

ground water sources, were fortified with known chlorine concentrations and then analyzed by each method. The results are summarized in the validation study report (Palintest Ltd 2009b).

EPA has determined that the ChloroSense Method is equally effective as approved Standard Methods 4500–Cl D and 4500–Cl G. The basis for this determination is discussed in the validation study report (Palintest Ltd 2009b). Therefore, EPA is approving the ChloroSense Method for determining free and total chlorine residuals in drinking water. A copy of the method can be downloaded from NEMI at <http://www.nemi.gov> or obtained by contacting Palintest Ltd, 21 Kenton Lands Road, P.O. Box 18395, Erlanger, KY 41018.

3. Modified Colitag™ (CPI International 2009). Colitag™ (CPI International 2001) is a presence/absence method approved for use under the Total Coliform Rule. It uses enzymatic cleavage of a chromogenic substance to detect total coliforms and enzymatic cleavage of a fluorogenic substance to detect *E. coli* in a 100 mL sample of drinking water. Detection of total coliforms and *E. coli* are performed simultaneously by this method. Colitag™ may also be used in a most-probable-number format provided that the sum of all individual portions of the sample total 100 mL. Modified Colitag™ has a different formulation from the originally approved Colitag™. The purpose of the formula change is to achieve greater selectivity for total coliforms and *E. coli*. Additionally, the Modified Colitag™ provides flexibility in the incubation period (16 to 48 hours), while the approved Colitag™ requires a 24 hour incubation time.

Approved methods for total coliforms are listed at 40 CFR 141.21(f)(3) and approved methods for *E. coli* are listed at 40 CFR 141.21(f)(6). The performance characteristics of Modified Colitag™ were compared to Standard Methods 9221 B (LTB/BGLB) for total coliforms and 9222 G (LTB/EC–MUG) for *E. coli* (APHA 1998). The comparison study involved analyses of twenty replicate drinking water samples that were inoculated with very low densities of chlorine stressed total coliforms or *E. coli* obtained from ten geographically dispersed waste waters. Method specificity was evaluated using 100 positive and 100 negative cultures as determined from analyses by the reference methods.

EPA has determined that the Modified Colitag™ Method is equally effective as approved Standard Methods 9221 B for total coliforms and 9222 G for *E. coli* which are already promulgated in the

regulations at 40 CFR 141.21(f)(3) and 40 CFR 141.21(f)(6), respectively. The basis for this determination is discussed in the study report (USEPA 2009g). Therefore, EPA is approving the Modified Colitag™ Method for determining total coliforms and *E. coli* in drinking water. A copy of the method can be downloaded from NEMI at <http://www.nemi.gov> or obtained by contacting CPI International, 580 Skylane Boulevard, Santa Rosa, CA 95403.

IV. Statutory and Executive Order Reviews

As noted in Section II, under the terms of SDWA Section 1401(1), this streamlined method approval action is not a rule. Accordingly, the Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3). Similarly, this action is not subject to the Regulatory Flexibility Act because it is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute. In addition, because this approval action is not a rule but simply makes alternative (optional) testing methods available for monitoring under SDWA, EPA has concluded that other statutes and executive orders generally applicable to rulemaking do not apply to this approval action.

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