



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

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LT. GOVERNOR

Ms. Gina McCarthy, Administrator
U.S. Environmental Protection Agency Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Mail Code: 1101A
Washington, DC 20460

Dear Ms. McCarthy:

As Michigan has worked to resolve the Flint lead-in-water crisis, it has become evident that Flint is not an isolated occurrence, and the rest of the nation needs to pay close attention to contamination of drinking water from lead-bearing plumbing. The Associated Press recently performed an analysis of Environmental Protection Agency (EPA) data and found that nearly 1,400 water systems serving 3.6 million Americans across the country exceeded the federal lead standard at least once between 2013 and 2015. The results are staggering. The water crisis in Flint has given the entire country a reason to re-evaluate the way we measure the safety of water in terms of lead for our children and families to drink. It has raised questions about how the federal Lead and Copper Rule (LCR) has been implemented.

The Flint Water Interagency Coordinating Committee (FWICC) is encouraging the EPA to significantly enhance its regulatory authority and control to ensure lead-safe drinking water nationally by adopting the more stringent rules that FWICC has recommended for the state of Michigan. These changes must be tied to an EPA commitment to exercise more rigor and timeliness in its enforcement and monitoring of the LCR.

We strongly support the FWICC recommendations and, with the support of Governor Snyder, will be working aggressively to implement them through state-specific legislation in Michigan. The recommended changes include:

Goal 1: Establish Citizen Centric-Oversight

- Creates a statewide Advisory Commission on Drinking Water Quality that is composed of scientists, public health officials, and members of the general public with a demonstrated interest in or knowledge about lead in water and its effects, as well as a demonstrated record of, or commitment to, environmental justice and protecting public health. The new Commission will be charged with assuring citizen input and access, and continuously assessing science, testing, monitoring protocols, water treatment and corrosion control. The Commission will provide advice and counsel to the Governor, the Legislature, and impacted state and local agencies on implementation of the act, areas for improvement, and best practices to optimize the protection and safety of drinking water in relation to lead.
- Requires the establishment of Water System Advisory Councils for each Public Water System (PWS) to assure local citizen membership, input, and access, to oversee the

enforcement of the LCR, to develop plans for community outreach and education, and to collaborate with community groups to assure correct implementation of the LCR. The Councils will assure the public's access to information regarding corrosion control, testing results, remediation processes, educational efforts and general water safety. This recommendation allows systems serving under 500 customers to utilize collaborative Councils with other PWSs or delegate their responsibilities to the Advisory Commission.

- Requires the Advisory Commission to lead annual training on lead in water, the health effects of lead, and the LCR. Training would be targeted toward federal, state, and local staff, and local Water System Advisory Councils. Training must include active participation and input from local community groups and representatives.

Goal 2: Achieve Stated Purpose of the Rule

- Lead Action Level (LAL): Phases in a reduction in the LAL from 15 ppb to 10 ppb by 2020 to align with the standards currently used by the World Health Organization.
- Corrosion Control Treatment: Requires comprehensive lead and copper analysis prior to any significant change in water source or treatment by a PWS and require all CCT to be performed under the guidance of a licensed engineer and under the supervision of the Agency.
- Compliance: Eliminates mechanisms that permit PWSs to meet LCR requirements within water quality ranges and, instead, deem compliance to have occurred only when a LAL is met or approved corrective action is put in place.
- Additional, Supplemental Testing Requirements: Requires annual testing of state facilities involving children and fragile adults including schools, day care facilities, nursing homes, health facilities, and adult foster care facilities. Facilities exceeding standards will be required to take remedial action.
- Tap Sampling:
 - Removes current LCR gaps to ensure that testing and sampling captures worst-case lead in high-risk homes under normal water-use conditions.
 - Requires a phased-in system inventory of all service lines, including estimated age and length of these lines, as well as service line material in each section of the line, acknowledging that different portions of a line can be made of different pipe materials.
 - Requires annual tap sampling for all PWS and eliminates reduced monitoring requirements currently afforded based on the history of a system.
 - Removes exceptions for reduced sampling and defines sample bottle size and require wide-mouth openings.
 - Requires state and local advisory council oversight of site sampling selection criteria.
 - Requires prioritization of site sampling selection criteria based on (1) length of lead service line, (2) homes with less water use than average, (3) homes with higher water age, and (4) homes with galvanized iron after a currently (or previously) existing lead service line.
 - Requires two sample draws and specifically prohibits any diversion from specified protocol, including pre-flushing and aerator cleaning/removal prior to sampling.

- Requires that annual sampling occurs in summer months unless alternate schedule is approved based on scientific evidence that lead problems are worse in other periods.
- **Public Education**
 - Requires lead disclosure statements on lead service lines and interior plumbing as a part of all home sales and all home rental contracts.
 - Reduces Lead Customer Notice requirement for notice to individual customers that their test results exceed the LAL from 30 days to 2 business days.
 - Where a PWS exceeds the LAL, requires the system to complete a public system-wide notification within two business days and then complete a more in-depth public education in 30 days (the current requirement is 60 days).
 - Expands the public information required where a PWS exceeds the LAL.
 - Establishes a State Household Action Level of 40 ppb that requires customer notification to include information of the duty of the PWS to examine the customer's entire water system to diagnostically determine the lead source(s); explicit information on the dangers of lead at this heightened level; and notification to the state oversight Agency, state department of health, the local Water System Advisory Council, and the local health department.
 - Requires delivery of robust public education campaign regardless of whether a PWS meets or exceeds the LAL.
 - Based on the parameters adopted by the Advisory Commission on Drinking Water Quality, requires each PWS to collaboratively develop a public education campaign with the local Water System Advisory Council on the dangers of lead at all times.
 - Requires the public education campaign to include (1) specific information on the potential adverse health effects of lead contamination on infants, children, and fetuses, (2) the potential sources of lead, (3) the PWS compliance history on lead including most recent testing data, (4) the cost and availability of replacement fixtures, and (5) contact information for medical assistance.
 - Requires the public information campaign to include accurate and up-to-date information on the PWS's lead service line inventory.
 - Requires the public education campaign to be targeted to both the general population and any diverse population groups, including non-English speaking, within the PWS service area.
 - Requires the public education campaign to be delivered on a regular basis by multiple media including print, internet, and community and neighborhood forums.

Goal 3: Remove the Underlying Problem

- Prohibits partial lead service line replacements both during LCR remediation and during system maintenance.
- Requires secondary notification to homeowners, residents, and neighbors during the lead service line replacement and during water main projects process to warn of physical disruption dangers.
- Require each PWS to adopt a full LSL replacement program within 10 years unless a longer period is specifically authorized by the state oversight Agency.

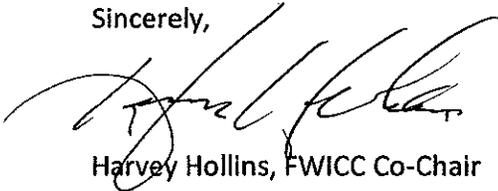
- Clarifies the duty and ability of a PWS to replace lead service lines up to the resident's or business's meter.
- Prioritizes lead service line replacement based on estimated length and age of service line, history of high lead water and high lead blood results, vulnerable populations, and where other distribution system improvements, such as water main replacements, provide opportunity for LSL replacement.

Goal 4: Enforce the Rule

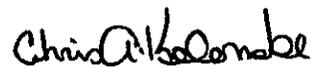
- Establishes state fines for violations of state rules to assure accountability and transparency.
- Establishes clear and understandable fine parameters based on the type of violation with automatic increased fine levels for repeat violations.
- Require fine revenue to be deposited in the Drinking Water Revolving Fund.
- Requires regulatory history – including any fines imposed – to be included in bold in all customer billings.

Were the EPA to adopt the changes recommended and moving forward here in Michigan, we as a nation will be taking critical and needed steps to ensure lead-safe drinking water and appropriate monitoring and remediation for all of our nation's citizens.

Sincerely,



Harvey Hollins, FWICC Co-Chair



Chris Kelenske, FWICC Co-Chair

FWICC Members

Jamie Curtis
 Keith Creagh
 Dr. Marc Edwards
 Dr. Mona Hanna-Attisha
 Sylvester Jones
 Nick Khouri
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Senator Gary Peters
Congressman Justin Amash
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Congressman Tim Walberg