

Responses to comments on Revised “Response to Total Coliform or *E. coli* at Municipal Drinking Water Systems” Policy

Thank you to all of the individuals and groups that provided feedback on the Department of Natural Resources (Department) proposed new guidance titled, “Responses to Total Coliform or *E. coli* at Municipal Drinking Water Systems”. Included in this document are all of the public comments received. They are as follows:

It seems that this guidance is intended to be a “bridge” between TCR and RTCR. Compliments to the DNR for identifying the benefits of issuing guidance to assist water systems in this transition period.

These comments are based on my experience as a Microbiologist, Water Quality Manager, and member of the Total Coliform Rule/Distribution System Advisory Committee.

Here are suggestions to improve this document, for your consideration:

- *Change the title so that it reflects what the guidance is really addressing. A suggestion is exactly what the outline starting on page 3 is titled: “Responses to Total Coliform or *E. coli* at Municipal Water Systems”.*

- *Third paragraph of “Revised Policy” section starts out with “Any confirmed *E. Coli* positive samples”. The concept of “confirmed *E. coli* samples” is inconsistent with RTCR. The message RTCR wants to present is that a REPEAT sample is positive for *E. coli* (as differentiated from a routine sample). The *E. coli* itself is considered “confirmed” by virtue of the specificity of the method used in the analysis. It does not require that a repeat sample also be positive to “confirm” the presence of *E. coli*. Please review the language in the rule itself to verify this concept—a search for the word “confirmed” does not reveal a single instance in the entire document.*

- *Re: Public Notice Requirements, Is it really intended that a Tier 2 Public Notification is required regardless of whether a level 1 assessment or chlorination is chosen by the system? Hopefully this is just for the time period while TCR is in effect but will go away when RTCR is in effect. It was specifically intended in RTCR that a simple TC trigger is NOT to require public notification. Here is the language from the Agreement in Principle:*

“The severity of the violation, as it potentially impacts, public health, should be considered in determining the timing and nature of public notification.”

- *Re: Completing the Level 1 Assessment, Hopefully, the requirement to issue Tier 3 public notification to report defects found and corrective actions also only for the “bridge” time period. Again, it was specifically intended in the design of the RTCR to decrease the number of public notifications that would cause undue public concern, and a long-delayed notification (e.g. Tier 3) about something that has been “found and fixed” is clearly contrary to that intent. Performing an assessment and taking corrective actions is NOT a violation and Public Notification should NOT be mandated. (The requirement for Tier 2 public notice for systems failing to perform the assessment or correct defects, or for a Tier 3 public notification for a monitoring violation, is exactly the type of consequence intended in RTCR.)*

- *In the RESPONSES TO TOTAL COLIFORMS OR ECOLI AT MUNICIPAL WATER SYSTEMS, o CONFIRMED TC+, Again, please refer to this as REPEAT SAMPLE TC+.*

- *o Re: Option 2 (Revised Total Coliform Rule (RTCR) Approach), please reconsider requiring a Tier 2 Public Notice when as assessment has been properly conducted, sanitary defects corrected, and report submitted to the Department. This is NOT a violation. The RTCR really does want those systems that perform these activities to be “rewarded” by not having to issue a public notification, not have the same consequence as those systems that opt NOT to take the optimal steps to “find and fix” defects.*

o Re: section on E. COLI+, “ALL MUNICIPAL SYSTEMS MUST BOIL WATER”, Where must water be boiled? Throughout the entire system? In some designated area as specified by DNR?

- In the Level I Self-Assessment Form, Section I Source, the terminology “reported unsafe” appears twice and should be updated in both locations. Samples are either TC+ or E. coli +. “Unsafe” is a “legacy” term that should no longer be used, especially with the new scientific understanding that total coliforms “do not have any direct public health implication” and “by themselves do not indicate a health threat” (quotes from EPA Preamble to RTCR).*
- Throughout the document, the correct presentation should be used: E. coli or E. coli—underlined or italicized, “period” after the “E” and lower case “c” on “coli”.*

The Level I Assessment includes in its definition the following: “...and inadequacies in sampling sites, sampling protocol, and sample processing.” Nowhere in the Self Assessment Form is “sample processing” addressed. In fact, unless the Municipal system is analyzing its own samples, it will have no way of assessing the sample processing portion of the system. I fear that this will result in labs getting the blame for positive samples as a default.

Item 5 d) on the Self Assessment Form asks if the sample bottles were “fresh and in sanitary condition”. Sample bottles must be sterile, which is not necessarily the same as “fresh and in sanitary condition”. The better question might be “Were the sample bottles identified as sterile, and were they stored in such a way as to not contaminate them?”

Item 5 e) on the Self Assessment Form asks if the sample was shipped on ice. That is not a requirement of the method or of the EPA’s Drinking Water Manual.

Item 4 a) on the “State Use Only” portion of the form has “Rationale” misspelled.

The Department has the following responses and has made the following changes based on the comments above:

- Title has been changed to better reflect the purpose of the policy.
- Selected terminology has been modified to better mirror the terminology in the Federal Revised Total Coliform Rule (RTCR).
- Spelling, grammar, and representation of selected terms throughout all the documents have been corrected.
- This policy is intended as a bridge to practices that will be undertaken at the time of full RTCR implementation. All requirements currently outlined in NR809 including public notice requirements must remain in effect until that time.
- The terms and extent of any “Boil Water” situation would be as directed by WI DNR district Water Supply Engineers.
- **§141.153(h)(7)(i)** of the RTCR requires that Level 1 and Level 2 assessment results must be public noticed in the subsequent Consumer Confidence Report (CCR). Reference to tier 3 public notice requirements has been removed.
- The Level 1 assessment definition listed is directly from **§ 141.2 Definitions** of the RTCR.
- Item 5d) on the Self-Assessment Form was modified to clarify the importance of sterile sample bottles and proper storage and handling of sample bottles.
- Item 5e) on the Self-Assessment Form was removed as it is not an EPA requirement.

This policy is intended to be a bridge between current NR809 requirements and those of the RTCR and revised NR809. Therefore it implements aspects of both sets of regulations. The policy will be re-evaluated at the time of full implementations of the RTCR.

Any questions can be directed to Kyle Burton at (920) 662-5169 or Kyle.Burton@wisconsin.gov.