

Shekter, Jean (DEQ)

From: Crooks, Jennifer <crooks.jennifer@epa.gov>
Sent: Tuesday, February 17, 2015 12:45 PM
To: Shekter, Jean (DEQ)
Cc: Carlson, Deborah; Kuefler, Janet; Poy, Thomas; Benzie, Richard (DEQ)
Subject: Region 5 Final Comments on MI draft RTCR for Public Hearing
Attachments: Comments final on Michigan draft RTCR Feb 2015.docx

Hi, Jean. Please see the attached comments on the Michigan draft RTCR. This list of comments includes my comments from Ground Water and Drinking Water Branch, and comments from Office of Regional Counsel. Please let me know if you have any questions.

It's been great working with you, Jean, as usual!

Jennifer

Final Comments on Michigan draft RTCR – February 18, 2015

Fed'l Cite	State Cite	Comment
141.2	108(c)	The draft rules use the term “seasonal supply” instead of “seasonal system”, as noted in #29 of “Notes for Crosswalks”. This is acceptable because the state consistently uses “supply” when referring to the regulated entity. However, the State rule defines “seasonal supply” using the terms “noncommunity water system” and “public water system.” Did you intend to use terms “noncommunity water supply” and “public water supply?”, page 7 of draft rule
141.74(c)(3)(i)	720(4)	Reference to “709d to 709h” should read “704d to 704h”, page 113 of draft rule
		Also, why did the State leave out the phrase, “...as specified in paragraph (a)(1) of this section”...
141.132(c)(1)(i)	719e(3)(a)	Reference to “709d to 709h” should read “704d to 704h”, page 104 of draft rule
141.153(h)(7)(iv)	413(12)(g)(iv)	Reference to “paragraph (d)(4)” should read “paragraph (8)(d)”. See page 63 of draft rule.
141.203(b)(2)	(403)(2)(b)	In the 3 rd sentence, “MCL” is supposed to match up with “total coliform provisions under R 325.10602”. Rule 602 just gives MCLs; where the Federal rule references the Total Coliform Rule. Should the State cite be Rules 705 to 709 for Total Coliform Rule? See page 27 of draft rule.
141.153(h)(7)(i)(A)	413(12)(g)(i)(A)	On page 32 of draft rule in Table 1, Health Effects Language for Total coliform bacteria beginning April 1, 2016, the State says,”Use language in R 325.10413(12)(g)(i)(A)”. Why doesn’t the State just insert the language here, as is done with other entries in Table 1?
Appendix B to Subpart Q	Table 1	The following lines of Table 1 are missing from the draft rule: 1.e. Subpart Y Coliform Assessment and/or Corrective Action Violations, beginning April 1, 2016; 1.f. Subpart Y E.coli Assessment and/or Corrective Action Violations, beginning April 1, 2016; 1.h. Subpart Y Seasonal System TT Violations, beginning April 1, 2016.
Appendix B to Subpart Q	Table 1	On page 33 of the draft State rule; E.coli, beginning April 1, 2016; third line add “all required” after “take” and before “repeat”.
141.853(a)(6)	704c(1)(f)	Second line, “paragraphs” should be “paragraph”. Page 77 of State draft rule.
		Reference in second line, “(a)(5)((i)” should be (iii). Page 77 of State draft rule.

141.853(c)(1)(ii)	704c(3)(a)(ii)	Reference in second line should read, “R 325.10704h(1).
141.853(c)(1)(ii) and (iii)	704c(3)(a)(ii) and (iii)	The instances when the State may invalidate a total coliform sample result are the same in the RTCR and the original 1989 TCR. In 2009, the State amended its TCR State rule to clarify these instances when the State may invalidate a result. However, it appears the State has not carried over these clarifications in its State TCR, into its RTCR 704c(3)(a)(ii) and (iii). Does the State intend to carry over the 2009 clarifications made to the State TCR into the State RTCR Rule 704c(3)(a)(ii) and (iii)?
141.854(a)(4)	704d(1)(d)	Reference to “(f)(4)” = “(6)(a)(iv)”, not “(6)(d)”, on page 78 of draft State rule.
		Reference to “(g)(2)” = “(7)(d)”, not “(7)(b)”, on page 78 of draft State rule.
		Reference to “subdivision (b)” should be “subdivision (6)”.
141.854(f)	704d(6)(a)(v)	Add “total coliform rule” after “...monitoring has 1...” and before “...monitoring violation”. This is listed twice, on page 46 and on page 47 of crosswalk.
141.854(i)(2)	704d(9)(b)	State omitted reference to paragraph (c). Section 141.854(c) also includes monitoring more frequently than annual and other provisions.
141.858(a)(3)	704h(1)(c)	For clarification, add “of repeat monitoring” after “...conduct 1 round..” and before “...but is not required...”. See page 85 of draft State rule.
141.859(b)(4)(iv)	704i(2)(d)	Rule 704i(2)(d) doesn’t state that the department will make a determination.
None	708	Does this rule mean that if the system collects a sample when they learn of the invalidation, then this would be a valid sample? Perhaps add a phrase “a sample is taken by the system when they learn of the invalidation”, after “...until the following monitoring period”, and before “or if the department collects a sample...”
Endnote 18	Table 1 State rule 401a	Under III. Public notification for variances and exemptions: Rule 302 and Rule 312 are both listed under Citations for each item; however Rule 302 actually corresponds with the first item and Rule 312 actually corresponds with the second item. For clarification, the State could delete the Rules not needed under the Citation column.