

Noncommunity Newsletter

Fall 2023

Rules and Legislation

Filter First Legislation

******The below description was written by a member of EGLE's Noncommunity Public Water Supplies Unit (Noncommunity Unit) for dissemination to local health department Noncommunity Program Coordinators. It is not a formal legal analysis and it should not be forwarded to outside parties. It is the goal of the Noncommunity Unit to provide you with as much information in as timely a fashion as we can, but sometimes when situations are in flux we can only provide you with temporary guidance until a more final analysis can be disseminated.******

The Clean Drinking Water Access Act and amendments to PA 116 (regulation of child care organizations), often called Filter First, were signed into law by Governor Whitmer on October 19, 2023. This legislation states that schools and child care centers (both noncommunity water supplies and those on community water) must serve filtered water for consumption and test filtered water periodically. Schools and child care centers must also develop a drinking water management plan. EGLE will be working internally to determine how these items interact with current requirements under the Safe Drinking Water Act specific to Noncommunity supplies. More information will be coming over the next few months.

Below is a short summary of what is required for schools and child care centers within the next few years. None of these items are due before the end of the current 2023/2024 school year. The rule includes a 6-month period for EGLE and LARA to develop implementation materials. EGLE does not recommend that noncommunity schools and child care centers start new filter or plumbing changes until further guidance is provided. Supplies can begin to plan on paper but it is not recommended that they purchase anything/change plumbing now. Their future requirements include:

- Installation of NSF 42/53 filters on all taps for human consumption (while not specifically noted in the new regulation, these standards include NSF 61).
- Removal or posting all non-filtered fixtures.
- Development of a Drinking Water Management Plan.
- Testing each filtered tap annually and perform maintenance/notify EGLE if results are over 5 ppb.
- The annual test is a 250 mL first draw sample, with a minimum 8-hour stagnation. Currently, only 1 liter samples can be used for compliance with the Lead and Copper Rule.

There are many open questions and few answers today. EGLE is currently working to evaluate the legislation and develop guidance for you in the Noncommunity program. Today:

- There are many filters available. No one wants a school or child care center to waste money because they bought a filter that they are not allowed to install and may need to remove.
- Alterations to public water supplies are activities that require a permit.
- Removing fixtures without removing associated plumbing can create other drinking water concerns, like dead-end plumbing.
- Today, EGLE is not prepared to talk about how the installation of filters for lead removal at Noncommunity supplies may affect lead and copper sample siting plans or system classification, but these topics are currently being discussed. We will share more information as soon as we can.
- Future funding opportunities for schools and child care centers, as well as implementation details, will be shared as these details become available.
- There are proposed revisions to the federal Lead and Copper Rule that may change some of Michigan's Lead and Copper Rule in the next few years. How this federal legislation fits with future potential changes is currently also under review.
- The Filter First legislation does not supersede or replace any current Noncommunity practices.
- The goal at the end of the day is that children are not exposed to lead in their drinking water. While there are still items to consider, we all have the same goal.

Rules and Legislation (continued)

Backflow Prevention Testing

The question of backflow prevention testing was raised at meetings of the Michigan State Plumbing Board. As a result of a recent interpretation from the state Attorney General's Office, [LARA and EGLE issued a joint interpretive statement](#) identifying that only plumbers with an ASSE 5110 certification are able to do backflow prevention testing. [EGLE released additional guidance as well.](#)

Cybersecurity

In March 2023, the EPA issued guidance instructing certain PWS to assess their cybersecurity; however, on October 11, 2023, [that EPA guidance was withdrawn](#). Noncommunity supplies that use Operational Technology (OT) such as Industrial Control Systems (ICS) and Supervisory Control and Data Acquisition (SCADA) software as part of their supply's operation are strongly encouraged to [develop cybersecurity plans](#). Implementing cybersecurity best practices is critical for water supplies to reduce the risk of cybersecurity threats.

SDWIS Transition Updates

SDWIS Transition

The cutover has occurred and is being discussed in great detail within office hours, a running Q&A document, and the Noncommunity Coordinator Teams. Please continue to bring your questions and concerns forward to your EGLE EQA and the rest of the Noncommunity Unit.

State Lab Data Flow

Samples from the EGLE Drinking Water Laboratory are required to be entered into SDWIS. This is a change from WaterTrack.

New Resources

New RIDES Database

EGLE's Remediation and Redevelopment Division (RRD) released new functionality within their [Remediation Information Data Exchange \(RIDE\) database](#). The database houses information on all Leaking Underground Storage Tank sites (Part 213) and all Environmental Remediation sites (Part 201), including Superfund. You can also look up registered underground storage tank facilities (Part 211) where known releases have not occurred. After you find a facility that you want to know more about, click on the three dots on the right side of the table and click on the Location files line item. The Location files bar will also display the number of documents available. You will see a list of location files and, if you click on the print icon on the right, a PDF of the document will open on your screen.

Noncommunity Unit Updates

EGLE Staffing Update

EGLE's Noncommunity Unit welcomes Matt Medina to the team as an Environmental Quality Analyst focused on State and Federal Reporting. Kasey Swanson's role has changed to an Environmental Quality Specialist focused on training within the Noncommunity Unit. The unit is currently in the process of filling the backfilled and new Environmental Quality Analyst positions, with work locations to be announced.

Expiring Certified Operators

Attached is a PDF list of all the certified operators working at noncommunity water supplies whose certification has expired on **October 15, 2023**, and operators whose certification will expire on **January 15, 2024**. Certified operators can find information on CECs on [EGLE's Certification Unit website](#).

Training and Conference Opportunities

****Dates and times subject to change. Contact the organizations hosting a training for more complete information and to register.****

November 29: *IN PERSON* EGLE Source Water Training

What Can Source Water Do For You - A Training for Local Health Department Sanitarians
Gaylord, MI
Contact EGLE's Elizabeth (Tweek) Kalnins for more information or to register

November 28, 1-3pm: MTU webinar [2023 Wellhead Protection for Small Water Systems - \(nonprofitsoapbox.com\)](https://nonprofitsoapbox.com)

December 5-7, 8am-4:30pm: EGLE [Great Lakes Virtual PFAS Summit](#)

December 7, 11am: Water Operator.org [Building Resilience in Your System](#) (not solely Michigan)

December 13: *IN PERSON* EGLE Source Water Training

What Can Source Water Do For You - A Training for Local Health Department Sanitarians
Lapeer, MI
Contact EGLE's Elizabeth (Tweek) Kalnins for more information or to register

January 9-11: EGLE Drinking Water Operator Chlorination & Fluoridation virtual courses

[Check EGLE's website soon for the 2024 training calendar](#)

January 16: EGLE Source Water Webinar

[Check EGLE's website soon for the 2024 training calendar](#)

February 27-29: *IN PERSON* Upper Peninsula Environmental Health Association

Island Resort and Casino in Harris, MI (near Escanaba)
Registration coming in December

February 20-21: *IN PERSON* EGLE Drinking Water Operator Basic Math 2-day Short Courses

Detroit region, [Check EGLE's website soon for the 2024 training calendar](#)

February 26-28: *IN PERSON* EGLE Drinking Water Operator Limited Treatment 3-day Short Courses

Lansing region, [Check EGLE's website soon for the 2024 training calendar](#)

Noncommunity in Pictures



Leaking Pitless in Ionia County

In August, a Noncommunity Coordinator performed a routine sanitary survey at a small transient supply in Ionia County. When he walked back to the area around the well, he was surprised to see it surrounded by standing water. He was familiar with this area and knew that the flooding was not natural (and was a health concern no matter the source). He told the supply to call a well driller and, by the time the sanitarian returned to his office, the driller was on site. As suspected, the culprit was a leak around the pitless adapter discharging water.



Recorded Trainings

Recorded Water Operator Trainings (EGLE)

[Past events and recorded webinars \(michigan.gov\)](#)

Recorded Drinking Water Videos and Recorded Webinars (EGLE)

How to collect samples, among other topics.

[Drinking Water Videos and Recorded Webinars \(michigan.gov\)](#)

Recorded EGLE Well Construction Unit Trainings

[Well Construction Program Health Department Training - YouTube](#)

Recorded Small Drinking Water Systems Webinars (EPA) (Not Michigan focused)

[Small Drinking Water Systems Webinar Series | US EPA](#)

Recorded Water Operator Trainings (WaterOperator.org) (Not Michigan focused)

[WaterOperator > Event Calendar](#)

[Groundwater and Well Care for Public Water Systems](#)

EPA's Clean-Up Information (CLU-IN) Trainings (Not Michigan Focused)

[CLU-IN | Training & Events > Archived Internet Seminars & Podcasts](#)

Archive of clean-up information for particular contaminants