

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER AND RADIOLOGICAL PROTECTION
PUBLIC BATHING BEACHES

(By authority conferred on the director of public health by section 12544 of Act No. 368 of the Public Acts of 1978, as amended, being S333.12544 of the Michigan Compiled Laws)

R 325.2101 Definitions.

Rule 1. (1) "Act" means sections 12541 to 12546 of Act No. 368 of the Public Acts of 1978, as amended, being SS 333.12541 to 333.12546 of the Michigan Compiled Laws.

(2) "Bathing beach" means a beach or bathing area offered to the public for recreational bathing or swimming. It does not include a swimming pool as defined in section 12521 of Act No. 368 of the Public Acts of 1978, as amended, being S 333.12521 of the Michigan Compiled Laws.

(3) "Escherichia coli" or "E. coli" means a bacteria which is a member of the family enterobacteriaceae and which is the predominant facultative anaerobe in humans and warm-blooded animals. Therefore, it is an indicator of the presence of human or animal fecal material in water. The organism is identified by a variety of laboratory methods with definitive identifying characteristics described by Bergey's Manual of Bacteriology (Williams and Wilkins, 9th Edition, 1994).

(4) "Geometric mean" means the antilog of the summation of the logarithms of the values for the samples examined divided by the number of samples.

(5) "Health officer" means the administrative officer of a city, county, or district health department.

(6) "Sanitary or environmental survey" means and includes all of the following:

(a) A survey and an evaluation of data of the applicable contributory watershed for pollution, including domestic, industrial, commercial, and agricultural sources.

(b) A survey and an evaluation of data of the bathing beach for sources of pollution and safety hazards, including soil conditions, drop offs, water movement, and submerged and other hazardous objects.

(c) Water depth in diving areas.

(d) An evaluation of proposed or existing bathing and swimming loads.

(7) "Standard methods" means the publication entitled Standard Methods for the Examination of Water and Wastewater, 18th Edition - 1992, as published by the American public health association, the American water works association, and the water environment federation. This publication is adopted by reference in these rules and is on file and available for inspection in the Bureau of Environmental and Occupational Health, Michigan Department of Public Health, 3423 North Martin Luther King Jr. Blvd., Lansing, Michigan. Copies are available from the American Public Health Association, 1015 Fifteenth Street, N.W., Washington, D.C. 20005.

History: 1979 AC; 1995 AACS.

Editor's note: These rules were transmitted to the Joint Committee on Administrative Rules on October 24, 1995. The rules were filed with the Secretary of State on November 21, 1995, while under consideration by the Joint Committee on Administrative Rules. Section 45(6) of Act No. 306 of the Public Acts of 1969, as amended, being S24.245(6) of the Michigan Compiled Laws, provides: "After receipt by the committee of the agency's letter of transmittal, the committee has 2 months in which to consider the rule. If the committee by a majority vote determines that added time is needed to consider proposed rules, the committee may extend the time it has to consider a particular proposed rule by 1 month to a total of not longer than 3 months ..."

R 325.2102 Sanitation and safety determinations.

Rule 2. (1) Bacterial concentrations in water at a bathing beach, as determined by standard methods, shall contain not more than 130 *Escherichia coli* (*E. coli*) per 100 milliliters, as a 30-day geometric mean. Compliance shall be based on the geometric mean of all individual samples taken during 5 or more sampling events representatively spread over a 30-day period. Each sampling event shall consist of 3 or more samples taken at representative locations within a designated sampling area. Bathing beach waters shall not contain more than a maximum of 300 *E. coli* per 100 milliliters. Compliance shall be based on the geometric mean of 3 or more samples taken during the same sampling event at representative locations within a defined sampling area.

(2) Chemical determinations shall follow standard methods and shall show that the water is free of chemical substances capable of creating toxic reactions or irritations to the skin or membranes of a bather or swimmer.

(3) Physical determinations shall show the water to be free of all of the following:

(a) Turbidity.

(b) Color.

(c) Deposits.

(d) Growths.

(e) Oils.

(f) Greases.

(g) Any other substances in the water capable of creating a health or safety hazard or a nuisance to a bather or swimmer.

History: 1979 AC; 1995 AACs.

Editor's note: These rules were transmitted to the Joint Committee on Administrative Rules on October 24, 1995. The rules were filed with the Secretary of State on November 21, 1995, while under consideration by the Joint Committee on Administrative Rules. Section 45(6) of Act No. 306 of the Public Acts of 1969, as amended, being S24.245(6) of the Michigan Compiled Laws, provides: "After receipt by the committee of the agency's letter of transmittal, the committee has 2 months in which to consider the rule. If the committee by a majority vote determines that added time is needed to consider proposed rules, the committee may extend the time it has to consider a particular proposed rule by 1 month to a total of no longer than 3 months ..."

R 325.2103 Determination and closing of beaches.

Rule 3. (1) When, in the judgment of a health officer having jurisdiction, an evaluation of information provided by sanitary survey and bacteriological, biologic, chemical, or physical data provides evidence that a bathing beach may be detrimental to the health or safety of the bathers or swimmers, it shall be determined to be unsafe.

(2) If voluntary closure of a bathing beach cannot be accomplished, the health officer shall take action as provided by section 12541 of the act.

History: 1979 AC; 1995 AACCS.

Editor's note: These rules were transmitted to the Joint Committee on Administrative Rules on October 24, 1995. The rules were filed with the Secretary of State on November 21, 1995, while under consideration by the Joint Committee on Administrative Rules. Section 45(6) of Act No. 306 of the Public Acts of 1969, as amended, being S24.245(6) of the Michigan Compiled Laws, provides: "After receipt by the committee of the agency's letter of transmittal, the committee has 2 months in which to consider the rule. If the committee by a majority vote determines that added time is needed to consider proposed rules, the committee may extend the time it has to consider a particular proposed rule by 1 month to a total of not longer than 3 months ..."