MEMORANDUM

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SUBJECT: Requirements and State Reporting Guidance to Transition Public Water Systems from the Total Coliform Rule to the Revised Total Coliform Rule

TO: EPA Regional Drinking Water Branch Chiefs, Region I-X
EPA Regional Enforcement Branch Chiefs, Region I-X

This memorandum provides guidance to primacy agencies with enforcement responsibility under the Safe Drinking Water Act (SDWA) concerning the requirements to transition public water systems (PWSs) from the Total Coliform Rule (TCR) to the Revised Total Coliform Rule (RTCR). This transition would start April 1, 2016 or on an earlier State effective date, whichever comes first, hereafter referred to as the RTCR effective date. Specifically, this memorandum addresses:

1. How PWSs must comply with the TCR on or after the RTCR effective date; and
2. What primacy agencies must report to the Safe Drinking Water Information System (SDWIS/FED) on or after the RTCR effective date.

States should urge their PWSs to take their routine samples early in their monitoring period of 2016 to allow for completion of TCR requirements before the RTCR effective date. For example, if the PWS is on quarterly monitoring, it should collect its routine samples in January or February of 2016 to increase the likelihood for completion of repeat sampling or other corrective actions before the RTCR effective date of April 1, 2016. Based on SDWIS/FED data from 2014 and 2015, EPA extrapolates that less than
one percent of PWSs will have overlapping simultaneous regulatory obligations under the TCR and RTCR on or after the RTCR effective date.

For RTCR implementation topics not specifically addressed in this memorandum, please refer to the RTCR State Implementation Guidance-Interim Final, EPA 816-R-14-004, December 2014.

**Background**

The U.S. EPA published the RTCR (40 CFR Part 141 Subpart Y) in the Federal Register (FR) on February 13, 2013 (78 FR 10269) and minor corrections on February 26, 2014 (79 FR 10665). The RTCR is a revision to the 1989 TCR (40 CFR Part 141 Subpart C), and all PWSs must comply with the RTCR on its effective date, except aircraft PWSs subject to the Aircraft Drinking Water Rule (ADWR) (40 CFR Part 141 Subpart X).

**Transition Requirements**

(1) **How PWSs Must Comply with the TCR on or after the RTCR Effective Date.**

In accordance with 40 CFR § 141.21(h), PWSs with a total coliform-positive (TC+) routine sample taken before the RTCR effective date must still complete the TCR repeat monitoring requirements in accordance with 40 CFR § 141.21(b)(1), (2), (3)(A), (4) and (7) even if the subsequent events occur on or after the RTCR is effective. In addition, the PWS must comply with the applicable TCR requirements of 40 CFR § 141.21(c), (e), (f), and (g), and comply with the TCR reporting, recordkeeping, public notification (PN) and the consumer confidence report (CCR) requirements associated with this monitoring and testing. For example, if the TCR monitoring results caused a monthly MCL violation, the PWS is required to comply with the ensuing actions that accompany the violation, e.g., provide Tier 2 PN, even if this PN occurs on or after the RTCR effective date.

Before the RTCR effective date, if the PWS has not collected its required TCR routine sample(s) as required by 40 CFR § 141.21(a), the PWS incurs a monitoring and reporting (M&R) violation and must provide Tier 3 PN for that violation in accordance with 40 CFR § 141.204, even if issuance of PN would occur on or after the RTCR effective date.

The primacy agency may specify the PWS’s return-to-compliance actions at its discretion (e.g., utilize the TCR return-to-compliance policies, or based on results from subsequent RTCR monitoring). The follow-up actions may include modifying the RTCR routine monitoring begin-date of a system in order to use these sampling results to make return-to-compliance decisions (e.g., a system on quarterly routine monitoring could collect its sample in April 2016 rather than a later month in the quarter). [Refer to Attachment #1 for detailed examples.]

(2) **What Primacy Agencies Must Report to the Safe Drinking Water Information System (SDWIS/FED) on or after the RTCR Effective Date.**

Primacy agencies will continue to report to SDWIS/FED all TCR violations and enforcement codes generated from failure of the PWS to meet TCR requirements, as applicable, even if issuance occurs on or after the RTCR effective date.
The following section describes state implementation actions for a PWS’s TCR event initiated before the RTCR effective date.

*If the PWS collected a TCR routine sample and that sample is TC*+, the primary agency should determine if the PWS completed the repeat monitoring requirements in accordance with 40 CFR §141.21(b)(1), (2), (3), (4) and (7). This must include maintaining TCR compliance with the testing for fecal coliform or *E. coli*, reporting sampling results to the state, maintaining records, and if applicable, issuing the associated PN and/or including TC occurrences and violation information in the CCR. [Refer to Attachment #1 for detailed examples.]

*If the PWS did not collect all TCR routine sample(s) by the RTCR effective date,* in accordance with 40 CFR § 141.21(a), the primary agency must issue the applicable TCR notice of violation. For example, if the PWS fails to collect all of its required quarterly routine TC samples, the primary agency must issue a type 23 violation (i.e., M&R violation for failure to collect all of the scheduled routine TC samples at sites approved in the written sample sitting plan according to the determined monitoring frequency) and report the violation to SDWIS/FED. The PWS must also provide Tier 3 PN for that M&R violation. Subsequently, if the PWS fails to provide PN for that M&R violation in accordance with 40 CFR §141.204(b), the primary agency must issue a type 75 violation (i.e., Other) for the PN failure.

The primary agency should exercise its discretion to determine the return-to-compliance actions for any TCR violation incurred by the PWS. For example, use RTCR monitoring results to fulfill return-to-compliance actions. [Refer to Attachment #1, for detailed examples.] Once the primary agency determines compliance was achieved by the PWS, it should report to SDWIS/FED the code SOX (state compliance achieved) or EOX (federal compliance achieved) to close an open-TCR violation.

*For all TCR violations that are open on or after the RTCR effective date,* the primary agency should determine the appropriate return-to-compliance action(s) to achieve PWS compliance and close the violations by reporting the applicable code to SDWIS/FED. Refer to Attachment #2 for existing TCR return-to-compliance policies and violation codes.

**Other TCR to RTCR Transition Requirements**

**Sanitary Survey Requirements:** In accordance with 40 CFR § 141.21(h), the provisions of 40 CFR § 141.21(d) [Sanitary surveys] are no longer effective as of April 1, 2016. The primary agency should continue conducting sanitary surveys based on the frequency and using the criteria established under 40 CFR §§ 141.401. 142.16(b)(3), and 142.16(o)(2).

**Public Notification (PN) Requirements:** For those TCR events that require PN on or after the RTCR effective date, EPA recommends that the primary agency exercise its discretion in accordance with 40 CFR §§ 141.202(b), 141.203(b), and 141.204(b) to decrease the timeframes within which the PWS is required to initiate and post PN. For example, instead of allowing the PWS to take the full year to post Tier 3 PN for a M&R violation, the state could interpret “as soon as practical” to be not later than 90 days from the date the PWS learns of its violation. This may aid to reduce the potential overlap of posting PN with varying health effects language for events that are treated differently under the TCR and RTCR.
**Consumer Confidence Report (CCR) Requirements:** For the CCR due on July 1, 2017, community water systems (CWSs) must include all TCR and RTCR reportable events incurred in calendar year 2016. For the TCR, CWSs must include events (e.g., coliform positive occurrences and violations) incurred from January 1, 2016 through March 31, 2016. For the RTCR, CWSs are required to include events (e.g., coliform positive occurrences, violations, and that a level 1 or level 2 assessment was triggered) incurred from April 1, 2016 through December 31, 2016 (40 CFR § 141.153). EPA recommends that the primacy agencies work with the CWSs to include language in the CCR to facilitate a better understanding of the public health differences of the two rules. For example, CWSs could include the following suggested language in CCRs due by July 1, 2017:

> This Consumer Confidence Report (CCR) reflects changes in drinking water regulatory requirements during 2016. All water systems were required to comply with the Total Coliform Rule from 1989 to March 31, 2016, and began compliance with a new rule, the Revised Total Coliform Rule on April 1, 2016. The new rule maintains the purpose to protect public health by ensuring the integrity of the drinking water distribution system and monitoring for the presence of microbials (i.e., total coliform and E. coli bacteria). The U.S. EPA anticipates greater public health protection under the new rule, as it requires water systems that are vulnerable to microbial contamination to identify and fix problems. As a result, under the new rule there is no longer a monthly maximum contaminant level violation for multiple total coliform occurrences to conduct an assessment to determine if any sanitary defects exist. If found, these must be corrected by the PWS.  

**Enforcement Response Policy (ERP) & Enforcement Tracking Tool (ETT) Regarding TCR and RTCR Violations:** The ETT will continue to assign points to current TCR violations identified in SDWIS/FED in accordance with the 2009 Drinking Water ERP, regardless of whether the violation occurred before or after the RTCR effective date. For the RTCR, Tier 1 PN violations are assigned 10 points; Tier 2 PN violations are assigned 5 points; and Tier 3 PN (non-health-based) violations are assigned 1 point. As a reminder, PWSs scoring 11 points or higher on the ETT are identified as enforcement priorities. For more information on the ETT, refer to the ERP.  

If you have additional questions about transitioning rule requirements from the TCR to the RTCR, please contact RTCR rule manager Cindy Y. Mack at 202-564-6280 (mack.cindy-y@epa.gov), or for ETT questions contact Joyce Chandler at 202-564-7073 (chandler.joyce@epa.gov).

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**Attachment (#1)**

**Attachment (#2)**

Cc: Jim Taft, Executive Director, ASDWA  
RTCR Regional and State Implementation Workgroup  
SDWA Enforcement Coordinators

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