

# CHAPTER 1: DRINKING WATER REGULATIONS

## IN THIS CHAPTER

Purpose and Applicability of Regulations.....1

Agencies and Their Laws and Rules.....2

9.1 Types of Drinking Water Supplies.....2

9.2 Community (Type I) Water Supplies.....3

9.3 Noncommunity (Type II) Water Supplies.....3

    9.3.1 Permits & Permit Fees .....4

    9.3.2 Annual Fees & Laboratory Fees .....4

    9.3.3 Certified Operator Requirements .....4

    9.3.4 Sampling Requirements .....4

9.4 Type III Water Supplies .....5

9.5 Water Use Program – Great Lakes Protection.....5

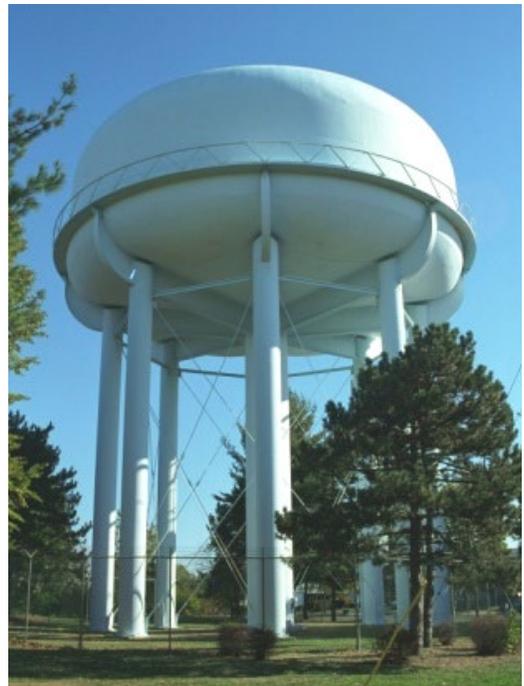
9.6 Cross-Connection Requirements .....6

    Type of Backflow Prevention.....7

WHERE TO GO FOR HELP .....8

## PURPOSE AND APPLICABILITY OF REGULATIONS

Manufacturers are required to supply a safe source of drinking water to their employees that is free from microbial and chemical contamination. Also, many manufacturing activities (such as in the food industry) require safe, potable water for their processes. Most manufacturers in Michigan are customers of a public water system through connection to a municipal or community water supply. However, those plants that supply their own water from a well or surface water source are public water systems (called noncommunity water supplies) and must meet certain drinking water standards. Additionally, these water supplies must meet construction, operational, and sampling requirements. They must also meet both state and local ordinances regarding cross-connection control measures.



Generally, customers who buy water from a community water supply (e.g. the City of Detroit or Grand Rapids) do not have sampling requirements; however, manufacturing complexes that inject chemicals into purchased water or use the water for certain purposes such as food manufacturing, may have additional requirements. Those requirements are the responsibility of the water supplier. The cross-connection section of this chapter is useful for the protection of your employees ([Chapter 9.6](#)).

## AGENCIES AND THEIR LAWS AND RULES

In 1974, the U.S. Congress passed the Safe Drinking Water Act. This act gave the U.S. Environmental Protection Agency (USEPA) responsibility for establishing and enforcing drinking water standards nationwide. The Michigan Safe Drinking Water Act, Public Act 399, as amended, (Act 399) was enacted in 1976 and enables the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to maintain direct control over the public drinking water program in the state.

Community, or Type I, public water supplies serve 25 or more residents or 15 or more living units year-round. These water systems are regulated directly by EGLE staff. Noncommunity, or Type II, public water supplies serve 25 persons or more at least 60 days per year, at facilities such as factories, schools, restaurants, campgrounds, churches, etc. (A service connection is defined as “a direct connection from a distribution water main to a living unit or other site to provide water for drinking or household purposes.”) EGLE contracts with local health departments to provide technical assistance and administer the noncommunity water supply regulations. Local health departments also provide services for public water supplies that serve less than 25 persons (Type III supplies).

In addition to requirements specific to public water supplies outlined in Act 399, water well construction standards are regulated by Part 127 (Water Supply and Sewer Systems) of the Public Health Code, Public Act 368 of 1978, as amended (Act 368), and Administrative Rules, as amended. Also, when a well is constructed to obtain water to be used solely in a manufacturing process and not for any drinking or sanitary purposes, it is regulated under Part 127. Some examples of this include non-contact cooling water, paper and pulp manufacturing, and certain fabrication operations.

### 9.1 TYPES OF DRINKING WATER SUPPLIES

There are three types of public water supplies defined in the state of Michigan:

1. Community (Type I) Water Supplies
2. Noncommunity (Type II) Water Supplies
3. Type III Water Supplies

## 9.2 COMMUNITY (TYPE I) WATER SUPPLIES

Community (Type I) water supplies provide year-round service to 15 or more LIVING units or 25 or more RESIDENTS. Examples include municipal water systems, apartment complexes, manufactured housing communities and subdivisions on their own water source. Source water for community supplies may be obtained from treating surface water or from groundwater wells. Generally, manufacturers are customers of Type I community water supplies and as such, do not have jurisdiction over the supply itself, just their own distribution systems. A water quality report (Consumer Confidence Report) is prepared by community water supplies annually; contact your local water utility for a copy. A manufacturer that is a customer of a municipal or community water system may have obligations regarding cross-connection control. The supplier of water has local jurisdiction regarding this issue. More information on [community water supply](#) is available at [Michigan.gov/EGLEWater](https://Michigan.gov/EGLEWater) (select “Drinking Water” from the menu).

If your facility is a customer of a community water supply system, review [Chapter 9.6](#) related to cross-connections.

## 9.3 NONCOMMUNITY (TYPE II) WATER SUPPLIES

Noncommunity (Type II) water supplies provide service to 15 or more SERVICE CONNECTIONS or 25 or more INDIVIDUALS on an average daily basis of at least 60 DAYS OUT OF THE YEAR. Examples are schools, restaurants, industries, campgrounds, etc., which are on their own water supply, such as a well. Treated surface water meeting safe drinking water standards may also be a source of water for a noncommunity supply. Manufacturers may be Type II water supplies on their own supply or may be connected to a well serving more than one customer, such as a well that serves an industrial complex with more than one business in it. The local health department performs sanitary surveys of Type II water supplies at least once every five years. Noncommunity supplies are required to sample routinely, meet drinking water standards, and maintain their water systems in a sanitary condition in accordance with Act 399. If your facility has a Type II water supply, also see [Chapter 9.6](#) related to cross-connections.

Type II noncommunity supplies fall under two categories:

- A **transient noncommunity** water supply is one that serves at least 15 service connections or at least 25 people on an average daily basis for at least 60 days out of the year. Examples include campgrounds, highway rest areas, and churches.
- A **nontransient noncommunity** water supply is one that routinely serves the **same** 25 or more people daily at least six months out of the year. Examples include factories, schools, or other businesses that employ 25 persons or more.

### 9.3.1 PERMITS & PERMIT FEES

Construction permits for Type II water supplies must be issued by the local health department for the county. Construction details and a site plan must be included in the application submittal. Permit fees for Type II noncommunity water supplies are set by the local health department issuing the permit. These fees vary.

### 9.3.2 ANNUAL FEES & LABORATORY FEES

Noncommunity supplies are required to pay an annual fee assessed by October 1 each year based upon their status as a transient or nontransient noncommunity public water supply. The fee is due by November 30 each year. The owner of the water supply is also responsible for payment of any laboratory fees for testing of required water samples.

### 9.3.3 CERTIFIED OPERATOR REQUIREMENTS

An operator must be certified in the classification designated by Act 399 if they are in charge of a treatment system necessary for public health reasons at any Type II noncommunity water supply, or a distribution system at a Type II nontransient noncommunity water supply. “Treatment” is defined as a technology that is employed by a public water supply for the control of the chemical, physical, biological, or radiological characteristics of the water supply. A “distribution system” is composed of components where water is distributed and used for drinking/household purposes. The components may include piping, fixtures, transmission mains, pumps, storage tanks, etc.

As of December 8, 2002, all nontransient noncommunity water systems are required to have a certified operator. The certification by EGLE is based on the operator’s qualifications, experience, a written examination, and a laboratory examination in some cases. Noncommunity water supply operators are certified based on a written or oral examination and may have to demonstrate knowledge of the operation of the treatment and monitoring equipment.

For more information about the Operator Training and Certification Program, visit [Michigan.gov/EGLEOperatorTraining/](https://Michigan.gov/EGLEOperatorTraining/)



### 9.3.4 SAMPLING REQUIREMENTS

Type II noncommunity water supplies must all sample for coliform bacteria and nitrates/nitrites; however, the nontransient supplies must also sample for metals, cyanide, arsenic, volatile organic compounds, synthetic organic compounds, lead, and copper. Other sampling requirements may apply if certain treatment technologies are used, such as corrosion control systems. Sampling requirements are based upon which category the water supply falls under, and the sampling frequency is determined by the local health department based on inspection results, water quality, population served, and sampling history. The laboratories used by the supply must be certified by the state for the components being tested.

## 9.4 TYPE III WATER SUPPLIES

Type III public water supplies are regulated by local health departments under both Act 399 and Part 127 of Act 368. A Type III supplier must comply with all applicable state and local plumbing codes, as well as any local codes regarding water supplies. The supply must meet minimum construction standards outlined in Part 127 but may be required to meet more stringent construction and/or sampling requirements based upon site specific conditions, such as groundwater contamination, geologic conditions, etc.

Permits for Type III water supplies and those wells providing only process water for manufacturing are obtained from the local health department. Permit fees for Type III public water supplies, or wells providing processing water only, are set by the local health department or other agency having jurisdiction over issue of well permits in that county. The owner of the water supply is responsible for any sampling fees.

Unless otherwise specified by the local health department or other agency having jurisdiction, Type III water supplies and process water wells are not required to routinely submit water samples. Type III water supplies are not required to have a certified operator.

## 9.5 WATER USE PROGRAM – GREAT LAKES PROTECTION



Part 327 of Michigan's Act 451 provides a regulatory structure for the principles of the Great Lakes-St. Lawrence River Basin Water Resources Compact. This Compact requires all Great Lakes states to implement a program to protect, conserve, and manage all waters and water dependent on the natural resources of the Great Lakes Basin. Part 327 provides an environmental baseline for managing water resources in a more integrated manner, and strengthens the legal basis for opposing unwarranted diversions of Great Lakes

water. Preservation of local streamflow is the environmental standard by which Michigan manages its waters of the Great Lakes Basin. Each stream segment in the state has statutory limits of allowable streamflow reduction resulting from water withdrawals.

The Water Use Program is responsible for registering Large Quantity Withdrawals (LQW), collecting annual water use data, making determinations on the potential impacts to the water resources as a result of a proposed withdrawal, and issuing water withdrawal permits.

A facility with 70 gallons per minute or more in total pump capacity is a LQW and is subject to water use reporting requirements. Annual water use reports must be provided to EGLE by April 1 of each year on a form provided by EGLE. A \$200 annual fee must accompany the report. New or increased withdrawals at a capacity of 70 gallons per minute or more must be registered and approved by EGLE prior to beginning the withdrawal.

The Water Withdrawal Assessment Tool ([www.deq.state.mi.us/wwat](http://www.deq.state.mi.us/wwat)) is provided by the Water Use Program for property owners to apply for authorization of a new LQW. It is the first step in assessing the impact of a proposed withdrawal on nearby streams and rivers, and can either provide instant authorization, or if necessary, begin a site-specific review process by which the Water Use Program determines if the proposed withdrawal can comply with the law.

## 9.6 CROSS-CONNECTION REQUIREMENTS

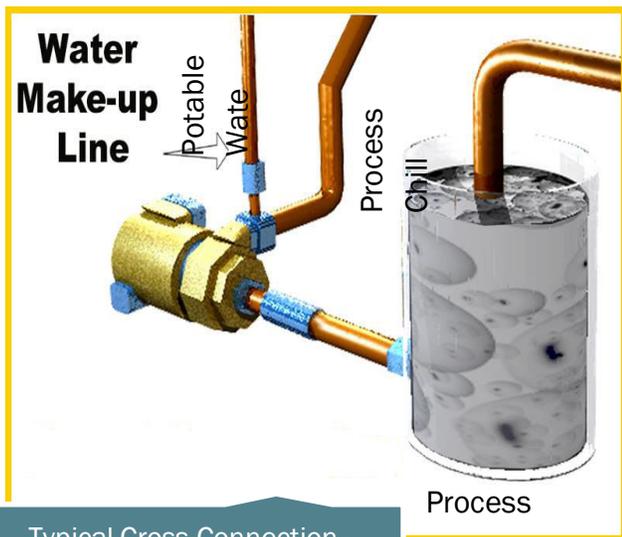
A cross-connection is a connection or arrangement of piping or appurtenances (fixtures, fittings, or equipment) through which a backflow into the potable water supply may occur. It is the responsibility of water utility customers or public water supply owners to comply with all cross-connection control regulations in their area or municipality. No cross-connections are allowed between a public water supply and a secondary water source, such as a well. Examples of cross-connections include submerged inlets, such as unapproved ball cock assemblies in toilet tanks; unprotected connections between the water supply and a boiler containing additives; or piping submerged in a tank or vessel which may contain a contaminant, such as a mixing or electroplating tank.



Typical Cross-Connection - Submerged Inlet

Act 399 states that “a connection with a public water supply system shall comply with existing laws, ordinances, and rules including: (a) The state plumbing act, 2002 PA 733, MCL 338-3511 to 338-3569, [and] (b) Local ordinances or rules providing acceptable protection against cross connections.” Public water supplies are required to develop a comprehensive control program for the elimination and prevention of all cross-connections. The program should include a time scheduled for inspection and

reinspection of all water utility customers’ premises for possible connections, including manufacturing sites. This periodic inspection is to “ascertain if safe air gaps or required backflow preventers are in place.” The inspection may include testing of certain backflow prevention devices, such as reduced pressure principle backflow devices, etc. A manufacturer or commercial establishment may be responsible for having such devices in its facility tested on a periodic basis. A user of a public water supply must also have written approval from the water utility or the agency having jurisdiction over the water supply of any proposed corrective action or protective device



Typical Cross-Connection - Potable Line Into Process

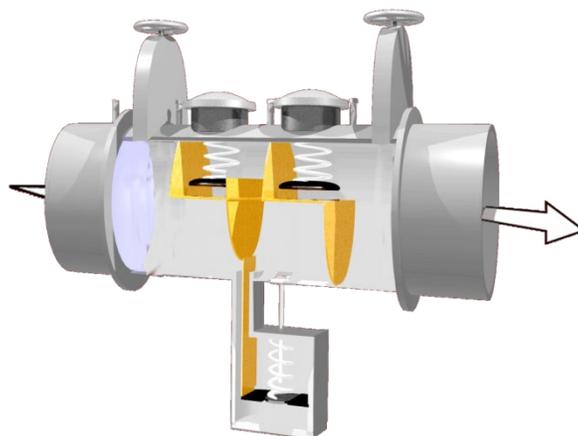
before using or installing it. During an inspection of the water supply, if cross-connections are identified, a compliance schedule may be established depending upon the degree of hazard and the time required to obtain and install equipment.

If a cross-connection has not been corrected within a reasonable period, the distribution system of the customer may be disconnected from the public water supply in such a way that it cannot be connected by any unauthorized person. When a secondary water source is used in addition to a public water supply, any exposed public water supply and secondary water piping shall be identified by distinguishing colors or tags and maintained so that each pipe may be traced easily in its entirety. There can be no connections between the two distribution systems.

## TYPE OF BACKFLOW PREVENTION

The reduced pressure principle backflow preventer is an arrangement of spring loaded check valves designed to prevent the backflow of water. If the pressure within the public water supply system becomes less than the in-plant system (that going in becomes less than the pressure going out), the normal direction of flow through the backflow preventer would tend to reverse, causing a series of two check valves to restrict the flow of any water back into the public water supply system.

Reduced Pressure Principle Assembly (RP)



Learn more about cross-connections, along with the methods and equipment used to eliminate them, by taking EGLE's annual Cross-Connection Seminar offered through the **Drinking Water Operator Training and Certification programs**. Visit [Michigan.gov/EGLEOperatorTraining](https://Michigan.gov/EGLEOperatorTraining).



## WHERE TO GO FOR HELP

Websites, program contacts, and publications/resources for common drinking water topics

### State and federal drinking water regulations or fees

EGLE, Public Water Supply Programs - [Michigan.gov/EGLEwater](https://www.michigan.gov/EGLEwater)

- Community: 517-284-6544
- Noncommunity: 517-284-6535

### Federal drinking water program

USEPA Office of Groundwater and Drinking Water ([epa.gov/ground-water-and-drinking-water](https://www.epa.gov/ground-water-and-drinking-water))

### Permitting, change in ownership, and sampling requirements associated with Type II and III public water supplies

Local Health Department - [MALPH.org](https://www.malph.org)

### Safe Drinking Water Act, Act 399 of 1976

<http://legislature.mi.gov/doc.aspx?mcl-act-399-of-1976>

EGLE Public Water Supply Program: 517-284-6544 |

### Training and certification of water supply operators

EGLE Water Operator Training Program: 517-284-5424 | [Michigan.gov/EGLEOperatorTraining](https://www.michigan.gov/EGLEOperatorTraining)

### Water use reporting and permitting

EGLE Water Use Program: 517-284-5563 | [Michigan.gov/WaterUse](https://www.michigan.gov/WaterUse)