Under the authority of the Michigan Condominium Act, 1978 PA 59, as amended (Act 59), Section 71, a written notice of the proposed action shall be provided to EGLE. This notice may be provided using EGLE form EQP5870. For projects not serviceable by public water and public sewers, Section 71a adopts the rules for subdivisions in regard to the water supply and wastewater system proposed for the development.

Bottled Water and Hauled Water Sources: Sources for water bottling operations and hauled water operations that are not community supplies are classified as Type II public water supplies and shall be considered nontransient.

Living Units (Seasonal versus Year-Round): Vacant or unoccupied living units will be counted in the number of year-round living units for determining classification of the water supply if water service is maintained for possible, intermittent, or immediate occupancy. Living units to which water service must be shut off and the service line drained and left untenanted may not be counted as available year-round for the classification of a Type I public water supply. An example of this scenario would be if portions of the system are drained for winter months to prevent freezing, the living units are not occupied, and the supply adheres to the requirements of Michigan Administrative Code, R 325.11110.

Agricultural Labor Camps: In Michigan, agricultural labor camps (also referred to as migrant labor housing) are licensed under the authority of Part 124, Agricultural Labor Camps, of the Michigan Public Health Code, 1978 PA 368, as amended, which requires a water supply meet the requirements of Act 399. Agricultural labor camps may be seasonal or year-round. The number of living units and capacities are site and licensing specific; therefore, migrant housing facilities that are not a customer of an approved Type I supply could fall under a classification as a Type I, II, or III supply.

Seasonal versus Year-Round Noncommunity Water Supplies: Under the 2016 revised total coliform rule, seasonal noncommunity supplies must be identified. A seasonal noncommunity supply is one that is not operated on a year-round basis and starts up and shuts down at the beginning and end of each operating season. Examples of a seasonal noncommunity supply include but are not limited to campgrounds, golf courses, ice cream parlors, parks, beaches, and marinas. "Serving the public" means

serving anyone other than one's own family, no matter how few (e.g., a couple of employees are "the public").

In an effort to provide direction on determining if a noncommunity water supply should be classified as a seasonal supply, the Seasonal Supply Determination Chart for Noncommunity Public Water Supplies is located at [Seasonal Supply Determination Chart \(michigan.gov\)](http://www.michigan.gov). If a facility has multiple sources with individual Water Supply Serial Numbers (WSSN), determination of seasonal or year-round status is made per WSSN. The LHD should consult with EGLE on those supplies where the classification is difficult to determine.

Grade A Dairy Farms: Sources for Grade A Dairy Farms constructed or reconstructed on or after April 1, 1994, are classified as Type III public water supplies as documented in Attorney General Memorandum, dated July 9, 2003, RE: Regulation of Dairy Farms Under the Safe Drinking Water Act. However, if the farm has 25 or greater employees on an average day, the farm would be classified as a Type IIa or Type IIb nontransient public water supply. If a farm serves year-round living units, it could be a Type I supply.

Condominiums: Condominium projects can take on a variety of forms. The commonality between them all is that they have bylaws and master deeds which govern operation and shared ownership. Historically, bylaws and/or master deeds containing occupancy restrictions (i.e., restricting residents' occupancy to no more than six months per year) were considered as mechanisms to yield a designation as a Type II or Type III water supply versus a Type I water supply. These bylaws, master deeds, and other documents, including those related to the rental of units or terms of occupancy, can be amended, or otherwise changed by the condominium project developer, by co-owner vote, and/or by association boards without notification to EGLE or any other regulatory agency and are, therefore, not an acceptable method of restricting population served.

Changing the Classification of a Public Water Supply

Every attempt should be made during initial contact with owners/developers/proprietors/suppliers to determine the intent and scope of the water service and the ultimate build-out capacity. In doing so, the initial water system construction can be made to accommodate future changes in system capacity and reclassification when future phases are constructed. The technical, managerial, and financial (TMF) capacity requirements vary significantly based on classification and it can be very difficult to achieve compliance after initial water system installation.

EGLE will not reclassify public water supplies from one year to the next based on the current occupancy rates. For example, a Type I supply serving 15 or more living units whose population becomes less than 25 people will not be reclassified as a Type III supply. Reclassification of facilities categorized based on the number of permanent beds will only occur if the number of licensed beds has been reduced and recorded with the licensing agency.

If EGLE is notified of an existing unregulated or potentially misclassified water supply providing year-round service to 15 or more living units and/or regularly provides year-round service to 25 or more residents, EGLE staff will confirm the population and classify the supply as a Type I water supply as necessary. As part of the reclassification process, communication between the LHD, EGLE, the supplier, and other state licensing agencies (if applicable) shall occur. If the supply does not meet Type I minimum standards at the time it is classified by EGLE as a Type I public water supply, EGLE shall consider the public water supply a "new" supply for the purpose of capacity development and shall ensure the public water supply has the TMF capacity to operate as a Type I CWS, including the possibility of having to

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install wells that comply with Type I construction, isolation, and water quality standards. This may be initiated by EGLE and the water supplier entering into an administrative consent order (ACO) with reasonable time frames for system upgrades with safeguards in place to protect public health.

If EGLE or the LHD is notified that an existing unregulated or Type III supply provides service on an average daily basis to 25 or more individuals, or 15 or more service connections for no less than 60 days per year, but does not meet Type I criteria, LHD staff will confirm the population and reclassify the supply as a Type II water supply as necessary. As part of the reclassification process, communication among the LHD, EGLE, the supplier, and other state licensing agencies (if applicable) shall occur. If the supply does not meet Type II minimum standards at the time it is classified as a Type II public water supply, the LHD shall consider the public water supply a "new" supply for the purpose of capacity development and shall ensure the public water supply has the necessary TMF capacity to operate as a Type II public water supply. This includes assessing the water quality and eight minimum elements included in a sanitary survey and may include the possibility of having to install wells and/or upgrade existing noncompliant wells.

This may be initiated by the LHD and the water supply entering into an ACO, or similar enforceable agreement, with reasonable time frames for system upgrades with safeguards in place to protect public health. The LHDs should refer to EGLE's Capacity Development Strategy for Public Water Supplies for additional information regarding capacity development and new supply onboarding.

If EGLE is notified of an unregulated secondary treatment system, EGLE will follow the steps in the DWEHD-399-031 Policy on Secondary Treatment.

Any reclassification of a public water supply shall be made in writing to the owner, with copies of this notice provided to the appropriate regulatory agency if the oversight responsibility is also changing.

Drinking Water Supply Classification Review Team

Any reviews to determine the classification of a water supply will be conducted by the Review Team.

This Review Team will perform timely site-specific reviews of:

- proposed new developments with 9-14 living units.
- Proposed new developments where multiple Type III or a combination of Type III and private wells are proposed to serve nine or more living units.
- Situations where questions regarding same general location, or similar ownership or operation, are occurring.
- Other unique situations that arise within EGLE or where the LHD requests review/assistance such as, but not limited to Act 59 Developments including Site Condominiums, or Conversion Condominiums.
- Existing water supplies where a new classification of Type I is being debated.

Guidance on making classification decisions is available for the Review Team in a separate document.

PROCEDURE

Determining Classification of New Water Supplies

Step	Who	Does What
1	EGLE staff for Type I or LHD personnel for all other classifications	<p>Receives and reviews documentation from owner/developer/proprietor/supplier. This documentation may be provided to EGLE or LHDs through new land development inquiries, plan unit developments, Notice of Proposed Action (for Condominium Project), Conversion Condominiums, or permit applications.</p> <p>Determine if additional documentation is required to make classification determination and request additional information if necessary.</p>
2	Water Supplier	Provides EGLE or the LHD with additional documentation requested (if requested) including details on ownership and operation, number of living units served, and the full build-out capacity.
3	EGLE staff for Type I or LHD personnel for all other classifications	Make classification determination. In cases where applicability of Rule 503 is unclear or where year-round population served is between 9-14 living units, EGLE staff and/or LHD staff refer to the Review Team for classification determination.
3a	EGLE Review Team	Reviews documentation and determines classification.
4	EGLE staff for Type I or LHD personnel for all other classifications	Document the classification decision, enter data into applicable database and notify water supply of decision. Carbon copy local and state agencies who may find this information meaningful.

Determining Classification of Existing Water Supplies

Step	Who	Does What
1	EGLE staff for probable Type I or LHD personnel for all other classifications	<p>Requests, receives, and reviews documentation from owner/developer/proprietor/supplier regarding number of service connections, number of living units, population served, and ownership and operational status.</p> <p>Determine if additional documentation is required to make classification determination and request additional information if necessary.</p>
2	Water Supplier	Provides EGLE or the LHD with additional documentation, as requested.
3	EGLE staff for the Type I or LHD personnel for all other classifications	Determines if documentation and as-built conditions warrant a change in the classification of an existing waterwork(s) system. Consults with other regulatory agency(s) if a change in classification is triggered.

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Step	Who	Does What
4	DWEHD and LHD staff	Make classification change. In cases where applicability of Rule 503 is unclear or where year-round population served is between 9-14 living units, EGLE staff and/or LHD staff refer to the Review Team for classification determination.
4a	EGLE Review Team	Reviews documentation and determines classification.
5	EGLE staff for probable Type I or LHD personnel for all other classifications	Document the classification decision, enter data into applicable database, and notify water supply of decision. Carbon copy local and state agencies who may find this information meaningful.

LINK TO ADDITIONAL INFORMATION

[Michigan Safe Drinking Water Act, 1976 PA 399, as amended](#)

APPROVING AUTHORITY



Eric J. Oswald, Director
Drinking Water and Environmental Health Division



Aaron B. Keatley, Chief Deputy Director

HISTORY

Policy No.	Action	Date	Title
WB-399-013	Original	October 12, 2007	Classification of Public Water Supplies
ODWMA-399-013	Revised	April 5, 2015	Classification of Public Water Supplies
ODWMA-399-013	Revised	August 1, 2016	Classification of Public Water Supplies
DWEHD-399-013	Revised	April 28, 2022	Classification of Public Water Supplies

CONTACT/UPDATE RESPONSIBILITY

Any questions or concerns regarding this policy and procedure should be directed to Dana DeBruyn, DWEHD, at DeBruynD@Michigan.gov.

An EGLE policy and procedure cannot establish regulatory requirements for parties outside of EGLE. This document provides direction to EGLE staff regarding the implementation of rules and laws administered by EGLE. It is merely explanatory, does not affect the rights of or procedures and practices available to the public, and does not have the force and effect of law. EGLE staff shall follow the directions contained in this document.