



Department of Public Health and Human Services

Public Health & Safety Division ♦ Communicable Disease Control & Prevention Bureau
Food & Consumer Safety ♦ PO Box 202951 ♦ 1400 Broadway ♦ Helena, MT 59620-2951
Phone: (406) 444-2837 ♦ Fax: (406) 444-5055

Steve Bullock, Governor

Sheila Hogan, Director

Interim Guidance for Positive Total Coliforms from Non-Public Water Systems

Request for interpretation of 40 CFR 141.854; 40 CFR 141.858; and 40 CFR 141.859 for dealing with a non-public water supply that has tested positive for total coliforms. Received September 3, 2019.

Response from the Food and Consumer Safety Section (FCSS) September 5, 2019.

FCS interprets the above rules to require a water system experiencing a total coliform positive sample to collect a set of repeat samples. The repeat samples must be no fewer than 3 samples for each positive total coliform sample. The system must continue to collect samples until total coliforms are not detected, or a Level 1 Treatment Technique is triggered. For a system taking fewer than 40 samples per month, the trigger occurs when the system has two positive total coliform samples in one month.

Once the Level 1 Treatment Technique is triggered, the system is required to complete an EPA Level 1 Assessment. The system must submit the completed EPA Level 1 Assessment form to the state within 30 days after the system has learned it exceeded a trigger. If a county sanitarian wishes, they can perform the less intensive DEQ Level 1 Assessment Form to prepare for the EPA Level 1 Assessment Form. Counties can also contact the state or their local DEQ office for assistance with the Level 1 Assessment forms.

State is defined as the agency of the State or Tribal government which has jurisdiction over public water systems. Given that counties have jurisdiction over public water systems, the Level 1 Assessment form should be provided to the local county health department.

The following rules were used to make this determination:

40 CFR 141.854(a)(2) Following any total coliform-positive sample taken under the provisions of this section, systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in § 141.858.

40 CFR 141.858(a)(3) ... The system must collect the additional set of repeat samples within 24 hours of being notified of the positive result, ... The system must continue to collect additional sets of repeat samples until either total coliforms are not detected in one ... or the system determines that a coliform treatment technique trigger specified in § 141.859(a) has been exceeded ...

40 CFR 141.859(a)(1) Level 1 treatment technique triggers.

(i) For systems taking 40 or more samples per month, the system exceeds 5.0% total coliform-positive samples for the month.

(ii) For systems taking fewer than 40 samples per month, the system has two or more total coliform-positive samples in the same month.

(iii) The system fails to take every required repeat sample after any single total coliform-positive sample.

40 CFR 141.859(b)(3) ***Level 1 assessments.*** A system must conduct a Level 1 assessment consistent with State requirements if the system exceeds one of the treatment technique triggers in paragraph (a)(1) of this section.

(i) ... In the completed assessment form, the system must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified. The system must submit the completed Level 1 assessment form to the State within 30 days after the system learns that it has exceeded a trigger.

(ii) If the State reviews the completed Level 1 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the State must consult with the system. If the State requires revisions after consultation, the system must submit a revised assessment form to the State on an agreed-upon schedule not to exceed 30 days from the date of the consultation.

(iii) Upon completion and submission of the assessment form by the system, the State must determine if the system has identified a likely cause for the Level 1 trigger and, if so, establish that the system has corrected the problem, or has included a schedule acceptable to the State for correcting the problem.