

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES AND ENERGY (EGLE)
PUBLIC WATER SYSTEM SUPERVISION (PWSS) PROGRAM

FY 2021 PWSS Program Workplan

October 1, 2020 through September 30, 2021

EPA Strategic Plan: This is a continuing program grant for the PWSS Program and is consistent with Goal 1 (A Cleaner, Healthier Environment), Objective 1.2 (Provide for Clean and Safe Water) which calls for protecting public health by providing safe drinking water. Many of the grant work plan activities contribute to the goal of assuring that people served by public water systems (PWSs) receive drinking water that meets all applicable standards through effective treatment and source water protection. Continuing program implementation includes adopting rules at least as stringent as federal regulations, providing assistance to PWSs to assure compliance with regulatory requirements, conducting sanitary surveys, ensuring that monitoring and follow-up is conducted, and enforcing regulations as described below.

States which meet the primacy requirements under 40 C.F.R. Part 142, are the primary regulators of their drinking water systems. EPA provides oversight of the implementation of state programs. Region 5 works with each primacy state to develop an annual work plan¹ that promotes collaborative inter-agency program planning and implementation as well as a clear understanding of both state and EPA commitments. The Region will also continue oversight of the primacy program through the interactive State Oversight Supplements (previously known as the “one-pagers”) that are maintained collaboratively between the State and Region 5 on EPA’s SharePoint site.

In addition, Region 5 periodically evaluates the implementation and enforcement of public drinking water standards at a programmatic level in all primacy states. Such a program review includes collection, analysis and interpretation of data, with recommendations by EPA to improve the state drinking water program’s effectiveness.

Region 5 and Michigan EGLE will work together to:

- ✓ Address the national community water system (CWS) health-based (HB) violation measure and reducing the number of systems in violation. Region 5 will follow the established expectations in the [Office of Enforcement and Compliance Assurance \(OECA\) Partnership Memo](#), to work with Michigan EGLE on issuing timely formal enforcement actions for systems in priority status.
- ✓ U.S. EPA Region 5 will track state targets to conduct sanitary surveys for all system types within the federally required intervals (see FY2021 measures and indicators, attached).
- ✓ Joint effort to address items in the Corrective Action Plan.

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¹ In addition to the annual workplan, the state needs to submit the required grant application materials, including the appropriate application forms, a full budget including match funding, a budget narrative, and the appropriate certifications, as described in statutes (i.e., CFR Part 35) and EPA guidance, as found at <https://www.epa.gov/grants/epa-grants-policy-resources>.

MICHIGAN EGLE PUBLIC WATER SYSTEM SUPERVISION PROGRAM
FY 2021 PWSS Program Areas and Workplan Activities

Federal Funding Used:

EPA's PWSS grant to Michigan EGLE funds a portion of the actual cost of implementation of the Safe Drinking Water Act in Michigan. EGLE currently implements the PWSS program using the EPA PWSS grant, as well as Drinking Water State Revolving Fund (DWSRF) set-aside funds and several other State funding sources, including a public water supply fee program. The PWSS grant and state match during FY2021 is being used to support approximately 36 FTEs to implement the program. See attached FY 2021 PWSS grant budget detail for full list of expenditures.

EGLE also implements a portion of the PWSS program using the DWSRF set-aside funds (27 percent of the \$27 M grant) for the following programs: Small System Technical Assistance (two percent of grant), Public Water System Supervision (ten percent of grant), Local Assistance for Capacity Development (five percent of grant), and Wellhead Protection (ten percent of grant). Set-aside funds are also used for Information Technology (IT) projects, training, grants and other activities supporting the implementation of the PWSS program in Michigan. Additionally, Michigan's public water supply fee program, operator certification fees, and other state funding sources contribute to implementation of PWSS program activities.

1. Status of Rule Adoption and Implementation

- EGLE has primacy for implementing the National Primary Drinking Water Regulations (NPDWRs) and implements the safe drinking water statutes and rules on which primacy is based.
- Michigan is working toward full implementation of the drinking water regulations and primacy agreement. The state will update the 2020 Implementation Plan to indicate progress in achieving full implementation and submit the 2021 Implementation Plan describing the revised steps EGLE will take to achieve full implementation and a schedule for doing so, within 45 days of the award of the FY 2021 PWSS grant.
- U.S. EPA and EGLE expect a priority area of focus will continue to be the public health concerns related to Lead and Copper Rule (LCR) implementation. As such, EGLE will continue to provide information regarding lead action level exceedances annually to U.S. EPA Region 5.
- Specific state compliance targets are included in the Measures and indicators, attached.
- U.S. EPA and EGLE will conduct Fourth Unregulated Contaminant Monitoring Rule – Fourth Round (UCMR4) activities as described in the U.S. EPA/EGLE UCMR Partnership Agreement.
- EGLE will update the status of FY 2021 state activities conducted under the Program Review Corrective Action Plan at least semi-annually.
- EGLE will have continued emphasis on recent state regulations in FY 2021, including implementation activities associated with initial monitoring conducted under the state's PFAS rules and ongoing implementation of state-specific lead and copper requirements.
- EGLE will review and prepare for the federal Lead and Copper Rule Revisions.

2. Sanitary Surveys

- EGLE will maintain technical expertise needed to perform sanitary surveys and ensure that sanitary surveys meet the content and frequency requirements specified by rule. During the FY 2021 grant year, EGLE will complete 375 CWS sanitary surveys, with the understanding that ongoing COVID-19 restrictions may impact EGLE's ability to meet this target.
- EGLE will also evaluate all 8 elements and report status quarterly to SDWIS-FED.

- Michigan CWS will continue to implement its revised sanitary survey process for completing sanitary surveys, which includes tracking of metrics to ensure consistency and effectiveness.

3. Enforcement

- EGLE will maintain an adequate enforcement and compliance assistance program.
- EGLE will continue to address systems not in compliance with state rules in compliance with EPA's Enforcement Response Policy and the National Compliance Initiative commitments, report enforcement actions quarterly to U.S. EPA, via SDWIS-FED and respond to U.S. EPA requests for compliance and enforcement updates on priority systems (significant non-compliers) on a quarterly basis. See also the FY 2021 Regional Enforcement measures and state commitment in the attached Measures and Indicators table.
- EGLE will coordinate with U.S. EPA during the joint work planning activities, to prioritize PWS for inspections.
- EGLE will submit an annual compliance report to U.S. EPA annually by July 1.
- In FY 2021, EGLE will continue to review and refine its enforcement processes as needed. This is a continuation of EGLE's department-wide enforcement process review that began in FY 2020.
- EGLE will continue to evaluate deficiencies and violations to strive for programmatic consistency and to identify trends that may inform areas for targeted training or technical assistance.

4. Capacity Development, Small System Support, and DWSRF Program Integration

- EGLE will continue assisting existing PWSs in acquiring and maintaining technical, managerial and financial (TMF) capacity. Further, the State will require new PWSs to demonstrate they have the TMF capacity to operate in compliance with federal and state regulations.
- EGLE will continue to submit the annual State Capacity Development Program report including providing a list of new PWSs within the last three years and indicating if they had Enforcement Targeting Tool (ETT) score of 11 or greater. (State submitted Governor's Report October 1, 2020; next Governor's report due October 1, 2023. State submitted annual report December 30, 2020; next annual Capacity Development Report due December 31, 2021.)
- EGLE will continue efforts on Area-Wide Optimization Program (AWOP). During FY 2021, Michigan will continue to participate in the Region 3 EPA AWOP multistate group for additional technical training and facilitation/help with ongoing AWOP implementation.
- Michigan will continue to coordinate the prioritization of DWSRF grant awards within EGLE to address capacity development issues.
- In FY21, Michigan will undertake activities to implement capacity development and support small systems using PWSS grant funds and DWSRF set-aside funds. These activities will include:
 - o Conducting financial adequacy studies of new CWSs.
 - o Assisting Local Health Department (LHD) staff in providing direct technical assistance to noncommunity water systems (NCWS) owners and operators, registered well drillers, and pump installers.
 - o Funding for NCWS regulatory training and data system maintenance at LHDs.
 - o Conducting capacity assessments of non-transient, noncommunity water systems (NTNCWSs).
 - o Providing direct assistance to facilities that are exploring, or have installed, secondary treatment for public health purposes therefore becoming a small public water supply.
 - o Conducting other activities outlined in the DWSRF Local Assistance for Capacity Development and Small System Technical Assistance set-aside workplans.
 - o Encouraging regionalization/consolidation where appropriate.
- Capacity Development/America's Water Infrastructure Act (AWIA) Requirement:
As is required under Section 2012 of the 2018 AWIA, EGLE is expected to revise its Capacity

Development (CapDev) strategy to include a description of how asset management (AM) will be promoted with the drinking water systems in the State. EGLE should address the five-core-question framework on AM as explained in the EPA HQ's memo date December 2, 2019. In addition to the AM requirements, it is a good time to further revise the strategy to ensure methods for prioritization of systems in need and measurement of improvements are aligned with the current drinking water program. EGLE should submit the revised CapDev strategy to the Region for approval by December 31, 2021. EGLE intends to work with an EPA technical assistance provider to assist with review and update of the strategy.

5. Operator Certification and DWSRF Program Integration

- EGLE will continue to maintain regulations for the operation and maintenance of PWSs by properly certified individuals.
- EGLE will continue to report to U.S. EPA, on an annual basis, how the state is implementing an Operator Certification program that complies with EPA's Operator Certification Guidelines, including the nine baseline standards. (Next annual Operator Certification Report due December 31, 2021.)
- In FY 2021, the State does not intend to use PWSS grant funds to support staff in the Operator Training and Certification Unit, but instead will fund these positions using DWSRF set-asides and state fees. Program staff funded by the PWSS grant do contribute to operator certification efforts by enforcing certification requirements and reviewing operator performance at water supplies.

6. Data Management and Reliability

- EGLE will maintain adequate data management systems (and update for new rules and new versions of FedRep) that track reporting requirements for all rules.
- EGLE will report in a timely manner to U.S. EPA actions and sample data quarterly and inventory data at least annually, in accordance with 40 CFR 142.15.
- EGLE will correct errors identified on the FedRep ODS error reports or identified by the Region in a timely manner. In explanation, errors are corrected either in the same quarter they are identified (by the Region or in the SDWIS/Fed ODS error reports), or in the next quarter.
- EGLE will continue work on Division-wide IT modernization efforts, including:
 - o Use of SDWIS_NC for NCWS quarterly reporting, allowing reporting of violations WaterTrack is unable to manage and continue efforts to improve quarterly reporting processes to facilitate complete and timely quarterly reporting via SDWIS_NC.
 - o Continue work with EPA vendor on use of CMDP and SDWIS implementation items.
 - o Pursue contract with GEC to evaluate and potentially utilize sanitary survey and operator certification software designed to integrate with SDWIS/State, and to host SDWIS/State in a vendor-supported environment.
 - o Remain informed on EPA plans for SDWIS modernization efforts (SDWIS Prime).
 - o Continue work with vendor on development of MiEHDWIS to facilitate other program activities, such as document submission/management, permitting, maintenance of sampling plans, workflows, dashboards, etc.

7. Source Water Protection

- EGLE will continue to report² annually progress toward source water protection (SWP) measures and the status of community water supply source water protection programs. (See the attached

² Reporting is done either electronically to SDWIS/Fed or via separate reporting to Region 5.

Measures and Indicators for FY 2021 targets including an anticipated number of assessments that will be completed).

In FY 21 Michigan will undertake the following activities to further implement the Source Water Protection Program, utilizing PWSS grant and DWSRF Wellhead Protection Set-Aside funds:

- Review internal processes to target identified water systems for source water assessments. EGLE is setting a goal of 100 CWS source water assessments, with the understanding that ongoing COVID-19 restrictions may impact EGLE's ability to meet this target.
- Provide training to new CWS staff on performing SWAs.
- Partner with Michigan AWWA to provide training to communities and consultants about source water protection efforts and EGLE's enhanced grant process for FY 2022.
- Provide maintenance/support and enhancements of drinking water well construction data system, Wellogic which feeds data into EGLE's Drinking Water GIS system.
- Other activities outlined in the DWSRF Wellhead Protection Set-Aside Workplan

8. Laboratory Certification

- EGLE will continue to provide an adequate laboratory certification program for all regulated contaminants, at a minimum, to certify commercial laboratories at least once every three years; ensuring capacity to analyze at the Principal State Laboratory or commercial laboratories all NPDWR parameters that are required to be sampled in the State; and maintain certification for the Principal State laboratory.
- EGLE Lab Certification Program will continue to submit annual questionnaires to the Region.
- Recently promulgated PFAS rules included a provision for decertification of laboratories. EGLE will use this new tool as appropriate to ensure labs continue to meet quality control standards.
- PWSS grant funds do not support laboratory certification activities. Laboratory certification activities are currently funded by state laboratory certification fees.

9. Security/America's Water Infrastructure Act (AWIA³)

- Primacy States are required to ensure that community water supplies maintain an adequate plan for the provision of safe drinking water under emergency circumstances. In FY 2021, EGLE will:
 - Participate in U.S. EPA Region 5 Spill Workshop and TableTop Exercise on October 22, 2020 for Michigan PWSSs.
 - Participate in U.S. EPA AWIA webinar on *Hazard Mitigation* on December 10, 2020.
 - Actively pass along cybersecurity advisories received from CISA to Community Water Supplies.
 - Provide technical assistance to water supplies developing risk and resiliency plans and updating emergency response plans.
 - Work with EPA to provide and promote security trainings to Michigan water supplies.
- As a new FY 2021 priority under AWIA, EGLE will:
 - Assist the EPA Water Security Division (WSD) and EPA Regions in verifying the population served and provide accurate contact information for CWSs subject to AWIA in the State.
 - Participate in EPA AWIA trainings.

³ Section 2013 of AWIA requires the community water systems (CWSs) serving more than 3,300 people to conduct a risk assessment (RA) addressing malevolent acts and natural hazards. In addition, the law requires these water systems to prepare or revise an emergency response plan (ERP) that incorporates the findings from this assessment. State review of ERP may be required under state law. AWIA does not require review of the RA or ERP. However, AWIA allows states to review the ERP as part of a state on-site visit, but not the RA.

- Assist in providing technical assistance to those CWSs required to comply with the law.
- Assist in communicating the new requirements, availability of tools and training materials, and certification processes.

10. Per- and polyfluoroalkyl substances (PFAS) and Contaminants of Emerging Concern

EGLE took the FY 2020 Emerging Contaminant allotment, PWSS supplemental funds, as a part of the larger PWSS grant and intends to take the same allotment, if available, in FY 2021. Below are activities that cover how EGLE will use the emerging contaminants funding for FY 2021.

Michigan will utilize the FY 2021 Emerging Contaminants allotment to conduct some or all of the following activities as resources allow:

- Continue PFAS activities including monitoring at supplies and intakes not affected by Michigan’s PFAS MCLs, conducting investigative sampling at supplies in or near areas of contamination, and other PFAS-related activities other than “routine” sampling per Michigan’s PFAS regulations. See below for details about planned FY 2021 PFAS efforts.
- Conduct a sampling survey of contaminants subject to waivers to assess whether there are emerging issues associated with these contaminants.
- Conduct 2021 sampling for Harmful Algal Blooms (HABs). See below for details about planned FY 2021 HABs efforts.
- Conduct a manganese sampling survey.
- Conduct sampling activities for additional contaminants of emerging concern, as identified.

Michigan will take the following actions in FY 2021 regarding PFAS:

- Implement procedures to administer Michigan’s PFAS maximum contaminant levels and associated regulatory requirements for public water supplies.
- Offer one-time assistance with laboratory costs for PFAS analysis for small Type I PWS and Type II PWS serving sensitive populations. (This item funded by remaining FY 2020 Emerging Contaminant funding.)
- Prioritize efforts relative to PFAS sampling to ensure compliance and develop a robust dataset for decision making and public health protection.
- Work with Michigan Department of Health and Human Services to address public health concerns related to PFAS results in drinking water.
- Conduct continued monitoring of supplies and intakes not affected by Michigan’s PFAS MCLs, consistent with monitoring during the 2018 – 2020 PFAS sampling survey. Results are publicly available on the www.michigan.gov/pfasresponse website.
- Update and distribute technical guidance related to PFAS contamination in drinking water including fact sheets and other communication for stakeholders and the public. Provide education and support to water systems and the public regarding PFAS in source water.
- Continue to work with Remediation and Redevelopment Division and LHDs, providing resources regarding sample results, groundwater flow, source vulnerabilities, and possible alternative sources of drinking water.

11. Other Topics -- Optional

Harmful Algal Blooms:

- Michigan again conducted an extensive cyanotoxin sampling effort during the summer and fall of 2020, analyzing raw and finished water from participating supplies with surface water sources. This effort will be refined during FY21, with plans for additional investigative sampling during the 2021 bloom season. A response matrix and emergency response plan have been developed in collaboration with the Michigan Department of Health and Human Services, and detectable cyanotoxins will be handled in accordance with these documents. EGLE will continue collaboration with MDHHS, sharing analytical results and coordinating response actions.
- The National Oceanic and Atmospheric Administration (NOAA) Great Lakes Environmental Research Laboratory will continue to work with Saginaw Bay public water systems to develop a HAB forecast model for the Saginaw Bay area.
- Michigan's governor signed an Executive Directive in June 2019 to reduce nutrient and HAB impacts and achieve a healthier Lake Erie ecosystem. Michigan will undertake targeted phosphorous reductions and nutrient-related ecosystem goals for Lake Erie, reducing the nutrient loadings to the Western Lake Erie Basin by 40 percent by 2025.

Environmental Justice:

- EGLE has an Environmental Justice Coordinator and a Clean Water Advocate on staff. These positions are responsive to drinking water concerns that may have environmental justice components. These positions are not funded by the PWSS grant.
- The DWSRF program allows consideration for systems designated "disadvantaged." Benefits of this designation include extra points on the Project Priority List, forty-year loan options, and loan forgiveness of planning costs.

Table of FY 2021 National/Regional/State Measures

Description	Name and update schedule	Target
National Measures		
EPA and the State will work collaboratively to implement the national HQ Office of Water measure and national compliance initiative (NCI) to reduce by 25%, by the end of FY 2022, <u>the number of CWSs that are out of compliance with health-based standards</u> . Total number of community water systems out of compliance with health-based standards (count).	USEPA, quarterly As of 2020Q2, # of CWSs that are out of compliance with HB standards = 8	State FY 2021 targets: Plan to address new HBVs as they arise. EGLE will work with all CWS with health-based violations to resolve the violation or enter into an Administrative Consent Order with an enforceable compliance schedule to correct the health-based violation(s).
Number of community water systems still in noncompliance with health-based standards (continuous violations) since September 30, 2017. (Tracks progress against 2017 baseline)	USEPA, quarterly As of 2020Q2, # of continuous HB violations = 0	State FY 2021 targets: NA
Regional Measures		
% of <u>CWS systems</u> meeting all health-based standards	Shared Goals: Updated annually in April by Region 5	CY 2020: ≥95%
% of <u>population</u> served by CWS meeting all health-based standards	Shared Goals: Updated annually in April by Region 5	CY 2020: ≥95%
% of CWS and NCWS with san. survey w/in the past 3 or 5 yrs as required	R5 - Updated by Region 5 in April and October FYI: 2020 target 82% for CWS and NCWS	State FY 2021 targets: % CWS: 82% % NCWS: 85% EGLE CWS hired 4 staff since January 2021 and have 2 more in process. EGLE will provide a comprehensive training program for new employees to address this gap to above 90% by the end of 2022.
Percent of CWS where risk to public health is minimized through source water protection	R5 SWP Program measure	State FY 2021 target: % CWS Systems: 36%
Percent of population served by CWS where risk to public health is minimized through source water protection	R5 SWP Program measure	State FY 2021 target: % population served by CWS Systems: 70%

<p>All Rule Violation Completeness Reporting (under-reporting)</p> <p>--Incomplete reporting is being conducted for the following rules: Stage 2 D/DBPR, GWR, RTCR, LCR and PN</p> <p>--State NCWS database has a current lack of capability to report certain violation codes, or other issues with rejected reporting.</p> <p>--The delay in SDWIS/Prime has impacted EGLE's capability to completely report all violations.</p>		<p>FY 2021 target:</p> <p>NCWS commits to having a comprehensive spreadsheet for tracking status of implementation and means of reporting of all violation types; GWR, LCN, RTCR viols prioritized.</p>
<p>Regional Enforcement Measures</p>		
<p>The number of priority systems (on ETT list) that will be addressed with a formal enforcement action or Return to Compliance (RTC).</p>	<p>July ETT list (starting point for the FY) = 59 priority systems with ETT score \geq 11</p>	<p>State commitment:</p> <p>FY 2021 – 53 (90%)</p>
<p>For Priority systems (ETT list), correct violations not properly linked to Enforcement actions (data clean-up effort).</p>	<p>July ETT list (starting point for the FY) of violations not properly linked to Enforcement Actions <i>(as of 11/2020, all violations have been linked to Enforcement Actions)</i></p>	<p>State commitment:</p> <p>FY 2021 – NA</p>
<p>Shared Goals Measures</p>		
<p>1. % of <u>NTNCWSs</u> meeting all health-based standards</p>	<p>Shared Goals: Updated annually in April by Region 5</p>	<p>CY 2020: \geq95%</p>
<p>2. % of <u>TNCWSs</u> meeting all health-based standards</p>	<p>Shared Goals: Updated annually in April by Region 5</p>	<p>CY 2020: \geq95%</p>
<p>3. % of <u>population</u> served by CWSs with <u>significant/major monitoring violations</u></p>	<p>Shared Goals: Updated annually in April by Region 5</p>	<p>CY 2020: <5%</p>
<p>4. % of <u>CWS systems</u> with <u>significant/major monitoring violations</u> (includes LCR Type 66 violations)</p>	<p>Shared Goals: Updated annually in April by Region 5</p>	<p>CY 2020: <10%</p>
<p>5. % of <u>NTNCWSs</u> with significant/major monitoring violations for <u>acute</u> health risks</p>	<p>Shared Goals: Updated annually in April by Region 5</p>	<p>CY 2020: <5%</p>
<p>6. % of <u>NTNCWSs</u> with significant/major monitoring violations for <u>chronic</u> health risks</p>	<p>Shared Goals: Updated annually in April by Region 5</p>	<p>CY 2020: <10%</p>
<p>7. % of <u>TNCWSs</u> with significant/major monitoring violations</p>	<p>Shared Goals: Updated annually in April by Region 5</p>	<p>CY 2020: <10%</p>